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PRIVATE LAWS

OF THE

STATE OF NORTH CAROLINA

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

SESSION OF 1905

BEGUN AND HELD IN THE CITY OF RALEIGH

ON

WEDNESDAY, THE FOURTH DAY OF JANUARY, A. D. 1905

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1905





# CAPTIONS

## OF THE

# PRIVATE LAWS,

## SESSION 1905.

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PRIVATE LAWS

OF THE

STATE OF NORTH CAROLINA.

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SESSION 1905.

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# PRIVATE LAWS

OF THE

## STATE OF NORTH CAROLINA,

SESSION 1905.

### CHAPTER 1.

AN ACT REPEALING CHAPTER 84 OF THE PRIVATE LAWS OF 1897, ENTITLED "AN ACT TO INCORPORATE THE AUXILIARY BOARD OF HEALTH OF EDGECOMBE COUNTY."

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter eighty-four of the Private Laws of one thousand eight hundred and ninety-seven, entitled "An act to incorporate the auxiliary board of health of Edgecombe County," be and is hereby repealed, and that the following shall be substituted therefor:

SEC. 2. "That the Board of Commissioners of the County of Edgecombe be and are hereby authorized and empowered to annually appropriate the sum of five hundred dollars (\$500) for the benefit of the Pittman Hospital, and shall annually pay over to the treasurer of the said hospital the said sum of five hundred dollars in monthly payments, beginning on the first of the month next after the ratification of this act. That the said hospital shall apply said sum to pay for the care and treatment of the sick paupers of the county receiving hospital treatment. (That if the care and treatment of the sick paupers of the county in any one year, reckoning from the date of the ratification of this act, computed as per regular schedule of rates of the hospital, shall amount to more than the said sum of five hundred dollars, then the county shall pay such excess for such care and treatment as other patients pay)."

Appropriation to hospital authorized.

Application of appropriation. County to pay excess.

SEC. 3. That upon the ratification of this act the office of Superintendent of Health of Edgecombe County shall become vacant and shall be filled as provided in chapter two hundred and fourteen, laws one thousand eight hundred and ninety-three, and amendments thereto.

Office of superintendent of health vacated.

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1905.

valuation of property in said school district and not more than one dollar and fifty cents on each poll in said district for the support and maintenance of the public graded school in said district; the amount to be levied each year by said board of aldermen to be determined by the said graded school committee, and the amount so determined and certified by said committee shall be levied by the board of aldermen, and the taxes so levied shall be collected by the town tax collector and accounted for as other taxes, but shall be paid to the treasurer of said school committee as collected; and the said board of aldermen are hereby given full power and authority to levy said tax upon the property and polls within said district: *Provided*, the right to levy and collect this said tax shall be authorized by a majority of the qualified voters in said district as is provided by this act.

To be paid to treasurer of committee.

Proviso: tax to be authorized by majority of voters.

General school fund turned over to graded school.

SEC. 7. That the moneys which shall from time to time be apportioned under the general school law of the State to the above-described school district shall be turned over by the Treasurer of Lincoln County to the treasurer of the said school committee for the benefit of said school.

Committee to elect treasurer.

SEC. 8. The said school committee shall elect one of their number as treasurer, whose receipt for such moneys shall constitute a sufficient voucher in the hands of any person paying the same, and the said treasurer shall report monthly to the said school committee his receipts and disbursements, with all vouchers for the same. The moneys received as aforesaid and all other moneys coming into his hands shall be held by the treasurer of said committee as a fund to be disposed of under the direction of the aforesaid school committee, whose warrants, signed by the chairman and countersigned by the secretary of said committee, shall be the only valid vouchers in the hands of said treasurer for the disbursement of said money in any settlement required of him by the law. The said treasurer shall furnish annually, on the first Monday of July, to the board of aldermen a statement in writing of his receipts and disbursements of the school money, properly and duly audited and approved by the chairman and secretary of the school committee: *Provided*, the accounts, books and vouchers of the said treasurer shall be open for the inspection of the said school committee at any time.

School vouchers.

Treasurer to file statement.

Proviso: books open for inspection.

Committee to make report.

SEC. 9. That the said committee shall make to the board of aldermen annually, at such time as is required under the school law of the State, a report containing an accurate census of the school population of the said district, showing the work done, any money expended under their direction in the said district on account of public schools therein, a copy of which report shall be forwarded to the Superintendent of Public Instruction of the State and a copy to the Superintendent in the County of Lincoln.

Report sent to State and county superintendent.

SEC. 10. The beginning and ending of the school year shall be fixed by the committee. The school committee hereby created shall be a body corporate by the name and style of the Lincolnton Graded School Committee, and by that name shall be capable of receiving gifts and grants, of making purchases and of holding real and personal estate, of selling, mortgaging and transferring the same for school purposes, of prosecuting and defending suits for or against the corporation hereby created. Conveyance to said school committee shall be to them and their successors in office, and all deeds and other agreements affecting real estate shall be deemed sufficiently executed when signed by the chairman and secretary of said committee.

School year.  
Committee incor-  
porated.  
Name.  
Formal enumera-  
tion of corporate  
rights.

SEC. 11. That for the purpose of improving and enlarging and properly furnishing the present academy building in said town the Board of Aldermen of said Town of Lincolnton are hereby authorized and empowered, and it shall be their duty, to submit to the qualified voters of said town a proposition to issue not more than three thousand dollars in coupon bonds of said town, said proposition to be submitted to the said voters at the municipal election in one thousand nine hundred and six.

Election to be held  
on bond issue.

SEC. 12. That notice of the said election shall be published in a newspaper published in said town for four weeks, at the court-house door and five other places in said town.

Notice of election.

SEC. 13. Said notice shall contain the amount proposed to be borrowed, the rates of interest, the time at which the bonds are to become due, and the objects to which the same is to be applied, and said proposition shall provide for the payment of the interest on said bonds. That said election shall be held as other municipal elections as provided for in the charter of the town.

What notice to  
contain.

SEC. 14. That the vote on the said proposition shall be by ballot, which shall be written or printed, and those voting for the issuing of the bonds shall have written or printed on their ballots "For Schools," and those voting against the proposition shall have written or printed on their ballots "Against Schools."

Election under  
town law

Vote by ballot.

Form of ballots.

SEC. 15. That if the proposition shall be adopted by a majority of the qualified voters of the said town the board of aldermen shall cause bonds to be issued in the name of the town of Lincolnton, in such denominations as they may deem best, bearing six per centum interest, payable semi-annually and payable at such time as shall be designated in the proposition submitted. The bonds shall be signed by the mayor and countersigned by the secretary of the board of aldermen, and shall have the seal of the town affixed thereto.

Bonds to be issued.  
Denominations.  
Interest.

How attested.

SEC. 16. That when said bonds are issued the board of aldermen shall turn them over to the graded school committee for sale: *Provided*, that said bonds shall not be sold for less than their par value. It shall be the duty of said board of aldermen, where the

Committee to sell  
bonds.

Proviso: at not  
less than par.



Special tax for interest and sinking fund.

said bonds are issued, to provide by taxation on all of the subjects of taxation within the corporate limits of said town to meet the interest on said bonds and the principal as the same may become due.

Election for special tax.

SEC. 17. The Board of Aldermen of the Town of Lincolnton shall at the same time and in the same manner submit to the qualified voters of said town the question of levying a tax for the maintenance and support of said graded school as provided for in this act. The vote on said proposition shall be by ballot, upon which shall be written or printed the words "For Levy," and upon others "Against Levy"; and if a majority of the registered vote shall have been cast "For Levy," then the said board of aldermen shall levy said tax as provided for in this act. Should a majority of the ballots cast have written or printed on them "Against Levy," then the said board of aldermen shall not levy said tax until the same is again submitted to the qualified electors of said town for the approval and adoption by a majority of the votes as above provided for: *Provided*, that in no event shall the proposal to levy said tax in any way affect the other provisions of this act so as to make the same void or inoperative, should the proposition to levy said tax for the support and maintenance of said graded school be defeated at any election at which the same may be submitted to a vote of the qualified electors of said town as hereinabove set forth.

Proviso: defeat of tax proposition not to invalidate other provisions.

Special tax election on petition.

SEC. 18. That the said Board of Aldermen of the Town of Lincolnton, upon the written petition of one-half of the qualified voters of said town, shall submit the question of levy or no levy as above set forth at any annual municipal or special election called by them for that purpose, after public advertisement of the same in the newspapers published in said town, under the same rules and regulations now provided for for annual municipal elections.

School committee to control school property.

SEC. 19. The school committee provided for by this act shall have the right to control the site, lands, buildings and other property belonging to the Piedmont Seminary, and the title thereto is hereby vested in said committee and their successors, and said school committee shall succeed to all the rights given and belonging to the trustees of the Piedmont Seminary under and by virtue of the act incorporating the same.

SEC. 20. All laws or parts of laws in conflict with this act are hereby repealed.

SEC. 21. 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. 1905.



## CHAPTER 4.

AN ACT EMPOWERING THE CITY OF WILMINGTON TO  
PAVE AND IMPROVE THE STREETS AND SIDEWALKS  
IN SAID CITY.*The General Assembly of North Carolina do enact:*

## PART I. STREETS.

SECTION 1. That the Mayor and Board of Aldermen of the City of Wilmington 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, sidewalks and public squares and alleys of said city, and construct crossings, curbing, drains 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 in accordance with the provisions of this act.

SEC. 2. In order to more fully carry out the duty imposed by section one of this act the said mayor and board of aldermen shall, whenever determined necessary by the Board of Aldermen of the City of Wilmington, pave with macadam, lime rock, coquino or other material of like nature the streets or portion of streets so determined necessary to be paved with such material, and shall, if necessary, construct crossings, curbing, curbs and cross-drains for proper drainage of such streets or portion of streets so to be paved, the cost of which shall be paid for out of the annual appropriation for street improvements to be provided for by the city of Wilmington.

SEC. 3. Whenever it is determined necessary by the Board of Aldermen of the City of Wilmington to pave or otherwise improve for travel any street or portion of a street with material of a permanent or lasting nature, the said board of aldermen shall order and require the city engineer to make a survey of the street or portion of the street to be improved, and shall order and require an estimate to be made by the street and wharves committee of the board of aldermen, showing the cost to properly pave with macadam, lime rock, coquino or other material of like nature the streets or portion of streets so determined necessary to be paved with such material; also the cost of constructing, if necessary, crossings, curbing, drains and cross-drains for proper drainage of such streets or portion of streets so to be improved, and shall also order and require a separate estimate to be made by the street and wharves committee showing the actual cost to construct and pave said street or portion of street with vitrified brick, asphalt, bitulathic material, concrete, rock or other material of a

Powers to grade,  
pave, macadamize  
and improve streets  
and sidewalks.

Paving directed.

Material.

Crossings, curbing  
and drains.

Survey of streets.

Estimates of costs.

Alternative esti-  
mates.

similar permanent and lasting nature, the particular material to be specified by the board of aldermen; also the cost of constructing, if necessary, crossings, curbings, drains and cross-drains for proper drainage of such streets or portion of streets so to be improved, and shall find, show and state the amount of the cost, and shall also find, show and state by report to the board of aldermen the actual difference in dollars and cents between the cost of paying with macadam or other material of a like nature and the cost of paving with vitrified brick or other material of a like nature; and the said actual difference so found, shown, reported and approved by the board of aldermen shall be paid, as herein-after provided, by the property-holders owning property abutting on such streets or portion of such streets so to be improved. And when said actual difference in the costs shall have been found, stated and approved by the Board of Aldermen of the City of Wilmington, the said city of Wilmington shall proceed to pave and construct such streets with vitrified brick or other such material of a permanent nature as the board of aldermen shall specify, and shall assess one-half of the actual difference aforesaid on the real estate abutting on the street or portion thereof so improved or repaired, assessing one-half of the actual difference aforesaid of such improvement on the real estate abutting on each side of the street or part so improved or repaired: *Provided*, that whenever any such street or part thereof so proposed to be paved with vitrified brick or other material of a permanent nature lies south of Castle Street, north of Red Cross or east of Ninth Street, the said mayor and board of aldermen shall not be authorized to pave with said material any street lying outside of the said district as in this act above set forth, until and unless the persons owning land abutting on such street or portion thereof proposed to be improved which has more than one-half of the frontage abutting on such streets or the portion thereof proposed to be improved shall in writing request the said mayor and board of aldermen to make such improvements; 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.

**Difference in cost.**      **SEC. 4.** In order to avoid obstructing land-owners in subdividing and selling their property by reason of the liens hereinafter 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, marking the lots fronting on the streets so paved or to be paved, 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. Whenever the mayor and board of aldermen shall order paving or other improvements to be

**Difference assessed to property owners.**

**Streets to be paved with lasting material.**

**Proportion assessed to abutting property.**

**Proviso; petitions for improvements.**

**Subdivision of lots.**

**Grade established.**

made on any street or any part thereof in 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 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 the said assessments and liens.

Map to be made and filed.

Assessments marked on map.

SEC. 5. 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 portions thereof, showing the name of each abutting owner thereof, the number of front feet of each lot and the *pro rata* 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 the said assessments against all property abutting on said streets as aforesaid shall become due and payable thirty days after the adoption of said report.

Assessment lien on property.

Survey and report of city engineer.

Liens complete and paramount.

Assessment due in thirty days.

SEC. 6. Upon the filing of said report, the said mayor and board of aldermen shall cause a notice to be given by publication in some newspaper published in the city of Wilmington, 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 ten days after the publication of the 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 the said board. Any owner of land affected by said lien 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 regular meeting of the board at which said report may be approved and confirmed, but not thereafter. The adoption and approval of said report of the city engineer by said mayor and the board of aldermen shall complete the said liens for the amount therein stated against each of the separate

Notice of filing of report.

Land-owner may file objections.

Approval of report.

Execution for assessment.	pieces of real estate therein described, and the same shall become due and payable as aforesaid, and in case of a failure to pay said assessments within the said thirty days, then the whole thereof shall become due and payable, and an execution shall be issued by the Clerk of the Superior Court of New Hanover County, directed to the city clerk and treasurer of the said city, who shall advertise the lands 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 lands for taxes under the provisions of the charter of said city, and shall sell the said lands, or a portion thereof, at the court-house door in New Hanover County, North Carolina, in the same manner as he is required to sell real estate in said city in cases 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 six per centum per annum additional thereto. In making such sale the said city clerk shall set up and offer for sale the whole of the real estate to be sold, and the same shall be struck off to the person who will pay the amount of the assessment due thereon, with all costs and expenses for making the sale. For every piece of real estate or part thereof so advertised said city clerk shall also collect in the same manner as all other 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. And if no person shall bid enough to pay such assessments and expenses said city clerk shall bid on behalf of the city of Wilmington 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 Wilmington, and in all cases where real estate shall be struck off to the city, as hereinbefore provided, the same shall belong to the city in fee-simple unless redeemed in the manner prescribed by law, and said city clerk shall immediately thereafter make a return to the board of aldermen of said city by filing in the office of the clerk of said city a statement of the proceedings, showing the purchaser or purchasers of said real estate and the amount of interest in such real estate or each part thereof that was sold, which shall be entered by him upon the minute-books of the said board of aldermen. If the land so sold as aforesaid is
Advertisement of sale.	
Sale.	
Right of redemption.	
Sales regulated.	
Returns of sales.	



not redeemed within twelve months, then the city clerk of said city shall make to the purchaser or purchasers a deed in fee-simple for the said lands 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.

Deeds if lands not redeemed.

Proviso: payment before maturity.

SEC. 7. Any person objecting to the confirmation or approval of said report as referred to in section six shall state in said objection, 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

Objections to report.

to the confirmation of said report shall have the right within five

Appeals.

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 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 New Hanover County a written undertaking in at least double the amount involved, 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

Undertaking on appeal.

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 Wilmington 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 term of court: *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

Record on appeal.

Proviso: appeal within ten days.

- 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 Wilmington to any amount, and if it be thereby ascertained that the appellant is due the 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 Wilmington, 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 city clerk in such manner as the other assessments herein provided for are collected.
- Lien of judgment.**
- Control and management of work.** SEC. 8. That the mayor and board of aldermen of said city, by the street and wharves committee, shall have the exclusive control and management of the work of improving said streets and sidewalks, and the cost thereof shall be paid out of the permanent street improvement fund to be provided for in annual appropriations made by the city of Wilmington: *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 entire costs of such improvements, the remainder of said costs and assessments to be paid according to the basis hereinbefore mentioned, viz., one-half on the real estate abutting on each side of the street or part thereof so improved or repaired.
- Proviso: deductions.**
- Sale of liens authorized.** SEC. 9. 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 city clerk 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 city clerk 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.
- Collection of transferred liens.**
- Charge for collection.**
- Permanent street improvement fund.** SEC. 10. That all funds derived from assessments heretofore or hereafter levied by said Mayor and Board of Aldermen of the City of Wilmington upon private property on account of improvements of the streets upon which such property abuts shall, when collected and received by the city of Wilmington, constitute a separate fund to be designated as "The Permanent Street Improvement Fund,"

and the same shall be kept separate from all other funds of the said city, and 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.

SEC. 11. That said mayor and board of aldermen are hereby authorized and empowered to make and enter into any and all contracts and agreements subject to the approval of the board of audit and finance, 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.

#### PART II. SIDEWALKS.

SECTION 1. The Board of Aldermen of the City of Wilmington is hereby authorized and empowered to cause, by resolution of the board of aldermen, the property-holders owning property abutting on the streets of the city of Wilmington to properly lay and construct, when determined necessary by said board of aldermen, sidewalks of such material as the said board designate, and likewise to properly repair same when determined necessary by said board.

SEC. 2. In the event any property-holder shall, after thirty days' notice, fail to pave and construct or repair any sidewalk so ordered by the board of aldermen to be done, then the said city of Wilmington shall lay and construct the same and shall charge up and assess the entire cost of same against the property abutting on the sidewalk so laid and constructed, and the same shall then become a lien as hereinbefore provided and shall be collected in the same manner as hereinbefore provided.

SEC. 3. Nothing herein contained shall require the city of Wilmington to do the work herein authorized by contract. So much of chapter one hundred and forty-three, section ten, pages two hundred and thirty-four and two hundred and thirty-five of the Acts of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven as makes it mandatory upon the city of Wilmington to do all street improvement work by contract and awarding the same to the lowest bidder is hereby repealed, and in lieu thereof the city of Wilmington is hereby authorized and empowered, as the board of aldermen may determine, to do the work of street improvement, guttering, grading or repairing the said streets either by contract or by means of the street and wharves department of the city of Wilmington.

#### PART III. PRESERVATION OF STREETS AND SIDEWALKS.

SECTION 1. For the preservation and protection of the street and sidewalk improvements herein provided for, the board of aldermen

of said city shall have and are hereby given the power and authority in all cases where any of the public streets or alleys of said city whereon gas, 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 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 improved 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, 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 in this act.

Cost a lien on property.

Lateral connections in advance of paving.

SEC. 2. In all such cases as are herein mentioned the board of aldermen of said city may require any person, firm or corporation owning or using gas-mains, gas-pipes, water-pipes, sewer-pipes or other pipes whatever, or underground electric or other wires in or under said streets so being paved or macadamized or about to be paved or macadamized, to forthwith make all their lateral connections in said streets, at least to the edge thereof, before said streets are paved or macadamized, so as not to interfere with the progress of the paving or macadamizing, and for failure for twenty days after notice of said requirement to comply with same, said persons, firm or corporation shall be fined five dollars (\$5) for each and every day within which he, they or it has failed to so comply.

Punishment for failure.

#### DEFINITIONS.

Definition of terms.

Wherever any of the following terms are used in this act the same shall mean and be construed according to the following definitions:

Permanent improvements.

First. Permanent Improvements. Wherever the words "permanent improvements" or "permanent street improvements" are used, said words shall mean improvements which are of a lasting, durable and permanent nature.

Permanent materials.

Wherever the words "permanent materials" are used it shall mean, include and embrace the following materials or any other of a like nature, to-wit, vitrified brick, asphalt, bitulastic pavement, granite, rock, belgian block, concrete or cement. Wherever the word "macadam" is used it means and includes material of a less durable quality, such as coquino, lime rock, sand rock, oyster shells or other material of a like and similar

Macadam.



nature. Wherever the word "street" is used, it shall mean that Street. portion of the street extending from curb to curb, and not that portion of the street extending from property line to property line. Wherever the words "sidewalk" or "sidewalks" are used, it shall Sidewalk. mean that portion of the streets of the city of Wilmington which extends from the property line to the curb line nearest the said property line.

SEC. 3. This act shall be in effect from and after June first, one thousand nine hundred and five. In effect from first June.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

## CHAPTER 5.

### AN ACT TO AMEND CHAPTER 1 OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION 1903.

WHEREAS, the Raleigh and Eastern North Carolina Railroad Preamble, Company was incorporated by an act of the General Assembly of North Carolina, ratified on the eighteenth day of February, A. D. one thousand nine hundred and three, and contained in chapter one of the Private Laws of North Carolina of one thousand nine hundred and three; and whereas, by section one of said act of incorporation the said Raleigh and Eastern North Carolina Railroad Company was authorized and empowered to change the name of said company by a vote of a majority of its stockholders at a regular or special meeting; and whereas, at a regular meeting of the stockholders of the Raleigh and Eastern North Carolina Railroad Company, held on the eleventh day of June, one thousand nine hundred and three, it was resolved that the name of the said company be changed to that of the Raleigh and Pamlico Sound Railroad Company: now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That the action of the Raleigh and Eastern North Carolina Railroad Company in changing the name of the company to that of the Raleigh and Pamlico Sound Railroad Company be Change of name from "Raleigh and Eastern N. C. Railroad Co." to "Raleigh and Pamlico Sound Railroad Co.," ratified. and the same is hereby ratified and confirmed.

SEC. 2. That section two of chapter one of the Private Laws of the General Assembly of North Carolina, incorporating the Raleigh and Eastern North Carolina Railroad Company, now the Raleigh and Pamlico Sound Railroad Company, be amended by adding at the end of the said section the following: "Provided, that the stockholders of the Raleigh and Pamlico Sound Railroad

Conversion of capital stock into preferred stock.	Company, at a regular or special meeting, shall have the power to convert the authorized capital stock of one hundred and twenty-five thousand dollars into preferred stock of the company, the same to have priority over the common stock of the company and to bear six per cent. interest per annum, and the net earnings of the said company, over and above the fixed charges, taxes and operating expenses, shall be applied first to the payment of the annual interest upon the said preferred stock."
Interest on preferred stock.	
Section 5 amended.	SEC. 3. That section five of the said chapter one of the Private Laws of North Carolina of one thousand nine hundred and three be amended by adding to the said section the following:
Change of line authorized.	" <i>Provided</i> , that the Raleigh and Pamlico Sound Railroad Company shall have the right to change a part of its line as it is now located so as to run from the town of Wilson in Wilson County to or near the town of Snow Hill in Greene County, thence in an easterly direction through Pitt County, to or near some point on the south side of Tar River in Pitt or Beaufort Counties, thence to or near the town of Washington, or to some point in an easterly direction to tide-water in the eastern part of North Carolina, on or near the Pamlico River or Sound, as shall be determined by the board of directors, and to build branch roads, as it shall see fit, not to exceed fifty miles in length."
Branch roads. Maximum length.	
Section 12 amended.	SEC. 4. That section twelve of chapter one of the Private Laws of North Carolina of one thousand nine hundred and three be amended by adding at the end of said section the following:
Denominations of bonds changed.	" <i>Provided</i> , that said bonds may be in denominations of five hundred dollars or one thousand dollars each, and the counties, townships, cities or towns subscribing to the said second mortgage bonds shall have the power to fund the bonds already issued or to be issued of the denomination of one hundred dollars each into bonds of such counties, townships, cities or towns of the denominations of five hundred dollars or one thousand dollars each:
Provision for funding bonds issued.	<i>Provided, further</i> , that the Raleigh and Pamlico Sound Railroad Company shall have the power to change its second mortgage bonds of the denomination of one hundred dollars each into similar bonds of five hundred dollars or one thousand dollars each. And the counties, townships, cities or towns subscribing to the second mortgage bonds shall be required, if demanded by the holders of such bonds, to issue new bonds of the denominations of five hundred or one thousand dollars each, and take up the bonds already issued and to be issued of the denominations of one hundred dollars each, at the expense of the said railroad company."
Change in denomination of second mortgage bonds authorized.	
Provision for funding old bonds.	
	SEC. 5. <i>Provided</i> , 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 2d day of February, A. D. 1905.

## CHAPTER 6.

## AN ACT EMPOWERING THE CITY OF WILMINGTON TO ESTABLISH, CONSTRUCT AND MAINTAIN PARKS, PUBLIC GROUNDS AND PLAZAS.

*The General Assembly of North Carolina do enact:*

SECTION 1. The city of Wilmington is hereby authorized and empowered to establish, construct and maintain parks, public squares, public grounds and plazas within or without the corporate limits of said city, and shall effect and accomplish the same in accordance with and by means of the following provisions of this act.

SEC. 2. All parks, public squares, public grounds and plazas of the city of Wilmington now in existence, and those which may hereafter be established, together with all park property which may be acquired, shall be under the management, care and control of a board under the name and style of "Board of Park Commissioners." Said board shall consist of three persons, freeholders in the city of Wilmington who are citizens of Wilmington, to be appointed as hereinafter provided, and the mayor of the city, who shall be *ex officio* a member of said board. The Board of Aldermen of the City of Wilmington shall, when determined necessary to fulfil the provisions of this act, by a majority vote appoint the three members of said "Board of Park Commissioners," whose several terms of office shall begin at the date of their appointment; the first to serve for a term of two years, the second for a term of four years, the third to serve for a term of six years, and until their successors in office have been appointed and qualified. At the expiration of the term of office of each of the aforesaid three commissioners his successor in office shall be appointed by a majority vote of the "Board of Park Commissioners," by and with the consent and advice of the board of aldermen, to serve for a term of six years, and until his successor in office has been appointed and qualified. Any vacancy which may occur through death, resignation, or otherwise may be filled for the unexpired term by a majority vote of the commission and the approval of the board of aldermen. No compensation for services on said commission shall be allowed to any member thereof except to the secretary. Each commissioner, however, shall be entitled to receive his actual disbursement for necessary expenses in the performance of any duty imposed upon him by the direction of the said board of commissioners. The office of any one of the said park commissioners who shall fail to attend the meetings of the board for three successive months, after having been duly notified of such meetings, without reason therefor satisfactory to said board, or

Parks, public squares, public grounds and plazas authorized. Within or without the city.

Board of park commissioners.

Who shall be members of board.

Aldermen to appoint.

Term of office.

Successors.

Vacancies.

No compensation except to secretary.

Vacancy for failure to attend meetings.

without leave of absence from said board, shall by said board be declared vacant; and they shall proceed to fill the vacancy for the unexpired term, as hereinbefore provided.

Commissioners to qualify.

SEC. 3. The said board of park commissioners shall within ten days after appointment take oath, before some person authorized to administer oaths, to faithfully and impartially perform the duties of their offices to the best of their ability, and shall annually thereafter, on the first Monday in May, choose one of their number to be president of the board and another as vice-president; and the said board shall elect a secretary who in the discretion of the board may be one of their own number, at a salary not exceeding three hundred dollars per annum; but the said salary and all other expenses of the commission shall be paid out of the annual appropriations. At all meetings, except such as are especially called for the appointment of a commissioner, three shall constitute a quorum for the transaction of business. The said board of park commissioners shall have full and exclusive power to make rules and by-laws for the orderly transaction of their business.

Organization.

Salary of secretary.

Quorum.

Rules and by-laws.

Records.

Annual statements.

Books open for inspection.

Office to be assigned.

Officers and employees.

General powers of board.

Right to acquire property to be held by city.

To improve and adorn property.

The board shall keep an accurate record of books and accounts and shall annually transmit to the board of aldermen on the first Monday in May a full and detailed report and statement of all its acts and doings, together with a complete and itemized account of all receipts and disbursements. The books of account and record of the board shall at all times be open to the inspection of the mayor and the board of aldermen, subject to an annual audit by the board of audit and finance. It shall be the duty of the mayor to assign a suitable and convenient office in the City Hall at Wilmington to the use of the board of park commissioners with proper vault or safe for the protection of their books and papers. Said board shall have power to appoint or employ such superintendents, engineers, architects, guards and other officers and employees as may be necessary, and shall prescribe and define their respective duties, powers and authorities, and shall fix and regulate the compensation to be paid to the several persons so employed.

SEC. 4. The board constituted as aforesaid shall have the care, management and control of all parks, grounds and plazas to be established and to be used for park purposes, all boulevards, connecting parks and structures thereon, and park-ways thereon which may hereafter be owned by or in the control of the city of Wilmington within or without the corporate limits of the city and may give proper designating names thereto. The board shall have power to acquire and the city of Wilmington to hold property, whether within or without the corporate limits of said city, for the purpose of establishing public parks and public squares, by condemnation, purchase or lease of the same; to accept conveyances thereof; to receive gifts, donations, or devises of land or other property for park purposes; to lay out and to improve with



walks, drives and roads; to build necessary culverts and bridges; to drain, plant and otherwise at their discretion to improve and adorn the parks and other property thus held or acquired by said board; to erect such buildings as shall be needed for the purposes of administration or for the use, protection and refreshment of the public. The said board shall have power to make and alter from time to time all needful rules and regulations for the maintenance of order, safety and decency in said parks, both within and without the limits of the city, and to affix penalties for disobediences thereto; which rules and regulations shall have the force of ordinances of the city of Wilmington, provided that no such rule or regulation shall be of any effect unless it shall have been first approved by the board of aldermen. For the purpose of enforcing such rules and regulations, all such parks and property, whether within or without the limits of said city, are hereby placed under the police jurisdiction of the city of Wilmington; and complaints for the violation of such regulations may be made by the city attorney to the mayor's court of said city. Any member of the police department or any member of the commission may arrest, without warrant, in any such parks or places, whether within or without the limits of the city of Wilmington, any person who has broken any park rule or committed any other offense in said park; and the mayor's court of Wilmington shall have jurisdiction of all violations of the park rules or ordinances committed within the limits of said parks.

Further general powers.

Parks and property under police jurisdiction.

Arrests without warrant.

Jurisdiction of mayor's court.

SEC. 5. The said board of commissioners shall have sole power to determine the places in said parks and park-ways, and in other property under their control, where sewer, gas and water-pipes and electric conduits shall be laid; and no trench for these purposes shall be opened until the commissioners shall have designated the location of the same and given permission in writing. No telegraph, telephone or electric light wires, or other wires, or posts or supports therefor shall be erected in, upon, through, or over said parks, plazas or park-ways without the consent in writing of said board, who shall designate the place and the manner of erecting and maintaining the same, to be altered at such time and in such manner and under such conditions as the said board may deem best. And the said board of commissioners is hereby empowered to cause the removal of all telegraph, telephone, electric light wires, or other wires, or posts or supports therefor now being in, upon, through or over any park, plaza or public square.

Sewer, gas and water pipes and electric conduits.

Wires and posts.

Removal of wires and posts.

SEC. 6. For the purpose of providing necessary funds for the purchase or improvement of lands for park property, which is hereby declared to be a necessary expense of the said city, and for such other purposes as are herein provided for, the city of Wilmington, through its mayor, the board of audit and finance concurring, is hereby authorized and empowered to borrow by note

Expense declared necessary.

City to borrow money.

Amount.	duly executed, a sum not exceeding forty thousand dollars (\$40,000), or at the option of the mayor, the board of audit and finance concurring, the city of Wilmington, through its mayor, is hereby authorized and empowered to issue bonds to an amount not exceeding forty thousand dollars (\$40,000), of such denomination and of such proportion as the Mayor of the City of Wilmington may deem advisable, bearing interest from the date thereof at a rate not exceeding five per centum per annum, with interest coupons attached payable semi-annually and at such times and at such place or places as may be deemed advisable by the said mayor.
Bond issue in lieu of note.	
Description of bonds.	
Record of bonds.	A complete record of all bonds to be kept by the board of audit and finance; 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 ten years from the date thereof and at such place or places as the mayor may determine, the proceeds of the sale of which shall be exclusively applied under the direction and at the discretion of the board of park commissioners to the acquisition, laying out and improvement of land for public parks, park-ways, public grounds, plazas and boulevards; and said proceeds shall be kept by the city treasurer as a special fund to be expended for the aforementioned purposes only by warrant signed by the president of the park commission and countersigned by the chairman of the board of audit and finance.
Specific appropriation of proceeds.	
Special fund.	
Bonds not to be sold below par, nor used for other purpose.	SEC. 7. 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 for park purposes; and any officer of the said city of Wilmington or any member of the park commission 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 five hundred dollars (\$500) and imprisoned six months, and shall moreover be liable to the said city in a sum double the amount lost to the city by such violation. That the bonds authorized to be issued by this act and their coupons shall not be subject to taxation. 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.
Misdemeanor.	
Fine.	
Penalty.	
Bonds exempt from taxation.	
Coupons receivable for city taxes.	
Appropriation for interest on bonds.	SEC. 8. For the purpose of providing for the payment of the interest accruing on and the principal at maturity of the loan or the bonds authorized by section six of this act, as the case may be, the board of aldermen of said city and the board of audit and finance shall annually, at the time of levying city taxes, specify

and appropriate out of the general fund of the city to be levied and collected for the ensuing year such a proportionate amount of the indebtedness incurred by virtue of this act as may be necessary to pay the annual interest accruing and also to pay off and discharge the principal at maturity; the remainder of said appropriation, after the payment of the annual interest, shall be placed with the sinking fund of the city for the purpose herein mentioned.

SEC. 9. For the purpose of providing necessary funds for the care, improvement and maintenance of park property and to meet the expenses of the board the said board of park commissioners shall, at the annual meeting of said board, estimate the amount of money necessary for such purposes for the fiscal year then beginning, which said estimate shall be communicated to the board of aldermen and the amount so estimated, or any part thereof, shall be included in the appropriation of the general fund of the city of Wilmington to be levied and collected for the ensuing year: *Provided*, the same is adopted and approved by a majority vote of the board of aldermen and concurred in by the board of audit and finance. This amount shall be deemed, thereupon, appropriated and set apart for the maintenance, preservation and improvement of said parks and grounds; and shall be paid out by the city treasurer upon warrants signed by the president of the board of park commissioners and countersigned by the chairman of the board of audit and finance.

Park commissioners to submit estimates.

Appropriation.

Proviso: approval of estimate.

Appropriation set apart.

Warrants.

SEC. 10. The said board of park commissioners shall have power to connect any public park under its control with any other park over which it has jurisdiction by a boulevard or park-way; and whenever in their judgment necessary they may designate as such any existing highway or parts, which shall thereupon be deemed a part of said park-way: but the same shall remain under the control of the city authorities now having jurisdiction thereof.

Parks connected.

SEC. 11. The term "park property" shall include all parks, squares and areas of land within the management of said board, and all buildings, structures, improvements, seats, benches, fountains, boats, floats, walks, drives, roads, trees, plants, herbs, flowers and other things thereon and within the enclosures of the same; and all shade trees on parks, squares, or plazas or thoroughfares, resting places, watering stations, play-grounds, parade grounds, or the like; and all connecting park-ways and roads or drives between parks; and all avenues, roads, ways, drives, walks, with all trees, shrubbery, vines, flowers and ornaments of any description within said parks, squares or plazas; and all birds, animals or curiosities or objects of interest or instruction, and all tools and implements placed in or on any of such enclosures, ways, park-ways, roads or places, and said included terms shall be liberally construed.

Park property defined.



Commissioners not to be interested in contracts.

SEC. 12. No member of said board of park commissioners shall be concerned in any contract with the said board or any of its departments or institutions, either as contractor, sub-contractor, bondsman or party directly or indirectly interested. If any member of the board be the owner of or interested in any property necessary in the opinion of a majority of the other members of the board to be taken for park purposes, then proceedings shall be by condemnation, and such facts of ownership and interest shall be fully set forth in the petition.

Discretion of board.

SEC. 13. The board shall not be compelled to accept any gifts or offer of land which, in its judgment, is unsuited to park purposes or the improvement of which would entail an injudicious outlay. Real and personal property may be granted, bequeathed, devised or conveyed to the said city for the purpose of the improvement or ornamentation of said parks or approaches, or for the establishment or maintenance therein of museums, zoological or other gardens, collections of natural history, observatories, monuments, statues, fountains or other works of art upon such trusts and conditions as may be prescribed by the grantors or devisors thereof and accepted by the board of aldermen of said city. All property so devised, granted, bequeathed, or conveyed, and the rents, issues, profits and income thereof, shall be subject to the exclusive management, direction and control of the said board of park commissioners.

Grants upon trusts and conditions.

Proceedings for condemnation of land.

SEC. 14. The said park commission, on behalf of the city of Wilmington, shall have power to take, by condemnation, land for park or park-way purposes; and if the said park commission cannot, for any cause, agree with the owner or owners of any land which they shall decide to take for public park purposes, whether within or without the limits of the city of Wilmington, as to the compensation to be paid therefor, the damages which will accrue to such owner or owners by such purchase, allowance being made for the benefit accruing to portions of such property not condemned, and the compensation to be paid for such lands in view thereof shall be estimated and determined by three appraisers, one to be appointed by the board of aldermen, one by the party or parties owning the property and the third to be selected by the two so appointed, and in the event of the two so appointed failing to agree, the third shall be selected by the Judge of the Superior Court of New Hanover County, on application of said park commissioners, after reasonable notice of such application shall have been given to such owner or owners. Said appraisers shall notify all parties in interest of the time and place of hearing, and shall make return in writing of their appraised award to the clerk of the superior court, who shall record the same; and the amount of such award shall be paid by said park commission within sixty days after the filing of such award, or,

in case of an appeal, after the final award in the premises, out of any funds at their disposal, to the person or persons entitled thereto, or deposited to the order of such person or persons with the Treasurer of the City of Wilmington. But either party may within sixty days appeal to the superior court, or any judge thereof, to set aside such award and to order a rehearing for irregularity or improper conduct connected with such hearing and appraisal. The fees of the appraisers shall be five dollars (\$5) each, to be paid by the park commission from the funds aforesaid; and the lands embraced in the application shall not be occupied by the park commission nor sequestered for park purposes until the compensation therefor, as finally awarded or agreed upon, shall have been paid to the person or persons entitled thereto, or received to his or their satisfaction, or deposited with the Treasurer of the City of Wilmington to his or their use.

SEC. 15. All persons convicted of offenses in the mayor's court in the city of Wilmington wherein said court has final jurisdiction, the punishment whereof would be wholly or in part imprisonment in the common jail, may be sentenced to hard labor on any part of the land acquired or held for park purposes under such rules and regulations as may be prescribed by the Board of Aldermen of the City of Wilmington. And further, there may also be worked on the park property, in like manner, all insolvents who shall be imprisoned by any process of the mayor's court for non-payment of costs in criminal causes; they may be retained in imprisonment and worked on the park property until they shall have cancelled the costs. The rate of compensation to be allowed each insolvent for work on the park property shall be fixed by the board of aldermen at a just and fair compensation, regard being had to the amount of work of which each insolvent is capable. The convicts sentenced to hard labor upon the park property under provisions of this act shall be under the control of the board of aldermen, and the said board of aldermen shall have power to enact all needful rules and regulations for the successful working of all convicts upon said park property. All expenses for safe-keeping, feeding and care of convicts herein referred to shall be paid by the park commission to the city out of the funds hereinbefore appropriated in the same manner as other expenses are paid for the conduct and management of park property and annually thereafter out of the annual appropriation herein specified. For the safe-keeping and care of said convicts, and for the proper direction of their labor, the board of aldermen are hereby authorized and empowered to employ an overseer of such convicts, and employ such guards and physicians as may be necessary for the safe-keeping, proper working and welfare of the convicts, and shall in all other things have power to make efficient the services contemplated in this act.

Appeal.

Fees of appraisers.

Lands not occupied before payment provided for.

Convict labor in parks.

Insolvents.

Rate of compensation.

Convicts under control of aldermen.

Payment of expenses.

Overseers, guards and physicians.

Conflicting laws repealed.

SEC. 16. So much of the charter of the city of Wilmington as is inconsistent with the provisions of this act is hereby repealed; and the provisions of this act, so far as they apply to the powers of said city and its officers, shall be regarded as an amendment of said city charter, and all laws and clauses of laws in conflict with this act are hereby repealed.

Act to be submitted to election.

SEC. 17. That the Board of Directors of the City of Wilmington shall submit to the qualified voters of said city of Wilmington the acceptance or rejection of this act, by an election of which they shall give thirty days' notice in the daily papers of the city.

Notice of election.

Under general law.

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 a ballot, either written or printed, with the words "For Public Grounds and Parks"; and those opposed to the adoption of this act shall vote a similar ballot, with the words "Against Public Grounds and Parks."

Form of ballot.

In force from first June.

SEC. 18. This act shall be in force from and after June first, one thousand nine hundred and five.

In the General Assembly read three times, and ratified this 2d day of March, A. D. 1905.

## CHAPTER 7.

### AN ACT TO EMPOWER AND AUTHORIZE THE CITY OF WILMINGTON TO ACQUIRE AND HOLD LAND FOR THE PURPOSES OF A PUBLIC PARK OUTSIDE OF AND BEYOND ITS CORPORATE LIMITS.

*The General Assembly of North Carolina do enact:*

Authority given aldermen.

SECTION 1. That the Board of Aldermen of the City of Wilmington are hereby empowered to acquire and hold by purchase, gift or otherwise land for the purposes of a public park for the use of the citizens and the general public outside of and beyond the corporate limits of said city and in the vicinity thereof.

Former gift, devises, bequests, etc., legalized and validated.

SEC. 2. That any gift, devise, bequest or conveyance of any lands or other property heretofore made by any person or persons of any such lands or other property for the uses of a public park to said city and beyond the limits thereof, whether by way of reversion, or remainder, or transfer, or conveyance of the immediate estate, is hereby validated, and the right of the said city to take, receive and hold the same is hereby declared to be as free, ample and legal as if this had been in existence when such devise, gift, bequest or conveyance were made.

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

In the General Assembly read three times, and ratified this the 20th day of January, A. D. 1905.

## CHAPTER 8.

AN ACT TO AUTHORIZE THE CITY OF WILMINGTON TO  
ESTABLISH AND MAINTAIN AN INDUSTRIAL SCHOOL.

*The General Assembly of North Carolina do enact:*

SECTION 1. The city of Wilmington is hereby authorized and empowered to establish, provide for and maintain an industrial and mechanical school, either within or without the limits of the city of Wilmington, under the control, direction and supervision of a "Board of Managers" to be appointed by the Board of Aldermen of the City of Wilmington, and the city of Wilmington is hereby empowered to acquire land, erect buildings thereon and to do such other necessary things as may carry into effect the provisions of this act.

City may establish school.

Aldermen to appoint board of managers.

SEC. 2. The city of Wilmington is further empowered to appropriate out of the funds of the city of Wilmington to be provided for in the annual assessment of taxes for the current year in which the said school is to be established such a sum not less than two thousand dollars and not exceeding five thousand dollars, and annually thereafter to make such appropriations as may be deemed necessary to an amount not less than two thousand dollars and not more than five thousand dollars.

Appropriation authorized.

Amount.

SEC. 3. The county of New Hanover is hereby empowered to appropriate out of the funds of the county of New Hanover to be provided for in the annual assessment of taxes for the current year in which the said school is to be established such sum not less than two thousand dollars and not exceeding five thousand dollars, and annually thereafter to make such appropriations as may be deemed necessary to an amount not less than two thousand dollars and not more than five thousand dollars.

Appropriation by county authorized.

Amount.

SEC. 4. The "Board of Managers" above referred to shall be elected by the Board of Aldermen of the City of Wilmington, and when elected shall perpetuate themselves in case of a vacancy caused by death, resignation or failure to act, and the said board is hereby endowed with plenary powers in the management of aforesaid school.

Board of managers self-perpetuating.

Plenary powers.

SEC. 5. Full power and authority is hereby given to the said "Board of Managers" to acquire real, personal and mixed property by gift, devise or bequest.

Power to acquire property.

SEC. 6. Nothing herein contained shall cause the establishment of the aforesaid school to be mandatory, either upon the city of Wilmington or Board of County Commissioners of New Hanover County.

Establishment of school not mandatory.

SEC. 7. All laws and clauses of laws in conflict with this law are hereby repealed.

Conflicting laws repealed.

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1905.

## CHAPTER 9.

## AN ACT EMPOWERING THE CITY OF WILMINGTON TO REMOVE UNSAFE BUILDINGS.

*The General Assembly of North Carolina do enact:*

Unsafe buildings  
to be torn down  
and removed.

Proviso: notice to  
owner.

On failure of owner  
aldermen to act.

Cost a lien on real  
estate.

Fire commission  
to report.

Personnel of fire  
commission.

SECTION 1. Full power and authority is hereby given to the city of Wilmington to cause all buildings or portions of buildings which are unsafe and dangerous to life and property to be torn down and removed, and to that end and purpose the Board of Aldermen of the City of Wilmington is hereby authorized and empowered to tear down and remove all buildings or portions of buildings determined by the board of aldermen to be unsafe and dangerous to life and property: *Provided, however*, that the owner of the property on which said building or portion of building is located shall be given ten days' notice in writing by the City Clerk and Treasurer of the City of Wilmington of the intention of the board of aldermen to so act, and shall be required to tear down the same. In the event of failure after said notice the board of aldermen may tear down and remove such buildings or portions of buildings so determined to be unsafe and dangerous to life and property, and the cost of tearing down and removing same is hereby declared to be a lien against the real estate on which said building or portion of building was located, and same shall be collected in the same manner and by the same procedure as provided for in the collection of liens for street improvements.

SEC. 2. It is hereby expressly made the duty of the Fire Commission of the City of Wilmington to report to the board of aldermen all buildings the condition of which is unsafe and dangerous to life and property; the said commission shall consist of the Mayor of the City of Wilmington, the Chief of the Fire Department and the Chief of Police of said city.

SEC. 3. All laws or clauses of laws in conflict with this act are hereby repealed.

SEC. 4. This act shall be in force from and after June first, one thousand nine hundred and five.

In the General Assembly read three times, and ratified this the 4th day of February, A. D. 1905.



## CHAPTER 10.

AN ACT PROVIDING A SALARY FOR THE BOARD OF  
ALDERMEN OF THE CITY OF WILMINGTON.*The General Assembly of North Carolina do enact:*

SECTION 1. The salary of each Alderman of the City of Wilmington shall be one hundred dollars a year, to be paid when and as the board of said city from time to time shall direct. One hundred dollars per annum.

SEC. 2. There shall be a meeting of said board held on the first Monday of each month, which meeting shall be known as the "regular meeting." 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, if the mayor refuse to call a meeting after a written request made to him by three members of the board of aldermen, then special meetings may be held 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.

SEC. 3. 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 installment of his salary as alderman thereafter becoming due; but the board of aldermen may, for sickness, death or absence from the city, excuse any such failure and remit any such penalty at any time before the same shall be paid or deducted as aforesaid. Fine on aldermen not attending.

SEC. 4. All committees of the board of aldermen shall be appointed by the mayor. Mayor to appoint committees.

SEC. 5. All laws or clauses of laws in conflict with this law are hereby repealed. Conflicting laws repealed.

SEC. 6. This act shall be in force from and after June first, one thousand nine hundred and five. In force from first June.

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1905.

## CHAPTER 11.

## AN ACT TO ESTABLISH A GRADED SCHOOL IN THE TOWN OF KERNERSVILLE, FORSYTH COUNTY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Town made school district.	SECTION 1. That the town of Kernersville shall be and the same is hereby constituted a public school district to be called the Kernersville Graded School District.
Board of trustees created.	SEC. 2. That for the purpose of this act there is created a Board of Graded School Trustees of the Town of Kernersville, which board shall consist of five members, divided into three classes, the same to be elected at an election hereinafter provided; first class to consist of one member, whose term of office shall be three years; the second class to consist of two members, whose terms of office shall be two years; third class to consist of two members, whose terms of office shall be one year; the person receiving the highest number of votes to serve three years, the two persons receiving the next highest votes to serve two years, and the two persons receiving the next highest votes to serve one year. In the event of a tie vote the classes mentioned to be determined by the town commissioners. All vacancies by death, resignation or expiration of term to be filled by appointment made by the town commissioners. The term of each class shall be one year from appointment.
Terms of office.	SEC. 3. That said board of trustees shall be elected at the next regular municipal election of the town of Kernersville on the first Monday in May, one thousand nine hundred and five, by the qualified voters of said town. Said board of trustees shall meet within five days after their election; organize by electing one of their number chairman, a secretary and a treasurer. That the
Vacancies.	treasurer shall make such bond as said trustees may require.
Election of Board. Organization.	SEC. 4. That the school trustees provided for by the act shall have exclusive control of the public school interests, funds and property in the graded school district as hereinafter provided; shall prescribe rules and regulations for their own government not inconsistent with law; shall fix the compensation of the officers and teachers of the public or graded schools annually, and they shall be subject to removal by said trustees. Said trustees shall make as accurate census of the school population of said district as is required by the general school law of the State, and all other acts that may be lawful and proper to conduct and manage the general school interests within said district: <i>Provided</i> , all children resident in said district between the ages of six and twenty-one years shall be admitted into the school free of tuition charges, and those desiring admission into said school as pay students may be admitted upon such terms as the board of trustees may determine.
Bond of treasurer.	
Powers of trustees.	
School census.	
Proviso: free tuition.	
Pay students.	



SEC. 5. That the school trustees created by this act may elect annually a superintendent of the school. The said superintendent shall examine all applicants for position of teachers in said school and issue certificates to the same, and shall do and perform such other duties as may be prescribed by said school trustees.

Election and duties of superintendent.

SEC. 6. That it shall be the duty of the Board of Commissioners of the Town of Kernersville to levy annually a tax of not more than fifty cents on the one hundred dollars valuation of property in said school district and not more than one dollar and fifty cents on the poll in said district for the support and maintenance of the graded school in said district. The amount to be levied each year by said board of commissioners is to be determined by the graded school trustees, and the amount so determined and certified by said trustees shall be levied by the said board of commissioners; and the taxes so levied shall be collected by the town tax collector and accounted for by him and paid to the treasurer of the board of town commissioners as collected. The same treasurer of the board of town commissioners shall pay the same over to the treasurer of the board of school trustees, taking his receipt for same, and the said board of commissioners are hereby given full power and authority to levy said tax upon the property and polls of said district: *Provided*, that the right to levy and collect this said tax shall first be submitted to the qualified voters of said district at the municipal election to be held in May, one thousand nine hundred and five. At the same time and at the same election there shall be submitted to the voters of said town of Kernersville the proposition to issue coupon bonds, not to exceed four thousand dollars, to be used in the erection and furnishing of a suitable school building in said school district. That the voting shall be by ballot, written or printed. Those voting for the aforesaid levy and the issue of said bonds shall vote a ticket with the words, printed or written, "For Schools," and those voting against said levy and bonds a ticket with the words, printed or written, "Against Schools."

School tax.

Proviso: tax to be voted on at municipal election.

Bond issue also voted on.

Form of ballots.

SEC. 7. That the moneys which shall from time to time be apportioned under the general school laws of the State to the above-described school district shall be turned over by the Treasurer of Forsyth County to the treasurer of the said school trustees for the benefit of said school: *Provided*, that in apportioning the school fund of said county said graded school shall be allowed the proportion of said fund due *per capita* to the white children of school age.

Apportionment of State fund.

Proviso: apportionment of county fund.

SEC. 8. That the property, both real and personal, of the public school for white children of said district shall become the property of the said graded school and shall be vested in the said board of trustees and their successors in trust for the said graded school, 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

Public school property vested in graded school.

Power to sell.

public graded school; to the established graded school; to be established in said graded school district of Kernersville.

Subsequent election.

SEC. 9. In the event the graded school fails to carry in the first election in May, one thousand nine hundred and five, the town commissioners shall call an election upon a petition of one-fourth of the voters of said district and at any future municipal election, first giving twenty days' notice of said election. That if the proposition shall be adopted by a majority of qualified electors of said town, the board of town commissioners shall cause bonds to be issued in the name of the town of Kernersville, in such denominations as they may deem best, bearing not more than six per centum interest, payable annually. Such bonds shall be signed by the mayor of the town and countersigned by the secretary and treasurer of the board of town commissioners. That when the bonds are issued the board of town commissioners shall turn them over to the board of graded school trustees for sale. It shall be the duty of the board of town commissioners, when the said bonds are issued, to provide by taxation on all subjects of taxation within the town to meet the interest of said bonds and the principal when the same may become due, 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 twenty years from date thereof, at such place or places as said board of town commissioners may determine.

Bond issue.

How bonds attested.

Special tax for bonds.

Repealing clause.

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

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

## CHAPTER 12.

### AN ACT TO CHANGE THE NAME OF THE BAPTIST FEMALE UNIVERSITY OF NORTH CAROLINA TO BAPTIST UNIVERSITY FOR WOMEN.

*The General Assembly of North Carolina do enact:*

Chapter 132, Private Laws 1891, amended.

Name changed.

SECTION 1. That chapter one hundred and thirty-two, section one, lines nine and ten, of the Private Laws of North Carolina of the year one thousand eight hundred and ninety-one be and the same is hereby amended by striking out the words "the Baptist Female University of North Carolina" and inserting in lieu thereof the words "Baptist University for Women."

Name changed in section 12.

SEC. 2. That section twelve, line one, of the said chapter one hundred and thirty-two be amended by striking out the words

"the Baptist Female University," and inserting in lieu thereof the words, "Baptist University for Women."

SEC. 3. 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 January, A. D. 1905.

### CHAPTER 13.

#### AN ACT TO INCORPORATE THE DURHAM AND SOUTH CAROLINA RAILROAD COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Ernest Williams of Lynchburg, W. R. Bonsal Corporators. of Hamlet and H. A. London of Pittsboro 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 "Durham and South Carolina Railroad Company," for the pur- Corporate name. poses herein declared, for the purposes of locating, constructing, Corporate purposes. equipping, maintaining and operating a railroad for the transportation of freights and passengers from or near the city of Durham, North Carolina, southward to or near the South Carolina State line by the route deemed most practicable through the intervening counties between said termini, Durham and South Carolina.

SEC. 2. That the said railroad company may build its road by Route. 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: Branch roads. and in constructing and operating said railroad 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 one, chapter forty-nine, entitled Volume 1, chapter 49 of The Code applicable. "Railroad and Telegraph Companies," and the amendments made thereto.

SEC. 3. That the said company is hereby authorized to construct Power to construct telegraph and telephone lines. 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 companies as in the judgment of the president and directors of said company may be deemed most advantageous to said com-

pany: *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.

Rights of crossing  
and connecting  
with other roads.

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 to be 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.

Corporate powers.

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 indirectly 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.

Corporate powers.

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.

Consolidation and  
merger.

Corporate powers.

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.

SEC. 8. That the capital stock of the said company shall be one hundred thousand dollars, with the privilege of increasing the

same from time to time, or at any time, to a sum not exceeding two million dollars, and 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 by subscription on the part of the 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.

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 twenty-five thousand dollars shall have been subscribed and five 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 perfect 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.

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 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 month's previous notice of the time and place of sale in one or more newspapers published in this State, and after retaining the sum due and all charges of the sale out of the proceeds thereof, convey the surplus over to the delinquent owner or his legal representatives; 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.

SEC. 11. That when any right of way may be required by 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

Books of subscription.

Organization.

Payment of capital stock.

Sale of stock on failure to pay.

Procedure.

Right of eminent domain.



condemnation proceedings as is provided in chapter forty-nine of The Code of North Carolina and the amendments thereto, to the extent of fifty 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.

Right to acquire  
and hold real estate.

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 and in any other town or city along its purposed route, and especially have the right and power to acquire such land, easements, rights and privileges as may be necessary, and to erect on any such lands it may acquire 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 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 any point or points along the route of its purposed line or on any water or water-courses connected with the railroad or its branches to be constructed by this company as aforesaid.

Power to hold  
stock of, consoli-  
date or merge with  
other companies.

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.

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 the 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.

Crossing streams provided for.

Chapter 49, vol. 1 of Code applicable.

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.

Corporate rights and powers.

Chapter 49 of Code applicable.

SEC. 16. That the principal place of business of this company shall be at Durham 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.

Branch offices.

SEC. 17. That the annual meetings and special meetings of the stockholders of the company shall be held at such times in the city of Durham, or elsewhere, 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 Durham or elsewhere, as may be found most convenient.

Stockholders' meetings.

Voting power.

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 bonds, 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.

Power for other companies to own stock, rights, franchises, etc.



Power of this company to own stock and property of other companies.

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 endorse 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.

Power to borrow money.

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 directors 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 company 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.

Sale of bonds.

Stockholders' liability.

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.

Limitation to begin work.

SEC. 21. That unless work shall be commenced under this charter within one year 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 the 20th day of January, A. D. 1905.

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## CHAPTER 14.

### AN ACT TO REPEAL CHAPTER 289, PRIVATE LAWS 1899.

*The General Assembly of North Carolina do enact:*

Incorporation of Hexlena repealed.

SECTION 1. That chapter two hundred and eighty-nine, Private Laws of North Carolina one thousand eight hundred and ninety-nine, be and the same is hereby repealed.

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

In the General Assembly read three times, and ratified this the 24th day of January, A. D. 1905.

## CHAPTER 15.

AN ACT TO CREATE A CHARTER FOR ELIZABETH CITY,  
NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the charter of Elizabeth City and all amend-Charter repealed.  
ments thereof be and the same are hereby repealed: *Provided*, Proviso: present officers continued.  
*however*, that the members of the present board of aldermen,  
mayor, chief of police, city clerk, treasurer and all the appointive  
officers, except such as may be removed for cause or otherwise,  
shall continue to serve until their present term expires or their  
successors are elected and qualified.

## CORPORATE LIMITS.

SEC. 2. The corporate limits of Elizabeth City shall be bounded Corporate limits.  
as follows: Beginning at a point on Pasquotank River at the  
southern mouth of Knobb's Creek; thence up the center of said  
creek to a bend in the same at a point immediately opposite an  
angle of Road Street near Knobb's Creek Bridge; thence a west  
course a straight line from the angle in Knobb's Creek to the  
angle in Road Street near the Norfolk and Southern Railroad;  
thence northerly along the Norfolk Road to the center of the Nor-  
folk and Southern Railroad track; thence southerly and westerly  
along the center of the said railroad track to where the same  
crosses the end of Main Street; thence southerly and easterly  
along Main Street to the center of the road that leads by "Bax-  
ter's Ice Plant"; thence southerly and westerly along the road  
passing Baxter's Ice Plant to the west end of Church Street or  
West End Avenue; thence easterly along the south side of Church  
Street, extended, to the east side of Selden Street; thence southerly  
along the east side of Selden Street and the southerly projection  
of same to Elbringhaus Street; thence a straight line in a southerly  
course to Body Road at the north line of the Alex. Wadsworth  
farm; thence easterly along the north line of the Wadsworth  
farm to the Pear Tree Road; thence easterly along the Pear  
Tree Road and Euclid Avenue to the corner of C Street; thence  
easterly along the south side of C Street to Factory Avenue;  
thence easterly on a line three hundred feet southerly of Park  
Avenue and parallel with the same to a point opposite the south-  
ern projection of Raleigh Street; thence northerly to the cor-  
ner of Park Avenue and Raleigh Street; thence northerly along  
Raleigh Street to Pasquotank River; thence a continuation north-  
erly to the line of Raleigh Street to the northeast shore of Pasquo-  
tank River; thence westerly binding the northeast shore of Pas-  
quotank River to a point on the north side of Goat Island to suit  
a position on a line due south from the southern mouth of Knobb's  
Creek; thence north along the said line to the southern mouth of  
Knobb's Creek on the Pasquotank River, the place of beginning.

## NUMBER OF WARDS—FIRST WARD BOUNDARIES.

Seven wards.

SEC. 3. That said city shall be divided into seven (7) wards, to be known respectively as the First, Second, Third, Fourth, Fifth, Sixth and Seventh Wards. The First Ward shall be bounded as follows: Beginning on Pasquotank River at the mouth of Knobb's Creek; thence up said creek and binding the city limits to Road Street; thence to Norfolk and Southern Railroad; thence westerly binding the city limits along the Norfolk and Southern Railroad to Bell Street; thence easterly along Bell Street to a branch of Poindexter Creek; thence southerly down said branch to Burgess or Pleasant Street; thence easterly along Pleasant or Burgess Street to Pasquotank River; thence northerly along said river to the place of beginning.

First ward.

## SECOND WARD BOUNDARY.

Second ward.

The Second Ward shall be bounded as follows: Beginning at the corner of Parsonage and Poplar Streets; thence northerly along Poplar Street to the center of Poindexter Creek Swamp, the line of the First Ward; thence northerly along the line of the First Ward to Bell Street; thence westerly along Bell Street to the Norfolk and Southern Railroad; thence westerly along the Norfolk and Southern Railroad to Parsonage Street; thence along Parsonage Street easterly to the place of beginning.

## THIRD WARD BOUNDARY.

Third ward.

The Third Ward shall be bounded as follows: Beginning on Pasquotank River at the eastern end of Burgess or Pleasant Street; thence westerly along said Burgess or Pleasant Street to Road Street; thence westerly still along said street to the center of Poindexter Creek Swamp; thence southerly along the boundary line of the Second Ward to the corner of Poplar and Parsonage Streets; thence westerly along Parsonage Street to the Norfolk and Southern Railroad; thence binding the city limits on the Norfolk and Southern Railroad westerly to Main Street; thence easterly along Main Street to Elm Street; thence northerly along Elm Street to Cherry Street; thence easterly along Cherry Street to Harney Street; thence a direct straight line to the center of Matthews Street at Dyer Street; thence easterly along Matthews Street to Pasquotank River; thence northerly along Pasquotank River to the place of beginning.

## FOURTH WARD BOUNDARY.

Fourth ward.

Fourth Ward shall be bounded as follows: Beginning at the corner of Road and Matthews Streets; thence westerly along Matthews Street to Dyer Street; thence binding the line of the

Third Ward a straight line to the center of Cherry Street at Harney Street; thence westerly along Cherry Street to Elm Street; thence southerly along Elm Street to Main Street; thence westerly along Main Street to the road that leads past Baxter's ice plant; thence southerly along the city limits to Church Street; thence easterly along Church Street to Pearce Street; thence southerly along Pearce Street to the first lane south of and parallel with Church Street; thence easterly along said lane to African Street; thence a direct straight line easterly to Canal Bridge on Road Street; thence along Road Street northerly to Matthews Street to the place of beginning.

#### FIFTH WARD BOUNDARY.

Fifth Ward shall be bounded as follows: Beginning on Pasquotank River on Matthews Street; thence westerly along Matthews Street to Road Street; thence southerly along Road Street to Canal Bridge; thence along Tiber Creek Canal easterly to Pasquotank River; thence northerly along Pasquotank River to place of beginning.

#### SIXTH WARD BOUNDARY.

Sixth Ward shall be bounded as follows: Beginning at Canal Bridge on Road Street; thence westerly a direct straight line to the center of a lane on African Street, the line of the Fourth Ward; thence westerly along the said lane to Pearce Street; thence northerly along Pearce Street to Church Street; thence westerly along Church Street to Selden Street; thence southerly along Selden Street and the city limits to Ehringhaus Street; thence a straight line in a southerly course to Body Road at the north line of Wadsworth Farm at the city limits; thence easterly along the city limits to the Pear Tree Road; thence northerly along the Pear Tree Road and the city limits to Martin Street; thence northerly along Martin Street to Tiber Creek Canal; thence westerly along Tiber Creek Canal to the place of beginning.

#### SEVENTH WARD BOUNDARY.

Seventh Ward shall be bounded as follows: Beginning on Pasquotank River at the mouth of Tiber Creek Canal; thence westerly up Tiber Creek Canal to Martin Street; thence southerly along Martin Street to Euclid Avenue; thence binding the city limits and Euclid Avenue to C Street; thence easterly along C Street to Factory Avenue; thence easterly, binding the city limits, to a point opposite the southern projection of Raleigh Street at the city limits; thence northerly along Raleigh Street and the city limits to Pasquotank River; thence westerly along Pasquotank River to the place of beginning.

## FIRST ELECTION—WHEN HELD.

Town elections.	SEC. 4. The first election for the corporation of Elizabeth City shall be held on the second Monday in April, one thousand nine hundred and five (1905), and there shall be held successive elections in said town biennially thereafter. At said election there shall be elected by the qualified voters of the said corporation of Elizabeth City a mayor, a chief of police, a treasurer, a clerk and seven aldermen, all of whom shall hold their office for two years, and shall be installed in office on the first Monday in May following the election. The said aldermen shall be elected, one from each of the seven wards of Elizabeth City, and shall be a resident of the ward for which he is elected at the time he is elected. The board of aldermen shall have power to order a new
Town officers.	registration of voters at any time they deem it necessary. Notice of said election shall be given at least four weeks preceding the same, and the polling places shall be designated by the board of aldermen and ballot boxes provided by them.
Term.	
Aldermen elected by wards.	
Registration.	
Notice of election.	

## QUALIFICATION OF VOTERS.

Voters.	SEC. 5. Every male person who is now or may hereafter be qualified to vote under the Constitution of North Carolina and as now amended and under the laws of North Carolina, chapter eighty-nine, Public Laws of one thousand nine hundred and one, shall be a qualified voter of said ward.
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## REGISTRATION BOOKS—WHEN OPENED.

Registration.	SEC. 6. The registrars in their respective wards shall open their books for the purpose of registering such persons as apply for registration one week prior to any election, and keep same open until sunset Saturday preceding the election.
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## OATH TO BE ADMINISTERED BY REGISTRAR.

Registration oath.	SEC. 7. The oath to be administered by the said registrar in the different wards shall be the same as now prescribed by and for the general elections in the State of North Carolina.
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## OATH OF REGISTRAR.

Registrar to qualify.	SEC. 8. Before entering upon the discharge of his duties each registrar shall make oath before some one authorized by the laws of North Carolina to administer oaths that he will faithfully and impartially perform the duties of his office. A certificate of the administering of said oath shall be made in the registration book by the party administering the same, with the date of administration.
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## CHALLENGES—WHEN AND BY WHOM HEARD.

SEC. 9. The registrars and pollholders shall meet at the polling Challenge day.  
places in their respective wards on the Saturday before the elec-  
tion to hear and determine challenges made by any person regis-  
tered in said ward. But before they proceed to determine the  
rights of any person to vote they may require proof of notice to  
the party challenged, which may be signed by any voters in the  
city, but must be served by the chief of police or any police officer  
of the county authorized to execute civil process.

Notice to party  
challenged.

## NAMES OF PERSONS NOT ENTITLED TO BE ERASED.

SEC. 10. Whenever it is decided that a party registered is not  
entitled to vote, the registrar shall erase his name from the book.  
writing the date of the erasure and the cause thereof. In case the  
pollholders cannot agree the registrars shall cast the deciding  
vote.

Name erased if  
challenge sus-  
tained.

Vote of registrars.

## REGISTRARS AND POLLHOLDERS TO MEET AND OPEN POLLS.

SEC. 11. On the morning of the election the registrars and poll- Hours of election.  
holders of each ward shall [meet] at the polling places of their  
respective wards, and after being duly sworn shall proceed to open  
the polls at six o'clock and thirty minutes A. M. and receive the  
votes, depositing the same in the boxes prepared for that purpose.  
The polls shall be closed at six-thirty P. M.

## NAMES CHECKED OFF AS VOTED.

SEC. 12. The registrar shall check off the name of each man as  
he votes, and the pollholders shall keep a list of those who vote.

Checks and poll-  
books.

## VOTES—HOW COUNTED.

SEC. 13. Immediately upon closing the polls the pollholders and  
registrars shall proceed to count the votes cast for all the officers  
voted for, in the presence of such voters as may desire to attend,  
and make two certificates thereof, one of which to be returned to  
the chief of police and the other to the clerk, to be turned over by  
them to the board of aldermen, who shall canvass the votes. Who-  
ever shall receive the greatest number of votes in said town for  
mayor shall be declared elected mayor for the term of two years;  
whoever shall receive the greatest number of votes in said town  
for the chief of police shall be declared elected chief of police for  
two years; whoever shall receive the greatest number of votes in  
said town for clerk shall be declared elected clerk for the term of  
two years; whoever shall receive the greatest number of votes in  
said town for treasurer shall be declared elected treasurer for the  
term of two years; whoever shall receive the greatest number of

Count returns of  
votes.

Aldermen to can-  
vass returns.



votes in the First Ward for alderman shall be declared elected alderman from the First Ward for two years; whoever shall receive in the Second Ward the greatest number of votes in said ward for alderman shall be declared elected as alderman from the Second Ward for two years; whoever shall receive in the Third Ward the greatest number of votes for alderman shall be declared elected as alderman from the Third Ward for two years; whoever shall receive in the Fourth Ward the greatest number of votes for alderman shall be declared elected as alderman from the Fourth Ward for two years; whoever shall receive in the Fifth Ward the greatest number of votes for alderman shall be declared elected as alderman from the Fifth Ward for two years; whoever shall receive in the Sixth Ward the greatest number of votes for alderman in said ward shall be declared elected as alderman from the sixth ward for two years; whoever shall receive in the Seventh Ward the greatest number of votes for alderman in said ward shall be declared elected as alderman from the Seventh Ward for two years.

#### FRAUDULENT VOTERS.

Law governing elections.

SEC. 14. The votes shall be counted and canvassed by the said pollholders and registrars of election according to the Laws of North Carolina, chapter eighty-nine (89), Public Laws of one thousand nine hundred and one (1901), and there shall be two ballots and two boxes at each polling place; there shall be one ballot to contain the name of the alderman for the ward in which he is elected, which shall be deposited in one box, and there shall be another ballot to contain the names of mayor, clerk, chief of police and treasurer, which shall be deposited in the other box; and the said ballots may be printed or written on white paper with or without device.

Ballots and boxes.

#### CERTIFICATE—WHEN AND WHERE TO BE FILED.

Registration and poll-books filed.

SEC. 15. The certificates to the clerk, the book of registration and the list kept by the pollholders and registrars shall be filed with the clerk of the board of aldermen within three days after the election, and the clerk shall notify the aldermen, mayor, chief of police, clerk and treasurer-elect of the election within five days thereafter.

Clerk to notify officers-elect.

#### FAILURE OF CLERK OR COMMISSIONERS TO PERFORM DUTIES.

Sheriff to act in default of city officers.

SEC. 16. Should the present board of aldermen or the clerk fail to perform the duties imposed on them in any of the preceding sections within five days from the time when same ought to have been done, the Sheriff of Pasquotank County is hereby directed and empowered to make the appointments and perform the acts imposed upon said aldermen and clerk.

## OATH OF ALDERMEN—FILLING VACANCIES.

SEC. 17. On the first Monday in May, one thousand nine hundred and five (1905), the aldermen-elect, after having taken and subscribed an oath or affirmation before some justice of the peace for said county to support the Constitution of the United States and the Constitution of North Carolina and to perform faithfully the duties of their office (which oath or affirmation shall be entered upon the minutes of the corporation), subscribed as aforesaid and attested by some justice, shall take their seats and continue in office until their successors shall have been elected and qualified. They shall organize by electing one of their members chairman, who shall act as mayor in case of vacancy, absence or sickness of the mayor. They shall proceed to fill vacancies caused by death or failure to elect in any ward, whether by virtue of tie or on a certificate of fraud, and shall fill any and all vacancies in any office, elective or appointive, which may occur during their term of office: *Provided, however,* that the said board of aldermen shall appoint such person or persons to fill such vacancy or vacancies as a majority of the qualified voters from the said ward or wards wherein such vacancy or vacancies occur shall recommend.

Aldermen to qualify.

Organization.

Vacancies.

Proviso: recommendations to fill vacancy.

SEC. 18. After said board may have been organized they may proceed to the election of a city attorney, street commissioner, chief of fire department, health officer and as many policemen as they deem necessary, who shall hold office during the term of the board of aldermen appointing them: *Provided, however,* they shall be subject to removal at any time by the board for misconduct or other causes, upon charges preferred by any member of the board and heard before and sustained by a majority of the board.

Officers to be elected by aldermen.

Proviso: officers removable for cause.

## POWER TO MAKE ORDINANCES.

SEC. 19. The Board of Aldermen of Elizabeth City shall have power to make and provide such ordinances for the government of the city as they may deem necessary, not inconsistent with the laws of the land, and they shall have power by all needful ordinances to secure order, health, quiet and safety within the city limits and for one mile beyond: to establish one or more markets and to require the sale of such articles therein as they may deem proper; to take all necessary means to prevent and extinguish fires; to make regulations for the observance of the Sabbath, suppress and remove nuisances, control and regulate keeping powder in the city; to regulate the speed of riding and driving on the public streets; to keep or require to be kept the sidewalks clear of all obstructions; to cut and remove all limbs, branches and parts of trees or shrubbery extending upon or overhanging the sidewalks or streets, at the expense of the owners of the adjacent

Ordinances.

Inspection of  
markets.

lots who may refuse to do the same on five days' notice from the mayor of the town, and shall regulate building and building material within specified limits. They shall also have the right to regulate the charge for the carriage of persons, baggage and freight by omnibus or other vehicles and issue license for same. The board of aldermen shall have the authority to appoint an inspector of meats, fish, oysters, vegetables and milk, and to pay said inspector such a salary as they may deem necessary, not to exceed one hundred dollars per annum.

## POWER TO FILL VACANCIES.

Power to fill va-  
cancies and elect  
officers.

SEC. 20. The board of aldermen shall have power to fill any vacancies 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 regulations, ordinances and by-laws of the town, and shall prescribe their term of office. That any vacancies in any of the offices of said town from any cause, death, disability, removal from office or otherwise, shall be filled by the board of aldermen.

## QUARANTINE AGAINST DISEASE.

## Quarantine.

SEC. 21. The board of aldermen may take such means as they deem effectual to prevent the entrance into the town of any infectious or contagious disease; may stop, detain and examine for the purpose every train, conveyance or vehicle coming from places believed to be infected with such diseases; may establish and regulate hospitals within the town or within three miles thereof; may cause any person in the town suspected to be infected with such disease, and whose stay may endanger health, to be removed to the hospitals; may remove from town or destroy any furniture or other articles which may be suspected of being tainted or infected with contagious or infectious disease or which there shall be reasonable cause to apprehend that they may pass into such a state as to generate disease, and may levy a sanitary tax as hereinafter specified. With the view of preserving the health of the city, a health officer may be appointed when deemed necessary.

## Hospitals.

## Health officer.

## EXPENSE OF REMOVAL—JUDGMENT AGAINST INFECTED PERSONS.

Expense of re-  
moval to hospital.

SEC. 22. That in the case any person be removed to the hospital the board of aldermen may obtain before any justice of the peace a judgment against such person for the expense of his or her removal, support, nursing and medical attendance, and, in case of death, against his or her legal representative, and, in that event, burial expenses also, if the city incur that expense.

## LAYING OUT AND OPENING STREETS.

SEC. 23. The board of aldermen shall have power to lay out and open any new streets within the corporate limits of the city whenever by them deemed necessary, and shall have power at any time to widen, 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. In case the owners of the land and the board of aldermen cannot agree upon a price, the said board of aldermen shall appoint five freeholders, residents of Elizabeth City, who shall assess the land to be condemned and make report to the board of aldermen. If the board of aldermen accept and make report they shall pay or tender to the said land-owner the amount assessed in legal tender of this country, and thereupon the title shall become vested in said board of aldermen and their successors. If the land-owner shall think the amount assessed is below the actual value of the land taken, nothing herein shall be construed to deprive him of his right to appeal or suit *de novo* for damages against the corporation for the value of the land taken.

Powers as to streets.

Procedure for condemnation of land.

Appeal.

## LEVYING OF TAXES FOR GENERAL PURPOSES.

SEC. 24. The board of aldermen shall have power to annually impose, levy and collect a tax for general corporation purposes (not exceeding seventy-five cents on one hundred dollars assessed valuation as made by and accepted by the County Commissioners of Pasquotank County) upon all real and personal estate within the corporate limits of said city, and may levy a tax equal to the State tax upon all other subjects of taxation taxed by the General Assembly for public purposes, and may levy upon every person, firm or corporation who issues or sells to any person, firm or corporation or merchant any trading stamps to be redeemed by the person, firm or corporation issuing or selling same an annual tax of not more than five hundred dollars; and may levy upon every merchant, dealer or tradesman who receives trading stamps from any person, firm or corporation, or who issues, delivers or sells to customers or other persons any trading stamps to be redeemed by the person, firm or corporation issuing, delivering or selling the same, or by any other person, an annual tax of not more than five hundred dollars (\$500); and any person receiving trading stamps and having same redeemed for any article as a present, gift or otherwise shall be subject to a tax of such an amount as may be levied or assessed, not exceeding twenty dollars (\$20), and furthermore enact an ordinance to punish such use them, making same a misdemeanor, and that the punishment shall not exceed a fine of fifty dollars (\$50) or imprisonment for thirty (30) days.

Tax on trading stamps.

Tax on persons using trading stamps.

Power to make use misdemeanor.

## SPECIFIC OR LICENSE TAX.

## License taxes.

SEC. 25. That in addition to subjects liable for taxation for State purposes, the aldermen shall have power to levy and collect a specified or license tax on the following subjects, to-wit: All itinerant auctioneers, merchants or peddlers vending or offering to vend in the town; each electric light company; each telephone company; each street railroad company; each express company; each telegraph company; each broker or banker, dealer in patent right, commission merchant and commercial broker; each junk dealer; each distiller of fruit or grain; each livery-stable keeper; every non-resident huckster or trader or agent of such who buys produce for sale in other markets; each rectifier or compounder of spirituous liquors; each gift enterprise or lottery; each dray, each omnibus, each circus, each traveling theatrical company, each person or company making any exhibit or show for compensation, each billiard table and pool table, each ten-pin alley used by the public, each oil tank in said town of two hundred (200) gallons or over; on each butcher doing business in said town, which said tax on each butcher shall not be less than sixty (\$60) nor more than one hundred dollars (\$100) per annum; each skating-rink.

## SALE OF SPIRITUOUS LIQUORS.

## Liquor license tax.

SEC. 26. That no person shall retail or sell any spirituous liquors, wine, cordial, ale, porter, lager beer or any other spirituous liquors, vinous or malt liquors by a less measure or in less quantity than three (3) gallons within the corporate limits without having first obtained a license therefor from the board of aldermen: *Provided, also*, that the board of aldermen shall have a right to levy a license tax upon all persons selling by retail any ciders, malt extracts, bitters or other beverages; said tax not to exceed five hundred dollars (\$500) annually.

## DOGS, CATTLE AND SHEEP RUNNING AT LARGE.

## Animals running at large.

SEC. 27. That the aldermen shall have the power to declare all horses, cattle, dogs and sheep running at large on the streets within the corporate limits of the town a nuisance and sell same; and the aldermen may at their option impose a fine of ten dollars (\$10) upon the owner or owners of said animals running at large, or may treat the same as a nuisance and have it abated in such a way as seems to said aldermen best.

## ABATEMENT OF NUISANCES.

## Power to abate and prevent nuisances.

SEC. 28. That the board of aldermen may require and compel the abatement and removal of all nuisances within the town at the expense of the person causing same, or the owner or tenant of the



ground wherever the same may be. They may also prevent the establishment of, and regulate if allowed to be established, any slaughter-house or place, or the exercise within the town of any offensive or unhealthy business, trade or employment.

#### TAXES FOR FIRE ENGINES, ETC.

SEC. 29. In addition to the tax hereinbefore permitted to be levied on real and personal property within the corporate limits of the city, the aldermen are hereby empowered to levy a tax not to exceed seven (7) cents on the one hundred dollars (\$100) assessed valuation of said real and personal property for the purpose of defraying the necessary expense of keeping the fire engine and extinguishing apparatus in good condition and repair, and of defraying the expense of the fire department. The chief of the fire department shall have supervision of the fire department and shall make a report of the expenses, of the fires extinguished, estimated amount saved, labors and general services of the fire department; the loss of property estimated, and such other statements as may be proper; said report to be made every month to the board of aldermen.

Fire protection tax.  
Chief of fire department.  
Reports.

#### PRESENCE OF FIRE CHIEF AT FIRE.

SEC. 30. The fire chief shall be present at each fire and have control of the fire department, and if he deem it necessary to check the progress of any fire he may cause any house or houses to be pulled down or blown up, and shall not be liable to any person for the damages caused thereby. But should the fire chief be absent, then the foreman of the Fire Company No. 1 shall be vested with powers herein conferred on the fire chief; and should the foreman of Fire Company No. 1 be absent, the mayor shall be vested with powers herein conferred on fire chief. The fire chief shall be vested with powers to lay hose across any street, railroad track or through any buildings to check any fires.

Powers in stopping fires.

SEC. 31. The chief of the fire department shall use his best endeavors to have the engine at each fire, and for that purpose he may use such means and aid as he deems best. And the board of aldermen are hereby authorized and permitted to make appropriations from the amount collected from the special tax mentioned in section twenty-nine, to be disbursed and used as they direct.

Fire engine at fires.

#### COMPENSATION OF FIRE CHIEF.

SEC. 32. The board of aldermen may allow the fire chief not to exceed one hundred dollars (\$100) per annum for his services, and the duties of the chief shall be what the State law provides. In addition to that, his duties shall be to see that all fire apparatus belonging to the corporation shall be kept in first-class order for

Salary of fire chief.  
Duties.  
Further duties.



immediate service at all times; that all hydrants shall be inspected twice a year. It shall be the duty of the chief of the fire department to communicate in writing to the board of aldermen when a building, occupied or unoccupied, store, dwelling or warehouse within the corporate limits is a menace to property or in a dangerous or unsafe condition, and the said board of aldermen shall have the right and authority to summons the owner or agent of said building to appear before them and show cause why said building should not be removed; and should said owner or agent fail or refuse to repair or remove said building as ordered by said board of aldermen, then the said board of aldermen shall have the authority to declare said building a nuisance and order it to be removed or torn down, as they deem best; same to be done at the expense of the owner.

Chief to report unsafe buildings.

Summons to owner.

Building removed at cost of owner.

#### PERSONS COMPELLED TO WORK OUT TAXES—POWER TO ENFORCE LABOR.

Street work for non-payment of fines.

SEC. 33. The board of aldermen shall have the power to put to and keep at work on the streets of the town any person or persons who may fail to pay any tax or fine, penalty or forfeiture which may be imposed on such person or persons for violation of any ordinance, by-law or regulation of said town, and said aldermen shall have authority by their ordinances and by-laws to confine, control and manage such persons until the said fines and penalties or forfeitures, together with cost thereof, shall be fully paid and satisfied, under such rates for labor and board as the aldermen may adopt.

#### SALARY OF THE BOARD OF ALDERMEN.

Salary of aldermen. SEC. 34. Each member of the board of aldermen shall receive a salary of two dollars (\$2) for every regular meeting that he attends.

#### WHO TO PRESIDE OVER THE MEETING OF THE BOARD.

Mayor to preside at meetings of aldermen.

Duties of mayor.

Powers and authority of mayor.

SEC. 35. The mayor who shall have been elected in April, one thousand nine hundred and five (1905), and his successors in office, shall preside at the meetings of the board of aldermen: *Provided*, in no case shall said mayor or presiding officer be allowed to vote except it be a tie vote. It shall be the duty of the mayor to communicate in writing whenever it shall be deemed expedient a general statement of the situation and condition of the city in relation to its government and improvement. Second, to recommend to the board the adoption by the board of aldermen all such measures connected with the police, security, health and cleanliness of the city as he may deem expedient. Third, to be vigilant and active in causing the laws and ordinances for the government of the city to be duly executed and enforced. He shall have power and authority over the police force. He shall have a general supervision of the street commissioner, with

authority to direct his work, and shall recommend to the board of aldermen purchase of such material and apparatus as may be required by said street commissioner for his work. He shall countersign all city orders. He shall be paid a salary of six hundred dollars (\$600) per annum from the general funds of the city. No one shall be eligible to the office of mayor who is a justice of the peace, and the mayor shall not have the authority granted to a justice of the peace under the laws of North Carolina. The mayor of said city is hereby constituted an inferior court for the trial of criminal cases and violation of city ordinances, and as such shall, within the corporate limits of said city, have all powers, jurisdiction and authority of a justice of the peace to preserve and keep the peace, to issue process, to hear and determine all causes of action which may arise upon ordinances and regulations of the city, to enforce penalties by issuing executions upon adjudged violations thereof, and to execute the laws and regulations made by the board of aldermen. The mayor shall further be a special court within the corporate limits of the city, to cause the 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 mayor not exceeding the amount in the ordinance or ordinances so violated, or, at the discretion of the mayor, such offender may be imprisoned not more than thirty (30) days in the county jail or city prison. If the accused is dissatisfied with the judgment of the mayor he may appeal in a like manner as prescribed for appeals from judgments of a justice of the peace.

#### ISSUANCE OF PRECEPTS BY THE MAYOR.

SEC. 36. That the mayor may issue his precepts to the chief of police or any policeman, who may execute the same anywhere in Pasquotank County, or such other officers to whom a justice of the peace may issue and direct his precepts. An endorsement by the mayor of the names and witnesses upon warrant or summons shall be the authority for the officer to execute same. The mayor shall keep a faithful minute of the precepts issued by him, and of all his judicial proceedings.

#### TREASURER—BOND. COMPENSATION. DUTIES.

SEC. 37. The treasurer shall give bond, payable to the corporation of Elizabeth City, in the sum to be fixed by the board of aldermen, with sureties to be approved by said board. For his services he shall be paid a sum in the amount of two hundred and fifty dollars (\$250) per annum. He shall disburse no funds except on orders signed by the clerk of the board of aldermen and countersigned by the mayor. He shall make a report of the

funds coming into his hands at the end of the term, and for failure to do so he shall be fined two hundred and twenty-five dollars (\$225), to be recovered by suit in the superior court, for which his bond shall be responsible.

**Accounts.**

SEC. 38. He shall keep his accounts so that the tax levied and collected for each fund shall be separate, and shall pay out of each separate fund only such amounts as are due the same, and when proceeds are paid over to him by an officer of the corporation they shall be credited to the fund for which the tax is levied to raise revenue for the same. He shall report to the board of aldermen at each regular meeting in every month the balance he has due each fund in his hands, showing the amount due each fund by the tax levy and the amount paid into each fund and the amount paid out on account of same.

**DUTIES OF CLERK—COLLECTION OF MONEY TAXES.**

**Duties of clerk.**

SEC. 39. The clerk shall keep a faithful record of all proceedings of the board of aldermen; he shall keep and file all papers presented to the board, all reports made to same, and all bonds; he shall also keep an order book with stub. The orders shall be consecutively numbered and shall state on face for what the order is issued. He shall not deliver the order to the payee until countersigned by the mayor; he shall sign all licenses granted by the board of aldermen and collect the money therefor; he

**To collect taxes.**

shall collect all taxes levied upon real or personal property, except the huckster tax; he shall have the same power to enforce and collect taxes as the Sheriff of Pasquotank County; he shall collect all rents from the markets or other property of the city; he shall settle with the treasurer at the end of each month; he shall pay over to the city treasurer such sums as are collected by him for the account of each separate fund by the tax levy of the corporation, and take the treasurer's receipt for the same to the account of each fund for the amount due the same by the tax levied either for license or other tax and the corporation tax levied on railroad property by the board of aldermen, and shall furnish the city treasurer with a statement of the amount due each separate fund according to the tax levied in each and every year, when he has completed the tax book, which shall not be later than August

**Fine for failure to settle.**

first in each and every year. On failure to settle at said times he shall be fined for each failure the sum of ten dollars (\$10). He shall give bond, payable to the corporation of Elizabeth City, with security, to be approved by the board, in a sum fixed by them. His compensation shall be fixed by the board in the amount of eight hundred and forty dollars (\$840) per annum and no other fees, which is to be paid in full for all services rendered. He shall carefully preserve all books, papers and articles committed to his care, and deliver same to his successor.

**Compensation.**

## CHIEF OF POLICE—DUTIES, POWERS.

SEC. 40. The chief of police shall give a bond, with approved sureties, in a penal sum to be fixed by the board of aldermen and payable to the corporation of Elizabeth City, conditioned to diligently perform all duties imposed upon him by virtue of his office, and faithfully pay to the treasurer all sums of money collected or received by him to and for the use of the city, and shall hold his office for the term of two (2) years. The chief of police and other police officers shall wear a regular uniform to be adopted by the board of aldermen. The compensation of the chief of police shall be nine hundred dollars (\$900) per annum in full for all services rendered, and all fees collected by him for services rendered in any court shall be turned into the treasury of said city by him, and his bond shall be responsible for such. He shall be under the direct supervision of the mayor, subject to such rules and regulations as the board of aldermen shall adopt. He shall not be allowed to serve any civil process. He shall serve such processes as are issued to him by the police justice for the violation of the city ordinances or criminal law. That he shall perform police duty under the direction of the mayor. He shall be subject to removal as provided for in section eighteen. He shall also act as harbor-master.

Bond of chief of police.

Police to wear uniforms.

Pay of chief.

Fees to use of city.

Under supervision of mayor.

Not allowed to serve civil process.

## CHIEF OF POLICE TO REPORT TO BOARD—TO PAY TO TREASURER MONTHLY.

SEC. 41. It shall be the duty of the chief of police to pay over to the city treasurer all the money that may be collected by him to and for the use of the city at least once every month, and shall communicate to the board of aldermen at their monthly meetings, in writing, a full statement of all costs, fines, taxes, fees collected and the disposition made of same.

Chief of police to settle monthly.

## MAY SUMMONS PEOPLE TO ASSIST IN KEEPING ORDER.

SEC. 42. It shall be the duty of said chief of police and the policemen to preserve the peace by suppression of disturbance and the apprehension of all offenders, and the chief of police or any policeman shall have the power to summons as many persons as he may deem necessary to assist in the performance of the above duties.

Police to preserve the peace.

## STREET COMMISSIONER—DUTIES OF, COMPENSATION—REMOVAL. BY WHOM—LABOR.

SEC. 43. The street commissioner shall be vested with the power of a policeman, and it shall be his duty to keep in repair all of the streets, ditches, bridges, wells, pumps, drains, canals, side-

Powers of street commissioner. Duty.

walks, crossings, etc., within the city boundary, under direction of the mayor; and the board of aldermen shall direct all labor due the city from all sources to be at his disposal, the board of aldermen to furnish such material and tools, horses, carts, etc., as they may deem necessary, on requisition made by the commissioner. He shall be subject to removal as provided for in section eighteen.

#### CITY ATTORNEY—DUTIES OF, COMPENSATION.

Duty of city attorney.

SEC. 44. It shall be the duty of the city attorney to attend all the meetings of the board of aldermen for the purpose of giving them such legal advice as may be necessary; to represent the city in all criminal and civil actions to which the city shall be a party. It shall be his duty to advise the mayor of the city when requested so to do, and to prosecute any violation of the city ordinances before the mayor. He shall receive a salary of two hundred dollars (\$200) per annum in full for all services rendered. He shall be subject to removal as provided for in section eighteen.

Salary.

#### HEALTH OFFICER—DUTIES OF, COMPENSATION.

Duty of health officer.

SEC. 45. It shall be the duty of the health officer to keep a record of the vital statistics of the town; to inspect the city prison and attend professionally the city prisoners and such deserving poor as may become a charge upon the city, when directed by the mayor. He shall be under the control of the board of aldermen and shall perform such other duties as may be prescribed from time to time by said board. His salary shall be one hundred dollars (\$100) per annum in full for all services rendered: *Provided, however,* in cases of epidemic of a contagious disease the board of aldermen shall have the power to increase the salary in such a sum as they deem necessary, not to exceed fifty dollars (\$50) per month. He shall be subject to removal as provided for in section eighteen.

Salary.

Proviso: in case of epidemic.

#### SUITS ON BOND, IN WHOSE NAME—MONEY COLLECTED ON SUITS.

Suits on bond in name of corporation.

SEC. 46. That all suits on bonds given by any officer under this charter shall be in the name of the corporation of Elizabeth City, and money collected from said bonds shall be paid to the treasurer of the city. That all suits or actions by or against the said corporation of Elizabeth City and by the name of the corporation of Elizabeth City; the said corporation is hereby incorporated a body politic, with power to sue and defend, to hold property and do all other works which a corporation can do.



## TAX TO WORK STREETS, HOW LEVIED.

SEC. 47. The Town Aldermen of Elizabeth City are hereby vested with the right to levy and collect a tax on each able-bodied male person residing within the corporate limits of Elizabeth City between the ages of twenty-one and forty-five, not exceeding the rate of one dollar and fifty cents (\$1.50), for the improvement of the public streets, alleys and parks of Elizabeth City. Any person failing or refusing to pay said tax shall be fined not exceeding five dollars (\$5): said tax to be collected by the clerk of the corporation.

Tax in lieu of road duty.

Penalty for failure to pay.

## PAVING SIDEWALKS—REFUSING TO WORK. FINE—MONEY TO BE PAID.

SEC. 48. The board of aldermen shall have the power to require every owner of real estate in Elizabeth City to furnish material for paving the sidewalks in front of his or her land in the improved portion of said town with such material, either brick, stone or other durable material, and enforce such requirements by proper fines and penalties: *Provided, however,* the said board of aldermen may, in their discretion, assess against the said owner or owners of said lots only a portion of the costs of same, as in their judgment and discretion may seem just, and upon failure of such owner or owners to furnish said material the said corporation may have the same done, and the cost thereof may be assessed against the property of such delinquent and added to the taxes against him or her and collected in the same manner that other taxes or assessments are collected, or judgment may be taken by the corporation of Elizabeth City before any justice of the peace, if under fifty dollars (\$50), for the actual cost of such material delivered at the place of paving.

Land-owners to furnish material for sidewalks.

Proviso: discretion of aldermen.

City to do work on failure of owner.

Cost assessed as taxes.

## APPOINTMENT OF WOOD INSPECTORS—RATE OF WHARFAGE, ANCHORAGE.

SEC. 49. The board of aldermen shall have the right to regulate and establish rates of wharfage and prescribe the limits of the part of said town; also the power to appoint wood inspectors, whose duty shall be to inspect all fire-wood brought to the city for sale.

Wharfage rates.

Wood inspector.

SEC. 50. It shall be the duty of the harbor-master to enforce all rules and regulations which the board of aldermen may prescribe for the government of the port of Elizabeth City within its limits for the proper anchorage of vessels in the harbor, and designate the same, and he shall have the right to settle all matters of dispute between masters of the boats, vessels or steamboats as to the priority of the right to land or fasten to a wharf in said city, and to cause the same to be removed upon the demand of the owner of the wharf.

Duty of harbor-master.



## FINANCE COMMITTEE, WHEN AND HOW APPOINTED, COMPENSATION.

**Finance committee. Duties.** SEC. 51. The board of aldermen shall appoint annually a finance committee, to be composed of three freeholders and citizens of the city, who shall examine the books, accounts, vouchers and papers of the clerk, chief of police, street commissioner, police justice and treasurer, and make an itemized report in writing to the said board at a regular monthly meeting in May, one thousand nine hundred and five, and thereafter at each monthly meeting in May of each year, which report the board of aldermen shall have published. That one member of said finance committee shall be of opposite political faith from that of the majority of the board of aldermen so appointing said committee. The said committee shall receive such compensation as the board may designate, not exceeding one hundred dollars (\$100).

**Report in writing.**

**Report to be published.**

**Pay of committee.**

## TO TAX CIRCUSES.

**Tax on circuses and shows.** SEC. 52. That it shall be lawful for the board of aldermen to collect a tax for any circus or show exhibiting within one mile of the town limits of Elizabeth City, and any manager or managers of any circus or show which shall be held within one mile of the said town limits without its having first paid the town license as aforesaid shall be guilty of a misdemeanor and fined fifty dollars.

## PENALTY FOR FAILURE TO PAY FINE.

**Penalty for failure to pay fine.** SEC. 53. Any person or persons failing or refusing to pay any fine imposed under any ordinance of the said town of Elizabeth City may be imprisoned thirty (30) days or put to work upon the public streets or alleys of said town until the aforesaid fine and costs are paid.

## VITAL STATISTICS, HOW COLLECTED.

**Health officer to prepare vital statistics.** SEC. 54. The board of aldermen of said town shall provide for the collection of vital statistics of the town by its health officers, and shall enact such laws and furnish such books as may be necessary to carry same into effect.

**No poll tax.** SEC. 55. That there shall be no poll tax levied in the corporate limits of Elizabeth City for municipal purposes.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

## CHAPTER 16.

AN ACT TO REPEAL CERTAIN PORTIONS OF CHAPTER 113 OF THE PRIVATE LAWS OF 1903, ENTITLED "AN ACT TO AMEND AND CONSOLIDATE THE CHARTER OF THE TOWN OF BREVARD."

*The General Assembly of North Carolina do enact:*

SECTION 1. That section eighteen of chapter one hundred and thirteen of the Private Laws of one thousand nine hundred and three be and the same is hereby amended by striking out in the eighteenth section in line eight, as printed, all after the word "employment" down to and including the word "Brevard" in line eleven of said section; also by striking out in line twenty of said section after the word "property" the following words: "*Provided*, that this section shall not apply to livery-stables now doing business in the town of Brevard for the period of two years." Where amended.  
Application to  
present livery-  
stables.

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

In the General Assembly read three times, and ratified this the 24th day of January, A. D. 1905.

## CHAPTER 17.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF SALEM.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter forty, Private Laws of North Carolina, session one thousand eight hundred and ninety-one, section eighty-nine thereof, be amended as follows: In the fourth line of said section strike out the words "one hundred thousand dollars" and insert in lieu thereof the following: "ten per cent. of the total amount of all real and personal property at its assessed valuation for taxation by the said town." Where 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 24th day of January, A. D. 1905.

## CHAPTER 18.

AN ACT TO REPEAL CHAPTER 162 OF THE PRIVATE ACTS OF THE GENERAL ASSEMBLY OF 1903, ENTITLED "AN ACT AUTHORIZING THE TOWN COMMISSIONERS OF PINE BLUFF, MOORE COUNTY, N. C., TO PROVIDE NECESSARY FUNDS FOR ADVERTISING THE TOWN AS A DESIRABLE WINTER RESORT."

*The General Assembly of North Carolina do enact:*

Repealed.

SECTION 1. That chapter one hundred and sixty-two of the Private Acts of the year one thousand nine hundred and three be and the same is hereby repealed.

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

In the General Assembly read three times, and ratified this the 24th day of January, A. D. 1905.

## CHAPTER 19.

AN ACT TO AMEND SECTION 2 OF CHAPTER 205, LAWS OF 1852, SO AS TO INCREASE THE CORPORATE LIMITS OF THE TOWN OF CLINTON.

*The General Assembly of North Carolina do enact:*

Section 2, chapter 205, Laws 1852, amended.

Corporate limits changed.

SECTION 1. That section two of chapter two hundred and five of the Laws of one thousand eight hundred and fifty-two be amended as follows: Strike out all of said section after the word "shall" in the second line and insert the following: "be as follows: Beginning at the southeast corner of the cemetery lot; thence southwesterly with the street between said cemetery and the old Fair Grounds, thirty-eight poles to Hall's corner; thence Hall's line north seventy degrees west thirty poles to Daniel's Branch; thence down said Daniel's Branch as it meanders to A. F. Johnson's corner; thence northeasterly, in a line parallel to the first call, to the old town limit; thence with said old limits northerly and around said town in a circle with a radius of eight hundred and eighty yards to a point where the first call herein extended would intersect said old town limit; thence a direct line to the beginning."

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 24th day of January, 1905.

## CHAPTER 20.

AN ACT TO AMEND CHAPTER FORTY-SEVEN, PRIVATE LAWS OF 1879, GIVING THE INTENDANT OF POLICE OR CHIEF OFFICER JURISDICTION OF A JUSTICE OF THE PEACE IN ALL MATTERS MADE CRIMINAL BY SAID ACT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter forty-seven of the Private Laws of one thousand eight hundred and seventy-nine be amended by adding to section nine of said chapter the following: "and qualified, and the said intendant of police or chief officer is hereby constituted an inferior court to be called a municipal court, and as such court said intendant of police or chief officer shall be a magistrate and conservator of the peace, and within the corporate limits of said camp-ground, while same is occupied for divine worship, shall have the jurisdiction of a justice of the peace in all matters made criminal by this act or under the ordinance of said incorporation. The rules of law regulating proceedings before a justice of the peace shall be applicable to proceedings before such intendant of police or chief officer, and the said intendant of police or chief officer shall be entitled to the same fees which are allowed to justices of the peace."

Jurisdiction of  
intendant of police.

Proceedings before  
said intendant,  
how regulated.

Fees.

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

In the General Assembly read three times, and ratified this the 24th day of January, A. D. 1905.

## CHAPTER 21.

AN ACT TO AMEND CHAPTER 157, PRIVATE LAWS, SESSION OF 1897, EXTENDING THE CORPORATE LIMITS OF LEXINGTON AND ALSO EXTENDING THE PROVISIONS OF CHAPTER 4, PUBLIC LAWS OF 1900, ADJOURNED SESSION, TO THE TERRITORY OF LEXINGTON, AS HEREIN SET OUT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and fifty-seven, Private Laws of one thousand eight hundred and ninety-seven, be amended as follows: Strike out all of section two, chapter one hundred and fifty-seven, Private Laws, session of one thousand eight hundred and ninety-seven, after the semicolon after the word "to-wit" in line two and insert in lieu thereof the following, viz.: "Beginning at the junction of the Raleigh with the Greensboro road on south side of Raleigh road south 30° E. on south side of Raleigh road 19 chains south 49½° E. on south side of said road 9 chains

Chapter 157, Private Laws 1897, amended.

Corporate limits of Lexington changed.

50 links, south 69° E. on south side of road 14 chains, south 30° E. on south side of said road, crossing the North Carolina Railroad 9 chains 75 links; thence south 80° W. on south side of said North Carolina Railroad 26 chains 50 links, so as to leave out the Nokomis Cotton Mills, south 11° W. 36 chains, south 89° West 50 chains, south 45 $\frac{1}{4}$ ° W., so as to include D. K. Young's lots, 59 chains 50 links to V. Humphrey's line; thence about west with V. Humphrey's line to the railroad, southwest corner of V. Humphrey's residence lot; north crossing said railroad 68 chains 50 links to a stone, F. C. Robbins' corner at Mocksville road; north 49° E. 89 chains to the east side of Salem road, where road goes to negro grave-yard; north 15° E. 11 chains 50 links to the north side of the second Salem Street at the Fowler place; south 43° E. 33 chains 50 links to the beginning."

Chapter 4, Public Laws, adjourned session, 1900.

Proviso: as to graded school.

Conflicting laws repealed.

SEC. 2. That the provisions of chapter four, Public Laws, adjourned session of one thousand nine hundred, be extended to all the territory within the boundaries set out in section one of this act: *Provided*, that the inhabitants of the territory therein, which is not now within the provisions of said chapter four, Public Laws, adjourned session of one thousand nine hundred, shall not be entitled to the benefit of the graded school therein until the first day of June, one thousand nine hundred and five.

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

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

In the General Assembly read three times, and ratified this 24th day of January, A. D. 1905.

## CHAPTER 22.

### AN ACT TO INCORPORATE THE RHODHISS GRADED SCHOOL.

*The General Assembly of North Carolina do enact:*

Boundaries.

SECTION 1. That the territory embraced in the corporate limits of the town of Rhodhiss in Caldwell County be and the same is hereby incorporated as a special school district, the boundaries thereof to be the same as those of the town of Rhodhiss in Love-lady Township, Caldwell County and State of North Carolina.

Graded school to be maintained.

SEC. 2. That there shall be maintained and carried on in said graded school district a graded school to be known as Rhodhiss Graded School for the instruction of the children of school age in said district according to the laws of North Carolina.

Trustees.

SEC. 3. That J. L. Cromer, W. L. Coffey, S. L. Thompson, C. E. Nabors and T. P. Crouch be and they are hereby made, constituted



and appointed trustees of said graded school, who shall constitute a body corporate, with power to sue and be sued, plead and be impleaded, grant and receive and do all other corporate acts belonging to a corporation charged with the management and control of a graded school.

SEC. 4. That all public school property belonging to said graded school district or that may hereafter belong to the same shall be vested in said board of trustees and their successors in office in trust for said graded school district; that said board of school trustees shall have power to regulate and control said graded school, elect teachers, erect necessary school building or buildings, fix compensation of said teachers; and a majority of said board shall constitute a quorum for the transaction of business; that said board shall elect a chairman, who shall preside at all meetings; a secretary, who shall keep a faithful record of the proceedings of said board, and a treasurer, who shall receive into his hands in trust for said board all money belonging to said graded school district.

Property vested in trustees.

Powers of trustees.

President, secretary and treasurer.

SEC. 5. That the treasurer shall pay out of the treasury all moneys directed by said board, upon voucher signed by the chairman and secretary of said board. Said treasurer shall give bond in such sum as the board of trustees may require, not to exceed double the amount paid into the treasurer's hands for the preceding year; that the trustees before mentioned shall serve until the regular municipal election for the town of Rhodhiss in May, A. D. one thousand nine hundred and five; that at said election the board of aldermen shall provide for the election of the members of the board of trustees. Said election shall be conducted as near as may be in accordance with the provisions for holding said municipal election; that the three first-named trustees shall serve for the term of two years: the two last named shall serve for a period of four years. That elections for trustees shall be held at the time of holding the regular municipal election for said town. That the said board of trustees of said graded school shall receive as paid in by the tax collector one-half of the special tax that has been or may be collected for the year one thousand nine hundred and four by virtue of the special election for school tax held in September, one thousand nine hundred and two, in District No. 2, Lovelady Township, Caldwell County and State of North Carolina.

Duties of treasurer.

Bond.

Terms of trustees.

Election.

Term of office.

Provision as to previously collected taxes.

SEC. 6. That said treasurer shall serve for the term of two years and shall receive compensation to be fixed by the board of trustees, not to exceed two per cent.; that said treasurer may be required to renew his bond at any time when the board of trustees shall be satisfied that the same has become insufficient; that the board of trustees of said graded school shall assume one-half of the indebtedness due January tenth, one thousand nine hundred and five, for the graded school building heretofore erected

Treasurer, term of office. Compensation.

Renewal of bond.

Trustees to assume indebtedness.



at Granite Falls for special tax District No. 2, Lovelady Township, Caldwell County.

Indebtedness, how paid or secured.

SEC. 7. And said board of trustees shall pay said one-half of the indebtedness incurred for the erection of the building constructed in the present special tax district No. 2, Lovelady Township, of which this district has hitherto been a part, and the Board of Trustees of Rhodhiss Graded School District shall pay the same by executing their notes to the County Board of Education of Caldwell County of even date with the notes executed by that board to the State Board of Education for one-half the amount due each year by said county board of education to the said State Board of Education for the sum borrowed from the loan fund for the erection of the building referred to above, and each note of said board of trustees to be for one-half the amount due each year by said county board of education for said indebtedness; that said board of trustees shall execute their note to said county board, payable one day after date, to secure one-half of the outstanding indebtedness existing January tenth, one thousand nine hundred and five, other than that due to said State board, said indebtedness amounting to one hundred dollars.

Disposal of money due said district.

SEC. 8. That there shall be paid over to the treasurer of said Rhodhiss graded school all money due to said graded school district by special tax or otherwise, and there shall hereafter be paid to said treasurer out of the public school fund the amount that would be due and payable to said graded school district if the same were a regular public school district, and the said board of trustees shall have exclusive control, management and direction of all money and property of every kind whatever belonging to said school district.

Control of said district funds.

Special tax election.

SEC. 9. That there shall be held in said graded school district an election for the purpose of levying a special tax for said graded school at the time of holding the next regular municipal election in the town of Rhodhiss. Said election shall be held under the supervision of the board of aldermen of said town and except as in this act otherwise provided under the terms and provisions of the Public Laws of North Carolina for the year one thousand nine hundred and one for elections for special school tax.

Vacancies, how filled.

SEC. 10. That all vacancies for any cause except the regular expiration of terms of office shall be filled by the board of trustees, and trustees so elected shall fill out the unexpired term or terms of the trustees whom they are elected to succeed. That said board of trustees shall make an annual report to the Board of Aldermen of the Town of Rhodhiss, showing what disposition has been made of all moneys coming into their hands, and copies of said report shall be posted at three public places in the town of Rhodhiss, and shall make to the county superintendent of schools and the State superintendent all reports required by law.

Annual report.

SEC. 11. That the Town Constable of Rhodhiss shall be charged with the duty of collecting said tax, and shall give bond in an amount to be determined by said board of trustees. Collection of taxes.

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

In the General Assembly read three times, and ratified this 24th day of January, A. D. 1905.

### CHAPTER 23.

AN ACT TO AMEND CHAPTER 107, PRIVATE LAWS OF 1883, GIVING THE INTENDANT OF POLICE OR CHIEF OFFICER JURISDICTION OF A JUSTICE OF THE PEACE IN ALL MATTERS MADE CRIMINAL BY SAID ACT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and seven, Private Laws of one thousand eight hundred and eighty-three, be amended by adding to section nine thereof the following: "and qualified, and the said intendant of police or chief officer is hereby constituted an inferior court to be called a municipal court, and as such court said intendant of police or chief officer shall be a magistrate and conservator of the peace: and within the corporate limits of said camp-ground, while same is occupied for divine worship, shall have the jurisdiction of a justice of the peace in all matters made criminal by this act or under the ordinance of said incorporation. The rules of law regulating proceedings before a justice of the peace shall be applicable to proceedings before such intendant of police or chief officer, and the said intendant of police or chief officer shall be entitled to the same fees which are allowed to justices of the peace." Intendant of police constituted court.  
Jurisdiction.  
Rules of procedure.  
Compensation.

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

In the General Assembly read three times, and ratified this 24th day of January, A. D. 1905.

### CHAPTER 24.

AN ACT TO INCORPORATE THE SANFORD AND RIVER VALLEY RAILROAD COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That A. L. McNeill, W. J. Tally and R. T. Gray, their successors and assigns, are hereby constituted and created a body politic and corporate under the name of the Sanford and River Valley Railroad Company. Corporators.  
Corporate name.

Corporate powers.	River Valley Railway Company, to have perpetual succession, and under such name may sue and be sued, plead and be impleaded in any court in North Carolina; that the said company may have and use a common seal and break the same at pleasure, and be capable of acquiring real estate, personal and mixed estate, by any lawful manner, and of holding, leasing, selling, mortgaging or otherwise disposing of the same as the board of directors of said company may deem to be for its best interest, and may make such
By-laws.	by-laws as may be deemed necessary for the control and government of the corporation.
Capital stock.	SEC. 2. That the capital stock of the company shall be one hundred thousand dollars, in shares of one hundred dollars each.
Subscriptions.	That it shall be lawful for subscription to said capital stock to be made in money, land, materials, labor, professional services, stocks, bonds or other securities, on such terms as may be agreed upon by the president and board of directors of said company and the subscribers.
Books of subscription.	SEC. 3. That the books of subscription to the capital stock of the company shall be opened by the incorporators, or any two of them, acting in person or by proxy, at such times and under such regulations as they may prescribe; that as soon as ten per cent. of the authorized capital stock of one hundred thousand dollars shall have been <i>bona fide</i> subscribed the said corporation shall be entitled to commence operation and enjoy all the rights, powers, privileges and franchises granted by this act or by the general laws of the State relating to railroad or railway companies, and any two of the incorporators shall have power to call a meeting
Meeting for organization. Notice.	of the stockholders for the purpose of organization, giving two days' notice, personal, of such meeting, in writing, but such notice can be waived by consent of all the stockholders. At such meeting and at the annual meetings thereafter a president and board
President and board of directors.	of directors of not less than three nor more than seven members shall be elected by stock vote of the stockholders. The president shall be a member <i>ex officio</i> of said board of directors. The president and board of directors shall hold office for one year and until their successors are elected; that the said president and board of directors may elect a vice-president, secretary, treasurer and such other officers and agents as they may deem to the best advantage for the corporation, fix their duties, terms of service and compensation, and may fill any vacancy occurring in the office of president or board of directors until the next annual meeting of the stockholders for the election of such officers.
Officers.	
Books of subscription.	SEC. 4. That after the corporation is organized the president and board of directors may from time to time open books of subscription to the capital stock, and if such subscription shall exceed the amount desired the subscriptions shall be prorated among the subscribers. That no stockholder shall be liable individually for more than the unpaid amount of his subscription, such subscrip-
Stockholders' liability.	

tion being payable in the manner set forth by the subscriber when making such subscription.

SEC. 5. That said corporation is authorized to build, maintain Location of line, and operate a railroad with one or more tracks, with steam or other motive power, from Sanford, North Carolina, to such points on the Atlantic coast in this State as said corporation shall deem to be to the best advantage of the corporation, and to such points in the western part of the State between Gastonia and Mount Airy as the said corporation may deem best. And the corporation hereby created is authorized, upon its organization, to commence Construction, upon any part or parts of its line and upon any portion or section thereof, and to construct, maintain and operate the same, with all the powers, rights and privileges granted by this charter.

SEC. 6. That for the purpose of surveying, constructing, main- Corporate powers, taining and operating such line or 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 without let, privilege, Power to go upon lands of another, etc. leave or license from the owner upon the land or waters of any person, firm or corporation, and do all things necessary to make such examination and survey, but subject to responsibility for all damages which shall be done thereto. Second, to take and hold Corporate powers, 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 deemed necessary for the construction, maintenance and operation of its roads or stations and all other accommodations necessary to accomplish the object of the corporation, and to lease or buy land for its use. Fourth, to lay out its road, not exceeding one hundred and fifty feet in width, and to construct the same, and to cut down any trees that may be in danger of obstructing the right-of-way or track. Fifth, to construct its road along, across or upon any stream of water or water-course, diverting such water-course if necessary in the construction of such road, street, road or canal, etc., which may be intersected by said road. Sixth, to cross any other railroad at grade or under the same, intersect, adjoin or unite its railroad with any other railroad heretofore or hereafter built, and make such traffic arrangements with such other railroads as the said corporation may deem to be for its best interest. Seventh, to take and convey passengers and freight over its line of roads and regulate the time and manner in which passengers shall be received and transported, and fix the compensation therefor, subject to any law of the State in that behalf. Eighth, to erect all shops necessary to Corporate powers, repair, equip and operate said road and all appliances thereto belonging. Ninth, to organize, own and equip and operate other companies for the transportation of passengers or freight, or both,

by rail or by water, and for that purpose may own steamboats and barges and other appliances used for the transportation of passengers or freight by water, and operate the same on the waters of this State, and for this purpose may operate such boats, barges or other appliances upon the waters of any creek, river, pond, sound or lake in this State. 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 president and board of directors may agree upon and deem necessary and expedient, and execute trust deeds or mortgages, or both, if occasion may require, on its road, branches, or both, in process of construction or already constructed, and on any other real or personal property belonging to said company, for the amount or amounts borrowed or owing by said company as its president and board of directors shall deem expedient, together with any other property or franchises which the said company may own.

Power to enter upon, own and condemn land.

SEC. 7. This company shall have the power and authority to enter upon, appropriate and occupy as much land as may be necessary, not exceeding one hundred and fifty feet in width, and as much additional land as may be necessary and convenient for the construction, maintenance and operation of said road and its branches, and the same may be condemned in the following manner (but in the meantime the said company shall not be estopped or hindered from entering on such land or lands as are to be condemned and continuing the construction of their road-bed or buildings, as the case may be), namely: When objection is made by any land-owner to the appropriation, entering upon and occupation of his land by the said company for any purpose whatever, or when said company and the owner of the land are unable to agree as to the value of the same, either party may have their value ascertained by application, in writing, giving the adverse party ten days' notice of such application 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 summons three freeholders, who shall be residents of the county in which the land lies and who shall not be related by blood or marriage to the owner of the land nor shall be interested individually or collectively in said company or in said land, who shall meet on the premises within three days, and after being sworn by an officer authorized to administer oaths shall proceed to assess the damage to the owner caused by the construction of said railroad or buildings, taking into consideration the special benefit or damage caused to said lands by said railroads. The said commissioners shall make their report to the clerk of the superior court, in writing, within 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 such appeal shall not in any manner interfere with the use and occu-

Condemnation proceedings.

Appeal.



pation of such land by said company. If the owner of such land shall fail or neglect to have such land assessed within one year after the entering, appropriation and occupation of said land by said company, such owner shall be debarred and stopped from having such damage assessed.

Failure of owner to have damages assessed.

SEC. 8. That when stock is issued in payment of land, materials, professional services, stocks, bonds or other securities, the judgment of the board of directors of said company as to the value of said land, materials, labor, professional services, stocks, bonds or other securities, in the absence of fraud, shall be conclusive.

Issue of stock to pay for land, etc. Judgment of directors conclusive.

SEC. 9. That all deeds of trust or mortgage deeds executed by said company to secure the payment of bonds issued and sold for the purpose of construction, equipping and maintaining the lines of railroad of said company, and the necessary buildings and appliances to enable said company to carry on the business of a common carrier, shall be a first and prior lien upon the assets and property of the said company conveyed in such deed of trust or mortgage deed, except as to wages due laborers and employees of said company for three months.

Lien of mortgages and deeds of trust for construction and equipment.

SEC. 10. That the general offices of this company shall be at Sanford, North Carolina.

Location of general offices.

SEC. 11. That the powers and privileges granted in this act shall not be deemed forfeited by non-user: *Provided*, the said corporation is organized within two years from the ratification of this act and work shall be begun on the actual construction of said road within two years thereafter and completed within ten years from the date of ratification of this act.

Limit for organization, etc.

SEC. 12. That all laws or parts of laws in conflict with the provisions of this act, so far as they affect the provisions of this act, are hereby repealed; and this act shall be in force from and after its ratification.

Conflicting laws repealed.

In the General Assembly read three times, and ratified this 24th day of January, A. D. 1905.

## CHAPTER 25.

### AN ACT TO AMEND CHAPTER 42 OF THE PRIVATE LAWS OF 1874 AND 1875, ENTITLED "AN ACT TO INCORPORATE THE PAMLICO INSURANCE AND BANKING COMPANY."

*The General Assembly of North Carolina do enact:*

SECTION 1. That section thirteen of chapter forty-two of the Acts of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five (Private Laws) be and the same is hereby amended by inserting after the word "exist" in the first line and before the word "for" in the second line "and



Corporate existence extended.

is hereby extended." And by inserting after the word "years" and before the word "and" in the second line "from the third day of February, one thousand nine hundred and five."

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

In the General Assembly read three times, and ratified this the 10th day of January, A. D. 1905.

## CHAPTER 26.

AN ACT TO AMEND CHAPTER 91 OF THE PRIVATE LAWS OF 1883 AND CHAPTER 123 OF THE PRIVATE LAWS OF 1889, AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE TOWN OF FRANKLIN IN MACON COUNTY.

*The General Assembly of North Carolina do enact:*

Body corporate.

SECTION 1. That the inhabitants of the town of Franklin in the county of Macon, living within the bounds set forth in section two hereof, are and shall continue to be as heretofore a body corporate under the name and style of "The Town of Franklin," and under such name and style is hereby invested with all the privileges, immunities and franchises, together with all other rights heretofore belonging to the town of Franklin, and in and by that name may sue and be sued, plead and be impleaded, acquire, hold and dispose of property, real, personal and mixed, for the welfare, improvement and use of the town, as its board of aldermen or other proper authorities may deem necessary and expedient.

Corporate name.

Formal enumeration of corporate powers.

Corporate powers.

SEC. 2. That the corporate limits of said town of Franklin shall be and embrace all that territory lying west of the Tennessee River in Macon County within a radius of one-half mile of the present Macon County court-house.

Town officers.

SEC. 3. That the administration and government of said town shall be vested in one principal officer, to be styled the mayor, a board of five aldermen, to be styled the board of aldermen, and such other officers as are herein provided for.

Present officers continued.

SEC. 4. That the present mayor, E. H. Franks, and the present Board of Aldermen of the Town of Franklin shall continue to hold their offices until their terms of office expire and their successors are elected and qualified as hereinafter provided.

Election of officers.

SEC. 5. That the officers of said town of Franklin, consisting of a mayor and five aldermen, shall be elected by ballot on the first Tuesday after the first Monday in May, one thousand nine hundred and five, and biennially thereafter, and shall hold their office for two years or until their successors are elected and qualified.

Eligibility.

Any qualified voter of this State shall be eligible to the office of mayor, alderman or other officer of said town of Franklin and

entitled to vote in its municipal elections: *Provided*, he shall have resided within the corporate limits of said town for ninety days next preceding the day of election and shall be entered on the registration books according to the rules and regulations provided for in the following section.

Proviso: residence  
in town.

SEC. 6. That all elections held in the town of Franklin for the election of mayor, aldermen or other officer, or for other purposes, shall be held under the rules and regulations set forth in chapter seven hundred and fifty of the Public Laws of one thousand nine hundred and one, entitled "An act to provide for the holding of town and city elections and special elections in counties and townships."

Elections under  
general law.

SEC. 7. That the mayor, within five days after election and before entering upon the duties of his office, shall, before some person authorized to administer oaths, take the oath of office for mayors prescribed in The Code; and each alderman or other officer, before entering upon the duties of his office, shall take, before the mayor or other person authorized to administer oaths, an oath of office prescribed in section three thousand seven hundred and ninety-nine of The Code.

Mayor and alder-  
men to qualify.

SEC. 8. That the board of aldermen shall have power to fill any vacancy in the board that may occur during their term of office, by death, resignation or otherwise. The board of aldermen shall have power to elect one of their number mayor *pro tempore*, to act as mayor in the case of absence of the mayor or his disability to perform the duties of his office. The person so appointed shall possess all the powers and rights of the mayor during his absence or inability to attend to his duties. In the case of a vacancy in the office of mayor, caused by death, resignation or otherwise, the board of aldermen shall have authority to elect his successor, who shall serve as mayor until the next regular election, when his successor is elected and qualified: *Provided*, that any person eligible to the office of mayor at the regular election may be elected by the board of aldermen to fill out an unexpired term as above set forth.

Aldermen to fill  
vacancies.

Mayor pro tem.

If mayoralty vacant  
aldermen to elect.

SEC. 9. That the Mayor of the Town of Franklin, while acting as such, is hereby constituted an official court, with all the jurisdiction and powers within the limits of said town which now or hereafter may be given by law to the justices of the peace, and shall also have jurisdiction to hear and determine all misdemeanors consisting of violations of the ordinances of said town. The proceedings in said court shall be the same as are now or shall hereafter be prescribed for courts of justices of the peace, and in all cases there shall be a right of appeal. In all cases where a defendant shall be adjudged to be imprisoned by the said mayor it shall be competent for him to adjudge also that the said defendant work during the period of his confinement in the streets or other public works of said town, under the direction of the board of aldermen of said town as hereinafter provided. The mayor may

Mayor created an  
official court.  
Jurisdiction.

Proceedings.

Appeal.

Convicts may be  
worked on streets.

Force of mayor's judgments.

issue his precepts to the chief of police, marshal or other officer to whom a justice of the peace may issue his precepts, and shall keep a faithful record of all precepts issued by him and all of his judicial proceedings. The judgments rendered by him shall have all the force, virtue and validity of judgments rendered by a justice of the peace, and may be executed and enforced against the parties in the same manner and by the same means as if the same had been rendered by a justice of the peace.

Mayor to preside at meetings of aldermen.  
To break ties.

SEC. 10. That the mayor, when present, shall preside at all the meetings of the board of aldermen, and when there is an equal division upon any question or in the election of officers by the board he shall determine the matter by his vote. He shall vote in no other case, and if he shall be absent the mayor *pro tempore* may exercise his duties.

Aldermen to form one board.  
Meetings.

SEC. 11. That the aldermen shall form one board, and a majority of them shall be competent to perform all the duties prescribed, unless otherwise provided. At their first meeting they shall fix stated days of meeting for the year, which shall be as often at least as once in every month. Special meetings of the aldermen may also be held on the call of the mayor or a majority of the aldermen, and of every such meeting, when called by the mayor, all the aldermen shall be notified, and when called by a majority of the aldermen such as shall not join in the call shall be notified.

Aldermen to pass ordinances, by-laws, rules and regulations.

SEC. 12. That the board of aldermen, when convened, shall have power to make and provide for the execution thereof such ordinances, by-laws, rules and regulations for the better government of said town as they may deem necessary, not inconsistent with this act or with the laws of the land.

How money may be borrowed.

SEC. 13. That among the powers hereby conferred on the board of aldermen they may borrow money or create a public debt, only after they have passed an ordinance by a three-fourths vote of all the board, at two separate regular meetings, submitting the question of creating a debt to the vote of the people, and a majority of the qualified registered voters have voted in favor thereof. Thirty days' notice of said election shall be given in some newspaper published in Macon County, at which election those favoring the creation of such debt shall vote "Approved," and those who oppose it shall vote "Not Approved." The board may order a new registration at any and all such elections if they deem it proper to do so. They may provide water-works, provide for macadamizing, building, repairing, paving and cleaning streets and sidewalks, regulate markets and take all proper means to prevent and extinguish fires; to appoint and regulate a police force to execute such precepts as the mayor or other person may issue to them; to preserve the peace and order of the town and to execute the ordinances of the town; to suppress and remove nuisances, preserve the health of the town from contagious or infectious diseases, and shall appoint and provide for the pay and pre-

New registration may be ordered.

Further powers of aldermen.

scribe the duties of all other officers as may be deemed necessary for the good order of the town.

SEC. 14. That at the first meeting of the board of aldermen after their qualification, or as soon thereafter as practicable, they shall elect a town clerk and treasurer and a tax collector, who shall, respectively, hold their offices during the term of the board electing them and until their successors are elected and qualified, subject, however, to be removed at any time and others appointed in their stead for misbehavior or neglect in office. Before acting, each of said officers shall take an oath before the mayor to faithfully discharge the duties required of him by the board of aldermen, and each shall execute a bond in such an amount as the board may require, with security, to be approved by the board. The bonds required of the clerk and treasurer and tax collector shall be renewed every year.

Town clerk and  
treasurer and tax  
collector. .

Officers to be  
sworn.

Bonds.

SEC. 15. That the clerk and treasurer shall have a reasonable salary, and it shall be his duty to keep regular and fair minutes of the proceedings of the board, and to preserve all books, papers and other articles committed to his care during his continuance in office, and deliver them to his successor; and he shall receive and faithfully keep all moneys which shall be paid to him for the use and in behalf of said town, and disburse the same according to orders given in obedience to the direction of said board appearing on the minutes. He shall keep a fair and correct account of all moneys so received and disbursed by him in a book kept for that purpose, showing from what source money is received and for what purpose paid out, and shall submit said accounts to said board whenever required. He shall pay to his successor all moneys in his hands belonging to said town, and faithfully perform all duties imposed on him as clerk and treasurer by the laws and ordinances of said board.

Salary of clerk.  
Duty.

SEC. 16. That the tax collector whose appointment is herein provided for shall be vested with the same power and authority in the collection of taxes that sheriffs have, and 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 town taxes. He shall be credited in settlement as sheriffs are credited with amounts in suit by appeal, all poll tax and tax on personal property certified by the Clerk of the Commissioners of Macon County by order of the board of county commissioners to be insolvent and uncollectible. He shall at no time retain in his hands over fifty dollars for a longer time than ten days, under a penalty of ten per cent. per month to the city upon all sums so unlawfully retained. The board of aldermen, at a regular meeting before the last regular meeting in each year, shall appoint one of their number to be present and assist at the counting and settlement between the tax collector and treasurer, and to audit and settle the accounts of the town treasurer. The accounts so audited shall be

Tax collector.

reported to the board of aldermen, and when approved by them shall be recorded in the minute book of said board and be *prima facie* evidence of their correctness. It shall be the duty of the board to remove any tax collector who shall fail to settle and fully pay off the taxes due by law from him, and he shall not be eligible to re-election to said office.

Police.

SEC. 17. The board of aldermen shall have power to appoint a police force, to consist of a chief of police or chief marshal and such number of policemen as the good government of the town may require, who shall hold their office during the term of the board appointing them and until their successors are appointed.

Chief of police to give bond.

The chief of police or marshal shall give bond in such sum as the board of aldermen may require for the faithful performance of the duties imposed by law and the ordinances of the town, and to faithfully account to the town for all moneys that may come into his

Duties of chief of police.

hands from fines, penalties, etc. It shall be the duty of the chief of police or marshal to attend the mayor's court when in session, and report at such times as the board may require, not less than once in each week, to the mayor any violations of law or ordinances of the city, to collect all fines and penalties imposed and pay them to the town treasurer, and to execute the orders and judgments of the mayor's court; to see that the laws and ordinances of the town are enforced, and do such other things as may be required of him by the board. The chief of police and all members of the force shall have all the power and authority vested in sheriffs and constables for the preservation of the peace of the town by suppressing disturbances and apprehending offenders. They shall execute all the processes directed to them by the mayor or others, and in the execution thereof shall have all the powers which sheriffs and constables have. The chief and members of the police force shall take an oath before the mayor for the faithful performance of the duties by law and ordinances.

Power and authority of police.

Fees of police.

SEC. 18. The members of the police force shall be entitled to receive the same fees arising from the execution of precepts as sheriffs and constables for the same service, which fees shall be collected and paid into the treasury of the town. The board of aldermen shall pass ordinances for the government and direction of the police and fix their compensation. In times of exigencies 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 shall be subject to the same control as regular policemen.

Temporary policemen.

Mayor may suspend policemen.

SEC. 19. The mayor may at any time, upon charges being preferred, or upon finding any member of the police force guilty of misconduct, have power to suspend such members from service until the board of aldermen may convene and take action in the matter, and upon hearing the proofs in the case the board may discharge or restore such member, and the pay of such member



shall cease from the time of such suspension to the time of his restoration to service. Any violations of the regulations of the board or orders of the mayor shall be good cause for dismissal. The mayor shall suspend the chief or any member of the police force if found drunk or disorderly when on duty. The police shall have general power to do whatever may be necessary to preserve the good order and peace of the town and secure the inhabitants from personal violence and their property from loss or injury.

SEC. 20. That the clerk and treasurer shall, on the third Monday in May of each and every year, make advertisement in some newspaper, notifying all persons residing in the town of Franklin who own or have control of taxable property in the town on the first of June to return to him on or before the last day of June a list of their taxable property in said town. Said list shall state the number of lots or parts of lots and all other property now taxable or that may hereafter be made taxable by the laws of the State or the ordinances of the town, and the list so returned to the clerk and treasurer shall be sworn to before him, and he is hereby authorized to administer to them the following oath: "I, . . . . . do

Clerk to advertise for listing taxes.

solemnly swear that the tax return made out and returned 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 property, stocks, bonds, shares in incorporated companies, income, solvent credits and all other property of all kinds and descriptions subject to taxation by the laws of the State and ordinances of the town, according to my best information and belief: So help me, God."

Form of oath.

And from the return so made the clerk and treasurer shall, within thirty days after the expiration of the time for taking said list, make out in a book kept for that purpose an alphabetical list of the persons and owners of property who have so made their return in the same manner as tax lists are made out by law for the collection of State taxes. And the clerk and treasurer shall copy in said book the assessments made by the board of township assessors of all property within the town limits, which assessment may be revised, corrected or amended by the board of aldermen.

Clerk to make out tax lists.

SEC. 21. That the clerk and treasurer shall, within thirty days from the return of the tax list, make out, to the best of his knowledge and belief, by comparing his book with the returns made by the board of township assessors and by diligent inquiry from other sources, a list of taxable polls and owners of taxable property in said town who shall have failed to return a list in the manner and time aforesaid, and said person so listed shall forfeit and pay a sum to be fixed by the board of aldermen not exceeding twice the amount of his tax, which penalty may be recovered as other fines and penalties are recovered by the board of aldermen before the mayor or a justice of the peace.

Clerk to make list of tax-payers not listed.

Double tax for failure to list.

Subjects of taxation.

SEC. 22. That in order to raise a fund for the expenses incident to the proper government of the town, the aldermen may annually levy and collect the following taxes, viz.:

One. On all real estate and personal property in the town, a tax not exceeding thirty-three and one-third cents on every hundred dollars value of property, and on all taxable polls a tax not exceeding one dollar, who may be residents of the town on the first day of June of each year or may have been so resident within sixty days next preceding that day; the constitutional equation to be observed in all levies.

Two. On all carriages, buggies, hacks and horses used in the town for hire, a tax not exceeding five dollars.

Aldermen to levy taxes.

SEC. 23. As soon as the clerk and treasurer shall have furnished the assessment roll as provided, and the same shall have been revised by the board, the board of aldermen shall proceed to levy the taxes on such subjects of taxation as they may choose, and shall place the tax list in the hands of the collector for collection, who shall proceed forthwith in the collection, and shall complete the same on or before the first day of January next ensuing, and shall pay the moneys as collected to the treasurer; and the collector for his compensation shall receive not exceeding three per cent. on the amount collected.

Tax to be collected by distress.

SEC. 24. That if any person liable to taxes on subjects directed to be listed shall fail to pay them within the time prescribed for collection, the collector shall proceed forthwith to collect the same by distress and sale, after public advertisement for the space of ten days in some newspaper published in the county, if the property to be sold be personalty, and of thirty days if the property be realty.

Real estate to be sold.

SEC. 25. That when the tax due on any lot or other land which is hereby declared to be a lien on the same shall remain unpaid on the first day of January, and there is no other visible estate but such lot or land of the person in whose name it is listed liable to distress and sale known to the collector, he shall report the fact to the aldermen, together with a particular description of real estate, and thereupon the aldermen shall direct the same to be sold at the court-house door by the collector, after advertising for thirty days in some newspaper published in the county, which the collector shall do. And the collector shall divide the land or lot into as many parts as may be convenient (for which purpose he is authorized to employ a surveyor), and shall sell as many parts as may be required to pay said taxes and all expenses attendant thereon. If the same cannot be conveniently divided the collector shall sell the whole; and if no person will pay the whole of the taxes and expenses for the whole of the land the same shall be struck off to the town, and, if not redeemed as hereinafter provided, shall belong to said town in fee. The collector shall return an account of his proceedings to the aldermen, specifying the portions into which the land was divided and the purchaser or purchasers

To be divided.

thereof, and the prices paid by each, which shall be entered on the book of proceedings of the board, and if there shall be a surplus after paying said taxes and expenses of advertising and selling the same it shall be paid into the town treasury, subject to the demand of the owner.

SEC. 26. The owner of any land sold under the provisions of this charter and amendments, or any person acting for them, may redeem the same within one year after the sale by paying to the purchaser the sum paid by him and twenty-five per cent. on the amount of taxes and expenses, and the treasurer shall refund to him the proceeds, less double the amount of the taxes. That if the real estate sold as aforesaid shall not be redeemed within the time specified, the corporation shall convey to the purchaser or his assigns the same in fee; and the recitals in said conveyance, or in any other conveyance of land sold for taxes due the town, that the taxes were due, or of any other matter required to be true or done before the sale might be made, shall be *prima facie* evidence that the same was true and done. Equity of redemption.

SEC. 27. That in addition to the subjects listed for taxation the aldermen may levy a tax on the following subjects, the amount of which tax, when fixed, shall be collected by the tax collector immediately, and if the same be not paid on demand the same may be recovered by suit on the articles upon which the tax is imposed. Any other property of the owner may be distrained and sold to satisfy the same, viz.: License taxes.

One. Upon all itinerant merchants or peddlers selling or offering to sell in the town, a tax not exceeding fifty dollars per year, except such only as sell books, charts or maps, and such as sell only goods, wares and merchandise and other productions of the growth and manufacture of the State. Upon every company of circus riders who shall exhibit within the town or in one mile thereof, and upon every person or company exhibiting within the town or in one mile thereof, stage or theatrical companies, sleight-of-hand performers, rope-dancing, tumbling or menagerie, a tax not exceeding one hundred dollars for every day they exhibit.

Two. Upon every exhibition of any other kind, and on every theater company, circuses, menageries, horse-dealers or any other business, company or agency enumerated in Schedule "B" of chapter two hundred and forty-seven of the Public Laws of one thousand nine hundred and three, or which may hereafter be the subject of taxation by the State law, when not exempt from a license or privilege tax by towns, a tax equal to the amount imposed by the State law for the use of the State.

SEC. 28. That taxes for town purposes shall be levied on real and personal property, and all other objects of taxation shall be taxed as provided in section three, article five of the State Constitution. Tax as by the Constitution.

Powers of aldermen as to streets.

Land condemned for streets.

SEC. 29. That the board of aldermen shall have power to grade, macadamize and pave the streets and sidewalks, and to lay out, build and open new streets or widen those already open, and make such improvements thereon as the public convenience may require. That when any land or right-of-way may be required for the purpose of opening new streets or for widening those already open, or for other subjects allowed by this charter, and for want of agreement as to the value thereof the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by three freeholders of the town to be chosen by the aldermen of the town, after giving ten days' notice to the land-owner in writing; and in making said valuation said freeholders, after being duly sworn by the mayor or other officer authorized to administer oaths, shall take into consideration the loss or damage which may accrue to the owner in consequence of the land or right-of-way being surrendered; also any benefit or advantage such owner may receive from the opening or widening such streets or other improvement, and ascertain the sum which shall be paid to the owner of said property, or, if the benefits shall be greater than the damage to the property owner, shall report the amount of benefits to the property owner and report the same to the board of aldermen, under their hands and seals, which report, on being confirmed by the board and spread upon their minutes, shall have the effect of a judgment against said board of aldermen or land-owner, as the case may be, and shall pass the title to the board of aldermen in their corporate capacity of the land so taken; and in the case of the improvement being declared a benefit to the land-owner by the appraisers, as above provided, shall be a lien on the land of the owner for the amount of the sum so declared: *Provided*, that if any person over whose land the said street may pass or improvement be erected, or the aldermen, be dissatisfied with the value thus made, then in that case either party may appeal to the next Superior Court of Macon County, where the issues may be tried as appeals are from the commissioners' court: *Provided, however*, that such appeal shall not hinder or delay the aldermen opening or widening such street or erecting such improvement. The board of aldermen shall further have power to cause the sidewalks to be curbed and paved, or repaired when deemed necessary: *Provided always*, that the owner before whose lot the curbing or paving may have been ordered shall have thirty days' notice, in writing, of such order of the board.

Proviso: appeal not to delay work.

Powers of aldermen as to cemeteries.

SEC. 30. That the said board of aldermen shall have power to regulate the manner and terms on which bodies may be interred in the cemeteries in said town, and have the said cemeteries kept in due order and repair, and they shall have power to purchase, when they deem it necessary, a piece of land within or beyond the limits of the town for the purpose of a public cemetery. They also have power to forbid any and all interments of dead bodies

within the limits of said town whenever they may deem it expedient.

SEC. 31. That the board of aldermen of said town may have **Fire limits.** power to establish fire limits within said town, within which limits it shall not be lawful for any person to erect or build any wooden house, make any wooden additions to any house or cover any building other than with metal or slate without first obtaining a building permit from the said board, under such penalties as the board may establish, and such penalties may be sued for and recovered against the owner of the property in any court having jurisdiction.

SEC. 32. That the board of aldermen shall have power to pro- **Further powers of aldermen.** hibit or control the firing of fire-arms, fire-crackers, torpedoes and other explosives, and to control the sale and manner in which the same may be kept in the town; the pace and speed at which horses may be driven or ridden in the town; the arrangement of all stove-pipes and flues in buildings; the manner in which powder and other explosives and inflammable material may be kept and sold; the manner in which dogs, hogs and other stock may be kept, and prevent them from running at large in the town; to cause all alleys, lots, cellars, privies, stables and other places of like character to be examined by a sanitary officer to be appointed for that purpose. It shall be their duty, on complaint, to cause by their order the sanitary officer to have such places cleaned and the nuisance abated, and the said sanitary officer or other person appointed by the board or charged with that duty shall have authority to enter the premises described to be in bad order and inspect and have the same cleaned; and the expense of having the same cleaned and of abating such nuisance shall be recovered from the owner by action of debt in any court having jurisdiction: *Provided*, the owner or occupier refuses to abate such nuisance after notice given by the sanitary officer.

SEC. 33. The board of aldermen shall have power and it shall be their duty to prohibit all trades or occupations which are a nuisance from being carried on in their town, and the power and authority of said board for the abatement of nuisances shall extend one-half mile from the town limits. They shall have power and it shall be their duty to cause all ponds, sunken lots and other places where filth accumulates to be drained and filled up, and to declare all houses which have become decayed and dilapidated or in an unsanitary condition, or that are dangerous to life and limb from their dilapidated condition, a nuisance, and have them repaired or torn down, and to recover of the owner or occupier of the premises, as above, the expenses incurred in the removal or repairing of said house or the abating of said nuisance, which expenses shall be a lien on the lot: *Provided*, the owner or occupier of said lots, after ten days' notice, shall neglect or refuse to remove, repair or abate said nuisance. They shall have authority to cause all nuisances arising from any cause whatever within **Powers of aldermen as to abatement of nuisances.**



and for one-half mile without the town limits to be removed or abated, and for the removal or abating any such nuisance the person creating the same shall pay the same as above required.

Powers of aldermen as to markets.

SEC. 34. That said board shall have power to regulate the manner in which provisions and all other articles shall be sold in the streets and markets of said town, and to regulate the manner in which the streets, markets, squares and sidewalks in said town may be used and kept.

Fines and penalties for benefit of town.

SEC. 35. That all fines and penalties imposed by this act, or which are or may be imposed by the ordinances of said town or the laws of the State, when recovered before the mayor of said town, shall be paid to the town treasurer for the benefit of said town. That for the violation of any ordinance or by-law made by said board of aldermen they may prescribe penalties not exceeding fifty dollars for each offense, to be recovered before the mayor without stay of process, mesne or final, under the same rules as civil actions before justices of the peace; and when judgment shall be given for any such penalty the defendant may, unless the penalty and costs be paid, be tried for a misdemeanor and committed to the county jail for thirty days or fined fifty dollars, in the discretion of the court, unless payment of such penalty and costs be made.

How penalties recoverable.

SEC. 36. That all penalties imposed by law relating to the town and all imposed by this act or the ordinances of the town shall be recoverable in the name of "The Town of Franklin" before the mayor or other tribunal having jurisdiction thereof.

Fees of mayor.

SEC. 37. The mayor shall be entitled to the same fees as justices of the peace in all cases, which shall be payable out of the town treasury when collected and paid into the treasury from defendants in all cases, and all fees prescribed for the trial of all cases before the mayor shall be collected and paid into the treasury of the town. That the board of aldermen may each be allowed a

Salary of aldermen.

salary not exceeding two dollars per day for the time actually employed in the service of the city, and the salary of no officer appointed or elected shall be increased or diminished during the time for which he was elected.

Violations of town ordinances a misdemeanor.

SEC. 38. That any person or persons violating any of the ordinances of the town shall be guilty of a misdemeanor and subject to the provisions of The Code relative to "Towns."

Clauses of former laws not in conflict re-enacted. Conflicting clauses repealed.

SEC. 39. That all of chapter ninety-one of the Laws of one thousand eight hundred and eighty-three, and chapter one hundred and twenty-three of the Private Laws of one thousand eight hundred and eighty-nine, not in conflict with this act, are hereby declared to be in full force and effect; and all laws and clauses of laws in conflict with this act be and the same are hereby repealed; and that this act shall take effect from and after its ratification.

In the General Assembly read three times, and ratified this the 24th day of February, A. D. 1905.

## CHAPTER 27.

AN ACT TO EMPOWER THE COMMISSIONERS OF THE  
TOWN OF AYDEN TO SET APART A "FIRE DISTRICT"  
IN SAID TOWN.*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person or persons, <sup>Boundaries of fire district.</sup> firm or partnership, or corporation to remove, place or erect upon, any building of wood or frame construction in that part of the town of Ayden, Pitt County, North Carolina, included in the boundaries beginning at an alley on Second Street, one hundred and forty feet from West Avenue, thence along the lines of said alley to Third Street, thence east with Third Street to an alley one hundred and forty feet from East Avenue, thence along line of said alley north to Second Street, thence along Second Street back to the beginning, that portion of said town which is now known and included in the "Fire District."

SEC. 2. That the Commissioners of the Town of Ayden be and they are hereby empowered to mark out, lay off and set apart <sup>Powers of town commissioners to lay off fire district.</sup> any district, or districts, in said town within which it shall be unlawful to remove to, place or erect upon, any building, or buildings, of wood or frame construction or of any inflammable material: *Provided*, that said commissioners may within their discretion <sup>Power to issue permit.</sup> issue a permit for owners or other persons to erect necessary out-buildings at the rear or back of lots of wood or frame construction that will not in the opinion of the town commissioners expose property to destruction by fire; and this provision shall extend to the district named in section one of this act.

SEC. 3. That the commissioners may enforce the provisions of <sup>Enforcement by ordinance.</sup> this act by suitable ordinances.

SEC. 4. That all laws or parts of laws in conflict with this act <sup>Conflicting laws repealed.</sup> shall be and the same 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 24th day of January, A. D. 1905.

## CHAPTER 28.

## AN ACT TO AMEND CHAPTER 257 OF THE PRIVATE LAWS OF 1901 IN RELATION TO AN ELECTION FOR BOND ISSUE AND REDUCTION OF THE POLL TAX FOR TOWN OF MOORESVILLE, IREDELL COUNTY.

*The General Assembly of North Carolina do enact:*

Section 2, chapter 257, Private Laws 1901, repealed.

SECTION 1. That section two of chapter two hundred and fifty-seven of the Private Laws of North Carolina, passed by the General Assembly of one thousand nine hundred and one, be and the same is hereby repealed, and the following section be substituted therefor: "The commissioners may hold an election for the issuance of any definite amount of this aggregate for any one or all of the objects above named at any one time or times: *Provided*, the aggregate for all purposes shall not exceed fifty thousand dollars; and in the event a majority of the qualified voters, at any election so held, fail to vote for bonds, the said commissioners may hold an election as often as they see fit under the provisions of this chapter, until a majority of the qualified voters of said town vote for bonds."

Section in lieu authorizing elections on question of bond issue.

Poll tax reduced.

SEC. 2. That in section six of said chapter, in line six, strike out the words "and eighty cents" after the word dollar.

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

In the General Assembly read three times, and ratified this the 24th day of January, A. D. 1905.

## CHAPTER 29.

## AN ACT TO AMEND THE CHARTER OF THE STATESVILLE AIR LINE RAILROAD COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and sixty-four of the Laws of one thousand eight hundred and seventy and one thousand eight hundred and seventy-one, and the laws amendatory thereof, be and the same is hereby amended by adding the following as an amendment to the charter of the said railroad company:

Counties, cities and townships authorized to subscribe to capital stock.

SEC. 2. That any county, city or township through and near which the said railroad company's line may be located, be and they are hereby authorized and empowered to subscribe stock to said railroad company to aid in its construction and the building of the same through their respective territories.

Elections on question of subscription.

SEC. 3. That if any county, township or townships, desire to subscribe to the capital stock of said railroad company, they shall

petition the county commissioners of their respective counties, to be signed by one-third of the registered voters of their respective territories, asking for an election to be held in their said territory upon the question of subscribing stock to said railroad company, whereupon it shall become the duty of the commissioners aforesaid to order an election at such time as in their judgment they may determine, to be held in the territory asking for said election, under the general election laws of the State, at which election the question of subscribing stock to said railroad company and the amount shall be submitted to the voters thereof. The returns of said election shall be filed in the office of the register of deeds where said election is held, and it shall become the duty of said commissioners to declare the results at their first meeting after said election, and order the same to be placed upon the records.

SEC. 4. That it shall be the duty of said commissioners to give Notice of election, not less than thirty days' notice of the time and place of the holding of such an election, as provided for in this act, in one or more newspapers as may be published in the county where said election may be held, and not less than four other places by posters at each precinct.

SEC. 5. If a majority of the qualified voters of the county, Subscription—when and by whom made. township, or townships holding said election shall vote in favor of the proposition submitted to them, the board of county commissioners of the territory wherein said election was held shall have power to subscribe the amount of stock proposed and voted upon in said election, subject to all the rules, regulations and restrictions of other stockholders of said company.

SEC. 6. For the purpose of securing the payment of said stock Bond issue. the commissioners aforesaid are authorized and empowered to issue bonds in such denominations as they may determine, and that the property and poll in the county or township or townships voting thereon shall only be liable for the payment thereof. The time when the bonds shall become due and payable, and the interest thereon, shall be fixed by said commissioners, and so expressed on the face of said bonds.

SEC. 7. That for the purpose of paying the interest on said Tax levy to pay principal, interest and sinking fund. bonds and creating a sinking fund for the payment of the principal when due, they are authorized and empowered to levy annually thereafter a tax on property and polls as in their judgment may be necessary for the purposes aforesaid. And in levying said tax they shall observe the constitutional equation.

SEC. 8. That any city or town desiring to subscribe stock to City and town elections. said railroad company may do so under the rules and regulations prescribed in their charters or under the general laws of the State, as the case may be. That the board of aldermen, or commissioners, of said city or town shall first pass upon the amount Amount of subscription. to be subscribed and submit the same to the qualified voters of

Subscription to capital stock by towns, etc.

Tax levy.

said town or city, and if a majority thereof shall vote in favor of said proposition, then they are authorized and empowered to subscribe the stock and issue bonds for the payment thereof and the interest due thereon, and to levy such tax from year to year as may in their judgment be necessary for the purpose of paying said interest and creating a sinking fund for the principal of the bonds at maturity.

SEC. 9. 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. 1905.

## CHAPTER 30.

### AN ACT TO AMEND THE CHARTER OF THE TOWN OF LITTLETON IN THE COUNTIES OF HALIFAX AND WARREN, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Chapter 193, Private Laws 1901, repealed.

SECTION 1. That chapter one hundred and ninety-three, Private Laws of one thousand nine hundred and one, be and the same is hereby repealed.

Chapter 50, Private Laws 1903, repealed.

SEC. 2. That chapter fifty, Private Laws of the General Assembly of one thousand nine hundred and three, be and the same is hereby repealed.

Section 2, chapter 171, Private Laws 1893, repealed.

SEC. 3. That section two, chapter one hundred and seventy-one, Private Laws of one thousand eight hundred and ninety-three, be and the same is hereby repealed, and the following substituted in lieu thereof, viz.: "The corporate limits of the said town of Littleton shall be three-fourths of one mile in every direction from a stone on the south side of the S. A. L. Railroad and in the Warren and Halifax County line, the stone to be the center of the chartered limits of said town."

Substitute. Corporate limits defined.

Section 3, chapter 171, Private Laws 1893, amended.

SEC. 4. That section three of chapter one hundred and seventy-one of Private Laws of one thousand eight hundred and ninety-three be amended so as to read as follows, viz.: "There shall be on Tuesday after the first Monday in May, A. D. one thousand nine hundred and five, and biennially thereafter, elected a mayor and seven commissioners for said town of Littleton, who shall hold their office until their successors are elected and qualified."

Election of town officers.

Terms of office.

Conflicting laws repealed.

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

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

In the General Assembly read three times, and ratified this the 26th day of January, A. D. 1905.



## CHAPTER 31.

AN ACT TO ALLOW THE COMMISSIONERS OF THE TOWN OF CLINTON TO LEVY AN EXTRA TAX OF TWENTY-FIVE CENTS IN ADDITION TO THE TAX NOW AUTHORIZED BY LAW.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Commissioners of the Town of Clinton are hereby authorized to submit to the qualified voters of said town, at the next regular election of town officers, under the same rules and regulations as are prescribed for the holding of elections in said town, the question whether the rate of taxation in said town shall be increased from fifty cents to seventy-five cents on the hundred dollars worth of property in said town. Each voter shall vote a printed or written ballot, without device, "For Tax," if in favor of said increase, and those who are opposed to said increase shall vote on written or printed ballot, without device, the words "Against Tax." The commissioners of said town shall give at least thirty days' notice of said election in some newspaper published in said town.

Election for increase of tax limit.

Form of ballots.

Notice of election.

SEC. 2. That if the inspectors of said election shall certify that a majority of the votes so cast are in favor of said increase of tax, then said tax shall be levied accordingly, as in the opinion of said town commissioners may be necessary, for each and every year hereafter.

Election favorable, levy to be made.

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

Conflicting laws repealed.

In the General Assembly read three times, and ratified this the 28th day of January, A. D. 1905.

## CHAPTER 32.

AN ACT TO INCORPORATE "CHARLOTTE PARK AND TREE COMMISSION."

*The General Assembly of North Carolina do enact:*

SECTION 1. That the general control, management and authority over property in and near the city of Charlotte, North Carolina, known as "Vance Park," "Carnegie Park," the "Old White Cemetery" on West Fifth Street, and new park known as "Independence Park" (composed of lands of the Charlotte Water Works, Piedmont Land Company, Brevard and Springs and Highland Park Company, donated to the city), and such other park land or improvement in Charlotte Township hereafter acquired for park purposes, be and same are hereby vested in a corporation to be

Control of Park lands vested in corporation.

Corporate name.	known as the "Charlotte Park and Tree Commission," hereby created, composed of the following citizens of Charlotte and vicinity, viz.: D. A. Tompkins, Dr. C. M. Strong, A. C. Summerville, Daniel W. McLemore, W. C. Maxwell, Dr. Jas. R. Alexander, E. R. Preston, W. S. Alexander, E. S. Williams, Dr. C. L. Alexander, George Stephens and A. H. Washburn. Said corporation shall have power, subject to the supervision of the Board of Aldermen of the City of Charlotte, North Carolina, to protect the property, enforce order, permit or prohibit public meetings, picnics, games or assemblages of persons for any purpose whatever on the grounds of said parks; prescribe rules and regulations for the government of themselves and the property which they control, and generally carry forward improvements as money may be from time to time appropriated for such purpose.
Corporators.	
Powers.	
Laws and ordinances for government of Parks.	SEC. 2. All laws and ordinances in force in the city of Charlotte in relation to "Vance Park" shall be enforced and apply to all the parks before mentioned and any that may hereafter be acquired in any manner by said corporation. That all laws and ordinances now in force or which hereafter may be adopted in the city of Charlotte, North Carolina, in relation to the erection of booths, stands, etc., for the sale of articles of any nature, and the manner of obtaining license therefor and the fees to be paid shall apply to said parks; but no license shall be granted without the consent of this corporation: <i>Provided</i> , that no license to sell or retail spirituous or malt liquors in or upon any of said parks shall be granted on any terms. It shall be unlawful to give away or treat any one to any spirituous or malt liquors in said parks now owned or which may be hereafter acquired; and it shall be unlawful to allow or permit any game of chance, by any name whatever, to be played in said parks, now owned or which may hereafter be acquired.
License to sell articles, how granted, etc.	
Unlawful to sell or give away spirituous liquors.	
Games of chance.	
Laws and ordinances for preserving peace.	SEC. 3. All laws and ordinances in force in the city of Charlotte, North Carolina, or which may hereafter be adopted for the promotion of the peace, good order and morals thereof, whenever applicable, are hereby extended to and embrace the territory included in said parks and any parks hereafter acquired; and any person violating said ordinances shall be subject to the penalties provided in said ordinances, and the recorder's court of the city shall have and is hereby granted and given jurisdiction over same; and the board of aldermen shall make any new ordinances for the peace, good order and morals of said parks now owned or hereafter acquired, over which and over all offenses prohibited or authorized to be prohibited by this act said recorder's court shall have and is hereby given cognizance, when the offense is one which a justice of the peace under the Constitution, or the recorder, could hear and dispose of, or for which they could bind over the offender to the superior court.
Jurisdiction over violations.	

SEC. 4. Any person who shall hunt with dogs or fire-arms of any kind, shoot, fish, swim or bathe in said parks, except in accordance with regulations made by the commission, shall be fined not exceeding fifty dollars, or imprisoned not longer than thirty days.

Hunting, fishing, bathing, etc., penalty for unlawfully doing so.

SEC. 5. Any person or persons picking or breaking the flowers or foliage without permission of the commissioners, or who shall cut, mark, or deface any of the trees, signs or public notices, buildings or other property; or who shall throw stones, sticks or other missiles; or who shall interfere with or chase rabbits, squirrels or birds, rob or destroy their nests; or who shall stand, walk or ride on prohibited parts, or post bills or notices in said parks, shall, on conviction thereof before the recorder's court of said city, be fined not exceeding fifty dollars, or be imprisoned not longer than thirty days.

Acts prohibited in said Parks.

SEC. 6. Any person or persons who shall persist in the violation of any of the rules and regulations prescribed by the park commission for the government of said parks, after notice to desist from so doing, shall, on conviction thereof before the recorder's court of said city, be fined in a sum not exceeding ten dollars.

Violation of rules—penalty.

SEC. 7. That it shall be the duty of the "Charlotte Park and Tree Commission" to keep in good order and condition at all times what is known as the "Old White Cemetery" on West Fifth Street in said city.

Duty of Park Commission as to "Old White Cemetery."

SEC. 8. That it shall be the duty of the "Charlotte Park and Tree Commission" to look after the care and preservation of the trees on the streets of said city of Charlotte, to plant out new trees when in the discretion of said commission it is necessary; to encourage civic improvement by the citizens of said city; to encourage the observance of "Arbor Day"; to establish a nursery or nurseries, green-house or houses for flowers, plants and trees for the parks and streets; to establish in "Independence Park" a natatorium and also a drill or parade ground for the military in any park now owned or which hereafter may be acquired by the commission; to establish in their discretion places for animals in "Independence Park" or any park convenient that may hereafter be acquired by said commission. The powers, purposes and duties of said commission shall be to establish, maintain and keep up free parks for the use of the white citizens of the city of Charlotte and vicinity, and do other things as set forth in this section.

Duties of Park Commission relative to trees, shrubbery, etc., on streets.

Establishment of green-houses, etc.

Natatorium and drill ground.

Place for wild animals.

Powers, purposes and duties of commission.

SEC. 9. That said "Charlotte Park and Tree Commission," composed of the members before mentioned, and their successors, be and the same are hereby created a body corporate by the name of the "Charlotte Park and Tree Commission," and by that name may sue and be sued; may have a common seal; may acquire, receive and hold real estate in the city of Charlotte, North Carolina, and vicinity, by purchase, gift, devise or otherwise, and may acquire, receive and hold personal property by purchase, gift and bequest.

Created body corporate.

Corporate powers.

by will or otherwise; may contract and be contracted with for the purposes provided in this act, and make such rules, regulations and by-laws for its government and the exercise of its powers as in their discretion they may think necessary, and may alter the same from time to time as shall not be in conflict with the laws of this State and of the United States, and not repugnant to this act.

No compensation.

SEC. 10. The members of the corporation, other than the treasurer, shall receive no compensation for their services.

Superintendent  
and employees.  
Wages.

SEC. 11. The corporation may employ a superintendent and such other employees and servants as it may deem essential, and pay their salaries and wages out of any fund of the corporation.

Power to contract  
debts restricted.

SEC. 12. The corporation shall not have the power to mortgage or incumber its property, nor shall it have the power to contract any debt exceeding five hundred dollars, without the written assent of three-fourths of its members; nor shall its members and officers contract for the corporation in such manner that the aggregate of its outstanding indebtedness shall at any one time exceed two thousand dollars. It shall not have the power to sell and convey its real estate without the assent of the General Assembly of this State and the Board of Aldermen of the City of Charlotte.

Power to sell real  
estate restricted.

Vacancy, how  
filled.

SEC. 13. Whenever a vacancy shall occur in the membership of the corporation, such vacancy shall be filled by the election of another member by the remaining members. Any member may resign by tendering his written resignation to the president or the vice-president. Any member may be removed for physical or mental incapacity by a vote of three-fourths of other members.

Resignation.

Removal.

Officers, election,  
etc.

SEC. 14. The officers of the corporation shall be a president, a vice-president, a secretary and treasurer, and an executive committee of five members. All of the said officers shall be elected at the first meeting of the members of the corporation, and those so elected shall hold their offices until their successors are duly elected.

Election on expira-  
tion of term.

SEC. 15. That at the expiration of the respective terms of office of the several members, as hereinafter provided, and forever thereafter, said members shall be elected by the Board of Aldermen of the City of Charlotte.

Terms of office.

SEC. 16. That the term of office of D. A. Tompkins, W. S. Alexander, Dr. C. M. Strong and E. R. Preston shall expire the first Monday in June, 1911; that the term of office of A. C. Summer-ville, Dr. C. L. Alexander, E. S. Williams and W. C. Maxwell shall expire the first Monday in June, 1909; that the term of office of A. H. Washburn, Daniel W. McLemore, Dr. James R. Alexander and George Stephens shall expire the first Monday in June, 1907.

Meetings of mem-  
bers of corporation.

SEC. 17. The first meeting and all other meetings of the members of the corporation shall be held in the city of Charlotte, North Carolina. The first meeting shall be held in the office of Clarkson & Duls, City Attorneys, at such time in said city as

any three members may designate in written notices, signed by them and delivered to each of the other members. The time and the place in said city at which all subsequent annual meetings shall be held, and the times and places in the said city and upon what notice special meetings may be held shall be fixed and regulated by the by-laws of the corporation.

SEC. 18. The president shall preside at the meetings of the corporation; shall be the custodian of the corporate seal and set the same to such instruments as the corporation may properly and legally direct to be executed by the corporation, and perform such other acts as he may be authorized and empowered to perform by the by-laws or by resolution of the corporation. Powers and duties of president.

SEC. 19. The vice-president shall perform all the duties of the president when the president shall be absent from a meeting or from the city of Charlotte. Vice-president.

SEC. 20. The secretary shall keep the records of the corporation and do such other acts as may be prescribed by the by-laws. The treasurer shall receive and disburse all the funds of the corporation under the direction of the executive committee, or as may be directed by the by-laws of the corporation, and do such other acts as the by-laws may prescribe. He shall be required to give bond in such amount as may be fixed by the corporation, and may be paid a reasonable salary or commission. Secretary.  
Treasurer.  
Bond.  
Salary.

SEC. 21. The executive committee shall have general supervision and control of the affairs of the corporation and shall perform such duties as may be prescribed by the by-laws of the corporation, but shall not have the power to do any act inconsistent with the other provisions of this act; and the corporation at any regular or special meeting may take charge of and control any matter or matters which the executive committee would otherwise have under their control. Executive committee.

SEC. 22. No member of this corporation shall be liable personally or individually for any contract, obligation or other liability of any kind of the corporation. Individual liability.

SEC. 23. At all meetings of the corporation a majority of its members shall constitute a quorum. Quorum.

SEC. 24. The General Assembly being authorized by the Constitution, article six, section five, to exempt from taxation property and estate which this corporation may acquire, hold and use according to the provisions of this act, all of same shall be exempted from all State, county and municipal taxation. Park property exempt from taxation.

SEC. 25. That it shall be unlawful for any person other than white persons to go in said parks now owned by said corporation or by this act turned over to said corporation or hereafter acquired by it: *Provided*, that colored nurse or nurses with white child or children shall be allowed in said parks; that colored persons employed to work for this corporation shall be allowed in said park or parks; that any person of color who shall be notified Parks for white people only.  
Exception.



Colored people entering park against orders guilty of trespass. Penalty.	to leave said park or parks, or be notified not to come in said park or parks, and shall refuse to do so and shall come into said park or parks, shall be guilty of a trespass for each offense, and on conviction be imprisoned thirty days or fined fifty dollars.
Park for colored people. Corporators.	SEC. 26. That H. J. Green, C. S. L. A. Taylor, Silas B. Washington, Samuel J. Caldwell, J. T. Sanders, J. Henry Warren, Ed. W. Butler, W. H. Houser, Louis Perry, Rufus Caldwell, S. B. Pride and Walker Hill and their successors be and they are hereby created a body corporate by the name of the "Charlotte Public Park Commission for Colored People," and shall have charge
Corporate name.	and control of the park or parks for colored people, with the same powers, duties, responsibilities, etc., as are conferred on the trustees before mentioned for white people in reference to their parks.
Powers and duties.	The Board of Aldermen of the City of Charlotte shall provide a suitable place for a park or parks and the said trustees shall make all rules, regulations and by-laws for its government and have all the powers conferred on and be subject to the limitations imposed on the white trustees. All ordinances of the city of Charlotte that apply to the white parks shall apply to the colored park or parks.
Place for park.	SEC. 27. That the parks shall be separate and distinct between the races—those established by the white trustees for the white race and the other for the colored race; the white parks shall be used exclusively for the white people and the colored park or parks for the colored people.
Laws, rules, powers, etc., for government.	SEC. 28. That the term of office of H. J. Green, C. S. L. A. Taylor, Silas B. Washington and Samuel J. Caldwell shall expire the first Monday in June, 1911; the term of office of J. T. Sanders, J. Henry Warren, Ed. W. Butler and W. H. Houser shall expire the first Monday in June, 1909, and the term of office of Louis Perry, Rufus Caldwell, S. B. Pride and Walker Hill shall expire on the first Monday in June, 1907, and their successors shall be elected by the Board of Aldermen of said City of Charlotte.
"Jim crow" parks provided for.	SEC. 29. That the board of aldermen shall annually turn over to the trustees of said parks for white people and colored people not less than the sum of one thousand dollars; that the said sum of one thousand dollars shall be distributed between the trustees or commissioners of said white and colored parks in such proportion as is just and equitable, all things being considered, and shall turn over any additional sum in the discretion of the board to the "Charlotte Park and Tree Commission" for trees, etc.
Terms of office of colored commissioners.	SEC. 30. That this act shall be in force from and after its ratification.
Annual appropriation for parks.	In the General Assembly read three times, and ratified this 30th day of January, A. D. 1905.
How distributed.	

## CHAPTER 33.

## AN ACT TO INCORPORATE THE "CITIZENS BANK AND TRUST COMPANY."

*The General Assembly of North Carolina do enact:*

SECTION 1. That Charles B. Wagoner, N. F. Yorke, A. J. Yorke, Corporators.  
H. L. Parks, Charles McDonald, B. L. Umberger, C. O. Gillon,  
D. D. Johnston, Paul F. Stallings, W. A. Bost, W. W. Morrison,  
M. L. Marsh, W. D. Pemberton, George L. Patterson, A. N. James,  
of Cabarrus County, North Carolina, and their associates and suc-  
cessors, are hereby created a body corporate under the name of Corporate name.  
"Citizens Bank and Trust Company," and by said name shall  
have all the franchises, rights and privileges incident to a corpo-  
ration, and a corporate existence for a period of sixty years. Corporate exist-  
ence.

SEC. 2. That the persons named in section one of this act shall  
be and they are hereby appointed the first board of directors of  
said corporation, and shall manage the affairs of the company for  
one year or until their successors are elected, and they shall elect To elect officers.  
a president and all other necessary officers, employees and agents,  
and do anything authorized by this charter or the laws of the  
land. Directors.

SEC. 3. The corporation shall have power to transact business When to commence  
whenever five hundred shares of the par value of fifty dollars business.  
each have been subscribed to its capital stock and fifty per cent.  
paid in cash thereon. Further assessments shall be paid in as  
called for by the directors, who shall have full power to call for When assessments  
all its subscribed stock in cash before beginning business. The paid.  
capital stock shall not be less than twenty-five thousand dollars  
of the par value of fifty dollars each, and may be increased from Minimum capital  
time to time to an amount not to exceed one hundred and twenty- stock.  
five thousand dollars, either by additional subscriptions of stock Increase.  
or by application of the surplus earnings of the corporation, and  
not more than forty thousand dollars of the same to be invested  
in real estate; and if such increase shall be from the earnings of Maximum invest-  
the corporation the directors shall have the power to declare ment in real estate.  
stock dividends to the stockholders pro rata. At all stockholders' Stock dividends.  
meetings each share of stock shall be entitled to one vote, either Voting power.  
in person or by proxy.

SEC. 4. The principal office and place of business of said corpo- Principal office.  
ration shall be in the city of Concord, State of North Carolina,  
with the right to establish branch offices and places of business Branch offices.  
upon compliance with the corporation law of the State, and its  
officers shall consist of a board of at least five directors, a presi- Officers.  
dent, 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 board of directors shall be Election of officers.  
elected annually by the stockholders; the directors so elected shall

**Bonds.** 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.

**Stock vote.**

**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.

**Corporate rights and powers.** 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 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, on 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 may reserve the interest or charges in advance.

**Corporate powers.** 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.

**Power to receive on deposit money for investment.**

**Powers incident to banking and savings banks conferred.** 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 names, 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 acquaintance, 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. 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: *Provided*, said corporation complies with the laws of the State relative to surety companies.

Power to become surety, etc.

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 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.

Powers and duties as trustee, factor, etc.

SEC. 12. That the stock of said corporation shall be transferred only upon its books, either in person or by proxy.

Transfer of stock.

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.

Power to act as trustee, executor, administrator, etc.

Appointment as receiver, trustee, administrator, assignee, guardian, etc., by the court.

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 Bank 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 trusts 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.

Oath as such, how taken.

Assignee or trustee for insolvents.

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 are now authorized and provided, or as may be hereafter authorized and provided by the laws of this State and the United States.

Safety deposit feature.

Power to issue currency.

Storage warehouse features.

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 lien upon the property so stored; to make rules, regulations, contracts and by-laws fixing terms and prices for storage, manner of inspection, forms of receipts, insurance on 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 or 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 said corporation may stipulate in the receipt of any contract between the said company and any depositor of property in said warehouses, that the said company shall be held and deemed to be liable to exercise only such care in the custody and protection of such property as applies to warehousemen generally.

SEC. 17. 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 liability  
of stockholders.

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

In the General Assembly read three times, and ratified this 31st day of January, A. D. 1905.

#### CHAPTER 34.

### AN ACT TO INCORPORATE THE "WINSTON-SALEM SOUTH-BOUND RAILWAY COMPANY."

*The General Assembly of North Carolina do enact:*

SECTION 1. That F. H. Fries, W. A. Lemly, James A. Gray, Corporators.  
A. E. Holton, C. A. Reynolds, J. C. Buxton, H. A. Pfohl, James  
K. Norfleet, A. H. Eller, H. E. Fries, C. B. Watson, and such other  
persons as may be associated with them, are hereby created and  
declared a body politic and corporate, with perpetual succession  
under the name and style of the "Winston-Salem Southbound Rail- Corporate name.  
way Company," and in that name may sue and be sued, plead and Corporate powers.  
be impleaded in any court in this State, contract and be contracted  
with; 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  
any other way, real or personal property, and holding, leasing,  
conveying or in any other manner dealing with the same for any  
of the purposes hereinafter enumerated, and the said corporation  
shall have and enjoy all the rights and immunities which corpo-  
rate bodies may lawfully exercise, and may have all necessary  
regulations for its government not inconsistent with the laws of  
the United States or of the State of North Carolina. It may build Branch roads.  
branch roads from any part of its main line not exceeding fifty  
miles in length.

Location of line or lines.	SEC. 2. Said company, upon organization as herein provided for, shall have power to construct, maintain and operate a railroad and telegraph line from Winston-Salem, North Carolina, through the counties of Forsyth, Davidson, Davie, Guilford, Randolph, Chatham, Montgomery, Moore, Rowan, Stanly, Cabarrus, Mecklenburg, Union, Richmond and Anson, or through any parts of either of said counties, to the South Carolina line: <i>Provided, however,</i> the said road shall not be run parallel to the North Carolina Railroad, or approximately parallel said road, at any point for a greater distance than five miles.
Provision as to paralleling N. C. R. R.	
Capital stock.	SEC. 3. The capital stock of the said railway company shall be one hundred and twenty-five thousand dollars, which may be increased from time to time by the votes of its shareholders to an amount not exceeding three millions of dollars, to be divided into shares of one hundred dollars each: <i>Provided,</i> such increase of capital stock shall only be made upon application to the Secretary of State and leave granted by him; such application to be accompanied by a receipt from the State Treasurer for the taxes prescribed in section ninety-seven of chapter two of Public Laws of one thousand nine hundred and one, for increase of capital stock.
Minimum subscription for organization.	Each share subscribed shall be entitled to one vote in all the meetings of the stockholders of said company, and ten thousand dollars shall be the minimum subscription on which said company may be organized.
Books of subscription.	SEC. 4. That said incorporators shall have the power to open books of subscription, in person or by agents duly appointed by a majority of them, at such place or places as they may determine, and to keep the same open for such time and under such rules and regulations as may be deemed necessary or expedient. Said incorporators may, when they deem proper, after twenty days' notice 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 said company by electing a board of directors and such other officers as they may see fit: and at such meeting, and all other 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 share or by his proxy: 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 said company prescribe; and may do and perform all other acts necessary to complete the organization of said company and to carry into effect the objects of this charter in accordance with the direction of the stockholders. The directors elected shall serve such period, not exceeding one year, as the stockholders may direct, and the stockholders shall fix the time and place of meeting. Said stockholders' meeting to be annually, but if the day of annual election should under any circumstances pass without any election the corporation shall not thereby be dissolved, but the direc-
Organization.	
Voting.	
President and other officers.	
Completion of organization.	
Directors.	

tors formerly elected shall continue in office until a new election shall take place.

SEC. 5. The election of directors shall be by ballot, each stockholder having as many votes as he has shares in the stock of the company, and the persons receiving the greatest number of votes shall be duly elected directors; and at all elections and upon all votes, when at any meeting of the stockholders, each share of stock shall be entitled to one vote, to be represented either in person or by proxy, and the proxies may be verified in such manner as the by-laws of the corporation prescribe.

Election of directors.

Stock voting.

SEC. 6. The board of directors may fill any vacancies that may occur in it during the period for which they have been elected.

Vacancies.

The president of the company and a vice-president shall be annually elected by the directors from among their number in such manner as the regulations of the company shall prescribe.

Election of president and vice-president.

and shall hold their offices until their successors shall be elected. The secretary and treasurer shall also be elected by the directors and may be one and the same person. In the absence of the president or secretary at any meeting of the directors they may appoint a president and secretary *pro tempore* to fill his place, except when the vice-president is present; in that case the vice-president shall act.

Secretary and treasurer.

President pro tem.

SEC. 7. The company shall issue certificates of stock to its members, and said stock may be transferred in such manner and form as may be directed by the by-laws of the company.

Certificates and transfer of stock.

SEC. 8. 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 road under such name as shall be 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 purchasing or leasing shall be entitled to all property, franchises, privileges and immunities belonging to or pertaining to the road created by this act: *Provided*, nothing in this act shall be construed to allow the said railroad company to become the channel through which any competing railroad companies shall consolidate. Any of the powers and privileges conferred and authorized by this section may be exercised and effected by the directors of the companies concerned in such manner and on such terms as the stockholders of each company may determine. 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 shall have power to use any section

Corporate powers.

Powers relative to other companies.

Restriction on consolidation.

or portion of its road before the whole of the same shall have been completed, and charge for transportation of passengers and freight thereon.

Use or obstruction  
of public roads.

SEC. 9. The said company shall have the right, when necessary, to construct their said road across any public road or other railroad, or alongside any other public road: *Provided*, said company shall not obstruct any public road without first constructing one equally as good and convenient as the one taken by the company and which has been accepted by the board of county commissioners.

Right to condemn  
land.

SEC. 10. 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 purposes, the said company may proceed to condemn and enter same in the manner set forth in chapter forty-nine of The Code and amendments thereto, or may file a petition before the clerk of the superior court of the county wherein the land lies, specifying the objects for which the land is desired, with a description and plot thereof. The clerk of the superior court shall thereupon issue a summons or notice to the owner, returnable to a day certain after ten days' notice, and, after a hearing, shall, if not sufficient cause is shown against granting the prayer of the petition, make an order appointing three disinterested and competent freeholders of said county, who shall be summoned by the sheriff, to meet on the premises at a time not more than ten days after the appointment, and, after being duly sworn, assess the damage of the land or right-of-way taken. In assessing the damages the jurors or appraisers shall take into consideration the actual value of the land, together with any special damages likely to accrue to the owner, and likewise shall consider any special benefits thereto, but general benefits pertaining to the public shall not be considered in reduction of damages. If the petition shall pray for a condemnation of the right-of-way only, the consideration or damages allowed shall be for the said easement only; but if for depot or building purposes, the consideration or damages shall be for the 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 payment of damages assessed, and shall have the force and effect of a deed. Either party may appeal to the superior court in term time from the approval or disapproval of the clerk, which appeal must be prayed within ten days of the approval or disapproval of the clerk.

Appeal.

Limitation of land  
condemned.

SEC. 11. 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 center of the same, except where cuts and fills require more, and then as much as

may be required for a double track at grades; and for depots and warehouses they may condemn not exceeding two acres in any one place; and in all cases where land or rights-of-way have been condemned, and where the owner shall petition for assessments of damages within two years from condemnation and occupation, and not after, except in case of legal disabilities, and in such case within two years from the removal of such disabilities.

Limitation for assessment of damages.

SEC. 12. That any county, township, city or town along or near the line of railroad may subscribe to the capital stock of the said company, or for bonds issued by the same, in the following manner: Upon presentation of writing, signed by not less than fifty freeholders and resident tax-payers of the county, township, city or town, to the board of county 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 or bonds of said company, the board of commissioners of said county, or proper authorities of said city or town, may in their discretion order a new registration, and shall within thirty days thereafter order an election to be held in such county, township, city or town to submit to the qualified voters therein the question of subscribing to the capital stock or bonds 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 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 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 county or proper authorities of said city or town.

Subscription to capital stock by counties, townships or towns.

Elections on subscriptions.

Form of ballots.

Conduct of elections.

Returns.

SEC. 13. 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 subscriptions and shall issue such coupon bonds to the amount of said subscription, in order to pay the same, and the bonds shall upon the face indicate on account of what county, township, city or town they are issued. They shall be in a denomination of not less than one hundred dollars and not more than one thousand dollars each, and shall run for such number

Bond issue, how made.

Form. Denomination.



Interest rate.	of years and bear such rate of interest as the petition and order of election shall indicate.
Tax levy for interest and sinking fund.	SEC. 14. The county authorities in any county voting for subscription, or in which there is a township voting for subscription, who are legally empowered to levy taxes in order to provide for 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 in said county, township, city or town to pay for 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 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 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 it was levied and collected, and for no other. The sinking fund shall be invested as may be directed by the board of commissioners of said county, or by the proper authorities of such city or town issuing such bonds.
Collection.	
How kept and used.	
Investment of sinking fund.	
Company authorized to issue and secure bonds.	SEC. 15. It shall be lawful for the said Winston-Salem South-bound Railway Company chartered by this act to issue coupon bonds in such denomination and running for such a time and having interest at such a rate and payable at such a time and places as the board of directors may direct, to be sold or hypothecated by the direction of said company; and to secure payment of the same the company is authorized to execute a mortgage to such person or corporation as the company may select on all real and personal estate of said company, together with all its franchises and privileges; or, in case the road may be divided and built in sections, which the said company is authorized to do, such mortgage may be placed upon such separate sections and in such manner as the company may direct; and it is hereby provided that the registration of any mortgage provided to be executed in this section may be made in Forsyth County, and, upon registration in Forsyth County, it shall be a lien on such property and franchises conveyed in such mortgage as fully and completely as if the same were registered in each and every county through which the road passes.
Registration of mortgages.	
Convict labor.	SEC. 16. That the board of directors of the penitentiary may, on the application of the president of said company, approved by the Governor, turn over to said company convicts not otherwise appropriated, not less than two hundred and fifty in number, to be worked in construction of said road, on 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.

SEC. 17. That the stockholders of said company, with the private citizens or other corporations, public, private or municipal, shall not be personally liable for the debts of said company. Personal liability of stockholders.

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

In the General Assembly read three times, and ratified this 31st day of January, A. D. 1905.

## CHAPTER 35.

### AN ACT TO ESTABLISH WITHIN THE CITY OF ASHEVILLE A SPECIAL COURT TO BE CALLED THE POLICE COURT, AND PRESCRIBE THE JURISDICTION THEREOF.

*The General Assembly of North Carolina do enact:*

SECTION 1. A special court for the trial of misdemeanors and to be designated as the "Police Court" of the City of Asheville, is hereby established. Police court established.

SEC. 2. Said police court shall be a court of record and shall be presided over by a police justice, who shall be a licensed attorney of good moral character in good standing, and an elector of the city of Asheville, who shall hold office for a term of two years, and he shall not be eligible to re-election. Said police justice shall be elected by the people at the time the other officers of the city of Asheville are elected, and he shall receive a salary of seventy-five dollars per month, the same to be paid by the city of Asheville. Court of record. Qualifications for police justice. Term of office. Elected as other officers. Salary.

SEC. 3. Said police court shall hold daily sessions at the city hall in the city of Asheville, and the daily sessions shall begin at nine A. M. and continue until the business of the court is dispatched. Sessions of court.

SEC. 4. Said police court shall have all the jurisdiction and powers in all criminal offenses occurring within the corporate limits of the city of Asheville which are now or may hereafter be given to justices of the peace, and shall also have exclusive original jurisdiction to hear and determine all offenses and misdemeanors consisting of a violation of an ordinance of said city. Jurisdiction and powers.

SEC. 5. Said police court shall, in addition to the jurisdiction conferred by section four of this act, have exclusive original jurisdiction of all other criminal offenses committed within the corporate limits of said city below the grade of felony as now defined by law, and all such offenses committed within said city are hereby declared to be petty misdemeanors. Further jurisdiction.

SEC. 6. Warrants may be issued by said police justice for any person or persons charged with the commission of any offense of which said court has jurisdiction, and any person convicted in said court shall have the right of appeal to the superior court, and upon such appeal the trial in the superior court shall be *de novo*. Warrants. Appeals.

Magistrates to bind over to police court.

SEC. 7. In all cases heard by the justices of the peace and other committing magistrates against any person or persons for any offense included in section five of this act in which probable cause of guilt is found, such person or persons shall be bound in a suitable recognizance with sufficient surety to appear at the next succeeding session of said police court for trial, and in default of such recognizance such person or persons shall be committed to the common jail of Buncombe County, awaiting trial.

Trials upon warrants.

SEC. 8. All trials in said police court shall be upon warrant issued by said police court.

Costs upon warrants.

SEC. 9. All costs incurred in issuing of such warrants and for the serving of process arising from warrants upon which any defendant shall be bound to said police court shall belong to and be the property of such justice of the peace or of a sheriff of Buncombe County or the constable serving the same, as the case may be, and the same shall be paid to them by the proper authorities.

Punishments.

SEC. 10. Any person convicted in said police court of any of the offenses mentioned in section five of this act shall be fined or imprisoned, or both fined and imprisoned, according to law. Every person convicted of an offense shall pay the costs of the prosecution.

Convicts sentenced to county roads.

SEC. 11. Whenever any person is convicted in said police court of any of the offenses mentioned in section five of this act, and the punishment imposed is imprisonment and costs, the police justice shall sentence the defendant to the county jail of Buncombe County to be worked upon the county roads of Buncombe County until such sentence has been complied with. Any person convicted of any other offense, over which said police court has jurisdiction, and not included in section five, where the punishment is imprisonment and labor, shall be required to work upon the streets of the city of Asheville until the judgment of the court is complied with.

Police justice to preside and try causes.

SEC. 12. Said police justice shall preside over said police court and try and determine all actions coming before him, the jurisdiction of which is conferred by this act, except in cases where he is legally incompetent to try the same, in which case the said case shall be, upon application of the defendant, removed for trial to such other court in the county of Buncombe as would, but for this act, have jurisdiction of the same. Such legal incompetency shall be considered to mean only such incompetency as would disqualify a judge of the superior court to try, under the same circumstances, a case pending in such last mentioned court.

Removal.

Legal incompetency defined.

Proceedings.

SEC. 13. The proceedings of the said police court shall be the same as are now or may hereafter be prescribed by law for courts of justices of the peace, and in all cases there shall be a right of appeal on the part of the defendant adjudged guilty to the next term of the superior court. In all such cases of appeal the defendant shall be required to give bond with sufficient surety to

Right of appeal.

Bonds for appearance.

insure the defendant's appearance at the next succeeding term of the superior court, and in default thereof said police justice shall commit such defendant to the common jail of Buncombe County until said defendant shall give such bond or be otherwise discharged according to law.

SEC. 14. Said court shall also have jurisdiction to try all actions Civil jurisdiction. 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 in the name of said city of Asheville, and if incurred by a minor shall be recovered from, and in an action against, his parents or guardian, or if he be an apprentice, against his master. From any judgment for Appeal. such penalty imposed or allowed to be imposed by this act, or for the violation of any ordinance of said 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 act, have jurisdiction thereof, under the same rules and regulations as if instituted and tried in said police justice's court, where applicable. In all Judgment for penalties worked out. cases where judgment may be entered up against any person for fines or penalties, according to the laws and ordinances of said city, as for criminal offenses, and the person or persons against whom the same is so adjudged, refuse, fail or are unable to pay such 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.

SEC. 15. All penalties collected for any misdemeanor consisting Penalties to use of city. of a violation of the charter or 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, but 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 con-

Docketing judgments for penalties.	trolled 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.
Precepts of police justice.	SEC. 16. 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.
Minutes to be kept.	SEC. 17. The said police justice shall cause to be kept a faithful minute of the precepts issued by him and of all his judicial proceedings.
Precepts to be executed.	Precepts issued by said police justice shall be executed by the Sheriff of Buncombe County or any of the police officers of the city of Asheville or other 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: <i>Provided, however,</i> that all costs recovered and collected in or on account of any and all prosecutions or proceedings in said police court, whether collected in said police court or in the superior court, on appeal, shall belong to said city and shall be turned over by the officer collecting the 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; except, however, that the costs for all processes and warrants which may be due to any justice of the peace in cases where defendants are bound to the police court, and all costs due to the Sheriff of Buncombe County or any constable of Asheville Township, for serving any process issued by said police justice or by any justice of the peace for Buncombe County in cases in which said police court has jurisdiction (defendants are bound by said justice of the peace to the said police court), shall be paid to the officer or officers earning the same.
Costs.	
Costs to use of city.	
Vacancy.	SEC. 18. 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 notice of the charges against him and a full opportunity to be heard, and the penalty for misconduct, amounting to nonfeasance, misfeasance or malfeasance in office. In case of the temporary absence of the 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 and be performed by the substitute police justice hereinafter provided for.
Police justice removable for cause.	
Substitute police justice.	
Election of substitute.	SEC. 19. Immediately upon the qualification of said police justice, or as soon thereafter as may be practicable, and biennially



thereafter, the Board of Aldermen of the City of Asheville shall elect a citizen of said city possessing all the qualifications required for police justice to fill the office of substitute police justice, which is hereby created. The term of office of said substitute police justice shall be concurrent with that of said police justice, and any vacancy occurring in said office of police justice shall be filled by said board of aldermen. Said substitute police justice shall receive Pay of substitute. in full compensation for his services the sum of five dollars per day for such time as he may be actually engaged in the performance of the duties of said police justice, the same to be deducted from the salary of said police justice and not to exceed in any calendar month the full salary of said police justice for that month.

SEC. 20. The Board of Aldermen of the City of Asheville are Clerk. authorized to appoint and employ a clerk for said police court, and to fix his salary for the same. Said board of aldermen are also authorized, in their discretion, to appoint a prosecutor for said Prosecutor. police court and to fix his salary for the same, or it may in its discretion direct the Corporation Counsel of the City of Asheville to appear as prosecutor in said police court, and to fix such additional compensation for said corporation counsel as to it may seem best.

SEC. 21. That chapter one hundred and nine of the Private Laws Repeal. of the session of the General Assembly for the year one thousand eight hundred and ninety-seven, being an act to provide for the appointment and the election of a Police Justice for the City of Asheville, be and the same is hereby repealed.

SEC. 22. That sections twenty, twenty-one, twenty-two and Repeal. twenty-three of chapter one hundred of the Private Laws of one thousand nine hundred and one be and the same are hereby repealed.

SEC. 23. That Thomas A. Jones, Esq., of Asheville, North Carolina, the present Police Justice of the City of Asheville, be and Police justice named. he is hereby appointed police justice of said court, to hold his office until the second Tuesday in May, one thousand nine hundred and five, and said Thomas A. Jones is hereby declared to be eligible to re-election to said office at the election for the city officers or said city in May, one thousand nine hundred and five.

SEC. 24. That all laws and clauses of laws and parts of laws, Conflicting laws repealed. whether of a general or private nature, inconsistent with any of the provisions of this act, be and the same are hereby repealed.

SEC. 25. This act shall be in force and effect from and after the In effect from first April. first day of April, one thousand nine hundred and five.

In the General Assembly read three times, and ratified this 4th day of March, 1905.

## CHAPTER 36.

AN ACT TO AMEND, REVISE AND CONSOLIDATE THE  
CHARTER OF THE CITY OF RALEIGH IN THE COUNTY  
OF WAKE AND THE STATE OF NORTH CAROLINA.*The General Assembly of North Carolina do enact:*Boundaries estab-  
lished.

SECTION 1. That the territory bounded by and included within the following lines, to-wit: On the north by a line centered upon the center of Union Square and lying two thousand eight hundred and ninety-three and five-tenths feet to the northward thereof, parallel with the true center of Hillsboro Street and New Bern Avenue; south by a line centered as aforesaid and lying four thousand three hundred and fifty-one and five-tenths feet to the southward of said center, parallel with said first-described line, and on the east and west by a line parallel with the true center of Fayetteville and Halifax Streets, lying three thousand three hundred and seventy-nine and five-tenths feet to the eastward and westward thereof, respectively, thereby intersecting and closing the extremities of the first and second described lines, shall constitute the external boundaries: *Provided*, that these boundaries do not extend the corporate limits of the city; and the inhabitants residing therein shall be and remain a body politic and corporate under the name and style of "The City of Raleigh," and

Corporate name.  
Formal enumeration  
of corporate  
rights.

under such name and style may adopt a corporate seal, and sue and be sued, plead and be impleaded; acquire by purchase, devise, bequest or other conveyance such real and personal property anywhere within Raleigh Township as may be requisite and necessary for the proper government and needs of the city; hold, invest, improve, use, govern, control and protect, and under the hand of the mayor and two aldermen, attested by the corporate seal, may sell or dispose of the same, and have all the powers, rights and privileges necessary, belonging or usually pertaining to municipal corporations; and within twelve months after the ratification of this act the board of aldermen may cause an accurate survey to be made of the exterior boundaries of the city as herein provided, and it shall be their duty to erect upon each corner and upon every natural elevation intercepting the line of sight from any one corner to the next corners a firm and durable monument of stone, to be maintained by the city and protected from obstruction, removal, defacement or other injury by a rigid enforcement of the penalties herein denounced against such crimes: *Provided*, that the tract of land conveyed to the city of Raleigh by R. S. Pullen, Esq., by deed dated March the twenty-second, one thousand eight hundred and eighty-seven, as recorded in book ninety-five, page four hundred and sixty-three, Register of Deeds' office of Wake County, and known as "Pullen Park," and all other territory which may be acquired by the city of Raleigh

Survey and monu-  
ments.Proviso: jurisdic-  
tion extended to  
city property out-  
side of boundaries.

by purchase or donation or otherwise for park purposes, and the cemetery for the burial of deceased white persons (located north-east of the city of Raleigh) known as "Oakwood Cemetery," and the cemetery for the burial of deceased colored persons (located southeast of the city of Raleigh) known as "Mount Hope Cemetery," and that the tract of land conveyed to the city by D. M. Carter and wife by deed registered in book one hundred and sixty-two at page one hundred and sixty-two in the office of the Register of Deeds of Wake County, and the tract of land conveyed to the city by Laura Carter by deed registered in book one hundred and sixty-one at page four hundred and six in said Register of Deeds' office of Wake County, which tracts of land are owned by the city for the purposes of maintaining a garbage farm and as a site for the small-pox hospital, shall also be included in the corporate limits of the city of Raleigh, and all ordinances now in force or hereafter enacted by the board of aldermen of said city shall be applicable to the territory included in said Pullen Park or other parks and in said cemeteries as fully as if the said territory was embraced within the limits of the city of Raleigh defined as fully as in any other part of the city of Raleigh.

SEC. 2. That said city shall be divided into four wards, with City divided into  
centers of Hargett and Fayetteville Streets as intersections, to-wit: wards.  
The northwest portion of said area included between the centers First ward.  
of Hargett Street on the south and Fayetteville and Halifax  
Streets on the east, and as they now are or hereafter may be  
to the exterior boundaries, shall be known as the first ward; the Second ward.  
northeast portion of said area included between the centers of  
Halifax and Fayetteville Streets on the west and Hargett Street  
on the south, and as they now are or hereafter may be to the ex- Third ward.  
terior boundaries, shall be known as the second ward; the south-  
east portion of said area included between the centers of Hargett  
Street on the north and Fayetteville Street on the west, and as  
they now are or hereafter may be to the exterior boundaries, shall  
be known as the third ward; and the remainder of said area Fourth ward.  
between the centers of Hargett Street on the north and Fayette-  
ville Street on the east, and as they now are or hereafter may be  
to the exterior boundaries, shall be the fourth ward.

SEC. 3. That the wards so laid off shall be divided into eight Eight election  
election districts as follows: Beginning at a point in the center districts.  
of Hargett and Fayetteville Streets and running west along the First district of  
center of Hargett Street to the city limits, thence north along first ward.  
the line of the city limits to the center of Jones Street, thence east  
along the center of Jones Street to the center of Halifax Street,  
thence south along the center of Halifax and Fayetteville Streets  
to the beginning, and shall be known as the first election district  
of the first ward. Beginning at a point in the center of Halifax Second district of  
and Jones Streets and running west along center of Jones Street first ward.  
to the city limits, thence north along the line of the city limits to

First district of  
second ward.

the city limits on the northwest, thence east along the line of the city limits to the center of Halifax Street, thence south along the center of Halifax Street to the beginning, and shall be known as the second election district of the first ward. Beginning at a point in the center of Hargett and Fayetteville Streets and running east along the center of Hargett Street to the city limits, thence north along the line of the city limits to the center of Jones Street, thence west along the center of Jones Street to the center of Halifax Street, thence south along the center of Halifax and Fayetteville Streets to the beginning, and shall be known as the first election district of the second ward.

Second district of  
second ward.

Beginning at a point in the center of Halifax and Jones Streets and running east along the center of Jones Street to the city limits, thence north along the line of the city limits to the city limits on the northeast, thence west along the line of the city limits to the center of Halifax Street to the beginning, and shall be known as the second election district of the second ward.

First district of  
third ward.

Beginning at a point in the center of Hargett and Fayetteville Streets and running east along the center of Hargett Street to the city limits, thence south along the line of the city limits to the center of Cabarrus Street, thence west along the center of Cabarrus Street to the center of Fayetteville Street, thence north along the center of Fayetteville Street to the beginning, and shall be known as the first election district of the third ward.

Second district of  
third ward.

Beginning at a point in the center of Cabarrus and Fayetteville Streets and running east along the center of Cabarrus Street to the city limits, thence south along the line of the city limits to the city limits on the southwest, thence west along the line of the city limits to the center of Fayetteville Street, thence north along the center of Fayetteville Street to the beginning, and shall be known as the second election district of the third ward.

First district of  
fourth ward.

Beginning at a point in the center of Hargett and Fayetteville Streets and running west along the center of Hargett Street to the city limits, thence south along the line of the city limits to the center of Lenoir Street, thence east along the center of Lenoir Street to the center of Fayetteville Street, thence north along the center of Fayetteville Street to the beginning, and shall be known as the first election district of the fourth ward.

Second district of  
fourth ward.

Beginning at a point in the center of Fayetteville and Lenoir Streets and running west along the center of Lenoir Street to the city limits, thence south along the line of the city limits to the city limits on the southwest, thence along the line of the city limits to the center of Fayetteville Street, thence north along the center of Fayetteville Street to the beginning, and shall be known as the second election district of the fourth ward: *Provided*,

Proviso: Pullen  
Park, Mount Hope  
cemetery and Oak-  
wood cemetery.

that the territory embraced in "Pullen Park" and "Mount Hope Cemetery" shall be and compose a part of the second election district of the fourth ward, and the territory embraced in "Oakwood Cemetery" shall be and compose a part of the second election district of the second ward.

SEC. 4. That on the first Monday in May, one thousand nine City elections. hundred and five, and on the same Monday biennially thereafter, there shall be elected at large of and by the qualified voters of Mayor, police said city a mayor, police justice, city tax collector and city clerk, justice, tax collector and clerk. and in each of said election districts there shall be elected separately of and by the qualified voters therein one alderman for Aldermen. each district: and the aldermen so elected shall constitute "The Board of Aldermen" of said city, and all of said officers so elected shall hold office for two years, or until their successors are duly elected and qualified: *Provided*, that no officer of said city shall be qualified or enter upon duty until a good and sufficient bond, *Provido: bonds of officers.* conditioned for the faithful discharge of the duties of his office, shall have been tendered, accepted, approved and filed with the clerk, in case a bond is required by the provisions of this act: *Provided*, that the registrars appointed under the provisions of *Provido: registration.* this act for the election to be held on the first Monday in May, one thousand nine hundred and five, shall take a new registration of all qualified voters residing in the wards and election districts named in this act if the board of aldermen shall so require: *Provided further*, that no person shall have the right to vote at any election held in said city unless he shall have been a *bona fide* *Provido: thirty days residence in election district.* resident of the ward or election district in which he proposes to register and vote for thirty days prior to such election and shall be otherwise qualified according to law.

SEC. 5. That the biennial elections herein provided for officers of said city, and any other election herein authorized for city *How elections called and held.* purposes, shall be called, held, conducted and concluded under the direction of the mayor and board of aldermen by officers designated and appointed by them for that purpose, in manner and form in every respect and detail as near as may be, and under the same provisions of law and practice as near as may be, as elections for county officers are held and conducted by county officials under the general law relating to such elections in North Carolina in force at the time of such city election, including all the penalties prescribed for the violation of such law: *Provided*, that when any certain duties are prescribed under the general *Provido: analogous duties.* election law to be done and performed by State or county officials unknown to municipal corporations, which are likewise required to be done and performed in such city election, then and in that case such duties shall be done and performed by the city officer or officers whose office and duties bear the greatest analogy to those of the officer named in the general election law for which such duty, as chief of police to sheriff, city clerk to clerk of the superior court, etc.

SEC. 6. That the board of aldermen so elected shall convene *Aldermen to meet within five days.* within five days next following their election for the transaction of business, and among other things they shall fix and determine *Salaries to be fixed.* the salary of all officers or employees of the city of Raleigh



Officers to be elected at July meeting.	except those herein specified, and at the regular meeting of the board in the month of July following they shall elect the following officers, none of whom shall be of their number: a sanitary inspector, street commissioner, treasurer, and city attorney, and such other officers as they may deem necessary for the proper government of the city; and at the regular meeting in the month of October following they shall elect a chief of police and members of the police force. All of said officers so elected shall hold their office for a term of two years and during the official term of the board of aldermen unless removed as by this chapter provided, or until their successors shall be duly elected and qualified; and the salary of such officers or employees after being fixed by the board of aldermen shall not be increased during the term of office. All officers or employees of the city of Raleigh, whether elected by the people or by the board of aldermen, shall receive flat salaries, as in this charter specified or fixed by the board of aldermen, and no officer or employee shall receive any fee or commission in addition to his salary. All fees collected or received by the police justice, chief of police or policemen, and all fees or commissions collected or received by any officer or employee of the city of Raleigh, by reason of his office or employment by the city, shall be paid into the city treasury and the treasurer's receipts taken therefor, each month, by the officer or employee collecting or receiving same; and they shall make a detailed report of same, to which shall be attached the treasurer's receipt, each month to the finance committee of the city, who shall cause the same to be posted in front of the city hall.
Officers elected at October meeting.	
Terms of office.	
Salaries to be in full payment.	
Fees to be paid over to city.	
Reports to finance committee.	

## OF THE MAYOR.

Mayor and other officers to be sworn.	SEC. 7. That the mayor and every other officer of said city, before entering upon the duties of his office, shall take, subscribe, and file with the city clerk the following oath of office:
Form of oath.	"I, ..... do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and I will faithfully perform the duties of the office of ..... on which I am about to enter, according to my best skill and ability: So help me, God." Subscribed to and sworn before me, this ..... day of ..... 19....

Mayor's term.	SEC. 8. That the mayor shall hold his office for two years, and have and keep his office in the city hall, or in some other convenient building provided by the board of aldermen. He shall have the custody of the corporate seal; preside when present over all meetings of the board of aldermen; have a casting vote in all cases of equal division therein; a general custody, direction, super-
Location of office.	
Custody of seal.	

vision and control of all the public employees, work and works, improvements, grounds, buildings and property of the city: he shall have full power and authority to summarily remove from office any officer or employee of the city of Raleigh, except aldermen, whenever any such officer or employee shall be guilty of any malfeasance, misfeasance or nonfeasance, or whenever such officer or employee shall be guilty of any act or neglect which shall render him disqualified and unfit, in the opinion of the mayor, from rendering proper services to the city of Raleigh, or be an officer or employee thereof: *Provided, however,* that any officer or employee suspended by the mayor as aforesaid shall have the right to appeal to the board of aldermen, and he may be re-instated or restored to office or employment after a full and fair trial, a majority, or five members of the board of aldermen, voting to restore him to office.

Power to remove officers and employees.

Proviso: appeal to aldermen.

SEC. 9. That the mayor of said city shall have full power and authority to administer oaths or affirmations, and all oaths or affirmations required to be taken by aldermen, police justice, chief and members of the police force, members of the board of audit and finance, school committeemen or other officers of the city may be administered by the mayor.

Mayor to administer oaths.

SEC. 10. That if any person who has been elected mayor shall fail, neglect or refuse to qualify; or if a vacancy shall occur in the office after election and qualification other than by expiration of term; or if the mayor be absent from the city or unable to attend to or discharge the duties of his office from any other cause, then and in such case the board of aldermen shall choose some qualified person to perform the duties of the absent mayor during the period of his absence or disability or to the end of the term, as the case may be, and the mayor so chosen shall have all the power and authority which is vested in the regularly elected mayor under this act; and the board of aldermen shall in like manner fill all vacancies for the unexpired term which may occur in the city government, choosing only such persons as are eligible to original election under the provisions of this act: *Provided,* that in case a vacancy occur in the office of mayor of the city during the first year of the term of such mayor, then the board of aldermen shall call and hold an election and the vacancy shall be filled by the vote of the people qualified to vote thereon in the city within forty days of the date on which such vacancy occurred or was first known.

Mayor pro tem. or to fill vacancy.

Vacancies in other offices.

Proviso: vacancy during first year of mayor's term.

SEC. 11. It shall be the duty of the mayor, as soon after the close of each fiscal year (including the last month thereof) as is practicable, to present to the board of aldermen a report of the several departments of the city government for the previous year, reviewing the same, with such recommendations in relation thereto as may seem to him advantageous to the public service. It shall

Annual report of mayor.

Report to be  
printed and bound.

be the duty of the clerk of the city to cause the same to be printed and bound in the usual form with the other reports of the city officers.

#### OF THE CITY CLERK.

City clerk to keep  
minutes of alder-  
men and police  
court.

SEC. 12. That it shall be the duty of the city clerk to be present at all meetings of the board of aldermen: to keep and record in a book to be provided therefor regular and fair minutes of the proceedings of the board, and, when thereto required, of the police justice court; to preserve all the books, records, documents, papers and other articles committed to his use, care or custody during his term of office, and deliver them in good order and condition to his successor, and, generally, to perform such other duties as may be prescribed by this charter or by the board of aldermen.

General duties.

#### POLICE JUSTICE.

Police justice.

SEC. 13. That the police justice of the city of Raleigh is hereby constituted a special court, with the following jurisdiction:

Exclusive original  
jurisdiction.

(a) With exclusive original jurisdiction over all offenses arising from the violation of the provisions of this act, or of all violations of ordinances, by-laws, rules and regulations of the board of aldermen made in pursuance of this act, within the corporate limits of the city of Raleigh and within Raleigh Township.

Jurisdiction.

(b) With jurisdiction, power and authority for the trial and determination of all misdemeanors created by the laws of the State of North Carolina committed within the corporate limits of the city of Raleigh and within Raleigh Township.

Jurisdiction as of  
justice of the  
peace.

General summary  
of powers.

(c) With jurisdiction, power and authority which is now or hereafter may be given to justices of the peace for the trial and determination of civil and criminal cases. And to this end he may issue his summons, warrant or other process, and if criminal, issue a warrant for the arrest of the defendant and have the party brought before him; hear, determine and give judgment thereon: issue execution, impose fines and imprisonment, and impose 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 or punishments; with right of appeal by the defendant from the judgment or sentence of the police justice's court to the Superior Court of Wake County under the same provisions of law that govern an appeal from inferior courts or from a justice of the peace court. That in case a defendant, a witness or other person shall be adjudged to be imprisoned by the said police justice's court, it shall be competent for the said court to sentence such person to imprisonment on the county roads of Wake County or to the common jail of Wake County: and in case a defendant shall not pay a fine, penalty or cost adjudged against him in a civil action for the recovery of a fine for the

Appeals.

Fines, penalties  
and costs worked  
out.

violation of an ordinance of the city of Raleigh, the police justice's court shall have authority and power to sentence the defendant in such case to work on the streets or other public works of the city of Raleigh; and the defendant in such cases shall have credit upon the amount so adjudged against him at the rate of one dollar per day for every day in which he shall work upon the public streets or other works of the city.

SEC. 14. The police justice's court shall have a seal with the inscription "Police Justice's Court of the City of Raleigh," which seal shall be used in attesting all writs, warrants, summons or other processes, or acts, judgments or decrees of said court in the same manner and to the same effect as the seal of other courts in the State of North Carolina. Seal of court.

SEC. 15. That the police justice may issue his process to the chief of police, or to the city police, or to the sheriff, constable or other lawful officer in the county of Wake, and such process, when attested by the seal of the police justice's court, shall run anywhere in the State of North Carolina, and the same shall be duly executed by all officers according to law: *Provided*, that neither the chief of police nor the city police shall execute any process outside of the boundaries of Raleigh Township unless the offense was committed or the cause of action arose within the corporate limits of the city or within the boundaries of Raleigh Township and in violation of the provisions of this act. To whom process to issue.  
Where process to run.  
Proviso: limit to powers of police of city.

SEC. 16. That the police justice of said city shall be allowed such costs as are allowed by law in similar proceedings before justices of the peace, as near as may be: *Provided, however*, that all costs recovered and collected in said police justice's court shall belong to the city of Raleigh and shall be turned over by the officer collecting same, within ten days after said collection, to the treasurer of the city of Raleigh. Costs.  
Proviso: costs to be paid to treasurer.

SEC. 17. Should the police justice be prevented from attending upon the police court of the city of Raleigh on account of sickness or absence from the city, then and in that case the Mayor of the City of Raleigh shall have power and authority to appoint some discreet and qualified person to act in the place of said police justice: and upon the appointment by the mayor of such person to act in the place of said police justice, and after administering to such person so appointed the oath of office prescribed by the provisions of this act, the person so appointed shall have all the jurisdiction, power and authority herein conferred upon the duly elected Police Justice of the City of Raleigh: the police justice so appointed to receive the salary provided for the office while serving. Substitute police justice.

SEC. 17a. That the judgments rendered by the police justice under the provisions of this act shall have all the force, virtue and validity of judgments rendered by inferior courts under the laws of the State of North Carolina, and may be enforced and Effect of judgments.

Fines and penalties paid over.

executed against the parties in the county of Wake or elsewhere in the same manner and by the same means. All fines and penalties imposed by the police justice's court shall be collected by or paid to the chief of police, who shall pay over and account for the same to the proper officer or officers as provided by law.

Record of police justice.

SEC. 18. That it shall be the duty of the police justice to keep an exact account and true record of all fines, penalties, forfeitures and punishments by him imposed under any provisions of this act, or for the violation of any ordinances, by-laws, rule or regulation of the board of aldermen made in pursuance hereof, in a separate book to be furnished by the city of Raleigh, showing the name, the residence of each offender; nature of the offense; the date of hearing or trial; the punishment imposed, either the amount of fine or length of imprisonment, or the penalty or forfeiture imposed; and when and by whom the fine, penalty or forfeiture is paid to the chief of police, if known.

Fees of police justice and policemen.

SEC. 19. That the police justice and the chief of police and policemen shall be entitled to charge and collect the same costs and fees as is provided for inferior courts or courts of the justices of the peace, and for sheriffs and constables: that all fees, penalties or forfeitures imposed by the police justice's court shall be collected by or paid over to the chief of police, and these, with all costs and fees collected by the police justice's court and the chief of police and policemen, shall be accounted for and paid into the treasury of the city of Raleigh for the use of the city of Raleigh.

Fees, penalties and forfeitures to use of city.

#### OF THE CHIEF OF POLICE.

Chief of police.

General duties.

SEC. 20. That the chief of police shall be the chief executive of the police force. He shall be chargeable with and responsible for the execution of all laws and of the rules and regulations of the department. He shall assign to duty the officers and members of the police force, and shall have power to change such assignments from time to time whenever in his judgment the exigencies of the service may require such change. He shall have power to suspend without pay, pending the trial of charges, any member of the police force: *Provided, however,* that no such suspension shall be continued for a period of more than ten days without affirmative action to that effect by the mayor. If the suspension of any member of the police force shall not be confirmed by the mayor on the charges preferred he shall be entitled to full pay from date of suspension, notwithstanding such charges and suspension. Said chief of police may grant leave of absence to members of the force for a period not exceeding five days. He shall report to the police justice all changes or assignments of officers, and all leave of absence granted. He shall have general care of the peace of the city, and see that all subordinates do their duty in preserving the same. He shall have control over the entire police force, and see

Power to suspend policemen.

Proviso: limit of suspension.

Leaves of absence.

Reports to police justice.

Further general enumeration of duties.



to the execution of every ordinance. He shall have general supervision over the subject of nuisances and the abatement of the same, and shall exercise and discharge all such powers and functions as pertain to the office of chief of police and as the board of aldermen may from time to time prescribe. He shall make a semi-monthly report to the mayor of the condition of the department, service and conduct of the policemen; and a monthly report to the board of aldermen of the general condition of the department, together with such other matters as pertain to his office, and perform such other duties as may be required of him by ordinance. In case of the absence or disability of the chief of police, then a member of the police force may be designated by the chief of police to serve during such absence or disability, and the member so designated shall be competent to discharge all the duties of the chief of police.

Sec. 21. That said chief of police may appoint, with the consent of the mayor, special police whenever the exigencies of the times in his judgment demand it. He may appoint or employ, with the consent of the mayor, detectives and assign them to specific duties.

Sec. 22. If any member of the police force or if any two or more householders shall report in writing under his or their signature to the chief of police that there are good grounds (stating the same) for believing any house, room or premises within the said city to be kept or used as a gambling-house, gaming-room or gaming premises for therein playing for wagers or money at any game of chance, or to be kept or used for lewd and obscene purposes or amusements, or as a house of ill-fame or bawdy-house, or the deposit or sale of lottery tickets or lottery policies, it shall be lawful for the chief of police to authorize in writing any member or members of the police force to enter the same, who may forthwith arrest all persons found therein and seize all implements of gaming or lottery tickets or lottery policies, and convey any person so arrested before the police justice, and bring the articles so seized to the station-house. It shall be the duty of the said chief of police to cause such arrested persons to be rigorously prosecuted, and such articles seized to be destroyed, as the orders, rules and regulations of the police justice may direct.

Sec. 23. That the chief of police shall have the authority to admit to bail any person arrested for the violation of the city ordinances in the sum of not less than three dollars nor more than one hundred dollars for their appearance for trial before the police justice, and should any person so admitted to bail fail to appear for trial before the police justice then such bail shall be forfeited to the city and the chief of police shall report the money so forfeited in the same way that he does other moneys collected by him.

Sec. 24. That it shall be the duty of the chief of police and of the city police force under his immediate charge and direction to see that the laws of the city and the ordinances of the board of

aldermen and the orders of the mayor and police justice are executed and enforced, and all breaches thereof reported to the mayor and police justice: to preserve the peace and order of the city; to suppress disturbances and arrest and carry before the police justice all offenders against any laws, city, State or national, who may be found within the corporate limits or within Raleigh Township; to execute all warrants or other process lawfully directed to him by the police justice or other competent authority against any person or persons charged with the commission of any crime or misdemeanor within the corporate limits of the city or within Raleigh Township, and if in violation of any of the provisions of this act they may pursue and continually follow and arrest such offender anywhere within the county of Wake; and in the performance of such duties they shall have all the power and authority of and be governed by the same provisions of the law as sheriffs and constables in their respective jurisdictions.

Chief of police to attend police court. To collect fines, forfeitures and penalties.

Record of collections.

Vouchers.

License taxes and rentals.

SEC. 25. That it shall also be the duty of the chief of police to attend upon the police court; to collect such fines, penalties and forfeitures as may be imposed by the police justice upon offenders for the violation of any of the provisions of this charter, or of the ordinances, rules and regulations of the board of aldermen made in pursuance hereof, of which he shall keep an exact record in a book to be furnished by the board of aldermen, showing the name and residence of the offender, the nature of the offense, the date of the hearing thereon before the police justice, the amount of the fine, penalty or forfeiture imposed, the date of its collection and the date of payment thereof by the chief of police to the treasurer. And the signature of the treasurer on the last column and the same line of each entry shall be the only sufficient voucher of the chief of police for such payment in each case; he shall collect all license tax and rentals due the city, unless otherwise provided by the board of aldermen.

#### DUTIES OF POLICE.

Further enumeration of duties of police.

SEC. 26. It is hereby made the duty of the police department and force, at all times of day or night, and the members of such force are hereby thereunto empowered, to specially preserve the public peace, prevent crime, detect and arrest offenders, suppress riots which obstruct the free passage of public streets, sidewalks, parks and places; protect the rights of persons and property, guard the public health, preserve order at elections and all public meetings and assemblages, regulate the movements of teams and vehicles in streets, bridges, squares, parks and public places, and remove all nuisances in public streets, parks and highways; arrest all street mendicants and beggars, provide proper police attendance at fires, assist, advise and protect strangers and travelers in public streets and at railroad stations; carefully observe and in-

spect all places of public amusements, all places of business having licenses to carry on any business, all gambling-houses, cock-pits, rat-pits and public common dance-houses, houses of ill-fame or bawdy-houses, and to repress and restrain all unlawful and disorderly conduct or practices therein: enforce and prevent the violations of all laws and ordinances in force in said city, and for these purposes to arrest all persons guilty of violating any law or ordinance for the suppression or punishment of crimes or offenses; to prevent, as far as possible, all injury to the city property and buildings, streets and sidewalks: to report to the chief of police any repairs needed, and to perform such other duties as may be required of them by the board of aldermen or the chief of police or the police justice. 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 policemen are hereby directed to report the names of such persons to the police justice, who is required 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 has been or is about to be committed, for the apprehension of any person so offending, and, if necessary, to summons a posse to aid them, and all persons so summoned shall have like authority of entry and arrest.

Authority and powers of police.

SEC. 27. That upon demand by a city policeman the sheriff or jailor of the county of Wake is hereby required, without a *mittimus*, to receive into the jail of the county as 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 taken before the police justice and be lawfully dealt with, and for such service the jailor shall be entitled to such fees as in other like cases.

Sheriff to receive prisoners.

SEC. 28. No person holding office under the police department shall be liable to military or jury duty, and no officer or patrolman while actually on duty shall be liable to arrest on civil process.

Exemption from military and jury duty.

#### OF THE TREASURER.

SEC. 29. 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 receive and to safely keep the same for the use of the city, and to disburse the funds upon the appropriation of the board of aldermen 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, together with the sources from whence they came and the purposes for which they were appropriated, except the proceeds of fines, penalties and forfeitures

Duties of treasurer.

Accounts.

imposed by the police justice and collected and paid over to him by the chief of police, of which he shall keep an exact account in a separate book to be furnished by the board of aldermen, showing the name and residence of the offender, the nature of the offense, the date of the hearing before the police justice and the date and amount of the payment thereof by the chief of police to the treasurer, the information for which shall be filed by the chief of police at the time of payment, and shall submit said accounts to the aldermen whenever required to do so. During his continuance therein he shall faithfully perform all duties lawfully imposed upon him as city treasurer, and at the expiration of his term of office he shall deliver to his successor all the moneys, securities, books of record and other property entrusted to him for use, safe-keeping, disbursement or otherwise.

Warrants on  
treasurer.

SEC. 30. That all warrants drawn on the treasurer shall only be issued on vouchers given therefor by the board of audit and finance and shall be signed by the mayor and countersigned by the clerk, and shall state the purpose for which the money was appropriated and the fund out of which the same is to be paid.

No claim paid  
until audited and  
approved.

SEC. 31. That no claim against the city shall be paid until it shall have been audited and approved by the board of audit and finance and a voucher issued by them authorizing a warrant to be drawn in payment of same.

#### THE COMMISSIONER OF THE SINKING FUND.

Duties of commis-  
sioner of sinking  
fund.

SEC. 32. That the commissioner of the sinking fund shall receive from the tax collector the whole of the special taxes collected for the purpose of paying the principal and interest of the bonds issued under chapter eighty, Private Acts of one thousand eight hundred and seventy-four and seventy-five; chapter thirty-five, Private Acts of one thousand eight hundred and eighty-five; chapter one hundred and seventeen, Private Acts of one thousand eight hundred and eighty-nine; chapter one hundred and twenty-nine, Private Acts of one thousand eight hundred and ninety-three; and such other acts as may hereafter be passed which provide for the levying of a special tax by said city, and the commissioner shall give receipts to the collector for said payments, and pay the interest on the bonds issued under said acts at the time said interest becomes due. And it shall be the duty of said commissioner to demand said special taxes from time to time from the collector, and if not paid to report the fact to the board.

Investments of  
sinking fund.

SEC. 33. That the said commissioner shall, from time to time, under the provisions of the acts set forth in the above section, when he shall have sufficient money in his hands, advertise for ten days in the daily newspapers for sealed proposals for the sale of the bonds of the city issued under said acts. Bids shall be opened in the presence of the mayor and treasurer, and such bids

as are most advantageous for the city shall be accepted. But said officers, in their discretion, may refuse to accept any bids made and advertise for additional proposals. Bonds of the city so purchased shall be cancelled by them.

SEC. 34. That if, after reasonable diligence, none of said bonds can be purchased at their value or less, then the commissioner shall in like manner purchase any other bonds of the city, which bonds shall be made payable to the commissioner of the sinking fund in trust for the city of Raleigh and shall be held by him in trust for the holders of the bonds authorized by the said acts mentioned in section thirty-two of this chapter, or shall make such investments of the funds in his hands as the finance committee of the board of aldermen shall approve, preference being given to loans upon real estate in the city. Further authorized investments.

SEC. 35. That the said commissioner shall make a report to the board annually at their meeting in the month of May of the condition of the fund and of his action since the last report. Annual reports.

#### CITY TAX COLLECTOR.

SEC. 36. The city tax collector shall be under the control and direction of the Finance Committee of the City of Raleigh; he shall give bond in such an amount as specified in this act for the diligent and faithful collection of the taxes due to the city of Raleigh and for the proper accounting for and paying over to the proper officer of the city of all moneys that come into his hands or that lawfully should come into his hands as Tax Collector of the City of Raleigh, and the bond specified by this charter may be increased whenever the Finance Committee of the City of Raleigh deem it advisable; he shall obey all lawful orders and directions of the finance committee, and he may be suspended from his office by the finance committee subject to the action of the mayor or the board of aldermen. Tax collector under direction of finance committee.  
Bond.

#### BOARD OF AUDIT AND FINANCE.

SEC. 37. That at the regular meeting of the Board of Aldermen of the City of Raleigh in the month of July, one thousand nine hundred and five, there shall be elected three discreet and proper persons from among the electors of the city of Raleigh, and shall constitute and be styled "The Board of Audit and Finance of the City of Raleigh"; one member of this board shall be elected for a term of six years, one member shall be elected for a term of four years, and one member shall be elected for a term of two years, and until their successors are duly elected and qualified. No person holding an office or appointment under the Board of Aldermen of the City of Raleigh, or who may be a contractor or any agent or employee of a contractor for any work, materials, repairs or other things whatever for the use of said city shall be Board of audit and finance to be elected.  
  
Terms of office.  
  
Qualifications.



Successors.	eligible as a member of said board of audit and finance or qualified to act as one of its members. The board of aldermen shall elect the successor of any member whose term expires, and the member so elected shall hold his office for a term of six years.
Vacancies.	And the board of aldermen shall fill all vacancies occurring in said board on account of death, resignation or any disqualification of members arising after their election or removal from office.
Removable on charges filed.	The Board of Aldermen of the City of Raleigh shall have the right to remove any member of the board of audit and finance for neglect or malfeasance in office, upon charges preferred by any citizen of the city of Raleigh, after a trial of such member before the board of aldermen, upon a two-thirds vote sustaining such charges; whenever charges shall be preferred against any member of the board of audit and finance they shall be reduced to writing by the city attorney under the direction of the Mayor of the City of Raleigh, a copy of which shall be presented to such member against whom the charges are made, and a notice of ten days given such member before the meeting of the board at which he is to be tried. The member of the board of audit and finance elected for six years shall be chairman of said board and shall
Chairman.	be paid a salary of five hundred dollars per year, payable in equal monthly installments; the other members shall receive one hundred dollars per year each, payable in equal monthly installments; and the said board of audit and finance may employ a clerk at a salary of not more than nine hundred dollars per annum; at the expiration of the chairman's term of office the board of audit and finance shall elect their chairman.
Salary of chairman.	<p>SEC. 38. That the chairman and the clerk hereinafter provided for shall sign and certify all orders of the board; and in case such chairman shall be absent at any meeting 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 the superior court. Before entering upon their duties the members of said board shall, before the mayor, take and subscribe the oath of office prescribed in section seven of this act and cause the same to be filed in the office of the clerk of said city.</p> <p>SEC. 39. 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 Raleigh, 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, and shall have power to administer oaths, and shall receive such compensation as said board may establish.</p>
Salary of other members.	
Clerk and salary.	
Chairman and clerk to sign orders.	
Chairman to administer oaths and issue subpoenas.	
Board to be sworn.	
Appointment of clerk. Bond of clerk.	
Term of clerk.	
To administer oaths and receive salary.	

SEC. 40. The said board of audit and finance shall hold regular Meetings of board, 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 said meetings shall be open 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 one member 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 service 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 proofs as to the validity of any claim; and any person who shall knowingly or willfully offer or cause to be offered for audit by said board any false or fraudulent claim or demand against the city of Raleigh shall be guilty of a misdemeanor, and any person who shall willfully swear to any false statement before said board shall be guilty of perjury.

SEC. 41. 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 Raleigh, 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 voucher signed by the chairman and clerk issued for a proper warrant 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 August, 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 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. 42. No ordinance of the mayor and board of aldermen of said city levying any tax whatever shall be valid or of any effect

No change without notice.

Special meetings.

Clerk to keep minutes.

Claims to be itemized and verified.

Further proofs.

Offering false claims a misdemeanor.

Swearing to false statement perjury.

Board to audit claims.

No claim to be paid until audited.

Records of claims.

Vote for false claim a misdemeanor.

Punishment.

Estimates to be submitted to and approved by board.

What estimates to specify.	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 two 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
Expenditures to be apportioned by board.	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 guilty of a misdemeanor.
What warrants to specify.	
Officers paying claim without warrant liable for amount.	
Misdemeanor.	SEC. 43. The said board of audit and finance shall, once in every three months, cause to be posted at the city hall 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.
Claims audited to be posted.	
Board to approve bonds and contracts.	SEC. 44. It shall be the duty of said board of audit and finance to pass upon and approve the official bonds of all officers; and no contract, even for the necessary expenses of said city, nor any bond 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 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.
Entering on office before bond approved a misdemeanor.	
Punishment.	
Board to settle with city officers.	SEC. 45. The said board of audit and finance shall, at such times during each year as they may deem judicious, and at the end of each fiscal year, audit and cause to be settled the accounts of the city treasurer and the city tax collector, 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 re-

ceived, 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.

Officers to file affidavits.

Board to declare office vacant if officer in default.

SEC. 46. The mayor and board of aldermen of the said city, through their proper officer shall, every three months, and oftener, if necessary, receive sealed proposals or bids 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 twenty-five dollars shall be binding on the city till approved by the board of audit and finance. All contractors shall be required to enter into bond secured to the satisfaction of the said board for the faithful performance of their several contracts: *Provided*, that the mayor and board of aldermen, when in their discretion the public economy will be best subserved, may carry on under the supervision of its officials and employees the work of the streets, sidewalks 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 receiving sealed proposals or bids required by this section.

Mayor and aldermen to receive proposals.

And make contracts.

Contracts subject to approval.

Contractors to give bond.

Proviso: street work by city.

Material and labor without bids.

SEC. 47. The chairman of the board of audit and finance shall be "Commissioner of the Sinking Fund of the City of Raleigh," 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 Raleigh, 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 Raleigh, shall, in the months of January and July of each year, cause to be published in one or more of the news-

Chairman of board commissioner of sinking fund.

Bond as commissioner.

Semi-annual statements to be published.



papers published in said city a statement showing the true condition of said sinking fund, giving the amount and character of the investment of the same and the place of deposit of the securities belonging to it.

Treasurer to pay over to commissioner.

SEC. 48. 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

Investments of sinking fund.

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 Raleigh 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 Raleigh," and the number, amount and date of

Record of investments.

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

Certified copy to be furnished aldermen.

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 filed by the clerk of said city

Specific appropriation.

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 or the proceeds of the sale of such bonds 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

Treasurer to pay salary and expenses of board.

for any other purpose whatever. The treasurer of said city, upon a voucher signed by the chairman and clerk of said board of audit and finance and a regular city warrant issued thereon, shall pay the necessary expenses of said board, the salary of their clerk and the salary as aforesaid of its chairman and its members.

#### OF THE ALDERMEN.

Quorum of aldermen.

SEC. 49. That a majority of the board of aldermen shall be competent to perform all the duties herein provided for them and

To convene within five days.

for the proper government of the city. They shall convene within five days next following their election for the transaction of business and fix regular stated times of meeting, not less than once

Regular meetings.

a month during their term of office. Special meetings may also

Special meetings.



be held on the call of the mayor, with written notice to all of the aldermen, and on a call of a majority of the board, with written notice to the mayor and to such aldermen as shall not have joined in the call.

SEC. 50. It shall be the duty of the aldermen to attend all meetings of the board unless unavoidably prevented from doing so, and when convened a majority of the board shall have the power to make, enact and pass such ordinances, by-laws, rules and regulations consistent with the laws of the land and necessary for the proper government of the city, with power and authority to provide for the execution of the same by imposition, as punishment for the violation thereof, of fines and imprisonment or by the imposition of penalties and forfeitures: that the fine or imprisonment prescribed for the punishment of a violation of an ordinance shall not exceed a fine of one hundred dollars or imprisonment on the road not exceeding sixty days, or both, in the discretion of the police justice; that the penalty prescribed for the violation of an ordinance shall not exceed a fine or forfeiture of two hundred dollars, which last penalty shall be civil in its nature, to be recovered in a civil action before the police justice.

Aldermen to attend meetings.

General enumeration of powers.

Limit to fine or imprisonment.

Penalty not to exceed \$200.

SEC. 51a. That among the powers conferred on the board of aldermen are these:

(a) They may pass upon the qualifications and rights of aldermen to be members of the board of aldermen; they may try and impeach any alderman for malfeasance, misfeasance or nonfeasance of office or for any act of neglect that would disqualify an alderman in the opinion of the board from being a member of the board of aldermen, and after trial may by a two-thirds vote declare the office of such alderman forfeited and may elect his successor; that they may prefer charges against the Mayor of the City of Raleigh, police justice or any other officer or employee of the city of Raleigh for the violation of the duties of his office, for any malfeasance or misfeasance of office or for any act or neglect on the part of any such officer or employee as will render him disqualified to act as mayor, police justice or officer or employee of the city under this act or the laws of the State of North Carolina, and upon a two-thirds vote of the board of aldermen declare his office vacant and thereupon proceed to elect his successor; they may elect a chief of police and police officers, street commissioner, city attorney, treasurer and sanitary inspector, neither of whom shall be of their number; they may elect such other officers and employees of the city as in their opinion is necessary for the proper government of the administration of the city affairs. They may fix the salaries of such officers not herein otherwise specified in such amount as the board of aldermen may see just and proper.

General powers of aldermen as to officers.

(b) Ascertain the location, increase, reduce and establish the width and grade, regulate the repairs and keep clear the streets,

Powers as to streets and parks.

'sidewalks and alleys of the city; extend, lay out, open, straighten, remove encroachments therefrom at the expense of the owner of same, establish the width and grade, keep clean and maintain such streets as are now laid out in the city or any others that the board may determine to lay out: establish and regulate the public grounds, including Moore Square, Nash Square and Pullen Park, have charge of, improve, adorn and maintain the same, establish, maintain and govern athletic parks or other places of amusement therein: to provide for the planting and protection of the shade trees of the city and to prevent any injury or defacement of the same by any person whomsoever: regulate the speed of railroad locomotives, trains, electric cars, bicycles, automobiles, motor cars, the driving or riding of horses and speed of all other vehicles on the streets of the city: regulate the charge for the carriage of persons, baggage and freight for hire, with power to license or prevent the same.

Powers as to vagrants and beggars.

(c) Prohibit vagrancy and street begging, impose punishment or penalties on such persons who habitually refuse to follow some useful trade or profession without adequate means of support, whether male or female, above the age of fourteen years.

Powers as to liquor traffic.

(d) To regulate, control, tax, license or prevent the sale of spirituous liquors.

Powers as to other licenses.

(e) To regulate, control, tax and license all franchises, privileges, business, trades, professions, callings or occupations which are now or may hereafter be taxed by the laws of the State of North Carolina by imposing a franchise, license or privilege tax upon each and every of the aforesaid mentioned subjects in such amount as the aldermen may deem proper, not to exceed one thousand dollars.

Observance of Sabbath and preservation of peace.

(f) They may provide for the proper observance of the Sabbath; and for the preservation of peace, order and tranquility of the city.

Board of health and vital statistics.

(g) They may provide a board of health with prescribed powers and duties, whose jurisdiction shall extend in the corporate limits of the city of Raleigh and within the boundaries of Raleigh Township; and for ways and means for the collection of vital statistics.

Water supply and lights.

(h) They may provide and furnish for the use of the city of Raleigh and its citizens an adequate water and electric light supply and service by granting a franchise and making contracts with independent corporations furnishing such utilities, or by purchasing or erecting a water plant or electric light plant to be owned by the city, with power to supply, furnish and sell water and electric lights and power to the citizens of the city of Raleigh. And should the board of aldermen determine to buy or build and construct a water and electric light plant, to be owned by the city, they shall have power and authority to issue the bonds of the

Bonds for water and light plants.

city of Raleigh in such amount and to run for such length of time, not to exceed forty years, as the board of aldermen may determine, and negotiate and sell the same in order to raise sufficient funds for carrying into effect the provisions of this section.

(i) They shall have power to promote the establishment and maintenance of public schools and educational facilities by the acquisition of land, erection of buildings thereon and the equipment thereof in the corporate limits of the city; to contribute to the support of such public hospitals, libraries, military companies and public charities as shall be deemed advisable by the board of aldermen.

Schools, hospitals, libraries, military companies, charities.

(j) They may also construct or contract for the construction of a system of sewerage for the city and protect and regulate the same by adequate ordinances, and if it shall be necessary in obtaining proper outlet for said system to extend same beyond the corporate limits of the city, then in such case the board of aldermen shall have power to so extend it, and both within and without the corporate limits to condemn land for the purposes of right of way or other requirements of the system.

Sewerage.

(k) They may provide for the establishment, organization and equipment of fire companies and shall provide rules and regulations for the government of the same; they shall have power and authority to disband any company whenever it shall be deemed necessary to do so for the best interests of the department. That in case of a fire the mayor or chief of the fire department and any two aldermen of the city of Raleigh may, if they deem it necessary to stop the progress of the fire, cause any house to be blown up or pulled down, or may cause the removal of any other property, for which neither they nor the city of Raleigh shall be responsible to any one for damages.

Fire companies.

Powers at fires.

SEC. 51. Each alderman must be a resident of the election precinct from which he is elected, and any alderman moving out of his election district after his election shall forfeit his office and the board of aldermen shall at once fill the vacancy.

Residence.

SEC. 52. All ordinances and resolutions when introduced before the board of aldermen shall be referred to the proper committee and shall not be acted upon until the next succeeding monthly meeting of the board of aldermen: *Provided*, that the board of aldermen by a unanimous vote may suspend the operation of this section and take action upon any ordinance or resolution at the time the same is introduced.

Ordinances and resolutions laid over.

Proviso: suspension of rules.

SEC. 53. That they may from time to time, for the purpose of grading, paving and otherwise improving the streets of the city of Raleigh, create and establish "Assessment Districts" within said city, and they may require every owner of real estate abutting the streets in any of the said districts to pave one-fourth of the street fronting such lot in such manner and with such material as the

Assessment districts for street work.

street commissioner of said city may at the same time pave one-half thereof, and to enforce such requirement by proper fines and penalties, and upon the failure of such owner to do such paving, after twenty days' notice given by the chief of police to said owner or, if he be a non-resident of Wake County, to his agent, or if such non-resident have no agent in said county, or if personal notice cannot be served upon the owner or agent, then after publication of a notice by the chief of police for ten days in some newspaper published in said city, notifying said owner to do such paving, the city of Raleigh may have the same done and the cost thereof may be assessed upon said property and entered upon the tax list of said city against said property for the current year, and the said assessment so entered on said tax list shall constitute a lien upon said property, and the same may be collected either in the same manner that other taxes are collected or by an action instituted in the name of the city of Raleigh against said owner in the Superior Court of Wake County in the nature of an action of foreclosure, in which action judgment may be taken for the sale of said property to satisfy the amount due said city from the owner thereof as aforesaid.

Lot owners to  
improve sidewalks.

SEC. 54. That every owner of a lot, or person having as great an interest therein as a lease for three years, which shall front any street on which a sidewalk has been established and graded, shall improve in such manner as the aldermen may direct such sidewalk as far as it may extend along such lot, and on failure to do so within twenty days after notice by the chief of police to said owner, or if he be a non-resident of the county of Wake, to his agent, or if such non-resident have no agent in said county, or if personal notice cannot be served upon the owner or agent, then after publication of a notice by the chief of police for ten days in some newspaper published in Raleigh, calling on the owner to make such repairs, the aldermen may cause the same to be repaired, either with brick, stone, gravel or other material, at their discretion, and the cost thereof may be assessed upon said property and entered upon the tax list of said city against said property for the current year; and the said assessment so entered on said tax list shall constitute a lien upon said property, and the same may be collected either in the same manner that other taxes are collected or by an action instituted in the name of the city of Raleigh against said owner in the Superior Court of Wake County in the nature of an action of foreclosure, in which action judgment may be taken for the sale of said property to satisfy the amount due said city from the owner thereof as aforesaid.

Surface privies.

SEC. 55. That they may levy a license tax not exceeding one dollar a year upon each and every surface privy within the corporate limits of said city and enforce the payment thereof by the occupant of the lot or premises upon which such surface privy is

maintained and used by proper fines and penalties: *Provided*, that such occupant shall be thereby relieved from any and all liability as to the cleaning and condition of such surface privy, and the same shall be cleaned in a regular, systematic and sanitary manner by the city of Raleigh, under such laws, ordinances, rules and regulations as may be prescribed by the board of aldermen. Proviso: cleaning.

SEC. 56. That they may from time to time, whenever the health of the city may demand the same, establish and create anywhere in Raleigh Township such sanitary district or districts as they may deem expedient, and the provisions of the foregoing section, as well as all sanitary laws, ordinances, rules and regulations as may now or hereafter exist under the provisions of this charter, shall apply to the householders or occupants of the lots within said sanitary districts established as aforesaid as if the same were within the corporate limits and said occupants or householders residents of said city. Sanitary district.

SEC. 57. That they may require and compel the abatement of all nuisances within the city or within one mile of the city limits at the expense of the person causing the same or the owner or tenant of the ground whereon the same shall be; they may also prevent the establishment within the city or within one-half mile of the city limits, and may regulate, if allowed to be established, any slaughter-house or place, or the exercise within the city or within one-half mile of the city limits of any dangerous, offensive or unhealthy trade, business or employment. Regulation and abatement of nuisances.

SEC. 58. That they may prohibit and prevent by penalties the running at large of dogs, hogs, cattle and other brutes: and also the firing of guns, pistols, crackers, gunpowder or other explosive, combustible or dangerous materials in the streets, public grounds or elsewhere within the city. Animals running at large.  
Fire-arms and explosives.

SEC. 59. That they may establish and regulate the market and prescribe at what time and place and in what manner within the corporation marketable articles shall be sold; in what manner, whether by weight or measure, may be sold grain, meal, flour (if not packed in barrels), fodder and unbaled hay or oats in straw: may erect scales to weigh the same, appoint a weigh-master and fix his fees and direct by whom they shall be paid; appoint a keeper of the market, prescribe his duties and fees, and shall also have power to prevent forestalling and regrating. Markets.

SEC. 60. That they may establish all public buildings necessary and proper for the city and prevent the erection or establishment of wooden buildings in any part of the city where they may increase the danger by fire. Public buildings.  
Building regulations.

SEC. 61. That they may require the owner or lessee of any lot or premises within the city 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, Building permits.



Fee.	if said buildings, additions, alterations or other improvements shall cost the estimated sum of one hundred and fifty dollars, to take out a building permit before the clerk of said city, 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.
Building inspectors.	SEC. 62. They may appoint a board of building inspectors, to consist of not less than two freeholders of the said city, to which the chief of the fire department shall be added as chairman <i>ex officio</i> , and prescribe the duties of said board of building inspectors, and provide by ordinance such rules and regulations concerning the construction of buildings within the corporate limits of the city, electric light wiring and apparatus, and plumbing and draining of same, with a view of protecting life and health in case of fire, accident or other causes, as they may deem necessary, and enforce the same by proper fines and penalties; and this section of the charter shall apply to buildings already constructed.
Cemeteries.	SEC. 63. That they may provide grave-yards in or near the city and regulate the same; may appoint and pay a keeper and compel
Bills of mortality.	the keeping and return of bills of mortality; and they may prohibit further interments in the city cemetery.
Quarantine.	SEC. 64. That they may take such measures as they may deem effectual to prevent the entrance into the city or the spreading therein of any contagious or infectious disease; may stop, detain and examine for that purpose every person coming from places believed to be infected with such disease; may establish and regulate hospitals within the city, or within three miles thereof; may
Hospitals.	cause any person in the city suspected to be infected with such disease, and whose stay may endanger its health, to be removed to the hospital; may remove from the city or destroy any furniture or other articles which shall be suspected of being tainted or infected with contagious or infectious 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, and in case any
Removal and treatment recovered from patient.	person shall be removed to the hospital the corporation may recover of such person before the police justice the expense of his removal, support, nursing and medical attendance, and burial expenses in case of death.

## REVENUE.

Appropriations.	SEC. 65. That all moneys arising from taxes, penalties, forfeitures or any other sources whatsoever shall be the property of the city and be paid into the city treasury, where it shall remain until lawfully appropriated by a majority of the board of aldermen in specific items for the exclusive use and benefit of the city and the
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people resident therein, unless otherwise expressly provided in this act.

SEC. 66. That in order to raise a fund for the expenses incident Taxes, to the proper government of the city the aldermen may annually levy and collect the following taxes, namely:

(1) On all real and personal property within the corporate Property tax, limits, including money on hand, solvent credits, investments in bonds, stocks and all other subjects taxed by the General Assembly *ad valorem*, except incomes, a tax not exceeding one dollar on every hundred dollars value.

(2) On all taxable polls resident in the city on the first day of Poll tax, June of each year, or so resident within sixty days next preceding that day, a tax not exceeding three dollars a poll.

(3) That in the collection of all city taxes upon property or Collection of taxes, polls the general law of the State regulating attachment and garnishment shall be applicable, and the police justice, chief of police and members of the police force shall have the same power as that allowed by the general law to justices of the peace and sheriffs in such case.

(4) Upon every omnibus used for the carriage of persons for Vehicles for hire, hire a license tax not exceeding fifty dollars a year; and upon every hack, carriage or other vehicle, including express wagons used for the carriage of persons or baggage for hire, and upon every dray used for the transportation of freight or other articles for hire, a license tax not exceeding ten dollars a year; and a discrimination shall be made between one and two-horse vehicles.

(5) Upon all male dogs kept in the city and which may be so Dogs, kept on the first day of June a tax not exceeding three dollars, and upon every bitch not exceeding ten dollars.

(6) Upon all swine and goats not prohibited by the aldermen to Swine and goats, remain in the city, when confined, a tax not exceeding five dollars a head.

(7) Upon all encroachments on the streets or sidewalks by Encroachments on porches, piazzas, stairways, passages or other projections or exca- streets, vations suffered or allowed by the aldermen a tax not exceeding two dollars nor less than fifty cents per square foot.

(8) Upon every express company and upon every telegraph or Express, telegraph telephone company doing business in the city a tax not exceeding and telephone companies, one per centum of its gross receipts in the city, to be given in upon oath by the managing agent of such company annually at the time when other taxes are listed, and under the same penalty as that prescribed in the laws of the State for the failure to give in.

(9) Upon all shares and certificates of stock issued by every Shares of stock, bank, banking association or other incorporated institution located within the corporate limits, whether such institution or banking association has been organized under the laws of this State or of the United States, *ad valorem*, a tax not exceeding one dollar on

Proviso: owners of stock to be residents.	every hundred dollars value: <i>Provided</i> , that the owners of such shares or certificates of shares of stocks are residents of the city, and that the assessment shall be with regard to the value of the stock on the first day of June annually: <i>And provided further</i> , that the value of the property of such bank or association otherwise taxed by said city and its property exempt from taxation be deducted from the aggregate amount of such bank or association's capital stock.
Proviso: deductions.	
Breeding animals.	(10) Upon every stud-horse, jackass or bull used for the purpose of breeding within the corporate limits of said city a license tax not exceeding twenty-five dollars a year.
Returns on oath.	SEC. 67. That the citizens of Raleigh, and others liable to be taxed under this charter, shall, on a day prescribed for listing State and county taxes, render on oath to the clerk of the city, who is hereby constituted a commissioner of affidavits for that purpose, on a blank to be prepared and furnished by the board of aldermen, a list of their property and subjects for which they may be liable to be taxed under all the rules and penalties prescribed in this charter. The list shall state the age of the party with reference to his liability to a poll tax, and shall also contain a verified statement of all the real and personal property of every kind and such interest and estates therein as are taxable, moneys, credits, investments in bonds, stocks, joint stock companies, annuities or otherwise not herein excepted, and all other subjects taxed by this charter and by the General Assembly, in possession or under control or in charge of the person required to render said list, either as owner or holder thereof, or as parent, husband, guardian, trustee, executor, administrator, receiver, accounting officer, partner, agent, factor, or otherwise. The party listing shall also swear to the true value of all property, choses in action and other subjects listed, except land, which oath shall be in the following form, to-wit: "I, . . . . ., do solemnly swear (or affirm) that the list furnished by me contains a true and accurate list of all property which by law I am required to list for taxation, and that the value affixed thereon by me is a true valuation of the same, according to my best knowledge, information and belief: So help me, God." Any person making false return shall be deemed guilty of perjury. Property held in trust, or as agent, guardian, executor or administrator, or in right of a <i>feme covert</i> , shall be returned on separate lists. Persons owning shares in incorporated companies within the city limits taxable by this charter are not required to deliver to the clerk a list thereof, but the president or other chief officer of such corporation shall deliver to the clerk a list of all shares of stock held therein, and the value thereof, and the tax assessed on shares of stock in such corporations shall be paid by the corporations respectively.
What list to state.	
Form of oath.	
False return perjury.	
Tax on stock.	
Returns of corporations.	SEC. 68. That all bridge, express, gas, manufacturing, street railroad and transportation companies, and all other companies

and associations incorporated under the laws of this State, situate or having its principal place of business within the corporate limits of the city, shall, in addition to the other property required by this act to be listed, make out and deliver to the clerk a sworn statement of the amount of its capital stock, setting forth particularly: First, the name and location of the company or association; second, the amount of capital stock authorized and the number of shares into which such capital stock is divided; third, the amount of capital stock paid up; fourth, the market value, or, if no market value, then the actual value of the shares of stock; fifth, the assessed valuation of all its real and personal property, which real and personal property shall be listed and valued as other real and personal property is listed and assessed under this charter. The aggregate amount of the fifth item shall be deducted from the aggregate value of its shares of stock as provided by the fourth item, and the remainder, if any, shall be listed by the clerk in the name of such company or corporation as capital stock thereof. In all cases of failure or refusal of any person, officer, company or association to make such return or statement, it shall be the duty of the clerk to make such return or statement from the best information which he can obtain.

SEC. 69. That every bank (not incorporated), banker, broker or stock jobber shall, at the time fixed by this charter for listing personal property, make out and furnish the clerk a sworn statement showing:

Returns of banks,  
bankers and  
brokers.

- (1) The amount of property on hand or in transit.
- (2) The amount of funds in the hands of other banks, bankers, brokers or others subject to draft.
- (3) The amount of checks or other cash items not included in either of the preceding items.
- (4) The amount of bills receivable, discounted or purchased, and other credits due or to become due, including accounts receivable and interest accrued but not due and interest due and unpaid.
- (5) The amount of bonds and stocks of every kind, State and county warrants and other municipal securities, and shares of capital stock of joint stock or other companies or corporations held as an investment or any way representing assets.
- (6) All other property pertaining to said business other than real estate, which real estate shall be listed and assessed as other real estate is listed and assessed under this act.
- (7) The amount of deposits made with them by other parties.
- (8) The amount of all accounts payable other than current deposits accounts.
- (9) The amount of bonds and other securities exempt by law from taxation, specifying the amount and kind of each, the same being included in the preceding fifth item. The aggregate amount

- Deductions. of the first, second and third items in said statement shall be listed as moneys. The amount of the sixth item shall be listed the same as other similar personal property is listed under this chapter. The aggregate amount of the seventh and eighth items shall be deducted from the aggregate amount of the fourth item of said statement, and the amount of the remainder, if any, shall be listed as credits. The aggregate amount of the ninth item shall be deducted from the aggregate amount of the fifth item of such statement and the remainder shall be listed as bonds or stocks.
- Railroad taxes. SEC. 70. That all the real and personal property of any railroad, or so much thereof as may be located within the corporate limits of said city, including road-beds, rights-of-way, main and side tracks, depot buildings and grounds, section and tool houses, machine and repair shops, general office buildings and store-houses, rolling stock and personal property, necessary for the construction, maintenance and successful operation thereof, shall be listed for purposes of taxation by the principal officers or agents of such companies with the clerk in the manner provided by law for the listing and valuation of real and personal property, and shall be taxed as other real and personal property under the rules, regulations and methods now or hereafter to be provided by the General Assembly of North Carolina for ascertaining and listing the value thereof.
- Double tax for failure to list. SEC. 71. That if any person or company shall fail to render to the clerk the list of property and other taxables required to be rendered by this charter within the time prescribed for listing State and county taxes, such person or company shall pay double the tax assessed on any subject for which said person is liable to be taxed.
- Clerk to examine on oath. SEC. 72. That the clerk shall be particular to examine each person on oath as to whether he has other property than that stated in his return which he may claim is not liable to taxation. Such property, except bonds of the United States and of this State, shall be entered and noted on the tax list.
- Clerk to make out tax lists. SEC. 73. That from the returns and lists made as provided by this charter the clerk shall, within thirty days after the expiration of the time for taking said lists, make out in a book kept or provided for that purpose an alphabetical list of the persons, companies and owners of property who have so made their returns in the same manner as tax lists are made out by law for the State and county taxes. And the said clerk shall copy in said book the assessments on file in the Register of Deeds' office for Wake County of all property within the city limits.

## BOARD OF EQUALIZATION.

- Board of equalization. SEC. 74. That in the month of May, one thousand nine hundred and five, and biennially thereafter, the board of aldermen shall appoint three discreet and proper persons among the electors of



the city of Raleigh, who are and have been owners of real estate and residents of the city for not less than twelve months, to be constituted and who shall constitute and be styled "The Board of Equalization of the City of Raleigh": and the persons so appointed shall continue in office for two years and until their successors are duly appointed and qualified, unless removed from office or otherwise incapacitated to hold office as herein provided. No member of the board of aldermen and no person holding an office or appointment under the board of aldermen shall be eligible or qualified to act as a member of the board of equalization.

SEC. 75. 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 city.

Members to  
qualify.

SEC. 76. That the 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.

Chairman.

SEC. 77. That as soon as the tax list can be completed by the city clerk the same shall be by him delivered to the board of equalization, which board shall have the power and it shall be their duty to act conjointly with the Board of County Commissioners of Wake County in equalizing the valuation of all property within the corporate limits of said city, and said boards conjointly shall have all the powers given to the board of commissioners of a county to revise a tax list.

Tax list delivered  
to board.

Board to act with  
county commis-  
sioners.

SEC. 78. That said boards shall conjointly and carefully examine the tax lists of the city and county, and shall equalize the valuations of all property within the city limits, so that each tract or lot of land, or article of personal property, and all subjects of taxation shall be entered on the respective tax lists of the city and county at its true value in money, and shall cause the respective tax lists to conform as nearly as possible, and for this purpose they shall have power to increase, modify, add to and change the tax lists as made out, so that the valuation of similar property throughout the city shall be as near uniform as possible, and in doing so they shall observe the following rules and shall have the following powers:

Boards to examine  
tax lists and  
equalize values.

(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.

Power to raise  
value.

Reduce values.

(2) They shall reduce the valuation of such tracts and lots of real property or articles of personal property and other subjects taxed by the charter as in their opinion have been returned above their value as compared with the average valuation of real and personal property of said city. In regard to real property they shall have due regard to the relative situation, quality of soil, improvements, natural and artificial advantages possessed by each tract or lot and the uses thereof.

To scrutinize lists.

(3) Whenever said board of equalization shall have reasonable ground to believe that any person, company or corporation has failed to give in a true and accurate list of such personal property and other subjects taxable by the charter as he, it, or they are required to furnish, with the true value thereof, it shall be their duty to ascertain the same and insert the same and the true value thereof in the tax list.

To issue subpoenas and examine witnesses.

(4) In performing the duties required of them the said board of equalization shall have power to subpoena, 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 superior courts.

Returns to board of unlisted property.

(5) The said board of equalization, on tendering the prescribed oath, may take a list of any person, company or corporation applying to list his or its taxables at any meeting held on or before the first day of October, upon the applicant paying the clerk twenty-five cents for recording the same; and in ascertaining the value of property and taxables thus listed, said board shall have the same powers to investigate and ascertain the true value thereof as is herein given them in other cases.

Aldermen to levy taxes.

SEC. 79. That as soon as the tax list can be revised by the board of equalization the board of aldermen shall proceed to levy the tax on such subjects of taxation as they shall determine, and shall place the tax list in the hands of the tax collector for collection, who shall proceed forthwith in the collection, and shall complete the same on or before the first day of December next ensuing, and shall pay the moneys as they are collected to the treasurer. On the first day of December there shall be a penalty of one per centum added to the amount of all taxes due, and an additional one per centum on the first day of each month thereafter until the same are paid.

Tax collector to collect.

Penalty for non-payment.

Taxes on bank stock.

SEC. 80. The taxes imposed upon the shares or certificates of shares of stock in any bank or banking association (State or national) shall be paid by the cashier or other principal officer of such bank or banking association directly to the city tax collector within thirty days after notice from said tax collector of the amount of tax due, and upon the failure of said cashier or principal officer to pay the tax collector as aforesaid, he shall forthwith

institute an action against the bank or banking association for the recovery of the same in the proper court in said county of Wake.

SEC. 81. That if any person liable to taxes on subjects directed to be listed shall fail to pay them within the time prescribed for collection, the collector shall proceed forthwith to collect the same by distress and sale, all sales to be made after public advertisement for the space of ten days in some newspaper published in the city if the property to be sold be personalty, and of ten days if the property be realty, or by posting a notice in four public places within the city. And the said collector shall have the right to levy upon and sell any personal property situated outside of the limits of the city within the county of Wake belonging to a delinquent tax-payer of the city in order to enforce the payment of taxes due the city by said delinquent.

Collection of taxes  
by distress.

Levy on property  
outside of city.

SEC. 82. That the tax due on any lot or other subdivision of land is hereby declared to be a lien on the same, and if it shall remain unpaid on the first day of December next after the assessment the tax collector shall either proceed to collect the same by levy and sale of personal property belonging to the owner of said lot or shall report the fact to the aldermen, together with a description of the real estate, and thereupon the aldermen shall direct the same to be sold at the court-house door in the city of Raleigh by the collector. The collector shall before selling the same make a full advertisement of the said real estate at the court-house door and at three or more public places in said city for twenty days, and shall also serve upon the owners thereof a written or printed notice of the taxes due and the day of sale, but such notice need not be given to any person having or claiming any lien on said land by way of mortgage or otherwise. Whenever the owners are not in the city, or for any cause cannot be served with notice, then the advertisement of real estate belonging to such owners shall be made for one week in some newspaper published in the city of Raleigh, and the collector shall divide the said land into as many parts as may be convenient (for which purpose he is authorized to employ a surveyor), and he shall sell as many thereof as may be required to pay said taxes and all expenses attendant thereon. If the same cannot be conveniently divided the collector shall sell the whole; and if no person shall pay the whole of the taxes and expenses for the whole land the same shall be struck off to the city, and if not redeemed as hereinafter provided shall belong to the city in fee, and the owner or occupant may be dispossessed and evicted from said premises by the city or its assignee at any time by an action of ejectment. No sale of real estate in said city for the non-payment of taxes assessed against such real estate as appearing on tax list aforesaid shall be invalid on account of the same having been assessed as belonging to any other than the owner, or as property of an unknown owner, or on account of any informality or irregularity whatever in any of the proceedings for its assess-

Tax lien on real  
property.

Sale of real estate  
for taxes.

ment 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 proceeding for the sale, were paid at the time of the sale. That the collector shall return an account of his proceedings to the aldermen, specifying the portions into which the land was divided and the purchaser or purchasers thereof and the price of each, which shall be entered on the book of proceedings of the aldermen: if there shall be a surplus after paying said taxes the same shall be paid into the city treasury subject to the demands of the owner.

Power of redemption.

SEC. 83. That the owner of any land sold under the provisions of this charter, his heirs, executors and administrators, or any person acting for them, may redeem the same within one year after the sale by paying to the purchaser the sum by him paid and twenty-five per cent. on the amount of taxes and expenses, and the treasurer shall refund to him, without interest, the proceeds, less double the amount of taxes.

Deeds if property not redeemed.

SEC. 84. 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 deed executed under the hand of the mayor and two aldermen, attested by the corporate seal: and the recital in such conveyance, or in any other conveyance of land sold for taxes due the city, that the taxes were due, or of any matter required to be true or done before the sale might be made, shall be *prima facie* evidence that the same was true and done.

Real estate of infants and persons non compos.

SEC. 85. That the real estate of infants or persons *non compos mentis* shall not be sold for tax: and when the same shall be owned by such, in common with other persons free of such disability, the sale shall be made according to section ninety-two of chapter ninety-nine of the Revised Code.

License taxes.

SEC. 86. That in addition to the subjects listed for taxation the aldermen may levy a tax on the following subjects, the amount of which tax, when fixed, shall be collected by the chief of police instantly, and if the same be not paid on demand the same may be recovered by suit, or the articles upon which the tax is imposed, or any other property of the owner, may be forthwith distrained and sold to satisfy the same, namely:

Peddlers.

(1) Upon all itinerant merchants or peddlers offering to vend in the city, a license tax not exceeding one hundred and 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: *Provided*, that such itinerant merchants or peddlers shall comply with such rules and regulations as the board of aldermen may make in respect to the time, places and manner of vending under such licenses.

(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 game or play, wheels of fortune or other games of chance, with or without a name, kept for hire, or kept in a house where liquor is sold, or a house used or connected with such a house, or used or connected with a hotel or restaurant, or contiguous or adjacent thereto, a license tax not exceeding one hundred dollars for each table or alley or other subject herein mentioned. Games and gaming tables.

(3) Upon every permission by the board of aldermen to retail spirituous, vinous or malt liquors, a tax of twelve hundred dollars; and for every permission to sell spirituous, vinous or malt liquors in quantities of one quart and less than five gallons a license tax of four hundred dollars, and in quantities of five gallons or more a license tax of four hundred dollars: *Provided*, that they may issue a single license for the sale of beer only and charge therefor not exceeding three hundred dollars a year. Liquors.

(4) Upon every company of circus riders or performers, by whatever name called, who shall exhibit within the city or within one mile thereof, a license tax not exceeding one hundred dollars for each performance or separate exhibition, and upon every side show connected therewith a license tax not exceeding ten dollars, the tax to be paid before exhibition, and if not, to be doubled. Circus riders.  
Side shows.

(5) Upon every person or company exhibiting in the city or within one mile thereof any stage or theatrical plays, sleight-of-hand performances, rope-dancing, tumbling, wire-dancing, or menageries, a tax not exceeding fifty dollars for every three hours allowed for exhibiting, the tax to be paid before exhibiting or the same shall be doubled. Stage plays.

(6) Upon every exhibition, for reward, of artificial curiosities (models of useful inventions excepted) in the city or within one mile thereof a tax not to exceed twenty dollars, to be paid before exhibition or the same shall be doubled. Artificial curiosities.

(7) Upon each show or exhibition of any kind, and on each concert for reward in the city or within one mile thereof, and on every strolling musician, a tax not exceeding fifty dollars, to be paid before exhibition or the same shall be doubled. Other shows.

(8) Upon every cow, goat or hog running at large in the city there may be levied a tax not exceeding three dollars, and upon every horse, mule or bull going at large a tax not exceeding ten dollars, and every such animal may be seized and impounded in an inclosure which shall be established and kept by the city therefor, and if the owner, on being notified, will not pay the tax the animal shall be sold therefor at the pound after three days' notice at the court-house. Animals running at large.

(9) Upon every dog which may be kept or brought into the city after the first day of June to be kept therein a tax not exceeding two dollars for the permission to keep such dog in the city, which Dogs.



permission shall not extend further than the last day of May next ensuing.

Auctioneers.

(10) Upon every auctioneer or crier of goods at public auction, subject to the limitations provided in section two thousand two hundred and eighty-one of The Code, a license tax not exceeding one hundred dollars a year.

Brokers and agents.

(11) Upon every stock and bond-broker, junk-dealer and pawn-broker, sewing-machine or bicycle company or agent for such company, dealer in or manufacturers' agent of musical instruments, keeper of sales stables or stockyards doing business in the city, a license tax not exceeding two hundred dollars a year.

Stables and stock yards.

Miscellaneous trades and professions.

(12) Upon every lawyer, physician, dentist, cotton-broker, bill-poster, street-huckster, photographer, merchandise or produce broker, ice-dealer, dealer in wood and coal or either, insurance company, or insurance agency for every company represented, and every skating-rink or shooting-gallery, a license tax not exceeding ten dollars a year.

Surface privies.

(13) Upon every surface privy, as provided in this charter, a license tax not exceeding one dollar a year for each of said licenses.

Occupations not named.

(14) Upon every other occupation, profession or business, not herein specially named, a license tax not exceeding one thousand dollars a year.

Bond of auctioneers.

SEC. 87. That every auctioneer licensed by the board of aldermen shall give bond in the sum of five thousand dollars, with approved security, and shall be entitled to charge two and a half per centum commission on the amount of his sales, unless otherwise agreed between him and the owner of the goods sold; and every person who cries or sells goods at auction shall be considered an auctioneer.

Commission.

County commissioners not to grant license.

SEC. 88. That it shall not be lawful for the Commissioners of Wake County to grant any license to sell spirituous, vinous or malt liquors within the limits of the city, or within Raleigh Township, 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 selling without license, and for every offense of selling shall moreover forfeit and pay to the city the sum of one hundred dollars.

Procedure for condemnation of land.

SEC. 89. That when any land or right-of-way shall be required by said city of Raleigh for the purpose of opening new streets or for other objects allowed by this charter, and for want of agreement as to the value thereof the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by three freeholders of the city, to be chosen by the aldermen, who shall receive a *per diem* of one dollar each; and in making said valuation said freeholders, after being duly sworn by the

mayor, or a justice of the peace of the county, or a clerk of a court of record, shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land or right-of-way being surrendered, also any special benefit or advantage such owner may receive from the opening of such street or other improvement, and shall state the value and amount of each, and the excess of loss or damage over and above the advantages shall form the measure of the valuation of said land or right-of-way: *Provided, nevertheless*, that if any person over whose land the said street may pass, or improvement be erected, or the aldermen, shall be dissatisfied with the valuation thus made, then in that case either party may have an appeal to the next Superior Court of Wake County to be held thereafter; and the said freeholders shall return to the court to which the appeal is taken their valuation with the proceeding thereon; and the land so valued by the freeholders shall vest in the city so long as it may be used for the purposes of the same as soon as the valuation may be paid or lodged in the hands of the clerk of the superior court (in case of its refusal by the owner of the land): *Provided further*, that in case of the discontinuance of the use of the land and its reversion to the owner, the city may remove any improvement erected under its authority and expense within sixty days of such reversion.

Proviso: right of appeal.

SEC. 90. That no basement, cellar, area, passage, entrance or other opening shall be excavated, made, built or permitted to remain under any sidewalk; nor shall any veranda, piazza, platform, entrance, stairway, passage, building or other projection or construction whatsoever be permitted to occupy any space on or over any sidewalk in the city whereby the free passage of persons may be hindered, obstructed, delayed or in anywise endangered, unless annually licensed and taxed by the board of aldermen.

Encroachments on streets.

SEC. 91. That all the books, records, documents and papers of every name and nature belonging to the city government, or to the officers thereof in the performance of their official duties, shall be open to the inspection of any citizen and tax-payer of the city at all times during ordinary business hours.

Books and records open to inspection.

SEC. 92. That on the first Monday of March in each year all of the officers of the city shall make out and file with the city clerk a fair transcript of all receipts and disbursements in the departments over which they preside; all the officers of the city having any of the property of the city in their charge shall report an inventory of the same, and each committee of the board of aldermen shall submit annual reports, all of which the board of aldermen shall cause to be printed in book form for the general information of the citizens.

Annual accounts, inventories and reports.

SEC. 93. The Attorney for the City of Raleigh shall be the legal adviser of the said city, conduct and defend suits brought for or

City attorney.

against same, and shall perform such other duties relating to his official position as may be prescribed by the said board of aldermen.

Officers not to contract with city.

SEC. 94. That no mayor or alderman or other officer of the city shall directly or indirectly become a contractor for work to be done by the city.

#### OF CRIMES AND PENALTIES.

Additional crimes and penalties.

SEC. 95. That in addition to the crimes and penalties hereinbefore enumerated, and in addition to the crimes and penalties denounced by the Public Laws of North Carolina applicable hereto, are these:

Sojourners attempting to register or vote.

(1) Any person who, having entered, sojourned and remained in the city of Raleigh in the capacity of a State or county officer, clerk or employee; or as a teacher, student or employee of any public or private school therein; or as an officer, employee or inmate of any hospital, asylum, soldiers' home or other institution of temporary employment, residence or detention whatsoever, and while so sojourning or remaining in any such capacity shall offer or attempt to register as a voter or to vote therein, or who shall register or vote therein; and any person who shall advise, counsel, aid or assist any such person to register or to vote therein; and any registrar, judge, pollholder, or other officer of registration or election in the city whatsoever, who shall willfully or knowingly register the name or poll the vote of any such person, or permit it to be done in his precinct, shall for every such offense forfeit and pay a fine of fifty dollars or be imprisoned at hard labor thirty days, and if at the expiration of thirty days from the filing of authentic information of such offense before the police justice he shall have failed to prosecute the offender or to enforce the penalty herein provided, then any elector who will first sue in the name of the city before the police justice or the Superior Court of Wake County may recover such fine or fines to his own use and enforce the payment thereof and of the costs as herein provided in case of non-payment to the city.

Election officer allowing sojourner to register or vote.

Penalty.

Suit for penalty.

Officer failing to attend at office.

(2) Every mayor or other officer of the city of Raleigh who shall fail, neglect or refuse to attend at and keep open his office for the transaction of official business as required by this act, without good and sufficient reasons satisfactory to the board of aldermen, shall be removed from office by the board of aldermen, two-thirds of the members concurring therein.

Failure of officers to perform duties.

(3) Any mayor or member of the board of aldermen who shall fail, neglect or refuse in due time to call and provide for the election by the people of city officers and for other purposes prescribed in this act: every officer of the city of Raleigh who shall fail, neglect or refuse to keep proper books of account showing all their transactions with the city or to make proper returns and

reports thereof, or to keep the books of his office open to public inspection, or to turn over and account for all the proceeds of all the fines, penalties and forfeitures imposed by the police justice as required by the provisions of this act; or who, having been elected to the office of mayor, alderman or other officer of the city with his full knowledge and consent, shall fail, neglect or refuse to qualify; or who, having been elected to such office, shall enter upon duty, or attempt to do so, without having first taken, subscribed and filed with the clerk the oath of office, or given bond (if any) required by the provisions of this act, shall be guilty of a misdemeanor, and upon satisfactory proof thereof before the police justice, or before the Superior Court of Wake County in case the police justice be accused, shall be adjudged to pay a fine not exceeding two hundred dollars or to be imprisoned not exceeding three months. Penalty.

(4) Any alderman of the city who shall fail, neglect or refuse to attend any regular meeting of the board, or any special meeting called by a majority of the board in which he joined, or who, having had written notice by mail or otherwise of a special meeting of the board called by the mayor or by a majority of the board in which he did not join, shall fail, neglect or refuse to attend such regular or special meeting, or give to the board on or before the next ensuing regular meeting thereof a satisfactory excuse therefor, shall forfeit and pay to the chief of police to the use of the city the sum of three dollars for each offense; *Provided*, that if any alderman be absent from three successive regular meetings of the board without a satisfactory excuse therefor, it shall be the duty of the board of aldermen to declare his office vacant and proceed to elect his successor. Failure of aldermen to attend meetings.  
  
Proviso: three absences.

(5) Any alderman or other officer of the city who shall vote for, support or contract any debt against the city for purposes other than the necessary current expenses of the city without the money in the treasury available for its payment; or who shall make any appropriation, donation, gift, sale, transfer or payment, directly or indirectly, of any money, property or credit of the city for any use or purpose other than for the exclusive use and benefit of the city of Raleigh and of the people resident therein, unless herein otherwise provided, shall be guilty of an infamous crime, and upon conviction thereof in the superior court shall be adjudged to pay a fine of not less than one thousand dollars nor more than five thousand dollars, or to be imprisoned not less than one year nor more than five years, or both such fine and imprisonment, in the discretion of the court, and shall be liable to an action at law for the recovery of the whole amount so unlawfully contracted or misappropriated, paid or transferred. Vote for misappropriation of funds.  
  
Penalty.

(6) Any person whose duty it shall be, as principal, agent, attorney, trustee, officer or otherwise for an individual, company, association, corporation or otherwise, to make return, list or report Failure to list for taxes.

Resisting removal to hospital.	of property or poll for taxation under the provisions of this act, who shall fail, neglect or refuse to list the same, or shall list same in the name of any other than the true owner; or who, being interrogated by the clerk or any member of the board of equalization respecting such property, shall refuse to answer or shall answer falsely concerning the same; or who shall refuse to fill out, subscribe and make oath to his returns of such property or poll for taxation; and any person who shall interfere and by threats, force or violence prevent or attempt to prevent the lawful removal of any person into any hospital within or without the city by the authorities thereof: or who shall excavate, construct, build, use, keep or maintain any cellar, basement, area, passage, entrance or way under any sidewalk, or build, construct, keep, use or maintain any veranda, piazza, platform, building or stairway or other projection or construction upon or over any sidewalk in the city whereby the free and safe passage of persons may be hindered, delayed, obstructed or in any way endangered; or who shall engage in the business of an auctioneer or the keeping of a bucket, junk or pawnshop, or the sale of spirituous, vinous or malt liquors, without having first taken out a license therefor; or who, being a resident freeholder, shall refuse to serve as such as for the condemnation of land when thereunto required by the board of aldermen, shall be guilty of a misdemeanor, and upon satisfactory proof before the police justice shall be adjudged to pay for every such offense a fine not exceeding two hundred dollars or be imprisoned not exceeding six months.
Encroachment on streets.	
Doing business without license.	
Refusal to serve as assessment juror.	
Penalty.	
Tampering with boundary monuments.	(7) Any person who shall remove, deface, injure or destroy any monument placed at the central intersection or prolongation of the line of any public street, or on the line of any ward, or on the exterior lines and points of intersection of the corporate limits of the city, or who shall place or maintain upon any of said lines or any of the prolongations of the public streets of the city to the exterior boundaries any obstruction to the line of sight from any one corner, intersection, monument or natural elevation thereof, or who shall aid, advise or procure any such removal, defacement, injury, destruction or obstruction, shall be guilty of a misdemeanor, and upon conviction thereof before the police justice he shall forfeit and pay for every offense the sum of fifty dollars; and in addition thereto for every day in which such obstruction is maintained after five days' notice to remove the same he shall forfeit and pay the sum of five dollars, and he shall be imprisoned until such fine or fines and the costs are paid by work upon the public streets, roads or other works of the city or county at the rate of one dollar a day. And one-half of all such fine or fines shall go to any complainant or informer, other than a city official, who shall also furnish evidence sufficient to convict the offender.
Penalty.	
One-half fine to informer.	
False alarm of fire.	(8) That any person not lawfully authorized who shall give or knowingly cause to be given any false alarm of fire by means of



the fire-alarm telegraph of said city, or who shall willfully and deliberately injure any part of the same, shall be guilty of a misdemeanor, and shall upon conviction be fined not exceeding one hundred dollars or imprisoned not exceeding sixty days. Penalties.

SEC. 96. That all penalties or forfeitures imposed under the provisions of this act, or imposed for the violation of any ordinance, by-law, rule or regulation of the board of aldermen, unless herein otherwise provided, civil in their nature, shall be recoverable before the police justice in a civil action in the name of the city of Raleigh, and all such penalties or forfeitures incurred by any minor over the age of twelve years shall be recovered from the parent, guardian or master of such minor. Penalties, civil debts. Recoverable by action. Penalties of minors.

#### OF OFFICIAL BONDS AND SECURITY.

SEC. 97. That each of the following-named officers shall, before entering upon duty, give a good and sufficient bond conditioned for the faithful performance of the duties of his office, with one or more sureties justified in a sum not less than the penalties of the bond over and above all their just debts and liabilities and the exemptions allowed by law, to be approved and certified as satisfactory by the board of aldermen and recorded by the clerk as follows, to-wit: Official bonds.

(1) The chief of police shall give a bond in the penalty of five thousand dollars. Chief of police.

(2) The city clerk shall give a bond in the penalty of two thousand dollars. City clerk.

(3) The street commissioner shall give a bond in the penalty of two thousand dollars. Street commissioner.

(4) The tax collector shall give a bond in a penal sum not less than thirty-five thousand dollars. Tax collector.

(5) The treasurer shall give a bond in a penal sum not less than thirty-five thousand dollars. Treasurer.

(6) The commissioner of the sinking fund shall give a bond in a penal sum not less than twenty thousand dollars. Commissioner of sinking fund.

(7) The sanitary inspector shall give a bond in the penalty of two thousand dollars: *Provided*, that the bonds herein provided for shall be given with such surety company as surety thereto as are now or may hereafter be allowed to execute similar bonds under the general laws of the State. Such bonds shall be carefully examined and certified anew by the board of aldermen annually during the month of May. If the security of any such bonds shall have become impaired, or if for any cause the security shall be adjudged insufficient to cover the amount of public money or other property in the custody of the officer, then the bond shall be renewed and the insufficient security shall be increased and the impaired shall be made good, but such renewal shall not make "cumulative," thereby doubling the penalty of the bond. And for Sanitary inspector. Proviso: surety on bonds.

Bonds examined and certified annually.

Premiums paid  
by city.

any breach of any such bond by any officer 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 is recovered. That the bonds of the tax collector, commissioner of sinking fund, the city treasurer and chief of police be paid for by the city in addition to the salary allowed each respective officer.

#### SALARIES AND FEES.

Salaries.

SEC. 98. That in addition to the salaries, fees and allowances hereinbefore prescribed there shall be allowed the following:

Mayor.

(1) To the mayor, for his service to the city as such, per month, payable monthly by the city, one hundred dollars.

Police justice.

(2) To the police justice a salary of six hundred dollars per year, payable in equal monthly installments of fifty dollars per month and additional fees and allowances for the issuing of such writs, processes, judgments and other lawful papers of his court, such fees and allowances as justices of the peace and clerks of the superior court are entitled to receive for the performance of a like duty, to be taxed on the papers as part of the cost in each case, and paid by the State, county or person usually charged with the costs in like cases in courts of justices of the peace or the superior court, as the case may be. The fees provided for in this section shall be paid when collected into the city treasury.

Chief of police.

(3) To the chief of police, for his services to the city as such, per month, payable monthly by the city, one hundred dollars. For his services in the execution of process issued by the police justice and executed by him or members of the police force under the provisions of this act he shall be entitled to such fees and allowances as sheriffs and constables are entitled to receive for the performance of like duty, to be taxed on the papers as part of the costs in each case and paid by the State, county or person usually charged with costs in like cases in courts of justices of the peace or in the superior court, as the case may be, and in no event by the city, and shall be paid when collected into the city treasury.

City clerk.

(4) To the city clerk, for his services to the city as such clerk, per month, payable monthly by the city, one hundred dollars.

Treasurer.

(5) To the treasurer, for his services as such under the provisions of this act, a salary of three hundred dollars per annum, payable in equal monthly installments.

Other officers.

(6) To any other officer prescribed or authorized by any of the provisions of this act, such salary as to the board of aldermen may seem just and proper, not exceeding that prescribed for like or similar service in this section.

Repealing clause.

SEC. 99. That from and after the passage and ratification of this act the same shall be and remain the Charter of the City of

Raleigh: and all laws or parts of laws heretofore enacted in relation thereto, and not heretofore repealed, which are inconsistent with this act, are hereby repealed.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

## CHAPTER 37.

### AN ACT TO AMEND, REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF SPENCER, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all the inhabitants of the present town of Incorporation.  
Spencer be and continue to be as they have heretofore been a body  
politic and corporate, and henceforth the said corporation shall  
bear the name and style of "Town of Spencer," and under that Corporate name.  
name is hereby invested with all the property and rights of prop- Corporate powers.  
erty which now belong to the present corporation of the "Town of  
Spencer," and by the corporate name of "Town of Spencer" may  
purchase and hold for purposes of its government, welfare and  
improvement, all such property and estate, real and personal,  
within or without said town, as may be deemed necessary or con-  
venient therefor, or as may be conveyed, devised or bequeathed to  
it; and the same may, by its board of aldermen, from time to time  
sell, dispose of and re-invest as shall be deemed advisable by the  
proper authorities of said corporation: and said corporation of  
the "Town of Spencer" shall be subject to all the provisions and  
have all the rights and privileges contained in chapter seventy-six  
of the Revised Statutes of North Carolina and in the Constitu-  
tion and laws of the State of North Carolina, and amendments Constitution and  
laws with reference  
to towns applicable.  
thereto, in reference to municipal corporations, as the same may  
now be, except as they may be in conflict with or modified by the  
provisions of this act.

SEC. 2. That the corporate limits of the said town of Spencer Corporate limits.  
shall embrace all the territory circumscribed by the following  
lines, to-wit: Beginning at a stake at the south intersection of  
Salisbury Avenue and First or Depot Street and running thence  
(1) south 28 degrees E. 903.34 feet to the northerly limit of the  
right-of-way of the railway company, 100 feet northerly of the  
center line of the main track of the railway company running  
between Washington and Charlotte; thence (2) northeasterly  
along said right-of-way limit parallel with and 100 feet distant  
from the center line of said main track 2,827 feet more or less to  
the intersection of said northerly right-of-way limit and a line

with a course of north 67 degrees 30 minutes W., beginning from center line of main track of the said railway company 150 feet north 37 degrees 50 minutes E. of the present yard limit of that railway company at Spencer; thence (3) north 67 degrees 30 minutes W. 4,716.3 feet to an iron rail in the northwest side of Third Street, about 75 yards from Gobble's S. W. corner on the old Gobble's mill line; thence (4) south 57 degrees 30 minutes W. 6,874 feet to a stake; thence (5) south 23 degrees 15 minutes E. 4,142 feet with the center of Seventeenth Street to its intersection with the northerly limit of the railway company's property; thence (6) north 67 degrees 9 minutes E. 425 feet; thence (7) north 60 degrees 55 minutes E. 682.9 feet, thence (8) north 2 degrees 51 minutes E. 470.4 feet to the south side of Lee Street; thence (9) north 67 degrees 28 minutes E. along said south side of Lee Street 978 feet more or less to the intersection of said south side of Lee Street with the southeast side of Lexington Avenue; thence (10) north 35 degrees 21 minutes E. along the southeast side of Lexington Avenue 687.5 feet more or less; thence (11) north 36 degrees 50 minutes E. along southeast side of Salisbury Avenue 1,160 feet; thence (12) north 57 degrees 30 minutes E. 2,710 feet to the point or place of beginning. The said corporate limits as above described shall not be extended south or east of the southerly and easterly boundary lines of Salisbury Avenue, except as is included in above specified limits.

Corporate limits limited.

Town officers and government.

SEC. 3. That the municipal government of the said town of Spencer shall be a town council which shall consist of a mayor who shall be the presiding officer thereof, a board of aldermen, consisting of six 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 the chief of police and tax collector; the said council may elect another officer to be called secretary and treasurer.

Mayor and aldermen, election, term of offices, etc.

SEC. 4. That the present mayor and board of aldermen, duly elected at the election in the year one thousand nine hundred and four, and at the present time holding said offices, shall remain in office until the regular municipal election in the year one thousand nine hundred and seven, held under chapter seventy-six of the Revised Statutes of the State of North Carolina; and that after said election in one thousand nine hundred and seven all elections for mayor and board of aldermen of said town of Spencer shall be held under the laws of the State of North Carolina governing municipal elections.

Terms of office.

SEC. 5. The tenure of office of said mayor and aldermen of the town of Spencer shall be two years or until their successors are elected and qualified, excepting the present mayor and aldermen, who shall hold their respective offices until their successors are elected in the year one thousand nine hundred and seven.

SEC. 6. There shall be held on Tuesday after the first Monday in May, one thousand nine hundred and seven, and biennially thereafter, at permanent polling places in said town, to be established by ordinance, an election for mayor and aldermen, who shall hold office until their successors are elected and qualified.

Election for mayor and aldermen.

SEC. 7. That after the town election aforesaid the town marshal and tax collector shall be elected by the board of aldermen or a majority of them, and shall be removed from office at the discretion of the mayor and board of aldermen.

Election or removal of marshal and tax collector.

SEC. 8. That any qualified elector in this State shall be eligible as mayor or alderman: *Provided*, he shall have been a resident of the town of Spencer for one year next preceding the day of election.

Eligibility to office.

SEC. 9. On the next day after the election, at ten o'clock in the forenoon, the registrars of the several voting places of the town shall meet at the office of the mayor and canvass and judicially determine the returns, and shall give a certificate to each candidate whom they shall determine to be duly elected.

Canvass of returns.

Certificate of election.

SEC. 10. The mayor and aldermen shall be installed in their respective offices at twelve o'clock, meridian time, on the third Monday in May next after the election.

Installation of mayor and aldermen.

SEC. 11. The aldermen of said town shall establish as many voting places therein as they shall from time to time deem necessary: *Provided*, that if the town is ever divided into wards there shall be at least one voting place to each and in each ward of the town.

Voting places.

SEC. 12. 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 to my best skill, judgment and ability, all and every, the duties of the office of Mayor of the Town of Spencer while I continue in said office, and will cause to be executed, as far as lies in my power, all laws, ordinances and regulations made for the government of said town; 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.

Oath of office of mayor.

SEC. 13. 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 Town of Spencer according to his best skill, judgment and ability.

Oath of office of aldermen.

SEC. 14. Said board of aldermen shall at their first meeting after qualification in every year appoint one of their number as mayor *pro tempore* of said town, who, in case of vacancy in the office of mayor, shall act as mayor until the next election, and who shall act as mayor in the absence of the regular mayor, discharging all of the duties of mayor and acting in all his official capacities.

Mayor pro tem.

SEC. 15. The Mayor of the Town of Spencer is hereby constituted a special court, with all the jurisdiction and powers in criminal offenses occurring within the limits of said town which

Jurisdiction of mayor.



- are now or may hereafter be given to justices of the peace, and shall have exclusive original jurisdiction to hear and determine all misdemeanors consisting of a violation of an ordinance or ordinances of said town, except where legally the mayor and mayor *pro tempore* are 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 Rowan 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 the superior court to try under similar circumstances a cause pending in such last mentioned court. •
- Removal for lack of jurisdiction.**
- Construction of jurisdiction.**
- Duties of mayor.** SEC. 16. 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.
- Powers and duties of board of aldermen.** SEC. 17. The board of aldermen, when convened, shall have power to make such ordinances, rules and regulations for the proper government of said town as they deem necessary, and provide for the proper execution thereof as they may think best.
- SEC. 18. The following powers are hereby conferred upon the board of aldermen, together with all the powers they now or hereafter possess under the laws of the State of North Carolina: To provide a sufficient supply of pure water for said town; to provide for the repairing and cleansing the streets and sidewalks of said town, in the manner and to the extent such board may deem best; to provide proper and effectual means and regulations to prevent and extinguish fires in said town; to make suitable regulations for the due observance of Sunday in said town, and to provide for the enforcement of the same; to appoint and regulate city watchers; to prevent, suppress and remove nuisances in said town; to regulate the manner in which dogs may be kept in said town; to make proper provision 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 appoint all policemen and other officers therefor, which they may deem proper to execute such precepts as the mayor may lawfully issue to them and to preserve the peace and order of the town; to establish and maintain one or more cemeteries, which shall be public, 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 the same, and the proper control, and regulation thereof; to make provision and take all proper measures to preserve the peace and order of said town, and to execute all the laws and ordinances thereof; to enact and pass all laws, ordinances and regulations as said board may deem necessary to preserve the health of the town, and to provide for the

due enforcement of the same; to determine, when necessary, the boundaries of the streets, lots and alleys of said town, 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; to make provision for licensing and regulating auctioneers and auctions in said town, and provide for the enforcement of the same; to restrain and prohibit and punish gambling in said town; to provide for licensing, regulating or restraining theatrical and other public amusements within said town, and all bills, posters and advertisements thereof, and to enforce all such provisions; to establish and regulate all necessary inspections within said town, whether of building or otherwise; 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; to impose, collect and appropriate fines, penalties and forfeitures for the breach of the ordinances and regulations of the town; to pass all laws, ordinances and regulations necessary and proper to carry into effect the intent and meaning of this act: *Provided*, they are not incompatible with the Constitution and laws of this State; 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 prescribe and regulate and issue license for omnibuses, hacks, drays and other vehicles used therein for the transportation, for hire, of persons or things; to grant all franchises they may see fit that are not in conflict with the laws of this State; to prescribe and regulate rates and charges of electric lights and water-works companies which are operating under a franchise granted by the said town of Spencer.

SEC. 19. Said board of aldermen shall have power to prevent dogs, horses, cattle, hogs and other brutes from running at large in said town, either in day-time or at night. Powers and duties of aldermen.

SEC. 20. Said board of aldermen may borrow in any fiscal year a sum or sums of money not exceeding in the aggregate ten thousand dollars outstanding at any one time, in such amount as the same may be needed for the necessary expenses of said town, at a rate of interest not exceeding six per centum per annum, 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 sum of ten thousand dollars, and all such loans made in any fiscal year shall be paid out of the general taxes of said town; 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 with interest. Power to borrow money.  
Rate of interest.  
Security.  
Maximum amount.  
How paid.

SEC. 21. That the fire limits of the said town of Spencer, unless otherwise determined by ordinance, shall be within and extend to Fire limits.

the east side of Twelfth Street, from the northeast side of Salisbury Avenue, along Carolina Avenue east of First Street, along the west side of First Street, south to the north side of Salisbury Avenue, and along Salisbury Avenue west to the east line of Twelfth Street.

Width of streets and alleys.

SEC. 22. That the width of all the streets not already established within the corporate limits of said town of Spencer shall be uniformly sixty feet wide, and all alleys not already open, uniformly ten feet wide, except as determined otherwise by ordinance.

Manufacture or sale of liquor prohibited.

SEC. 23. That no spirituous, vinous or malt liquors or intoxicating liquors of any kind shall be manufactured or sold within the corporate limits of the said town of Spencer, and the mayor and board of aldermen shall have no right to issue or grant license to any person or persons to manufacture or sell the same.

Violation a misdemeanor.

SEC. 24. 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.

School property exempt from taxation.

SEC. 25. All property within said corporate limits of the said town of Spencer, which now or at any time hereafter may be used for church or public-school purposes, as long as used for such purposes, shall be forever exempt from municipal taxation or special assessment by the said town of Spencer.

Tax levy.

SEC. 26. 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 one dollar on every one hundred dollars 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 two dollars; the board of aldermen may also tax trades and professions now or hereafter taxed under the laws of the State.

Special license taxes.

Ordinances.

SEC. 27. 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.

Salaries and fees.

SEC. 28. The fees of the tax collector for the said town of Spencer shall not be more than five per cent. of the amount of taxes collected, and the salary of the mayor of said town shall not be more than five hundred dollars.

Former incorporating act repealed.

SEC. 29. This act repeals an act of the General Assembly of North Carolina, ratified February the twentieth, one thousand

nine hundred and one, entitled "A bill to be entitled an act to incorporate the town of Spencer, in Rowan County."

SEC. 30. All acts and clauses of acts inconsistent with the provisions of this act in so far as they apply to the town of Spencer are hereby repealed. Conflicting laws repealed.

SEC. 31. This act shall be in full force and effect from and after its ratification.

In the General Assembly read three times, and ratified this 31st day of January, A. D. 1905.

## CHAPTER 38.

### AN ACT TO INCORPORATE THE JACKSON COUNTY BANK.

*The General Assembly of North Carolina do enact:*

SECTION 1. That C. J. Harris, M. Buchanan and Coleman C. Corporators, Cowan, their associates, successors and assigns be and they are hereby created a body politic and corporate under the name and style of "Jackson County Bank," and by such name may acquire, hold and convey real and personal property: may sue and be sued, plead and be impleaded in any of the courts of the State and have a continuous succession for a term of sixty years, and have and use a common seal for the purposes indicated in this act, and change the same at its pleasure. Corporate name.  
Corporate powers.

SEC. 2. That the capital stock of the corporation shall be not less than ten thousand dollars, in shares of one hundred dollars each, nor more than fifty thousand dollars. The corporation may commence business when a majority of the above-named incorporators accept this charter and when ten thousand dollars of the capital stock mentioned above is subscribed and paid in. Capital stock.  
Commencement of business.

SEC. 3. That the incorporators named herein, or a majority of them, after accepting this charter, are hereby empowered to open books of subscription to the capital stock of the said corporation, at such time or times, at such place and for such periods as they may determine; and the stockholders representing a majority of the stock may at any time, at any general meeting called after the organization of said corporation, at their discretion re-open books of subscription to said capital stock, until the same as herein limited is wholly taken: and that whenever ten thousand dollars shall be subscribed to the capital stock of the said bank the before-named corporators, or a majority of them, may call a meeting of the subscribers to said stock to meet in the town of Sylva, North Carolina, at such time and upon such notice as they may deem sufficient, who may do such things, not forbidden by law, as may be necessary to complete the organization of the said bank. Books of subscription.  
Completion of organization.

- Individual liability of stockholders. SEC. 4. That the stockholders of the said corporation shall be individually responsible, equally and ratably, and not one for another, for all contracts, debts and engagements of the corporation to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares.
- Board of directors. SEC. 5. That the affairs of the corporation shall be managed by a board of not less than three nor more than five directors, who shall be elected annually by the stockholders. The directors so elected shall choose from their number a president, who shall serve for one year and until his successor is elected. The directors may in their discretion elect a vice-president, who, in the event of the death, absence or disability of the president, shall be vested with all the rights and authority conferred upon the president. A majority of the board of directors shall have power to fill any vacancies that may occur in the board, and to appoint such other officers as may be necessary; fix their salaries and require bonds for the faithful performance of their duties, and shall have all such power and authority as may be necessary for governing the affairs of the said corporation, consistent with such by-laws as may be adopted by the stockholders.
- President.
- Vice-President.
- Vacancies.
- Other officers.
- Principal office. SEC. 6. That the principal office shall be in the town of Sylva, Jackson County, North Carolina.
- Corporate powers. SEC. 7. That the corporation shall have the power to receive and pay out the lawful currency of the country; to deal in mercantile paper, exchange, gold and silver coin, stocks, bonds, notes and other securities; to buy and sell real and personal property, to lend money on real or personal security, or to make loans secured by real or personal property, or both; 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 interest at the time of making said loan, and shall have all the powers, rights, privileges and immunities that may be necessary and incident to carrying on a general banking business; to discount notes and other evidences of debt, buy or sell or otherwise deal in commercial papers of every kind.
- Deposits of minors and married women. SEC. 8. That when married women, minors or apprentices deposit money or other things of value in said bank, either generally or specially to their credit, they or any of them may draw the same on their own check or order and be bound thereby; and such married women, minors or apprentices shall be bound by such individual check or order, and the said check or order shall be a valid and sufficient release to said corporation against such married women, minors or apprentices.
- Power to purchase, hold and convey property. SEC. 9. That said bank may purchase and hold property, real, personal or mixed, and such may be conveyed to it to secure or satisfy any debt due it, or for any other purpose, or any sold under any mortgage, deed of trust, execution, or order of court to satisfy any debt due it, and may sell and convey the same at pleasure,



by deed made in the name of the corporation, signed by the president and attested by the cashier under the common seal of the corporation, and use or re-invest the proceeds thereof as it may deem best.

SEC. 10. That the corporation shall have a lien upon the stock and deposits of any stockholder for any unpaid amount due on the stock and for any debt or liability of the stockholder of the said bank, superior to all other liens: *Provided*, this condition is printed on the certificate of stock issued by the corporation. And in case any subscriber to any stock of the corporation shall fail to pay for his stock or any part thereof, or in case any assignee of such stock or any other authorized or legal holder of said stock shall fail to pay his indebtedness to the bank, the said corporation is hereby authorized and empowered either to sue such holder and owner for the recovery of the amount due or to sell the said stock by public sale at the banking house of the corporation, first giving ten days' notice of such sale at the court-house door in said county and due notice to the holder of such stock for the same length of time; and the amount realized from such sale shall be applied first to the cost of sale and the indebtedness due the corporation, and pay the remainder, if any, to the holder of such stock. And if the amount realized at such sale be insufficient to pay the balance due, then such balance may be recovered by suit against such subscriber, holder of the stock or debtor.

Lien on unpaid-up stock.

Procedure to collect amounts due on stock.

SEC. 11. That the stock of the corporation shall be transferred only on the books of the corporation, either in person or by power of attorney; and no stockholder shall transfer his stock, except by the consent of the majority of the directors of the corporation, while he is indebted to the corporation either as principal, surety or otherwise: *Provided*, this condition is printed in the certificate of stock issued by the corporation. Any married woman owning or holding any of the stock of the corporation shall have the right and authority to sell or assign the same as if she were a *feme sole*.

Transfer of stock.

SEC. 12. That the stockholders of the corporation are hereby authorized to make such by-laws, rules and regulations for the government of the corporation as may seem to them proper, not inconsistent with the provisions of this act and the Constitution and laws of this State or the United States.

By-laws, etc.

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

In the General Assembly read three times, and ratified this 2d day of February, A. D. 1905.

## CHAPTER 39.

AN ACT TO ALLOW THE CITY OF GREENSBORO TO PAY  
A COMMISSION FOR THE SALE OF ITS FOUR PER CENT.  
BONDS.*The General Assembly of North Carolina do enact:*

Preamble.

SECTION 1. That whereas by virtue of chapter eighty, Laws of one thousand nine hundred and three, the city of Greensboro was authorized to issue, sell and dispose of bonds to an amount not exceeding two hundred and fifty thousand dollars; and whereas

Preamble.

there is a further provision in said act: "That the said bonds shall bear interest at no greater rate than five per centum per annum \* \* \* as the board of aldermen may prescribe, and the

Preamble.

said bonds shall in no case be sold, hypothecated or otherwise disposed of for less than their par value; and whereas in the call for an election authorizing the issue of said bonds the board of aldermen elected to name four per centum per annum as the rate

Preamble.

of interest said bonds should bear; and whereas it has been found after investigation by the officials of the city of Greensboro that said bonds cannot be sold at their face value without paying a commission brokerage for effecting such sale, but that by the payment of such commission brokerage of not more than six per centum said bonds can be sold, and thus save the tax-payers of the city of Greensboro several thousands of dollars over and above the amount the said board of aldermen would have received had it elected to name the rate of interest at five per centum per annum and sold such five per cent. bonds at a premium of one hundred and eight dollars; that the Board of Aldermen of the City of Greensboro be and it is hereby authorized and empowered to issue, sell and dispose of the said issue of bonds of two hundred and fifty thousand dollars heretofore authorized to be issued, sold and disposed of under and by virtue of chapter eighty, Laws of one thousand nine hundred and three, at not less than their par value, and to pay out of the sum thus received a commission brokerage of not exceeding six per centum to the party negotiating said sale.

Aldermen authorized to pay commission for bond sale.

SEC. 2. That the act shall be in form and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 2d day of February, A. D. 1905.

## CHAPTER 40.

AN ACT TO INCORPORATE THE TOWN OF TABOR IN  
COLUMBUS COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Tabor of Columbus County be and Corporation, the same is hereby incorporated by the name and style of the "Town of Tabor," and shall be subject to all the provisions contained in chapter sixty-two, volume two of The Code, not inconsistent with this act. Chapter 62, Vol. 2, Code, applicable.

SEC. 2. The corporate limits of said town shall be as follows: Corporate limits. Beginning at a stake in the dividing line between North Carolina and South Carolina, where the Pole-cat public road crosses the said State line, thence with said State line to the old Brunswick County line, thence a direct line to D. L. Harrelson's northwest land corner, thence a direct line to railroad crossing at W. K. Duncan's, thence to O. J. Duncan's northeast land corner, thence a direct line to H. A. Grainger's house on Pole-cat public road, thence a direct line to where Labon Fowler's land line crosses the Pridgen road south of J. W. Watts' house, thence a direct line to the W. & C. Railroad, at the south end of G. L. Fowler's field, thence a direct line to the beginning.

SEC. 3. That the officers of said corporation shall consist of a Officers, mayor, three commissioners, marshal, regular and special policemen, clerk and treasurer, and such other officers as the town commissioners may elect, and the following named persons shall fill the office of mayor and commissioners from their qualification until the first Monday in May, one thousand nine hundred and seven, and until their successors are elected and qualified: For Names of temporary officers. mayor, C. W. Brown; for commissioners, L. M. Stephens, D. L. Harrelson and W. C. Graham.

SEC. 4. That the marshal, clerk and treasurer, and regular Appointive policeman shall be appointed by the town commissioners, and the special policemen shall be appointed by the mayor. officers.

SEC. 5. That the marshal may appoint an assistant marshal Assistant marshal. who, in the absence of the marshal, shall have all the powers and discharge all the duties of the marshal.

SEC. 6. An election shall be held in said town on the first Mon- Election. day in May, one thousand nine hundred and seven, and biennially thereafter, for a mayor and three commissioners, under the laws of North Carolina regulating elections in towns and cities.

SEC. 7. That the mayor and commissioners shall form a council, Powers of mayor and commissioners. and may make, publish and enforce ordinances for the government of said town not inconsistent with the Constitution of the United States, the Constitution of North Carolina, and the laws of said sovereignties.

Qualification of officers.

SEC. 8. That the officers provided for by this act shall qualify within ten days after its ratification before a justice of the peace, or the clerk of the superior court, and all officers hereafter elected shall qualify in like manner.

Prohibition.

SEC. 9. The manufacture and sale of spirituous, vinous and malt liquors are hereby expressly prohibited in said town.

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 2d day of February, A. D. 1905.

## CHAPTER 41.

### AN ACT TO CHANGE THE CORPORATE LIMITS OF THE CITY OF MONROE.

*The General Assembly of North Carolina do enact:*

Section 2, Private Laws 1899, amended.

Corporate limits.

SECTION 1. That section two of chapter three hundred and fifty-two of the Private Laws of one thousand eight hundred and ninety-nine, entitled "An act to amend and consolidate the charter of the town of Monroe," be amended by striking out the first three lines of said section and inserting in lieu thereof the following: The corporate limits of the said city of Monroe shall be as follows: Beginning at a post near the barn of Mrs. D. A. Covington and runs N. 53 E. 220 poles to a stake in the fork of the Chonaw road; thence N. 43 E. 86 poles to a rock on the south edge of the Carolina Central Railroad; thence N. 5 W., crossing said railroad 30 poles to a rock, corner of the Canthon heirs' lot; thence N. 27 W. 36 poles to a rock in the Morgan Mill road, the terminus of Winchester Alley; thence N. 50 W. 124 poles to a stake near Frank McMillan's lot; thence N. 86 W. 168 poles, passing the Presbyterian chapel, to an ash in Bearskin Creek; thence up said creek as follows: S. 18 W. 16 poles, S. 43 $\frac{1}{4}$  W. 10 poles, S. 30 W. 17 poles, N. 55 $\frac{1}{2}$  W. 44 poles to a stake on south bank of creek; thence about S. 38 W. 3 1-5 poles to the old walnut stump; thence S. 38 W., crossing the Concord road near Shute's gin, on the creek, also crossing the Georgia, Carolina and Northern Railway, 154 poles to a rock on the north edge of the Waxhaw road by a telephone pole, corner of the present corporation line; thence S. 2 E. 134 poles to a rock in a hedge-row; thence S. 27 E., crossing the Lancaster road 100 poles to a stake in the line of the tract of land on which is situated the County Home for the Aged and Infirm; thence with said line S. 87 E. 38 poles to a rock, corner of the said County Home line and a line in the lands of E. M. Griffin; thence N. 84 E., crossing two prongs of the Wolfe Pond road 118 poles to the beginning.

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. 1905.

## CHAPTER 42.

### AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF WILSON GRADED SCHOOL DISTRICT TO ISSUE BONDS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of trustees of the "Wilson Graded School District" be and they are hereby authorized to issue coupon bonds to an amount not exceeding twenty thousand dollars. Bond issue. Amount. to bear interest at the rate of five per cent. and to run for a Maturity. period not exceeding twenty years; that, for the purpose of Security. securing the payment of said bonds, the said board of trustees are hereby authorized and empowered to execute a deed in trust to such person or corporation as they may select, conveying the lot or parcel of land, in the town of Wilson, upon which is located the graded school building for whites, with the usual power of sale, and other powers necessary and proper to secure the payment of the interest on said bonds and the principal thereof as they mature.

SEC. 2. That the said board of trustees are hereby authorized and empowered to sell the said bonds for such amounts as they may be able to obtain therefor, not less than their par value. Trustees to sell bonds. That the proceeds of said bonds, when sold, shall be applied to the Minimum price. payment of the notes heretofore executed by said board of trustees to raise money with which to pay for the erection of the said graded school building, and for the enlargement, equipment, or improvement thereof, or furniture therein, and for the erection of such other buildings as said board may decide to erect. Application of proceeds.

SEC. 3. That the said board of trustees shall, out of the amounts received by the treasurer of said board from the Sheriff of Wilson County from the taxes levied and collected pursuant to the provisions of chapter one hundred and ninety-two of the Public Laws of one thousand eight hundred and eighty-three, as amended by chapter five hundred and seven of the Public Laws of one thousand eight hundred and ninety-one, as amended by chapter two hundred and fifty-nine of the Laws of one thousand eight hundred and ninety-nine, pay the interest on said bonds, and shall retain and invest an amount not less than seven hundred and fifty dollars each year as a sinking fund to pay the principal thereof at maturity. Provisions for interest and sinking fund.



Provisions for  
election on question  
of bond issue.

SEC. 4. That the Board of Commissioners of Wilson County shall provide for holding an election for said graded school district on such day as the board of trustees of said graded school shall recommend, at which all voters who shall favor the issuing of said bonds shall vote a ticket upon which the words, "For School Bonds," are printed or written, and all voters who shall be opposed to the issuing of said bonds shall vote a ticket upon which shall be printed or written the words, "Against School Bonds." The said pollholders and judges of election shall make returns to the board of county commissioners, at their next monthly meeting, of said election, showing the number of registered voters in said district and the number of those voting for the issuing of said bonds, and said returns shall be signed by said pollholders and judges of election and entered upon the minutes of said board, and the original filed in the office of the clerk of said board of commissioners. If a majority of said registered voters in said Wilson Graded School District shall vote for the issuing of said bonds, then they shall be issued, as hereinbefore provided: *Provided*, that the commissioners shall give thirty days' notice of the time and place of holding said election, in such manner as they deem best: *Provided further*, that the board of county commissioners shall provide for a new registration of the qualified voters of said graded school district.

Notice of election.

New registration.

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 3d day of February, A. D. 1905.

## CHAPTER 43.

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

*The General Assembly of North Carolina do enact:*

Chapter 259,  
Private Laws 1901,  
amended,

Name changed to  
Granite Quarry.

SECTION 1. That section one of chapter two hundred and fifty-nine, Private Laws of one thousand nine hundred and one, be amended by striking out the words "Town of Woodside" in line three, and inserting in lieu thereof the words "Town of Granite Quarry."

Section 13 amended.

SEC. 2. That section thirteen of said chapter be amended as follows: (1) By striking out lines six, seven and eight in said section thirteen, beginning with and including the word "provided" in line five, and ending with the word "purposes" in line eight; (2) by striking out the words "except the quarry lands" in line eleven of said section thirteen; (3) by striking out the words "except as above stated" in lines thirteen and fourteen of said section thirteen.

SEC. 3. That section seventeen of said chapter be amended by Section 17 amended. striking out the words "eight and one-third (8 1-3) cents" in lines two and three of said section seventeen, and inserting in lieu Tax rate raised. thereof the words "twenty-five (25) cents"; and by striking out the words "twenty-five (25) cents" in line eight of said section and inserting in lieu thereof the words "seventy-five (75) cents."

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 February, A. D. 1905.

#### CHAPTER 44.

#### AN ACT TO INCORPORATE THE TOWN OF TROUTMAN IN IREDELL COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. The inhabitants of the territory hereinafter described, comprising the existing settlement now known as Troutman in Iredell County, and those who may hereafter reside within such boundaries, are hereby incorporated as a town under the name of "Troutman," and are hereby invested with all the rights, powers, privileges and immunities, and are made subject to all the provisions of chapter sixty-two, volume two, of The Code of North Carolina and all amendments thereto, so far as they are not inconsistent with the provisions of this act.

Troutman incorporated.  
Corporate rights and powers.  
Chapter 62, Vol. 2, Code, applicable.

SEC. 2. That the boundaries of said town shall be as follows: Corporate limits. Beginning at the center of depot, running south one hundred and fifty-four poles, thence east eighty poles to a pine tree, thence north twenty degrees east eighty poles to a hickory, thence north sixty-six degrees east forty-five poles to the one-half mile post on railroad southeast of depot, thence north twenty-two degrees west twenty-six poles to a pine on west side of public road, thence north forty-six degrees west two hundred and forty poles to a stone, thence west fifty-two poles to the one-half mile post on the railroad northwest of depot, thence south twenty degrees west ninety-six poles to a post-oak, thence south twenty-six east two hundred and fourteen poles to a stone, thence east twenty-one poles to a stone which is one hundred and fifty-four poles from the depot and the beginning of boundary, containing three hundred acres, more or less.

SEC. 3. That the officers of said town shall consist of a mayor, three commissioners and a constable, until a mayor and commissioners and constable shall be elected, as hereinafter provided, qualified to act: J. M. Patterson shall fill the office of mayor, A. D. Troutman, C. M. Wagner and E. E. Kluttz the office of commissioners, and Jay F. Brown as constable of said town.

Town officers.  
Names of appointed officers.

Election of officers.	SEC. 4. There shall be an election held for the office of mayor and commissioners on the first Monday in May, one thousand nine hundred and five, and annually thereafter in the manner prescribed by law for municipal elections. Within five days after their election they shall convene for the transaction of business, and shall fix their stated days of meeting, which shall be at least as often as once a month. Special meetings of the commissioners may be held on the call of the mayor, or a majority of the commissioners, and of every meeting those not joining in the call shall have verbal or written notice.
When to convene after election.	
Special meetings.	
Notice.	
Clerk, policemen and other officers.	SEC. 5. That said commissioners shall have the power and authority to appoint a clerk and such policemen and other officers as they may deem necessary for the government of said town, and fix and determine their salaries, prescribe their duties and require of them official bonds.
Mayor pro tem.	SEC. 6. That if any person who shall be elected mayor shall refuse to qualify, or there is a vacancy in said office after election and qualification by reason of resignation or otherwise, or if the mayor be temporarily absent from town, or is unable to discharge the duties of his office from sickness or otherwise, the commissioners shall choose one of their number to act as mayor <i>pro tem.</i> , or to fill the unexpired term, and likewise, in case of a commissioner refusing to qualify, or in case of resignation or inability to act, the remaining commissioners shall elect some suitable person to fill the vacancy.
Vacancies, how filled.	
By-laws, rules and regulations.	SEC. 7. That the commissioners shall have power to make and provide the enforcement and execution of such ordinances, by-laws, rules and regulations for the good government of the town as they may deem necessary: <i>Provided</i> , the same be not inconsistent with the laws of the State.
Power to preserve order.	SEC. 8. That the commissioners shall have the power, and it shall be their duty to provide for and secure the peace, good order and tranquility of the town against disturbances, by quarrels, loud, profane or obscene language, riots, affrays, trespasses or other breaches of the peace, or irregularities of whatever nature tending to disturb the peace of the citizens. They shall provide for the repairing of the streets, sidewalks and alleys, and cause the same to be kept clean and in good order; take all proper means to prevent or extinguish fires, make regulations for the observance of the Sabbath, suppress and remove nuisances, and prevent any indecent exposure of person, by imposing such fines and imprisonments in all cases within the jurisdiction of justice of the peace as they shall deem adequate. They may require the abatement and the removal of all nuisances, and shall have power to pull down any old house, barn or other building when the same may be considered dangerous from fire or other causes to the safety of the person or property of the citizens: <i>Provided, how-</i>
Streets.	
Police powers.	

*et cetera*, that before such removal the owner shall be notified of such action and allowed one month for repairing or removing such building.

SEC. 9. That the commissioners shall have power to lay out or open any new street or streets, or alleyways, within the corporate limits of said town, whenever deemed by them necessary, and they shall have power at any time to widen, enlarge, change, extend, narrow or discontinue any street or streets whenever they may so determine, by making a reasonable compensation to the owner of the property damaged thereby. In case when the owners of land cannot agree with the commissioners regarding the value of the property damaged and the amount of damages, the mayor of the town shall issue his order to the policeman commanding him to summon three disinterested freeholders of said town, who together with two other disinterested freeholders of said town to be selected by the party claiming damages, shall assess and determine the damages, after which they shall return a report of their proceedings to the mayor of the town. Before proceeding to view the premises and assess the damage, the parties so summoned shall take an oath before the mayor or a justice of the peace to make a fair, just and impartial appraisement or assessment of any damages that may be sustained. If the party claiming damage refuses to select two appraisers, as above provided, the report of the three summoned on the part of the town shall be final: *Provided, however*, that if either the commissioners or the party claiming damages be dissatisfied with the report of the appraisers, then they may appeal to the Superior Court of Iredell County, and in that case the report of the valuation and the proceeding therein shall be sent by said appraisers to said court then to be determined.

Power to lay out, enlarge, discontinue, etc., streets, etc.

Condemnation of land for street purposes.

Appeal from appraisers.

SEC. 10. That the commissioners may build or establish a guard-house in which to secure or confine offenders against town ordinances; and for feeding such persons, the officers having charge of the same shall be allowed such compensation as is allowed the Sheriff of Iredell County.

Guard-house.

Fees for feeding prisoners.

SEC. 11. That in order to raise funds for the expense incident to the proper government of the town, the commissioners may annually levy and collect the following taxes, namely: First, on all real and personal property within the corporate limits, including money on hand, and upon all subjects taxed by the State *ad valorem*, a tax not exceeding thirty-three and one-third cents on every one hundred dollars value; second, on all taxable polls not exceeding one dollar each who may be a resident of the town on the first day of June in each year; third, on all other subjects of taxation not to exceed one-half of the State tax.

Levy and collection of municipal taxes.

SEC. 12. That all taxes due the town shall be collected by the officer designated for that purpose by the commissioners in the

Municipal taxes.

Tax collector's  
bond.

same manner as sheriffs are allowed to collect taxes. The person designated to collect such taxes, before entering upon the discharge of his duties, shall execute and deliver to the commissioners a good and sufficient bond, payable to the State of North Carolina, in a sum double the amount of taxes levied for the preceding year, which bond is to be approved by the commissioners.

Street working.

SEC. 13. That for the purpose of keeping the streets of said town in good repair and condition, the board of commissioners may require all male citizens of the age of eighteen years and not over forty-five years to work upon said streets in the same manner as public roads are now required to be worked under the laws of the State: *Provided*, they prefer to work on said streets to paying the poll tax, as prescribed in section eleven.

Proviso.

Power of mayor to  
imprison and work  
prisoners on  
streets.

SEC. 14. That the mayor shall have power to imprison for fines imposed by him, and any person who shall be convicted of violating an ordinance of said town, who shall refuse to pay the costs and fine imposed upon him, may be required to work upon the streets, at such sum per day as may be fixed by the commissioners, until such fine and costs are paid.

Prohibition.

SEC. 15. That it shall be unlawful for any person or persons, firm or corporation, to manufacture or to sell any spirituous, vinous or malt liquors within said town or one mile from the corporate limits thereof; and the commissioners shall have no power to license any person to make or sell such liquors within the limits of said town. Any person violating this section shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, at the discretion of the court.

Violation a mis-  
demeanor.  
Penalty.

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 4th day of February, A. D. 1905.

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## CHAPTER 45.

### AN ACT TO AMEND THE CHARTER OF THE TOWN OF OXFORD, BEING CHAPTER 21 OF THE PRIVATE LAWS OF 1885.

*The General Assembly of North Carolina do enact:*

Section 3 amended.

Election of mayor  
and commissioners.

SECTION 1. That section three of chapter twenty-one, Private Laws of one thousand eight hundred and eighty-five, be stricken out and the following inserted in lieu thereof: "There shall, on Tuesday after the first Monday in May, one thousand nine hundred and five, and biennially thereafter, be elected by the qualified voters of said town a mayor and seven commissioners, who shall hold their offices until their successors shall have qualified. The



mayor shall receive a salary not to exceed three hundred dollars per annum, and each of said commissioners may receive compensation not to exceed twenty-five dollars per annum."

Compensation of mayor and commissioners.

SEC. 2. That section forty-two of said act be stricken out and the following inserted in lieu thereof: "That among the powers hereby conferred on said town is the right of eminent domain, and when any land or right-of-way shall be required by said town for the purpose of widening or straightening streets, opening new streets, laying and constructing water, gas or sewer-pipe lines, erecting public buildings, laying out additional or new cemeteries, or for any other purpose allowed by its charter, and for want of agreement as to the value thereof, or other cause, the same cannot be purchased from the owner or owners, and it shall become necessary to condemn the same, the necessity for such condemnation shall be conclusively evidenced by a resolution duly passed by the board of commissioners of said town at any regular or special meeting. The said board of commissioners shall file its petition before the Clerk of the Superior Court of Granville County, stating the purpose for which said land or right-of-way is desired, with description of the same, the names of the owner or owners, and of all persons having an interest in them, and praying the appointment of appraisers. The clerk of said court, after at least ten days' notice to the owner or owners and all persons having an interest in said land, shall thereupon appoint three disinterested freeholders of the town of Oxford to value said land or right-of-way, and said freeholders, after being duly sworn, shall go upon the premises and value the same, taking into consideration the loss or damage to the owner in consequence of the land or right-of-way being surrendered, also any benefit or advantage such owner may receive from the opening of such street or other improvement, and shall state the amount of each, and the excess of loss or damage over and above the advantages shall form the measure of valuation of said land or right-of-way. And said freeholders, or a majority of them, shall file their report in the office of the clerk of said court within ten days from the date of their appointment. If, however, the owner of said land or right-of-way, or the said board of commissioners, be dissatisfied with the valuation thus made, then either party may have an appeal to the next term of the Superior Court of Granville County; but if the valuation so made be paid to the owner, or lodged in the hands of the clerk of the superior court, the land so valued shall vest in the town so long as it may be used for the purposes of the same, and the appeal shall not hinder or delay said board of commissioners opening such street or erecting such improvement: *Provided*, that in case of the discontinuance of the use of the land and its reverter to the owner, the town shall have the right to remove any improvement under its authority erected."

Section 42 changed.

Right of eminent domain.

Procedure in condemnation of lands.

Right of appeal.

Appeal not to delay work.

Removal of improvements upon reversion.

SEC. 3. 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. 1905.

#### CHAPTER 46.

AN ACT ESTABLISHING A GRADED SCHOOL IN THE TOWN OF SPENCER, AND SUPPLEMENTAL TO AN ACT ENTITLED "AN ACT AUTHORIZING THE TOWN OF SPENCER TO ISSUE BONDS FOR GRADED SCHOOLS AND OTHER PURPOSES."

*The General Assembly of North Carolina do enact:*

School district limits.

SECTION 1. That the territory now embraced in the corporate limits of the town of Spencer, or that hereafter may be embraced in said corporate limits by any change hereafter made in the same, shall be and continue one school district for the white and one for the colored race.

Amount authorized for graded school buildings, etc.

SEC. 2. That the sum of ten thousand dollars, arising from the sale of bonds authorized by an act of the General Assembly of North Carolina of the year one thousand nine hundred and five, entitled "An act to authorize the town of Spencer to issue bonds for graded schools, electric lights, sewerage, and other purposes," be turned over into the hands of the trustees of said graded school, hereinafter named, for the purpose of building, erecting and equipping a graded school building in the said town of Spencer; and said trustees are hereby directed to use said sum of ten thousand dollars in purchasing such real estate as may be necessary and erecting thereon a suitable graded school building for the said town of Spencer, and for no other purpose; and to this end the mayor and board of aldermen of said town are directed to pay into the hands of said trustees the aforesaid sum of ten thousand dollars as soon as the bonds heretofore mentioned are sold and the proceeds are in the hands of said Mayor and Board of Aldermen of the Town of Spencer.

Public school funds for said territory to be applied to graded schools.

SEC. 3. That all sums whatsoever to be used for the purposes of public schools in said territory shall be turned over to and expended under the supervision of the school trustees hereinafter named, and their duly constituted successors, and this shall be held to include all sums coming to said territory from State and county school funds and taxes, and all sums that may be raised for school purposes under a special tax that may be levied in said territory.

Election for special tax for schools authorized.

SEC. 4. That upon application in writing of ten qualified voters of said town, asking them so to do, the Commissioners of the Town of Spencer shall order an election to be held at the same time and place, and under the same conditions, and by the same parties as

the next election for mayor and commissioners of said municipality, to ascertain whether there shall be levied in said municipality a special tax for school purposes. Upon the presentation of said application so signed said commissioners shall order said election, and shall give notice thereof, by publication in some paper published in Rowan County, for thirty days prior to said election, setting out the purpose of said election. Said election officers shall provide a box similar to other ballot boxes, to be used in this election, in which this question shall be voted upon, and all persons duly qualified and entitled to vote for officers of said municipality shall be entitled to vote on this question. Those in favor of the levying of said tax shall vote a ballot upon which shall be printed or written the words "For Special Tax for Schools," and those opposed shall vote a ballot upon which shall be the words "Against Special Tax for Schools." The officers of said election, at the close thereof, shall count said votes and shall certify over their hands the number of votes cast in favor of said tax and the number of votes cast against said tax, to the first meeting of the commissioners of said town which shall be held after the holding of said election.

SEC. 5. If a majority of the qualified voters of said town shall vote in favor of levying the special tax for school purposes, then it shall be the duty of the Town Commissioners of said Town of Spencer to levy a special tax on all property and polls taxable for municipal purposes of not more than thirty cents on the hundred dollars valuation of real and personal property and of not more than ninety cents on each poll for school purposes. This tax shall be levied at the same time and shall be collectible at the same time, and in the same manner, and by the same person as are the other municipal taxes, and the party collecting the same shall receive the same compensation therefor. The amount collected from this special tax shall be left in a fund to itself, and shall be turned over to the trustees hereinafter named, and their duly constituted successors, for expenditure in maintaining and operating said graded school.

SEC. 6. The following parties are hereby constituted and appointed the school trustees for the school district hereinbefore created: D. J. Miller, A. D. Smith, B. F. Sively, S. T. Dorsett, A. W. Hix and J. E. Gay. The first two parties shall hold office for four years, the next two for three years, and the last two for two years from date from which this act goes into effect, and all vacancies arising from any cause shall be filled by the remaining trustees, and a majority thereof shall have the power of selection, and such persons shall hold for three years from the date of their selection. Said trustees shall have sole charge of said school and the selection of the teachers employed therein, the fixing of compensations of said teachers, and shall have the right and power to do any and all things necessary to be done in conducting said

Notice of election.

Conduct of election.

Maximum tax.

Levy and collection.

Application.

Names of trustees.

Terms of office.

Vacancies.

Powers of trustees.

Treasurer; duties, etc.	school. Said trustees shall pass such by-laws to regulate their meetings as they shall deem expedient and necessary, and shall elect a treasurer, who shall have charge of all moneys coming to their hands and who shall pay the same out upon such vouchers as they may direct, and who shall receive such compensation and give such bond as said trustees shall direct.
Compensation.	
Public school property to be conveyed to trustees.	SEC. 7. The property at present located in said territory and belonging to the public schools thereof shall be by such parties as now hold the title thereof duly and properly conveyed to the trustees above named, and their duly constituted successors. The above-named trustees shall have the power and right to sell and convey any property which is now owned or which may hereafter belong to the said public schools of said territory, and shall have the right to purchase and hold other property for school purposes.
Powers of trustees over school property.	
Charges for outside scholars.	SEC. 8. The said trustees shall have the right and privilege of allowing parents or others, having children of school age, outside the territory above set out, to send such children to school in said territory upon such terms as they may fix.
Expenditure of moneys by trustees.	SEC. 9. That said trustees shall expend the entire amount coming to their hands, from all sources, for the benefit of the public schools in the above-named territory: but they shall be the judges of how much shall be expended in any year upon building and equipment, and they shall not in any year expend more than they shall receive during that year.
Conflicting laws repealed.	SEC. 10. That all laws and clauses of laws in conflict with the above 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 7th day of February, A. D. 1905.

## CHAPTER 47.

### AN ACT TO AMEND CHAPTER 72, PRIVATE LAWS OF 1899, BEING AN ACT TO INCORPORATE THE TOWN OF SYLVA, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Section 23 amended.	SECTION 1. That section twenty-three, chapter seventy-two, Private Laws of one thousand eight hundred and ninety-nine, be and the same is amended by adding at the end of said section the following: <i>Provided</i> , that if the land-owner mentioned in this section shall fail to file with the mayor of said town, within five days after having received written notice from the mayor and town commissioners so to do, the names of the persons selected on his part to assess damages for any section of the line, or
Condemnation of land for public purposes.	me ti ne pa

any extended, amended, or new street, as in said section provided, then the mayor and the commissioners of said town may proceed to appoint the three persons from the citizens of said town to represent the said land-owners, and these three persons, together with those named on the part of the commissioners of said town, shall proceed to consider any such question of damages and report as in this section required.

SEC. 2. That said chapter seventy-two, Private Laws of one thousand eight hundred and ninety-nine, be and the same is amended by adding at the end thereof, to be known as section twenty-eight of the Charter of the Town of Sylva, North Carolina, the following: That the Commissioners for the Town of Sylva and their successors in office shall have supervision and full control of public roads and public highways within the corporate limits of the said town of Sylva, and to that end they are hereby made and constituted a board of trustees with all the powers, rights, privileges and duties conferred upon or required of "road trustees" by chapter ninety-seven, Public Laws of one thousand nine hundred and three, being "An act to provide a better system of working and maintaining the public roads in Jackson County," and having the right to lay out, amend, grade, repair, construct and maintain any and all public roads and public highways, not exceeding thirty-six feet in width, within the corporate limits of the said town (but said width shall not apply to the streets of said town); that all male citizens, resident within the corporate limits of said town and subject to road duty under the Jackson County road law aforesaid, shall perform said services within said corporate limits and subject to the authority of the said commissioners and the supervisor; that the said commissioners shall have power to appoint a supervisor or supervisors for the public roads and highways within said town in the same manner and subject to the same duties and liabilities as supervisors under said chapter ninety-two, Public Laws of one thousand nine hundred and three; that the treasurer of the said town shall be treasurer of all road funds, arising from any source, and due and payable on the roads within the said town limits, and he shall give a separate bond for such road funds, to be approved by the commissioners of said town, in double all sums which may come into his hand for any one year, and pay the same out under the order of said commissioners or trustees in manner provided under the general road law for Jackson County; that all taxes levied for public roads by the Board of Commissioners of Jackson County upon polls and property within the corporate limits of said town shall be collected and kept by the tax collector for said county separate and apart from the tax on polls and property outside of the said corporate limits, and paid to the treasurer of the said town, whose receipt shall be a valid voucher in the hands of the said tax collector therefor; that to the extent in

Powers of town commissioners over public roads and streets.

Road duty of resident male citizens.

Supervisor.

Treasurer.

Road taxes in corporate limits.



Application of  
chapter 92, Public  
Laws 1903.

this section set forth said chapter ninety-two, Public Laws of one thousand nine hundred and three, as applicable to the public roads within the corporate limits of the town of Sylva, is amended, but in all other respects it shall remain and be the road law of said town.

Conflicting laws  
repealed.

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

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

In the General Assembly read three times, and ratified this the 7th day of February, A. D. 1905.

## CHAPTER 48.

### AN ACT TO INCORPORATE THE TOWN OF ALMAND IN SWAIN COUNTY.

*The General Assembly of North Carolina do enact:*

Incorporated.

SECTION 1. That the town of Almand in the county of Swain be and the same is hereby incorporated by the name and style of "Almand," and it shall have all the provisions of law now in existence in reference to incorporated towns and not inconsistent with this act.

Corporate limits.

SEC. 2. That said town shall be incorporated for one-half mile in each direction from the depot of said town.

Officers.

SEC. 3. That the officers of said town shall consist of a mayor, three aldermen and a policeman.

Duties.

SEC. 4. It shall be the duty of said mayor and aldermen to make such rules, regulations and by-laws as may be necessary and not inconsistent with law, for the proper government of said town.

Names of officers.

SEC. 5. That H. S. Baker act as mayor of said town, that L. F. Sawyer be made marshal of said town, and that W. H. Crisp, J. A. Franks and Wiley Machan be made aldermen of said town, to hold office until the first Tuesday after the first Monday in May, one thousand nine hundred and six, when a general election for said offices shall be held and their successors elected, and an election shall be held every two years thereafter for said offices.

Election.

Prohibition.

SEC. 6. That it shall be unlawful to manufacture or sell whiskey or other intoxicating liquors in said town, except by druggists on proper prescriptions. Any one violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, at the discretion of the court.

Penalty for  
violation.

SEC. 7. This act shall be in force from and after its ratification. In the General Assembly read three times, and ratified this 8th day of February, A. D. 1905.

## CHAPTER 49.

## AN ACT TO EXTEND AND AMEND CHAPTER 171, PRIVATE LAWS OF 1895, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF PEMBROKE IN THE COUNTY OF ROBESON."

*The General Assembly of North Carolina do enact:*

SECTION 1. That the rights, powers and privileges granted to the town of Pembroke under and by virtue of chapter one hundred and seventy-one (171), Private Laws of one thousand eight hundred and ninety-five (1895), be and the same are hereby extended, with full power and authority to perfect the organization of the government of said town thereunder at the present time.

Corporate rights extended.

SEC. 2. That section three (3) of chapter one hundred and seventy-one, Private Laws of one thousand eight hundred and ninety-five (1895), be and the same is hereby stricken out and the following substituted therefor: "That an election shall be held on the first Tuesday of May, one thousand nine hundred and five, and biennially thereafter, for mayor and three commissioners for said town, and that any person residing within said corporate limits, and qualified to vote for members of the General Assembly, may vote at said election; that until the mayor and commissioners elected at said election shall have qualified, that W. G. Hall shall be mayor, A. M. Breece, O. D. Stanley and A. A. Thagard shall be commissioners of said town, and they shall have full power and authority to fill their respective offices as soon as they shall have been sworn in and otherwise qualified according to law."

Section 3, chapter 171, Private Laws 1895, stricken out.

Election.

Names of officers.

Powers.

SEC. 3. That section four (4), chapter one hundred and seventy-one (171), Private Laws of one thousand eight hundred and ninety-five (1895), be amended by striking out the words "and marshal" in the first line thereof and inserting "and" between the words mayor and commissioners in the said first line.

Section 4 amended.

SEC. 4. That there shall be elected by each town council immediately after their qualification the following named officers and employees, who shall hold office during the pleasure of the council and until their successors are elected and qualified, to-wit: A town clerk and treasurer, a town marshal and such policemen as the board may deem necessary, an attorney and such other officers and employees as the board may deem necessary.

Clerk, treasurer, marshal and policemen.

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

In the General Assembly read three times, and ratified this the 8th day of February, A. D. 1905.

## CHAPTER 50.

• AN ACT AUTHORIZING THE APPOINTMENT OF A COTTON  
WEIGHER FOR THE TOWN OF AYDEN, PITT COUNTY.

*The General Assembly of North Carolina do enact:*

Election of  
weigher.

SECTION 1. That on the first Monday of April, one thousand nine hundred and five, the Board of Commissioners of the Town of Ayden, Pitt County, shall elect a cotton weigher for the said town.

Term of office.

SEC. 2. The cotton weigher so elected shall hold his office for a term of two years from the date of his election, and his successor shall be elected biennially thereafter on the first Monday in April.

Bond.

SEC. 3. That the cotton weigher elected as above provided for, before he shall be allowed to act as weigher, shall give a justified bond in the sum of five hundred dollars for the faithful performance of his duties as cotton weigher, the said bond to be approved by the board of town commissioners and filed with the clerk of said town, and said cotton weigher, before entering upon his duties,

Oath of office.

shall make and subscribe an oath before some person qualified to administer oaths, to faithfully and impartially weigh all cotton brought to him and to perform all other duties of cotton weigher in the same manner; and any cotton weigher accused and convicted of any fraud or unfairness in weighing, or making unfair deduction from the weights, shall be guilty of a misdemeanor, and removed from the office by the board of commissioners of said town, and fined not less than ten dollars nor more than thirty, or imprisoned, at the discretion of the court.

Unfairness in  
weighing a mis-  
demeanor.

Penalty.

Compensation.

SEC. 4. The cotton weigher provided for in this act shall receive as compensation for his services ten cents for each bale weighed, five to be paid by the buyer and five by the seller, and each buyer shall retain from the price of said cotton, five cents, to be paid to the weigher, as the seller's part due said weigher, and the sum of ten cents shall be paid by the buyer of said cotton to the weigher, five cents for himself and five cents for the seller or owner.

Duties of weigher.  
Assistants.

SEC. 5. That the said cotton weigher shall receive pay for all cotton weighed, or delivered to purchasers in Ayden, and the said cotton weigher shall have authority to appoint assistants, who, after being duly sworn, shall have the same authority as the weigher, and for whose acts the said weigher and his bond shall be responsible.

Vacancies.

SEC. 6. The said board of commissioners are empowered to fill all vacancies in the said office of cotton weigher for the town of Ayden.

SEC. 7. This act shall be in force from and after its ratification. In the General Assembly read three times, and ratified this 6th day of February, A. D. 1905.

## CHAPTER 51.

AN ACT TO REPEAL CHAPTER 19, PRIVATE LAWS OF 1889, AND VALIDATING A CERTAIN DEED HEREIN MENTIONED, AND GIVING THE MAYOR AND BOARD OF ALDERMEN OF SOUTHPORT, N. C., FULL AUTHORITY TO MAKE AND EXECUTE A DEED TO PYTHAGORAS LODGE, NUMBER 249, A. F. & A. M. OF SOUTHPORT, N. C.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter nineteen of the Private Laws of session one thousand eight hundred and eighty-nine be and the same is hereby repealed: *Provided*, that the deed heretofore made by the Mayor and Board of Aldermen of the City of Southport, North Carolina, to the White School District, Number One, of Smithville Township in Brunswick County, North Carolina, conveying the upper or northern half of lots numbers seventy and seventy-one, situated in the city of Southport, North Carolina, be and the same is hereby made a perfect and complete fee-simple deed.

Repealed.

Deed to white school district No. 1, Smithville township, Brunswick county, validated.

SEC. 2. The Mayor and Board of Aldermen of the City of Southport, North Carolina, or their successors, are hereby authorized and fully empowered to make a deed to Pythagoras Lodge, number two hundred and forty-nine, A. F. & A. M., giving to the said lodge the southern half of the lots number seventy and seventy-one, situated in the town of Southport, North Carolina, so long as the property is used for lodge purposes. When it ceases to be so used, the property shall revert to the city of Southport, North Carolina.

Power of mayor and aldermen of Southport to deed certain lots to Pythagoras Lodge, 249, A. F. and A. M.

Reversionary interest.

SEC. 3. 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. 1905.

## CHAPTER 52.

AN ACT TO AMEND THE CHARTER OF THE YONAHLOSSEE ROAD COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section two, chapter three hundred and forty-three of the Private Laws of one thousand eight hundred and ninety-one, be amended by adding at the end of said section the following: "And that said company shall have the right to build, construct and operate one or more branch turnpike roads to such point or points in Caldwell County from the main turnpike of said company as they may deem advantageous to their business."

Section 2, chapter 343, Private Laws 1891, amended.

Provisions for branch turnpikes.

SEC. 2. That when said branch roads are completed the company shall have the power to erect a gate or gates on any part or parts

Toll-gates on branch roads.

of said roads, and collect such reasonable tolls as they may fix for passage over said roads: *Provided*, that the said company and their associates shall keep the said road in good condition.

Restrictions, rights  
and privileges as to  
branch roads.

SEC. 3. That said branch lines shall be subject to all restrictions, rules and regulations, rights and privileges of every character imposed or given to the main road of said company.

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 6th day of February, A. D. 1905.

## CHAPTER 53.

### AN ACT TO INCORPORATE CANTON LODGE, NUMBER 205, OF THE INDEPENDENT ORDER OF ODD FELLOWS.

*The General Assembly of North Carolina do enact:*

Corporators.

SECTION 1. Be it enacted by the General Assembly of North Carolina, and it is hereby enacted by authority of the same, that C. F. Smathers, C. D. Smathers, J. R. Smathers, S. W. Smathers, Dr. J. H. Mease, R. R. Mease, Dr. J. E. Moore, W. F. Cooke, O. A. Moore, W. J. Smathers, W. C. Smathers, J. E. Smathers, F. K. May, M. F. West, W. P. Leatherwood, C. V. Hampton, J. Z. Smathers, J. V. Smathers, Rev. M. R. N. Caldwell, W. W. Pless and H. J. Sellars and others, officers, representatives and members of Canton Lodge, number two hundred and five, of the Independent Order of Odd Fellows of the Grand Lodge of North Carolina, and their successors, be and they are hereby declared to be a community, corporation and body politic by the name, style and title aforesaid, and by that name they and their successors shall and may at all times hereafter be capable in law to have, receive and retain to them and their successors, property, both real and personal, also devises or bequests of any person or persons, bodies corporate or politic, capable of making the same, and the same at their pleasure to convey, transfer or dispose of in such manner as they may think proper.

Corporate powers.

Corporate powers.

SEC. 2. That the said corporation and their successors by the name, style and title aforesaid, shall be forever hereafter capable in law to sue and be sued, to plead and be impleaded, answer and be answered unto, defend and be defended in all or any courts of justice, and before all and any judges, officers or persons whatsoever in all and singular actions, or matters, or demands, whatsoever.

Corporate powers.

SEC. 3. That it shall and may be lawful for the said corporation to have a common seal for their use, and the same at their will and pleasure to change, alter and make new, from time to time, as they may think best; and shall in general have and exercise all



such rights, privileges and immunities as by law are incident or necessary to corporations, and what may be necessary to the corporation herein constituted.

In the General Assembly read three times, and ratified this 6th day of February, A. D. 1905.

#### CHAPTER 54.

### AN ACT TO AUTHORIZE THE SALE OF PARTS OF CERTAIN STREETS IN THE TOWN OF SHELBY AND FOR OTHER PURPOSES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Aldermen of the Town of Shelby be and they are hereby authorized and empowered to grant, sell, and, through the mayor of said town, convey, upon such terms and such estate in as they may deem wise and expedient, to J. D. Lineberger, his heirs or assigns, that portion of the sidewalk or street of said town now covered by the brick building erected and completed by him in the year one thousand nine hundred and four, said building fronting on Warren Street in said town and bounded on the west by the office of A. C. Miller and on the east by a center alley leading south from Warren Street and opposite Court Square on the south.

Sale authorized to J. D. Lineberger.

Description of property.

SEC. 2. That said board of aldermen be and they are hereby authorized and empowered to grant, sell, and, through the mayor of said town, convey, upon such terms and such estate in as they may deem wise and expedient, to the trustees or other proper officers of the Methodist Episcopal Church (South), or their successors or assigns, that portion of the sidewalks or streets of said town now covered by the Methodist Church, said church fronting on Marion Street and bounded on the east by North Washington Street in said town.

Sale to Methodist Episcopal Church, South, authorized.

Description of property.

SEC. 3. That said board of aldermen be and they are hereby authorized and empowered to grant, upon such terms and for such period of time as they may deem wise and expedient, to the respective owners of the buildings hereinafter described, the right and privilege of maintaining the following stairways: First, a stairway on the east side of the Lineberger building mentioned in section one of this act, said stairway leading to the second floor of said building from Warren Street, and being over the center alley, south of Court Square, said alley running south from Warren Street. Second, a stairway on the north side of the Blanton Opera House building, said stairway leading to the opera house and offices on the second floor of said building from LaFayette

Provision for stairways.

Street, and being over the center alley west of Court Square, said alley running west from LaFayette Street.

Execution of titles. SEC. 4. The Mayor of the Town of Shelby, whenever the board of aldermen of said town shall exercise in whole or in part the authority given them hereinbefore, shall execute the necessary conveyances and titles required by the action of said board and this act.

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

In the General Assembly read three times, and ratified this 6th day of February, A. D. 1905.

## CHAPTER 55.

### AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF MORGANTON TO ESTABLISH A SEWERAGE SYSTEM IN SAID TOWN.

Preamble. WHEREAS, water-works have been established in and for the town of Morganton, and the establishment of a sewerage system for the said town is deemed and found by the board of commissioners thereof to be a necessary expense to conserve the health and sanitary condition of said town: Now, therefore,

*The General Assembly of North Carolina do enact:*

Election on bond issue for sewerage. SECTION 1. That the Board of Commissioners of the Town of Morganton are hereby authorized and empowered to order an election in said town at any time within six months after the ratification of this act, and at said election submit to the qualified voters of said town the question of issuing bonds of said town, as hereinafter provided, for establishing a sewerage system in said town.

Notice of election. That said board of commissioners shall publish for four weeks in a newspaper published in said town, and four public places in said town, a notice of the holding of said election, and may order a new registration for the same, or not, in its discretion; and the said board is hereby invested with all powers requisite for providing the machinery, rules and regulations for holding said election, and in the absence of provisions to the contrary the said election shall be held under the same rules and regulations as election for Mayor and Commissioners of Morganton: *Provided*, the notice and order of election shall specify the amount of bonds to be voted on for establishing sewerage.

Election, how conducted.

What notice to specify.

Form of ballots. SEC. 2. At said election ballots shall be cast, upon which shall be written or printed, "For Sewerage Bonds," or "Against Sewerage Bonds"; and the result of said election shall be certified by the judges thereof to the Register of Deeds of Burke County, to be recorded in his office, and to the Board of Commissioners of Morganton, and shall be entered on its records.

Result to be certified and recorded.

SEC. 3. If at said election a majority of the qualified votes shall be cast "For Sewerage Bonds," the Board of Commissioners of Morganton are hereby authorized, immediately thereafter, to issue coupon bonds for such a sum, not exceeding twenty thousand dollars, as the board may find necessary and expedient to defray the cost of a sewerage system for said town; said bonds to be of such denomination as said board of commissioners may determine, to run for forty years from the issue of the same, bearing interest at the rate of five per cent. per annum, payable semi-annually. That said coupons of said bonds shall be receivable by the Tax Collector and Treasurer of the Town of Morganton, in payment of all dues to said town, and shall be payable out of any money in the treasury not otherwise specially appropriated; and the payment of interest on said bonds shall be deemed and taken as a necessary expense of said town, and the board of commissioners are hereby empowered to provide for the payment of the same by means given by law for the payment of necessary expenses of said town, as a municipal corporation: *Provided*, that no additional tax levied to pay coupons on said bonds shall exceed fifteen cents *ad valorem*, or forty-five cents on the poll. That said bonds shall be signed by the mayor and countersigned by the treasurer and sealed with the corporate seal of the town of Morganton, attested by the clerk. No purchaser of said bonds, or any part thereof, shall be bound to see to the application of the purchase money to the purposes of this act.

Bond issue.  
Maximum amount.  
Denomination.  
Maturity.  
Interest.  
Receivable for taxes.  
Payment of interest.  
Maximum additional levy for interest.  
Bonds, how executed.

SEC. 4. That said bonds shall be issued for the purpose of building or contracting for a sewerage system in the town of Morganton, and the maintenance thereof, and shall be sold by the board of commissioners for cash, or in payment, in whole or in part, for said sewerage system, or work, or material therefor, as the said board may find most expedient; and in case said bonds, or part thereof, are sold for cash, the money shall be turned into the treasury of the town for the payment of said sewerage system as the exigencies of its construction and maintenance may require.

Purpose and sale of bonds.

SEC. 5. That the Board of Commissioners of Morganton are hereby given entire and absolute supervision and control of the construction, maintenance and operation of the said sewerage system for the town of Morganton, and authority to pass all such ordinances, rules and regulations as may be necessary to the same, and to do all other things necessary and proper to carry into effect the intent of this act.

Powers of town commissioners relative to sewerage system.

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 February, A. D. 1905.

## CHAPTER 56.

AN ACT TO AMEND CHAPTER 91, PRIVATE LAWS 1901, SO AS TO AUTHORIZE THE TRUSTEES OF HENDERSON GRADED SCHOOLS TO ISSUE BONDS FOR THE ERECTION, FURNISHING AND MAINTAINING GRADED SCHOOL BUILDINGS IN THE TOWN OF HENDERSON, AND HENDERSON TOWNSHIP, VANCE COUNTY.

*The General Assembly of North Carolina do enact:*

Bond issue.	SECTION 1. That chapter ninety-one, Private Laws one thousand nine hundred and one, relative to graded schools in Henderson Township, Vance County, be and the same is hereby amended as follows: That the Board of Trustees of Henderson Graded Schools is hereby authorized and empowered to issue coupon bonds to an amount not to exceed twenty thousand dollars (\$20,000), in denomination of not to exceed one thousand dollars each, in such form as the trustees may determine, numbered consecutively, and bearing interest from date of issue at a rate not exceeding five per centum per annum, payable semi-annually, at such time and place as the said trustees may designate.
Maturity.	SEC. 2. The said bonds shall be made payable or redeemable at such time and place as may be fixed by said trustees and named therein, not exceeding thirty years. That in lieu of a sinking fund the trustees shall have the right to pay or redeem one thousand dollars of the amount of said bonds five years after the date of the issue thereof, and one thousand dollars of said bonds annually thereafter, until the whole amount thereof shall have been paid or redeemed: <i>Provided, however,</i> the said bonds shall be paid or redeemed, according to their numbers, beginning with number one, and following the numbers consecutively. The bonds shall be signed by the chairman of the said board of trustees and countersigned by the secretary, and have the corporate seal of said board affixed thereto, and the coupons thereto attached shall bear the printed or lithographed signature of the chairman and secretary of the said board.
Redemption.	
Execution.	
Coupons.	
Minimum price for sale.	SEC. 3. That the bonds hereby authorized to be issued shall not be disposed of, exchanged, or hypothecated for less than their face value. That the board of trustees shall keep separate the money arising from the sale of said bonds, and the same shall be expended and disbursed by the said board in the purchase of lands for necessary school sites, in the erection of suitable new buildings and to furnish the same with necessary equipments, in repairing, furnishing, equipping and maintaining buildings for the accommodation of the Public Schools of Henderson Township, in Vance County, North Carolina, and for no other purpose.
Disposition of proceeds.	
Tax levy to pay * bonds and interest.	SEC. 4. That it shall be the duty of the said board of trustees, in order to provide for the payment of the interest and principal

of said bonds at maturity, as herein provided, to certify annually to the Board of Commissioners of Vance County the rate of taxation necessary to be levied for the payment of said bonds and the interest thereon, which at no time shall exceed fifteen cents on the hundred dollars worth of real and personal property, and not exceeding forty-five cents on each taxable poll in Henderson Township. It shall be the duty of the Board of Commissioners of Vance County to levy and compute, in addition to other taxes laid upon said school district, the amount requested by the said board of trustees for said purpose: and it shall be the duty of the sheriff of the said county to collect the same, as other taxes are collected, and turn the money over to the Treasurer of Vance County, who shall keep the same separate from all other money, and disburse the same as directed by the board of trustees.

Collection and disbursement of taxes.

SEC. 5. That before said bonds shall be issued this act shall be submitted to the qualified voters of Henderson Township for their approval or rejection, at an election to be held in the said township, at such time as the Board of Commissioners of Vance County shall appoint, within twelve months after the ratification hereof. The said election shall be advertised by the board of county commissioners for thirty days prior to the day of election, in some newspaper published in said township, and said election shall be held under the rules and regulations, so far as may be pertinent and applicable, governing the election of members of the General Assembly. At the election, those who are in favor of issuing bonds shall cast a written or printed ballot containing the words, "For Bonds," and those who oppose shall cast a written or printed ballot containing the words, "Against Bonds." The number of ballots cast for bonds and against bonds shall be counted and the result shall be certified to the Register of Deeds of Vance County, who shall furnish to the chairman of the board of trustees a certified copy of the said returns and send a like copy to the Secretary of State, who shall file the same in his office, and a copy shall also be filed with the Board of Commissioners of Vance County.

Election on bond issue.

Form of ballots.

Counting and certifying result.

Returns.

SEC. 6. If at the election a majority of the qualified voters shall vote for bonds, then the board of trustees shall proceed to issue and sell the bonds, or so many thereof as may be necessary, in the judgment and discretion of the board for the purposes aforesaid.

Election favorable, bonds to issue.

SEC. 7. That nothing herein shall be construed to otherwise alter or amend any of the sections or clauses of said chapter ninety-one, Private Laws one thousand nine hundred and one, except as herein contained, but all the provisions of said chapter shall still remain in full force.

Effect of this act on chapter 91, Private Laws 1901.

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

In the General Assembly read three times, and ratified this the 7th day of February, A. D. 1905.



## CHAPTER 57.

## AN ACT TO AUTHORIZE THE TOWN OF SPENCER TO ISSUE BONDS TO SECURE AND SUPPLY THE SAID TOWN WITH GRADED SCHOOLS, SEWERAGE, PAVED STREETS AND FOR OTHER PURPOSES.

*The General Assembly of North Carolina do enact:*

Bond issue authorized.	SECTION 1. That the Board of Aldermen of the Town of Spencer is hereby authorized and empowered to issue to an amount not exceeding seventy thousand dollars bonds in the name of said town in such denomination and form as the said board of aldermen may determine, with which to establish, construct, purchase or otherwise secure and maintain and build a system of electric lights; also construct, erect, equip and operate a system of sewerage for the said town and its inhabitants; also to build and equip a graded-school building for the said town, and to build and make streets and sidewalks for the said town and its inhabitants.
Purpose thereof.	
Maturity.	SEC. 2. That said bonds shall be made payable at such place and time as may be determined upon by said board of aldermen, but the time of payment of principal of said bonds shall be fixed at not less than twenty years nor more than thirty.
Interest.	SEC. 3. That said bonds shall bear interest at not more than five per centum per annum, and the interest shall be made payable semi-annually; said bonds shall in no case be sold, hypothecated or otherwise disposed of for less than their value, and the money arising from the sale thereof shall be used to purchase or erect an electric light plant and appurtenances; and the purchase, erection, equipment and operation of a system of sewerage, including such real estate and other property and machinery as may be necessary in establishing and operating the same; and the purchase, erection and equipment of a graded-school building, including such real estate as may be necessary in building and establishing the same; and to provide for the repairing, erecting and establishing of such streets and sidewalks as may be considered necessary for said town, including the purchase of all such real estate as may be necessary for the proper construction of said streets and sidewalks.
Minimum selling price. Disposition of proceeds.	
Election on bond issue.	SEC. 4. That said bonds shall not be issued until authorized by a majority of the registered voters of said town at a public election, to be held at such time and place as the board of aldermen shall appoint, at which election those favoring the issue of bonds shall vote "For Issue of Bonds," and those opposing it shall vote "Against Issue of Bonds"; and it shall be the duty of said board of aldermen to give notice of the time, place and purpose of such election for thirty days in some newspaper published in the county of Rowan; that said election shall be held in like manner and under the same rules and regulations, as far as the same are pertinent and applicable, as other elections are held in said town.
Form of ballots.	
Notice of election.	
How held.	

SEC. 5. If the power hereby conferred and hereinbefore provided shall be exercised, and a majority of the registered voters of said town shall vote to issue said bonds, then the said board of aldermen shall issue said bonds, and they shall be signed by the mayor, attested by the treasurer of the town and sealed with the corporate seal of the town: and said bonds and their coupons shall be exempt from town taxation until after they shall have become due; and the coupons thereon shall be received in payment of town taxes.

Execution of bonds.  
Exemption from town taxation.  
Receivable for town taxes.

SEC. 6. That for the purpose of a sinking fund and of paying said coupons as the same shall become due, it shall be the duty of said board of aldermen, and they are hereby empowered so to do, to levy and collect a sufficient special tax each and every year upon all subjects of taxation which may be now or hereafter embraced in the subject of taxation under the charter of said town: 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 said town treasurer, as the said coupons are paid off and taken up, to cancel the same, and he shall report not less than twice a year to the board of aldermen the manner and amount of coupons so canceled: *Provided*, that no levy of taxes shall be made as to make the rate of all taxes, general and special, more than one dollar and fifty cents on the hundred dollars.

Sinking fund, tax levy for.  
Cancellation of paid coupons.  
Report.  
Maximum tax rate.

SEC. 7. That the said town of Spencer 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; also purchase, erect, equip and operate a system of sewerage, 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 patrons within or near said town; and the said town shall have full power and right to purchase and hold such real estate and personal property as shall 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 said town for planting its poles and other purposes; also purchase, erect, equip and operate a system of sewerage, and may enter by its officers, agents and servants upon the lands of other persons and corporations for the above purpose and contract for and purchase the same; also purchase, erect and equip such graded-school building in the said town and for the use of said town as may be deemed necessary, and to that end they are empowered to purchase or acquire so much real estate as may be necessary for the aforesaid graded-school building.

Electric light plant and sewerage system.  
Graded school building.

SEC. 8. If a majority of the voters in said town of Spencer, voting in the special election set forth in section four of this act, shall not vote in favor of the issue of bonds herein provided for at the

Subsequent elections.

first election, the board of aldermen at any time thereafter, not oftener than once in each twelve months, as they may deem fit 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 as is required for said first election; and if a majority of the qualified voters shall be in favor of the issue of said bonds, then this act and all its provisions shall be and remain in full force and effect, and the said board of aldermen shall take the steps provided in this act for carrying out the provisions of said act.

SEC. 9. 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 7th day of February, A. D. 1905.

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#### CHAPTER 58.

#### AN ACT TO CHANGE THE CORPORATE LIMITS OF THE TOWN OF GRANITE FALLS IN CALDWELL COUNTY.

*The General Assembly of North Carolina do enact:*

Corporate limits.

SECTION 1. That section two of chapter three hundred and twenty-three, Private Laws of one thousand eight hundred and ninety-nine, entitled "An act to incorporate the town of Granite Falls in Caldwell County," be and the same is hereby amended to read as follows: "that the corporate limits of said town shall be one and one-eighth miles long and seven-eighths wide, beginning at a point in the Carolina and Northwestern Railroad one-half mile south of depot, and running with railroad one and one-eighth miles, three-eighths of mile wide on west side of said railroad and one-half mile wide on east side of said railroad."

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 February, A. D. 1905.

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#### CHAPTER 59.

#### AN ACT TO EXTEND THE CORPORATE LIMITS AND TO AMEND THE CHARTER OF THE TOWN OF ROBBERSONVILLE, MARTIN COUNTY.

*The General Assembly of North Carolina do enact:*

Corporate limits.

SECTION 1. That the corporate limits of the town of Robersonville shall hereafter be defined and located as follows, to-wit: Beginning at a stake in A. S. Everett's field, running thence S. one

and one-half W. one hundred and fifty-four poles to a stake in R. B. Brown's field; thence S. seventy-six and one-half E. two hundred and seventy-six poles to the southeast corner of the town cemetery; thence N. sixty-one E. one hundred and twenty-two poles to the Williamston road; thence N. six W. one hundred and six poles; thence N. fifty-nine W. one hundred and eighty-four poles to the Hamilton road; thence S. seventy-nine W. two hundred and ten poles to the beginning.

SEC. 2. That the municipal affairs of said town shall be controlled by a mayor and five commissioners, who shall hold their office for two years or until their successors are elected and qualified. Said officers shall constitute and be known as the "Governing body of said Town of Robersonville," and shall be elected at an election on the first Tuesday after the first Monday in May, one thousand nine hundred and five, and on same day biennially thereafter; and in case a vacancy shall occur in said governing body, the same shall be filled by an election among themselves.

SEC. 3. That said governing body of said town shall have power to elect from among themselves all officers necessary to properly execute the business of said body, and shall have power to elect from the qualified electors of said town one or more town policemen and affix their salary and prescribe their bonds and duties, and such bonds as said body shall deem sufficient shall be required of all officers of said town.

SEC. 4. The mayor and board of commissioners in office in said town shall hold the same until the first Tuesday after the first Monday in May, one thousand nine hundred and five, and until the mayor and commissioners herein provided for are elected and qualified.

SEC. 5. That the election herein provided for shall be conducted under the law governing elections in cities and towns, chapter seven hundred and fifty, Acts of one thousand nine hundred and one.

SEC. 6. That the governing body of said town shall have full power and authority to straighten or widen streets or lay off and establish new streets or discontinue streets already laid out and established, when in their judgment the same shall be required for the best interest of said town. Whenever it shall be necessary to straighten, widen or establish new streets, and the owner or owners of any land which may be required for that purpose shall claim damages, the owner or owners of such land shall file their claim with the clerk of said governing body, and it shall be the duty of said governing body to appoint three freeholders, residents of said town, not related to the claimant in any way, who shall forthwith go upon the premises and view the same, and assess the damages which will accrue to such property, taking into consideration the benefit which will accrue to such property from the improvement, and report the same to the governing body, who shall

pay the damages assessed, if any, and proceed to establish said street. If the owner or owners of such land is not satisfied with such assessment, he may appeal from the findings of such governing body to the next term of the superior court, when the same shall be tried before a jury; but such appeal shall not have the effect to stay the improvement.

Street working.

SEC. 7. All citizens resident within said town, liable to road duty under the laws of the State, shall be liable to work the streets and sidewalks of said town not exceeding six days each in any one year, and in lieu of such labor they may pay sixty cents each for each day that said governing body may order such labor.

Power to purchase, hold and sell real estate.

SEC. 8. That said town of Robersonville, under its corporate name, and through and by its governing body, shall have power to purchase and hold for the purposes of its government, welfare and improvements of said town, all such estate, real and personal, as the said governing body shall deem necessary therefor, or as may be conveyed, devised or bequeathed to it, and may from time to time sell, dispose of and re-invest as shall be deemed advisable by the said governing body.

Public buildings.

SEC. 9. That the governing body of said town may establish all public buildings necessary for the town, and may prohibit the erection or establishment of wooden buildings where they may increase the danger by fire.

Fire limits.

Power to pass ordinances, etc.

SEC. 10. That the governing body of said town is hereby invested with full power and authority to pass such ordinances and regulations for the government of said town as to them may seem expedient and wise, and to fix such penalties for violations of same as to them shall seem just and equitable; and when any person shall be arrested in said town he shall immediately be carried before the mayor or some other proper officer for trial, except in the following cases, to-wit: (1) When the arrest is made after sunset on Saturday and until eight o'clock A. M., on Monday following. (2) When the arrest is made in the night. (3) When the person arrested is found in a state of drunkenness. In all of which cases the prisoner may be committed to the town prison without *mittimus*, unless sufficient bail be given for appearance before the proper court.

Arrest for violation.

Town taxes.

SEC. 11. That the governing body of said town shall have power and authority to levy and cause to be collected taxes as provided under the general law governing towns and cities: *Provided*, said tax shall not exceed sixty-six and two-thirds cents on the hundred-dollar valuation on all the real and personal property in said town, and two dollars on each taxable poll within the corporate limits of said town: *Provided further*, the valuation of all real and personal property within said town, as taxed by said governing body, shall be the same as that at which it is assessed for taxation for county and State purposes.



SEC. 12. That the governing body of said town shall have power Privilege taxes. and authority to levy and cause to be collected for the purposes of revenue and necessary expenses of said town, such privilege taxes as to them may seem fair and equitable on the professions, callings, trades, occupations and all other business carried on in said town, whatever, that is to say: On every merchant, lawyer, physician, dentist, druggist, artisan, mechanic, artist, editor, printer, butcher, tinner, shoemaker, wheelwright, carriage, buggy and wagon maker, blacksmith, billiard or pool table, lecturers for reward, jewelers, livery-stables, horse dealers, cotton gins, saw-mills, distillers, hotels, boarding-houses, restaurant or eating saloons; on all drays, on all itinerant traders, peddlers, on banks or bankers, on markets, barbers, liquor dealers, dealers in leaf tobacco, soda-fountains or any cool drink or lemonade or milkshake stand, bicycle dealers, machine agents, insurance agents, manufacturers of brick, tile, doors, blinds, sash, barrels or any other commodity useful or ornamental, auctioneers, on all shows by whatever name or description, cider and wine dealers, telephones with lines and attachments, telegraph lines with all fixtures, and railroads, within the limits of said town; and the said governing body shall prescribe when the license tax herein provided for shall be due and payable.

SEC. 13. All the powers, rights, privileges and immunities given General State laws applicable. to towns and cities under the general law of the State are hereby granted to the town of Robersonville.

SEC. 14. That all laws and clauses of laws in conflict with this Conflicting laws repealed. act are hereby repealed.

SEC. 15. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 10th day of February, A. D. 1905.

## CHAPTER 60.

### AN ACT TO AMEND THE CHARTER OF HENDERSONVILLE. IN REGARD TO THE COLLECTION OF TAXES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Private Acts of one thousand eight hundred Private Laws 1883 amended. and eighty-three, chapter thirty-five, section four, be amended as follows: By striking out, in line twenty-two, the words "first day of February," and inserting in lieu thereof the words "first day Collection of town taxes. of May," and by adding at the end of said section the following words: *Provided*, that this act shall also apply to the tax list placed in the town tax collector's hands, in the year one thousand nine hundred and four: *And provided further*, that the said town tax collector shall have his bond, mentioned herein, so altered as to

conform to the provisions of this act, before he collects any of said taxes during the months of February, March and April in the year one thousand nine hundred and five.

Conflicting laws  
repealed.

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

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

In the General Assembly read three times, and ratified this 11th day of February, A. D. 1905.

## CHAPTER 61.

### AN ACT TO INCORPORATE ROUSE BANKING COMPANY.

*The General Assembly of North Carolina do enact:*

Corporators.

SECTION 1. That Thomas R. Rouse, N. J. Rouse, F. R. Hodges, Simeon Wooten, George B. W. Hadley, K. E. Sutton, R. B. Kinsey, C. P. Barrow, H. M. McDonald, L. T. Rightsell, Shade Wooten, Dr. J. C. Greene, H. W. Davis, Dr. J. M. Hodges, Bessie E. Rouse, Eula H. Rouse, R. M. Harper, Alexander Sutton, D. H. Petree, DeLeon Fields, John Willis Sutton and W. H. Burke, their present

Incorporation.

and future associates, successors and assigns, are hereby constituted and declared to be a body politic and corporate by the name and style of Rouse Banking Company, with its place of business at LaGrange, North Carolina, and shall so continue for a period of sixty years, with capacity to take, hold, purchase and convey real and personal estate, which power to hold real and personal estate shall include the power to take the same by devise or bequest: and said corporation shall have the rights, powers and privileges incident and belonging to corporations in this State, and particularly those enumerated in the chapter entitled "Corporations" of the Revised Statutes of North Carolina, as the same shall be enacted by the present General Assembly, not inconsistent with this act or with the business of banking.

Capital stock.

SEC. 2. The capital stock of said corporation, Rouse Banking Company, shall be ten thousand dollars, in shares of one hundred dollars each: and the capital stock may be increased from time to time as the said corporation may elect, to an amount not exceeding one hundred thousand dollars.

Organization.

SEC. 3. That whenever ten thousand dollars is subscribed for, the said corporators named in the first section of this act, or any three of them, may call a meeting of the stockholders in the town of LaGrange at the office of Rouse Bros., bankers, and they may proceed to adopt such by-laws, rules and regulations for the government of the bank as may be deemed desirable, not inconsistent with the laws of this State nor of this act: and may elect such

board of directors, not less than five nor more than twelve, 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; and the directors so chosen shall have the right to organize the bank and commence business. The interest in the present private banking business of Thomas R. Rouse and N. J. Rouse, under the name of Rouse Bros., Bankers, at LaGrange, may be exchanged for a like interest in the banking corporation chartered by this act; and said Thomas R. Rouse and N. J. Rouse may exchange their interest in said private banking business 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.

May take over  
Rouse Bros'.  
business.

SEC. 4. The directors shall elect from their number a president and a vice-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; and the directors shall prescribe their duties and may take and require from them bonds in such amounts as they may prescribe with security for the faithful discharge of their several duties, and may fix their compensation.

Bank officers.

Duties.

Bonds.

SEC. 5. The said board of directors may make and use a common seal 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 by making by-laws and regulations, consistent with the laws of the State, for its own government and for the due and orderly conduct of its business and affairs and the management of its property; and they may fill vacancies on the board of directors.

Powers of  
directors.

SEC. 6. That if any subscriber shall fail to pay for his stock or any part thereof as the same is required of him, the entire residue of his stock shall be deemed to be due, and may be recovered in the name of the corporation by an ordinary civil action, or the entire stock of such delinquent may be sold, by order of the directors, for cash, at the banking house of said corporation in the town of LaGrange, after advertisement of such sale for thirty days in some newspaper published in Lenoir County, and the proceeds of said sale may be applied to the payment of the balance of unpaid subscription; and if the proceeds shall not be sufficient to discharge the amount of the unpaid subscription, with all the costs of such sale, the subscriber shall be liable for the deficiency in a civil action.

Procedure for  
collecting unpaid-  
up stock.

SEC. 7. That said corporation shall have the right to do a general banking business, and to that end to exercise by its board of directors or duly authorized officers or agents, subject to law, all such powers as shall be necessary to carry on a general banking business, by discounting, buying, selling and negotiating promiss-

Corporate powers.

sory notes, drafts, bills of exchange and all other securities or evidences of debt; by receiving deposits; by buying and selling exchange, coin and bullion; by loaning money on personal security or on mortgages of real or personal property or both, or upon liens upon crops planted or unplanted; and by doing any and all things lawful and expedient in the discretion of the board of directors necessary and incident to the conduct of a general banking business. Said corporation at the time of making loans or discounts may take and receive in advance such interest as may be agreed upon not exceeding the legal rate; and said corporation may buy, build or lease a banking house or houses and may sell or exchange the same at pleasure.

Warehouse  
business.

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 of any kind whatsoever; to make advances on merchandise, produce or other property, 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 deposit, and compensation for all charges and expenses thereon, shall be a preferred lien on said property, which shall be satisfied and paid for before said corporation can be required to deliver such property.

Deposits, married  
women and  
minors.

SEC. 9. That said corporation may receive on deposit all sums of money that may be tendered for the purpose of investment, in such sum and on such terms as the board of directors may determine and agree upon, and may invest the same for its patrons; and that when married women, minors or apprentices deposit money or 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 individual check or order of any married woman, minor or apprentice shall be valid, binding and a sufficient release to said corporation against and from such married woman, minor or apprentice and all other persons whomsoever, without the consent of the parent or guardian of such minor, the husband of the *feme covert* or master of the apprentice.

Fiduciary powers.

SEC. 10. That said corporation shall have the right to act as agent, factor or trustee for any State, county, city, town, municipal corporation, company or individual, on such terms as to the agency as may be agreed upon, in registering, selling and countersigning, collecting, acquiring, holding, dealing in and disposing of, on account of and for any State, county, city, 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 or other obligations, and generally for managing such business; and may charge such commissions or rate of compensation as may be agreed upon for any of the matters and things authorized by this section.

SEC. 11. That said corporation shall have power to receive Fiduciary powers. moneys in trust and shall have power to accept and execute any trust that may be committed to it by any court, corporation, company or person; and it shall have power to accept any grant, assignment, transfer, devise or bequest, and to hold any personal or real estate in trust, and 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 and other property in litigation in any court of this State, and to 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 or deposit all money, bonds, stocks, diamonds and silver plate, and other valuables, and to charge and collect a reasonable compensation therefor, 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.

SEC. 12. That the bank be and is authorized, at the election of Savings bank provisions. the board of directors, in connection with its general banking business, a department for savings, and to do a savings bank business for the convenience of small depositors, and to make such regulations in regard thereto, not inconsistent with the laws of the State, as will enable said bank to receive small deposits in the savings department, and to give certificates or other evidences of deposit, regulating the time of payment and notice of demand, and to pay and to charge such interest, not exceeding the legal rate, as may be agreed on.

SEC. 13. That the stock of this corporation shall be transferable Transfer of stock. only on the books of the company, and no stockholder, if he be indebted to the corporation as principal, surety or otherwise, shall transfer his stock without the consent of the directors of the corporation until such indebtedness or liability is paid off and discharged, and for all such indebtedness said corporation shall have a lien superior to all other liens upon the stock of said stockholder.

SEC. 14. The stockholders of said bank shall be individually responsible, equally and ratably, and not one for another, for all contracts, debts and engagements of said corporation, to the extent of the amount of their stock therein at par value thereof, in addition to the amount invested in such shares: *Provided*, this shall not apply to a person who may hold the stock as collateral security for the payment of a debt. Individual responsibility of stockholders.



Voting powers of stockholders.

SEC. 15. That each stockholder shall be entitled in all meetings of stockholders to cast one vote for each share of stock held by him.

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

In the General Assembly read three times, and ratified this 11th day of February, A. D. 1905.

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## CHAPTER 62.

### AN ACT TO AMEND THE CHARTER OF THE AMERICAN WAREHOUSE COMPANY.

*The General Assembly of North Carolina do enact:*

Authorized increase of stock.

SECTION 1. That the charter of the American Warehouse Company, issued by the Secretary of State of the State of North Carolina, be and the same is hereby amended and the authorized capital stock of said company is hereby increased to five million dollars, with power and authority to stockholders owning a majority of all of the outstanding shares of the then capital stock to increase the capital stock at any time, or from time to time, to any amount not finally exceeding in the aggregate the sum above named: *Provided*, that whenever any such increase shall be ordered as above provided for, a certificate showing the amount thereof shall be executed by the president, vice-president, secretary, or treasurer of said company, and verified by the oath of the officer making it, and filed within thirty days in the office of the Secretary of State of the State of North Carolina: and said company shall pay into said office the sum of twenty cents for each one thousand dollars of such increase stated in said certificate, and such fees for filing the certificate as are now prescribed by law.

Certificate of increase.

Fees for increase.

SEC. 2. 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 February, A. D. 1905.

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## CHAPTER 63.

### AN ACT TO INCORPORATE HAYWOOD INSTITUTE.

*The General Assembly of North Carolina do enact:*

Corporators.

SECTION 1. That S. C. Welch, J. L. Morgan, A. J. Holland, J. H. Haynes, J. A. Collins, A. C. Walker, R. T. Harris, S. B. Medford, W. T. Crawford and R. E. Osborne, and their successors in office, who may be elected from time to time as trustees by the Mission-

ary Baptist Association of Haywood County, be and they are hereby created a body politic and corporate under the name and style of the "Haywood Institute," for the purpose of establishing and maintaining a school of high grade at Clyde, in Haywood County, North Carolina, with the privilege of using a common seal, to be altered at their pleasure; with the power to sue and be sued, plead and be impleaded, to hold real estate and personal property, by purchase, gift, or otherwise, as they may consider necessary for the maintenance of said "Haywood Institute," and make all rules and regulations necessary for their government and the said "Haywood Institute," and for carrying into effect the purposes of the aforesaid institution, and do all other acts pertaining to similar corporations, not inconsistent with the laws of this State or the United States: *Provided*, the said corporation shall not buy nor sell real or personal property nor incur any debt which may become a charge or lien against any property belonging to the said corporation, without the authority and consent in writing of the said Missionary Baptist Association of Haywood County, which authority shall be entered in their records kept by the said corporation.

Corporate name,  
purposes and  
powers.

Proviso.

SEC. 2. That the corporation shall have a president, a secretary, and a treasurer, elected from the trustees composing the corporation, by the corporation at its first annual meeting, or at a call meeting by the president, chairman of the board of trustees, on application in writing by six members of said board whose names are above set out. Six members shall constitute a quorum for the transaction of any business of the said corporation.

Officers.

Quorum.

SEC. 3. That there shall be ten trustees elected by the said Missionary Baptist Association of Haywood County, and the terms of said trustees when elected shall be two years from the date of their election, or until their successors are elected and qualified.

Trustees.

SEC. 4. That said board of trustees shall have power to elect such teachers as they may deem proper and qualified.

Powers.

SEC. 5. That the said corporation shall have power to prescribe a course of study for "Haywood Institute," and to change the same at any time they may deem wise and proper; and upon the completion of the course so prescribed it shall be the duty of the principal of the said "Haywood Institute" to give students completing said course a certificate or diploma.

Powers of trustees.

SEC. 6. That it shall be unlawful for any person to knowingly sell or give any student of "Haywood Institute" any spirituous, vinous or malt liquors, cigarettes or cigarette paper, or smoking tobacco, while he is a student and in attendance upon said institution. Any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court.

Prohibition as to  
liquor and  
tobacco.

Penalty for  
violation.

Haywood Institute property.

SEC. 7. That the property belonging to the Missionary Baptist Association of Haywood County, known as the "Haywood Institute," at Clyde, North Carolina, managed and controlled by a board of trustees, shall vest in and become the property of the corporation, the "Haywood Institute," with the conditions and limitations herein provided for.

Individual liability of trustees.

SEC. 8. That the individual trustees and their successors shall not be liable for the debts and liabilities of the said corporation.

Property of Haywood Baptist Association.

SEC. 9. That all the property now belonging to the said Missionary Baptist Association of Haywood County, or any property that may hereafter be acquired by the corporation in its name, shall be and remain the property of the said association, and shall not be subject to taxation.

Exemption from taxation.

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

In the General Assembly read three times, and ratified this 11th day of February, A. D. 1905.

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#### CHAPTER 64.

#### AN ACT TO AMEND THE CHARTER OF THE SOUTHERN CONSERVATORY OF MUSIC. CHAPTER 8, PRIVATE LAWS OF 1899.

*The General Assembly of North Carolina do enact:*

Power to grant diplomas, etc.

SECTION 1. That section three of chapter eight of the Private Laws of one thousand eight hundred and ninety-nine be repealed and the following section inserted in lieu thereof: "That under this act of incorporation, power shall be conferred upon said Southern Conservatory of Music to grant such certificates of merit as they may deem advisable, to grant diplomas and confer degrees of Bachelor of Music, Master of Music and Doctor of Music."

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 February, A. D. 1905.

## CHAPTER 65.

AN ACT TO AMEND CHAPTER 48 OF THE PRIVATE LAWS OF 1901, BY CHANGING THE NAME OF THE HERTFORD COUNTY TELEPHONE COMPANY TO THE NORTH STATE TELEPHONE COMPANY, AND CONFERRING CERTAIN POWERS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter forty-eight of the Private Laws of one Name changed. thousand nine hundred and one be amended as follows: Strike out the words "The Hertford County Telephone Company." in section one, and wherever appearing in said act, and substitute therefor the words "The North State Telephone Company." That the name of the said company be and the same is hereby changed from the Hertford County Telephone Company to The North State Telephone Company.

SEC. 2. Strike out section five and insert the following words: Officers. That the principal officers of said company or corporation shall be a president, vice-president, general manager, secretary, treasurer, and nine directors, who shall hold their term of office one year and until their successors are duly elected, and shall be annually elected by the stockholders at their regular meeting in the month of November of each year, or as provided in the by-laws of said company.

SEC. 3. That section seven be stricken out and the following be Names of officers. inserted in lieu thereof: That the following named persons shall fill the offices of the said company or corporation until the annual election as provided in section two of this act, to-wit: L. J. Lawrence, president; W. N. McAnge, vice-president; A. E. Garrett, general manager; J. P. Freeman, secretary and treasurer; and C. W. Mitchell, W. H. Sears, A. E. Garrett, J. P. Freeman, G. E. Carmen, J. G. Majette, J. T. Bryant and W. M. McAnge, and the president of the company, *ex officio*, directors, who shall hold their terms of office until the next annual election of officers as aforesaid and until their successors are duly elected.

SEC. 4. That section ten be amended by adding thereto the following words: The incorporated towns of the State in which the Franchises from towns. said company or corporation may have or desire to have an office to receive and transmit telephone or telegraph messages may contract with the said company or corporation, upon such terms as may appear just and proper, for a franchise to said company or corporation, for any number of years, not exceeding the life of the corporation or company, to build, construct, operate and maintain a telephone or telegraph line or lines, or telephone exchange, within the respective towns. And the board of commissioners or aldermen of such town or towns are hereby empowered to make such contract or contracts for such franchise, for such terms of years and upon such terms and conditions as shall be deemed just

Execution of  
contracts.

and proper by the parties thereto. Such contracts on the part of the town or towns, when authorized by the commissioners or aldermen thereof, shall be executed by the mayor and secretary or clerk.

SEC. 5. That this act shall go into effect from and after its ratification.

In the General Assembly read three times, and ratified this 11th day of February, A. D. 1905.

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## CHAPTER 66.

### AN ACT TO AMEND CHAPTER 137, PRIVATE LAWS 1887, AND REPEALING CHAPTER 300, PRIVATE LAWS 1901, IN REGARD TO CHARTER OF THE TOWN OF KERNERS- VILLE, FORSYTH COUNTY.

*The General Assembly of North Carolina do enact:*

Power to hold real  
estate.

SECTION 1. That section one (1), chapter one hundred and thirty-seven, Private Laws one thousand eight hundred and eighty-seven, be amended as follows: Strike out in line ten' (10) in section one of said section the words "one thousand" and insert in lieu thereof "twenty thousand."

Tax limit.

SEC. 2. That section twenty-eight, chapter one hundred and thirty-seven, Private Laws one thousand eight hundred and eighty-seven, be amended as follows: Strike out in line six of section twenty-eight, Private Laws one thousand eight hundred and eighty-seven, the words "thirty-three and one-third," and insert in lieu thereof the words "seventy-five," and in line eight of said section strike out the words "one dollar" and insert in lieu thereof "two dollars and twenty-five cents."

Town officers.

SEC. 3. That chapter three hundred (300), Private Laws one thousand nine hundred and one, be and the same is hereby repealed, and section four (4), chapter one hundred and thirty-seven, Private Laws one thousand eight hundred and eighty-seven, be and the same is hereby re-enacted.

When act in force.

SEC. 4. That this act shall be in force from and after a graded school has been established by a vote of the people in the town of Kernersville, Forsyth County.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.



## CHAPTER 67.

AN ACT TO INCORPORATE THE DOVER SOUTHBOUND  
RAILROAD COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Wm. A. Winsatt, Washington, D. C.; D. W. Richardson, Dover, N. C.; W. B. H. Blandford, Dover, N. C.; J. S. Wooten, Dover, N. C.; N. S. Richardson, Dover, N. C.; Dr. Raymond Pollock, Dover, N. C.; T. G. Hyman, P. Cox, J. Hollester, New Bern, N. C.; W. F. Williams, Red Springs, N. C.; J. G. Williams, Red Springs, N. C.; Park Fitzhugh, South Washington, N. C.; W. W. Fitzhugh, South Washington, N. C.; H. P. Woodson, Lynchburg, Va.; T. C. Wooten, Kinston, N. C.; Lovit Hines, W. J. Jones, Kinston, N. C.; C. F. Harvey, Kinston, N. C.; T. W. Mewborne, Kinston, N. C.; Junius Stephenson, Kinston, N. C.; T. D. Warren, Trenton, N. C.; I. M. L. Brock, Richlands, N. C.; W. B. Hargett, Tuckahoe, N. C.; J. S. Hargett, Tuckahoe, N. C.; R. L. Huffines, Rocky Mount, N. C.; C. H. Foy, Kinston, N. C.; C. A. Rhodes, Comfort, N. C.; G. V. Richardson, Dover, N. C.; Seth West, Dover, N. C.; W. A. H. Church, Washington, D. C.; E. S. Johnson, Washington, D. C.; and such other persons as may become associated with them as stockholders, and their successors, are hereby constituted a body politic and corporate, with perpetual succession, under the name and style of the "Dover Southbound Railroad Company," and in that name may sue and be sued, may have and use a common seal, and shall be capable of purchasing and acquiring by gift or devise, estate real, personal and mixed, and of holding or leasing and selling the same as the interest of the said company may require, and may make and exercise all such by-laws and regulations for its government as shall be deemed necessary or expedient for that purpose: *Provided*, that the same shall not be inconsistent with the Constitution of the State or of the United States, and shall have all the rights and enjoy all the privileges and immunities possessed and enjoyed by any other railroad company under the laws of North Carolina. That for the purpose, and in furtherance of organization, Wm. A. Winsatt shall be and is hereby delegated and appointed president of said company, and shall hold his term of office until his successor is elected under the rules and regulations of said company. That D. W. Richardson is hereby delegated and appointed vice-president of said company, and shall hold his term of office until his successor is elected under the rules and regulations of the said company. That B. W. Blandford is hereby delegated and appointed secretary and treasurer of said company, and shall hold his office until his successor is elected under the rules and regulations of said company. That W. A. Winsatt, D. W. Richardson, W. B. Blandford, T. C. Wooten, Lovit

Corporate name.

Corporate powers.

President.

Vice-President.

Secretary and treasurer.

Directors.

Hines, W. A. H. Church, E. S. Johnson are hereby delegated and appointed directors for said company until their successors are elected under the rules and regulations of said company.

Location of road.

SEC. 2. That the said company be and the same is hereby authorized to construct and maintain a railway of one or more tracks, to be operated by steam or other motive power from Richlands, in the County of Onslow, to Dover, in the county of Craven, and thence to Kinston, N. C., with power to extend to Swansboro, N. C.; to own and operate in connection with the said railroad or any of its branches, steamboats and other means of transportation by water for passengers and freight, on any creek, river, bay, sound, in the State of North Carolina.

Branch roads.

SEC. 3. That the said company shall have power to construct and operate by steam or otherwise, when and as it may deem proper, lateral and branch roads in any direction from the main line or road, not more than twenty-five miles long.

Capital stock.

SEC. 4. That the capital stock of the said company shall be one hundred and twenty-five thousand dollars, with power, when and as it may deem proper, to increase the same to five hundred and fifty thousand dollars, vested in the stockholders in shares of the value of one hundred dollars each, and shall be raised by subscription on the part of individuals or municipal or other corporations; and subscriptions may be paid in money, labor, land, materials, stocks, bonds or other securities, or in any way that may be agreed upon between the company and the subscribers; and the company may receive donations of any of the kinds of property or labor mentioned above: *Provided*, that the increase of capital stock shall not be effective, and no certificate of stock shall be issued upon said increased capital stock, until the fees prescribed in section ninety-six, chapter two, Public Laws of one thousand nine hundred and one, and acts amendatory thereof, shall have been first paid by it, upon such increased capital stock, and a certificate to this effect issued to it by the Secretary of State (which certificate shall be recorded in the Secretary of State's office, and upon the minute books of the said company), and either the original or a certified copy from the office of the Secretary of State shall be competent in evidence.

Increase of capital stock.

Organization.

SEC. 5. That whenever the amount of ten thousand dollars shall have been subscribed to the capital stock the said corporators or a majority of them may, when they deem proper and at any place within or without the State, call together the subscribers to said shares of stock for the purpose of completing the organization of said company: *Provided*, that the principal office of the company shall be in this State.

Eminent domain.

SEC. 6. Any lands required for the necessary purposes of building and operating the road shall be condemned as provided in

chapter forty-nine of The Code of North Carolina, and the amendments thereto, now or hereafter enacted.

SEC. 7. The directors shall have power to borrow money upon the bonds of the company and to secure the same by mortgage, deed of trust, or other legal assurance on such of its property and on such terms as they deem best. Borrowing money.

SEC. 8. Said company shall have the exclusive right to transport freight and passengers over and along said railroad, or any branch thereof, at such rates as the directors shall prescribe, not contrary to the laws of the State now or hereafter enacted; and the company may purchase or hold stock in other railroads or in navigation companies and shall have power to buy or lease the same or to contract for the transportation of freight and passengers over their lines. Transportation of freight and passengers.

SEC. 9. That the said company shall have the right to connect the said road or any branch thereof with any railroad or transportation or navigation company that may have been heretofore or that may be hereafter chartered by this or any other State, and to interchange traffic upon such reciprocal terms as may be agreed on by said company; and the said company shall have the right and power to use any section of its said road or any branch thereof before the whole of the same may be completed, and may charge for transportation on said section. Connection with other roads.  
Use of part of road before complete.

SEC. 10. That the general meetings of the company may be held annually, and at its first general meeting aforesaid and at each of its annual meetings thereafter a president and seven directors shall be chosen of and by the stockholders, to hold office for one year or more and until their successors shall be chosen and qualified; and at the first meeting after their election said board of directors, with the president, who shall be *ex officio* a director and entitled to a vote in all meetings of the said board of directors, shall elect a vice-president, who may also be a general manager, and shall hold office for one year or more and until his successor is chosen and qualified: *Provided*, that in all meetings of stockholders a majority of all the stock subscribed shall be represented either in person or by proxy, and all proxies shall be verified in such manner as may be provided by the by-laws of the company, and each share of stock represented in person or by proxy at any meeting shall be entitled to one vote on all questions. The directors may fill all vacancies that may occur from any cause in their board; *Provided*, that upon the death, resignation or removal of the president during his term of office, the vice-president shall succeed to his place and be president until a successor is elected by the stockholders. At all meetings of the stockholders a majority of the stock shall constitute a quorum for the transaction of business. By-laws for the company may be passed at its first general meeting, or as early thereafter as may be practicable, but the Meetings.  
Election of president and directors.  
Other officers.  
Quorum.  
Vacancies.  
Quorum.  
By-laws.

by-laws may at any meeting after the first be changed, amended or repealed, and additional by-laws made.

Discontinuance of parts of road.

SEC. 11. That if it shall at any time be ascertained by the stockholders in their regular meeting assembled that any part, section, connection, or branch of said railroad does not pay a dividend or actual expenses, the said stockholders may in their discretion discontinue the same.

Provision for use of road from Dover to Richlands.

SEC. 12. That the private railroad now used by the "Goldsboro Lumber Company," from Dover, North Carolina, to Richlands, North Carolina, may be used and utilized in the construction of the road designated in this charter, if said stockholders shall adopt and purchase the same, and condemn the land upon which it crosses or passes.

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

In the General Assembly read three times, and ratified this 13th day of February, A. D. 1905.

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## CHAPTER 68.

### AN ACT TO AMEND CHAPTER 101, PRIVATE LAWS 1887. AMENDATORY OF THE CHARTER OF THE TOWN OF ROCKINGHAM.

*The General Assembly of North Carolina do enact:*

Maximum tax rate on property.

SECTION 1. That section thirty-two, chapter one hundred and one, Private Laws one thousand eight hundred and eighty-seven, be and the same is hereby amended by striking out the word "twenty" in line seven before the word "cents" in said section thirty-two and inserting in lieu thereof the word "fifty."

On polls.

SEC. 2. That the said section thirty-two, chapter one hundred and one, Private Laws of one thousand eight hundred and eighty-seven, be further amended by striking out the word "sixty" in line eight of said section between the words "and" and "cents" and inserting in lieu thereof the words "one dollar and fifty."

Right of town commissioners to borrow money.

SEC. 3. That section thirty-two, chapter one hundred and one, Private Laws of one thousand eight hundred and eighty-seven, be further amended by adding at the end of the said section the words "and the said town commissioners shall have the right to borrow money to pay the necessary expenses of the said town."

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 February, A. D. 1905.

## CHAPTER 69.

AN ACT TO AMEND THE CHARTER OF THE CHOWAN AND  
AULANDER RAILROAD COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter two hundred and forty-four, Private Chapter 244, Private Laws 1893, amended.  
Laws of North Carolina for the year one thousand eight hundred and ninety-three, be and the same is hereby amended by inserting after the word "North Carolina" in line four, section two of said chapter, and before the first word in the last line of section one of the amendment thereto, the following words: "and shall build, Location of road.  
construct and operate a line of railroad from some point at or near Lewiston, said county and State, on the Roanoke and Tar River Railroad, to some point at or near Cashie River in said county."

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

In the General Assembly read three times, and ratified this the 13th day of February, A. D. 1905.

## CHAPTER 70.

AN ACT TO CHARTER AARON SEMINARY AT MONTEZUMA,  
MITCHELL COUNTY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That A. Graybeal, W. C. Franklin, Geo. Weld, W. A. Patton, W. J. Harris, W. W. Rominger, M. W. Clay, Luther Banner and W. C. Haltorn, who have been appointed on the part of the District Conference of Bakersville District, Methodist Episcopal Church, be and are hereby created a body politic and Corporate name.  
corporate under the name and style, "The Trustees of Aaron Seminary," and with power to sue and be sued, plead and be im-Powers.  
pleaded, contract and be contracted with, hold such real and personal property in amount not to exceed fifty thousand dollars by purchase, donation or otherwise as may be by them deemed necessary for the successful establishment and maintenance of a male and female college at Montezuma in Mitchell County in this State, and make all rules, regulations, by-laws, and agreements needful for the government of their body and of the said seminary, and for carrying into effect the aforesaid purpose of this incorporation do all other acts pertaining to similar corporations and not inconsistent with the laws of this State and the United States.

SEC. 2. That the term of office of trustees shall be two years Terms of office of  
from date of election, subject to removal by a majority of the trustees.



Vacancy.	others for neglect of duty. A vacancy in said board caused by death or resignation may be filled by a majority of the trustees at any regular meeting.
Election of officers and teachers.	SEC. 3. The said trustees shall have the exclusive right to elect a president of said seminary and such professors and officers as they may deem proper.
Diplomas, degrees, etc.	SEC. 4. That the president and professors of said institution shall be the faculty thereof and, with the advice and consent of the trustees, shall have power to grant diplomas conferring such degrees and marks of literary distinction as are usually conferred in colleges.
Individual liability of trustees.	SEC. 5. That the individual property of aforesaid trustees shall not be liable for the debts of said corporation.
	SEC. 6. 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 February, A. D. 1905.

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## CHAPTER 71.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND THE CHARTER OF THE TOWN OF CONCORD, RATIFIED THE 22d DAY OF JANUARY, 1901, BEING CHAPTER 9 OF THE PRIVATE LAWS OF NORTH CAROLINA."

*The General Assembly of North Carolina do enact:*

Sections 2, 3, 4, 5 and 6 stricken out.	SECTION 1. That chapter nine of the Private Laws of one thousand nine hundred and one be and the same is hereby amended as follows: First: By striking out all of sections two, three, four, five and six of said chapter, and substituting and enacting in lieu thereof the following:
Names of light and water commissioners.	SEC. 2. That W. D. Pemberton, Chas. F. Ritchie and George W. Brown be and they are hereby constituted and appointed the Board of Light and Water Commissioners of the City of Concord, of which board the mayor of said city shall be <i>ex officio</i> chairman.
Mayor, chairman, powers and duties.	That at all meetings of the said board the mayor shall preside, but shall only vote in case of a tie.
Terms of office of commissioners.	SEC. 3. That the two commissioners first above named shall hold their office till the first Monday in June, one thousand nine hundred and six, or until their successors are appointed and qualified; and the commissioner last named above shall hold his office until the first Monday in June, one thousand nine hundred and five, or until his successor is elected and qualified.
Election of successors.	SEC. 4. That the Aldermen of the City of Concord at their first meeting in June, one thousand nine hundred and five, shall elect

one commissioner to succeed the last one named above, and at their first meeting in June, one thousand nine hundred and six, said aldermen shall elect two commissioners to succeed the first 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 appointed and qualified. That thereafter the aldermen of said city 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 successor or successors, as the case may be, 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 Oath of office. successors in office, shall take an oath to faithfully discharge the duties of said office, to be administered by the mayor of said city. That on or before the first day of March, one thousand nine hun- Organization. dred and five, the commissioners herein appointed shall assemble and organize, and when so organized they shall be known as the Name. "Board of Light and Water Commissioners," and shall be a cor- Incorporated. poration under the name of "Board of Light and Water Commissioners." And as such corporation they shall have power to sue Corporate powers. and be sued, to contract and be contracted with, to hold real and personal estate, and exercise and enjoy the usual privileges of a corporation. Said board of light and water commissioners, at Clerk, duties, etc. their first meeting after their organization, shall elect a clerk, who shall discharge and perform all duties that are now imposed by law upon the Clerk of the Board of Water Commissioners for the City of Concord, who shall be required to give a bond as specified for the said clerk, and shall pay out the moneys that come into his hands only upon an order made by the said board. It shall be his duty to collect all the rents and tolls arising from the operation of the electric light plant now owned by the city of Concord. Said board may employ a superintendent for said Superintendent. plant, and pay him such salary or wages as may be agreed upon, and the same person may be superintendent and also clerk to said board. And no money shall be paid out of the treasury by Moneys, how paid out. said clerk unless ordered by board of light and water commissioners.

SEC. 6. That a majority of said board shall constitute a quorum Quorum. for the transaction of business, and the contracts and engagements, Obligation of acts and doings of said board, within the scope of its duty or contracts. authority, shall be obligatory upon and be in law considered as if done by the Board of Aldermen of the City of Concord; and said Powers of com- board of commissioners shall, for the city of Concord, take and Acquisition of hold the land, real estate, rights, franchises and property of property, etc. every kind now owned by said city of Concord, or that may hereafter be purchased, for the purpose of operating and maintaining

Water and light to be furnished.	a system of water-works and lights for said city; and said board shall have power to acquire such additional property and make such additional improvements thereto as may be necessary to at all times furnish the city of Concord with a sufficient supply of good, wholesome water, and sufficient light for said city and its inhabitants. And in order to procure the necessary funds for that purpose, and to pay debts already made for said purpose, said board shall have full power and authority to issue bonds, not to exceed in amount the sum of thirty thousand dollars, in such form, of such denominations and payable at such time or times and places, and to bear such rate of interest, payable semi-annually, as said board shall determine. Said bonds shall be signed by the mayor of the city as <i>ex officio</i> chairman of said board, sealed with the corporate seal of said board of light and water commissioners, attested by the clerk of said board; and the coupons on said bonds shall bear the engraved or lithographed signature of said clerk. All bonds so issued shall be equally and ratably secured by first mortgage or deed of trust upon all real estate, rights, franchises and other property of every description owned and held by said board, and which was purchased by the city of Concord from the Concord Water Works Company and the Concord Electric Light Company, as well as all other property, rights and franchises which may hereafter be purchased or acquired by said board for the purpose of extending, maintaining and operating said system of water-works and light plant for said city. Said mortgage or deed of trust shall be in such form and contain such covenants, conditions and stipulations as said board may deem necessary and proper to conform to and secure the payment of said bonds, and shall be signed in the name of the "Board of Light and Water Commissioners" of the City of Concord, by the mayor as <i>ex officio</i> chairman of said board, and sealed with the corporate seal of said board, duly attested by the clerk of said board. In case said board shall make default in the payment of any installment of interest due on said bonds, or of the principal thereof at maturity, by reason of which said mortgage or deed of trust shall be foreclosed, the purchaser of the property, rights and franchises to maintain and operate said system of water-works and light plant in the city of Concord and vicinity for a period of twenty years from the date of said foreclosure: <i>Provided</i> , that said purchaser, or his or its successors or assigns, shall at all times maintain a rate no higher than the present schedule or rate of charges or toll for water and light as established by said board, and shall also continue to furnish an adequate supply of pure water and sufficient light for both municipal and private consumption: <i>Provided further</i> , that the said board of light and water commissioners shall have the right at all times
Bond issue authorized.	
Bonds, how executed.	
Coupons.	
How secured.	
Foreclosure.	
Provisions for operating water-works and electric light plant by purchaser.	
Rates.	

to fix the rate and tolls for the use of light and water for both municipal and private consumption. Any persons, firm or corporation, municipal or otherwise, shall be considered a consumer:

*Provided further*, that said purchaser, his or its successors or assigns, shall not be liable in damages to any person on account of the destruction of any house, building or other property by fire so long as said water supply shall be kept and maintained by said board as it was at the time of the foreclosure of said mortgage or deed of trust.

Liability of water company in case of fire.

Second: By striking out section seventeen of said act and substituting and enacting in lieu thereof the following:

Section 17 stricken out.

SEC. 17. That the said board of light and water commissioners, out of the moneys derived from the collection of tolls or rents for water and lights, shall pay (1) the cost and expenses of operating the plants or system of water-works and light plant under its control, including the cost of such incidental improvements as the board may deem necessary for that purpose, and not exceeding one hundred dollars per annum to each of said commissioners for his services in full; (2) the semi-annual interest upon the bonds issued by virtue of section six thereof, as the same shall become due; (3) the cost and expenses of such extensions and additions to the plant of said systems as the board may from time to time deem advisable; (4) the semi-annual interest upon the bonds heretofore issued by the city of Concord for the purchase and improvements of said water-works, as the same shall become due, for a period of fifteen years from the date thereof; (5) after the expiration of which period, all moneys so derived (less the cost and expenses of operating said plant, the interest on the bonds authorized to be issued hereunder, and the cost and expenses of additions to the plant as aforesaid) shall be turned over to the Treasurer of the City of Concord, to be held by him, and invested under the direction of the board of light and water commissioners, for a sinking fund with which to pay off, as they mature, first, the bonds issued by virtue of section six hereof, in full; second, the bonds heretofore issued by the city of Concord for the purpose of purchasing and improving said water-works system: *Provided*, that none of the funds of the city of Concord, raised by taxation, shall ever be applied to the payment of either the principal or interest of the bonds issued by virtue of section six hereof.

Expense of operating plant, etc.

Compensation of commissioners.

Interest.

Extensions and additions.

Interest.

Sinking fund.

Proviso as to city taxes.

SEC. 18. By striking out and repealing section eighteen of said act.

Section 18 repealed.

SEC. 19. That laws and clauses of laws in conflict with this act 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 13th day of February, A. D. 1905.

## CHAPTER 72.

## AN ACT TO REPEAL CHAPTER 356, PRIVATE LAWS OF 1903, INCORPORATING THE TOWN OF MYRTLE IN BRUNSWICK COUNTY.

*The General Assembly of North Carolina do enact:*

Repealed.

SECTION 1. That chapter three hundred and fifty-six of the Private Laws of one thousand nine hundred and three be and the same is hereby repealed.

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

In the General Assembly read three times, and ratified this 13th day of February, A. D. 1905.

## CHAPTER 73.

## AN ACT TO INCORPORATE THE YADKIN AND TRANSMONTAIN RAILWAY COMPANY.

*The General Assembly of North Carolina do enact:*

Corporators.

SECTION 1. That Edmund Jones, John M. Bernhardt, S. F. Harper, G. H. Lenoir of Caldwell County, North Carolina; E. S. Coffey of Watanga County, North Carolina; T. C. Bowie of Ashe County, North Carolina; R. A. Doughton of Alleghany County, North Carolina; T. B. Finley of Wilkes County, North Carolina; J. Newton Peck and J. Franklin Shields of the city of Philadelphia, in the State of Pennsylvania; together with their associates, successors and assigns, be and are hereby incorporated

Corporate name.

under the name and style of the Yadkin and Transmountain Railway Company, and under such name may sue and be sued, plead and be impleaded, make, have and use a common seal, and be and remain in all respects a corporation for the purpose of building, constructing and operating a railroad with one or more tracks of such gauge as said company may select, and in all respects to have all the privileges, immunities and powers as are incident to and usual with corporations of a like character, under the public laws of North Carolina.

Corporate powers.

To build railroad.

SEC. 2. The said Yadkin and Transmountain Railway Company are hereby fully authorized and empowered to build, construct and operate a railroad of one or more tracks from the city of Charlotte, North Carolina, or from a point between the said city of Charlotte and the town of Rutherfordton, on the Carolina Central Railway, via the town of Lenoir in Caldwell County, North Carolina, to the Tennessee or Virginia State line; or the said railway company may build and construct their said line from any point

Route and terminals.



on the Western North Carolina Railroad, between the town of Statesville in Iredell County and the town of Marion in the county of McDowell.

SEC. 3. The said Yadkin and Transmountain Railway Company are hereby empowered to construct their line of road from the town of Lenoir in Caldwell County, down the Yadkin Valley into the town of Wilkesboro or North Wilkesboro, and thence along the line of the Yadkin River and its tributaries, via the towns of Elkin, Dobson and Mt. Airy, to a point on the Virginia line to be selected by said company; and in addition thereto or independently thereof said railway company are hereby authorized and empowered to construct a line of railway from any of the points along the line of the said Carolina Central Railway Company, or from any point between the town of Statesville and the town of Marion as above set forth, via the town of Lenoir and the Yadkin Valley; or by way of John's River and Wilson's Creek and their waters, through the counties of Mitchell and Watauga, or either of them, to a point on the Tennessee State line; and in addition thereto, or independently thereof, said railway company may construct a line of railway from any of the said points on the said Carolina Central Railway, or on the Western North Carolina Railroad, via the town of Lenoir in Caldwell County, across the Blue Ridge and Alleghany Mountains, so as to run through the counties of Caldwell, Watauga, Ashe and Alleghany, or any of them, to a point on the Tennessee or Virginia line, as the case may be.

SEC. 4. That the said Yadkin and Transmountain Railway Company, in addition to the powers herein above conferred, shall have power to buy, lease, take over and operate any railway property now operating any line or lines within the territory or any part thereof within which the said Yadkin and Transmountain Railway Company is hereby authorized to operate. It may acquire by purchase or lease any railway or railways now operating within the said territory; it may further subscribe to the capital stock of any other railway or railroad company, now or hereafter authorized to operate within the said territory above described, and may have, hold and possess such stock as an asset to the company, with all the rights and privileges of other stockholders in such other railway or railroad companies.

SEC. 5. That the said Yadkin and Transmountain Railway Company may begin the construction of their said road or roads from and to such point or points along their said line or lines as herein above set forth; and upon the construction by them and the operation of five miles of railway the said company shall be deemed and taken to have complied in all respects with the provisions of this charter so far as to protect the said company against forfeiture or non-user.

- Capital stock. SEC. 6. The capital stock of the said railway company shall be one hundred and twenty-five thousand dollars (\$125,000), divided into shares of the par value of fifty dollars (\$50) each. But the said company may organize and commence business as soon as two hundred shares of its capital stock shall have been subscribed and paid in.
- When company may organize.
- Eminent domain. SEC. 7. The said railway company shall have all the rights of eminent domain for the purpose of securing its right-of-way that is provided by the laws of North Carolina for similar corporations. It shall have all the privileges, powers and franchises provided under the laws of North Carolina for public carriers, and shall be subject to all the pains and penalties of public carriers of a similar nature as in said laws are provided.
- When work to begin. SEC. 8. The said Yadkin and Transmountain Railway Company may construct such portions of its line of railway as it may deem best, beginning at such place or places as it may deem desirable.
- Directors. SEC. 9. The affairs of the said company shall be managed and controlled by a board of directors composed of not less than seven nor more than thirteen stockholders, and they may designate and appoint such officers, agents and employees as they may deem best for the conduct of the affairs of the company, and fix their compensation.
- General powers. SEC. 10. In addition to the powers herein especially conferred the said railway corporation shall have all the powers and privileges conferred by law upon similar corporations in the State of North Carolina, and shall be subject to like pains and penalties.
- SEC. 11. 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 February, A. D. 1905.

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#### CHAPTER 74.

#### AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE TOWN OF ROCKINGHAM, RICHMOND COUNTY, NORTH CAROLINA, TO ISSUE BONDS TO CONSTRUCT WATER-WORKS.

*The General Assembly of North Carolina do enact:*

- Interest rate. SECTION 1. That the Commissioners of the Town of Rockingham, Richmond County, North Carolina, for the purpose of constructing water-works and supplying the town with water, are hereby authorized and empowered to issue bonds, bearing interest at the rate of six per centum per annum from date of their issue, to the amount of twenty-five thousand dollars, in denominations not less than one hundred dollars and not more than one thousand dollars, to each and every one of which shall be attached the cou-
- Amount.  
Denominations.
- Coupons.

pons representing the interest on said bonds, which said coupons shall be due and payable on the first day of January of every year until the maturity of said bonds; the bonds issued to run for a period of thirty years, and shall be numbered consecutively, and the coupons shall bear the number corresponding to the bond to which they are attached, and shall declare the amount of interest which they represent, and when the interest is due and where it is payable, and shall be receivable in payment of municipal taxes levied by said town.

To run thirty years.  
Coupons receivable for taxes.

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 clerk and treasurer of said town, and the mayor and clerk and treasurer shall, under direction and with authority of the board of the town commissioners, dispose of the said bonds as the necessity for the prosecution of the work may require, at a price not less than their par value; and it shall be the duty of the clerk and treasurer of said town to make and keep a record of the bonds sold, the number of bond purchased, the name of the purchaser and the price received for same.

How bonds attested.  
How bonds disposed of.  
Not to be sold below par. Clerk to keep record.

SEC. 3. In order to pay the interest on said bonds the commissioners of said town are hereby authorized and it shall be their duty to annually compute and levy, at the time of levying other taxes for said town, a sufficient special tax upon all poll and all 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 poll, not to exceed thirty cents on the 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 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 officer 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 said commissioners to provide for the collection of rents, water charges and other revenues for the use of the water provided by said water-works, and all revenue derived from such sources shall be held and kept solely for the purpose of maintaining said system of water-works, and the surplus, after paying the expenses of maintenance of said system, shall be used as a part of the sinking fund hereinafter provided for the redemption of said bonds until they have been fully redeemed.

Special tax.  
Constitutional equation. Tax limit.  
Collected as other taxes.  
Officers' bonds.  
Rent and water charges.  
Surplus used as sinking fund.

SEC. 4. That the taxes levied and collected for the purpose specified in section three of this act shall be kept separate and distinct from any and all other taxes, and shall be used only for the purpose for which they were levied and collected; and any

Tax kept separate.

Diversion of funds misdemeanor.	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 the said special taxes or any part thereof, or shall in any way violate the provisions of this act, shall be guilty of a misdemeanor: <i>Provided</i> , 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 commissioners, at the time of levying taxes for payment of interest for said next succeeding year, shall take into consideration said excess and shall compute and levy said tax accordingly.
How excess applied.	
Special tax for 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 said commissioners, at and after the expiration of twenty 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 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 commissioners shall cease to levy said taxes for the sinking fund.
Amount.	
When tax to cease.	
How sinking fund invested.	SEC. 6. That it shall be the duty of said commissioners 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 commissioners; but in case said bonds cannot be purchased as herein provided, the said commissioners may lend said sinking fund or any part thereof in such sums as they may deem proper for a length of time not exceeding beyond six months prior to the date of maturity of said bonds, taking as security for the payment thereof, and for the payment of 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 such loans. The notes or evidence of debt given for any loan under this section shall be executed to and in the name of "The Commissioners of the Town of Rockingham," 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 lend any or all of said money annually as directed above, they may and it shall be their duty to cause such part as
Limit of loans.	
How notes executed.	

they are unable to invest to be deposited in 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 commissioner of said town who shall be personally interested, directly or indirectly, in any such loans shall be guilty of a misdemeanor.

SEC. 7. That the said board of commissioners 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 not levying said taxes, which they are authorized to do at such time as they deem best for securing the voice of the people on the question, within twelve months from the ratification of this act. The said election shall be advertised by said commissioners for thirty days immediately preceding the day of election, in some newspaper published in said town, and held by the same officers of election and under the same rules 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 with the words "For Ratification, Bonds and Taxes" thereon, and those who are opposed to the ratification of this act, the issuing of said bonds and levying and collecting the said taxes, shall vote a written or printed ticket with the words "Rejection, Against Bonds and Taxes." The result of the election shall be ascertained by the officers thereof and certified and returned by them to the commissioners for the town of Rockingham 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.

Election to be held.

Advertisement.

Form of ballot.

Canvass of votes.

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 13th day of February, A. D. 1905.



## CHAPTER 75.

## AN ACT TO AMEND CHAPTER 101, PRIVATE LAWS OF NORTH CAROLINA, SESSION 1891, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF HUB IN THE COUNTY OF COLUMBUS AND STATE OF NORTH CAROLINA."

*The General Assembly of North Carolina do enact:*

New boundaries.

SECTION 1. That chapter one hundred and one, Laws of North Carolina, session one thousand eight hundred and ninety-one, be and the same is hereby amended by striking out section six and inserting in lieu thereof the following: That the corporate limits of said town shall be as follows: Beginning at a point on Lumber River about one-half mile above Ivey's Bluff bridge and runs S.  $13\frac{1}{2}$  degs. E. to and with the Butters Lumber Company and J. H. Inman's line twenty (20) chains to the south edge of the river swamp; thence with the south edge of said swamp about twenty-one (21) chains to a ditch; thence with said ditch south 48 degrees E. six (6) chains to the narrow-gauge railroad; thence with said railroad S. twenty (20) degrees W. ten (10) chains to a road crossing; thence with that road S. 42 degrees E. twenty (20) chains to a stake by the road, said Butters Lumber Company's corner; thence with its line N. 50 degrees E. forty-five (45) chains to and with F. A. Mallett's line to his corner, a stake in the east edge of Bennett's Bay; thence with his line N.  $45\frac{1}{2}$  degrees E. twelve (12) chains and eighty-three (83) links to a stake, Butters Lumber Company's corner; thence with its line N. 53 degrees E. twenty-four (24) chains and seventy-eight (78) links to a stake, Simp Fields' corner; thence with his line about north to the main edge of the Big Swamp; thence west about fifty (50) chains to Lumber River, and thence down and with the various courses of the said river to the beginning.

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

In the General Assembly read three times, and ratified this the 14th day of February, A. D. 1905.

## CHAPTER 76.

## AN ACT TO AUTHORIZE THE CITY OF DURHAM TO ISSUE SCHOOL 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 denominations of not less than twenty-five dollars nor more than one

Amount authorized.

Denominations.

thousand dollars, 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 said aldermen and named therein, not to be less than five nor more than thirty 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 said city, and have the corporate seal of said city affixed thereto; and the coupons thereto attached shall bear the *fac-simile* signature of the mayor of the said city, engraved or lithographed thereon; that a record shall be kept of the said bonds showing the numbers and the denominations thereof, and to whom sold, the dates of issuing thereof, and when the same will mature, and the interest-bearing rate thereof, the amount received from the sale of 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 said bonds shall not be liable or subject to tax for city, county or State purposes; 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 he and the sureties on his official bond shall be liable to account for, and pay over, the same as is provided in this act, or as may be otherwise provided by the laws relating to the treasurer of said 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 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.

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 body corporate created by and

Interest rate.  
When payable.  
When bonds  
payable.

How bonds  
attested.

Record to be kept.

Not sold below par.  
Exempt from  
taxation.  
When bonds to  
issue.

Treasurer's bond.

Proceeds of bonds  
to be kept separate.

How proceeds applied.	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 the amendments thereto; and said money shall be expended in the acquisition by purchase or condemnation of lands 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 equipments and furniture for the accommodation for the public schools for the city of Durham, and for such other purposes of the public schools of said city as the said body
Election to be held.	corporate may order the same to be disbursed: <i>Provided, however,</i> 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,
Advertisement.	within two years from 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
How election held and returns canvassed.	or more newspapers published in said city, and the said election shall be held under the supervision of inspectors and pollholders, 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 ballot; that the number of the ballots cast for and against the said bonds and deposited in the ballot-boxes 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 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 said clerk of the said 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 be thereafter of no force and effect; but if at said election on the ballots cast "For School Bonds" shall be a majority of all the votes cast and also a majority of all the qualified voters of the said city of Durham, then the said board of aldermen shall proceed at once to issue and sell said bonds, or so many thereof as shall be necessary, in the judgment and discretion of said body corporate, for purposes aforesaid.
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 not exceeding five cents on every hundred dollars worth of taxable property in the said city, or such other special taxes as may be necessary for that purpose; 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 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 body corporate to the general funds of said city of Durham.

Proviso: transfer of money.

SEC. 5. The Board of Aldermen of the City of Durham may, if in their opinion at any time it become 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 said body corporate hereinbefore referred to.

Trustee for sinking fund.

Duty of trustee.

How sinking fund invested.

SEC. 6. The Treasurer of the City of Durham shall be allowed in full payment for his services a commission of not exceeding one per centum of the amounts disbursed under this act, arising from the sale of said bonds, but shall not be allowed anything for receiving the same from the city tax collector.

Compensation of treasurer.

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 14th day of February, A. D. 1905.

## CHAPTER 77.

AN ACT TO INCORPORATE THE BRYSON CITY GRADED SCHOOL DISTRICT AND TO VALIDATE THE SPECIAL SCHOOL TAX ELECTION HERETOFORE HELD IN SAID DISTRICT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all that territory embraced within the following described boundary, to-wit: Beginning at the Castleberry field on the bank of the Tuckasegee River, in the line of the

Boundaries of school district.

Barnard farm, and runs with said line so as to include the Barnard farm to the Patton farm; then with the dividing line through the Patton farm between Seymour Frisby and H. T. Jenkins to the line of H. T. Jenkins' home place; then with the back line of H. T. Jenkins' home place to Charles Jenkins' back line; then with said line to the top and point of a ridge between Charles Jenkins and Peter Jenkins; then up said ridge to the top of Bains Mountain high knob; then up said mountain to the Bains Gap; then a straight line to the back line of the T. M. Buchanan land; then with said back line to Kirkland's Creek; then down said creek to its mouth at the Tuckaseegee River; then up said river to the trestle above the Patterson farm; then up Galbraith's Creek to where K. Elias' line leaves said creek; then with the Elias back line to the line of D. K. Collins; then with the said Collins' back line to the Medford back line; then with Medford's back line to the back line of W. P. Shuler's home tract; then with the said Shuler's back line to F. C. Fisher's back line; then with said Fisher's back line to M. W. Reeves' back line; then with said Reeves' back line to Deep Creek; then up said creek to the line between J. F. Teague and the Randall farm; then with Teague's back line to G. W. McCracken's line dividing his land from that of William Estes; then with said line to the top of the mountain dividing Lands Creek from the Tuckaseegee River; thence down said ridge to the Sherrill Gap above J. M. Weeks'; then with the Lands Creek road to D. K. Collins' line; then with said Collins' inside line to D. R. Bryson's line; then with said Bryson's line to Andy Watkins' back line; then with said Watkins' back line to M. L. Sitton's back line; then with said Sitton's back line to Nathan Brendle's line, then with Brendle's line, that divides Nathan Brendle from A. T. Weeks, to the Tuckaseegee River; then across and with said river to the beginning, be and the same is hereby incorporated under the name and style of "The Bryson City Graded School District for White Children."

Election validated.

SEC. 2. That the special school tax election held within the above described boundary or district on the ninth day of February, one thousand nine hundred and four, under and by authority of section seventy-two, chapter four, Acts of one thousand nine hundred and one, Public Laws of North Carolina, be and the same is hereby declared to be valid and legal in all respects.

Trustees named.

SEC. 3. That T. I. Hughes, S. W. Black, A. J. Franklin and A. M. Bennett be and the same are hereby constituted a board of trustees for the graded school in said district. That the first-named trustee shall serve for a term of one year, the second for a term of two years, the third for a term of three years, and the fourth for a term of four years. That upon the expiration of the term of office of the said trustees as above provided, the

Terms.

Vacancies.



remaining three members of the said board shall elect a trustee to fill said vacancy, whose term of office shall be four years and who shall hold said office until his successor is elected and qualified.

SEC. 4. That the above board of trustees shall meet on the first Monday in April, one thousand nine hundred and five, and annually thereafter, at which annual meetings they shall elect such officers from their number as they may deem necessary and shall fill all vacancies that may occur in said board, and shall make provision for calling special meetings of said board.

SEC. 5. That said board of trustees shall have power to employ teachers and fix the salaries of the same; to draw drafts upon the funds due said district from the general county school fund and the special tax fund due said district for the payment of the running expenses of said school and for additions and repairs to the school property, which drafts shall be signed by at least three members of the said board of trustees and countersigned by the County Superintendent of Public Instruction of Swain County, as now provided by the general school law. That said board of trustees shall be vested with all the powers and authority with relation to said school district as is now vested in the district school committee appointed under the general school law.

SEC. 6. That said board of trustees shall have power to admit students to said school who shall reside outside the above boundary, and to fix the rate of tuition that shall be charged the same; that they shall further have power to admit to said school the children of persons who pay taxes on property within said district, but who reside outside of said district, upon such terms and conditions as they shall deem just and proper.

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 14th day of February, A. D. 1905.

## CHAPTER 78.

### AN ACT TO AMEND THE CHARTER OF THE TOWN OF ROCKY MOUNT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That subsection nineteen of section seven of chapter three hundred and sixteen, Private Laws of one thousand eight hundred and ninety-one, be amended by striking out the word "ten" in line two and inserting the words "one hundred."

SEC. 2. The commissioners of the town may annually levy and collect a street tax not exceeding three dollars on all able-bodied

male persons living in town between the ages of eighteen and forty-five years: *Provided*, that upon the payment of said tax no poll tax shall be collected for the town from such person paying the same.

Condemnation of  
land for streets.

SEC. 3. That section eight (8) of chapter three hundred and sixteen, Private Laws of one thousand eight hundred and ninety-one, be amended so as to read as follows: That when any land or right-of-way shall be required by said town of Rocky Mount for the purpose of opening new streets, or for widening streets, or sidewalks, or for other objects allowed by its charter, or for any public or municipal purpose whatever, and for want of an agreement as to the value thereof, or for other cause, the same cannot be purchased from the owner or owners, the said land may be condemned and taken by the town of Rocky Mount for the said purpose in the following manner: The board of commissioners of said town, at either a regular or called meeting, shall adopt a resolution declaring therein the need of the new street, street improvement or other object for which the land is needed, the name or names of the owner or owners, and the location and quantity, as near as possible, of the land sought to be condemned. A copy of this resolution shall be served on the owner or owners of the lands by any officer qualified to serve civil process in the county where the said owners reside, together with a notice commanding the said owner or owners to appear before the board of commissioners at a time and place therein named, not less than five days from the day of service, and show cause why the said lands should not be condemned. Should the residence of the owner or owners be out of the State, or be unknown, then such resolution and notice shall be published for four successive weeks in some newspaper published in the town, or in the county where the land is situated, and after the expiration of such time the said board of commissioners shall proceed as in case there had been personal service of such notice and resolution. Should such owner or owners, or either of them, be minors with a general or testamentary guardian, the said notice and resolution shall be served on such minor and guardian in the manner hereinbefore prescribed; should such minor have no guardian, then it shall be the duty of the clerk of the superior court in the county where the land lies, on application of the town clerk, accompanied by a certified copy of the said resolution of the board of commissioners, to appoint for said minor a guardian *ad litem*, who shall represent the interest of said minor in said proceedings. Should such owner or owners fail to appear at the time fixed in the said notice or to show cause, by the board of commissioners deemed sufficient, why such lands should not be condemned, the said board of commissioners shall thereupon appoint five (5) disinterested and competent freeholders, residents of the town, who, after being sworn by the

mayor or justice of the peace of the county where the land is situated, shall make a valuation of the land to be condemned as aforesaid; and in making said valuation said freeholders shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land or right-of-way being surrendered, and also any special benefit or advantage such owner or owners may receive from the opening of such street, or other improvement, and shall state the value and amount of each; and the excess of loss or damage over and above the advantages or benefits shall form the measure of valuation of said land or right-of-way to be paid by the town. The report of said freeholders shall be in writing and shall be made to the board of commissioners within sixty (60) days after their appointment. Either the board of commissioners, or the owner or owners, if dissatisfied with the valuation of the freeholders, and for no other cause, may appeal to the next term of the superior court of the county wherein the land lies, under the rules prescribed by law for appeal from the courts of justices of the peace. The notice of appeal shall be in writing and lodged with the town clerk, and in such case the resolution of the board of commissioners, the notice issued thereon, the report of the freeholders and the appointment of the guardian *ad litem*, if any has been made, duly certified by the town clerk, shall constitute the record on appeal: *Provided*, that the lands so valued by the freeholders shall vest in the town so long as it may be used for the purposes for which it was condemned, as soon as the valuation be paid to the owner or owners, or in the event of their refusal to take it, or an appeal, lodged in the hands of the clerk of the superior court of the county wherein the land lies: *Provided, however*, that an appeal shall not hinder or delay the board of commissioners opening up such street, or making such improvement, or using such land: *And provided further*, that in case of the discontinuance of the use of the lands and its reverter to the owner, the town shall have the right to remove any improvements under its authority erected. That in all proceedings under this section when the rights or interests of minors in lands is affected, a copy of the said resolution of the board of commissioners and report of the freeholders made thereunder, together with the certificate of the town clerk, tested by the corporate seal, that the same is correct, and that all the directions herein contained have been complied with, such condemnation of land shall be confirmed by the clerk of the superior court of the county where the land lies, and such resolution, report, certificate and decree of confirmation be recorded by him in his record of special proceedings. Such confirmation shall bar and conclude all estate, right, title and interest held by said minors in said lands or any one claiming under them.

Appeals.

Title to condemned land.

Appeal not to delay.

Record of proceedings.

Rights barred by confirmation.

SEC. 4. That section three of chapter thirty, Private Laws of one thousand eight hundred and ninety-three, be amended by

Retail liquor license.

striking out all of said section after the word "exceeding" in line two and inserting the words "one thousand dollars and not less than five hundred dollars."

Distillery tax. SEC. 5. On every person, firm or corporation operating a grain distillery in said town a license tax not exceeding one thousand dollars may be annually levied and collected.

Bucket-shop tax. SEC. 6. On every bucket-shop doing business in the town of Rocky Mount, and every person, firm, corporation or agency engaged in the business of making contracts commonly called "futures," a license tax not exceeding one thousand dollars may be annually levied and collected.

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 14th day of February, A. D. 1905.

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## CHAPTER 79.

### AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS FOR THE COUNTY OF JACKSON TO CONSTRUCT AND ESTABLISH WATER-WORKS IN THE TOWN OF WEBSTER IN JACKSON COUNTY.

*The General Assembly of North Carolina do enact:*

For jail and court-house. SECTION 1. That the Board of Commissioners for the County of Jackson are hereby authorized and empowered to construct, maintain and use a system of water-works in the town of Webster, North Carolina, to supply the jail and court-house of said county with water and to allow and contract with the citizens or any citizen living in said town for the right and privilege of said citizens to connect with said water-works so established and constructed, and convey the same to his dwelling-house or other home from said water mains or water-works so established upon such terms and conditions as can be mutually agreed upon between said board of commissioners and the citizens or any citizen of said town of Webster.

Private connections. Right-of-way. SEC. 2. That for the purpose of establishing said water-works by said commissioners the said board of commissioners for said county shall have all the rights and powers to condemn rights-of-way for water mains and pipe lines and lands and springs and water-courses and streams and construct reservoirs and tanks as may be necessary or convenient in establishing said water-works in said town of Webster, and said condemnation proceedings shall be conducted and enforced as provided in chapter forty-nine (49).

volume one (1) of The Code, entitled "Railroad and Telegraph Companies."

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 February, A. D. 1905.

## CHAPTER 80.

AN ACT TO AMEND SECTIONS 2 AND 4 OF CHAPTER 169 OF THE PRIVATE LAWS OF NORTH CAROLINA, 1903. RELATIVE TO SYLVAN GRADED SCHOOL IN ALAMANCE COUNTY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That after the word "filled" in third line from the bottom of section two (2) to read "by a majority of the qualified voters of said district, as follows: The trustees of said school district shall call a meeting of the qualified voters of said district to meet on the first Monday in August of each year, having advertised said meeting twenty (20) days previous, to elect two trustees to fill the vacancies occurring each year, and the persons receiving a majority of the votes cast shall be declared elected for the term of three years." Election to fill vacancies.

SEC. 2. That after the word "tax" in fourth line of section four (4) to read "of such amount annually as the trustees of said district may recommend of not more than thirty (30) cents, and not less than twenty (20) cents on the hundred dollars valuation of all the taxable property of said school district and upon the poll not more than ninety (90) cents and not less than sixty (60) cents." and the tax so levied shall be collected by the Sheriff of Alamance County and shall be by him turned over to the treasurer of said school trustees, and the said sheriff shall receive as compensation for the collection and disbursement of this special tax five (5) per cent. commission one way." Tax to be levied.  
How tax collected.

SEC. 3. That all laws or parts of laws in conflict with any of the provisions of this act are hereby repealed.

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

In the General Assembly read three times, and ratified this the 14th day of February, A. D. 1905.



## CHAPTER 81.

AN ACT TO AUTHORIZE AND DIRECT THE BOARD OF ALDERMEN OF THE TOWN OF WAYNESVILLE TO SUBMIT TO THE QUALIFIED VOTERS OF SAID TOWN THE ADOPTION AND RATIFICATION OF A CONTRACT BETWEEN THE BOARD OF ALDERMEN AND B. J. SLOAN FOR SUPPLYING ELECTRIC POWER FOR LIGHTING.

## Preamble.

WHEREAS, the Board of Aldermen of the Town of Waynesville during the year one thousand nine hundred and four entered into a contract with B. J. Sloan for furnishing electric power for lighting the said town of Waynesville, for a period of ten years, upon the terms contained in the contract hereinafter set forth: and whereas, doubt has arisen as to whether said contract is valid for a term of ten years: now, therefore,

*The General Assembly of North Carolina do enact:*

## Election on ratification of contract.

SECTION 1. That the Board of Aldermen of the Town of Waynesville, North Carolina, are hereby authorized and directed and it shall be their duty to order an election to be held in said town, under the general election law, on the first Monday in May, one thousand nine hundred and five, the day on which the municipal election of said town is held, at which election shall be submitted to the qualified voters of the said town the question of the adoption and ratification or rejection of the following contract made and entered into between B. J. Sloan of the first part and the town of Waynesville, through its board of aldermen, party of second part, to-wit:

## STATE OF NORTH CAROLINA—Haywood County:

## Text of contract.

This contract made and entered into by and between B. J. Sloan of Haywood County, North Carolina, party of the first part, and the town of Waynesville, in said county and State, party of the second part,

Witnesseth: That the party of the first part agrees and contracts with the party of the second part to build and construct a stone and cement dam across Pigeon River below the confluence of Jonathan Creek with said river in Haywood County and State aforesaid, and to erect and construct a power-house thereat and install therein a water-power and electric plant.

And the party of the first part further agrees and contracts with the party of the second part to furnish to it, at a point on its boundary line most convenient to party of the first part, electrical energy at an electro-motive force of approximately thirteen thousand (13,000) volts in quantity up to one thousand horse power or its equivalent, seven hundred and forty-six (746) kilo-

wats. But it is stipulated and agreed that the party of the second part is not to demand of the party of the first part more than five hundred horse power without first giving the party of the first part six months' notice of the additional power required.

The party of the second part agrees to take from the party of the first part all the electrical energy it may require for lighting purposes, either for its own corporate use or for distribution to its citizens, and pay for same to the amount of one hundred and twenty-five (125) horse power or ninety-three and one-quarter ( $93\frac{1}{4}$ ) kilowats as a minimum amount of said current, when consumption of same as shown by reliable instruments hereinafter provided for be less than the above quantity; but when said instruments record a higher consumption for any moment, then the maximum record as shown by it shall be the minimum amount to be paid for by party of the second part for each entire year at the rate of twenty dollars (\$20.00) per horse power or twenty-six and sixty-six one-hundredth dollars (\$26.66) per kilowat per annum.

The party of the second part agrees to install in its station where its said power is to be received a recording ammeter of approved type and keep same in first-class operating condition, continuously in circuit, and to use a recording sheet daily, which shall be subject to the inspection of the party of the first part at all times. And the said sheets or charts shall be used in determining the maximum consumption of energy, which shall be calculated according to established and recognized rules of electrical calculations, the payments to be made quarterly.

It is agreed between the parties that the party of the first part is to have until December first (1), one thousand nine hundred and four (1904), to complete the aforesaid dam and to install the plant and machinery for use, and in the meantime the party of the first part agrees and binds himself to furnish an engine and boiler of thirty (30) horse power and install the same at his own expense at the present electric power plant of the party of the second part by June first (1), one thousand nine hundred and four (1904), and allow said party of the second part the use of the same free of charge, the site and all necessary rights and privileges to be furnished by second party, to be used as aforesaid until the dam and appliances have been completed and ready for use in compliance with the obligation and contract of the party of the first part as hereinbefore provided.

And it is further agreed that this contract shall continue and remain in force ten (10) years from the time the party of the first part is ready to furnish the current.

It is agreed and understood that the electricity to be supplied under this contract is for night use, that is, from sun-down to sun-up, and it is further agreed that the current furnished under this contract shall be used for lighting purposes only.

And for the further consideration to the party of the first part the party of the second part will grant, free of charge, the right and privilege to the party of the first part of erecting poles and wires and transmitting thereon electric currents to any part of the incorporate limits of the town of Waynesville, and selling or utilizing the same for the purpose of electric motors, electric railways, or any other purposes other than lighting during the continuance or renewal of this contract.

THOMAS STRINGFIELD, Mayor,  
R. E. OSBORNE, Alderman,  
JAMES R. THOMAS, Alderman,  
R. L. ALLEN, Alderman.

For the Town of Waynesville,

Party of second part.

B. J. SLOAN,

Party of the first part.

Form of ballots.

At which election those in favor of the adoption and ratification of the aforesaid contract shall vote a written or printed ticket on which shall be the words "For Adoption and Ratification," and those opposed to said contract shall vote a written or printed ticket on which shall be the words "Against Adoption and Ratification." That the said election shall be advertised by the said board of aldermen for thirty days prior to the day of election, in the "Waynesville Courier," a newspaper published in said town.

Contract signed if ratified.

SEC. 2. If a majority of the qualified voters of said town shall vote for adoption and ratification of said contract, the said board of aldermen are hereby authorized and directed and it shall be their duty to sign said contract in duplicate with the said B. J. Sloan, and each party shall retain a copy thereof.

Special tax.

SEC. 3. If the contract above set forth shall be adopted and ratified, then the said Board of Aldermen of the Town of Waynesville are hereby authorized and directed and it is made their duty to (annually during the continuance of said contract) compute and levy, at the time of levying other taxes for said town, a sufficient tax on all polls and all property, real and personal, and other subjects of taxation upon which the said town may levy taxes under its charter and the general revenue laws, with which to regularly and promptly to pay the amount due the said B. J. Sloan by the town of Waynesville under the said contract from time to time, always observing the constitutional equation between property and poll taxes; and the said tax shall be collected in the same manner and at the same time other taxes of the said town are collected.

Constitutional equation.

Future elections if contract not ratified.

SEC. 4. If at said election a majority of the qualified voters shall fail to vote for said contract and ratification, then at any time after four months thereafter, upon a petition, signed by twenty voters of said town, being presented to the board of aldermen,

they shall order another election to be held as provided by this act; and if a majority of the votes cast at said election shall be for adoption and ratification of said contract, then the said election shall have the same effect as hereinbefore provided for the first election.

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 14th day of February, A. D. 1905.

## CHAPTER 82.

### AN ACT TO CONSOLIDATE AND REVISE THE CHARTER OF THE CITY OF WINSTON.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the inhabitants of the city of Winston shall be and continue as they have heretofore been, a body politic and corporate, and in the name of the City of Winston shall have the right to sue and be sued, contract and be contracted with, to purchase, hold and convey real and personal property for the purpose of the government of the said city, its welfare and improvement, and under the name and style aforesaid is hereby invested with all the property and rights of every kind that now belong to the present corporation of the town of Winston; and also shall be liable for all debts, claims, obligations and duties which now exist against the corporation of the said town of Winston.

SEC. 2. That the corporation boundary lines of the city of Winston shall be as follows, to-wit: "Beginning at the northeast corner of the town of Salem and running thence with the old corporation line the three following courses: North eighty-one east eighty poles; thence north one east three hundred and forty-five poles to the northeast corner of the present limits of the Winston corporation; thence north eighty-nine west along the old corporation line to the east side of the old town road; thence in a southerly direction along the east side of the railroad to Peters Creek; thence in a southwestwardly direction down Peters Creek to the north side of Shallow Ford Road; thence in an easterly direction along the north side of Shallow Ford Road to the point at which the road forks (the north fork running to Winston and the south fork to Salem); thence in a southeasterly direction to the northwest corner of the Salem corporation; thence north eighty east along the boundary line between Winston and Salem to the place of beginning."

SEC. 3. That the present Mayor of Winston shall hold office until his successor is elected and qualified, and the present mem-

Corporation continued.

Corporate name.

Rights and liabilities of present corporation.

Corporate limits.

Present government continued.

bers of the board of commissioners shall be and constitute the Board of Aldermen of the City of Winston, until the expiration of their term of office, and as such shall have the same power and authority now conferred upon them by law, and such additional authority as may be conferred upon the Board of Aldermen of the City of Winston by this act.

Debts heretofore incurred.

SEC. 4. That all municipal bonds already issued by authority of the town of Winston, as well as other valid indebtedness, shall be binding upon the city of Winston, and shall be paid by the city according to the terms thereof; and all municipal bonds heretofore authorized by a vote of the people to be issued by the town of Winston and not issued, shall be, when issued in the name of the town of Winston, as is now authorized by law, and when issued shall become the valid indebtedness of the city of Winston, notwithstanding any irregularity in authorizing or issuing the same, and shall be paid as now provided by law and the contracts now in existence in relation thereto.

Bonds authorized but not issued.

Division into wards.

SEC. 5. That the city of Winston is hereby divided into three wards, to be known and designated as wards one, two, and three, and the following are declared to be the boundary lines of said wards: The first ward shall begin at the corner of First and Chestnut Streets and run north along the center line of Chestnut Street to the center line of Fourth Street; thence west along the center line of Fourth Street to the center line of Brookstown Avenue; thence in a northwesterly direction down Brookstown Avenue to Peters Creek; thence with Peters Creek to the north side of Shallow Ford Road; then in an easterly direction along the north side of Shallow Ford Road at a point where the road forks; then in a southeasterly direction to the northwest corner of the Salem corporation; thence east along the boundary line of Winston and Salem to the beginning. The second ward shall begin at the corner of Chestnut and Fourth Streets; thence north along the center line of Chestnut Street to the center line of Seventh Street; thence west along the center line of Seventh Street to its western terminus, Peters Creek; thence down Peters Creek to Brookstown Avenue; thence in a southeasterly direction along the center line of Brookstown Avenue to the center of Fourth Street; thence east along the center line of Fourth Street to the beginning. All that portion of said city not included in the first and second wards shall constitute and be known and designated as the third ward.

First ward.

Second ward.

Third ward.

Primary elections.

SEC. 6. That at a meeting not less than thirty days prior to the city election the board of aldermen shall, upon application of the executive committee of one or more political parties for said city or upon petition of one-tenth of the duly qualified voters of said parties, order a primary for such party or parties to be held and conducted under the plan of organization of such party or parties:



*Provided*, that none shall participate therein except duly qualified electors, to nominate candidates for mayor and members of the board of aldermen; and the persons duly ascertained to have received the greatest number of votes of their respective parties shall be deemed and held to be the nominees of their said respective parties for the offices aforesaid. There shall, on the first Tuesday after the first Monday in May, one thousand nine hundred and five, and on the first Tuesday after the first Monday in May biennially thereafter, be elected nine aldermen for said city, who shall hold their offices until their successors are qualified, of whom three shall be elected from the first ward, three from the second ward and three from the third ward. Such aldermen shall be residents of the wards for which they are chosen, and shall be elected by the qualified voters of such wards respectively: *Provided*, that no alderman thus elected shall be eligible to hold an office of trust or profit to which he may be elected by the board of aldermen; and if at any time the board of aldermen should deem best to relieve the mayor of a part of his duties, they may appoint or elect some person not from their body, to be known as the city recorder, whose duties shall be to preside over the Municipal Court of the City of Winston, and in no other respects to interfere with the duties now imposed on the mayor. The person elected city recorder shall be vested with all powers to try and determine all matters coming before him as now given to the mayor, and shall be *ex officio* a justice of the peace of Winston Township. The aldermen shall have the power to fix the compensation of the mayor and recorder in such amounts as to them may seem best, not to exceed the sum of twelve hundred dollars in the aggregate.

SEC. 7. The Board of Aldermen of the City of Winston shall select at their regular meeting in March, nineteen hundred and five, and biennially thereafter, a registrar of voters for each of the three wards of Winston, and shall cause publication thereof to be made at the court-house door, and notice to be served on all persons selected by the chief of police of said city, and shall give ten days' public notice of a registration of voters in and for said wards, specifying time and place and names of registrars.

SEC. 8. Said registrars shall be furnished by said board of aldermen with registration books, and it shall be the duty of said registrars to open their books at such places in the city of Winston as may be designated by said aldermen, on the second Tuesday in April next preceding the election, and to register therein the names of all persons applying for registration and entitled to register and vote in the ward for which such registrar has been appointed, keeping the names of the white voters separate and apart from those of the colored voters, and designating on the registration books opposite the names of each person registering the place of his residence in his ward; and if any applicant for

Proviso: elections.

City elections.

Nine aldermen.

Three from each ward.

Residents of ward.

Proviso: aldermen not to hold other offices.

City recorder.

Powers of recorder.

Salaries of mayor and recorder.

Appointment of registrars.

Notice of registration.

Registration books.

Registration.

Registration oath.	registration shall not disclose the place of his residence in his ward, his willful failure so to do shall be <i>prima facie</i> evidence that he is not entitled to register in such ward. Any person offering to register shall be required to take an oath that he has been a <i>bona fide</i> resident of North Carolina for two years, of the city of Winston and of the ward in which he proposes to register for ninety days next preceding that date, and that he has not been convicted of any crime which by the laws of North Carolina disqualifies him from voting. In said oath he shall specify the place of his residence in such ward. If any person shall willfully swear falsely in such affidavit he shall be deemed guilty of a felony, and on conviction thereof be punished as for larceny: <i>Provided</i> , that after the first registration shall have been made, as provided for herein, a new registration shall not be biennially held unless the board of aldermen shall at their regular meeting in December determine that the same is necessary, and by due advertisement give notice of the same and the place where the books of registration shall be opened; but a revision of the registration books shall be made, beginning on Saturday next preceding each election to be held for said city, in accordance with the provisions of the general law.
False swearing a felony.	
Proviso: subsequent registration.	
Days of registration.	SEC. 9. The registration books shall be kept open for ten days only, exclusive of Sunday, and after the same are closed no person shall be allowed to register; but the registrars shall on application, before said books are closed, register all persons not then qualified to vote in his ward who will have become so qualified on or before the day of election. Immediately after the books are closed they shall be deposited in the office of the mayor; and under his charge, all citizens of Winston desiring so to do may inspect them.
Deposit and inspection of books.	
Examination for registration.	SEC. 10. Whenever any person shall offer to register in said city the registrar may examine him on oath touching his qualification to register, and may hear evidence thereof; and upon such examination it shall be unlawful for any person to interfere or suggest answers to the person being examined, and any person so offending, upon conviction before the mayor or some justice of the peace of Forsyth County, he shall be fined not more than ten dollars. The board of aldermen of said city shall have the authority to provide by ordinance for the punishment of any person who interferes with the registrar or judges of election in the discharge of their duties. If the registrar shall decide that the applicant for registration is entitled to register, he shall record his name as herein prescribed and shall issue to him a certificate of registration, printed or written, and which shall contain a statement of the name, age, and color of the applicant, and also the number of his ward and the place of his residence in the city. Any person not known to the registrar to be qualified to be a voter, offering
Interference unlawful.	
Punishment.	
Interference with election officers.	
Applicants registered.	
Certificates.	
Certificates to be shown.	

to vote at an election in the said city, upon challenge may be required to produce his certificate and prove his identity; and upon his failure to do so his vote shall not be received. The board of aldermen shall furnish the registrar with blank forms of such certificates.

Sec. 11. Any person offering to register in said city shall take and subscribe the following oath or affirmation: "I do solemnly swear that I am or will be twenty-one years of age, that I have been or will have been an actual *bona fide* resident of North Carolina for two years and an actual *bona fide* resident of ward number . . . . . in Winston for ninety days on Tuesday after the first Monday in May next, and that I have not been convicted of any crime which under the laws of North Carolina disqualify me to vote: So help me, God."

Form of registration oath.

Sec. 12. The Board of Aldermen of the City of Winston shall at their meeting in March, nineteen hundred and five, and biennially thereafter, appoint two judges of election for each of the several wards in Winston to open the polls and superintend the same for the municipal election to be held on Tuesday after the first Monday in May next succeeding; and the polls shall be opened at such places in the wards respectively as said board shall designate.

Judges of election.

Voting places.

Sec. 13. All electors who have been *bona fide* residents of North Carolina for two years, of the city of Winston and of the ward in which they offer to register for ninety days next preceding the election, shall be entitled to register hereunder. A residence of said city shall be construed to be permanent citizenship thereof, and not a temporary residence. The polls shall be opened on the day of election from seven o'clock in the morning until sunset the same day. No person whose name has not been duly registered shall be allowed to vote, and any one offering to vote may be challenged at the polls; and if the judges of election shall sustain the challenge, his ballot shall not be received. Ballots shall be on white paper and without device. Aldermen of each ward shall be voted for on one ballot.

Eligibility.

Hours of election.

Voters.

Challenges.

Ballots.

Sec. 14. After the ballots are counted they shall be carefully preserved, and shall be, together with the poll list, which shall be signed by the judges of the election, and the registration books, delivered to the Mayor of Winston for preservation.

Ballots to be preserved.

Sec. 15. If among the persons voted for in any ward two or more shall have an equal number of votes, and either would be elected but for the equal vote, the judges of the election and registrar in such ward shall decide the election between such persons. As soon as the result of the election in any ward is determined a certificate thereof shall be made under the hand of the registrar and judges, setting forth in writing and words the number of votes each candidate received, which certificate

Judges of election to decide ties.

Certificates of election.

Mayor to make proclamation.

they shall deliver to the mayor, who shall at twelve o'clock M., on the day after election, make proclamation thereof at the door of the mayor's office. The registrar and judges of the election shall furnish to each person elected as alderman in their wards a certificate of his election.

Registrar to give casting vote.

SEC. 16. Whenever under the provisions of this act any question is to be decided by the judges of election, and said judges cannot decide the same by reason of a tie vote, the registrar shall give the casting vote.

Aldermen to qualify.

SEC. 17. That on the Monday next succeeding the day of election the aldermen elected thereat shall qualify by taking the oath now provided by law, and shall succeed to and have all the rights, powers and duties now provided by law for such board, as well as those conferred on them by the provisions of this act.

Election of mayor.

SEC. 18. The board of aldermen upon their organization shall elect some person mayor, not of their own number, to hold this office for two years and until his successor shall qualify. The mayor shall preside at the meetings of the board of aldermen, and shall have the rights, powers and duties now provided by law for the Mayor of Winston, and such as are conferred on him by the provisions of this act. For misconduct in office the mayor may be removed from his office by a vote of two-thirds of the entire number of aldermen, and upon such office becoming vacant for any cause the board of aldermen shall fill the same for the unexpired term.

Elections under supervision of police.

SEC. 19. That all elections held by virtue of this act shall be under the supervision of the Chief of Police of the City of Winston, who shall attend the polls and, by his regular force of police and such additional numbers whom the mayor may appoint as special deputies, preserve order.

Mayor or recorder to qualify.

SEC. 20. That the mayor, or recorder, before entering upon the duties of said office, shall take the oath now prescribed by the law for that officer before the Clerk of the Superior Court of Forsyth County.

Aldermen to qualify.

SEC. 21. That each alderman before entering upon the duties of said office shall take before the mayor, or some justice of the peace, the oath now prescribed by law. The mayor and aldermen shall hold their offices respectively until the next succeeding election, and until their successors are elected and qualified; and they shall have and exercise all the rights, powers and duties as now prescribed by law and herein conferred.

Term of mayor and aldermen.

Election day.

SEC. 22. That when said aldermen shall be elected as herein provided on the Tuesday after the first Monday in May, nineteen hundred and five, and at each biennial election thereafter, as herein provided, their term of office shall begin and they shall organize on Monday next succeeding their election, when they shall proceed at once to elect a mayor, who shall qualify and hold said office until his successor is elected and qualified.

Beginning of term and organization.



SEC. 23. At their regular meeting in September, nineteen hundred and six, and biennially thereafter, the aldermen of said city shall elect a tax collector for the city, who shall hold his office for two years and until his successor is elected and qualified; but the aldermen shall have power to remove him from office for inefficiency or misconduct in office and elect his successor to fill his unexpired term. Said tax collector shall give bond, and have the rights, power and duties now prescribed by law for that officer.

Tax collector and  
term of office.

SEC. 24. The mayor of the said city shall not receive any fees in any case tried before him, whether he has final jurisdiction or only acts as a committing magistrate; but the fees now prescribed by law for the mayor shall be collected and recovered into the treasury of the said city. The mayor shall receive as compensation for his service 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, not exceeding the sum herein prescribed.

Mayor's fees to use  
of town.

Compensation of  
mayor.

SEC. 25. The aldermen of said city shall have the power to grant to any street railway company or other persons the right to use the streets of said city, to operate railway lines in the city, under such terms as they may contract.

Street railways.

SEC. 26. The aldermen of said city shall have the authority to pass such ordinances in relation to vagrants as they may deem necessary for the good government of the city; and any person who may be in the habit of sauntering about the city, not engaged in any lawful occupation, or of loafing about the streets, or who may spend his time in gambling, and without visible means of support, shall be guilty of a misdemeanor, and on conviction therefor before the mayor shall pay a fine of not exceeding fifty dollars or be imprisoned not exceeding thirty days. The said mayor is constituted a special court to hear and finally determine such offense; and upon failure of any person convicted of such offense to pay such fine and costs of his conviction and arrest, he shall have authority to imprison such person in the county jail or city prison, and the Aldermen of Winston may work such persons on the streets or other public works of said city, or they may hire said persons to private persons until the fine and costs are paid.

Vagrants.

Misdemeanor.

Punishment.

Mayor special  
court.

Imprisonment.

Prisoners worked  
on streets or  
hired out.

SEC. 27. Any person imprisoned by the mayor for violation of the law or any ordinance of said city, or for the non-payment of any fine, penalty or costs, may be placed in the county jail of Forsyth County for safe-keeping under such terms as the mayor and aldermen and commissioners of said county may contract; and during such imprisonment such persons may be worked upon the streets of said city, upon the county roads, or any public improvement.

Imprisonment in  
county jail.

Street work.

SEC. 28. That the Mayor of the City of Winston is hereby constituted a special court, with all the jurisdiction and powers in

Mayor constituted  
special court.  
Jurisdiction.



criminal offenses occurring within the limits of said city which are or hereafter may be given to justices of the peace. He shall preserve and keep the peace, and may cause, upon proper proceedings, to be arrested, persons charged or convicted of crimes in other counties or States who may be found in the city limits, and bound or imprisoned to appear at the proper tribunal to answer for their offenses. He shall also have jurisdiction to issue process, to hear and determine all misdemeanors consisting of a violation of the ordinances and regulations of said city, to enforce penalties by issuing executions upon any adjudged violations thereof, to execute the laws and rules and ordinances made by the aldermen; and his indorsement 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 especially allowed by the act. He may have a clerk, to be elected by the board of aldermen, who shall keep the minutes of the court, and shall collect all fines and penalties imposed.

Proviso: limit of jurisdiction.

Clerk to mayor's court.

Proceedings.

Appeal.

Prisoners sentenced to street work.

SEC. 29. That all the proceedings in the mayor's court shall be the same as are now or hereafter prescribed for courts of justices of the peace, and in all cases there shall be a right of appeal to the Superior Court of the County of Forsyth. That whenever a defendant, or witness, or other person shall be adjudged to be imprisoned by the said court, it shall be competent for the said court to sentence such persons to imprisonment in the county jail or city prison for a term not exceeding thirty days, and to adjudge also that such persons work during the period of their confinement on the public streets or on the public works of the city.

Precepts of mayor.

SEC. 30. That the mayor may issue his precepts to the chief of police of the city, and to such other officers to whom a justice of the peace may issue his precepts, who may execute the same anywhere in Forsyth County.

Mayor to keep minutes.

Force of judgments.

SEC. 31. That the mayor shall keep a faithful minute of the precepts issued by him and of all judicial proceedings. The judgments rendered by him shall have all the force, virtue and validity of judgments rendered by a justice of the peace, and may be executed and enforced against the parties in Forsyth County and elsewhere in the same manner and by the same means as if the same had been rendered by a justice of the peace of the county of Forsyth.

Mayor's office.

SEC. 32. That the mayor shall keep his office in some convenient part of the city designated by the aldermen. He shall keep the seal of the corporation and perform such duties as from time to time shall be prescribed.

SEC. 33. 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.

Mayor to preside  
at meetings of  
aldermen.

SEC. 34. That the aldermen shall form a board, and a majority of them shall be competent to perform their duties prescribed for the aldermen, unless otherwise provided. Within ten days after their election they shall convene for the transaction of business, and shall fix stated days of meetings for the year, which shall be as often at least as once every calendar month. Special meetings of the aldermen may be held on the call of the mayor, or a majority of the aldermen when the meeting is called by the mayor, and those not joining in the call when made by a majority of the board shall be notified.

Board of aldermen.  
Quorum.  
Meetings.  
Special meetings.

SEC. 35. That the aldermen, when convened, shall have power to make and provide for the execution thereof of such ordinances, by-laws, rules and regulations for the better government of the city as they may deem necessary: *Provided*, that the same be allowed by the provisions of this act, and are consistent with the Constitution and laws of the State.

Powers of  
aldermen.

Proviso: limitation.

SEC. 36. That the aldermen at their first meeting after their election shall appoint a secretary and treasurer, who shall respectively hold their offices during the official term of the aldermen who appointed them, subject, however, to be removed at any time and others appointed in their stead for misbehavior or neglect in office. Before acting, the person or persons holding said office shall be sworn to the faithful discharge of his duty, and shall execute a bond payable to the city of Winston in such sum as the aldermen may determine.

Secretary and  
treasurer.

Qualification and  
bond.

SEC. 37. That the secretary and treasurer shall have a reasonable salary, to be fixed by the board of aldermen, and it shall be his duty to keep regular and fair minutes of the proceedings of the board, and preserve all books, papers and articles committed to his care during his continuance in office, and deliver them to his successor, and generally to perform such other duties as may be prescribed by the aldermen and this charter.

Salary of secretary  
and treasurer.

SEC. 38. That the treasurer shall make out annually a fair transcript of the receipts and disbursements on account of the city, for the general inspection of the citizens, and cause the same to be posted before the door of the mayor's office at the end of the fiscal year, or printed in some newspaper published in the city of Winston.

Annual report of  
receipts and dis-  
bursements.

SEC. 39. That it shall be the duty of the treasurer to call on all persons who may have in their hands any moneys or securities belonging to the city which ought to be paid or delivered into the treasury, and to safely keep the same for the use of the city; to

Duties of treasurer.

disburse the funds according to such orders as may be duly drawn on him in the manner hereinafter specified; he shall keep in a book provided for that purpose a fair and correct account of all moneys received and disbursed by him, and shall submit said account to the aldermen whenever required to do so. On the expiration of his term of office he shall deliver to his successor all the moneys, securities and other property entrusted to him for safe-keeping, or otherwise; and during his continuance therein he shall faithfully perform all duties lawfully imposed upon him as city treasurer.

Orders signed by mayor.

Treasurer's accounts.

Power and authority of tax collector.

Settlements.

Accounts approved and recorded.

Removal of tax collector.

Police force.

Police to give bond.

Duties of chief of police.

SEC. 40. That all orders drawn on the treasurer shall be signed by the mayor, and shall state the purpose for which the money is applied, and the treasurer shall specify said purposes in his accounts, and also the sources whence are derived the moneys received by him.

SEC. 41. The tax collector, whose appointment is herein provided for, shall be vested with the same power and authority in the collection of taxes that sheriffs have and subject to the same fines and penalties for failure and neglect of duty. He shall be charged with the sums appearing by the tax lists as due for city taxes. He shall be credited in settlement as sheriffs are credited with amounts in suit by appeal, all poll taxes and taxes on personal property uncollectible by reason of insolvency. The board of aldermen, at the meeting before the last regular meeting in each fiscal year, shall appoint one or more of their number to be present and to assist at the accounting and settlement between the tax collector and city treasurer, and to audit and settle the accounts of the city clerk and treasurer. The accounts so audited shall be reported to the board of aldermen, and when approved by them shall be recorded in the minutes of said board, and shall be *prima facie* evidence of their correctness, and impeachable only for fraud or specified error. It shall be the duty of said board to remove any tax collector who shall fail to settle and fully pay up the taxes by law due from him, and he shall not be eligible for re-election to said office.

SEC. 42. That the board of aldermen shall have power to appoint a police force, to consist of a chief of police and such number of policemen as good government of the city may require, who shall hold their office for such term as may be fixed by the board. The members of the police force shall give bond in such sums as the board of aldermen may prescribe for the faithful discharge of the duties imposed by law and the ordinances of the town, and to faithfully account for all moneys that may come into their hands from fines, penalties, etc. The chief of police shall have the supervision and control of the police force, and it shall be his duty to report to the mayor any dereliction of duty on the part of any member of the police force, to see that the laws and ordinances of the city are enforced, and do such other things as may be re-

quired of him by the board. The chief of police and each member of the force shall have all the power and authority vested in sheriffs and constables for the preservation of the peace of the city by suppressing disturbances and apprehending offenders. They shall execute all processes directed to them by the mayor or others, and in execution thereof shall have the same powers which sheriffs and constables have. The chief and members of the police force shall take an oath before the mayor for the faithful performance of the duties required by law and the ordinances. That said policemen shall have power to take bail for appearance of defendants or other persons charged with violations of city ordinances, in the manner and to the extent that such power is vested in sheriffs, and in case any person or persons shall not appear the mayor may issue a *scire facias* and enter judgment final against the defaulting person and his sureties. That the chief of police shall have the power to re-arrest upon the same warrant a defendant, or party who has been convicted and turned loose upon the statement that he will pay fine and costs, upon failure to pay same, or in case of an escape.

SEC. 43. The chief and other policemen shall be entitled to and shall receive the fees arising from the execution of all precepts issued by the mayor, or others, which shall be the same as that of sheriffs for like service. The board of aldermen shall pass ordinances for the government and direction of the police, and fix their compensation. In times of exigency the mayor may appoint temporary additional policemen for such time as shall appear necessary, not exceeding one week, who shall take the same oath and be subject to the same control as regular policemen.

SEC. 44. The mayor may at any time, upon charges preferred or upon finding said chief or any member of said police force guilty of misconduct, have the power to suspend such members from service until the board of aldermen shall convene and take action in the matter; and upon hearing the proofs in the case, the board may discharge or restore such members; and the pay of such members so suspended shall cease from the time of suspension to the time of his restoration to service. Any violation of the regulations or orders of any superior shall be good cause for dismissal. And the mayor may suspend the chief or any member of the police force if found drunk while on duty.

SEC. 45. The board of aldermen shall require the entire police force to wear badges and to be so uniformed as to be readily recognized by the public as peace officers. And the police shall generally have power to do whatever may be necessary to preserve the good order and peace of the city and secure the inhabitants from personal violence and their property from loss or injury.

SEC. 46. That for any breach of his official bond by the secretary and treasurer, chief of police, tax collector or any other

Power and authority of policemen.

To be sworn.

Power to take bail.

Power of re-arrest.

Fees of police.

Compensation.

Temporary policemen.

Mayor may suspend policemen.

Causes for dismissal and suspension.

Badges and uniforms.

General powers.

Action on official bonds.

officer who may be required to give an official bond, such officer and his sureties shall be liable in an action on the same, in the name of the city, 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.

Prisoners received  
without mittimus.

SEC. 47. That the sheriff or jailer of the county of Forsyth is hereby required, without a *mittimus*, to receive in the jail of the county as his prisoner any person taken up in the night by the police force, and to keep such person safely until morning, when the offender shall be brought before the mayor, or some magistrate resident in the city, and be lawfully dealt with; and for such services the jailer shall be entitled to such fees as he is in other like cases, or such prisoner may be confined in the city prison.

Weighmaster and  
inspector.

SEC. 48. That the said board of aldermen may, as soon after election as necessary, appoint a weighmaster and inspector, whose duty it shall be to inspect all flour, provisions, forage and all other marketable produce sold in said city in their judgment requiring weighing or inspection; and the said officer so appointed shall give bond with approved security, payable to the city of Winston, in an amount to be fixed by the board, conditioned for the faithful discharge of all duties imposed by law or the ordinances of the city, and shall take an oath before the mayor before entering upon his duties; and the board of aldermen shall have power to remove him for misbehavior or neglect or malpractice in office, and appoint a successor instead; and the board of aldermen are hereby authorized and empowered to regulate the fee to be paid for such weighing and inspection, and by them to be paid, and to make all necessary ordinances for the government of said officer and to impose fines and penalties for their violation. They shall have power also to appoint building inspectors, and also fire inspectors, who shall make their report to the board of aldermen.

Bond.

Oath.

Fees.

Building and fire  
inspectors.

City weigher, city  
attorney,  
detectives,  
Rewards.

SEC. 49. They may also appoint a city engineer, a city attorney or attorneys, employ detectives, and to offer rewards for the capture and conviction of criminals, and to exercise like powers in the premises in order to bring offenders against the laws of the State and the city ordinances, when the offense is committed in the city limits, to justice, and to use any funds belonging to the city not otherwise appropriated to carry out this purpose.

Taxes.

Property tax.

SEC. 50. That in order to raise a fund for the necessary expenses of the government of the city, the aldermen shall annually levy and collect the following taxes, viz.: On all real and personal property within the corporate limits, including money in hand, solvent credits, and upon all other subjects taxed by the General Assembly, *ad valorem*, a tax not exceeding seventy-five cents on every hundred dollars value to meet all the ordinary and current liabilities of the city, which shall not be construed to include



taxes for or interest upon any bonded indebtedness. On all taxa- Polls.

ble polls a tax not exceeding two and a quarter dollars on the poll of any resident of the city on the first day of June of each year, or who may have been so resident within sixty days next preceding that day as a *bona fide* citizen. Upon all dogs kept in

Dog tax.

the city, and which may be so kept on the first day of June, a tax not exceeding one dollar on every male dog and spayed slut, and

five dollars on every unspayed slut: and all dogs and sluts so

Taxed dogs subjects of larceny. Regulations for keeping dogs.

taxed shall be subjects of larceny: and said board of aldermen shall have power to adopt ordinances regulating the keeping of

dogs and sluts within the city limits during the months of July, August and September, and may kill any dog kept within the city

limits and impose a fine and imprisonment on any person for violation of any of said ordinances. That the Board of Aldermen

Privilege or license taxes.

of the City of Winston, in addition to the powers of taxation already granted in this charter, shall be and are hereby empowered to levy and collect annually a privilege or license tax on all

trades, professions, agencies, business operations, exhibitions, manufactures, hotels, restaurants or eating-houses, or on any other

business, trade, occupation, calling, profession or exhibition of whatever character engaged in, carried on for one day or one year,

in whole or in part, or having a 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 the board of aldermen, 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 same: *Provided*, that no privilege or license shall

Proviso: forbidden business.

be granted to any person, firm or corporation to conduct a trading-stamp business or advertising scheme of like character nor to

conduct a stock-broker's business or exchange or any business where futures are bought and sold, within the police jurisdiction

of the city of Winston.

Sec. 51. That the Board of Aldermen of the City of Winston shall have power and are hereby authorized to pass ordinances

Water-works and water supply.

for the protection of the works and the water supply of the city of Winston, and may in said ordinances, by fine and imprisonment,

within the jurisdiction of the mayor, punish all persons violating said ordinances so passed.

Sec. 52. That the Winston commissioners of graded schools shall be and are hereby authorized to receive and use the money

Graded schools.

herein provided for, and to apply the same in such way as they may deem best for the benefit of the graded schools, white and

colored, of said city, whether for suitable buildings and furniture for said schools or for repairs of the same, for salaries of teachers

or for other incidental expenses.

Retail liquor  
license.

Proviso: malt  
liquor license.

Wholesale liquor  
license.

Wholesale beer  
license.

Requirements for  
license.

Regulation of  
saloons.

No games allowed  
in connection with  
saloons.

License for billiard  
or pool rooms.

Proviso: Twin City  
Club and Elks  
Auditorium.  
License for tempo-  
rary business.

SEC. 53. That no person, firm or corporation shall retail or sell any spirituous liquors, wine, cordial, ale, porter, lager beer, or any other spirituous, vinous or malt liquors by less measure or in any less quantity than three gallons within the corporate limits of the city of Winston, without first having paid a tax of not less than twelve hundred dollars per annum and obtained a license therefor: *Provided, however*, that the aldermen may issue a license for retailing lager beer and ale, and these alone, upon payment of an annual tax of not less than one thousand dollars. No person, firm or corporation shall wholesale spirituous, vinous or malt liquors without first having obtained a license therefor and paid a tax of not less than fifteen hundred dollars per annum. Wholesalers of beer, selling to licensed dealers only, shall be required to pay a license tax of not less than five hundred dollars per annum; and wholesalers of beer, selling to persons not duly licensed by the city to sell spirituous, vinous or malt liquors, shall pay a license tax of not less than one thousand dollars per annum. And the said aldermen shall grant no license to any person or firm for any of the purposes herein enumerated until he shall have paid all the taxes imposed for said license and proved a good moral character by the oaths of not less than two citizens of said city.

SEC. 54. That the board of aldermen shall have power to make ordinances regulating the hours of opening and closing, location and proper management of saloons, and for failure to comply with the ordinances governing saloons and saloon-keepers the said aldermen shall have authority to revoke such license at any time, upon the payment to the party holding it of that portion of the tax paid corresponding to the unexpired term of the license.

SEC. 55. That no person shall erect, put up, keep, use or maintain any billiard table, pool table, ten-pin or bowling alley, shooting gallery or any place by whatever name called or known, where games of skill may be played, in connection with any place where spirituous, vinous or malt liquors are allowed to be sold, within the corporation of the city of Winston; and no license shall be granted any person to erect, put up, keep or maintain a billiard or pool room in any place within the corporate limits of the city of Winston, without first having obtained a license therefor and paid a tax of not less than five hundred dollars per annum: *Provided*, that this section shall not apply to the Twin City Club or Elks' Auditorium. And that no person, firm or corporation shall be allowed to conduct a temporary business, either for one day or one year, for the sale of goods, wares and merchandise (commonly known as itinerant merchants) within the corporate limits of the city of Winston, without first having obtained a license therefor and paid a tax of not less than five hundred dollars per annum; and no license shall be granted for a less time than one year.

SEC. 56. That no court, board of county commissioners, sheriff or other officer shall grant a license to any person or firm for any one of the purposes specified in section fifty-three of this act, to be used or carried on within the corporate limits of the city of Winston, unless such person or firm shall first produce before such court, board of county commissioners, sheriff or other officer, a license therefor granted by the aldermen of said city, duly signed by the mayor or tax collector thereof; and that any person or firm who shall violate any of the provisions of section fifty-three of this act shall forfeit and pay to the aldermen of said city the sum of fifty dollars for each offense, to be sued for and recovered by said aldermen; and such violation shall be held and deemed a misdemeanor, and any one convicted thereof shall be fined fifty dollars or imprisoned thirty days, at the discretion of the court; and each act of selling or retailing shall be deemed a separate offense, and each day or part of a day in which any billiard table or any gaming table or places where any games of chance, hazard or skill shall be kept up, maintained or played, by whatever name, shall be deemed a separate offense and a violation of this act. The fine imposed for violation of any ordinance against retailing without license, or other offenses, shall accrue to the benefit of said city, notwithstanding said offense shall also be triable before the superior court and punishable by said court; and the aldermen shall have power to adopt ordinances making the fines recovered for violation of any city ordinance payable to said city.

No license granted but on license from city.

Penalty for violation of liquor license law.

Misdemeanor.

Punishment.

Penalty to use of city.

Fines for violation of ordinances to use of city.

SEC. 57. That the secretary and treasurer, on or before the third Monday in May of each and every year, may make advertisement in some newspaper, notifying all persons residing in the city of Winston who own or have control of taxable property in the city on the first of June, to return to him, on or before the last day of June, a list of their taxable property in said city: said lists shall state the number of lots or parts of lots and all other property now taxable or that hereafter may be made taxable by the laws of the State or the ordinances of the city; and the list so returned to the secretary and treasurer shall be sworn to before him, and he is hereby authorized to administer the following oath: "I, Form of tax-list oath.  
....., do solemnly swear that the tax return made out and signed by me contains a full and accurate list of the number of lots owned by me, all county bonds, and a full and accurate list of all other property subject to taxation by the laws of the State and ordinances of said city, according to my best knowledge, information and belief: So help me, God." And Lists recorded.  
from the returns so made the secretary and treasurer shall, within thirty days after the expiration of the time for taking said list, make out in a book kept for that purpose an alphabetical list of the persons and owners of property who have so made their returns, in the same manner as tax lists are made out by law for

Notice for listing taxes.

Assessments of property.

the collection of State taxes. And the said secretary and treasurer shall copy in said book the assessments on file in the register of deeds' office of all property within the city limits, which assessments may be revised, corrected or amended by the board of aldermen.

Delinquent list.

SEC. 58. That the secretary and treasurer shall, within thirty days from the return of the tax list, make out to the best of his knowledge and belief, by comparing his book with the returns made to the Register of Deeds of Forsyth County of assessments made by the county assessors and by diligent inquiry from other sources, a list of all taxable polls and owners of taxable property in the said city who shall have failed to return a list in the manner and within the time aforesaid; and any such person who has so failed, for such failure shall pay double the tax assessed on any subject for which he is liable to be taxed.

Double tax on delinquents.

Revision.

The board of aldermen shall have the power given to the board of county commissioners to revise the tax list; and shall, as near as may be made, make the tax list correspond with the tax list given in to the county by the citizens of Winston on all subjects embraced in both lists; and whenever it is deemed advisable, the board of aldermen may have the power to appoint one list-taker for each ward, whose duty it shall be to carry out the provisions of the foregoing sections as to the listing of taxes, and may also appoint three citizens from each ward, who shall assess once every four years, or oftener if necessary, the real estate so listed for taxation.

List-takers for each ward.

Assessors.

Aldermen to levy tax.

SEC. 59. That as soon as the secretary and treasurer shall have furnished the assessment roll as provided, and the same shall have been issued by the board, the board of aldermen shall proceed to levy the tax on such subjects of taxation as provided in the charter, and shall place the tax list in the hands of the collector for collection, and shall complete the same on or before the first day of April next ensuing, and shall pay the moneys as they are collected to the treasurer; and the collector for his compensation shall receive such compensation as collector as the board may prescribe. After the first day of April in each year there shall be added five per centum additional tax on the taxes remaining unpaid in the hands of the collector, which shall be collected and accounted for as other taxes. The city tax collector shall, by virtue of his office, be invested with all the powers and authority of a policeman and constable.

Tax list delivered to collector.

Compensation of collector.

Penalty for non-payment.

Power of collector.

Collection by distress.

SEC. 60. That if any person liable for taxes on subjects directed to be listed shall fail to pay them within the time prescribed for collection, the collector shall proceed forthwith to collect the same by distress and sale after public advertisement for the space of ten days in some newspaper published in the city of Winston or county of Forsyth, if the property to be sold be personalty, and of thirty days if the property be realty.



SEC. 61. That when the tax due on any lot or other land, which is hereby claimed to be a lien on the same, shall remain unpaid on the first day of April, and there is no other visible estate but such lot of land, the person in whose name it is listed liable to distress and sale is known to the collector, he shall report the fact to the aldermen, together with a particular description of the real estate, and thereupon the aldermen shall direct the same to be sold subject to the rules and regulations and the law providing for the sale of land for taxes by the sheriff.

Sale of real estate  
for taxes.

SEC. 62. That the collector shall return an account of his proceedings to the aldermen, specifying the portions into which the land was divided, and the purchaser or purchasers thereof, and the prices of each, which shall be entered in the book of proceedings of the board, and if there shall be a surplus after paying said taxes and expenses of advertising and selling the same, it shall be paid into the city treasury, subject to the demand of the owner.

Report of sales of  
land.

Surplus.

SEC. 63. The owner of any land sold under the provisions of this charter and amendments, or any person acting for such owner, may redeem the same within one year after the sale by paying to the purchaser the sum paid by him and twenty-five per centum on the amount of taxes and expenses, and the treasurer shall refund to him without interest the proceeds, less double the amount of taxes.

Redemption of  
land.

SEC. 64. That if the estate sold as aforesaid shall not be redeemed within the time specified, the corporation shall convey the same in fee to the purchaser or his assigns, and the recitals in such conveyance, or any other conveyance of land sold for taxes due the city, that the taxes were due, or of any other matter required to be true or done before the sale, shall be *prima facie* evidence that the same was true and done.

Conveyances of  
land not redeemed.

SEC. 65. That the real estate of infants or persons *non compos mentis* shall not be sold for taxes, and when the same shall be owned by such in connection with other persons free of such disability, the sale shall be made as provided in The Code.

Real estate of  
infants and persons  
*non compos*.

SEC. 66. Any person carrying on business in the city without having paid the license tax according to the ordinances of the city shall be fined fifty dollars for each day he conducts business in violation of this ordinance. And power is hereby granted the board of aldermen to make from time to time such ordinances as they may deem necessary for the protection of the public against any disease by regulating the importation into the city and sale therein of second-hand clothing, beds and furniture of all kinds.

Penalty for doing  
business without  
license.

Quarantine.

SEC. 67. That all moneys arising from taxes, donation or other sources, shall be paid to the treasurer, and no appropriation thereof shall be made but by a board constituted of a majority of all the aldermen or by an auditing committee appointed for the purpose.

Moneys paid to  
treasurer.  
Appropriation.



Cellars under  
sidewalks.

SEC. 68. That no cellar shall be built under any sidewalk in the city, or entrance established on the sidewalk to the cellar, whereby the free passage of persons may be delayed, hindered or interrupted; and every offender herein shall forfeit and pay to the city twenty-five dollars for every day the same may remain.

Nuisances.

SEC. 69. The board of aldermen shall have the power and it shall be their duty to prohibit all trades, occupations or acts which are a nuisance from being carried on; and the power and authority of said board of aldermen for the abatement and removal of nuisances shall extend one mile beyond the city limits. They shall have power and it shall be their duty to cause all ponds, sunken lots and other places in which water stands and stagnates to be drained and filled up, and to recover from the owner or occupier the expenses, which expenses as above shall be a lien on the lot, which may be enforced as liens for taxes: *Provided*, the owner or occupant of said lot, after ten days' notice shall neglect or refuse to remove or abate said nuisance. They shall have authority to cause all nuisances arising from any cause within and for one mile without the town limits to remove or abate; and for the removing or abatement of any such nuisance, the person creating the same shall pay the expenses as above required.

Animals running  
at large.

SEC. 70. That the aldermen shall have power to prevent dogs, horses, cattle and other brutes from roaming at large in the city.

Markets.

SEC. 71. That the aldermen may establish and regulate the market and prescribe at what time and place and in what manner within the incorporation marketable articles shall be sold, meat, grain, meal, flour, if not packed in barrels, fodder, hay or oats in straw; appoint a keeper of the market, prescribe his duties, and he shall have power to prevent forestalling and regrading.

Keeper.

Public buildings.

SEC. 72. That they may establish all public buildings necessary and proper for the city, and prevent the erection or establishment of wooden or other buildings in any part of the city where they may increase the danger of fire. And all persons about erecting any building in said city shall, before erecting said house, obtain a written permit from the mayor and street committee for that purpose.

Building permit.

Interments and  
cemeteries.

SEC. 73. That the board of aldermen shall have power to regulate the manner and terms on which bodies may be interred in the public cemetery and have said cemetery kept in proper repair. They shall also have power to forbid any and all interments of dead bodies within the limits of said city, or any part thereof, whenever they shall deem it expedient, and to pass ordinances for the protection of the cemeteries; may appoint and pay a keeper and compel the keeping and returning of a bill of mortality. The city of Winston is hereby authorized to purchase suitable grounds for cemeteries—one for the white people and one for the colored

people—to be under the supervision of the city, with power to make such regulations as may be proper for regulating the burying of the dead therein, and to have police jurisdiction thereon; that the cemeteries of the city of Winston as now laid off shall not be enlarged, nor shall the dead be buried within the corporate limits of said city other than within the boundaries as now laid off. Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined more than fifty dollars or imprisoned for not more than thirty days.

Misdemeanor.  
Punishment.

SEC. 74. That the board of aldermen shall provide for the establishment, organization, equipment and government of fire companies, and appoint fire commissioners from their number. The board of aldermen shall adopt ordinances, prescribe the duties and terms of office of the fire commissioners appointed under the provisions of this section.

Fire companies and  
fire commissioners.

SEC. 75. That they shall have power to make ordinances regulating the erection and maintenance of overhead electric wires or other wires, to prevent obstruction to streets, and to prevent accidents or injuries to the citizens; to prohibit or control the firing of fire-arms, fire-crackers, torpedoes and other explosive materials, and to govern the sale thereof in the city; the pace and speed at which horses may be driven or ridden through the streets, the speed at which railroad engines and trains and street cars shall run within the city limits, to prohibit said railroads from stopping their engines or cars in said streets and to require said railroads to keep the crossings in good repair; the arrangement of all stove-pipes and flues in buildings; the manner in which powder and other explosive and inflammable substances may be kept and sold; the manner in which commercial fertilizers are stored; the manner in which hogs may be kept and to prevent them from running at large in said city, and may exclude the keeping of hogs in said city; and to cause all alleys, cellars, lots, privies, stables, styes and other places of like character to be examined by a sanitary policeman to be appointed for that purpose. It shall be their duty, on complaint, to cause, by their order, the sanitary policeman to have said places cleaned and the nuisance abated; and the said sanitary policeman or any other person appointed by the board or charged with that duty shall have authority to enter the premises described to be in bad order and have the same cleaned, and the expense of abating such nuisance shall be recovered from the occupant or owner of said premises by action of debt in any court having competent jurisdiction. That they shall also have power to make regulations and ordinances for the due observance of Sunday.

Electric wires.

Fire-arms and  
explosives.

Riding and driving.

Speed of trains and  
street cars.

Stove-pipes and  
flues.  
Powder.

Fertilizers.

Hogs.

Sanitary  
policeman.

Authority of  
sanitary police.

Observance of  
Sunday.

SEC. 76. That they may take such measures as they may deem effectual to prevent the entrance into the city or the spreading

Quarantine.

- 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; shall have power to establish and maintain quarantine against communities or territories where the board may declare prevails any infectious disease; may establish and regulate hospitals within the city or within three miles thereof; may cause any person in the city suspected to be infected with such disease, and whose stay may endanger its health, to be removed to the hospital if the city have one, if not, where the mayor may direct; may remove from the city or destroy any furniture or other articles which shall be suspected of being tainted or infected with contagious or infectious diseases, or of which there shall be reasonable cause to apprehend that they may pass into such a state as to generate and propagate disease; may abate by any reasonable means all nuisances which may be injurious to public health.
- Hospitals.** SEC. 77. That in case any person shall be removed to the hospital, or to the place directed by the mayor, the corporation may recover before the mayor or any justice of the peace, of such person, the expense of his removal, support, nursing and medical attendance; burial expense, also, in case of death.
- Expense of removal to hospital.**
- Forfeit for resisting removal.** SEC. 78. That if any person shall attempt by force or by threat of violence to prevent the removal, the removal to the hospital, or place selected by the mayor as aforesaid, of any person ordered to be conveyed thither, shall forfeit and pay to the city one hundred dollars, and moreover shall be deemed guilty of a misdemeanor.
- Misdemeanor.**
- Creation of bonded debt.** SEC. 79. That hereafter the board of aldermen may create a public bonded debt only after they have passed an ordinance by a three-fourths vote of the entire board at two separate regular meetings, submitting the question of creating a debt to a vote of the people, and a majority of the qualified registered voters have voted in favor thereof; thirty days' notice shall be given of such election in some newspaper published in Winston or Forsyth County, at which election those in favor of creating the debt shall vote "Approved," and those who oppose it shall vote "Not Approved." The board may order a new registration at any and all such elections if they deem it proper to do so; but this section shall in no manner be construed to interfere with or vitiate any existing indebtedness, bonded or otherwise, but all acts heretofore done in relation thereto are hereby ratified and confirmed.
- Notice of election.**
- Form of ballots.**
- New registration.**
- Limitation on debt.** SEC. 80. That for the purpose of maintaining and improving the property of the city, a corporate debt may be created for any public purpose under the following limitations, to-wit: The whole interest-bearing debt shall never exceed at any one time a sum to pay the interest on which shall require a tax of more than one dollar on the hundred dollars of the assessed property and of the amount represented by the polls of the city; and the bonds and

other evidence of the interest-bearing debts of the corporation shall not be subscribed or paid into any works or sold for less than par or the amount expressed on their face.

SEC. 81. That the city of Winston is hereby authorized and em- Debt authorized.  
powered to create a debt for public improvements, grading, mac- Purposes.  
adamizing and paving streets, water-works, sewerage, to purchase  
or erect or 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 con-  
trolling 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 other public purposes, to an amount not exceeding the amount Amount.  
indicated in the foregoing section, and for that purpose may issue Bonds.  
bonds in the name of the city of Winston, in such denomination  
and form and payable at such place and time, but running not  
less than thirty years nor more than sixty years and bearing  
interest at not greater than five per centum per annum, and paya-  
ble annually or semi-annually, as said board of aldermen may  
determine.

SEC. 82. That none of said bonds shall be issued until approved Bonds to be  
by a majority of the qualified voters of said city at a public elec- voted on.  
tion to be held at such time or times and under such regulations  
as the board of aldermen may prescribe, at which election those Form of ballots.  
favoring the issue of bonds shall vote "Approved," and those  
opposing it shall vote "Not Approved." That no election shall be New registration.  
held for the purpose of issuing bonds without first having a new  
registration of the qualified voters of said city as provided by law.

SEC. 83. That said bonds shall in no case be sold or otherwise Bonds not to be  
disposed of for a less sum than their par value, and the money sold below par.  
arising from the sale of said bonds shall be used for such public Application of  
improvements in the city of Winston as is indicated by the elec- proceeds.  
tion aforesaid.

SEC. 84. The coupons on said bonds shall be receivable in pay- Coupons receivable  
ment of city taxes, for city taxes.

SEC. 85. That for the purpose of paying off, taking up and can- Special taxes.  
celling the coupons and bonds issued by said city as the same shall  
become due, it shall be the duty of said board of aldermen and  
they are hereby empowered to levy and collect sufficient special  
tax each and every year upon all subjects of taxation which may  
be now or hereafter embraced in the subjects of taxation under  
this charter or the laws of North Carolina, which taxes so col-  
lected shall at all times be kept separate and distinct: *Provided*, Proviso: tax limit.  
*nevertheless*, that the rate of taxation shall not at any time exceed  
the rate indicated in section eighty of this charter and a poll tax  
not exceeding three dollars with which to pay special taxes as is



Former debt confirmed.

provided for in this charter. And the bonded indebtedness heretofore voted by the qualified voters of Winston is hereby expressly ratified and confirmed, and the bonds representing said indebtedness, whether now issued or hereafter to be issued, are hereby declared to be valid indebtedness of said city, whether issued for promoting public improvements, railroads or other purposes.

Graded schools established.

SEC. 86. The aldermen of the city shall provide for the establishment and support of a system of graded schools under the following conditions, to-wit: First, no interest-bearing debt of the corporation shall be created for this purpose; second, the schools shall be open to all *bona fide* residents of the city of all ages between the ages of six and twenty-one, but the white and colored schools shall be distinct and separate buildings and departments, and the schools shall have separate apartments for the higher classes of males and females; third, the funds raised by *ad valorem* taxation shall be used only for the payment of the salaries of teachers; fourth, persons living beyond the limits of the corporation may attend the schools from their homes, or as boarders, on the payment of tuition fees, to be fixed by the school commissioners; fifth, the aldermen of the city, at their first regular meeting in September, one thousand nine hundred, and five, and annually thereafter, shall appropriate a sufficient sum of money out of the general fund for the support of the graded schools, to be known as "The Graded School Fund," the sum to be appropriated for this purpose to be determined by the graded school commissioners and approved by the board of aldermen.

No debt to be created.  
Schools to be open.

Separate schools.

Funds used only for teachers.

Non-resident pupils.

Graded school fund.

Graded school commissioners.

SEC. 87. Said school shall be managed by a board of five citizens and tax-payers of the city, to be elected by the board of aldermen; and at the expiration of the term of office of the various graded school commissioners their respective places shall be filled by the board of aldermen of said city, and the persons elected shall hold their respective offices for the same terms respectively as now provided by law; and a vacancy occurring for any cause shall be filled by the board of aldermen for the unexpired term. The school commissioners shall have full power, in addition to that already granted, in the distribution and apportionment of the graded school funds of said city. Said board of commissioners, when elected, shall be a body corporate and politic with the power and privileges incident to bodies corporate, and under the name and style of Winston Commissioners of Graded Schools, and the said commissioners shall elect one of their number chairman and one secretary: *Provided*, that two of said five commissioners shall always be members of the board of city aldermen.

Vacancies.

Powers of school commissioners.

School commissioners incorporated.

Corporate name.  
Organization.

Proviso: aldermen as commissioners.

City treasurer to be treasurer of school fund.

SEC. 88. The city treasurer shall be treasurer of the school commissioners, and to him shall be paid all moneys, public and private, for the schools; and he shall pay out only upon the order of the chairman of the school commissioners, countersigned by the



secretary, and specify the object. He shall annually give a bond Bond.  
 for his fidelity as treasurer in such sum as the board of aldermen  
 shall fix; shall keep a separate statement of school money, and Annual reports.  
 shall annually make a report to the school commissioners, with a  
 duplicate to the aldermen, stating receipts and their sources and  
 disbursements and their objects; and said accounts shall be passed Accounts  
 on by the school commissioners and published in one of the city published.  
 papers. Said school commissioners shall have power to provide Powers of school  
 suitable buildings, furniture and apparatus for the same; to select commissioners.  
 teachers and to dismiss them for cause; to fix their salaries; to  
 aid them in the establishment of grades and the enforcement of  
 discipline; to abate nuisances to the schools; to admit pupils from  
 without the corporation on the payment of tuition fees; to visit  
 the schools regularly for inspection, and to do all other acts per-  
 taining to their office for the good and success of the schools.  
 Said commissioners shall serve without salary, but may be author-  
 ized to purchase necessary books of record and stationery and fuel,  
 and to pay their secretary not more than thirty dollars per annum Pay of secretary.  
 for his services as such. Term of office for school commissioners Terms of office.  
 shall be as follows: Those selected from the board of aldermen  
 shall serve during their term for which they have been elected  
 aldermen, and those elected by the aldermen, not from their own  
 number, shall be elected one each year for a term of three years,  
 and those now in office shall continue so until the expiration of  
 their respective terms and till their successors are elected.

Sec. 89. That the said board of aldermen shall have power to Sewerage.  
 construct a system of sewerage for the city and protect and regu-  
 late the same by adequate ordinances, and for this purpose shall  
 have power to condemn lands of private owners in the same way Condemnation of  
 that lands are condemned for streets; and if it shall be necessary land.  
 in obtaining a proper outlet to said system to extend the same  
 beyond the corporate limits, to condemn a right-of-way to and  
 from such outlet, it shall be done as herein provided for opening  
 new streets and other public purposes or provided for opening and  
 maintaining the same under the act of one thousand eight hun-  
 dred and eighty-seven, chapter one hundred and seventy-eight,  
 entitled "An act to enable the towns of Salem and Winston to con-  
 struct a system of sewerage," and in addition thereto shall have  
 power and authority to compel citizens living along the line of  
 sewerage or in the vicinity thereof to connect their premises, drain  
 or other pipes with said sewerage, so as to drain all of the  
 premises along the line of said sewerage; and to provide water  
 supplies for the city, either by erecting water-works or by con-  
 tracting with other persons or corporations; and make all such  
 other public improvements as the health of the citizens and the  
 safety of property may require. 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  
 Connection  
 compelled.  
 Water supplies.  
 Sewer connections.

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.

Water rights.

SEC. 90. That the board of aldermen may acquire by gift or grant lands or easements thereon, or right-of-way over the same, or the right of use of springs, branches or water-courses, for the purpose of erecting or working water-works, or conducting the water to the city.

Removal of cases before mayor.

SEC. 91. That no person shall have the right in any proceedings before the mayor to remove the same to any other court for trial, as is provided for removal of causes from any justice of the peace to another, as is provided in section nine hundred and seven of The Code, but in all cases parties shall have the right of appeal as herein provided.

Appeal.

Powers as to disorderly houses.

SEC. 92. That the said board of aldermen shall have power to pass ordinances for the good government and order of said city, and to that end they may pass an ordinance providing that in case any officer of said city has sufficient reason to believe and does believe that there exists any house of ill-fame, or gambling houses where games of chance are being carried on, or where liquors are being illegally sold, that such officer may, with or without warrant, enter said premises and arrest any person or persons so engaged as keepers or occupants of said houses of ill-fame, or gambling house or houses where liquors are allowed to be sold illegally, and require such person or persons to appear before the mayor for violation of the ordinances against such houses of ill-fame, gambling or tippling houses.

Penalties to use of city.

SEC. 93. 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 State and city of Winston, before the mayor and any other tribunal having jurisdiction thereof: *Provided*, any person failing to pay the taxes or fines imposed in accordance with the authority of this charter shall be required to work upon the public streets to the value of said fine or taxes if he has no property which can be distrained.

Proviso: fines worked out.

Violation of ordinance a misdemeanor.

SEC. 94. That any person or persons violating any ordinance of the city of Winston shall be deemed guilty of a misdemeanor, and shall be subject to the provisions of this act.

Power to sell property.

SEC. 95. That the Mayor and a majority of the Board of Aldermen of the City of Winston shall have the power at all times to sell at public outcry, after thirty days' notice, to the highest bidder, any property, real or personal, belonging to the town, and apply the proceeds as they think best. The mayor and aldermen are fully authorized to make title to any property sold under this act. The Code, section three thousand eight hundred and twenty-six.

SEC. 96. That whenever in the opinion of the aldermen it is advisable to obtain land or the right-of-way in the city for the purpose of opening new streets, or widening or straightening streets already established, or for making of culverts or waterways for carrying water out of the streets, or for laying sewer-pipes, or for any other necessary public purpose, and the aldermen and the owners of property affected by such proposed improvement cannot agree as to the amount of the damages consequent thereupon, as well as to special advantage which may result to the owners thereof, or to the owners of property in the close vicinity of such proposed opening, widening or straightening of said street, or the building or otherwise establishing of such culvert or water-way, sewers or other improvements, the mayor, upon order of the aldermen, shall issue his writ under the seal of his office, commanding the chief of police or other officer of the city to summon a jury of six freeholders of said city unconnected by consanguinity or affinity with any of the persons supposed to be affected by said improvement, and in said writ the proposed improvement shall be fully described and the persons mentioned who are supposed to be affected thereby. In obedience to said writ the officer shall summon the jury of six freeholders as aforesaid, and appoint a day for them to assemble at the mayor's office; the day so appointed shall not be less than ten nor more than twenty days from the date of the writ. The officer in charge shall also serve notice of the time of the meeting of the jury upon all persons who are named in the writ as supposed to be affected by said proposed improvements, which notice shall be at least ten days before the day appointed for the meeting of the jury, and in case of any such persons, their tenant or agent cannot be found in the city, then a poster at the court-house door stating in as few words as possible the proposed improvements and the date appointed for the meeting of the jury shall be sufficient notice. On the day appointed for meeting of the jury, the officer, if he has not already summoned them, shall proceed to do so, or fill any vacancy which may have occurred from any cause in the number which he may have previously summoned, and shall cause them to assemble at the mayor's office, where each of them shall take an oath, to be administered by the mayor or other competent person, that he will faithfully, truly, and impartially assess the damages, if any, which may in his judgment be done to the property of each person named in the writ or to any other person whose property may in his judgment be damaged by the proposed improvement, and that he will also assess any special benefit or advantage or enhanced value which may be caused to the property of any person named in the writ or any other property in the immediate vicinity of the proposed improvement. Immediately after the jury shall have taken the oath as above prescribed, they shall proceed, accompanied by

Procedure for condemnation of land.

the officer, to view the land of each person mentioned in the writ, and the land of any other person in the immediate vicinity of the proposed improvement which they may consider to be directly affected thereby. And they shall assess damages, if any, specifying the amount to which each and every one of the premises which they shall have viewed shall be entitled, and the jury shall at the same time take into consideration any special benefit, advantage or enhanced value, which in their judgment may have [been] received by reason of said proposed improvement, and shall state the amount of such special benefit, advantage or enhanced value of each and every one of the owners of said premises. The jury shall forthwith return to the mayor in writing a statement to be signed by each of them, or a majority of them in case they cannot agree, setting forth distinctly a full report of their proceedings, and stating the amount of damage, or advantage, which they shall have assessed to each person: *Provided*, that in case the jury shall be evenly divided and therefore unable to agree on the whole or on part of said report, they shall state that fact, setting out such parts as a majority of them have agreed on, and also the names of the persons as to the damage or disadvantage of whom they are evenly divided; and thereupon the mayor shall order the officer to summon at once a new jury of six freeholders to take into consideration that part of the report of the first jury on which they were not able to agree, and shall continue this course until an agreement is arrived at; and, if necessary, the mayor is authorized to extend the meeting of the jury from day to day to accomplish the objects of this section. As soon as practicable after receiving the report of the jury the mayor shall call a meeting of the board of aldermen and submit the report to them, and if the aldermen shall conclude that the damages assessed by the jury are excessive they may decline to pay the same and discontinue the proposed improvement. If the jury shall find that the proposed improvement will enhance the value of real estate adjacent thereto, the amount of such valuation of benefit shall vest in the city and become a lien on the premises mentioned in the report of the jury, and shall be due to the city on the completion of the proposed work, and payable in three annual installments, and if not paid at maturity the lot so assessed, or so much thereof as may be necessary to pay said installments and costs, shall be sold by the tax collector to pay the same, under the same rules, regulations and restrictions, rights of redemption and savings as are prescribed in this charter for the sale of unpaid taxes: *Provided, nevertheless*, that if any person who is reported in the jury's report to be affected by the proposed improvement be dissatisfied with the amount of damage or of enhanced value with which he has been assessed, or if the aldermen be dissatisfied with any item of the report, then in that case either party may

Proviso: jury  
equally divided.

Surplus benefit a  
lien on land.

Proviso: appeal.

appeal, on the item with which they are dissatisfied, to the next term of the Superior Court of Forsyth County, by giving the adverse party or parties ten days' notice in writing. The appellate court in either case shall have power to increase or diminish the amount of damages or enhanced valuation which has been assessed, but shall in no wise adjudicate the necessity of the improvement, and the questions of damages or benefits shall be submitted to a jury under the direction of the judge, to be assessed by the jury under the ordinary rules of action for damages: *Provided*, Proviso: appeal not to delay work. however, that such appeal shall in no wise hinder or delay the aldermen in making the proposed improvements, but it shall be lawful for them or their agents to enter upon and use the property so condemned as soon as the same has been condemned by order of the board. That when any land, water or water-courses, or right-of-way, either within or without the corporate limits of the city of Winston, shall, in the opinion of the aldermen, be required for the purpose of erecting or establishing reservoirs, laying conduit, main or supply pipes or sewer-pipes, or obtaining a supply of water for the use of said city or the citizens thereof, or for any other purposes connected with the successful operation of water-works or sewers in said city, and the owners of such property cannot agree with the aldermen as to the price therefor, the proceedings for condemnation shall be the same as is prescribed in the foregoing section for condemnation of land for streets; and for the purpose of successfully operating water-works or sewer-pipes contemplated by this section, the aldermen of the city of Winston are fully authorized to extend the lines of water-works or sewer-pipes beyond the city limits in any direction thought advisable, with all the rights and privileges belonging to said aldermen within the city limits in addition to the authority herein granted: *Pro-* Extension of water-pipes and sewers. *vided*, however, that in case of discontinuance of the use of the land either for the purposes mentioned in this or the preceding section, or on its reverting to the owners, the city shall have the right to remove any property or improvement under its authority erected thereon: *Provided further*, that the owner or owners of land, right-of-way, water or water-courses required by the purposes mentioned, shall have at least twenty days' written notice, under the seal of the mayor's office, of the time and place and the purpose of the jury. If a resident of the city of Winston, said notice shall be served by its officer, if in the city; if not, for the purposes of this act it will be sufficient if the notice is left at his known place of residence. If a non-resident and his post-office address is known, a registered letter with postage prepaid addressed to him and deposited in the post-office at Winston, and a return receipt for said letter shall be deemed and taken as sufficient notice. If his address is not known, publication for two weeks shall be made in some newspaper published in Winston of Procedure for condemnation of water rights. Proviso: removal of improvements. Proviso: notice to land-owners.



the time and place of the meeting of the jury and of the purposes therefor.

Powers of aldermen  
as to streets.

SEC. 97. That the aldermen shall cause to be kept clean and in good repair the streets, sidewalks and alleys. They may establish the width and may ascertain the location of those already established and lay out and open others, and may widen or reduce the width of streets now established in their discretion. They may establish parks for pleasure grounds for the citizens of the city, and pass ordinances for the protection of the shade trees.

Expense of sidewalk assessed on  
land-owners.

SEC. 98. That where there is no sidewalk and has never been any in existence in convenient walking order along any lot in said city, the owner may be required to pay such proportion of the expenses of making a sidewalk along such lot as three disinterested assessors, freeholders of said city, to be appointed by the aldermen, may estimate that the property is enhanced in value by such improvement: *Provided*, that the owner shall have the privilege of building said sidewalk along his lot immediately and in the manner prescribed by the aldermen, instead of paying the amount assessed; and if the owner of such lot shall neglect to put down said sidewalk when directed to do so by the aldermen, and shall refuse or neglect to pay the amount so assessed against him to the treasurer of the city, said sidewalk shall be made by the city, and the amount assessed against the owner of such lot shall be a lien on the same, and if not paid on demand so much of said lot shall be sold as may be sufficient to pay said assessments and the costs under the same rules and regulations, rights of redemption and savings as are prescribed in this charter for unpaid taxes. Before making such assessment the assessors shall appoint a time and place of meeting, and shall give at least three days' notice thereof to all parties interested, stating the purposes of such meeting, and after being duly sworn by the mayor or other competent person, they shall proceed to make the assessment and report the same to the mayor in writing: *Provided, however*, that either party may appeal to the Superior Court of Forsyth County, where all questions of amount of assessment and other issues and questions of fact shall be tried by a jury under the direction of the judge; but the aldermen, notwithstanding the appeal, may proceed with the work. That the owner of a lot which may front on a street on which a sidewalk has been established, shall repair or improve said sidewalk in such manner as the aldermen may direct as far as it extends along such lot; and upon failure to do so immediately upon notice by the aldermen to such owners, or if he is not a resident, to his agent, or if he has no agent, then after advertisement at the court-house door and upon the said lot for five days, the aldermen may cause the same to be repaired in such manner and with material as to them may seem proper, and the expenses shall be paid by the person in default, and said expenses shall be a lien upon said lot, and if not

Proviso: owner  
may build sidewalk.

Assessment a lien  
on lot.

Notice to parties  
interested.

Proviso: appeal.

Lot-owners to  
repair sidewalks.

Aldermen to repair  
on failure.

Expense a lien  
on lot.

paid on demand such lot or so much thereof as is necessary shall be sold by the collector to pay said expenses and costs of sale under the same rules, regulations and restrictions, rights of redemption and savings as are prescribed in this charter for sale of land for unpaid taxes.

SEC. 99. That no mayor or alderman, or other officer of the city government shall directly or indirectly become a contractor for work to be done by the city, and any person herein offending shall be guilty of a misdemeanor. No mayor or alderman interested in contract.

SEC. 100. That it shall be lawful for the policemen to serve all civil process that may be directed to them for any court within their respective counties under the same regulations and penalties as are or may be prescribed by law in the case of constables. Police to serve civil process.

SEC. 101. That it shall be lawful for the corporate authorities of said city in their discretion to contract in writing with the board of county commissioners for the employment of such prisoners as may be confined in the county jail by order of the court on the streets or any of them for the construction and improvement of the same of the city whose authorities shall so hire such prisoners. Power to hire county prisoners.

SEC. 102. That the city of Winston may convey lands and all other property which is transferable by deed of bargain and sale, or other proper deed, sealed with the common seal, signed by the mayor and two members of the board of aldermen and attested by a witness. Conveyances.

SEC. 103. 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 Winston, and the person or persons against whom the same is so adjudged refuses or is unable to pay such judgment, it may and shall be lawful for the mayor before whom such judgment is entered to order and require such person or persons so convicted to work on the streets or other public works until, at fair rates of wages, such person or persons shall have worked out the full amount of the judgment and costs of the prosecution, and may use all necessary means to compel work by reasonable correction and punishment. That the Board of Aldermen of the City of Winston, alone or jointly with the city of Salem, shall have the authority to purchase such land as may be necessary, and to establish thereon a work-house for men and for women and for minors, and that on said land, men, women or minors convicted of misdemeanors by the city authorities may be sentenced and confined at hard labor, at such work as the board of aldermen may prescribe. That the Superior Court of Forsyth County, with criminal jurisdiction, or such criminal court as may be established for such county, is given full power, with the consent of the cities of Winston and Salem, to confine all women and minors convicted in said superior court or criminal court in the work-house so established. Work on streets for fines and penalties.  
Establishment of work-house.  
Women and minors sentenced to work-house.

Police jurisdiction. SEC. 104. That the ordinances now in force in the city of Winston, and such as may hereafter be adopted, shall operate and have effect within one mile outside of the corporate limits of the city. The mayor shall have criminal jurisdiction over all offenses and violations of ordinances within the corporate limits. That the policemen of said city shall have power and authority to execute all criminal process within one mile outside said limits to the same extent and in like manner as they now have within the corporate limits: *Provided*, that this section shall not be construed to extend to the territory now included in the town limits of Salem.

Jurisdiction of  
mayor.  
Police power in  
executing process.

Twin City Hospital  
Association. SEC. 105. The board of aldermen shall have the power to annually appropriate and pay over to the Twin City Hospital Association such amounts for the maintenance of the hospital as they may deem proper, and also annually appropriate to the public library such amounts for its maintenance as they may deem proper.

Conflicting laws  
repealed.

SEC. 106. That all acts or parts of acts in conflict with this act are hereby repealed.

SEC. 107. 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. 1905.

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### CHAPTER 83.

AN ACT TO AMEND THE CHARTER OF DURHAM AND SOUTHERN RAILWAY COMPANY, DATED JANUARY 6, 1904, AND ISSUED BY THE SECRETARY OF STATE OF THE STATE OF NORTH CAROLINA ON JANUARY 13, 1904, AND RECORDED IN HIS OFFICE.

*The General Assembly of North Carolina do enact:*

May purchase or  
lease other roads.

SECTION 1. That the charter of the Durham and Southern Railway Company, dated January sixth, one thousand nine hundred and four, and issued by the Secretary of State of the State of North Carolina on January thirteenth, one thousand nine hundred and four, and recorded in his office, be and the same is hereby amended by adding thereto the following: That said corporation may purchase, lease or otherwise acquire control of, operate and maintain the property and franchises of any other railroad company now or hereafter created by the laws of this State, and construct or complete the construction of any line of railroad within this State contemplated or provided for by the charter of such other company and operate and maintain the same under the terms of its agreement with such company as fully as such com-

pany could do: it shall have power to extend and operate its line of railroad northward from the town of Apex, in Wake County, to any point on the North Carolina Railroad between Raleigh and Greensboro, or to any point on the line of the Norfolk and Western Railway from Durham to the Virginia line, or to any point on the line between the States of Virginia and North Carolina, and to two or more such points if its directors see fit; and it may extend and operate its lines of railroad southward to any point or points on the line of the Atlantic and North Carolina Railroad Company, and to any point or points between Morehead City in Carteret County and the line between the State of North Carolina and the State of South Carolina; it may sell, lease or otherwise dispose of the control of any or all of its property and franchises to any other railroad company organized or operating under the laws of this or any other State, and, if it sees fit to do so, accept payment thereof wholly or partly in the stock or bonds of said purchasing company; it shall have the power to merge with any other railroad company now or hereafter created or operated under and by virtue of the laws of this State, and it may change its name whenever a majority of its stockholders so desire; and it may contract with any individual, firm or corporation for the construction of any part of its line of railroad and also for the equipment thereof; and it shall also have the power to borrow money and issue bonds therefor or other evidences of debt, secured by a mortgage or mortgages, deed of trust or deeds of trust, or any other hypothecation, upon or of any and all of its property and franchises, and it may dispose of such bonds or other evidences of debt upon such terms and for such purposes as its board of directors may deem proper; it may build, buy or otherwise acquire and operate boats and vessels of any and all kinds operated by steam, electricity or any other motive power: it may build, construct, buy or otherwise acquire, own, operate and maintain telegraph and telephone lines anywhere in said State which may be deemed necessary by its directors for the purposes of its business: it may own and operate electric light, ice and gas plants and sell and dispose of their products at any point or points along its lines: it may build, own, lease, operate and maintain a hotel or hotels; and it may acquire control of and develop water powers, coal and mineral lands and mineral springs, if its board of directors see fit to do so. That in the absence of any contract or contracts with said corporation in relation to lands through which the said road or its branches may pass, signed by the owner thereof or by his agent, or any claimant or person in possession thereof which may be confirmed by the owner thereof, it shall be presumed that the land upon which the said road or any of its branches may be constructed, together with a space of fifty feet on each side of the center of the said road, has been granted to the said corporation

May extend road.

Routes and terminals.

May sell or lease to other roads.

May change name.

Contract for construction.

Bonds.

May build boats or vessels.

Telegraph and telephone lines.

Electric light, ice and gas plants.

Hotels.

Water powers, mines and mineral springs.

Contracts for right-of-way.

by the owner or owners thereof, and the said corporation shall have good right and title thereto, and shall have, hold and enjoy the same as long as the same be used for the purposes of the said road and no longer, unless the person or persons owning the said land at the time that part of the said road which may be on the said land was finished, or those claiming under him, her or them, shall apply for an assessment of the value of said lands, as hereinbefore directed, within two years next after that part of the said road which may be on the said land was finished, he, she, or they shall be forever barred from recovering said land or having any assessment or compensation therefor: *Provided*, nothing herein contained shall affect the rights of *femes covert* or infants, until two years after the removal of their respective disabilities. That it shall and may be lawful for any county, township, city or town interested in the said railroad to subscribe to the capital stock of the said corporation such sum or sums in bonds as a majority of all its qualified voters may authorize, said bonds to bear interest at a rate not greater than six per cent, per annum, to be payable not more than forty years after date thereof, and to be of denominations of five hundred dollars, interest payable semi-annually, the bonds to be received by the corporation at par. That upon the petition in writing of one-fourth of the freeholders, being qualified voters of any county, township, city or town interested in the construction of the said road, specifying therein the amount they wish subscribed, the board of commissioners of the county or municipal authorities of the city or town shall order and provide for an election to be held within sixty days in said county, township, city or town, of which election a notice of at least thirty days shall be given in some newspaper published or circulating in such county, township, city or town, for the purpose of ascertaining the wish of the qualified voters thereof as to whether they will subscribe the sum mentioned in the petition or not; that said election, when held in and for a county or township, shall take place and be conducted in the manner prescribed by the law for electing members of the General Assembly: that those who favor said subscription shall vote on a written or printed ballot "For Railroad," and those opposing said subscription shall vote on a written or printed ballot "Against Subscription": that the return of said elections in the counties and townships shall be made to the county commissioners and in the case of cities and towns shall be made to the municipal authorities thereof: that the commissioners or municipal authorities, as the case may be, shall canvass the same and declare the result and make a record thereof: that if a majority of all the qualified voters in the county, township, city or town shall vote "For Railroad," then the chairman of the board of commissioners in all cases of county or township subscriptions are authorized and required to subscribe to the capital stock of said

Claims barred.

Municipal corporations may subscribe to stock.

Elections provided for.

Form of ballots.

How subscriptions made.



company, in behalf of said county or township, the sum which has been fixed or named in said petition, and in case of city or town elections, if a majority of all the voters shall vote "For Railroad," then the proper authorities of such city or town are authorized and required to subscribe in behalf of such city or town in like manner as the county commissioners are herein required to subscribe in all cases of county and township subscription. That in order to make provision for the payment of interest on the said bonds and their redemption at maturity the said board of commissioners and the said municipal authorities, as the case may be, shall, in addition to the other taxes for each year, compute and levy on all property and each poll in such county, township, city or town, a sufficient sum to pay interest on the bonds aforesaid, preserving the constitutional equation of taxation, which shall be styled on the tax lists "Durham and Southern Railway Company Tax"; and they shall compute and levy a second additional tax sufficient to provide each year a sum equal to a sixtieth part of the principal of said bonds for a sinking fund, which amount shall annually be collected as other taxes and paid over to the treasurer of the county, city or town, or other officer authorized by law to perform the duties of commissioner of sinking fund, and by him invested in such bonds at par or less than par; but in case such treasurer or other officer shall be unable to invest said sinking fund in said bonds at or below par, he shall invest the same in such solvent bonds or securities as shall be selected by the said county commissioners or corporate authorities. That upon the delivery to the said railroad corporation of the bonds subscribed by any county, township, city or town, the said corporation shall issue to the said county, township, city or town the amount of its stock equal to the par value of said bonds, and all dividends which shall be declared on said stock and paid over to the said county, township, city or town holding said stock shall be applied to reduce the taxes for the sinking fund provided by this act. That all townships along the line of the railroad, or which are interested in its construction, are hereby incorporated, and that the county commissioners of the counties in which said townships are respectively situated are declared to be the corporate agents of said townships. That the stockholders of said corporation may provide for a board of directors to consist of not less than six nor more than fifteen stockholders to manage the affairs of the corporation. That the time for beginning work under said charter is hereby extended for two years from the date of the ratification of this act.

Special tax.

Sinking fund.

Investment of sinking fund.

Stock to be issued.

County commissioners agents for townships.

Directors.

Time to begin work extended.

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

In the General Assembly read three times, and ratified this the 14th day of February, A. D. 1905.

## CHAPTER 84.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF  
WINGATE, UNION COUNTY, NORTH CAROLINA.*The General Assembly of North Carolina do enact:*New boundaries  
prescribed.

SECTION 1. That chapter fifty-five of the Private Laws of one thousand nine hundred and one be and the same is hereby amended as follows, viz., that section two of said act be stricken out and the following inserted in lieu thereof: "The corporate limits of said town shall be as follows: Beginning at a stake in the center of Main Street, at a point where the street leading from H. M. Nicholson's residence westward intersects Main Street and runs east one-half mile to a stone; thence north one-half mile; thence west one mile; thence south one mile; thence east one mile; thence north one-half mile to a stone, the beginning point in said boundary."

Town elections.

SEC. 2. That section three of said act be amended by striking out the words "nineteen hundred and two" in line three and inserting in lieu thereof the words "nineteen hundred and five."

New officers  
named.

SEC. 3. That section four be amended by striking out "J. T. Lowry" after the word mayor in line three and inserting in lieu thereof "O. M. Sanders," and further by striking out "W. M. Perry, J. W. Outen and J. L. Austin" after the word "commissioners" in line three of said section and inserting in lieu thereof "Thos. Evans, J. W. Bivens and B. D. Austin."

Tax rate.

SEC. 4. That section six be amended by striking out the word "twenty" in line five of said section and inserting in lieu thereof the word "twenty-five" and also by striking out the word "sixty" in line six and inserting in lieu thereof the word "seventy-five."

Sale of cigarettes  
forbidden.

SEC. 5. That section eight be amended by inserting after the word "kind" in line four of said section the words "or cigarettes or cigarette tobacco."

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 February, A. D. 1905.

## CHAPTER 85.

AN ACT TO AMEND CHAPTER 26, PRIVATE LAWS OF 1891,  
THE CHARTER OF THE TOWN OF WADESBORO.*The General Assembly of North Carolina do enact:*

Bond of constable.

SECTION 1. That section eighteen of chapter twenty-six of the Private Laws of one thousand eight hundred and ninety-one, it being the charter of the town of Wadesboro, be and the same is

hereby amended by striking out "two thousand dollars" in line five and providing instead that the commissioners of said town may have the right to require a bond of the constable and tax collector of said town in double the amount of the taxes on poll and property levied in the preceding year for the faithful performance of his duties.

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

In the General Assembly read three times, and ratified this the 14th day of February, A. D. 1905.

## CHAPTER 86.

### AN ACT TO CHANGE THE NAME, INCREASE THE CAPITAL STOCK, AND OTHERWISE AMEND THE CHARTER OF THE HOWLAND IMPROVEMENT COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter two hundred and seventy-one (271) of the Private Laws of the General Assembly, passed at the session of one thousand nine hundred and three (1903), entitled "An act to incorporate the Howland Improvement Company," be and the same is hereby amended by striking out in lines four and five of section one (1) thereof the words "Howland Improvement Company" and inserting in lieu thereof the words "Atlantic and North Carolina Company." Name changed.

SEC. 2. That the words "two hundred and fifty thousand" in lines one and two of section two (2) thereof be stricken out and the words "one million" be inserted in lieu thereof. Capital stock.

SEC. 3. That section five (5) thereof be amended by inserting after the word "their" and before the words "rolling stock" in line forty-four (44) thereof the words "franchises, easements," May purchase franchises.

SEC. 4. That section six (6) thereof be and the same is hereby repealed and the following enacted in lieu thereof, to-wit: "Section 6. For the purpose of exploring, surveying, locating, constructing and establishing its roads, railroads, canals and other works the said company may, at any time, enter upon lands upon or through which it may desire to conduct, build and establish its railroads, roads, canals or other works, and lay out and construct the same as it may desire, and shall pay to the owner or owners of the land such sum as may be agreed upon. And for the purpose of constructing its roads, railroads, canals or other works, and necessary appurtenances thereto, or of enlarging or otherwise altering them, the company may, at any time, enter upon any adjacent lands and cut, dig or take therefrom any wood, stone, gravel, sand, earth or other material which may be deemed necessary, and shall pay to the owner or owners thereof such sum as May purchase lands for rights-of-way.

May purchase materials from adjoining lands.

may be agreed upon. And said company shall have all such additional rights and powers in such respect as other railroad companies now or may hereafter have under the general laws of North Carolina applicable to such companies."

Condemnation of  
lands.

SEC. 5. That section seven (7) thereof be and the same is hereby repealed and the following enacted in lieu thereof, to-wit: "Section 7. When any land, material or right-of-way may be required by said company for the purpose of constructing, repairing, enlarging, extending, altering or operating its railroad or other works of such character as will entitle the company to condemn land under the general laws of the State, and for want of agreement as to the value thereof or for any other cause the same cannot be purchased from the owner, the same may be taken at a valuation of three commissioners, or a majority of them, to be appointed on petition of the said company or of the owner of the land by the clerk of the superior court of the county where some part of the land is situate. Said petition shall be filed and proceedings thereupon conducted and prosecuted in the manner provided in sections one thousand nine hundred and forty-four (1944) to one thousand nine hundred and fifty-one (1951), inclusive, of chapter forty-nine (49) of volume I of The Code of North Carolina, enacted in one thousand eight hundred and eighty-three (1883), and amendments thereof, and as further provided in any other general laws of North Carolina now or hereafter to be in force, applicable to said proceedings, and either the company or the owner of the land may appeal therefrom as provided by law.

Procedure for con-  
demning lands.

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 15th February, A. D. 1905.

## CHAPTER 87.

AN ACT TO AUTHORIZE AND EMPOWER THE TOWN OF GRAHAM TO ISSUE BONDS, AND TO AMEND CHAPTER 97 OF THE PRIVATE ACTS OF 1903, ENTITLED "AN ACT TO ESTABLISH AND MAINTAIN A GRADED SCHOOL IN THE TOWN OF GRAHAM, ALAMANCE COUNTY, NORTH CAROLINA."

*The General Assembly of North Carolina do enact:*

Election called on  
petition.

SECTION 1. The Board of Commissioners of the Town of Graham shall, upon the application in writing of ten qualified voters of said town, order a special election in said town upon the question of issuing the bonds of said town in the sum of ten thousand dol-

lars; that said special election shall be ordered held within thirty days next after the presentation of said petition asking it, and before said election is held the said board of commissioners shall give notice of said election for twenty days by publication thereof in some newspaper published in said town and by posting a notice thereof at the court-house door in said town.

When election held.  
Notice of election.

SEC. 2. That for the purpose of holding said election the commissioners of said town shall appoint one registrar and two pollholders at the time that said election is ordered, and that said registrar shall immediately give notice, by posting a notice at the court-house door in said town, where he may be found, and shall for twenty days next preceding said election, Sundays excepted, and until sundown of the day next preceding said election keep open said registration books for the registration of voters for said election. For the purpose of this election the said board of commissioners shall order and there shall be a new registration of the voters of said town, and voters to register and vote in this election shall be qualified in like manner as voters are required to be to register and vote in elections held in said town for mayor and other municipal officers.

Regulations of election.

Registration.

SEC. 3. That those in favor of the issuing of said bonds shall vote a ballot of white paper on which shall be written or printed the words "For School Bonds," and those opposed to the issuing of said bonds shall vote a ballot of white paper upon which shall be written or printed the words "Against School Bonds."

Form of ballots.

SEC. 4. This special election may be ordered by said board of commissioners for said town either at a regular meeting of said board or at a special meeting called for the purpose of so doing; but if it is ordered at a called meeting, notice of said meeting shall be given each of the commissioners of said town and said notice shall give said commissioners notice of the fact that the matter of the calling of this special election will be considered.

Election ordered at regular or called meeting.

Notice of called meeting.

SEC. 5. As to the manner and time of opening and closing the polls and the challenging of voters, this election shall be held in all respects as provided by law for elections in said town for the mayor and commissioners thereof, and it shall be held in that room in the court-house of Alamance County, located in said town, in which municipal elections are usually held in said town.

How and where election to be held.

SEC. 6. The said registrar and pollholders shall tabulate and count the votes cast in said election, and shall make two copies of their returns, and said returns in addition to showing the result of said election shall show when and where said election was held, the number of voters registered for said election and the number of votes cast in said election. One copy of these returns they shall within forty-eight hours after the closing of the polls file with the clerk of the superior court of said county of Alamance, and with this report they shall file the registration and poll-book used

Returns.

Returns to be filed.



in said election, and they shall certify to the correctness of both said books; and the said clerk shall file said return and registration and poll-books as a part of the records of his office and record said returns in the record of elections kept in his office. The other copy of said returns the said registrar and pollholders shall within forty-eight hours after the closing of said polls file with the clerk to the board of commissioners of said town.

**Bonds to be issued.** SEC. 7. If a majority of the qualified voters of said town, and only those voters who shall register for this election shall be deemed qualified voters of said town, shall have voted "For School Bonds," then the board of commissioners of said town shall issue, upon the request in writing of the school trustees for the public schools of that district which is made up of the territory included in the corporate limits of the town of Graham, ten bonds of said town of the par value of one thousand dollars each, all of which shall run for a term of thirty years and all of which shall bear interest at the rate of five per cent. per annum, payable semi-annually, and the bonds shall be of that kind known as coupon bonds; that is to say, the interest payments shall be evidenced by coupons attached to said bonds, and all of said bonds shall bear even date and shall be dated at such time as shall be designated by said school trustees in their written request for their issue, and all of said bonds and interest coupons shall be due and payable on and after maturity and upon demands at the office of the clerk to the board of commissioners of said town of Graham. The said bonds shall be signed by the mayor of said town, attested by the clerk to the board of commissioners and shall have the corporate seal of said town attached. The interest coupons shall be signed only by the mayor of said town. When said bonds shall have been issued by said board of town commissioners they shall be turned over to said public school trustees before mentioned, and said public school trustees shall dispose of them for the best price which they can obtain, not to be less, however, than the par value of the bonds; and they shall use the proceeds of said bonds for the sole and only benefit of the public schools situate in that school district made up of the territory embraced within the corporate limits of said town; and said school trustees shall keep a record showing the amount received for said bonds and the manner in which the same is expended.

**Disposition of special tax.** SEC. 8. That chapter ninety-seven of the Private Laws of one thousand nine hundred and three (1903), be amended wherever it is provided therein that the Commissioners of the Town of Graham shall turn over to the public school trustees hereinbefore mentioned all of the taxes collected in said town under the special tax levied for school purposes. That said commissioners of said town shall each year after they shall issue the bonds hereinbefore referred to, if they are called upon to issue said bonds, retain out of the taxes levied and collected in said town for school purposes

under the provisions of said chapter ninety-seven of the Private Acts of one thousand nine hundred and three (1903) a sufficient amount to meet the accruing interest payments on said bonds and for the creation of a sinking fund for the liquidation of said bonds at maturity, and the amounts so expended in the payment of said accruing interest on said bonds and for the creation of said sinking fund shall be deemed money expended for the benefit of the public schools located in that district made up of the territory embraced in the corporate limits of the town of Graham.

SEC. 9. That all laws and part of laws in conflict with the provisions of this act be and the same 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 15th day of February, A. D. 1905.

## CHAPTER 88.

### AN ACT TO AMEND THE CHARTER OF THE TOWN OF WAYNESVILLE AND TO AMEND CHAPTER 155, PRIVATE LAWS OF 1903, RELATING TO THE CHARTER OF SAID TOWN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section four, chapter one hundred and fifty-five, Private Laws of one thousand nine hundred and three (1903), be amended as follows: By striking out the words "one-fifth in thirty days after the adoption of said report and the balance in four equal ninety days installments," and inserting in lieu thereof the words "one-third one year from the adoption of said report and one-third of said assessment shall be due and payable two years from date of said report and one-third three years from date of said report." When street assessments due.

SEC. 2. That chapter one hundred and twenty-seven (127), Private Laws of one thousand eight hundred and eighty-five (1885), be amended as follows: By striking out the word "three" in line three of section three of said act and inserting in lieu thereof the word "five." Aldermen increased to five.

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

In the General Assembly read three times, and ratified this the 15th day of February, A. D. 1905.

## CHAPTER 89.

## AN ACT TO INCORPORATE THE TUCKASEEGEE RAILWAY COMPANY.

*The General Assembly of North Carolina do enact:*

Corporators.

SECTION 1. That D. D. Davies, Thomas A. Cox, R. E. Bowen, J. T. Taylor and W. A. Adams and such other persons as are now or may hereafter be associated with them, and their successors, be and they are hereby created and declared to be a body politic and corporate, to exist for the term of ninety-nine years, under the name and style of "The Tuckasegee 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 lawful way, property—real, personal or mixed—necessary or convenient for the construction, maintenance or operation of its road, and holding, leasing or in any other way dealing with the same; and said company shall also have and enjoy all the rights, privileges and immunities which similar corporate bodies may exercise and enjoy, and may make ordinances, by-laws and regulations, consistent with this act and the laws of this State and 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.

Term.

Corporate name.

Formal enumeration of powers.

Power to build railroad.

SEC. 2. That said company, upon its organization as herein-after provided for, shall have power to survey, lay out, construct and equip, maintain and operate a railroad of standard or other gauge, with one or more tracks, from any point along or near the Southern Railway between "Balsam Gap" and the "Cowee Tunnel," in Jackson County, North Carolina, and running by way a point near or in the vicinity of the town of Webster in said county, and up the waters of the Tuckasegee River, and through said county of Jackson, or Jackson, and any other county of this State, to the South Carolina line, or through the counties of Jackson and Macon to the Georgia line by such route or routes as the directors of the said company may determine; and 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 the main line.

Routes and terminals.

Extensions and branches.

SEC. 3. That for the purpose of surveying, locating, laying out, building, constructing, maintaining and operating said line or lines of railroad, or branches and extensions thereof, the said company is hereby empowered—

To enter on lands for surveying route.

First. To cause such examinations and surveys to be made as shall be necessary to the selection and location of the most advan-

tageous route or routes, and for such purpose its officers and agents, servants and employees may enter upon the land or lands or water of any other person or 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 road. To acquire property by gift.

Third. To acquire, purchase, hold and use all such real estate and other property as may be necessary and proper for the construction, maintenance or operation of its road stations, terminal facilities, power and electric plants and all other accommodations, and to condemn, lease or buy land necessary for its use To acquire property by purchase.  
aforesaid, and to have and enjoy all the privileges and benefits of chapter forty-nine, volume one of The Code of North Carolina, And to condemn land.  
General rights of condemnation.  
in respect to the acquisition of land by condemnation.

Fourth. To lay out its road, not exceeding one hundred feet in width, and to construct the same, and for the purpose of cutting any embankment and for the purpose of obtaining gravel, stone, earth and other materials, to take as much land as may be necessary for the proper construction, maintenance, operation and security of said road: to cut down any trees that may be in danger of falling on said track or of obstructing the right-of-way, To lay out and construct road.  
To take land for embankments.  
making compensation therefor as is provided by law. To cut down trees.

Fifth. To construct its road across, along or upon, or to use any stream of water, water-course, street, road, highway or canal which the route or routes of the said road intersect or touch: To construct road upon water-way or road-way.  
*Provided*, no railroad shall be constructed along or upon any street Proviso.  
without the consent of the municipal authorities: *And provided*, Proviso.  
that it shall not obstruct or use any public road or highway without first constructing one equally as good for the public as the one taken by the company.

Sixth. To cross, intersect or join or unite its railroad with any railroad heretofore constructed or hereafter to be constructed, at any point on its route or upon the ground of any other railroad company, with the turn-out, sidings, switches and conveniences necessary in the construction, maintenance and operation of its road; and to run over any part of any other railroad's right-of-way necessary to reach its freight or passenger depots, or to reach any other point of its right-of-way otherwise inaccessible. To intersect or join other railroads.  
  
To use right-of-way of other railroads.

Seventh. To take, convey or transport persons, freights or property, mail or express, over its railroads, including main or branch lines, by the use of any steam, electricity or other mechanical power, and to receive compensation therefor, and to do all things incident to a railroad business. To convey passengers and freight.  
Power.

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 its lines. To build telegraph and telephone lines.

Ninth. To erect and maintain convenient buildings, warehouses, stations, fixtures and machinery for the reception, accommodation To erect buildings.

and use of its passengers and freight and for its business purposes.

To regulate transportation and compensation.

Tenth. To regulate the time and manner in which passengers and property shall be transported and the compensation to be paid therefor, subject to the laws of the State governing such matters.

To furnish road with equipment.

Eleventh. To furnish and equip said railroad with all necessary rolling stock, build, construct and maintain tanks and reservoirs necessary to furnish water to its engines and for other purposes incident to its business; to build, construct, maintain and use dams, flumes and electric plants for the purpose of generating motive power to run its trains and cars, for carrying passengers, freights, mails and express, if its board of directors shall so determine.

To build dams, flumes and electric plants.

To borrow money.

Twelfth. To borrow such sums of money upon such time and at such rate of interest, not inconsistent with existing laws governing rates of interest, and upon such terms as its board of directors may determine; and may make all such obligations and contracts, not prohibited by law, as may be necessary to secure the payment of the same, principal and interest; and to make and enter any guaranty of the payment of either principal or interest, or both, and for this 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 one or more mortgages or deeds of trust on all or any part of its railroads and appurtenances, property, franchises and privileges in such manner and form as such board of directors may determine; and the due registration of any such mortgage or deed of trust in the county where the property lies shall be a lien upon the property and franchises conveyed therein. And the board of directors of said company may sell, hypothecate or otherwise dispose of said bonds or any other of its stock, bonds or sureties.

To issue bonds.

To execute mortgages.

Registration of mortgage.

Board of directors may sell bonds.

Capital stock.

SEC. 4. That the capital stock of said company shall be one hundred and twenty-five thousand dollars, in common stock, or preferred stock, or partly in each, as a majority of the stockholders may determine, with power to increase the capital stock from time to time by a majority vote of the stockholders to one million dollars: *Provided*, such increase in the capital stock shall not be effective and that no stock shall be issued upon such increased capital stock until the fees prescribed in section ninety-six, chapter eleven, Public Laws of one thousand nine hundred and one, and acts amendatory thereof, shall have first been paid by it upon such increased capital stock and a certificate to this effect issued to it by the Secretary of State (which certificate shall be recorded in the Secretary of State's office and upon the minute books of

May be increased.

Proviso: tax to be paid.



said company, and either the original or a certified copy from the office of the Secretary of State shall be competent in evidence). The stock of said company shall be divided in 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 in all stockholders' meetings; and no stockholder shall be liable for the debts of the corporation beyond his unpaid subscription; that the stock may be transferred on the books of the company in such manner as may be prescribed in its by-laws.

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 may deem proper, call together the subscribers to such shares of stock, at any place in or out of the State, and said subscribers or such of them as shall attend may then complete the organization of the 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, said board to consist of not less than three members; and by adopting by-laws and doing any and all other matters and things that may be necessary to fully complete the organization of said company; that the board of directors of said company, upon their election, or as soon thereafter as possible, shall proceed to elect one of their number president, and to elect such other officers as the by-laws of the company may prescribe, and to appoint such agents as they may deem expedient, and may do any and all other things which may be necessary or convenient to complete the organization of said company and to carry into effect the objects of this act.

SEC. 6. That subscription to the capital stock of the said company may be made in money, land or other property, bonds, stocks, credits, contracts, leases, options, moneys, minerals or mineral rights or mineral lands, rights-of-way or other rights of easement, labor, services or any other thing of value, in such manner and upon such terms as the president and board of directors of said company may agree upon; and if any subscriber shall neglect or refuse to pay any installment when it becomes due, if required by the directors so to do, said board may declare his stock forfeited, as well as all previous payments thereon, to the benefit and use of the said company; but before so declaring it forfeited said stockholder or subscriber 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 abode, stating that he is required to make such payment in sixty days

Shares of stock.

Certificates.

Votes of stock-

holders.

Stockholders not

personally liable.

Incorporators to  
open subscription  
books.When company to  
organize.

Board of directors.

By-laws.

Directors to elect  
president and other  
officers.And appoint  
agents.Subscriptions in  
money or property.Or any other thing  
of value.Subscriber failing  
to pay assessment  
to forfeit stock.Notice of for-  
feiture.

	from the date of the said notice, at such time and place as is therein named. Said notice shall be served or mailed sixty days prior to the day on which payment is required to be made.
Meetings of stockholders.	SEC. 7. That meeting of the stockholders shall be held annually at such time and place, within or without the State, as may be
Notice of meetings.	prescribed in the by-laws; that notice of the annual meetings shall be given to the stockholders in manner to be prescribed in the
Principal office to be in this State.	by-laws: <i>Provided</i> , that the principal office of the said company shall be within the State.
Called meetings of stockholders. Notice of called meeting.	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 the 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 some newspaper or newspapers to be designated in the by-laws for this purpose, 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 of the stockholders all the powers of the company may be exercised and any business transacted that might be transacted at the annual meetings.
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
Term of office.	from time to time by the stockholders. The directors shall hold office until the succeeding annual meeting or until their successors
Vacancies.	are duly elected and assume their duties. The board may fill any vacancies which may have occurred in it during the term for which its members have been elected. That the president of the
President and other officers.	company and such other officers as may be prescribed by the by-laws shall be annually elected by the directors from among their number, in such manner as the regulations of the company may
Term of office.	provide, and shall hold their offices until their successors shall be
Secretary and treasurer.	elected and assume their duties. The secretary and treasurer shall also be elected by the board of directors, and may be one
Executive committee.	and the same person. The board of directors may appoint from among their number an executive committee, who may perform such duties as are set forth in the by-laws or expressly delegated
Meetings of directors and executive committee.	to them by the board of directors. Meetings of the board of directors and the executive committee may be held within or without the State.
May purchase or lease other railroads.	SEC. 10. 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 hereafter to be constructed
May consolidate with other companies.	in the State or elsewhere. It is also hereby authorized and empowered to consolidate its capital stock, estates—real, personal or mixed—franchise, rights, privileges and property with those of any other railroad company or companies chartered by or 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 form a continuous line of railroad with each other, or by means of intervening road or roads. It may assign or lease its property or franchise, or any part thereof, to any other railroad company incorporated under the laws of this or any other State, and the railroad 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 and constructed by the company so leasing or purchasing; and the party so leasing or purchasing shall, to the extent of its contract, have all the rights, privileges and immunities arising by virtue of 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 upon such terms as the stockholders of each may determine. The company incorporated by this act may subscribe to, purchase, guarantee or endorse the capital stock, bonds or other surety of any corporation, and any company or corporation may subscribe to, purchase, endorse, guarantee or secure the capital stock, bonds or other sureties of this company.

May assign or lease to other railroads.

Powers may be exercised by directors.

May subscribe to stock or endorse bonds of other companies.

Other companies may subscribe to stock or endorse bonds of this company.

May begin work on any part of road. May use sections before completion of road.

Sec. 11. That this company may begin work on any part of its road which its board of directors may determine, and 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. 12. That the president and directors of the said company shall have the right and power to make such contracts and expenditures as may be necessary for the construction and operation of its railroad and business.

President and directors to make contracts.

Sec. 13. That said company shall enjoy all the benefits and be subject to the provision of sections one thousand nine hundred and forty-three to one thousand nine hundred and fifty-one, inclusive, of chapter forty-nine, volume one of The Code of North Carolina, in respect to the acquisition of land by condemnation.

Right of condemnation subject to general law.

Sec. 14. That it shall and may be lawful for any county, township, city or town in or through which said railroad may be located, or which is interested in its construction, to subscribe to the capital stock of said company such sum or sums, in bonds or money, as a majority of their qualified votes may authorize the county commissioners for such county or township or the municipal authorities of such city or town to subscribe; and any such county, township, city or town is hereby declared and constituted a body politic and corporate for the purposes of such subscription.

Municipal corporations may subscribe.

Sec. 15. That for the purposes of determining the amount of such subscription it shall be the duty of the board of county commissioners of any county in which said railroad has the right under this charter to construct its road or branch roads, or which may be interested in the construction of said road or branch roads, or the board of aldermen, or the board of commissioners of any city or town in or through any part of which the said railroad has a

Municipal or county authorities to order elections.

right under this charter to construct its road or branches, or which may be interested in the construction of said road or branches, upon the written application of one hundred tax-payers of any such county, or fifty tax-payers of any such township, or thirty in any city or town, specifying therein the amount to be subscribed in bonds, to submit to the qualified electors of such county, township, city or town, as the case may be, the question of "Subscription" or "No Subscription." And the board of county commissioners for the county or any township, or the board of aldermen or board of commissioners or other municipal officers for any city or town, as the case may be, shall order an election, specifying the time, place and purpose of the election, and shall provide for the holding of the same as is now provided for the holding of election for member of the General Assembly, except as hereinafter provided. That at said election ballots shall be provided, upon which shall be printed or written the word "Subscription," and also ballots shall be provided upon which shall be printed or written the words "No Subscription"; and said board of county commissioners, board of aldermen, board of commissioners or other municipal officers of such city or town, having first fixed the amount proposed to be subscribed according to the request of the petition submitted to them, shall give public notice of said election, not exceeding sixty days immediately prior thereto, in one or more newspapers published in the county in which the election is to be held, and if there be no newspaper published in said county, then in some newspaper published in some adjoining county or in the nearest newspaper thereto, and also at the court-house door of said county, that such election will be held upon a day therein named. That a new registration may be ordered in accordance with law by said board of county commissioners, board of aldermen, board of commissioners of any town or city, as the case may be, of the qualified voters of said county, township, city or town for the said election.

**Amount to be specified.**

**Election to be governed by general law.**

**Form of ballots.**

**Notice of election.**

**New registration may be ordered.**

**Canvass of returns.** SEC. 16. That all elections under the preceding sections shall be held, if for the county or township, according to the law and regulations provided for the election of member of the General Assembly; and if the election shall be held for a county, the return shall be made to and canvassed by the board of county commissioners, who shall ascertain and declare the result and make a record of the same. If the election shall be for a township the registrar and judges of election shall make returns to the board of county commissioners, who shall canvass the same, ascertain and declare the result and make a record of the same. If the election shall be for a city or town it shall be conducted as elections for municipal officers, and the mayor and aldermen, or the mayor and town commissioners, or municipal authorities of the city or town, shall ascertain and declare the result and make record of the same.



That in case a majority of all the qualified voters in such county, township, city or town, as the case may be, shall have voted "Subscription," then the chairman of the board of county commissioners, in case of county or township elections, or the mayor or other chief officer in all cases of city or town elections, shall have the right and authority, in payment of such subscriptions to the capital stock of said company, to issue its bonds, in form, for such time, and payable at such place and bearing such rate of interest, not prohibited by law, as may have been fully set forth in said petition and in said call of election. And all tax levies for the purpose of raising funds to pay said bonds, coupons or interest shall be made upon the taxable property in such county, townships, city or town, as the case may be.

County or municipal authorities to make subscription.

To issue bonds.

Tax levies for bonds and interest.

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

In the General Assembly read three times, and ratified this 15th day of February, A. D. 1905.

## CHAPTER 90.

### AN ACT TO FURTHER AMEND THE CHARTER OF THE ASHEVILLE AND CRAGGY MOUNTAIN RAILWAY COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter five hundred and six (506) of the Public Laws passed by the General Assembly at its session of one thousand eight hundred and eighty-nine (1889), entitled "An act to incorporate the Asheville and Craggy Mountain Railway Company," as amended by chapter two hundred and seventy-four (274) of the Private Laws passed by the General Assembly at its session of one thousand nine hundred and three (1903), entitled "An act to amend the charter of the Asheville and Craggy Mountain Railway Company," be and the same is hereby further amended as follows: By adding to subsection one (1) of section one (1) of said chapter two hundred and seventy-four (274) of the Private Laws of one thousand nine hundred and three (1903) the following: "And said company is hereby authorized and empowered to survey, locate, build and operate one or more branches or extensions southward to points in or near Asheville from any point or points on its line recently built from its original line to and across French Broad River, known as its Beaverdam Extension; also a line from any point on said Beaverdam Extension northward and so far towards Burnsville in Yancey County or so far towards the Tennessee State line as said company may deem expedient, with such branches and extensions as to said company may seem expedient."

Further branches and extensions authorized.



Power to purchase  
and hold property.

SEC. 2. By adding to section eleven (11) of said chapter five hundred and six (506) of Public Laws of one thousand eight hundred and eighty-nine (1889) the following, to-wit: "And said company may purchase, own, hold, convey and dispose of such real estate and personal property as may be decided upon by its board of directors."

May purchase or  
lease other rail-  
roads.

SEC. 3. That there shall be inserted in said act of one thousand eight hundred and eighty-nine (1889), after said section number eleven, a section to be numbered twelve (12), which shall be as follows: "Section 12. 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 which may be hereafter 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, sell, convey or lease its property and franchises, or any part thereof, to any other railroad company incorporated by the laws of this State or 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 leasing or purchasing shall be entitled to all the property, franchises, privileges and immunities belonging or appertaining to this company."

May consolidate  
with other com-  
panies.

May sell or lease to  
other companies.

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 15th day of February, A. D. 1905.

## CHAPTER 91.

### AN ACT TO INCORPORATE THE TOWN OF HAZELWOOD IN HAYWOOD COUNTY.

*The General Assembly of North Carolina do enact:*

Town incorporated.

Name.

Formal enumera-  
tion of powers.

SECTION 1. That the town of Hazelwood in the county of Haywood and State of North Carolina be and the same is hereby incorporated by the name and style of "Hazelwood," and the inhabitants of said town of Hazelwood shall be a body politic and corporate, and in the name of the corporation of Hazelwood shall have the right to contract and be contracted with, sue and be sued, implead and be impleaded, to purchase, to receive by donation, devise or otherwise, to hold and convey real property, real and personal, and, so far as may not be inconsistent with this act, it shall have all the power and be subject to all the provisions of chapter sixty-two of The Code and all amendments thereto.

SEC. 2. That the corporate limits of the town of Hazelwood Corporate limits. shall be as follows: Beginning at a stake, Will Whitener's corner, and running thence south eleven E. sixty-seven and a half P. to J. R. Walls' corner; thence W. sixteen P. to Thomas Walls' corner; thence S. seven W. twenty-three P. to J. F. Bass' corner; thence S. eleven and a half W. seventy-two P. to a stake in J. C. Welch's field; thence N. thirty-five W. to the Southern Railway; thence down the Southern Railway with fence of J. C. Welch to line of Junaluska Leather Company; thence with the line of the said Junaluska Leather Company and J. C. Welch to Brendle or Allen Creek; thence down said creek to E. P. Hyatt's mill-dam; thence down the mill-race of E. P. Hyatt to where the branch running between E. R. Plott house and stable empties into the said mill-race; thence up said branch to upper end of garden fence; thence with said garden fence passing well-house and following lot fence to far side of road leading to Plott Creek; thence with the said road, including the same, to a stake at corner of road leading to Hazelwood; then with said road to the creek at lower side of bridge; thence down the creek to an oak tree on bank of creek, passing E. P. Hyatt's old shop, to an oak tree on bank of creek; thence N. twenty-nine E. fifty-four and three-fourths P. to a stake on bank of said Richland Creek; thence S. forty-four and one-half E. sixty P. to a walnut tree in W. H. Cole's line; thence S. fifty-nine E. sixty P. to the corner of W. H. Cole's fence; thence S. eighty-five and one-half E. thirty-three and one-half P. to corner of W. H. Cole's smoke-house; thence S. five E. thirteen and three-fourths P. to J. F. Bass' fence; thence N. twenty-eight and one-half W. to beginning.

SEC. 3. That the officers of said town shall consist of mayor, Town officers. three aldermen, a marshal and treasurer, the two latter to be elected by the said aldermen, and likewise any other officers they may deem necessary to elect or appoint, until the mayor and aldermen shall be elected, as hereinafter provided, and qualified to act. E. E. Quinlan shall fill the office of mayor; W. H. Cole, Officers named. W. E. Landis, J. C. Fisher, the office of aldermen of said town.

SEC. 4. That there shall be biennially, on the first Monday of Town elections. May hereafter, elected a mayor and three aldermen, who shall hold office until their successors are qualified; all to be elected by the qualified voters of the town.

SEC. 5. That any qualified elector in this State shall be eligible Qualifications for as mayor or commissioners: *Provided*, he shall have resided in town officers. Haywood County, and, if not a resident within the corporate limits of said town, shall own real estate therein for twelve months next preceding the day of election.

SEC. 6. That all persons entitled to vote in the county of Haywood Qualifications for for members of the General Assembly and who shall have voters. been *bona fide* residents of the town of Hazelwood ninety days

next preceding the election, or own real estate in said town as provided in section five of this act, shall be entitled to vote for mayor and aldermen, or at any other election held therein for municipal purposes.

Oaths of officers.

SEC. 7. That the mayor, each alderman, marshal, treasurer and all other officers of said town, before entering upon the duties of his office, shall take before some justice of the peace or other person empowered by law to administer oaths an oath that he will truly and impartially perform the duties of his office for the town according to the best of his ability and judgment.

Mayor and aldermen to fill vacancies.  
To elect town marshal and other officers.

SEC. 8. That the mayor and board of aldermen shall have authority to fill any vacancy in the board that may occur during their term of office; to appoint a secretary and treasurer, town marshal and all other officers as aforesaid which they may deem necessary for the efficient administration of the regulations, ordinances and by-laws of the town, and shall control their terms of office and likewise the compensation they are to receive. The board of aldermen shall be authorized to appoint one of their number mayor *pro tempore*, to act as mayor in case of the absence of the mayor or his inability to perform the duties of his office.

To fix terms and compensation.  
Mayor *pro tempore*.

Bonds of officers.

Before acting, each of said officers, in addition to being sworn to the faithful discharge of his duties, shall execute a bond with sufficient security, payable to the State of North Carolina, in such sum as the mayor and board of aldermen may determine: *Provided, however*, that the duties of the collector of taxes may be performed by the marshal if the mayor and board of aldermen shall so direct, and the duties of secretary and treasurer by a member of the board of aldermen.

Marshal may be tax collector.

Secretary and treasurer.

Jurisdiction of mayor.

SEC. 9. That the mayor of said town is hereby constituted an inferior court, and as such, within the corporate limits of the town, shall have 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 aldermen. The mayor shall further be a special court, within the corporate limits of the town, to arrest and try all persons who are charged with a misdemeanor for violating any ordinance of the town; and if the accused be found guilty he shall be fined at the discretion of the court or mayor not exceeding the amount specified in the ordinance or ordinances so violated, or, at the discretion of the mayor or court trying the same, such offender may be imprisoned not more than thirty days in the common jail of the county or sentenced to work on the public roads thereof; and the mayor shall have the power to commit persons convicted of a violation of any ordinance of the town to the town lock-up or county prison until the fine and cost imposed by him and the jail fees are paid, and

such person or persons can only be released as is provided in like cases in other courts. If the accused is dissatisfied with the judgment of the mayor or court he may appeal in like manner as prescribed for appeals from judgments of a justice of the peace.

SEC. 10. The mayor may issue his precepts to the town marshal, who may execute the same anywhere in Haywood County, or to such other officers to whom a justice of the peace may direct his precepts; and the mayor, in the absence of the marshal, or when the marshal shall be serving, shall have power to depute any peaceful citizen of said town to execute his warrant for violation of any of the ordinances of the town: and any person who shall, thus deputed, refuse to make an arrest, or any citizen of the town who is summoned by the marshal to help him to make the arrest or to quell an affray, who refuses, shall be guilty of a misdemeanor and fined not more than fifty dollars or imprisoned not more than thirty days.

Precepts issued to town marshal.

Mayor may appoint deputy.

Misdemeanor for person deputed to refuse to act. Or for any person to refuse assistance to marshal.

Penalty.

SEC. 11. That the board of aldermen shall have authority to put to and keep at work on the streets of the town any person or persons who may fail to pay any cost, fine, penalty or forfeiture which may be imposed on such persons, until the said fines and penalties or forfeitures, together with the cost thereof, shall be fully paid and satisfied, under such rate for labor and board as the board of aldermen may adopt.

Chain gang.

SEC. 12. When arrests have been made the prisoner shall immediately be carried before the mayor or some other competent officer for trial, except in the following cases: First, when the arrest is made between sunset on Saturday and eight o'clock Monday morning following; second, when the arrest is made in the night; third, when the person arrested is found in a state of inebriation; fourth, when for the safe-keeping of the party arrested imprisonment is necessary; in all of which cases the prisoner may be committed, without *mittimus*, to the county prison or town prison, unless sufficient bond be given for appearance before the proper court.

Speedy trial.

Exceptions.

SEC. 13. All citizens resident in said town liable to road duty under the laws of the State shall be liable to do six days' work each upon the streets and sidewalks in said town in each year: in lieu of such labor they may pay four dollars and fifty cents each, which shall be expended in improvements on the streets and sidewalks, or otherwise, if aldermen direct.

Street work.

SEC. 14. The board of aldermen shall have full power and authority to straighten or widen streets, or lay off and establish new streets, when in their opinion the same shall be required for the best interest of the town. Whenever it shall be necessary to straighten, widen or establish new streets, and the owner of any land which may be acquired for that purpose shall claim damages, the owner of the land shall file his claim with the board of aldermen or clerk of the town, and it shall be the duty of the said

Aldermen to control streets.

Damages for property taken for streets.

Appeal.	board of aldermen forthwith to appoint three freeholders, residents of said town, connected with the claimant neither by consanguinity nor affinity, who shall immediately go upon the premises and view the same and assess the damages which will accrue to such property from the improvement, and report the same to the board of aldermen, who shall pay the damages assessed, if any, and proceed to establish such street. If the owner of the premises is dissatisfied with such assessment of the board of aldermen he or they may appeal from the finding of the commissioners to the next term of the superior court, when the same shall be tried before a jury, but such appeal shall not have the effect to stay the improvement.
Corporate taxes.	SEC. 15. That the Board of Aldermen of the Town of Hazelwood shall have the power, not oftener than annually, to impose, levy and collect a tax upon all real and personal estate within the corporate limits of said town, and also upon all moneys on hand, solvent credits and upon all polls and other subjects of taxation taxed by the General Assembly for public purposes, not exceeding twenty-five cents on the hundred dollars valuation of property and seventy-five cents on the poll, and the constitutional equation between property and poll shall always be observed; and the citizens of the said town of Hazelwood and others liable to be taxed under this charter shall on the day prescribed for listing State and county taxes render on oath to the clerk of the town, or mayor in case no clerk shall be appointed, who is hereby constituted a commissioner of affidavits for that purpose, a list of such property taxable under this chapter and which is liable to State and county tax under all the rules and penalties prescribed for State and county taxes; and if any person shall fail to render such list within the time prescribed for State and county taxes, may in the discretion of the board of aldermen be required to pay double the tax assessed on any article for which he is liable to be taxed under this charter; and the tax assessment for all real and personal property of the citizens of the town of Hazelwood shall be the same as the assessment made by the State and county board of assessors; and when any real estate assessed by the county authorities shall lie partly within the town and partly without the town limits it shall be the duty of the Commissioners of Haywood County to appoint a justice of the peace and two freeholders to appraise the property within the town and fix upon it its true value in proportion to the value of the whole as assessed for taxation; and where there is an increase in the value of any town property by reason of any improvement it shall be the duty of the board of aldermen, at their meeting in May of each and every year, to certify the same to the board of county commissioners at their regular meeting in June, and the county commissioners shall appoint assessors to value said town property under
Tax rate.	
Taxes to be listed.	
Double tax on unlisted property.	
Assessment.	
Property partly within and partly without town limits.	
Increase in valuation.	



the same rules as provided by law for assessing real property, and in case of decrease of the value of real property by fire or other destruction of the same, reduction shall be made in the same manner as provided for assessing said property when there is an increase. The board of aldermen shall have all the powers given to the authorities of Haywood County pertaining to a revision of the tax list, except the powers to alter the valuation of real estate.

SEC. 16. The board shall proceed on the first Monday in June to levy the taxes on subjects of taxation as they may choose, and shall place the tax list (with an endorsement by the mayor to the collector authorizing him to collect the taxes in said list) in the hands of the tax collector for collection, who shall complete the same on or before the first day of October next ensuing and shall pay weekly all moneys to the treasurer and take his receipt therefor, and shall pay all of the said money to the treasurer on or before the first Monday of November; and the collector shall receive such per cent. on the money so collected as may be determined by the board of aldermen, not exceeding five per cent.: *Provided*, the aldermen may extend the time for collecting and paying over said tax.

Taxes levied first Monday in June.

To be collected by 1st October.

And paid in by first Monday in November.  
Pay of tax collector.

*Provido*: aldermen may extend time.

SEC. 17. That if any person liable to taxes on subjects directed to be listed shall fail to pay them within the time prescribed for collection, the collector shall proceed forthwith to collect the same by distress and sale, after public advertisement for the space of ten days at four public places within the incorporation if the property be personal, or twenty days if the property be real, without any judgment or execution.

Taxes collected by distress.

SEC. 18. That the treasurer shall keep in a book provided for that purpose a fair and correct account of all moneys received and disbursed by him, and shall submit said account to the aldermen whenever required to do so. On expiration of his term of office he shall deliver to his successor all the moneys, securities and other property intrusted to him for safe-keeping, and during his continuance therein he shall faithfully perform all the duties lawfully imposed on him as town treasurer.

Treasurer to keep accounts.

To account with successor.

SEC. 19. That the board of aldermen shall cause to be made out annually a fair transcript of their receipts and disbursements on account of the town for the general inspection of the citizens and cause the same to be posted in some public place ten days before the end of their official year and twenty days before all elections for aldermen.

Town accounts to be published.

SEC. 20. That all orders drawn on the treasurer shall be signed by the mayor and countersigned by the clerk, and state the purpose for which the money is applied, and the treasurer shall specify such purpose in his account and also the sources whence are derived the money received by him: *Provided*, all claims

Orders on treasurer.

Claims to be audited.

against the corporation shall be audited by the board of aldermen before any order shall issue for the same.

**Duties of marshal.** SEC. 21. That it shall be the duty of the marshal to see that the laws, ordinances and orders of the aldermen are enforced and to report all breaches thereof to the mayor, to preserve the peace of the town by suppressing disturbances and apprehending offenders, and for that purpose he shall have all the powers vested in sheriffs and county constables. He shall execute all precepts lawfully directed to him by the mayor or others, and in the execution thereof he shall have the same powers as the sheriff and constables of the county have, and he shall have the same fees on all processes and precepts executed or returned by him which may be allowed to the sheriff or constables of county on like processes and precepts, and also such other compensation as the aldermen may allow.

**Town ordinances.** SEC. 22. That the mayor and board of aldermen shall have power to make ordinances, to prohibit or control the firing of fire-arms, fire-crackers, torpedoes and other explosive materials, and to govern the sale thereof in the town; to prevent the gratuitous disposing of spirituous liquors in the corporate limits of the town; to control the speed at which horses may be driven or ridden through the streets, at which railroad engines shall run within the limits of the town; to prohibit railroads from stopping cars and engines on the streets of the town, and to require the said railroads to keep the crossings in good repair; the manner in which dogs, hogs, goats, cows and other cattle may be kept, and to prevent them from running at large in said town, and to declare and make the same a nuisance; to cause alleys, lots, cellars, privies, stables, sties and other places of like character to be examined by a sanitary policeman to be appointed for that purpose. It shall be the duty of the mayor, on complaint of the sanitary policeman or other person, to have said places cleaned and the nuisance abated.

**By-laws.** SEC. 23. That the aldermen, when convened, shall have the power to make and provide for the execution thereof of such ordinances, by-laws, rules and regulations for the better government of the town as they may deem necessary: *Provided*, the same be allowed by the provisions of this act and are not inconsistent with the Constitution and laws of the State.

**Violation of ordinances a misdemeanor. Penalty.** SEC. 24. That any violation of such ordinances as may be enacted by the board of aldermen shall be a misdemeanor, punishable by fine not to exceed fifty dollars, or imprisonment in the county jail or town prison not to exceed thirty days, with power to compel violators to work on the streets of the town in the meantime or the public roads of Haywood County.

**Refusal to do street work a misdemeanor.** SEC. 25. If any person liable to work on the streets shall willfully refuse to work after being duly summoned for that purpose, or if any person so liable to work shall attend the place at the

time designated in the summons, or notice, and refuse or neglect to work on said streets, the person so offending shall for every such offense be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than two nor more than ten dollars, and in default of payment of fine and costs shall be confined in the county prison or town prison not to exceed twenty days, and in the meantime compelled to work on the streets of the town or public roads of Haywood County. Penalty.

SEC. 26. That all persons who are liable for poll tax to said town and shall willfully fail to make return thereof, and persons owning property and who willfully refuse or fail to list the same as herein provided, shall be deemed guilty of a misdemeanor to the same extent as for failure to list State and county taxes, and upon conviction thereof before the mayor shall be fined not exceeding twenty-five dollars or be imprisoned not more than twenty days: *Provided*, that any person prosecuted under this section may be discharged by the mayor upon payment of the said taxes due the town together with the costs of the prosecution. Failure to list taxes a misdemeanor.  
  
Penalty.  
  
Proviso: penalty discharged on payment of tax and costs.

SEC. 27. That the tax due under this act on real estate shall be a lien thereon, and it shall be the duty of the tax collector, in addition to the notice of sale of said property hereinbefore provided, to notify the owner of such lot of the amount of taxes, cost and expenses due thereon, and of the day of sale, if the residence of such owner be known. The said collector shall divide such real estate into suitable lots if the same can be conveniently done, but if not, he shall sell the whole; in either case he shall sell to the highest bidder for cash, and if said real estate shall not sell for enough to pay the taxes due and costs, etc., of sale, he shall bid the amount of costs and tax for the town. The collector shall give the purchaser a certificate of purchase, and the owner, his administrator, executor or heirs may at any time within twelve months after the date of sale redeem said real estate by paying the purchaser the amount of his bid, with twenty per centum added; and if the purchaser cannot be found, or will not accept the money, such party may pay the same over to the treasurer and take his receipt therefor and notify the tax collector or his successor in office, and such payment shall be deemed a good payment. After twelve months, if the land has not been redeemed, the collector or his successor in office shall execute a deed of conveyance to the purchaser, which deed shall vest the title, and if the town shall be the purchaser the title shall vest in the town. Tax a lien on real estate.  
  
Notice of sale for taxes.  
  
Sale of real estate for taxes.  
  
Certificate of purchase.  
  
Redemption.  
  
Deed after twelve months.

SEC. 28. The aldermen may establish all public buildings necessary for the town and may take such measures as they may deem best and necessary to prevent the introduction and spread of contagious and infectious disease, and provide for the nursing and medical attention of such person at his expense, which may be recovered before any court having jurisdiction. Public buildings.  
Quarantine.

No officer to contract with town.

Misdemeanor.

Notice of town election.

Election officials.

Registration.

Manufacture and sale of liquor forbidden.

SEC. 29. That no mayor or alderman or other officer of the town government shall directly or indirectly become a contractor for work to be done by the town; and any person herein offending shall be guilty of a misdemeanor.

SEC. 30. That it shall be the duty of the mayor during the first week of April, nineteen hundred and five, and every two years thereafter, to give notice by advertisement at four public places in said town of the municipal election to be held on the first Monday in May; and it shall also be his duty to appoint a registrar and two judges of election: the registrar so appointed shall open the registration books ten days before election and shall keep them open until Saturday evening at sunset preceding the day of election; and the judges of election so appointed shall hold said election as is now provided by law.

SEC. 31. That all laws and parts of laws inconsistent with the provisions of this act within the corporate limits of the said town are hereby repealed.

SEC. 32. That it shall be unlawful to manufacture or sell within the said town of Hazelwood any spirituous, vinous or malt liquors.

SEC. 33. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 15th day of February, A. D. 1905.

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## CHAPTER 92.

### AN ACT TO AMEND, REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF FRANKLINTON, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Incorporation confirmed.

Corporate name.

Invested with property and rights.

Formal enumeration of corporate rights.

SECTION 1. That the inhabitants of the town of Franklinton in Franklin County 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 "The Town of Franklinton," and under that name is hereby invested with all the property and rights of property which now belong to the town of Franklinton or to the commissioners of said town of Franklinton or any other corporate name or names heretofore used, and by and under the said corporate name of "The Town of Franklinton" may purchase and hold all such property, both real and personal, as may be deemed necessary or convenient for its government, or as may be conveyed, devised or bequeathed to it; may sell and convey the same, contract and be contracted with, sue and be sued, and be invested with all other rights, privileges and powers usually appertaining to municipal corporations.

SEC. 2. That the government of said town of Franklinton and the administration of its municipal affairs shall be vested in a mayor and five commissioners, whose qualification, election and term of office shall be the same as provided in the general laws of the State in regard to cities and towns, except as may be otherwise provided in this act.

SEC. 3. That the Mayor of the Town of Franklinton is hereby constituted a special court with all the jurisdiction, power and authority in criminal causes that is now or may hereafter be given to justices of the peace: *Provided*, that no person shall have the right in any proceeding begun before the mayor to remove same to any other court as is provided in section nine hundred and seven of The Code for removal of causes from one justice of the peace to another, but all parties shall have the usual right of appeal to the superior court.

SEC. 4. That in all cases when the defendant shall be convicted before the mayor and shall be sentenced to pay a fine and costs, and such defendant shall refuse or fail to pay such fine and costs, it shall be lawful for said mayor to require such person to work on the streets of the town or on the roads of Franklinton Township until at a fair rate of wages such person shall have worked out the full amount of said fine and costs.

SEC. 5. That the mayor shall direct his precepts or warrants to the chief of police or to any other officer to whom a justice of the peace may issue his precepts.

SEC. 6. The mayor shall preside at all meetings of the board of town commissioners, and in case of an equal division of the votes of the commissioners on any question to be decided by them shall cast the deciding vote, but otherwise shall have no vote in passing on matters before them. It shall be the duty of the said board of town commissioners to elect one of their number vice-mayor, who in the absence or disability of the mayor shall perform all the duties of the office of mayor.

SEC. 7. The said commissioners shall appoint a regular time for their meetings, which shall be once in every month. Special meetings may be called at any time by the mayor or by a majority of the commissioners, notice of such call to be served by chief of police orally or in writing. Each commissioner shall receive for each regular meeting that he attends, one dollar.

SEC. 8. The board of commissioners shall have power to make and provide for the execution of such ordinances, by-laws, rules and regulations for the government of the town, the health and security of its citizens, the protection of property and the preservation of peace and good order as they may deem proper and necessary for such purposes.

SEC. 9. Among the powers hereby conferred upon the board of commissioners of said town are the following: To provide for the care of all streets and sidewalks of said town and for keeping the

Town government.

Term of office.

Mayor constituted special court. Jurisdiction.

Proviso: no removal.

Appeal.

Fine and costs worked out.

Precepts of mayor.

Mayor to preside at meetings of commissioners.

Vice-mayor.

Regular meetings of commissioners. Special meetings.

Pay of commissioners.

Ordinances, by-laws, rules and regulations.

Powers of commissioners as to streets and sidewalks.



Markets.	same clean. To establish and regulate a market or markets. To
Fires.	provide proper and effectual means and regulations to prevent and
Town watch.	extinguish fires. To appoint and regulate town watches. To
Observance of Sunday.	make suitable regulations for the due observance of Sunday and
	to enforce the same, and to prescribe the hours for any business
Nuisances.	allowed on Sunday. To prevent, suppress and remove nuisances.
Hogs and dogs.	To regulate the manner in which hogs and dogs may be kept
Speed.	within the corporate limits. To regulate the speed at which
Stove-pipe flues.	horses may be ridden or driven through said town. To make
	rules for the safe arrangement of stove-pipe flues in all and any
Menaces to health.	buildings and to enforce the same under proper penalties. To
	cause all lots, stables, hog-pens, cellars, privies, cess-pools and
	other places of similar character to be examined, cleaned, removed
	or abated, as may be prescribed by said board under sufficient pen-
Trades and occupations. Cemeteries.	alties. To prohibit all trades or occupations which are nuisances
	from being carried on. To establish and maintain, if said board
	shall see fit, one or more public cemeteries within or without the
	corporate limits of the town, and provide for the care and main-
	tenance and the proper regulation, control and protection of the
Fire-arms and explosives.	same. To regulate or prohibit the firing of fire-arms, fire-crackers,
	torpedoes and other explosive materials, and to govern the sale of
Railroad engines and trains.	such in the said town. To regulate the speed at which railroad
	engines and trains shall run within the town limits and across any
	of the streets, and to prohibit or regulate the stopping of any
	street crossing by railroad engines or cars; to require the rail-
	roads to keep such crossings in good repair and provide proper
Seal.	gates or watchmen thereat. To adopt a seal for said corporation,
Inspections.	the same to be kept by the mayor thereof. To establish all neces-
	sary inspections within said town, whether of buildings or other-
Fines, forfeitures and penalties. Pay and duty of officers.	wise. To impose and collect fines, penalties and forfeitures for
	the breach of the ordinances and regulations of said town. To
	provide for the pay and prescribe the duties of all officers of the
	town: <i>Provided</i> , such be not inconsistent with the provisions of
Bonds of officers.	this act. To require all officers elected by the board of commis-
	sioners to give good and sufficient bonds for the faithful perform-
	ance of their duties in such sum or sums as may be deemed proper.
Quarantine.	To make proper provisions and to take all necessary steps to pre-
	serve the inhabitants of said town from contagious or infectious
	diseases, and to declare and enforce quarantine and quarantine
Fire limits.	regulations therein. To establish fire limits in said town within
	which it shall be unlawful for any person or persons or corpora-
	tion to erect, construct or repair any building of wood or other
	material inflammable or such as may be deemed unsafe as a fire
	risk.
Chief of police and policemen.	SEC. 10. That the board of commissioners shall have power to
	elect a chief of police and such other policemen as the good gov-
	ernment of the town may require, who shall hold their offices for

such term as may be fixed by the board. It shall be the duty of the police force to see that the laws and ordinances are enforced and do such other things as may be required by the board.

SEC. 11. Arrests may be made by any policeman of said town anywhere in the county of Franklin whenever the officer making the arrest has in his hands a warrant against the person arrested issued by the mayor, vice-mayor, a justice of the peace or other competent authority, or whenever any violation of any ordinance of said town or any crime has been committed in his presence, or whenever such violation or crime has been committed and he has reasonable cause to believe that the person arrested is guilty of such offense 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 town, or of the sheriff, deputy sheriff or constable of the county of Franklin. In making arrests the policemen of said town shall have all the powers of a sheriff or constable of said county of Franklin.

Duty of police force.

Arrests.

Powers in making arrests.

SEC. 12. The chief of police shall have the power to re-arrest upon the same warrant any person who has been convicted and turned loose upon the statement or promise that such person will pay or cause to be paid the fine and costs imposed, upon the failure to pay same or in case of escape.

Re-arrests.

SEC. 13. Whenever any arrest has been made by an officer of said town he may summon, orally, any bystander or other person having information in regard to the matter for which such arrest is made to attend as witnesses at the hearing of the charge, and any such summons shall be effectual and binding as if made by subpoena duly issued and served.

Officers may summon bystanders as witnesses.

SEC. 14. The chief of police shall have oversight and supervision of the police force, and shall see that all failure on their part to discharge their duties shall be reported to the mayor. He shall report all violation of law or ordinances which may come to his knowledge; he shall collect all fines, penalties and costs imposed by the mayor and pay over same to the proper person. The chief of police and any member of the force shall be subject to removal from office at any time for neglect of duty, improper conduct or intoxication, and the mayor shall have the power, upon charges being preferred, to suspend such policeman from service until the commissioners shall investigate and take official action in the matter, and the pay of such policeman shall cease during his suspension. The mayor shall have power, whenever it may be deemed necessary, to appoint extra policemen to serve for such time as he shall direct, not exceeding one week, such extra policemen to have all the powers of the regular police force.

Duties of chief of police.

Removal for cause.

Suspension.

Extra policemen.

SEC. 15. The mayor and all members of the police force shall be paid a stated salary. In all actions for violations of town ordinances the same costs shall be charged for the services of the

Mayor and police to be paid salary.

Costs to use of town.	mayor as are charged by justices of the peace, and the same for services of any policeman as for a sheriff or constable. Such costs so charged shall be collected by the chief of police and paid over to the treasurer of the town for the benefit of said town.
Clerk, treasurer and tax collector.	SEC. 16. The board of commissioners shall, at the regular meeting in June of each year, elect a clerk, a treasurer and a tax collector, all of whom shall hold office for one year and until their successors shall have been elected and qualified; subject, however, to be removed at any time for incompetence, misbehavior, neglect of duty, or other good cause, by said board of commissioners, which alone shall be the judge of the sufficiency of cause for such removal. The clerk shall be one of the commissioners. The treasurer may or may not be one thereof. The tax collector may be the chief of police, and a separate bond may be required, covering the duties of each office, or one bond covering both, as may be deemed best by the board. The board of commissioners may elect an attorney for the town and fix his compensation therefor as may be deemed just.
Term of office.	
Removal.	
Town attorney.	SEC. 17. It shall be the duty of the clerk to attend all meetings of the board, both regular and special; to keep accurate minutes of all proceedings of said board, to preserve and keep all books, papers and other articles committed to his care as clerk, subject to the control of the board, and deliver the same to his successor, and regularly to perform all such other duties as may be from time to time prescribed by said board.
Duties of clerk.	
Duties of treasurer.	SEC. 18. It shall be the duty of the treasurer to receive and safely keep all moneys which shall be paid into his hands for the use of said town, to disburse such funds according to such orders as shall be drawn on him by the proper authority, to demand of all persons such moneys or securities as ought to be paid or delivered into the town treasury, and to perform all such other duties as may from time to time be required of him by law or by said board. 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 shall deliver to his successor all moneys and securities and property belonging to said town then in his hands. He shall pay no orders unless drawn and signed in the manner prescribed by said board, and each order must state for what purpose it is drawn. He shall state in his accounts the sources from which all monéys received by him were derived, and shall, when required, submit to said board his vouchers for any and all disbursements made by him and his said accounts in full.
Tax-lister.	SEC. 19. The said board of commissioners shall, on or before the second Monday in May of each year, appoint a tax-lister, who shall post in some public place in said town a notice calling upon all persons residing in said town and all persons who own or control
Tax-payers to return lists.	

taxable property in said town on June the first thereafter to return to him, on or before the last day of said month of June, a list stating the age, if a male resident of the town, and the number of lots or parts of lots and all other property now taxable or that may hereafter be made taxable by the laws of the State, and the list so returned shall be verified by oath of the person so listing, taken before said tax-lister, who is hereby duly authorized to administer such oath. From the returns so made the tax-lister shall, within thirty days from the time for taking said list, make out in a book kept for that purpose an alphabetical list of the persons and owners of property who have so made their returns, in the same manner as tax lists are made out for collection of State and county taxes. The tax-lister 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 commissioners. It shall also be the duty of said tax-lister to report to the board of commissioners all persons in said town liable for poll or property tax who have failed to list the same; and any person who failed to list as herein required before the last day of June shall be liable for double tax. From the lists properly filed and from any other sources available said tax-lister shall immediately make a full and complete list, showing the name of every tax-payer in said town, and the items of property, personal and real, upon which he is required to pay taxes, and the respective value of each, and the respective names, ages and color of the persons resident in said town liable for poll tax, and shall charge to every one his taxes upon his property, calculated at the rate of taxation prescribed by said board of commissioners for that year, and to every one liable for poll tax, with the amount of poll tax, as prescribed by said board; also showing the aggregate amount of property listed for taxation, the number of polls, the aggregate amount of taxes charged on property and the amount charged on polls. The said list shall be submitted to said board of commissioners at its next meeting, and said list, when approved by said board, whether as changed, amended or not, by the board, shall constitute the regular tax list of said town for that year, subject to any and all amendments, modifications, additions and subtractions which said board of commissioners may at any time make therein. It shall be the duty of said board of commissioners 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 collected, and to take all proper measures necessary for the due accomplishment of that result.

SEC. 20. Said board of commissioners shall preserve said list among its records, and shall, immediately after its approval of the same, cause to be made a copy of so much and such parts thereof

Specifications of  
tax list.

List verified.

Tax-lister to make  
out lists.

Double tax for  
failure to list.

What list to show.

List to be approved  
by commissioners.

Duty of commis-  
sioners.

List to be pre-  
served.

Copy for tax col-  
lector.

Copy delivered to tax collector.	as may be required for the use of the tax collector in collecting the taxes of said town. Said copy shall be delivered to the tax collector on or before the first Monday in September in each year,
Force of a judgment.	and when so delivered shall have the force and effect of a judgment and execution against the property of the person so charged therein.
Duties of tax collector.	SEC. 21. It shall be the duty of said tax collector to collect all taxes, whether license taxes or taxes levied on polls and property, within such time or times and under such rules as may be prescribed by the said board of commissioners; and in the accomplishment of such collection he shall have all the power and authority that is now or may hereafter be conferred upon the Sheriff of Franklin County for the collection of State and county taxes; and all sales of property made by such tax collector shall be made under the same rules and regulations and provisions of law as govern the Sheriff of Franklin County in sales for taxes, and the right to redeem any property after a sale for town taxes shall be allowed as in the redemption of property sold for State and county taxes.
Sales for taxes.	
Right to redeem.	
When time for taxes to attach.	SEC. 22. The lien of town taxes levied for all purposes in each year shall attach to all real property on the first day of June of such year, and shall continue until such taxes, together with any penalty accrued thereon, shall be paid.
Taxes levied and collected under general law.	SEC. 23. All taxes of said town shall be assessed, levied and collected, except as in this act provided otherwise, 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 State and county taxes in this State.
Fiscal year.	SEC. 24. The fiscal year of said town shall begin with the first day of June, and all license and privilege taxes for the succeeding year shall be due and payable on that date.
When taxes due.	SEC. 25. Poll and property taxes shall become due on the first day of September of each year, and shall be collected before the first day of April thereafter: <i>Provided</i> , that the said board of commissioners may fix a date for the completion of the collection of such taxes, not earlier than the first day of December.
When collected.	
Proviso: power of commissioners.	
Tax rate.	SEC. 26. The said board of commissioners may annually levy and cause to be collected for municipal purposes a tax not exceeding fifty cents on the hundred dollars and one dollar and fifty cents on each poll on all persons and property within the limits of said town which may be now or hereafter liable for taxation for State and county purposes.
License taxes.	SEC. 27. That the said board of commissioners may levy a tax, to be known as a license or privilege tax, on the following subjects for each fiscal year or part thereof:
On circuses.	(1) Upon every circus, company of circus riders or performers, by whatever name called, who shall exhibit within the limits of the town or within one mile thereof, not exceeding fifty dollars



for each performance or separate exhibition; and upon every side-show connected therewith, not exceeding ten dollars.

(2) Upon every person or company exhibiting in the town, except Stage plays. for religious, educational or charitable purposes, stage or theatrical plays, sleight-of-hand performances, rope-dancing, tumbling, wire-dancing, menageries, natural or artificial curiosities, and upon each show or exhibition of any kind, and on each concert, a tax not exceeding ten dollars for each exhibition.

(3) Upon every stock broker, sewing-machine company or agent Brokers and agents. for such company, dealer in or agent for sale of musical instruments, keeper of sales stables or livery-stables, photographer, merchandise or produce broker, dealer in ice or wood or coal, express, telegraph or telephone company, oil company or agent for oil company offering oil for sale by wholesale or retail, dealer in lighting-rods, optician, vender of patent medicines or specifics, persons soliciting orders for pictures or the enlarging of pictures, person or firm or corporation offering for sale as a regular business any produce, meats, drugs or other articles of merchandise; any firm, person or corporation doing a banking business, each barber-shop, hotel, restaurant doing business or offering to do business in said town, a tax not exceeding ten dollars: *Provided*, that the said board shall not be compelled to fix the tax on all the said businesses at the same rate, but may fix with the said limit the tax on each of said businesses as may be deemed fair and reasonable.

(4) Upon all subjects taxed under Schedule B, chapter nine, Subjects under Schedule "B." Public Laws of North Carolina, session of one thousand nine hundred and one, and upon any business or trade carried on in said town not otherwise in this act provided for, a tax not exceeding ten dollars.

(5) Upon every person, firm, company or corporation distilling, Liquor dealers. manufacturing or rectifying, or selling or offering for sale spirituous, vinous or malt liquors, a tax of not less than five hundred dollars and not more than one thousand dollars per annum.

(6) Upon every person, firm or corporation, or agent of any Dealers in futures. such engaged in the business of selling or buying or offering to act as broker in the selling or buying of farm products, sugar, coffee, salt, meat, railroad stocks and bonds or stocks and bonds of other kinds not intended for *bona fide* sale and delivery, but for future delivery, an annual tax of not less than five hundred dollars and not more than one thousand dollars.

SEC. 28. All of the license taxes authorized in section twenty-seven of this act, except such as are levied for some one act, per- License taxes for year.

formance or exhibition, shall be due in advance for each fiscal year and shall run until the first day of June following its issue:

*Provided*, that if the date of such license shall be after June the first of any fiscal year the full amount of the tax shall be paid, but it shall be in the discretion of the mayor to allow, upon the renewal of such license for the succeeding year, a rebate in pro- Proviso: rebate on renewal.

portion to the time of the preceding fiscal year during which the business or occupation thereby taxed was not carried on.

Powers of commissioners with regard to streets.

SEC. 29. That the said board of commissioners shall have power to lay out, open and name any street or streets within the corporate limits of said town whenever by them deemed necessary, and shall have power to widen, enlarge, change, extend or discontinue any street or streets or any part thereof within said limits, and shall have full power and authority for the purposes herein expressed to condemn, appropriate or use any land or lands upon making reasonable compensation to the owner or owners thereof;

Power to condemn land.

Procedure for condemnation.

and in case the owner or owners of any land which may be condemned, appropriated or used under the provisions of this act, and said board of commissioners shall fail to agree upon the compensation for such land, the amount of compensation therefor shall be settled and fixed by arbitrators, who shall be residents and freeholders of said town, one to be chosen by the board of commissioners and one by the owner of the land condemned; and in case the owner of such land shall fail or refuse for the space of twenty days after notice given to appoint such arbitrator, then the mayor of said town shall appoint one in his stead; and in case the two arbitrators chosen for this purpose cannot agree, they shall select a third, who shall act with them, and a majority vote of said three shall determine the compensation. It shall be the duty of the said arbitrators to examine the land condemned and ascertain the damages sustained; and in fixing such damages they shall take into consideration any benefit accruing to the owner by reason of such condemnation. The award of the arbitrators shall be conclusive of the rights of the parties and shall vest in the town of Franklin the right to use the land for the purpose specified: *Provided*, that either party may appeal to the Superior Court of Franklin County as now provided by law.

Proviso: appeal.

No action for damages without notice of claim.

SEC. 30. No action for damages against said town of Franklin of any character whatever shall be instituted or maintainable unless, within ninety days after the happening or infliction of the injury complained of, the complainant shall have given notice to said board of commissioners of such injury, and its character, the manner of its infliction and the amount of damages claimed therefor.

Regulations as to liquor license.

SEC. 31. That it shall not be lawful for the County Commissioners of Franklin County or any other body or board to grant any license to sell spirituous, vinous or malt liquors within the limits of said town, unless license for such sale has first been granted by the commissioners of said town to the person applying therefor; and it shall be in the discretion of the said commissioners of said town to refuse to grant license to any applicant without assigning any reason therefor.

No license granted without election.

SEC. 32. No license for the sale of such spirituous, vinous or malt liquors or for the manufacture of such within the limits of

said town shall be granted by said board of town commissioners or any other board or body having general authority to grant such license, except upon an election held according to the general law providing for elections in towns for the sale and manufacture of such liquors, in which said election a majority of the votes cast shall be in favor of such sale or manufacture.

SEC. 32a. That all rules, regulations and ordinances for the maintenance and enforcement of quarantine against the spread of contagious and infectious diseases, and all rules, regulations and ordinances for the preservation of sanitary conditions, the abolition and abatement of nuisances, the examination, cleansing, removal and abatement of stables, hog-pens, privies, cess-pools and other places of similar character that may be deemed detrimental to health, shall be held to extend and be in force one-half a mile in every direction from the corporate limits of said town, and shall be enforced under the same penalties in such one-half mile extension as in said town limits, and in such enforcement the mayor, commissioners and officers of said town shall have all the power, jurisdiction and authority that they have for the enforcement of any ordinance in said town limits.

Police powers outside of town.

SEC. 33. That all rights, privileges and powers conferred upon the mayor, commissioners and officers of said town by any previous charter or amendment to charter, and all rights, privileges and powers conferred upon the town, the governing body of towns and the officers thereof under the the general laws of the State for the government of towns, shall apply and be conferred upon the said town of Franklinton, its board of commissioners and its officers, respectively: *Provided*, such rights, powers and privileges be not contradictory to or inconsistent with the provisions of this act.

Rights and powers under former charters confirmed.

Proviso: to be consistent with this act.

SEC. 34. That all ordinances of said town now in force shall remain effective until the same shall have been repealed or amended by the said board of commissioners.

Ordinances to remain in force.

SEC. 35. That the violation of any ordinance which may be passed by the board of commissioners of said town under the authority of this charter shall be a misdemeanor and punishable by a fine of not exceeding fifty dollars or imprisonment of not exceeding thirty days, and as such shall be punishable by any court of the State having jurisdiction.

Violation of ordinance a misdemeanor.

Penalty.

SEC. 36. That the election of a mayor and five commissioners shall be held under the laws regulating elections in towns and cities. The term of office of the mayor and of the commissioners shall begin on the first day of June following such election and shall continue for two years and until their successors shall have been elected and shall have qualified. The present mayor and commissioners shall hold their respective offices until the first day of June, one thousand nine hundred and five.

Election of mayor and commissioners.

Term of office.

Present officers continued.

Corporate limits. SEC. 37. That the corporate limits of said town shall be and remain as they are now established by former acts of the General Assembly.

Conflicting laws repealed. SEC. 38. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed in so far as they may affect the said town of Franklinton.

SEC. 39. 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. 1905.

### CHAPTER 93.

#### AN ACT TO AMEND THE CHARTER OF THE CITY OF ASHEVILLE. TO ESTABLISH AN ELECTRIC LIGHT AND RESERVOIR COMMISSION FOR SAID CITY AND TO AUTHORIZE SAID COMMISSION TO ISSUE BONDS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred of the Private Laws of one thousand nine hundred and one be and the same is hereby amended by adding thereto the following sections:

Corporation.

SEC. 131. That the Mayor of the City of Asheville, chairman of the finance committee of said city, chairman of the water committee of said city, chairman of the light committee of said city, the city clerk and the chairman of the street committee of said city, and their successors in office, be and they are hereby constituted and made a corporation or body politic to be known as the Asheville Electric Light and Reservoir Commission, of which commission the Mayor of the City of Asheville shall be chairman by virtue of his office as mayor; that at all meetings of the said commission the chairman thereof shall preside, but shall have no vote except in case of a tie and on all motions and resolutions involving the appropriation of money or the sale or mortgage of property belonging to said commission.

Name.

Mayor to be chairman.

Vote of chairman.

Oath of office.

SEC. 132. That the members of said electric light and reservoir commission, and their successors in office, shall take and subscribe an oath before a notary public, or other officer competent to administer oaths in the State of North Carolina, to faithfully and diligently discharge the duties of their position as members of said commission during their continuance therein; that the members of said Asheville Electric Light and Reservoir Commission shall assemble and said commission shall organize on the first Friday in the month of June, one thousand nine hundred and five, or as soon thereafter as may be, and each member thereof shall continue in office so long, and so long only, as he shall continue to occupy the official position in said city required in this act.

Commission to organize.

Term of office.

SEC. 133. That said Asheville Electric Light and Reservoir Commission, under that name, shall, when organized, have the power to sue and be sued, to acquire, as natural persons may, by purchase, gift, bequest, will, deed or in any other manner in which property of any kind is transferred, real or personal property of all kinds, and to hold, to lease, to sell, transfer, mortgage, execute a deed of trust upon, encumber or dispose of the same or any part thereof in any other way as to said commission may seem best; to erect, equip and operate any reservoir or reservoirs for the accumulation, storage and protection of a water supply for the city of Asheville that may be deemed necessary or advantageous in connection with the water system of that city: to erect, fully equip and operate an electric light plant in the county of Buncombe and State of North Carolina, and to develop and use for that purpose, or in connection with or as a part of said plant, the water power on the Swannanoa River now belonging to the city of Asheville and formerly used for pumping water into said city: to manufacture, transmit and sell electricity for any purpose for which electricity may be used, and to sell the same, as herein provided, to the city of Asheville for the purpose of lighting the streets, lanes, alleys, parks, squares and public buildings of said city: to purchase, acquire, own and lease any and all kinds of electrical machines, appliances and appurtenances: to erect poles and string wires thereon, and to build conduits and subways for said wires as may be necessary anywhere in Buncombe County, and to purchase or condemn any land or right-of-way that may be necessary for said purposes, or any of them: to purchase or to condemn as herein provided, to own, improve and develop any water powers, water rights and privileges for the purpose of utilizing same in connection with said electric plant: to charge, receive and collect such charges, rents, tolls or rates for said electricity as may seem advisable or expedient, except only that the prices to said city shall be and remain as herein provided: that should it become necessary or convenient to acquire additional lands or water powers for the successful operation of said electrical plant herein authorized, and there should be a disagreement between said electric light and reservoir commission and the owner or owners of such land or water power or property as to the price or prices to be paid therefor or as damages thereto, it shall be lawful for either party to apply by petition in writing to the Clerk of the Superior Court of Buncombe County, and said clerk shall thereupon appoint three disinterested persons to inspect such property and to assess the damages that may result from the taking of the same by said commission or that may be done thereto as the result of such condemnation: and such persons shall, after taking an oath before said clerk to perform the duties of their position impartially and faithfully, proceed to view the premises and to assess the damages resulting from said condemna-

Formal enumeration of corporate powers.

Reservoirs.

Electric light plant.

Transmission and sale of electricity.

Rights-of-way.

Condemnation of lands and water powers.

Procedure for condemnation.



## Appeal.

tion by said commission, and shall make written return of their actions and doings to said clerk of the superior court, who shall file said return and enter the same upon the judgment docket of the Superior Court of Buncombe County: *Provided, however*, that in case any party is dissatisfied with said award or assessment of damages he or they may appeal to the superior court of said county of Buncombe and have said matters reheard, and on such appeal the appellate court shall have the power to decrease or increase the amount of said award or assessment, but not to adjudicate the necessity of the taking of said land or water power, or any part thereof, by said electric light and reservoir commission; and the title to said property shall vest in said Asheville Electric Light and Reservoir Commission immediately upon the payment to the said party or, in case of his refusal to take the same on tender thereof, into the office of the Clerk of the Superior Court of Buncombe County of the amount of said award or assessment: *Provided, however*, that any party desiring to appeal on any matter covered by said award shall give the other party notice of his intention so to do within ten days after the filing of the same as aforesaid: *Provided further*, immediately upon the filing of the said return or award in the clerk's office, as aforesaid, said clerk shall cause written notice of said return or award, together with the date of filing the same, to be mailed to each person affected thereby. But said appeal shall in no wise hinder or delay the said commission from carrying out the proposed work, and it shall be lawful for said commission to enter upon and use the land or property so condemned as soon as the said sum assessed as aforesaid shall have been paid or deposited as herein provided.

Proviso: notice of appeal.

Appeal not to delay work.

Quorum.

Contracts binding on city.

Allotment of funds.

SEC. 134. That a majority of said Asheville Electric Light and Reservoir Commission shall constitute a quorum for the transaction of business, and the contracts, engagements and doings of said commission, within the scope of its power and authority, shall be binding upon the Board of Aldermen of the City of Asheville. That in the erection and equipment of said electric light plant and in the construction of the lines, subways or conduits, and in the erection of poles, and generally in the construction of said electric plant and of the means for the transmission of electricity and distribution thereof and in connection therewith, said electric light and reservoir commission shall not apply or devote to that purpose more than sixty per cent. of the bonds herein authorized to be issued and sold, unless the same may be needed and may be available by reason of the fact that the forty thousand dollars par value of the bonds herein allotted for the construction of a reservoir for said city of Asheville shall produce when sold an amount of money more than sufficient for the construction of said reservoir, in which case the balance unexpended for that purpose may be used for the erection and equipment of said electric light plant and its appurtenances.

SEC. 135. That in the construction of the reservoir herein authorized to be built by the city of Asheville said Asheville Electric Light and Reservoir Commission shall not apply or devote to that purpose more than forty per cent. of the bonds herein authorized to be issued and sold, unless the same may be needed and may be available by reason of the fact that the sixty per cent. of the bonds herein allotted for the construction of an electric light plant and its appurtenances for said city of Asheville shall produce when sold an amount of money more than sufficient for the construction of the said electric light plant and its appurtenances, in which case the balance unexpended for that purpose may be used for the construction of the said reservoir.

Allotment for  
reservoir.

SEC. 136. That all the land and property of every kind held by said Asheville Electric Light and Reservoir Commission for any of the purposes herein set forth, and all of the bonds herein authorized to be issued, shall be exempt from all State or municipal taxation or assessment: *Provided, however,* that all water when stored in said reservoir shall belong to and be under the control of the Board of Aldermen of the City of Asheville.

Tax exemption.

Water under control  
of city.

SEC. 137. That if any person or persons shall maliciously or willfully destroy any poles, wires, insulators, conduits or any other property used by said Asheville Electric Light and Reservoir Commission in connection with its electric light plant, or shall maliciously or willfully attempt to divert or steal any water from said reservoir, or shall do anything that shall tend to corrupt or render the same impure, or shall destroy or injure or deface any property used in connection with said reservoir, he shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding five hundred dollars or imprisoned not exceeding one year, at the discretion of the court.

Misdemeanor; elec-  
tric light outfit.

Or steal water.

Or corrupt water.

Or injure water  
outfit.

Penalty.

SEC. 138. That the said Clerk and Treasurer of the City of Asheville shall be *ex officio* clerk and treasurer, respectively, of the said Asheville Electric Light and Reservoir Commission, and for their services as such they shall receive such additional compensation as may be allowed by said commission.

Clerk and  
treasurer.

Compensation.

SEC. 139. To secure the necessary funds for the purposes aforesaid, said Asheville Electric Light and Reservoir Commission are hereby authorized and empowered to issue coupon bonds in the name of said Asheville Electric Light and Reservoir Commission, in such denomination and form as said commission may determine, to an amount not exceeding one hundred thousand dollars, and solely for the purposes in this act specified, which bonds are to bear interest from their date at a rate not exceeding four and one-half per cent. per annum, interest payable semi-annually, and to be payable at such time and times and at such place or places as the said Asheville Electric Light and Reservoir Commission shall determine: *Provided,* that the time for the payment of the said

Bonds to be issued.

Amount.

Interest.

Proviso: time of  
payment.

How bonds attested.	bonds shall not be fixed at more than thirty years from their date; that said bonds shall be signed in the name of the Asheville Electric Light and Reservoir Commission by the chairman thereof, and duly attested by the clerk of said commission, and shall be under the corporate seal of the city of Asheville; and the interest upon said bonds shall be evidenced by interest coupons thereto attached
Security for bonds.	in the usual form; but said bonds, when issued, and the interest accumulating thereon, shall be in nowise binding on the city of Asheville or on any of its property except as hereinafter set forth.
Not to be sold below par.	That the Asheville Electric Light and Reservoir Commission are hereby authorized and empowered to sell the bonds authorized herein, or such portion thereof as may be necessary, at a price not less than their par value, and apply the proceeds of such sale in the manner and for the purpose and subject to the limitations
Fund for payment of interest.	hereinbefore in this act specified. That in order to secure the payment of the interest semi-annually on said bonds when issued and sold, as said interest may fall due, the Board of Aldermen of the City of Asheville are hereby empowered and required to appropriate and pay out of the receipts of the water department of the city of Asheville a sum not exceeding forty-five hundred dollars annually, payable in such amount and at such time and at such places as may be required by the Asheville Electric Light and Reservoir Commission for the purposes aforesaid, and said claim
Interest lien on water receipts.	for interest on said bonds shall be and constitute a first and paramount lien and incumbrance, until paid, on all the receipts of the water department of said city of Asheville, except such part of said receipts as may be actually necessary to maintain and run said water department; and all bonds issued hereunder may be
Lien of bonds.	secured also by first mortgage or deed of trust upon all the real estate, rights, franchises and other property of every description, except the reservoir site, which may be owned and held by said Asheville Electric Light and Reservoir Commission, from whatever source acquired, provided said Asheville Electric Light and Reservoir Commission shall deem it best to execute such mortgage
Mortgage and deed of trust.	or trust deed. Such mortgage or trust deed, if executed, shall be in such form and contain such covenants, stipulations and conditions as said Asheville Electric Light and Reservoir Commission shall deem necessary or proper to secure the payment of said interest as it accrues and falls due, and the principal of said bonds at their maturity, and shall be signed in the name of the Asheville Electric Light and Reservoir Commission by the chairman thereof, and shall be duly attested by the clerk of said commission and shall be sealed with the corporate seal of the said city. In case the said mortgage or trust deed shall be foreclosed
Rights of purchaser in case of sale.	for breach of any covenants therein contained, the purchaser at such foreclosure sale may use said property for any purposes for which he may deem it adapted as other owners of property in fee-

simple may. That said Asheville Electric Light and Reservoir Commission shall charge, and the Board of Aldermen of the City of Asheville shall pay, from time to time as may be needed by said commission for the purposes of this act, for lights furnished said city for municipal purposes hereunder, such sum or sums of money in addition to the sums hereinbefore pledged for the payment of interest as aforesaid, as will meet and pay in full the necessary expenses of maintaining at all times and of operating hereunder said electrical plant and system when established, for extending same as may be agreed upon by said Asheville Electric Light and Reservoir Commission and the board of aldermen of said city, as may be needed from time to time, and for establishing a sinking fund to provide for the payment of the principal of said bonds at their maturity, and for maintaining said reservoir in good condition at all times: *Provided, however*, that said sums of money so payable by the said board of aldermen, as in this section set forth, shall be payable out of the receipts of the water department of said city, and shall be reduced by any receipts of said Asheville Electric Light and Reservoir Commission from any other sources, and shall not be paid by said board out of any revenues derived from taxation on polls or property in said city: *And provided further*, that settlements shall be had by and between the board of aldermen of said city and said Asheville Electric Light and Reservoir Commission once every year during the month of May and before the beginning of the fiscal year of said city, and any money from any source that said Asheville Electric Light and Reservoir Commission may have on hand at the dates of such settlements shall be paid to the treasurer of said city for the benefit of said city.

Payment for lights furnished city.

Proviso: Lights paid for from water receipts.

Yearly settlements.

Balances paid to city.

SEC. 140. That said commission is hereby required to furnish to the Board of Aldermen of the City of Asheville a detailed statement at the beginning of every fiscal year showing the number of its employees for the preceding year, the salary or wages paid each, the probable number that will be required for the next succeeding year, together with the probable salaries or wages of each, and an itemized statement showing the receipts and expenses of said commission for the preceding year and an itemized statement of the probable or estimated expenses of the said commission for the next succeeding year.

Commission to render statement. What statement to show.

SEC. 141. That it shall be the first duty of said Asheville Electric Light and Reservoir Commission to furnish, as far as it is able, all such lights as may be required by the board of aldermen of the said city of Asheville for municipal purposes in said city before the said commission shall be allowed to furnish electricity for any purpose to other parties, and it is hereby required to furnish lights for municipal purposes as herein set forth.

Lights for municipal purposes.

SEC. 142. That said Asheville Electric Light and Reservoir Commission shall have the power to adopt rules and regulations for

Commission to adopt rules and regulations.



Proviso: rules to conform to city ordinances.

Lands transferred to commission.

First tract.

its own government and for the guidance and control of its employees and for the operation of its electric plant and the maintenance of its reservoirs: *Provided, however*, such rules and regulations shall not conflict with any ordinances which have been or may be adopted by the Board of Aldermen of the City of Asheville, or be in contravention of any law or laws of the United States or of the State of North Carolina.

SEC. 143. That the title or titles now held by the city of Asheville in and to the tracts of land hereinafter described shall be and are hereby divested out of said city of Asheville and are hereby transferred and conveyed to said Asheville Electric Light and Reservoir Commission for the purposes set forth in this act from and after the date of the ratification of this act, said tracts of land being more fully and particularly described as follows:

First Tract.—Beginning at a stake on the southern bank of the Swannanoa River, the northeast corner of land owned by Brookshire, it runs with said Brookshire's lines the following courses and distances: South seventeen degrees forty-eight minutes east six hundred eighty-four (684) feet to a stake and pointers; then south sixty-seven degrees east three hundred seventy-six and four-tenths (376.4) feet to a black-oak stump in the eastern margin of a road; then south three degrees twenty-three minutes west twelve hundred and seventy (1270) feet to a black oak; then south eighty-six degrees twenty-one minutes east five hundred and fifty (550) feet to another black oak; then south fifty-seven degrees fifty-seven minutes east two hundred and fifty-one (251) feet to a rock in the northwestern margin of an old road about sixty (60) feet from the Southern Railway, being a corner of land belonging to Hamphill; thence with Hamphill's line north forty degrees east two hundred and ninety-six feet to a stake on the bank of the Swannanoa River, a corner of the Hamphill and Whitson land; thence with Whitson's line north eighty-five degrees fifty-four minutes west eight hundred and thirty-nine (839) feet to a stake about fifty (50) feet west of a road; thence continuing with Whitson's line north two degrees thirty-nine minutes east twenty-six hundred and twenty (2620) feet to a W. O., a corner of the Whitson land; thence with another line of Whitson's south eighty-eight degrees fifty-six minutes east five hundred and fourteen (514) feet, crossing the Swannanoa River, to a stake on its eastern bank; thence down and with the eastern bank of said river about sixteen hundred and ninety feet to the mouth of a small branch about eight hundred (800) feet above the dam at pumping plant; thence north fifty-six degrees forty-five minutes west three hundred and ninety-seven (397) feet to a pine tree; thence north seventy-one degrees thirty-one minutes west four hundred and ninety-five and eight-tenths (495.8) feet to a pine tree on a ridge; thence north eighty-eight degrees thirty-eight minutes west four hundred and thirty



(430) feet to a large W. O. on the eastern margin of the public road; thence south two degrees west five hundred and fifty (550) feet, crossing the Swannanoa River, to a stake on its eastern bank about four hundred and forty-five (445) feet south sixty-nine degrees west from the southwest corner of the pump-house; thence down and with the eastern and southern bank of said river about twenty hundred and fifty (2050) feet to the beginning, containing sixty-four and seven-tenths (64.7) acres.

Second Tract.—A certain lot at quarry site on N. Beaumont Road adjoining lands of Philip S. Henry. Beginning at a stake seven (7) feet westward from a walnut tree in the north line of P. S. Henry's Zelandia lot, it runs with the north line of said lot and beyond south eighty-five degrees fifty minutes west two hundred twenty-eight and five-tenths (228.5) feet to a stake in the eastern margin of N. Beaumont Road; thence with the eastern margin of said road north ten degrees .07 minutes east fifty and eight-tenths (50.8) feet to a stake; thence continuing with said road north eighteen degrees fifty-three minutes west one hundred ninety-nine and fifty-five one-hundredths (199.55) feet to a stake, a corner of land sold P. S. Henry by the city of Asheville; thence with the said Henry's line north eighty-five degrees fifty minutes east two hundred sixty-eight and three-tenths (268.3) feet to a stake in the west line of P. S. Henry's (Harris lot); thence with said line south three degrees fifty-three minutes east two hundred forty-one and eight-tenths (241.8) feet to the beginning, containing one and thirty-two one-hundredths (1.32) acres.

SEC. 144. That nothing in this act contained shall prevent said Asheville Electric Light and Reservoir Commission from establishing said electric light plant or building and maintaining said reservoir, as herein authorized, without doing both of said things: *Provided, however,* in case said commission should deem it best to do only one of said things, and not both, no bonds in excess of the amount herein allotted for that particular object shall be issued and sold by said commission.

Commission may establish water plant or light plant.

Proviso: limitation as to bonds.

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

In the General Assembly read three times, and ratified this the 15th day of February, A. D. 1905.

#### CHAPTER 94.

#### AN ACT FOR THE RELIEF OF ALBERT BIGELOW, A SCHOOL-TEACHER IN CASWELL COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Treasurer of Caswell County be and hereby is authorized and directed to pay Albert Bigelow, out of the school funds which now are or may come into his hands, the sum To be paid \$5.25.

of five dollars and twenty-five cents (\$5.25), the same being the remainder due him as teacher of a free public school in district number fifteen (15), colored race, in Yanceyville Township, Caswell County, from the twentieth day of October, one thousand nine hundred and two, to the twelfth day of December, one thousand nine hundred and two. But said claim shall not be paid until approved by the school committee of the district, the county superintendent and the county board of education.

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

In the General Assembly read three times, and ratified this the 17th day of February, A. D. 1905.

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#### CHAPTER 95.

#### AN ACT TO AMEND CHAPTER 56 OF THE PRIVATE LAWS OF 1899, BEING AN ACT TO INCORPORATE THE "BANK OF CHAPEL HILL."

*The General Assembly of North Carolina do enact:*

Bank may decrease capital stock.

SECTION 1. That section six of chapter fifty-six of the Private Laws of one thousand eight hundred and ninety-nine be amended as follows: Insert after the word "dollars" and before the word "the" in line five of said section six the following: "and which said capital stock may be decreased at any time or from time to time by the vote of the majority of the stockholders to any sum not less than five thousand 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 17th day of February, A. D. 1905.

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#### CHAPTER 96.

#### AN ACT TO INCORPORATE THE TOWN OF LEWARAE.

*The General Assembly of North Carolina do enact:*

Town incorporated.  
Name.

Subject to general law.

Corporate limits.

SECTION 1. That the town of Lewarae in the county of Richmond be and the same is hereby incorporated under the name and style of "The Town of Lewarae," and said town shall be subject to the provisions of chapter sixty-two of The Code, and amendments thereto, not inconsistent with this act.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at J. D. Shaw's corner on the south bank of

Hitchcock Creek, and running thence with his line south ten degrees east three thousand five hundred and seventy feet to Jenny's Branch; thence up the various courses of said branch to the ford of the old road leading from Rockingham to Hailey's Ferry; thence south eighteen degrees west 9.50 chains to a stake in said road; thence with said road south eleven degrees west 11.50 chains; thence with said road south thirty-one degrees west 4.70 chains to a red oak on the south side of said old road; thence north thirty-four degrees west twenty-two chains; thence north eighteen degrees west 17.50 chains to a gum on Jenny's Branch; thence north seventy-three degrees west 23.9 chains to the run of Hitchcock Creek; thence across said creek to the mouth of a branch dividing the lands of Leak, Wall & McKae from the lands formerly belonging to Richmond Cole; thence up the various courses of said branch (known as the Big Branch) to the line of W. B. Dawkins' land; thence with his various lines between his lands and the lands of Leak, Wall & McKae to or near a poplar (now down and replaced by a large white rock) in the old Robinson line; thence in an easterly direction with said line to a hickory, a corner of the John P. Yates land, on the crest of a hill at the head of a dry branch; thence with the lines of the John P. Yates tract to Hitchcock Creek; thence up the various courses of said creek to the beginning.

SEC. 3. That the officers of the said town shall consist of a Town officers. mayor, five commissioners, a constable, a clerk and treasurer, and as many policemen as may be necessary for preserving the peace and good order of said town. That the mayor and five commis- How elected. sioners be elected by the qualified voters of said town as hereinafter provided. That the other officers shall be elected by the commissioners. That until the first election under this act First officers named. F. T. Biggs shall be mayor and M. R. Stubbs, N. H. Reynolds, J. E. Sandford, H. M. Miles and Edward Hutchinson shall be commissioners, who shall hold their respective offices until their successors shall be elected and qualified; and that the said commissioners shall elect the clerk and treasurer, constable and policemen herein provided for, whose terms shall expire with the term of the said commissioners.

SEC. 4. That the mayor and commissioners shall be elected on Time of town elections. the first Monday in May, one thousand nine hundred and five, and every two years thereafter; that all elections shall be governed To be governed by general law. by the general law regulating municipal elections.

SEC. 5. That no person shall be eligible to the offices of mayor or commissioner of said town unless he be a qualified voter therein. Eligibility of officers. That before entering upon the discharge of the duties of the office Oaths of officers. of mayor or commissioner of said town the persons elected or appointed to fill the same shall each take the oath prescribed by law for public officers before some justice of the peace of said county.

When terms begin.	That the term of said officers shall commence on Wednesday after the election.
Duty of mayor.	SEC. 6. That the mayor shall preside at all meetings of the commissioners and shall have power to call special meetings of the
Mayor pro tem.	commissioners when he shall deem the same proper. That the commissioners shall elect one of their number mayor <i>pro tem.</i> , who shall fill the office of mayor during the absence or disability of the
Further duties of mayor.	mayor. That the mayor shall see that the ordinances of the town are enforced, and shall have the criminal jurisdiction of a justice of the peace within the limits of the said town.
Commissioners to levy taxes.	SEC. 7. That the commissioners shall have the power to levy taxes upon the real and personal property and polls in said town,
Tax limit.	the property tax not to exceed ten cents upon the one hundred dollars valuation and the poll tax not to exceed thirty cents on
Taxes to be listed.	the poll. When any taxes are levied under this section, all property and polls liable for taxation shall be listed with the clerk and treasurer of said town during the first twenty days of June
Double tax for failure to list.	in each year, and every person failing to list his taxables shall be liable to double tax. All property and polls in said town on the first day of June in each year wherein a levy has been made shall
Tax list to be given to constable.	be listed. The town clerk and treasurer shall make out and complete the tax list and place a copy thereof in the hands of the constable on the first Monday in September in each year in which a levy is made, and the same shall have all the force and effect of an execution. That said tax list shall be a lien on all real
Tax lien on property.	property in said town, and all 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 execution.
Commissioners to pass ordinances.	SEC. 8. That the commissioners shall have the power to pass ordinances, to be enforced by suitable penalties, for the preservation of the peace and regulation of the good order of said town.
Bonds of clerk and treasurer and constable.	SEC. 9. That the clerk and treasurer and the constable shall each give a bond, in a sum to be fixed by the board of commissioners with sufficient surety payable to the State of North Carolina, conditioned for the faithful performance of the duties of their respective offices and for the proper accounting for and paying over to those entitled to the same of all sums of money which may come into their hands by reason or under color of their respective offices; that all policemen shall give bond, if required by the commissioners, in a sum to be fixed by them, conditioned for the faithful performance of their duties; that the term of office of the clerk and treasurer shall be the same as that of the commissioners electing him; <i>Provided</i> , that the commissioners may for cause remove any person holding this office; the constable and policemen shall hold office during the pleasure of the commissioners.
Term of clerk and treasurer.	
Proviso: commissioners may remove.	
Sale of liquors prohibited.	SEC. 10. That it shall be unlawful for any person, persons, firm or corporation to sell or manufacture spirituous, vinous, malt or

intoxicating liquors in said town, and no license therefor shall be granted by said commissioners.

SEC. 11. That no ordinances passed by said commissioners shall take effect until the same shall have been posted for five days in four public places in said town. Ordinances to be posted.

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 17th day of February, A. D. 1905.

## CHAPTER 97.

### AN ACT TO ALLOW THE NORTH STATE TRUST COMPANY TIME TO ORGANIZE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the North State Trust Company, chartered under chapter one hundred and eighty-one, Private Laws of one thousand nine hundred and three, be allowed two years from the ratification of this act in which to perfect its organization. Allowed two years to perfect organization.

SEC. 2. That the capital stock of said company shall not be increased unless the additional fees are paid in to the Secretary of State upon such increase, as required by law. Capital stock not to be increased without payment of tax.

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 17th day of February, A. D. 1905.

## CHAPTER 98.

### AN ACT TO AUTHORIZE THE ROBESON COUNTY LOAN AND TRUST COMPANY OF LUMBERTON TO INCREASE THE NUMBER OF ITS BOARD OF DIRECTORS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and thirty-six (136), Private Laws of one thousand nine hundred and one (1901), be amended by striking out the word "seven" (7) in line four (4) of section four (4) of said chapter and inserting in lieu thereof the word "fourteen." Number of directors may be increased.

SEC. 2. That the board of directors now in office may in its discretion elect any number of additional directors, not exceeding seven (7), to serve until the next regular annual meeting of the stockholders, or until their successors are elected and qualified. Additional directors may be elected by present board.

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

In the General Assembly read three times, and ratified this the 17th day of February, A. D. 1905.



## CHAPTER 99.

## AN ACT FOR THE RELIEF OF JULIA M. LEA, A SCHOOL-TEACHER IN CASWELL COUNTY.

*The General Assembly of North Carolina do enact:*

To be paid \$4.44.

SECTION 1. That the Treasurer of Caswell County be and is hereby authorized to pay to Julia M. Lea, out of the school funds which now are or may come into his hands, the sum of four dollars and forty-four cents (\$4.44), the same being the remainder of the amount due her as teacher of a free public school in district number five (5), white race, in Milton Township, Caswell County, from the fifth (5th) day of January, one thousand nine hundred and three (1903), to the thirtieth (30th) day of January, one thousand nine hundred and three. But said claim shall not be paid until approved by the school committee of the district, the county superintendent and the board of education.

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

In the General Assembly read three times, and ratified this the 17th day of February, A. D. 1905.

## CHAPTER 100.

## AN ACT TO AUTHORIZE THE BANK OF LUMBERTON, OF LUMBERTON, TO INCREASE THE NUMBER OF ITS DIRECTORS.

*The General Assembly of North Carolina do enact:*

Number of  
directors may be  
increased to  
fourteen.

SECTION 1. That chapter one hundred and eighty-five (185) of the Private Laws of eighteen hundred and ninety-five (1895) be amended by striking out the word "nine" in line eleven (11) of section two (2) of said chapter and inserting in lieu thereof the word "fourteen" (14).

Present board may  
elect additional  
directors.

SEC. 2. That the board of directors now in office may, in its discretion, elect any additional directors, not exceeding five (5), to serve until the next regular annual meeting of the stockholders, or until their successors are elected and qualified.

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

In the General Assembly read three times, and ratified this the 17th day of February, A. D. 1905.

## CHAPTER 101.

## AN ACT TO INCORPORATE WESTERN UNION ACADEMY.

*The General Assembly of North Carolina do enact:*

- SECTION 1. G. C. Caldwell, P. C. Young, J. E. Harbison, A. Ellis, H. W. Lee, W. A. Roberts, W. Earls, D. H. Wood, J. F. Humphrey, H. Ross, W. A. Bell, T. Welman, R. L. Young, D. P. Oates, J. L. Miller, S. P. Posten, W. R. Young, F. Wray, and their successors in office, who may be elected from time to time by the "Western Baptist Educational Missionary Union," be and they are hereby created a body politic and corporate under the name and style of the "Western Union Academy" for the purpose of establishing and maintaining a school of high grade near Rutherfordton in Rutherford County, North Carolina, with the privilege of using a common seal, to be altered at their pleasure; with power in their corporate name to sue and be sued, plead and be impleaded, to hold real estate and personal property by purchase, gift or otherwise, as they may consider necessary or convenient for the establishment and maintenance of said Western Union Academy, not to exceed one hundred thousand dollars, and make all rules and regulations needful or necessary for the government of their body and the said Western Union Academy, and for carrying into effect the aforesaid purpose of their institution, and do all other acts pertaining to similar corporations and not inconsistent with the laws of the State nor of the United States.
- SEC. 2. That the trustees shall not exceed twenty-four in number and shall be elected by the Western Baptist Educational Missionary Union in its annual sessions for a term of three years from the date of election. That eight trustees are to be elected in each annual session of said union.
- SEC. 3. That said board shall have power to prescribe a course of study for the said Western Union Academy and change the same at any time deemed proper, and upon the completion of the course so prescribed it shall be the duty of the principal of the said Western Union Academy to give the students so completing a certificate of proficiency or diploma.
- SEC. 4. That said board of trustees shall have power to elect such teachers as they shall deem proper.
- SEC. 5. That the individual property of the aforesaid trustees shall not be liable for the debts of the said corporation.
- SEC. 6. That it shall be unlawful for any person or persons to sell or give to any students of said Western Union Academy any spirituous liquors or to bring any on the school grounds in any form, unless it has been prescribed by a regular practicing physician.
- SEC. 7. That it shall be unlawful for any person or persons to be on the school premises of Western Union Academy under the influence of alcohol.

Corporators.

Corporate name.

Purpose of corporation.

Formal enumeration of rights.

Limit of property to be held.

Number and election of trustees.

Board to prescribe course of study.

Certificates and diplomas.

Trustees to elect teachers.

Trustees not individually liable.

Unlawful to sell or give liquor to students.

Unlawful to be drunk on school premises.

Misdemeanor.

SEC. 8. That any person or persons known to violate either the sixth or seventh section of the act to incorporate Western Union Academy shall be guilty of a misdemeanor and, upon conviction, shall be fined not exceeding the sum of fifty dollars or imprisoned not to exceed thirty days.

Penalty.

Quorum of trustees.

SEC. 9. That five members of said board of trustees shall constitute a quorum for the transaction of its business.

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

In the General Assembly read three times, and ratified this the 17th day of February, A. D. 1905.

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#### CHAPTER 102.

#### AN ACT FOR THE RELIEF OF AARON W. MOORE, A SCHOOL-TEACHER IN CASWELL COUNTY.

*The General Assembly of North Carolina do enact:*

To be paid \$13.50.

SECTION 1. That the Treasurer of Caswell County be and hereby is authorized and directed to pay to Aaron W. Moore, out of the school funds which now are or may come into his hands, the sum of thirteen dollars and fifty cents (\$13.50), the same being the remainder of the amount due him as teacher of a free public school in district number eight (8), colored race, in Hightowers Township, Caswell County, from the eighth day of December, one thousand nine hundred and three, to the twenty-second day of February, one thousand nine hundred and four. But said claim shall not be paid until approved by the school committee of the district, the county superintendent and the county board of education.

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

In the General Assembly read three times, and ratified this the 17th day of February, A. D. 1905.

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#### CHAPTER 103.

#### AN ACT FOR THE RELIEF OF C. G. LEA, A SCHOOL-TEACHER IN CASWELL COUNTY.

*The General Assembly of North Carolina do enact:*

To be paid \$17.25.

SECTION 1. That the Treasurer of Caswell County be and is hereby authorized and directed to pay to C. G. Lea, out of the school funds which now are or may come into his hands, the sum of seventeen dollars and twenty-five cents (\$17.25), the same being

the remainder of the amount due him as teacher of a free public school in district number five (5), white race, in Leasburg Township, Caswell County, from the fifth day of January, one thousand nine hundred and three, to thirtieth day of January, one thousand nine hundred and three. But said claim shall not be paid until approved by the school committee of the district, the county superintendent and the county board of education.

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

In the General Assembly read three times, and ratified this the 17th day of February, A. D. 1905.

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#### CHAPTER 104.

#### AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF RHODHISS AND EXTEND THE LIMITS OF THE RHODHISS GRADED SCHOOL.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the corporate limits of the town of Rhodhiss in Caldwell County be and the same are hereby extended so as to include and comprise all the lands owned by the Rhodhiss Manufacturing Company in Burke County on the south side of the Catawba River. Town limits extended.

SEC. 2. That the limits of the Rhodhiss Graded School be and the same are hereby extended so as to include and embrace all the lands owned by the Rhodhiss Manufacturing Company in Burke County on the south side of the Catawba River. School district extended.

SEC. 3. That it shall be unlawful for any person, firm or corporation to manufacture, bargain, sell or exchange any spirituous, vinous or malt liquors or intoxicating drinks of any kind whatsoever within the incorporate limits of said town, and any person, firm or corporation who violates this section shall be guilty of a misdemeanor. Unlawful to sell liquors or intoxicating drinks in town limits. Misdemeanor.

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 18th day of February, A. D. 1905.

## CHAPTER 105.

AN ACT TO REPEAL CHAPTER 172 OF THE PRIVATE LAWS  
OF 1901 AND CHAPTER 20 OF THE PRIVATE LAWS OF  
1903, AND TO INCORPORATE THE TOWN OF ROSMAN IN  
TRANSYLVANIA COUNTY.

*The General Assembly of North Carolina do enact:*

Charter of Toxa-  
way and Eastatoe  
repealed.

SECTION 1. That chapter one hundred and seventy-two of the Private Laws of one thousand nine hundred and one and chapter twenty of the Private Laws of one thousand nine hundred and three be and the same are hereby repealed and the following substituted therefor:

Eastatoe to be  
known as Rosman.

SEC. 2. That the town heretofore known as Eastatoe in Transylvania County shall hereafter be known as Rosman.

Corporate limits.

SEC. 3. That the corporate limits of the said town shall be as follows, to-wit: Beginning on a stone in the French River at Eastatoe Ford and running from thence north fifty-eight degrees and thirty 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 line of Toxaway Company's property in a northerly direction to the northeast corner of the Toxaway Company's said property in Galloway's line, and from thence with M. M. Bryant's line in a northerly direction to a stone on the top of a ridge; thence with said ridge in a westerly direction to the Toxaway Tanning Company's line; thence with the Toxaway Tanning Company's line to the French Broad River; thence down and with the meanders of the river to the beginning.

General municipal  
powers.

SEC. 4. That the said town of Rosman shall be subject to all the provisions and shall enjoy and possess all the municipal privileges contained in chapter sixty-two, volume two of The Code of North Carolina, entitled "Cities and Towns": *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.

Sale and manufac-  
ture of liquors  
forbidden.

SEC. 5. That any person, firm or corporation who shall manufacture, sell or otherwise dispose of, for gain, any spirituous, vinous or malt liquors within the corporate limits of the said town of Rosman shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, at the discretion of the court.

Penalty.

Town officers of  
Eastatoe to hold  
over.

SEC. 6. That the officers who are now holding office in the town of Eastatoe shall continue to hold their respective offices and discharge the duties thereof, and shall be the officers of the town of Rosman until their successors are elected and qualified.

SEC. 7. That all laws and clauses of laws in conflict with this act are hereby repealed.



SEC. 8. This act shall be in force from and after its ratification. In the General Assembly read three times, and ratified this the 18th day of February, A. D. 1905.

# CHAPTER 106.

## AN ACT TO AUTHORIZE THE ISSUING OF BONDS AND LEVYING TAXES IN AID OF THE GRADED SCHOOLS AT MOUNT AIRY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be the duty of the Board of Commissioners of the Town of Mt. Airy to issue coupon bonds in the name of the town of Mt. Airy, in such denominations and form as the said board of commissioners may determine, to an amount not exceeding twenty thousand dollars (\$20,000) 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 annum, payable semi-annually, and be payable thirty years after their date, at such place as the said board of commissioners may determine. That the said bonds shall be signed by the mayor of the said town and attested by the secretary, and issued under the corporate seal of the said town; and the interest upon the said bonds shall be evidenced by interest coupons thereto attached in the usual form, and the said bonds, when issued, and the interest accumulating thereon, shall be fully binding upon the said town and its property, and shall show upon their face that they were issued for school purposes.

Town commissioners to issue bonds.

Amount.

Interest.

When and where payable.

How attested.

SEC. 2. That said bonds, when issued, shall be delivered to the treasurer of the said town, who is *ex officio* Treasurer of the Board of School Commissioners of Mt. Airy, to be by him sold and converted into money and the proceeds thereof disposed of under the direction of the Board of School Commissioners of Mt. Airy for the purpose of paying the balance due on the purchase money for the lot and for erecting the school building and for equipping and conducting the said schools.

Bonds delivered to treasurer.

Bonds to be sold.

Proceeds appropriated.

SEC. 3. That the board of commissioners of the said town, 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 the town of Mt. Airy, sufficient to meet the interest of the 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 the town and paid into the hands of the treasurer thereof for the purposes aforesaid.

Special tax for interest and sinking fund.

Bonds not to issue until election held.

Form of ballots.

Bonds to issue if majority favor.

When election held.

Future elections.

Bonds to issue whenever majority favor same.

SEC. 4. That said bonds shall not be issued nor said taxes levied until authorized by a vote of the 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 the said town for the election of mayor and commissioners thereof. At such election those who favor the issuing of the said bonds and levying the taxes herein provided for shall vote ballots, printed or written, with the words "For Schools," and those opposed to issuing the said bonds shall vote printed or written ballots with the words "Against Schools"; and if at any such election a majority of the qualified voters of the said town shall vote ballots with the words "For Schools" written or printed thereon, then the said board of commissioners shall issue such bonds and levy a tax sufficient to meet interest and principal thereon when due, as hereinafter specified.

The first election under this act shall be held at such time as the mayor and board of commissioners of the said town may appoint; and if at such election a majority of the qualified voters of the said town shall not vote in favor of issuing the said bonds, then the commissioners of the 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 the said town, order an election to be held under the rules and regulations prescribed by law for the election of mayor and town commissioners, and after thirty days' notice thereof, and at each of said elections the ballots shall be as hereinbefore directed; and if at any such election the majority of the qualified voters of the said town shall cast ballots in favor of issuing of the said bonds as aforesaid, then the said bonds shall be issued as before provided for, the money applied to the purpose and upon the terms and conditions hereinbefore stated.

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 February, A. D. 1905.

## CHAPTER 107.

### AN ACT TO PREVENT PUBLIC DRUNKENNESS IN MANLY SCHOOL DISTRICT IN MOORE COUNTY.

*The General Assembly of North Carolina do enact:*

Public drunkenness a misdemeanor.

Penalty.

Justice to issue warrant.

SECTION 1. That any person found drunk or intoxicated or using loud, profane or vulgar language on the public highway or public road, or at any public meeting, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than ten dollars or be imprisoned not exceeding thirty days.

SEC. 2. That upon complaint before any justice of the peace, said justice of the peace shall forthwith issue a warrant for the

arrest of the accused, and, in the absence of a duly authorized officer to execute said warrant, shall deputize any citizen to execute same: *Provided*, that this act shall apply only to Manly Public School District in Moore County.

May deputize citizen to execute same.  
 Proviso: limited to Manly school district.

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 18th day of February, A. D. 1905.

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## CHAPTER 108.

### AN ACT TO EXTEND THE TIME FOR REBUILDING A MILL ON BEAR CREEK, MOORE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the time within which, under the laws of the State of North Carolina, J. B. Richardson has for rebuilding a mill on Bear Creek in Moore County, known as the Shields mill or Richardson's mill, situated in Sheffield Township, be extended for a period of one year.

Time for rebuilding mill extended for one year.

SEC. 2. 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. 1905.

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## CHAPTER 109.

### AN ACT TO INCORPORATE THE TOWN OF WALNUT IN MADISON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of "Walnut" in Madison County be and the same is hereby incorporated under the name and style of "Walnut," and as such shall be subject to and governed by all the provisions of chapter sixty-two of The Code of North Carolina and the acts of the General Assembly amendatory thereof, not inconsistent with this act.

Town incorporated.  
 Name.  
 Subject to general law.

SEC. 2. That the officers of said town shall consist of a mayor, three aldermen, one treasurer and a policeman, who shall be duly elected on the first Tuesday after the first Monday in May, one thousand nine hundred and five, and every two years thereafter, under the rules and regulations prescribed by the law of the State governing the holding of elections for incorporated cities and

Town officers.  
 Town elections.

- First officers. towns: *Provided, however,* that R. F. Johnson shall serve as mayor, Jacob M. Ramsey and A. J. McDevitt and E. C. Waldrop as commissioners, M. W. Reeves as treasurer, and R. V. Ramsey as policeman, until their successors are elected and qualified: *Provided further,* that the treasurer of said town shall serve as tax collector. Said officers shall have all the powers, rights and be subject to the same duties as are prescribed in said chapter sixty-two of The Code.
- Town taxes. SEC. 3. That the aldermen of said town may, in the manner prescribed by law, annually levy a tax not to exceed fifty cents on the hundred dollars worth of property and one dollar and fifty cents on the polls in said town, subject to taxation, and shall have all the powers to enforce the payment of the same that is given other municipal corporations in said chapter sixty-two of The Code and the laws amendatory thereof.
- Corporate limits. SEC. 4. That the corporate limits of said town shall be as follows: Beginning at a stake in the southeast on Brush Creek, running thence with the meanderings of said creek down to and including E. C. Waldrop's, and down said creek again to a stake; thence north to Hopewell Creek, running thence up said stream, including Mr. Goldsmith's residence and the old saw-mill stand near Mallie Reeves' place; thence east to a small creek on A. C. Clark's place, including Dr. McDevitt's place and also that of Garfield Davis; thence south to the beginning. Said boundary contains a radius of about one-half mile from Bell Institute as the center.
- Sale of liquors forbidden. SEC. 5. That it shall be unlawful for any person, firm or corporation to manufacture or to sell any spirituous, vinous or malt or other intoxicating liquors or beverages within the incorporate limits of said town, and any persons, firm or corporation violating this section shall be guilty of a misdemeanor.
- Repeal clause. 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 from and after its ratification.
- In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1905.

## CHAPTER 110.

AN ACT TO AMEND THE CHARTER OF ALPINE COTTON MILLS COMPANY AND TO VALIDATE, RATIFY AND CONFIRM ALL ACTS, DEEDS AND CONTRACTS ENTERED INTO BY AND WITH SAID CORPORATION IN THE NAME OF ALPINE COTTON MILLS.

WHEREAS, on November twenty-first, one thousand eight hundred and ninety-five, Messrs. W. A. Erwin, Samuel McDee Tate and Thomas P. Moore executed articles of agreement, which were acknowledged before and filed with the Clerk of the Superior Court of Burke County on December twenty-second, one thousand eight hundred and ninety-five, for the formation of a corporation under the name of Alpine Cotton Mills, and a certified copy of the same was filed with the Secretary of State of the State of North Carolina as required by law, in which the name of the corporation was stated to be "Alpine Cotton Mills"; and

WHEREAS, said Secretary of State, on November twenty-fifth, one thousand eight hundred and ninety-five, duly issued his letters patent declaring said parties a corporation; and

WHEREAS, in doing so he used a printed form of letters patent having blanks therein to be filled by him, one of which said blanks was for the name of the corporation and was followed immediately by the printed word "company"; and

WHEREAS, in said letters patent the name and style of the corporation was stated as "Alpine Cotton Mills Company," because said Secretary of State failed to strike out the word "company" from the printed form; and

WHEREAS, said corporation was duly organized and has always conducted its business under the name of "Alpine Cotton Mills," because it was not realized until recently that the word "company" was inadvertently attached to its name in said letters patent; and

WHEREAS, it is desired to correct the error and inadvertence above referred to, and to ratify, validate and confirm all acts, contracts, deeds and things done by, executed to and entered into by and with said corporation in the name of "Alpine Cotton Mills": now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That the word "company" be and it is hereby stricken from the name of Alpine Cotton Mills Company, as it appears in letters patent issued by the Secretary of State of the State of North Carolina, dated November twenty-fifth, one thousand eight hundred and ninety-five.

SEC. 2. That all deeds, contracts, acts, engagements and liabilities of whatsoever character or nature heretofore entered into or assumed by or with said corporation in the name of Alpine Cotton

Preamble.

Preamble.

Preamble.

Preamble.

Preamble.

Preamble.

Corporate name corrected.

Deeds, contracts, and engagements validated.



Mills be and the same are hereby validated, ratified and confirmed and declared to be binding upon said corporation and all persons having had dealings with it in that name, as fully as if it had been originally incorporated under that name.

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. 1905.

## CHAPTER 111.

### AN ACT TO PROVIDE SEWERAGE FOR THE CITY OF MONROE.

*The General Assembly of North Carolina do enact:*

Aldermen to issue bonds.	SECTION 1. That the Board of Aldermen of the City of Monroe, for the purpose of providing, establishing and maintaining a system of sewerage for the city of Monroe, are authorized and empowered to issue bonds of the city of Monroe in an amount not to exceed fifty thousand dollars (\$50,000), bearing interest at five per centum per annum, of such denomination as the said board of aldermen shall determine, not to exceed one thousand dollars nor be less than one hundred dollars, to each and every of which bonds shall be attached the coupons representing the interest on said bonds, which coupons shall be due and payable annually until the
Amount.	
Interest.	
Denominations.	
Coupons receivable for taxes.	bonds shall mature; and the bonds so issued by the Aldermen of the City of Monroe shall be consecutively numbered and the coupons shall bear the number of the bond to which it is attached and shall declare the amount of interest which they represent and when due, and shall be receivable in payment of taxes due the city of Monroe by the holder of said bonds. The bonds shall run for a period of thirty years and shall be exempt from municipal taxation.
How bonds attested.	SEC. 2. That the said bonds shall be issued over the signature of the Mayor of the City of Monroe, witnessed by the signature of the clerk of the board of aldermen and attested by the official seal of the city of Monroe, and shall be sold by the Mayor of the City of Monroe, under the direction of the board of aldermen, at a sum not less than their par value.
Not to be sold below par.	
Special tax for interest and sinking fund.	SEC. 3. That for the purpose of paying the interest on said bonds as it becomes due, and of providing a fund for the payment of said bonds at maturity, it shall be the duty of the board of aldermen to levy and cause to be collected, annually, as other city taxes are levied and collected, a tax upon real and personal property, and mixed, subject to taxation for municipal purposes, not exceeding fifty cents
Rate.	

on the one hundred dollars worth of property and not exceeding one dollar and fifty cents on each poll.

SEC. 4. That the Board of Aldermen of the City of Monroe shall cause their clerk to keep a record in which shall be entered the name of every purchaser of a bond, the number of the bond purchased and the amount received therefor, and they shall also cause their clerk to keep a record of all bonds redeemed, from whom purchased and the amount paid for its redemption; and all bonds, when redeemed and recorded, shall be destroyed by fire in the presence of the board of aldermen by their clerk or one of their number.

Record of bonds.

Record of redeemed bonds.

SEC. 5. That the Board of Aldermen of the City of Monroe are authorized and empowered to provide, establish, operate and maintain a system of sewerage for the city of Monroe, so as to provide for the health of its citizens and residents, and for that purpose they may acquire, by purchase, donation, devise or otherwise, any and all lands, right-of-way for pipes, mains or other conduits, lands necessary for pumping station or water supply, and such other rights or easements as shall be necessary for the establishment, operation and maintenance of said sewerage system, whether the same be in the limits of the city of Monroe or without its limits; and if the Board of Aldermen of the City of Monroe shall be unable to agree with the owner thereof for the purchase or acquisition of any real estate, privileges or easements which they deem necessary for the establishment and maintenance of the sewerage system or its water supply, they may condemn the same as hereinafter set forth—that is, the said city of Monroe shall file with the Clerk of the Superior Court of Union County its verified petition, setting forth and describing the particular property, rights, privileges or easements proposed to be condemned and used for sewerage purposes or a water supply, and stating the names and residences of the owner or owners thereof, if known, and of the persons having an interest therein which may be affected by the condemnation proceedings, whether the parties are minors, and if so, their guardians, if they have any, and praying for the appointment of commissioners to appraise and value the property, rights, privileges or easements proposed to be condemned, and to ascertain the value thereof, and report to the court what sum should be paid to the owners or owner as damages for the property, rights, privileges and easements, according to their true value.

Aldermen to establish sewerage system.

Rights-of-way.

Procedure for condemnation of lands.

SEC. 6. That it shall be the duty of the clerk of the superior court, upon the filing of the said petition, to issue a summons to the parties named in said petition as being interested in the lands, rights, privileges and easements, requiring them to appear at his office in the court-house of said county on a day certain, which shall not be more than twenty days from the date of issuing the summons, and plead, answer or demur to the petition; and upon the hearing the clerk of the superior court shall determine the

Clerk of superior court to issue summons.

Clerk to determine rights.

- rights of the city of Monroe to the relief prayed for in the petition, and from his judgment either party to said proceeding shall have the right of appeal as in cases of special proceedings; and in said proceedings the clerk of the superior court shall make all lawful orders for the appointment of guardians *ad litem*, publication of summons, and in all respects proceed according to the course and practice of the courts in special proceedings.
- Appeal from clerk.**
- Commissioners of assessment.** SEC. 7. That it shall be the duty of the clerk of the superior court, if he shall find that no sufficient defense to the petition has been shown by the parties served with summons or made parties to the proceedings, shall order that three disinterested persons, qualified to act as jurors in such proceedings, competent freeholders, to ascertain and assess the true value of the property, land, rights, privileges or easements proposed to be taken, and the damages to be paid the owner by the city of Monroe. Thereupon the clerk of the superior court shall issue to said commissioners so appointed by him a notice of the appointment, which shall be served on them by the sheriff of the county, and the commissioners, within ten days from the service of the notice on them, shall view the land, property, rights, and ascertain the amount of damages which the owner will sustain by reason of the granting of the property, rights, privileges or easements prayed for in the petition, and make report of their proceedings to the clerk of the superior court; and upon the filing of the said report with the clerk any person interested as a party to said proceedings may file exceptions thereto within ten days after the filing of the report, and the clerk shall hear the said exceptions and render judgment thereon, from which either party may appeal as in other special proceedings, and the said proceedings shall have precedence over all other cases when heard upon issues or questions of fact.
- Commissioners to be notified.**
- Report of commissioners.**
- Exceptions to be filed.**
- Appeal.**
- Rights of city when damages only in issue.** SEC. 8. That whenever it appears that the only matter in dispute between the city of Monroe and any owner of land or other rights is the question of damages, the city of Monroe shall have the right to exercise and enjoy the rights, privileges and easements prayed for at once, but shall be liable to the party seeking damages in whatever sum the final judgment shall determine: *Provided*, the city of Monroe shall first execute a bond to abide by and perform the said final judgment. The costs of the said proceeding shall be paid by the parties as the court in its discretion shall adjudge.
- Costs.**
- Lis pendens.** SEC. 9. That the pendency of any proceeding for condemnation of property or rights under this act shall have the effect of a *lis pendens* as to all persons claiming from the person or party on whom service of the summons has been made.
- Upon payment of assessment title to vest in city.** SEC. 10. That upon the payment of the amount of damages assessed or finally determined by the court to the party entitled to receive the same under the judgment or into court for the use

of such person, the title to the property, rights, privileges or easements shall be vested in the city of Monroe as determined by the said final judgment.

SEC. 11. That it shall be the duty of the Board of Aldermen of Election on bonds. the City of Monroe to submit to the qualified voters of the city of Monroe for their determination the question whether the bonds hereinbefore provided for shall be issued and a sewerage system established, operated and maintained; and they are authorized to hold an election in the city of Monroe, after sixty days' notice, in the same manner as is provided for the election of officers for the town, at which election there shall be submitted to the qualified voters the said question, and those voters favoring the issue of bonds and the establishment of a sewerage system shall vote a ballot on which shall be written or printed "Sewerage," and those opposing the issue of bonds and establishment of sewerage shall vote a ballot on which shall be written or printed "No Sewerage"; and if a majority of the qualified voters of said town vote in favor or "Sewerage," then the powers and authority hereinbefore conferred shall be exercised by the board of aldermen; but if a majority of such qualified voters do not vote for said "Sewerage," then the bonds shall not be issued. That the said board of aldermen shall have the right to submit the question of "Sewerage" Subsequent elections. and "No Sewerage" to the qualified voters at elections subsequently held, not more than once in any one year, to determine whether the bonds shall be issued and sewerage established, if it is not determined in the first election that said bonds shall be issued and sewerage system established.

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. 1905.

## CHAPTER 112.

### AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO ISSUE BONDS AND PROVIDE FOR THE PAYMENT OF THE SAME.

WHEREAS, the city of Charlotte has contracted a floating indebtedness to the amount of more than one hundred and forty thousand dollars for necessary expenses of said city; and Preamble: reasons for bonds.

WHEREAS, there are now outstanding short-term bonds issued by the board of water commissioners of said city and secured by mortgage of its water-works, to the amount of one hundred and

ten thousand dollars, which will mature on the first day of June next; and

WHEREAS, said city desires to issue bonds for the purpose of funding said floating indebtedness, paying said bonds issued by the board of water commissioners, and also for the purpose of making necessary extensions and improvements to said water-works; and

Preamble: bids received.

WHEREAS, the board of aldermen of said city advertised for proposals for the sale of three hundred and fifty thousand dollars, par value, of thirty-year four and one-half per cent. bonds of said city, to be issued for the aforesaid purposes, and have accepted the highest offer received therefor, being a bid of par and accrued interest and a premium of twelve thousand six hundred and thirty-five dollars, said bid being made by the Mercantile Trust and Deposit Company of Baltimore, and said city desires to be authorized to issue said bonds to said purchaser: now, therefore,

*The General Assembly of North Carolina do enact:*

Aldermen to issue bonds.  
Amount.

SECTION 1. That the board of aldermen of said city be and they are hereby authorized to issue bonds of said city to an amount not exceeding three hundred and fifty thousand dollars, par value, for the purposes aforesaid.

Description of bonds.

SEC. 2. The bonds authorized by this act shall be negotiable coupon bonds, payable to bearer, the principal thereof thirty years after date, and the interest in semi-annual installments, at the rate of four and one-half per cent. per annum; and shall be of such form and denomination, and payable, as to principal and interest, at such place or places as said board of aldermen may determine, and shall be dated the first day of March, one thousand nine hundred and five, or such other date as said board of aldermen may determine: *Provided, however,* that the total issue of bonds authorized by this act shall not exceed the sum of three hundred and fifty thousand dollars, par value.

Bonds for funding floating debt.

SEC. 3. Of the bonds authorized to be issued by this act, not more than one hundred and forty thousand dollars, par value, may be issued for the purpose of funding said floating indebtedness, and not more than two hundred and ten thousand dollars, par value, for the purpose of retiring said bonds issued by said board of water commissioners and making improvements and extensions to said water-works.

How bonds authenticated.

SEC. 4. Said bonds shall be signed by the mayor, countersigned by the clerk and treasurer, and sealed with the corporate seal of said city, and the coupons on said bonds may be authenticated by the engraved or lithographed *fac-simile* of the signature of the clerk and treasurer. Both the principal and interest of said bonds may be made payable in gold coin of the United States of the present standard of weight and fineness.

Payable in gold coin.

Refunding bonds.



SEC. 5. The proceeds of said bonds, including the premium received upon the sale thereof, shall be applied only to the purposes aforesaid—that is to say, the proceeds of said bonds issued to pay said floating debt, to the payment of such debt so contracted for necessary expenses of said city, and the proceeds of said bonds issued to retire said bonds issued by the board of water commissioners and for necessary extensions and betterments to said water-works, to said purposes: *Provided, however,* that the purchaser of said bonds shall not be bound to see to the application of the purchase money to said purposes.

Application of proceeds.

Proviso: purchaser not responsible for application.

SEC. 6. That the resolution of the board of aldermen of said city determining the form of said bonds and finally authorizing their issue may be introduced and passed at the same meeting of said board, 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 said meeting. No other or further proceedings shall be necessary for the issuance of such bonds, and all bonds issued in accordance with the provisions of this act shall be valid, legal and binding obligations of the said city, notwithstanding any previous acts limiting the amount of the bonded indebtedness of the said city of Charlotte.

How bonds may be issued.

SEC. 7. The board of water commissioners of said city, out of the moneys derived from the collection of tolls or rents for water and any other income from said water-works, shall pay, first, the costs and expenses of operating the plant or system of water-works under its control; and, second, shall pay over to the treasurer of said city, out of the balance of net income, an amount sufficient to enable said treasurer to pay the semi-annual interest installments upon the two hundred and ten thousand dollars of bonds of said city hereby authorized to be issued for the purpose of retiring said short-term bonds heretofore issued by said board of water commissioners and for the purpose of making extensions and improvements to said system of water-works, and sufficient to pay the semi-annual interest installments upon the two hundred and twenty-six thousand dollars of bonds heretofore issued by said city for the purpose of paying the purchase money for said water-works (said two hundred and twenty-six thousand dollars of bonds being that part of the total issue of bonds of said city heretofore issued for the purpose of paying for said water-works and for the purpose of improving the city sewers, which were issued for the first of said two purposes), if there be a sufficient balance of such income for that purpose, and if not, then so much as said balance may amount to; and, third, out of any balance of said income still remaining after the payments aforesaid, said board of water commissioners shall pay the cost of such extensions, additions or improvements to said system of water-works as said board may from time to time deem advisable; and, fourth, if at the end of each year there shall remain any surplus of such

Water rents appropriated.

income remaining after all the payments aforesaid have been made, then the same shall be by said board paid over to the treasurer of said city, to be held by said treasurer and invested under the direction of said board of water commissioners for a sinking fund with which to pay off the two hundred and ten thousand dollars of bonds authorized to be issued by this act for water-works purposes, and the two hundred and twenty-six thousand dollars of bonds heretofore issued by said city to provide for the purchase of said system of water-works.

Board of water  
commissioners to  
secure bonds.

SEC. 8. The board of water commissioners of said city are hereby authorized, with the approval of said board of aldermen, to equally and ratably secure such of the bonds issued under this act as are issued for the retirement of said one hundred and ten thousand dollars of bonds heretofore issued by said board, and for extensions and improvements to said water-works, by a mortgage or deed of trust upon all real estate, rights, franchises and other property of every description owned and held by said board and which was purchased by the city of Charlotte from the Charlotte City Water-works Company, as well as all other property, rights and franchises which may be hereafter purchased or acquired by said board or by said city for the purpose of extending, maintain-

Form of mortgage.

ing and operating said system of water-works for said city. Said mortgage or deed of trust shall be in such form and contain such covenants, conditions and stipulations as said board may deem necessary and proper to conform to and secure the payment of said bonds, and shall be signed in the name of "The Board of Water Commissioners of the City of Charlotte" by the mayor as *ex officio* chairman of said board and sealed with the corporate seal of said city, duly attested by the *ex officio* clerk of said board.

How mortgage  
attested.

Rights of  
purchaser in case  
of sale.

In case default shall be made in the payment of any installment of interest on said bonds, or of the principal thereof at maturity, by reason of which said mortgage or deed of trust shall be foreclosed, the purchaser of the property, rights and franchises so sold shall thereby acquire the exclusive right or franchise to maintain and operate said system of water-works in the city of Charlotte and vicinity for a period of twenty years from the date of said foreclosure: *Provided*, that said purchaser, or his or its successors or assigns, shall at all times maintain the present schedule or rate of charges or tolls for water as established by said board, and shall also continue to furnish an adequate supply of pure water for both municipal and private consumption: *Provided further*, that said purchaser, his or its successors or assigns, shall not be liable in damages to any person on account of the destruction of any house, building or other property by fire, so long as said water supply shall be kept and maintained as adequate for fire purposes as the same shall have been kept and maintained by said board at the time of the foreclosure of said mortgage or deed of trust.

Proviso: present  
schedule of charges  
to be maintained.

Liability for  
damages.

SEC. 9. The board of aldermen of said city are hereby required and directed to levy and collect, in addition to all other taxes in said city, a tax upon all taxable property and polls of said city of Charlotte sufficient to pay the interest on the bonds issued under this act as the same becomes due, and also on or before the time when the principal of said bonds become due to levy and collect a further special tax to pay the same or to provide for the payment thereof. The tax so levied upon the taxable property in said city shall be an *ad valorem* tax, and the tax upon the polls and property shall be in the proportion required by the Constitution of this State. Said special tax shall be levied and collected at the same time as other taxes upon the property and the polls of said city.

Special tax to pay interest and bonds.

SEC. 10. That the proceedings of said board of aldermen in advertising for proposals to purchase said issue of bonds and accepting said highest bid be and the same are hereby ratified and confirmed.

Proceedings of aldermen ratified.

SEC. 11. That this act shall be in force from and after its ratification; and all laws or parts of laws inconsistent with the same are hereby repealed, so far as the same are inconsistent therewith.

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1905.

## CHAPTER 113.

### AN ACT TO AUTHORIZE THE TOWN OF KINGS MOUNTAIN TO ISSUE BONDS FOR ELECTRIC LIGHTS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Mayor and Board of Commissioners of the Town of Kings Mountain shall have full power and authority, and it is hereby made their duty, to build, furnish, operate and maintain a system of electric lights on the principal streets of said town, and that said mayor and board of commissioners shall begin work on the same as soon as possible under the provisions of this act.

Town to build and maintain electric light system.

SEC. 2. For the purpose of properly carrying out the duty imposed by the preceding section, the said mayor and board of commissioners are hereby authorized and fully empowered to issue bonds of the denomination of five hundred dollars (\$500) each, aggregating the sum of fifteen thousand dollars (\$15,000), the said bonds to be denominated "Electric Light Bonds," to be signed by the mayor and countersigned by the secretary or clerk, bearing the corporate seal of said town, be written in the usual form and bear interest from date until paid at five (5) per cent. per annum, which interest shall be payable semi-annually from the date of

Town to issue bonds.

Denomination.

Amount.

How bonds attested.

Interest.

Bonds to run thirty years.

To be issued as needed.

Mayor and commissioners to have control of work.  
Work to be let to contract.

Proviso: work may be let in sections.

Sinking fund commission.

Bonds not to be sold below par.

Proceeds paid to sinking fund commission.

Appropriation for interest and sinking fund.

Sinking fund commission to pay interest.

said bonds, and shall be evidenced by coupons thereto attached in the usual form; that said bonds shall mature at the end of thirty years from their date, and shall be fully binding upon the said town and its property; that said mayor and board of commissioners shall issue said bonds in installments of five thousand dollars (\$5,000) each as the work on said electric light plant progresses and the necessity for payment thereof arises; but all of said bonds shall bear the same date and bear interest as aforesaid, but the coupons for interest on the installments delayed shall be torn off before issuing to the date of maturity of the coupons next preceding the date of such issue.

SEC. 3. That the said mayor and board of commissioners of said town, by its proper officers, shall have the exclusive control and management of said work on said electric light plant, and shall let the same to the lowest bidder on contract, on such terms as they may think best. It is hereby expressly understood that said work shall be contracted to the lowest bidder: *Provided, however,* that said mayor and board of commissioners shall have the right to contract any part of same to one firm or person and the balance to another.

SEC. 4. That the First National Bank of Kings Mountain, North Carolina, and the Kings Mountain Bank of Kings Mountain, North Carolina, as corporations, and their successors, shall be and they are hereby appointed trustees, and as such shall constitute a commission to be known as the "Sinking Fund Commission" for the purposes herein stated, with a liability for the safe-keeping of said funds and their proper payment. As the bonds hereinbefore provided for shall be issued by the mayor and board of commissioners, as hereinbefore directed, the same shall be sold by the said mayor and board of commissioners as is hereinbefore specified at not less than their par value; and the proceeds thereof, as the same is collected, shall be paid over to said sinking fund commission above constituted, and the said sinking fund commission shall receive the proceeds of such sales and apply them under the direction of the said mayor and board of commissioners, and only upon a proper warrant issued by them, as is herein provided, to the payment of the expenses for which said fund is constituted.

SEC. 5. In addition to the amounts received for the sale of the bonds hereinbefore mentioned, the said town shall set apart out of its general revenue each year and pay the same to the said sinking fund commission such amount as shall be necessary to pay the interest on said bonds outstanding and the sum of five hundred dollars (\$500) additional to meet the proportionate part of said bonds at their maturity.

SEC. 6. The said sinking fund commission shall pay to the said town five (5) per cent. interest on all sums of money in their hands when and for the time said sums equal or exceed the amount of one thousand dollars (\$1,000); and if said sinking fund com-

mission shall fail or refuse to accept the trusts herein under the provisions of this act, then the said mayor and board of commissioners are hereby authorized to appoint other trustees under the same restrictions and on the same terms and conditions as is mentioned herein. That all money paid into said sinking fund commission, except from the sale of said bonds, shall constitute a sinking fund to be applied only to the redemption of said bonds at their maturity and to pay interest on the same: *Provided*, that if at any time the holders of said bonds shall consent, the same may be redeemed at any time out of said sinking fund, in which case the interest shall be paid only to the date of such redemption. Each of said banks herein named shall notify said board of commissioners in writing, signed by its president, within sixty (60) days after the ratification of this act, of its acceptance of the trusts herein created as a part of said sinking fund commission; and in case neither of said banks accept the trusts herein imposed and no other bank or person will accept the same, then the mayor and board of commissioners shall constitute said sinking fund commission, and shall be invested with all the powers and charged with all the duties conferred by this act on said sinking fund commission.

Other trustees may be appointed.

Sinking fund to be applied to bonds and interest only.

Proviso: bonds may be redeemed.

Banks to notify commissioners.

Sinking fund commission to accept trust.

If trustees refuse, mayor and commissioners to act.

SEC. 7. That the bonds hereinbefore in this act authorized to be issued, denominated "Electric Light Bonds," shall be and have a lien on any and all funds paid to the sinking fund commission, to be applied to the purpose of the liquidation of the said bonds by virtue of the provisions of this act: *Provided*, that before any of the bonds hereinbefore in this act authorized shall be issued, the proposition shall be first submitted to the qualified voters of the said town of Kings Mountain, North Carolina, at the next general election held for said town under the general election law applying to elections in cities and towns. And at such election those who favor the issuing of said bonds hereinbefore provided for to be applied to the purposes and upon the conditions hereinbefore imposed and to be subject to all the provisions of this act, shall vote upon printed ballots the words "For Light Bonds," and those opposed shall vote upon a printed ballot the words "Against Light Bonds." If at such election a majority of votes cast shall be in favor of the issuing of said bonds, then the board of commissioners of said town shall issue the said bonds hereinbefore directed, which shall be applied to the purposes and upon the terms and conditions and subject to all the requirements stated in this act.

Lien of bonds.

To be submitted to voters.

Form of ballots.

Bonds to issue if act ratified.

SEC. 8. That all laws and clauses of laws in conflict herewith 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 20th day of February, A. D. 1905.



## CHAPTER 114.

AN ACT TO AUTHORIZE THE TOWN OF KINGS MOUNTAIN  
TO ISSUE BONDS FOR STREET IMPROVEMENTS.

*The General Assembly of North Carolina do enact:*

Mayor and commis-  
sioners to improve  
streets.

SECTION 1. That the Mayor and Board of Commissioners of the Town of Kings Mountain 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 principal streets and public sidewalks of the said town, and that the said mayor and board of commissioners shall begin work as soon as possible, under the provisions of this act, and prosecute the same as vigorously as practicable.

Bonds authorized.

SEC. 2. For the purpose of properly carrying out the duty imposed by the preceding section the said mayor and board of commissioners are hereby authorized and fully empowered and directed to issue bonds of the denomination of five hundred dollars each, aggregating the sum of fifteen thousand dollars, the said bonds to be denominated street and sidewalk improvement bonds, to be signed by the mayor and countersigned by the secretary, bearing the corporate seal of said town, be written in the usual form, and bear interest from date until paid at five per centum per annum, which interest shall be payable semi-annually from the date of said bonds and shall be evidenced by coupons thereto attached, in the usual form; that said bonds shall mature at the end of thirty years from their date, and shall be fully binding upon said town and its property; that the mayor and board of commissioners shall issue said bonds in installments of five thousand dollars each as the work on the streets and sidewalks progresses and the necessity for payment thereof arises, but all of said bonds shall bear the same date, and bear interest as aforesaid, but the coupons for interest on the installments delayed shall be torn off before issuing, to the date of maturity of the coupons next preceding the date of such issue.

Denomination.

Amount.  
Description of  
bonds.

Interest.

Bonds to be issued  
as needed.

Assessment on  
abutting real  
estate.

SEC. 3. In order to more effectually carry out the authority delegated and the duty imposed by section one of this act the said mayor and board of commissioners shall assess one-third of the cost of paving or otherwise improving the sidewalks of said town, exclusive of the necessary curbing of the same, on the real estate abutting on the side of street on which the sidewalk is so improved.

Assessment to be  
equalized.

SEC. 4. To equalize the assessment on real estate for the purposes described in this act the said mayor and board of commissioners shall assess the total cost of such improvement on each block or section, and shall then pro rata the cost thereof on the real estate abutting thereon according to the frontage on the sidewalk or portion of the sidewalk so improved, in pursuance of section three of this act; and when the assessment and liens herein

Lists of assess-  
ments to be made.

provided shall have been made upon the various lots and properties the secretary or clerk of the said board of commissioners shall make out a list of the same, and shall keep a record book showing such assessments, the names of the parties so assessed and the date and amount of any and all payments made thereon.

SEC. 5. The amount of assessment for such improvement on sidewalks, exclusive of curbing and for road-ways, as hereinbefore provided, on each piece of real estate, being estimated as above directed, shall be a lien on such real estate, and the said mayor and commissioners shall ascertain the amount of work done, and the cost thereof, upon which sidewalk, the name of each abutting owner thereon, the number of feet of each lot or property, and the pro rata share of such cost of such sidewalk improvement to be assessed against such real estate; and upon the adoption of said report the said lien shall become complete and operative, which said report shall be spread upon the minutes of the minute book of the said town, and the amount of said lien and of said assessment against all property abutting on all sidewalks improved as aforesaid shall become due as follows: one-sixth in six months, one-sixth in twelve months, one-sixth in eighteen months, one-sixth in two years, one-sixth in thirty months, and the balance in three years from the completion of said work, or as soon as the report as above specified is made. The adoption of said report by said board of commissioners shall constitute the said lien for the amount therein stated against each of the separate pieces of real estate described, and the same shall become due and payable as aforesaid; and in case of failure to pay any or either of said assessments within thirty days after its maturity, then all shall become due at once, and an execution shall issue by the secretary or clerk of said board of commissioners, directed to the marshal or chief of police of said town, who shall advertise the land upon which defaulting assessments are made as aforesaid for thirty days in some newspaper published in Cleveland County, sell the same to the highest bidder for cash, at the depot in said town, and give to the purchaser a receipt stating the time the land was advertised, the day of sale, the purchaser, the price paid, the assessment due thereon, the costs of sale and advertisement, the name of the owner of the land, and a description of the lands sold; and the owner of the land so sold shall have twelve months in which to redeem the same by paying to the purchaser the amount he paid for said land, together with ten per cent. additional on said amount paid; and if there is no bidder on any land sold as above directed, then the said town is hereby authorized to bid off said land, and the owner shall have the same right of redemption as stated above; if the land is not redeemed within twelve months as is herein set forth, then the marshal or chief of police shall make to the purchaser a deed for said land, and the same shall operate

Assessments lien on real estate.

Report to be recorded.

When assessments become due.

Executions to issue for unpaid assessments.

Property to be sold.

Right of redemption.

If land not redeemed marshal to make deed.

to convey to the purchaser the title to said lands; and the proceeds of said sale shall be applied, first to the payment of said assessment, lien and costs of sale, and the balance, if any, shall be paid to the owner of said land, or their legal representatives: *Provided, however,* that any owner of land upon which an assessment or lien is made under this act shall have a right to pay the same in full at any time before the same becomes due, and upon such payment such lien and assessment shall be discharged.

Mayor and commissioners to control work.  
Work to be let to contract.

SEC. 6. That the said mayor and board of commissioners of said town, by its proper officers, shall have the exclusive control and management of said work on said sidewalks and streets, and shall let the same out by contract to the lowest bidder on such terms

Proviso: town may furnish materials.

as they may think best: *Provided, however,* that the said mayor and board of commissioners shall in their discretion have a right to furnish any part of the materials, rock, etc., and contract the balance; but it is expressly understood that the work proper shall be contracted as stated above, and be paid for out of the proceeds of the sale of the bonds provided for in this act: *Provided,* that in case the said town may not have on hand at any time sufficient funds arising from the sale of said bonds to meet the amount then due for the work aforesaid, the mayor and board of commissioners are hereby authorized to advance same from the general revenues of said town: but such amount so advanced shall be refunded out of the funds arising from the sale of said bonds as soon as realized therefrom.

Proviso: money advanced from general fund.

Sinking fund commission.

SEC. 8. That the First National Bank of Kings Mountain, North Carolina, and the Kings Mountain Bank of Kings Mountain, North Carolina, as corporations, and their successors, shall be and they are hereby appointed trustees, and as such shall constitute a commission to be known as the "Sinking Fund Commission" for the purposes herein stated, with a liability for the safe-keeping of said funds and their proper payment. As the bonds hereinbefore provided for shall be issued by the mayor and board of commissioners, as hereinbefore directed, the same shall be sold by the said mayor and board of commissioners as is hereinbefore specified at not less than their par value, and pay over the proceeds thereof, as the same shall be collected, to the sinking fund commission, above constituted, and that the sinking fund commission shall receive the proceeds of such sales and apply them under the direction of the said mayor and board of commissioners, and only upon the proper warrant issued by them, as is herein provided, to the payment of the expenses for which said fund is constituted. And each of the warrants for the payment of said fund, as stated above, shall state to whom the same shall be paid and for what portion or part of said work the same is to be paid. The sinking fund commission, above constituted, shall also receive the proceeds of all assessments or liens created under the provisions of this act, upon any of the land for sidewalk improvement pur-

Proceeds of bonds to be paid to commission.

Sinking fund commission to receive assessments.

poses, which said amounts, if any, shall immediately after collection be paid over by the marshal or chief of police, and be reported to the secretary or clerk of said town, who shall make due record thereof. And the said secretary or clerk shall also keep due record of all amounts paid to the said sinking fund commission, under and by virtue of this act, in a book provided for that purpose, to be used for no other purpose. In addition to the amounts received from assessments or liens under this act the town shall set apart out of its general revenue each year and pay the same to the said sinking fund commission such amount as shall be necessary to pay the interest on said bonds, and the sum of five hundred dollars additional to meet the proportionate part of said bonds at their maturity. The said sinking fund commission shall pay to the said town five per cent. interest on all sums of money in their hands when and for the time said sums equal or exceed the amount of one thousand dollars; and if the said sinking fund commission shall refuse to comply with the terms of this act or to act as such trustees, then the said mayor and board of commissioners are hereby authorized and directed to appoint other trustees on the same terms and conditions mentioned herein. That all moneys paid to the said sinking fund commission for the purpose of street and sidewalk improvement as aforesaid, other than that arising from the sale of said bonds, shall constitute a sinking fund to be applied only to the redemption of said bonds at their maturity. If at any time the holders of said bonds shall consent, the same may be redeemed at any time out of said sinking fund, in which case the interest shall be paid only to the date of such redemption. And the said commission shall make an annual report of the condition of said fund, showing an itemized statement of all deposits and credits, and the balance in the hands of said sinking fund commission, which said report shall be filed with the secretary or clerk of said town. Each of said banks named herein shall notify said board of commissioners in writing, signed by its president, within sixty days after the ratification of this act, of its acceptance of the trusts herein created as a part of said sinking fund commission. And in case neither of said banks accept the trusts herein, and no other bank or person will accept the same, then the mayor and board of commissioners shall constitute said sinking fund commission, and shall be invested with all the powers and all the duties conferred by this act on said sinking fund commission.

Appropriations for sinking fund.

Sinking fund commission to pay interest.

Other trustees may be appointed.

Bonds may be redeemed.

Commission to make itemized report.

Sinking fund commission to accept trust.

If trustees decline, mayor and commissioners to act.

SEC. 9. That the bonds hereinbefore in this act authorized to be issued, denominated "Street and Sidewalk Improvement Bonds," shall be and have a lien on any and all funds paid to the sinking fund commission, to be applied to the purpose of the liquidation of the said bonds by virtue of the provisions of this act: *Provided*, that before any of the bonds hereinbefore in this act authorized

Lien of bonds.

Proposition submitted to vote.

shall be issued the proposition shall be first submitted to the qualified voters of the said town of Kings Mountain, North Carolina, at the next general election held in said town of Kings Mountain, under the general election law applying to elections in cities and towns. And at such election those who favor the issuing of said bonds hereinbefore provided for to be applied to the purposes and upon the conditions hereinbefore imposed, and to be subject to all the provisions of this act, shall vote upon printed ballots the words "For Improvement Bonds," and those opposed shall vote upon a printed ballot the words "Against Improvement Bonds." If at such election a majority of votes cast shall be in favor of the issuing said bonds, then the board of commissioners of said town shall issue the bonds hereinbefore directed, which shall be applied to the purposes and upon the terms and conditions, and subject to all the requirements stated in this act.

Form of ballots.

Bonds to be issued if majority so vote.

Repealing clause.

SEC. 10. That all laws and portions or sections of laws in conflict with the provisions of this act shall 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 20th day of February, A. D. 1905.

## CHAPTER 115.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND THE CHARTER OF THE TOWN OF MOUNT AIRY, CHAPTER 62, PRIVATE ACTS OF 1887, AS TO WATER SUPPLY, ELECTRIC LIGHTS AND POWER PLANT," RATIFIED MARCH 4, 1903, AND TO PROVIDE FOR THE PAYMENT OF PRINCIPAL AND INTEREST OF BONDS ISSUED, OR TO BE ISSUED, UNDER SAID AMENDATORY ACT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That an act of the General Assembly of North Carolina entitled "An act to amend the charter of the town of Mount Airy, chapter sixty-two, Private Acts of one thousand eight hundred and eighty-seven, as to water supply, electric lights and power plant," ratified March fourth, one thousand nine hundred and three, be and the same is hereby amended by adding thereto a section to be called section seven, as follows, to-wit:

SECTION 7. That the net revenue from said water-works, electric lights and power plants shall be used and applied, so far as may be necessary, to the payment of the interest on any bonds which have been issued or may be issued under the provisions of this

Revenue from water-works, electric lights, and power plants appropriated.



act, also to the principal of such bonds when they become due: *Provided*, that any net revenue of the said water-works, electric lights and power plants not needed from time to time for the payment of such interest and principal may be used by said town for any corporate purpose, if there has been no failure to pay the principal and interest of said bonds as the same become due. In case the said revenues of said water-works, electric lights and power plants shall for any reason not be sufficient to pay the interest on said bonds and to pay the principal of said bonds when such interest and principal become due, the town of Mount Airy is hereby authorized and required, in addition to all other taxes, to levy and collect, in the manner and at the time prescribed for the collection of the general town taxes, an *ad valorem* special tax on all the taxable real and personal property in said town and a proportionate tax on all the taxable polls in said town, sufficient, together with any such net revenues from the water-works, electric lights and power plants, to provide for the payment of the interest on such bonds when it becomes due, and also to provide for the payment of the principal of such bonds when the principal becomes due; and such taxes shall be applied to the said purposes and no other.

Special tax for  
bonds and interest.

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 20th day of February, A. D. 1905.

## CHAPTER 116.

### AN ACT TO CREATE THE OFFICE OF COTTON WEAIGHER FOR THE TOWN OF LILLINGTON, HARNETT COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all cotton sold in bales in the town of Lillington in Harnett shall be weighed by a sworn cotton weigher, who shall be paid the sum of ten cents for weighing each bale of cotton, five cents by the seller and five cents by the buyer.

Cotton to be  
weighed by sworn  
weigher.

SEC. 2. That F. P. Johnson of the county of Harnett be and he is hereby appointed cotton weigher, as provided in section one of this act; and in case of his failure to go before the Clerk of Superior Court of Harnett County, within sixty days from the ratification of this act, and take an oath for the faithful performance of the duties of cotton weigher, or in case of his failure to act for any cause, then said Clerk of Superior Court of Harnett County shall appoint his successor.

Cotton weigher  
named.

On his failure to  
qualify clerk su-  
perior court to  
appoint successor.

SEC. 3. That the term of office of said cotton weigher shall be for a period of one year from January first, one thousand nine

Term of office.

Commissioners of Lillington to elect successor.

hundred and five, and on each succeeding January first the Town Commissioners or Aldermen of the Town of Lillington shall at that time, or as soon thereafter as practicable, proceed to elect a cotton wegher under the provisions of this act.

Violation of act a misdemeanor.

SEC. 4. That any person violating the provisions of this act shall be guilty of a misdemeanor.

SEC. 5. 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. 1905.

CHAPTER 117.

AN ACT TO AUTHORIZE THE ALDERMEN OF THE CITY OF GOLDSBORO TO ISSUE BONDS.

Preamble: float-  
ing debt.

WHEREAS, the city of Goldsboro is indebted in the sum of eighteen thousand dollars, contracted for necessary expenses; and

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:*

Bond issue  
authorized.

Amount.

Interest.

Description.

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 eighteen thousand dollars, of such denominations and in such proportions as the board of aldermen may deem advisable, bearing interest from the date thereof at a rate not exceeding five per centum per annum, with interest coupons attached, payable half yearly at such times and at such place or places as may be deemed advisable by said board, 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 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 exempt  
from city tax.

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 holder of any of said bonds or coupons shall fail to present the same for

Coupons receivable  
for city dues.

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. No interest after maturity.

SEC. 4. That for the purpose of providing for the payment of the interest accruing on, and the principal at maturity of the bonds herein authorized, the board of aldermen of said city shall annually and at the time of levying other city taxes levy and lay a particular tax on all persons and subjects of taxation on which the said board of aldermen now are or may hereafter be authorized to lay and levy taxes for any purposes whatever, said particular tax not to be less than four nor more than ten cents on the one hundred dollars assessed valuation on property, and not less than twelve nor more than thirty cents on each poll. The taxes provided for in this section shall be collected in the manner and at the time 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. Particular tax for bonds and interest.

So much of said tax as may 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 of aldermen may prescribe; and such commissioner shall give bond and receive such compensation for his services as said board of aldermen may determine. Rate.

Particular tax to be kept separate.

Sinking fund.

Commissioner of sinking fund. Duties of commissioner.

SEC. 5. That all laws and clauses of laws inconsistent with the provisions of this act are hereby repealed. Repealing clause.

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. 1905.

## CHAPTER 118.

## AN ACT TO ALLOW THE STOCKHOLDERS OF THE "AMERICAN COTTON MANUFACTURERS' ASSOCIATION, INCORPORATED," TO HOLD THEIR MEETINGS EITHER IN OR OUT OF THE STATE OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Meetings may be held at any place in United States.

SECTION 1. That the provision of section forty-nine of chapter two of the Public Laws of one thousand nine hundred and one, requiring that "the meetings of the stockholders of every corporation of this State shall be held at the principal office in this State," shall not apply to the "American Cotton Manufacturers' Association, Incorporated," but that so long as its present charter remains unamended except by this act, meetings of the stockholders of said corporation may be held at any place in the United States, in or out of the State of North Carolina, that may be designated by the board of directors or the board of governors of said corporation: *Provided*, that when any meeting is held out of this State thirty days' notice thereof shall be mailed to each holder of stock having voting powers, at his address as appearing on the books of said corporation.

Notice of meeting outside State.

Secretary of State to certify amendment.

SEC. 2. That the Secretary of State is hereby authorized to certify an amendment to the charter or certificate of incorporation of the said corporation in accordance with the preceding section upon application made therefor in writing by the president and secretary of the said corporation with the common seal of the corporation affixed thereto.

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. 1905.

## CHAPTER 119.

## AN ACT TO ESTABLISH A GRADED SCHOOL IN THE TOWN OF LOUISBURG.

*The General Assembly of North Carolina do enact:*

Louisburg graded school district.

Boundary.

SECTION 1. That a public school district is hereby created to be known as the Louisburg Graded School District, and bounded as follows: Beginning at the mouth of Sycamore Creek, thence up said creek to N. H. Macon's ford; thence to the Massenburg Road that leads to J. J. Allen's; thence along the Massenburg Road in a northerly direction to C. W. Roberts' and William Allen's line; thence along C. W. Roberts' line to Fox Swamp Creek, Adkin Jones' line; thence with Jones' line to an old express road near

Piney Grove Church; thence along said road to the Warrenton Road near the Cool Spring; thence west to Bear Swamp Creek; thence down said creek to its mouth in Tar River; thence across the river southerly to Franklinton Township line in Louisburg and Franklinton Road; thence down said road to Mill Path; thence along Mill Path to the Raleigh Road at the mulberry tree; thence eastwardly along the path including John Wiggins' land to and including Henry May's land; thence across the Tarboro Road, including Julius May place, thence to the point of beginning.

SEC. 2. That T. W. Bickett, Wm. Bailey, J. R. Collie, Wm. H. Ruffin, F. N. Egerton, J. M. Allen and S. S. Meadows are hereby constituted a board of trustees for the public schools of said district and shall serve for the period herein indicated, and until their successors are elected and qualified: the three first named for a term of six years, the two next named for a term of four years, and the two last named for a term of two years. All vacancies, caused by the expiration of term, death, resignation or removal from the district, shall be filled by the remaining members of the board of trustees: *Provided*, that the position of trustee shall not be considered an office within the meaning of article fourteen, section seven, of the Constitution of North Carolina.

SEC. 3. That the 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 Graded School Trustees of Louisburg," and by that name may sue and be sued, contract and be contracted with, acquire by gift, purchase or devise real and personal property, hold, exchange or sell the same, and exercise such other rights and privileges as appertain to corporations under the general law.

SEC. 4. It shall be the duty of said board of trustees to establish and maintain in said district a system of public schools for the children resident therein between the ages of six and twenty-one years. The said trustees shall have exclusive control of such schools, shall prescribe rules and regulations for their conduct and control, employ, fix the compensation and dismiss the officers and teachers therein, and exercise all powers that may be needful for the proper and successful operation thereof. The trustees may admit to said schools pupils from outside the district under such conditions and terms as may be fixed, may also elect a superintendent and fix his powers and duties, shall cause to be taken from time to time, in accordance with the general law, an accurate census of the school population of the district, and shall make such reports of the operation of said schools as may be required by law or by the State Superintendent of Public Instruction, and shall make reports to the Board of Education of Franklin County.

SEC. 5. That chapter three hundred and seventy-five (375) of the Public Laws of one thousand eight hundred and ninety-seven, being an act to provide for a dispensary in the town of Louisburg,

Trustees named.

Term of office.

Proviso: trustee not an officer.

Trustees incorporated.

Corporate name.

Formal enumeration of corporate powers.

Trustees to establish and maintain schools.

Powers of trustees.

Pupils from outside of district.

School census.

Reports.

Appropriation for schools.



be and the same is hereby amended as follows: In line twenty-four of section thirteen strike out the words "three-eighths" and insert the words "one-fourth." In line twenty-five of said section strike out the words "three-eighths" and insert the words "one-fourth." After the words "county treasurer" in said line twenty-five insert the following words: "and one-fourth thereof to the Treasurer of the Board of Graded School Trustees of Louisburg." In line twenty-nine of said section strike out the words "three-eighths" and insert the words "one-fourth."

School treasurer.	SEC. 6. The said board of trustees shall elect annually a treasurer, who may or may not be one of said trustees, who shall have charge of all moneys belonging to said graded school and who shall make such reports as may be required by said board of trustees. All funds coming into his hands for graded schools shall be expended under the direction of said board of trustees; and warrants for the same signed by the chairman and countersigned by the secretary of said board shall be the only valid vouchers in any settlement required of him. A bond shall be required of said treasurer in an amount sufficient to secure all school money which may at any time come into his hands.
School warrants.	
Treasurer's bond.	
Bond election to be called.	SEC. 7. The Board of County Commissioners of Franklin County shall, upon the recommendation of the said board of trustees, call an election in which shall be submitted to the qualified electors of said district the proposition to issue not more than ten thousand dollars in coupon bonds, and for such election shall appoint a registrar and two pollholders to conduct said election, who shall canvass and declare the result. Otherwise, the said election shall be advertised and held in accordance with the law regulating the holding of elections for members of the General Assembly. Those voting for the issue of said bonds shall have written or printed upon their ballots the words "For Graded School"; those voting against the same shall have written or printed thereon the words "Against Graded School." If a majority of the qualified electors of said district shall vote in favor of the issue of said bonds, then there shall be levied annually by the Board of County Commissioners of Franklin County on all persons and property within the limits of said district liable for taxation a special tax of ten cents on the one hundred dollars worth of property and thirty cents on the poll, said tax to be collected by the Sheriff of Franklin County and turned over to the treasurer of said board of trustees, and the proceeds thereof to be used for providing for the payment of said bonds and for defraying the expenses of said graded school; also the said board of trustees shall issue bonds of said graded school district not to exceed the said amount of ten thousand dollars, of such denomination as they may deem advisable, bearing interest from date at a rate not exceeding six per cent, per annum, with interest coupons attached, payable annually at such time or times and at such place or places as may be deemed advisable; said
Regulations for election.	
Form of ballots.	
Special tax if bonds prevail.	
Description of bonds.	

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 date thereof, and at such place or places as the said board of trustees may determine. Said bonds shall be signed by the chairman of said board of trustees and countersigned by the secretary thereof, and shall not be sold or otherwise disposed of for a less sum than their par value. The proceeds arising from the sale of said bonds shall be expended by said board of trustees in the purchase or erection of such school buildings as may be required and for the proper equipment of the same, and for no other purpose. An election resulting unfavorably to the levying of said tax shall not exhaust the power of said board of trustees to submit the question of levying the said tax and issuing said bonds at another and subsequent election to be held as hereinabove provided for, at any time within five years from and after the holding of said election.

How bonds  
attested.

Appropriation of  
bonds.

Further elections.

SEC. 8. For the better maintenance and support of said graded school the said board of trustees are hereby authorized and empowered to call at such time or times as they may deem advisable for an election to be called and held, as provided for in section seven of this act, at which said election there shall be submitted to the voters of said district the levying of a special tax, the amount thereof to be specified in the call for such election, upon the persons and property in said district liable for taxation: *Provided*, that the total tax levied specially for the support of said school shall not exceed thirty-three and one-third cents on the one hundred dollars worth of property and one dollar on the poll. At such election those in favor of the special tax shall vote ballots on which shall be written or printed "For Graded School," and those opposed thereto ballots on which shall be written or printed "Against Graded School." If a majority of the qualified voters shall vote in favor thereof, then said tax shall be levied and collected as provided in section seven of this act.

Special tax to be  
voted on.

Amount to be  
specified.

Proviso: tax limit.

Form of ballots.

SEC. 9. The Trustees of the Louisburg Male Academy are hereby authorized and empowered to lease for a term of years to the said board of graded school trustees the property, both real and personal, now held by them as trustees of said male academy, to be used for public schools and no other purpose.

Louisburg Male  
Academy may be  
leased.

SEC. 10. That any amount which may be apportioned from the county school fund for the district under the general school law of the State shall be paid direct to the treasurer of the said board of graded school trustees by the county treasurer.

Appropriation  
from general school  
fund.

SEC. 11. That all the provisions of this act, except those powers to be derived from elections held under the term of sections seven and eight hereof, shall be in force from and after the ratification of this act; and the powers granted and provisions made in said sections seven and eight shall be in force from and after an election held thereunder, resulting favorably to such tax levies.

When act in effect.

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

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1905.

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## CHAPTER 120.

### AN ACT TO INCORPORATE THE SOUTHERN REAL ESTATE COMPANY.

*The General Assembly of North Carolina do enact:*

- Corporators. SECTION 1. That J. M. Hendrix, E. P. Wharton, W. E. Blair, H. L. Coble and David White, their associates, successors and assigns, be and they are hereby created a body politic and corporate by and under the name of the Southern Real Estate Company and by that name shall exist perpetually and shall have the right to have and use a common seal, to sue and be sued, with all the powers hereinafter set out, or which are now or may hereafter be conferred by law upon corporations.
- Location. SEC. 2. The location of the principal offices of this corporation in this State is at Greensboro, North Carolina, but it may have one or more branch offices or places of business out of the State of North Carolina, as well as in said State.
- Corporate powers. SEC. 3. That the company hereby incorporated shall have the power: To take, acquire, buy, hold, own, maintain, work, develop, sell, convey, lease, mortgage, exchange, improve and otherwise deal in and dispose of real estate and real property or any other interests and rights therein, without limit as to amount; to take, acquire, buy, hold, own, sell, hire, lease, mortgage, pledge and otherwise deal in and dispose of all kinds of property, chattels and chattels real, without limit as to amount; to lend money on bonds secured by mortgages on real estate or upon personal property, or to guarantee the payment of the principal and interest of any bonds or notes secured by mortgages on real estate or personal property, or to lend money and make advances from time to time on bonds secured by mortgages for future advances on real estate or upon personal property; to procure money for borrowers and to guarantee to the lender the payment of both principal and interest, and to charge therefor a commission for its services; to erect, construct, alter, maintain and improve houses, buildings or works of every description on any lands of the corporation or upon any other lands, or to rebuild, alter or improve existing houses, buildings and works thereon; to convert and appropriate any such lands into and build and form roads, streets or other conveniences, and generally to deal with and improve the property of the corporation; to undertake and direct the management or sale of all es-
- Power to hold real estate not limited.

tates, property, buildings and lands as the agent of the owner of such estates, property, buildings and lands, and to collect any rents as the agent of the owner of such estates, property, buildings and lands, charging for such services such commissions as may be agreed upon; to transact, on commission, the general business of a real estate agent; to hold, purchase and otherwise acquire, sell, assign, transfer, mortgage, pledge or otherwise dispose of shares of the capital stock and bonds, debentures or any evidences of indebtedness created by other corporation or corporations, and allow the holder thereof to exercise all the rights and privileges of ownership and right to vote thereon; to guarantee the payment of dividends or interest on any shares, stocks, debentures or other securities, contracts or obligations, issued by any other corporation; to lend and advance money or give credit to any person or corporation on such terms as are not inconsistent with the laws of this State as it may deem expedient; to give guarantees or become security for any such persons or corporations; to do all and everything necessary, suitable, convenient or proper for the accomplishment of any of the purposes or the attainment of any one or more of the objects herein enumerated, incidental to the powers herein named or which shall at any time appear conducive or expedient for the protection or benefit of the corporation, either as holders of or interested in any property or otherwise.

SEC. 4. That when fifty thousand dollars (\$50,000) of the capital stock hereinafter authorized to be issued shall have been subscribed for and paid in, said corporation, upon filing with the Insurance Commissioner a copy of its charter and a statement of its assets and liabilities, showing its capital stock of not less than fifty thousand dollars (\$50,000) to be unimpaired, shall have the power to examine titles to real estate, furnish information in relation thereto and insure owners and others interested therein against loss by reason of incumbrances and defective title: *Provided*, that said corporation, before it issue any policy or make any contract or guarantee of insurance as aforesaid, shall obtain from the Insurance Commissioner his certificate that it has complied with the law as herein enacted and is authorized to issue such contracts, guarantees and policies of insurance: *Provided further*, that upon said corporation filing its charter and statement as aforesaid, it shall be the duty of the Insurance Commissioner to issue his certificate as hereinabove set out.

Powers to examine  
and guarantee  
titles.

SEC. 5. That the capital stock of this company with which it shall begin business shall be two thousand five hundred dollars (\$2,500), to be divided into twenty-five shares of the par value of one hundred dollars (\$100) each; and such capital stock or any increase thereof as hereinafter provided for may be paid for in money, land, stocks, bonds or other securities; and said company may by a concurrence of two-thirds in amount of all its outstanding capital stock increase its capital stock from time to time to an

Capital stock.

amount not exceeding one hundred and twenty-five thousand dollars (\$125,000): *Provided*, that said increase shall be granted by the Secretary of State upon application to and the payment of the tax required by law.

Directors.

SEC. 6. The board of directors of the corporation shall have power by vote of a majority of all the directors and without the assent of vote of the stockholders to make, alter, amend and rescind the by-laws of this corporation.

SEC. 7. 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. 1905.

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## CHAPTER 121.

### AN ACT TO INCORPORATE THE GREENSBORO HOOK AND LADDER COMPANY, NUMBER ONE, OF THE CITY OF GREENSBORO, N. C.

*The General Assembly of North Carolina do enact:*

Corporators.

SECTION 1. That E. E. Bain, R. B. Beall, C. G. Burton, O. D. Boycott, L. V. Butner, C. J. Clapp, J. T. Cox, C. T. Fuller, W. F. Fleming, W. R. Pleasant, A. J. Smith and 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 Greensboro Hook and Ladder Company, Number One, of the City of Greensboro, N. C.

Corporate name.

Corporate powers.

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 to adopt such by-laws and regulations as may be necessary for the good government of same.

Officers and members exempt from jury and militia duty.

SEC. 3. Be it further enacted: That all officers and members of the said "Greensboro Hook and Ladder Company, Number One, 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.

Members not liable for debts.

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

Exemption from charter tax.

SEC. 5. That the tax required by section five, chapter three hundred and eighteen, Public Laws of one thousand eight hundred and ninety-three, shall not 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 20th day of February, A. D. 1905.



## CHAPTER 122.

## AN ACT TO INCORPORATE THE TALLASSEE POWER COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That J. S. Bailey, S. F. Chapman and J. S. Adams, Corporators. and their associates, successors and assigns, be and they are Corporate name. hereby declared a body politic and corporate, under the name and style of the Tallassee Power Company, and by that name shall sue Formal enumeration of corporate powers. 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 of the rights and privileges necessary for the purposes of this act, for the term of sixty years.

SEC. 2. That the capital stock of said company shall be one hundred thousand dollars, and may be increased from time to time, Capital stock: may be increased. with the consent of a majority of the stockholders: *Provided*, the consent of the Secretary of State is obtained and fees required by law are paid him upon each and every increase, to any additional amount by the issue and sale of shares of common or preferred stock, or both, upon such terms and conditions and under such regulations as the board of directors, with the approval of the majority of the stockholders of said company, shall prescribe: *Provided*, that in no case the total capital stock of said company shall exceed four million dollars. That the par value of each Par value of stock. share of stock shall be one hundred dollars; and the directors, Subscriptions: how and when payable. with the consent and approval of a majority of the stockholders, may receive cash, labor, material, bonds, stocks, contracts, real or personal property, in payment of subscriptions to the capital stock, and may make such subscriptions payable in such manner and amounts and at such times as may be agreed upon with the subscribers; and whenever two hundred and fifty shares shall have When company to organize. been subscribed, the subscribers, under the direction of the majority of the incorporators hereinbefore named, who themselves shall be subscribers, may organize the said company by electing a board of directors and providing for the election of such other officers as may be necessary for the 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 this charter and the laws of this State. Every subscriber to or holder of stock of said company shall be liable for the debts of the said company to an amount equal to the amount unpaid on the stock subscribed for and held by him, and no more. Liability of stockholders.

SEC. 3. It shall be lawful for said corporation, upon such terms Company may borrow money and secure payment. 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

May acquire stock  
of other companies.

franchises in whole or in part, as they may deem necessary or 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, and of persons and unincorporated companies.

Company to supply  
power for driving  
machinery, etc.

SEC. 4. That said company is authorized and empowered to supply to the public, including both individuals and corporations, whether private or municipal, within the State of North Carolina and elsewhere, power in the forms of electric current, hydraulic, pneumatic, and steam pressure, or any of the said forms or any other forms for use in driving machinery and for light, heat and all other uses to which the power so supplied can be applied, and and to fix, charge, 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 Little Tennessee River, or any other unnavigable stream within the State of North Carolina where the company may establish a plant, either directly to consumers or users, or to any distributing point within the State of North Carolina or elsewhere, where the said company may establish a distributing plant, and from the same or any other initial point in the State of North Carolina, either directly to consumers or users or to any other distributing point in the State of North Carolina or elsewhere which the said company may establish by the most practicable routes, 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 cables, pipes, tubes, conduits and all other convenient appliances for power transmission, with such connecting and branch lines within the State of North Carolina or elsewhere as the board of directors 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 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 and all other works, structures, machinery and appliances which may be necessary to the operation of said plants: *Provided*, that the 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

May construct  
power plant.

Water power and  
water privileges.

Plants.

Proviso: lines on  
streets.

authorities respectively thereof shall, upon application from the company, prescribe.

SEC. 5. That the said company shall have power, in addition to the powers hereinbefore 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 transmission of power; and to furnish and sell and to 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 motors, cars, machinery and apparatus, and also for all other uses and purposes for which electricity is now or may be hereafter used; to construct, maintain and operate a plant or plants for manufacturing, generating and transmitting electricity; to deal in, generate, furnish, supply and sell electricity, steam, gas, compressed air and all other kinds of power, forces, fluids, currents, matter and material used or to be used for the purpose of illumination, heat and power; to carry on any and all business in anywise appertaining or connected with the manufacturing and generating, distributing and furnishing electricity for light, heat and power purposes, including the transacting and conducting of any and all business in which electricity is now or may be hereafter 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 utilizing of electricity or in 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 construct, acquire, build and operate, maintain and lease canals, ditches, flumes and pipe lines for the conducting of water; to build, construct, maintain and operate railroads, street railways, motor lines and tram-ways, and to carry freight and passengers, or freight or passengers thereon, and to charge, collect and receive tolls or fares for the same; to construct, build, purchase, buy, own, hold, lease, maintain and operate telegraph and telephone lines wherever it may deem 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 reasonable; to construct, acquire, own, hold, lease, maintain and operate lines of wires, underground conduits, subways or 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 railways, motor lines, tram-ways, telegraph lines, telephone lines, power transmission lines, conduits and power plants to any other company or companies organized for the purpose of maintaining and

Electricity for lights, heating, and power.

Plants.

May manufacture and deal in electric machinery.

Canals, ditches, flumes, and pipe lines.

Railroads, street railways, motor lines, and tram-ways.

Telegraph and telephone lines.

Conduits and subways.

May lease to other companies.

Make take lease  
of other companies.

May apply for  
grants from munic-  
ipal corporations.

To buy out other  
companies.

May acquire real  
estate.

Proviso: damages  
to be agreed on.

Proviso: company  
not estopped by  
first location.

Condemnation of  
land.

operating such roads, lines or conduits or power plants, and to lease, purchase, maintain and operate any part or all of any other railroad constructed by others, upon such terms and conditions as may be agreed upon by the parties respectively; to apply to the proper authorities of any incorporated county, city or town in the State of North Carolina or elsewhere in which the railroads, street railways, motor lines, power transmission lines, power plants, underground 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 and operation thereof; to accept, receive, own, hold, lease all and singular to the same; to acquire by contract, purchase, lease or otherwise, and to accept, own and hold any right, 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 county, city or town; and to do and perform all matters and things necessary, proper or convenient for the accomplishment of the objects hereinbefore mentioned.

SEC. 6. It shall be lawful for the president and directors, their agents, superintendents, engineers or others in their employ to enter at all times upon all lands or water for the purpose of exploring or surveying the lands required by said company for the location of any of its works, or for the conducting of the business herein authorized or any part of said business, and of locating said works, doing no unnecessary damage to private property; and when the location of said works shall have been determined and a survey of the same deposited in the office of the clerk of the superior court of the county in which the said land lies, then it shall be lawful for the said company by its officers, agents, engineers, superintendents, contractors and others in its employ to enter upon, take possession of, have, hold, use and excavate and fill any such lands and to erect all the necessary and suitable structures for the erection, completion, repairing and operating of said works, subject to such compensation as is hereinafter provided: *Provided, however*, that said company shall not enter upon or break ground upon the premises, except for the purposes of surveying, without the consent of the owner, until such owner's damages are agreed upon between such owner and said company, or ascertained by the method hereinafter provided, and such damage has been paid to such owner: *And provided further*, that such locating of its works and filing its surveys in the office of the clerk of the superior court shall not preclude said company from making, from time to time, other location of works and filing surveys of the same as its business and its development require; and whenever any land for the location of a dam or dams or of a canal or canals, or for ponding water, or any other lands or rights-of-way may be required by said company for the purpose of construct-



ing and operating its works, or for the conducting of the business herein authorized, or any part of said business, and the said company cannot agree with the owner thereof for the purchase of the same, the same may be condemned and taken and appropriated by said company at a valuation of five commissioners, or a majority of them, appointed by the clerk of the superior court of the county in which the land to be condemned lies. In making 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. The said commissioners shall report their valuation of said land to the said clerk, in writing within twenty days after receiving notice of their appointment, and shall file their report with said clerk within that time; and if the said owner or owners or the said company do not except to the valuation so reported within ten days after the filing of the report, the said clerk shall approve and confirm said report, and then, upon payment of such valuation and the costs of the proceedings, the said lands shall vest in and be and become the property of said company for the purposes hereinbefore expressed. If either or both of the parties be dissatisfied with such valuation, then either or both parties may, within ten days after the filing of said report, file exceptions thereto, and upon the determination of the same by the clerk and upon notice to the other party within three days after such determination, may appeal to the superior court of the county in which the land lies at the next ensuing term thereof; and upon the demand of either party the said valuation shall be determined by a jury trial. If no such demand is made, the judge may hear and determine the matter upon exceptions filed, and either party shall have the right to appeal to the Supreme Court as in other cases from a judgment of the superior court. And when the said valuation has been thus ascertained and determined and paid the said land shall vest in and be and become the property of the said company for the purposes hereinbefore expressed. In case any land so required shall be claimed by more than one person, then the amount of the valuation shall be deposited with the clerk of the superior court of the county in which the land lies until the true owners of the land and the proper person to receive said money can be ascertained by an action or suit between such claimants: *Provided*, that upon application for the appointment of commissioners under this act it shall be made to appear to the satisfaction of the clerk of the superior court in which the land lies 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 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, not under disability, or if the guardian of such owners as are under disability cannot be found within the county,

Appeal.

Assessment deposited with clerk of court.

Proviso: notice to land-owners.



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 published in the county in which the application is made, or if there be no such newspaper in such county, then in some newspaper published in some county adjoining the county in which the land to be condemned lies, and by notice posted for twenty days at the court-house door of said county in which said land lies: *And provided further*, that the valuation provided for in this section shall be made upon the oaths of the commissioners aforesaid, which 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. In case of any appeal to the superior court from the report of the commissioners, by either the said company or the said owner or owners of the land to be condemned, then the said company shall deposit with the clerk of the superior court of the county in which the said land lies the sum named as the valuation of said land by the commissioners and all costs of the proceeding up to the date of the appeal, and thereupon the said land shall vest in the said company for the purposes hereinbefore expressed; and when the valuation of said land shall be finally determined as prescribed by this act, then the sums so deposited with the clerk, or so much thereof as may be necessary to pay to the land-owner or owners such valuation of said land, with such cost as he or they may recover, shall be paid to such land-owner or owners, and any surplus shall be returned to said company. In case such deposit is not sufficient to pay off such valuation and costs, the court shall give judgment to said owner or owners for the amount of such deficiency, and such judgment shall be a lien on said lands, having priority over all other liens placed upon said land by said company or its assigns, and over any and all conveyances thereof made by said company.

**Proviso: valuation on oath.**

**Proviso: limit to power of condemnation.**

**Assessment deposited with clerk of court to vest title in company.**

**Judgment if deposit insufficient.**

**Each share of stock entitled to one vote.**

**By-laws, rules and regulations.**

**Meetings of stockholders and principal office.**

SEC. 7. 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 on the books of the company and shall be allowed to cast his vote either in person or by proxy duly authorized in accordance with the rules and regulations prescribed by the by-laws of the company. The stockholders of the 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 at Asheville in the county of Buncombe, where the principal office of the company shall be until the board of directors shall change the location of the principal office to some other town or point, and the said board of directors shall have the power, with the consent and approval of a majority of the stockholders of said com-

pany, to change the location of the principal office of said company from time to time.

SEC. 8. The board of directors shall be elected from the stock-holders of said company and shall consist of such number 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 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 qualified; 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.

SEC. 9. That a copy of any by-law or regulation of the said company, under its corporate seal, attested by the secretary and by the president, shall be received as *prima facie* evidence for and against the company in any judicial proceeding.

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

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1905.

## CHAPTER 123.

### AN ACT TO ESTABLISH A GRADED SCHOOL AT YOUNGSVILLE, FRANKLIN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all the territory lying within the limits of the town of Youngsville, and all that portion of Franklin County lying contiguous thereto, but not included in said corporate limits, bounded as follows: Beginning at a point three miles north of the warehouse of the Seaboard Air Line Railway in said town, running due east from said point two miles, thence due south to the Wake County line, thence west with said Wake County line to a point on said line whose horizontal distance from the said line running due south to the Wake County line shall be even four miles; thence north to a point due west from the beginning point; thence east two miles to said beginning point, is hereby created one graded school district to be known as the Youngsville Graded School District.

SEC. 2. That for the purpose and benefits of this act, and for no other purposes, the provisions of all laws governing the assessment of real and personal property, the levy and collection of municipal taxes and the holding of municipal elections in the

Boundary of districts.

Tax and election laws of Youngsville extended to district.

town of Youngsville, shall be and are hereby extended to that portion of said graded school district lying within the corporate limits of said town, as fully as if the same lay within the corporate limits; that in all elections which shall be held under this act that portion of said district lying without said corporate limits shall be deemed a ward of said town.

Town commissioners to submit school tax to voters of district.

SEC. 3. That the Board of Commissioners of said Town of Youngsville are hereby required to submit to the qualified voters of the said school district, on the first Monday in May, one thousand nine hundred and five, the question whether an annual tax shall be levied for the support of the graded school in said graded school district.

Form of ballots.

SEC. 4. 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 with the words "For Graded Schools" upon it, and those opposed to the levying of such tax shall vote a written or printed ballot with the words "Against Graded Schools" upon it. The Board of Commissioners of the Town of Youngsville shall give thirty days' notice of the time of holding said election in a newspaper published in the county of Franklin and by posting said notice in three public places in said school district.

Notice of election.

Tax to be levied if approved by voters.

SEC. 5. That in case a majority of the qualified electors of said school district shall be in favor of such tax the Board of Commissioners of said Town of Youngsville shall, in addition to the other taxes levied upon said 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 people of said school district to raise such a sum of money as the trustees hereinafter named for the said school district shall deem necessary to support and maintain graded schools, which sum shall not exceed thirty-three and one-third cents on the one hundred dollars valuation of the property and one dollar on each poll. Said trustees shall immediately after the election herein provided for report to the Board of Commissioners of the Town of Youngsville what sum said trustees deem necessary to support and maintain said graded schools during the first year, and annually thereafter the said trustees, thirty days prior to the time of levying for town taxes, shall report to the Board of Commissioners of the Town of Youngsville what sum is necessary to support and maintain said graded schools during the next year. The taxes levied as herein provided shall be annually collected and paid over by the town tax collector to the treasurer of said town 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, separate and distinct from other taxes by the said officers for the purposes for which they were levied and collected.

Limit.

Trustees to report sum needed.

Taxes kept separate.

Trustees incorporated. Corporate name.

SEC. 6. 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 Youngsville Graded Schools," and by that name shall be capable of receiving grants, gifts 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.

SEC. 7. That it shall be the duty of the said board of trustees hereinafter named to apportion all moneys raised and received for educational purposes in the said school district in such manner as shall be just to the white and colored races, without discrimination to the prejudice of either race, due regard being paid to the cost of keeping up and maintaining the schools for both races, separate schools to be provided for each race; and that it shall be the further duty of said board of trustees to establish and keep up a graded school in said district for the white children and one for the colored children: *Provided*, if the number of either race and the fund therefor is insufficient to maintain a graded school for said race, the fund may be applied to a public free school for said race under the control of said board.

Trustees to apportion school money.

Graded schools for each race.

Proviso: if funds insufficient.

SEC. 8. That the board of trustees herein provided for shall have entire charge and exclusive control of the said graded schools and property in said district, shall prescribe rules and regulations for their own government, elect such officers of the said board as they may deem necessary, prescribe regulations for the said schools, employ and fix the compensation of the superintendent and teachers in the said schools, dismiss them for cause, fix the time of beginning and ending of said graded schools from year to year, and do all other acts that may be just and lawful in the management of the graded school interests in said district: *Provided*, that all children resident in said district between the ages of six and twenty-one years old shall be admitted into said graded schools free of charge, and the said board may admit non-resident children of said district upon such terms as the board may decide.

Powers of trustees.

Proviso: no tuition to be charged residents of district.

Non-resident pupils.

SEC. 9. That L. M. Allred, Clem C. Winston and R. C. Underwood for the term of six years from the ratification of this act; S. E. Pearce, Dr. I. G. Riddick and J. B. Perry for the term of four years, and J. C. Winston, J. M. Holder and J. S. Timberlake for the term of two years, shall be and are hereby appointed and constituted a board of trustees of and for said graded school district, and they and their successors in office shall have the control and exclusive management of said graded schools. Whenever the term of office of any class shall expire as above provided, their successors shall be elected for the term of six years by the qualified voters of said district at an election to be held in conjunction with and on the same date of and under the same rules and regulations governing the election of Mayor and Commissioners of the Town of Youngsville in said district: *Provided*, that said board of trustees shall consist of nine members, not more than five of

Trustees named: terms of office.

Successors elected by voters of district.

Proviso: number and residence of trustees.

whom shall reside in the corporate limits of the town of Youngsville; two of whom shall reside east of the railroad in said district and two of whom shall reside west of said railroad in said district, the latter four being without the said corporate limits.

District to have quota of general school fund.

SEC. 10. That the moneys which shall from time to time be apportioned under the general school laws of the State to the above described school district shall be turned over by the Treasurer of Franklin County to the Treasurer of the Town of Youngsville for the benefit of said graded schools: *Provided*, that the Mayor of the Town of Youngsville shall make a full report of all fines, penalties or forfeitures collected, on the first days of April and October of each year, all such moneys to be by him turned over to the treasurer of said town to become as other school funds. The said town treasurer shall receive such compensation as the board of trustees shall think proper for the disbursements of moneys under this act.

Proviso: duty of mayor.

Pay of treasurer.

School warrants.

SEC. 11. That all moneys herein received shall be held by the treasurer of said town 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 treasurer for the disbursement of the said money in any settlement required of him by law or by the said board of trustees.

Trustees to file reports.

SEC. 12. That it shall be the duty of the 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 welfare of the schools of said district as in their judgment may be advisable to the Board of Education of Franklin County.

And make recommendations.

Public school property vested in graded schools.

SEC. 13. That the property, both real and personal, of the public schools of said district shall become the property of the said graded schools, and shall be vested in said board of trustees and their successors in trust for the said graded schools: *Provided*, in case of a discontinuance of said graded schools all the property thereto belonging shall revert to and become the property of the said district public schools.

School buildings.

SEC. 14. That nothing in this act shall prevent the said board of trustees from expending so much of the moneys raised by the provisions of this act as they may deem necessary to enlarge, renovate, repair and equip the present school buildings, or to build new ones out and out for the said graded schools, and a sufficient amount of said moneys is hereby appropriated for that purpose, should the said board in its discretion consider it necessary.

Trustee not debarred from other office.

SEC. 15. That nothing in this act shall prevent persons acting as trustees from holding any other office of trust or profit while acting as trustee.



SEC. 16. That all laws and clauses of laws in conflict with this Repealing clause, act be and the same 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 20th day of February, A. D. 1905.

## CHAPTER 124.

### AN ACT TO INCORPORATE THE CITIZENS BANK, EDENTON, N. C.

*The General Assembly of North Carolina do enact:*

SECTION 1. That H. C. Privott, Thomas Elliott, L. L. Brinkley, Richard Dillard, W. R. Capehart, Jr., J. L. Hassell, Dr. J. R. Parker, L. W. Norman, M. H. White, Hon. G. W. Ward, W. T. Old, Hon. John H. Small, Hon. H. S. Ward, Nathaniel Beaman, their associates, successors and assigns, are hereby constituted, created and declared a body politic and corporate under the name of "The Citizens Bank," with its place of business in Edenton, North Carolina, for the period of sixty years, with full power to sue or be sued in any court of the State or the United States, to acquire, own and convey property, real, personal and mixed, and to adopt and use a common seal, which may be altered when deemed expedient.

SEC. 2. The capital stock of the corporation shall be twenty-five thousand dollars (\$25,000), divided into shares of one hundred dollars (\$100) each, which may be increased from time to time, or at any time, by the vote of two-thirds of said stock, to one hundred thousand dollars (\$100,000). The bank may commence business as soon as twenty-five thousand dollars (\$25,000) is subscribed and two-fifths thereof paid in.

SEC. 3. The principal office and banking-house of the corporation shall be located in Edenton, North Carolina, as aforesaid.

SEC. 4. The affairs of the bank shall be managed by a board of directors consisting of eleven, but may be a greater or less number, not less than five nor more than fifteen, as the stockholders may decide, which board shall be elected at the annual meeting of the stockholders to be held on the second Thursday of each January, beginning with January, one thousand nine hundred and six, and hold their offices for one year and until their successors are elected and qualified. Any vacancy upon the board may be filled by the board for the unexpired term. The directors shall hold meetings as often as the by-laws of the company shall require, and five of them shall constitute a quorum for the transaction of all business.

President and vice-president.	SEC. 5. The board of directors shall meet as soon after their election as practicable, and elect from among themselves a president and two vice-presidents of the bank, who shall hold their office for one year and until their successors are duly elected.
Cashier and other officers.	The said board shall also elect, not from among themselves, a cashier and such other officers and employees as the board may deem best, to hold office during the pleasure of the board. The
Bond of cashier.	cashier shall be required by the directors to give bond, the amount to be fixed by the directors; the other employees of the bank may also be required, in the discretion of the directors, to give bonds, the amounts whereof are to be fixed by the directors.
Corporation to have banking 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 four, volume two, of The Code, entitled "Banks," and all amendments and supplements thereto; it shall also have the power to receive and pay out money, to receive deposits of money and other valuables; may discount, buy and sell notes, drafts and all other securities and evidences of debt; may loan money on mortgages of real or personal estate or other security, and charge for money loaned by it such rate of interest 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.
Deposits of valuables for safe-keeping.	SEC. 7. The said corporation is hereby authorized to receive on deposit all valuables, gold, silver, precious metals, jewels, plate, certificates of stock, bonds, evidences of debt, instruments of title and all other things of value which may be left on deposit with said company for safe-keeping, and shall be entitled to charge such commissions or compensation as may be agreed upon; and that said bank is authorized and empowered to accept and exercise any trust of any and every 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 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.
Bank may accept and discharge trusts.	
May act in fiduciary capacity.	
Department for savings.	SEC. 8. The corporation is authorized to organize in connection with its general banking business a department for savings, and do a savings bank business for the convenience of small depositors, and to make 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 authorize, not exceeding the legal rate.
Bank may act as agent, factor or broker.	SEC. 9. 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 in 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, commissions or rates of compensation as may be agreed upon.

SEC. 10. 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 and merchandise, cotton and other products, and charge and receive commissions, rents and compensation for the storage and keeping thereof, which charge shall constitute a 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 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 corporation 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.

SEC. 11. 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 said corporation to guarantee it against loss by reason of said suretyship, and shall receive such compensation as may be agreed upon.

SEC. 12. 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, 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 shall be an absolute release and discharge of said bank from liability for the same.

SEC. 13. That any real estate held by the said corporation at any time 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 under deeds

Warehouse powers.

Warehouse charges  
lien on property  
stored.Bank may make  
advances on ware-  
house receipts.Receipts nego-  
tiable.Bank may become  
surety on bonds.Proviso: guarantee  
to bank.Deposits of married  
women, minors and  
apprentices.How deeds of bank  
attested.What real estate  
may be purchased.

- of trust or other assurance for debts due it, when such purchase is in the judgment of the directors necessary for its protection.
- Lien of bank on unpaid stock.** SEC. 14. 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 upon said stock may be recovered by the 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 defaulting stock, and the amount realized at such sale shall be applied to the payment of the cost of such sale, the amount remaining due and unpaid for such stock and interest on same, and any balance to the subscriber for said stock: if the amount realized be insufficient to pay the balance then due, then such balance may be recovered by civil action against the subscriber for same.
- Stock to be sold.**
- Notice of sale.**
- Judgment for balance.**
- Former subscriptions validated.** SEC. 15. Subscriptions already made or which may be made to the stock of "The Citizens Bank" of Edenton, 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 said charter, are hereby expressly ratified, confirmed and made valid and binding in all respects as if they had been done after the charter was granted.
- Liability of stockholders.** SEC. 16. That each stockholder shall be liable to said bank for the amount subscribed by said 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.
- Annual meetings.** SEC. 17. 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 meeting be not then done, such omitted meeting may be subsequently held and such duties subsequently performed.
- Transfer of stock.** SEC. 18. 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 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 and shall be affected with a lien for such indebtedness.
- First officers named.** SEC. 19. The following shall constitute the officers who for the first year are to manage the affairs of this bank, viz.: W. T. Old, president; H. C. Privott and L. W. Norman, vice-presidents; Thomas W. Elliott, L. L. Brinkley, W. R. Capehart, Jr., J. L. Hassell, J. R. Parker, Nathaniel Beaman, directors.
- Forfeiture for non-user.** SEC. 20. The immunities, powers and privileges herein granted shall be forfeited if not used in two years.

SEC. 21. 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. 1905.

## CHAPTER 125.

### AN ACT TO INCORPORATE THE GREAT PEE DEE ELECTRIC AND POWER COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Hugh Macrae, Charles P. Bolles, Jr., Minor Corporators. F. H. Gouverneur and Henry A. Pressey, and their associates and successors, be and they hereby are declared a body corporate under the name of the Great Pee Dee Electric and Power Company, and by that name, or any alteration or amendment thereof, may sue Corporate name. and be sued, shall have the power of perpetual succession, the Formal enumeration of corporate powers. the power to make any and all kinds of contracts, to have and use a common seal and the same to alter at its pleasure; to receive, purchase, hold, improve, mortgage, convey, transfer and sell all kinds of property, both real and personal, goods, wares and merchandise; make and establish all such by-laws and regulations as shall be found meet and expedient for the government of the said corporation and the management of its business and property, not inconsistent with the Constitution and laws of the State of North Carolina or the United States, and to do all lawful acts and things and to exercise all lawful franchises, rights, powers and privileges incident to corporations under the laws of this State.

SEC. 2. The principal office of the said corporation shall be in Location. the city of Wilmington, North Carolina, where the first meeting of the incorporators for the purpose of organizing the said corporation shall be held; but the said corporators and the stockholders of the said company shall have the right and power to change Power of removal. the principal place of business of the said company to some other point or place in the said State, and also to establish other places of business and branch offices in said State and in any other State or States.

SEC. 3. That the objects for which said Great Pee Dee Electric Objects of corporation. and Power Company is formed are to build and maintain a dam or dams across the Pee Dee River in the State of North Carolina, and also on any other rivers and at any other places in said State or in other States, for the purpose of utilizing the water power thereof; and to build, maintain and operate electric and other power plants, bridges and ferries, cotton mills, cotton gins, paper mills, pulp mills and all other kinds of mills or factories, canals, aqueducts, water-ways, waste-ways, wells and reservoirs needful for its mills, factories and other places of business; to make and



Powers of  
company.

sell power, light, heat, gas, electricity and goods and products of every kind and material; also to establish settlements or towns, and to supply to the public, including individuals and corporations, in towns thus established, or in other municipalities within the State of North Carolina or elsewhere, water for domestic or manufacturing purposes, power in the form of electrical currents, pneumatic or steam pressure or any of the said forms, or in any or all other forms for use in driving machinery and for light, heat, or other uses for which the power so applied can be made applicable, and to fix, charge, 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, use, transmit and distribute power of all kinds; and to locate, acquire, construct, equip, maintain, and operate from any place or places 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, 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 a majority of the stockholders of 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 acquire, 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, reservoirs, gates, bridges, tunnels, stations and other buildings, boilers, engines, machinery, switches, lamps, motors and all other works, structures and appliances, in the State of North Carolina; and also the power to build, own, control and operate electric railway lines for the transportation of freight and passengers, and to charge, collect and receive tolls therefor; and may own, rent, lease or sell power for any other uses to which electricity, steam or water power can be applied; and the said corporation, for the purpose of acquiring lands or water rights which would be damaged by reason of the erection of a dam or dams as aforesaid, and for the various other purposes set forth in these articles of incorporation, shall have power to condemn land, water rights or any easement or interest therein, and the proceedings for the condemnation of such lands, water rights or any easement or interest therein shall either be as prescribed in chapter forty-nine (49), volume one (1) of The Code, and the laws amendatory thereof, or

Railway lines.

Right to condemn  
land.  
Proceedings for  
condemnation.

the said corporation may file a petition before the clerk of the superior court of the county wherein the land or water rights lie, specifying the objects for which the land or water rights are desired, with a description thereof; the clerk of the superior court shall thereupon issue a summons or notice to the owner of said land or water rights returnable to a day certain, and after ten (10) days' notice and after a hearing shall make an order appointing three disinterested and competent freeholders of said county, who shall be summoned by the sheriff to meet on the premises at a time not more than ten (10) days after the appointment, and after being duly sworn, assess the damage of the land, water rights or other easement or interest therein desired. In assessing the damages the jurors or appraisers shall take into consideration the actual value of the land, water rights or other interests desired, together with any special damages likely to accrue to the owner, and likewise shall consider any special benefits thereto. If the petition shall pray for a condemnation of the right-of-way only the consideration or damages allowed shall be for the said easement only, but if for lands or water rights the consideration or damages shall be for the fee; the appraisers shall make their report to the clerk of the superior court within ten (10) 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 payment of damages assessed, and shall have the force and effect of a deed. Either party may appeal to the superior court in term time from the approval or disapproval of the clerk, which appeal must be prayed within ten (10) days of the approval or disapproval of the clerk: *Provided*, 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.

Appeal.

SEC. 4. That said corporation shall likewise have the right, power and authority to lay out, build, construct, maintain and equip with suitable rolling or other stock and operate such roads, whether electric railway, plank or turnpike, and to erect, establish, maintain and operate such telegraph and telephone lines and apparatus as may be necessary, and shall likewise have the right, power and franchise to charge such tolls, fares, fees and compensation as is reasonable for the use, service or travel over such roads, turnpikes, bridges, canals, telegraph or telephone lines as it may erect, construct and operate.

Company may lay out and operate railroads and other roads.

Telegraph and telephone lines.

SEC. 5. The said corporation, its successors and assigns, is also authorized and empowered to buy and own stock in other corporations; to lease or deal in or otherwise acquire lands, tenements, hereditaments and all other manner of real and personal property, including cotton mills, factories, office buildings, houses, water

Company may buy out other companies.

May deal in real estate and other property.

May issue bonds  
and execute  
mortgages.

Company may  
borrow money.

And secure same.

Capital stock.  
Shares.

Preferred stock.

Common stock.  
Votes of  
stockholders.

Dividends on  
preferred stock.

Dividends  
cumulative.

Dividends on  
common stock.

Rights of  
preferred stock on  
dissolution of  
corporation.

powers, mineral rights, roads, bridges, electric railways and all kinds of real property or personal property whatsoever, to such an extent as may seem proper, and as fully as citizens of the State may do, and may sell and convey or lease the same to other persons or corporations; and said corporation is authorized to pay for such real estate or any other property as it may purchase or acquire, by issuing bonds and executing mortgages to secure the payment thereof.

SEC. 6. 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 the said bonds by mortgage 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, or in any other manner a majority of the directors may see fit; and it may, as the business of the company shall require, sell, lease, convey and encumber the same.

SEC. 7. That the capital stock of the said corporation shall be one million dollars (\$1,000,000), divided into ten thousand shares of the par value of one hundred dollars (\$100) each, of which five hundred thousand dollars (\$500,000), that is to say, five thousand shares, shall be preferred stock, and five hundred thousand dollars (\$500,000), that is to say, five thousand shares, shall be common stock. The holders of the shares of preferred stock shall have no vote in any of the meetings of the stockholders of said corporation, but the voting power in any and all meetings shall reside in and be wholly within the power of the holders of the common stock. The holders of said preferred stock shall be entitled to receive from the surplus or net profits arising from the business of this corporation, and not otherwise, a fixed yearly dividend of five (5) per cent., payable semi-annually at such time or times as shall be fixed by the by-laws, before any dividends shall be set apart or paid on said common stock. The dividends upon the preferred stock shall be cumulative and shall not exceed five (5) per cent. per annum; and if any year dividends amounting to five (5) per cent. shall not be paid on such preferred stock, the deficiency shall be charged upon the future net earnings and be payable subsequently before any dividend shall be set apart or paid upon the common stock. After the dividends upon the preferred stock shall have been paid or set aside as aforesaid, the holders of the common stock shall be entitled to receive from the surplus or net profits arising from the business of the said corporation, dividends in such amount as may be determined from time to time by the board of directors, and which shall be payable at such times as shall be fixed by them. The holders of the preferred stock shall, in case of liquidation or dissolution of the company, be entitled to be paid in full to the extent of the par value of the said stock

before any amount shall be paid to the holders of the general or common stock. The said incorporators shall have power to organize the said company and commence business when one hundred thousand dollars (\$100,000) of the said stock shall have been subscribed, and the stockholders of the said company shall have power from time to time by a majority vote of the same to increase the capital stock of the said corporation to any amount, not exceeding five million dollars (\$5,000,000) in all, divided into common and preferred stock in such proportions as to them shall seem best; and whenever any increase of said stock is desired by said corporation over and above the sum of one million dollars (\$1,000,000), the said corporation shall make application to the Secretary of State for the increase desired, and upon payment to the said Secretary of State of the fees for said increase he shall issue to the said corporation a certificate, under his seal of office, authorizing the amount of increase of the capital stock by the said corporation, and after such certificate of the Secretary of State is issued the said corporation shall have full power to increase its capital stock in the amount set forth in such certificate.

When company to organize and begin business.

Increase of stock.

SEC. 9. 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 20th day of February, A. D. 1905.

## CHAPTER 126.

AN ACT TO AMEND THE CHARTER OF THE CITY OF ASHEVILLE AND TO FORBID THE ESTABLISHMENT OF CEMETERIES, THE EXTENSION OF THE AREA OF EXISTING CEMETERIES OR THE USE FOR CEMETERY PURPOSES OF ANY LAND NOT NOW SO USED, EXCEPT BY PERMISSION OF THE JOINT HEALTH BOARD OF SAID CITY, AND TO PRESCRIBE CONDITIONS UPON WHICH SUCH PERMISSION MAY BE GRANTED.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person, firm or corporation to establish any cemetery, or to enlarge the area of any existing cemetery, or to use for burial or cemetery purposes any land not now actually included within the enclosure of an existing cemetery and now actually used for the interment of the dead within the city of Asheville or within one mile of the limits of said city as now or hereafter established, except with the permission of the joint health board of the city first had.

Unlawful to establish or enlarge cemetery within one mile of Asheville without permission of health board.

SEC. 2. That it shall be unlawful for said the joint health board to grant permission to any person, firm or corporation to do any

Conditions on which permission may be given.

of the acts or things defined in the preceding section hereof, except upon application to said the joint health board, in writing, and upon proof, duly verified, that notice of such application has been published at least once each week for four successive weeks in some newspaper of general circulation published in said city and by notice posted at the front door of the city hall of said city for twenty days next preceding the filing of said application, said application and said notices to contain a full description of the land proposed to be so used.

Misdemeanor.

SEC. 3. That any person, firm or corporation violating any provision of this act shall be guilty of a misdemeanor, and upon conviction shall be punished by fine or imprisonment, or both, in the discretion of the court; and any corporation convicted hereunder shall thereby forfeit its charter.

Penalty.

Repealing clause.

SEC. 4. That all laws and parts of laws inconsistent or in conflict with the provisions of this act are hereby repealed.

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 21st day of February, A. D. 1905.

## CHAPTER 127.

### AN ACT AMENDATORY OF THE CHARTER OF GUILFORD COLLEGE.

*The General Assembly of North Carolina do enact:*

Section 3 stricken out.

Other sections re-numbered.

SECTION 1. That section III of the charter of Guilford College as heretofore existing be stricken out and in its stead sections herein designated III, IV and V be substituted; and that the present sections designated IV, V, VI and VII be changed to sections VI, VII, VIII and IX, respectively.

Terms of service.

"Sec. III. The term of service of each member of the board shall expire at the end of six years from the time of his appointment, the expiration of the terms of service of the various members of the board to be so arranged that two vacancies shall occur each year at the time of holding the North Carolina Yearly Meeting of Friends.

Members of board to serve until successors appointed.

"Sec. IV. All members of said board shall serve until their successors shall be appointed.

Vacancies filled by remaining members of board.

"Sec. V. All vacancies in said board, occurring either by expiration of term of service as herein provided in section III, or by death, resignation or in any other way, shall be filled by the remaining members of said board, or a majority of them, which trustees so appointed shall be vested with the same power, trust and authority as those had whom they shall be elected to succeed."



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

In the General Assembly read three times, and ratified this the 21st day of February, A. D. 1905.

## CHAPTER 128.

### AN ACT TO INCORPORATE THE TOWN OF ALEXANDER, BUNCOMBE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Alexander in the county of Bun- Town incorporated.  
combe be and the same is hereby incorporated by the name and Name,  
style of "Alexander," and shall be subject to all the provisions of General law to  
law of chapter sixty-two, The Code, or existing laws in reference apply.  
to incorporated towns.

SEC. 2. That the corporate limits of said town shall be as fol- Corporate  
lows: Beginning at the mouth of Reems Creek, following up the boundary.  
north side of said creek to the Alexander old mill place; thence  
in a northerly direction to Mat Black's house; thence in a north-  
west direction by Mat Black's spring and running with the main  
top of the ridge to the road leading to M. C. Sheppard's farm;  
then southwest to and crossing the French Broad River at the  
mouth of the Lee Branch; thence with said branch to Matthew  
Buckner's house; thence south with main top of ridge to Mrs.  
L. Buckner's spring; thence east, crossing said river, to the point  
of beginning. All of the territory included within the foregoing  
boundary lines to be included within the corporate limits of said  
town of Alexander: *Provided, however,* that the county will keep Proviso: county to  
up repairs on the county bridge crossing French Broad River keep up bridge.  
within said corporate limits.

SEC. 3. That the officers of said corporation shall consist of a Town officers.  
mayor and three commissioners and a marshal, and the following  
persons shall be commissioners to the seventh day of May, one  
thousand nine hundred and five.

SEC. 4. There shall be an election held for the officers men- Town elections.  
tioned in this act on the first Monday in May, one thousand nine  
hundred and five, and each succeeding year thereafter, under the  
same laws and restrictions as are provided in the general election  
laws for elections in incorporated towns. All persons entitled to  
vote in the county of Buncombe for members of the General  
Assembly and who shall have been *bona fide* residents of said town  
for ninety days next preceding the day of election, and shall be  
otherwise qualified to vote, shall be entitled to vote at any and all  
elections for said town.

SEC. 5. That the said board of commissioners shall pass all Commissioners to  
ordinances for the good government, quiet, peace, health and pass ordinances.

safety of the town, not inconsistent with the Constitution and laws of the State of North Carolina and of the United States, that they may deem necessary.

Liquors not to be manufactured or sold in the town.

When to take effect.

SEC. 6. That no spirituous, vinous or malt liquors shall be manufactured or sold in said town.

SEC. 7. This act shall be in force and effect from and after the first day of May, one thousand nine hundred and five.

In the General Assembly read three times, and ratified this the 21st day of February, A. D. 1905.

## CHAPTER 129.

### AN ACT TO INCORPORATE THE TOWN OF SALEMURG IN SAMPSON COUNTY.

*The General Assembly of North Carolina do enact:*

Town incorporated.

Name: manufacture or sale of liquor forbidden.

Corporate limits.

SECTION 1. That the town of Salemburg in the county of Sampson be and the same is hereby incorporated under the name and style of Salemburg: *Provided*, that no spirituous, vinous, malt or other intoxicating liquors or bitters shall either be manufactured or sold in the said town of Salemburg.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at the northeast corner of the cemetery lot; thence a straight line to Pate's northeast corner; thence about south with Pate's and Cooper's line to S. A. Howard's corner; thence a straight line to the west side of the orchard; thence east, including S. A. Howard's orchard and dwelling-house, to the road; thence the road to Mrs. Brown's nearest corner; thence down the street east to Mrs. Brown's lot to the saw-mill; thence a straight line to the southwest corner of Robert Howard's lot; thence a straight line to the southwest corner of the school dormitory lot, including Ivy Royal's residence and premises; thence the west line of the dormitory lot to J. F. Butler's west corner; thence his line to J. J. Rackley's line to a square corner with Cooper's and Royal's line; thence to the cemetery, the beginning corner.

Town officers.

Town elections.

Town subject to general law.

SEC. 3. That the officers of said town shall consist of a mayor, a board of five commissioners, a constable and a treasurer; and said officers shall be elected on the first Tuesday in May, one thousand nine hundred and five, and annually thereafter, and shall have all the power and authority vested in such officers for the assessment of property, the levy and collection of taxes and for the government of said town as is vested in such officers by the laws regulating the government of cities and towns in North Carolina.

First officers named.

SEC. 4. That until such officers are elected as provided for in the preceding section, the following-named persons shall fill said offices until their successors are elected and qualified, viz.: Mayor,

A. F. Howard; commissioners, Dr. G. I. Sykes, C. S. Royal, S. A. Howard, F. D. Parker, J. E. Howard; constable, Ivy Royal; treasurer, F. D. Parker.

SEC. 5. That the board of commissioners of said town are hereby authorized and empowered to levy a special tax each year upon all the polls and taxable property within the corporate limits of said town, not to exceed the rate of sixty-six and two-third cents on the one hundred dollars valuation of property and two dollars upon the poll; the rate to be fixed each year by the commissioners so as to provide a sufficient sum to run the town government, and for such other purposes as may be needed for the good government and improvements in said town.

Special tax for town government and improvements.

SEC. 6. That the commissioners of said town shall have power to make all necessary laws, rules, regulations and ordinances for the good government of said town, not inconsistent with the Constitution and the laws of the State of North Carolina and of the United States, and to impose fines and penalties for the violation of such laws, rules, regulations and ordinances, and collect the same.

Commissioners to pass ordinances.

And impose fines and penalties.

SEC. 7. That the election provided for in section three of this act shall be held under the laws prescribed for the election of officers in cities and towns in North Carolina.

Election under general law.

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

In the General Assembly read three times, and ratified this 21st day of February, A. D. 1905.

## CHAPTER 130.

### AN ACT TO INCORPORATE GREENSBORO FEMALE COLLEGE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That J. A. Long, C. E. Kramer, E. A. Poe, John L. Borden, C. A. Bray, M. D. Stockton, C. H. Ireland, J. B. Cornelius, J. A. Young, J. P. Bedding, L. L. Smith and J. R. Page, who now constitute the board of trustees of Greensboro Female College, be and they and their successors in office are hereby created a body politic and corporate under the name and style of "Greensboro Female College," with all the powers conferred upon corporations in chapter two, sections one, two and four, of the Public Laws of North Carolina, session one thousand nine hundred and one, and laws amendatory thereof; and under such name and style are hereby invested with all the property and rights of property which now belong to said board of trustees; and said corporation, under the name and style of "Greensboro Female College," shall be sub-

Corporators.

Corporate name.

General corporate powers.

ject to all the recognized legal liabilities and obligations now outstanding against said board of trustees.

To conduct college. SEC. 2. That said corporation is authorized to conduct an educational institution of collegiate grade for women at Greensboro, North Carolina, to be known as Greensboro Female College, and to establish and maintain in connection with said college institutions of primary and intermediate education at its site in Greensboro, North Carolina, and at such other points as it may determine, in trust for the use and benefit of the Methodist Episcopal Church, South, within the State of North Carolina.

To hold property. SEC. 3. That said corporation is authorized to receive and hold, by gift, devise, purchase or otherwise, any property, real or personal, to be held for the use of said college and its dependent schools, or for the use of either or both, as may be designated in the gift, conveyance or will.

Number and election of trustees. SEC. 4. That the trustees shall be twelve in number, four of whom shall be selected by the North Carolina Conference of M. E. Church, South, four by the Western North Carolina Conference of said church, and four by the Greensboro Female College Alumnae Association, Incorporated: *Provided, however,* that no person

Proviso: qualifications for trustees. shall be elected a trustee till he has first been recommended by a majority of the trustees present at a regular or special meeting; and the trustees shall have the power to remove any member of their body who may remove beyond the boundary of the State or who may neglect to discharge the duties of a trustee. The term

Term of office of trustees. of office of trustees shall be eight years, and they shall be so arranged that one trustee shall be elected by each conference and one by the Greensboro Female College Alumnae Association, Incorporated, every two years. Should there exist a vacancy by death,

Vacancies. resignation, failure to accept office or otherwise, of any trustee, the same shall be filled for the unexpired term by the board of

Trustees named. trustees. That of the trustees above named, the following shall represent the North Carolina Conference, viz.: E. A. Poe, whose term shall expire December thirty-first, one thousand nine hundred and five; J. A. Long, whose term shall expire December thirty-first, one thousand nine hundred and seven; John L. Borden, whose term shall expire December thirty-first, one thousand nine hundred and nine; C. E. Kramer, whose term shall expire December thirty-first, one thousand nine hundred and eleven. The following trustees shall represent the Western North Carolina Conference, viz.: C. H. Ireland, whose term of office shall expire December thirty-first, one thousand nine hundred and five; M. D. Stockton, whose term of office shall expire December thirty-first, one thousand nine hundred and seven; J. B. Cornelius, whose term of office shall expire December thirty-first, one thousand nine hundred and nine; and C. A. Bray, whose term of office shall expire December thirty-first, one thousand nine hundred and eleven. The following trustees shall represent the Greensboro Female

College Alumnae Association, Incorporated, viz.: John A. Young, whose term of office shall expire December thirty-first, one thousand nine hundred and five; L. L. Smith, whose term of office shall expire December thirty-first, one thousand nine hundred and seven; J. P. Redding, whose term of office shall expire December thirty-first, one thousand nine hundred and nine; J. R. Page, whose term of office shall expire December thirty-first, one thousand nine hundred and eleven.

SEC. 5. That said corporation shall be under the supervision, management and control of the trustees, who shall have power to make rules, regulations and by-laws relative to said corporation, not inconsistent with the laws and Constitution of the State of North Carolina and of the United States. Said board of trustees shall fix the time of holding their annual and other meetings, and shall elect the president and the teachers for said college and dependent schools, if any, and shall fix their salaries; and they shall also have power to elect an executive committee, if they deem best, consisting of five members, all of whom must be members of the board of trustees, which committee shall have such powers and perform such duties, when the board of trustees are not in session, as said board of trustees shall commit or entrust to them.

SEC. 6. That the faculty and trustees shall have the power of conferring such degrees and marks of honor as are conferred by colleges and universities generally, and that five trustees shall constitute a quorum for the transaction of business.

SEC. 7. That all laws or parts of laws which are in conflict with this charter are hereby repealed.

SEC. 8. That this act shall be in force from and after its ratification and acceptance by the board of trustees.

In the General Assembly read three times, and ratified this 21st day of February, A. D. 1905.

## CHAPTER 131.

AN ACT AUTHORIZING THE MAYOR AND COMMISSIONERS OF THE TOWN OF BEAUFORT, THE COUNTY OF CARTERET, TO ISSUE BONDS FOR THE PURCHASE OF REAL ESTATE FOR A SITE FOR A HOTEL IN SAID TOWN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of raising money to purchase real estate for a site to be donated to some person or persons, firm or corporation who will build and construct a modern and up-to-date hotel in said town, and maintain the same, the mayor of the said town, in conjunction with its board of commissioners, is hereby authorized and empowered to issue bonds to an amount



Interest.	not exceeding five 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 which bonds shall have coupons attached thereto for the amount
Coupons receivable for taxes.	of interest thereon for each year they have to run; and said coupons, after their maturity, shall be receivable in payment of town
Denominations and form of bonds.	taxes. The said bonds shall be in denominations and forms as shall be determined upon by said mayor and board of commis-
Maturity.	sioners, and shall mature and be made payable in not less than five years nor more than twenty years from the date of their issue, and shall be signed by the said mayor and countersigned by the clerk of the board; and the said clerk 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.
Bonds not to be sold below par.	SEC. 2. That said bonds shall not be sold, hypothecated or otherwise be disposed of for less than their par value, nor shall said bonds nor their proceeds be used for any purpose other than the purpose mentioned in this act.
Special and particular tax.	SEC. 3. That for the purpose of providing for the payment of the annual interest on said bonds, as well as the redemption of the same at their maturity, said mayor and board of commissioners shall, annually, at the time of levying other town taxes, levy and lay a special and particular tax on all persons, property and subjects of taxation which are now subject to taxation under the charter of said town and the various amendments thereto, or which hereafter by future amendments may become subject to taxation, sufficient to meet the annual accruing interest on said bonds, and to create a sufficient sum to be known as a sinking fund, to be applied to the redemption of said bonds at their maturity; and that in the levying of said tax a sufficient amount shall be levied each year, in addition to the amount levied to meet the annual accruing interest on said bonds, so at the time of the maturity of said bonds the said sinking fund, with whatever interest the same may have earned, shall be sufficient for the payment and redemption of said bonds. The taxes provided for in this section shall be collected in the same manner and at the same time the other town taxes are collected, and shall be accounted for and kept separate and apart from the other town taxes, and shall be applied exclusively to the purposes for which they are collected, and shall not be subject to execution for any other debt or debts of said town, whether by bonds or otherwise.
Election on petition of ten voters.	SEC. 4. That upon the petition of ten qualified voters of the town of Beaufort, the mayor and the board of commissioners, at any time after thirty days from and after the ratification of this act, shall order an election to be held in said town, on a day to be design-
Notice of election.	ated and fixed by said mayor and commissioners, giving thirty days' public notice preceding said election, and in said notice giving the time when and place where said election shall be held,

the object and purpose of this act, and publishing said notice once a week for four consecutive weeks immediately preceding said election in some newspaper published in Carteret County; that previous to said election an entire and new registration shall be had of the voters in said town, and registration books shall be opened at least fifteen days before said election and shall remain open for five days; that the said registration shall be conducted in the same manner and under the same rules and regulations as registrations are conducted for municipal elections, except as to the time of keeping open the books as aforesaid; that said election shall be held and returns thereof be made under the same provisions, rules and regulations as exist in cases of elections for mayor and board of commissioners of said town. Those qualified voters approving the provisions of this act shall vote "Issue," and those not approving its provisions shall vote "No Issue." If it shall appear from the returns of said election that a majority of the qualified voters of said town have voted for "Issue," then said mayor and commissioners of said town shall issue said bonds; but if it shall appear from the returns of said election otherwise, then the said mayor and commissioners shall not issue said bonds.

New registration.

Election under general law.

Form of ballots.

Bonds to be issued if election carries.

SEC. 5. That when said bonds are issued and sold, the proceeds thereof shall be used by the mayor and commissioners of said town, or by a committee appointed by them, for the purchase of real estate in said town for a site for a modern and up-to-date hotel, and the said site shall be donated to some person or persons, firm or corporation who will give a sufficient guarantee to said mayor and commissioners that he, they or it will construct and maintain a modern and up-to-date hotel within the town of Beaufort; that said site shall not be donated only for hotel purposes, and that when said site ceases to be used for hotel purposes, then the same is to revert to the town of Beaufort; that the mayor and commissioners may, in their discretion, purchase such site as they see fit and to donate the same to such person, persons, firm or corporation as they in their discretion may deem is the best for the interest of said town: *Provided*, in donating the same they require a sufficient guarantee that said hotel will be constructed and maintained for such a period of time as said mayor and commissioners may fix.

Proceeds appropriated.

Reversion.

Guarantee.

SEC. 6. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Repealing clause.

SEC. 7. 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 February, A. D. 1905.

## CHAPTER 132.

AN ACT TO EXTEND AND DEFINE THE BOUNDARIES OF  
THE GRADED SCHOOL DISTRICT OF THE GREENVILLE  
GRADED SCHOOLS, AND TO AMEND CHAPTER 106 OF  
THE PRIVATE LAWS OF 1903, ESTABLISHING SAID  
SCHOOLS.

*The General Assembly of North Carolina do enact:*

Boundaries of  
graded school  
district ordered.

SECTION 1. That the first sentence in section thirteen of chapter one hundred and six of the Private Laws of one thousand nine hundred and three, commencing with the word "that," in line one, and ending with the word "town," in line seven, be and the same is hereby repealed and the following words substituted in lieu thereof, to-wit: "That the boundaries of said graded school district shall begin on Tar River at the mouth of Smith's Run; thence southwardly up the various courses of said run to the bridge across the same near the residence of L. C. Arthur; thence westwardly with the various courses of Town Branch under the railroad trestle to the Kinston Road; thence northwardly along the Kinston Road to the old Plank Road; thence northwardly a straight course to the junction of the Stantonsburg and Fair Grounds Roads; thence northwardly along the Stantonsburg Road to the River Road; thence northeastwardly along the River Road to the bridge across the ravine; thence down the ravine to Tar River, and thence down Tar River to the beginning."

New boundaries.

District extended.

SEC. 2. That section twelve of said act be amended by striking out the words "corporate limits of said town" in lines one and two and insert in lieu thereof the words "boundaries of the graded school district."

Eligibility for  
trustees.

SEC. 3. That section six of said act be amended by adding at the end thereof the following words: "That any qualified voter living within the boundaries of said school district shall be eligible to election or appointment on said board of trustees."

SEC. 4. That section fourteen of said act be amended by adding to the end of the section the following words, to-wit: "but he shall not be entitled to receive any commissions or other compensation for receiving said fund."

How school taxes  
listed and  
collected.

SEC. 5. That the person or persons appointed to take the list of taxable property in said town and to collect the same shall also take the tax list and collect the taxes for the support of the schools in said graded school district and pay over the same to the town treasurer, to be by him disbursed according to law for the benefit of said graded schools.

Rate of tax and  
valuation of prop-  
erty.

SEC. 6. That in levying the taxes for the support of said graded schools the board of aldermen of said town of Greenville shall levy the same tax on all real and personal property within the boundaries of said school district, whether said property be within

the corporate limits of said town or not, and in levying said tax the valuation fixed by the State and county assessments shall be taken as the valuation for this assessment.

SEC. 7. That all laws and parts of laws in conflict with this act be and the same 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 21st day of February, A. D. 1905.

### CHAPTER 133.

#### AN ACT TO AMEND THE CHARTER OF THE TOWN OF RAEFORD IN CUMBERLAND AND ROBESON COUNTIES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and twenty-five of the Private Laws of one thousand nine hundred and one, entitled "An act to incorporate the town of Raeford in Cumberland and Robeson Counties," be and the same is hereby amended as follows: That all able-bodied male persons living in the said town, between the ages of twenty-one and forty-five, shall work on the public streets of said town for one day (of nine hours) in each and every year, at such time and place and in such manner as may be designated by the street commissioner of said town: *Provided*, that the said street commissioner of said town shall give to each inhabitant of said town who is subject to street duty at least three days' notice by personal warning or by leaving a written notice at the home or residence of such person, specifying in such notice the time and place of and where such work is to be performed, and also designate in such notice the tool or implement with which such person shall be required to work: *Provided further*, that any person may, in lieu of working one day on the public streets of said town, pay, on or before the day summoned so to work, to the street commissioner of the said town, the sum of one dollar (\$1), which said amount so paid shall exempt said person from street duty as summoned, and shall further exempt said person from any and all street duty for twelve months from the payment of the same; and it shall be the duty of said street commissioner, upon receipt of said money, or any part thereof, to issue to said person a receipt for the same, stating in such receipt the amount and the time for which the same is paid. All moneys as paid to the street commissioner as provided in this act shall, within five days after being received by him, be turned over to the town treasurer and credited to the street fund of said town, and the same shall be expended for the improvement of the streets of the

Citizens to work on streets.

Proviso: cash commutation.

Commutation to be expended on streets.

said town. If the said street commissioner fails to turn over to the town treasurer of said town the money so collected within five days after receipt of the same he shall be guilty of a misdemeanor.

Failure to work on streets misdemeanor.

SEC. 2. That any person, after being duly notified as provided in section one of this act to appear and work as required to do (after having failed to pay the sum of one dollar as herein provided), or any person who shall appear as notified and fail or refuse to perform good and reasonable labor as required by the said street commissioner, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than two nor more than five dollars or sentenced to work upon the public streets of said town for not less than ten days nor more than twenty days.

Penalty.

Tools to be furnished by town.

SEC. 3. That proper implements and tools for use in working said streets as provided in section one of this act may be supplied by the said town: *Provided*, that until the said town shall supply the necessary implements and tools, any person summoned to work upon the streets as provided in said section shall be required to provide himself with such implements and tools as are commonly used while working upon said streets and that may be designated in the notice or summons to work the same.

Proviso: tools furnished by hands.

Census of street hands.

SEC. 4. That it shall be the duty of the clerk of said town to issue to the said street commissioner of the town, on or before the first day of January and July of each and every year, a notice requiring him to make a census of the said town and return to the said clerk a list of all persons living in said town subject to street duty as provided in section one of this amendment, which said list shall constitute a list of the inhabitants of the said town liable to street duty: *Provided*, that any person moving into the said town after the dates of the taking of the census as herein provided, and remaining therein for as long as seven days, shall be considered a resident of the said town for the purposes of this act, and shall be liable to street duty as herein provided.

Proviso: person moving into town.

Persons exempt.

SEC. 5. That any person exempted from road duty under the general law shall be exempted from street duty as provided in this amendment.

Jurisdiction of mayor.

SEC. 6. That the mayor of said town shall have jurisdiction of the offenses as herein enumerated.

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

In the General Assembly read three times, and ratified this 21st day of February, A. D. 1905.



## CHAPTER 134.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF  
ORRUM IN ROBESON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section twenty-eight (28) of chapter one hun- Tax rate.  
dred and twenty-eight (128), Private Laws of one thousand nine  
hundred and three (1903), be amended as follows: In line nine  
(9) of said section strike out the word "twenty-five" and insert in  
lieu thereof the word "fifty." and in line ten (10) of said section  
strike out the word "seventy-five" and insert in lieu thereof the  
words "one dollar and fifty."

SEC. 2. That this act shall be in force from and after its ratifi-  
cation.

In the General Assembly read three times, and ratified this the  
21st day of February, A. D. 1905.

## CHAPTER 135.

AN ACT TO INCORPORATE THE TOWN OF ANDREWS IN  
CHEROKEE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the inhabitants of all that territory bounded Boundary.  
as follows, commencing on the south bank of Valley River at the  
northwest corner of tract number twenty-eight and the northeast  
corner of tract number twenty-two and running thence S. thirty-  
five E. with the line of said tracts, passing the southwest corner  
of tract number twenty-eight and continuing with the line of tract  
number twenty-two and tract number twenty-nine to the eastern  
corner of tract number twenty-two and the southwest corner of  
tract number twenty-nine; thence east with the line of tract num-  
ber twenty-nine and tract number thirty-one, passing the southeast  
corner of tract number twenty-nine and the southwest corner of  
tract number thirty, to the southeast corner of tract number  
thirty; thence about N. fifty-five E., passing on the right-hand  
side of Tatham's grist-mill to the main channel of Tatham's Creek  
(otherwise called Paint Creek); thence down the main channel  
of Tatham's Creek with its meanders to where it flows into Valley  
River; thence down the main channel of Valley River with its  
meanders to the beginning, as laid down on "A map of a part of  
the Cherokee country, surveyed by R. Deaver in 1837"; and the  
mayor and board of aldermen hereinafter provided for shall be a  
body politic and corporate, and henceforth the corporation shall  
bear the name and style of the "Town of Andrews," and under Corporate name.  
such name and style may acquire and hold, for the purposes of its Town rights.

government, welfare and improvement, all such easements, property and estates as may be devised, bequeathed or conveyed to it, or such as it may purchase or acquire under condemnation proceedings by virtue of the power of eminent domain hereinafter conferred; and may control, manage, invest or dispose of the same as the proper authorities may deem advisable and in accordance with the law of the land.

**Officers—mayor.** SEC. 2. The administration and government of said town shall be vested in one principal officer, to be styled the mayor, and a board of four aldermen and such officers as may be hereinafter provided for.

**Election board to appoint registrar.** SEC. 3. The County Board of Elections for Cherokee County shall appoint, on or before the first Monday of March, one thousand nine hundred and seven, and regularly every two years thereafter, and two months prior to any special election hereby authorized, when so requested by the board of aldermen, a registrar of voters for said town, and shall cause publication thereof to be made at some public place in said town and notice to be served on such persons by the sheriff.

**Registration.** SEC. 4. Said registrars shall be furnished by said board of elections with registration books, and it shall be the duty of said registrars appointed for the year one thousand nine hundred and seven, and thereafter, to open their books in some convenient place in the town on or before the last Monday in March, and to register therein the names of all persons applying for registration and entitled to register and vote. All persons who are entitled to register and vote under the general law, and who shall in addition thereto have resided in the corporate limits of said town for ninety days, shall be a qualified elector therein, and upon taking and subscribing an oath setting forth such qualifications shall be allowed to register and vote; and if any person shall willfully swear falsely in such affidavit he shall be deemed guilty of the crime of perjury, and upon conviction shall be punished as provided by law in such cases.

**Voters.** SEC. 5. The registration books shall be closed ten days before the day of the election, and after the same are closed no person shall be allowed to register except those who will become qualified on or before the day of the election.

**Registration to close.** SEC. 6. The said county board of elections shall, on or before the first Monday of March, one thousand nine hundred and seven, and regularly every two years thereafter, and two months prior to any special election hereby authorized, when so requested by the board of aldermen, appoint two judges, who shall, with the registrar, open the polls, receive and deposit the ballots in boxes provided for that purpose, and to superintend the election for municipal officers to be held on the first Monday in May next succeeding; and the polls shall be opened at such places as said

**County board of elections to appoint judges.**  
**Judges to select polling places.**

judges of election may select. Such election shall be held as near as may be agreeable to the general laws of the State, and the registrars and judges of election herein provided for shall have authority to administer oaths and shall have all the powers of such officers appointed under the general election law.

Election under  
general laws.

SEC. 7. All elections held by virtue of this act shall be held under the supervision of the Sheriff of Cherokee County, who shall attend the polls in person or by deputy and preserve order. The polls shall be opened on the day of election from sunrise to sunset.

Under supervision  
of sheriff.

Polls opened.

SEC. 8. If among the persons voted for there should be any two or more candidates having an equal number of votes, the judges of election shall decide the election between such persons. As soon as the result of the election is determined two certificates thereof shall be made, under the hand of the judges and registrar, setting forth, in writing and in words, the number of votes each candidate received, one of which certificates shall be delivered to the Sheriff of Cherokee County, who shall at once make proclamation thereof at the polling place, and the other shall be delivered to the Mayor of the Town of Andrews; and upon application they shall also furnish for each person elected an alderman a certificate of his election. The board of aldermen shall fill all vacancies occurring in their board by death, resignation or otherwise.

Judges to break  
tie.

Certificates.

Proclamation.

Vacancies in board  
of aldermen.

SEC. 9. The mayor and the board of aldermen shall be elected by the qualified votes of the town of Andrews for the term of two years and until their successors shall be elected and qualified: *Provided*, that David S. Russell shall be the mayor and John W. Walker, Samuel E. Cover, John Q. Barker and Stephen Porter shall be the aldermen until the election to be held on the first Monday in May, one thousand nine hundred and seven. In case a vacancy shall occur in the office of the mayor, the board of aldermen shall appoint a qualified person to fill the vacancy for the unexpired term.

Election of mayor  
and aldermen.

First officers  
named.

Aldermen to elect  
mayor to fill  
vacancy.

SEC. 10. That on or before the fifth day after their election the mayor and aldermen so elected shall meet at some place by them appointed, and shall then and there take the oath to support the Constitution and laws of the United States and the Constitution and laws of North Carolina, and to discharge the duties imposed upon them by virtue of their offices with fidelity and integrity and to the best of their ability, which oath shall be administered by a justice of the peace or the former mayor.

When mayor and  
aldermen to  
qualify.

SEC. 11. The mayor of the said town, while acting as such, is hereby constituted an official court, with all the jurisdiction and powers to determine offenses occurring within the corporate limits of said town which are now or hereafter may be given to justices of the peace, and shall also have jurisdiction to hear and determine all misdemeanors consisting of a violation of the ordinances of said town. The proceedings in said court shall be the same as

Mayor constituted  
court.

Proceedings in  
mayor's court.

- are now or hereafter shall be prescribed for courts of the justices of the peace, and in all cases there shall be the right of appeal.
- May work convicts.** And in all cases where a defendant may be adjudged to be imprisoned by the said mayor it shall be competent for him to adjudge that the said defendant work during the period of his confinement on the public streets or other public works of said town.
- Precepts of mayor.** SEC. 12. That the mayor may issue his precepts to the chief of police and to such other officers to whom a justice of the peace may direct his precepts.
- Mayor to keep minutes.** SEC. 13. The mayor shall keep a faithful minute of the precepts issued by him, and of all his judicial proceedings. The judgments rendered by him shall have all the force, virtue and validity of judgments rendered by a justice of the peace, and may be executed and enforced against the parties in the same manner and by the same means as if the same had been rendered by a justice of the peace.
- Mayor to preside at meetings of aldermen.** SEC. 14. The mayor, when present, shall preside at all meetings of the board of aldermen, and when there is an equal division upon any question, or in the election of officers by the board, he shall determine the matter by his vote. He shall vote in no other case; and if he be absent the board may appoint one of their number *pro tempore* to exercise his duties.
- To break tie.**
- Mayor pro tem.**
- Aldermen: quorum.** SEC. 15. The aldermen shall form one board, and a majority of them shall be competent to perform all the duties prescribed, unless otherwise provided. At their first meeting they shall fix stated days of meeting, which shall be as often at least as once in every month. Special meetings of the 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 shall be notified, and when called by a majority of the aldermen such as shall not join in the call shall be notified.
- Powers of aldermen.** SEC. 16. The board of aldermen, when convened, shall have the power to make, and provide for the execution thereof, such ordinances, by-laws, rules and regulations for the better government of the town as they may deem necessary, not inconsistent with this act or the laws of the land.
- How debts may be contracted.** SEC. 17. That among the powers hereby conferred on the board of aldermen, they may create a public debt, only after they have passed an ordinance by a majority vote of the entire board at two separate meetings, submitting the question of creating a debt, and the amount thereof, to a vote of the people, and a majority of the qualified registered voters have voted in favor thereof. Thirty days' notice shall be given of such election in some newspaper published in the county, and at such election those who favor creating the debt shall vote "Approved," and those who oppose it shall vote "Not Approved."

SEC. 18. The Board of Aldermen of the Town of Andrews are authorized at any time to issue coupon bonds of the town of Andrews to an amount not exceeding twenty thousand dollars, in denominations of not less than one hundred dollars, nor more than one thousand dollars, bearing interest 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 in each year until the said bonds are paid; that said bonds shall be made payable at a time and place to be designated by the board of aldermen and named therein, not to be more than thirty 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 of the board of aldermen, and shall 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. A record of said bonds shall be kept, showing the numbers and denominations thereof, to whom sold, the date of the issue of each bond, when the same will become due and payable, and the amount of interest thereon, the amount received from the sale of the same, and the date of paying the proceeds from the sale of same into the treasury of said town, and such other data in relation thereto as the board of aldermen may direct.

Bond issue  
authorized.

Amount.

Denominations.

Interest.

Description of  
bonds. How  
attested.

Record of bonds.

SEC. 19. That the bonds hereby authorized to be issued, when issued, shall be sold and the proceeds arising from the sale of the same shall be paid into the treasury of the said town and shall be held by its treasurer, subject to the order of the board of aldermen, who shall expend the same for any one or more of the following purposes, to-wit: In the construction and maintenance of a system of water-works for the said town, including the acquisition of a water supply, rights-of-way, etc.; and in the construction of a system of sewerage for said town; and the erection and equipment of suitable school buildings; and the construction and maintenance of electric light or gas plants; and in paving, macadamizing, grading or otherwise improving the streets, roads, sidewalks, bridges and drains in said town, and the purchase of necessary materials, tools, machinery and equipment to build, operate and maintain the same.

Bonds to be sold.

Proceeds to be  
expended:  
For water-works.

Sewerage.

School buildings.

Lighting plant.

Street work.

SEC. 20. In order to pay such bonds and the interest on same as they mature, respectively, the Board of Aldermen of the Town of Andrews shall, each year, until the last of said bonds and the interest on same shall become due and shall have been paid, shall levy and collect a special tax of not more than ten cents on every one hundred dollars valuation of all the taxable property in the town of Andrews, and not more than thirty cents on each taxable poll in said town, observing the equation of taxation between property and polls as fixed by the Constitution of the State; and the money paid into the treasury of said town from said tax levy shall be appropriated to the payment of said bonds and coupons

Special tax for  
bonds and interest.



If tax insufficient,  
general funds  
used.

and shall be used for no other purpose whatsoever. In the event the sum realized from the levy and collection of the special tax herein provided for shall be insufficient to meet the interest on said bonds as it becomes due, or to retire any of said bonds as they become due, the board of aldermen are authorized, empowered and directed to use part of the general fund of the town for such purpose.

Bonds to be voted  
on.

SEC. 21. That said bonds shall not be issued nor said taxes levied unless authorized by a vote of a majority of the qualified voters of said town at an election to be held at a time to be designated by the board of aldermen, in the same manner as elections are held for mayor and board of aldermen thereof.

Notice of election.  
Form of ballots.

Notice of such election shall be given thirty days in some newspaper published in Cherokee County. At such election those who favor the issuing of said bonds and the levying of the taxes herein provided for shall vote ballots with the words "For Bond Issue" written or printed thereon, and those opposed to issuing said bonds and levying said taxes shall vote ballots with the words

Bonds to be issued  
on majority vote.

"Against Bond Issue" written or printed thereon; and if at such election a majority of the qualified voters of the said town shall vote ballots with the words "For Bond Issue" written or printed thereon, the mayor and aldermen of said town shall issue the bonds and levy the taxes as hereinbefore provided. The board of aldermen may order a new registration of voters at any and all such elections if they deem proper to do so.

New registration.

Powers of  
aldermen as to  
streets.

SEC. 22. The Board of Aldermen of the Town of Andrews shall have power to grade, macadamize and pave the streets and sidewalks and to lay out and open new streets or widen those already opened, and make such improvements thereon as the public convenience may require. When any land or right-of-way shall be required for the purpose of opening new streets or for widening those already opened, or for water-sheds for water supply and rights-of-way for pipe lines, etc., or for any other object allowed by this charter, and for want of agreement as to the value thereof the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by three freeholders of said town to be chosen by the board of aldermen; and in making said valuation said freeholders, after being duly sworn by the mayor or a justice of the peace or clerk of a court of record, shall take into consideration the loss or damage which may accrue to the owner in consequence of the land or right-of-way being surrendered; also any benefit or advantage such owner may receive from the opening or widening of such streets or other improvements, and ascertain the sum which shall be paid to the owner of the 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

Condemnation of  
land.

a judgment against said board of aldermen in their corporate capacity for the land so taken: *Provided*, that if any person over whose lands said streets may pass or improvements be erected, or the board of aldermen, be dissatisfied with the valuation thus made, then in that case either party may have an appeal to the Superior Court of Cherokee County: *Provided, however*, that such an appeal shall not hinder or delay the board of aldermen in opening or widening such street or streets or erecting such improvements. The board of aldermen of said town shall have the authority to grant franchises, charters or other special privileges, under such restrictions as they may deem best, to individuals or corporations to carry on the following avocations and enterprises: Water-works, and pipe lines to supply the same; sewerage systems; electric light plants; gas plants; telegraph lines; telephone lines; railroads; street railways; express and delivery companies; private pipe lines and conduits for any purpose, and any similar business which is intended for the public use or benefit.

Proviso: appeal.

Proviso: appeal not to delay work.

Aldermen may grant franchises for:  
Waterworks.  
Sewerage.  
Electric lights.  
Gas plants.  
Telegraph.  
Telephones.  
Railroads.  
Street railways.  
Express and delivery companies.

SEC. 23. The board of aldermen shall have power to require every owner of real estate in the town of Andrews to pave the sidewalks in front of his or her land in such manner and with such material as they may direct, and to enforce such requirements by proper fines and penalties; and upon failure of such owner to do such paving the board of aldermen may have the same done and the cost thereof assessed upon the property of such delinquent and added to the taxes against him or her and collected in the same manner as other taxes or assessments are collected, or judgment may be taken by the town of Andrews before any court in Cherokee County having jurisdiction; for such paving and such judgments, when docketed in the Superior Court of Cherokee County, shall have the same lien as other judgments docketed in said superior court and be enforced in like manner.

Private pipe lines.  
Owners to pave sidewalks.

SEC. 24. The board of aldermen of said town shall have power to establish fire limits, within which it shall not be lawful for any person to erect or build any wooden houses, make any wooden addition to any building, or cover any building with any material other than metal or slate, and they may prohibit wooden buildings from being removed into said fire limits or from being moved from one place to another in the same, under such penalties as they may establish; and said penalty may be sued for and recovered from the owner in an action of debt in any court having jurisdiction.

Aldermen may establish fire limits.

SEC. 25. The board of aldermen shall have power to erect all suitable and necessary buildings for the use of the town, and they shall provide for repairing and cleaning the streets, make regulations to cause the due observance of Sunday, appoint and regulate a police force to execute such precepts as the mayor and others may lawfully issue to them, to preserve the peace and order of the

General enumeration of powers of aldermen.

town, to execute the ordinances thereof, to suppress and remove nuisances, preserve the health of the town from contagious and infectious diseases, and shall appoint and provide for the paying of all the officers of the said town. They shall have the power to make ordinances to prohibit or control the firing of fire-arms, fire-crackers, torpedoes and other explosive material, and to govern the sale thereof in the town; the pace and speed at which horses may be ridden or driven through the streets, the speed at which railroad engines and trains shall run within the town limits; to prohibit railroads from stopping their engines or cars on said streets, and to require said railroads to keep the street crossings in good repair; the arrangement of all stove-pipes and flues in buildings; the manner in which powder and other inflammable substances may be kept and sold; the manner in which commercial fertilizers are stored; the manner in which dogs and hogs may be kept, and to prevent them from running at large in said town; to cause all alleys, lots, cellars, stables, sties and other places of like character to be examined by a sanitary policeman or any other person appointed by the board and charged with the duty, who shall have authority to enter the premises described as being in bad order and inspect and have the same cleaned; and the expense of abating such nuisance shall be recovered from the occupant or owner of said premises by action of debt in any court having jurisdiction.

Further powers of  
aldermen.

Sec. 26. They shall have the power and it shall be their duty to prohibit all trades or occupations which are a nuisance from being carried on in said town; and the power and authority of said board of aldermen for the abatement and removal of nuisances shall extend for two miles beyond the corporate limits of the town. They shall have the power and it shall be their duty to cause all ponds, sunken lots and other places in which water stands and stagnates to be drained and filled up, and to recover from the owner or occupant the expense above, which expense shall be a lien on the lot, provided the owner or occupant of said lot, after ten days' notice, shall neglect or refuse to remove or abate said nuisance. They shall have authority to cause all nuisances arising from any cause within and for two miles without the town limits to be removed or abated, and for the removing or abating of any such nuisance the person creating the same shall pay the expenses as above required. The board of aldermen of said town shall have no power nor authority to grant licenses for the sale of intoxicating drinks of any kind, but it shall be their duty to suppress all illegal sales of intoxicants in said town or within two miles of the same, as in the case of other nuisances. For the purpose of carrying out the provisions of this section the mayor of said town shall have all the authority now or hereafter conferred on justices of the peace; and all general State laws, as well as any State laws applicable to Cherokee County or Valleytown Town-

License for sale of  
liquors not to be  
granted.  
Illegal sale to be  
suppressed.

Powers of mayor.

ship only, which are now in effect, prohibiting the sale of intoxicants, shall be in full force and effect in the town of Andrews.

SEC. 27. That at the first meeting of the board, or as soon thereafter as practicable, they shall elect a chief of police and such assistants as they may deem necessary, who shall hold their offices during the term of the board electing them and until their successors are elected and qualified; subject, however, to be removed at any time and others appointed in their stead for misbehavior or neglect in office. The chief of police shall be the tax collector of the town, and before acting shall take an oath before the mayor to faithfully discharge the duties required of him, and shall execute a bond in such amount as the board may require, with security to be approved by the board, which bond shall in no event be less than double the amount of the taxes to be by him collected. They shall also elect a clerk and treasurer of the board, who shall hold his office for the same time, take a like oath as the chief of police, and shall execute bond in such sum as the board may require.

Chief of police and assistants.

Chief to be tax collector.  
Oath.  
Bond.

Clerk and treasurer.  
Oath.  
Bond.

SEC. 28. It shall be the duty of the clerk and treasurer to keep regular and fair minutes of the proceedings of the board, and to preserve all books, papers and other articles committed to his care during his continuance in office, and deliver them to his successor; and he shall receive and faithfully keep all moneys which shall be paid to him for the use and in behalf of said town, and disburse the same according to an order given in obedience to a direction of said board appearing on their minutes. He shall keep a fair and correct account of all moneys so received and disbursed by him in a book kept for that purpose, showing from what source money is received and for what purpose paid out, and shall submit said account to said board whenever required. He shall pay to his successor all moneys in his hands belonging to said town, and faithfully perform all duties imposed upon him as clerk and treasurer by the laws and ordinances of said board.

Duties of clerk and treasurer.

SEC. 29. The chief of police, as tax collector, shall be vested with the same power and authority in the collecting of taxes that sheriffs have, and be subject to the same fines and penalties for failure or neglect of duty. He shall be charged with the sums appearing by the tax list as due for town taxes. He shall be credited in settlement as sheriffs are credited with amounts in suits by appeal; all poll tax and tax on personal property certified by the clerk of the commissioners of the county by order of the board of county commissioners to be insolvent and uncollectible. He shall at no time retain in his hands over one hundred dollars for a longer time than seven days, under a penalty of ten per centum per month to the town upon all sums so unlawfully retained. The board of aldermen, at the regular meeting before the last meeting in each year, shall appoint one of their number to

Powers and duties of tax collector.

Weekly settlements.  
Penalty.

Aldermen to assist in settlements.

be present and assist at the accounting and settlement between  
And audit accounts, said tax collector and treasurer, and to audit and settle the  
Audited accounts, accounts of said clerk and treasurer. The accounts so audited  
shall be reported to the board of aldermen, and when approved by  
them shall be recorded in the minute book of said board, and shall  
be *prima facie* evidence of their correctness and impeachable only  
for fraud and specified error. It shall be the duty of said board  
Removal of tax collector. to remove any tax collector who shall fail to settle and fully pay  
up all the taxes by law due from him, and he shall not be eligible  
to re-election to said office.

SEC. 30. The chief of police shall have supervision and control  
of the police force, and it shall be his duty to report to the mayor  
any dereliction in duty on the part of any member of the police  
force. It shall be his duty to attend the mayor's court and report  
any violation of law or of the ordinances of the town, collect all  
fines and penalties imposed and pay the same to the treasurer,  
to execute the orders and judgments of said court, to see that the  
laws and ordinances of the town are enforced, and to do such  
other things as may be required of him by the board. The chief  
of police and each member of the police force shall have all the  
power and authority vested in sheriffs and constables for the  
preservation of the peace of the town by suppressing disturbances  
and apprehending offenders. And any policeman shall have the  
Powers and duties of policemen. authority to arrest immediately, without warrant, any person  
whom he may see violating any of the laws of the State or the  
ordinances of said town, and take such person immediately before  
the mayor or confine him in the town prison for speedy trial.  
Any policeman shall have the right to summon, when necessary,  
any one or more able-bodied persons to assist him in making  
arrests or preserving the peace, and any person who shall refuse  
to assist the police upon being so requested shall be guilty of a  
misdemeanor and shall be subject to a fine, to be imposed by the  
mayor, upon conviction, of not less than one dollar nor more than

ten dollars, with costs. Until a suitable and safe town prison is  
constructed, or should such a prison hereafter become unsuitable,  
unsafe or inadequate to keep all persons confined therein, the  
mayor of said town shall have the authority to commit persons to  
the county jail of Cherokee County. The expense of conveying  
prisoners thereto, as well as the actual cost of their maintenance  
while confined therein, shall be borne by the town of Andrews,  
and the same shall be taxed by the mayor as part of the costs  
against any person convicted and confined in said jail as afore-  
said; and the jailer of Cherokee County is hereby directed to  
receive and safely keep all persons committed to him by the mayor,  
and release them only upon said mayor's request, or other compe-  
tent judicial authority. Any policeman shall execute any pro-  
cess directed to him by the mayor or others, and in the execution

Police to execute process.



thereof shall have the same powers which sheriffs and constables have, and may apprehend any offender fleeing from the town anywhere in the county of Cherokee. All members of the police force shall take oath before the mayor for the faithful performance of their duty as required by the laws and ordinances.

SEC. 31. The chief of police shall be entitled to and receive the fees arising from the execution of all precepts issued by the mayor or others, which shall be the same as those of sheriffs and constables for like services. The board of aldermen shall pass ordinances for the government and direction of the police, and fix their compensation. In times of exigency the mayor may appoint temporary additional policemen for such a time as shall appear necessary, who shall take the same oath and be subject to the same control as regular policemen.

Fees of chief of police.

Pay of policemen.

Temporary policemen.

SEC. 32. The clerk and treasurer shall, on the third Monday in May in each and every year, make advertisement in four public places in the town of Andrews, notifying all persons residing in said town 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 first day of July, a list of their taxable property in said town. Said list shall state the number of lots and all other property now taxable or that hereafter may be made taxable by the laws of the State or the ordinances of the town, and the lists so returned to the clerk and treasurer shall be sworn to before him in like manner as other tax lists are sworn to. And from the return so made the clerk and treasurer, after the expiration of the time for making said lists, shall make out in a book kept for that purpose an alphabetical list of the persons and owners of property who have so made their returns, in the same manner as tax lists are made out for the collection of State taxes.

Notice for listing taxes.

Return of taxables.

SEC. 33. The clerk and treasurer shall, within thirty days from the return of the tax lists, make out, to the best of his knowledge and belief, by a comparison of his books with the returns made to the township assessor, and by diligent inquiry from other sources, a list of taxable polls and owners of taxable property in said town who shall have failed to return or list in the manner and time aforesaid, and said person so listed shall forfeit and pay a sum to be fixed by the board, not exceeding twice the amount of the tax, which penalty may be recovered, as other fines and penalties imposed by the board, before the mayor or any justice of the peace.

Clerk and treasurer to make lists.

Penalty for failure to list.

SEC. 34. In order to raise a fund for the expenses incident to the proper government of the town, the board may annually levy and collect the following taxes:

Subjects of taxation.

1. On real estate and personal property situate in the town, a tax not exceeding eighty-three and one-third cents on every hundred dollars value.

Real and personal property.

Polls.	2. On all taxable polls, a tax not exceeding two dollars and fifty cents.
Dogs.	3. On every dog, a tax not exceeding three dollars.
Purchases.	4. On every hundred dollars value of goods, wares and merchandise purchased for re-sale by any merchant trading in the town within one year next preceding the first day of June in which the same is listed, a tax not exceeding sixty cents.
License.	5. On every person or firm exercising any trade, calling or profession within the limits of said town, a tax not exceeding five dollars.
Aldermen to levy taxes.	SEC. 35. As soon as the clerk and treasurer shall have furnished the assessment roll as provided, and the same shall have been revised by the board, the board shall proceed to levy the taxes on such subjects of taxation as they may choose, and shall place a tax list in the hands of a collector for collection, who shall forthwith proceed in the collection, and shall complete the same on or before the first day of March next ensuing, and shall pay the moneys as they are collected to the treasurer: and the collector, for his compensation, shall receive not exceeding five per centum on the amount collected.
Pay of tax collector.	
Taxes collected by distress.	SEC. 36. If any person liable to taxes on subjects directed to be listed shall fail to pay them within the time prescribed for collection, the collector shall forthwith proceed to collect the same by distress and sale, after public advertisement for the space of ten days by notices posted at four public places in the town, if the property be personalty, and of thirty days' advertisement in some newspaper published in the county if the property be realty.
Sale of land for taxes.	SEC. 37. 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 March, and there is no visible estate but such lot or land of the person in whose name it is listed, he shall report the fact to the board of aldermen, together with a particular description of the real estate, and thereupon said board shall direct the same to be sold by the collector, after advertising for thirty days in some newspaper published in the county, which the collector shall do. And the collector shall divide said land into as many parts as may be convenient, and shall sell as many parts thereof as may be required to pay said taxes and all expenses attendant thereon. If the same cannot be conveniently divided, the collector shall sell the whole: and if no person will pay the whole of the taxes and expenses for all the land, the same shall be struck off to the town; and if not redeemed as hereinafter provided, it shall belong to the said town in fee.
Returns of land sold for taxes.	SEC. 38. The collector shall return an account of his proceedings to the board of aldermen, specifying the portions into which the land was divided, and the purchaser or the purchasers thereof, and the prices of each, which shall be entered on the book of proceedings of the board; and if there shall be a surplus after paying

said taxes and expenses, or of advertising and selling the same, it shall be paid into the treasury, subject to the demand of the owner.

SEC. 39. The owner of any land sold under the provisions of this charter, or any person acting for him, may redeem the same within one year after the sale by paying to the purchaser the sum paid by him and twenty per centum on the amount of taxes and expenses, and the treasurer shall refund to him, without interest, the proceeds, less double the amount of taxes. Redemption of land.

SEC. 40. 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 assign: and the recitals in such conveyance, or in any other conveyance of land sold for taxes due the town, that the taxes were due, or of any other matter required to be true or done before the sale might be made, shall be *prima facie* evidence that the same was true and done. Deed for land sold for taxes.

SEC. 41. In addition to the subjects listed for taxation, the board of aldermen may levy a tax on the following subjects, the amount of which tax, when fixed, shall be collected by the tax collector immediately, and if the same be not paid on demand, the same may be recovered by suit on the articles upon which the tax is imposed, or any other property of the owner may be forthwith distrained and sold to satisfy the same, to-wit: License taxes on:

1. Upon all itinerant merchants or peddlers selling or offering to sell in the town, a tax not exceeding twenty-five dollars per year, except such only as sell books, charts or maps, and such only as sell goods, wares and merchandise and other productions of the growth and manufacture of this State. Peddlers.

2. On every bowling alley and every billiard table and every bagatelle table and every other table or gaming contrivance the subjects of which is gain, and for the use of which charge is made, a tax not exceeding fifty dollars, reserving the right to remove it at any time as a nuisance. Bowling alley, billiard and bagatelle table.

3. On all keepers of eating-houses or restaurants, fish or meat or vegetable or bread stand, or fruiterers, a tax not exceeding five dollars per year. Eating-houses and restaurants.

4. On every company of circus riders who shall exhibit in the town or within one mile thereof, a tax not exceeding fifty dollars for each day, the tax to be paid before the exhibition, and if not, to be doubled. Circus riders.

5. Upon every person or company exhibiting in the town, or within one mile thereof, stage or theatrical plays, sleight-of-hand performances, rope-dancing, tumbling, wire-dancing, or menagerie, a tax not exceeding twenty-five dollars for every day they exhibit. Stage-plays, etc.

6. And every exhibition, for reward, of artificial curiosities in the town or in one mile thereof, a tax not exceeding ten dollars, to be paid in advance. Artificial curiosities.

- Other shows. 7. Upon each show or exhibition of any other kind, and on each concert for reward, and on every strolling musician, a tax not exceeding ten dollars, to be paid before exhibiting.
- Animals running at large. 8. Upon every horse, mule, hog, goat or cow running at large in the town there may be levied a tax not exceeding two dollars, and every such animal may be seized or impounded, and if the owner, on being notified, shall not pay the tax the animal shall be sold therefor, after three days' notice posted at four public places in the town.
- Taxes governed by Constitution. SEC. 42. Taxes for town purposes shall be levied on all real and personal property, trades, licenses and other subjects of taxation as provided in section three, article five of the State Constitution. All moneys arising from taxes, donations or other sources shall be paid to the treasurer, and no appropriation thereof shall be made but by a board constituted of a majority of all the aldermen.
- Taxes appropriated by aldermen. SEC. 43. For the violation of any ordinance or by-law made by said board of aldermen, they may prescribe penalties, not exceeding fifty dollars for each offense, to be recovered before the mayor without stay of process, mesne or final, and when judgment shall be given for any such penalty the party convicted may, unless the penalty and cost be paid, be immediately committed to prison for the space of thirty days or until payment thereof shall be made.
- Penalties for violations of ordinances. SEC. 44. That all penalties incurred by any minor for the breach of the provisions of this act, or any ordinance passed in pursuance thereof, shall be recovered from the parent, guardian or master, if the minor be an apprentice, of such minor.
- Penalties of minors. SEC. 45. The mayor shall be entitled to the following fees in cases herein enumerated whereof he may have jurisdiction as mayor: For every warrant issued by him for the recovery of any penalty or for other cause of action, fifty cents; for every judgment rendered thereon, one dollar, to be taxed among the costs; for every warrant issued by him as mayor to apprehend an offender against the criminal laws of the State, under which he may be arrested and recognized to appear before a court of record, one dollar, to be taxed, on submission or conviction, among other costs; for every warrant to arrest individuals who may have fled from other States or counties, two dollars, to be paid on removal of offender by such as may carry him away; for the use of the town seal for other than town purposes, one dollar; for every certificate for other than town purposes, fifty cents.
- Fees of mayor. SEC. 46. That the salary or pay of no officer elected or appointed under this charter shall be increased or diminished during the time for which he is elected or appointed.
- Salaries for term of office. SEC. 47. All laws and parts of laws in conflict with this act are hereby repealed, and this act shall take effect from and after its ratification.
- Repealing clause. In the General Assembly read three times, and ratified this 21st day of February, A. D. 1905.

## CHAPTER 136.

## AN ACT TO INCORPORATE THE EDGECOMBE RAILWAY COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That L. L. Staton, E. V. Zoeller, Perry Jenkins, Henry Staton, Louis B. Knight, Eli Howell, Henry L. Staton and their associates, successors and assigns, be and they are hereby constituted and created a body politic and corporate under the name of "Edgewcombe Railway Company," and as such may sue and be sued, plead and be impleaded in the courts of the State, and shall have the power 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 interests of said company; to elect or appoint all necessary officers and prescribe their powers and duties, and to have and use a common seal, which it may change at pleasure; and to have and exercise all and every other power, privilege, franchise and right common or necessary to similar corporations.

Corporators.

Corporate name.

Formal  
enumeration of  
corporate powers.

SEC. 2. That said company 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 some point in or near the town of Mildred or any other town in Edgecombe County, by such route or routes as the directors of said company may determine, to a point or points near Tarboro in said county, on the farm now known as Shiloh, belonging to L. L. Staton, and then on, if it be desired, to a point connecting with the Norfolk and Carolina Railroad at or near Moore's Siding in said county, or to points intermediate, by such routes as the board of directors shall determine. That said company may also build branch roads, not exceeding fifty miles in length, from any point on its main line; and for this purpose shall have the powers, privileges and rights contained in this act, which are hereby made to apply to such branch roads, as well as the main line. This company shall have the power to use any section or portion of its road or branches before the whole of the same shall have been completed, and may charge toll for the transportation of passengers and freight on and over its road and branches and for the transmission of messages over or use of its telegraph or telephone lines and on such section or portion of said main line and branches.

To construct  
railroad.

Terminals and  
route.

Branch roads.

May use section of  
road before  
completion of  
whole.

SEC. 3. That for the purpose of surveying, constructing, maintaining and operating said lines and branches of railroads, said company is hereby empowered—first, to cause such examination and survey to be made as shall be necessary to the selection of the most advantageous route or routes, and for such purposes its

Powers for  
constructing,  
operating and  
maintaining road.



officers and agents, servants and employees may enter upon the land and water of any person or corporation: second, to take and hold such voluntary grants of real estate or other property as may be conveyed or made to it to aid in the construction, maintenance and operation of its roads: third, to purchase, hold and use all of 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 lands necessary for its use: fourth, to appropriate and occupy as much land as may be necessary for the construction of said railroads and their branches of the width of one hundred feet, and as much additional land as may be necessary for the construction and operation of said railway and its branches: fifth, to construct its road across, along and upon any stream of water, water-courses, streets, highways, canals, etc., which the route of the road shall intersect or touch: sixth, to cross, intersect or join or unite with any other railroad heretofore or hereafter to be constructed, at any point on its road or upon the ground of any other railroad company, with the necessary turn-outs, sidings and switches or other necessary conveniences in the construction of its roads, and may run through any part of any other railway's right-of-way necessary or proper to reach its freight or passenger depot in any city, town or village, or to reach any other point on its right-of-way otherwise inaccessible, through or near which its road or any branch thereof may run: seventh, to take or convey persons or property over their roads by use of steam or any other mechanical power, and to receive compensation therefor, and to do all other things incident to railroad business: eighth, to erect and maintain convenient buildings, warehouses, stations, fixtures or machinery, whether without or within a town, city or village, for the accommodation and use of their passengers and freight business: ninth, to build and operate telegraph and telephone lines on its right-of-way: tenth, 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: eleventh, to borrow such sum or sums of money at such rates of interest not contrary to law and upon such terms as said company or its board of directors shall agree upon and may deem expedient and necessary, 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. That 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 roads in any manner, then belonging to

May use right-of-way of other railways.

Telegraph and telephone lines.

said company or which shall hereafter belong to it, as security for any bonds, deeds or sums of money as may be secured by said trust deeds or mortgages, as they shall think proper.

SEC. 4. That the capital stock of said company shall be fifty thousand dollars. That said capital stock may be increased from time to time as the majority of stockholders may determine: *Provided*, that the tax on said increase as provided by sections ninety-six and ninety-seven of chapter two of the Public Laws of one thousand nine hundred and one shall be paid: *Provided further*, that said increase shall be of none effect until said tax shall be paid and certificate therefor issued by the Secretary of State. The capital stock of said company shall be in 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. Stock may be transferred on the books of the company in such manner as may be prescribed by the by-laws of the company. Books of subscription shall be opened by the incorporators, 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 incorporators, 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 five nor more than eleven members, who shall immediately elect one of their number president of the company. That said company shall be authorized to begin the construction of its road at any point on the line projected for it, and operate any portion thereof and any branches before the whole is completed.

SEC. 5. The subscriptions to the capital stock may be made in money, land or other property, bonds, stocks or other valuable credits, leases, options, mines, minerals or mineral rights, rights-of-way, 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 refuse or neglect 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 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 date on which payment is required to be made.

Capital stock.

May be increased.

Proviso; tax to be paid on increase.

Proviso; increase not effective until tax is paid.

Shares of capital.

Stockholders not individually liable.

Books of subscription.

When company to organize.

Directors.

Construction may begin at any point.

Subscriptions payable in money or otherwise.

Stock forfeited for unpaid subscriptions.

May consolidate  
with other compa-  
nies.

SEC. 6. That said company is hereby authorized and empowered to consolidate its capital stock, estate—real and 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, whenever a majority of the stockholders of the company hereby chartered shall so desire, when the two or more roads 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.

Other railroad com-  
panies may sub-  
scribe to stock of  
company.

SEC. 7. That it shall be lawful for any railroad company created by the laws of this State or any other State, from time to time, to subscribe for, purchase or hold the stock and bonds either of the company incorporated by this act or to guarantee or endorse such bonds or stock; and it shall be lawful for any railroad 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.

Or endorse its  
bonds.  
Or buy or lease its  
property or fran-  
chises.

Time and place of  
meetings of stock-  
holders.

SEC. 8. That meetings of the stockholders shall be held annually at such time and place, either in this State or another 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.

President and di-  
rectors to appoint  
other officers.

SEC. 9. That the president and board of directors of the said company shall have the power of appointing a vice-president, treasurer and such other officers and agents as may be necessary for conducting the construction and management of its railroad. The directors shall be elected by the stockholders annually and shall remain in office one year; 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.

Term of directors.  
Vacancies.

Power to make ex-  
penditures and con-  
tract debt.

SEC. 10. The president and directors of said company, under authority from the stockholders, shall have power to make such expenditures and contract such debts as may be necessary for the construction and operation of its railroad and business; and authority is hereby given to the said company to borrow money to such extent and in such manner as may be authorized by the stockholders, and to pay thereon such rates of interest as may be deemed advisable, and to issue therefor such bonds, whether 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 franchise or any part thereof.

General law to  
apply.

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, volume one of The Code of North Carolina, in respect to the acquisition of land by condemnation.

SEC. 12. That it shall be lawful for any county, township, city or town in or through which the said railroad may be located, which is interested in its construction and operation, to subscribe to the capital stock of said company such sum or sums, in bonds or money, as a majority of the qualified voters may authorize the county commissioners of such county or the municipal authorities of such town to subscribe.

Municipal authorities may subscribe to stock.

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 purpose by the corporate authorities of such towns or the county commissioners of the respective counties or townships in such counties.

Representation of municipal stockholders.

SEC. 14. That it shall be lawful for said railroad company, from time to time, to subscribe for, purchase or hold the stocks 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 franchise of any such company for such time and upon such terms as may be agreed upon.

Company may buy stocks, bonds, property or franchise of other companies.

SEC. 15. That this charter shall be continued for sixty years.

Duration of company. Route.

SEC. 16. That this railroad shall run through parts of Edgecombe County.

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 21st day of February, A. D. 1905.

## CHAPTER 137.

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

*The General Assembly of North Carolina do enact:*

SECTION 1. That M. A. Carpenter, E. L. Wilson, L. L. Jenkins, W. A. Deaton, J. R. Lewis, J. D. Moore, their present and future associates, successors and assigns, are hereby constituted and declared to be a body corporate and politic, by and under the name and style of "The Bank of Dallas," and shall so continue for a period of sixty years, and in such name shall have the power to sue and be sued, plead and be impleaded in all the courts; to make a common seal and alter the same at pleasure; to elect in such manner as they shall determine to be proper all necessary officers and agents, and define their duties and obligations; to fix

Corporators.  
Corporate name.  
Corporate existence.  
Formal enumeration of corporate powers.

the compensation of officers and agents, and, when they deem proper, take bonds from such officers and agents, payable to the corporation, for the faithful performance of their duties; to make such by-laws and regulations, not inconsistent with the Constitution and laws of this State or of the United States, as may be necessary for the government of themselves and the management of the affairs, business and property of the corporation, and to alter the same; to exercise, by its board of directors or duly authorized officers or agents, subject to law, all such powers as shall be necessary to carry on the business of banking, by discounting and negotiating promissory notes, drafts, bills of exchange and other evidences of debt, by receiving deposits, by buying and selling exchange, coin and bullion, by loaning money on personal security of real property. Such association, at the time of making loans or discounts, may take or receive in advance such interest as may be agreed upon, not exceeding the legal rate. Said The Bank of Dallas shall have power to do all such other things as may be necessary or convenient in the conduct of a general commercial and savings banking business, and to do any and all things exercised by or incident to other corporations of similar character and purpose and by force of the common and general statutory laws of the State.

Banking business.

Commercial and savings bank.

Location.

Branch offices.

SEC. 2. That the said corporation shall have its principal office at Dallas, Gaston County, North Carolina, but it may have branch offices at such other places as may be fixed by the corporation, after first complying with the laws regulating the same.

Capital stock.

SEC. 3. That the capital stock of the said corporation shall be twenty thousand dollars, divided into shares of a par value of one hundred dollars, with power in said corporation to increase the same, from time to time as the said corporation may elect, to an amount not exceeding one hundred thousand dollars.

First officers named.

SEC. 4. That, until their successors shall be elected, the following-named persons shall be the officers of said corporation, to-wit: L. L. Jenkins, president; E. L. Wilson, vice-president; M. A. Carpenter, cashier; and L. L. Jenkins, E. L. Wilson, W. A. Deaton, J. R. Lewis and J. D. Moore shall constitute the board of directors of such corporation.

Power to buy, hold and sell property.

SEC. 5. That the said The Bank of Dallas shall have power to buy, take, acquire, hold and own all kinds of real, mixed and personal estates and property, as owner thereof or in trust for itself or others, subject to the limitations mentioned in section number nine of the Public Laws of one thousand nine hundred and three, chapter two hundred and seventy-five, to convey the same, or any part thereof, absolutely or by way of mortgage or lien or otherwise, as natural persons can or are authorized to do under the laws of this State, and to and with the same effect according to law, and to buy, sell, rent and deal in mixed and personal property



of every kind and description, and to take and accept conveyances to itself of every such property by way of trust or of mortgage as security for debts due to itself or others, and to sell any such property or foreclose any such deed of conveyance in trust or mortgage as shall be provided by the terms of any such instrument.

SEC. 6. That said The Bank of Dallas shall have power to receive money in trust and accumulate the same at such legal rate of interest as may be obtained or agreed upon, or to allow interest not to exceed the legal rate; accept and execute trusts of every description; to act as agent in selling, issuing, registering or countersigning certificates of stock or other evidences of debt of any corporation, association, municipality or public authority, on such terms as may be agreed upon; to lease and rent real estate and collect rents for the same on commission; to accept from and execute trusts for married women in respect to their separate property or estate, whether real or mixed or personal, and to act as agent for them in the management, sale and disposition of their properties, charging such compensation for its services as shall be allowed by law and agreed upon by the parties. All money or property held in trust shall constitute a special deposit, and the account thereof shall be kept separate, and such funds and investments and loans of them shall be specially appropriated to the payment of such deposits and not be subject to any other liabilities of the company; and for the purpose of securing the observance of this provision the said company shall have a trust department, in which all the business pertaining to such trust property shall be kept separate and distinct from its general business.

May receive money in trust.

Accept and execute trusts.  
May act as agents.

Special deposits.

Trust business kept separate.

SEC. 7. That in all cases where an application has been made to any court having jurisdiction to appoint a curator, guardian of an infant, committee of an idiot or an insane person, administrator of any person dying testate or intestate, trustee or receiver, such court shall have the power to appoint said The Bank of Dallas as such curator, guardian, committee, trustee or receiver, upon the like application that any natural person might be appointed; and it shall be lawful for any person or corporation, by deed, will or other writing, to appoint the said company as trustee, executor, guardian of an infant, committee of an idiot or insane person, administrator, trustee, executor, assignee or receiver; and the said company may lawfully act, and as such shall be subject to all obligations and liabilities of natural persons acting in like capacity; and in accepting any of the trusts or powers herein mentioned, may qualify by any of its executive officers authorized by the rules and regulations of the company to do so.

Courts may appoint bank to act in fiduciary capacities.

Bank may be appointed fiduciary by deed or will and act.

SEC. 8. It shall be lawful for any individual, executor, administrator, guardian, committee, receiver, assignee, trustee or other

Lawful depository for trust funds.

officer, or other person having the custodies of any bonds, stocks, securities, moneys or other valuables, to deposit the same for safe-keeping with said company: *Provided*, that nothing in this act shall be construed as releasing from liability on his bond or other securities thereon such guardian, committee, commissioner, assignee, trustee, receiver, public officer or fiduciary, when any bonds, stocks, securities, moneys or other valuables so deposited shall be lost or destroyed or misapplied while in deposit with said company, or the same shall depreciate in value during such time or on account of the performance or non-performance of some act of the company.

Bank subject to orders of court.

SEC. 9. That every court wherein the 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 money or other valuables, shall have power to make all orders and compel obedience thereunto, and require the said company to render all accounts which said court might lawfully make or require if such company were a natural person.

Investments authorized.

SEC. 10. That the said company is authorized to invest moneys received on deposit, and to take, have and hold estates, real, personal and mixed, obtained with the moneys aforesaid or with funds belonging to the said company, subject to the limitations mentioned in section number nine of the Public Laws of one thousand nine hundred and three, chapter two hundred and seventy-five, and to sell, grant, mortgage or otherwise incumber, lease or dispose of the same, and to that end execute all deeds or other instruments concerning the same, as hereinbefore provided; to subscribe for and take stock in any other incorporated company or companies; to borrow and lend money and give and take notes therefor, as the case may be; discount, buy and sell notes, bonds, drafts and other securities or evidence of debt; to lend money upon such rates of interest as may be agreed upon, subject to the general laws of this State as to the rate, and secure the payment thereof by mortgages or deeds in trust, made direct to the said company or to others in trust for it, on all kinds of property; to act as agent for others in borrowing and lending money, charging such compensation therefor by way of commission as may be agreed upon by the 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; and it is granted all other powers and privileges usually possessed by or appertaining to loan and trust companies.

May subscribe to stock of corporations.

May act as broker.

May guarantee debts and titles.

SEC. 11. That said The Bank of Dallas shall have power to guarantee, endorse and secure the payment and punctual performance and collection of notes, debts, bills of exchange, contracts, bonds, accounts, claims, rents, annuities, mortgages, choses in action,

evidences of debt, certificates of property of value, checks and the title to property, indebtedness of companies, partnerships, cities, counties, municipalities, in this or other States, on such terms as may be agreed upon by said company and the parties dealing therewith.

SEC. 12. That whenever any bond, recognizance, obligation, stipulation or undertaking is by law, municipal or otherwise, or the rules or regulations of any board, body corporate, municipal or otherwise, required or permitted to be made, given, tendered or filed for security or protection of any person, corporation, municipality or other organizations whatsoever, conditioned for the doing of or not doing of any such bonds, recognizance, obligation, stipulation or undertaking specified, and any and all heads of departments, public officers, State, county, town or municipality, and any and all boards, courts, judges and municipalities now and hereafter required or permitted to accept or approve of the sufficiency of any such bond, recognizance, obligation, stipulation or undertaking, may, in the discretion of such head of department, court, judge, public officer or municipality, accept such bonds, recognizance, obligation, stipulation or undertaking and approve the same whenever the same is executed or the conditions thereof are guaranteed by said company, and the provisions of this section shall also apply between individuals where bonds [are] required to be given.

May act as surety on official bonds.

SEC. 13. That whenever any such bond, recognizance, obligation, stipulation or undertaking is required or permitted to be made, given or tendered, or filed with any one surety or with two or more sureties, the execution of the same or the guaranteeing the performance of the condition thereof shall be sufficient when executed or guaranteed by said company; and any and all heads of departments, courts, judges, boards and municipalities and all public officers—State, county, town or municipal—all corporations and private individuals whose duty it may be or shall hereafter be to accept or approve the sufficiency of any such bonds, recognizance, obligation, stipulation or undertaking, may accept and approve the same when executed or guaranteed by said company; and said company is hereby invested with full power and authority to execute or guarantee such bond, recognizance, stipulations, obligations or undertakings, whether given under the law of this State or of the United States or of any State or county.

Bank may be accepted as sole surety.

SEC. 14. 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 metal, 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 things whatsoever which may be left or deposited for safe-keeping with the said corporation; and it may

May receive valuables on safe deposit.

be and shall be lawful for any one 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 or direct the same to be deposited with the said corporation, and it shall be entitled to charge such commissions or compensation therefor as shall be agreed upon; and, 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 as may be deposited with it.

Powers of sale of property held as collateral.

SEC. 15. That, as to all property held by the said company as security, it shall be lawful for the said company to sell, at public auction or 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 twenty days shall have elapsed from the time of maturity of any obligation under said contract or agreement, or immediately upon discovery of any fraud, misrepresentation or concealment in regard to the ownership or otherwise which might jeopardize the rights of the said company or its security, after twenty days' advertisement of the time and place of sale by bills posted at the court-house door of Gaston County and at two other public places in Gaston County, or by advertisement in a newspaper published in Gaston 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 the said misrepresentation, fraud or concealment.

Deposits of married women, minors, and apprentices.

SEC. 16. That when married women, minors or apprentices lend money to or deposit the same or other things of value with the said company in the course of business herein provided for, or in the course of doing a savings banking business or general banking business hereinafter provided for, either generally or specifically, in their own name or to their own name or credit, they or any of them may collect or draw the same in their own name, upon their own check or order, and they and all other persons be bound thereby; and such collection, draft, check or order shall be a valid and sufficient release of the company.

Savings bank department.

SEC. 17. That the said corporation is authorized to organize in connection with its general business a department for savings bank business, and do a savings bank business for the convenience of small depositors, and to make such regulations in regard thereto, not inconsistent with the laws of this State or of the United States, as the stockholders may deem proper, in which said company may receive deposits in the said savings department, and

give books, certificates or other evidences of deposit, and pay such interest as the company may authorize and as may be agreed upon, not exceeding the legal rate of interest, and also regulate the time of payment and notice of demand.

SEC. 18. That the said corporation shall have the power to improve any real estate which it shall at any time own, and it may build thereon factories, stores, offices, cottages or any kind of dwellings or other houses or buildings, and may make improvements to enhance the value of such real estate or to facilitate the sale of the same, and may sell the same at such times and upon such terms, not inconsistent with the laws of the State and of the United States, as it may deem proper.

May improve real estate.

SEC. 19. That the said company may also conduct an insurance department and act as the agent of any insurance company, whether life, fire, accident or other kinds of insurable rights for the protection of itself and its patrons, the same as a natural person or firm may do, charging the legal rates and commissions for the same.

Insurance department may act as insurance agent.

SEC. 20. That said corporation shall have the right to do a general banking business, and shall [have] all the rights, powers, privileges and franchises incident to banking institutions in this State, under such regulations as may be authorized and provided by the laws of this State.

General banking business.

SEC. 21. That it shall be lawful for the corporation to make and file with the Clerk of the Superior Court of Gaston County an undertaking in the sum of five thousand dollars, with sufficient security, either personal or otherwise, to be approved by the clerk of the said court, conditioned for the faithful performance of all duties and obligations that the corporation may assume or be liable for under this charter. It shall be lawful for said clerk to accept the aforesaid undertaking in lieu of bond required by law to be given by an administrator, guardian, trustee, receiver or other fiduciary, and said bond, in case of any default in the performance of any trust or fiduciary committed to said company as aforesaid, may be sued upon by the party injured or his personal representative, in the superior court of the State of North Carolina. Whenever it may appear to the Clerk of the Superior Court of Gaston County that the undertaking already provided for is not sufficient to secure the faithful performance by the company of the aforesaid trusts and obligations, then he may require additional undertaking in such sum as he shall deem necessary.

Additional security for performance of duty as fiduciary.

Security to be strengthened.

SEC. 22. The stockholders shall be 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 shares.

Liability of stockholders.

SEC. 23. That as soon as ten thousand dollars shall be paid in cash, the said corporation shall have the right to enter upon and

When business to begin.



perform all the privileges and duties granted and contemplated by this chapter.

SEC. 24. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 21st day of February, A. D. 1905.

## CHAPTER 138.

AN ACT TO RATIFY ALL ACTS AND PROCEEDINGS RELATING TO THE AUTHORIZATION OF THE ISSUANCE OF BONDS OF THE TOWN OF LEXINGTON TO THE AMOUNT OF \$60,000, UNDER THE PROVISIONS OF CHAPTER 304, PRIVATE LAWS SESSION OF 1903, AND TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF LEXINGTON TO LEVY AND COLLECT A SPECIAL TAX FOR THE PAYMENT OF THE BONDS, AND INTEREST THEREON, ISSUED UNDER THE PROVISIONS OF THE SAID ACT.

*The General Assembly of North Carolina do enact:*

Issue of bonds ratified.

SECTION 1. That all acts and proceedings relating to the authorization of the issuance of bonds of the town of Lexington to the amount of sixty thousand dollars, under the provisions of chapter three hundred and four, Private Laws session of one thousand nine hundred and three of the General Assembly of North Carolina, are in all respects approved, ratified and confirmed.

Special tax for interest and sinking fund.

SEC. 2. That the Board of Commissioners of the Town of Lexington is authorized and empowered to levy and collect in each and any year, in addition to all other taxes authorized to be levied and collected by law, a special tax sufficient to pay the interest on all bonds, and to provide for the payment of the principal of all bonds at maturity which may be issued pursuant to the provisions of said chapter three hundred and four, Private Laws of one thousand nine hundred and three.

Taxes applied exclusively to interest and bonds.

SEC. 3. That the taxes collected under the provisions of this act shall be used exclusively for the purpose of paying the interest on said bonds and to provide for the payment of the principal of said bonds at maturity; and the town treasurer shall keep the same separate from the other funds of the town, and, as the said interest is paid, shall report the same to the board of commissioners, together with a detailed statement of the funds derived under the provisions of this act, and make such report not less than every six months.

Town treasurer to keep funds separate and make detailed report.

Repealing clause.

SEC. 4. That all laws and parts of laws in conflict with this act are hereby repealed.

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

In the General Assembly read three times, and ratified this the 22d day of February, A. D. 1905.

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#### CHAPTER 139.

#### AN ACT TO AMEND CHAPTER 325 OF THE PRIVATE LAWS OF 1903.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter three hundred and twenty-five of the Private Laws of North Carolina enacted in one thousand nine hundred and three, being "An act to incorporate the Enterprise Savings and Loan Company," be amended by striking out of line four (4) of section one (1) the words "Enterprise Savings and Loan Company" and inserting in lieu thereof the words "Waxhaw Banking and Trust Company," and by striking out in the eighth (8) line of section two (2) the words "city of Monroe" and inserting in lieu thereof the words "town of Waxhaw," and by striking out of line two (2) of section three (3) the words "city of Monroe" and inserting in lieu thereof the words "town of Waxhaw," and by striking out of lines four (4) and five (5) of section three (3) the words "Waxhaw and Marshville in the county of Union, State of North Carolina, and at": and by striking out in line six (6) of section seven (7) the word "*generis*" and inserting the word "*juris*"; and by striking out in line five of section eleven (11) the words "Enterprise Savings and Loan Company" and inserting the words "Waxhaw Banking and Trust Company." Name changed.  
Location changed.  
Verbal corrections.

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. 1905.

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#### CHAPTER 140.

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

*The General Assembly of North Carolina do enact:*

SECTION 1. That section forty-two of chapter one hundred and thirteen of the Private Laws of one thousand nine hundred and three be amended by striking out the word "five" in the second line thereof, between the word "than" and the word "per," and insert in lieu thereof the word "six." Interest rate.

- SEC. 2. That section forty-three of the said act be amended by striking out all after the word "provided" in line thirteen of said section, down to the end of line fifteen of the said section, and insert in lieu thereof the following: "That the rate of taxation to pay said coupons shall never exceed fifty cents on the one hundred dollars worth of property and one dollar and fifty cents on each poll."
- Tax rate.
- When law in force. SEC. 3. That this act shall be in full force and effect from and after June the first, one thousand nine hundred and five.
- Repealing clause. SEC. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.
- In the General Assembly read three times, and ratified this the 22d day of February, A. D. 1905.

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### CHAPTER 141.

#### AN ACT TO INCORPORATE THE SOUTHPORT AND NORTHWESTERN RAILWAY COMPANY.

*The General Assembly of North Carolina do enact:*

- Corporators. SECTION 1. That Frank W. Wheeler, E. H. Silliman and Collin E. Clark, their successors, associates and assigns, are hereby created and constituted a body corporate and politic under the name of "Southport and Northwestern Railway Company," and under such name to sue and be sued and plead and be impleaded in every court in the State of North Carolina; that the said company may have and use a corporate seal, and shall be capable of acquiring, by purchase, gift, devise, lease or otherwise, estate—real, personal or mixed—and of leasing or selling the same as the interest of the company may require, and may make such by-laws for the government of the company as may be deemed proper.
- Corporate name.
- Formal enumeration of corporate powers.
- Capital stock. SEC. 2. That the capital stock of the said company shall be two hundred thousand dollars, with the power to increase the same to any sum not exceeding two million dollars, in shares of one hundred dollars each, by applying to the Secretary of State and paying the tax and fees for such increase; and no increase of stock shall be valid until the Secretary of State shall issue his certificate that the fees due therefor have been paid; that it shall be lawful for subscriptions to be made payable in money, land, materials, labor, stocks, bonds or other securities, as may be agreed between the company and the subscriber.
- Tax on increase.
- Books of subscription. SEC. 3. That books of subscription to the capital stock of the said company shall be opened by the corporators, or a majority of them, acting in person or by proxy, at such times and places and under such rules and regulations as they may prescribe; that as soon as five thousand dollars shall have been *bona fide* subscribed
- Company to commence operations when \$5,000 subscribed.

the said corporation shall be entitled to commence operations and exercise all the rights, powers, privileges and franchises granted by this charter; and the said corporators, acting in person or by proxy, shall have power to call a meeting of the stockholders for the purpose of organization, giving ten days' notice thereof by publication in some newspaper published in Wilmington, North Carolina; that at such meeting, and at each annual meeting thereafter, a president and six directors shall be elected by the stockholders; that said directors so elected shall hold office for one year and until their successors shall be elected; that the said board of directors may appoint a vice-president, treasurer and such other officers and agents as it may deem proper, and fix their duties, and may fill any vacancy occurring in the office of president or director until the next meeting of the stockholders.

Meeting for organization.

President and directors.

Term of office.

Other officers.

Vacancies.

SEC. 4. That after the company shall be organized the president and board of directors may from time to time open [a] book or books of subscription to the capital stock of the company at such times and places and under such rules and regulations as they may prescribe: *Provided*, that no subscription shall be received beyond the limit that may have been fixed by a majority of the stockholders according to the provisions of this act. That no stockholder shall be responsible for more than the amount of his unpaid subscription.

Subscription books after organization.

Proviso: subscriptions not received in excess of capital stock.

SEC. 5. That this company shall have the power to construct, maintain and operate a line of railway with one or more tracks from Southport in Brunswick County to any point or points in Brunswick, Columbus, Bladen, Robeson, Scotland, Richmond, Cumberland, Harnett and Moore Counties, as shall be determined by the board of directors, and with the right to build a branch road to Wilmington, North Carolina, and such other branch roads, not to exceed fifty miles in length. That this company is authorized and empowered to commence work on any part of its line, and, upon the completion of any portion or section thereof, to maintain and operate the same, with all the rights and powers hereby conferred upon this company.

Power to construct, maintain and operate railway.  
Route and terminals.

Branch roads.

Work may begin at any point on line.

SEC. 6. That in order to carry into effect the purposes of this act the company may survey one or more routes for such road as may be deemed practicable, and shall have the power and authority to condemn as much land as may be necessary for the construction of said railway and its branches, of the width of one hundred feet, and as much additional land as may be necessary for the station-houses, depots, warehouses and all other purposes necessary and convenient for the construction, maintenance and operation of said railway and its branches.

Surveys.

May condemn land.

SEC. 7. That when any lands or right-of-way may be required by said company for the purpose of constructing their road, and, for want of agreement as to the value thereof, or for any other cause, the same cannot be purchased from the owner or owners,

Condemnation under general law.

the right thereto may be acquired as provided in chapter forty-nine of The Code of North Carolina and the amendments thereto now or hereafter enacted.

Amount  
condemned.

SEC. 8. That the right of said company to condemn lands as provided in this act shall extend to the condemning of fifty feet on each side of the track of the main road and the branches thereof, measuring from the center of the same, unless in case of deep cuts and fillings, when said company shall have power to condemn as much in addition thereto as may be necessary for the purposes of constructing said road; and the company shall also have power to condemn any appropriate land in like manner for the constructing and building of depots, shops, warehouses, buildings for servants, agents and persons employed on the road, not exceeding two acres in any one lot or station.

In absence of  
contract presump-  
tion in favor of  
road.

SEC. 9. That in the absence of any contract or contracts with said company in relation to lands through which the said road or its branches may pass, signed by the owner thereof or by his agent, or any claimant or person in possession thereof, which may be confirmed by the owner thereof, it shall be presumed that the land upon which said road or any of its branches may be constructed, together with a space of fifty feet on each side of the center of the said road, has been granted to the said company by the owner or owners thereof, and the said company shall have good right and title thereto, and shall have, hold and enjoy the same as long as the same be used for the purpose of said road, and no longer, unless the person or persons owning the said land at the time that part of the said road which may be on the said land was finished, or those claiming under him, her or them, shall apply for an assessment of the value of said lands, as hereinbefore directed, within two years next after that part of the said road which may be on said land was finished; and in case the said owner or owners, or those claiming under him, her or them, shall not apply within two years next after the said part was finished, he, she or they shall be forever barred from recovering said land or having any assessment or compensation therefor: *Provided*, nothing herein contained shall affect the rights of *femes covert*, infants or lunatics until two years after the removal of their respective disabilities.

Owner to make  
claim within two  
years.

Proviso: rights of  
persons under  
disability saved.

Company may  
borrow money.

SEC. 10. That this company is authorized to borrow money for the purposes of the company to such extent and at such lawful rate of interest as a majority of the stockholders may determine, and to issue therefor its bonds in such manner and form as may be determined by the board of directors, and to secure them by a deed or deeds of trust or mortgage upon the whole or any portion of the road or branches, property and franchises of the company as they may direct or approve. And the said company is hereby authorized to sell its bonds when, where and at such rates and



prices as the board of directors shall deem most advantageous to the company.

SEC. 11. That it shall and may be lawful for any county, township, city or town interested in the said railroad to subscribe to the capital stock of the said company such sum or sums in bonds as the majority of all of its qualified voters may authorize; said bonds to bear six per centum interest, to be payable forty years after date thereof, and to be of the denominations of one hundred and five hundred dollars, interest payable semi-annually; the bonds to be received by the company at par.

SEC. 12. That upon the petition, in writing, of one-fourth of the freeholders, being qualified voters of any county, township, city or town interested in the construction of the said road, specifying therein the amount they wish subscribed, the board of commissioners of the county, or the municipal authorities of the city or town, shall order and provide for an election to be held within sixty days in said county, township, city or town, of which election a notice of at least thirty days shall be given in some newspaper published or circulating in such county, township, city or town, for the purpose of ascertaining the wish of the qualified voters thereof as to whether they will subscribe the sum mentioned in the petition or not; that said election, when held in and for a county or township, shall take place and be conducted in the general manner prescribed by the law for electing members of the General Assembly; that those who favor said subscription shall vote on a written or printed ballot "For Railroad." and those opposing said subscription shall vote on a written or printed ballot "Against Subscription"; that the return of said elections in the counties and townships shall be made to the county commissioners, and in the case of cities and towns shall be made to the municipal authorities thereof; that the commissioners or municipal authorities, as the case may be, shall canvass the same and declare the result and make a record thereof; that if a majority of all the qualified voters in the county, township, city or town shall vote "For Railroads," then the chairman of the board of commissioners in all cases of county or township subscriptions are authorized and required to subscribe to the capital stock of said company, in behalf of said county or township, the sum which has been fixed or named in said petition, and in case of city and town elections, if a majority of all the voters shall vote "For Railroad," then the proper corporate authorities of such city or town are authorized and required to subscribe in behalf of such city or town in like manner as the county commissioners are herein required to subscribe in all cases of county and township subscriptions.

SEC. 13. That in order to make provision for the payment of interest on said bonds and their redemption at maturity, the said board of commissioners and the said municipal authorities, as the case may be, shall, in addition to other taxes for each year, com-

County or municipal subscriptions.

Election to be called on petition of one-fourth of voters.

Notice of election.

Form of ballot.

Returns of elections.

Bonds to be issued if voters approve.

Special taxes if bonds are issued.

Commissioner of  
sinking fund.  
Investments of  
sinking fund.

Stock to be issued  
to county and mu-  
nicipal subscribers.

Townships  
incorporated.

Work to begin  
within two years.

Company not  
exempt from taxa-  
tion.

pute and levy on all property, and each poll in such county, township, city or town, a sufficient sum to pay interest on the bonds as aforesaid, preserving the constitutional equation of taxation, which shall be styled on the tax lists "Southport and Northwestern Railway Tax," and they shall compute and levy a second additional tax sufficient to provide each year a sum equal to the sixtieth part of the principal of said bonds for a sinking fund, which amount shall annually be collected as other taxes and paid over to the treasurer of the county, city or town, or other officer authorized by law to perform the duties of commissioner of sinking fund, and by him invested in such bonds at par or less than par; but in case such treasurer or other officer shall be unable to invest said sinking fund in said bonds at or below par, he shall invest the same in such solvent bonds or securities as shall be selected by the said county commissioners, or corporate authorities.

SEC. 14. That upon the delivery to the said railroad company of the bonds subscribed by any county, township, city or town, the said company shall issue to the said county, township, city or town the amount of its stock equal to the par value of said bonds, and all dividends which shall be declared on said stock and paid over to the said county, township, city or town holding said stock shall be applied to reduce the taxes for the sinking fund provided by this act.

SEC. 15. That all the townships along the line of the railroad, or which are interested in its construction, are hereby incorporated, and that the county commissioners of the counties in which said townships are respectively situated are declared to be the corporate agents of the said townships.

SEC. 16. That the work on said railroad shall be commenced within two years from the ratification of this act.

SEC. 17. That nothing in this act shall be deemed or taken to exempt any of the property or franchises of this company from taxation.

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 22d day of February, A. D. 1905.

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## CHAPTER 142.

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

*The General Assembly of North Carolina do enact:*

Corporators.

SECTION 1. That Henry Clark Bridgers, W. L. Dunn, W. E. Phillips, J. L. Cobb, W. L. Reasons, Robert Walston, W. J. Webb, W. P. Mercer, C. B. Walton, J. D. Dawes, J. C. Hales, and their

associates and successors, be and are hereby constituted a body politic and corporate under the name and style of Pinetops Bank- Corporate name.  
ing Company.

SEC. 2. The location of said banking company shall be in the town of Pinetops, county of Edgecombe, where it shall carry on and conduct its business.

SEC. 3. That the business of said banking company shall be that of general commercial and savings banking. Commercial and savings bank.

SEC. 4. That the paid-in capital of said bank shall be fifteen thousand dollars (\$15,000), divided into one hundred and fifty shares of the par value of one hundred dollars each. Capital stock.

SEC. 5. That the existence of the said banking company shall be for a period of thirty years, beginning from the time this act is passed. Corporate existence.

SEC. 6. That the stockholders may, as they see fit, from time to time, increase the capital stock to an amount not to exceed one hundred thousand dollars (\$100,000). Capital stock may be increased.

SEC. 7. That when so much as fifty per cent. of the capital stock has been paid in, the aforementioned incorporators and their associates or majority of them may call a meeting at Pinetops, at such time and upon such notice as they may deem proper, and such incorporators and their associates shall elect by ballot or otherwise, from among their number, not less than five nor more than eleven directors, who shall hold office for one year and until their successors are elected. Company to organize when 50 per cent. of stock paid in.  
Directors.  
Term of office.

SEC. 8. That said directors shall elect a president and vice-president, by ballot or otherwise, from their own number, and shall have authority and power to fill all vacancies that may occur in their own body or any office or position in the bank until the next annual election. That the directors shall select and appoint all persons necessary to fill positions in the bank so that the bank may be provided with proper and adequate working help. President and vice-president.  
Other officers.

SEC. 9. That the president and directors shall exercise all the necessary authority and power for the proper transaction of the business of the corporation; they shall direct when dividends shall be paid to stockholders; they may call meetings of the stockholders when they deem proper, giving ten days' notice; and any number of stockholders holding one-fourth of the capital stock paid in may call a special meeting, giving ten days' notice to each of the stockholders by postal card, through the mails, or otherwise. At all meetings of the stockholders each share shall be entitled to one vote: *Provided*, that all assessments due shall have been paid upon said stock, otherwise such shall not be entitled to be voted. Any stockholder or stockholders not present may be represented by proxy, the proxy being considered a stockholder. Powers of president and directors.  
Meetings of stockholders.  
Special meetings.

SEC. 10. That if any stockholder shall fail to pay for his stock or any part thereof, as it may be required of him, the entire residue of the stock shall become due and may be recovered in the Power to collect unpaid subscriptions.

name of the bank by proper civil action. That the bank shall have power and authority to sell the interest in the bank of any stockholder who is in arrears, in payment of his stock, at public auction for cash before the post-office in Pinetops and the courthouse at Tarboro, and apply the proceeds to the payment of the amount owing by such delinquent stockholder, and if there be a surplus, pay same to said stockholder. That the interest of said stockholder so sold shall be duly transferred to the purchaser.

**Transfer of stock.** SEC. 11. That the stock held by any one in said bank shall be transferred only on the books of said bank, either in person or by power of attorney. No stockholder shall transfer his stock if he is indebted to the bank, as principal or security, except a majority of the directors assent to such transfer. That the bank shall have a lien on the stock of such stockholder so indebted to the bank superior to all other liens.

**Sue and be sued.** SEC. 12. That such bank shall sue and be sued, in any court of law or equity, as fully as natural persons.

**Rules, regulations and by-laws.** SEC. 13. That the board of directors shall have the power to enact all rules, regulations and by-laws necessary for the proper management of the said bank.

**General law to apply.** SEC. 14. That said bank shall have the power to exercise all rights and functions in the conduct and maintenance of its business and property and be subject to all liabilities and penalties enacted and provided by law.

**Deposits of married women and minors.** SEC. 15. Whenever a 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 that such receipt or check so given shall in law be a full release and discharge to said bank against the demands or claims of such married woman or minor and all persons claiming under or through them.

**Agricultural liens.** SEC. 16. That the said bank, in addition to taking chattel mortgages and mortgages on real estate as security for money loaned, shall have the right and power to take agricultural liens for money advanced and loaned, as provided by law.

**Corporate seal.** SEC. 17. That said bank shall have the right to adopt and use a corporate seal.

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

In the General Assembly read three times, and ratified this 22d day of February, A. D. 1905.

## CHAPTER 143.

## AN ACT TO INCORPORATE ASHEVILLE AND NORTHERN RAILWAY COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Richard S. Howland, Reginald Howland, Theodore F. Davidson, Walter L. Blodget and Walter B. Gwyn, their associates, successors and assigns, be and they are hereby created and declared a body politic and corporate under the name and style of Asheville and Northern Railway Company, and by that name shall have perpetual succession, 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 the rights and privileges necessary for the purposes of this act and all other rights and privileges incident to it as a corporation under the laws of North Carolina.

Corporators.

Corporate name.

Formal enumeration.

SEC. 2. That the capital stock of said company shall be two hundred and fifty thousand dollars; the par value of each share of stock shall be one hundred dollars; and the directors, with approval of the stockholders, may receive cash, labor, material, bonds, stock, contracts, credits, accounts, real or personal property, in payment of subscriptions, payable in such manner or amounts and at such times as may be agreed upon between the directors and subscribers; and whenever two hundred and fifty shares of stock shall have been subscribed for, the subscribers, under the direction of a majority of the corporators hereinbefore named, who themselves shall be subscribers, may organize the said company by electing a board of directors, and may provide for the election or appointment of such other officers as may be necessary for the control and management of the affairs and business of said company; and thereupon they shall have and exercise all the powers and functions of a corporation under the charter and the laws of North Carolina. Every subscriber for or holder of the stock of this 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.

Capital stock.

Subscriptions in cash or other valuables.

To organize when \$25,000 subscribed.

Directors.

Other officers.

Liability of stockholders.

SEC. 3. It shall be lawful for 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, and also to borrow money, and for such consideration and upon such terms as the stockholders, or board of directors by their authority, may determine; and to issue its notes, bonds and debentures from time to time as they may elect, and to secure the same by mortgage or mortgages on its property, whether then owned or thereafter to be

Company may acquire stocks, notes, bonds, etc., of other companies.

Borrow money.



acquired, and its franchises, in whole or in part, as they may deem necessary or expedient.

Terminals and  
routes of railroad.

SEC. 4. That said company shall have power to survey, locate, build and operate a railroad from Asheville or from one or more connecting points on any other railroad running into or having connection with one or more railroads running into Asheville, North Carolina, to run in a general northeastern direction to, or so far towards the town of Burnsville, in Yancey County, and the Tennessee State line, as said company may deem expedient, by whatever route said company may adopt, with such branches or extensions as to said company may seem fit; and any other line or lines of railroad to run so far as said company may deem expedient, in any direction from Asheville or from connecting points as above described, with such branches and extensions as said company may deem expedient.

Branches and ex-  
tension.

Rights of light or  
power company.

SEC. 5. The said company is authorized and empowered to make, manufacture, produce, generate, develop, purchase, lease or otherwise acquire, own, hold, collect, improve and store electricity, steam, water, water power and water privileges, water-sheds, fuel, all manner of power, whether electric, steam, water, pneumatic or other, for use in driving machinery in any form, or for light, heat or other application of power, and to use the same for any of such purposes, or to sell, lease, dispose of, deal in and make a business of dealing in, conduct, transmit, distribute, supply, furnish and deliver said power or the products thereof, or electricity, steam, gas, water, light or heat, to individuals, associations, companies or corporations, private or municipal; and to fix charges, collect and receive payment therefor; and for such ends may build, construct, erect, locate, acquire, equip, maintain and operate the necessary buildings, structures, plants, machinery, machines, boilers, engines, dynamos, motors and attachments, dams, bridges, gates, sluices, tunnels, ditches, canals, poles, wires, conduits, pipes, flumes and all other convenient appliances for any of such purposes.

May own and oper-  
ate quarries and  
mines.

SEC. 6. The said company shall have power, in addition to the powers hereinbefore enumerated, to own, acquire, purchase, possess, hold, let, lease, operate and maintain quarries and mines and to sell and dispose of the product of the same; to build, own, hold, maintain and operate railroads, street railroads, motor lines and tramways, wherever it may be by said company deemed expedient; carry freight and passengers thereon, and to charge, receive and collect tolls or fares for the same; to purchase, consolidate with, lease, operate and maintain, on such terms as may be agreed upon, any railroad, railroads, street railroads, motor lines, or tramways, with its or their franchises, easements, rolling stock, equipments and appurtenances, and to complete the same if necessary, desirable or convenient; to carry freights or passengers or both thereon, and to charge, receive and collect tolls or fares therefor; to construct, build, own, hold, purchase, lease, maintain and operate

Railways, street  
railways, motor  
lines, and tram-  
ways.

Right of consolida-  
tion.

Telegraph and  
telephone lines.

telegraph and telephone lines wherever it may be deemed expedient, and to charge, receive and collect such charges and rates for the use of the same and for the transmission of messages thereon as may be deemed desirable or expedient; to lease any part or all of its railroads, street railroads, or tram-ways to any other company or companies incorporated for the purpose of operating a railroad or tram-way, and to lease or purchase, maintain and operate any part or all of any other railroad constructed by any other company, upon such conditions and terms as may be agreed upon; to enter into any operating or traffic contract, or any contract in the nature of a lease, with any company or corporation, and to transfer and convey to said company or corporation the operation of the whole or any portion of the road or lines of this corporation; to apply to the proper authorities of any incorporated city or town, or of any county in the State of North Carolina into which the railroads, street railroads, tram-ways, motor lines, telegraph or telephone lines, water conduit lines, electric light and power lines, plants, wires, poles and appliances of this corporation may extend, or be situated, or be designed or intended now or hereafter to extend or be situated, for a grant of any rights, powers, privileges and franchises for the maintenance or operation thereof; to accept, receive, own, hold, or lease all and singular the same; to acquire by purchase, lease, contract or otherwise, and to accept, own, hold any rights, privileges or franchises heretofore granted to any firm, company or corporation, or which may be hereafter so granted by the proper authorities of any such incorporated city or town, or any county in the State of North Carolina; to build, erect, equip, purchase, acquire, own, hold, rent, lease, run, maintain and operate factories for the manufacture of such commodities as may be desirable, convenient or expedient, and to sell and dispose of such commodities; to facilitate and assist in the construction, building, extension, equipment, maintenance and operation of any street railway, railroad, motor line, tram-way, telegraph or telephone line connecting with or intended to connect with or exchange traffic, freight or passengers with the street railways, railways, motor lines, tram-ways, telegraph or telephone lines of this corporation; and to this end to subscribe to or for, or purchase, or otherwise acquire, own and hold the stocks and bonds of any other corporation or company owning or operating such street railways, railways, motor lines, telegraph or telephone lines; to guarantee or otherwise secure the payment of any such bonds, interest thereon or dividends on such stock as it may be deemed advisable, convenient or proper; and to otherwise aid and assist in the maintenance and operation of the same; to purchase, acquire, rent, lease, own, hold and improve real estate in such quantities as may be deemed expedient by it, and to build dwelling-houses, build and operate stores, mills, schools, factories, warehouses, hotels, and any and all other build-

To lease to or from other companies.

To apply to municipal authorities for privileges.

To acquire privileges granted by municipalities to other companies.

To run factories.

May subscribe to stock and bonds of other corporations.

Or guarantee them.

May deal in real estate.

May improve real estate.

May adorn and beautify property.

May engage in farming, etc.

May enter on lands.

May take material from adjacent lands.

Right to condemn land.

ings and structures deemed advisable and expedient; to sell and dispose of the same on such terms, conditions and payments, including installment plans, as may be desirable or convenient; to lay out and plat any real property belonging to the company into lots, blocks, squares and factory sites and other convenient forms, and to lay out, plat and dedicate to public use or otherwise streets, avenues, alleys and parks; and to adorn and beautify its property by building dams for ponds, reservoirs and lakes, and by other means; to manage and carry on the business of farming, stock-raising, mining, trading, lumbering, cutting and dealing in firewood, manufacturing, hotel-keeping, building bridges, dams, culverts, aqueducts, reservoirs and streets; also building and equipping and operating rail, tram, turnpike and other roads, or any other plant or works that may be deemed necessary or convenient for the business of the corporation; to purchase, possess, own, hold, rent, lease and improve any and all property, real and personal and mixed, necessary, desirable or convenient for the use of the corporation or for the conduct of its business or any part thereof; and to do and perform all and any other matters and things necessary, proper or convenient for the accomplishment of the objects, and any thereof, above specified.

SEC. 7. For the purpose of exploring, surveying, locating and constructing and establishing its roads, railroads, canals and other works the said company may, at any time, enter upon lands upon or through which it may desire to conduct, build and establish its railroads, roads, canals or other works, and lay out and construct the same as it may desire, and shall pay to the owner or owners of the land such sum as may be agreed upon. And for the purpose of constructing its roads, railroads, canals, or other works and necessary appurtenances thereto, or of enlarging or otherwise altering them, the company may, at any time, enter on any adjacent lands and cut, dig and take therefrom any wood, stone, gravel, sand, earth, or other material which it may deem necessary, and shall pay to the owner or owners of said land such sum as may be agreed upon. And said company shall have all such additional powers in such respect as other railroad companies now or may hereafter have under the general laws of North Carolina applicable to such companies.

SEC. 8. When any land, material or right-of-way may be required for said company for the purpose of constructing, repairing, enlarging, extending, altering or operating its railroads, or other works, of such character as will entitle the company to condemn land under the general laws of the State, and for want of agreement as to the value thereof or for any other cause the same cannot be purchased from the owner, the same may be taken at a valuation of three commissioners, or a majority of them, to be appointed on petition of the said company or of the owner of the land, by the clerk of the superior court of the county where some

part of the land is situate. Said petition shall be filed and proceedings thereupon conducted and prosecuted in the manner provided in sections nineteen hundred and forty-four to nineteen hundred and fifty-one, inclusive, of chapter forty-nine of volume one of The Code of North Carolina, enacted in one thousand eight hundred and eighty-three, and amendments thereof, and as further provided in any other general laws of North Carolina now or hereafter to be in force, applicable to such proceedings, and either the company or the owner of the land may appeal therefrom as provided by law.

Procedure for  
condemnation.

SEC. 9. Any county, township, city or town along or near the line of the constructed or proposed railroads or branches of this company may subscribe to the capital stock of this company in the following manner: Upon presentation of a petition in writing, signed by not less than one-fourth in number of the qualified voters of said county, township, city or town, to the board of commissioners of said county or to the proper authorities of said township, city or town, requesting them to submit to the qualified voters of said county, township, city or town in which said petitioners reside a proposition to subscribe a definite sum, to be named in said petition, for the capital stock of this company, the board of commissioners of said county or the proper authorities of said township, 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 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 said subscription, and shall vote, shall vote a ballot on which is written or printed the words "Against Subscription"; and the election for this purpose shall be conducted and the result thereof ascertained in the same manner and subject to the same rules and regulations as are provided for in the election of county, township, city or town officers by the general election laws of this State. Such elections 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 said county, and at every polling place of township, city or town where the election shall take place; and the returns thereof shall be made to the board of commissioners of said county or proper authority of said city or town. If a majority of the qualified voters vote for subscription, then the board of commissioners of said county or the proper authorities of said township, 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 on their

Counties and municipal corporations may subscribe to stock of company.

Election upon petition of one-fourth of voters.

Form of ballots.

Notice of elections.

Returns of election.

Subscription to be made and bonds issued if approved by people.



Description of  
bonds.

How bonds  
attested.

Special tax to be  
levied if bonds  
issued.

Investments of  
sinking funds.

Transfer of  
subscriptions.

Townships  
incorporated.

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 nor more than one thousand dollars each, and shall run for such number of years and bear such rate of interest, not exceeding six per cent. per annum, 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 commissioners of said county, and if issued by a city or town, then by the mayor and one of the commissioners or aldermen of said city or town and the clerk of the same.

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 any city or town voting for subscription, 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 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 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 said bonds, or by the proper authorities of the city or town issuing said bonds: *Provided*, that whenever the sinking fund shall be invested in the purchase of the identical bonds issued under this act, such investment shall be at a price not exceeding the par value thereof. In the event that the property, 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 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. 11. For the purposes of this act all the townships and counties along or near the line of the constructed or proposed railroads or branches thereof of this company which may vote to subscribe to the capital stock of the 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 pro-



vided by this act, and to assume the contract of indebtedness for the payment of said subscription, and shall have, generally, all the power 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 corporate agents of said township so incorporated and situate within the limits of 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 herein above mentioned.

County commissioners agents for township.

SEC. 12. A part of any railroad or other works of said company may be constructed without completing its entire railroad or other works, and the said railroad or other works may be operated and its business conducted notwithstanding its entire railroad or other works have not been completed.

Part of road may be operated.

SEC. 13. 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 expedient.

Stockholders to make by-laws.

SEC. 14. The board of directors shall be composed of stockholders of said company and shall consist of such numbers as the stockholders may prescribe from time to time by the by-laws, and shall be elected by the stockholders in meeting assembled, and shall continue in office for the term of one year after the date of their election and until their successors are elected and accept the duties of their office; and they shall choose one of their number president, and elect such other officers as the by-laws may prescribe; and in case of the death, resignation or other incapacity of any member of the board of directors during his term of office, the board of directors or the stockholders may choose his successor for the unexpired term.

Directors to be stockholders.

Terms of office of directors.

Vacancies.

SEC. 15. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 22d day of February, A. D. 1905.

## CHAPTER 144.

### AN ACT TO INCORPORATE "OAK GROVE CEMETERY COMPANY," IN ROBESON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That whereas the citizens of the town of Maxton, in Robeson County, have decided to establish a cemetery, northeast of the said town, to be known as "Oak Grove Cemetery," with

Trustee corporators.

Corporate name.	G. B. Patterson, A. A. Wilkerson, J. W. Carter, W. S. McNair, P. S. Steel, A. J. McKinnon and J. B. Weatherly as trustees, which said trustees shall hold their office for the term of one year and until their successors are duly elected and qualified. The said corporation to be known and designated as Oak Grove Cemetery Company, and the same may acquire and hold lands for the purpose of burying the dead, not exceeding twenty acres.
Real estate exempt from taxation. Not subject to debts.	SEC. 2. That the real estate of said corporation used for the purposes aforesaid, and the burial lots and plats conveyed by said corporation to individuals or others for the purpose of interment, shall be exempt from taxation and assessment and shall not be liable to be sold on execution nor be applied to the payment of debts by voluntary assignment, or forced assignment under any insolvent or bankrupt law; only as hereinafter provided in section four of this act.
Desecration of cemetery a misdemeanor.	SEC. 3. That any person who shall willfully destroy, mutilate, deface, injure or remove any tomb, urn, gravestone or other structure placed in said cemetery, or any fence, railing or other work for the protection or ornamentation of said cemetery, or any lot therein, or who shall destroy, cut, break or injure any tree, shrub, plant, flower or vine within said cemetery, without the consent of the owner of such lot or the members of said commission, shall be guilty of a misdemeanor, and on conviction therefor shall be fined or imprisoned, or both, in the discretion of the court.
Penalty.	SEC. 4. That said corporation shall have the power to assess each lot-owner not exceeding three dollars per year for the purpose of keeping said cemetery in good order and beautifying same, and keeping the fences or wall in good repair, enclosing same; and any lot-owner failing to pay same after being notified in writing by the chairman of said commission within thirty days thereafter shall forfeit all rights and interest in any lot or lots he may have in said cemetery, and the same shall immediately revert in said commission.
Assessments on lot-owners.	SEC. 5. That said commissioners shall hold their offices until their successors are elected and accept said office; and the said commissioners shall be elected only by the lot-owners of the said cemetery, the first election to be held by said lot-owners the first Monday in March, nineteen hundred and six, and annually thereafter.
Forfeiture for failure to pay assessments.	SEC. 6. That said commission shall proceed to sell lots in said cemetery as soon as possible to do so, at reasonable prices, and shall apply the proceeds of such sales to improving the ground, fences and other property of the corporation.
Term of office of commissioners. Election of commissioners.	SEC. 7. That said corporation may prescribe the form of conveyance for the lots in said cemetery and how and by whom they may be executed, and shall make all such by-laws, rules and regulations for the government of said cemetery that they may deem
Lots to be sold.	
Form of conveyance.	
By-laws.	

necessary, not inconsistent with the laws of this State and the United States, and may appoint all officers, agents and servants that may be necessary to carry out their rules and regulations.

SEC. 8. 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 22d day of February, A. D. 1905.

## CHAPTER 145.

### AN ACT TO INCORPORATE THE PEE DEE VALLEY RAILWAY COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That H. S. Ledbetter, W. C. Leak, R. L. Steele, J. P. Leak, William Entwistle, Cameron Morrison, P. C. Whitlock, and such others as may become associated with them as stockholders, and their successors, be and they are hereby declared to be a body corporate under the name of the Pee Dee Valley Railway 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 competent jurisdiction by and in its corporate name, and shall be capable of purchasing and acquiring by gift or devise property, real or personal, 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 and expedient for that purpose not inconsistent with the Constitution of the United States or the Constitution of the State of North Carolina; and shall have all the rights, privileges and powers possessed by any railroad company in North Carolina under the general law of the State.

Corporate name.

Formal enumeration of corporate powers.

SEC. 2. That the said corporation be and the same is hereby authorized to construct a railway of one or more tracks from Gibson, in the county of Scotland, in said State, through Scotland, Richmond, Moore, Anson, Montgomery or Stanley counties, to Norwood, in the county of Stanley, or to Star on Mount Gilead, in the county of Montgomery, in said State, and to operate the same; said road to be of such gauge as may be determined by the directors of said corporation, and to have the power to cross any other railroad track over, under or at grade.

Company to build railroad.

Terminals and route.

SEC. 3. That the capital stock of said corporation shall be fifty thousand dollars (\$50,000), with power to increase the same to one million dollars (\$1,000,000): *Provided*, that said stock shall not be increased beyond one hundred and twenty-five thousand dollars except upon certificate filed in the office of the Secretary of State and the payment of the tax required by law. The stock

Capital stock.

shall be divided into shares of the value of one hundred dollars (\$100) each.

Books of subscription.

SEC. 4. That books of subscription to the capital stock of said corporation shall be opened by the incorporators aforesaid within sixty days after the ratification of this act at such places as said incorporators shall select, and the said corporators, or a majority of them, may at any time after the sum of fifteen thousand dollars has been subscribed to the capital stock of said railroad company, and five per centum thereof in cash paid into their hands, have power to call together the subscribers to said shares of stock for the purpose of completing the organization of said corporation.

Meeting for organization.  
Annual meetings.

SEC. 5. That the said company shall hold a meeting of its stockholders at its organization, and that thereafter annual meetings shall be held in the town of Rockingham, in the county of Richmond, or at such other place in North Carolina as the directors of said corporation may hereafter agree upon. That seven directors shall be elected by the stockholders, to hold office for one year and until their successors shall be elected; and in all meetings of the stockholders a majority of the stock shall be represented by the owners in person or by proxy, such proxy to be verified in the manner prescribed by the by-laws of the corporation, 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 corporation, and to elect such other officers as shall be provided for by the by-laws of the said corporation, and fill all vacancies which may occur in said board of directors during the term for which it shall have been elected. That any meeting of the stockholders shall have power to make or alter the by-laws of the corporation.

Directors.

President.

Other officers.

Stockholders to make by-laws.

Certificates of stock.

SEC. 6. That said corporation shall issue certificates of stock to its members, and said stock may be transferred in such manner as may be prescribed by the by-laws of the company.

Counties and municipalities may make donation to company or subscribe to stock.

SEC. 7. That the commissioners of any county through which said railroad may pass, and any city, town or township through which said railroad may pass, shall have full power and authority to make donations to said corporation or to subscribe to its capital stock on behalf of the respective counties, cities and townships to the amounts they shall be authorized by the said county, city, town or township, respectively; and the authorities of all incorporated cities or towns to the amounts 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 corporation or corporations; and to enable them to borrow money to make such donations or to make such subscriptions, they may issue bonds or other evidences of debt; that when such subscription shall be made it shall be as binding on the counties, cities, towns or 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 of the county of which said township is a part shall be authorized to represent such township, and to make subscription or donation when authorized by vote of said township as hereinafter provided.

SEC. 8. That the boards of commissioners of the several counties named in this act are respectively authorized and required, whenever one-fourth of the qualified voters of any township in their respective county shall petition to them in writing to have submitted to the voters of said township a proposition to make a donation or subscribe a specific sum to the capital stock of said corporation, to cause an election to be held in said township at the proper voting place or places therein, after thirty days' notice of said election by advertisement at the court-house door of said county and at four public places in said township, and to submit to the qualified voters of such township the proposition of donating to said company or subscribing to its capital stock the sum of money specified in the written request of the qualified voters calling for said election as aforesaid; and at said election, if it is called to decide the making of a donation, those in favor of making said donation shall deposit ballots on which shall be written or printed the words "For Donation, Bonds and Taxes," and those opposed to said donation shall deposit ballots on which shall be written or printed the words "Against Donation, Bonds and Taxes"; but if the election be to authorize a subscription to the capital stock of said corporation, the ballots voted by those in favor of said subscription shall have written or printed thereon the words "For Subscription, Bonds and Taxes," and the ballots voted by those not in favor of said subscription shall have written or printed thereon the words "Against Subscription, Bonds and Taxes"; that the election shall be held under and governed by the laws regulating special elections in North Carolina. If a majority of the qualified voters vote "For Subscription, Bonds and Taxes," then the subscription so authorized shall be made to the capital stock of said railroad company for said township by the chairman of the board of county commissioners; and if a majority of the qualified voters vote "For Donation, Bonds and Taxes," then the chairman of the board of county commissioners shall deliver to the authorities of said railroad company his certificate setting forth the fact.

County commissioners to represent townships.

Election ordered upon petition of one-fourth of voters.

Notice of election.

Form of ballots if vote on donation.

Form of ballots if vote on subscription.

Subscription or donation made if approved by voters.

SEC. 9. That in payment of subscriptions or donations, made as provided in the preceding section of this act, the board of commissioners of the county wherein said township may be situated shall issue bonds to the amount 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

Bonds to be issued.

Description of bonds.



years after the first day of January next after the year in which they are issued, and shall be coupon bonds and bear interest at the rate of six per centum per annum, interest to be 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.

Bonds redeemable.

Subscription or donation made if authorized.

SEC. 10. That in all cases where a subscription to the capital stock of said corporation or a donation to said corporation shall be authorized by an election in any county or township, the county commissioners, and in cases where a subscription or donation shall be authorized by an election in any city or town, as hereinafter provided, the authorities of any such city or town shall have the power and authority to pay over to the proper authorities of said corporation the amount authorized to be donated, or to pay for said stock the amount authorized to be subscribed therefor.

Special tax if bonds issued.

SEC. 11. That to provide for the payment of the interest on the bonds issued as aforesaid, and for their redemption at maturity, the board of commissioners of any county on account of which said bonds have been issued, and the board of commissioners of any county in which any township is situated on account of which bonds have been issued, shall each year compute and levy upon the proper subjects of taxation in such county or township, in addition to the other taxes, a sufficient tax to pay the interest on the 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 rules and regulations provided for the collection of other taxes, and he and his sureties shall be liable to the same penalties and subject to the same remedies as are now provided by law for the faithful collecting and paying over of the State and county taxes.

Town election for donation or subscription.

SEC. 12. That the commissioners of any town in any of the counties through which the said railroad may be constructed shall be authorized and required, when twenty-five qualified voters of such town shall in writing request that a proposition to make a donation of a specific sum to said railroad company, or to subscribe a specific sum to the capital stock of said corporation, may be submitted to the voters of said town, to cause an election to be held therein under the rules and regulations governing special elections in North Carolina, except that the returns of said election shall be made to the commissioners of such town, who shall canvass the same; and if a majority shall have voted "For Subscription, Bonds and Taxes," then the mayor of such town shall subscribe to the said stock the amount as authorized for said town; and if a majority of the qualified voters of said town shall have voted "For Donation, Bonds and Taxes," then the mayor of such town shall certify the result of said election to the authorities

of said railroad corporation; and in payment of any donation or of any subscription to the capital stock of said railroad corporation the commissioners of such town shall issue bonds of the same denomination and character, bearing the same interest and having the same time to run as is provided hereinbefore for township subscriptions; and in addition to the other tax upon the subjects of taxation in said town, they shall annually levy a tax sufficient to pay the interest on said bonds and one-thirtieth of the principal. The tax levied under the provisions of this section shall be collected by the constable or tax collector of such town in the same manner as the other taxes of said town are collected, and subject to the same rules and regulations and 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.

Town bonds to be issued if subscription or donation approved.

Special tax if bonds are issued.

SEC. 13. The bonds under this act to secure the 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.

How county bonds attested.

Town bonds.

SEC. 14. That said corporation shall have the right to have land condemned for right-of-way and for necessary warehouses and buildings, according to the existing law of the State governing condemnation proceedings, and shall have full power and authority to sell or lease its roadbed, 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 other connecting line of railroad.

Corporation may condemn land.

May lease or be leased by roads or buy or sell to or consolidate with other roads.

SEC. 15. Said corporation is authorized to begin the construction of said road at any point on the line contemplated in this act, and to build said road in either direction through the territory or parts of the same mentioned in this act, and operate it when completed, and shall have the exclusive right of transportation over the same.

May begin construction at any point.

SEC. 16. That said corporation shall be authorized and empowered to construct branch roads to its main line, not exceeding thirty miles in length, and for this purpose shall have all the rights, privileges and powers conferred by this act for the building and operation of the main line.

Branch roads.

SEC. 17. Said corporation shall be authorized to borrow money for the construction and operation of said road and to issue coupon

Company may borrow money.

bonds for the amount so borrowed, or any other evidence of the debt it may desire to issue not inconsistent with the law of the State, and to mortgage said road and the other property of the corporation to secure the payment of the said bonds or other obligations of the corporation, principal and interest.

Repealing clause.

SEC. 18. That all laws and clauses of laws in conflict with this act are hereby repealed and this act shall take effect from and after its ratification.

In the General Assembly read three times, and ratified this the 22d day of February, A. D. 1905.

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#### CHAPTER 146.

### AN ACT TO AMEND THE CHARTER OF THE TOWN OF KELFORD PROHIBITING MANUFACTURE AND SALE OF LIQUOR.

*The General Assembly of North Carolina do enact:*

Manufacture and sale of liquor forbidden.

SECTION 1. Amend chapter twenty-seven, Private Laws of one thousand eight hundred and ninety-three, by adding at the end of said section: "*Provided*, that it shall be unlawful for any person, persons or corporation to sell or manufacture any intoxicating liquor within the town 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 23d day of February, A. D. 1905.

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#### CHAPTER 147.

### AN ACT FOR THE RELIEF OF THE COMMISSIONERS OF BLOWING ROCK.

*The General Assembly of North Carolina do enact:*

Tax collector to be appointed.

SECTION 1. That the Mayor and Commissioners of the Town of Blowing Rock in the county of Watauga be empowered and are hereby authorized to appoint a tax collector for said town of Blowing Rock, whose duty shall be to collect the arrears of taxes due said town for the years one thousand nine hundred and one, one thousand nine hundred and two, one thousand nine hundred and three, and one thousand nine hundred and four, under such rules and regulations as are now or hereafter may be provided by law for the collection of taxes by sheriffs or other tax collectors.

To collect arrears of taxes for 1901, 1902, 1903, and 1904.

Persons making affidavit of payment relieved.

SEC. 2. That no person shall be compelled to pay any tax under the provisions of this act who will make affidavit before any officer authorized to administer oaths that the tax attempted to be collected has been paid.

SEC. 3. That the authority herein given shall cease and deter- When authority to  
mine on the first day of May, A. D. one thousand nine hundred cease.  
and six.

SEC. 4. That this act shall be in force from and after its ratifi-  
cation.

In the General Assembly read three times, and ratified this 23d  
day of February, A. D. 1905.

#### CHAPTER 148.

#### AN ACT TO REPEAL THE CHARTER OF THE TOWN OF OLIN IN IREDELL COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapters two hundred and fifty-six and one Chapters 256 and  
hundred and four of the Public Laws of one thousand eight hun- 104 of the laws of  
dred and fifty-four and one thousand eight hundred and fifty-six, 1854 and 1856 and  
and all amendatory acts thereto, be and the same are hereby all amendments  
repealed. repealed.

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

In the General Assembly read three times, and ratified this 23d  
day of February, A. D. 1905.

#### CHAPTER 149.

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

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Councilmen of the Town of Eden- Tax rate.  
ton, North Carolina, are hereby authorized and empowered to levy  
each year on all real and personal property subject to taxation in  
said town, for the purpose of defraying the general expenses of  
said town, a tax not exceeding fifty cents on each one hundred  
dollars in valuation of said property, and not exceeding one dollar  
and fifty cents on each taxable poll; the tax levied on each poll  
to be at all times the same as the amount levied on each three  
hundred dollars in valuation of said property.

SEC. 2. That said councilmen are hereby authorized and em- License taxes.  
powered to levy each year on each and every privilege, business,  
occupation and franchise in said town taxed for the State purposes  
by chapter two hundred and forty-seven of Public Laws of one  
thousand nine hundred and three, such tax as they deem right and

Proviso: liquor license.

proper, not exceeding in any case the rate or sum levied thereon for the State purposes by said act: *Provided, however*, that the license or tax on dealers in spirituous, vinous or malt liquors in said town shall be three hundred dollars (\$300): *And provided further*, that any subject of taxation which is said by said act or any subsequent act to be exempt from municipal taxation shall not be taxed under this section. All taxes collected under this section shall be applied to general expenses of said town.

Tax on franchises, business, and pursuits.

SEC. 3. That said councilmen may also each year fix such reasonable rate, license or tax on franchises, business and pursuits not taxed by said chapter two hundred and forty-seven of Laws of one thousand nine hundred and three as are proper to make same bear a fair share of the burden of defraying the general expenses of said town.

Rights under former laws conferred.

SEC. 4. That said councilmen shall have all the rights and powers of levying license or other taxes conferred by laws heretofore passed, the subjects of which are not revised by provisions of this act.

Clear proceeds of fines and penalties.

SEC. 5. That in paying the fines and penalties collected for violations of the ordinances of said town to the school fund, the clear proceeds of same shall be what remains after deducting from gross receipts the expenses incurred by said town in paying jail fees, officers' fees and other expenses in prosecutions for violation of ordinances of said town.

Fire district laid out.

SEC. 6. That said councilmen may, by ordinances, describe such parts of the thickly populated portions of said town as in their judgment may be proper, and designate same as the fire district, and by ordinance forbid and prohibit in said district the erection of or removal into same of any building made of or covered with any wood or wooden substance: copy of said ordinances to be posted twenty days at the court-house door and at three other public places in said town.

Sidewalks to be paved.

SEC. 7. That said councilmen may, at any time they see fit, order pavements of stone, brick, cement or concrete to be laid on the sidewalks of the streets, and when they are ready to begin said work on any of said streets they shall notify each owner of property on same to pave one-half of the sidewalk across the frontage of his property on said street according to the method adopted by said councilmen, which method shall be in accordance with method of paying in general use in this State. Upon failure of said property owners to comply with terms of said notice for sixty days after same is served, said councilmen may proceed to have the work done, and, upon completion of same, cite such owner to appear before meeting of said board, when and where an itemized bill for cost of said work shall be exhibited. Upon failure of said owner to pay same to said town within thirty days from said meeting, said councilmen may bring suit against said owner in Superior Court of Chowan County to have said sum

Land-owner to pay one-half of cost.

Councilmen to bring suit if owner fail to pay.



adjudged a lien on the lot of land and to have same collected by sale of said land. From any judgment rendered either party may appeal, as provided by law in cases of other judgments rendered in superior court.

SEC. 8. That all laws in conflict with this act be and same 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 23d day of February, A. D. 1905.

## CHAPTER 150.

### AN ACT TO INCREASE THE POWERS OF THE THOMASVILLE LOAN AND TRUST COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Thomasville Loan and Trust Company, a corporation with its principal place of business at Thomasville in Davidson County, in addition to the franchises, rights, powers and privileges now held by it and enumerated in its charter, shall have and enjoy the power to become and act as guardian, executor, administrator, trustee, receiver or depositary, 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, personal or mixed—which may be the subject of any such trust, and for compensation it shall have such sum or sums as may be allowed by law or agreed upon: *Provided*, that before entering upon the office or execution of any such trust, and before assuming to act as guardian, executor, administrator, trustee or receiver, said corporation shall be required to give bond or bonds in like manner and to the same extent as it would be required to do if it were a natural person.

Company allowed to act in fiduciary capacities and to accept and execute trusts.

Proviso: to give bonds.

SEC. 2. That said corporation shall have power to borrow money in such amounts and at such rates of interest and payable at such times and places as its 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 may 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,

May borrow money.

Receive money on deposit.

Do safe deposit business.

evidences of indebtedness, deeds or muniments of title or other valuables of any kind, and it may charge compensation therefor.

May loan money.

SEC. 3. That said corporation may loan money on mortgage or deed of trust, conveying real or personal property, or on other security; it may buy and sell real estate, stocks, bonds and other securities, and discount bills of exchange, both foreign and domestic, promissory notes and other negotiable papers. It shall have power to act as the agent for any person or persons, or for any corporation owning or controlling real estate, and may collect rentals as such agent and charge therefor such compensation as may be agreed upon. It shall have power to act as agent of any insurance companies or company authorized to transact business in North Carolina, whether the same be a company writing fire insurance or life insurance, and may charge compensation therefor.

Powers in collecting loans.

SEC. 4. In the event that any borrower from said corporation fails to meet his obligations when due, said corporation may exact and collect such obligations, together with such percentage as may have been agreed upon, not exceeding the legal rate of interest, and reasonable costs, charges and expenses, and in event of sale of either real or personal securities it may make title to the purchaser.

May act as fiscal agent or trustee.

SEC. 5. Said corporation 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.

Investments of trust funds.

SEC. 6. Said corporation 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 town, or in other good securities, but all such investments shall be at the sole risk of the company, and for any losses by reason of such investments its capital stock, property and effects shall be absolutely liable. The said corporation shall use due diligence to enhance the income, rents and profits of any trust estate in its hands, but said corporation shall not be liable for any greater income, rents and profits than can be reasonably earned by safe and prudent investments.

Liability of company.

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 23d day of February, A. D. 1905.

## CHAPTER 151.

## AN ACT TO AMEND THE CHARTER OF THE TOWN OF HILLSBORO, PROVIDING FOR THE REGULATION OF THE LIQUOR TRAFFIC IN CERTAIN CONTINGENCIES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter two hundred and fifty-one of the Private Laws of North Carolina, session of one thousand nine hundred and one, entitled "An act to amend the charter of the town of Hillsboro," be amended by striking out the words "one hundred" in line ten, section three thereof, and substituting therefor the words "seven hundred and fifty," and by adding at the end of said section three the following: "*Provided*, that any and all licenses hereafter granted by the Commissioners of the Town of Hillsboro for the sale of spirituous, vinous or malt liquors shall be issued upon the express condition that a violation of any town ordinance or general law regulating the sale of such liquors by the licensee or his agent, whether a person, a firm or corporation, shall work a forfeiture of said license; and the said commissioners, upon satisfactory evidence of such violation, shall be required to declare such license revoked. Such condition shall be incorporated in the license when granted; upon complaint made to the mayor that any person, firm or corporation has violated any such ordinances or laws, he shall forthwith summon such person, firm or corporation to appear before said commissioners at a given time, not less than ten days being given, to show cause why said license should not be revoked.

Liquor license tax.  
License to be issued on conditions.  
Condition to be incorporated in license. Notice to show cause.

SEC. 2. That sections four and five of said chapter two hundred and fifty-one of the Private Laws of one thousand nine hundred and one are hereby repealed.

SEC. 3. The Commissioners of the Town of Hillsboro are hereby empowered, in case they exercise their discretion to grant license, to enact such ordinances as they may deem fit, not inconsistent with the general laws of the State, to regulate and control the traffic in spirituous, vinous and malt liquors within the corporate limits of the town, and in all events they shall have authority to prevent the illicit dealing in such liquors within the town, and to provide for the proper observance of the Sabbath and the preservation of the peace and tranquility of the town.

Commissioners of town to pass ordinances.

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

In the General Assembly read three times, and ratified this the 23d day of February, A. D. 1905.

## CHAPTER 152.

AN ACT TO AMEND CHAPTER 210, PRIVATE LAWS OF 1903,  
BEING AN ACT TO INCORPORATE THE MERCHANTS AND  
FARMERS BANK OF COLUMBIA, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Capital stock  
reduced.

SECTION 1. That section two, chapter two hundred and ten, Private Laws of one thousand nine hundred and three, be amended by striking out in line one of said section the word "ten" and insert therein the word "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 23d day of February, A. D. 1905.

## CHAPTER 153.

AN ACT TO AMEND SECTION 5, CHAPTER 357, PRIVATE  
LAWS OF 1903.

*The General Assembly of North Carolina do enact:*

Capital stock  
reduced.

SECTION 1. That chapter three hundred and fifty-seven, Private Laws of one thousand nine hundred and three, entitled "An act to incorporate the Bank of Lillington, confirming the powers incident to a general savings banking business," be and the same is hereby amended by striking out the words "ten thousand dollars" in line two of section five and inserting in lieu thereof the words "six thousand five hundred dollars." And that section five be also amended by adding at the end of same, after the words "capital stock," the following: "And the said directors shall make the reduction of the capital stock therein allowed to be made only from unpaid notes for capital stock."

Reduction from  
unpaid stock notes.

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

In the General Assembly read three times, and ratified this 23d day of February, A. D. 1905.

## CHAPTER 154.

AN ACT TO ALLOW THE RALEIGH BANKING AND TRUST  
COMPANY TIME TO ORGANIZE.

*The General Assembly of North Carolina do enact:*

Time for organiza-  
tion extended.

SECTION 1. That the Raleigh Banking and Trust Company, chartered under chapter two hundred and seventy-seven, Private Laws of one thousand nine hundred and three, be allowed two years longer in which to perfect its organization.

SEC. 2. That the capital stock of said The Raleigh Banking and Trust Company may be increased at any time upon the payment of the additional fee to the Secretary of State or State Treasurer upon such increase as required by law. Stock may be increased.

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

In the General Assembly read three times, and ratified this 23d day of February, A. D. 1905.

## CHAPTER 155.

### AN ACT TO AMEND CHAPTER 100, PRIVATE ACTS OF 1891, IN REFERENCE TO THE TOWN OF CONOHO.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of chapter one hundred, Private Acts of one thousand eight hundred and ninety-one, be and the same is hereby amended by striking out in line two thereof the word "Conoho" and inserting in lieu thereof the words "Oak City," and by striking out in line three thereof the words "the town of Conoho" and inserting in lieu thereof the words "Oak City." Name changed.

SEC. 2. That all of section two of said chapter after the word "follows" in line one of said section be and the same is hereby stricken out and the following inserted in lieu thereof: "The said town shall be one mile square, with the central point in the center of the Atlantic Coast Line Railroad, opposite the middle of the railroad depot now in use; said point to be the central point, with four outside boundary lines, the two outside boundary lines on the northeast and southwest sides of the said Atlantic Coast Line Railroad to run parallel with said railroad, and the two outside boundary lines on the northwest and southeast side of said town to run at right angles with said railroad, forming altogether a perfect square; the center of each of the four above-named lines to be by measurement one-half mile from the center point. All streets and alleys south of the line of the old county road or street now running by the dwellings of H. K. Harrell and Z. M. Whitehurst and said line extended shall be, when laid out, parallel with said railroad and at right angles to the same, and the streets and alleys on the north side of said old county road or street, or the lines of the same extended, when laid out, to be parallel and at right angles to said old county road or street or the extension of the line thereof. Corporate limits.

SEC. 3. All acts or clauses of acts in conflict with this act are hereby repealed. Streets and alleys.

SEC. 4. 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. 1905.



## CHAPTER 156.

## AN ACT TO PREVENT RIDING BICYCLES ON THE SIDE-WALK IN THE TOWN OF ROPER.

*The General Assembly of North Carolina do enact:*

Unlawful to ride bicycles on sidewalks in certain limits.

SECTION 1. That it shall be unlawful for any person to be found riding bicycles on the sidewalks in the town of Roper within the limits herein named, to-wit: Beginning at G. W. Lewis' on the east of said town, extending west to M. D. Hall's, from the office of Pine Mill on the north, to extend to extreme end of Jerrelstown on the south side of said town.

Penalty.

SEC. 2. That any person who may violate section one of this act shall, upon conviction of same, be fined not less than two dollars or imprisoned not more than five days. That any person who shall throw or cause to be thrown in the streets of Roper, within the limits given in this bill, any tin cans, bottles, glass or anything calculated to injure bicycle tires shall, upon conviction of the same, be fined not to exceed two dollars or imprisoned not more than five days.

Tin cans, bottles, etc., not to be thrown in streets.

Penalty.

Speed limit on streets.

SEC. 3. That it shall be unlawful for any person to ride or drive upon the streets of Roper at a greater rate of speed than six miles an hour. Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined five dollars or imprisoned for a period of ten days.

Misdemeanor.

Penalty.

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

In the General Assembly read three times, and ratified this the 23d day of February, A. D. 1905.

## CHAPTER 157.

## AN ACT TO AMEND THE CHARTER OF THE COMMERCIAL AND FARMERS BANK OF RALEIGH, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and seventeen (117) of the Private Laws of North Carolina of one thousand eight hundred and ninety-one be amended by adding at the end of section ten (10) thereof the following subsections, to-wit:

Corporate name may be changed.

Subsection 1. That the said corporation shall have full power and authority to change, alter or amend its corporate name by the vote of the 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 the office of the Secretary of State.

Subsec. 2. 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 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 to appoint the Commercial and Farmers Bank of Raleigh, North Carolina, its successors or assigns, 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 an officer of said corporation, and the oath prescribed by law may be so modified as to apply to corporations instead of individuals.

May act in fiduciary capacities.

Subsec. 3. That the said corporation is hereby authorized 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 the State, and to pay therefor such interest as may be agreed upon, not exceeding the lawful rate; and 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 and 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 the State and the United States.

May act as trustee or assignee.

Receive deposits of sums in litigation.

May do safe deposit business.

May issue circulating notes.

SEC. 2. That section one of said act be amended by inserting the word "sixty" in place of the word "thirty" in line eight of same.

Corporate existence 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 23d day of February, A. D. 1905.

CHAPTER 158.

AN ACT TO INCORPORATE COMMERCIAL AND FARMERS BANK AT ENFIELD IN HALIFAX COUNTY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Corporators.	SECTION 1. That M. V. Barnhill, B. D. Mann, R. B. Parker, E. W. Simpson and their present and future associates, successors
Corporate name.	and assigns be and they are hereby constituted a body politic and corporate under the name and style of Commercial and Farmers
Duration.	Bank, and shall so continue for a period of sixty years, with
Formal enumeration of corporate powers.	capacity to sue and be sued, to maintain and defend actions in its corporate name, to take, hold, buy, sell and convey real and personal property, and to conduct, transact and carry on a general banking business in its fullest scope and meaning, with all the powers, rights, privileges and immunities herein specially granted,
General laws to apply.	together with all the rights, powers, privileges and immunities granted by the provisions of chapter seven, volume two of The Code of North Carolina, and the laws of the said State amendatory thereto, and in addition thereto all those contained in chapter two of the Public Laws of North Carolina of one thousand nine hundred and one, and in the amendments thereto, and contained in chapter two hundred and seventy-five of the Public Laws of North Carolina of one thousand nine hundred and three, and contained in chapter four, volume two of The Code of North Carolina.
Capital stock.	SEC. 2. That the capital stock of said corporation shall be ten thousand dollars, with the privilege on the part of the stockholders or a majority thereof to increase the same to any further sum or amount not to exceed fifty thousand dollars. And said capital stock shall be divided into equal shares of the par value of one hundred dollars each.
Location.	SEC. 3. That the location of the principal office or place of business of said bank or corporation shall be in the town of Enfield, Halifax County, North Carolina.
Corporators to open books of subscription.	SEC. 4. That the corporators above named, or a majority of them, are hereby empowered to open books of subscription to the capital stock of said bank or corporation at such times and places
Subscriptions ratified.	and for such periods as they shall determine; and that subscriptions already made or that may be made to the capital stock of said corporation at or before the granting of this charter be and

are hereby expressly ratified, confirmed and made valid and binding in all respects.

SEC. 5. That whenever ten thousand dollars of the said capital stock of said corporation shall have been subscribed for and paid in to the capital stock thereof, 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 office for one year or until their successors have qualified, and such directors shall be empowered to elect a president and a vice-president and a cashier, who shall likewise hold office for one year or until their successors qualify.

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

Directors.

Other officers.

SEC. 6. That 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 the 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; may lend money at such rates of interest as may be agreed upon, subject to the general laws of the State; may discount, buy and sell notes, drafts and all other securities or evidences of debt; may loan money on mortgages, on real or personal property, or both, or upon liens upon crops, planted and unplanted; may buy, build or lease a banking house or houses, and may sell and exchange the same at pleasure; may negotiate loans or mortgages on real and personal estate at any rate of interest, not exceeding the legal rate, that may be agreed upon. They shall direct when dividends of profit shall be declared.

General powers of banking company.

SEC. 7. That the said bank or corporation shall have a lien on the capital stock subscribed for, for the payment of same, and shall have power to sell the same for the amount due thereon, first advertising said sale thirty days in some newspaper published in Halifax County; but no sale of stock for the amount due thereon shall be deemed to be a release for any further amount due thereon in the event the said stock shall fail to sell for an amount sufficient to pay the amount due on same, and the subscriber thereto shall be liable for such deficiency and all costs of a sale in a civil action.

Lien on stock for unpaid subscription.

On sale of stock subscriber liable for deficiency.

SEC. 8. That the said bank or corporation shall have the power to take and 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 debt; may purchase and hold such real estate and other property as may be conveyed to secure debts to said corporation, and may sell any and all such of said property to satisfy any debt secured

Further enumeration of banking powers.

thereby due said bank; may purchase and hold real estate for the transaction of its business, and at pleasure sell and exchange the same; may discount notes and other evidences of debt, and lend money on such terms as shall be agreed upon, at any rate of interest not to exceed the legal rate 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 said bank may agree upon.

Limitations on  
power to hold real  
estate.

SEC. 8½. That such bank or corporation may purchase, hold and convey real estate for the following purposes only:

1st. Such as shall be necessary for the convenient transaction of its business, including with its banking offices other apartments to rent as a source of income, which investment shall not exceed twenty-five per cent. of its paid-in capital stock and permanent surplus.

2d. Such as is mortgaged to it in good faith by way of security of loans made or money due to such bank.

3d. Such as is conveyed to it in satisfaction of debts previously contracted in the course of its dealings.

4th. Such as it acquires by sale on execution or judgment of any court in its favor.

May receive de-  
posits of trust  
funds.

SEC. 9. That the said bank may receive on deposit money held in trust by guardians, administrators, executors and any and all 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 or other officers.

Liability of stock-  
holders.

SEC. 10. The stockholders of said bank shall be individually responsible, equally and ratably, and not one for the other, for all the contracts, debts and engagements of said bank to the extent of the amount of their stock therein at par value thereof, in addition to the amount invested in such shares.

Deposits of married  
women, minors and  
apprentices.

SEC. 11. 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 own checks, orders or receipts, and be bound thereby; and such married woman, minor or apprentice shall be bound by such individual checks, orders or receipts, and said checks, orders or receipts shall be a valid and sufficient release to said corporation against such married woman, minor or apprentice and all other persons whatsoever.

Bank may accept  
and execute trusts.

SEC. 12. That said bank or 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 any other

May act in all fidu-  
ciary capacities.



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 like capacity.

SEC. 13. That said bank is authorized and empowered, in connection with its general banking business, to organize and conduct a department for savings and do a savings bank business, and shall have all the rights, powers, privileges and immunities necessary or incident to the conduct of such a business, together with all the rights and powers conferred upon similar institutions under the general law of North Carolina.

SEC. 14. That 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 article 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 in accordance with existing registration laws prior to other liens upon the said crops or articles for securing such advances. And the said bank shall have the power to receive, in storage or warehouses or upon cotton yards, any cotton or other product or manufactured articles whatever as a pledge or pledges for the repayment of such loans or loan made upon the faith of such pledge; the said liens or pledges to be registered in accordance with the laws 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.

SEC. 15. That said bank or corporation shall have power and authority to have and conduct one or more branch offices or places of business in the State of North Carolina if its directors shall so determine.

SEC. 16. That each stockholder shall be entitled in all meetings of stockholders to cast one vote for each share of stock of the par value of one hundred dollars held by him or her; and the stockholders of said bank or corporation shall have the power to make and prescribe such by-laws for the government of the same as they shall deem best. And the president of said bank shall be an owner of one or more shares of the capital stock of said bank.

SEC. 17. 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.

SEC. 18. 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. 1905.

## CHAPTER 159.

## AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE PRESBYTERIAN FEMALE COLLEGE," RATIFIED THE 28TH DAY OF FEBRUARY, A. D. 1899.

*The General Assembly of North Carolina do enact:*

Number and election of trustees.

SECTION 1. That section three of chapter one hundred and sixty-six of the Private Laws of North Carolina, session one thousand eight hundred and ninety-nine, be and the same is hereby repealed and the following is enacted in lieu thereof: "That the trustees of the Presbyterian Female College shall not exceed twenty-five, nor be less than seven in number, and shall be elected by the Presbytery of Mecklenburg. That at the first meeting of said presbytery after the acceptance of this amendment the number of trustees shall be fixed by the said presbytery, subject to change within the above limits."

Concord Presbytery not to participate in election of trustees.

SEC. 2. That section eight of said chapter one hundred and sixty-six be amended by adding the following to said section at the end thereof: "*Provided, however,* that Concord Presbytery shall not participate in the election of any of the trustees of this corporation."

Right to conduct female education in Statesville repealed.

SEC. 3. That so much of section nine of said chapter one hundred and sixty-six as authorizes the carrying on and conducting of female education in the city of Statesville, county of Iredell, be and the same is hereby repealed.

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

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1905.

## CHAPTER 160.

## AN ACT TO INCORPORATE LINWOOD FEMALE COLLEGE IN GASTON COUNTY.

*The General Assembly of North Carolina do enact:*

Corporators.

Corporate name.

SECTION 1. That A. T. Lindsay and John Lindsay and their associates and successors be and are hereby created a body politic and corporate under the name and style of "Linwood Female College," and by that name to remain in perpetual succession for the purpose of maintaining a school of high grade at All Healing Springs, Gaston 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

Formal enumeration of corporate powers.

deemed needful for the promotion of education as aforesaid, and may have and use a common seal, may make and alter from time to time such by-laws as they may deem necessary for the government of said institution: *Provided*, such by-laws shall not be inconsistent with the Constitution and laws of the United States and this State.

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

SEC. 3. That the lands and property belonging to the said "Linwood Female College," or its trustees for the benefit of said school, shall be and the same are hereby exempted from all kinds of public taxation. Property exempt from taxation.

SEC. 4. That it shall not be lawful for any person or persons to set up any gaming table or any device whatever for playing at any game of chance or hazard, by whatever name called, or to gamble in any manner or to keep a house of ill fame, or to manufacture spirituous or intoxicating liquors, or otherwise to sell or convey for a certain consideration or to convey by pretense or gift to any person or persons any intoxicating liquors within one mile of said "Linwood Female College": and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor; Gaming tables, gambling, houses of ill fame, manufacture, sale, or gift of intoxicating liquors forbidden within one mile of college.

also any person or persons loafing or trespassing in any way on the property of this corporation shall be guilty of a misdemeanor. Misdemeanor. Loafing or trespassing a misdemeanor.

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

In the General Assembly read three times, and ratified this the 20th day of February, A. D. 1905.

## CHAPTER 161.

### AN ACT TO ESTABLISH GRADED SCHOOLS AND TO IMPROVE THE STREETS IN THE CITY OF RANDLEMAN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all the territory lying within the corporate limits of the city of Randleman shall be and is hereby constituted the public school district for white and colored children, to be known as "The Randleman Graded School District." City made graded school district.

SEC. 2. That the board of graded school trustees hereinafter provided for shall be and are hereby authorized and empowered to issue bonds of said graded school district to an amount not exceeding seven thousand five hundred dollars, of such denomination and of such proportion as such board of trustees may deem advisable: Board of trustees to issue bonds. Amount. Denomination. *Provided*, the same shall be of no larger denomination than five hundred dollars and no smaller than one hundred dollars; and said Interest.

Description of bonds.	<p>bonds shall bear interest from date at a rate not exceeding five per cent. per annum, with interest coupons attached, payable semi-annually, at such time or time and at such place or places as may be deemed advisable by such board of trustees; said bonds to be of such form and tenor and transferable in such a 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 said board of trustees may determine: <i>Provided</i>, that said board of trustees shall issue said bonds at such time or times and in such amount or amounts as may be required to meet the expenditures hereinafter provided for in section three of this act. Said bonds shall be signed by the chairman of said board of trustees and countersigned by the secretary thereof, and a record of all bonds issued shall be kept, observing the number and amount and to whom issued.</p>
Bonds to be issued as needed.	
How bonds attested.	
Appropriation of proceeds of bonds.	<p>SEC. 3. 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 graded school trustees in the purchase or erection of such graded school buildings as may be required and proper for the same, and in furnishing the same with school furniture and other necessary equipments, and for no other purposes.</p>
Not to be sold below par.	<p>SEC. 4. That none of said bonds shall be disposed of, by sale, exchange, hypothecation or otherwise, for a less sum than their par value, nor shall said bonds nor their proceeds be used for any other purpose than that declared in section three of this act.</p>
Coupons receivable for city taxes.	<p>SEC. 5. That the said interest coupons shall be receivable in payment of all taxes and other public dues of the city of Randleman for any fiscal year in which said coupons shall become due or at any time thereafter; and if any holder of any of said bonds or coupons shall fail to present the same for payment at the time or times or the place or places therein named he shall not be entitled to interest thereon for the time they shall have been outstanding after maturity.</p>
Tax for interest on bonds and graded schools.	<p>SEC. 6. That for the purpose of providing for the payment of the interest on said bonds and of defraying the expenses of the public graded schools provided for in this act, the Board of Aldermen of the City of Randleman shall annually and at the time of levying the municipal taxes, commencing with the fiscal year beginning with the first day of June, one thousand nine hundred and five levy and lay a particular tax on all persons and subjects of taxation within the limits of said graded school district on which said board of aldermen may now or hereafter be authorized to lay and levy taxes for any purpose whatsoever; and said particular tax shall not be more than forty cents (40c.) on the one hundred dollars assessed valuation of the property and not more than one dollar and twenty cents (\$1.20) on each taxable poll.</p>
Taxes to be collected and kept separate.	<p>SEC. 7. That said taxes shall be collected by the tax collector of the city of Randleman at the time and in the manner that the</p>

municipal taxes are collected; and said tax collector shall pay the same over to the treasurer of said city, who shall keep said money separate and apart from the municipal funds; and the treasurer shall pay out said taxes and other funds which may come into his hands for the use of graded schools only upon warrant of the chairman and the secretary of the said board of graded school trustees: *Provided*, that said tax collector and said treasurer shall enter into such bonds in such amounts as said board of trustees may direct; that of the former conditioned for the faithful collection and paying over of said taxes and other funds that may come into his hands for the use and benefit of said graded schools, and that of the latter for the keeping and proper disbursement of the same.

School warrants.

Bonds of tax collector and treasurer.

SEC. 8. For the purpose of creating a sinking fund with which to pay the principal of the bonds aforesaid issued under section two of this act, it shall be the duty of the said Board of Aldermen of the City of Randleman, at and after the expiration of twenty years from date of said bonds, to annually levy and collect a special tax in addition to that mentioned in section six of this act, and the tax provided for in this section shall equal in amount one-tenth of the amount of bonds issued under section two of this act; and whenever the amount of taxes collected under this section, together with the interest accumulated from the investment thereof, provided in section eighteen of this act, shall be sufficient to pay off the principal of all outstanding bonds, then said board of aldermen shall cease to levy taxes for said sinking fund.

Special tax for sinking fund.

SEC. 9. That the provisions of sections two, six and eight of this act shall be submitted to a vote of the qualified voters of said school district at an election to be held on the third Tuesday in April, one thousand nine hundred and five, or, if for any cause said election cannot be held on said day, at any day thereafter to be designated by said board of aldermen, and the Board of Aldermen of the City of Randleman shall cause said election to be held on said date, and shall cause notice of said election, containing a copy of sections two and six and eight of this act, or a synopsis thereof, to be published in some newspaper of said town or in Randolph County, for two weeks prior thereto. And in all other respects said election shall be held and conducted under the provisions of law regulating municipal elections in said town: *Provided*, the board of aldermen of said city shall, immediately upon the ratification of this act, give at least ten days' notice that there will be an entire new registration of the voters of said city, to begin immediately after the expiration of said notice and to continue until Saturday at twelve o'clock preceding said election, to be conducted under the rules and regulations prescribed by law in municipal elections for the said city. Those qualified voters approving the issue of bonds provided for in section two, and the

Law to be submitted to voters of city.

Notice of election.

New registration.



Form of ballots.	levy and collection of the particular taxes provided for in sections six and eight of this act, shall deposit a ballot containing the printed words "For Schools," and those disapproving same shall deposit a ballot containing the printed words "Against Schools." If a majority of said 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 graded school trustees the authority to issue said bonds, and to the board of aldermen of the said city the authority to levy said particular tax, and said board of trustees and said board of aldermen shall have such authority. But if a majority of said qualified voters shall vote against schools, then said board of trustees and said board of aldermen shall not have said authority. The result of said election, duly ascertained in accordance with law, shall be enrolled upon the public records of the city of Randleman; and after thirty days from the date of the election 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 the said qualified voters shall fail to vote in favor of issuing said bonds and of levying of said particular tax, said board of aldermen shall order another election at any time after the expiration of thirty days from the date of the former election, when requested to do so by said board of trustees; and if at such election a majority of such qualified voters shall vote for schools it shall have the same force and effect as if no election had been previously held: <i>Provided</i> , that no election shall be held under the provisions of this act after the first day of July, one thousand nine hundred and six.
Further elections.	
Qualifications for trustees.	SEC. 10. That the trustees shall be men of liberal education and good moral character, who shall be residents of said district, and not more than four of them shall be members of or affiliated with any one religious sect or denomination, and that not more than
Trustees named.	four of them shall be members of the same political party. That J. S. Swaim, H. O. Barker, S. G. Newlin, J. L. Fields, S. Bryant, A. N. Bulla and N. N. Newlin shall be and are hereby constituted a board of trustees for the public schools of said graded school
Terms of office.	district. That J. S. Swaim, as trustee, shall hold office until the first Monday in July, one thousand nine hundred and six; that H. O. Barker till the first Monday in July, one thousand nine hundred and seven; that S. G. Newlin until the first Monday in July, one thousand nine hundred and eight; that J. L. Fields until the first Monday in July, one thousand nine hundred and nine; that S. Bryant until the first Monday in July, one thousand nine hundred and ten; that A. N. Bulla until the first Monday in July, one thousand nine hundred and eleven; that N. N. Newlin until the first Monday in July, one thousand nine hundred and twelve; and their successors, elected as hereinafter provided, shall hold for the
Vacancies filled by city aldermen.	term of seven years each. The vacancies occurring by reason of

the expiration of the terms of office of the trustees as aforesaid shall be filled by a majority vote of the Mayor and City Aldermen of the City of Randleman; and for the purpose of filling such vacancies the mayor and said board of aldermen shall meet in session on the Monday immediately preceding the first Monday in July in each year in which any such vacancy is to occur: *Provided*, that any and all vacancies in said board of trustees occurring by reason of death, resignation or otherwise than by expiration of term of office shall also be filled by the mayor and said board of aldermen: *Provided*, that the position of trustee shall not constitute an office within the meaning of article seven, section fourteen, of the Constitution of this State.

SEC. 11. That the said board of graded school trustees and their successors shall be and are hereby constituted a body corporate by the name and style of "The Board of Graded School Trustees of the City of Randleman," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, hold by purchase or devise real and personal property; 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.

Trustees  
incorporated.  
Corporate name.

Formal enumeration  
of corporate  
powers.

SEC. 12. That it shall be the duty of the said board of graded school trustees to establish graded schools for the white and colored children of said graded school 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 may be deemed just to both races, providing equal facilities for each; due regard being paid, however, to the difference in cost of maintaining said school: *Provided*, that all donations to said school shall be applied as directed by the donors.

Trustees to establish schools.

SEC. 13. That said board of graded school trustees shall have exclusive control of all public schools in said public school district, free from the supervision and control of the County Board of School Directors and the County Superintendent of Schools of Randolph County; shall prescribe rules and regulations, not inconsistent with this act, for their own government and for the government of such schools; shall prescribe the qualifications, employ 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 said school districts, and shall exercise such other powers as may be necessary for the successful control and operation of said graded school: *Provided further*, that the Treasurer of Randolph County shall, whenever the schools hereinbefore provided for shall open, pay over to the Treasurer of the City of Randleman all funds of said school district then in his hands or which may hereafter come into his hands.

Trustees to have  
charge of public  
schools.

Employ teachers  
and fix compensation.

School census.

General school funds appropriated to graded schools.

SEC. 14. That all public school funds derived from the State and the county of Randolph for the use and benefit of the public schools in said graded school district shall be paid over to the Treasurer of the City of Randleman by the treasurer of said county for the use and benefit of the graded public schools in said graded school district; and the property, both real and personal, of the various public school districts embraced within the limits of said graded school district, and the title thereto, shall be vested in said board of trustees in trust therefor. Said board of trustees may in their discretion sell the same or any part thereof, and apply the proceeds to the use of public graded schools to be established in said graded school district.

Public school property vested in graded school.

Trustees to elect superintendent.

SEC. 15. That said board of graded school trustees shall elect, annually, at least thirty days before the opening of the fall term of said graded school, 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.

Trustees to fix curriculum and adopt text-books.

SEC. 16. That said board of graded school trustees are hereby authorized, in their discretion, to fix the curriculum of studies and to adopt text-books for said graded schools; to provide for further instruction other than that included in the prescribed course, and to fix the rate of tuition to be charged therefor, and to admit the pupils residing without the limits of said school district upon such terms as the board of trustees may deem just and reasonable.

Trustees to make report.

SEC. 17. That it shall be the duty of the said board of graded school trustees to make to the Mayor and Board of Aldermen of the City of Randleman, annually, after the close of each school year, a full report of the operations of the graded public schools of said graded school district, and duplicate copies of said report shall be furnished to the County Superintendent of Schools of Randolph County.

Investments of sinking fund.

SEC. 18. That it shall be the duty of the said board of aldermen to annually invest any and all money arising from said special tax collected under section eight of this act in the purchase of any of said bonds at a price deemed advantageous to the said town by said aldermen; but in case said bonds cannot be purchased as herein provided, the said 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 date of maturity of said bonds, taking as security for the payment 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 Board of Aldermen of the City of Randleman.

and shall bear the legal rate of interest, payable annually; and in case the aldermen 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 national or State 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. But any mayor or alderman of said town who shall be personally interested, directly or indirectly, in any loan shall be guilty of a misdemeanor.

Mayor or aldermen interested in loan guilty of misdemeanor.

SEC. 19. That the several boards of school trustees having authority under the general school law of the State shall, in the apportionment of all public school funds to said graded school district, apportion the same upon a *per capita* basis.

Apportionment of school funds.

SEC. 20. That the Board of Aldermen of the City of Randleman are hereby authorized to submit to the qualified voters of said town, at the election hereinbefore provided for, the question of issuing bonds, not to exceed the sum of seven thousand five hundred dollars, for the purpose of working, improving and macadamizing the streets of said town, and those qualified voters who favor an issuing of bonds for the said purpose shall vote a printed ballot with the words "For Streets" on it, and those opposing shall vote a printed ballot with the words "Against Streets." If the majority of the qualified voters of said town shall vote for street improvements, then the board of aldermen of said town shall issue said bonds, not to exceed seven thousand five hundred dollars, in denominations of not less than one hundred dollars nor more than five hundred dollars, bearing interest from date of said bonds, not exceeding five per cent. per annum, payable semi-annually, at such time and place as said board may designate; and said bonds shall be payable thirty years from the date thereof, at such time and place as the said board shall designate in the said bonds. The bonds and coupons shall be numbered and the bonds shall be signed by the mayor of said town and countersigned by the treasurer of said town, and a record shall be kept of all bonds, observing the number and amount and to whom issued. The coupons shall be received in payment of taxes, polls and debts due the said town. The said bonds shall not be sold for less than their par value. The proceeds of said bonds shall be used by the said board for the exclusive purpose of paying the outstanding indebtedness of the said city of Randleman at the time of the passage of this act, and the balance left after the payment of said indebtedness shall be used for the exclusive purpose of improving, working, altering, changing and macadamizing the streets of said town.

Issue of street bonds to be submitted to voters.

Form of ballots.

Description of bonds.

Coupons receivable for city taxes. Bonds not to be sold below par. Proceeds appropriated.

SEC. 21. In order to pay the interest on said bonds, the board of aldermen of said town are hereby authorized and it shall be

Special tax for interest.

their duty to annually assess and levy, at the time of levying other taxes of said town, a special tax upon the real and personal property of said town, not to exceed ten cents (10c.) on one hundred dollars property and thirty cents (30c.) on the poll. The said tax shall be collected at the time the other taxes of the town are collected, and shall be paid over by the collector to the treasurer of the town.

Taxes to be kept separate.

SEC. 22. That the taxes levied and collected for said purpose shall be kept separate and distinct from all other taxes, and shall be only used for the purposes for which they are levied and collected.

Special tax for street bonds.

SEC. 23. For the purpose of creating a sinking fund with which to pay the principal of the bonds provided for in section twenty aforesaid, issued under this act, it shall be the duty of the said Board of Aldermen of the City of Randleman, at and after the expiration of twenty years from date of said bonds, to annually levy and collect a special tax in addition to that mentioned in section twenty-one of this act, and the tax provided for in this section shall equal in amount one-tenth of the amount of bonds issued under section twenty of this act; and whenever the amount of taxes collected under this section, together with the interest accumulated from the investment thereof, provided in section twenty-four of this act, shall be sufficient to pay off the principal and all outstanding bonds, then said board of aldermen shall cease to levy taxes for said sinking fund.

Investment of sinking fund.

SEC. 24. That it shall be the duty of said board of aldermen to annually invest any and all money arising from said special tax collected under section twenty-three of this act in the purchase of any of said bonds at a price deemed advantageous to the said town by said aldermen; but in case said bonds cannot be purchased as herein provided, the said 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 date of maturity of said bonds, taking as security for the payment 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 Board of Aldermen of the City of Randleman, and shall bear the legal rate of interest, payable annually; and in case the aldermen 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 national or State bank, trust company or safe-deposit 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. But any Mayor or alderman mayor or alderman of said town who shall be personally interested, interested in loan directly or indirectly, in any loan shall be guilty of a misdemeanor. guilty of misdemeanor.

SEC. 25. That all laws and clauses of laws in conflict with the Repealing clause. foregoing act, especially all laws and clauses of laws requiring notice in a different manner and for a longer time for new registration, for holding the election and manner of keeping open the registration books and the time thereof, are hereby repealed in so far as they affect or may affect the election provided for in this act.

SEC. 26. 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 20th day of February, A. D. 1905.

## CHAPTER 162.

### AN ACT TO AMEND CHAPTER 324 OF THE PUBLIC LAWS OF 1903, ENTITLED "AN ACT TO ESTABLISH GRADED SCHOOLS IN THE TOWN OF WELDON."

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of chapter three hundred and twenty-four of the Public Laws of North Carolina, session one thousand nine hundred and three, be amended by adding at the end of said section, after the words "Fulghum's line." the following words: "shall be and is hereby constituted a public school district for white and colored children, to be known as the Weldon Graded School District." School district.

SEC. 2. That section ten of chapter three hundred and twenty-four of the Public Laws of North Carolina, session of one thousand nine hundred and three, be amended by striking out in line two of said section the words "G. W. Fulghum" and inserting in lieu thereof the words "P. N. Stainback"; and by striking out in line one of said section the words "J. L. Shepherd" and inserting in lieu thereof the words "J. T. Gooch"; and by striking out the words "E. Clark" in section ten of said chapter in line two and inserting in lieu thereof the words "F. W. Garrett." Trustees changed.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed. Repealing clause.

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. 1905.

## CHAPTER 163.

AN ACT TO REVISE THE CHARTER OF THE TOWN OF  
GIBSONVILLE.*The General Assembly of North Carolina do enact:*

- Town incorporated.** SECTION 1. That the charter of the town of Gibsonville, and all acts amendatory thereof, be amended to read as follows: That the inhabitants of the town of Gibsonville shall be and continue, as they have been, a body politic, and the said corporation shall be known and designated as "Gibsonville," and under such name is hereby invested with all the property and rights of property which 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 whatsoever 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, sue and be sued, have a corporate seal, and shall have all the powers necessary or belonging to or usually appertaining to municipal corporations.
- Corporate name.**
- Formal enumeration of corporate powers.**
- Corporate limits.** SEC. 2. The corporate limits shall form a square, the center of which shall be the North Carolina Railroad depot building, and the sides of the said square shall be one mile in length and shall cut at right angles imaginary lines of one-half mile in length, running north, south, east and west from the center, excepting from these limits the lands of A. C. Boon on the northwest corner and Dr. Thomas Cummings on the southeast corner, containing as heretofore one square mile, with said railroad depot as a center, as aforesaid.
- Date of town elections.** SEC. 3. There shall, on the Tuesday after the first Monday in May, one thousand nine hundred and five, and every two years thereafter, be elected a mayor, five aldermen and a chief of police.
- Rules of town elections.** SEC. 4. That all elections shall be held in accordance with the general law of the State governing the elections in towns and cities and such as may be passed from time to time by the General Assembly amending the same.
- Aldermen to fill vacancy in mayoralty.** SEC. 5. 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 aldermen shall 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 hereinafter declared to be eligible; *Provided*, in the event of the mayor's
- Aldermen to fill vacancies on board of aldermen.**
- Mayor pro tempore.**

absence or sickness or inability to act, the board of aldermen may appoint one of their number *pro tempore* to exercise his duties.

SEC. 6. 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 him who shall sue therefor the sum of twenty-five dollars. Penalty on person elected refusing to qualify.

SEC. 7. That all persons who are entitled to vote for members of the General Assembly at the time of the elections provided for, and who have been residents of the town for four months next preceding the day of the election, shall be allowed to vote: *Provided*, such persons have registered as provided for in the laws of the State touching elections in towns and cities, that are in force or may be hereafter made by the General Assembly, which may be in force at the time of such 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 are hereby vested with full and ample power to pass upon and decide said qualifications. Qualifications for voters.

SEC. 8. That the Mayor of the Town of Gibsonville is hereby constituted a special court, with all the jurisdiction and powers now and which may hereafter be given to justices of the peace in criminal offenses occurring within the corporate limits of the said town, and shall hear and determine all violations of the ordinances of the said town. Jurisdiction of mayor.

SEC. 9. That all proceedings in the mayor's court shall be the same as are now or hereafter may 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 Guilford County; and that a process from his court shall be served by any lawful officer of the county of Guilford or of said town of Gibsonville, and shall be served anywhere in said county. Procedure in mayor's court.

SEC. 10. That the mayor shall keep his office in some convenient part of the town; that he shall keep the seal of the corporation, and when present shall preside at all meetings of the board of aldermen; and when there is an equal division upon any question or in the election of any officer by the board, he shall determine the matter by his vote. In no other case shall he vote. Duties of mayor.

SEC. 11. That the aldermen shall form one board, and a majority of them shall be competent to perform all the duties prescribed, unless otherwise provided, and together with the mayor shall have entire control of the administration of the government of the town. At their first meeting [they shall fix stated days of meeting] for the year, which shall be as often at least as once in every month. Qualifications for aldermen.

SEC. 12. Special meetings of the board of aldermen may also be held on the call of the mayor or a majority of the aldermen, and at every such meeting, when called by the mayor, all the aldermen shall be notified, and when called by a majority of the board those who do not join in the call shall be notified. Special meetings.

Powers of aldermen.

SEC. 13. That the board of aldermen, when convened, shall have power to make, and provide for the execution thereof, such ordinances, by-laws, rules, regulations and laws for the government of the town as to them may seem necessary, not inconsistent with this act or the laws of the land, and which may be authorized by the laws of the State now existing or which may hereafter be passed; and may appoint such officers as they may deem necessary, and fix and provide for their compensation.

Special powers enumerated.

SEC. 14. That among the powers hereby conferred upon the board of aldermen are the following: To regulate the manner in which bicycles may be ridden in said town. To provide a sufficient supply of pure water for said town. To provide a sufficient and adequate water system and water-works and sewerage system for said town. To provide electric lights or other lights for lighting the streets. 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. To provide for the curbing and paving of streets and sidewalks of said town, and the cleaning of the same, to the extent the said board may deem best. 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. To appoint and regulate town watches. To make suitable regulations for the due observance of the Sabbath, and provide for the enforcement of the same. To prevent, suppress and remove nuisances in said town. To regulate the manner in which dogs may be kept in said town. To regulate the speed at which horses may be driven or ridden through said town. To regulate the mode or manner in which fire may be carried through said town, and the arrangement of stove-pipe flues in buildings, and other things necessary to prevent fires. To regulate the manner in which cattle, hogs, goats and other domestic or wild animals may be kept in said town. To cause all alley-ways, lots, cellars, privies, sties, stables and other places of similar character to be examined, cleaned, removed or abated, as may be prescribed by the board. To prevent all trades or occupations which are nuisances from being carried on in the town. To establish and maintain one or more public cemeteries and regulate and control and protect the same, either within or without the town. To make ordinances to prohibit or control the firing of fire-arms, fire-crackers, torpedoes and other explosives, and to govern the sale thereof in said town. To make ordinances regulating speed of trains and engines within the corporate limits, and to require railroads to keep street crossings in repair, and to require them to keep proper gates and watchmen at such crossings as they may deem necessary for the safety of the public, to give proper signals to the public of the approach of trains, or to

erect overhead bridges which they may deem necessary in the discretion of the board. To make and execute ordinances with regard to the prevention or spread of contagious diseases and to preserve the public health; to declare and enforce quarantine regulations; to remove or destroy furniture or other articles which may be infected or tainted with such disease, and neither town nor officer shall be liable in damages therefor; and to have all rights of entry necessary for the purpose of carrying out this section.

SEC. 15. The board of aldermen shall have power, with the assent of the qualified voters of the town, as hereinafter provided, to issue bonds and levy additional taxes for the payment of the interest on the same, and to provide for a sinking fund for the liquidation of said bonds, at maturity, for the following purposes, to-wit: For the mending and improving of the streets and sidewalks of the said town by pavement or otherwise; for providing a supply of water for the town for the use, convenience and health of the people and as a protection to the public and property against fire; for sewerage system and for the furnishing of lights for said city and its people. Before any bonds are issued, the proposition to do so shall be submitted to the qualified voters of the town at any election, either a general election for mayor and aldermen or a special election to be ordered by the board of aldermen. The issue of bonds for lights shall not exceed two per cent. of the assessed value of the real estate and personal property of said town; for water, not to exceed three per cent. of the assessed value of real and personal property of the said town; for sewerage, not to exceed two per cent. thereof; for street improvement, not to exceed three per cent. of the assessed value of real and personal property of said town. If a special election is called, then thirty days' notice thereof shall be given and registrars appointed just as in a general election, and whether the election is general or special, notice thereof shall be given in some newspaper published in said town or county and at one or more public places in said town; and said notice shall state the amount for which it is proposed to issue bonds, the denomination of the bonds, how long to run, the rate of interest to carry and how often the interest to be paid, and whether by coupons or otherwise, and the special purpose to which the proceeds of the said bonds shall be applied. A proposition to issue bonds for one or more or all of the purposes hereinbefore mentioned may be submitted at the same election, but a published statement shall set forth the full particulars as to each; or the propositions may be submitted one at a time and at different elections. Those bonds for a supply of water shall be designated on the face "Water-works Bonds"; those for furnishing lights, "Light Bonds"; those for sewerage, "Sewerage Bonds," and those for improvement of streets and sidewalks, "Street Improvement Bonds." The electors who wish to assent to the issue of any class of bonds shall vote a ballot, printed or written plainly

Aldermen may issue bonds and levy taxes to pay same.

Bonds propositions to be submitted to people.

Limit of bonds for lights.

For water.

For sewerage.

Notice of special election.

What notice to state.

Several bond propositions may be submitted at once.

Bonds distinguished.

Form of ballots.



Canvass and return  
of votes.

Description of  
bonds.

How bonds  
attested.

New registration  
for bond election.

Powers of aldermen  
as to water and  
lights.

on white paper, the word "Approved" before the name of the bond of which he wishes to assent; and those wishing to withhold their assent shall vote a ballot on white paper on which shall be plainly written or printed the word "Disapproved" before the name of the bonds he wishes to disapprove. The votes shall be counted, tabulated, returned and the result declared in all respects as provided for in the election of mayor and aldermen, with this exception: when the issue of bonds is not approved by a majority of the qualified electors, a copy of the returns need not be sent to the clerk of the superior court of the county; and if any class of bonds are approved by a majority of the qualified voters of the town, a copy of the returns and also the poll-books shall be transmitted to the Clerk of the Superior Court of Guilford County and be by him recorded and filed. Should the proposition to issue bonds for either of the purposes above mentioned be approved by a majority of the qualified voters of the town, then the board of aldermen shall proceed to issue said bonds in denominations of one hundred dollars to five hundred dollars each, as may be determined, carrying interest at a rate not greater than six per cent. per annum, payable semi-annually, with coupons in payment of interest attached, and the principal payable at the expiration of thirty years from the date of issue. The said bonds shall not be sold or hypothecated for less than their par value. The funds raised by the sale of bonds for furnishing lights shall be used for furnishing lights and for no other purpose; and so with respect to those for the supply of water and improvement of streets. The bonds shall be signed by the mayor only. The board of aldermen shall have the sole control of the issue and sale of the said bonds, and shall cause accurate accounts to be kept of the sale of each bond of each class, the price obtained, and detailed itemized account of the expenditure of the proceeds, and shall take care that the proceeds of the class are applied to the uses and purposes for which the issue was approved. And it shall be the duty of the board of aldermen of said town, upon the presentation of a petition by fifty of the citizens of the town of Gibsonville, to pass an ordinance submitting the question of issuing bonds for any of the foregoing purposes to a vote of the people. And when any election is ordered for the issue of bonds for any of the foregoing purposes a new registration of the town shall be had.

SEC. 16. That the board of aldermen shall have power in the name of the town of Gibsonville to make contracts and become the owners or part owners of electric light plant and water plant, and shall have power to contract with private individuals, firms or corporations for light or water supplies. That no officer, mayor or member of the board of aldermen shall, directly or indirectly, become a contractor for work to be done by the city; and the person so offending shall be guilty of a misdemeanor.

SEC. 17. That when any land or right-of-way shall be required Rights-of-way.  
 for the purpose of opening or laying out or improving any street  
 or streets, or widening those already open, and the land owner or  
 owners and the said board of aldermen cannot agree upon the  
 price which the said land owner or owners will take and convey  
 said land to the town, the same shall be taken at a valuation of  
 three freeholders of said town, to be chosen as follows: The alder- Procedure for con-  
 men shall select one, the owner or owners of the land, one, within demnation of lands.  
 three days after notice in writing to said land owner or owners  
 from the aldermen of their selection, and the two freeholders thus  
 selected shall select a third man, also a freeholder, and these per-  
 sons so selected shall assess the damages, if there be any, within  
 five days after notice from the aldermen to the land owner or  
 owners of the land; and if the owner or owners of the land fail  
 to select a man within the three days, as aforesaid, then the said  
 aldermen shall select two men, and the two men thus selected  
 shall select a third man, and the three men shall assess the dam-  
 ages, if there be any, to the land, within the time aforesaid. The  
 said freeholders, when so chosen, shall first be duly sworn by the  
 mayor or some officer authorized to administer oaths, and shall  
 view the premises of the land condemned, and in making such  
 valuation shall take into consideration any benefit or advantage  
 such owner or owners may receive from the opening or widening  
 of such street, and shall ascertain and report to the aldermen,  
 under their hands and seals, what amount or sum shall be paid to  
 the land owner or owners, which report, on being confirmed by the  
 board of aldermen of said town, shall pass the title to the said  
 land to the town and have the force and effect of a judgment in  
 favor of said land owner or owners against the said town of Gib-  
 sonville: *Provided*, that either party may appeal to the Superior Appeal.  
 Court of Guilford County upon the question of damages, and  
 notice of appeal must be served in writing within ten days from  
 the report of the freeholders; but no appeal shall delay the open-  
 ing or widening of any street.

SEC. 18. In case the owner or owners of the land over which Procedure when  
 the right-of-way is desired, as stated in the preceding section, are land-owners under  
 infants, lunatics or non-residents, or under other disabilities, disability.  
 it shall be the duty of the aldermen to file a petition in the Superior  
 Court of Guilford County on behalf of the town of Gibsonville,  
 making defendants the parties over whose lands the right-of-way  
 is desired, and such petition shall set forth in detail the lands  
 over which said right-of-way will run and the terminal of said  
 street, and such proceedings as to notice and time of hearing shall  
 be governed by laws governing other special proceedings; and  
 upon the hearing the clerk shall appoint three disinterested per-  
 sons, citizens and freeholders in the town of Gibsonville, as com-  
 missioners, who shall view the premises and ascertain and report  
 to the clerk, under their hands and seals, what amount or sum

shall be paid to the land owner or owners; and the order of the clerk of the superior court, when approved by the superior court judge resident or riding the district, if the law requires his approval, shall be spread upon the minutes of the town of Gibsonville and shall pass the title of the said land to the town of Gibsonville and shall have the effect and force of a judgment in favor of said land.

Chapter 583, laws 1893, made part of charter.

SEC. 19. That the school act entitled "An act to put that part of a school district of Alamance County lying within the corporate limits of the town of Gibsonville, Guilford County, North Carolina, in Gibsonville School District," contained in the Public Laws of one thousand eight hundred and ninety-seven, chapter five hundred and eighty-three, page three hundred and ninety-six, be and the same is hereby made a part of this charter.

Manufacture and sale of liquors forbidden.

SEC. 20. That no malt, spirituous or vinous or fermented liquors or alcoholic beverages or drinks or mixtures of any kind whatsoever which will produce intoxication shall be sold or manufactured for sale in said town, nor shall the county commissioners have any right to grant license to any person for the purpose of carrying on said business in said town while this act is in force; and for the purposes of this act the place of delivery shall be the place of sale.

Powers under general law.

SEC. 21. That in addition to the powers specially enumerated herein, the town of Gibsonville shall have all the powers and benefits granted under the general laws to cities and towns which may now or shall hereafter be in force.

SEC. 22. That all laws or parts of laws in conflict herewith are hereby repealed.

SEC. 23. 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. 1905.

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## CHAPTER 164.

### AN ACT TO AMEND CHAPTER 382, PUBLIC LAWS OF 1903, PROVIDING FOR THE ELECTION OF TRUSTEES OF CROSS CREEK GRADED SCHOOLS OF CUMBERLAND COUNTY.

*The General Assembly of North Carolina do enact:*

Trustees to be elected annually.

SECTION 1. That section eight of chapter three hundred and eighty-two of Public Laws of one thousand nine hundred and three be and the same are hereby amended by striking out all after the word "held" in line four, down to and including the word "regulation" in line nine, and inserting in lieu thereof the following: "annually, on the first Monday in May, at the market-house in

the city of Fayetteville. The County Commissioners of Cumberland County shall appoint a registrar and two judges for said election, at or prior to their April meeting, and it shall be the duty of said registrar to at once give notice in some newspaper published therein, or at the market-house and three other public places in said township, that all the qualified electors for such election may register with him, and the registration books shall be open for registration fifteen days and shall close on the Saturday before the said election. The returns of said election shall be made by the registrar and judges of election to the board of county commissioners for said county of Cumberland, who shall declare the result; and it shall be the duty of the clerk of said board to enter the result upon his minutes of the board.

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 20th day of February, A. D. 1905.

#### CHAPTER 165.

#### AN ACT TO AMEND AND CONSOLIDATE THE CHARTER OF THE TOWN OF MARSHALL.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the inhabitants of the town of Marshall shall be and continue, as they have heretofore been, a body politic under the name and style of the town of Marshall, and in such name and style shall have a right to contract and be contracted with, and sue and be sued, plead and be impleaded, to purchase and hold and convey real or personal property: *Provided*, that the present mayor and board of commissioners shall continue in office and discharge the duties thereof until the next general election held for cities and towns.

Corporation continued.

Corporate name. Formal enumeration of corporate rights.

Present mayor and commissioners continued in office.

SEC. 2. That the corporate limits of said town shall extend half a mile in every direction from the court-house.

Corporate limits.

SEC. 3. That the administration and government of said town shall be vested in one principal officer styled the mayor, and board of aldermen consisting of five members, which mayor and board of aldermen, with all subordinate officers shall have all the powers, privileges and emoluments, and shall be subjected to all the forfeitures, pains and penalties granted under the general laws governing cities and towns of the State of North Carolina, and be subjected to all the provisions thereof not in conflict with the provisions of this act.

Town government.

General law to apply.

SEC. 4. The board of aldermen shall have power to fill any vacancy in the board that may occur during their term of office, and also to appoint all officers which they may deem necessary for

Aldermen to fill vacancies.

And appoint officers.

Mayor *pro tem*.

the efficient administration of the regulations, ordinances and by-laws of the town, and shall prescribe their duties and terms of office. The board of aldermen 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 his duties of the office, and the person so appointed shall possess all the powers and rights of the mayor during his absence or inability to attend to his duties.

Duties of mayor.

SEC. 5. It shall be the duty of the mayor to communicate quarterly in writing to the board of aldermen (or oftener if he shall deem it expedient): First, a general statement of the situation and condition of the town in relation to its government and improvement; second, to recommend for the adoption of the board of aldermen all of such measures connected with the police, security, health and cleanliness of the town as he shall deem expedient; third, to keep a faithful minute of all precepts issued by him and of all his judicial proceedings, and to report in writing at every monthly meeting of the board of aldermen the total amount of costs and fines that have been imposed by him in all judicial proceedings for the violations of the town ordinances during the previous month; and he shall be vigilant and active in causing the laws and ordinances for the government of the town to be duly executed and enforced.

Mayor may commit to jail for violation of town ordinance.

May be sentenced to streets.

SEC. 6. That the mayor shall have power to commit any person convicted of a violation of any of the town ordinances to the county or town prison until the fine or cost imposed therein and the jail fees are paid, and such cases in other courts. The mayor shall also have full power to sentence any person who has been convicted before him for the violation of a town ordinance or ordinances, as set forth in section eight of this act, to the common jail of Madison County for a term not exceeding thirty days, to work on the public streets of the town of Marshall; and where the superior courts of said county of Madison shall have sentenced any person to the common jail of the county for a term of twelve months or less, the judge of the said courts may, upon application of the mayor, turn over to the town authorities any such person so sentenced to be worked by said town authorities under the control and direction of the chief of police or such other competent officer or guard as may be designated or appointed by the board of aldermen; and whenever any of the several justices of the peace of Madison County shall have sentenced any person to the common jail of said county for a term of thirty days or less, upon application of the mayor of the said town of Marshall the Sheriff of Madison County shall turn over such person or persons to the said town authorities to be worked by them as above set forth: *Provided*, that the said town of Marshall shall pay all expenses of the said prisoners while they shall be actually engaged in working on the streets of the said town.

Convicts before superior court may be assigned to streets.

Prisoners from courts of justices of the peace.

Proviso: town to pay expenses.

Jurisdiction of mayor.

SEC. 7. That the mayor of the 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 or 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 board of aldermen. The mayor shall further be a special court within the corporate limits of the town, to have arrested and try all persons who are charged with a misdemeanor for violating any ordinance of the town, and if the accused shall be found guilty he shall be fined, at the discretion of the court or mayor, not exceeding fifty dollars or imprisoned not exceeding thirty days.

Mayor made  
special court.

SEC. 8. That any person violating any ordinance of the town shall be deemed guilty of a misdemeanor, but the punishment thereof shall not exceed a fine of fifty dollars or imprisonment at labor on the streets for thirty days.

Violation of town  
ordinance a misde-  
meanor.  
Penalty.

SEC. 9. The mayor may issue his precepts to any regular policeman or town marshal, who shall execute the same anywhere in the corporate limits of the town of Marshall in Madison County, or to such other officer to whom a justice of the peace may direct his precept. An endorsement by the mayor or court of the name of a witness upon a summons or warrant shall be authority for the officer to execute the same.

Mayor to issue  
precepts.

SEC. 10. That any regular policeman or town marshal arresting any person or persons for a violation of any of the ordinances of the town shall have the right to commit such person or persons to the town or county prison for as early trial as practicable.

Persons committed  
for trial.

SEC. 11. That the board of aldermen, or the board of internal improvements hereinafter provided for, shall have power to lay out and open any new street or streets within the corporate limits of the town whenever by them or either of the said boards deemed necessary; and they shall have power at any time to widen, enlarge, change, extend or discontinue any street or streets or any part thereof within the corporate limits of the town, and shall have full power and authority to condemn and appropriate 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 said land sought to be condemned or appropriated for the public use by the board of aldermen or the board of internal improvements and the said board cannot agree as to the compensation, then the matter shall be referred to arbitration, each party choosing one, who shall be a freeholder and a citizen of the town; and in case the owner of the land shall refuse to choose such arbitrator, then the mayor shall in his stead choose one for him, and in case the two chosen as aforesaid cannot agree they shall select an umpire, whose duty it shall be to examine the land sought to be condemned and ascertain the damages that will be sustained by and the benefits accru-

Powers of board of  
aldermen or of in-  
ternal improve-  
ments over streets.

Procedure for con-  
demnation of land.

- ing 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 board of aldermen, or the board of internal improvements, as the case may be, the right to use the land for the purposes for which it is condemned, and all damages agreed upon between the owner of the land and the board of aldermen or the board of internal improvements, 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.
- Proviso: appeal.**
- Aldermen to levy taxes.** SEC. 12. That the Board of Aldermen of the Town of Marshall shall have power, not oftener than annually, to impose, levy and collect a tax upon all real and personal property within the corporate limits of the said town and also upon all money on hand, solvent credits and upon all polls and upon all other subjects of taxation taxed by the General Assembly for public purposes, not to exceed fifty cents on the one hundred dollars worth of property and one dollar and fifty cents on the poll.
- Tax limit.**
- License taxes.** SEC. 13. That in addition to the subjects liable to taxation for State purposes, the board of aldermen shall have power to levy and collect a specific or license tax on the following subjects, to-wit: All itinerant merchants, peddlers or auctioneers who shall sell or offer to sell at public or private auction within the town limits, whether by ascending or descending bids; each express company, each telegraph company office and each railroad company having a depot within the corporate limits of the town; each electric light or power company; each itinerant photograph artist or person taking likenesses of the human face; each broker or banker's office; each dealer in patent rights; each sewing-machine company or agent; each life or fire insurance agent; all commission merchants and commercial brokers; each livery stable; every huckster or trader who buys produce on the streets for sale in the markets; each gift enterprise or lottery; each dray, each omnibus, each butcher and each barber: *Provided*, the foregoing section shall not be construed to prohibit farmers from selling poultry, meat, eggs and other farm products of their own production.
- Animals running at large.** SEC. 14. That the board of aldermen shall have power to declare all horses, sheep, hogs, jacks, jennets, goats and dogs running at large within the corporate limits of the town a nuisance; and the said board may at their option impose a fine upon the owners of said animals running at large, or may treat the same as a nuisance and have it abated totally: *Provided*, that this section shall not apply to dogs whose owners have paid such tax as may be imposed on them and otherwise complied with the ordinances in regard thereto.
- Proviso: tax-paid dogs excepted.**
- Aldermen to make rules for impounding and sale of animals.** SEC. 15. That the board of aldermen are empowered to make such rules and regulations as they may deem best for the im-

pounding and sale of the animals mentioned in section fourteen of this act, found running at large in the streets contrary to the ordinances of the town: *Provided*, that no animal shall be sold without first being advertised for five days at the court-house door and two other public places in the said town; all strays to be taken and duly advertised to be sold at public auction at the court-house door: the proceeds to be applied, first, to the payment of the fine and keeping, advertising and selling said animal; the balance, if any, to be paid to the owner of said animal, if known; if the owner be not known and no claim for the same be set up and established to the satisfaction of the mayor within thirty days after said sale, the money to be turned over to the treasurer of the town for the benefit of the same; and the mayor is hereby empowered to make title to all such strays after having fulfilled the requirements of this section.

Proviso: sale to be advertised.

Strays to be taken and advertised.

Proceeds applied.

SEC. 16. That the board of aldermen shall have power and authority to levy and collect a special tax, not exceeding fifty dollars, upon every circus company for each separate exhibition within the town: upon every person or company exhibiting within the town limits, dogs or theatrical plays, sleight-of-hand performance, rope or wire dancing or tumbling and menageries, and the exhibition, for reward, of artificial models or curiosities (models of useful inventions excepted), a tax not to exceed fifteen dollars for each separate exhibition: said tax to be paid before the exhibition or the same may be doubled; upon any other exhibition for reward not enumerated above, five dollars for each exhibition: *Provided*, that this act shall not apply to exhibitions by amateur companies when said exhibition is for a religious or charitable object: *Provided further*, that the board of aldermen are authorized to remit the whole or any part of the taxes allowed in this section upon good and satisfactory cause being shown to them by the exhibitor: *Provided further*, that the tax collector, in case of a failure on the part of any of the exhibitors above specified to pay said tax before exhibiting, shall, immediately after the exhibition closes, demand from said exhibitors, the manager or treasurer, if he or she be known and can be found, if not, any member of the company, double the amount of the tax; and if it be not paid he shall immediately levy upon any of the goods or property belonging to said company, or any of them, or which was used in the exhibition or exhibitions given by them.

Tax on circus, plays, etc.

Proviso: amateur exhibitions for religious and charitable purposes excepted.

Proviso: aldermen may remit tax.

Double tax if not paid before exhibition.

Collection by distress.

SEC. 17. That the board of aldermen shall have power and authority to levy and collect a special license tax on every person who sells, either on the streets, from wagons or from houses, as a business, any fresh meat for consumption in the town: *Provided*, that this shall not apply to any merchant who pays his regular tax and who purchases said meat in the course of his regular business.

Tax on meat sellers.

Proviso: not to apply to regular merchants.

Mayor's office.	SEC. 18. That the mayor shall keep his office in some convenient
Seal of corporation.	part of the town designated by the board of aldermen. He shall keep the seal of the corporation and shall perform such duties as shall from time to time be prescribed. When present he shall preside at all meetings of the board of aldermen, and when there is an equal division on any question or any election of any officers by the board he shall determine the matter by his vote, and shall vote in no other case. He shall receive such compensation and fees as may be allowed by the board of aldermen and as provided for in the general laws, not exceeding one hundred and twenty-five dollars annually.
Pay of mayor.	
Aldermen to form one board. Quorum.	SEC. 19. That the board of aldermen shall form one board, and three of them shall constitute a quorum, and a majority of those present shall be competent to perform all duties prescribed for the board, unless otherwise provided. Within five days after the election they shall convene for the transaction of business, and shall then fix their days for meeting for the year, which shall be
Meetings.	as often at least as once in every calendar month. Special meetings of the board may also be held on the call of the mayor or
Special meetings.	two of the members of the board, and when called by the mayor all members of the board shall be notified in writing; when called by any members of the board the mayor and such other of the members of the board as shall not join in the call shall be notified in writing.
Notice of meeting.	
Mayor or aldermen failing to attend meeting fined \$1.	SEC. 20. That if the mayor or member of the board 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 act, unless prevented by sickness of himself or family, or absence from the town on necessary business, he shall forfeit and pay for the use of the town the sum of one dollar.
Ordinances, by-laws, rules and regulations.	SEC. 21. That the board of aldermen, when convened, shall have power to make, and provide for the execution thereof, such ordinances, by-laws, rules and regulations for the better government of the town as they may deem necessary; <i>Provided</i> , that the same be consistent with this act and the law of the land.
Ordinances to be entered on minutes of meeting and recorded in ordinance book.	SEC. 22. All ordinances passed by the board shall be entered on the minutes of the meeting at which they were passed, and also recorded in a book to be kept for that purpose, which shall set forth the date of the passage thereof; and all ordinances so passed shall be in force after the same shall have been posted at the court-house door and two other public places in said town for five days.
Appropriation.	SEC. 23. All moneys arising from taxation, donation or other sources shall be paid to the treasurer of the said town, and no appropriation thereof shall be made except for the necessary expenses of the town and by a concurring vote of at least three of the members of the board; and no account shall be valid against the said town unless the same has been contracted by the board of aldermen by a majority vote at a regular meeting, and no
Valid accounts.	



account shall be paid by the treasurer until the same has been presented to the board at a regular meeting and ordered to be paid by a majority vote and entered on a book to be kept for that purpose and to be known as the "Record of Accounts," except as hereinafter provided.

SEC. 24. That the board of aldermen shall cause to be made out annually a fair transcript of their receipts and disbursements on account of the town for the general inspection of the citizens, and cause the same to be posted at the court-house door ten days before the first Monday in May of each year: and the board failing to comply with the duties imposed in this section shall forfeit and pay to the use of the town fifty dollars. And it shall be the duty of the treasurer of the town, within the first three days of each month, to make out and publish in some newspaper published in said town a verified and itemized statement of all moneys received and paid out during the month just ended, specifying in the said account the amount of money received and from whom received, the amount of money paid out, the name of the person to whom each item is paid, and for what purpose: *Provided*, that if such treasurer shall fail and refuse to make such report for two consecutive months he shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court, and shall thereby forfeit his office, and it will be the duty of the board of aldermen to immediately remove such treasurer and elect another.

Receipts and disbursements to be advertised.

Forfeit for failure.

Monthly accounts published.

Proviso: failure for two months a misdemeanor.  
Penalty.

SEC. 25. That the board of aldermen may take such measures as they may deem fit to prevent the entrance into the town or the spreading therein of any contagious or infectious diseases: may stop, detain and examine for that purpose all things and persons coming from places believed to be infected with such disease; may cause any person in the town believed to be infected with such disease, and whose stay may endanger the public health, to be removed to some place within or without the town limits; may cause to be disinfected or destroyed such furniture or other articles which shall be believed to be tainted or infected with such contagious or infectious disease, or which there shall be reasonable cause to apprehend will generate or propagate diseases, and may take all other reasonable steps to preserve the public health, and for this purpose may use any money in the treasury.

Quarantine.

SEC. 26. That it shall be the duty of the policeman or policemen elected by the board of aldermen to see that the laws, ordinances and the orders of the mayor and board are enforced, and to report all breaches thereof to the mayor: to preserve the peace of the town by suppressing disturbances and apprehending offenders: and for that purpose he or they shall have all the power and authority vested in sheriffs and county constables. He or they shall execute all precepts lawfully directed to him or them by the mayor or other judicial officer, and in the execution thereof shall have

Duties of police.

Powers.



Fees.	the same powers which the sheriff or constables of the county have; and he shall have the same fees on all process and precepts executed and returned by him which may be allowed to the sheriff on like process and precept, and also such other compensation as the board may allow: <i>Provided</i> , that no person under twenty-one years of age shall be appointed a policeman.
Proviso: no minor appointed policeman.	
Bonds of officers.	SEC. 27. That the board of aldermen shall have power to designate such of the officers elected by them as shall give bonds, which bonds shall be with security, to be approved by the board, in a penal sum to be fixed by the board, payable to the State of North Carolina, with conditions for the faithful performance of the duties of the office held by said officer.
Billiard or pool table, ten-pin alley, or gaming table not to be put up without license.	SEC. 28. That no person shall erect, put up, keep or maintain any billiard or pool table, ten-pin alley or gaming table or place by whatsoever name known or called, at which games of chance or hazard or skill shall be played within the limits of the town of Marshall, without first having paid the tax and obtained from the board of aldermen a license therefor as hereinafter provided: <i>Provided</i> , this section shall not apply to persons using or keeping such tables or places or games of chance or skill or hazard in their own houses or on their own premises for the private use of themselves or family and not for gain.
Proviso: private table excepted.	
Tax on billiard or pool tables.	SEC. 29. That the board of aldermen shall have power and authority to levy and collect a corporation tax, not less than ten nor more than fifty dollars per annum, upon each billiard or pool table, not less than ten dollars on each ten-pin alley and not less than ten dollars on any other gaming table or place mentioned in section twenty-eight of this act.
Ten-pin alley.	
Other gaming tables.	
Tax collector under general law.	SEC. 30. That any tax collector elected for the town of Marshall shall have the same power and be subject to the same penalties in collecting the taxes levied by said town as the sheriffs of the State in the collection of the taxes by them.
Voters of town.	SEC. 31. That all persons entitled to vote in the county of Madison for members of the General Assembly who shall have been <i>bona fide</i> residents of the town of Marshall for four months preceding the election shall be entitled to register and vote.
Registration.	SEC. 32. Any person applying to register under the provisions of this act shall take the following oath, to be administered by the registrar: "I, . . . . . do solemnly swear that I have been a citizen and resident of the State of North Carolina for the last two years, and of Madison County for six months, and of the town of Marshall for the last four months: So help me, God."
Bonds may be issued.	SEC. 33. That for the purpose of providing a system of water-works, a system of sewerage, electric lights and improving the streets and sidewalks of the town, the board of aldermen of said town are hereby authorized and empowered to issue bonds for that town from time to time, to an amount not exceeding in the aggregate the sum of twenty thousand dollars, of such denomina-
Limit.	
Description of bonds.	

tions and form, executed and transferable, payable at such time or times, not exceeding thirty years from the date thereof, and at such place or places as they may determine, bearing interest at a rate not exceeding five per centum per annum, with semi-annual interest coupons attached, payable on the first day of January and the first day of July of each year.

SEC. 34. The said bonds shall be signed by the mayor, attested by the town secretary and treasurer and sealed with the corporate seal of the town, which said bonds and their coupons shall be exempt from town taxation until they become due, and the coupons shall be receivable in the payment of town taxes: *Provided*, that the purchasers of said bonds shall not be required to see to the application of the purchase money.

How bonds attested.

Exempt from town taxation. Coupons receivable for taxes. Proviso: purchasers not required to see to application of purchase money.

SEC. 35. That for the purpose of paying said coupons as they become due, and paying interest thereon, 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 now or may hereafter be embraced in the subjects of taxation under the charter of said town, and in the manner and at the same time as other taxes are collected under the said charter, unless the said interest shall have been paid out of other funds prior to the time of the levying of said tax: *Provided*, that the rate of taxation to pay said coupons shall never exceed fifty cents on the one hundred dollars worth of property and one dollar and fifty cents on the poll: *Provided further*, that the taxes collected under this act for the payment of said interest coupons as aforesaid shall be used for no other purpose; and it shall be the duty of the town treasurer, or the treasurer of the board of internal improvements hereinafter provided for, as said coupons are paid off and taken up, to cancel the same and report not less than twice a year to the board the number and amount of the coupons so cancelled.

Special tax for interest and bonds.

Proviso: tax rate.

Proviso: taxes used for no other purpose.

SEC. 36. That said board of aldermen shall not issue the said bonds, or any of them, nor levy nor collect said tax, until they shall have been authorized and empowered so to do by a majority of the qualified votes cast by the 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 said town, if there be one, and if not, by giving notice by posting at the court-house door and four other public places in said town; and at said election or elections those favoring the issue of said bonds, or any of them, as specified in the call for election or elections and the levy and collection of the tax for the payment of the said bonds and coupons, shall vote "Improvements," and those opposing it shall vote "No Improvements": *Provided*, that it shall be the duty of the board of aldermen to call said election or elections whenever they are requested

Bonds to be authorized by vote of people.

Notice of election.

Form of ballots.

Proviso: election ordered on petition of twenty voters.

so to do by a petition from the board of internal improvements hereinafter provided for, which petition shall be signed by at least twenty qualified voters of the town.

**Aldermen may call election at any time.** SEC. 37. That the board of aldermen may call an election under this act at any time they may see proper, or when petitioned so to

do as provided in the preceding section; and the rejection by the voters of any proposition submitted to them under this act shall not prevent a submission of the same or other propositions to the said voters at any other time that the board of aldermen may appoint, and that the said board may continue to call elections under this act until the whole amount of twenty thousand dollars

**Proviso: six months intervals between elections.** shall have been issued: *Provided*, no election shall be called within a period of six months from any such election so held.

**Board of internal improvements named.** SEC. 38. That W. J. Weaver, T. N. James, C. B. Mashburn, Roy L. Gudger, Fowler Shelton and J. R. Swann be and they are hereby

**Term of office.** appointed and constituted a board of internal improvements for the town of Marshall, who shall hold their offices for four years and until their successors are appointed by the General Assembly

**Officers of board.** of North Carolina. That the said board of internal improvements shall elect one of their number as chairman, one as secretary and

**Treasurer to give bond.** one as treasurer, and the treasurer shall give a good and sufficient bond in an amount to be fixed by the board of internal improve-

**Pay of treasurer.** ments, which shall never be less than the money on hand at any one time, and shall fix his compensation, not to exceed one-half of one per centum on the moneys received and one-half of one per

**Vacancies.** centum on the moneys disbursed. All vacancies occurring by

**Proviso: successor to be of same politics.** death or resignation shall be filled by the said board: *Provided*, that the member appointed to fill such vacancy shall be of the same political party to which the member belonged whose vacancy

**Proviso: eligibility to board.** he is appointed to fill, and such member to be so elected to be chosen by the remaining members on the board of his political party: *Provided further*, that no person shall be eligible to membership on said board unless he be a *bona fide* resident of and an owner of real estate in said town of Marshall.

**Bonds to be issued if approved at election.** SEC. 39. If the election hereinbefore provided for in this act for any of the purposes therein specified shall result in favor of

**Delivered to and sold by board of internal improvements.** bonds, then the said board of aldermen shall, upon demand, cause the same to be issued and delivered to the board of internal improvements as provided for in the preceding section, to be sold by

**Proceeds appropriated.** said board of internal improvements; the proceeds of such sale to be held and disbursed by the treasurer in accordance with the order of election and the notice thereof for the voting of the said bonds, and upon the orders of the board of internal improvements, duly signed by their chairman and secretary.

**Streets in charge of board of internal improvements.** SEC. 40. That the said board of internal improvements shall have entire supervision and control of any and all works of public improvement for the said town, and in addition to the powers

given them in section eleven of this act they shall have full power and authority to construct, repair and pave with brick or other materials and otherwise improve the sidewalks on such streets in said town as they may designate by order of the said board; and the said streets and the lots abutting thereto, when so designated by said order, shall become a taxing district, and the word "lot" when it occurs in this act shall be taken to mean the whole of the frontage abutting the sidewalk constructed or improved, and shall extend back as far as the said lot extends.

Sec. 41. In order to more effectually carry out the authority delegated and the duty imposed by the preceding sections, the board of internal improvements of said town shall have authority to assess and apportion the cost of the sidewalk constructed, repaired or improved between the town and the lot or lots abutting thereon, and they may assess two-thirds thereof on the lots abutting and one-third upon the town. The amount of the assessments against the abutting lots so improved as herein divided, being estimated and ascertained by the board of internal improvements in the manner prescribed by this act, shall be a lien on such lots and shall be entered upon the minutes of said board; and if the same is not paid within thirty days after notice to the owner or his agent, the treasurer of the board shall issue execution against said lot or lots, directed to a policeman of the town, who shall advertise the said lots under such rules and regulations as are now and may hereafter be provided by the ordinances of the said town for the sale of real estate for taxes, and shall sell the same and convey as other land sold for taxes.

Cost of paving  
apportioned.

Apportionment of  
land-owner lien on  
lot.

How collected.

Sec. 42. That any person whose land has been so assessed as provided above who is dissatisfied with said assessment or who desires to test the matter or right of assessment shall file his petition before the mayor of said town within thirty days after the notice to him of the said assessment, setting forth his grounds of objection, and the mayor shall hear the same and render his judgment thereon, from which either of the petitioners or the board of internal improvements may appeal to the superior court in the same way and manner as appeals are allowed from justices of the peace, and the trial in the superior court shall be *de novo*.

Appeal.

Sec. 43. That the said board of internal improvements shall have full power and authority to build, buy, conduct and operate an electric light and power plant or gas plant, or both, to furnish light for the streets and public buildings of the said town and lights and power to its citizens, if the said board of internal improvements see proper. The said board of internal improvements shall also have power to construct, erect, build and operate a system of water-works, and in order to procure pure water for the town may sink one or more artesian wells or make such other arrangements for bringing water to the said town as in the discretion of the said board may be to the best interest, to the con-

Light and power  
plant.

Water-works.



**Sewerage.**

venience and health of the said town. The said board of internal improvements may build, construct and maintain a sewerage system in the said town, and may require and compel any property owner along any sewer or water line in said town to, at his own proper cost and expense, make proper sewer and water connection with such lines when in the discretion of the board such connections should be made; and in case the owner shall fail to make such connection the said board may proceed to make the same, and all costs and expenses attached thereto in making such shall be a lien and a charge upon the property of such delinquent owner, and may be enforced as other liens for the collection of unpaid

**Board to use unappropriated funds.**

taxes on real estate or personal property. The said board of internal improvements may use any funds that may be held subject to its orders for public improvements of the town and which may not have been voted for a specific purpose, in the paving, macadamizing or grading the streets of the town or building new streets where it may deem necessary, or in grading, curbing, widening, paving or constructing new sidewalks to any of the streets of the said town.

**Law of this session repealed.**

SEC. 44. That section three of House bill three hundred and fifty-five, Senate bill one hundred and fifty-seven, ratified January twenty-fourth, one thousand nine hundred and five, entitled "An act to amend chapter three hundred and fifty-eight, Public Laws of one thousand nine hundred and three, relative to dispensary in town of Marshall," be and the same is hereby repealed: *Provided*, that the Treasurer of the Town of Marshall shall, after the first day of April, one thousand nine hundred and five, hold all funds which he may then have on hand coming from the dispensary as the town part of the profits of the dispensary, subject to the order of the board of internal improvements, and shall pay over the said funds to the treasurer of the said board of internal improvements, upon written order presented to him passed by the said board and presented by its treasurer.

**Proviso: apportionment of dispensary profits.**

SEC. 45. That section five of chapter three hundred and fifty-eight, Public Laws of one thousand nine hundred and three, be amended by striking out all after the word "pay" in line nine, down to and including the word "time" in line twenty-nine of said section, and inserting in lieu thereof the following: "one thousand dollars to the treasurer of the county board of education, one-half the remaining profits to be paid to the Treasurer of the Board of Internal Improvements of the Town of Marshall, the remaining half to be applied by the treasurer of the dispensary board to the payment of interest on the indebtedness of Madison County." After paying the interest for any one year on said indebtedness, any surplus from such fund shall be paid over to the treasurer of the county, to be applied to the pauper fund. In case there should be a bar-room or bar-rooms established in the town of Marshall, all taxes due the town from said bar-room or bar-rooms shall be

**Profits from dispensary apportioned.****License tax if bar-rooms established.**



paid directly to the treasurer of the board of internal improvements and used as provided for the use of the moneys coming from the dispensary.

SEC. 46. The said treasurer of the board of internal improvements shall, within three days from the first of each and every month, make a complete report, under oath, of all moneys had and received by him, from what source derived and to whom paid, giving the name of each person from whom moneys received and to whom it has been paid and for what purpose, specifically setting out each item, both of receipts and disbursements had by him during the preceding month, which report shall be printed in some newspaper published in the town; and if the said treasurer shall fail and refuse to make such report for two consecutive months he shall thereby forfeit his office and be guilty of a misdemeanor and punished in the discretion of the court, and it will be the duty of the said board of internal improvements to immediately appoint his successor.

Treasurer to make detailed reports.

Penalty for failure.

SEC. 47. All laws and clauses of laws in conflict with this act or any of its provisions are hereby repealed.

Repealing clause.

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

In the General Assembly read three times, and ratified this 23d day of February, A. D. 1905.

## CHAPTER 166.

### AN ACT TO AUTHORIZE THE CITY OF MONROE TO ISSUE BONDS TO FUND ITS CURRENT INDEBTEDNESS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of funding the current indebtedness of the city of Monroe in the county of Union, and of providing for its payment, the Aldermen of the City of Monroe are authorized and empowered to issue bonds, bearing interest at five per cent. per annum, to the amount of twenty thousand dollars, of the denomination of one hundred dollars each, to each and every of which said bonds shall be attached the coupons representing the interest on said bonds, which said coupons shall be due and payable on the first day of January of each and every year until the bonds shall mature. The bonds so issued by the Aldermen of the City of Monroe shall be numbered consecutively from one to two hundred, and the coupons shall bear the number corresponding to the bond to which they are attached, and shall declare the amount of interest which they represent and when due, and shall be receivable in payment of taxes due the city of Monroe. The bonds shall run for a period of twenty-five years and shall be exempt from municipal taxation.

Funding bonds to be issued.

Interest.

Amount.

Description of bonds.

How bonds  
attested.

SEC. 2. The said bonds shall be issued under the signature of the Mayor of the City of Monroe, and shall be attested by the signature of the clerk of the board of aldermen and the official seal of the city of Monroe, and the said bonds shall be sold by the board of aldermen at a sum not less than their par value.

Tax for interest  
and sinking fund.

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 payment of said bonds as they mature, it shall be the duty of the board of aldermen to levy and cause to be collected annually, as other city taxes are levied and collected, a tax upon the real and personal property of said city of Monroe and all taxable property within its corporate limits, not exceeding twenty-five cents on the one hundred dollars worth of property and on each poll not exceeding seventy-five cents.

Bonds subject to  
call.

SEC. 4. That in order that the board of aldermen may use the excess of the funds raised by taxation under this act, after paying the annual interest accrued on said bonds as shown by the coupons attached to said bonds, they are authorized and empowered to purchase annually one-twenty-fifth of said bonds at a sum not exceeding their par value; and in case no one shall offer to sell one-twenty-fifth part thereof, then the board of aldermen may designate such bonds, not exceeding one-twenty-fifth of the whole number issued, as they may desire to purchase; and after a designation of the bonds and a notice given thereof in a newspaper published in Union County, if the holder of the bonds shall fail to surrender and receive their par value, with interest accrued at the time of such notice, then the holder shall not be entitled to any interest subsequently accruing.

Record of bonds to  
be kept.

SEC. 5. That the Board of Aldermen of the City of Monroe shall cause their clerk to keep a record, in which shall be entered the name of every purchaser of a bond, the number of the bond purchased and the amount received therefor; and they shall also cause their clerk to keep a record of the bonds redeemed, from whom purchased and the amount paid for such bond; and the bonds, when redeemed and recorded, shall be destroyed by fire, in the presence of the board of aldermen, by the mayor or their clerk, under their direction.

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

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

In the General Assembly read three times, and ratified this 24th day of February, A. D. 1905.

## CHAPTER 167.

AN ACT TO AUTHORIZE THE TOWN OF LENOIR IN THE  
COUNTY OF CALDWELL TO ISSUE BONDS.

*The General Assembly of North Carolina do enact:*

SECTION 1. The Board of Commissioners of the Town of Lenoir are hereby authorized and empowered, in the name of the town of Lenoir, to issue bonds, in such denominations and forms as it may determine, to an amount not to exceed fifty thousand 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: and the board of commissioners may divide said bonds into classes as they may determine best, and have them mature at different convenient dates between the limits aforesaid.

Bond issue  
authorized.

Amount.

Proviso: bonds to  
run not more than  
thirty years.  
May mature at  
different dates.

SEC. 2. That the said bonds shall bear interest from their date at a rate not to exceed six per centum per annum, to be fixed by the board of commissioners of said town of Lenoir, which interest shall be payable, annually or semi-annually, on such days as are fixed by said board; and said bonds shall in no case be sold hypothecated or otherwise disposed of for less than their par value. The said bonds shall be signed by the mayor, attested by the secretary of the board of commissioners and sealed with the corporate seal of said town of Lenoir, and shall have attached interest coupons, which coupons may be received in payment of town taxes. That said bonds and coupons shall be numbered and a record kept of the same. That the said bonds and coupons shall not be subject to taxation by the town of Lenoir nor the Lenoir Graded School District. The Board of Commissioners of the Town of Lenoir are hereby authorized to sell, or cause to be sold, the said bonds, or any number of them, at public or private sales, and all moneys arising from such sale or sales shall be paid over to the treasurer of said town, and the said treasurer and the sureties on his official bond shall be liable for said money to the same extent as for moneys belonging to said town which comes into his hands; and the board of commissioners may at any time require the bond of the treasurer to be increased so as to secure such amounts as may come into his hands from time to time: *Provided*, that the said treasurer shall not receive any compensation for the receipts of said moneys, and not exceeding one per centum for the disbursements of the same.

Interest.

Bonds not to be  
sold below par.

Record of bonds.  
Exemption from  
taxation.

Treasurer's bond  
liable.

Bond may be  
increased.

Proviso: pay of  
treasurer.

SEC. 3. That the Mayor and Board of Commissioners of the Town of Lenoir, 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 the said town, observing at all times the constitutional equations between the

Special tax.

poll and property, sufficient to meet the interest on said bonds as the same may accumulate, and pay the principal thereof when the same shall become due and payable; and such taxes shall be collected in like manner as the other taxes of said town, and paid into the hands of the treasurer thereof for such purposes.

Proceeds  
apportioned.

SEC. 4. That the money arising from the sale of such bonds, when paid over to the treasurer as aforesaid, shall be kept separate by him and shall be used for the following purposes: For the improvement of the streets and sidewalks of the said town and such other improvements as the board of commissioners may deem expedient and necessary, including the buying and installation of an electric plant for lighting said town and for a system of sewerage, or any one or more of said objects the board of commissioners may select. That in the event of the installation of an electric plant the board of commissioners are authorized to make contracts with private individuals for the use of their private property or to purchase the same in fee for the use of said town, and also to make contracts with private individuals for the use of the same in their private property or otherwise, and the money so raised shall be credited to the funds of the said town of Lencir for the general expenses of the same and for paying the principal and interest on the bonds hereinbefore provided for.

Election on bonds.

SEC. 5. That before any of the bonds herein provided for shall be issued or the taxes levied, the question of issuing and levying the same shall first be submitted to the qualified voters of said town, after thirty days' notice in some newspaper published in said town, at an election to be under the same rules and regulations as are now provided by law for the election of the mayor and board of commissioners of said town. Such notice shall set forth the object or objects 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 to pay the same. All qualified voters in favor of the issuing of such bonds and the levying of the necessary tax to pay the same shall vote a ticket on which shall be written or printed the words "For Bond Issue," and disapproving the same shall deposit a like ballot on which shall be written or printed the words "Against Bond Issue." If, at such election, a majority of the qualified voters shall vote "For Bond Issue," then the board of commissioners 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. If a majority fail to vote "For Bond Issue," then the board of commissioners may again submit the question at such future time as they may elect, under the same rules and regulations as already prescribed.

Notice of election.

Form of ballots.

Bonds to be issued  
if approved by  
voters.

If bonds disap-  
proved future elec-  
tions to be held.

Returns of election.

SEC. 6. That the result of said election shall be certified by the officers holding the same to the board of commissioners of said

town at such time as they may designate, and the board of commissioners of said town shall at such time verify the same and declare the result and cause the same to be recorded in their minutes and after thirty days after such recording in the said minutes such record shall not be open to attack, but shall be held and deemed conclusive evidence of the truth of the facts therein certified.

SEC. 7. That nothing in this act is to be construed as to require the purchaser or purchasers of any of said bonds to see that the purchase money paid for such bonds is applied to the purposes prescribed in this act. Purchaser of bonds not required to see to application.

SEC. 8. The taxes levied and collected to create a sinking fund with which to pay off the bonds as the same accumulate from time to time, may be loaned out under the supervision and by the direction of the board of commissioners of said town until such time as the same can be paid in cancellation of such bonds, and the interest received for said money shall be applied and credited to such sinking fund. Investments of sinking fund.

SEC. 9. The board of town commissioners shall appoint a committee of three citizens of the town of Lenoir annually to audit the accounts of the treasurer of the town of Lenoir. The correctness of such statement shall be attested by not less than two members of said committee; and a full itemized statement of all receipts and disbursements shall be published in one of the town papers by the treasurer within fifteen days after same has been audited; and said treasurer shall be subject to a fine of twenty-five dollars for failure to publish said statement as above set forth. Auditing committee.

In the General Assembly read three times and ratified this the 24th day of February, A. D. 1905.

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## CHAPTER 168.

AN ACT TO ENABLE THE TOWN OF SOUTHERN PINES TO  
ISSUE BONDS TO ESTABLISH A SEWERAGE SYSTEM  
AND TO ENLARGE AND IMPROVE ITS WATER-WORKS  
SYSTEM AND FOR OTHER PUBLIC IMPROVEMENTS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of establishing, constructing and enlarging the sewerage system for the use of said town and its inhabitants and of improving and enlarging its water-works system, and for other public improvements, the mayor and board of commissioners of the said town of Southern Pines are hereby Bonds for sewerage system.



Amount.	authorized to issue bonds of said town from time to time to an amount not exceeding in the aggregate the sum of fifteen thousand dollars, of such denominations and in such proportions as the board of commissioners may determine, bearing interest from their date at a rate not exceeding six per centum per annum, with interest coupons attached, payable half-yearly at such time and at such place or places as may be deemed advisable by said board, said bonds to be of such form and tenor, signed by such officers and transferable in such way and the principal thereof payable or redeemable at such time or times, not exceeding forty years from their date, and at such place or places as said board of commissioners may determine.
Description.	
Not to be sold below par.	SEC. 2. That none of the bonds provided for in the preceding section shall be disposed of, either by sale or exchange, hypothecation, or otherwise, for a less price than their par value, nor shall they or their proceeds be used for any other purposes than declared in said section.
Exempt from town taxation.	SEC. 3. That the bonds authorized to be issued by section one hereof and their coupons shall not be subject to taxation by said town until after they become due and tender of payment shall have been made by the said town, and the coupons shall be receivable in payment of the taxes or other town 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.
Coupons receivable for taxes.	
Particular tax.	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 commissioners of said town shall annually and at the time of levying other town taxes levy and lay a particular tax on all 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 purposes whatever, said particular tax not to be more than thirty-five cents on the one hundred dollars assessed valuation on property and not more than one dollar and five cents on each poll. The taxes provided for in this section shall be collected in the manner and at the times other town taxes are collected, and shall be accounted for and kept separate from other taxes, and shall be applied exclusively to the purpose for which they are levied and collected.
Limit.	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 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 in-
Investment of sinking fund.	

terest, the board of commissioners shall appoint some suitable person to be styled "Commissioner of the Sinking Fund of the Town of Southern Pines," who shall hold his office for six years, and whose duty it shall be, under such rules and regulations as said board of commissioners 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 to perform all such other services in connection with said bonds as said board of commissioners may prescribe; and such commissioners shall give bond and receive such compensation for his services as said board of commissioners may determine, not to exceed that allowed to the Treasurer of Moore County.

SEC. 5. That before any of the bonds herein provided for shall be issued the question of issuing the same shall first be submitted to the qualified voters of said town, after thirty days' notice in some newspaper published in said town, at an election to be held under the same rules and regulations as are prescribed by law for election of mayor and commissioners for said town. Such notice shall set forth the object for which such bonds are to be issued, the amount of the same, the rate of interest, the time when they mature and the rate of tax to be levied and collected to pay the same. Those qualified voters approving the issue of such bonds and 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 commissioners 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; otherwise, the said bonds shall not be issued: *Provided*, that if at any election held under this section a majority of the qualified voters shall vote "Disapproved" on the proposition to issue bonds, it shall not prevent the board of commissioners of said town of Southern Pines from ordering another election under this section at any time after the lapse of four months from the date of the first election; and if at such other election a majority of the qualified voters shall vote "Approved," the result shall have the same force and effect as if no election had been previously held.

SEC. 6. That the board of commissioners of said town of Southern Pines shall provide a record book to be kept by the town clerk in which shall be entered the numbers, denominations and dates of said bonds, the name of the purchaser or purchasers, the price at which sold and the date of redemption or payment; and the bonds, when redeemed or paid, shall be destroyed by fire in the presence of the board of commissioners by some of their number, or by the mayor under their direction, and a record of such burn-

Commissioner of sinking fund.

Bonds to be ratified by voters.

Notice of election.

Form of ballots.

Bonds issued if voters approve.

Further elections if bonds disapproved.

Record of bonds.

ing made in the minutes of the proceedings of the said board as kept by the town clerk.

Proceeds paid to town treasurer.

SEC. 7. That the proceeds arising from the sale of said bonds shall be paid to the town treasurer, who shall hold the same subject to the order of the board of commissioners of said town, in carrying into effect the purposes of this act; and the said treasurer shall be liable on his official bond for said proceeds, and said board of commissioners may increase said bonds from time to time as in their discretion may be necessary to provide for the safe-keeping of the same.

Treasurer's bond liable.

Right-of-way.

SEC. 8. That in case the said town of Southern Pines shall in the construction or enlargement of said sewerage system, or in the extension, enlargement and improvement of its water-works system have need of any lands or outlets through or rights-of-way over the land of the persons or corporations, or source of water supply belonging to other persons or corporations, either within or without the corporate limits of said town, and agreements for the purchase of the same cannot be made with the owner or owners, then and in either case or in all such cases, the board of commissioners may extend the said systems, or either of them, and may condemn any lands of such owner or owners for such purposes or other requirements of said system or systems, the proceeding for such condemnation to be the same as those prescribed in the charter of said town of Southern Pines, or in chapter forty-nine of The Code, or in any amendments of the same.

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

In the General Assembly read three times, and ratified this 24th day of February, A. D. 1905.

## CHAPTER 169.

### AN ACT TO AMEND THE CHARTER OF THE TOWN OF SPRING HOPE.

*The General Assembly of North Carolina do enact:*

Former charters amended and re-enacted.

SECTION 1. That chapter fifty-five of the Private Laws of North Carolina passed at its session of one thousand nine hundred and eighty-nine, as amended by chapter forty-eight of the Private Laws of North Carolina passed at its session of one thousand eight hundred and ninety-five, be and the same is further amended as hereinafter provided, and that subject to the following amendments the same shall remain in full force and effect:

Corporate limits.

SEC. 2. That the corporate limits of said town be extended by adding to the boundaries of said town the following described lands: Beginning at the northwest corner of Oakdale Cemetery, in railroad right-of-way of the Nashville branch of the Atlantic

Coast Line Railroad Company, thence with said right-of-way north seventy-one degrees east ninety-four feet to a stake, corner of the cemetery; thence south eighteen degrees east six hundred and thirty-nine feet six inches; thence continuing south eighteen degrees east, to the present corporation line in W. W. Batchelor's field.

SEC. 3. That the commissioners of said town shall have the Liquor license. power to levy and collect license taxes on all retail liquor dealers and manufacturers, an amount not exceeding the sum of one thousand dollars per annum, payable at such times as the commissioners of said town shall direct, and that all taxes heretofore levied and collected by said town shall be deemed to have been legally and properly collected.

SEC. 4. The Commissioners of the Town of Spring Hope shall Fire districts. have the power to establish fire districts within said town and to declare what classes of buildings shall be erected within said fire districts, and shall have the power to prohibit the erection of any building not in accordance with such ordinance or ordinances as they shall from time to time pass regulating the construction of buildings within said fire district.

SEC. 5. That all laws and clauses of laws in conflict with this Repealing clause. act are hereby repealed.

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

In the General Assembly read three times, and ratified this 24th day of February, A. D. 1905.

## CHAPTER 170.

### AN ACT TO INCORPORATE THE TOWN OF HAYWOOD IN CHATHAM COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Haywood in Chatham County in Haywood incorporated. North Carolina is hereby incorporated as a town, with all the rights, powers, duties and liabilities given under chapter sixty-two, volume two of the Code of North Carolina: *Provided*, there shall Proviso: manufacture or sale of liquors forbidden. be no spirituous, vinous, malt or other fermented liquors manufactured or sold within the said town of Haywood.

SEC. 2. That the following shall be the boundaries of said town: Town boundaries. Beginning at a sugar-maple tree on the bank of Deep River west corner of Water Street, thence down Water Street to the intersection of Olive Street, thence along Olive Street in an northeasterly direction to the banks of Haw River, thence up Wilmington Street along the banks of the Haw River to the old B. I. Howze line, thence due west with the same line to the northwest corner of

New Berne Street, thence south with the old R. A. Smith line to the beginning, the street above named being known as such in the old town of Haywood.

Temporary officers  
named.

SEC. 3. That until the next regular election, when their successors shall be elected, the following named persons shall be the officers of the town of Haywood: W. C. Kimball, mayor; J. J. Thomas, T. W. Churchill, J. T. Brady, W. H. Bynum and Charles Crutchfield.

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

In the General Assembly read three times, and ratified this 24th day of February, A. D. 1905.

## CHAPTER 171.

### AN ACT TO AMEND THE CHARTER OF THE TOWN OF BLACK MOUNTAIN.

*The General Assembly of North Carolina do enact:*

Reduction of cor-  
porate limits  
repealed.

SECTION 1. That chapter two hundred and ninety-four of the Private Laws of one thousand eight hundred and ninety-five be and the same is hereby repealed.

Old limits restored.

SEC. 2. That section two of chapter two hundred and forty-three of the Private Laws of one thousand eight hundred and ninety-three be re-enacted as the said section stood before amended by said chapter two hundred and ninety-four of the Private Laws of one thousand eight hundred and ninety-five.

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

In the General Assembly read three times, and ratified this 24th day of February, A. D. 1905.

## CHAPTER 172.

### AN ACT TO AMEND CHAPTER 254 OF THE PRIVATE LAWS OF 1903.

*The General Assembly of North Carolina do enact:*

Name changed.

SECTION 1. That wherever in this chapter the words the Balsam and Black Rock Railway Company appear that the same shall be stricken out and the following words inserted in lieu thereof, to-wit: "The Western Transportation Company."

Terminal changed.

SEC. 2. By striking out in section two of said act all of the words in line four after the word "within" to the word "through"



in line five, and inserting in lieu thereof "four miles of Whittier, North Carolina, adjoining the Southern Railway." In line six of said section two, by striking out the word "or" between Swain and Haywood and inserting in lieu thereof the word "and." And in line nine, insert after the word "Jackson" "or Macon, or both." In line twelve, after the word "roads," insert the following: "tram-roads, flumes and any and all auxiliary systems of transportation." After the word extension, in line fourteen, insert "flumes and auxiliary systems."

SEC. 3. After the word "road" in section ten, line thirty-one, insert "auxiliary systems." After the word "completed" in line thirty-two, section ten, add the words "or commenced."

In the General Assembly read three times, and ratified this 24th day of February, A. D. 1905.

## CHAPTER 173.

### AN ACT TO AMEND THE CHARTER OF THE TOWN OF TEACHEY'S IN DUPLIN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Teachey's shall be and continue as heretofore a body politic and corporate, and by the name of "The Town of Teachey's" 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 needed for town purposes and for its proper government, and may from time to time sell and dispose of the same and reinvest the proceeds as may be deemed advisable by the proper authorities of the town.

SEC. 2. The corporate limits of the town shall be as follows, to-wit: Beginning at a point on the Atlantic Coast Line Company's track, eight hundred yards north of the railroad crossing, nearest the Masonic Building, and runs thence north seventy-four east eight hundred yards to a stake; thence south sixteen east sixteen hundred yards to a stake; thence south seventy-four west sixteen hundred yards to a stake; thence north seventy-four east eight hundred yards to the beginning.

SEC. 3. That the government of said town shall be composed of a mayor and three commissioners, who shall be annually elected on the first Monday in May by the qualified voters of the town as herein provided.

SEC. 4. That said election for 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 re-

sided ninety days next preceding the day of the election within said corporation.

Commissioners to  
appoint registrars  
and judges of  
election.

SEC. 5. That it shall be the duty of the commissioners of said town, on the first Monday of March of 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 the said town, and it shall be his duty to revise any existing registration book of the said town in such manner that said book shall show an accurate list of electors previously registered and still residing in said town without requiring such electors to be registered anew. He shall also, between the hours of sunrise and sunset on each day (Sundays excepted) for 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.

Notice of appointment of registrar.

Registration book.  
Revisal.

Registration.

Oath of registrars  
and judges.

SEC. 6. 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 Duplin County or the mayor of the said town of Teachey's.

Challenge day.

SEC. 7. That it shall be the duty of the registrar and judges of the 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 for the inspection of the electors of the said town, and any of the electors of the said town shall be allowed to object to the name of any person appearing on said book. In case of any such objection the registrar shall enter upon his book opposite the name of the person so objected to the word "Challenged," and shall appoint a time and place on or before election day when he, together with 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.

Name erased if  
challenge  
sustained.

SEC. 8. That said judge of election, together with the registrar, Polls opened. 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 superin- Polls closed. tend said election and shall keep the polls open until sunset, when the polls shall be closed and the votes for mayor and commissioners shall be counted out by them. They shall keep poll-books and Poll-books. 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.

SEC. 9. That the voters shall vote by ballot, having the name Vote by ballot. of the mayor and commissioners on one ballot, either in writing Description of ballots. or printed on white paper without 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.

SEC. 10. That immediately after each election it shall be the Officers-elect to be notified. duty of the town clerk and treasurer to notify, in writing, the mayor and commissioners-elect of their election.

SEC. 11. That the mayor and commissioners-elect shall, within Officers to qualify. three days after having been notified by the town clerk and 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.

SEC. 12. That any person elected mayor or commissioner of said Forfeit for refusal to qualify. 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 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.

SEC. 13. That said commissioners shall, at their first meeting Town clerk and treasurer. after their election, select some one as town clerk and treasurer, who shall hold office for one year or until his successor is duly elected and qualified. He shall act as secretary of the board of To give bond. commissioners and 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 com-

Monthly  
statements.

Suits on official  
bonds.

Constable.

Term of office.  
Bond.

Police and  
watchmen.

To be qualified as  
constable.

Powers.

Bonds.

missioners of said town, in a sum fixed by the commissioners, payable to the State of North Carolina, and conditioned upon his faithful accounting for and paying over all moneys that may come into his hands as treasurer of said town and for the faithful discharge of his duties as secretary of the board of commissioners of the said town. The board of commissioners of the 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 bonds of any of the officers of the 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 Teachey's against the said official and his sureties.

SEC. 14. That 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 a sum fixed by the commissioners, with good and sufficient sureties, to be approved by the board of commissioners of said town, payable to the State of North Carolina, and conditioned upon his faithfully executing and returning to the proper authorities all process that may come into his hands as constable 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 faithfully and honestly and to the best of his ability executing all the duties imposed upon him by this charter or by the board of commissioners of the said town. And the board of commissioners of the said town 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 the said town, have all the powers conferred on the constable of said town 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 the duties of their said offices 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.

SEC. 15. That the mayor of said town of Teachey's is hereby constituted a special court, with all the jurisdiction and powers in criminal offenses occurring within the limits of said town which are or hereafter may be given to justices of the peace; he shall preserve and keep the peace, and may cause, upon proper proceedings, 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 offenses. He shall also have jurisdiction to issue process, to hear and determine all misdemeanors consisting of a violation of the ordinances or 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.

Mayor a special  
court.  
Jurisdiction.

SEC. 16. That the mayor may issue his warrant 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 a justice of the peace may issue his precepts.

May issue warrant  
on his own information.

SEC. 17. The mayor shall be and is hereby 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 collection 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 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.

Jurisdiction of  
mayor further  
defined.

Right of appeal.

SEC. 18. That the mayor shall have power to commit any person or persons convicted of any violation of any ordinance of the town to the town or county prison until the fine and costs imposed by him and the jail fees are paid; and such person or persons can only be released as is provided in like cases in other courts.

Mayor may commit  
to jail.

SEC. 19. The board of commissioners shall have authority to fill any vacancy in the board that may occur during their term of office, to appoint a secretary and treasurer and all officers which they may deem necessary for the efficient administration of the regulations, ordinances and by-laws of the town, and shall prescribe their terms of office. The board of commissioners shall be further authorized to appoint one of their number, or other discreet person who is 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 sickness, absence or other disqualification to act in the premises.

Commissioners to  
fill vacancies.

Mayor pro tem.



Minutes of board meetings.

SEC. 20. The secretary and treasurer shall act as clerk of the meetings of the board of commissioners. He shall keep fair and regular minutes of all meetings of the board, keep a strict account of all money coming into his hands from any or whatever source belonging to said town, pay the same out upon the order of the board, and at the expiration of his term he shall deliver to his successor all balance of money, books, papers and all other property belonging to said town, and receive for his services such compensation as the board may allow.

Town constable may be tax collector.

SEC. 21. The town constable may be the tax collector, and unless another is appointed and duly qualified he shall collect the 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. 22. 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 vested in sheriffs and other constables. He shall execute all warrants and precepts and 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 Duplin 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.

Other compensation.

Powers and duties of constable and policemen.

Prisoners carried for immediate trial.

SEC. 23. 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 to the town or county jails 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 days of the week, except Sundays not at all.

Exceptions.

Commitment without mittimus.

Hours of trial.

When arrests may be made.

SEC. 24. That any 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 Teachey's or other judicial officer who may issue warrants to

such officers; (2) 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 bystander as witness or witnesses, and such subpoena shall be as binding as though made with a written subpoena from any competent authority to issue the same. Subpoenas.

SEC. 25. The commissioners shall meet in regular session as often as once a month, and at such other times as they may determine upon, or when the mayor shall call a meeting. 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 best necessary for the proper government of the town, and when such ordinances have been adopted it shall be the duty of the clerk to prepare a suitable draft of the same in a book kept for that purpose and to post the same at two public places in the town. Meetings of commissioners.  
Powers and duties.  
Ordinances to be posted.

SEC. 26. That among the powers conferred upon the commissioners are the following: To provide for the construction and laying out 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 take all proper and effectual means for extinguishing conflagrations and fires; to make regulations to cause the due observance of the Sabbath; suppress and remove nuisances; take all necessary measures to preserve the town from contagious diseases; to provide for the appointment of special police and other officers needed; take measures to preserve the peace of the town, to execute the laws and ordinances thereof and maintain good order; to enact and enforce such laws and ordinances as they may deem necessary to preserve the health of the town; determine when necessary the boundary of streets, establish new streets and sidewalks; to provide for restraining and licensing shows, circuses and public amusements in the town; to restrain and prohibit gambling and the manufacture or sale of fermented or malt liquors, wine, cider, bounce and intoxicants of all kinds; to prohibit or control firing of fire-arms and fire-works; to control the manner of arranging stove flues and pipes in buildings; to prohibit or prescribe the manner of keeping hogs and goats 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 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 in good repair; to cause all streets, lots, cellars, privies, stables and places of like character to be examined by the constable or other Further powers of commissioners.

officer appointed for that purpose, and to cause by their order the said officer to have said place cleansed and the nuisance abated; the same shall be cleansed and the nuisance abated at the expense of the owner or occupant thereof; and the constable or officer 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.

Further powers of  
commissioners.

SEC. 27. The commissioners shall have the power to impose and levy 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 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 all trades and occupations which shall be a nuisance, and to abate nuisances and to cause their removal. They may also protect and control the shade trees planted and growing on the streets, or which may hereafter be planted and growing on any public street, alley or public grounds in said town; 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 a regular passenger fare thereon at least to the nearest station out of town.

Ordinances to re-  
main in force.

Officers continued.

SEC. 28. All ordinances, rules and by-laws lawfully enforced 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.

Quarantine.

SEC. 29. The commissioners shall be empowered to take such measures as they may deem necessary and effectual to prevent the entrance into the town of any contagious or infectious diseases; 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 infected, and if necessary detain or turn back suspected persons from such infected districts. They may regulate and establish hospitals and pest-houses, may cause any person in the town suspected to be infected with the disease, and whose stay may endanger health, to be removed to such hospital or pest-house, and may remove from the town or destroy any furniture or other articles which may be suspected of being tainted with contagious or infectious diseases; and the town, or any person acting for it, shall not be liable for loss incurred by such destruction. 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.

SEC. 30. The commissioners may enlarge, extend or close up streets, or open new streets, and may condemn land for that purpose upon making reasonable compensation for the same. In case of disagreement with the town and the party interested, it shall be lawful to proceed to use the same and to appoint two freeholders, residents 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 being 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 the superior court, but the appeal shall not obstruct the proceedings of the commissioners.

Powers of commissioners in relation to streets.

SEC. 31. That the commissioners shall have authority to put and keep at work on the streets of the town any person or persons who may fail to pay any fine, penalty or forfeiture which may be imposed on such person or persons for violation of any ordinance, by-law or regulation of the town; and the commissioners shall have authority by their ordinances to control and manage such persons until the said fines, penalties or forfeitures, together with the costs thereof, shall be fully paid and satisfied, under such rate of labor and board as the commissioners may adopt.

Criminals may be worked on streets.

SEC. 32. 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.

Parents responsible for minors.

SEC. 33. That the commissioners shall have power not oftener than once a year to impose, levy and collect a tax upon all real and personal property within the corporate limits of the town and upon all polls and other subjects of taxation taxed by the General Assembly for public purposes, not exceeding fifty cents on one hundred dollars' valuation of property, one dollar and fifty cents on each poll; and the constitutional equation between property and poll shall always be observed.

Commissioners to levy taxes.

Limit.

SEC. 34. That the mayor, or other person by direction of the commissioners, shall procure from the Register of Deeds of Duplin County a true copy of list of assessments of the value 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 Teachey's, 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

Copy of assessments from register of deeds.

Commissioners may revise tax lists.

Proviso: property partly in and partly without town.	Duplin pertaining to the revision of the tax list, except the power to alter the valuation of real estate: <i>Provided</i> , 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.
Citizens to list taxes.	SEC. 35. 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 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.
Double tax for failure.	
Tax list to be made out and revised.	SEC. 36. That the tax-lister shall make out said tax list, and not later than the regular meeting of the commissioners in September of each year the commissioners shall revise the same and place the list in the hands of the tax collector, who shall proceed with the collection of the taxes on said list and complete the same by the first day of December following: <i>Provided</i> , 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 money collected to treasurer the last of each month.
Time for collection.	
Proviso: commissioners may extend time.	
Collection of tax by distress.	SEC. 37. The tax collector shall, if any person fails to pay taxes within the time prescribed for collection, proceed to collect the same forthwith by distress and sale, after public advertisement for ten days at three public places in the town, if the property be personal property. That when the tax due on any lot or other real estate is not paid by the first of December, or the time prescribed by commissioners for completing the collection of taxes, the tax collector shall proceed to collect the same by distress and sale of personal property belonging to owner of said lot, if enough of personal property can be found, and if enough of personal property cannot be found the tax collector shall report the same to the commissioners, together with a description of the lot or real estate, and thereupon they shall direct the same to be sold, after due advertisement of thirty days at three public places by the collector: <i>Provided</i> , the collector shall give owner personal notice of such advertisement of sale if he be a resident, and if a non-resident must mail notice if his place of residence be known. In default of payment of taxes by the hour and day of sale the collector shall sell same for cash to the highest bidder, and if no person will bid enough to pay the taxes and penalties and ex-
Advertisement.	
Sale of real estate for taxes.	



penses, the collector shall bid for 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; if not redeemed as hereinafter provided, shall belong to the town absolutely. The collector shall report to the commissioners a statement of his proceedings, specifying the purchase and price, which shall be entered upon the book of the proceedings of the commissioners, and if there be a surplus after paying the taxes and expenses the same shall be paid into the town treasury, subject to the demand of the owner.

SEC. 38. 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, addition thereto. That if the lot, real estate, 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.

Redemption.

Deed if property not redeemed.

In the General Assembly read three times, and ratified this the 24th day of February, A. D. 1905.

## CHAPTER 174.

### AN ACT TO AMEND THE CHARTER OF THE TOWN OF MAGNOLIA IN DUPLIN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the inhabitants of the town of Magnolia in Duplin County shall be and remain, as heretofore, a body corporate under the name and style of "The Town of Magnolia," and under such name is hereby invested with all the privileges, immunities, franchises, property and other rights heretofore belonging or appertaining to the town of Magnolia, and in and by that name may sue and be sued, plead and be impleaded, acquire and hold property, as its board of commissioners may deem necessary and expedient.

Corporation.

Corporate name.

Formal enumeration of corporate powers.

SEC. 2. That the corporate limits and boundaries of the town of Magnolia shall be as follows: Beginning at a point on the Atlantic Coast Line Railroad, one hundred and sixty poles north of where the center of Carroll Street in the said town intersects with said railroad, and runs thence south seventy-two west one hundred and sixty poles to a stake; thence south eighteen east three hundred and twenty poles to a stake; thence north seventy-two east three hundred and twenty poles to a stake; thence north eighteen west three hundred and twenty poles to a stake; thence

Corporate limits.

south seventy-two west one hundred and sixty poles to the beginning; said lines to be run with such variations as to make lines bisecting the north, south, east and west sides of the same territory intersect at the said center of Carroll Street on the said railroad.

**Officers continued.** SEC. 3. That the present mayor and commissioners and other officers shall be and the same are hereby declared like officers of the town of Magnolia until their successors are elected and qualified as hereinafter provided.

**Officers.** SEC. 4. That the officers of the town of Magnolia shall consist of a mayor and three commissioners, to be elected by the qualified voters of said town annually on the first Monday in May.

**Time of election.** SEC. 5. That said election for the mayor and commissioners shall be held at a place designated by said commissioners 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

**Place of election.** and shall have resided ninety days next preceding the day of the election within said corporation.

**Electors.** SEC. 6. That 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

**Commissioners to appoint registrars and judges of election.** mayor shall immediately make publication at three public places in said town of the time and place of the election and the names of persons appointed registrar and judges of election. The registrar shall be furnished with a registration book by the commissioners of the said town, and it shall be his duty to revise any existing registration book of the said town in such manner that said book shall show an accurate list of electors previously registered and still residing in said town without requiring such electors to be registered anew. He shall also, between the hours of sunrise and sunset on each day (Sundays excepted), for 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

**Notice of election.** on the revised lists; but the commissioners of said town may, if they think proper, upon giving thirty days' notice at three public places in said town, require an entirely new registration of voters before any election held therein.

**Registration books.** SEC. 7. That the registrar and judges of election, before entering upon the discharge of their duties, shall take the following oath before some justice of the peace of Duplin County or the mayor of the said town of Magnolia: "I do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States and the Constitution and laws of North Carolina

**Registration.** **New registration.** **Registrars and judges to be sworn.**

**Form of oath.**

not inconsistent therewith, and that I will faithfully discharge the duties of my office: So help me, God."

SEC. 8. That it shall be the duty of the registrar and judges of Challenge day, the 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 for the inspection of the electors of the said town, and any of the electors of the said town shall be allowed to object to the name of any person appearing on said book. In case of any such objection the registrar shall enter upon his book opposite the name of the person so objected to the word "Challenged," and shall appoint a time and place on or before the election day when he, together with the said judges of election, shall hear and decide said objection, giving Notice to be given voter. 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 If challenge sustained name to be erased. not duly qualified as provided for in this charter, his name shall be erased from the registration book and he shall not be allowed to vote at any election held in said town for municipal purposes.

SEC. 9. That said judges of election, together with the registrar, Hours of election. 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 superin- Poll-books tend said election and shall keep the polls open until sunset, when the polls shall be closed and the votes for mayor and commissioners shall be counted out by them. They shall keep poll-books and 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.

SEC. 10. That the voters shall vote by ballot, having the name Vote by ballot. of the mayor and commissioners on one ballot, either in writing or printed, on white paper, without device, and the person having Judges to certify result. 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.

SEC. 11. That no person shall be eligible to any office in said Eligibility to office. town unless he shall be a qualified voter therein.

- Mayor and commissioners-elect to be notified.** 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.
- Mayor and commissioners to qualify.** SEC. 13. That the mayor and commissioners-elect shall, within three days after having been notified by the town clerk and treasurer, before some justice of the peace 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.
- Forfeit for failure to qualify.** 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 twenty dollars—one-half to the person suing for the same and the other half to said town, to be applied by the commissioners of said town to the use and benefit thereof. 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.
- Town clerk and treasurer.** 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 is duly elected and qualified. He shall act as secretary of the board of commissioners and 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, payable to the State of North Carolina, and conditioned upon his faithful accounting for and paying over all moneys that may come into his hands as treasurer of said town and for the faithful discharge of his duties as secretary of the board of commissioners of the said town. No money shall be paid out by the said treasurer except by order, signed by the mayor and approved by the board of commissioners. The board of commissioners of the 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 bonds of any of the officers of the 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 Magnolia against the said official and his sureties.
- Orders signed by mayor and approved by commissioners. Monthly statements.** SEC. 16. That 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 a sum to be
- Penalty for failure.**
- Constable.**
- Bond.**

fixed by the commissioners, with good and sufficient sureties, to be approved by the board of commissioners of said town, payable to the State of North Carolina, and conditioned upon his faithfully executing and returning to the proper authority all process that may come into his hands as constable 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 honestly and faithfully and to the best of his ability executing all the duties imposed upon him by this charter or by the board of commissioners of the said town. And the board of commissioners of Policemen. the said town 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 sufficiently 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, Powers of police and watchmen. 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 constable of said town 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 Bond may be required. may be required to give bond for the faithful discharge of the duties of their said offices, 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.

SEC. 17. The town constable may be the tax collector, and unless another is appointed and duly qualified he shall collect the same. Town constable may be tax collector. The tax collector shall be invested with all the power of the sheriff Powers. of the county in the collection of taxes.

SEC. 18. The constable shall see that the laws and ordinances Duties of constable. 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 vested 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 in Duplin County that the sheriff may have. He shall have the same fees as prescribed for service of Fees. process and collection of taxes, when he collects the same, as the sheriff of the county has for collecting taxes, and shall be subject Penalties. to the same penalties for failure to perform his duty. He shall have such other compensation as the commissioners shall allow.

SEC. 19. The constable and policemen of the town shall be governed by the regulations provided for, and clothed with the powers Prisoner to be carried for trial. conferred upon its officers by the State of North Carolina, and



Exceptions.	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: First, when the arrest is made between sunset on Saturday and eight o'clock on Monday morning; second, when the arrest is made in the night; third, when the person arrested is found in an inebriated or intoxicated condition; fourth, when for the safe-keeping of the
Prisoner committed without mittimus.	party arrested imprisonment is necessary. In any of these cases the prisoner may be committed without <i>mittimus</i> or warrant to the town or county jails until his trial before the mayor or other officer, which cannot be compelled except between the hours of
Hours of mayor's court.	eight o'clock in the morning and sunset on all days of the week, except Sundays not at all.
Mayor constituted special court. Jurisdiction.	SEC. 20. That the mayor of said town of Magnolia is hereby constituted a special court, with all the jurisdiction and powers in criminal offenses occurring within the limits of said town which are or hereafter may be given to justices of the peace. He shall preserve and keep the peace, and may cause, upon proper proceedings, 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 offenses. He shall also have jurisdiction to issue process, to hear and determine all misdemeanors consisting of a violation of the ordinances or 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.
Mayor may issue warrant on his own information.	SEC. 21. That the mayor may issue his warrant 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 a justice of the peace may issue his precepts.
Mayor to preside at meetings of commissioners.	SEC. 22. That the mayor shall preside at all meetings of the town commissioners, and vote in no case except in an equal vote between said commissioners: then he shall give the casting vote.
To break tie.	He shall keep a faithful minute of all precepts issued by him, and of all judicial proceedings. Judgments rendered by him shall have all the force, virtue and validity as if issued by a justice of the peace, and may be executed and enforced against the parties in the courts of Duplin County and elsewhere, and by the same means and manner as if the same had been rendered by a justice of the peace of Duplin County.
To keep minutes.	
Force of judgments.	
Violation of town ordinance a misdemeanor.	SEC. 23. That every violation of a town ordinance shall be a misdemeanor and shall be punished by a fine of not more than fifty dollars or imprisonment of not more than thirty days.
Mayor may imprison for fines.	SEC. 24. 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.

SEC. 25. That the mayor shall be entitled by law to the same Fees of mayor, fees as a justice of the peace in like cases, and an additional salary to Salary, be allowed by the commissioners if they see fit.

SEC. 26. That the commissioners shall form one board, and a majority of them shall be competent to perform all the duties pre- Commissioners to form one board. Quorum. Within Meetings. five days after their election they shall convene for the transaction of business, and shall fix their stated days for meeting during the year, which shall be as often as once a month during the same. Special meetings of the commissioners shall also be held on the call of the mayor or a majority of the commissioners, and of every such meeting when called by the mayor the commissioners not joining in the call to be notified verbally or in writing.

SEC. 27. That if the mayor shall refuse to qualify, or there is a Mayor pro tem. vacancy in said office by resignation or otherwise, after qualification, or the mayor is temporarily absent from town or be unable from sickness or any other cause to discharge his duties, the commissioners shall choose one of their number as mayor *pro tempore* or to fill the unexpired term; and likewise should the place of any commissioner be vacant by death, resignation or failure to qualify, then the remaining commissioners shall fill said vacancy by choosing other persons in their stead.

SEC. 28. 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 best, necessary for the proper government of the town, and when such ordinances have been adopted it shall be the duty of the clerk to prepare a suitable draft of the same in a book kept for that purpose, and to post the same at two public places in the town. Commissioners to enact by-laws, rules and ordinances. Ordinances to be posted.

SEC. 29. 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 said town as they may deem necessary, and shall have power and it shall be their duty to provide for the construction and laying out 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; take all proper and effectual means for extinguishing conflagrations and fires; to make regulations to cause the due observance of the Sabbath; suppress and remove nuisances; take all necessary measures to preserve the town from contagious diseases; to provide for the appointment of special police and other officers needed; take measures to preserve the peace of the town, to execute the laws and ordinances thereof, and maintain good order; to enact and enforce such laws and ordinances as they may deem necessary to preserve the health of the town; determine when necessary the boundary of streets, establish Further powers of commissioners. Quarantine.

new streets and sidewalks: to provide for restraining and licensing shows, circuses and public amusements in the town: to restrain and prohibit gambling and the manufacture or sale of fermented or malt liquors, wine, cider, bounce and intoxicants of all kinds; to prohibit or control firing of fire-arms and fire-works and explosives of every description, and to govern the sale of such fire-arms and fire-works: to control the manner of arranging stove flues and pipes in buildings: to limit the speed at which horses or other animals may be driven through the streets, or at which railroad trains 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 in good repair; to cause all street lots, cellars, privies, stables and places of like character to be examined by the constable or other officer appointed for that purpose, and to cause by their order the said officer to have said place cleansed and the nuisance abated—the same shall be cleansed and the nuisance abated at the expense of the owner or occupant thereof; and the constable or officer 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.

Further powers of commissioners.

SEC. 30. The commissioners shall have the power to impose and levy appropriate fines, penalties and forfeitures for the breach of the by-laws and ordinances of the town: to levy and collect license taxes on all trades, privileges, callings, professions and occupations not specifically exempt from taxation by towns: to levy and collect a tax on all itinerant agents, peddlers and venders: on all venders of medicines and nostrums: on all shows, circuses, menageries and sleight-of-hand performances for reward: on all persons or companies who may sing, speak and play or act anything for any gratuity, fee or reward: such license tax to be collected as provided for in section thirty-seven of this act, and to prohibit the carrying on within the town, or within one mile thereof, of all trades and occupations which shall be a nuisance, and to abate such nuisances and to cause their removal. They may also protect, control or remove the shade trees planted and growing on the streets or which may hereafter be planted and growing on any public street, alley or public ground in said town: 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 a regular passenger fare thereon at least to the nearest station out of town.

Powers under general law.

SEC. 31. All privileges, powers and benefits conferred upon the commissioners of other towns in the State under the general laws for the government of towns and cities are hereby conferred upon the town of Magnolia.

SEC. 32. 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.

Former ordinances,  
rules and by-laws  
continued in force.

SEC. 33. 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 same may be considered dangerous from fire or other cause 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 cannot agree they may select a third person, and the decision of two of these shall be final, except an appeal is filed within ten days.

Powers of commis-  
sioners in abate-  
ment of nuisances.

SEC. 34. 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 constable or marshal or other officer shall be allowed such compensation as is allowed the keeper of the common jail in Duplin County: *Provided,* in the above case that no prisoner or offender shall be confined in such guard-house more than twenty-four hours without first having his case heard and determined before the mayor.

Guard-house.

SEC. 35. That the commissioners shall have the power to lay out and open any street or streets within the corporate limits of the 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 cannot agree with the commissioners regarding the value of land or property, and the damages, the mayor of the town shall issue his warrant to the town constable commanding him to summon three disinterested freeholders of said town, who, together with two freeholders as above, to be selected by the party claiming damages, shall determine the value of said property and assess the damages, after which they shall return a report of their proceedings, findings, etc., into the office of the mayor to be filed. Before proceeding to view the said premises and assess said damages, the parties so summoned shall take an oath before the mayor or some 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

Powers of commis-  
sioners as to streets.

Land condemned  
for streets.

## Appeal.

shall be final: *Provided*, 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 next term of the Superior Court of Duplin County, and in that case the report of the valuation and the proceedings therein shall be sent in by said appraisers to said court, there to be determined.

## Power of commissioners as to levying taxes.

SEC. 36. 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: *Provided, however*, that the taxes levied by them shall not exceed thirty-three and one-third cents on the one hundred dollars valuation of all property in said town and one dollar on each taxable poll, to meet all the liabilities of the said 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; and a certified list from the Register of Deeds of Duplin County of all such polls, real estate and personalty in said town listed for State and county taxes may be used as a basis for the calculation of the town taxes for any year in which the commissioners have failed to have the same listed by the owner personally, and any levy made from such list shall be binding in law: *Provided*, any tract of land lies partly within and partly without said corporation, then the commissioners may apportion the tax on same.

## When taxes due.

SEC. 37. That all taxes levied by the commissioners of the town, except license taxes or privilege taxes, shall be due and payable on the first day of November 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; and all privilege and license taxes provided by this act shall be collected by the constable, and he shall issue a license therefor, signed by the mayor and by the clerk, which said license shall expire on thirty-first day of May thereafter; and upon failure of any person liable for such tax to pay the same, then the constable shall collect by distraint and be allowed such fees for his services as the Sheriff of Duplin County in like cases.

## Notice of listing taxes.

SEC. 38. That on the first Monday in June of each and every year the town clerk and treasurer of said town shall, by advertisement at three public places in said town, notify all persons in said town to come forward and make return of their tax lists to



him within thirty days from the publication of said notices. All persons owning property in said town and liable to taxation shall make returns of their taxable property, under oath, to said clerk and treasurer, 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 lists so returned shall state the age of the tax-payer and all property—real and personal—liable to taxation owned by him June first of that year when he was required by law to return the same to the list-taker of Magnolia Township to be assessed for taxation for State and county purposes.

SEC. 39. That all persons owning any property within said town liable for taxation for town purposes shall return same to the town clerk, as provided in section thirty-eight 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 lists returned to town clerk.

SEC. 40. 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 June of each year, the town clerk and treasurer shall make return of the taxable property of such person or persons so failing to make returns of 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: *Provided*, the commissioners in their discretion may remit said double tax. The town clerk and treasurer of the said town shall complete the tax lists 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 and treasurer, when placed in the hands of the constable or tax collector of said town, shall have the force and effect of an execution.

Town clerk to make out tax list.

Double tax for failure to list.

List delivered to tax collector.

Tax list to have force of execution.

SEC. 41. 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. 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 three public places in said town, in satisfaction of taxes by the town constable or tax collector, after said taxes shall have become due and payable.

When lien to attach.

Personal property liable to seizure.

SEC. 42. That whenever the taxes due the said town shall be due and unpaid, the constable or tax collector of said town shall

Collection by distress.

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 constable or tax collector of said town shall levy upon any lands of the delinquent to be found within the said 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 or treasurer, who shall enter the same in a book to be kept for that purpose, charging therefor the sum of twenty-five cents for each levy. Third, the constable or tax collector shall notify the delinquent of such levy, and of the day and place of sale, by service of a notice stating these particulars, on him personally if he be a resident of said town; if the delinquent does not reside in the said town, but if his residence is known or can by reasonable diligence be ascertained, the notice shall be mailed, post-paid, to such delinquent. If the residence of such delinquent cannot with reasonable diligence be ascertained, the constable or tax collector shall post a notice, substantially as above described, at three public places in the 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 place specified in notice in said town, and shall be on one of the days prescribed for the 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 purchaser, of the sum bid, and of the amount of the taxes and cost to be paid by such delinquent as a condition of its redemption.

Requirements for  
sale of land.

SEC. 43. 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 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.

Delinquent may re-  
tain possession.  
Right of redemp-  
tion.

SEC. 44. That the delinquent may retain possession of the property for twelve months after sale, and within that time may 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 cannot be found in said town, the delinquent may pay the same to the town clerk and treasurer, and he shall give him a receipt therefor, and such payment shall be equivalent to payment to the purchaser. After such payment to the purchaser or town clerk and treasurer, all rights under the purchase shall cease.

SEC. 45. 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 the said lands and the amount of taxes due.

Receipt to be given purchaser.

SEC. 46. That if the delinquent, his agent or attorney shall fail to redeem, as provided in section forty-four hereof, for twelve months, at the expiration of that time the purchaser may present his receipt, referred to in section forty-four hereof, and the town constable or tax collector shall execute a deed in fee to the purchaser, and, if the purchaser is dead, to his heirs-at-law or assigns, for the land for which said purchaser agreed to pay the amount called for in the receipt, and for such service the constable or tax collector shall be allowed one dollar, to be bid by the purchaser. The deed from the constable or tax collector to the purchaser shall be registered in the register's office in Duplin County within six months from the time of the execution and delivery thereof, and when so registered shall convey to the grantee all the estate in the land for which the said purchaser bid, which the delinquent, his agent or attorney, had at the time of the sale for taxes.

Deed to purchaser if property not redeemed.

SEC. 47. 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 the date of such sale.

Property bought by town may be redeemed.

SEC. 48. 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 or bitters within the corporate limits of the said town of Magnolia or within five miles of the corporate limits thereof, as set out in section two hereof: 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.

Manufacture or sale of liquors forbidden.

Misdemeanor.  
Penalty.

SEC. 49. That the board of commissioners of said town shall have power to provide for the establishment, organization and

Fire companies.

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 within the 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.

Proceedings in  
mayor's court.

SEC. 50. That all proceedings in the mayor's court shall be the same as are now or hereafter may 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 Duplin 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.

Right of appeal.

Prisoners may be  
worked.

Citizens subject to  
road duty.

SEC. 51. That for the purpose of keeping the streets of said town in good repair and condition the board of commissioners may require all male citizens of the age of eighteen years and not over forty-five years to work upon said streets in the same manner as public roads are now required to be worked under the laws of the State, and the constable shall be the overseer and is hereby invested with all the powers of overseers on roads in Duplin County.

Powers of commis-  
sioners as to  
vagrants.

SEC. 52. That the commissioners of the said town shall have authority to pass such ordinances in relation to vagrants as they may deem necessary to the good government of the town; and any person who may be in the habit of sauntering about the town, not engaged in any lawful occupation, or of loafing about the streets 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 mayor is hereby constituted a special court to hear and determine such offenses, and upon failure of any person convicted of such offense 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 Magnolia may work such person on the public streets or other public works of the town, under the supervision of the town constable or other public officer, during the term of their sentence, or may hire out such person until the fine and costs are paid.

Powers of commis-  
sioners as to  
animals running at  
large.

SEC. 53. 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 the said town, and prescribe the manner in which the same shall be kept.

SEC. 54. That the commissioners of the said town may acquire Town buildings. land and erect and establish any public buildings thereon that may be necessary for the use of the mayor, town council or other necessary town purposes.

SEC. 55. That the commissioners of the said town may take such Powers of commissioners as to quarantine. steps as they may deem necessary to prevent the entrance into the town or the spreading therein of any contagious diseases 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 whose stay may endanger the health of the town, and to cause such persons 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 infected or tainted with infectious or contagious diseases, or of which there shall be reasonable cause to apprehend that they may pass into such 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. 56. That in case any person shall be removed from the said Removal at expense of person named. town under the provisions of section fifty-five of this act the corporation may recover before the mayor or any justice of the peace of such person the expenses of his removal, support, nursing and medical attendance, and burial expenses also, in case of death.

SEC. 57. That if any person shall attempt by force or by threat Misdemeanor to resist removal. of violence to prevent the removal to such place as the mayor may direct of any person ordered to be conveyed thither, the person Forfeiture. so offending shall forfeit and pay the town the sum of fifty dollars, and moreover be guilty of a misdemeanor.

SEC. 58. 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 Power of mayor to suspend officers. such officer from service until the board of commissioners shall convene and take action in the matter; and upon hearing the proofs in the case the board may discharge or restore such officer, and the pay of such officer 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.

SEC. 59. That said board of commissioners shall have power to Powers as to houses of ill fame and gambling houses. 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 cor-



porate limits of the said town, as set out in section two of this act, or within one-fourth of a mile in any direction from the same, that such officer may, with or without warrant, enter said premises and arrest any person or persons so engaged as keeper or occupant of said house, 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.

Powers of commissioners as to fire-arms.

SEC. 60. 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 the said town or within one-fourth of a mile from the corporate limits of the same, as set out in section two 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 offense had been committed within the corporate limits as aforesaid.

Conflicting laws repealed.

SEC. 61. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

SEC. 62. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 24th day of February, A. D. 1905.

## CHAPTER 175.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF DUNN TO ISSUE BONDS TO PAY OFF AND DISCHARGE ITS FLOATING INDEBTEDNESS, AND TO IMPROVE, ENLARGE, OR OTHERWISE BENEFICIALLY CHANGE THE PRESENT SIZE OR CONDITION OF THE PRESENT PUBLIC PROPERTIES OWNED BY THE TOWN OF DUNN.

WHEREAS, the town of Dunn has become indebted to various and sundry parties, and whereas further, no adequate provision has been made by which to pay off and discharge such indebtedness; and whereas further, it is the intention of said town of Dunn to improve, enlarge and otherwise beneficially change the present size and condition of its public properties: now,

*The General Assembly of North Carolina do enact:*

Bonds authorized.

SECTION 1. That the Board of Commissioners of the Town of Dunn is hereby authorized and empowered to issue bonds in addition to those heretofore authorized, in the name of the town of Dunn, in such denominations and forms as it may determine, to

an amount not exceeding ten thousand dollars, payable at such Amount.  
time or times and at such place or places as the board of commis-  
sioners may prescribe: *Provided*, that the time of payment of such  
bonds shall not be more than thirty years from their date.

*Proviso: to run not  
more than 30 years.*

SEC. 2. That the said bonds shall bear interest at no greater Interest.  
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.

SEC. 3. That the said bonds shall be signed by the mayor, at- How bonds  
tested by the town clerk, and sealed with the corporate seal of the attested.  
town, and shall have interest coupons attached thereto, and the  
coupons shall be receivable in payment of town taxes.

SEC. 4. That for the purpose of paying said bonds at maturity Special tax.  
and said coupons as they become due it shall be the duty of the  
board of commissioners, and they are hereby empowered to do so,  
to levy and collect each year a sufficient special tax upon all sub-  
jects 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 same manner as other taxes are collected  
under such charter: *Provided*, that the total rate of taxation al- *Proviso: limit.*  
lowed for the special purposes set forth in this act shall not exceed  
twelve and one-half cents on each one hundred dollars valuation of  
property and thirty-seven and one-half cents on each taxable poll,  
the constitutional equation to be ever observed: *Provided further*, *Proviso: tax ap-  
plied exclusively  
to bonds.*  
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 treas-  
urer, as said coupons are taken up and paid off, to cancel the same  
in the presence of the board of commissioners, and report not less  
than twice a year to the board of commissioners the number and  
amounts of the coupons cancelled.

SEC. 5. That the board of commissioners shall not issue said Election on bonds.  
bonds, nor any of them, nor levy and collect said tax until they  
shall have been authorized and empowered to do so by a majority  
vote of the qualified voters of said town at an election to be held  
at such time as said board of commissioners may appoint, of Notice of election.  
which election notice shall be given for not less than twenty days  
in some newspaper published in said town; and at such election Form of ballots.  
those favoring the issue of said bonds and coupons shall vote a  
ballot upon which is written or printed the words "For Bonds,"  
and those opposing the same shall vote a written or printed ballot  
containing the words "Against Bonds," and if at said election a  
majority of the qualified voters of said town shall vote "For  
Bonds," then the board of commissioners shall execute said bonds  
as hereinbefore provided; but if at said election a majority of the  
qualified voters of said town shall vote "Against Bonds," then said

Election under town law.

Proviso: new registration may be ordered.

Proviso: subsequent elections.

Proviso: amount of proposed issue to be specified.

Proceeds appropriated.

Commissioners to control public works.

board shall not have such power and authority, and said bonds shall not be issued. Said election shall be held under the same rules and regulations provided for election of mayor and commissioners of said town: *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 commissioners, in its discretion, to cause a subsequent election of voters to be held for the same purpose: *Provided further*, that in any call for an election to be held under this act the board of commissioners shall specify the amount of bonds to be issued, the purposes for which the proceeds of said bonds shall be used, and it shall be unlawful for said board to issue bonds in excess of the amount specified.

SEC. 6. 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, to-wit: Said board shall first take up, pay off and discharge the floating indebtedness of said town, with any accrued interest thereon, and shall use any surplus remaining in enlarging, equipping, conducting and operating the present electric light plant of said town: *Provided*, that the purchasers of said bonds shall in no respect be held responsible for the application of said bonds or the proceeds thereof.

SEC. 7. That the board of commissioners shall have entire supervision and control of any and all of the public properties and works established, enlarged or improved under this act, and may elect and appoint all such agents, servants and employees 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.

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

In the General Assembly read three times, and ratified this 24th day of February, A. D. 1905.

## CHAPTER 176.

### AN ACT TO ESTABLISH GRADED SCHOOLS IN THE TOWN OF AULANDER AND FOR OTHER PURPOSES.

*The General Assembly of North Carolina do enact:*

Town made school district.

SECTION 1. That the territory embraced in the town of Aulander is hereby created a public school district to be known as the Aulander Graded School District.

School board named.

SEC. 2. That the following named persons and their successors in office shall constitute the school board of the said Aulander Graded School District: E. L. Rice, Clingman W. Mitchell, Will-

iam D. Hoggard, Joseph A. Burden, James W. Herring, William D. Burden, and Dr. William J. Harrell, who shall hold office until their successors are duly elected and qualified. The term of office of the two first named shall expire in two years, the term of office of the two last named in three years, and the term of office of the others named in one year, from the first Monday in May, 1905. All vacancies on said board on account of expiration of term of office shall be filled by the remaining members of the board, for the term of two years. Other vacancies shall be filled for unexpired terms, if they occur, by the remaining members of the board.

SEC. 3. The School Board of Aulander Graded School District shall have exclusive control of the public schools, public school funds and public school property of said district, and shall have the same power to apportion the school funds among the schools of said district as is now exercised by the county board of education in the apportionment of township school funds. The said board shall have the power to prescribe a course of study and rules and regulations for the government of the public schools of said district, not contrary to law; shall have power to elect teachers and other necessary school officers and to fix the salaries and duties of the same, and shall have such other powers and duties as may be necessary for the proper conduct of the public schools within said district: *Provided*, that members of the school board shall serve without compensation.

SEC. 4. That the school board appointed by this act and their successors in office are hereby created a body corporate and shall be known as the Aulander Graded School Board, and by that name shall have the usual corporate powers conferred by law. The said board shall elect a treasurer, who may be a member of the board, fix his term of office, his compensation, and require such bond of him as may be necessary to protect the school funds coming into his hands from time to time. And the board shall also prescribe the form of a valid voucher in the hands of their treasurer. And the treasurer of the county school fund shall pay over to the treasurer of said board the funds apportioned to said district by the county board of education from time to time.

SEC. 5. The Board of Commissioners of the Town of Aulander are hereby authorized and required to issue coupon bonds not to exceed in amount the sum of five thousand dollars, in denominations of one hundred dollars or multiples thereof, which shall not be sold for less than par value, for the purpose of establishing and maintaining the public schools herein provided, and for other purposes. The said bonds shall bear interest at a rate not exceeding five per cent. per annum, payable semi-annually on the first day of January and the first day of July of each year; and said bonds shall be payable at a time and place fixed by the said commissioners: *Provided*, that they shall be payable in not less than five nor more than twenty years from date of issue, and that said commis-

Terms of office.

Vacancies.

Board to have full control.

Proviso: board to serve without pay.

School board incorporated. Corporate name.

Treasurer.

Vouchers.

Town commissioners to issue bonds. Amount.

Interest.

Proviso: payable not less than 5 nor more than 20 years.

sioners shall have the power to make all necessary rules and regulations relating to the proper execution of this section and for preserving such records of the same as may be necessary.

Proceeds appropri-  
ated to school.

SEC. 6. That the proceeds of the sale of the bonds hereby authorized shall be held in trust by the Treasurer of the Town of Aulander, who shall give bond to the commissioners of said town in a sum sufficient to secure the proper execution of said trust, and pay over from time to time such part of the proceeds of the sale of said bonds as shall be deemed necessary by the Aulander Graded School Board to the treasurer of said school board for the use of the public schools of said graded school district.

Special tax for  
bonds and schools.

SEC. 7. That for the purpose of paying the interest on the bonds authorized by this act and also for their payment at maturity, as well as for providing additional funds for the conduct of the public schools of the Aulander Graded School District, the Board of Commissioners of the Town of Aulander shall levy annually a tax of not less than thirty-five cents nor more than fifty cents on each one hundred dollars valuation of real and personal property and not less than one dollar and five cents nor more than one dollar and fifty cents on each poll, to be collected by the town tax collector of Aulander as other town taxes are now collected, and paid over to the treasurer of said town, who shall keep the taxes provided for by this section separate from other town taxes, reserving an amount each year sufficient to pay the interest on the bonds authorized by this act and such additional amounts each year as shall be sufficient to provide a sinking fund to pay the bonds at maturity; and the remaining proceeds of the taxes levied under this section shall be turned over by said Treasurer of the Town of Aulander to the Treasurer of the Aulander Graded School Board to be used for public school purposes in said district.

Limit.

Election on bonds.

SEC. 8. That the question of issuing the bonds and levying the special tax herein provided for shall be submitted, after thirty days' notice at three places in said district, to the qualified voters of the Aulander Graded School District at the time of the Aulander municipal election in May, 1905, under such rules and regulations as now obtain in said town for holding municipal elections, and those voting for said tax levy and bond issue shall vote a ticket on which shall be printed or written the words "For Bond Issue and Special Tax," and those opposed to the same shall vote a ticket on which shall be printed "Against Bond Issue and Special Tax"; and if a majority of the qualified voters of said town and school district shall approve said bond issue and special tax, then all the provisions of this act shall be and remain in full force and effect; otherwise, all the provisions of this act shall be null and void.

Form of bond.

Act in force if  
bond issue  
approved.

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

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1905.



## CHAPTER 177.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF  
CLYDE IN HAYWOOD COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and eighty-nine of the Corporate limits. Private Laws of one thousand eight hundred and eighty-nine be and the same is hereby amended by striking out section two of said chapter and all amendments of said section and substitute therefor the following: "Sec. 2. That the corporate limits of said town shall be as follows: Commencing at the spring in the hollow west of Pleasant Hill Cemetery and running westward a straight line to a stake on top of the ridge one hundred feet south of H. C. Sinclair's house; then westward a straight line to Nancy Haynes' spring near the road, and near Humphrey Haynes' house; then still westward with an old road-bed to the top of the ridge to a stake in the line between D. I. L. Smathers and Nancy Haynes; then north with their line to the railroad; then direct north to the top of the ridge on the opposite side of the river; then northerly with the top of said ridge to a point opposite the old mica mine in R. L. Penland's field; then in an easterly direction to a pine near the road in the edge of the woods above the Mountain Home Hotel; thence direct east to a stake on the west bank of the branch above J. M. Osborne's house; then with the west bank of said branch to Pigeon River; then up the north bank of said river to a point opposite a large broken-top walnut tree in the line between Flora and Horace Sentell and D. C. Clark; then south with said line to the beginning."

SEC. 2. Said chapter one hundred and eighty-nine of the Private Laws of one thousand eight hundred and eighty-nine be and the same is hereby further amended by adding thereto the following sections:

"SEC. 10. That the board of aldermen of said town shall adopt Corporate seal. and on all proper occasions shall use a corporate seal for said town.

"SEC. 11. No action shall be instituted or maintained against said town 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 said presentation neglected to enter or cause to be entered upon the 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.

No action against town until payment demanded and refused.

Notice of action  
for damages.

"SEC. 12. 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 city of such injury, in writing, stating in such notice the date and place of happening or infliction of such injury, 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 from the day of the happening or infliction of such injury, or in any manner interfere with its running.

Public buildings.

"SEC. 13. Said board of aldermen may establish, construct, maintain, regulate and control in said town all public buildings necessary or proper for the best interest or good government or conduct of the affairs of said town; 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.

Aldermen to protect  
city property.

"SEC. 14. 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 trees, alleys, sidewalks, public squares, markets, voting places, cemeteries and other property of said city, whether real or personal, within the limits thereof, and may pass and enforce all ordinances, rules and regulations therefor from time to time which it may deem proper.

Power of aldermen  
as to animals running  
at large.

"SEC. 15. 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.

Power of aldermen  
as to nuisances.

"SEC. 16. Said board of aldermen may require and compel the abatement of all nuisances in said city 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 nuisances. And if the owner, agent, tenant or occupant of any premises in said town on or in connection with which any nuisance shall be committed, or shall be 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 offense, 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 cost of so doing shall be charged against such premises and constitute a lien thereon paramount to all liens except taxes and assessments, from the time of so doing, and shall be collected and enforced by a public sale of said property after due advertisement

by posting in four public places in said town, and in such other manner as may be deemed best by said board of aldermen. The surplus remaining after the application of the proceeds, or so much of the proceeds of the said sale as may be necessary, to the payment of such costs to be paid to the owner of said premises, and the mayor of said town shall execute a deed in fee simple for said premises to the purchaser at said sale, which deed shall be duly attested by the clerk of said town.

"SEC. 17. The board of aldermen of the said town shall have the **Policemen.** power to appoint a policeman or policemen for said town, as may be deemed best; to prescribe their qualifications and compensation; and said policeman or policemen, when appointed, shall have the same power and authority, and shall be charged with the same duties and liabilities within said town of Clyde, and within the township within which said town is situated, as any constable of said township may have by law.

"SEC. 18. Said board of aldermen shall have power to make **Further powers of aldermen.** provisions and take all proper measures to preserve the peace and order of said town, to execute all the laws and ordinances thereof, to impose, collect and appropriate to the exclusive use of said town all fines, penalties and forfeitures for the breach of the ordinances and regulations of said town; to appoint a town clerk for the said town and prescribe his duties and compensation.

"SEC. 19. Whenever, in the opinion of the board of aldermen of said town, it is advisable to obtain land or right-of-way therein **Condemnation of land for uses of town.** for the purpose of opening a new street therein, or widening or straightening a street therein, or making culverts or water-ways 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 cannot 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 water-way, said board of aldermen may direct the mayor of said town to issue, and he shall thereupon issue, his writ, under the seal of said town, commanding a policeman thereof to summon a jury of four freeholders of said town, 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 policemen shall, in obedience to said writ, summon a jury of four 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 such person, or his, her or their agent cannot be found in said town, the mayor of said town 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 courthouse door in said county of Haywood 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 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 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 clerk thereof, a statement in writing, signed by every one of them, or a majority of them in case they cannot 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 cannot 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 town to issue, and he shall thereupon issue, under the seal of said town, his order to a policeman of said town 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.



Lands condemned  
to vest in town.

if it think proper to do so. If said board of aldermen shall think proper it shall order such report, 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 town 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, advantages 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 hereinbefore

Damages deposited  
in case of appeal.

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, advantages and enhanced value assessed against the same, shall be deposited with the clerk of the superior court of said county of Haywood, to be disposed of as so assessed, or as upon such appeal adjudged, subject to be reduced by any special benefits, advantages 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, advantages 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 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 installments shall remain unpaid for thirty days after its 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, provision and effects as are prescribed 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 Haywood, 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 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 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."

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1905.

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## CHAPTER 178.

### AN ACT TO INCORPORATE THE TOWN OF PATTERSON IN THE COUNTY OF CALDWELL.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Patterson in the county of Cald- Corporation.  
well be and the same is hereby incorporated and made a municipal Name.  
corporation by the name and style of "Patterson," with all the Rights under  
powers, rights and privileges conferred upon towns and cities by general law.  
chapter sixty-two of The Code of North Carolina, not inconsistent  
with the special provisions of this act.

SEC. 2. That the corporate limits of said town shall be as fol- Corporate limits.  
lows: Lying and being in the county of Caldwell and in Patterson  
Township, beginning at a point one-half mile south of the Gwyn-  
Harper Manufacturing Company's cotton mill building, thence  
west one-half mile, thence north one mile, thence east one mile,  
thence south one mile, thence west to the beginning.

SEC. 3. That the officers of the said town shall consist of a Town officers.  
mayor and three commissioners and a constable or marshal and  
such policemen as in the judgment of the mayor and commis-  
sioners may be necessary for the preservation of the peace and good  
order of the town; the said commissioners are hereby authorized  
to appoint a mayor *pro tempore*.

SEC. 4. That upon taking effect of this act the following named Mayor and commis-  
persons shall fill the said offices of mayor and commissioners, to- sioners named.  
wit: Mayor, James Harper; and commissioners, James Hickerson,  
F. G. Harper, and J. R. Parker, who shall hold and exercise their

respective offices until their successors shall be elected and qualified. That the marshal or constable and policemen shall be elected by the commissioners and shall hold office during the pleasure of the commissioners. That in the event of a vacancy occurring in the office of mayor or commissioner, by death, resignation, or otherwise, the commissioners shall elect to fill the unexpired term of said office, and the appointee shall hold the office until his successor shall be elected and qualified.

Town elections.

Under general municipal election law.

SEC. 5. That an election shall be held on the first Monday in May, one thousand nine hundred and seven, and on the first Monday in May at intervals of every two years thereafter, for the said offices of mayor and commissioners, under the provision of chapter five hundred and fourteen of the Laws of one thousand nine hundred and one, which shall be applicable to all elections held in said town.

Taxes.

Tax limit.

License taxes.

Citizens liable to road duty.

SEC. 6. That said commissioners are authorized to levy a tax rate in said town which shall not exceed twenty-five cents *ad valorem* tax on the one hundred dollars worth of property and seventy-five cents on each taxable poll. The commissioners may also levy license or occupation taxes upon subjects mentioned in section three of article five of the State Constitution, as may be just and reasonable. All persons in said town subject to the duty of working on the public roads shall work out their time on the public streets of the said town, and shall not be subject to road duty elsewhere.

Prohibition.

Misdemeanor.

Penalty.

Jurisdiction of mayor.

SEC. 7. That the manufacture and sale of spirituous, vinous or malt liquors is prohibited within the limits of said town, or within four miles thereof; and any person manufacturing or selling such liquor in said town, or within four miles thereof, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.

SEC. 8. That the mayor of the said town shall have the criminal jurisdiction of a justice of the peace as to all offenses committed in the limits of said town; that section nine hundred and seven of The Code, providing for removal from one justice of the peace to another shall not be applicable to the mayor of said town.

Commissioners to pass ordinances.

SEC. 9. That the commissioners shall have the power to pass all such ordinances as may be necessary for the peace, health and good order of said town, and enforce the same by suitable penalties.

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

In the General Assembly read three times, and ratified this 25th day of February, A. D. 1905.

## CHAPTER 179.

## AN ACT TO DEFINE THE LIMITS AND ESTABLISH A GRADED SCHOOL AT SMITHFIELD IN JOHNSTON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the territory contained within the following <sup>Boundaries.</sup> limits shall be and constitute the "Smithfield Graded School District," to-wit: Beginning on the bank of Neuse River opposite the mouth of Black Creek, running a direct line to a point just beyond the Hastings place (now owned by D. M. Coates), where the branch crosses the public road; thence a direct line to the point where Bay Branch crosses the State Road near J. D. Hamilton's; thence a direct line to the point where the Atlantic Coast Line Railroad crosses Buffalo, the dividing line between Smithfield and Selma Townships; thence with said Buffalo to the Neuse River; thence down the eastern bank of said river to the county bridge crossing said river at Smithfield; thence across said river and with the public road to the forks of the same; thence up the Smithfield and Clayton Road to a ditch running to the road from out of J. W. Stephenson's plantation; thence up said ditch on a line with said ditch to the county road near J. W. Stephenson's old gin-house; thence with the said road to Swift Creek; thence down Swift Creek to Neuse River; thence down Neuse River to Turner's bridge; thence the Smithfield and Four Oaks Road, leading by D. J. Wellon's to Black Creek bridge where said road crosses said Black Creek; thence down said creek to Neuse River; thence across said river to the beginning.

SEC. 2. That the Board of Commissioners of the County of Johnston are hereby authorized and directed to submit to the qualified voters of said Smithfield graded school district on the first Monday in May, one thousand nine hundred and five, under such rules and regulations as they may prescribe, the question whether an annual tax shall be levied therein for the support of a graded public free school provided for hereinafter. Each voter shall vote a written or printed ballot with the words "For School" or "Against School" thereon, and said election shall be conducted under the same rules, regulations and penalties as are prescribed by law for the election of members of the General Assembly. That before the election to be held on the first Monday in May, one thousand nine hundred and five, provided for in this act, there shall be an entirely new registration under the provisions of the general State election law of all persons who shall be entitled to register in the "Smithfield Graded School District" by this act established, and only such persons as are registered shall be entitled to vote in said election. That the registrar and pollholders necessary for conducting said registration and election shall be

<sup>Election for special tax.</sup>

<sup>Form of ballots.</sup>

<sup>New registration required.</sup>

<sup>County commissioners to appoint election officers.</sup>

appointed by the Board of Commissioners of Johnston County at the time said election herein provided for is called.

Tax collected if approved.

SEC. 3. That if a majority of the qualified voters of said district shall vote in favor of such tax the same shall be levied and collected in the same manner as provided by law for the levying and collecting State and county taxes. The Sheriff of Johnston County shall collect and pay over the same to the treasurer of the Smithfield graded school on or before the first day of January of each year, under the same liability as is now provided by law for the collection and paying over the county school taxes: *Provided*, that the special tax so levied shall not exceed one-fourth of one per centum on property and seventy-five cents on each poll.

Trustees named.

SEC. 4. J. W. Wellons, Edward W. Pou, W. L. Woodall, T. R. Hood and J. D. Underwood and their successors in office be and they are hereby appointed and constituted a board of trustees for

Rights and powers.

the free public schools in said district. They are hereby vested with all the rights, powers and privileges and duties of public school committeemen in and for such school district under the general public school law of North Carolina, and all such general

Terms of office.

public school law as may hereafter be enacted. They shall hold their office respectively as follows: The first named trustee shall hold office for one year from the first Monday in June, one thousand nine hundred and five; the second and third named trustees shall hold office for two years from said date, and the fourth and fifth named trustees shall hold office for three years from said date. When the term of office of any trustee shall expire as above provided for, his or their successors shall be elected for a term of three years by the members whose term shall not expire. Whenever any vacancy occurs in said board of trustees, except by expiration of the term of office, the unexpired term of the member shall be filled by the remaining members of said board of trustees.

Vacancies.

Public school property vested in graded school.

That all the property now situate in said district and used for public schools or public school purposes, and any and all money on hand or in the hands of the county treasurer, or any other person or corporation, belonging to the public schools embraced in the Smithfield graded school district, shall be by the proper authorities transferred and conveyed to the trustees hereinbefore named and appointed, and the title to the same shall vest in their successors in office for the use and benefit of the schools in said district provided for in and by this act.

Trustees to elect treasurer.

SEC. 5. That the board of trustees for the graded schools shall at the first meeting after the establishment of said school, and annually thereafter, elect a treasurer of the Smithfield graded schools; that the compensation of the treasurer of the Smithfield graded schools shall be the same as now paid to the Treasurer of Johnston County for like moneys received and disbursed by said



county treasurer. That the person so elected treasurer shall execute a bond with at least three sureties, who shall justify before the Clerk of the Superior Court of Johnston County, and be approved by the president of the board of trustees, in an amount double that of the tax and other funds which may be paid to him. That said bond shall be payable to the State of North Carolina and conditioned for the payment and accounting for all moneys or other property which shall come into his hands as treasurer. The said bond shall be filed and recorded in the office of Register of Deeds of Johnston County, as other official bonds are, and in the event of breach of the conditions of said bond an action may be prosecuted by the board of trustees.

SEC. 6. The moneys which shall from time to time be apportioned under the general school law of the State to the public school districts embraced in the Smithfield graded school district shall be held by the Treasurer of Johnston County subject to the order of the trustees of Smithfield graded schools. All money to which said district may be entitled by reason of the special tax hereinbefore provided for, or other special tax, or gift, grant, apportionment or otherwise, shall be received by the treasurer of Smithfield graded school, and whose receipt shall constitute a sufficient voucher of such payment in the hands of any person paying the same. Said treasurer shall report monthly to the said board of trustees his receipts and disbursements, with all vouchers for the same. All vouchers for services as superintendent or teachers in the schools in said district, or for any supplies or repairs necessary for the proper maintenance of the said schools, shall be signed and approved by an auditing committee to consist of not less than two members of the board of trustees; and all vouchers for services of teachers shall be approved by the superintendent of the schools of said district, and when thus signed shall be paid by the treasurer upon whom they are drawn, which shall be the only valid voucher in the hands of said treasurer for the disbursement of said money in any settlement required of him by law.

Treasurer to give bond.

Public school quota appropriated to graded schools.

Treasurer to report monthly.

School vouchers.

SEC. 7. That the board of trustees provided for by this act shall have entire and exclusive control of the public school moneys, interests and property of the Smithfield graded school district; shall prescribe rules and regulations for their own government not inconsistent with the provisions of this act; shall employ and fix the compensation of officers and teachers of the public schools of said district annually, subject to removal by the said board of trustees; shall make an accurate census of the school population of the said district as required by the general school law of the State, and do all other acts that may be just and lawful to conduct and manage the public school interests in said district: *Provided*, all the children resident in the Smithfield graded school district between the ages of six and twenty-one years shall be

Trustees to have exclusive control.

Proviso: children resident of district admitted free.

**Proviso; tuition for non-residents.** admitted into the said schools free of tuition charges: *Provided further*, persons living beyond the limits of the corporation of said district may attend the schools from their homes or as boarders by consent of trustees on the payment of tuition fees to be fixed by the said board of trustees.

**Non-residents paying special school tax.** SEC. 8. That non-residents of the Smithfield graded school district, living within four (4) miles of the court-house at Smithfield, may have all the rights and privileges by this act given to the residents of said district, by listing for taxation under the provisions of this act all their property—personal, real and mixed:

**Proviso; subject to approval of trustees.** *Provided*, a majority of the trustees herein provided for and appointed shall so determine.

**Superintendent.** SEC. 9. That the said board of trustees shall, annually, or for a term of not exceeding three years, upon such a day as may be agreed upon by a majority of said board, elect a superintendent of schools for said district. The superintendent shall examine applicants for positions as teachers in said school; he shall issue a certificate to those who shall satisfactorily pass 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 by the board of trustees, and shall teach such branches in the school as the board of trustees may direct. The superintendent shall not be required to pass any examination. That his contract with the board of trustees shall be sufficient to entitle him to receive the pay for his services.

**Trustees to furnish tax list.** SEC. 10. The board of trustees hereinbefore named and appointed, and their successors in office, shall annually furnish to the Register of Deeds of the County of Johnston a complete list of all property of whatever nature in said district subject to the special tax hereinbefore provided for.

**Reports of trustees.** SEC. 11. That the said board of trustees shall make to the board of town commissioners, annually, and at such time as is required under the laws of the State, a report containing an accurate census of the school population of the district, showing the work done, the money expended under their direction in the Smithfield Graded School District on account of the public schools therein, a copy of which report shall be forwarded to the Superintendent of Public Instruction in the State and a copy to the superintendent of public instruction in the county of Johnston. The beginning and ending of the school year shall be fixed by the board of trustees.

**Trustees incorporated. Corporate name. Formal enumeration of corporate powers.** SEC. 12. The board of trustees hereby created shall be a body corporate by the name and style of "The Board of Trustees of the Smithfield Graded Schools," and by that name shall be capable of receiving gifts and grants, of purchasing and holding real estate, of selling, mortgaging and transferring the same for school purposes, of prosecuting and defending suits for or against the corporation hereby created. Conveyance to said board of trustees shall be to them and their successors in office, and all deeds, mortgages

and other agreements affecting real estate shall be deemed sufficiently executed when signed by the president and secretary thereof, and the seal of the corporation affixed thereto. The corporation shall have a corporate seal, which it may break or change at pleasure.

SEC. 13. The Commissioners of the Town of Smithfield are hereby authorized and empowered to make such appropriations from the town of Smithfield for the support of the graded school provided for in this act as the board of commissioners of said town, by a majority vote, shall deem advisable. Commissioners of Smithfield to make appropriations for schools.

SEC. 14. That if at the election provided for in this act a majority of the qualified voters of said district shall not vote "For Schools," then the Commissioners of Johnston County are hereby required to submit the said question to the qualified voters of said district on the first Monday in May, nineteen hundred and six (1906), under the same rules and regulations as are herein prescribed for the election to be held on the first Monday in May, nineteen hundred and five (1905). Subsequent election if schools not carried at first.

SEC. 15. The number of persons registered for the special election herein provided for shall be conclusively held to be the number of qualified voters in said district. Voters to be registered.

SEC. 16. That all laws and parts of laws in conflict with this act are hereby repealed. Conflicting acts repealed.

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

In the General Assembly read three times, and ratified this 25th day of February, A. D. 1905.

## CHAPTER 180.

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

*The General Assembly of North Carolina do enact:*

SECTION 1. That section ten of chapter two hundred and fifty-two, Private Laws of nineteen hundred and three, incorporating the town of Lillington, be repealed and insert in lieu thereof the following section: "Section 10. When any land or right-of-way shall be required for the purpose of opening or laying out new streets or widening those already opened, or for drainage or sewerage, and the land owner or owners and said commissioners cannot agree upon the price which the land owner or owners will take and convey the right and easement to the said town, the same shall be taken at the valuation of three freeholders, to be chosen as follows: The commissioners shall select one, the owner or owners of Condemnation of land for town uses.

the land one, within three days after notice in writing to the land owner or owners from the commissioners of the selection, and the two freeholders thus selected shall select a third man, also a freeholder, and these persons shall assess the damages, if there be any, within five days after notice from the commissioners to the land owner or owners above mentioned; and if the owner or owners of the land fail to select a man within three days as aforesaid, then the commissioners shall select two men, and the two thus selected shall select a third man, and the three men thus selected shall assess the damage within the time aforesaid. The said freeholders, when so chosen, shall be first duly sworn by the mayor or a justice of the peace to do impartial justice, and shall view the premises and the land on which the right and easement is demanded, and in making assessment of the damages shall take into consideration any benefit or advantage such owner or owners may receive from opening or widening of such street or making and maintaining of such drainage or sewerage, and shall ascertain and report to the commissioners, under their hands and seals, what amount or sum shall be paid to the land owner or owners, which report, on being confirmed by the board of commissioners and spread upon the minutes of said town, shall have the force and effect of a judgment in favor of said land owner or owners in said town of Lillington for the amount of damages assessed: *Provided*, that either party may appeal to the next term of the Superior Court of Harnett County upon the question of damages, and notice of appeal must be served in writing within ten days from the report of the freeholders and notice to the land-owner that said report has been filed; but no appeal shall delay the opening or widening of any street or making any drainage or sewerage: *Provided further*, that in case the owner or owners of land on which right-of-way and easement is desired, as herein stated, are infants, lunatics or non-residents, it shall be the duty of the commissioners to file a petition before the Clerk of the Superior Court of Harnett County on behalf of the said town of Lillington, making defendants the parties on whose land the right-of-way and easement is desired, and such petition shall set forth in detail the lands on which said right-of-way and easement will run, and the *termini* of said street or drainage or sewerage; and such proceeding as to notice from time of hearing shall be governed by the laws governing other special proceedings; and upon the hearing the clerk shall appoint three disinterested persons, citizens and freeholders of the town of Lillington, as commissioners, who shall view the premises and shall ascertain and report to the clerk, under their hands and seals, what amount or sums shall be paid to the land owner or owners by way of damages; and the order of the clerk of the superior court, if report is confirmed by him, together with the report of the commissioners, shall be spread upon the minutes of the town

Proviso: appeal.

Proviso: infants, lunatics, and non-residents.

of Lillington, and shall pass the right-of-way or easement in said land to the town of Lillington, and shall have the force of a judgment in favor of said land owner or owners in said town of Lillington for the damages assessed: *Provided*, that no title shall vest and no street shall be on lands condemned under this act until all such damages as are assessed shall be paid into the office of the Clerk of the Superior Court of Harnett County; and any person or persons attempting to open, or opening, such street before such damages as are assessed shall have been paid into said office shall be guilty of a trespass."

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

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1905.

## CHAPTER 181.

### AN ACT TO AMEND THE CHARTER OF THE TOWN OF LA GRANGE AND TO REVISE AND CONSOLIDATE ALL LAWS IN RELATION TO SAID TOWN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the inhabitants of the town of La Grange shall be and continue, as they heretofore have been, a body politic and corporate, and henceforth the corporation shall be known and bear the name and style of the "Town of La Grange," and under such name and style is hereby invested with all property which now belongs to the corporation, and by this name may acquire and hold for purposes of its government and welfare and improvement any such estate as may be devised or bequeathed to it; and shall have a right to contract and be contracted with, to sue and be sued, to plead and be impleaded, to purchase and to hold and to convey real and personal property.

Body politic.

Corporate name.

Formal enumeration of corporate rights.

SEC. 2. That the corporate limits of the town of La Grange shall be as prescribed in the act to incorporate the town of La Grange, Lenoir County, ratified the tenth day of April, Anno Domini one thousand eight hundred and sixty-nine, and as amended by amendment ratified the sixteenth day of March, Anno Domini one thousand eight hundred and seventy-five.

Corporate limits.

SEC. 3. That there shall be, on the first Monday in May, one thousand nine hundred and five, and biennially thereafter, elected five commissioners, and said commissioners, when duly qualified, shall elect a mayor, and said mayor shall be some other elector than one of said commissioners.

Town elections.

SEC. 4. That elections for Commissioners of the Town of La Grange shall be held under the general election laws of the State.

Elections under general law.



- Terms of office.** SEC. 5. That the mayor and commissioners shall hold their offices, respectively, until the next succeeding election and until their respective successors are qualified.
- Mayor to qualify.** SEC. 6. 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: "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 Town of La Grange, while I continue in office; 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 town; and in the discharge of my duties I will strive to do equal justice in all cases whatsoever."
- Commissioners to qualify.** SEC. 7. That on Thursday succeeding the day of election the commissioners elected thereat shall qualify by taking the oath of office before the mayor or justice of the peace as prescribed for commissioners of incorporated towns, and when organized shall succeed to and have all the rights, powers and duties prescribed by law.
- Vacancies filled by commissioners.** SEC. 8. That if any person chosen mayor shall refuse to be qualified, or there is any vacancy in office after qualification, the commissioners shall choose some qualified person mayor for the term or unexpired portion of the term, as the case may be; and on like occasions and in like manner the commissioners shall choose other commissioners to supply the place of such as shall refuse to act, and all vacancies which may occur by resignation, death or otherwise.
- Mayor an inferior court.** 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 of La Grange, 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 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 the rules, by-laws and regulations made by the board of commissioners. The mayor shall further be a special court within the corporate limits of the town to arrest and try all persons charged with a misdemeanor for violating any ordinance of the town, and if the accused be proved guilty he shall be fined at the discretion of the court or mayor not exceeding the amount specified in the ordinance so violated, or at the discretion of the court or mayor trying same such offender may be imprisoned not more than thirty days in the town 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 said defendant work during the period of his confinement on the public streets or other public works of said town or upon the public roads of the county.
- Jurisdiction.**
- Mayor special court.**

SEC. 10. That the mayor may issue his precepts to the chief of police or any policeman of the town, and to such other officers to whom a justice of the peace may issue his precepts, and such officers may execute said process anywhere in the county of Lenoir; and the mayor shall keep a faithful minute of the precepts issued by him, and all of his judicial proceedings.

Precepts of mayor.

SEC. 11. That any violation of the town ordinances shall be a misdemeanor and shall be punished by a fine of not more than fifty dollars or an imprisonment of not more than thirty days. And no preliminary affidavit shall be necessary to give the mayor final jurisdiction over all the offenses against the town ordinances.

Violation of town ordinance a misdemeanor.  
Penalty.  
Preliminary affidavit not necessary.

SEC. 12. That all fines collected under the provisions of this act for violations of the ordinances of said town, shall go to the use of the county school fund.

Fines to use of county school fund.

SEC. 13. That the commissioners shall form one board, and a majority of them shall be competent to perform all the duties prescribed by law, unless otherwise provided. Within five days after their election they shall convene for the transaction of business, and shall meet on each first Monday night thereafter. Special meetings of the commissioners shall be held on call of the mayor or a majority of the commissioners.

Commissioners to form one board.

Meetings.

SEC. 14. That if any commissioner shall fail to attend any regular or special meeting of which he shall have notice, unless prevented by such cause as shall be satisfactory to the board, he shall forfeit and pay to the use of the town the sum of one dollar.

Forfeiture for failure to attend.

SEC. 15. That among the powers herein conferred on the board of commissioners they shall 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, regulate, suppress and remove nuisances, preserve the health of the town from contagious or infectious diseases, to make ordinances to regulate the sale of whiskey, to preserve the peace and order and to execute the ordinances of the town, and shall appoint and provide for the pay of all such other officers as may be deemed necessary.

Powers of commissioners.

SEC. 16. That the commissioners shall, at their first meeting, elect one of their number commissioner of records, who shall keep a regular and fair minute 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 the commissioners shall also elect one of their number treasurer, to whom all moneys or securities belonging to the town shall be delivered, and he shall receive and safely keep the same for the use of the town; shall disburse the funds according to such orders as may be drawn on him in the manner herein specified. He shall keep in a book provided for that purpose a fair and correct account of all moneys received and disbursed by him, and shall submit said account to the board of commissioners whenever required to do so;

Commissioner of records.

Treasurer.

and during his continuance in office he shall faithfully perform all duties imposed upon him as town treasurer, and deliver all moneys, securities and other property entrusted to him for safe-keeping, or other use, to his successor at the expiration of his term.

Journals and  
papers open for  
inspection.

SEC. 17. That every person shall be allowed to inspect the journals and papers of the board in the presence of the commissioner of records.

Vouchers.

SEC. 18. That all orders drawn on the treasurer shall be signed by the mayor and countersigned by the commissioner of records, and shall state the purpose for which the money is applied.

Chief of police tax  
collector.

SEC. 19. That the chief of police shall be the town tax collector, to whom all taxes—special, poll and *ad valorem*—shall be paid. He shall forthwith proceed to collect the taxes levied upon such subjects of taxation as the board of commissioners may direct, within five days after the list shall have been placed within his hands, and shall complete the same on or before the first day of April next succeeding, and shall pay all moneys collected to the town treasurer, taking his receipt for same; and for this purpose he is hereby invested with all 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 prosecute all persons who do business without having paid the tax imposed or who shall sell without a license. Also at every monthly meeting of the board of commissioners he shall produce a report showing the sums received by him upon each subject of taxation, and such report shall be placed in the hands of or copied by the commissioner of records, and all books and documents used by the town tax collector by virtue of his office shall be and are hereby declared to be the property of the town, and shall be at all times subject to the inspection and examination of the mayor or board of commissioners.

Monthly reports.

Receipts and dis-  
bursements to be  
posted.

SEC. 20. That the board of commissioners shall cause to be made out annually a fair transcript of their receipts and disbursements on account of the town, for general inspection of the citizens, and cause the same to be posted at some public place in said town on or before the tenth day of May of each year.

Duty of police.

SEC. 21. That it shall be the duty of the police to see that the laws, ordinances and orders of the board of commissioners are enforced, and to report all violations thereof to the mayor; to preserve the peace of the town 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.

Powers.

Fees.

SEC. 22. That the treasurer and chief of police shall each enter into a bond in the sum of one thousand dollars, payable to the town of La Grange, for the faithful performance of duty. That for any breach of his official bond by the treasurer or tax collector, or any other town officer who may be required to give a bond, he shall be liable in an action on the same in the name of the town, at the suit of the town or any person aggrieved by such breach, and the same may be put in suit without assignment from time to time until the whole penalty be allowed.

Bonds of treasurer  
and chief of police.

SEC. 23. That in order to raise a fund for defraying the expenses incident to the proper government of the town, the commissioners may annually levy and collect the following taxes, viz.: Upon all real estate and personal property within the corporate limits of the town, upon all money on hand, solvent credits, upon all polls and other subjects of taxation taxed by the General Assembly for public purposes.

Taxes.

SEC. 24. That the annual tax on property enumerated in the preceding section shall not exceed one dollar on the one hundred dollars valuation thereof, nor shall the poll tax annually exceed three dollars.

Limit of tax.

SEC. 25. That in addition to the subjects of taxation for State purposes, the commissioners shall have power to levy and collect a special license tax, not exceeding fifty dollars, on the following subjects, to-wit: All itinerant merchants, traders, peddlers, dealers in medicine, or any one who shall occupy space in the streets, on or near the sidewalks, on back lots or in alleys, or who shall sell or offer to sell at public outcry or privately within the town limits, whether by ascending [or] descending bids; each photographer, each dealer in patent rights, each distiller of fruit or grain, each livery-stable, every resident or non-resident huckster or trader who buys produce on the streets for sale or in the markets, each gift enterprise or lottery, each dray, each barber-shop, each bottler of malt liquor or similar beverages, each bottler of non-alcoholic drinks, each advertising agent or agency, each bicycle dealer or bicycle repair shop, each buyer of cotton, each buyer or dealer in leaf tobacco, each tobacco warehouse, each junk dealer, each market, each merry-go-round or flying horses; each blowing, lifting or punching machine, or any other exhibition of like character whatsoever; each peddler or transient dealer, each lightning-rod agent, each palmist, optician, oculist, chiropodist, etc., and all other subjects taxed by the State.

License taxes.

SEC. 26. That the Commissioners of the Town of La Grange shall be and are hereby empowered to levy and collect annually a privilege or license tax on all trades, professions, agencies, business operations, exhibitions and manufactories in said town of La Grange.

Tax on trades, professions, etc.

SEC. 27. That all taxes levied by the board of commissioners shall be a lien upon the personal property of the tax-payers from

Tax lien on property.

- the date of levy thereon, and upon the real property from and after the first day of July of the year in which the tax is levied. That after the first day of January in each year the tax collector shall have power to levy upon and sell, upon a ten days' notice, the personal property of any delinquent tax-payer, and to sell the real estate of any delinquent tax-payer after a notice of thirty days: *Provided*, said tax collector may at any time levy and sell said personal property upon filing affidavit that he has reason to believe that such tax-payer is about to leave the town of La Grange and that there is danger of loss of taxes due by him, and obtaining an order from the mayor directing him forthwith to levy and sell the personal property of such tax-payers. The notice provided for in this section shall be posted at some public place in said town and published in some newspaper of the county. That whenever any property—real or personal—is sold for non-payment of taxes as herein provided, the town of La Grange may become the purchaser: *Provided*, there is no bidder for the property so sold for the amount of 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 or names of the delinquent tax-payer or payers, the amount of taxes and costs, and describing the real estate so sold; and if within twelve months the owner or owners of said real estate shall not redeem the same by paying the purchaser the amount of said taxes and costs, with ten per centum added thereto, the tax collector shall execute and deliver to the purchaser a deed for the real estate, which deed shall conform as near as may be to the deeds executed by sheriffs upon sales of real estate for taxes, and said deed shall have the same force and effect. There shall be same fees and costs charged as upon sales by sheriffs for taxes.
- Collection of tax by distress.**
- Record of sales.**
- Redemption.**
- Fees and costs.**
- Animals running at large.** SEC. 28. That the board of commissioners shall have power to declare all horses, mules, cattle, swine, sheep, goats, geese and dogs running at large within the town a nuisance, and the commissioners 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.
- Further subjects of taxation.** SEC. 29. That in addition to the subjects of taxation enumerated in section twenty-five, the commissioners may levy a tax on the following subjects, the amount of which tax when fixed shall be collected by the tax collector instantly; and if same be not paid on demand the offender shall be subject to a fine of not more than fifty dollars, and the tax recovered by levying upon 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:
- Games.** 1. Upon every bowling alley, billiard table, pool table, bagatelle table, shooting gallery, skating rink or any other game allowed by



law, and every restaurant established, used or kept in the town, a tax not exceeding fifty dollars a year.

2. Upon every permission by the board of commissioners to retail **Liquor license.** spirituous liquors, an annual tax not exceeding one thousand dollars.

3. Upon every exhibition of a circus within the corporate limits **Circus.** of the town, a tax not exceeding twenty-five dollars for each separate exhibition.

4. Upon every company of stage or theatrical performers, every **Stage plays and other exhibitions.** sleight-of-hand performer, rope or wire dancer or performer, every exhibition of artificial or natural curiosities, every single person or company of singers or dancers, Ethiopian minstrels or performers on musical instruments who shall sing, dance, perform or play on musical instruments, a tax not exceeding ten dollars a day shall be imposed.

SEC. 30. That the board of commissioners shall cause to be kept **Powers of commissioners over streets.** 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 establish and regulate the public grounds and protect the shade trees of the town.

SEC. 31. That the board of commissioners shall have power to **Fire ordinances and fire companies.** establish ordinances to prevent and extinguish fires; to provide for the establishment, organization, equipment and government of fire companies, provide said companies with the necessary apparatus and appurtenances, and that in all cases of a fire a majority of such board of commissioners as may 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 or pulled down, for which they shall not be responsible to any one for damages.

SEC. 32. That the commissioners may require and compel the **Nuisances.** abatement of all nuisances within the town, at the expense of the person, firm or corporation 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 town any offensive or unhealthy trade, business or employment.

SEC. 33. That they may prohibit by penalties the riding or driving of horses in a careless or dangerous manner, or at a greater **Careless riding or driving.** speed than eight miles an hour, within the town limits; also the firing of guns, pistols, gunpowder, crackers or other explosives, combustible or dangerous, in the streets, public grounds or elsewhere within the town, and may regulate the sale of fire-crackers in the town.

SEC. 34. That the commissioners may establish and regulate the **Markets.** markets and prescribe at what time and place marketable articles shall be sold.

Public buildings.	SEC. 35. That they may establish all public buildings necessary
Fire limits.	and proper for the town; may establish fire limits and prevent the erection, construction or establishing of any building or structure built of wood or any other material which would increase the danger of fire.
Cemeteries.	SEC. 36. That they may provide cemeteries near the corporate limits and regulate the same; may appoint and pay a keeper.
Quarantine.	SEC. 37. That the board of commissioners may take such measures as they deem effectual to prevent the entrance into the town, or the spreading therefrom, 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 diseases; may establish or regulate hospitals within the town or within three miles thereof, and 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; and may remove from the town or destroy any furniture or any other articles which shall be suspected of being tainted or infected with contagious disease, or of which there shall be reasonable cause to apprehend that they may pass into such a state as to generate or propagate disease; and may abate by any reasonable means any nuisances which may be injurious to the public health.
Forfeit for resisting removal of diseased persons.	SEC. 38. That if any person may 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 town fifty dollars and moreover be deemed guilty of a misdemeanor.
Speed of railroad trains.	SEC. 39. That the board of commissioners may govern and regulate the speed of railroad trains while running within the corporate limits of the town, and prohibit the ringing of bells, blowing of whistles, either during the day or night, within the town limits.
Ringling bells and blowing whistles.	
Salaries.	SEC. 40. That the board of commissioners shall have the power to fix the salaries of all the officers of the town, or increase or diminish the same from time to time as they may deem necessary.
Sewerage.	SEC. 41. That the town of La Grange may establish a system of sewerage, may pave and improve its streets and sidewalks, may establish a system of water-works, may establish an electric or other plant, or otherwise provide for furnishing lights for the town; may build and own a town hall and market-house, and may own and operate any or all of these improvements and may make other improvements, and may apportion the same equally among the inhabitants; and for the purpose of providing for such improvements may, as and when the board of commissioners may determine, issue its bonds from time to time, not exceeding in the aggregate the sum of thirty thousand dollars, of such denominations and in such proportions as the said board may deem advisable, bearing interest from the date thereof at a rate not exceeding six per centum per annum, with interest coupons attached, payable
Streets and sidewalks.	
Water-works.	
Lighting plant.	
Bond issue.	
Limit.	
Interest.	

half-yearly, at such times and 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, at such place or places as the board of commissioners may determine. Said bonds may be issued for any of said purposes, or for two or more, or for all.

SEC. 42. 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 not to be sold below par.  
Specific appropriation.

SEC. 43. That the bonds authorized to be issued by section forty-one hereof, and their coupons, shall not be subject to taxation by said town until after they become due and tender of payment shall have been made by the town, and the coupons shall be receivable in payment of town taxes or other town 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 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.

Exempt from town taxation.

Coupons receivable for town dues.

SEC. 44. 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 town shall, annually, and at the time of levying other town taxes, levy and lay a particular tax on all persons and subjects of taxation on which board of commissioners now are or may hereafter be authorized to lay and levy taxes for any purposes whatsoever; said particular tax to be not more than twenty-five cents on one hundred dollars assessed in valuation on property and not more than seventy-five cents on each poll for each ten thousand dollars of bonds issued. The taxes provided for in this section shall be collected in the manner and at the times other town taxes are collected, and shall be accounted for and kept separate from other town taxes, and shall be applied exclusively to the purposes for which they are levied and collected. So much of said taxes as

Particular tax.

Tax limit.

Investment of sinking fund.

may not be required to pay the interest on the bonds issued as it falls due, and cannot be applied to the purchase or discharge of said bonds, shall be invested so as to secure the payment at the maturity of the principal of said bonds; and to insure the due investment of the amounts collected from year to year in excess of that required to pay said interest, the board of commissioners shall appoint some suitable person, to be styled the "Commissioner of the Sinking Fund of the Town of La Grange," who shall hold his office for six years, and whose duty it shall be, under such rules and regulations as said board of commissioners shall from

Commissioner of sinking fund.

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 the board of commissioners may prescribe; and such commissioner shall give bond and receive such compensation for his services as the board of commissioners may determine.

- Issue of bonds submitted to election.** SEC. 45. That before any of the bonds herein provided for shall be issued, the question of issuing the same shall first be submitted
- Notice of election.** to the qualified voters of said town, after thirty days' notice in some newspaper published in the county of Lenoir, at an election to be held under the same rules and regulations prescribed by the general election laws of the State. Such notice shall set forth the object for which said bonds are to be issued, the amount of same, the rate of interest, the time when they mature, and the rate of
- Form of ballots.** tax to be levied and collected to pay the same. Those qualified voters approving the issue of such bonds and the levying and collecting of taxes to pay the same shall deposit in a ballot box for that purpose a written or printed ballot with the word "Approved" thereon, and those disapproving same shall deposit a like ballot with the word "Disapproved" thereon. If at such election a majority of such voters shall vote "Approved," then said board of commissioners 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 an election, upon the proper notice being given as herein provided for, the issuing of bonds for more than one purpose, within the meaning of this act, may be voted on in separate ballot boxes, under the same rules and regulations as named above; but in such cases the ballots shall contain the purpose of the bonds, with the words "Approved" or "Dis-
- Bonds to be issued if approved.** approved," as the elector desires, following. Said elections may be held from time to time as the board of commissioners may determine, and if at any such election a majority of the 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.
- Election in separate boxes.**
- Elections from time to time.**
- Board of public works.** SEC. 46. That the board of commissioners shall elect two of their number, and the mayor shall also serve *ex officio*, to constitute a board of public works, whenever occasion demands, who shall have charge of all the public works and improvements of the town of La Grange. That this board of public works shall have power to appoint a chairman and secretary for the transaction of business, and shall make reports to the board of commissioners, from time to time, of the condition of all affairs or matters in charge of said board of public works.
- Organization.**
- Power of board.** SEC. 47. That the said board of public works shall have sole and entire control of the management and operation of all public

works: *Provided*, said board shall make no extension or enlargement of public works except on recommendation of and by the direction of the board of commissioners. Proviso: extension and enlargements.

SEC. 48. That if it shall be necessary for obtaining proper outlets for a system of sewerage to extend same beyond the corporate limits of said town, then in such case the board of commissioners of said town shall have power to so extend it, to condemn land for the purpose of a right-of-way or other requirements of said system; the proceedings of such condemnation to be same as those prescribed by the laws of the State. Land condemned for sewerage.

SEC. 49. That the town of La Grange shall have power in its discretion to assess owners of land abutting on streets paved by said town with an amount not to exceed one-third of actual cost of such paving in front of such abutting land; and that the said town shall have like power of assessing not exceeding one-third of 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 as other taxes or assessments are collected. Land-owners to contribute to cost of paving.  
Or sewers.

SEC. 50. That all persons and corporations doing a business in the town of La Grange "affected with a public use" shall furnish and supply said town and the inhabitants thereof, upon proper demand therefor, at reasonable and uniform rates. Corporations "affected with a public use."

SEC. 51. That all laws or clauses or parts of laws in conflict with this act are hereby repealed. Conflicting laws repealed.

SEC. 52. That this act shall take effect and be in full force from and after its ratification.

In the General Assembly read three times, and ratified this the 25th day of February, A. D. 1905.

## CHAPTER 182.

### AN ACT TO INCORPORATE "ANDREWS SCHOOL DISTRICT, NUMBER FOUR," CHEROKEE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the territory embraced in the following boundaries in Valletown Township, Cherokee County, North Carolina, shall hereafter constitute and be known as "Andrews School District, Number Four," to-wit: Beginning on the Graham County line at or near the mountain variously known as Joanna Bald, King's Bald, or Te-yah-a-li, and running thence south with the line of the sixth and seventh land districts to Valley River; thence down Valley River to the northeast corner of land tract number forty-four; thence south with the line of land tracts numbers forty-four and fifty-one to the southeast corner of number forty-four; thence Boundaries.



west with the line of tract number forty-four, passing the southwest corner of same, to the northwest corner of land tract number forty-five; thence south with the line of land tracts number forty-five and number thirty-nine, and continuing south with the line of land tracts number forty and number forty-six, numbers forty-one, forty-two and forty-seven, and continuing south to the Clay County line; thence southwesterly with said county line to the southwest corner of land district number seven and the southeast corner of land district number one; thence north with the lines of land districts numbers one and seven to the southeast corner of land tract number thirteen in land district number seven; thence continuing north with the lines and between land tracts numbered thirteen and sixteen, twelve and fifteen, eleven and fourteen, crossing Valley River at the northeast corner of land tract number eleven and the northwest corner of land tract number fourteen, continuing north through land tract number eighty-two to the northeast corner of same, continuing north with the lines and between land tracts numbers eighty-three and eighty-eight, eighty-four and eighty-nine, eighty-five and ninety, to the northeast corner of land tract number eighty-six and northwest corner of land tract number ninety; thence continuing north to the Graham County line; thence northeasterly with said county line to the beginning; reference being made to "A map of a part of the Cherokee Country, North Carolina, surveyed by R. Deaver in one thousand eight hundred and thirty-seven," and the magnetic meridian of one thousand eight hundred and thirty-seven shall control the courses given herein.

Trustees incorporated.  
Corporate name.  
Formal enumeration of corporate powers.

SEC. 2. The board of trustees provided for by this act are hereby declared a body corporate by the name of "Andrews School District, Number Four," and may adopt and use a common seal; shall be capable of receiving gifts and grants, of purchasing and holding real and personal property of any description, and any and all interest and estate in such property. It may sell, mortgage or transfer any such property and prosecute and defend any suit or suits for or against the said corporation: *Provided, however,* that all moneys received from any sale, mortgage or transfer of any property belonging to said corporation shall be re-invested by the said corporation in real estate for the benefit of such corporation.

Proviso; money from sales of real property re-invested in real estate.

Conveyances to and by corporations.

All conveyances of property to such corporation shall be made to "Andrews School District, Number Four," and all deeds, mortgages and other conveyances affecting any real estate belonging to such corporation, and all bonds and obligations executed by such corporation, shall be signed in its corporate name, by its president or chairman, and attested by its secretary and the seal of said corporation. All instruments requiring registration shall be duly acknowledged or proven as provided for the acknowledgment and proof of instruments executed by corporations under chapter two, Public Laws one thousand nine hundred and one.

Probate and registration.

SEC. 3. That the corporation hereby chartered shall have entire and exclusive control of the public school interests and property in said district, to be governed and controlled by a board of trustees, who shall manage and conduct the affairs of such corporation and elect all necessary officers, and shall prescribe rules and regulations for its government, not inconsistent with the provisions of this act and the general public school law of this State. They shall employ and fix the compensation of officers and teachers of the public schools or graded public schools for said district, all of whom shall be subject to removal by the board of trustees; shall make an accurate census of the school population of the said district as required by the general school laws of the State, and do all other acts that shall be just and lawful for the conduct and management of the public schools in such district: *Provided*, that all children resident in said district between the ages of six and twenty-one shall be admitted into said schools free of tuition charges: *Provided further*, that the admission of non-resident students shall be under the direction of the trustees. Wherever it appears to the board of trustees that any pupil residing in the boundaries hereinbefore described can be more conveniently accommodated at any public school in an adjoining school district, or where it appears that a pupil residing in an adjoining school district can be more conveniently accommodated by attending the school in the said "Andrews School District, Number Four," such pupil or pupils may be transferred by agreement between the committeemen of the respective adjoining school districts or districts wherein such pupil or pupils reside and the trustees of "Andrews School District, Number Four," upon such terms as may be just and satisfactory; subject, however, to the approval of the county board of education and such rules and regulations as the county board of education may have or make governing such cases.

Corporation to have exclusive control of school property and interests.

Proviso: children resident admitted free.

Proviso: non-resident students.

Transfer of pupils.

SEC. 4. The board of trustees provided for by this act shall elect annually a superintendent of the schools embraced within the above-described territory, who shall also be a teacher, whose duties shall be prescribed by the board of trustees managing "Andrews School District, Number Four." The county superintendent of schools shall examine all applicants for teachers' positions in said schools, and issue certificates to the same on such terms as provided by the general public school law of the State.

Superintendent.

County superintendent to examine teachers.

SEC. 5. The moneys which shall be from time to time apportioned under the general law of the State to the corporation herein chartered, and the moneys to which the same may be entitled by reason of any special tax, gift, grant, devise or apportionment, or otherwise, from whatsoever source, shall be paid over to the treasurer of such corporation, whose receipt for such moneys or other things of value shall constitute a sufficient voucher of such payment. The Sheriff of Cherokee County shall collect all special taxes that may be levied for school purposes in the territory above

School money to be paid to school treasurer.

Sheriff to collect school taxes.

Treasurer to be citizen or bank.	described, under any provision of this act, as other public taxes are collected, and turn the same over to the treasurer of the corporation herein chartered, taking his receipt for same. The board of trustees of the corporation herein chartered shall appoint some
To give bond.	citizen or bank in said district to be its treasurer, who shall give a good and sufficient bond, payable to the State of North Carolina, and conditioned for the due and faithful performance of his duties as treasurer, to be approved by the County Board of Education of Cherokee County. A copy of said bond shall be deposited with the county superintendent, and the original thereof with the Clerk of the Superior Court of Cherokee County; and said treasurer shall be allowed two per centum for all moneys paid out by order of said corporation. The treasurer shall report monthly to the board of trustees his receipts and disbursements, with all vouchers for same. The moneys received as aforesaid by the treasurer shall be held by him, to be disposed of under the direction of the board of trustees, whose warrant, signed by the chairman and countersigned by the secretary of said board, shall be the only valid voucher in the hands of said treasurer for the disbursement of said moneys in any settlement required of him by law. The said treasurer shall furnish annually to the County Board of Education of Cherokee County and the board of trustees a statement in writing of his receipts and disbursements of all school funds received and disbursed by him, which report shall be approved by the chairman and secretary of the board of trustees of the corporation herein chartered; <i>Provided</i> , that the accounts, books and vouchers of the said treasurer shall be open for inspection by the board of trustees, any tax-payer in the said school district, the county board of education and the County Superintendent of Schools of Cherokee County at any time.
Commission of treasurer.	
Monthly reports.	
Vouchers.	
Annual reports.	
Proviso: accounts, books, and vouchers open for inspection.	
Election for school tax.	SEC. 6. That the Board of County Commissioners of Cherokee County, North Carolina, shall, and they are hereby authorized to submit to the qualified voters who reside in the territory above described the question of whether a tax shall be annually levied for the support of the schools in said territory provided for by this act. Such elections shall be held at any date recommended by the board of trustees of the corporation herein chartered, after first giving thirty days' notice of said election by publication in some newspaper published in Cherokee County and by posting notices in three public places in said territory. Said election shall be held in the same manner and under the same regulations as provided for the election of members of the General Assembly, except, however, that the County Commissioners of Cherokee County shall call such election to be held within thirty days after receipt by them of the recommendations by the board of trustees, and shall not be confined to the calling of such election on the first Tuesday after the first Monday in November of any year; and
Time of elections.	
Notice of elections.	

the board of trustees of the corporation herein chartered shall recommend some competent citizen, resident in the territory above described, to act as registrar, who shall be appointed by the Board of County Commissioners of Cherokee County as registrar, at their meeting, when the election is recommended by the board of trustees; and they shall provide said registrar with a suitable registration book to enter the names of those registering. Such registrar when so appointed shall, within ten days after his appointment, open the books of registration at some public place in the town of Andrews, and keep same open for fifteen days, and register therein all persons who are qualified under the Constitution and general laws of this State to vote in any general election. Such registrar shall register all persons qualified at any time they may apply to him for registration, within the time herein prescribed for registering voters, and he shall remain at the place of registration two Saturdays next preceding the election, from eight o'clock in the morning until four o'clock in the afternoon of each Saturday, for the purpose of registering those who may desire to be registered and are qualified. The registration of any party who registers, or offers to register, may be challenged on any day in which said books are open for registration or on the day the election herein provided for is held: and the same grounds for challenge and rules and regulations as prescribed in the general election law governing such cases shall govern in cases of challenge made under the provisions of this act. Said board of trustees of the corporation herein chartered shall also recommend four competent citizens of the territory hereinbefore described to act as judges of election, two of whom shall be appointed by the Board of County Commissioners of Cherokee County at the same time the registrar is appointed, to hold said election together with the registrar hereinbefore provided for. On the day appointed for such election the registrar and judges of election so appointed shall meet at the polling place in the town of Andrews, Cherokee County, and open the poll-books and conduct said election. The polls shall be open at seven o'clock in the morning and continue open until five o'clock of the same day, and all qualified voters who have registered for such election shall be allowed to vote, unless their names have been stricken from the registration book by virtue of challenge or other legal cause. At such special election those who favor the levying of such tax shall vote on written or printed ballots, without device, the words "For School," and those opposed to the levying of such tax shall vote on written or printed ballots, without device, "Against School." The penalties for illegal and fraudulent registering or voting in this election shall be the same as in any election for the members of the General Assembly. In case of sickness or other disability preventing the attendance of the registrar, or the judges of election, or either of them, to hold said election, then, in

Trustees to recommend registrar.

Registration.

Challenges.

Trustees to recommend judges of election.

Election.

Hours of election.

Form of ballots.



case of the sickness of the registrar or his non-attendance, the judges of election, or either of them, shall procure the registration book and appoint some person resident of said territory, and a qualified voter therein, to aid in the conduct of such election in the place of such registrar; and in case the judges of election, or either of them, should be unable to attend such election, the registrar shall appoint the necessary person or persons to act in their place at said election.

Closing polls.

SEC. 7. The registrar and judges, or persons holding such election, when the hour arrives for closing the polls, shall refuse to receive further ballots, and immediately proceed to determine the

Returns certified to county commissioners.

result of such election; and within two days after holding such election they shall certify under their hand to the Board of County Commissioners of Cherokee County the number of votes cast and counted at such election "For Schools" and the number of votes

Commissioners to declare result.

cast and counted "Against Schools," and appoint one of their number to take, in person, such certificate and deliver same to the Register of Deeds of Cherokee County, who shall, at the next meeting of the Board of County Commissioners of Cherokee County held after the delivery of the same to him, deliver same to the Chairman of the Board of County Commissioners of Cherokee County, and said board shall at once proceed to declare the result

Tax to be levied if approved.

of such election. And if a majority of the qualified votes cast shall be in favor of "Schools," the County Commissioners of Cherokee County shall, at such meeting, if it be their first meeting in June, levy a tax at a rate sufficient to provide for the support and maintenance of the schools in the territory above described for a term not less than six months in each year; but if such certificate be delivered to the chairman of the board of county commissioners at any meeting after their regular meeting in June, then it shall be lawful for such commissioners to levy such tax and embrace same in the levy of taxes that are placed in the hands of the sheriff or tax collector of Cherokee County for that year, which said special taxes shall be collected by the sheriff or tax collector of Cherokee County under the same rules and regulations

Commission of tax collector.

under which other taxes are collected, except that the sheriff or tax collector collecting such special taxes shall only receive as his compensation for collecting same two and one-half per cent. commission; and the sheriff or tax collector shall be subject to the same liabilities for the collection and disbursement of said tax as he may be for other school taxes: *Provided*, that the special tax so levied and collected shall not be less than fifteen cents on the one hundred dollars valuation of property and forty-five cents on the poll, nor exceeding fifty cents on the one hundred dollars valuation of property and one dollar and fifty cents on the poll.

Proviso: limit of tax.

The County Commissioners of Cherokee County shall, at their first meeting in June of the year succeeding the year in which the first levy is made, and annually thereafter, levy such tax as may



be recommended to them by the board of trustees of the corporation herein chartered, observing the constitutional equation between property and poll, not exceeding in any one year fifty cents on the one hundred dollars valuation of property and one dollar and fifty cents on the poll. The taxes levied and collected under the provisions of this act shall be applied exclusively to the establishment and maintenance of the public schools in the territory above described, and for no other purpose; and the board of trustees of the corporation herein chartered may establish such number of primary and public graded schools in such territory, and may provide for the construction, maintenance, repair and keeping in order of the necessary buildings for such schools, and may equip them with the necessary furniture, fixtures and apparatus: *Provided*, that the board of trustees of the corporation herein chartered shall maintain a primary school at such place as they may designate in that part of the territory above described as is now known as "School District Number Nine, Valleytown Township," for at least four months, in which school pupils may be taught to and including the sixth grade, and after a pupil has passed the sixth grade he may attend the graded school in the territory first above described, under such rules and regulations as may be prescribed by the board of trustees.

Tax appropriated exclusively to schools.

Proviso: primary school in Valleytown.

SEC. 8. The corporation herein chartered shall be under the control and management of a board of trustees composed of three persons, resident tax-payers of the district, to be appointed by the County Board of Education of Cherokee County on the first Monday in April, nineteen hundred and five. The said board of trustees shall be divided by the county board of education at the time of their appointment into three classes. The term of office of the first class shall expire at the end of two years from the first Monday in April, nineteen hundred and five; and the term of office of the second class shall expire at the end of four years from the first Monday in April, one thousand nine hundred and five; and the term of office for the third class shall expire at the end of six years from the first Monday in April, one thousand nine hundred and five. Whenever the term of office of any class shall expire, as above provided, his successor shall be appointed for a term of six years by the County Board of Education of Cherokee County. Whenever any vacancy occurs in said board of trustees, except by expiration of the term of office, the vacancy for the unexpired term of the member or members shall be filled by the remaining members of the said board of trustees, unless it be that all three members resign at one time; then, in that case, the board of county commissioners shall appoint a new board of trustees.

Trustees appointed by county board of education.

Divided into classes.

Terms of office.

Successors elected by county board.

Vacancies filled by trustees.

SEC. 9. The board of trustees provided for by this act shall apportion the money raised or received for educational purposes in said district as shall be just to the white and colored races, with-

Trustees to apportion money.

out discrimination in favor of or to the prejudice of either race, due regard being paid to the cost of keeping up and maintaining the public schools of both races in proportion to the number and advancement of the pupils respectively.

Compulsory attendance.	SEC. 10. Every person residing in said district, and having under his control a child or children between the ages of eight and fourteen years, shall cause such child or children to attend some public school in said district, and such attendance shall continue for at least twenty weeks of the school year; and for every neglect of such duty the person offending shall be guilty of a misdemeanor, and shall, upon conviction thereof before any justice of the peace, be fined one dollar for the first offense and two dollars for each subsequent offense, with costs. An offense, as understood in this act, shall consist in failure to send to school any child or children for five consecutive days, except in case of the sickness of such child or children or other reasonable excuse. It shall be the duty of every teacher to inform the board of trustees against any one so offending, and any teacher, principal or superintendent of any school or schools in the territory above described, failing to report such information to the board of trustees, shall be guilty of a misdemeanor, and be fined one dollar; and when any report is made to the board of trustees by any teacher, principal or superintendent, of the failure of any person to comply with the foregoing provisions of this section, the board of trustees shall immediately investigate the cause of such absence, and if in their opinion there does not exist a reasonable excuse therefor, they shall forthwith make complaint against the person having such child or children under his or her control, before some justice of the peace residing in the territory above described, who shall summon such person before him to answer such complaint. And if complaint be made before any justice of the peace residing in the territory above described that any teacher, principal or superintendent of any school in said territory is violating the provisions of this section, the justice of the peace shall summon such party so offending before him to answer such complaint, and any person convicted of violating any of the provisions of this section shall be fined by such justice in such sum, not exceeding the amount or amounts above stated, as the case may be, and be adjudged to pay the costs: <i>Provided</i> , that if such child or children have attended for a like period of time a private day-school, or if such child or children have been otherwise instructed for a like period of time in the branches of learning required by law to be taught in the public schools of this State, or have already acquired such branches, or if his physical or mental condition is such as to render such attendance inexpedient or impracticable, such penalty shall not be incurred.
Misdemeanor.	
Penalty.	
What to constitute the offense.	
Teacher to inform trustees.	
Failure a misdemeanor.	
Penalty.	
Trustees to investigate.	
And make complaint.	
Duty of justice of the peace.	
Proviso: children attending private schools.	
Certain pupils may be excluded.	SEC. 11. The board of trustees shall exclude from the school in said district any person having a contagious or infectious disease.

and they may suspend or expel any pupil found guilty of any disorderly, refractory, indecent or immoral conduct, and may refuse to admit such pupil again to the school until satisfied that he will properly conduct himself thereafter. Contagious or infectious disease shall be smallpox, chicken-pox, measles, scarlet fever, diphtheria, whooping-cough, mumps, itch, and such other diseases as may be designated by the State Board of Health.

Contagious or infectious disease.

SEC. 12. The board of trustees shall make a report to the county board of education annually, at such times as is required under the school law of the State, showing an accurate census of the pupils in said district, and the work done and the money expended under their direction in the said district, a copy of which shall be forwarded to the State Superintendent of Public Instruction and a copy to the County Superintendent of Schools for Cherokee County. The beginning, length of term taught, and the ending of the school year shall be fixed by the board of trustees, and said board of trustees shall make such other reports as may be required under the general public school law, the State Superintendent of Public Instruction and the County Board of Education of Cherokee County.

Trustees to report annually.

SEC. 13. That the board of trustees of the corporation herein chartered are hereby authorized to issue coupon bonds, not to exceed in amount the sum of five thousand dollars, and in denominations of one hundred dollars or multiples thereof, bearing interest from date of bonds at a rate not exceeding six per cent, per annum, the coupons being payable semi-annually on the first day of January and the first day of July of each year at the Merchants and Manufacturers Bank of Andrews, North Carolina, or at such other place as the board of trustees may designate. The bonds shall be made payable at a time to be fixed by the board of trustees, and named therein, not to be less than three nor more than thirty years from the date of issuing. Said bonds and their coupons shall be numbered, and the bonds shall be signed by the chairman of the board of trustees and countersigned by the secretary of the corporation herein chartered, and have the corporate seal of said corporation affixed thereto; and the coupons thereto attached shall bear on their face the number of the bond to which they belong, and each coupon shall be numbered consecutively, beginning with one, so as to show the number of each coupon attached to each bond; and they shall be signed by the chairman of the board of trustees. A record shall be kept of said bonds, showing the number and the denominations thereof, to whom sold, the dates of issuing thereof, and when the same shall mature, the rate of interest, and the amount received from the sale of the same.

Trustees to issue bonds.  
Amount.

Interest.

How bonds attested.

Record of bonds.

SEC. 14. The bonds hereby authorized to be issued shall not be sold for less than their face value, and the proceeds of same shall be expended by the board of trustees for necessary school sites, in

Bonds not to be sold below par.  
Proceeds appropriated.

the erection of suitable school buildings, in furnishing the same with necessary equipment and furniture, and in repairing any school building for the accommodation of the public schools in the said district, and for no other purpose.

Trustees to provide for interest of bonds.

SEC. 15. That it shall be the duty of the board of trustees to provide annually for the payment of the interest due on said bonds and the principal of any bond or bonds that may fall due during any year, and for that purpose to set apart each year from the special school taxes collected under any provision of this act, or other moneys in the hands of or under the control of the board of trustees, except the money apportioned to said district by the Board of Education of Cherokee County, for the pay of teachers and the annual payment of the amount due the State Educational Fund by said district, a sum sufficient to pay the same.

Special election for ratification of act.

SEC. 16. That it shall be the duty of the County Commissioners of Cherokee County to order a special election to be held in said district at any time after the ratification of this act, if such election be recommended by the board of trustees or the majority of them, and at this election the question to be submitted to the qualified voters shall be whether or not the issue of bonds herein provided for shall be approved. The call for such election shall state the amount of bonds to be voted for, the rate of interest and the time of payment; and at such election those in favor of issuing bonds shall vote on written or printed ballots the words "For School Bonds," and those opposed to the issue of bonds shall vote ballots bearing the words "Against School Bonds." This special election shall be held in the same manner and under the same regulations hereinbefore provided for elections for special school taxes in section eight of this act.

Call for election.

Form of ballots.

Bonds to be issued if approved.

SEC. 17. That if a majority of the qualified votes cast at such special election are in favor of issuing bonds, the board of trustees shall forthwith have said bonds issued and sold as herein provided.

School tax and bonds.

SEC. 18. The questions of levying special school taxes and of issuing bonds may be voted on at the same time, or at different times, as may be recommended by the board of trustees.

Special tax if bonds issued.

SEC. 19. If the issue of bonds is approved at the election herein provided for, it shall be the duty of the board of trustees to recommend, and the duty of the County Commissioners of Cherokee County to levy annually thereafter, when the county taxes are levied, a special tax on the taxable property and polls in said district sufficient to pay the interest and the principal on said bonds as they respectively fall due. Said special tax shall be collected by the sheriff or tax collector of said county at the same time and in the same manner as other taxes are collected, except that the sheriff or tax collector shall receive only two and one-half per cent. commission for collecting said taxes; and he shall pay over to the Treasurer of "Andrews School District, Number

Commission of tax collector.

Four," promptly, the taxes so collected by virtue of said special levy; and such treasurer shall receive said funds and keep them separate and apart from any other funds in his hands, and apply them solely to the payment of the interest and principal of said bonds as they may respectively mature. The official tax bond of the sheriff or tax collector of Cherokee County, and treasurer of "Andrews School District, Number Four," shall be of sufficient amount to recover any special taxes or funds which may come into their hands by virtue of this act, and they shall be subject to the same penalties for failure to perform the duties herein imposed as are by law provided in the case of other funds or taxes.

SEC. 20. When any special taxes are levied under any provision of this act it shall be the duty of the Register of Deeds of Cherokee County to make proper abstracts of same, and put same in a general abstract or tax book of Cherokee County as other taxes are abstracted, and for such services shall be paid the usual lawful fees by the board of trustees of "Andrews School District, Number Four."

Register of deeds  
to make abstract.

SEC. 21. The trustees herein provided for shall, as soon as convenient after their appointment, meet and elect one of their members chairman; and they shall elect a secretary and treasurer. The offices of secretary and treasurer may be held by one person. The trustees shall provide all suitable books for keeping records and accounts, and shall keep a correct and full minute and record of all their proceedings and acts, which books shall at all times be open for inspection to any tax-payer of the territory above described, the State Superintendent of Public Instruction, the county board of education and the County Superintendent of Cherokee County.

Organization of  
trustees.

Record and account  
books.

SEC. 22. The person appointed registrar under the provision of this act shall, on or before the day for opening the registration books, take an oath to faithfully perform his duties as registrar, and as the law directs; and the persons acting as judges of election under the provisions of this act shall take an oath to hold such election honestly and fairly, and as the law directs. Any appointed registrar or judge of election who fails to perform the duties imposed on him by this act shall be guilty of a misdemeanor, and, upon conviction, be fined in the discretion of the court.

Registrar and  
judges of election  
to be sworn.

Failure to perform  
duty a misde-  
meanor.

Penalty.

SEC. 23. If for any cause the board of trustees cannot procure suitable grounds for necessary school purposes in said district, by agreement with the owner thereof, then it shall be lawful for the chairman of such board of trustees or a majority of the trustees, in the name of "Andrews School District, Number Four," to proceed to have such property as may be needed, condemned, in the manner prescribed in section five of chapter four hundred and ninety-nine of Public Laws of North Carolina of one thousand

Land may be con-  
demned for school  
purposes.



nine hundred and three, and the provisions of said section relating to the manner of condemning land shall be applicable to "Andrews School District, Number Four," as though the entire section or that part of same relative to condemnation of land was embraced in this act.

Funds reserved for present indebtedness.

SEC. 24. The Board of Education of Cherokee County, in making any apportionment to "Andrews School District, Number Four," shall at all times reserve out of such apportionment sufficient sum or sums to pay off and discharge the present indebtedness of school district number four, Valletown Township, Cherokee County, to the State Board of Education, and any future indebtedness that "Andrews School District, Number Four," herein chartered, may incur to said State Board of Education.

Fees of registrars.

SEC. 25. That the registrar registering the voters under any provision of this act shall receive five cents for each name registered, and two dollars per day for each Saturday he serves, preceding the election, and two dollars for holding the election; and the judges of election shall be paid two dollars per day for holding the election; and the person taking the returns of any election to the Register of Deeds of Cherokee County shall be paid three dollars for such service. All the foregoing charges shall be paid by the board of trustees of "Andrews School District, Number Four."

Judges of election.

And messenger.

Definitions of terms.

SEC. 26. That the word "trustees" used in this act shall refer relatively to "the board of trustees," or to the members or persons who are appointed and act under provisions of this act, as the board of trustees of "Andrews School District, Number Four," and the word "district" used in this act, except when it is used to indicate or identify any district other than "Andrews School District, Number Four," shall refer relatively to "Andrews School District, Number Four," or the territory embraced in the boundary set forth and described in section one of this act; and the word "county," wherever used in this act, shall refer to Cherokee County.

Public school law to apply.

SEC. 27. That the public school law of this State shall apply in all cases in said district, except as the same may be modified by this act.

Conflicting laws not operative.

SEC. 28. That all laws and clauses of laws in conflict with this act shall not be operative as to "Andrews School District, Number Four."

SEC. 29. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 25th day of February, A. D. 1905.

## CHAPTER 183.

## AN ACT TO INCORPORATE "THE CHRISTIAN ORPHANAGE."

*The General Assembly of North Carolina do enact:*

SECTION 1. That Rev. W. S. Long, Rev. J. L. Foster and Mr. Corporation.  
W. J. Lee, and their associates and successors, be and they are  
hereby constituted and declared a body politic and corporate under Corporate name.  
the name and style of "The Christian Orphanage," with its prin- Formal enumera-  
cipal office and place of business at Elon College, in the county of tion of corporate  
Alamance and State of North Carolina, and as such shall have per- powers.  
petual succession and a common seal, which they may alter at  
pleasure; and shall be capable in law to sue and be sued, plead  
and be impleaded in all the courts of this State. And said cor-  
poration shall have all the powers and privileges, and be subject  
to all the restrictions contained in the corporation laws of this  
State now in force, except as to the time of its existence.

SEC. 2. That said corporation shall have power to lease, pur- Power to hold  
chase, take and receive by gift or devise, and hold in fee-simple property.  
or lesser estate or estates, all manner of lands, tenements and  
hereditaments, and shall be capable in law to take, receive and  
possess all moneys, stocks, bonds, books, goods and chattels which  
may have been or may hereafter be given to it or to any person or  
persons for it, by deed, devise, bequest or otherwise. A misnomer  
in any deed, will, or other conveyance shall not have the effect to Misnomer in deed  
invalidate the conveyance if the corporation shall therein be de- not to invalidate.  
scribed with sufficient certainty to identify it, or if the intent of  
the grantor or testator to make the orphanage the beneficiary  
shall sufficiently appear on the face of the instrument or other-  
wise. And said corporation shall have power to bargain, sell,  
transfer and convey any and all of its real estate and personal  
property.

SEC. 3. That said corporation shall have power to make and By-laws, rules and  
establish such by-laws, rules and regulations for its government regulations.  
and for the government of the orphanage as it may deem wise and  
necessary and which are not in conflict with the laws of the land.  
The trustees shall elect one of their number president and one of Organization.  
their number secretary, and also a treasurer; but the treasurer  
need not be a trustee. They shall also elect a superintendent for Superintendent.  
the orphanage and all such subordinate officers and employees as  
they may deem wise and necessary, and shall fix their duties and  
compensation.

SEC. 4. That said corporation shall have the power to receive Custody and care  
into its care and custody, at its orphanage at Elon College, North of orphan children.  
Carolina, such orphan children, whether indigent or not, as its  
trustees may desire to provide for, upon compliance with the rules  
and regulations of the institution for its government and control.

The trustees shall have the power to make such rules and regulations for receiving and discharging the orphans committed to the care of the orphanage as they may deem wise and for the good of the children.

Unlawful to entice or abduct child from orphanage.

SEC. 5. That when a child is received into the custody and care of the orphanage it shall be unlawful for any person or persons to entice or induce such child to leave, or abduct such child from the control of said orphanage; and any person violating the provisions of this section shall be guilty of a misdemeanor.

Trustees may place children in outside homes.

SEC. 6. That the trustees shall have power to place any child received by it, and under its care and control, in a good home and under the care and tutelage of a suitable person and under such rules and regulations and contracts as they may from time to time establish, or as they may agree upon in any particular case; and in case any child shall be ill-treated in any respect the trustees shall have power to reclaim such child; and, for the violation of the contract, or for any injury to the child, the corporation may maintain an action in the name of the child, or in its own name, in any court having jurisdiction thereof.

May reclaim if child ill-treated. Action for violation of contract or injury to child.

Corporation under control of Southern Christian Convention.

SEC. 7. That this corporation shall be under the supervision and control of the Southern Christian Convention, and said Southern Christian Convention shall have the power to elect the trustees for said corporation in such manner as it may prescribe, and fix their term of office and the manner of filling any vacancy that may occur in said board of trustees; and the said Southern Christian Convention may increase the number of trustees at any time, not exceeding seven in all; and a majority of the trustees shall be a quorum for the transaction of business.

Exemption from taxation.

SEC. 8. That the property of said corporation, used for the purpose of maintaining said orphanage, shall not be liable for taxes of any kind.

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 27th day of February, A. D. 1905.

#### CHAPTER 184.

#### AN ACT TO INCORPORATE THE GRAHAM COUNTY RAILROAD COMPANY.

*The General Assembly of North Carolina do enact:*

Corporators.

SECTION 1. That J. L. Rumbarger, J. J. Rumbarger, Frank T. Rumbarger, R. R. Rumbarger, Duff Merrick, Alfred S. Barnard, G. B. Walker, T. A. Morphew, A. D. Raby, W. F. Mauney and R. B. Slaughter, 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 "Graham County Railroad Company," which shall have succession for ninety-nine years, and shall have the right to sue and be sued, plead and be impleaded in the courts of the State, and to contract and be contracted with; shall have the power to adopt a common seal and change the same at will; and shall be capable of taking by purchase, gift or devise, or in any other way, real or personal property, and of holding, leasing, conveying or in any other manner dealing with the same for any of the purposes hereinafter enumerated; and the said corporation shall have and enjoy all rights and immunities which corporate bodies may lawfully exercise under the laws of the State, and may make all necessary by-laws and regulations for its government, not inconsistent with the laws of the United States or the State of North Carolina.

SEC. 2. That the capital stock of said corporation shall be one hundred and fifty thousand dollars, in shares of one hundred dollars each. The said stock may be created by subscriptions on the part of individuals, other corporations, and the county of Graham, and said subscriptions may be paid in money, labor, land, materials, 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.

SEC. 3. That said incorporators shall have the power to open books of subscription in person or by agents duly appointed by a majority of them, at such place or places as they may determine, and keep the same open for such time and under such rules and regulations as may be deemed necessary or expedient; that whenever the sum of ten thousand dollars shall have been subscribed to the capital stock of said company, the incorporators named in section one of this act may call together the subscribers, after giving them twenty days' notice, at any place in the State of North Carolina, and said subscribers shall then complete the organization of said company by adopting by-laws and electing a board of directors of not less than three or more than seven in number, and such officers as they may see fit; and at such meeting, and at all other 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 his proxy; 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 said company may prescribe, and may do and perform all other acts necessary to complete the organization of said company and to carry into effect the objects of this charter, in accordance with the directions of the stockholders.

SEC. 4. That the said company shall have and it is hereby given the right and power to locate, construct, equip, maintain and oper-

Corporate name.

Formal enumeration of corporate rights.

Capital stock.

How subscriptions paid.

Books of subscription.

When company to organize.

Directors.

Stock votes.

President and other officers.

Power to construct railroad.

- Beginning. ate a standard-gauge railroad, or any part thereof, with one or more tracks, from such point or place or places hereafter selected by it upon the lands now owned or controlled by the Snow-bird Lumber Company, a North Carolina corporation, on the waters of Snow-bird, Buffalo and Santeetla Creeks in the county of Graham and State of North Carolina, or on lands in said county in that vicinity that may hereafter be acquired or controlled by said lumber company, or their successors or assigns, in one or more or all of the following directions, to-wit:
- Routes.
- First route. First. By such route and in such direction as may be determined upon as most feasible so as to connect with the Southern Railway at some point thereon between the station of Murphy in the county of Cherokee, North Carolina, and the station of Nantahala in Macon County, in said State.
- Second route. Second. By such route and in such direction as may be determined upon as most feasible to enable such railroad to connect with the railroad when built proposed to be constructed up the Tennessee River, at some point on said railroad between the Tennessee and North Carolina State line and the station of Bushnell in Swain County, North Carolina.
- Third route. Third. By such route and in such direction to the State line between the States of North Carolina and Tennessee as will enable such railroad most conveniently to connect with the Louisville and Nashville system of railroads at some point in the State of Tennessee. And it may also construct, maintain and operate such lateral and branch lines, not exceeding fifty miles in length, as may be necessary, or advantageous to the extension, completion and successful operation of said railroad; it shall have the power to construct tunnels, dams, culverts, trestles, and bridges over or across streams, gorges, ravines and depressions; it shall have the right to cross at grade or over or under, to intersect, join or unite its railway with any other railway now constructed or that may hereafter be constructed in this State, upon the grounds of such other companies, at any point on its route; and to build the necessary turn-outs, sidings, switches and other conveniences in furtherance of the object of its construction; and may, in making any intersection or connection with another railroad, have all rights, powers and privileges conferred upon railroads by chapter forty-nine, volume one, of The Code of North Carolina; and it may operate its said railroad and branches by steam or any other power.
- Branch roads.
- Rights under general law.
- Entrance on lands. SEC. 5. That it shall be lawful for any officer, agent, surveyor, engineer or employee of said company to enter at all times upon all lands for the purpose of exploring, leveling or doing any thing necessary or proper to be done for laying out the said railroad and locating the same and for the purpose of erecting all necessary works and buildings required in this behalf, upon the company paying for all damages to private property.



SEC. 6. Whenever any land is required in the construction of its road or any of its branch lines for rights-of-way, warehouses, depots, water stations, turn-outs, workshops or other buildings, or other purposes, and the company and the owner of the land shall be unable to agree upon the value thereof, the company may, in the prosecution of its work, enter upon said lands and acquire title to the same in the manner provided in chapter forty-nine, volume one, of The Code of North Carolina, and the amendments thereto now or hereafter enacted.

SEC. 7. That the said company shall have the power to issue and to negotiate and sell its bonds, either coupon or registered, for the construction or management of its railway or its branches, to any amount that may be deemed necessary, not to exceed ten thousand dollars per mile of its road-bed, and to secure the payment of both principal and interest of said bonds by one or more mortgages or deeds of trust, conveying its franchise, road-bed, rights-of-way, and any and all other property of every kind owned by said company, upon such terms and conditions as may be deemed proper.

SEC. 8. That said company shall have the exclusive right to carry and transport passengers and freight over and along said railroad and its branches at such rates as said company shall prescribe, subject to the general laws of the State now in force or that may hereafter be enacted regulating the same; and it shall have the right to transport all manner of goods as express and to make and collect all charges for the same, and to transport the United States mail and make and collect all charges for the same.

SEC. 9. That said company shall also have the right to construct, maintain and operate a telegraph or telephone line, or both, along the line or lines of its said railroad, and to charge tolls for sending messages over the same, subject to the general laws of the State now in force or that may hereafter be enacted regulating the same.

SEC. 10. That said company is hereby fully empowered to take by purchase or otherwise and hold in fee-simple, or by less estate, any number of acres of land necessary for its rights-of-way, depots, warehouses, shops and other necessary buildings.

SEC. 11. That said company shall have the right to subscribe to and own and hold stock in other corporations.

SEC. 12. That said county of Graham may subscribe to the capital stock of said company in an amount not exceeding fifty thousand dollars, and pay same either in cash or in the bonds of the county, under the following conditions, to-wit: Upon the presentation of a petition in writing, signed by at least one hundred citizens and voters of said county, addressed to the board of county commissioners of said county, requesting them to submit to the qualified voters of the county a proposition to subscribe a definite sum named in said petition to the capital stock of said company,

Condemnation  
of land.

May issue bonds.

Limit.

Mortgages.

Right to carry pas-  
sengers and  
freight.

Express.

Telegraph and  
telephone lines.

Right to hold  
real estate.

To subscribe to  
stock of other  
corporations.

County of Graham  
may subscribe to  
stock.

Election to be  
called on petition.

	to be paid either in cash or in the bonds of the county, the board of county commissioners of said county shall submit such proposition of subscribing to the capital stock of said company to the qualified voters of said county, at an election to be held on a day to be fixed and named by said board of county commissioners, which shall not be later than ninety days after the filing of said
Notice of election.	petition. Said board of county commissioners shall, for at least thirty days preceding the date of said election, give public notice thereof by advertisement posted at the court-house door and six other public places in said county, and by publishing such notice in some newspaper circulating in said county, stating in such notices and advertisements the purpose of the election, the amount of the subscription to be made, whether same is to be paid in cash or bonds of the county, and such other matters as are deemed
New registration may be ordered.	necessary. If the board of county commissioners deem it advisable they may order an entirely new registration for said election, which registration shall be made in the manner prescribed for registering voters under the general election laws of the State.
Election held under general law.	All persons qualified to vote for members of the General Assembly shall be permitted to vote at said election, and said election shall be held and the votes thereat canvassed and returned under the rules and regulations now prescribed, or such as may hereafter be prescribed, for the election of members of the General Assembly
Returns canvassed.	and other officers in said county. The board of county canvassers, to be appointed as required under the laws for general elections, shall meet at the court-house in said county on the third day after said election and canvass the votes and declare the result of said
Result recorded.	election, and the result of said election shall be recorded by the Register of Deeds of Graham County in the minutes of the proceedings of the board of county commissioners, and no other
Form of ballots.	record or declaration of said result shall be necessary. That at said election the ballots tendered and cast by the qualified voters shall have written or printed upon them the words "For Railroad Subscription," or the words "Against Railroad Subscription," and all qualified electors who favor such subscription shall cast ballots having written or printed thereon the words "For Railroad Subscription," and all qualified electors opposed to such subscription shall cast ballots having written or printed thereon the words "Against Railroad Subscription."
Subscription made if approved.	SEC. 13. Should a majority of the qualified electors of said county cast ballots having written or printed thereon the words "For Railroad Subscription," as above prescribed, the said Board
Bond if subscription not paid in cash.	of County Commissioners of Graham County shall immediately make such subscription, and, in the event same is not paid in cash, they are hereby authorized and empowered to issue the bonds of said county to the amount of such subscription, not exceeding the said sum of fifty thousand dollars. Said bonds shall
Description of bonds.	be in denominations of one thousand dollars each, and shall be

come due and payable twenty years after their date, and bear interest at a rate not exceeding six per cent. per annum, which shall be evidenced by interest coupons attached, and the principal and interest of said bonds shall be payable at such place as the board of county commissioners may determine. When said bonds shall have been prepared and executed by said board of county commissioners under the seal of said county, they shall be used for the purpose of paying the subscription as aforesaid to the capital stock of said company, and for that purpose delivered to the duly authorized officers of said railroad company; but no delivery of said bonds shall be made by said commissioners until said company shall have complied with all reasonable terms and conditions which said board of county commissioners shall have deemed necessary to impose in order to secure the completion of said railroad or any required portion thereof.

Subscription paid  
by bonds.

SEC. 14. That the board of county commissioners of said Graham county shall levy annually (until said bonds are paid) on the first Monday in June, beginning with the first Monday in June after the issuing of said bonds, a sufficient tax upon the property and polls in said county to regularly and promptly pay the interest on said bonds, and at the same time shall also compute and levy a tax on the property and polls of said county which when collected will net an amount equal to one-twentieth part of the bonds so issued, which last-mentioned tax as collected shall constitute a sinking fund to provide for the payment of said bonds at their maturity. The taxes so levied as above shall be annually collected, as other taxes are collected, and shall be paid by the collecting officer to the treasurer of said Graham County, to be by him kept as a special fund, separate and apart from any and all other moneys in his possession, and used for the purposes for which said taxes were levied and collected, and for no other purpose. Said treasurer shall give a separate bond for the safe-keeping and proper disbursement of said taxes, to be executed in such sum and with such security as said board of county commissioners shall deem proper, and to be renewed from time to time and at least once in each year; and he shall receive for his services the same compensation he receives for handling other county funds. Whenever practicable, the sinking fund above provided for shall annually be applied to the purchase of the identical bonds to pay the principal of which said fund was created; but whenever it is found to be impracticable to so apply said sinking fund, or any part thereof, then the same shall be safely invested, as may be directed by said board of county commissioners, due precaution being taken in making any such investment to have all moneys belonging to said fund available promptly when said bonds mature.

Special tax for in-  
terest and sinking  
fund.

Collected as other  
taxes.

Specific appropria-  
tion.

Treasurer to give  
separate bond.

Investment of  
sinking fund.

SEC. 15. That the stockholders of said company, whether private citizens or other corporations, public, private or municipal, shall

Stockholders not  
individually liable.

not be individually liable for the debts or liabilities of the company.

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 27th day of February, A. D. 1905.

CHAPTER 185.

AN ACT TO INCORPORATE LEAKSVILLE-SPRAY ACADEMY  
IN THE TOWN OF LEAKSVILLE IN ROCKINGHAM  
COUNTY.

*The General Assembly of North Carolina do enact:*

Corporators.	SECTION 1. That D. F. King, J. B. Taylor, B. F. Ivey, Dr. John Sweaney, J. P. Wilson, F. M. Roberts, T. Lee Millner, Dr. Thomas G. Taylor, J. B. Fagg, James R. Greer, P. F. Osborne, A. E. Millner, Pink Gilly, J. C. Roberson, J. T. Trent, J. F. Lewis, W. S. Williams, J. B. Hill, J. A. Ward, R. V. Osborne, Jarrett Patterson, and their successors, be and are hereby declared to be a body politic and corporate for the purpose of conducting, under the auspices of the Pilot Mountain Association, a school of high grade in the town of Leaksville in Rockingham County for the education of boys and girls, to be known as "Leaksville-Spray Academy," and by this name and style to have a common seal, and shall be able in law to sue and be sued, plead and be impleaded in all the courts of the 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 to buy and lease real estate, and erect and rent buildings in connection with the Leaksville-Spray Academy.
Corporate name. Formal enumeration of corporate rights.	
Qualifications of trustees. Election of trustees.	SEC. 2. That the board of trustees for the Leaksville-Spray Academy shall consist of twelve members, and each trustee shall be a member in good standing of some regularly constituted Baptist church within the bounds of the Pilot Mountain Association, and shall be elected by the incorporators, and their successors, of the Leaksville-Spray Academy, subject to the approval of the Pilot Mountain Association.
First trustees named.	SEC. 3. That W. S. Williams, R. V. Osborne, T. Lee Millner, J. B. Hill, J. P. Wilson, Dr. John Sweaney, J. B. Fagg, J. B. Taylor, D. F. King, Dr. Thomas G. Taylor, B. F. Ivey, A. E. Millner, be and are hereby declared trustees of the Leaksville-Spray Academy.
Term of office of trustees. Trustees classified.	SEC. 4. That the full term of office of trustee shall be three years: <i>Provided</i> , that the first four mentioned in section three of

this act shall hold office until the annual meeting of the said incorporators of the Leaksville-Spray Academy in nineteen hundred and six, and the second four until said meeting in nineteen hundred and seven, and the third four until the said meeting in nineteen hundred and eight, and their successors for a term of three years from date of their election: subject, however, to removal on the part of said incorporators for improper conduct, inefficiency or neglect of duty. Vacancies caused by death or removal from office may be filled by the board of trustees until the next annual meeting.

SEC. 5. That if any of the trustees shall fail to attend a meeting of the trustees continuously for one year the board may declare his seat vacant and proceed to fill the vacancy.

SEC. 6. 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 Pilot Mountain Association.

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

SEC. 8. 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 may deem qualified to discharge the duties of the several offices, and may remove the same for misbehavior, or incompetency, or neglect of duty: *Provided*, that all officers and teachers shall be members of some regularly constituted Baptist church. They shall also have power to make all rules and regulations not inconsistent with the laws of this State for the government of said school.

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 business meetings, after five days' notice of time and place and object of meeting shall have been given verbally or mailed to all members of said board of trustees.

SEC. 10. That so much of the property belonging to said corporation as shall be necessary for the use of such school as may be established under the provisions of this act, and so long as it may be so used, shall be exempt from taxation.

SEC. 11. That said trustees are hereby empowered to receive donations and to hold property, both real and personal, for educational purposes.

SEC. 12. That the trustees and incorporators shall not be individually liable for the debts of said school.

SEC. 13. 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 27th day of February, A. D. 1905.



CHAPTER 186.

AN ACT TO AMEND CHAPTER 17 OF THE PRIVATE LAWS OF 1903, SO AS TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF SHELMERDINE, PITT COUNTY.

*The General Assembly of North Carolina do enact:*

New corporate limits.

SECTION 1. That chapter seventeen of the Private Laws of one thousand nine hundred and three, section two, be and the same is hereby amended by striking out all of section two, after the word "following," in the first line, and inserting in lieu thereof the following: "Beginning at the bridge on the ditch leading out of J. B. Smith's field, where the same crosses the new road leading to W. L. Smith's mill, and runs with the north edge of said road eastwardly to the fork; thence with the north side of the left-hand road to the old Greenville and Vanceboro Road; thence southwardly with the east edge of said old road to a stake, the corner of the Beaufort County Lumber Company's property; thence with its line eastwardly to the corner; thence with another of its lines southwardly to the road that leads from Susan Adams' cross-roads to Jesse Sutton's; thence with the south edge of said road, crossing said cross-roads, to the first crook in the road between Fred. Haddock's residence and Clay Root Swamp; thence a direct line to the first station."

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 27th day of February, A. D. 1905.

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CHAPTER 187.

AN ACT TO INCORPORATE THE BEAUFORT AND WESTERN RAILWAY COMPANY.

*The General Assembly of North Carolina do enact:*

Corporators.

Corporate name.

Formal enumeration of corporate rights.

SECTION 1. That W. S. Chadwick, Fred. L. Merritt, W. A. Mace, C. D. Jones and Charles L. Abernethy, and their successors, associates and assigns, be and they are hereby constituted and created a body politic and incorporated by the name of "The Beaufort and Western Railway Company," and as such shall receive the powers herein granted for sixty years; that said company may by that name sue and be sued, plead and be impleaded in any court in this State; and said company shall have power and authority to make by-laws and regulations for its government and management; to elect or appoint all necessary officers and prescribe their powers and duties, and to have and use a common seal, which it may

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

SEC. 2. That the said company be and is hereby authorized and empowered to build, maintain and operate a steam or electric railroad with one or more tracks, from or in the vicinity of the town of Beaufort, Carteret County, North Carolina, to Newport, North Carolina, or Havelock, North Carolina, and continuing on through the counties of Carteret, Onslow or Craven, Jones, Lenoir, Duplin or Wayne, Sampson, Cumberland, Moore, Montgomery, Stanly, Cabarrus, Mecklenburg, Gaston or Lincoln, Cleveland or Burke, Rutherford, McDowell, Buncombe, Haywood or Madison, to some point at or in the vicinity of Knoxville, Tennessee; and from Beaufort, North Carolina, to some other point or points in Carteret County to be selected by the president and directors of the company incorporated, with the privilege of building and operating branch roads not exceeding fifty miles in length; and in constructing and operating said branch roads the said company shall have all the rights and powers and privileges granted to it with respect to the main lines.

SEC. 3. That the capital stock of this company shall be one hundred thousand dollars, and the same may be increased from time to time as a majority of the stockholders may determine, by making application to the Secretary of State and paying fees required by law for every such increase, up to five million dollars:

*Provided*, such increase shall be null and void until the fees prescribed by law shall have been paid. That the stock of said company shall be in shares of one hundred dollars each, for which certain 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 said capital stock; that the said corporators, or a majority of them, acting in person or by proxy, shall cause a book or books of subscription to be opened by a commissioner or commissioners to be appointed by them, or a majority of them acting in person or by proxy, at such times and places and under such rules and regulations as they or a majority of them may prescribe; that said corporators or a majority of them, acting in person or by proxy, after the sum of five thousand dollars has been subscribed, shall call a meeting of the stockholders who shall have subscribed to said capital stock for the purpose of completing the organization of the company, giving ten days' notice thereof, in some newspaper

Terminals and route.

Branch roads.

Capital stock.

Stock.

Stockholders not individually liable.

Books of subscription.

When company to organize.

Directors.	published in the county of Carteret; that at such a meeting the stockholders shall elect a board of directors consisting of five
President.	members, who shall immediately elect one of their number president of the company.
How subscriptions paid.	SEC. 4. That subscriptions to the capital stock of said company may be made in money, land, labor or materials necessary for the construction or equipment of said road, in bonds, stocks or other valuable credits, in such manner and on such terms as may be agreed upon by the president and directors of said company and the subscribers.
Power of consolidation.	SEC. 5. That said company is authorized and empowered to consolidate its capital stock, estate—real, personal and mixed—franchise, rights, privileges and property with those of any other railroad company or companies chartered by and organized under the laws of this State, whenever a majority of the stockholders of this company shall so desire, when the two or more railroads so to be consolidated shall and may form a continuous line of railroads with each other, and the said consolidation may be effected by its directors in such manner and on such terms and conditions and under such name and style as a majority of the stockholders may determine or approve.
Other corporations may subscribe to stock or guarantee bond of this company.	SEC. 6. That it shall and may be lawful for any railroad or transportation company created by the laws of this or any other State from time to time to subscribe or purchase or to hold the stock and bonds, or either, of the company, or to guarantee or endorse such bonds of or stock, or either of them; and it shall and
Or purchase or lease property of company.	may be lawful for any railroad or transportation company of or companies created by the laws of this State or any other State to purchase, use or lease the road, property or franchise of this company for such time and upon such terms as may be agreed upon by this company and such other companies or company as shall
Company may subscribe to stock or guarantee bonds of other companies.	be the party to the contract; that it shall be lawful for this company to subscribe to or purchase and to hold the stock or bonds, or both, of any other railroad or transportation company chartered by this or any other State, or to guarantee the stock or
Or purchase property of other companies.	bonds of any such company, or to purchase, lease or operate the road or line, property of or franchise of any such railroad or
Proviso: lines to be directly connected.	transportation company: <i>Provided</i> , that the road or line of such company shall be directly connected with this company.
Meetings of stockholders.	SEC. 7. That the meeting of stockholders shall be held annually at such time and place as may be determined by them, and at all regular meetings the president and directors shall render to the stockholders an account of the affairs of the company. Special meetings of the stockholders may be called by the president or by a majority of the directors, by notice mailed to each stockholder, or by publication in one or more newspapers in this State thirty days before said meeting, and notice of annual meetings shall be likewise published.

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

President and directors to appoint other officers.

Term of directors.

Vacancies.

SEC. 9. That the said railroad company is further authorized to commence work upon any part of its line, and upon the completion of any portion or section of its road to operate and maintain such portion or section, with all rights, powers and privileges hereby granted to this company; and it shall have the privilege of using under such purchase, lease, agreement or running arrangement as it may from time to time make with any other company in this or adjoining State any line or roads as a connecting link between the different portions of its road.

Work may commence on any part of line.  
To work part before completion of whole.

Running arrangements.

SEC. 10. That the president and directors of said company, under authority from the stockholders, shall have power to make such expenditures and contract such debts as may be necessary for the construction and operation of the railroad authorized by this act.

President and directors to make expenditures and contract debts.

SEC. 11. That the president and directors shall have power and authority to require from the stockholders whose subscriptions are payable in money such advance of money on their respective shares from time to time as the wants of the company may demand, until the whole of their subscription shall be paid. If any stockholder shall fail to pay the sum required of him by the president and directors within one month after the same shall have been required, it shall and may be lawful for the said president and directors to sell at public auction and convey to the purchaser the share or shares of such stockholders so failing or refusing, giving one month's previous notice of the time and place of sale in one or more newspapers published in the State; and after retaining the sum due and all charges of the sale out of the proceeds thereof, to pay the surplus over to the delinquent owner or his legal representative; and if the sale should not produce the sum required to be advanced, with the incidental charges attending the sale, then the said company may receive or recover the balance of the original subscriber or his assignee, or the executor or administrator, or either of them, at the option of the said company, acting through its president and directors, by a civil action in any court having jurisdiction thereof. Any purchaser of stock under such sale by the president and directors shall be subject to the same rules and regulations as the original proprietor.

Installments of subscriptions.

Remedy against delinquent subscribers.

SEC. 12. That the said company is hereby authorized, at its option, to construct and operate one or more lines of telegraph or telephone along its lines of railway, and to charge and collect such

Telegraph and telephone lines.

remuneration for messages or dispatches as the president and board of directors may determine; and said company may connect said lines of telegraph or telephone with the lines of any other company in this or an adjoining State, and may lease, rent or sell this right in any telegraph or telephone lines constructed by the company as in the judgment of the president and directors may be advantageous to the company.

Steamships, light-  
ers, barges, etc.

SEC. 13. That said corporation may own and operate steamships, lighters, barges, tugs, steamboats and vessels between the ports of this State and elsewhere, and may transport passengers and freight upon said steamers, barges, vessels, lighters and tugs, and may purchase, lease or charter such steamers, barges or other vessels as it may require in the conduct of its business.

Company may  
borrow money.

Bonds.

SEC. 14. That authority is given to said company to borrow money to such extent and in such manner as may be authorized by its stockholders as may be deemed advisable, and to issue thereof bonds, either coupon or registered, or other evidence of debt, in such manner and form as may be determined by the president and the directors, and to secure such bonds or loans, both as to principal and interest, by such mortgages or deeds of trust on the whole or any part thereof, and the said company is hereby authorized to sell its bonds when, where and at such rates and prices as its president and directors shall deem most advantageous to the company.

Company may  
occupy land.

SEC. 15. That this company shall have the power and authority to appropriate and occupy as much land as may be necessary for the construction of the said railroad and its branches, of the width of one hundred feet on each side, measuring from the center of the said track, and as much additional land as may be necessary for the construction and operation of said railway and its branches under the same rules and terms as are prescribed for the acquisition and condemnation of land by volume one, chapter forty-nine, of The Code; and that in the absence of any contract the said company shall acquire title to one hundred feet on each side of its track, and if no claim for damages is brought in two years from the completion of the part of the road for which damages may be due for right-of-way, such claim or action shall be barred and a grant for said right-of-way be presumed.

Claim for damage  
barred after two  
years.

Counties and  
municipal corpora-  
tions may sub-  
scribe for stock.

SEC. 16. That for the purpose of aiding in raising the capital stock of the said Beaufort and Western Railway Company, in addition to private subscriptions provided for, it shall and may be lawful for any county, township, city or town in or through which the said railroad or its branches may be located, or which is interested in its construction, to subscribe to the capital stock of said company such sum in bonds as a majority of all their qualified electors may authorize the county commissioners of such county, or of the county in which is situated such townships, or



the municipal authorities of such city or town, to subscribe; anything contained in the charter of such municipal corporations to the contrary notwithstanding. That the said subscription shall be made in bonds not bearing a greater interest than six per centum, payable forty years after date thereof, to be received by said company at par, and to be of the denominations of one hundred dollars and five hundred dollars, or one thousand dollars if said company so desires, interest to be paid semi-annually.

Subscription paid  
in bonds.

SEC. 17. That for the purpose of determining the amount of such subscriptions, it shall be the duty of the county commissioners of any county in which said railroad is located, or which is interested in the construction of said railroad, or in which the township interested or about to subscribe is situated, or the municipal authorities of any city or town interested in the construction of the said road, upon a written application of ten resident tax-payers of said county, township, city or town, specifying the amount therein to be subscribed in, to submit to the qualified electors of such county, township, city or town, as the case may be, the question of "Subscription" or "No Subscription" to the capital stock of said company. And said county commissioners or municipal authorities of such city or town shall have the power to order an election, specifying the time, place and purpose of the election, and to provide for the holding of the same according to law, at which election the ballots shall have written or printed thereon, or either, the word "Subscription" or "No Subscription": the said county commissioners or the municipal authorities of the said city or town having first fixed the amount proposed to be subscribed according to the request of the petition submitted to them, notice of said election being published for six weeks in the county, in a newspaper, in which such election is held, and if there be no newspaper in the county, then in some newspaper published in the county nearest thereto. That said county commissioners or municipal authorities, as the case may be, are hereby authorized to order a new registration of the qualified voters of the county, township, city or town for the said election.

County commis-  
sioners to call  
county or township  
elections.

Municipal authori-  
ties of cities or  
towns.

Form of ballots.

Notice of election.

New registration  
may be ordered.

SEC. 18. That all elections under the preceding section shall be held, if for a county, according to the law and regulations provided for the election of members of the General Assembly, and the returns shall be made to and canvassed by the board of county commissioners, who shall ascertain and declare the results and make a record of the same. If the election shall be held for a township the registrar and judges of election shall make returns to the board of county commissioners, who shall canvass the same and ascertain and declare the result and make a record of the same. If the election shall be made for a city or town it shall be conducted as elections for municipal officers, and the mayor and aldermen or other municipal authorities shall ascertain and declare

How elections held  
and returns made  
and canvassed.

How subscriptions  
made if authorized.

the result and make a record of the same. That in case a majority of all the qualified voters in said county, township, city or town, as the case may be, shall have voted for "Subscription," then the chairman of the board of county commissioners in all cases of county or township elections, or the proper municipal authorities in case of city or town elections, shall be authorized and required to subscribe to the capital stock of said company in behalf of said county or township, city or town, as the case may be, the sum which may have been named in the said petition, which subscription shall be made in coupon bonds bearing a rate of interest not exceeding six per centum, bonds as aforesaid, with interest, payable semi-annually. All tax levies for the purpose of raising funds to pay said bonds or coupons shall be made upon the taxable property in such counties or townships, cities or towns.

Special tax for interest and redemption of bonds.

SEC. 19. That to provide for the payment of the interest on such bonds and their redemption at or before maturity, the board of county commissioners aforesaid, or the municipal authorities of any city or town subscribing, shall, in addition to other taxes, each year compute and levy on all property of any such county, township or city or town as may make a subscription of bonds to the said company, preserving the constitutional equation of taxation, a sufficient tax to pay such interest, and after ten years from the date of said bonds a second additional tax sufficient to provide each year a sum equal to one-fiftieth part of the principal of said bonds for a sinking fund, which amount shall be annually collected as other taxes and paid to the county treasurer or other officer of said county, city or town authorized by law to perform the duties of treasurer or commissioner of the sinking fund, and by him invested in said bonds, which shall be canceled by the county commissioners or the municipal authorities of the city or town, as the case may be; but in case said treasurer or other officer shall be unable to invest the sinking fund herein provided for in said bonds at or below their par value, he shall invest the same in such solvent bonds or securities as may be selected and approved by the board of county commissioners aforesaid, or the proper authorities of any city or town subscribing to the capital stock of the said company.

Investments of  
sinking fund.

Township incorporated.

SEC. 20. That for the purpose of this act all the townships along the line of the railroad, or which are interested in its construction, are hereby declared to be bodies politic and corporate, and are vested with the necessary powers to carry out the provisions of this act, and shall have all rights and be subject to the liabilities in respect to any rights or cause of action growing out of the provisions of this act. The county commissioners of the respective counties in which are situated the respective townships subscribing are declared to be corporate agents of the said townships, respectively.

SEC. 21. That whensoever any township or townships shall subscribe its or their bonds to the capital stock of this company the county taxes which shall be levied and collected upon property and franchises of the company in the county in which the township or townships is or are situated shall be applied to the payment of the interest on the said bonds, pro rata to the amount of the said interest, until the said bonds shall have been paid in full. And the corporate taxes on the property and franchise of said company levied and collected in and for any city or town subscribing to the capital stock of said company shall be applied to the payment of the interest on the said bonds subscribed by said city or town.

Railroad taxes in townships subscribing applied to bonds.

Corporate railroad taxes in cities or towns subscribing.

SEC. 22. That in addition to the powers herein granted, this company shall have all the powers and privileges as are granted to railroad companies in volume one, chapter forty-nine, of The Code, and all amendments thereof.

Powers under general law.

SEC. 23. That in all conventions of stockholders of said company such counties, townships, cities or towns as may subscribe to the capital stock shall be represented by one or more delegates, to be appointed for such purposes by the corporate authorities of such cities, towns or the county commissioners of the respective counties.

County and municipal stockholders to be represented.

SEC. 24. That the construction of this railroad shall be begun within five years from the date of this act.

Construction to begin within five years.

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 27th day of February, A. D. 1905.

## CHAPTER 188.

### AN ACT TO AMEND THE CHARTER OF THE TOWN OF PINE BLUFF, IN MOORE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the inhabitants now or hereafter residing within the following boundaries, to-wit, on the west side the west line of the fruit farms of E. Vandermeersch and others, numbered one to fourteen, inclusive, as shown by a supplementary survey and map made by Francis Deaton in the year one thousand eight hundred and ninety-four, said line beginning at the southwest corner of fruit farm number six (6) and bearing north nineteen degrees twenty-six minutes east and extending to a point one hundred feet beyond the northwest corner of fruit farm number fourteen (14); thence south seventy degrees thirty-four minutes east to an inter-

Corporate limits.

	<p>section with Juniper Branch; thence with the courses of said Juniper Branch to its junction with Aberdeen Creek; thence southeast to the west line of the right-of-way of the Seaboard Air Line Railway; thence southerly with the west line of said right-of-way to a point due east of the mouth of Forked Creek at its junction with Aberdeen Creek; thence west to the mouth of said Forked Creek; thence with the courses of said Forked Creek and the South Fork of same to a point where the south line of fruit farm number six (6) extended easterly with a bearing of south seventy degrees thirty-four minutes east intersects said South Fork; thence westerly with said line to the southwest corner of said fruit farm number six (6), the point of beginning, shall be and remain a body politic and corporate under the name and style of the "Town of Pine Bluff," and under such name and style may sue and be sued, plead and be impleaded, acquire by gift, purchase, devise or in any other way such real estate and personal property as may be necessary, proper or useful in carrying out this act; may hold, invest, improve, use, govern, control and protect, and, under the hands of the mayor and two of the town commissioners, attested by the corporate seal, may sell and dispose of the same; and shall have all the powers, rights and privileges belonging to or usually vested in or pertaining to municipal corporations. And the said corporation shall continue to have and exercise all the powers and privileges conferred in an act of the General Assembly of North Carolina entitled "An act to incorporate the town of Pine Bluff," ratified on the sixth day of March, one thousand eight hundred and ninety-nine, and all subsequent acts supplementary thereto or amendatory thereof, not heretofore repealed or inconsistent with the provisions of this act.</p>
Corporate name.	
Present officers continued.	<p>SEC. 2. That the present government of said town shall continue as now constituted until successors to the present officials shall be elected and qualified as hereinafter provided, and all of the ordinances and by-laws theretofore adopted by said town shall remain in force until altered, amended or repealed.</p>
Town elections.	<p>SEC. 3. That on Tuesday after the first Monday of May, one thousand nine hundred and five, and biennially thereafter, an election shall be held in said town, under the general laws of the State governing municipal elections, to choose a mayor and five commissioners, who shall be voted for on one ballot, which may be either written or printed, or partly written and partly printed, and which shall be of plain white paper, without device, three inches by five inches in size: <i>Provided</i>, any ballot on which the name of the same person appears more than once shall be deemed invalid and such ballot shall not be counted in making up the returns of the election.</p>
Ballots.	
Proviso: invalid ballots.	
Term of office.	<p>SEC. 4. That the mayor and commissioners and other officials hereinafter provided for shall hold office until their successors are elected and qualified, and before entering upon the duties of their</p>

office shall take and subscribe to an oath of office before a magis- Oath of office.  
trate, as provided by the general law of the State, and such oaths  
of office shall be filed with the town clerk as a part of the town  
records.

SEC. 5. That the commissioners shall hold regular meetings at Meetings of com-  
least once each month, in some public place, if possible. Special missioners.  
meetings may be held on the call of the mayor or of the three com- Special meetings.  
missioners. The mayor and all of the commissioners shall be noti-  
fied of special meetings, except in cases of prolonged absence from  
town, and no other business shall be transacted at a special meet-  
ing until the particular business for which the meeting is called  
shall be disposed of. A majority of the board of commissioners Quorum.  
shall constitute a lawful quorum to do business. In the temporary  
absence of the mayor the commissioners may elect one of their  
number as mayor *pro tem.*, and such mayor *pro tem.*, with two Mayor pro tem.  
other commissioners, shall constitute a lawful quorum to do busi-  
ness. Neither the mayor nor the mayor *pro tem.* shall vote except  
in case of a tie. In case of a vacancy in the office of mayor or Vacancies.  
commissioner after election the commissioners shall fill the va-  
cancy: *Provided*, that if from any cause the number of commis- Proviso: clerk of  
sioners shall become reduced below the number necessary to a court to appoint.  
quorum, the Clerk of the Superior Court of Moore County shall  
have authority to appoint a sufficient number of commissioners to  
make up a lawful quorum, who shall hold the said offices until the  
next general election of commissioners.

SEC. 6. That the commissioners of said town shall have authority Powers of commis-  
to pass all necessary by-laws and ordinances for the proper govern- sioners.  
ment of the town, and to enforce the same by means of suitable  
fines and penalties. Among the powers specifically conferred upon  
the commissioners are the following: They may take necessary  
steps to guard against the introduction and spread of infectious  
and contagious diseases: to declare nuisances all domestic animals,  
either running at large or confined in the town, and to prescribe  
the conditions under which they may be kept, or to prohibit and  
abate same totally: to prescribe conditions under which may be  
established or conducted business enterprises of an offensive, dan-  
gerous or unhealthful nature, or to prohibit same totally; to restrict  
or prohibit the sale in town of cigarettes and cigarette paper and  
of medicinal mixtures containing more than twenty per cent. of  
alcohol; to prescribe conditions under which may be sold and used  
fire-arms of all kinds, including toy guns and pistols and air-guns,  
brass knuckles, loaded canes, dirks, bowie and other knives used  
as weapons, ammunition and fire-works, not inconsistent with the  
general laws of the State: to levy an annual license tax on dogs  
owned or kept within the town not exceeding one dollar on males  
and two dollars on females, and they may require the owners to  
cause the dogs to wear a suitable tag or check to indicate the pay-  
ment of the license tax: to govern the placing and maintenance of



stoves, stove-pipes, flues and chimneys: to prevent fast driving in the streets of the town, and cruelty to animals, such as violence, neglect or overloading: to encourage the planting of shade-trees and the use of wide-tired vehicles in the town by granting in their discretion an abatement or discount on poll and *ad valorem* taxes not exceeding five per cent. to such tax-payers as comply with the conditions the commissioners may prescribe relative thereto; to take necessary measures to prevent and extinguish conflagrations: to prohibit all interference with a due observance of the Sabbath: to maintain peace and good order in town: to prohibit and prevent gambling or other vice.

Powers as to streets.

SEC. 7. The board of commissioners shall have full power and authority to lay out, open, grade, remove obstructions from and keep in repair the streets, alleys, parks and commons within the corporate limits of the town in such manner as in their judgment may be necessary or advisable: and they shall likewise have full power and authority to widen, enlarge, make narrower or smaller, straighten, change, extend, close or discontinue any street, alley, park or common within the corporate limits of the town, whenever and in such manner as in their judgment the public good or convenience may require it. Whenever in the exercise of said powers they may deem it necessary, they may acquire land for the use of the public by gift, dedication, purchase or by the right of eminent domain.

Procedure for condemning land.

SEC. 8. In the event the board of commissioners shall deem it necessary or desirable to condemn land, the same shall be done in the manner following: The board of commissioners shall pass a resolution describing the land to be taken, the purpose for which it is to be taken, and the public need therefor, and shall at the same time designate one person to act as appraiser of the damages to be sustained by the owner of the land. A copy of this resolution and appointment of the appraiser shall be served upon the owner in the manner prescribed by law for the service of notices. The owner may thereupon within three days after such service upon him, appoint in writing one person to act as appraiser of the damages to be sustained. Shall he fail or refuse to make such appointment in the time limited, the mayor of the town shall appoint such appraiser. The two appraisers thus chosen shall select a third, and these three shall view the land to be taken and assess the damages to be sustained by the owner. In computing the damages they may take into consideration the benefits and the advantages to the owner by the proposed public improvement, and assess the damage at the net amount after deducting the value of such benefits and advantages to the owner. They, or a majority of them, shall make report in writing of their action and file same with the mayor, who shall forthwith cause a copy of same to be served upon the owner: and either the board of commissioners or the owner may, within ten days after such service, appeal to the

Appeal.

Superior Court of Moore County, where the matter shall be reviewed as in other civil actions. The amount of damage assessed by the appraisers, or found by judgment in the superior court, shall be paid by the board of commissioners in such reasonable time as the said board or the superior court may order. The report of the appraisers, or the judgment of the superior court on appeal, shall have the force and effect of a conveyance of the land to the town of Pinebluff for the use of the public, and shall be entered upon the records kept by the board of commissioners and recorded in the office of the Register of Deeds of Moore County. An appeal to the superior court shall not have the effect of staying work upon the public improvement contemplated by the board of commissioners, but they may enter upon such land and proceed with the said improvement. Each of said appraisers shall be a resident freeholder of the town, competent to serve on the jury, and shall receive one dollar per day for the time actually engaged in assessing such damages, as compensation for his services.

SEC. 9. That the commissioners shall have authority to establish a board of building inspection, and to require that plans and estimates for the erection, repair or alteration of buildings within the corporate limits shall be submitted to such board of building inspection in all cases where the estimated cost of such erection, repair or alteration exceeds twenty-five dollars, and that such plans shall be approved by such board and a building license or permit issued, for which a fee or license tax not exceeding twenty-five cents may be collected before it shall be lawful to commence work under such plans; and such work shall be subject to the supervision, and shall conform to the requirements, of the said board.

SEC. 10. That the commissioners shall have power to guard against the contamination of wells, springs and other sources of water supply by governing the establishment or maintenance of privies, privy vaults, water-closets, drains, sewers, or cess-pools, and by declaring a nuisance or prohibiting all deposits of filth, garbage, waste, manure heaps, sewage, waste water, or other offensive or unhealthful substances, and to require that any person responsible for the establishment or maintenance of anything declared [a] nuisance or prohibited under the provisions of this section to remove or abate same at his own expense by the imposition of suitable fines and penalties.

SEC. 11. That the commissioners shall have power to elect a health officer who, with two commissioners chosen for that purpose by the board of commissioners, shall constitute a board of health, which board shall be responsible for the sanitary condition of the town and shall have authority to enforce their rulings and ordinances by means of suitable fines and penalties.

## Town officers.

SEC. 12. That the commissioners shall have authority to elect and prescribe the duties of the following officers: A town clerk, town treasurer who shall be *ex officio* treasurer of the town school committee, tax collector, one or more policemen or marshals, an auditor, and such other officers as may be necessary to properly administer the government of the town. These officers shall hold office during the term of the board of commissioners which elects them and until their successors shall be elected and qualified, and may be removed from office by a three-fourths vote of the commissioners. The commissioners shall require a reasonable bond of such officers as act as guardians of the public money.

## Bonds of officers.

## School tax.

SEC. 13. That the commissioners shall continue to levy and collect annually a school tax not exceeding thirty cents on each one hundred dollars value of real and personal property and ninety cents on each taxable poll within the corporation as ordered by vote of the qualified voters of said town at an election held November eight, one thousand nine hundred and four, under the provisions of section seventy-one of the general school law of the State in effect at that date, and in addition thereto shall have authority to levy and collect annually, for the general expenses of the town and for all purposes necessary to the public welfare, not inconsistent with the Constitution and laws of the State, a tax on all subjects of State taxation not exceeding one dollar on each one hundred dollars valuation of real and personal property and three dollars on each taxable poll within the corporation.

## General taxes.

## License taxes.

SEC. 14. That the commissioners shall have authority to impose an annual license or privilege tax on all such subjects, privileges, trades and professions as the general laws of the State permit, and in addition thereto shall be empowered to control all hack, dray, and livery business in the town, including the regulating of fares or tariffs, by the imposition of an annual license tax not exceeding one dollar per head on each animal used in such hack, dray or livery business; and they may, in their discretion, impose a license tax not exceeding five dollars per annum on non-resident persons peddling within the corporate limits of the town.

## Board of assessment and equalization.

SEC. 15. That the commissioners of said town shall constitute a board of assessment and equalization, operating under the general laws of the State governing the assessment, levy and collection of State and county taxes, in so far as such laws may properly apply to the assessment, levy and collection of town taxes. That it shall be the duty of the commissioners to place annually in the hands of the tax collector, not later than August fifteenth, a duplicate tax list for collection of the town taxes. That all taxes paid before October first of the year in which they are levied shall be subject to an abatement, in the discretion of the commissioners, not exceeding four per cent. That all taxes not paid before January first following the levy of the same shall be liable to ten per cent. interest. That the tax collector of said town shall have the

same power to enforce payment of town taxes by seizure and sale of property as are conferred on the sheriff of the county by the general laws of the State: *Provided*, any sale of real property for unpaid taxes shall be held by the tax collector on the Wednesday following the first Monday in May.

SEC. 16. That the proceeds of the sales of any town property and of stray stock, and all fines and penalties collected, shall be applied to the school fund. That all town records, tax lists, correspondence, and town books and papers of whatever nature shall be open to public inspection during reasonable hours, and that the refusal on the part of any town official to exhibit any town records or documents in his custody, in violation of the foregoing, shall be deemed a misdemeanor and punished as such. That the town fiscal year shall begin May first. That the commissioners shall not enter into any contract with the mayor or any commissioner for the furnishing of town supplies or the performance of town work. That the commissioners may, in their discretion, exempt from taxation for a period not exceeding ten years any manufacturing or other business enterprise established in the town. That only qualified voters of the town shall be eligible to the office of mayor or commissioner, but that this restriction shall not apply to the other officers provided for in this act.

Proceeds of sales to school fund.

Books and records open to inspection.

Misdemeanor.

Town officers not to contract with town.

SEC. 17. That upon petition by one-third of the qualified voters of said town the commissioners shall cause an election to be held under the laws of the State governing municipal elections, to submit to the qualified voters of the town such question or proposition as may be embodied in the petition, such as a proposition to apply to the town school fund the income from all license or privilege taxes, or to make an appropriation from the general tax fund for the purpose of advertising the town as a resort, or to make an appropriation from the general tax fund to the school fund, or any other question or proposition for which a petition may be presented as above provided. And if at any such election a majority of the qualified voters shall vote in approval of the question submitted, then it shall be the duty of the commissioners to take such steps and make such enactments, without unreasonable delay, as shall be necessary to put in force and operation the order of the qualified voters thus expressed, and such order shall be deemed to be in effect until it shall be repealed in like manner by majority vote of the qualified voters: *Provided*, any special election held under the provisions of this section may be held on the occasion of the municipal or general election, but otherwise shall not be held within sixty days of any municipal or general election: and no question or proposition shall be submitted to the qualified voters under the provisions of this section designed to repeal, or having the effect of repealing, any of the provisions of this act as ratified by the General Assembly.

Elections on appropriations.

Effect of elections.

Proviso: time for elections.

Prohibition continued.

SEC. 18. That the prohibitory liquor law adopted by popular vote in Sand Hills Township in the year one thousand eight hundred and eighty-seven shall continue in full force and effect in the town of Pinebluff and for a distance of one mile in every direction outside thereof, and that the commissioners shall have authority to prohibit the manufacture and sale within the territory above defined of wine, cider, bounce, bitters and other intoxicating compounds not specifically mentioned.

Failure to attend meeting of commissioners.

SEC. 19. That upon the failure on the part of the mayor or any commissioner to attend three successive meetings of the board of commissioners, without good and sufficient reason, the commissioners shall have authority to declare vacant the seat of such official and to proceed to elect his successor.

Violation of act a misdemeanor.

SEC. 20. That the violation of any of the provisions of this act, or any enactment passed in accordance therewith, shall be deemed a misdemeanor, punishable by a fine not exceeding fifty dollars or imprisonment not exceeding thirty days.

Punishment.

Conflicting laws repealed.

SEC. 21. That all laws and clauses of laws, so far as they are in conflict with this act, are hereby repealed.

SEC. 22. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, 1905.

## CHAPTER 189.

### AN ACT TO INCORPORATE "THE WADESBOROUGH PUBLIC LIBRARY."

*The General Assembly of North Carolina do enact:*

Corporators.

SECTION 1. That Risten Tyler Bennett, William C. Hardison, Fred. J. Coxe, Dr. Joseph H. Bennett, Mrs. J. G. Boylin, Miss L. C. Bennett, Miss Bernice Burnes, Mrs. James M. Covington, William O. Bennett, Jr., Mrs. W. J. Ferrell, Miss Bessie Dunlap, Rev. C. D. Graves, Mrs. William C. Hardison, Mrs. James A. Hardison, Mrs. James D. Horne, Mrs. William A. Ingram, Mrs. J. D. Leak, Miss Madge Little, Mrs. Mary Austin Little, John M. Little, James C. Marshall, Thomas A. Marshall, Miss Myrta Monsalvaltge, Miss Annie Moss, Mrs. Rosa Hammond Parsons, Mrs. L. D. Robinson, William L. Steele, Miss Eunice Wall and Mrs. Samuel Houston, their associates and successors, be and they are hereby created a body corporate by and under the name and style of "The Wadesborough Public Library," and by that name may sue and be sued, may have a common seal, may acquire and receive and hold real estate to the value of ten thousand dollars within or near the town of Wadesborough, Anson County, by purchase, gift, devise or other-

Corporate name.

Formal enumeration of corporate powers.



wise, and may likewise acquire, receive and hold personal property, books, maps, manuscripts, money and choses in action to the value of twenty thousand dollars; and may, when deemed to promote the object and aims of the corporation by so doing, sell, exchange, lease and dispose of any property, acquisition or interest—real, personal or mixed—and acquire other property in promotion of the aim and scope of the corporation, executing proper conveyances and acquittances therefor.

SEC. 2. The powers, purpose and duties of said corporation shall be as follows: To establish and maintain a library for the use of the citizens of the town of Wadesborough, subject to such by-laws, rules and regulations as the corporate authorities of said corporation may ordain, establish and put into force and effect. They may extend the privileges of said library to persons visiting Wadesborough, under such circumstances and reasonable regulations as may be prescribed in the by-laws. They may make, from time to time, reasonable regulations as to the use of the library, the preservation of the books and other property of the corporation, the maintenance of decency and order on the premises of the corporation, and may prescribe and collect membership fees, quarterly dues, etc.

Library to be maintained.

SEC. 3. The members of the corporation, other than the secretary and treasurer, shall receive no compensation for their services.

Members to receive no compensation.

SEC. 4. The corporation may employ a librarian, a care-taker and such servants as it may deem essential, and pay them wages out of any funds of the corporation. But no person shall be eligible to the place of librarian who is not in good faith a resident and citizen of the town of Wadesborough.

Librarian, care-taker and servants.

SEC. 5. The corporation shall not have the power to mortgage or encumber its property, nor shall it have power to contract any debt exceeding three hundred dollars, without the written assent of three-fourths of the charter members.

Debt-creating power limited.

SEC. 6. Whenever a vacancy shall occur in the membership of the corporation such vacancy shall be filled by the election of another member by the remaining members. Any member may resign by tendering his written resignation to the president and vice-president. Any member may be removed for physical or mental incapacity by a vote of three-fourths of the other members.

Vacancies.

Resignations.

Removals.

SEC. 7. The officers of the corporation shall be a president, a vice-president, secretary and treasurer (these two offices may be filled and held by the same person) and an executive committee of five members. All these officers shall be elected at the first meeting of the members of the corporation, and they shall hold their offices until their successors are elected. As soon as this act goes into effect, the first meeting is to be held, and regular meetings after the first meeting shall be held, annually, on January nineteen, when officers are to be elected. No one shall be eligible as an

Officers.

Election.

First meeting.

Regular meetings.

Meetings to be in Wadesboro. officer of the corporation except a member thereof. All meetings shall be held in Wadesborough.

Duties of president. Duties of vice-president. Duties of secretary and treasurer. SEC. 8. The president shall preside at the meetings of the corporation, shall sign all contracts on behalf of the corporation. The vice-president shall perform the duties of president in the absence of the president. The secretary and treasurer shall keep the records of the corporation and perform such other acts as may be prescribed by the by-laws, rules and regulations; shall receive and disburse the funds under the direction of the executive committee or as the by-laws direct.

Duties of executive committee. SEC. 9. The executive committee shall have general supervision and control of the affairs of the corporation and shall perform such duties as may be prescribed by the by-laws of the corporation, but shall not do any act inconsistent with the other provisions of this act.

Members not individually liable. SEC. 10. No member of this corporation shall be liable, personally or individually, for any contract, obligation or other liability of any kind of their corporation. A majority of members shall make a quorum at any meeting.

Exemption from taxation. SEC. 11. The property acquired by this corporation, and held and used in consonance with its provisions, shall be exempt from all State, county and municipal taxation. The corporate existence of this corporation shall be for one hundred years.

Misdemeanor to injure property of corporation. Misdemeanor. Penalty. SEC. 12. If any person shall willfully deface, injure, mutilate or destroy the books, maps, works of art, or furniture of the corporation, he shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, in the discretion of the court. If any person shall use indecent or profane language in the rooms of the corporation he shall be guilty of a misdemeanor: *Provided*, such language is used against the remonstrance of an officer of the corporation or under circumstances calculated to hinder or embarrass the objects, aims, purposes or privileges of the corporation.

SEC. 13. This act shall take effect from and after its ratification. In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1905.

## CHAPTER 190.

### AN ACT TO AMEND CHAPTER 584, PUBLIC LAWS OF 1903, AND TO EXTEND THE TIME FOR ORGANIZING THE SOUTHERN ELECTRIC POWER COMPANY.

*The General Assembly of North Carolina do enact:*

New corporators named. SECTION 1. That chapter five hundred and eighty-four, Public Laws session nineteen hundred and three, be amended as follows: Strike out of section one of said act all after the word "that" in

line one and before the word "together" in line two thereof, and in lieu thereof insert the following, viz.: "John Hamilton Swicegood, Hiram H. Hartley, G. M. Thompson and W. D. Simerson."

SEC. 2. That the said incorporators as herein named shall have two years from the passage of this act in which to organize the said company under the terms and provisions of the said chapter five hundred and eighty-four, Public Laws session of nineteen hundred and three.

Two years allowed for organization.

SEC. 3. That the original act on page nine hundred and ninety-two of the Public Laws of one thousand nine hundred and three be amended by inserting after the word "power" in line eight of section four, on said page, the words "Provided, said corporators shall pay for riparian rights above and below said dam or dams."

Corporation to pay for riparian rights.

SEC. 4. That all laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 5. 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 27th day of February, A. D. 1905.

## CHAPTER 191.

### AN ACT TO FORM A SPECIAL PUBLIC SCHOOL DISTRICT IN CUMBERLAND COUNTY FOR THE WHITE RACE. TO BE KNOWN AS ROCK FISH DISTRICT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the territory lying and being in the following boundaries be and the same is hereby created and established a special school district for the white race, to be known as Rock Fish District, to-wit: Beginning at Ray's old mill on Puppy Creek, thence with the Galatia Church Road to Stewart's Creek; thence as said creek southward to the old bridge on the new road, crossing said creek; thence north with the new public road to the old tram-road; then as the tram-road to the Aberdeen and Rock Fish Railroad; thence with said road to the land line of David Capps; thence with his land line east and south back to the Aberdeen and Rock Fish Railroad; then as the railroad to the road leading from the Strickland's Bridge to Daniel Ellis'; thence the road to J. T. Ritter's mill on Stewart's Creek; thence as said creek to the land of Kenneth Rayner; then as his land line north to the land line of J. H. Culbreth; thence south to Stewart's Creek; thence as said creek to Big Rock Fish Creek; then as Big Rock Fish to Puppy Creek; then up Puppy Creek to the beginning.

Boundaries of district.

SEC. 2. That the Rock Fish School District herein created and established shall be under the control and management of the

Under control of county board of education.

County Board of Education of Cumberland County, and shall receive its *pro rata* share of the public school funds of the said county.

District created  
on conditions.

SEC. 3. That this district is created only upon condition that the people residing within the boundaries of said district shall erect by private subscription a school-house, in accordance with plans approved by the county board of education, and that the election shall be held and carried in said district under the provisions of section seventy-two of the Public School Law for the levy of a special tax of not less than ten cents on the hundred dollars worth of property and thirty cents on the poll, for the support of the schools in said district; and in case a majority of the qualified voters within the boundaries of the district above described shall fail to vote at said election for the levying of said tax, and the people within the said district shall fail to erect said school-house, then the provisions of this bill shall be null and void, and the district herein created may be abolished by the County Board of Education of Cumberland County.

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

In the General Assembly read three times, and ratified this 27th day of February, A. D. 1905.

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## CHAPTER 192.

### AN ACT TO AMEND SECTION 6, CHAPTER 243, PRIVATE LAWS OF 1901, BEING AN ACT ESTABLISHING GRADED SCHOOLS IN MOUNT OLIVE, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section six (6), chapter two hundred and forty-three (243), Private Laws of one thousand nine hundred and one (1901), be and the same is hereby repealed, and the following be inserted in lieu thereof: "That the Board of Education of the County of Wayne, North Carolina, on the first Monday in May, one thousand nine hundred and five (1905), shall elect two trustees for Mount Olive Graded School District, who shall serve two years from date of election; two trustees who shall serve for a term of four years, and two trustees who shall serve for a term of six years from date of election. Should any vacancy occur in said Board of Trustees of Mount Olive Graded School District, then said board of education of said county of Wayne shall fill said vacancy for the unexpired term, and shall from time to time elect said board of trustees as their terms expire. Said board of trustees shall elect from their number one chairman, who shall not vote except upon a

Trustees elected  
by county board  
of education.

Organization of  
trustees.

tie vote between members of said board. Said Board of Trustees of Mount Olive Graded School District shall have power to employ and fix compensation of a superintendent for both or either of said graded schools, and such other teachers as are necessary, and do all such other acts as are necessary to carry on said graded schools. Superintendent and teachers.

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 27th day of February, A. D. 1905.

#### CHAPTER 193.

#### AN ACT TO PROVIDE A BURIAL PLACE FOR WHITES RESIDING AT COOLEEMEE, DAVIE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the land set apart by the Cooleemee Cotton Mills for a cemetery for the members of the church at Cooleemee and other white inhabitants thereof, to-wit, beginning at Casey's north corner, thence in a westerly direction along the Cooleemee Cotton Mills and Green's line to the old Mocksville Road; thence southward along said road two hundred feet; thence eastward at right angles to the said road to the Casey line; thence to the beginning, shall remain forever dedicated for the purpose of a cemetery. Land dedicated to cemetery.

SEC. 2. That the said land shall be exempt from assessment and taxation, and shall not be sold by the Cooleemee Cotton Mills, nor by virtue of any mortgage, execution or otherwise. Land exempt from taxation and sale.

SEC. 3. That any person who shall willfully be guilty of defacing, injuring or removing any grave-stone or monument placed therein, or any fence or railing placed around it or in it for the purpose of protection or ornament, or shall willfully cut, injure or destroy any tree, shrub, vine or plant therein, shall be guilty of a misdemeanor, and on conviction shall be fined and imprisoned, either or both, at the discretion of the court. Desecration of cemetery a misdemeanor. Punishment.

SEC. 4. That the manager of the Cooleemee Cotton Mills shall have the authority to assign places for burial therein to the white inhabitants of Cooleemee and to such others as he may see fit to allow to be buried therein: *Provided*, that none but white persons may at any time be buried therein. Burial places assigned. Proviso; to none but white persons.

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 27th day of February, A. D. 1905.



## CHAPTER 194.

## AN ACT TO INCORPORATE THE TOWN OF ATLANTIC IN CARTERET COUNTY.

*The General Assembly of North Carolina do enact:*

**Town incorporated.** SECTION 1. That the town of Atlantic, in Carteret County, is hereby incorporated by the name and style of the "Town of Atlantic," and it shall have the advantage of and be subject to all the provisions of law now in existence in reference to incorporated towns not inconsistent with this act.

**Corporate limits.** SEC. 2. That the corporate limits of said town shall be: Eastern boundary, beginning at Core Sound and running a northwest course along the east side of Charles W. Willis' lot, and extending one-half mile from the beginning; western boundary, beginning at Core Sound and running a northwest course along the west side of Thomas Hamilton's lot, and extending one-half mile from the beginning; northern boundary, beginning at the northern extremity of the western boundary, and running a straight course to the northern extremity of the eastern boundary; southern boundary, Core Sound.

**Town officers.** SEC. 3. That the officers of said town shall consist of a mayor, three aldermen and a marshal, to be elected in accordance with the general laws regulating elections in cities and towns.

**First officers.** SEC. 4. That until other officers shall have been elected and qualified, on Tuesday after the first Monday in May, one thousand nine hundred and five, the following persons shall be the officers of the said town, to-wit: Mayor, S. E. Hamilton; aldermen, J. R. Morris, Thomas Hamilton, J. E. Willis; marshal, Willie Mason: *Provided*, that it shall be unlawful for any person, firm or corporation to manufacture or sell any liquors or other beverages in said town.

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 27th day of February, A. D. 1905.

## CHAPTER 195.

## AN ACT TO CREATE A SPECIAL TAX SCHOOL DISTRICT IN THE COUNTIES OF SAMPSON AND DUPLIN.

*The General Assembly of North Carolina do enact:*

**Boundaries.** SECTION 1. A special local tax school district is hereby formed and established from portions of Sampson and Duplin Counties within the following boundaries, to-wit: Beginning at Fennell's Landing on Black River, running east with Franklin Township

line to Clinton and Wilmington Public Road: thence northeast, taking in A. F. Jones and P. N. Jones: thence southeast, taking in Henry Moore, Ira Bland and Jacob Wells' estates: thence south, taking in E. J. Page and Thomas Bland; thence nearly west to Jones' Landing on Black River, taking in Everett Chestnut, Erwin Treadwell, J. H. Hollingsworth, Ben. Lee, J. H. Pearson, I. M. King: thence up said river to the beginning. Said district shall be known as "The Harrell's Store Special Tax District."

SEC. 2. An election is hereby ordered for said special district on the first Monday in May, one thousand nine hundred and five; said election to be held at Harrell's Store, under the same rules and regulations as are prescribed for the election of members of the General Assembly, except that the sole authority for holding said election shall vest in the officers of Sampson County.

Election ordered.

Under general law.

Authority of officers of Sampson county.

SEC. 3. A registrar and two judges of election shall be appointed by the County Board of Elections of Sampson County, not more than two of whom shall belong to the same political party. Said election officers so appointed shall register all qualified voters in said district and conduct said election as is now provided by law and subject to the same rules and regulations as other lawful elections.

County board of elections of Sampson county to appoint election officers.

SEC. 4. At said election the question shall be whether or not a special tax of thirty cents on the hundred dollars worth of property and ninety cents on the poll shall be levied in the said special district to supplement the amount appropriated to the same by the county board of education. All persons favoring said levy shall vote a ticket with the words "For Special Tax" printed or written thereon; and those opposed to said levy shall vote a ticket with the words "Against Special Tax" printed or written thereon. If a majority of the qualified voters of said district shall vote for said special tax, then said tax shall be levied in accordance with the law. If a majority of the qualified voters shall vote against special tax, such tax shall not be levied, and said special district shall be discontinued.

Question to be voted on.

Form of ballots.

Tax levied if majority approve.

SEC. 5. At the same time and in the same manner, the qualified voters of said special district shall elect five competent citizens of said district as trustees of said school district, who shall hold office for two years from June the first, one thousand nine hundred and five, and their successors in office shall be appointed by the Boards of Education of Sampson and Duplin Counties; three to be appointed by the Sampson board and two by the Duplin board.

Trustees to be elected.

Successors.

SEC. 6. Said trustees and their successors shall be subject to the same rules, regulations and duties which govern committeemen of any public school; and the board of education and superintendents of public instruction of said counties shall have the same powers and control over their respective appointees on said board as the law gives them over school committeemen of any public school in said counties.

Trustees subject to general law.

Treasurer of Sampson county to be treasurer of district.

SEC. 7. That all moneys collected under this act from that part of said district which lies in Duplin County shall be paid over to the Treasurer of Sampson County, who shall hold the same subject to the orders of said board of trustees and the Board of Education of Sampson County.

District to pay election expenses.

SEC. 8. The expenses incurred in holding said election shall be paid out of the funds of said district.

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 27th day of February, A. D. 1905.

## CHAPTER 196.

### AN ACT TO ESTABLISH GRADED SCHOOLS IN THE FLAT ROCK SPECIAL TAX SCHOOL DISTRICT.

*The General Assembly of North Carolina do enact:*

Graded school district created.

SECTION 1. The special tax school district of Flat Rock, Hender-son County, shall be and is hereby constituted a graded school district for both white and colored schools.

Trustees to have entire control.

SEC. 2. That the school trustees hereinafter provided for shall have entire and exclusive control of the graded school interests and property in the said graded school district, 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 and things that may be just and lawful to conduct and manage the graded school interests in said graded school district:

Proviso: children resident of district admitted free.

Proviso: non-resident pupils.

*Provided*, all children resident in the said graded school district, between the ages of six and twenty-one years, shall be admitted into said school 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:

Proviso: credit for taxes in district.

*Provided further*, that the trustees shall allow such credits to the parents and guardians of non-resident children attending schools as they may think just and meritorious on account of school taxes paid on property in said district by said parents and guardians: *Provided further*, that said trustees may in their discretion charge reasonable tuition for teaching any branches of study of a higher grade than those prescribed by the Legislature to be taught in the public schools of the State.

Proviso: tuition for higher grades.

Trustees named.

SEC. 3. H. P. Kuykendall, W. A. Slattery, P. H. Walker, J. P. Patton, Joseph McCulloch and J. S. Jones are hereby appointed school trustees for the graded schools of the said Flat Rock Graded

School District, and they shall meet, qualify and organize 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 two classes. The first class shall be composed of three members and the second class shall be composed of three members. Members of the first class shall hold their offices for a term of eight years and members of the second class for a term of four years. At the end of each succeeding four years the county board of education, upon the recommendation of a majority of the board of trustees, [shall] appoint three trustees to succeed the three whose terms then expire. Members of the board of trustees shall be appointed for a term of eight years. Vacancies caused by death, removal, failure to qualify, or any other cause, shall be filled by the board of trustees of said graded schools. All acts and things herein authorized to be done by said board of trustees may be done by a quorum thereof.

To meet and qualify.  
Trustees to be classified.

Terms of office.

Successors to trustees.

Vacancies.

SEC. 4. That the moneys arising from the special taxes heretofore levied and collected for the purposes of running the public schools in said graded school district shall be levied and collected in the manner prescribed in the general school law of the State, and placed to the credit of the said board of trustees heretofore named; and the said board of trustees shall each year, on or before the first day of June, notify the county commissioners the levy on property and polls desired to be made for that year: *Provided*, that the sum levied as special taxes shall never exceed thirty cents on the one hundred dollars worth of property and ninety cents on the polls, as provided in the general school law and authorized by special election in said graded school district.

Taxes levied and collected as other taxes.

Proviso: limit of tax.

SEC. 5. The moneys which shall from time to time be apportioned under the general school law to the public schools in said Flat Rock Graded School District shall be placed to the credit of the school trustees provided for in this act.

District to have quota of public school money.

SEC. 6. 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 district, white and colored, the same length of school term as nearly as may be each year.

Trustees to apportion school money.

SEC. 7. The length of the school term each year shall be left to the discretion of the trustees: *Provided*, the term shall not be less than six nor more than ten months in any one year.

Length of school term.

Proviso: not less than six months nor more than ten.  
Reports of trustees.

SEC. 8. The said school trustees shall make an annual report to the Board of Education of Henderson County of the receipts and disbursements of all school funds under their control; and they shall also make all reports to the board of education as now required of public school committeemen of the various public school districts.

SEC. 9. The school trustees hereby created shall be a body corporate by the name and style of "The Trustees of the Flat Rock

Trustees incorporated.  
Corporate name.

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 trustees shall be to them and their successors in office.

Public school  
property trans-  
ferred to graded  
school.

SEC. 10. The Board of Education of Henderson County are hereby authorized and directed to transfer, by the execution of proper deeds of conveyance, all public school property, both real and personal, of every description now belonging to the public schools in the territory hereby constituted a graded school district to the trustees of the Flat Rock Graded School as heretofore specified.

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 27th day of February, A. D. 1905.

## CHAPTER 197.

### AN ACT TO AMEND CHAPTER 129, PRIVATE LAWS OF 1901, RELATIVE TO THE CHARTER OF THE TOWN OF WIL- LIAMSTON, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Liquor license.

SECTION 1. That chapter one hundred and twenty-nine, Private Laws of one thousand nine hundred and one, be and the same is hereby amended by adding after section nine thereof the following, which shall be numbered "section ten," to-wit: "The commissioners of said town are hereby empowered and authorized to levy and collect an annual municipal tax of not more than two hundred dollars from all retail liquor dealers in said town."

Powers and duties  
of constable and  
policemen.

SEC. 2. That said chapter be further amended by adding thereto, after the above-mentioned section, the following, which shall be numbered "section eleven," to-wit: "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 are made the prisoner or prisoners shall be immediately carried before the mayor, or some other competent officer, for trial, except in the following cases: First, when the arrest is made between sunset on Saturday and eight o'clock on Monday morning; second, when the arrest is made in the night; third, when the person or persons arrested is found in an intoxicated condition; fourth, when for the safe-keeping of the party or parties arrested imprisonment is necessary. In any of



these cases the prisoner or prisoners may be committed without warrant or *mittimus* to the town or county jail until his trial, which cannot be compelled except between the hours of eight o'clock in the morning and sunset on all days of the week, except on Sundays, and then not at all."

SEC. 3. That upon conviction of the violation of a town ordinance, where the defendant refuses or is unable to pay the fine and costs imposed, then the mayor in his discretion is invested with power and authority to assign the said defendant to manual labor on the public streets of said town, subject to the supervision of the chief of police. That the said work shall be assessed at the price of one dollar per day, the same to be covered by the fine and costs in each case.

Convicts may be worked on streets.  
Price allowed for street work.

SEC. 4. That sections ten and eleven, as they now appear in said chapter, be changed to sections twelve and thirteen, respectively.

Number of sections changed.

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

Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1905.

## CHAPTER 198.

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

*The General Assembly of North Carolina do enact:*

SECTION 1. That section twenty-nine of chapter one hundred and twenty-seven of the Private Laws of the year one thousand eight hundred and eighty-five be and the same is hereby repealed, and the following be and the same is hereby inserted and enacted in lieu thereof:

"Section 29. 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, chief of police, police officer of said town of Waynesville, or any one summoned by them, shall have power and it shall be their duty to arrest the body of offending parties who have violated the laws or ordinances of the town of Waynesville in their presence without warrant, and take such person or persons before the mayor of said town as early as practicable, to be dealt with as by law directed; and for every resistance to such authority by such offenders or others, the party so resisting shall be punished as provided by law. The chief of police or other police officers of the town of Waynes-

Arrests without warrants in certain cases.  
Police may summon posse.

ville shall have power to call to his aid any bystander to assist in any legal arrest."

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 27th day of February, A. D. 1905.

## CHAPTER 199.

### AN ACT TO AMEND THE CHARTER OF THE CITY OF DURHAM.

*The General Assembly of North Carolina do enact:*

To extend streets.

SECTION 1. That the city of Durham is hereby authorized and empowered to extend Gregson Street, Carr Street and Alston Avenue, public highways, under the railroad tracks crossing said streets or the extensions of said streets, and to cross the right-of-way of any railroad company owning the same at said crossing or any extension of said streets across said right-of-way.

Unlawful for railroads to cross street at grade.

SEC. 2. It shall be unlawful for any railroad company to lay any track on or across the aforesaid streets or their extensions at the grade of the surface of said streets or any of them, and any railroad company violating this section, its officers, agents or employees, shall be guilty of a misdemeanor and punished, upon conviction, in the discretion of the court: *Provided*, that this section shall not take effect until after the provisions of section three shall have been determined.

Proviso: when section in effect.

Duties devolved on Corporation Commission.

SEC. 3. The Corporation Commission of North Carolina is hereby authorized and empowered to ascertain, upon notice and hearing, the value of said right-of-way so taken by said streets, or any extension thereof, across the same, and the distance of the surface of said streets or the extension of either of them to the railroad tracks overhead, and to require the raising, when and to the extent necessary, of the tracks of any railroad now crossing said streets or any extension of said streets, and fix and determine what part of the cost of making said crossing under said tracks on said streets, or any extension of the same, shall be paid by the city of Durham and any railroad company affected by said crossing: *Provided*, an appeal shall lie from said order or orders by the city of Durham or any railroad company affected thereby as in other cases of appeal from orders of said commission allowed in the Public Laws of North Carolina, chapter one hundred and sixty-four of the Acts of eighteen hundred and ninety-nine, being the act creating said corporation commission.

Proviso: appeal.

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

In the General Assembly read three times, and ratified this 27th day of February, A. D. 1905.

## CHAPTER 200.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE  
TOWN OF LOUISBURG TO ESTABLISH A PUBLIC BURY-  
ING-GROUND.*The General Assembly of North Carolina do enact:*

SECTION 1. That the Commissioners of the Town of Louisburg are hereby authorized and empowered to establish a public burying-ground for said town and to prescribe by ordinance, rules and regulations concerning the interment of dead bodies therein.

Commissioners  
may establish  
cemetery.

SEC. 2. That for the purpose aforesaid the said commissioners may acquire, by purchase, gift or dedication, not exceeding twenty acres of land, either within or without the corporate limits of said town, and hold the same for the use and benefit of the said town and for the purposes aforesaid.

Land to be  
acquired.

SEC. 3. That the said commissioners are further authorized and empowered, when they shall have acquired and established such burying-ground, to remove and inter therein, in a decent and suitable manner, the remains of all bodies buried in the lot on Main Street belonging to the said town and formerly used for a public burial-ground, together with the stones and slabs marking the graves, such stones or slabs to be replaced at their respective graves in the new burying-ground: *Provided*, that if requested by the relatives of any person buried in said lot on Main Street, it shall be the duty of the said commissioners to remove and re-inter the remains of such persons to and in any other place within Louisburg Township which the relatives of such person may designate and may have or may have acquired the right to use for such purpose.

Graves and monu-  
ments to be  
removed.Proviso: private  
cemeteries.

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

In the General Assembly read three times, and ratified this 27th day of February, A. D. 1905.

## CHAPTER 201.

AN ACT TO AMEND, REVISE AND CONSOLIDATE ALL LAWS  
RELATING TO THE TOWN OF MOUNT OLIVE. IN THE  
COUNTY OF WAYNE.*The General Assembly of North Carolina do enact:*

SECTION 1. That the inhabitants of the town of Mount Olive and the county of Wayne shall be and continue, as they have heretofore been, a body politic and corporate, under the name and style of the "Town of Mount Olive," and under such name and style is hereby invested with all property and rights of property which now

Body politic and  
corporate.

Corporate name.

Corporate powers.

belong to the corporation; 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 two (2) hundred thousand dollars, 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.

Corporate limits.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at an iron stake, in the eastern edge of the Wilmington and Weldon Railroad, just north of the depot, and runs thence S. 15 degrees 20 minutes E. 2186.4 feet to a stake; then S. 38 degrees 40 minutes W. 3535 feet to a stake; then S. 51 degrees 20 minutes W. 3506.4 feet to a stake; then N. 38 degrees 40 minutes E. 3533 feet to a stake; then S. 51 degrees 20 minutes E. 1320 feet to the beginning.

Election for officers.

SEC. 3. That there shall, on the first Monday in May, one thousand nine hundred and five, and annually thereafter, be elected a mayor and five (5) commissioners for said town, who shall hold their offices until their successors are qualified; and such election shall be held under the rules, regulations and provisions of chapter seven hundred and fifty of the Laws of one thousand nine hundred and one, and the laws amendatory thereof.

Mayor to be sworn.

SEC. 4. 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: "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 Town of Mount Olive, 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 said town; and in the discharge of my duties I will strive to do equal justice in all cases whatsoever."

Form of oath.

Commissioners to qualify.

SEC. 5. That on Tuesday succeeding the day of election the commissioners 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 and have all the rights, powers and duties prescribed by law.

If mayoralty vacant commissioners to elect.

SEC. 6. That if any person chosen mayor shall refuse to be qualified, or there is any vacancy in the office after election and qualification, the commissioners shall choose some qualified person mayor for the term, or the unexpired portion of the term, as the case may be; and on like occasion, and in like manner, the commissioners shall choose other commissioners to supply the place of such as shall refuse to act, and all vacancies which may occur; and such persons only shall be chosen as are heretofore declared to be eligible.

Vacancies of commissioners.

Sec. 7. That in case of failure to elect municipal officers, as herein provided, the electors residing within said town may after ten days' notice, signed by any three of said electors and posted up at three public places within the corporate limits of said town, proceed to hold an election for municipal officers in the way and manner provided for in this act.

Election by  
citizens.

Sec. 8. That the mayor of said town is hereby constituted an inferior court, and as such shall, within the corporate limits of the said town 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 town, 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 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 town 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 that the said defendant work during the period of his confinement in the public streets or other public works of said town.

Mayor made  
inferior court.

Jurisdiction.

Mayor made  
special court.  
Jurisdiction.

Convicts may be  
worked on streets.

Sec. 9. That the mayor may issue his precepts to the chief of police, or any policeman of the town, 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.

Precepts of mayor.

Sec. 10. That any violation of a town ordinance shall be a misdemeanor and shall be punished by a fine of not more than fifty dollars or imprisonment of not more than thirty days. And no preliminary affidavit shall be necessary to give the mayor final jurisdiction over the offenses against the town ordinances.

Violation of town  
ordinance a mis-  
demeanor.  
Punishment.  
No preliminary  
affidavit necessary.

Sec. 11. That all fines collected under the provisions of this act for violation of the ordinances of said town shall go to the county school fund.

Fines to county  
school fund.

Sec. 12. That the mayor shall receive an annual salary, to be fixed by the board of commissioners, and to be paid in monthly installments; and, when present, he shall preside at all meetings of the board of commissioners, and when there is an equal division upon any question, or in the election of officers by the board, he shall determine the matter by his vote, but he shall vote in no

Salary of mayor.

To preside at  
meetings of com-  
missioners.

And break tie.



**Mayor pro tem.** other case. The board of commissioners 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 town 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 commissioner.

**Commissioners to form a board. Quorum. Meetings.** SEC. 13. That the commissioners shall form a board and a majority of them shall be competent to perform all the duties prescribed for the commissioners, unless otherwise provided. Within five days after their election they shall convene for the transaction of business, and shall fix stated days of meeting for the year, which shall be as often, at least, as once every calendar month.

**Special meetings.** 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, all the commissioners, and when called by a majority of the commissioners, such as shall not join in the call, shall be notified.

**Fine for failure to attend board meeting.** SEC. 14. That if any commissioner shall fail to attend a general meeting of the board of commissioners, or any special meeting of which he shall have notice, as prescribed in this charter, unless prevented by such cause as shall be satisfactory to the board, he shall forfeit and pay for the use of the town the sum of one dollar.

**Powers of commissioners.** SEC. 15. That among the powers herein conferred on the board of commissioners 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 town from contagious or infectious diseases, appoint constables to execute such precepts as the mayor and other persons may lawfully issue to them, to preserve the peace and order and execute the ordinances of the town, and shall appoint and provide for the pay and prescribe duties of all such other officers as may be deemed necessary.

**Commissioners to elect other officers.** SEC. 16. That the commissioners at their first meeting after their election, or as soon thereafter as possible, shall appoint a clerk, a treasurer, a collector of taxes, a chief of police, and one or more assistants, who shall respectively hold their offices during the official term of the commissioners, subject, however, to removal at any time and others appointed in their stead for misbehavior or neglect in office. The board of commissioners shall fix the compensation of each of said officers. Before acting, each of said officers shall be sworn to the faithful discharge of his duties, and shall execute a bond payable to the town of Mount Olive in such sum as the commissioners shall determine.

**Officers to qualify.** SEC. 17. 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

**Duties of clerk.**

deliver them to his successor; and, generally, shall perform such other duties as may be prescribed by the board of commissioners.

SEC. 18. That every person shall be allowed to inspect the journals and papers of the board, in the presence of the clerk. Records open for inspection.

SEC. 19. That the treasurer shall call on all persons who may have in their hands moneys or securities belonging to the town 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 town; shall disburse the funds according to such orders as may be duly drawn on him, in the manner herein specified; he shall keep in a book provided for that purpose a fair and correct account of all moneys received and disbursed by him, and shall submit said account to the board of commissioners whenever required to do so; on the expiration of his term of office he shall deliver to his successor all the moneys, securities and other property entrusted to him for safe-keeping or otherwise, and during his continuance therein he shall faithfully perform all duties lawfully imposed upon him as town treasurer. Duties of treasurer.

SEC. 20. That all orders drawn on the treasurer shall be signed by the mayor and countersigned by the clerk, and shall state the purpose for which the money is applied; and the treasurer shall specify in his accounts the sources whence are derived the moneys received by him. Orders on treasurer.

SEC. 21. The tax collector shall proceed forthwith to collect the taxes laid upon such subjects of taxation as the board of commissioners 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 town, as they are collected, to the treasurer, taking his receipts 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 taxes imposed or who shall sell without license. Also, at every monthly meeting of the board of commissioners, 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 town, and shall be at all times subject to the inspection and examination of the mayor and board of commissioners. The collector shall receive for his compensation such fees and commissions as may be allowed by the board of commissioners, and he shall, on or before the fifteenth day of Duties of tax collector.  
Monthly reports.  
Records subject to inspection.  
Fees and commissions.  
Time for settlement in full.

April in each year, settle his accounts in full for the entire amount of taxes levied by the board, under the 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 commissioners, 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 town attorney.

SEC. 22. That the board of commissioners shall cause to be made out annually a fair transcript of their receipts and disbursements on account of the town, for the general inspection of the citizens, and cause the same to be posted up at the mayor's office in said town ten days after the first day in June in each year.

SEC. 23. That it shall be the duty of the police to see that the laws, ordinances and orders of the board of commissioners are enforced, and to report all breaches thereof to the mayor; to preserve the peace of the town by suppressing disturbances and apprehending 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 power which the sheriffs 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 process and precepts.

SEC. 24. That for any breach of his official bond by the treasurer, clerk, tax collector, or any other town 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 town at the suit of the town, or any other person aggrieved by such breach, and the same may be put in suit without assignment from time to time until the whole penalty be recovered.

SEC. 25. That the board of commissioners shall have power to lay out and open new streets within the corporate limits of the town, whenever by them deemed necessary, and have power at any time to widen, enlarge, change or extend or discontinue any street or streets, or any part thereof, within the corporate limits of the town; and shall have full power and authority to condemn, appropriate or use any land or lands necessary for any of the purposes named in this section, upon making a reasonable compensation to the owner or owners thereof. But in case the owner of the land and the commissioners cannot agree as to the damages, then

List of insolvents.

Receipts and disbursements to be posted.

Duties of police.

Action on breach of official bond.

Powers of commissioners as to streets.

Proceedings for condemnation of land.

the matter shall be referred to two (2) arbitrators, each party choosing one, who shall be a freeholder and a citizen of the town; and in case the owner of the land shall refuse to choose such arbitrator, then the sheriff of the county shall, in his stead, select one for him; and in case the two chosen as aforesaid cannot agree they shall select an umpire whose duty it shall be to examine the land condemned and ascertain the damages sustained, and the benefits accruing to the owner in the consequence of the change; and the award of the arbitrators or umpire or a majority of them 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.

SEC. 26. That the board of commissioners shall have authority to put to and keep at work upon the streets and public grounds of the town any person or persons who may fail to pay any fine, penalty or forfeiture which may have been imposed on such person or persons by the mayor of the town; and the said commissioners shall have authority by the ordinances and by-laws of the town to confine, control and manage such person or persons until the said fines, penalties or forfeitures, together with the cost thereof, shall be fully paid and satisfied, under such rates for labor and board as the commissioners may establish. Convict work on streets.

SEC. 27. That in order to raise a fund for expenses incident to the proper government of the town the commissioners may annually levy and collect the following taxes, viz.: Upon all real estate and personal property within the corporate limits of the town; upon all money on hand; solvent credits; upon all polls and other subjects of taxation taxed by the General Assembly for public purposes. Taxes.

SEC. 28. 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. Tax on property.

SEC. 29. That in addition to the subjects of taxation for State purposes, the commissioners 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 town limits, whether by ascending or descending bids; all drummers or commercial travelers; each express company, each telegraph office, and each railroad company having a depot within the city limits; each photograph artist and person taking likeness of the human face by whatsoever art; each broker, bank or banker's office; each dealer in cotton futures, each dealer License taxes.

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 beverages; each bottler of non-alcoholic drinks; each brick-yard; each broker in money, stocks or bonds, other than bank 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 vehicles 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 town of Mount Olive; every dealer in buggies, wagons or other vehicles not manufactured in said town; 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 merchan-



dise, not manufactured in this town, and all other subjects taxed by the State.

SEC. 30. That the Commissioners of the Town of Mount Olive, in addition to the powers of taxation already granted in the charter of said town 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 operations, exhibitions and manufactories in said town of Mount Olive.

License tax on trades, profession and business.

SEC. 31. That all taxes levied by the board of commissioners 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 town of Mount Olive 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-payer. The notice provided for in this section shall be posted at the court-house door and published in some newspaper published in the county of Wayne; that whenever any property, real or personal, is sold for non-payment of taxes, as herein provided, the town of Mount Olive 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-payer, 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 ten 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 deeds executed by sheriffs upon sales 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 sheriffs for taxes.

Tax lien on property.

Levy on and sale of property.

Redemption within twelve months.

Deed to purchaser.

SEC. 32. That the board of commissioners shall have power to declare all horses, mules, cattle, swine, sheep, goats and dogs, running at large within the limits of the town, a nuisance; and the commissioners 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.

Animals running at large.

Further license taxes.

SEC. 33. That in addition to the subjects of taxation enumerated in section twenty-nine (29), the commissioners may levy a tax on the following subjects, the amount of which tax, when fixed, shall be collected by the tax collector instantly, and if same be not paid on demand, the same may be recovered by levying on the articles upon which tax is imposed, or any other property of the owner may be forthwith distrained and sold to satisfy the same, namely:

Games.

1. Upon every bowling alley, billiard table, pool table, bagatelle table, shooting gallery, skating rink, or any other game allowed by law, and every victualling house or restaurant, established, used or kept in the town, a tax not exceeding fifty dollars a year.

Sale of liquors.

2. Upon every permission of the board of commissioners to retail spirituous liquors, a tax not exceeding one thousand dollars (\$1,000).

Circus riders.

3. Upon every company of circus riders, who shall exhibit within the town, a tax not exceeding thirty dollars (\$30) for each separate exhibition; the tax to be paid before the exhibition, and if not, to be double.

Other exhibitions.

4. Upon every company of stage or theatrical performers, every sleight-of-hand performer, 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) for each exhibition.

Shows and concerts.

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.

Bucket-shops.

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.

Further powers as to streets.

SEC. 34. That the board of commissioners shall cause to be kept clean and in good repair the streets, sidewalks and alleys: they may establish the width and ascertain the location of those already provided, and lay out and open others, and may reduce or increase the width of all of them: they may also establish and regulate the public grounds, and protect the shade trees of the town.

Fire protection.

SEC. 35. That the board of commissioners shall have power to establish ordinances to prevent and extinguish fires; to provide for the establishment, organization, equipment and government of fire companies; provide said companies with fire engines, fire hose and necessary appurtenances; and in all cases of fire a majority of such board of commissioners 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 damage.

SEC. 36. That the commissioners may require and compel the Nuisances, abatement and removal of all nuisances within the town, at the expense of the person causing the same or the owner or tenant of the grounds whereon the same may be; and may regulate, if allowed to be established, any slaughter house or place, or the exercise within the town of any offensive or unhealthy trade, business or employment.

SEC. 37. That they [may] prohibit by penalties the riding or driv- Fast riding or driving.  
ing of horses or other animals in a careless or dangerous manner, or at a greater speed than seven (7) miles per hour within the town limits, and also the firing of guns, pistols, gunpowder, crackers or Firing guns.  
other explosive, combustible or dangerous material, in the streets, public grounds or elsewhere within the town.

SEC. 38. That the commissioners may establish and regulate the Markets.  
markets and prescribe at what time and place within the town marketable articles shall be sold.

SEC. 39. That they may establish all public buildings, necessary Public buildings.  
and proper for the town. The commissioners of the said town Fire limits.  
may establish fire limits and prevent the erection, construction or establishment in any part of the town, of any building or structure built of wood or of any other material which would increase the danger of fire.

SEC. 40. That they may provide grave-yards in or near the cor- Grave-yards.  
porate limits, and regulate the same; may appoint and pay a keeper and compel the keeping and returning bills of mortality; and they may prohibit interment within the town.

SEC. 41. That the board of commissioners may take such Quarantine.  
measure as they deem effectual to prevent the entrance into the town or the spreading therein of any contagious or infectious disease; may stop, detain and examine for that purpose every person coming from places believed to be infected with such disease; and may establish and regulate hospitals within the town, or within three (3) miles thereof; may cause any person in the town suspected to be infected with such disease, and whose stay may endanger its health, to be removed to the hospital; may remove from the town, or destroy, any furniture or other articles which shall be suspected of being tainted or infected with contagious or infectious disease, or of which there shall be reasonable cause to apprehend that they may pass into such a state as to generate and propagate disease; may abate by any reasonable means all nuisances which may be injurious to the public health.

SEC. 42. That if any person shall attempt by force or by Forfeit for resist-  
threats of violence to prevent the removal to the hospital of any ing removal.  
person ordered to be conveyed thither, the person so offending shall forfeit and pay to the town one hundred dollars (\$100) and moreover be deemed guilty of a misdemeanor.

SEC. 43. That the board of commissioners may govern and regu- Speed of railroad  
late the speed of railroad trains while running within the cor- trains.

Bells and whistles.	porate limits of the town, and prohibit the ringing of bells, blowing of steam whistles, either during the day or night, within the town limits.
License to retail liquors.	SEC. 44. 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 town, or within one mile thereof, without permission first obtained from the board of commissioners of the town 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 commissioners 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 town the sum of twenty dollars (\$20).
License improperly issued void.	SEC. 45. That all penalties imposed by law relating to the town of Mount Olive, or by this act, by any ordinance of the town, unless otherwise provided, shall be recoverable in the name of the town of Mount Olive, before the mayor or any tribunal having jurisdiction thereof.
Forfeit.	SEC. 46. That the board of commissioners shall not have power to impose for any offense a larger penalty than fifty dollars (\$50) 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.
Penalties recoverable.	SEC. 47. That the board of commissioners shall have power to fix the salary of the mayor, treasurer, clerk, tax collector, and any other officer of the town, or increase or diminish the same from time to time as they may elect.
Limit of penalties.	SEC. 48. That the town of Mount Olive 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.
Appeal.	SEC. 49. That the town of Mount Olive may establish a system of sewerage, may pave its streets and sidewalks, may establish a system of water-works; may establish a gas, electric or other plant for furnishing lights, or may purchase the electric light plant now in operation in said town; may build and own a town 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 commissioners may determine, issue its bonds, from time to time, to an amount not exceeding in the
Commissioners to fix salaries.	
Rights under general law.	
Sewerage.	
Water-works.	
Light plant.	
Town hall and market-house.	
Other public improvements.	
May issue bonds.	
Amount.	

aggregate the sum of two hundred thousand dollars (\$200,000), of such denominations and in such proportions as the board of commissioners may deem advisable, bearing interest from the date thereof at a rate not exceeding six per cent. 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 commissioners may determine; said bonds may be issued for any of said purposes or for two or more, or for all.

SEC. 50. 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 action.

Bonds not to be sold below par.

SEC. 51. That the bonds authorized to be issued by section forty-nine (49) hereof, and their coupons, shall not be subject to taxation by said town until after they become due and tender of payment shall have been made by the town, and the coupons shall be receivable in payment of town taxes, or other town 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.

Bonds exempt from town taxation.

Coupons receivable for town tax.

SEC. 52. 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 town shall, annually and at the time of levying other town taxes, levy and lay a particular tax on all 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 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 fifteen nor more than sixty cents on each poll, for each 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 town taxes are collected, and shall be accounted for and kept separate from other town 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 prin-

Particular tax for interest and bonds.

Tax limit.

Investment of sinking fund.



Commissioner of sinking fund.

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 commissioners shall appoint some suitable person to be styled "Commissioner of the Sinking Fund of the Town of Mount Olive," who shall hold his office for six years, and whose duty it shall be, under such rules and regulations as said board of commissioners shall from time to time prescribe, to make investments of so much of the taxes collected as aforesaid as shall be applicable as aforesaid to the payment of the principal of said bonds; and to do and perform all such other services in connection with said bonds as said board of commissioners may prescribe; and such commissioner shall give bond and receive such compensation for his services as said board of commissioners may determine.

Police power over cemeteries.

SEC. 53. That the said town of Mount Olive shall have and exercise its police powers over the cemeteries owned by said town, whether the same be in its corporate limits or not; and may enact and enforce ordinances for the proper government of the same.

Sewerage extending beyond town.

SEC. 54. 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 town, then in such case the board of commissioners of said town 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 prescribed in chapter forty-nine (49) volume one (1) of The Code.

Land-owners assessed for paving.

SEC. 55. That the town of Mount Olive shall have power, in its discretion, to assess owners of land abutting on streets paved by said town with an amount not to exceed one-third of the actual cost of such paving in front of such abutting land; and said town 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.

Business "affected with public use."

SEC. 56. That all persons and corporations doing business in the town of Mount Olive, "affected with a public use," shall furnish and supply said town and the inhabitants thereof, upon proper demand therefor, at reasonable and uniform rates.

Conflicting laws repealed.

SEC. 57. That all laws or clauses or parts of laws in conflict with this act are hereby repealed.

SEC. 58. 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 27th day of February, A. D. 1905.

## CHAPTER 202.

## AN ACT TO AUTHORIZE THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF HICKORY TO DONATE TEN THOUSAND DOLLARS TO THE CITY GRADED SCHOOLS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Mayor and Board of Aldermen of the City of Hickory be and they are hereby authorized and empowered to donate to the board of trustees of the graded school of the city of Hickory the sum of ten thousand dollars, the amount hitherto loaned by said mayor and board of aldermen to said graded school trustees and used in the construction of the present graded school building in said city out of the funds remaining unappropriated from the proceeds of the sale of bonds issued under the authority of the Private Laws of one thousand nine hundred and one, chapter one hundred and seventy-one, and by virtue of the election held under said law in said city of Hickory. Amount heretofore  
loaned donated.

SEC. 2. That said mayor and board of aldermen shall have full power and authority to convert said loan [into] a gift absolute and to release all securities for said indebtedness, both principal and collateral, and to discharge them fully from their obligations in consequence of said indebtedness by converting the same into a gift absolute. Gift absolute.  
Securities released.

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

In the General Assembly read three times, and ratified this 27th day of February, A. D. 1905.

## CHAPTER 203.

## AN ACT TO AMEND CHAPTER 115, PRIVATE LAWS OF 1899, BEING AN ACT TO AMEND AND CONSOLIDATE THE CHARTER OF THE TOWN OF GREENVILLE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter two hundred and seventy-eight of the Private Laws of nineteen hundred and one, amending section ten, chapter one hundred and fifteen of the Private Laws of eighteen hundred and ninety-nine, be amended so as to empower the board of aldermen to consolidate the office of tax collector, tax list-taker and the clerk of the board, and to elect one person to fill said places and to fix the compensation therefor, so as to make said section ten, chapter one hundred and fifteen, Private Laws of eighteen hundred and ninety-nine, read as follows: "Section 10, That the board shall also proceed to elect from outside their num- Offices con-  
solidated.  
Board of aldermen  
to elect officers.

- ber a mayor, a tax collector and a treasurer, each of whom shall be a qualified elector in said town, and shall serve one year from the first day of July in the year in which said election occurs, or until his successor is qualified, unless he is sooner removed by the board for cause, of which the board shall be the judges. And that said board may consolidate the said office of tax collector, tax list-taker and clerk of the board, and to impose upon such person chosen to such position the duties of keeping the records of said board, listing all taxable property for taxation, and collecting all taxes and other dues coming to said town from any and all sources, and to prescribe such other duties as the board may deem proper, and fix the compensation of such person chosen for the discharge of said duties."
- Term of office.** SEC. 2. That subsection sixteen, section seven, chapter one hundred and fifteen, Private Laws of eighteen hundred and ninety-nine, be amended by adding at the end of subsection sixteen, and after the word "condition," the following words, to-wit: "and to protect the same."
- Board may consolidate offices.** SEC. 3. That section twenty-two, chapter one hundred and fifteen, Private Laws of eighteen hundred and ninety-nine, be amended by striking out in the ninth, tenth and eleventh lines of said section the following words: "which tax shall not be less than one hundred dollars, nor more than five hundred dollars for one year, or half these amounts for six months," and insert in lieu thereof the following words, to-wit: "which tax shall not be less than one thousand dollars for one year, or half that amount for six months; and that all persons or corporations so licensed are hereby required to close their place of business at sunset of each and every day and not open the same until sunrise of the following day; and that any person or corporation so licensed who shall sell any spirituous, vinous or malt liquor between said hours of sunset and sunrise shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court, and in addition thereto shall forfeit his license so granted."
- Liquor license tax.** SEC. 4. That section thirty-three, chapter one hundred and fifteen, Private Laws of eighteen hundred and ninety-nine, be amended by adding at the end of said section the following words, to-wit: "*Provided*, that no general or special law regulating elections in cities and towns in this State shall be applicable to the election of aldermen in said town of Greenville, but that all such elections shall be held and conducted under and in accordance with the provisions of said charter: *Provided further*, that all general and special elections called in said town for any purpose shall also be held and conducted in accordance with the provisions of said chapter one hundred and fifteen, Private Laws of eighteen hundred and ninety-nine, amending and consolidating the charter of said town."
- Regulations of liquor traffic.**
- Election laws.**
- Proviso: all elections to be held under town charter.**

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 27th day of February, A. D. 1905.

## CHAPTER 204.

### AN ACT TO ESTABLISH A GRADED SCHOOL AT ROBERSONVILLE, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all the territory lying within the corporate limits of the town of Robersonville, and all that territory not embraced within said corporate limits, but lying contiguous thereto, within the following boundaries, to-wit, beginning at Flat Swamp Church, the Pitt County line, running thence with the said Pitt County' line to the land of Abner Everett; thence with the said Everett line and the O. C. Gray line to the county road; thence with said road to a bridge, Piny Branch; thence down Piny Branch to Great Branch; thence up Great Branch to the county road near A. E. Smith; thence with said road to the land line of W. L. Johnson, the Ross place; thence with said line, so as to exclude said lands, to the land line of B. A. House; thence with said line, so as to include said lands, to the land line of A. Rawls; thence with said line, so as to include said lands, to the land lines of the Peter Martin estate; thence with said line, so as to include said lands, to the land line of J. A. Martin; thence with said line, so as to include said lands, to the land line of Charles Sprewill; thence with said line, so as to exclude said lands, to Colly Swamp; thence up Colly Swamp to Ross Swamp; thence up Ross Swamp to the land line of J. J. R. Whitfield and James Manning; thence with the line of said Whitfield, so as to include the said Whitfield lands, to the line, J. D. Roberson; thence with the line of said J. D. Roberson, so as to include his lands, to the land line of W. A. Everett; thence with the land lines of the said Everett, so as to include his lands, to the land line of G. A. Guilford estate; thence with the said line, so as to include said lands, to the line of the James B. Taylor estate; thence with said line, so as to include said lands, to the line of Thomas Britton; thence with said line, so as to include said lands, to the line of J. O. Jenkins (the Williams place); thence with said line, so as to include said lands, to the line of J. R. Dixon; thence with the said lines, so as to include said lands, to the line of B. R. Jenkins; thence with the said B. R. Jenkins' line, so as to include said B. R. Jenkins' lands, to the Page Swamp; thence down said swamp to the Mathew Parker Swamp; thence up said swamp to the county road near the residence of S. G. Andrews; thence a

District established.

straight line to Flat Swamp Church, the beginning, shall be and is hereby constituted a public school district to be known as the Robersonville Graded School District.

**Schools under charge of trustees.** SEC. 2. That the graded schools in said district shall be, from and after the ratification of this act, under the control of a board of trustees composed of seven members; that S. W. Outterbridge, J. C. Smith, R. A. Bailey, A. S. Everett, W. J. Robuck, W. A. Everett and J. B. Rawls be and they are hereby appointed as such trustees; that S. W. Outterbridge shall hold office until the first Tuesday after the first Monday in May, one thousand nine hundred and eleven; that J. B. Rawls and A. S. Everett shall hold office until the first Tuesday after the first Monday in May, one thousand nine hundred and nine; that W. J. Robuck and W. A. Everett and R. A. Bailey shall hold office until the first Tuesday after the first Monday in May, one thousand nine hundred and seven. Any vacancies that may occur in said board of trustees shall be filled by the members thereof, except such vacancies as shall be caused by the expiration of the term of office of any member, and such vacancy shall be filled by the qualified voters of said district at an election to be held in the town of Robersonville on the first Tuesday after the first Monday in May, one thousand nine hundred and seven, and biennially thereafter on same date, under the regulations governing elections in said town of Robersonville.

**Trustees named.**

**Terms of office.**

**Vacancies.**

**Successors.**

**Trustees incorporated.** SEC. 3. That the board of school trustees hereby created, and their successors in office, shall be a body politic and incorporate by the name and style of the Board of Trustees of the Robersonville Graded School, and by that name shall be capable of receiving gifts and grants, purchasing and holding real and personal estate, selling and mortgaging and transferring the same for school purposes, and of prosecuting and defending suits for or against the corporation hereby created. Conveyances to said trustees shall be to them and their successors in office.

**Corporate name.**

**Board to have control of graded and public schools.** SEC. 4. That said board of trustees shall have entire and exclusive control of the graded schools and all public school property in said Robersonville school district, and shall prescribe rules and regulations for their own government, not inconsistent with the provisions of this act; shall employ and fix the compensation of officers and teachers annually, subject to removal by said board; shall make an accurate census of the school population of the district, as required by the general law of the State, and do all other lawful acts proper to the management of said school: *Provided*, that all children resident in said district between the ages of six and twenty-one years shall be admitted into said schools free of tuition charges, and those desiring to be admitted as pay students may be admitted upon such terms as the board may direct.

**Proviso: children resident of district admitted free.**

**Pay students.**

**Trustees to elect treasurer.** SEC. 5. That said board of trustees shall, annually, beginning on the first Monday in June, one thousand nine hundred and five, elect



one of their number as treasurer and custodian of all public school funds; and the public school money derived from the State for the benefit of said school district, and the same, together with the money arising from any special tax, gifts, grants, apportionments or otherwise, shall be paid to and received by the treasurer of said board of trustees, and the said treasurer shall report monthly to the said board of trustees his receipts and disbursements and vouchers for the same. The money so received shall be held by said treasurer as a fund to be disbursed only upon the order of said board and signed by its chairman and countersigned by its secretary. The said treasurer shall furnish annually to the said board of trustees a statement, in writing, of his receipts and disbursements of the school money, properly endorsed and approved by the chairman and secretary of said school board. The bond required of said treasurer shall be fixed by the board of school trustees in an amount sufficient to secure all school money which may at any time come into his hands, and the compensation for such services as treasurer shall not exceed the sum of fifty dollars annually.

Treasurer to report monthly.

Vouchers.

Annual report of treasurer.

Bond of treasurer.

Pay of treasurer.

SEC. 6. That for the purpose of this act the board of trustees of said district shall, and they are hereby authorized and empowered, beginning with the fiscal year, June first, one thousand nine hundred and five, and annually thereafter, to levy and cause to be collected a particular tax on all taxable property and on all polls in said district: *Provided*, said particular tax shall not exceed thirty-three and a third cents on the one hundred dollars valuation of all taxable property in said district and one dollar on each taxable poll in said district: *Provided*, the valuation of all property in said district shall be the same as that at which it is assessed for county and State purposes: *Provided*, that the taxes levied under this act shall be due, payable and collectible in like time and manner as are the taxes for county and State purposes.

Trustees to levy tax.

Tax limit.

Proviso: valuation.

Proviso: collected as other taxes.

SEC. 7. The said board of trustees are hereby empowered, and it shall be their duty, to elect a suitable person to collect the taxes herein provided for, and shall fix the bond of such collector and shall fix his compensation: *Provided*, said compensation shall not exceed five per cent. of the receipts of said taxes.

Trustees to elect tax collector.

Compensation.

SEC. 8. That the board of trustees herein provided shall be and are hereby authorized and empowered to issue bonds of said graded school to an amount not exceeding three thousand dollars (\$3,000), of such denomination and of such proportion as said board of trustees may deem advisable, bearing interest from the date thereof at a rate not exceeding six per cent. per annum, with interest coupons attached, payable annually: 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 twenty years from the date thereof, as said board of trustees may determine: *Provided*, that the said board of trustees shall issue bonds at such time or times and in such amount or amounts as may be

Trustees to issue bonds.

Amount.

Description.

Proviso: bonds issued as needed.

required to meet the expenditures hereinafter provided for in section nine of this act.

Application of proceeds of bonds.

SEC. 9. 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 equipments.

Bonds not to be sold below par.

SEC. 10. That none of said bonds shall be disposed [of], by sale, exchange, hypothecation or otherwise, for less than their par value, nor shall said bonds nor their proceeds be used for any other purpose than that declared in section nine of this act.

Application of tax.

SEC. 11. That the taxes herein provided for shall be for the purpose of paying said bonds and interest on same and for the necessary expenses incident to said graded schools.

Trustees to establish schools.

SEC. 12. That it shall be the duty of said board of trustees to establish graded public schools for the children of said graded school district: and said board of trustees shall apportion and use the funds derived from the particular taxes herein provided for, and from all other sources, in such manner as to them may seem just.

Trustees to apportion funds.

Trustees to order election.

SEC. 13. That it is hereby made the duty of the board of trustees of said district to order and provide for an election to be held in the town of Robersonville on the first Tuesday after the first Monday in May, one thousand, nine hundred and five, under the laws governing elections for cities and towns, first making publication thereof by advertising for thirty days in five public places in said district, and shall provide ballots without device for all voters in said district, on which shall be written or printed the words "For Schools" and the words "Against Schools," and if the officers of said election shall ascertain that a majority of said qualified voters have voted for schools and shall enter the same on the books or records of same, such entry shall be *prima facie* evidence of such fact, and upon such entry the provisions of this act shall be in full force and virtue: *Provided*, that if the officers of said election shall ascertain that a majority of said qualified voters have voted against schools, the said board of trustees shall, upon a written petition of one-fifth of the qualified voters of said district, call another election to be held on the first Tuesday after the first Monday in May, one thousand nine hundred and six, which shall be under the same regulations as herein prescribed for the election above provided for: and if at said last-named election a majority of the qualified voters shall vote for schools, then the provisions of this act shall be in full force and virtue.

And provide ballots.  
Form of ballots.

Record of result.

Subsequent election if bonds not approved by first.

No compensation for trustees.

SEC. 14. That no person serving as trustee for said graded school district shall receive any compensation for such service.

Conflicting laws repealed.

SEC. 15. That all laws and clauses of laws in conflict with this act 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 27th day of February, A. D. 1905.

## CHAPTER 205.

### AN ACT TO ESTABLISH A GRADED SCHOOL IN THE TOWN OF LITTLETON, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the territory embraced within the radius of two and one-half miles from the center of the town of Littleton, North Carolina, which lies partly in the county of Halifax and partly in the county of Warren, shall be and is hereby constituted a public school district to be known as "The Littleton Graded School District." District established.

SEC. 2. That J. J. Myrick, Eugene Johnson, B. Ray Browning, J. R. Walker, J. E. McCraw, L. J. Picot, C. G. Moore, J. H. Harrison, Wesley Hudson, H. J. Cordle, E. B. Perry, Jr., C. W. Hart, M. E. Newsome, H. L. Harris and E. C. Bobbitt shall be and are hereby constituted a board of trustees for the Littleton Graded School District, who, with their successors, shall be and are hereby constituted a body corporate by the name and style of "The Board of Graded School Trustees of Littleton Graded School District," 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 or personal property, hold, exchange, mortgage or sell the same, and exercise such other rights and privileges as are incident to other corporations. Said corporation or board of trustees shall have a corporate seal and change the same at their pleasure. Five of the aforesaid trustees, to-wit, J. J. Myrick, Eugene Johnson, B. Ray Browning, T. R. Walker and J. E. McCraw, shall hold their office until the first Monday in June, one thousand nine hundred and seven; the next five, to-wit, L. J. Picot, C. G. Moore, J. H. Harrison, Wesley Hudson and H. J. Cordle, shall have their office until the first Monday in June, one thousand nine hundred and nine; and the next five, to-wit, E. B. Perry, Jr., C. W. Hart, M. E. Newsome, H. L. Harris and E. C. Bobbitt, shall hold their office until the first Monday in June, one thousand nine hundred and eleven, and until their successors are elected, as hereinafter provided, who shall hold their office for a term of six years. They shall organize by electing one of their number chairman, another secretary, and another treasurer. Said treasurer shall enter into bond in the sum of double the amount of the funds coming into his hands, payable to the State of North Carolina, for the faithful discharge of the duties Trustees named.  
Trustees incorporated.  
Corporate name.  
Formal enumeration of corporate powers.  
Terms of office.  
Organization.  
Treasurer to give bond.

Vacancies.	of his office. Vacancies occurring by reason of the expiration of the terms of office of the trustees as aforesaid, or otherwise, shall be filled by a majority vote of the other members of said board of graded school trustees holding over, and for the purpose of filling such vacancies said board shall meet on the first Monday in June of each year in which vacancy shall occur.
Trustees to call election.	SEC. 3. It shall be the duty of said board of trustees to advertise in some newspaper published in Littleton, North Carolina, for thirty days, and call an election in said graded school district to be held on the first Tuesday in September, one thousand nine hundred and five, and to appoint a registrar and two judges of election, who shall open a polling place in the town of Littleton, North Carolina, at some convenient place on the Halifax County side of said town, and also shall appoint a registrar and two judges of election, who shall open a polling place in the town of Littleton, North Carolina, at some convenient place on the Warren County side of said town, at which said polling places, and at time heretofore set out, said registrars and judges of election shall conduct an election in the manner provided by law for the holding of general elections in this State, as near as possible, and all persons qualified to vote under the laws of this State shall be entitled to vote at said election. At said election the said board of trustees shall submit to the said voters in the aforesaid district whether there shall be levied in said district a tax not to exceed twenty-five cents on the hundred dollars worth of taxable property as same shall be assessed by the tax assessors of said Halifax and Warren Counties, and not more than seventy-five cents on each taxable poll in said district. At said election those voters who favor the levy and collection of said tax shall vote a ticket on which shall be written or printed "For Special Tax," and those who oppose the same shall vote a ticket on which there shall be written or printed "Against Special Tax." In case a majority of the votes cast at said election are in favor of said tax, the same shall be annually levied and collected by the proper authorities of Halifax and Warren Counties as other taxes, and shall be paid by the treasurers of said counties to the board of trustees of said graded school district, to be used by it in the maintenance of said graded school hereafter provided for.
To appoint election officers.	
Question submitted.	
Form of ballots.	
Tax levied and collected.	
Trustees to establish school.	SEC. 4. It shall be the duty of said board of trustees to establish a graded school, and the said board of trustees shall appropriate and use the funds derived from the aforesaid taxes and other sources in such manner as it may deem wise and just: <i>Provided</i> , that all donations to said school may be applied or directed by the donor. Said board of trustees shall elect a principal and all other teachers necessary for said school, and fix the salaries of the same. They shall prescribe all rules and regulations for their own government and the government of the said school.
Proviso: donations to said school directed by donor. Trustees to elect principal and other teachers. And prescribe rules.	

SEC. 5. That the regular school tax funds apportioned by the respective county boards of education to said district, other than the special tax fund, be paid by the boards of education of the said counties of Halifax and Warren to the said board of trustees, to be used by it in the maintenance of said graded schools School to have quota of public school fund.

SEC. 6. That chapter two hundred and fifty-four of Public Laws of one thousand eight hundred and eighty-nine, and all amendments thereto, be and the same are hereby repealed.

SEC. 7. That all laws and clauses of 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 its ratification.

In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1905.

## CHAPTER 206.

### AN ACT TO AMEND CHAPTER 109 OF THE PRIVATE LAWS OF 1887, AMENDING THE CHARTER OF THE TOWN OF FALKLAND, IN PITT COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and nine (109) of the Private Laws of one thousand eight hundred and eighty-seven (1887) be and the same is hereby amended by striking out all of section four (4) of said act and inserting in lieu thereof the following:

"Section 4. That the said mayor and commissioners shall have and exercise all of the powers and rights usually incident to the government of the town: to enact such ordinances, rules and regulations for its government as they may see fit. Powers of mayor and commissioners.

"(1) They shall have the power to regulate and control the market-house and the market facilities of said town. Market and market facilities.

"(2) To abate or remove nuisances. Nuisances.

"(3) To regulate and control the sale of liquor in said town, and to fix the license tax for liquor dealers: *Provided*, that said tax shall not be less than one hundred dollars (\$100) per year nor more than five hundred dollars (\$500). Sale of liquor. Proviso: limits of liquor license.

"(4) In addition thereto, the said mayor and board of commissioners shall have and exercise all rights, powers and jurisdiction conferred under the law as contained in chapter one hundred and eleven (111) of The Code of North Carolina; and the constable of said town shall have the same jurisdiction and power possessed and exercised by policemen; and said board of commissioners shall have the power to levy tax on real and personal property situate in said town as may be required, not to exceed the sum of sixty-six Powers under general law. Powers of constable. Taxing power.



and two-third ( $66\frac{2}{3}$ ) cents on the one hundred dollars property valuation."

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 27th day of February, A. D. 1905.

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#### CHAPTER 207.

#### AN ACT TO AMEND THE GRADED SCHOOL LAW OF THE TOWN OF HENDERSONVILLE.

*The General Assembly of North Carolina do enact:*

School-house fund. SECTION 1. That chapter one hundred and twenty-two of the Private Laws of one thousand nine hundred and one be amended by adding to section six of said chapter the following words: "That the board of trustees of, the said graded school shall have the right to repair, buy new furniture or make any alterations or improvements in the graded school buildings which they in their discretion may deem necessary; and they shall also have the right to set apart out of the graded school moneys an amount not exceeding five per cent. of such fund, to be known as a school-house fund, which shall be used for the purposes hereinbefore mentioned."

Conflicting laws repealed.

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

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

In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1905.

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#### CHAPTER 208.

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

*The General Assembly of North Carolina do enact:*

Officers to be elected.

SECTION 1. That section five of chapter one hundred and forty-eight of the Private Laws of one thousand eight hundred and ninety-nine be amended by striking out the entire section and inserting the following: "That on the first Monday in May, one thousand nine hundred and five, and biennially thereafter, there shall be an election held, as hereafter provided, for a mayor and five aldermen, one alderman to reside in each ward, and five school commissioners, one school commissioner to reside in each ward."

SEC. 2. That section six of chapter one hundred and forty-eight, Elections biennial. Private Laws of one thousand eight hundred and ninety-nine, be amended by striking out in line eight the words "eighteen hundred and ninety-nine, and annually," and substituting therefor the words "nineteen hundred and five, and biennially."

SEC. 3. That section seven of chapter one hundred and forty-eight, Private Laws of one thousand eight hundred and ninety-nine, be amended by striking out in line two the word "in," after the word "May," and inserting instead the word "of," and by adding after the word "each" the word "election."

SEC. 4. That section twenty-four of chapter one hundred and forty-eight, Private Laws of one thousand, eight hundred and ninety-nine, be amended by adding to the said section the following subsections:

"XXVI. On every individual, firm or corporation engaged in the business of selling any one or more of the following articles or commodities, to-wit, farm products, coffee, sugar, salt and meat, railroad stocks and stocks and bonds of any kind for future purchase, sale and delivery, commonly called futures, an annual tax of one thousand dollars.

"XXVII. On every bill-poster, an annual tax not to exceed fifty dollars."

SEC. 5. That section forty-seven of chapter one hundred and forty-eight, Private Laws of one thousand eight hundred and ninety-nine, be amended by striking out in line two, after the word "meeting," the words "after their election in," and inserting instead thereof the words "in May of."

SEC. 6. That the board of aldermen, at their first meeting after their election in May, one thousand nine hundred and five, and annually thereafter, may elect a city clerk, and shall have power to define his duties and to pay him therefor an adequate salary, not to exceed six hundred dollars per annum. It shall be the duty of the said clerk, before entering upon the discharge of his duties, to enter upon a bond with securities and in an amount to be approved by the board of aldermen, said bond made payable to the town of Gastonia and conditioned for the faithful performance of his official duties.

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

In the General Assembly read three times, and ratified this 27th day of February, A. D. 1905.

## CHAPTER 209.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF  
RANDLEMAN.*The General Assembly of North Carolina do enact:*

- City of Randleman. SECTION 1. That the inhabitants of the city of Randleman shall be and continue, as they have been, a body politic and corporate, and henceforth the corporation shall bear the name and style of "The City of Randleman," and under such style and name is hereby invested with all the property and rights of property which now belong to the corporation or possessed by it under any other name or names heretofore, and by this name may acquire and hold for the purpose of its government, welfare and improvement all such estates as may be devised, bequeathed or conveyed to it, not exceeding in value one million dollars, and may from time to time, as it shall be deemed advisable by the proper authorities of the corporation, invest, sell or dispose of the same, and under this name shall have power to contract and be contracted with, to sue and be sued, to plead and be impleaded, to purchase and convey real estate and personal property, and shall have all the powers, rights and privileges necessary or belonging or usually appertaining to municipal corporations.
- Formal enumeration of rights.
- Corporate limits. SEC. 2. That the corporate limits shall be the same as at present laid out—that is, three-quarters of a mile north, east, south and west from the Baptist Church, this having already been surveyed by the town authorities. The territory in such limits shall be divided into four sections, called wards. The First Ward shall embrace that portion of the city which lies south and east of Naomi Street to the iron bridge at Naomi Factory; thence down Deep River to corporate line; thence with the corporate line to South Main Street; thence north along Main Street to the beginning and the intersection of Main and Naomi Streets. The Second Ward shall embrace all that portion of the city west of South Main Street from corporate line, running north along South Main Street to Ferree Street; thence west along Ferree Street and the connecting streets approximately west to the corporate line; thence south with the corporate line to South Main Street. The Third Ward shall embrace all that portion of the city lying west of Main Street from the corner of Ferree and Main Streets to Randleman Bridge across Deep River, bounded on the north by the various courses of Deep River to the corporate limits; thence along the corporate line back to the corner of Ward Number Two; thence east with line of Ward Number Two to corner of Main and Ferree Streets. The Fourth Ward shall embrace all that portion of the city lying within the corporate line on the north side of Deep River and also that portion lying between Deep River, Main Street and Naomi Street.
- City divided into wards.  
First ward.
- Second ward.
- Third ward.
- Fourth ward.

SEC. 3. There shall, on the first Monday in May, one thousand nine hundred and five, and every year thereafter, be elected a mayor and eight aldermen for the said city; two of said aldermen shall be chosen from each ward, and the administration and government of the city shall be vested in such mayor as principal officer and eight aldermen aforesaid and such other officers as are herein provided for.

Election of city officers.

SEC. 4. That any qualified elector of this State shall be eligible as mayor or alderman: *Provided*, such person shall have resided in the corporation four months and in the county six months next preceding the day of election; and every alderman shall be a resident of the ward for which he shall be chosen. Such mayor and aldermen shall be elected by the qualified voters of the said corporation.

Qualifications for city voters.

SEC. 5. That the election of the mayor and the aldermen as above provided for shall be had in accordance with and under the laws of North Carolina regulating elections in towns and cities.

City elections under general law.

SEC. 6. 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 board of canvassers 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.

Board of canvassers of city to break ties.

Who declared elected.

SEC. 7. That the mayor, immediately after the election and before entering upon the duties of his office, shall, before a justice of the peace, take the following oath: "I, A. B., do solemnly swear (or affirm) that I will diligently endeavor to perform faithfully and truly, according to my best skill and ability, all the duties of the office of Mayor of the City of Randleman 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."

Mayor of city to qualify.

Form of oath.

SEC. 8. That each alderman, before entering upon the duties of his office, shall take before the mayor or some justice of the peace an oath that he will truly and impartially perform the duties of alderman for the city according to the best of his skill and judgment.

City aldermen to qualify.

SEC. 9. That the mayor and aldermen shall hold their offices, respectively, until the next ensuing election and until their respective successors shall be qualified.

Terms of city officers.

SEC. 10. That if any person elected mayor shall refuse to be qualified, or there is a vacancy in the office after election and

Vacancy in office of mayor of city.

Vacancies in city aldermen.	<p>qualification, or if the mayor be absent from the city or unable to discharge the duties of his office, the aldermen shall choose some person for the term of the unexpired portion of the time, or during his absence or disability, as the case may be, to act as mayor, and he shall be clothed with all the authority and powers given under this charter to the regularly elected mayor; and the aldermen shall on like occasion and in like manner choose other aldermen to supply the places of such as shall refuse to act, and of all vacancies which may occur, and such persons only shall be chosen as heretofore declared to be eligible: <i>Provided</i>, in the event of the mayor's absence or sickness or inability to act, the board of aldermen may appoint one of their number <i>pro tempore</i> to exercise his duties.</p>
Mayor of city pro tem.	
Forfeit for refusal to qualify.	<p>SEC. 11. 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.</p>
Mayor of city a special court. Jurisdiction.	<p>SEC. 12. That the Mayor of the City of Randleman is hereby constituted a special court, with all the jurisdiction and powers in criminal offenses occurring within the limits of said city which are or hereafter may be given to justices of the peace. He shall preserve and keep the peace, and may cause, upon proper proceedings, to be arrested persons charged or convicted of crimes in other counties or States who may be found in the city limits, and bind or imprison such persons to appear at the proper tribunal to answer for this offense. 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: <i>Provided, nevertheless</i>, that he shall not have jurisdiction of laws of any nature or amount other than of such whereof a justice of the peace may take cognizance, unless specially allowed by this act.</p>
Proceedings.	<p>SEC. 13. That all proceedings in the mayor's court shall be the same as are now or hereafter shall be prescribed for courts of justices of the peace, and in all cases there shall be a right of appeal to the Superior Court of the County of Randolph; that whenever a defendant or witness or other person shall be adjudged to be imprisoned by the said court, it shall be competent for the said court to sentence such persons to imprisonment in the county jail for a term not exceeding thirty days, and to adjudge also that such persons work during the period of their confinement on the public streets or on the public works of the city.</p>
Convicts worked on streets.	



SEC. 14. That the mayor may issue his precepts to the chief of police of the city and to such other officers to whom a justice of the peace may issue his precepts.

Precepts, to whom issued.

SEC. 15. 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 Randolph 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 Randolph.

Mayor to keep minutes.

SEC. 16. That the mayor shall keep his office in some convenient part of the city designated by the aldermen; and he shall keep the seal of the corporation and perform such duties as from time to time may be prescribed, and he shall receive a salary for his services not to exceed two hundred and fifty dollars per annum, to be fixed and allowed by the aldermen.

Location of office.

Seal of city.

Salary of mayor.

SEC. 17. 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.

Mayor to preside at meetings of aldermen.

To break ties.

SEC. 18. That the aldermen shall form one board, and a majority of them shall constitute a quorum and shall be competent to perform all the duties prescribed for the aldermen, unless otherwise provided. Within five days after their election they shall convene for the transaction of business, and shall fix stated days of meetings for the year, which shall be as often at 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 the mayor, and those not joining in calls 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.

Aldermen to form one board. Quorum.

Meetings.

SEC. 19. That if any alderman shall fail to attend the general meeting of the board of aldermen, or a special meeting of which he shall have notice as prescribed in the charter, unless prevented by such cause as shall be satisfactory to the board, he shall forfeit and pay for the use of the city the sum of one dollar, and it shall be the duty of the mayor to enforce such forfeiture.

Fine on aldermen for failure to attend meetings.

SEC. 20. That the aldermen, when convened, shall have power to make, and provide for the execution thereof, such ordinances, by-laws, rules and regulations for the better government of the city as they may deem necessary: *Provided*, the same be allowed

Aldermen to make by-laws, rules and regulations.

Proviso: by-laws to be consistent with laws of State.

by the provisions of this act and are consistent with the Constitution and laws of the State.

Aldermen to elect other officers.

SEC. 21. That the aldermen, at their first meeting after their election, or as soon thereafter as convenient, shall appoint a secretary, a treasurer and collector of taxes and a chief of police, who shall respectively hold their offices during the official term of the aldermen who appoint 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 said officers shall be sworn to the faithful discharge of his duty, and shall execute a bond, payable to the city of Randleman, in such sum as the aldermen shall determine; and the said officers shall receive such compensation as the board of aldermen may allow.

Officers to qualify.

And give bond.

Duties of secretary.

SEC. 22. That it shall be the duty of the secretary to keep regular and fair minutes of the proceedings of the board, and to preserve all books, papers and articles committed to his care during his continuance in office, and deliver them to his successor, and generally to perform such other duties as may be prescribed by the aldermen and this charter.

Journals and papers open for inspection.

SEC. 23. That every person shall be allowed to inspect the journals and papers of the board, in the presence of the secretary, on paying him twenty-five cents for each inspection, under a penalty of two dollars on the secretary for every refusal, to be paid to him who will sue for the same.

Treasurer to post transcript of receipts and disbursements.

SEC. 24. 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 four public places in the city of Randleman 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.

Penalty for failure.

Further duties of treasurer.

SEC. 25. 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 hereinafter specified. He shall keep in a book provided for that purpose a fair and correct account of all moneys received and disbursed by him, and shall submit said account to the aldermen whenever required to do so. On the expiration of his term of office he shall deliver to his successor all the moneys, securities and other property entrusted to him for safe-keeping or otherwise, and during his continuance therein he shall faithfully perform all duties lawfully imposed upon him as city treasurer.

Orders on treasurer.

SEC. 26. That all orders drawn on the treasurer shall be signed by the secretary 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 source whence are derived the moneys received by him.

SEC. 27. The tax collector, whose appointment is herein provided for, shall be vested with the same power and authority in the collection of taxes that sheriffs have, and be subject to the same fines and penalties for failure or neglect of duty. He shall be charged with the sums appearing by the tax lists as due for city taxes. He shall be credited in settlement, as sheriffs are credited, with the amounts in suits by appeal, all poll taxes and taxes on personal property certified by the secretary of the aldermen as having been declared insolvent and uncollectible by the board. He shall at no time retain in his hands over three hundred dollars for a longer time than seven days, under a penalty of ten per cent. per month to the city upon all sums so unlawfully retained. The board of aldermen, at the meeting before the last regular meeting in each fiscal year, shall appoint one or more of their number to be present and assist at the accounting and settlement between the tax collector and the city treasurer, and to audit and settle the accounts of the city secretary and treasurer. The accounts so audited shall be reported to the board of aldermen, and when approved by them shall be recorded in the minute-book of said board and shall be *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 by him, and he shall not be eligible to re-election to said office.

Powers and duties of tax collector.

Settlements.

Accounts audited, approved and recorded.

Tax collector in default to be removed.

SEC. 28. That the board of aldermen shall have power to appoint a police force, to consist of a chief of police and such number of policemen as the good government of the city may require, who shall hold their office during the term of the board appointing them and until their successors are appointed. The members of the police force shall give bond in such sums as the board of aldermen may prescribe for the faithful discharge of the duties imposed by law and the ordinances of the city, and to faithfully account for all moneys that may come into their hands from fines, penalties, etc. The chief of police shall have the supervision and control of the police force, and it shall be his duty to report to the mayor any dereliction of duty on the part of any member of the police force, and at the end of each month shall have a settlement with each policeman on account of the fines and costs collected by him. It shall be the duty of the chief of police to attend the mayor's court each day and report any violation of law or ordinances of the 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 to do such other things as may be required of him by the board. The chief of police and each mem-

Police force.

Policemen to give bond.

Chief to have supervision.

Chief to attend mayor's court.

Powers and duties of police force.

ber of the police force shall have all the power and authority vested in sheriffs and constables for the preservation of the peace of the city by suppressing disturbances and apprehending offenders; they shall execute all process directed to them by the mayor or others, and in the execution thereof shall have the same power as sheriffs and constables have. The chief and members of the police force shall take an oath before the mayor for the faithful performance of the duties required by law and the ordinances. That said policemen shall have power to take bail for appearance of defendants or other persons charged with violations of city ordinances in the manner and to the extent that such powers are vested in sheriffs; and in case such person or persons shall not appear, the mayor may issue a *sci. fa.* and enter judgment final against the defaulting party and his sureties. That the chief of police shall have the power to re-arrest upon the same warrant a defendant or party who has been convicted and turned loose on the statement that he will pay fine and costs, upon failure to pay same or in case of an escape.

Fees and compensation of police.

SEC. 29. The police shall be entitled to and shall receive the fees arising from the execution of all precepts issued by the mayor or others, which shall be the same as that of sheriffs for like services. The board of aldermen shall pass ordinances for the government and direction of the police and fix their compensation. In times of 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.

Additional policemen.

Power of mayor to suspend policemen.

SEC. 30. The mayor may at any time, upon charges preferred, or upon finding said chief or any member of said force guilty of mis-

Aldermen to review suspension.

conduct, 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

No pay during suspension.

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

Cause for dismissal or suspension.

restoration to service. Any violations of the regulations or orders of any superior shall be good cause for dismissal; and the mayor shall suspend the chief or any member of the police force if found drunk while on duty.

Badges and uniforms.

SEC. 31. The board of aldermen may require the entire police force to wear badges and to be so armed and uniformed as to be readily recognized by the public as peace officers; and the police shall generally have power to do whatever may be necessary to preserve the good order and peace of the city and secure the inhabitants from personal violence and their property from loss or injury.

General powers.

Actions on bonds.

SEC. 32. That for any breach of his official bond by the city secretary, chief of police, tax collector or any other officer who may be required to give an official bond, such officer shall be liable in

an action on the same in the name of the city, at the suit of the city or any person aggrieved by such a breach, and the same may be put in suit without assignment from time to time until the whole penalty be recovered.

SEC. 33. That the said board of aldermen may, as soon after their election as necessary, appoint a weigh-master and inspector, whose duty it shall be to inspect all flour, provisions, forage and all other marketable produce sold in said city, in his judgment requiring weighing or inspection, and the said officer so appointed shall give bond, with approved security, to the city of Randleman in an amount to be fixed by the board, conditioned for the faithful discharge of all duties imposed by law or the ordinances of the city, and shall take an oath before the mayor, before entering upon his duties: and the board of aldermen shall have power to remove for misbehavior or neglect or malpractice in office and appoint a successor instead. And the board of aldermen are hereby authorized and empowered to regulate the fees to be paid for such weighing and inspection, and by whom to be paid, and to make all necessary ordinances for the government of said officers, and to impose fines and penalties for their violation.

SEC. 34. They may also appoint a city engineer, a city attorney or attorneys, employ detectives and offer rewards for the capture and conviction of criminals, and to exercise like power in the premises in order to bring offenders against the laws of the State and city ordinances, when the offense is committed within the city limits, to further justice, and to use any funds belonging to the city, not otherwise appropriated, to carry out this purpose.

SEC. 35. That if any one shall act as auctioneer in the city without being duly licensed by the city so to do, except auctioneer of a warehouse for the sale of leaf tobacco in their business, he shall be deemed guilty of a misdemeanor.

SEC. 36. That in order to raise a fund for the ordinary expenses of the city, the aldermen may annually levy and collect the following taxes, viz.:

(1) On all real and personal property within the corporate limits, including money on hand, solvent credits, and upon all other subjects taxed by the General Assembly *ad valorem*, a tax not exceeding seventy-five cents on every hundred dollars value.

(2) On all taxable polls, a tax not exceeding two dollars and a quarter upon all who may be residents in the city on the first day of June of each year or may have been so resident within sixty days next preceding that day.

(3) On every hundred dollars value of goods, wares and merchandise purchased for re-sale by any merchant trading within the city one year next preceding the first day of June in the year in which the same is enlisted, a tax not exceeding twenty cents.

(4) Upon every omnibus used for the carriage of persons for hire, a license tax not exceeding fifteen dollars a year; and upon

Weigh-master and inspector.

To give bond.

Oath.

Fees.

City engineer, city attorney, detectives.

Misdemeanor to auctioneer without license.

Taxes:

On property.

Polls.

Purchase tax.

Omnibus, carriages and drays.



every hack, carriage or other vehicle, including express wagons, used for the carriage of persons or baggage for hire, and upon every dray used for the transportation of freight or other articles for hire, a license tax not exceeding five dollars a year; and a discrimination may be made between one and two-horse vehicles.

Dogs.

(5) Upon all dogs kept in the city and which may be so kept on the first day of June, a tax not exceeding five dollars; and all dogs so taxed shall be subjects of larceny; *Provided, however,* that a discrimination within this limit may be made on the different species and sexes of dogs.

Swine and goats.

(6) Upon all swine and goats not prohibited by the aldermen to remain in the city, when confined, a tax not exceeding five dollars a head.

Encroachments on streets.

(7) Upon all encroachments on the streets by porches and piazzas allowed by the aldermen, a tax not exceeding one dollar per square foot.

Express, telegraph and telephone companies.

(8) Upon every express company and upon every telegraph or telephone company doing business in the city, a tax not exceeding one per cent. of its gross receipts in the city, to be given in upon the oath of the managing agent of such company annually at the time when other taxes are listed and under the same penalty as that prescribed in the laws of the State.

Notice to list taxes.

SEC. 37. That the secretary, on the third Monday in May of each and every year, make advertisement in some newspaper notifying all persons residing in the city of Randleman who own or have control of taxable property in the city on the first of June to return to a list-taker to be appointed by the aldermen, on or before the last day of June, a list of their taxable property in said city; said lists shall state the number of lots or parts of lots and all other property and polls now taxable or that hereafter may be made taxable by the laws of the State or the ordinances of the city, and the lists so returned to the list-taker shall be sworn to before him, and he is hereby authorized to administer the following oath: "I, A. B., do solemnly swear that the tax returns made out and signed by me contain 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, and a full and accurate list of all stocks, bonds, income, solvent credits and other property subject to taxation by the laws of the State and the ordinances of said city, according to my best knowledge, information and belief: So help me, God."

Form of oath.

And from the returns so made the list-taker shall, within thirty days after the expiration of the term for taking said list, make out in a book kept for that purpose an alphabetical list of the persons and owners of property who have so made their returns in the same manner as tax lists are made out by law for the collection of State taxes. And the said list-taker shall copy in said book the assessments on file in the register of deeds' office of all

List-taker to make tax books.

property within the city limits, which assessments may be revised, corrected or amended by the board of aldermen.

SEC. 38. That the list-taker shall, within thirty days from the return of the tax lists, make, to the best of his knowledge and belief, by comparing his book with the returns to the Register of Deeds of Randolph County of the list of assessments made by the county assessors, and by diligent inquiry from other sources, a list of all taxable polls and owners of taxable property in said city who shall have failed to return a list in the manner and within the times aforesaid; and any such person who has so failed, for such failure shall pay double the tax assessed on any subject for which he is liable to be taxed. The board of aldermen shall have all the power given to the board of county commissioners to revise the tax list, except to alter valuations of real estate; and shall, as near as may be, make the city tax list compare with the tax list given in to the county by the citizens of Randleman upon all subjects embraced in both lists.

List of delinquents.

Double tax for failure to list.

SEC. 39. That all persons who are liable for poll tax to the said city and shall willfully fail to give themselves in, all persons who own property and who willfully fail to list it within the time allowed by law, as aforesaid, shall be deemed guilty of a misdemeanor to the same extent as for a failure to list State and county taxes, and on conviction thereof before the mayor of said city, or any justice of the peace, shall be fined not more than twenty-five dollars or imprisoned not more than ten days; and it shall be the duty of the tax collector of said city to prosecute offenders against this section.

Failure to list a misdemeanor.

Penalty.

SEC. 40. That as soon as the list-taker shall have furnished the assessment roll as provided, and the same shall have been revised by the board, the board of aldermen shall proceed to levy the taxes on such subjects of taxation in the hands of the collector for collection, who shall proceed forthwith in the collection, and shall complete the same on or before the first day of October next ensuing, and shall pay the moneys as they are collected to the treasurer; and the collector for his compensation shall receive not exceeding five per cent. on the amount collected.

Aldermen to levy taxes.

Collector.

Commission.

SEC. 41. That if any person liable to taxes on subjects directed to be listed shall fail to pay them within the time prescribed for collection, the collector shall proceed forthwith to collect the same by distress and sale, after public advertisement for the space of ten days in some newspaper published in the county if the property to be sold be personalty, and of thirty days if the property be realty.

Collection by distress.

SEC. 42. That when the tax due on any lot or other land (which is hereby declared to be a lien on the same) shall remain unpaid on the first day of October, and there is no other visible estate but such lot or land of the person in whose name it is listed liable to distress and sale, known to the collector, he shall report the fact

Sale of land for taxes.

- to the aldermen, together with a particular description of the real estate; and thereupon the aldermen shall direct the same to be sold by the collector, after advertising for thirty days in some newspaper published in the county, which the collector shall do. And the collector shall divide the said land into as many parts as may be convenient (for such purpose he is authorized to employ a surveyor), and shall sell as many parts thereof as may be required to pay said taxes and all expenses attendant thereto. If the same cannot be conveniently divided the collector shall sell the whole; and if no person will pay the whole of the taxes and expenses for the whole land, the same shall be struck off to the city, and if not redeemed, as hereinafter provided, shall belong to said city in fee.
- Procedure.** SEC. 43. That the collector shall return an account of his proceedings to the aldermen, specifying the portions in which the land was divided, and the purchaser or purchasers thereof, and the prices of each, which shall be entered on the book of proceedings of the board; and if there shall be a surplus, after paying said taxes and expenses of advertising and selling same, it shall be paid into the city treasury, subject to the demand of the owner.
- Collector to report proceedings.**
- Power of redemption.** SEC. 44. The owner of any land sold under the provision of this charter and amendments, or any person acting for such owner, may redeem the same within one year after the sale by paying to the purchaser the sum paid by him and twenty-five per cent. on the amount of taxes and expenses, and the treasurer shall refund to him, without interest, the proceeds, less double the amount of taxes.
- Deed if land not redeemed.** SEC. 45. That if the real estate sold as aforesaid shall not be redeemed within the time specified, the corporation shall convey the same in full to the purchaser or his assigns, and the recitals in such conveyance, or in any other conveyance, of land sold for taxes due the city, that the taxes were due, or of any other matter required to be true or done before the same might be made, shall be *prima facie* evidence that the same was true and done.
- Real estate of infants and persons non compos mentis.** SEC. 46. That the real estate of infants or persons *non compos mentis* shall not be sold for tax, and when the same shall be owned by such in common with other persons free of such disability the sale shall be made as provided in The Code.
- License taxes.** SEC. 47. That in addition to the subjects listed for taxation the aldermen may levy a tax on the following subjects, the amount of which tax, when fixed, shall be collected by the collector for 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:
- On peddlers.** (1) Upon all itinerant merchants or peddlers vending or offering to vend in the city, a license tax not exceeding fifty dollars a year, except such only as sell books, charts or maps or wares of

their own manufacture, but not excepting venders of medicines by whomsoever manufactured. Not more than one person shall peddle under a single license.

(2) Upon every billiard table, bowling alley or alleys of like Games. kind, bowling saloon, bagatelle table, pool table or tables, stand or place for any other game or play, with or without a name, kept for hire or used or connected with a hotel or restaurant, a license tax not exceeding fifty dollars a year; upon every hotel, restaurant, eating-house, a license tax not exceeding twenty-five dollars.

(3) Upon every company of circus riders or performers, by what- Circuses. ever name called, who shall exhibit within the city or in one mile thereof, a license tax not exceeding fifty dollars for each performance or separate exhibition, and upon every side-show connected Side-show. therewith a license tax not exceeding ten dollars; the tax to be paid before the exhibition, and if not, to be doubled.

(4) Upon every person or company exhibiting in the city or Stage exhibitions within one mile thereof, stage or theatrical play, sleight-of-hand and menageries. 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.

(5) Upon every exhibition, for reward, of artificial curiosities 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 exhibiting or the same to be doubled.

(6) Upon each show or exhibition of any other kind, and on each Other exhibitions, concert, for reward (unless for religious or benevolent purposes), concerts and musicians. in the city or within one mile thereof, and on every strolling musician, a tax not to exceed ten dollars, to be paid before exhibiting or the same shall be doubled.

(7) Upon every goat, sheep or hog unlawfully running at large Goat, sheep or hog running at large. in the city there may be levied a tax not exceeding six dollars; and every such goat, sheep or hog may be seized and impounded, and if the owner, on being notified, will not pay the tax, the animal may be sold therefor, at such place as the aldermen may designate, after three days' notice.

(8) Upon every horse, or mule, or bull going at large, a tax not Horse, mule or bull exceeding ten dollars. going at large.

(9) Upon every auctioneer or crier of goods at public auction, a Auctioneers. license tax not exceeding fifty dollars a year: *Provided*, that this section shall not conflict with the provisions of section two hundred and eighty-four of The Code.

(10) Upon every stock and bond broker, sewing-machine com- Brokers, agents pany or agent for such company, dealer in or manufacturers' agent and stock dealers. of musical instruments, keeper of sales stables, livery-stables or stock-yards doing business in the city, a license tax not exceeding twenty-five dollars a year.

- Bill-posters, etc. (11) Upon every bill-poster, street huckster, photographer, merchandise or produce broker, ice dealer, dealer in wood and coal, or either, insurance company or insurance agency for every company represented, and every skating-rink or shooting-gallery, building and loan association, a license tax not exceeding ten dollars a year.
- Telegraph companies, etc. (12) That every telegraph, telephone or electric light company, oil agency, street railway, each water-works company or corporation furnishing water to the city or citizens shall pay a license tax not exceeding fifty dollars per annum.
- Marble yards, etc. (13) That each marble yard, undertaker, plumber or persons putting gas or water fixtures in houses or yards, a license tax not exceeding five dollars per annum.
- Barbers, etc. (14) Each barber-shop, each rope-walker, itinerant dealer in lightning-rods and stoves, every dealer in fertilizer, practising physician, dentist or surgeon, optician, oculist, civil engineer, artist, chiropodist or any person engaged in the sale of any specific, carriage, buggy or wagon agent or any person offering vehicles for sale as a business, each architect or builder, cigar manufactory or tobacco warehouse, each dancing school, every agent for the sale of machinery or engines, every soda or mineral water fountain, every stallion or jack standing in the city, every lecturer for reward except for religious or charitable purposes, each dairy wagon or vehicle, land agent or land broker, each butcher, persons soliciting orders for photographs or pictures, selling jewelry or any other article having a prize given therein, or any person taking or enlarging likeness of a human face, or order, or otherwise; each printing office, each dealer in patent rights, every lawyer or firm, traders or manufacturers who do not pay city tax on their profession, shall pay a license tax not exceeding ten dollars a year. The said license shall be granted on the first day of June in each year.
- Banker's office, lottery, junk-shop, etc. (15) Each banker's office, each gift enterprise or lottery, each junk-shop or dealer in metals, cordage, etc.; every mill, manufactory, machine shop, or foundry employing steam as a motive power; every railroad company having a depot or office in the city, a license tax not exceeding fifty dollars a year.
- Commission merchants and drummers. (16) Upon all commission merchants and commercial brokers, a license not exceeding ten dollars a year.
- Fine for doing business without license. (17) Any person carrying on any business in the city without having paid the license tax shall be fined twenty dollars: *Provided*, that any person taking out license after the first of June shall pay a tax on such license in the foregoing sections proportioned according to the unexpired term of the year, according to the discretion of the mayor.
- Proviso; license proportionate. (18) The board of aldermen shall have power to impose a license tax on any business carried on in the city of Randleman not before enumerated herein, not to exceed ten dollars a year.
- License tax on business not enumerated. SEC. 48. That all moneys arising from taxes, donations or other sources shall be paid to the treasurer, and no appropriation thereof
- Money paid to treasurer.



shall be made but by a board constituted by a majority of the aldermen.

SEC. 49. The taxes for city purposes shall be levied on all real and personal property, trades, licenses and other subjects of taxation as provided in section three, article five of the State Constitution.

SEC. 50. That the board of aldermen shall have the power to grade, macadamize and pave the streets and sidewalks, and to lay out, change, open new streets, or widen those already open, and make such improvements thereon as they may deem best for the public good; also to lay out, regulate and establish parks for the use of the city; to regulate and protect public grounds and protect shade trees of the city. That whenever any land or right-of-way shall be required for the purpose of opening new streets, or for widening or changing those already open, or for other objects allowed by this charter, and for want of agreement as to the compensation therefor, and the same cannot be purchased from the owner or owners 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 to be chosen by the board of aldermen and one by the owner; 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 Randolph County in case such owner cannot be found in the city, after being duly sworn to act impartially and fairly by the mayor or justice of the peace or clerk of a court of record, shall take into consideration the loss or damage which may accrue to the owner in consequence of the land or right-of-way being surrendered, also any benefit or advantage such owner may receive from the opening or widening such 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 the minutes, shall have the effect of a judgment against the city of Randleman, and shall pass the title to the city of Randleman of the lands so taken, and the lands 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 that is made, then in that case either party may have an appeal to the next term of the Superior Court of Randolph County: *Provided, however*, that such appeal shall not hinder or delay the board of aldermen from opening or widening such streets or creating such improvements.

SEC. 51. That every owner of a lot, or persons having as great an interest therein as a lease for three years, which shall front any street on which a sidewalk has been established, shall improve,

How taxes levied.

Powers of aldermen as to streets.

Parks and shade trees.

Procedure for condemnation of land.

Land-owners to pave sidewalks.

curb or pave or repair in such manner as the board of aldermen may direct, such sidewalks, as far as it may extend along such lot; and on failure to do so within thirty days after the notice by the chief of police to the said owner, or, if he be a non-resident of the county of Randolph, to his agent, or, if such a non-resident have no agent in said county, or a personal notice cannot be served upon the owner or agent, then, after publication of the notice by the chief of police for thirty days in some newspaper published in the county, calling on the owner to make such repairs, the board of aldermen may cause the same to be repaired, either with brick, stone or gravel, at their discretion, and the expenses shall be paid by the person in default. Said expenses shall be a lien on said lot, and if not paid in six months after the completion of the repairs, such lot may be sold, or enough of the same to pay such expenses and costs, under the same rules, regulations and restrictions, rights of redemption and saving as are prescribed in said charter in sale of land for unpaid taxes.

If owner fail,  
work done by city.

Expense a lien on  
property.

No cellars under  
sidewalk.

SEC. 52. That no cellar shall be built under any sidewalk in the city, or entrance established on the sidewalk, whereby free passage of persons may be delayed, hindered or interrupted, and every offender therein shall forfeit and pay to the city twenty-five dollars for every day the same may remain.

No mayor or  
alderman to be  
interested in  
contracts.

SEC. 53. That no mayor or alderman, or any other officer of the city, shall directly or indirectly become a contractor for work to be done for the city, and any person herein offending shall be guilty of a misdemeanor.

Powers of alder-  
men as to  
nuisances.

SEC. 54. The board of aldermen shall have the power and it shall be their duty to prohibit all trades or occupations which are a nuisance from being carried on in the city, and the power and authority of the said board of aldermen for the abatement and removal of nuisances shall extend one mile beyond the city limits. They shall have power and it shall be their duty to cause all ponds, sunken lots and other places in which water stands and stagnates to be drained and filled up, and to recover from the owner or occupier of the premises the expenses, which shall be a lien on the lot, which may be enforced as liens for taxes: *Provided*, the owner or occupant of said lot, after ten days' notice, shall neglect or refuse to remove or abate the said nuisance. They shall have authority to cause all nuisances arising from any cause within and for one mile without the city limits to be removed or abated, and for the removing or abating any such nuisance the person creating the same shall pay the expenses as above required.

Cost of drainage  
lien on lot.

Animals running  
at large.

SEC. 55. That the aldermen shall have power to prevent dogs, horses, cattle and other brutes or chickens and other fowls from running at large in the city.

Markets.

SEC. 56. That the aldermen may establish and regulate the market and prescribe at what time and place and in what manner within the corporation marketable articles shall be sold; in what

manner, whether by weight or measure, may be sold grain, meal, flour, if not packed in barrels; fodder, hay or oats in straw; appoint a keeper of the market, prescribe his duties, and shall also have power to prevent forestalling and regrading.

SEC. 57. That they may establish all public buildings necessary and proper for the city, and prevent the erection or establishment of wooden buildings in any part of the city where they may increase the danger of fire. Public buildings.

SEC. 58. That the board of aldermen shall have power to regulate the manner and terms in which bodies may be interred in the public cemetery, and have said cemetery kept in proper repair. They shall also have power to purchase, when they deem it proper, land adjoining the cemetery for its enlargement. They shall also have power to forbid any and all interments of dead bodies within the limits of said city whenever they shall deem it expedient, and to pass ordinances for the protection of cemeteries; may appoint and pay a keeper and compel the keeping and returning of accounts of mortality. Burials and cemeteries.

SEC. 59. That they may also provide for the establishment, organization, equipment, government and pay of such number of fire companies as they shall deem necessary and proper. That in case of fire occurring in said city, the mayor, or, in his absence, a majority of the aldermen who may be present, may order the blowing up or pulling down or destroying of any house deemed necessary to stop the progress of the fire; and no person shall be held liable, severally or criminally, for acting in such case in obedience to such orders. They shall also have power to establish fire limits within said city. They may prohibit wooden buildings from being removed from without into said fire limits, or from being removed from one place to another within the same, under such penalties as the board of aldermen may establish, and said penalty may be sued for and recovered from the owner in an action of debt in any court having jurisdiction. Fires and fire companies.

SEC. 60. That they shall have power to make ordinances to prohibit or control the firing of fire-arms, fire-crackers, torpedoes and other explosive materials, and to govern the sale thereof in the city; the speed at which horses may be ridden or driven through the streets; the speed at which railroad engines and trains shall run within the city limits; to prohibit said railroads from stopping their engines or cars on said streets, and to require railroads to keep the street crossings in good repair; the arrangement of all stove-pipes and flues in buildings; the manner in which powder and other explosive and inflammable substance may be kept and sold; the manner in which commercial fertilizers are stored; the manner in which dogs and hogs may be kept, and to prevent them from running at large in the city, and to cause all alleys, lots, cellars, privies, stables, sties and other places of like character to be examined by a sanitary policeman to be appointed for that purpose. Fire limits.

Further powers of aldermen.

Sanitary policemen.

It shall be their duty, on complaint, to cause by their order the sanitary policeman to have said places cleaned and the nuisance abated, and the said sanitary policeman, or any other person appointed by the board charged with that duty, shall have the authority to enter premises described to be in bad order and inspect and have same cleaned, and the expenses of abating such nuisance shall be recovered from the occupant or owner of said premises by action of debt in any court of competent jurisdiction. That they shall also have power to make regulations and ordinances for the due observance of Sunday.

Quarantine.

SEC. 61. That they may take such measures as they may deem effectual to prevent the entrance into the city or spreading therein of any contagious or infectious disease; may stop, detain and examine for that purpose every person coming from places believed to be infected with such disease; may establish and regulate hospitals within the city or within three miles thereof; may cause any person in the city suspected to be infected with such disease, and whose stay may endanger its health, to be removed to the hospital, if the city have one; if not, where the mayor may direct; may remove from the city or destroy any furniture or other article which shall be suspected of being tainted or infected with contagious or infectious diseases, or of which there shall be reasonable cause to apprehend that they may pass into such a state as to generate and propagate disease; may abate by any reasonable means all nuisances which may be injurious to the public health.

Removal to hospital at expense of patient.

SEC. 62. 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, from said person, the expense of his removal, support, nursing and medical attention, and burial expenses also, in case of death.

Forfeit for resisting removal.

SEC. 63. That if any person shall attempt by force or by threat of violence to prevent the removal to the hospital or place selected by the mayor, as aforesaid, of any person ordered to be conveyed thither, the person so offending shall forfeit and pay to the city one hundred dollars, and moreover be deemed guilty of a misdemeanor.

Misdemeanor.

Power to borrow money.

SEC. 64. That among the powers hereby conferred on the board of aldermen, they may borrow money or create a public debt, only after they have passed an ordinance by a three-fourths vote of the entire board at two separate meetings, submitting the question of creating a debt to a vote of the people, and a majority of the qualified voters have voted in favor thereof. Thirty days' notice shall be given of such election in some newspaper published in Randolph County, at which election those who favor creating the debt shall vote "Approved," and those who oppose it "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.

Notice of election.

Form of ballot.

New registration.

SEC. 65. That all penalties imposed by law relating to this city, How penalties recoverable. as by this act or by any of the ordinances of the city, unless otherwise provided, shall be recoverable in the name of the city of Randleman before the mayor or other court having jurisdiction thereof.

SEC. 66. That the aldermen shall not have power to impose for Limit of penalties. any offense a larger penalty than fifty dollars, unless the same be expressly authorized; and from any judgment of the mayor for any Appeal from mayor. penalty which is imposed or allowed to be imposed by this act, or for other cause of action therein allowed, the party dissatisfied may appeal in like manner and under the same rules and regulations as are prescribed for appeal from the judgment of a justice of the peace.

SEC. 67. That the mayor shall be entitled to the following fees in Fees of mayor. 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 with costs; for every warrant issued by him to apprehend any offender against the criminal laws of the State under which he may be arrested, one dollar; for every warrant to arrest individuals who may have fled from other States and counties, two dollars, to be paid on removal of offender by such as may convey him away; for the use of the city seal, for other than city purposes, one dollar; for every certificate for other than city purposes, fifty cents.

SEC. 68. That from and after the acceptance of this act the same Repealing clause. shall henceforth be the charter of the city of Randleman, and all laws not constituting the charter of the city and affecting the government thereof in the grants heretofore made of its corporate franchises and powers, and all laws of public and general nature inconsistent with or coming within the purview of this act, are hereby repealed, so far only, however, as they may affect this city: *Provided, however,* that such [repeal] shall not annul any ordinance, by-law or rule of the corporation unless the same be inconsistent with this act, nor shall such [repeal] affect any act done or Proviso: limit of repeal. any right accruing or accrued, or any suit had or commenced in any case before the time when such [repeal] shall take effect; neither shall any rights, estates, duty or obligation possessed by or due the corporation by its present name from any corporation or person whatever, be lost, affected or impaired, but the same shall remain in full force and be possessed, enforced and enjoyed in the name and for the use of this corporation by the name of the City of Randleman.

SEC. 69. 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 litigated by the provisions of this act such provisions may be extended and applied to any judgment to Effect of repeal.



be pronounced after the repeal: *Provided*, that no suit for prosecution pending at the time of the repeal for any offense committed or for any penalties or forfeitures incurred under any of the acts or ordinances hereby repealed shall be affected by such repeal: *Provided further*, that no law hereafter repealed shall be revived by the repeal of any act repealing such law: *And provided lastly*, that all persons who at the time when the repeal shall take effect hold office under any of the acts hereby repealed shall continue to hold the same in accordance with the tenure thereof, except those offices which may have been abolished and those as to which a different provision shall have been made by this act.

Proviso: no act  
revived by repeal.

How lands con-  
veyed.

SEC. 70. That the city of Randleman may convey lands and all other property which is transferable by deed of bargain and sale, or other proper deed, sealed with the common seal, signed by the mayor and two members of the corporation and attested by a witness.

Fines and penal-  
ties worked out  
on streets.

SEC. 71. That in all cases where a judgment may be entered up against a person for fines or penalties according to the laws and ordinances of the city of Randleman, and the person against whom the same is so entered refuses or is unable to pay such judgment, it may and shall be lawful for the mayor before whom such judgment is entered to order and require such person so convicted to work on the streets or other works until, at a fair rate of wages, such person shall have worked out the full amount of the judgment and the costs of the prosecution.

Debts of city.

SEC. 72. Debts, if contracted by the city in pursuance of authority invested in it, shall not be levied on any property belonging to the city and used by it in the discharge and execution of its corporate duties and trusts, nor out of the property or estate of any individual who may be a member of such corporation or may have property within the limits thereof. But all such debts shall be paid alone by taxation upon subjects properly taxable by such corporations: *Provided, however*, that when any individual by his contract shall become bound for such debt, or any person may become liable therefor by reason of fraud, such person may be subjected to pay such debts according to the course of law in other cases.

Proviso: persons  
may become liable.

Failure to turn  
over city property  
a misdemeanor.

SEC. 73. That any officer, mayor, alderman or tax collector of the city of Randleman who shall, on demand, fail to turn over to his successor the property, books, money, seals, or effects of said city, shall be deemed guilty of a misdemeanor and imprisoned for not more than five years and fined not exceeding one thousand dollars, at the discretion of the court.

Penalty.

Tax lists subject  
to correction.

SEC. 74. That all the tax lists which have or may be hereafter 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

Open for  
inspection.

the tax, or their successors in office, shall be surrendered to the authorities for such inspection or correction; and any tax collector who shall fail or refuse to surrender his list upon such demand shall be deemed guilty of a misdemeanor, and upon conviction be subject to the penalty imposed by the preceding section.

SEC. 75. That any person violating any ordinance of the city of Randleman shall be guilty of a misdemeanor and shall be subject to the provisions of this act. Violation of ordinance a misdemeanor.

SEC. 76. That the mayor and majority of the board of aldermen of the city of Randleman shall have power to sell at all times at public outcry, after thirty days' notice, to the highest bidder, any property, real or personal, belonging to the city, and apply the proceeds as they think best. The mayor is fully authorized to make title to any property sold under this act. Sale of city property.

SEC. 77. 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 is provided in section nine hundred and seven of The Code, but in all cases parties shall have the right of appeal as herein provided. No case removed from mayor.

SEC. 78. That the board of aldermen may use the county jail or build or rent a house for the purpose of confining those who disobey the laws and ordinances of said city; that if any person shall assault or resist any member of the police in the discharge of his duty, or shall aid or incite any person to assault or resist, every such offender, upon conviction before the mayor or justice of the peace, shall be fined not less than ten dollars nor more than fifty dollars, or be imprisoned thirty days. Aldermen may use county jail.

SEC. 79. That no person shall manufacture or sell spirituous liquors within the city. Manufacture and sale of liquor forbidden.

SEC. 80. 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 27th day of February, A. D. 1905.

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## CHAPTER 210.

### AN ACT TO RATIFY, CONFIRM AND AMEND THE CHARTER OF THE ASHEVILLE AUDITORIUM COMPANY.

WHEREAS, the Asheville Auditorium Company has heretofore been duly incorporated and organized under the general laws of the State of North Carolina in force at the time, with the following articles of agreement, the names of the subscribers to its capital stock being omitted on account of their great number, to-wit:

Articles of  
agreement.

"Articles of agreement entered into by and between the proposed incorporators, 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 six hundred and seventy-seven 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:

"I. That the name of the corporation shall be Asheville Auditorium Company.

"II. That the business proposed by said corporation is that of erecting, owning and operating for hire and profit, or otherwise, a public building or hall for the accommodation of large assemblages, commonly called an auditorium, in the city of Asheville, county of Buncombe and State of North Carolina, and to that end said corporation shall have the right, power and authority of acquiring, owning and holding, in fee or by less estate, all and any property, of whatsoever character, necessary or desirable for said purpose, to the extent allowed by the laws of North Carolina to corporations formed in like manner, with power to dispose of same.

"III. That the place of business of said corporation shall be in said city of Asheville, county of Buncombe and State of North Carolina.

"IV. That thirty years is the length of time desired for the duration of said corporation.

"V. That the following-named persons, firms and corporations have subscribed to the stock of said corporation, viz.: Asheville Hardware Company, M. Alexander and others.

"VI. That the amount of the capital stock of said corporation shall be twenty-five thousand dollars, divided into twenty-five hundred shares of the par value of ten dollars each, with the privilege to said corporation of at any time increasing said capital stock up to one hundred thousand dollars by a vote of the majority of the shares outstanding at the time of such increase.

"VII. That the stockholders of said corporation shall not be individually liable for its debts, nor shall any stockholder be liable to any creditor of said corporation for more than the unpaid portion of his or her or its individual stock subscription.

"VIII. That the stock of said corporation shall be non-assessable, nor shall any certificate of stock be issued until the par value thereof has been paid in full to the corporation.

"IX. Stockholders in said corporation shall be entitled to one vote for each share of stock respectively held by them, upon which the installments upon the subscriptions have been paid as called for by the officers or authorized representatives of said corporation.

"X. That said corporation shall have the right and power of making such by-laws and regulations consistent with the laws of the State of North Carolina as to it shall seem proper, which by-

laws or regulations may be amended, altered or added to at the pleasure of said corporation.

"XI. Said corporation shall be entitled to and enjoy all the rights, privileges and immunities granted to like corporations in the State of North Carolina.

"In witness whereof the said parties to this agreement have hereunto set their hands and seals, on this the twentieth day of September, A. D. one thousand nine hundred.

(Signed) "JAS. P. SAWYER, (Seal.)  
 "GEO. S. POWELL, (Seal.)  
 "W. T. WEAVER, (Seal.)  
 "M. H. FLETCHER, (Seal.)  
 "DUFF MERRICK, (Seal.)  
 "CHAS. A. MOORE, (Seal.)  
 "F. W. W. GRAHAM, (Seal.)  
 "J. H. TUCKER, (Seal.)  
 "W. B. GWYN, (Seal.)

"Witness as to all of the above subscribers:

"LOLA K. TURNER.

"NORTH CAROLINA—Bulcombe County—88:

"The execution of the foregoing and annexed articles of agreement for the formation of a corporation to be known as the Asheville Auditorium Company was this day duly proven before me on the oath and examination of Lola K. Turner, the subscribing witness thereto.

"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 in and 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  
 (Official Seal.) twentieth day of September, A. D. one thousand nine hundred.

(Signed) "MARCUS ERWIN,  
*"Clerk Superior Court Buncombe County."*

AND WHEREAS, said corporation has heretofore increased its capital stock to thirty-five thousand dollars, as permitted so to do under its original articles of agreement aforesaid; Preamble: stock increased.

AND WHEREAS, said corporation later desired to issue fifteen thousand dollars of preferred stock, no provision for which is made in the said original articles of agreement; and for the purpose of amending its articles of agreement, or certificate of incorporation, the board of directors of said company and the stockholders thereof, severally, duly and regularly adopted the following resolutions, the resolution of the directors having been passed at a regular meeting held on the second day of November, one thousand nine Preamble: preferred stock.

hundred and three, and the resolution of the stockholders having been duly and regularly passed by a two-thirds majority in interest of the capital stock of the company then outstanding, at a meeting regularly called and held on December the first, one thousand nine hundred and three:

#### RESOLUTION OF THE DIRECTORS.

Preamble: resolution of directors.

"WHEREAS, the board of directors of the Asheville Auditorium Company, recognizing that it is the unmistakable sentiment of the stockholders of the company and the citizens of Asheville that the auditorium must be built as soon as possible, have heretofore, by a resolution duly passed at a called meeting of said board, held on the twenty-fourth day of October, one thousand nine hundred and three, decided that the auditorium shall be rebuilt:

"AND WHEREAS, it is the opinion of said board that from twelve to fifteen thousand dollars additional capital will be required to enable the company to so rebuild:

"AND WHEREAS, it is the further opinion of said board that such additional capital can be best raised by an issue and sale of preferred stock, not exceeding fifteen thousand dollars in amount: Now, therefore, be it

*Resolved*, That it is the opinion of said board of directors, and they do hereby so declare, that it is advisable to amend the present certificate or articles of incorporation of said company so as to provide that the said Asheville Auditorium Company shall have the power and authority of increasing its capital stock at any time it may deem advisable to the amount of fifteen thousand dollars in excess of that now permitted, and of creating in addition to the common stock of the company at present provided for a class of stock to be known as preferred stock, not exceeding said sum of fifteen thousand dollars in amount, which shall have such voting strength and be entitled to such preferences in the payment of dividends, and otherwise as the stockholders may determine.

"And a meeting of the stockholders of the company is hereby called, to be held at such time and place as the president of the company may designate, but not later than thirty days from this date, to take action on the subject-matter of this resolution."

#### RESOLUTION OF THE STOCKHOLDERS.

Resolution of stockholders.

"WHEREAS, the present certificate or articles of incorporation of the Asheville Auditorium Company provide, as set forth in article six thereof, that the capital stock of the corporation shall be twenty-five thousand dollars, divided into twenty-five hundred shares of the par value of ten dollars each, with the privilege of increasing the capital stock up to one hundred thousand dollars by a vote of the majority of the shares outstanding at the time of such increase:



"AND WHEREAS, the stockholders of the company have heretofore regularly authorized the increase of such capital stock to thirty-five thousand dollars:

Preamble: increase of capital authorized.

"AND WHEREAS, the board of directors of the company have heretofore, to-wit, by a resolution duly passed by said board at a meeting held on November the second, one thousand nine hundred and turee, recommended that the capital stock of the company be increased fifteen thousand dollars more, and that the certificate or articles of incorporation of the company be amended so as to provide for a class of stock, to be known as preferred stock, not to exceed fifteen thousand dollars in amount, to be issued in addition to the common stock of the company already provided for, as will more fully appear by reference to said resolution as the same is spread on the company's minutes: Now, therefore, be it

Preamble: further increase recommended.

"Resolved, that the certificate or articles of incorporation of the Asheville Auditorium Company be and the same are hereby amended so as to read as follows—that is to say, article six of said certificate or articles of incorporation shall be stricken out and the following inserted and substituted in lieu thereof, to-wit:

Amendment to articles.

"VI. That the amount of the capital stock of said corporation shall be fifty thousand dollars, divided into five thousand [shares], of the par value of ten dollars each, of which thirty-five hundred shares shall be common stock and fifteen hundred shares shall be preferred stock, with the privilege to said corporation of at any time or times hereafter increasing the common stock of the company as much as fifty thousand dollars more, whenever a majority in interest of the stockholders shall determine that it is advisable to make such increase. That the preferred stock above provided for shall be entitled to such preferences in the payment of dividends and otherwise, shall have such voting strength, and shall be issued upon such conditions as the stockholders shall hereafter determine."

Capital stock.

Common stock.

Preferred stock.

Preference of preferred stock.

AND WHEREAS, the board of directors, by a resolution duly passed at a meeting held on the twentieth day of January, one thousand nine hundred and five, recommended that the issue of preferred stock provided for in the resolution above set forth be increased from fifteen thousand dollars to twenty thousand dollars, making the total capital stock fifty thousand dollars:

Preamble: increase of preferred stock recommended.

AND WHEREAS, on account of the large number of stockholders of said corporation, it is extremely difficult to secure a stockholders' meeting for the purpose of acting upon said last-mentioned resolution of the directors, and for the same reason well-nigh impossible to secure the written assent of two-thirds in interest of the stockholders authorizing an amendment to its articles of agreement or certificate of incorporation, so as to provide for said issue of preferred stock, and its increase to twenty thousand dollars, and it is therefore necessary that such amendment providing for said issue

Preamble: difficulty of securing meeting.

of preferred stock and its increase to twenty thousand dollars to be authorized by a special act of the Legislature: Now, therefore,

*The General Assembly of North Carolina do enact:*

Incorporation and  
organization  
ratified.

SECTION 1. That the incorporation and organization of said Asheville Auditorium Company under the articles of agreement aforesaid are hereby ratified and confirmed, and the said corporation shall have, use and enjoy all the rights, privileges, powers, franchises and immunities heretofore granted to it under said articles of agreement and the letters patent or charter issued to it by the Secretary of State, 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 under the general laws of North Carolina, and also all rights, privileges, powers, franchises and immunities specified in this act.

SEC. 2. That the original articles of agreement or certificate of incorporation of said Asheville Auditorium Company be and they are hereby amended as follows—that is to say, article six of said certificate or articles of incorporation shall be stricken out and the following inserted and substituted in lieu thereof, to-wit:

Capital stock.

“VI. That the amount of the capital stock of said corporation shall be fifty-five thousand dollars, divided into five thousand five hundred shares of the par value of ten dollars each, of which thirty-five hundred shares shall be common stock and two thousand shall be preferred stock, with the privilege to said corporation of at any time or times hereafter increasing the common stock of the company as much as forty-five thousand dollars more, whenever a majority in interest of the stockholders shall determine that it is advisable to make such increase. That the preferred stock above provided for shall be entitled to such preferences in the payment of dividends and otherwise, shall have such voting strength, and shall be issued upon such conditions as the stockholders shall hereafter determine.”

Common stock.

Preferred stock.

Preference of  
preferred stock.

Preamble.

AND WHEREAS, the said Asheville Auditorium Company has been organized as a public enterprise, without expectation of profit on the part of its stockholders, for the purpose of erecting and maintaining a building in the city of Asheville in which to hold public conventions, commonly called an auditorium, and has constructed and is maintaining such a building, being the building known as the “Asheville Auditorium”;

Preamble.

AND WHEREAS, as a means of revenue for the purpose of assisting in paying its necessary operating expenses, said company permits the use of the building for theatrical purposes, and has thereby become liable for the special license taxes levied upon opera-houses and theaters;

AND WHEREAS, it is deemed proper and expedient, under the circumstances aforesaid, to relieve the said Asheville Auditorium

Company from the payment of such special license taxes: Now, therefore,

*The General Assembly of North Carolina do further enact:*

SEC. 3. That said Asheville Auditorium Company be and the same is hereby relieved and exempted from the payment of all license taxes or charges levied or authorized to be levied by the State of North Carolina, the county of Buncombe and the city of Asheville against opera-houses or theaters, and all other special taxes, for and during the term of five years from and after the passage of this act. Exemption from opera-house and theater tax.

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 27th day of February, A. D. 1905.

## CHAPTER 211.

### AN ACT TO AMEND CHAPTER 122, PRIVATE LAWS OF 1903, SO AS TO PROVIDE A PERMANENT LIGHT AND WATER COMMISSION FOR THE TOWN OF GREENVILLE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the proper management of water, sewer and electric light system of the town of Greenville, a commission, to be known as the "Water and Light Commission," is hereby established; the said commission to consist of three members, who shall hold their term of office for four years, except that the first appointees shall hold their offices as follows: J. G. Moye is hereby appointed a commissioner until the second Monday in March, one thousand nine hundred and six; R. J. Cobb is hereby appointed a commissioner until the second Monday in March, one thousand nine hundred and seven; J. L. Wooten is hereby appointed a commissioner until the second Monday in March, one thousand nine hundred and eight. And in case of any vacancy occurring otherwise than by the expiration of the term, the board of aldermen shall elect a member to fill out the unexpired term. At the expiration of the terms of said commissioners there shall be elected, in the same manner that the mayor of the said town of Greenville is now elected, a commissioner or commissioners to succeed the commissioners herein appointed, for the term of four years from and after the date of said election. That said commissioners shall be elected from outside of the said board of aldermen and shall be residents of said town. At such election for said commissioners the mayor of said town shall be allowed to vote only in case of a Water and light commission.  
Terms.  
Appointees.  
Vacancies.  
Successors.

No alderman to be commissioner.	tie and for the purpose of breaking the tie. That no alderman of said town shall be allowed to hold office as said commissioner.
Organization.	SEC. 2. Said commissioners shall organize by electing one of its members chairman, whose term of office shall be for one year. The compensation of said commissioners shall be fifty dollars per annum, to be paid monthly by the treasurer of said town; and the said commissioner who shall be elected chairman aforesaid shall receive, in addition thereto, the sum of fifty dollars per annum, to be paid monthly as aforesaid.
Compensation.	
Powers of commission.	SEC. 3. That said commission shall have entire supervision and control of the maintenance, extension, improvement and management of the said system, and shall fix such uniform rates for water, sewerage and lights as they think best: <i>Provided</i> , that any person may appeal from its decision, as to rates, to the board of aldermen.
Duties of commission.	SEC. 4. That said commission shall faithfully see that the system of water, sewerage and electric lights are orderly and properly conducted, and shall superintend and provide for the operation and management of all of said systems, and shall properly furnish, on request, proper connections and service to all citizens and inhabitants who apply for the same; and shall in all respects provide for the proper service of the said system to the consumers thereof, and shall promptly attend to all complaints as to defective service, and shall cause the same to be remedied, and otherwise control and manage said system for the best interests of the said town and citizens thereof. That they shall provide for the prompt collection of all rentals for service to consumers, and shall promptly and faithfully cause said rentals to be collected and received under such rules and regulations as said commission shall from time to time require, and in accordance with the ordinances of the said town in such cases made and provided.
Rentals paid to town treasurer.	SEC. 5. That all moneys arising from the rentals of said sewer, water and electric light system shall be paid to the treasurer of said town of Greenville; and the said treasurer shall keep a separate account of the same and make a monthly report thereof to the mayor and board of aldermen. That the said funds shall be paid out only on the order of the said commission. That the said commission shall at the end of each quarter make a report to the said mayor and board of aldermen of its receipts and disbursements; and said commission shall pay out of the receipts thereof all costs and expenses of extending, improving, maintaining and operating said systems: <i>Provided</i> , that should the funds arising from the operation and rentals of said systems be insufficient to pay the necessary expenses for maintaining and operating said systems, then and in that event the said board of aldermen of the town of Greenville shall provide and pay into its treasury for the account of the said commission a sum sufficient, when added to the funds that have arisen from the said systems, to pay all costs and ex-
Separate accounts.	
Monthly reports.	
Quarterly reports.	
Proviso: appropriation for systems.	

penses of extending, improving, maintaining and operating said systems.

SEC. 6. The clerk of the board of aldermen of said town shall collect all rents arising from the use of the water, sewerage and electric light system, under the direction of the said commission, and pay the same into the treasury of the said town. That the said collector shall not be allowed to retain in his possession any sum of money collected by him, as collector for said commission, for a longer time than one week: *Provided*, that said clerk shall be required, before entering upon his duties as said collector, to give bond, approved by said commission, in the sum of two thousand dollars, conditioned upon the faithful performance of his duties as said collector. That said town clerk shall act as secretary to said commission and keep such books and records as it may require. That said commission shall elect all other officers, agents and employees necessary to the conduct of said systems, and fix their remuneration: *Provided*, that no such officer, agent or employee shall be elected for a term to exceed twelve months at one time. And that said commission shall have full power at any time to discharge and remove any such officer, agent or employee.

Clerk to collect rents.

Proviso: clerk to give bond.

Town clerk secretary of commission.

Officers, agents and employees.

SEC. 7. That all laws and clauses of laws inconsistent with or in conflict with any of the provisions of this act are hereby repealed.

Conflicting acts repealed.

SEC. 8. That this act shall take effect from and after the date of its ratification; and the term of office herein provided for shall begin and take effect from and after the ratification of this act.

Term of commission to begin.

In the General Assembly read three times, and ratified this the 27th day of February, A. D. 1905.

## CHAPTER 212.

### AN ACT TO REVISE AND AMEND THE CHARTER OF THE TOWN OF NORWOOD.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the inhabitants of the town of Norwood shall be and continue, as they have been, a body corporate, and shall bear the name and style of the "Town of Norwood," and shall have power to purchase and hold real estate for the benefit of the town, and that said town shall have the power to sue and be sued, to plead and be impleaded, as any other corporation: and that said town shall be subject to and have the benefit of the general laws of the State in relation to corporations of like kind not inconsistent with this act.

Corporation to continue.

Corporate name.

Formal enumeration of corporate rights.

SEC. 2. The corporate limits of said town shall extend from the center of the public square in said town two-thirds of a mile in every direction.

Corporate limits.



Town officers.

SEC. 3. The officers of said town shall consist of a mayor, five commissioners and a marshal, all of which shall be elected at the regular elections to be held as provided by this act, except the marshal, who shall be appointed by the board of town commissioners for a term of two years: *Provided*, that said board of commissioners shall have the right to revoke said appointment at any time on failure of any marshal to perform the duties of his office satisfactorily: said marshal to be paid for his services in any lawful way that said board may see fit.

Proviso: commissioners may revoke appointment of town marshal.

Pay of marshal.

Qualification for voters.

SEC. 4. That all resident citizens, who are qualified voters of this State, within said corporation, that have resided in the county for six months and in the town for four months next preceding any election held in said town, shall be entitled to vote, and all qualified voters in the incorporation shall be eligible to hold office in said corporation.

Mayor to qualify.

SEC. 5. That it shall be the duty of the mayor of said town to take the oath of office prescribed by law within five days after his election, and that the commissioners elected at any election for said town shall meet and organize within five days next after their election, and they shall take the oath of office that they as a body will faithfully and impartially perform the duties of commissioners to the best of their knowledge and their ability for the ensuing term.

Commissioners to meet, organize and qualify.

Tax power and limit.

SEC. 6. The commissioners of said town shall have power to levy a tax for each year, not to exceed one dollar and fifty cents on the poll and fifty cents on the one hundred dollars valuation of property; said valuation to be the same that is placed thereon to raise revenue for State and county purposes; and that all taxes shall be levied according to article five, section three, of the Constitution of the State.

Powers of commissioners as to streets.

SEC. 7. That the board of commissioners of said town shall have power to grade, macadamize and pave the streets and sidewalks and lay out and open new streets, or widen those already opened, and to make such improvements thereon as the public convenience may require, and that the board shall be the sole judges of the improvements required. The board may condemn any land for public use under the same rules and regulations as are hereafter provided for the laying out of public streets in this act.

Condemnation of lands.

Procedure for condemnation.

SEC. 8. That when any land or right-of-way be required for the purpose of opening new streets or for other objects allowed by this charter, and for want of agreement as to the compensation therefor the same may be taken at a valuation to be made by three freeholders of the town, one to be chosen by the board of commissioners and one to be selected by the land-owner, and these two select a third, and in case the land-owner refuses to select one, then the commissioners shall select all three; and in making said valuation said freeholders, after being duly sworn by the mayor, shall at once proceed to condemn said lands and take into consideration the

loss or damage which may accrue to the owner in consequence of the lands or right-of-way being surrendered; also any benefit or advantage such owner may receive from the opening or widening of such streets or other improvements, and ascertain the sum which shall be paid to the owner of said property, and report the same to the board of commissioners under their hands and seals, which, on being confirmed by the board and spread on their minutes, shall have the effect of a judgment against said board of commissioners and shall pass the title to the board of commissioners in their corporate capacity of the lands so taken, and the lands may at once be condemned and used by said town for the purpose intended: *Provided*, that if any person over whose land the said street may pass or improvements be created, or the commissioners, be dissatisfied with the valuation thus made, then in that case either party may have an appeal to the next term of the superior court: *Provided, however*, that such appeal shall not hinder or delay the commissioners from opening or widening such streets or creating such improvements. Appeal.

SEC. 9. That all freeholders appointed to assess damages shall receive one dollar per day for their services, and any freeholder who shall refuse to take the oath prescribed and to act according to law, after having been duly appointed by the board and after having been notified in writing by the marshal, shall be deemed guilty of a misdemeanor and fined twenty dollars for each offense by the mayor. Pay of jury of assessment.

SEC. 10. That all taxes levied by the commissioners of said town shall be due and collectible at any time after the first day of October in each year, and that the commissioners may expend all moneys collected as they may deem best for the interest of the town. When taxes due.

SEC. 11. That the mayor shall have the same jurisdiction as a justice of the peace in all criminal actions within the incorporate limits; that all fines collected by him in criminal actions under the law of this State shall be paid out as provided by law. Jurisdiction of mayor.

SEC. 12. That all officers elected at any election in the town of Norwood shall hold office for the term of two years and until their successors are elected and qualified. That in the absence of any officer of the town, or during sickness of any of the officers, the commissioners may appoint a man to fill the office during his absence or during his inability, and no longer. If the absence be caused by resignation the board may appoint an officer to fill the unexpired term. Term of office.  
Commissioners to fill vacancies.

SEC. 13. That the commissioners shall, at their first meeting after being qualified, elect for the ensuing term a secretary and treasurer, and that the treasurer shall enter into a bond, payable to the town of Norwood or to the State, the amount of which shall be fixed by the board, and that said bond shall be recorded in the Secretary and treasurer.  
Treasurer to give bond.

office of the Register of Deeds for Stanly County as other bonds for county officers.

Marshal to give bond.

SEC. 14. That the marshal appointed by the said board of commissioners shall enter into a bond, payable to the State of North Carolina, the amount of which shall be approved and fixed by the board of commissioners; and the board shall appoint the said marshal or some other competent person as tax collector for said town, who, after giving an approved bond in an amount to be fixed by the board of commissioners, shall collect all taxes for said town, under the same laws and regulations as are prescribed for the sheriff of the county.

Fire company.

SEC. 15. That the commissioners may provide for the establishment and equipment of a fire company for said town.

Sanitary committee.

SEC. 16. That the commissioners of said town shall constitute a sanitary committee, and that all orders made by them for the preservation of the health of the citizens of the town shall be put into effect by the marshal. Any person who shall fail to comply with any order made by the board, after having been notified in writing by the marshal, shall be deemed guilty of a misdemeanor and fined by the mayor for each and every offense not less than five dollars nor more than fifty dollars.

Tax list subject to correction and open for inspection.

SEC. 17. That all tax lists or books which have or may hereafter be placed in the hands of the town collector shall be subject at all times to the control of the authorities imposing said tax, and subject to correction, and shall be open for inspection by the public.

Arrests without warrant.

SEC. 18. That if any person shall be found violating the laws of this State or any of the town ordinances by the marshal or other officer appointed to act as such within the incorporate limits, he shall forthwith arrest the offender without a warrant and carry him before the mayor to answer the charge and be dealt with according to law.

Procedure in mayor's court.

SEC. 19. All proceedings in the mayor's court shall be the same as are now or hereafter shall be prescribed for courts of justices of the peace, and in all cases there shall be a right of appeal to the Superior Court of Stanly County. That whenever a defendant or witness or other person shall be adjudged to be imprisoned by said court it shall be competent for the said court to sentence such person to imprisonment in the county jail or town prison for a term not to exceed thirty days, and to adjudge also that such person during the period of his confinement be worked on the streets or on the public works of the town, as provided for in section twenty-one of this act.

Appeal.

Convicts worked on streets.

Fire limits.

SEC. 20. The board of commissioners of the said town are hereby authorized and empowered to establish a fire limit within a reasonable distance from the center of the town, and to pass an ordinance or ordinances to the effect that none other than brick or stone or metal buildings shall be built or erected within said limits; and that they may repeal said ordinances at any time they may

deem it necessary for the interest of the town and property-holders therein.

SEC. 21. The commissioners of said town of Norwood are hereby authorized and empowered in their discretion to organize a "chain gang" in said town and work the streets by convict labor. The chairman of said board of commissioners, together with the concurrence of other members, shall have full control of and make all orders concerning the working of said streets that they may deem necessary for the improvement of the same: *Provided*, that the said board of commissioners are hereby authorized and empowered to make any order or orders that may be necessary for the purpose of compelling convicts to perform reasonable duty, as may be directed by the overseer of said "chain gang," said overseer to be appointed by said board of town commissioners at a salary to be fixed by them.

SEC. 22. The judges of the different terms of the Superior Court of Stanly County are authorized and empowered to sentence convicts to work on the Norwood "chain gang" from said court unless there be more than the town can use, then in that event he or they may sentence them to any other point allowed by law, except so many as the town may call for.

SEC. 23. The board of town commissioners shall provide a place of safe-keeping for convicts at all times while not on duty.

SEC. 24. That the board of commissioners shall have power to tax circuses, shows, liquor dealers, theaters, artificial curiosities, venders of patent proprietary medicines, or any entertainment, musical or otherwise, and exhibits of any character for money or reward; 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 fire-works, draymen and liverymen, as they may see fit and proper, not inconsistent with the laws of the State.

SEC. 25. That the board of commissioners of said town shall have power to elect a mayor *pro tem.*, who, on the death, absence, failure to qualify, resignation, or removal of the mayor, shall be vested with all the powers and discharge all the duties of the said mayor.

SEC. 26. That if any commissioner shall fail to attend a regular meeting of the board of commissioners, or call meeting of which he shall have had notice, unless prevented by such cause as shall be satisfactory to the board, he shall forfeit and pay for the use of the town one dollar for each and every offense, and it shall be the duty of the mayor to enforce such forfeitures as in all other criminal actions.

SEC. 27. That the commissioners may allow the mayor such reasonable salary as they may see fit and proper, the amount depending upon services needed and rendered.

SEC. 28. That the mayor and commissioners now in office shall hold office until the next regular election on Tuesday after the

first Monday in May, one thousand nine hundred and five, and until their successors are elected and qualified.

Commissioners to  
pass ordinances.

SEC. 29. That the board of commissioners shall have power to enact any ordinance or ordinances and to pass all laws and regulations not incorporated in this charter they may deem necessary for the better government of the town, not inconsistent with the general laws and Constitution of the State.

Conflicting acts  
repealed.

SEC. 30. That all laws and clauses of laws heretofore enacted inconsistent with the charter of Norwood, and all other laws conflicting with this act, are this day repealed and this charter substituted.

SEC. 31. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 27th day of February, A. D. 1905.

## CHAPTER 213.

### AN ACT TO INCORPORATE WATAUGA TURNPIKE COMPANY.

*The General Assembly of North Carolina do enact:*

Purpose of  
corporation.

SECTION 1. For the purpose of constructing and maintaining a turnpike road from any point on the Caldwell and Northern Railroad in the county of Caldwell, North Carolina, to any point in the county of Watauga, North Carolina, or to any point on any public highway or turnpike road in either Caldwell or Watauga County, that W. A. Barber, W. W. Dysart, Alfred Wortman, J. R. Irvin, William Crump, or any three of the above-named persons, together with such persons as they may associate with them, and their successors and assigns, shall be and they are hereby declared a body politic and corporate under the name and style of "The Watauga Turnpike Company" for a term of ninety-nine (99) years, with all the privileges granted to corporations under the law of the State, and by that name may sue or be sued, plead or be impleaded, answer or be answered in any court in this State, and may make by-laws, appoint all necessary officers and agents and prescribe their duties: may purchase and hold, accept and convey any property, real or personal, necessary for the purpose hereinbefore and hereinafter mentioned: may make contracts, have and use a common seal and do all other acts incident to and connected with said corporation and necessary for the control and transaction of its business.

Corporators.

Corporate name.

Formal enumeration  
of corporate  
rights.

Turnpike road.  
Terminals and  
route.

SEC. 2. Said company is hereby authorized to construct and maintain a turnpike road extending from any point on the Caldwell and Northern Railroad that is now constructed or located, or



that may hereafter be constructed or located in the county of Caldwell, to any point decided upon by the above-named corporators or successors or the directors of said company, in the county of Watauga or to any point on any public highway or turnpike road in Caldwell or Watauga Counties, and may maintain two (2) or more toll-gates on said road. That the principal office of the company shall be at Lenoir, North Carolina. The capital stock of the company shall be a sum to be decided on by the directors, not exceeding the sum of twenty-five thousand dollars (\$25,000), divided into shares of fifty dollars (\$50) each; and when the sum of one thousand dollars (\$1,000) shall be subscribed to the capital stock of said company said corporators, or any three of them, shall, within a reasonable time thereafter, appoint a time and place for a meeting of said subscribers, of which two weeks' notice shall be given in some newspaper published either in the county of Watauga or Caldwell, at which time and place said stockholders may proceed with the organization of said company by the election of a president, vice-president, and three directors, who shall hold their office until their successors are elected and qualified, which board shall in their by-laws prescribe the time and manner of holding their subsequent annual or called meetings and elections: *Provided further*, that a failure to hold annual meetings and elect their officers provided for by this act shall not work a forfeiture of the chartered rights of said company.

Principal office.  
Capital stock.

When company to  
organize.

Organization.

Subsequent  
meetings.

SEC. 3. That for the purpose of raising the capital stock of said company, after the sum of five thousand dollars (\$5,000) has been paid in, it shall be lawful for said company to lease or mortgage its property, road and franchise on such terms and conditions and for such purposes and uses and for such time as said company may deem desirable.

Company may  
mortgage property  
and franchise.

SEC. 4. That the board of directors may require payments of subscriptions to the capital stock of said corporation to be made in such installments as they may think proper, and in case any subscriber shall fail to pay the amount of his subscription after fifteen days' notice, given in writing, the directors may sell said share or shares of stock so subscribed for by him 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 unpaid after applying the proceeds of the sale as aforesaid, the same may be recovered by the corporation from such delinquent subscriber before any court having jurisdiction of the amount so remaining unpaid.

Subscriptions  
payable in install-  
ments.  
Delinquent  
subscriptions.

SEC. 5. 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 cannot be made with the owner or owners of such lands, the company or owners may, in writing, apply to the clerk of the superior court of the county wherein the land lies to cause the damage of such owner, if any, to be assessed

Proceedings for  
condemnation of  
lands.

by three disinterested referees, one to be chosen by the owner, one by the corporation and one by the clerk of the court; if either party or both shall fail to appoint, after five days' notice of the application to the clerk, then the clerk shall appoint three disinterested freeholders to act as referees who, after being first duly sworn by some person authorized to administer oaths to act impartially, shall lay off a right-of-way forty feet in width, or less as the company may elect, and also, if required by the company, shall lay off a suitable site or sites for a toll-house or houses not exceeding one acre of land at each toll-house, and assess the 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 of such referees, or any two of them, when returned, shall become a judgment of the superior court of said county, on which execution may issue as on other judgments of the superior court, if the amount is not paid by said company within ten days after notice of such return. If either party is dissatisfied with the award of the referees they may appeal to the superior court as in other cases of appeal. So soon, however, as an award is returned by a majority of such referees as aforesaid, and the money paid into court, or to the owners of the land or right-of-way condemned, whether there is an appeal or not, the company may enter upon the lands referred to in such award and use them for erecting such turnpike road or erecting toll-houses, as the case may be.

Appeal.

Tolls.

SEC. 6. That said company shall be authorized to demand, recover and receive from all persons using the road such compensation no greater than the following fare toll: For four-horse or four-ox team, forty (40) cents each way; two-horse or two-ox team, twenty-five (25) cents each way; two-horse buggy or hack, twenty-five (25) 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. Any person who shall use 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 Watauga or Caldwell shall pay a fine of not less than two dollars (\$2) nor more than five dollars (\$5), and upon failure to pay such fine, together with the cost of the proceeding against him, shall be imprisoned by the justice of the peace before whom the case shall have been tried not less than five days nor more than ten days. All such fines as may be collected by virtue of the provisions of this section shall be paid over to the county wherein the gate is situated for the benefit of the school fund.

Misdemeanor to use road without paying toll.

Penalty.

SEC. 7. Any person who shall in any manner injure or obstruct the road of said company or any bridge or gate connected therewith or any other property owned by it, besides being liable for damages in a civil action, shall be guilty of a misdemeanor, and on conviction thereof before any court having jurisdiction shall be fined or imprisoned, or both, in the discretion of the court.

Misdemeanor to obstruct or injure road.

SEC. 8. That to facilitate and enforce collection of tolls at the gates of said road the gate-keeper appointed by said company is hereby given powers of an officer of the law and may arrest any person or persons refusing to pay the regular toll authorized by this act, or any person attempting to avoid payment of said toll, or any person who shall obstruct the said road or damage any of its property, and may bring such offender before any magistrate in Caldwell or Watauga County, who shall administer penalty and fines on persons guilty of these offenses as provided in section seven of this act.

Powers of gate-keepers.

SEC. 9. That said company is hereby authorized to erect and maintain one toll-gate for the first five (5) miles of road constructed by them and one for the subsequent distance, provided it be not less than five miles. After the completion of said road, or any five miles of same, the above-named rates of toll may be received, demanded and recovered as authorized in this act, and so much fare or toll so collected shall be expended in keeping the road and toll-houses in good repair and the balance, if any, shall be expended by the directors as shall to them seem most expedient, either in paying interest on or principal of any debt that may be owed by the said company or as a dividend for the benefit of the stockholders.

Toll-gates.

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

In the General Assembly read three times, and ratified this 27th day of February, A. D. 1905.

## CHAPTER 214.

### AN ACT TO AMEND, REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF SOUTHERN PINES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the inhabitants of the town of Southern Pines in Moore County shall be and continue, as they have heretofore been, a body politic and corporate, and henceforth the corporation shall bear the name and title of "Town of Southern Pines," and under such name and title is hereby invested with all property and rights of property which now belong to the corporation under any

To continue a body politic and corporate.

Corporate name.

Formal enumeration of corporate rights.

other corporate name or names heretofore used, and by this name may sue and be sued, plead and be impleaded, and acquire and hold and dispose of for the purposes of its government, welfare and improvement, all such real and personal estate as may be conveyed, devised or bequeathed to it or condemned for its uses by proper proceedings, and shall have and be invested with all the rights, privileges and powers belonging or appertaining to other municipalities in this State.

Corporate limits.

SEC. 2. That the corporate limits of said town of Southern Pines shall be as follows: Beginning at a point at the intersection of the old Morganton Road and the Raleigh and Augusta Air Line Railroad, in front of C. W. Shaw's residence, thence running as the said old Morganton Road north sixty-five degrees twenty-nine minutes thirty seconds west one thousand and seven feet to a point on the west side of Bennett Street and the avenue leading to the Southern Pines Cemetery; thence running with the line of said avenue north sixty-two degrees twenty-five minutes west one thousand four hundred and thirty-one and eight-tenths feet; thence south eleven degrees four minutes thirty seconds west three hundred and ninety-three and three-tenths feet to the southeast corner of the Southern Pines Cemetery; thence along the southerly side of said cemetery south eighty-nine degrees nine minutes twenty seconds west two hundred and thirty-one and six-tenths feet to the southeast corner of said cemetery; thence north fifty-nine degrees forty-one minutes forty seconds west one thousand one hundred and forty and four-tenths feet to the southwest corner of Morriss' vineyard, the same being the southwest corner of Tarbell's vineyard; thence north sixteen degrees fifty-six minutes twenty seconds west three thousand five hundred and three and four-tenths feet along the easterly line of the Rogers tract; thence north fifteen degrees twenty-eight minutes fifty seconds east eight hundred and fifty-nine feet; thence south eighty-seven degrees thirty-four minutes east one thousand one hundred and fifty feet; thence north fifty-one degrees seventeen minutes forty seconds east two thousand four hundred and ninety-five and five-tenths feet to a point on the easterly side of the Pee Dee Road; thence as the Pee Dee south three degrees six minutes fifty seconds west five hundred and fifty-six and eight-tenths feet; thence south nine degrees fifty-one minutes thirty seconds east three hundred and seventy-three and eight-tenths feet; thence south fifteen degrees thirty-three minutes ten seconds two hundred and fifty-three and eight-tenths feet; thence south one degree thirty-eight minutes twenty seconds west eight hundred feet; thence south six degrees twenty-four minutes thirty seconds west eight hundred and eighty-three and two-tenths feet to the intersection of the Pee Dee Road and the easterly side of Illinois Avenue; thence as the easterly side of the Illinois Avenue south thirty-six degrees forty-nine minutes fifty seconds east one thousand two hundred and twenty-three and two-

tenths feet to the intersection of the said easterly side of Illinois Avenue and northerly side of Hale Street; thence as the northerly side of Hale Street north fifty-five degrees ten minutes ten seconds east one thousand nine hundred and fifty and seven-tenths feet to the center of McDade's Creek; thence as the center of McDade's Creek (as shown on a plan entitled "Map showing boundaries of the Town of Southern Pines, Moore County, N. C.," made by H. O. Parker, civil engineer of said Southern Pines) to the intersection of said McDade's Creek and the Yadkin Road; thence with the Yadkin Road the following courses to the Manly line; south sixty-one degrees forty-nine minutes twenty seconds east two hundred and forty-five feet; thence south sixty-nine degrees seventeen minutes twenty seconds east six hundred and twenty-one and eight-tenths feet; thence south forty-four degrees three minutes twenty seconds east three hundred and seventy-eight and two-tenths feet; thence south seventy-seven degrees forty-eight minutes twenty seconds east six hundred and seventy-four and eight-tenths feet; thence south sixty-one degrees fifty-eight minutes forty seconds east three hundred and seventy-eight and five-tenths feet to the Manly line; thence as the Manly line south two thousand nine hundred and fifty-eight and four-tenths feet to the southwest corner of Manly; thence south thirty-four degrees eight minutes twenty seconds east two thousand six hundred and thirty-three and one-tenth feet to the line of an old hedge-row; thence as the line of the said old hedge-row south fifty-five degrees fifty-one minutes forty seconds west six thousand one hundred and fifty-one feet to the old Morganton Road; thence as the said old Morganton Road north seventy-eight degrees twenty minutes thirty seconds west nine hundred and thirty-four and one-tenth feet; thence north seventy degrees fifty-five minutes twenty seconds west seven hundred and forty-three and seven-tenths feet; thence south seventy-three degrees four minutes ten seconds west one hundred and thirty-two and three-tenths feet; thence north seventy-three degrees thirty-eight minutes ten seconds west four hundred and sixteen and four-tenths feet; thence north sixty-five degrees twenty-nine minutes thirty seconds west six hundred and seventy-six and seven-tenths feet to the point of the beginning.

SEC. 3. That the governing officers of said town of Southern Pines shall consist of a mayor and five commissioners to be elected by the qualified voters of said town annually on the first Tuesday after the first Monday in May, which officers shall hold their offices respectively until the next succeeding election and until their respective successors are qualified.

SEC. 4. Said election of said mayor and five commissioners shall be held at a place to be designated by the board of commissioners in said town, and no person shall be entitled to vote at said election or at any election in said town for municipal purposes unless he shall be an elector of the State of North Carolina and shall have

Place of elections.  
Qualifications for voters.



resided ninety days next preceding the day of election within the said corporation.

Commissioners to  
appoint election  
officers.

Notice to be given.

Registration book  
revised.

Registration.

Election officers to  
be sworn.

Challenge day.

Proviso: challenges  
made at any time.

Names erased.

SEC. 5. It shall be the duty of said commissioners of said town, on the second Monday in March in each year, to appoint a registrar and three judges of election, who shall be qualified voters of said town, and who shall, within ten days after, be notified of their appointment by the town clerk. The registrar so appointed shall immediately make publication at the post-office and three other public places in said town of his appointment as such. He shall be furnished with a registration book for said town by the said board of commissioners, and it shall be his duty to revise the existing registration book in said town in such a manner that the said book shall show an accurate list of electors previously registered and still residing in said town without requiring such electors to register anew. He shall also, between the hours of sunrise and sunset on each day (Sundays excepted), for thirty days preceding such election, keep open book for the registration of any elector residing in said town entitled to register whose name has never before been registered in said town or does not appear on the revised list; but the board of commissioners of said town may, if they think proper, upon giving thirty days' notice at four public places in said town, require an entirely new registration of voters before any election held therein.

SEC. 6. The registrars and judges of election, before entering upon the discharge of their duties, shall take the oath prescribed by article six, section four of the Constitution of North Carolina, before the mayor or some justice of the peace for Moore County.

SEC. 7. It shall be the duty of the registrar and judges of election to attend at the polling places in said town with the registration book on the second Monday preceding the election from the hour of nine 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 names of any person appearing on the 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 person 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 specified. If any person challenged, or objected to, shall be found not duly qualified as provided for in this charter, his name shall be erased from the registration book, and he shall not be allowed to vote at any election held in said town for municipal purposes.

Sec. 8. The said judges of election, together with the registrar, Hours of election. who shall take with him the registration book, shall assemble at the polling place on the day of election in the said town and shall open the book at seven o'clock A. M. They shall superintend said election and keep the polls open until sunset, when the polls shall be closed and the votes for the mayor and commissioners shall be counted out by them. They shall keep the poll-books, 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 town clerk of said town; and said poll-books shall in any trial for illegal or fraudulent voting be used for evidence. If for any cause any of the judges of election shall fail to attend, the registrar shall appoint some discreet person or persons to fill the vacancy, who shall be sworn by him before acting.

Sec. 9. That the voters shall vote by ballot, having the names of Ballots. the mayor and the 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 Who declared elected. 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. 10. That no person shall be eligible to any office in said Eligibility to office. town unless he shall be a qualified voter therein.

Sec. 11. That immediately after each election it shall be the duty of the town clerk to notify in writing the mayor and commissioners-elect of their election.

Sec. 12. That the mayor and commissioners-elect shall, within five days after the election, before the mayor or some justice of the peace in said county, take the oath prescribed for public officers, and an oath that they will faithfully and impartially discharge the duties imposed on them by law; and shall, within said time, convene for the transaction of business and fix their stated days for meeting during the year, which shall be as often as once a month during the same. Mayor and commissioners to qualify.

Sec. 13. That a majority of said commissioners shall constitute Quorum. a quorum for the transaction of business.

Sec. 14. That the mayor shall preside at all meetings of the board of commissioners; he shall also have the power to call meetings when he may deem it necessary, by notifying all the commissioners in writing, and shall vote only in the case of a tie. In the absence or sickness of the mayor the commissioners of said town shall select one of their own members to act as mayor *pro tempore*, who shall, while acting as such, have all the power and authority conferred by this charter on the mayor and board of commissioners. Mayor to preside at meetings of commissioners.

Sec. 15. That if any person, after being elected mayor of said town, shall refuse to qualify, or if any vacancy occur in said office after election and qualification, by resignation or otherwise, or if Commissioners to fill vacancies.

the mayor be temporarily absent from the town or unable to discharge the duties of his office from sickness or otherwise, the commissioners of said town may choose one of their number or a qualified voter of said town to fill said office for the term or for the unexpired portion thereof, or *pro tempore*, as the case may be; and in case a commissioner refuse to qualify, or resign, or become unable to act as such, the remaining commissioners shall elect some suitable person within the limits of said town to fill the vacancy until the next regular election.

Jurisdiction of mayor.

SEC. 16. That the mayor, as a peace officer, shall have within the corporate limits all the power and authority of a justice of the peace over all crimes and criminal offenses committed within the corporate limits of said town, and as a judicial officer within the same, all the power, jurisdiction and authority necessary to issue process upon and to hear and determine all cases arising upon the ordinances of the board of commissioners, to impose penalties upon any adjudged violation thereof, to fine and imprison either in the guard-house of the town or the common jail of the county, and to execute all laws and ordinances made by the commissioners for the government and regulation of the town: *Provided*, that in all cases any person dissatisfied with his judgment may appeal to the Superior Court of Moore County upon recognizance with security for his appearance at the next term thereof.

Proviso: appeal.

Precepts of mayor.

SEC. 17. That the mayor may issue his precepts upon his own information of any violation of any town ordinance without an affidavit, to any constable or policeman of the town, or to other officers to whom a justice of the peace may direct his precepts.

Fines to use of town.

SEC. 18. That all fines collected under the provisions of this act for violation of town ordinances shall go to the use of the town.

Neglect of duties misdemeanor.

SEC. 19. Any mayor or member of the board of commissioners who shall fail, neglect or refuse in due time to call and provide for the election by the people of town officers and for other purposes prescribed in this act; every officer of the town of Southern Pines who shall fail, neglect or refuse to keep proper books of accounts showing all their transactions with the town, or to make proper returns and reports thereof, or to keep the books of his office open to public inspection, or to turn over and account for all the proceeds of all fines, penalties and forfeitures imposed by the mayor as required by the provisions of this act; or who, having been elected to the office of mayor, commissioner, or other officer of the town, with his full knowledge and consent, shall fail, neglect or refuse to qualify; or who, having been elected to such office, shall enter upon duty, or attempt to do so, without having first taken, subscribed and filed with the clerk the oath of office, or given bond (if any required by the provisions of this act), shall be guilty of a misdemeanor, and upon satisfactory proof thereof before the mayor, or before the Superior Court of Moore County in case the mayor be accused, shall be adjudged to pay a fine not

Penalty.

exceeding fifty dollars or to be imprisoned not exceeding thirty days.

SEC. 20. Any commissioner of the town who shall fail, neglect or refuse to attend any regular meeting of the board or any special meeting called by a majority of the board in which he joined, or who, having had written notice by mail or otherwise of a special meeting of the board called by the mayor or a majority of the board in which he did not join, shall fail, neglect or refuse to attend such regular or special meeting, or to give to the board on or before the next ensuing regular meeting thereof a satisfactory excuse therefor, shall forfeit and pay to the constable or chief of police to the use of the town the sum of three dollars for each offense: *Provided*, that if any commissioner be absent from three successive regular meetings of the board without a satisfactory excuse therefor, it shall be the duty of the board of commissioners to declare his office vacant and proceed to elect his successor. Any commissioner who for the apparent purpose of preventing the presence of a quorum at any meeting of the board of commissioners shall willfully refuse to attend a regular meeting or a special meeting of which he may be notified and at which his presence may be necessary to make a quorum, shall be guilty of a misdemeanor, and shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Fine on commissioner failing to attend meeting.

Proviso: forfeit of office.

Breaking quorum a misdemeanor.

Penalty.

SEC. 21. That the said board of commissioners shall have power to pass all by-laws, rules and regulations for the good government of the town not inconsistent with the laws of this State and the United States.

Commissioners to pass by-laws.

SEC. 22. That the said board of commissioners shall, at their first meeting, appoint a town clerk, who shall hold office for one year and until his successor is appointed and qualified. It shall be his duty to attend all meetings of the board, to keep a full, fair and accurate record of the same in a book provided by said board of commissioners for such purpose, and to sign all town orders and bonds as hereinafter provided. Before entering upon his duties he shall take and subscribe an oath as hereinafter provided.

Town clerk.

Duties.

SEC. 23. That the said board of commissioners shall, at their first meeting after their election, select and appoint some one as treasurer, who shall hold office for one year and until his successor shall be elected and qualified. He shall act as treasurer of said town, and before entering upon the discharge of the duties of the office shall take and subscribe an oath as hereinafter provided, and shall execute and give good and sufficient bond with individual sureties or corporate surety, to be approved by the said board of commissioners, in the sum of five thousand dollars and conditioned upon his faithfully accounting for and paying over all moneys that may come into his hands as such treasurer, and for the faithful discharge of his duties. The amount of said bond shall be

Treasurer.

To qualify and give bond.

increased whenever the board of commissioners shall so direct by reason of additional funds coming into the treasurer's hands.

Constable.

SEC. 24. The said board of commissioners shall, at their first meeting after their election, select some one to act as constable of said town, who shall hold office for one year, or until his successor shall be elected and qualified. He shall, before entering upon the discharge of the duties of his office, enter into bond in the sum of two hundred dollars, with good and sufficient sureties to be approved by the board of commissioners. The constable of said town shall collect the license and privilege taxes, shall execute all processes placed in his hands by the mayor, shall have authority to preserve the peace of said town, and, within the corporate limits thereof, shall have the same authority in criminal matters and be entitled to the same fees as the sheriff has in the county. If any person elected or appointed constable shall refuse to be qualified, or there shall be a vacancy in the office after election and qualification of the one selected, or if the town constable shall be absent from the town or unable to discharge the duties of the office, the said board of commissioners may choose some qualified person for the term or unexpired portion thereof, or during such absence or inability of the constable, as the case may be, to act as town constable; and he shall be clothed with all the powers and authority given under this act to the regularly elected town constable.

Bond.

Duties.

Powers.

Tax collector.

SEC. 25. That the said board of commissioners shall, on or before the first day of June following their election, select some one to act as tax collector of the 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, take and subscribe the oath hereinafter provided for, and shall enter into a bond in the sum of three 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 accounting for and paying over to the proper authority within ten days all moneys that may come into his hands from any source as said collector, and upon his faithfully collecting and paying in within ten days all taxes levied by the commissioners of said town, collected by him, and in all other respects executing to the best of his ability, and honestly and faithfully, all the duties imposed upon him by the charter or by the board of commissioners of said town; and the collector shall receive such compensation, not exceeding five per cent. of amounts collected, as the board of commissioners may allow, and shall have, within the corporate limits of the town, the same authority as the Sheriff of Moore County in the collection of taxes levied by the authorities thereof, except as hereinafter provided by this charter. And the said commissioners may, in their discretion, appoint as said tax collector the town constable, who shall, in that event, serve in both capacities, and have the powers and authority conferred upon each.

To qualify and give bond.

Commission.

Powers.

Constable may be tax collector.



SEC. 26. That the town clerk, treasurer, tax collector and con- Officers to qualify.  
stable shall each, before entering upon the discharge of the duties  
of his office, take and subscribe the oath prescribed for public offi-  
cers, and that he will faithfully and impartially discharge the  
duties imposed upon him by law. Any of said officers upon notice Removal for cause.  
and failure to show cause, etc., may be removed at any time for  
incompetence, misbehavior, neglect of duty or other good cause by  
said board of commissioners, which alone shall be the judge of  
such incompetency, etc., or other good cause of removal; and in  
case of such removal, or of a vacancy arising in any of said offices  
from any cause, the said board of commissioners shall fill such  
vacancy in any of said offices resulting from such removal or from  
any other cause, or in any other manner, for the unexpired term  
by appointment; and the person so appointed shall take and sub-  
scribe the oath and give the bond and be subject to all the penalties  
and requirements of the regularly appointed officer whom he so  
succeeds.

SEC. 27. That it shall be the duty of the treasurer to call on all Duties of treasurer.  
persons who may have in their hands any moneys or securities  
belonging to the said town which ought to be paid or delivered into  
the treasury, to receive and faithfully keep the same for the use  
of the town, and to disburse the funds upon the appropriation of  
the said board of commissioners 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, together with the  
sources from whence they came and the purposes for which they  
were appropriated, except the proceeds of fines, penalties and for-  
feitures imposed by the mayor, and collected and paid over to him  
by the constable, of which he shall keep an exact account in a sep-  
arate book, to be furnished by the board of commissioners, showing  
the name and residence of the offender, and the nature of the  
offense, the date of the hearing thereof before the mayor, and the  
date and the amount of the payment thereof to the treasurer, the  
information for which shall be filed by the constable at the time of  
payment, and shall submit said accounts to the commissioners  
whenever required to do so. During his continuance therein he  
shall faithfully perform all duties lawfully imposed on him as town  
treasurer, and at the expiration of his term of office he shall de-  
liver to his successor all the moneys, securities, books of record  
and other property entrusted to him for use, safe-keeping, disburse-  
ment or otherwise.

SEC. 28. That all orders drawn on the treasurer shall be signed Orders on  
by the mayor and countersigned by the clerk, and shall state the treasurer.  
purpose for which the money was appropriated by the board of  
commissioners.

SEC. 29. That any officer of the town of Southern Pines, mayor, Failure to turn  
commissioner, town clerk, treasurer, tax collector, constable or over property a  
misdemeanor.

- commissioner of sinking fund, who shall, on demand, fail to turn over to his successor in office the property, books, moneys, seals, or effects of said town, shall be guilty of a misdemeanor and imprisoned for not more than five years and fined not exceeding one thousand dollars, at the discretion of the court.
- Penalty.**
- General powers of commissioners.** SEC. 30. That the said board of commissioners shall have power, and it shall be their duty, to provide for and secure the peace, good order and tranquility of the town against disturbance by quarrels, loud, profane or obscene language, riots, affrays, trespasses, or other breaches of the peace or irregularities tending to disturb the peace of the citizens. They shall provide for repairing the streets, sidewalks, and 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 any indecent exposure of the person, by imposing such fines and imprisonment in all cases within the jurisdiction of a justice of the peace as they shall deem adequate.
- Nuisances.** SEC. 31. That the said board of commissioners may require and compel the abatement and removal of nuisances, and shall have power to pull down and remove any old house, barn, or other building in said town when the same may be considered dangerous from fire or other causes to the safety of the person or property of adjacent residents.
- Animals running at large.** SEC. 32. That until the first day of January, one thousand nine hundred and six, and no longer, the said board of commissioners shall have power to prevent dogs, horses, cattle and other brutes from running at large in the town, and the town constable may, by order of the mayor, seize and detain such animals till such fines and costs as may be imposed for such violations may be paid by the owner, and if not paid may sell the same at public auction in said town, after giving three days' notice at three public places therein, and apply the proceeds to the payment of said cost and fine, and pay any surplus to the owner of the stock.
- Fire-arms and explosives.** SEC. 33. That the said board of commissioners may prohibit the firing of any gun, pistol, fire-cracker, gunpowder and other material or dangerous combustible substance in the streets, public grounds or elsewhere in the town.
- Guard-house.** SEC. 34. That the said board of commissioners may build or establish a guard-house in which to secure and confine offenders against town ordinances; and for feeding such prisoners the town constable shall be allowed such compensation as is allowed to the keeper of the common jail in Moore County: *Provided*, in the above case no prisoner or offender shall be confined in said guard-house more than twenty-four hours, Sundays and legal holidays excepted, without first having had his case heard and determined before the mayor.
- Proviso: limit of confinement.**
- Policemen.** SEC. 35. That the said board of commissioners shall have power to appoint such number of policemen as they may deem necessary

for the good government of the town; and said policemen, when appointed, and the town constable, shall have power to execute any process, criminal or civil, in the county of Moore, which may be directed to them by the mayor of said town or other lawful authority; it shall be the duty of the town constable and the policemen to see that the laws, ordinances and orders of the commissioners are enforced, and report all breaches thereof to the mayor; to preserve the peace of the town by suppressing disturbances and apprehending offenders, and for that purpose they shall have all the powers and authority vested in sheriff and county constables; they shall execute all precepts lawfully directed to them by the mayor or others, and in the execution thereof shall have the same powers which the sheriff and constables of the county shall have; and they shall have the same fees on all processes and precepts executed or returned by them which may be allowed to the constables of the county on like processes and precepts, and also such other compensation as the commissioners may allow; the said policemen and town constable shall have the power, when in pursuit of a criminal charged with the commission of any crime within the corporate limits of said town of Southern Pines, to continuously follow him to any part of Moore County, and may arrest him; the said policeman and town constable shall have the same powers and be bound by the same rules in this respect as constables of the county of Moore to apprehend all offenders against the State within limits of the town, and to carry them before the mayor or some justice of the peace, and for such duty they shall have the same fees as constables of said county.

Powers and duties of policemen and constable.

SEC. 36. In all cases where an offender has been convicted before the mayor of said town for a violation of any of the ordinances thereof and a fine has been imposed on such offender for said violation, the mayor of said town at the time of entering judgment against such offender thereof may order that, upon failure to pay such fine to the constable of said town for the space of one day, such offender so convicted shall be by the Constable of Southern Pines put to work on the streets of said town for a term to be fixed by the mayor, or confined in the guard-house not exceeding twenty days, when he shall be discharged.

Convicts worked on streets.

SEC. 37. The said board of commissioners shall have control of the streets, alleys and sidewalks of said town, and shall have power to ascertain, fix and change their location, increase, reduce and establish their width and grade, regulate the repairs thereof, keep them clear of encumbrances, impediments and trash; may extend, lay out, open and establish the grade and width of new streets, establish and maintain and beautify public parks and grounds and protect the shade trees of the town; may prohibit vagrancy and street begging; regulate, control, tax, license or prevent the establishment of junk and pawn-shops, their keepers or brokers; regulate the speed of railroad locomotives, trains and

Further powers of commissioners.

electric cars; the charge for the carriage of persons, baggage and freight for hire and the license or prevention of the same; provide for the proper observance of the Sabbath, and the preservation of the peace, order and tranquility of the town. They may provide a board of health, with prescribed powers and duties and ways and means for the collection and preservation of vital statistics, promote the establishment and maintenance of public schools and educational facilities by the acquisition of land and the erection of buildings thereon and the equipment thereof within the corporate limits of the town. They may also construct, own, maintain, enlarge and operate a system of water-works, regulate and collect water rates; construct or contract for the construction of a system of sewerage for the town, and operate, protect and regulate the same by adequate ordinances.

Assessment  
districts.

SEC. 38. That the said board of commissioners may, from time to time, for the purpose of grading, paving and otherwise improving the streets of the town, create and establish "assessment districts" within said town, and they may require every owner of real estate abutting the streets in any of said districts to pave one-fourth of the street fronting such lot, in such manner and with such material as the street commissioner of said town may at the time pave one-half thereof, and to enforce such requirement by proper fines and penalties; and upon the failure of such owner to do such paving after twenty days' notice given by the constable or chief of police to such owner, or if he be a non-resident of Moore County, to his agent, or if such non-resident have no agent in said county, or if personal notice cannot be served upon the owner or agent, then after publication of a notice by the chief of police for thirty days in some newspaper published in said town, notifying said owner to do such paving, the said town of Southern Pines may have the same done, and the cost thereof may be assessed upon said property and entered on the tax list of said town against said property for the current year; and the said assessment so entered on said tax list shall constitute a lien upon said property, and the same may be collected either in the same manner as other taxes or by an action instituted in the name of the town of Southern Pines against said owner in the Superior Court of Moore County, in the nature of an action of foreclosure, in which action judgment may be taken for the sale of said property, to satisfy the amount due the said town from the owner thereof, as aforesaid.

Personal street tax.

SEC. 39. That for the purpose of keeping the streets of said town in repair, in addition to the power and provisions contained in this chapter, all able-bodied male persons between the ages of eighteen and forty-five years in said town may be compelled to work on the public streets in said town not to exceed six days in any one year, under such rules and regulations as may be established by the ordinances of the town: *Provided*, that any person who shall furnish one able-bodied hand as substitute, or who shall

pay seventy-five cents for each day so ordered, shall be held to have complied with this section.

SEC. 40. That any person liable to work on said streets of said town who shall fail to attend and work as herein provided for when summoned so to do, unless he has furnished a substitute or paid seventy-five cents as aforesaid, shall be guilty of a misdemeanor and fined two dollars or imprisoned not more than five days.

Failure to work streets a misdemeanor. Penalty.

SEC. 41. That every owner of a lot, or person having as great an interest therein as a lease for three years, which shall front any street on which a sidewalk shall have been established and graded, shall improve, in such manner as the board of commissioners may direct, such sidewalk as far as it may extend along such lot, and on failure to do so within twenty days after notice by the constable or chief of police to said owner, or if he be a non-resident of the county of Moore, to his agent, or if such non-resident have no agent in said county, or if personal notice cannot be served upon the owner or agent, then after publication of a notice by the town clerk for thirty days in some newspaper in Southern Pines, calling on the owner to make such repairs, the board of commissioners may cause the same to be repaired either with brick, stone or gravel, at their discretion, and the expense shall be paid by the person in default. Said expense shall be a lien upon said lot, and if it is not paid within sixty days after completion of the repairs, such lot or the interest of said lessee may be sold, or enough of the same to pay such expenses and costs, under the same rules, regulations and restrictions, rights of redemption and savings as are prescribed in this charter for the sale of land for unpaid taxes; or an action for the collection of the costs of said repairs may be instituted in the Superior Court of Moore County in the name of Southern Pines against said owner or lessee, in the nature of an action of foreclosure, in which action judgment may be taken for the sale of said lot or the interest of said lessee, as the case may be, to satisfy the amount due the town by the owner or lessee as aforesaid.

Land-owners to improve sidewalks. Expense a lien on lot.

SEC. 42. That when any land or rights-of-way, within or without the corporate limits, shall be required by the said town of Southern Pines for the purpose of opening new streets, construction or extension of the water-works system or sewerage system or for other objects allowed by this charter, and for want of agreement as to the value thereof the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by three freeholders of the said town to be chosen by the board of commissioners and to be summoned by the constable on the warrant of the mayor, together with two freeholders to be selected by the party claiming damages, each of whom shall receive a per diem of one dollar. Before proceeding to view the premises and assess dam-

Procedure for condemnation of land.



ages the parties so summoned shall take the following oath before the mayor or other officer qualified to administer oaths: "I, . . . . . do solemnly swear (or affirm) that I will faithfully and impartially discharge the duty of appraiser for the purpose for which I have been chosen, and a true report make: So help me, God." If the party damaged, or claiming damages, refuses to select two appraisers as provided above, the report of the three summoned in behalf of the town shall constitute the appraisement of damages. In making such valuation said freeholders shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land or right-of-way being surrendered: also any special benefit or advantage such owner may receive from the opening of such street or other improvement, and shall state the value and amount of each, and the excess of loss or damage over and above the advantages shall constitute and form the measure of valuation of said land or right-of-way: *Provided, nevertheless*, that if the owner or owners of the land, or the board of commissioners, shall be dissatisfied with the valuation thus made, then and in that case either party may have an appeal to the next term of the Superior Court of Moore County to be held thereafter, and the said freeholders shall return to the court to which the appeal is taken their valuation, with the proceedings thereon; and the land so valued by the freeholders shall vest in the said town of Southern Pines so long as it may be used for the purposes of the same so soon as the amount of the valuation shall be paid or lodged in the hand of the clerk of the superior court (in case of its refusal by the owner of the land): *Provided further*, that in case of the discontinuance of the use of the land and its reversion to the owner, said town of Southern Pines may remove any improvement erected or put upon it under its authority and expense within ninety days after such reversion.

Proviso: appeal.

Signal-service station.

SEC. 43. The said board of commissioners are authorized and empowered to establish and maintain in said town, at the expense of the town, a signal-service station and all things necessary and appurtenant thereto.

Board of health.

Duties.

SEC. 44. The said board of commissioners shall have authority to appoint five persons, resident in the corporate limits of said town, who shall be styled the board of health of said town. Said board shall have authority and power, and it shall be their duty, to regulate the sanitary condition of said town, to abate nuisances which they may deem injurious to the health of the citizens of said town, and make such regulations, pay such fees and salaries and impose such penalties as in their judgment may be necessary for the protection and the advancement of the public health, and shall have all the authority and powers given to county or local boards of health by chapter two hundred and fourteen of the Acts of one thousand eight hundred and ninety-three as amended by the Gen-

eral Assembly of North Carolina at its session of one thousand nine hundred and one, chapter two hundred and forty-five. Said Health officer, board of health of said town may appoint one medical health officer in said town, who shall have all the authority and power conferred on said local board of health, or the board of commissioners may directly appoint, in lieu of said local board of health, such medical health officer for said town, who shall have all the powers and authority said board of health might have. Any person violating any regulations made by such board of health, or by such medical health officer, shall be guilty of a misdemeanor and may be fined not exceeding fifty dollars or imprisoned not exceeding thirty days. Violation of regulations a misdemeanor. Penalty.

SEC. 45. That the said board of commissioners may, from time to time, whenever the health of the town may demand the same, establish and create anywhere in McNeil Township such sanitary district or districts as they may deem expedient, and the provisions of the foregoing section, as well as all sanitary laws, ordinances, rules and regulations as may now or hereafter exist under the provisions of this charter, shall apply to the householders or occupants of lots within said sanitary districts established as aforesaid as if the same were within the corporate limits and said occupants or householders residents of said town. Sanitary districts.

SEC. 46. That the said board of commissioners may require and compel the abatement of all nuisances within the town, or within one mile of the town limits, at the expense of the person causing the same, or the owner or tenant of the ground whereon the same shall be. They may also prevent the establishment within the town, or within one-half mile of the town limits, and may regulate, if allowed to be established, any slaughter-house or place, or the exercise within the town, or within one-half mile of the town limits, of any dangerous, offensive or unhealthy trade, business or employment. Abatement of nuisances. Prevention of nuisances.

SEC. 47. The said board of commissioners shall have power to prescribe and regulate the speed of locomotive trains passing through the said town, as well as the maximum speed at which automobiles, motor-cars or other vehicles driven by steam, gasoline, electric or other power, mechanical or animal, may be operated within the limits of the said town, and may prohibit and prevent excessive and annoying blowing of whistles of locomotives and other steam and electric motors, and the excessive and annoying ringing of bells or other methods of signaling. Speed limits. Whistles and bells.

SEC. 48. That the said board of commissioners may take such measures as they deem effectual to prevent the entrance into the town or the spreading therein of any contagious or infectious disease; may stop, detain and examine for that purpose every person coming from places believed to be infected with such disease; may establish and regulate hospitals within the town or within three miles thereof; may cause any person in the town suspected to be Removal of infected persons.

infected with such disease, and whose stay may endanger its health, to be removed to the hospital; may remove from the town or destroy any furniture or other articles which shall be suspected of being tainted or infected with contagious or infectious disease, or which there shall be reasonable cause to apprehend may pass into such state as to generate and propagate disease; and in case any person shall be removed to the hospital the corporation may recover of such person, before the mayor, the expense of his removal, support and medical attendance, and burial expenses, in case of death.

Corporation to  
recover expense.

SEC. 49. That the said board of commissioners may provide for the establishment, organization, equipment and government of fire companies, and appoint commissioners from their number; and in all cases of fire a majority of the fire commissioners, if they deem it necessary to stop the progress of the fire, may cause any house to be blown up or pulled down, and the removal of any property, for which they shall not be responsible to any one in damages; and in case the presence of a majority of the fire commissioners cannot be had, the mayor, together with two commissioners of the town, to be selected by him, shall perform the duties prescribed for the fire commissioners in this section.

Regulations of  
water and  
sewerage.

Charges lien on  
real estate.

SEC. 50. That the said board of commissioners shall have power and authority to fix and determine the price and rates to be charged for water and sewerage furnished by the said town of Southern Pines to any of the inhabitants thereof, and provide for the manner and time of payment of said charges, and the said charges contracted to be paid by any person for said water and sewerage furnished by said town shall be and become a lien upon the real estate and buildings to which water connections are made.

Procedure for sale. If any of said water or sewerage charges shall remain due and unpaid for the term of three months, then the whole of said water or sewerage charges shall become due and payable, and the person authorized by the said board of commissioners to collect said sewerage and water rates shall make return to said board of commissioners of the amount due, together with the description of the real estate to which said water or sewerage pipes or mains are connected upon which said water or sewerage rate is so due; and in case of the failure to pay the said amount so due within ten days from the return thereof as aforesaid, an execution shall be issued by the clerk of the said board of commissioners, directed to the tax collector, constable or chief of police of said town, who shall advertise said real estate and make sale thereof as in case of sale hereinafter provided for real estate to discharge the lien of taxes. A report of said sale shall be made to the clerk of said commissioners within ten days from the time of such sale, and the owner of said real estate shall have thirty days from the filing of said report to redeem said property by payment to the town treas-

Redemption.

urer the price of said sale and costs, with twenty per centum in addition thereto for the benefit of the purchaser of said real estate. If the said owner shall not redeem said sale within said time, the officer making sale of said real estate shall convey to the purchaser or purchasers thereof, upon payment of amount of water and sewerage rates due, with costs of sale, such part of said real estate so purchased by him in fee-simple, which said deed, when duly recorded in the office of the Register of Deeds of the County of Moore, shall have all the force and effect of a deed made by the sheriff of the county pursuant to a sale under execution upon a judgment duly docketed in the superior court of said county. Deed to purchaser.

SEC. 51. That in order to raise a fund for the expenses incident Taxes: to the proper government of the town, the commissioners may annually levy and collect the following taxes, namely:

(1) On all real and personal property within the corporate limits, On property. including money on hand, solvent credits, investments in bonds, stocks and all other subjects taxed by the General Assembly *ad valorem*, except incomes, a tax not exceeding one dollar on every one hundred dollars value.

(2) On all taxable polls, a tax not exceeding three dollars a poll On polls. who may be residents in the town on the first day of June of each year, or may have been so resident within sixty days next preceding that day. That in collection of all town taxes upon property or polls the general law of the State regulating attachment and garnishment shall be applicable, and the mayor and chief of police shall have the same power as that allowed by the general law to justices of the peace and sheriffs in such cases.

(3) Upon all dogs kept in the town and which may be so kept on Dogs. the first day of June, a tax not exceeding five dollars.

(4) Upon every express company and upon every telegraph com- Express, telegraph, pany and every telephone company and every electric light com- telephone and light companies. pany doing business in the town, a tax not exceeding twenty-five dollars.

SEC. 52. That in addition to the subjects listed for taxation, the License taxes. commissioners may levy a tax on the following subjects, the amount of which tax, when fixed, shall be collected by the tax collector of said town instantly, and if the same be not paid on demand the same may be recovered by suit or the article upon which the tax is imposed or any other property of the owner may be forthwith distrained and sold to satisfy the same, namely:

(1) Upon its itinerant merchants or peddlers offering to vend in Peddlers. the town, a license not exceeding fifty dollars a year, except such only as sell books, charts or maps or works of their own manufacture. Not more than one person shall peddle under a single license.

- Circus riders. (2) Upon every company of circus riders or persons by whatever name called who shall exhibit within the town, a license tax not exceeding fifty dollars for each performance or exhibition, the tax to be paid before exhibition.
- Other shows. (3) Upon every person or company exhibiting in the town 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, to be paid before exhibiting.
- Pawnbrokers and sewing machine agents. (4) Upon every pawnbroker, sewing-machine company or agent for such company, a license tax not exceeding twenty-five dollars a year.
- Liquor license. (5) Upon every permission by the commissioners to retail spirituous, vinous or malt liquors, a tax of fifty dollars a year.
- Professions and trades. (6) Upon every lawyer, physician, dentist, photographer, street huckster, merchandise or produce brokers, or ice dealers, a license tax not exceeding ten dollars a year.
- Hotels and eating-houses. (7) Upon every hotel, restaurant or eating-house, a license tax not exceeding twenty-five dollars.
- Other occupations. (8) Upon every other occupation, profession or business not herein especially named, a license tax not exceeding ten dollars a year.
- Games. (9) Upon every bowling alley, billiard table, pool table, shooting gallery, skating rink or any other game allowed by law, a tax not exceeding ten dollars a year.
- Listing for taxation. SEC. 53. That all persons liable to taxation of any kind in said town shall, on or before the first Monday in July in each and every year, make a return of their respective lists of taxable property to the secretary or clerk of said board of commissioners. Said lists shall give a description of all the property owned by the person or persons returning the same liable to a town tax, and shall be sworn to. The tax lists thus taken shall be filed with the secretary or clerk, who shall, after a levy of taxes assessed thereon, compute and make out the taxes due in the same manner as tax lists are made or required to be made for the collection of State taxes. The secretary or clerk shall also make out a list of all property and polls remaining unlisted in said town, which shall be subject to a double tax. The tax list, when placed in the hands of the constable or tax collector by the commissioners of said town, shall have the force and effect of an execution.
- Clerk to make out tax lists.
- Double tax for failure to list.
- Tax list to have force of execution.
- When taxes due. SEC. 54. The said taxes shall be due on the first Monday of September in each year, but the tax collector shall have no power to enforce the collection of the same by sale before the first day of January next ensuing. When the taxes due shall be unpaid on the first day of January, the tax collector shall proceed to collect the same and ten per cent. additional, in the manner prescribed by law for the collection of State taxes by the sheriff of the county:
- Collection by distress.



*Provided*, the owner of property sold for taxes may redeem the same within twelve months from said sale on paying the purchaser the amount of tax, costs and expenses of sale, with twenty-five per centum thereon, and one dollar for the expense of reconveyance.

Proviso: redemption.

SEC. 55. That in the collection of all town taxes upon property or polls, the general law of the State regulating attachment and garnishment shall be applicable, and the mayor, tax collector and constable, or chief of police, shall have the same power as that allowed by the general law to justices of the peace and sheriffs in such cases.

Taxes collected under general law.

SEC. 56. That all persons to whom said town shall become indebted shall present their claims to the board of commissioners, who shall audit the same and issue an order to the town treasurer for the payment thereof, if considered just, and the treasurer shall in no case pay any claim presented to him till the same shall have been audited and approved by the commissioners and an order made therefor.

Claims to be audited.

SEC. 57. That the said board of commissioners shall have full power and authority to regulate and fix the fare to be charged by any company, person or corporation operating trolley cars within the corporate limits of the town of Southern Pines: *Provided*, that the rate for carrying any person between two points within said limits shall not be less than five cents.

Regulation of trolley fares.

Proviso: not less than five cents.

SEC. 58. That the town of Southern Pines shall be and constitute a public school district for both white and colored, as provided in chapter one hundred and ninety-four of the Private Acts of the General Assembly of one thousand eight hundred and ninety-seven, and the special taxes authorized by sections forty-seven and forty-eight of said chapter one hundred and ninety-four, as sanctioned by a majority of the qualified voters of said town at an election held under said act of one thousand eight hundred and ninety-seven, to be levied and collected annually for the support of public schools in said town, to-wit, a tax not exceeding one dollar on the one hundred dollars valuation of property shall continue to be annually levied and collected and applied as provided in said act of General Assembly of one thousand eight hundred and ninety-seven.

Town to be school district.

Special school tax continued.

SEC. 59. There shall be and continue, as provided in section fifty of chapter one hundred and ninety-four, Private Acts of one thousand eight hundred and ninety-seven, a school committee of the town of Southern Pines, to consist of five members to be elected by the board of commissioners of said town and to be composed of citizens and freeholders of said town. They shall be divided into three classes, of one member of the first class and two members of the other two classes. The term of office of the first class shall expire at the end of one year from the date of his election, and the term of office of the second class shall expire at

School committee.

the end of two years from the date of their election, and the term of office of the third class shall expire at the end of three years from the date of their election. Whenever the term of office of any class shall expire as above provided, his or their successors shall be elected for the term of three years by the said commissioners. Whenever any vacancy occurs in said committee, except by expiration of term of office, the vacancy for the unexpired term of the member or members shall be filled by the said committee: *Provided*, that the election of the school committeemen as heretofore made under said act of one thousand eight hundred and ninety-seven, for their respective terms or classes, shall not be interfered with or annulled by this act.

Committee to have  
exclusive control  
of schools.

SEC. 60. That the school committee provided for by this act shall have entire and exclusive control of the public school interests and property of the town of Southern Pines; shall have power to select and purchase sites for the school buildings contemplated in this act, and select and provide plans for the building of school buildings and contract for the building, equipping and furnishing of the same; shall prescribe rules and regulations for their own government, not inconsistent with the provisions of this act: shall employ and fix the compensation of officers, and location of the public school and graded public schools annually, subject to removal by the said committee: shall make an accurate census of the school population of the town as required by the general school law of the State, and do all other acts that may be just and lawful to conduct and manage the public school interests in said town:

Proviso: residents  
admitted free.

*Provided*, all the children resident in the town of Southern Pines, between the ages of six and twenty-one years, shall be admitted into said school free of tuition charges: *Provided further*, that persons living beyond the limits of the corporation may, in the discretion of said committee, attend the school from their home or as boarders, on the payment of tuition fee, to be fixed by the school committee.

Proviso: tuition for  
non-residents.

Superintendent.

SEC. 61. The school committee elected by this act may elect annually a superintendent for the schools established under this act, who shall be the principal of the graded school for whites, if the same shall be established. The said superintendent shall examine all applicants for teachers' positions in said schools and issue certificates to the same, and shall do and perform such other duties as may be prescribed by the said school committee.

Duties.

Town treasurer,  
treasurer ex officio.

SEC. 62. The moneys which shall from time to time be apportioned under the general school law of the State to the public school district or portion of districts embraced in the corporation limits of the town, and any moneys to which the said district or portion of districts may be entitled by reason of any special gift, grant, tax apportionment or otherwise, shall be received by the treasurer of the town of Southern Pines, who shall be *ex officio* treasurer of said school committee, and whose receipt for such

moneys shall constitute a sufficient voucher of such payments in the hands of any person paying the same; and the said treasurer shall report monthly to the said school committee his receipts and disbursements, with all vouchers paid the same. The moneys received as aforesaid shall be held by the treasurer as a separate fund, to be disposed of under the direction of the aforesaid school committee, whose warrants, signed by the chairman and one other member of the committee, and countersigned by the secretary of said committee, shall be the only valid voucher in the hands of the said treasurer for the disbursement of said moneys in any settlement required of them by law. The said treasurer shall furnish annually to the board of commissioners a statement in writing, of his receipts and disbursements of the school money, properly and duly audited and approved by the chairman and secretary of the school committee. The accounts, books and vouchers of the said treasurer shall be open for the inspection of said school committee and the commissioners of said town at any time.

School warrants.

Treasurer to report annually.

SEC. 63. The school committee provided by this act shall apportion the money raised or received for educational purposes in the town of Southern Pines as shall be just to the white and colored races, without discrimination in favor of or to the prejudice of either race. The beginning and the ending of the school year shall be fixed by the committee.

Apportionment.

SEC. 64. The school committee hereby created shall be a body corporate by the name and style of "The School Committee of the Town of Southern Pines," and by that name can sue and be sued, shall be capable of receiving gifts and grants, of purchasing and holding real and personal estate, and of selling and transferring the same for school purposes. Conveyances to said school [committee] shall be to them and their successors in office, and all deeds and other agreements affecting real estate shall be deemed sufficiently executed when signed by the chairman and secretary thereof and the seal of the corporation affixed thereto. The corporation shall have a corporate seal, which it may break or change at pleasure. Said school committee may borrow money for the school purposes and convey any of the school property by way of mortgage or deed of trust to secure the payment of the same.

Committee incorporated. Corporate name.

SEC. 65. That any person not lawfully authorized, who shall give or knowingly cause to be given any false alarm of fire by means of the fire-alarm telegraph of said town, or who shall willfully and deliberately injure any part of the same, shall be guilty of a misdemeanor, and shall, upon conviction, be fined fifty dollars or imprisoned thirty days.

False alarm of fire a misdemeanor.

Penalty.

SEC. 66. That all penalties imposed under the provisions of this act, or of any ordinance, by-law or regulation of the town, unless herein otherwise provided, shall be recoverable in the name of the town of Southern Pines before the mayor, and all such penalties

Penalties recoverable in name of town.

incurred by any minor shall be recovered from the parent, guardian or master, as the case may be, of such minor.

Survey and  
monuments.

SEC. 67. That after the ratification of this act the board of commissioners of said town may cause an accurate survey to be made of the exterior boundaries of said town as herein provided, and it shall be their duty to erect upon each corner or at the end of each "call" in said survey a firm and durable monument of iron or stone, or other durable substance, to be maintained by said town and protected from destruction, removal, defacement or other injury, by rigid ordinance imposing a fine not exceeding fifty dollars or imprisonment not exceeding thirty days for the violation thereof.

Repealing clause.

SEC. 68. That from and after the ratification of this act the same shall be and remain the charter of the town of Southern Pines, and all laws or parts of laws heretofore enacted, whether relating directly to said town or of a public or general nature, inconsistent with or coming under the purview of this act, are hereby repealed, so far only, however, as they may affect said town: *Provided*, 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, unless otherwise provided, expressly or by necessary implication, affect any act done or any right 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 person or corporation 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 its use and benefit of the town of Southern Pines. Nor shall any duties or obligations assumed, owing or due to any person or corporation by said town of Southern Pines, under whatever other name the corporation embracing the territory as hereinbefore described, and the inhabitants thereof, may have been known, be affected, lessened or annulled by anything in this act contained.

Proviso; effect of  
repeal.

Manufacture or  
sale of liquor  
forbidden.

SEC. 69. That it shall be unlawful for any person, firm or corporation to manufacture or sell any spirituous, vinous or malt liquors in the town of Southern Pines.

SEC. 70. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 27th day of February, A. D. 1905.

## CHAPTER 215.

AN ACT TO REPEAL A PORTION OF CHAPTER 142, PRIVATE LAWS OF 1897, AUTHORIZING THE COMMISSIONERS OF THE TOWN OF CARTHAGE TO SUBMIT TO THE QUALIFIED VOTERS THE QUESTION OF ISSUING BONDS FOR THE PURPOSE OF CONSTRUCTING A SYSTEM OF SEWERAGE AND WATER-WORKS AND AN ELECTRIC PLANT FOR LIGHTING THE TOWN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That so much of chapter one hundred and forty-two of the Private Laws of one thousand eight hundred and ninety-seven, and the acts amendatory thereof, as authorized the Commissioners of the Town of Carthage to submit to the qualified voters of said town the question of issuing bonds for the purpose of constructing, erecting, operating and maintaining a system of sewerage and water-works and an electric plant for lighting said town by electricity be and the same is hereby repealed. Election for bonds not to be held.

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 28th day of February, A. D. 1905.

## CHAPTER 216.

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF THE CITY OF HOT SPRINGS TO LEVY A SPECIAL TAX.

WHEREAS, the city of Hot Springs is indebted to various and sundry parties; and whereas, the amount of tax now realized under the present law is insufficient to pay the current expenses of said city and settle said indebtedness; Now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Aldermen of the City of Hot Springs be and they are hereby authorized, empowered and directed, at the time of levying other city taxes in June, one thousand nine hundred and five, and annually thereafter, so long as it may be necessary for the purposes of this act, to levy a special tax of twenty-five cents on each one hundred dollars worth of taxable property and seventy-five cents on each taxable poll. Special tax authorized.

SEC. 2. That the above tax, when collected, shall be paid to the treasurer of said city, and shall be kept by him separate and apart from other city funds, and shall be expended by him in paying off the outstanding indebtedness of said city incurred prior to the ratification of this act. For payment of outstanding debt.



Surplus to current expenses.

SEC. 3. That should the moneys collected under the provisions of this act be more than sufficient to pay the outstanding indebtedness, then said board of aldermen may apply the residue, after paying said indebtedness in full, to the current expenses of said city.

Specific appropriation.

SEC. 4. That all moneys raised by this act shall be applied to the purposes named therein, and none other.

Misapplication a misdemeanor.

SEC. 5. That if any officer of said city shall apply the taxes levied and collected under this act to any other purpose than that named therein, or shall fail to perform any of the duties imposed upon him by the provisions of this act, he shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned in the discretion of the court.

Penalty.

SEC. 6. That 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. 1905.

## CHAPTER 217.

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

*The General Assembly of North Carolina do enact:*

Corporate limits.

SECTION 1. That section two of chapter one hundred and ninety-nine, Private Laws of one thousand eight hundred and ninety-nine, entitled "An act to amend the charter of the town of Farmville," be and the same is hereby amended by striking out in said section the words "five hundred yards each way from where Church Street crosses Main Street at the old church well," and in lieu thereof insert the following as defining and describing the corporate limits of said town, to-wit: Beginning on the Snow Hill and Tarboro Road at the intersection of Mrs. A. A. Sheppard and W. M. Lang line, running north fifty-nine west with their line to the Belcher line; thence south twenty-three west with the Belcher line to a proposed street to be called Belcher Street; thence northwesterly with Belcher Street to the lands of Visconti heirs; thence southerly with their line to the Wilson Road; thence northwesterly with the Wilson Road to a point or stake fifty feet on the west side of the East Carolina Railroad; thence southwardly a parallel line with the East Carolina Railroad to a stake in the center of Pine Street; thence southeasterly with Pine Street to Freeman Vines' corner; thence south twenty west to Perry Street; thence eastwardly with said street to the Snow Hill and Farmville Road; thence a continuation of the line of Perry Street south eighty-two and one-half east to a stake in the woods; thence north thirty-five east to an

oak stump on the edge of the Grimmersberg Road; thence north thirty-five east across A. J. Tyson and W. E. Murphrey field to a stake; thence north fifty-nine west to the beginning. That from and after the ratification of this act the above-described boundaries shall constitute the corporate limits of said town.

SEC. 2. That section three of said chapter one hundred and ninety-nine be amended by adding after the word "lots" and before the word "shall," in line five of said section, the words "to the corporate limits."

Division of wards.

SEC. 3. That section four of said chapter one hundred and ninety-nine be and the same is hereby amended by striking out in lines one and two the words "eighteen hundred and ninety-nine" and insert in lieu thereof the words "nineteen hundred and five," and strike out in line two the word "annually" (it being the last word in said line) and insert in lieu thereof the words "every two years."

Elections to be biennial.

SEC. 4. That section five of said chapter one hundred and ninety-nine be amended by striking out in lines two and three of said section the words "eighteen hundred and ninety-nine" and insert in lieu thereof the words "nineteen hundred and five," and by striking out the word "annually" in said third line and inserting in lieu thereof the words "every two years."

SEC. 5. That section seven of said chapter one hundred and ninety-nine be amended by striking out in lines two and three of said section the words "eighteen hundred and ninety-nine" and "annually" and insert in lieu thereof the words "nineteen hundred and five" and "every two years."

Election officers.

SEC. 6. That section eight of said chapter one hundred and ninety-nine be amended by striking out in line three of said section the words "ninety days" and insert in lieu thereof the words "four months."

Residence required of voters.

SEC. 7. That section eighteen of said chapter one hundred and ninety-nine be amended by adding to the end of said section the words "or in lieu of imprisonment in the county jail he may sentence such person to be worked on the streets of said town or on the county roads for like period."

Criminals may be worked on streets.

SEC. 8. That section twenty-seven of said chapter one hundred and ninety-nine be and the same is hereby amended by adding after the word "tax" and before the word "on," in line three of said section, the words "on the real and personal property of said town and on the polls liable to tax within said town and."

Tax on property.

SEC. 9. That section thirty-two of said chapter one hundred and ninety-nine be and the same is amended by striking out subdivision (2) of said section and insert in lieu thereof the following as subsection (2) of said section:

"(2) Upon every retail dealer in spirituous, vinous or malt liquors, a tax of not less than seventy-five nor more than one hundred dollars per year."

License taxes.

Power to borrow  
money given.

SEC. 10. That the board of commissioners of said town are hereby authorized, if a majority of the qualified voters of said town shall so determine, to borrow money, not to exceed five thousand dollars, for the purpose of providing apparatus and other means for extinguishing fire and for street improvements, and to issue the obligations of the town, payable at such time and at such rate of interest as may be agreed upon, not to exceed ten years and the legal rate of interest.' That before the board shall issue such obligations they shall submit the question to the qualified voters of said town at an election to be held for that purpose, at such time as the board may appoint: *Provided*, they shall give full thirty days' notice of such election. At such election those who favor issuing said obligations shall vote a written or printed ticket with the words "For Bond" thereon, and those who oppose it shall vote a written or printed ticket with the words "Against Bond" thereon. If a majority of the registered voters of said town shall vote against bonds, then, the board shall have no authority to borrow money or issue bonds for the purpose herein set out. If a majority of the registered voters of said town shall be in favor of bonds, then the said board of commissioners shall have full authority to borrow the money and issue the bonds as herein set out. That said election shall be held and the returns made and canvassed and result declared as directed by said board in the same manner as elections are held for town commissioners.

Form of ballots.

SEC. 11. That all laws and parts 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 28th day of February, A. D. 1905.

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## CHAPTER 218.

### AN ACT TO AMEND CHAPTER 20, PRIVATE LAWS 1893, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF MARS HILL."

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter twenty, Private Laws of one thousand eight hundred and ninety-three, be amended as follows: Strike out the word "twelve" in line one of the second section and insert in lieu thereof the word "six."

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

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

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1905.

## CHAPTER 219.

## AN ACT TO AUTHORIZE THE COMMISSIONERS OF YADKIN COUNTY TO USE THE SURPLUS COUNTY FUNDS TO IMPROVE THE COURT-HOUSE AND JAIL.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the County Commissioners of Yadkin County are hereby authorized and empowered to use any surplus county funds for the improvement of the court-house and jail. Commissioners to use surplus.

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

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

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1905.

## CHAPTER 220.

## AN ACT TO AMEND CHAPTER 220 OF THE PRIVATE LAWS OF 1901, ENTITLED "AN ACT TO INCORPORATE THE RUTHERFORDTON, HICKORY NUT GAP AND ASHEVILLE RAILWAY."

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter two hundred and twenty of the Private Laws of nineteen hundred and one, entitled "An act to incorporate the Rutherfordton, Hickory Nut Gap and Asheville Railway," passed by the General Assembly of North Carolina at the session of one thousand nine hundred and one, be and the same is hereby amended by adding thereto, after section twenty, the following sections:

"Sec. 21. It shall be lawful for said corporation to acquire, by original subscription, purchase, 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; and also to borrow money for such consideration and upon such terms as its stockholders or board of directors, by their authority, may determine, and to issue its notes, bonds, debentures and other evidence of indebtedness from time to time as they may elect, and to secure the same by mortgage or mortgages or deeds in trust upon its property, whether then owned or thereafter acquired, and its franchises, in whole or in part, as they may deem necessary or expedient."

"Sec. 22. The said company shall have the right to cross, at grade, or over or under, intersect, join or unite its railroad with Rights of connection with other roads.

any railroad now built or constructed or which may be hereafter built or constructed in the State of North Carolina or elsewhere, at any point of its main line or branches, with the necessary turn-outs, sidings, switches and other conveniences, and, when necessary, to use the right-of-way of other railroads when same is not occupied by tracks or buildings, and to lease, purchase or consolidate with any such railroad under any corporate name the parties in interest may choose: and the said company shall have full power to dispose of, by lease, sale or otherwise, the said railroad and all other property of the company, or any part thereof."

When bonds to be sold.

SEC. 2. That section twenty of said act of the General Assembly be and the same is hereby amended so as to read as follows: "That no bonds issued under the provisions of this act shall be sold or transferred to any person, company or corporation, or otherwise used, until at least twenty miles of said railroad has been constructed and put in operation."

Conflicting laws repealed.

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

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

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1905.

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## CHAPTER 221.

### AN ACT TO AMEND CHAPTER 240, PRIVATE LAWS OF 1899, RELATING TO THE CHARTER OF THE TRANS-APPALA- CHIAN RAILWAY SYSTEM.

*The General Assembly of North Carolina do enact:*

Time to begin work extended.

SECTION 1. That chapter two hundred and forty, Private Laws of one thousand eight hundred and ninety-nine, be amended by striking out the words and figures "five (5)" in the second line of section eleven (11) and substituting therefor the words and figures "ten (10)."

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1905.



## CHAPTER 222.

## AN ACT TO ESTABLISH A SPECIAL LOCAL TAX SCHOOL DISTRICT OF PORTIONS OF PITT AND LENOIR COUNTIES.

*The General Assembly of North Carolina do enact:*

SECTION 1. A special local tax school district is hereby formed Boundaries. and established from portions of Pitt and Lenoir Counties, with the following boundaries: Beginning at Moccasin River where William Dawson's and Mrs. Fred. Beuhman's lines join, and running with said lines to David Bryant's west and J. E. Jenkins' east line; thence with their line to Green Dudley's south line and said Bryant's line; thence with said line eastward to Hanrahan and Grifton public road; thence directly across said road with Jake McLawhorn's and C. M. A. Dawson's line; thence with said McLawhorn's and the Ben. Dawson heirs' line to the New Bern and Snow Hill Road; thence east with said road to Sam. Laughinghouse's upper or west line; thence south in a straight line to Willie Kilpatrick's east line; thence with said Kilpatrick's line to Allen Adams' east line; thence with said Adams' line to Moccasin River; thence down said river to Neuse River; thence up said river to Albert Coward's upper or west line; thence with said Coward's line and Braxton's line to Coward's and Kilpatrick's line; thence with Coward's and Kilpatrick's line to the public road; thence with said road to a big ditch on S. W. Ipock's land west of the railroad; thence with said ditch to Eagle Swamp; thence up said swamp to the Carr place; thence with Carr's and Tucker's line to Allen Patrick's upper or west line and Carr's line; thence with Patrick's and Carr's line to Henry Cannon's corner; thence with Cannon's and Thomas' line to the Harper land; thence with Harper's lower or east line to Moccasin River, and thence up said river to the beginning.

SEC. 2. An election is hereby called, to be held in said district on Election to be held. the fourth day of April, one thousand nine hundred and five, at the usual polling place in the town of Grifton; said election to be held in accordance with the law governing such elections.

SEC. 3. At this special election the vote shall be upon the ques- Question to be voted on. tion as to whether a special tax of not to exceed thirty cents on the one hundred dollars worth of property and ninety cents on the poll shall be levied to supplement the school fund in said district and to be used for this purpose. All persons favoring the levy of Form of ballots. this special tax shall vote a ticket with the words "For Special Tax" printed or written upon it; and all persons opposed to the levy of this special tax shall vote a ticket with the words "Against Special Tax" printed or written upon it. If a majority of the votes cast shall be "For Special Tax," then said tax shall be levied by the board of commissioners of the respective counties in which

the property is located, and shall be collected as other taxes. If a majority of the votes cast shall be "Against Special Tax," then it shall not be levied.

- New registration. SEC. 4. A new registration shall be required in the district.
- Election officers. SEC. 5. The following men are hereby appointed to conduct and hold the election: Registrar, G. T. Gardner; pollholders, J. L. King, Jr., and Joel Patrick.
- Trustees if special tax is approved. SEC. 6. If the special tax is carried in this district the following trustees are appointed for the school in said district: A. G. Coward, J. Z. Brooks, J. L. King, Jr., C. J. Tucker and Dr. W. W. Dawson. They shall hold office for two years from July first, one thousand nine hundred and five, and their successors in office shall be appointed by the boards of education of Pitt and Lenoir Counties; the former appointing three, and the latter two. These and all subsequent trustees of this school shall be subject to the same rules, regulations and duties which govern committeemen of any public school; and the boards of education and superintendents of said counties shall have the same power and control over these as the law gives them over the committeemen of any public school of the county.
- Terms of office.
- Trustees subject to general law.
- Expense of election paid by district. SEC. 7. The expenses incurred in holding said election shall be paid from the funds of said district.
- SEC. 8. That 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. 1905.

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## CHAPTER 223.

### AN ACT TO RE-ESTABLISH COUNTY LINE PUBLIC SCHOOL DISTRICT IN THE COUNTIES OF FORSYTH AND GUILFORD.

*The General Assembly of North Carolina do enact:*

- Boundaries. SECTION 1. That a public school district is hereby created and established, to be known as the "County Line School District," lying partly in Guilford and partly in Forsyth counties, the metes and bounds of which are as follows: Beginning at A. Reedy Fork Creek, and running to B. at Lizzie Starbuck's bridge; thence north to Beaver Creek, C; thence with Beaver Creek to D; thence to the road at Hartwell Johnson's house, to E; thence west to Belew's Creek, at F; thence up Belew's Creek to Baird's Crossing, at G; thence north to the beginning: *Provided*, that there shall be attached to the foregoing boundaries the following, included by extending the lines by starting at Lizzie Starbuck's and running

down Reedy Fork Creek to Dillon's Bridge; thence north to Beaver Creek, and thence up Beaver Creek to the old line.

SEC. 2. That said public school district shall be under the general control and support of the county boards of education of Guilford and Forsyth Counties; the appropriation from the said respective counties to be in proportion to the number of children of school age living in said counties. Under control of county boards of education. Proportionate appropriations.

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

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

In the General Assembly read three times, and ratified this 28th day of February, A. D. 1905.

## CHAPTER 224.

### AN ACT TO AUTHORIZE THE CITY OF FAYETTEVILLE TO ENLARGE ITS ELECTRIC LIGHT PLANT, AND TO ENABLE SAID CITY TO FUND ITS FLOATING INDEBTEDNESS.

WHEREAS, the city of Fayetteville desires to enlarge its electric light plant in order to supply the increasing demand for lights, and desires to expend about fifteen thousand dollars for said purpose: and Preamble.

WHEREAS, said city has heretofore contracted indebtedness to meet its necessary expenses amounting to about fifteen thousand dollars, and desires to fund said floating indebtedness: and Preamble.

WHEREAS, said city further desires to issue and sell coupon bonds sufficient to provide the necessary funds for the purposes aforesaid: and Preamble.

WHEREAS, by reason of its revenues from other sources and because under the provisions of chapter one hundred and fifty-three of the Private Laws of eighteen hundred and ninety-three, and acts amendatory thereto, sufficient taxes are now levied and not otherwise appropriated to amply provide for the payment of interest on the coupon bonds hereinafter provided for as it falls due, and the creation of a sinking fund sufficient to fully pay off said bonds, as well as to meet all the other obligations and liabilities of said city: Preamble.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be lawful for the city of Fayetteville to issue and sell at a price not less than par the coupon bonds of said city to an amount not exceeding thirty thousand dollars, said bonds to be in denominations of five hundred dollars, and to run for a period of thirty years from the issue of same, and to bear interest at a rate not exceeding five per centum per annum, paya- Bonds to be issued. Not sold below par. Amount. Description.

ble semi-annually on the first day of June and December of each year after their issue.

Coupons consecutively numbered.

SEC. 2. Said coupons shall be consecutively numbered, signed by the mayor and clerk of the city of Fayetteville, and sealed, and it shall be the duty of said clerk to keep an accurate account of the same.

Clerk to keep record.

Coupons receivable for taxes.

SEC. 3. The coupons of said bonds shall be receivable by the tax collector and treasurer of the city of Fayetteville in payment of all taxes and dues to said city.

Fiduciaries allowed to invest in bonds.

SEC. 4. That all administrators, executors, guardians and other persons acting in a fiduciary capacity are hereby authorized and empowered to invest the funds entrusted to them in said bonds.

Appropriation for electric light plant.

SEC. 5. That the city of Fayetteville is hereby authorized and empowered to expend not exceeding the sum of fifteen thousand dollars from the proceeds of the sale of said bonds in the enlargement of its electric light plant, with full power to purchase, hold, erect and establish all necessary lands, works and machinery and supplies wherewith to furnish electric lights for the use of the city and its citizens and of the persons living in the suburbs, said expenditures to be made under the direction and control of the public works commission of said city.

Management of plant.

SEC. 6. That all additions made to said electric light plant in consequence of the expenditure herein authorized shall be subject to the provisions of chapter one hundred and eighteen of the Private Laws of one thousand eight hundred and ninety-nine, entitled "An act to authorize the city of Fayetteville to establish and operate a system of electric lights and motive power," in so far as it relates to an electric light plant.

Appropriation for floating debt.

SEC. 7. That not exceeding the sum of fifteen thousand dollars from the proceeds of the sale of said bonds shall be applied to the payment of the floating indebtedness of said city, contracted to pay its necessary expenses, and the purchaser of the bonds shall not be bound to see to the application of the purchase money.

Election to be held.

SEC. 8. That an election shall be held at the market-house in the city of Fayetteville on the first Monday in May, one thousand nine hundred and five, for the purpose of ratifying or disapproving, by a majority of the qualified voters of the said city, the issuance of the bonds herein provided for. It shall be the duty of the mayor to cause daily publication of this act in full to be made in some newspaper published in said city for not less than ten days preceding said election, exclusive of Sundays.

Notice of election.

Aldermen to appoint registrar.

SEC. 9. That the board of aldermen of the city of Fayetteville shall appoint a registrar of voters for said city, who shall register such citizens of said city who are not at present registered and who would be entitled to vote at the election; or, the board of aldermen may, by a majority vote, twenty or more days prior to such election, order a new registration, and in such event shall cause publication and notice to be given as provided in section

New registration may be ordered.

seven of chapter one hundred and fifty-three of the Private Laws of one thousand eight hundred and ninety-three.

SEC. 10. That the duties of the registrar so to be appointed, and the registration and the oath of election, shall be as provided by sections eight, nine and ten of chapter one hundred and fifty-three of the Private Laws of one thousand eight hundred and ninety-three, as amended by section four of an act entitled "An act to amend the charter of the city of Fayetteville," Private Laws of nineteen hundred and five. Duties of registrar.

SEC. 11. That the board of aldermen of said city shall appoint two judges of election to hold said election, and the duties and powers and qualifications of said judges of election shall be the same as are provided by chapter one hundred and fifty-three of the Private Laws of one thousand eight hundred and ninety-three, and all matters and questions as to the election herein provided for shall be determined according to the provisions of chapter one hundred and fifty-three of the Private Laws of one thousand eight hundred and ninety-three, sections seven to fourteen, inclusive, of both. Judges of election.  
Duties, powers and qualifications.

SEC. 12. The ballot to be used at the election herein provided for shall be on white paper and without device, and shall contain the word "Issue," or the words "No Issue," and the bonds herein provided for shall be issued only in case a majority of the qualified voters of said city shall vote "Issue." Form of ballots.

SEC. 13. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed. Conflicting laws 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 28th day of February, A. D. 1905.

## CHAPTER 225.

### AN ACT SUPPLEMENTARY TO, AND AMENDATORY OF, CHAPTER 120, PRIVATE LAWS OF 1903, INCORPORATING THE WINSTON-STUART TURNPIKE COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of directors of the State prison are hereby authorized, empowered and directed to subscribe for the capital stock in the Winston-Stuart Turnpike Company or, as the said board may elect, for first-mortgage bonds issued by said company, upon its entire property, for an amount not exceeding five thousand dollars, as may be determined by the amount of work done as herein described; the said subscription to be paid in the work of grading said road with the convicts in the custody of the said State prison, a distance ten miles, as called for in the charter of said company. Penitentiary to  
subscribe for stocks  
or bonds.  
  
Amount.  
  
Subscription to be  
paid in work.



Conditions precedent to subscription.

SEC. 2. That whenever the said Winston-Stuart Turnpike Company shall have secured solvent, *bona fide* subscriptions for an amount of five thousand dollars, and the same shall have been found sufficient by the said directors of the State prison to do all other work, such as blasting, building bridges and other construction necessary to make a complete road, in addition to the grading, it shall then be the duty of the board of directors, aforesaid, to detail a force of not exceeding fifty prisoners, with sufficient guards, to begin said work, and to continue the same until completed.

Force not to exceed fifty.

Prisoners transferred.

SEC. 3. If, however, such number of prisoners shall not be available at the time aforesaid, it shall be lawful and the duty of the said directors to transfer to said work the force of prisoners and guards now engaged in constructing the Wilkesboro-Jefferson Turnpike, immediately upon the completion of said road to the town of Jefferson in Ashe County.

Prices for work.

Stock or bonds to be issued to State, credited to penitentiary.

SEC. 4. That the prices charged by said directors for the work done shall be the usual prices charged for such work, and the stock or bonds thus subscribed for shall be issued to the State of North Carolina, and shall be a credit to the State prison for such an amount upon the books of the State prison and State Treasurer.

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. 1905.

## CHAPTER 226.

AN ACT RATIFIED FEBRUARY 13, 1905, ENTITLED "AN ACT TO AMEND AN ACT ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF CONCORD, RATIFIED THE 22d DAY OF JANUARY, 1901, BEING CHAPTER 9 OF THE PRIVATE LAWS OF NORTH CAROLINA."

*The General Assembly of North Carolina do enact:*

Verbal corrections in former act.

SECTION 1. That section six of said act be and the same is hereby amended as follows: Strike out the word "bond" wherever it occurs in said section and insert in lieu thereof the word "bonds." After the word "franchises" and before the words "to maintain," in said section, insert the words "so sold, shall thereby acquire the exclusive right and franchise." Strike out the word "or" between the words "rate" and "charges" in said section and insert in lieu thereof the word "of."

Secretary of State to insert amendments.

SEC. 2. That the Secretary of State be hereby directed to insert the foregoing amendments in the original act heretofore ratified.

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

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1905.

## CHAPTER 227.

## AN ACT TO RE-ENACT AND AMEND CHAPTER 302. PRIVATE LAWS OF 1901, RELATIVE TO THE HALIFAX AND NORTH-AMPTON BRIDGE COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter three hundred and two (302) of the Private Laws of one thousand nine hundred and one (1901) be and the same is hereby amended by striking out in section one (1) thereof the names of James T. Gooch, Wm. T. Shaw, Peter N. Stainback, W. H. S. Burgwyn, Wm. A. Pierce and Wm. M. Cohen, and inserting in place thereof the names of F. W. Garrett, R. S. Travis, W. T. Joyner and N. L. Steadman. New corporators named.

SEC. 2. That section one of said act be further amended by striking out the words "The Weldon Bridge, Ferry and Steamboat Company," and insert in lieu thereof the words "The Halifax and Northampton Bridge Company." Corporate name changed.

SEC. 3. That section two (2) of said act be amended by striking out in lines one and two the words "ten thousand dollars (\$10,000)" and inserting in lieu thereof the words "two thousand dollars," and by striking out the words "one million dollars (\$1,000,000)" in the fifth line thereof, and insert in lieu thereof the words "fifty thousand dollars." Capital stock.

SEC. 4. That section eight (8) of said act be amended by adding at the end thereof the words, "but no private stockholder nor any town or county that may subscribe to the stock of said corporation shall be liable on said notes and mortgages any further than its stock therein." Stockholders not personally liable.

SEC. 5. Add after section nine (9) the following as section nine and one-half (9½): "That the commissioners of the counties of Halifax and Northampton are hereby authorized to subscribe to the capital stock of said corporation for their respective counties to an amount not exceeding ten thousand dollars (\$10,000) each, and may issue bonds for the payment thereof." Halifax and Northampton may subscribe to stock.

SEC. 6. That as hereby amended the said chapter three hundred and two (302) of one thousand nine hundred and one (1901) be and the same is hereby re-enacted. Charter re-enacted.

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

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1905.

## CHAPTER 228.

AN ACT TO AMEND CHAPTER 239, PRIVATE LAWS 1899.  
IT BEING AN ACT ENTITLED "AN ACT TO AMEND THE  
CHARTER OF THE TOWN OF MURPHY IN CHEROKEE  
COUNTY."

*The General Assembly of North Carolina do enact:*

Notice by  
publication.

SECTION 1. That section thirty-five of chapter two hundred and thirty-nine, Private Laws of one thousand eight hundred and eighty-nine, it being an act entitled "An act to amend the charter of the town of Murphy, in Cherokee County," be amended as follows: After the word "commissioners" in line ten of said section add the following: "after giving ten days' notice in writing to the owner of such property, if said owner resides in North Carolina, or if said owner reside out of the State and notice cannot be served on him personally, then by publishing notice for thirty days in some newspaper published in Cherokee County. When notice can be served personally in North Carolina on the owner of said property, service may be made by any sheriff or deputy sheriff of the county in which said owner resides."

Commissioners to  
have charge of  
streets.

SEC. 2. Amend section thirty-six of said chapter two hundred and thirty-nine by inserting before the first word of said section, to-wit, the word "the," so as to make said section read as follows: "that the board of commissioners of the town of Murphy shall have full and complete control of all public streets and all public alleys used or opened between lots in the town of Murphy for public purposes, and make such rules and regulations governing same for the use of the public, or the health and convenience of the public. And"

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

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1905.

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 CHAPTER 229.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF  
LAURINBURG AND TO ALLOW THE COMMISSIONERS  
OF SAID TOWN TO ISSUE BONDS FOR THE PAYMENT OF  
THE OUTSTANDING INDEBTEDNESS OF SAID TOWN FOR  
THE ELECTRIC LIGHT PLANT AND TO LEVY A TAX.

*The General Assembly of North Carolina do enact:*

That the Acts of one thousand nine hundred and one, chapter one hundred and twenty-four, section fifty-six, of the Private

Acts, the charter of the town of Laurinburg, be amended as follows:

SECTION 1. That the Commissioners of the Town of Laurinburg, for the purpose of paying the indebtedness of the town of Laurinburg on account of the building and establishment of the electric light system for said town, the sum of three thousand dollars, which is in excess of the amount of money derived from the sale of bonds of said town issued and sold to make funds to build and establish the electric light system of said town, are hereby authorized and empowered to issue bonds of said town, bearing interest at the rate of six per cent. per annum, to the amount of three thousand dollars, of the denomination of not less than one hundred dollars each or not more than five hundred dollars each, to each of which shall be attached coupons, representing the interest on said bonds, which said coupons shall be due and payable on the first day of January and July of each year, until said bonds shall become due. The bonds so issued by the said commissioners shall be numbered consecutively from one to whatever number shall be issued, and the coupons shall bear the number corresponding to the bond to which they are attached, and shall declare the amount of the interest which they represent and when the interest is due, and shall be receivable in payment of all town taxes. The bonds shall run for the period of twenty years from their issue, and shall be exempt from all town taxes.

Bond issue authorized.

Amount.

Description.

To be numbered.

SEC. 2. That the said bonds shall be issued under the signature of the mayor of the town and shall be attested by the town clerk or secretary under the official seal of the town.

How bonds attested.

SEC. 3. That the board of commissioners of the said town shall sell and dispose of the said bonds at a sum of not less than their par value.

Not to be sold below par.

SEC. 4. That for the purpose of paying the interest as it falls due on said bonds and of providing a sinking fund for the redemption of said bonds, it shall be the duty of the said commissioners of the town to levy and cause to be collected annually, as other taxes are levied and collected, a tax upon the real and personal property of said town not exceeding twenty-five cents on the one hundred dollars worth of property and a tax of seventy-five cents on each poll.

Special tax.

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

Records to be kept.

SEC. 6. That all laws and clauses of law in conflict with this act are hereby repealed in so far as they may affect this act.

Conflicting laws repealed.

SEC. 7. This act shall be in force from and after its ratification. In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1905.

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## CHAPTER 230.

AN ACT TO AMEND CHAPTER 270, PRIVATE LAWS OF 1901,  
BEING AN ACT TO INCORPORATE THE CITIZENS SAV-  
INGS BANK OF KINSTON, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Name changed.

SECTION 1. That section one of chapter two hundred and seventy of the Private Laws of one thousand nine hundred and one be amended by striking out the word "Savings" in line five of said section, to the end that the name of said bank shall henceforth be "Citizens Bank." That the change of the name of said bank as herein provided shall in no manner affect the rights, powers or privileges of said bank under its said act of incorporation; that all conveyances and contracts heretofore executed by said bank shall remain unaltered and be in no manner affected by the change of the name of said bank, and that all obligations and evidences of debt held by and due to said bank shall be enforceable and collectible by said bank under the name "Citizens Bank" as fully and completely as if the name had not been altered and changed by this act.

Capital stock.

SEC. 2. That section three of said chapter two hundred and seventy, Private Laws of one thousand nine hundred and one, be amended by striking out in line three of said section three all from and including the word "fifty" to and including the word "dollars," and inserting in lieu thereof the words and figures, "one hundred and fifty thousand dollars (\$150,000)."

Directors.

SEC. 3. That section four of said chapter two hundred and seventy be amended by striking out the word "nine" in line two of the said section four and inserting in lieu thereof the words "not exceeding twelve." Add to section four the following: "the directors shall elect one of their number to be president."

Directors to elect president.

Conflicting laws repealed.

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

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

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1905.



## CHAPTER 231.

AN ACT TO RE-INCORPORATE THE CHOWAN BAPTIST  
FEMALE INSTITUTE IN HERTFORD COUNTY.

WHEREAS, the "Chowan Baptist Female Institute in Hertford County" was duly incorporated under the laws of this State about the year one thousand eight hundred and forty-eight, under the general laws of the State, and its property and business has been managed and controlled for many years by a board of trustees, consisting of R. T. Thomas, Lyeurgus Hoffer, A. W. Early, A. B. Adkins, D. W. Britton, P. D. Camp, L. M. Curtis, Josiah Elliott, I. W. Fleetwood, J. M. Forehans, W. G. Freeman, Thomas Giliam, Frank Griffin, C. R. Harrell, W. B. Woff, W. P. Jordan, H. A. Litchfield, A. T. Livermore, John Mitchell, C. W. Mitchell, W. P. Shaw, T. T. Speight, D. N. Stephenson, W. P. Taylor, C. S. Vann, C. E. Vann and John E. Vann;

AND WHEREAS, the records containing the charter, or articles of incorporation, have been destroyed by fire, and it has no means of proving its corporate powers:

AND WHEREAS, said "Chowan Baptist Female Institute" is the owner in fee of the tract of land in said county lying mostly in the town of Murfreesboro, in said county, bounded by the lands of J. D. Babb, C. W. Scarborough, J. D. Gatling and others, and on which is located the college and other buildings of the said "Chowan Baptist Female Institute," and known as "The C. B. F. Institute grounds": Now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That said "Chowan Baptist Female Institute" of Hertford County be and the same is hereby declared a duly incorporated company, and has been so incorporated since the year one thousand eight hundred and forty-eight, with the power to hold and acquire real and personal property, and the board of trustees aforesaid of said incorporation, and their successors, are hereby incorporated and made a body politic, with all the powers of corporations incorporated under the general laws of the State, under the name and style of "Chowan Baptist Female Institute," and the title to the tract of land aforesaid, together with all the buildings and improvements and appurtenances thereupon belonging and situate, and all the personal property of said institute shall be vested in said board of trustees and their successors for the use and benefit of said schools of said corporation.

SEC. 2. That any vacancy in said board of trustees shall be filled by the board of trustees at any of their regular meetings held under their by-laws.

SEC. 3. That said board of trustees, or a majority of them, may by resolution adopted by them at any meeting of the board of

Institute declared incorporated.

Corporate name.

Title to land confirmed.

Vacancies in board of trustees.

Trustees may borrow money.

trustees authorize the president and secretary to borrow money, or contract a debt or debts, to get means to improve the property of said corporation, and to execute the note of said corporation therefor, to be signed by the president and secretary and treasurer of said board of trustees, and to convey in fee the property of said "Chowan Baptist Female Institute" by mortgage, or deed of trust, to secure said loan, and for that purpose may also convey in fee, in the manner aforesaid, to secure any such loan, or debt, the property aforesaid referred to in the preamble of this act and in section one of this act.

Gifts for use of  
institute.

SEC. 4. That said board of trustees may receive gifts, donations, bequests, devises and conveyances of property for said corporation, to be used in the support, keeping up and for maintaining the said school of the said C. B. F. Institute.

Perpetual  
succession.  
Effect of act.

SEC. 5. Said corporation shall have perpetual succession.

SEC. 6. That this act, including the preamble, shall be strong presumptive evidence in all courts of the incorporation of said "Chowan Baptist Female Institute" since the year one thousand eight hundred and forty-eight, and its right and powers to receive gifts, donations and conveyances of property, and that its title to the property referred to in this act, including the preamble, is complete, perfect, absolute and in fee.

Trustees to manage  
institute.

SEC. 7. That said board of trustees shall have the power to manage, control, lease and conduct school or schools, or college, for the higher education of girls and women: to prescribe a course of study or studies, and to confer diplomas or other certificates of graduation and proficiency in studies as they may deem best and proper.

Diplomas and  
certificates.

Trustees not  
personally liable.

SEC. 8. No trustee shall be personally liable for any debt contracted under this act, unless it is so expressed by him in writing.

SEC. 9. This act to take effect from its ratification.

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1905.

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## CHAPTER 232.

### AN ACT TO AMEND THE CHARTER OF THE CITY OF NEW BERN.

*The General Assembly of North Carolina do enact:*

Boundary  
established.

SECTION 1. Strike out all after the word "street" in line seventeen of section two of said chapter of said Laws, down to and including the word "creek" in said line seventeen, and insert the following: "to the right-of-way of the Atlantic Coast Line Railroad: thence westwardly along said right-of-way to a point opposite the northwestern corner of the lot owned by the Standard

Oil Company; thence southwardly the same course as the western line of said lot to Pembroke Road; thence eastwardly with Pembroke Road to End Street; thence southwardly with End Street and End Street extended to the channel of Lawson's Creek."

SEC. 2. Amend section five of said chapter of said Laws by striking out all after the word "street" in line fifty-four, down to and including the word "creek" in said line, and insert the following: "to the right-of-way of the Atlantic Coast Line Railroad; thence westwardly along said right-of-way to a point opposite the north-western corner of the lot owned by the Standard Oil Company; thence southwardly the same course as the western line of said lot to Pembroke Road; thence eastwardly with Pembroke Road to End Street; thence southwardly with End Street and End Street extended to the channel of Lawson's Creek."

Boundary established.

SEC. 3. Amend section forty-two of said chapter of said Laws as follows: Insert after the word "collector" in line four the words "water and light commission." Insert after the word "hall" in line nineteen the words "and publish in a daily newspaper published in the city of New Bern." Insert after the word "officer" in line twenty the words "and the water and light commission." Insert after the word "him" in line twenty-one the words "or them." Insert after the word "his" in line twenty-one the words "or their." Also by adding after the word "disbursed" in lines twenty-six and twenty-seven, the following: "The auditing committee in preparing its statement under the provisions hereof, shall file, post and publish as herein provided a separate statement covering the operations of the water and light commission."

Duties of water and light commission.

Auditing committee to post statement.

SEC. 4. That the mayor and board of aldermen are hereby authorized and empowered to sell and dispose of the water-works, electric light and sewer systems now owned by the city, in the manner and upon the terms and conditions hereinafter set forth, and no others.

Water, light and sewer system may be sold.

SEC. 5. That whenever the mayor and board of aldermen shall decide to sell said properties it shall be their duty to advertise for bids for thirty days in some daily newspaper published in the city of New Bern, and such other newspapers as may be deemed advisable, expressly reserving the right to reject any and all bids. That bids may be made for all said properties together, or for any one of said systems singly. That when the mayor and board of aldermen shall agree to the terms of any bidder or bidders, an election shall be called for the purpose of voting to accept or reject such bid or bids, and said election shall be held and conducted under the rules and regulations under which elections for aldermen are held and conducted. That at said election the voters shall vote by ballots on which shall be written or printed, or partly written or printed, the words "For Sale" or "Against Sale." That for thirty days prior to said election the mayor and board of aldermen

Bids to be advertised for.

Bids to be submitted to election.

Form of ballots.

Proposed terms to be published.

Sale if authorized.	shall publish the terms of the proposed sale in some daily newspaper published in the city of New Bern. That if a majority of the qualified voters shall vote "For Sale," the mayor and board of aldermen shall be authorized and empowered to sell and transfer all said properties to the purchaser or purchasers, and said purchaser or purchasers and his or their assigns shall never charge more for water, lights and sewerage than was charged for such service on the first day of January, one thousand nine hundred and five, and when meters are used the meter rate shall be no higher than the rate established by the water and light commission and in force on the first day of May, one thousand nine hundred and five; and these provisions as to rates shall be inserted in the deed or deeds, together with the further conditions and provisions that if the person or persons then owning or operating said properties shall violate the conditions or provisions as to rates, the right to use the streets of the city shall be forfeited and the mayor and board of aldermen shall cancel and annul such rights and franchises. And it shall be the duty of the mayor and board of aldermen to require and demand of any purchaser of said properties a bond in the sum of fifty thousand dollars, with sufficient sureties, conditioned for the construction, within two years from the date of the deed conveying said properties, of not less than five miles of electric street railway in said city, which said bond shall be delivered simultaneously with the delivery of said deed, and said deed shall also contain a provision that if such purchaser shall fail to construct said street railway, as provided, the right to use the streets of said city for the operation of the said water-works, electric light and sewer systems shall be forfeited, and the mayor and board of aldermen shall immediately cancel and annul all said rights and franchises. That it shall also be provided in said deed that the purchaser shall furnish, free of costs, a sufficient supply of water for all public drinking fountains, for man or beast, then in use in said city, and necessary water for the cemeteries of said cities.
Rates.	
Provisions inserted in deed.	
Bond for construction of street railway.	
Provision for railway inserted in deed.	
Water for drinking fountains and cemeteries to be furnished.	
Investment of proceeds.	SEC. 6. That the money realized from the sale of said properties may be invested in the purchase of the bonds of the city which were issued for the purchase and construction of said properties: <i>Provided</i> , said bonds can be purchased at a price which the board of aldermen consider reasonable; and if said bonds are not purchased, then said moneys shall be invested in North Carolina or United States bonds, and the income applied to the payment of the principal and interest of said bonds of the city, and to no other purpose. That each and every member of the board of aldermen who shall directly or indirectly cause any part of said money to be diverted from said purpose shall be guilty of a misdemeanor, and upon conviction fined or imprisoned, or both, in the discretion of the court.
Diversion of proceeds a misdemeanor.	
Penalty.	

SEC. 7. That when the said bonds of the city shall be paid in full the said money which has not been expended shall be used exclusively for the construction, repair and improvement of the streets and sidewalks of the city. Surplus to be used on streets.

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. 1905.

## CHAPTER 233.

### AN ACT TO AMEND THE CHARTER OF THE CAROLINA TELEPHONE AND TELEGRAPH COMPANY AND TO CONFER UPON THEM ADDITIONAL POWERS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the charter of the Carolina Telephone and Telegraph Company, as granted by the Secretary of State to said company on January five, nineteen hundred, be amended as follows:

SEC. 2. That section two be stricken out and the following be inserted in lieu thereof: That the name of the corporation shall be the "Carolina Telephone and Telegraph Company." The principal office and place of business shall be Tarboro, Edgecombe County, State of North Carolina, and it is hereby authorized and empowered to construct, operate and maintain its lines of telephone and telegraph, with the necessary poles and fixtures, along the public roads and streets of North Carolina: *Provided*, said lines of telephone and telegraph shall not interfere with the usual travel or use of said public roads and streets; and it is further authorized to combine and consolidate with other telephone and telegraph companies, and to buy, own and hold stock in same; to issue bond or bonds secured by mortgage or mortgages upon the property and franchises of the company, and sell same for the legitimate purposes of the company; to borrow money upon its credit and notes from time to time as its business and interests may require, and said company shall have power to invest the capital paid in, and all money coming into the possession of the company, in real and personal estate, bonds, mortgages, gold, silver, stocks or securities and property of any kind and description, and have power to sell, convey and pledge the same, and change the character of the investment from time to time as the interest of the company may require, and generally do all acts and perform all operations that may be deemed necessary or expedient in connection with the conduct of the business of the company.

Corporate name.

Location.

Lines along roads and streets.

Consolidation allowed.

Power to issue bonds and borrow money.

SEC. 3. In section three strike out "thirty" and insert "ninety-nine." Corporate existence.



SEC. 4. In section four strike out "fifty" and insert "one hundred and fifty," and strike out "five" and insert "fifteen."

Increase of capital. SEC. 5. Strike out section five and insert in lieu thereof: "Said corporation shall have the privilege of increasing its capital stock as provided for under the general laws of North Carolina, and it may issue preferred stock for any part of said capital, at such rate of interest as the board of directors may decide when same is issued, which interest or dividend shall be paid annually, semi-annually or quarterly, as the board of directors may elect; and said dividend may be cumulative or non-cumulative, as the board of directors may elect at the time said preferred stock is issued, and no dividend on the common stock shall be paid until all dividends of the preferred stock shall have been paid. Said preferred stock shall be entitled to its par value and all unpaid dividends in the final distribution of the assets of the company, but shall not be entitled to any dividend in any year beyond the rate of interest for which it is issued. The common stock of the company shall be entitled to all remaining assets and property of the company.

SEC. 6. After section nine insert the following sections:  
 Offices. "Sec. 10. That the company may create such offices as it may deem proper, and fill the same as may be provided for by its by-laws, and prescribe the duties of all its officers, and fix the time of its meetings.

Stockholders not personally liable. "Sec. 11. That the stockholders and officers of said company shall not be personally liable for the debts and obligations of the corporation."

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

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1905.

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## CHAPTER 234.

### AN ACT TO AMEND THE CHARTER OF THE BANK OF LEAKSVILLE, OF LEAKSVILLE, ROCKINGHAM COUNTY.

*The General Assembly of North Carolina do enact;*

Branch at Spray authorized.

SECTION 1. That chapter forty-three, section two, of the Private Laws of one thousand eight hundred and eighty-nine be and the same is hereby amended by inserting after the words "N. C." and before the word "and," in line two thereof, the following words: "with power to open a branch bank in the town of Spray, N. C."

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

In the General Assembly read three times, and ratified this the 28th day of February, A. D. 1905.

## CHAPTER 235.

AN ACT TO REVISE THE PRESENT AND TO RE-CHARTER  
AND RE-INCORPORATE THE TOWN OF DUNN.*The General Assembly of North Carolina do enact:*

SECTION 1. That the inhabitants residing within the following boundaries, to-wit, one-half mile in each and every direction from the depot of the Atlantic Coast Line Railroad Company (formerly the Wilson and Fayetteville Railroad), as it is now located near the track of said railroad, and no further, the intent and purpose being to create a circle of the size indicated, shall be and remain a body politic and corporate under the name and style of the "Town of Dunn," and under such name and style may sue and be sued, plead and be impleaded: acquire, by gift, purchase, or in any other manner and way, such real estate and personal property as may be necessary or useful in carrying out this act: hold, invest, impose, use, govern, control and protect, and, under the hands of the mayor and two commissioners, attested by the corporate seal, where by law a seal is required, sell or dispose of the same, and shall have all the power, rights and privileges belonging to or usually vested in or pertaining to municipal corporations: *Provided*, that any land now owned or hereafter acquired by said town shall be and constitute a part of said town, whether included within or without the boundaries hereinbefore set out, and shall be subject to all the provisions of this act and all ordinances, by-laws, rules and regulations of the town of Dunn now in force or hereafter enacted for the government thereof: *Provided further*, that the hereinafter-mentioned board of commissioners of said town may at such time as they deem expedient provide for an accurate survey and map of said town.

Corporate limits.

Corporate name.

Formal enumeration of corporate rights.

Proviso: land owned by town to be part of town.

Proviso: survey and map.

SEC. 2. That the town of Dunn, by this act created, is hereby invested with all of the property and rights of property which now belong to the corporation or body politic created by chapter twenty-three of the Private Laws of one thousand eight hundred and eighty-seven, ratified on the twelfth day of February, one thousand eight hundred and eighty-seven, and the several amendments thereto. That all of the ordinances and by-laws heretofore adopted by the commissioners of the town of Dunn shall remain and continue in force as ordinances of the town of Dunn by this act created, until altered, amended or repealed. That the town of Dunn, by this act created, shall assume and pay all outstanding obligations of the town of Dunn created by said chapter twenty-three of the Private Laws of one thousand eight hundred and eighty-seven, and the several amendments thereto. That the mayor and commissioners of the town of Dunn shall fill and occupy their respective places and offices until their successors are elected as hereinafter provided.

Succession to rights under former charter.

Ordinances to remain in force.

Obligations under former charter assumed.

Present officers to continue.

Four wards.	SEC. 3. That the town of Dunn shall be divided into four wards, as at present constituted and divided, and there shall be elected at each election held for the purpose, as hereinafter provided, by the
Mayor and commissioners.	qualified voters of said town, a mayor, who shall be a citizen, resident and qualified voter of said town, and one commissioner from
Commissioners to be qualified voters of wards.	each of said wards. That said commissioners shall be citizens, residents and qualified voters of the wards from which they are
Term of office.	respectively elected. That the persons so elected shall constitute the board of commissioners of said town. That the said mayor and four commissioners shall hold their said offices for one year and until their successors are elected and qualified.
General municipal election law not to apply.	SEC. 4. (1) That chapter seven hundred and fifty of the Public Laws of one thousand nine hundred and one, ratified on the fifteenth day of March, one thousand nine hundred and one, shall not, nor shall any of its provisions, apply to the town of Dunn.
Town elections held annually.	(2) That elections for the purpose of electing a mayor and four commissioners shall be held annually upon the first Tuesday after the first Monday in May, beginning in the year one thousand nine hundred and five, and shall be held and conducted under the direction of the Mayor and Board of Commissioners of the Town of Dunn: <i>Provided</i> , that at a meeting to be held upon the first Monday of March of each year in which an election is to be held, such mayor and board of commissioners shall make, and within one week thereafter publish, by posting in four public places in said town, and otherwise as they may deem meet and proper, rules and regulations under which said election in May following is to be
Proviso: commissioners to make and publish rules of election.	held: <i>Provided further</i> , that such rules and regulations, when so made, shall be spread upon the minutes of the Board of Commissioners of the Town of Dunn in full: <i>Provided further</i> , that if in any year, as provided, no such rules and regulations are made, then such election shall be held and conducted under those rules and regulations governing the preceding election.
Proviso: rules to be spread on minutes.	
Proviso: rules of former election to govern, if none made.	

## VOTERS.

Voters.	SEC. 5. That all persons who are qualified under the laws of the State to vote for members of the General Assembly, and shall have resided in said town of Dunn for six months next preceding such election, and have duly registered, shall be qualified voters of said town.
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## REGISTRARS AND POLLHOLDERS.

Registrars and pollholders.	SEC. 6. That at the meeting of the board of commissioners on the first Monday in March of each year in which an election is to be held the said board of commissioners shall appoint some suitable person to act as registrar for said town. The person so appointed shall be one entitled to register and vote in said town (and if registration in his case is necessary, may be so registered
Registrar registered by mayor.	

by the mayor), who shall register every person entitled to register and vote who applies to him for registration. The board of commissioners may, when the registrar is appointed, order a new registration. Notice of such new registration shall be given for at least twenty days before the books for that purpose are open, by publishing a notice in the papers published in said town, if any, otherwise by posting in four public places in said town, and such notice shall be spread upon the minutes of the board of commissioners of said town. The books for the registration of voters shall be opened on the first Monday in April in each year in which an election may be held, and shall remain open for twenty days, and on the last day on which said books are open the registrar shall be at the polling place for the registration of voters from seven A. M. until seven P. M. o'clock, on which day the books shall be open to the inspection of any qualified voter of said town, who may then challenge the name of any person appearing therein, such challenge to be noted thereon opposite the name of the person challenged, and all such challenges shall be heard at such time and in such manner as the rules and regulations of elections then in force shall provide.

New registration  
may be ordered.

Notice.

Registration books  
opened.

Challenge day.

(2) Provision for the selection and qualification of suitable persons, who shall be citizens, residents and qualified voters of said town, to act as pollholders at the elections herein provided for, shall be made in the rules and regulations of election hereinbefore provided for.

Pollholders.

(3) That the elections herein provided for shall be held and presided over by the registrar and pollholders so selected and qualified, and the poll shall be opened at seven A. M. and closed at seven P. M. o'clock. Upon the close of the poll the registrar and pollholders shall, in the presence of such electors as choose to attend, forthwith proceed to count the ballots cast in said election, and shall, upon blanks furnished by the board of commissioners, under their hands and seals, make to the town clerk a true return of the number of votes cast for each person voted for, and the office for which he was voted for, whereupon the clerk shall give to those persons receiving a majority of the number of votes cast for the respective offices for which they received votes, a certificate of election to such office, exact copies of which shall be in orderly manner spread upon the minute book of the board of commissioners of said town.

Hours of election.

Returns.

(4) That in event a tie vote is cast for any of the respective offices of the town, the old board of commissioners shall, at an immediate called meeting, select two electors from each ward in said town, not in the employ of the town government, such eight persons when so selected, together with the mayor and board of commissioners, to by ballot vote off such tie, the one of the two persons receiving the largest number of the thirteen votes so cast to

How ties broken.

- Ballots. be by the clerk furnished with a certificate of election as provided in section six subsection four of this act. That all ballots shall be upon white paper without emblem or device.
- Elective officers to qualify. (5) That all elective officers, before entering upon the duties of their office, shall take and subscribe an oath to support the Constitution of the United States and all laws and treaties made thereunder, and the Constitution of North Carolina and all laws made thereunder, not inconsistent with the Constitution of the United States, and to faithfully, fully and impartially do and perform the duties of their office.
- Election governed by rules. (6) In all other respects the elections shall be held in accordance with the rules and regulations herein provided for, not inconsistent with the laws of the State provided for the election of members to the General Assembly.

#### PERSONS ELECTED TO QUALIFY.

- Persons elected to qualify. SEC. 7. That the persons receiving the certificates of election shall on the following Monday qualify by taking and subscribing the oath prescribed in section six, subsection six, of this act, before some person authorized to administer oaths having a seal.

#### THE MAYOR.

- Mayor: location of office. SEC. 8. (1) That the mayor shall have and keep an office in the town hall, or some other convenient building in said town. He shall have the corporate seal; preside over, when present all of the meetings of the board of commissioners, and have a casting vote in all cases of equal division therein, and in other bodies herein provided for of which he is a member; may, after a full and fair hearing, suspend for cause, until the next meeting of the board of commissioners, any officer or employee of the town charged with dereliction of duty, or the violation of any of the provisions of this act, and his action thereon shall be reported, in writing, to the next meeting of the board of commissioners; and shall perform such other duties as are or may be prescribed by this act, or the ordinances of said town and the general laws of the State.
- Duties.
- Mayor's court. (2) That the Mayor of the Town of Dunn is hereby constituted and created a special court to be known as the "Mayor's Court," with exclusive original jurisdiction of all offenses arising from the violations of the provisions of this act, or of the ordinances, by-laws, rules and regulations of the board of commissioners made in pursuance of this act or the general laws of the State, and with all the jurisdiction, power and authority which is now or may hereafter be given to justices of the peace for the trial and determination of such civil and criminal causes as may arise within the corporate limits of said town, or the county of Harnett, under the
- Jurisdiction.



general laws of the State, and to that end he may issue his warrant, summons, subpoena, 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 limitations of this act as to the amount of such penalties and subject also to the same right of appeal as is provided for from the courts of justices of the peace: *Provided*, that no cause arising upon the violation of any of the provisions of this act, or of any ordinance, by-law, rule or regulation made in pursuance hereof, shall be removed from the mayor's court to that of a justice of the peace for trial: *Provided further*, that in case a defendant, a witness, or other person, shall be adjudged to be imprisoned by the said mayor's court it shall be competent for the said court to sentence such persons to imprisonment in the county jail of Harnett County for a term not exceeding thirty days, or to adjudge also that such person work upon the roads of Harnett or any adjoining county who will take such person and pay the cost of the case in which he was so sentenced for the period of his or her confinement, or in case such imprisonment be for the non-payment of a fine, a penalty or costs, such person shall have credit thereon at the rate of fifty cents per day for every day in which he shall so work upon said roads.

Proviso: no removal of cause.

Proviso: convicts may be worked on roads.

(3) That the mayor's court shall issue process to the chief of police, or to the town police, or to any other officer in the county of Harnett, and otherwise as in this act provided, to whom a justice of the peace may issue similar process, and such process in both civil and criminal causes, when attested by the corporate seal of said town, shall run anywhere in the State of North Carolina, and any officer, who shall serve similar process issuing from the superior courts of the State, shall execute the same: *Provided*, that there be endorsed on said process, where same is desired to be executed out of the county of Harnett, a reference to this act by chapter and section.

Process from mayor's court.

Proviso: process to be executed outside of county.

(4) That the judgments and orders rendered by the mayor's court shall have all the force and effect, virtue and validity of judgments and orders rendered by a justice of the peace, may be enforced and executed against the parties in the county of Harnett, and elsewhere, in the same manner and by the same means, except where otherwise in this act provided. The fines and penalties imposed shall be collected by, or paid over to the chief of police of said town, who shall pay over and account for the same to the treasurer of said town, as hereinafter directed, to the use of the town of Dunn: *Provided*, that in all civil causes, and in all criminal causes, not arising from a violation of the provisions of this act nor of the ordinances, rules and regulations enacted in pur-

Effect of mayor's judgment.

Fines and penalties for use of town.

Proviso: cases not based on charter or ordinances of town.

suance thereof, the costs, fines, penalties, forfeitures and fees shall be applied as now provided by the general laws of the State.

Mayor to keep record of fines, forfeitures and penalties.

(5) That it shall be the duty of the mayor to keep an exact account and true record of all fines, penalties and forfeitures by him imposed under any of the provisions of this act, or for the violation of any ordinance, by-law, rule or regulation made in pursuance thereof, in a separate book to be furnished by the board of commissioners, showing the name and residence of each offender, the nature of the offense, the date of the hearing or trial, the amount of the fine or penalty imposed, and, if known, by whom paid to the chief of police: *Provided*, that such record shall not be necessary in those cases mentioned in section eight, subsection four, of this act.

Proviso: cases where record not necessary.

Mayor pro tem.

(6) That if any person who has been selected mayor shall fail, neglect, or refuse to qualify, or if a vacancy shall occur in the office after the election and qualification, other than by expiration of term, or if the mayor be absent from the town, or unable to attend to or discharge the duties of his office from any other cause, then and in such cases the board of commissioners shall choose some qualified person to perform the duties of the absent mayor during the period of his absence, disability, or to the end of the term, as the case may be; and the mayor so chosen shall have all the power and authority which is vested in the regularly-elected mayor under this act and the general laws of the State, and said board of commissioners shall, in like manner, fill all vacancies for any unexpired term which may occur in the town government, choosing only such persons as are eligible to original election under the provisions of this act.

Mayor's annual report.

(7) That it shall be the duty of the mayor, within thirty days after the close of each year, to present to the board of commissioners a report of the several departments of the town government for the previous year, reviewing the same, with such recommendations in relation thereto as may seem to him advantageous to the public good and service. And it shall be the duty of the clerk to spread the same upon the minutes of the town.

#### BOARD OF COMMISSIONERS.

Board of commissioners.

SEC. 9. (1) That the Board of Commissioners of the Town of Dunn shall consist of four commissioners as in this act provided, and shall be presided over by the mayor of said town, who shall be *ex officio* chairman of all committees appointed by said board of commissioners, unless otherwise provided by said board of commissioners in the creation of said committees.

Board defined.

(2) That the hereinafter used term "board" shall be taken and construed as meaning and referring to said Board of Commissioners of the Town of Dunn, unless herein otherwise stated.

(3) A majority of the board shall constitute a quorum and shall be competent to perform all the duties herein provided for them, and for the proper government of the town, except as herein otherwise provided.

(4) That the said board shall convene on the Monday next after their election for the transaction of business, and fix regular stated meeting times, not less than once a month, during their term of office. Meetings.

(5) That special meetings may also be held upon call of the mayor, with written notice to all of the commissioners, and upon call of two of the commissioners, or, if later the commissioners of said town are greater in number than four, then by one-half of such number, with written notice to the mayor and to such commissioners as shall not join in the call: *Provided*, that if such commissioners should assemble in special meeting without such notice, then same shall be taken and deemed as having been waived and unnecessary for any purpose. Special meetings. Proviso: notice waived.

(6) That it shall be the duty of the mayor, commissioners and clerk to attend all the meetings of the board, unless prevented from so doing, and when convened a majority of the board may authorize and empower any officer in attendance upon the board to immediately bring before such board any member thereof not absent by permission of said board nor unavoidably otherwise prevented from voluntarily attending, in which latter event any excuse to be made by such absent member shall be made upon his appearance with said officer, and not otherwise, serious cases of illness or inability excepted: and it shall be the duty of the board to provide proper fines and penalties to insure a full attendance upon its said meetings, which in no case shall exceed a fine of fifty dollars. Mayor, commissioners and clerk to attend board meetings. Power to compel attendance.

(7) That when convened a majority of said board shall at any time have power to make and provide for the execution of such ordinances, by-laws, rules and regulations, and to fix such penalties and forfeitures for their violation, as may be authorized by this act, consistent with the laws of the land and necessary for the proper government of the town: *Provided*, that no penalty prescribed by the board shall, for the violation of any of the provisions of this act or of any ordinance, by-law, rule or regulation made in pursuance hereof, exceed fifty dollars or thirty days imprisonment, the latter to be as herein otherwise permitted or allowed. Commissioners to make ordinances and by-laws. And fix penalties and forfeitures. Proviso: limit of penalties.

SEC. 10. (1) That the board at the first meeting after their election shall, by a *visa voce* vote, which shall be subsequently recorded by the clerk upon the minutes of the board, elect a clerk, chief of police, city treasurer and tax collector, which latter office may, for economy and convenience, be combined with that of the chief of police: they may elect a street commissioner, or combine this with any other office, and such other officers, agents Board to elect officers.

and servants as may be necessary for the proper government of the town and its property.

Bonds of officers.

(2) That it shall be the duty of the board to require from said clerk, chief of police and treasurer and tax collector good and sufficient bonds, or undertakings, with not less than two sureties, conditioned upon the true, faithful and honest administration of the duties of their respective offices; and they may require such other bonds from any other officer, agent or servant of the town as they may deem proper.

Board created special court for investigating affairs of town.

(3) That among the powers conferred on the board are these: Said board, with the mayor as *ex officio* head thereof, and the town clerk as clerk thereof, shall be and it is hereby created a special court for the purpose, if necessary, of investigating the affairs of the said town, and may be convened upon a call of the mayor, or of two members thereof, with written notice to those not joining in said call, and upon process issuing from said court, signed by the mayor, or in event same be called by two members thereof, by the clerk of said court, may cause to be subpoenaed before it any person said court may deem necessary for the proper investigation of the matters before it pertaining to the affairs of said town, either past [or] present, which process may be directed to any lawful officer within the State, and, when attested by the seal of said town, shall run throughout the State and be executed in like manner as similar process issuing from the superior courts of the State is executed by said officers; said court may, in the furtherance of the purposes for which it is created, and as stated, administer oaths, and generally exercise and enforce such powers as are exercised and enforced by justices of the peace: *Provided*, it shall not so exercise such powers except for the specific purposes in this section stated: *Provided further*, that a record of each and every sitting of said court and its proceedings be kept and filed with the other papers of said town, and spread upon the minutes of said town in full when so ordered by the board of commissioners thereof: *Provided further*, that said special court shall have power to punish persons for a contempt thereof, or its process, in such manner and under such rules as the board of commissioners of said town may provide by ordinance: *Provided further*, that such punishment shall in no case exceed fifty dollars fine or thirty days imprisonment.

Proviso: limit to powers.

Proviso: records.

Proviso: may punish for contempt.

Proviso: limit of punishment.

General powers of board.

(4) That said board may ascertain the location, increase, reduce and establish the width and grade, regulate the repairs and keep clear the streets, sidewalks and alleys of the town and regulate the signs on or over the streets or sidewalks; establish and regulate, extend, lay out, open, establish the width and grade of streets and keep them clean, open and maintain others; establish and regulate public grounds, have charge of, improve, adorn and maintain the same; set out, cut and regulate the shade trees

of the town and protect them; appoint and regulate a police force and fix their salary; prohibit vagrancy and street begging; regulate, control, tax, license or prevent the establishment of junk or pawn-shops, their keepers or brokers; regulate the speed of railroad locomotives while passing through or shifting within the town, trains and electric cars; the charge for the carriage of persons, baggage or freight, either by public or private conveyance within the limits of said town, and the license thereof, or the prevention of the same; provide for the proper observance of the Sabbath, and the preservation of the peace, order and tranquility of the town. They may provide a board of health, with prescribed duties and powers and ways and means for the collection and preservation of vital statistics; promote the establishment and maintenance of public school buildings and educational facilities by the acquisition of land, the erection of buildings thereon and the equipment thereof, and such other things as may be necessary, within the corporate limits of the town. They may also construct, or contract for the construction, of a system of sewerage for the town, and protect and regulate the same by adequate ordinances, and, if it shall be necessary in obtaining proper outlets for the said system to extend the same beyond the corporate limits of the town, then in such case the board shall have the power to so extend it, and both within and without the corporate limits to condemn land for the purpose of right-of-way, or other requirements of the system, the proceedings for such condemnation to be as by law now provided.

SEC. 11. That they may, from time to time, whenever the health of the town may demand it, establish and create anywhere in Averasboro Township such sanitary district or districts as they may deem expedient, and the provisions of this charter, as well as all sanitary laws, ordinances, rules and regulations as may now or hereafter exist under the provisions of this charter, shall apply to the householders or occupants of the lots within said sanitary districts established as aforesaid, as if the same were within the corporate limits and said householders and occupants residents of said town: *Provided*, said sanitary districts shall not be farther than one mile from the corporate limits.

Sanitary district.

Proviso: not farther than one mile.

SEC. 12. That the board may require and compel the abatement of all public nuisances, houses of ill fame, and other like places where the laws of the land are openly and defiantly broken, and against the peace, dignity and morality of said town, within the town, or within one mile of the corporate limits of the town, at the expense of the owner causing the same, or the owner or tenant of the ground whereon the same shall be, and for this purpose the jurisdiction of the mayor's court, by this act created, is extended and enlarged, and in event the territory embraced within the language of this section shall extend over into a county other than that of Harnett, then and in that event the jurisdiction of

Further powers of board.

Jurisdiction of mayor's court enlarged.



- Proviso: right of appeal. said mayor's court shall follow and include the territory so embraced, regardless of what county the same may be in: *Provided*, that in cases of trial upon any criminal warrant the persons accused shall have the right of appeal to the superior court of the county in which the crime upon which said criminal warrant was issued was committed.
- Further general powers. SEC. 13. That they may prohibit and prevent by penalties the running at large of dogs, hogs, cattle and other brute animals; the riding or driving of horses or other animals at a speed greater than six miles per hour, or in a reckless manner, within the town limits, and may regulate and control the riding of bicycles; and also the firing of guns, pistols, crackers, gunpowder or other explosives, combustible or dangerous materials in the streets, public grounds or elsewhere in the town.
- Public buildings. SEC. 14. That they may establish and maintain all public buildings necessary and proper for the town, and prevent the erection or establishment of wooden buildings in any part of the town where they may increase the danger of fire, and may prescribe the character of building to be erected.
- Fire limits.
- Building permits. SEC. 15. 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 any other improvement of the same, if said buildings, additions, alterations or other improvements shall cost the estimated sum of 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 enforce the same by proper fines and penalties against such owner or lessee.
- Fee.
- Building inspectors. SEC. 16. That they may appoint a board of building inspectors, to consist of not less than three nor more than five freeholders of said city, to which the mayor, or chief of the fire department, shall be added as chairman *ex officio*, and prescribe the duties of said board of building inspectors, and provide by ordinance such rules and regulations concerning the construction and material of buildings within the corporate limits of said town with a view of protecting life and health in case of fire, accident or other causes, as they may deem necessary, and enforce the same by proper fines and penalties: *Provided*, that no compensation or additional compensation shall accrue to any member of said board: *Provided further*, that if said board is not so appointed, then the board of commissioners of said town may, as a whole or by committee, attend to and discharge the same duties as contemplated for said board of building inspectors.
- Proviso: no compensation.
- Proviso: commissioners to act if inspectors not appointed.
- Further general powers of board. SEC. 17. That they may provide an additional place of interment in or near the city and regulate the same, may appoint and pay a keeper, and compel the keeping and return of bills of mor-

tality, and shall prohibit further interment in cemeteries or grave-yards within the corporate limits of the town at any time they may deem such course necessary, and in all respects have control over the interment of the dead and over such cemeteries or grave-yards as may now be owned or hereafter acquired by said town.

SEC. 18. That they may provide for the establishment, organization, equipment and government of fire companies, and appoint three commissioners from their number to be known as the fire commissioners; and in all cases of fire a majority of the fire commissioners may, if they deem it necessary to stop the progress of the fire, cause any house to be blown up or pulled down, and the removal of any other property, for which they shall not be responsible to any one in damages; and in case the presence of a majority of the fire commissioners can not be had, the mayor, together with two commissioners of the town, and if they cannot be found, the mayor and two freeholders, and if the mayor cannot be found, then one commissioner and two freeholders, to be selected by such mayor or commissioners, at the time, shall perform the duties prescribed for the fire commissioners in this section.

SEC. 19. That they may take such measures as they may deem necessary to protect and maintain the health of the town, with full power to quarantine both in the town and to prevent the entrance and spreading therein, against persons affected with contagious or infectious diseases; may establish and regulate hospitals within the city, or within three miles thereof, and generally do that which may be necessary for the protection of the health and lives of the citizens and residents of said town, making such rules and regulations and imposing such fines and penalties, not inconsistent with this act, as they may deem proper.

SEC. 20. That in order to provide for the repair, improvement and keeping in order of the sidewalks of the said town the board may from time to time lay off and establish districts and divide the sidewalks into districts for their repair and improvement, and may from time to time establish the grade of the sidewalks in said districts, the width thereof, the cart lines and building line, and they need not be the same for all of said districts. They may by ordinance provide the character of the sidewalks to be established in the several districts. That every owner of a lot, or person having as great an interest therein as a lease for twenty years, which shall front on any street on which a sidewalk has been established and graded, shall improve in such manner as the board may direct, such sidewalks as far as it may extend along such lot, and on failure to do so within twenty days after notice by the chief of police to said owner, or lessee, or if either be a non-resident of the county of Harnett, to his or her agent, or if personal service of said notice cannot be had on such

Fire companies.

Fire commissioners.

Quarantine.

Powers and duties in regard to sidewalks.

owner, lessee, or agent of either, then after publication of a notice by the chief of police for thirty days in some newspaper published in Harnett County, calling on them to make such repairs or improvements, the board may cause the same to be repaired either with bricks, stone, gravel or cement, at their discretion, and as in such district provided, and the expense shall be paid by the person in default; said expenses shall be a lien upon said lot, or lots, and if not paid within sixty days after completion of said repairs and improvements, such lot or the interest of said lessee may be sold, or enough of the same to pay such expenses and costs, under the same rules and regulations, rights of redemption and savings as are prescribed by the general laws of the State for the sale of land for unpaid taxes, or an action in the nature of an action of foreclosure may be instituted in the courts of this State for the collection of such repairs and costs against said owner or lessee, and any judgment rendered thereon shall be a lien upon the lot or interest therein for the satisfaction of the amount due the town by the owner or lessee as aforesaid.

Enumeration of powers not to exclude powers under general law.

SEC. 21. That the hereinbefore and above enumeration of powers and duties of said board shall not be construed to mean the exclusion of other powers and rights and duties usually incident to municipal corporations, but said board shall be fixed with all powers, rights, privileges and duties as are usual with, or by necessary implication accrue to, municipal corporations.

#### CLERK.

Duties of clerk.

SEC. 22. That it shall be the duty of the town clerk to be present at all meetings of the said board, to keep and record in a book to be provided for that purpose, regular, full, true and fair minutes of the proceedings of the board, and, when required, of the mayor's court; to preserve, conveniently index and file the books, records, documents, papers and other articles committed to his use, care or custody, during the term of his office, and deliver them in good order and condition to his successor, and generally to do and perform such other duties as may be prescribed by this charter or by the said board.

Books of account.

SEC. 23. That it shall be the duty of the town clerk to keep true, accurate and just books of account of the dealings of and transactions of said town, which books shall show at all times the true condition of said town, its resources and liabilities, and the disposition and use of the moneys coming under the control of said town.

#### CHIEF OF POLICE.

Duties of chief of police.

SEC. 24. That the chief of police shall be the chief executive of the police force. He shall be chargeable with and responsible

for the execution of all the rules and regulations of the police department, and all the laws of the State within said town, and all ordinances, by-laws and regulations of said town made in pursuance of this act, and shall generally do and perform such other duties as may be by the board required of him; and it shall be the duty of said chief of police to make regular and stated reports to said board of the affairs of said department, together with such other matters as pertain to his office or the duties required of him.

SEC. 25. If any member of the police force, or if any two or more householders, shall report in writing under his or her signature to the chief of police that there are good grounds, stating such grounds, for believing that any house, room or premises within said town is kept or used as a common gambling house, common gambling room or common gambling premises for therein playing for wager of money or other thing of value at any game of chance, or to be kept or used for lewd or obscene purposes or amusements, or that within such place or places intoxicating liquors or beverages are sold contrary to law, then it shall be lawful for said chief of police to immediately procure warrant for the search of said place or places, and the arrest of all persons therein found, and such warrant may be so procured upon the oath of said chief of police that to the best of his knowledge, information and belief the facts as stated in said affidavit are true: and, upon the return of said warrant, such further proceedings shall be had as may be prescribed by law for other arrests: *Provided*, that this section shall not preclude any other action being taken under the laws of this State which could have otherwise been taken: *Provided further*, that for the furtherance of the object of this section the provisions contained in section twelve of this act shall be construed as a part hereof in so far as it is not inconsistent with the provisions of this section: *Provided further*, that for the furtherance of the object of this section, section one thousand and fifty of The Code of North Carolina is hereby incorporated in and made a part of this charter.

Gaming houses, houses of ill fame, and places where liquor is sold.

Proviso: other action not precluded.

Proviso: abated as nuisances.

Proviso: powers under The Code.

SEC. 26. That the police of said town shall have all the rights and powers of sheriffs under the general law to call to their aid the power of the town and county for the proper execution of any criminal process in their hands.

Rights and powers of police.

#### TREASURER.

SEC. 27. That it shall be the duty of the treasurer of said town to receive, upon order from the clerk thereof only, all moneys and securities and other things of value ordered to be kept by him, and his official bond shall immediately become liable for any moneys, securities or other things of value belonging to said town received otherwise than in this manner prescribed; and

Duties of treasurer.

upon said order it shall be the duty of the clerk to designate the particular account to which said item shall be applied and credited by said treasurer, and it shall be the further duty of said clerk to immediately upon, and at the time of, the issuance of said order enter upon the journal of said town debit charge against said treasurer for the amount so ordered to be received, and credit entries to the accounts thereto entitled; and upon receipt of such funds and items the treasurer shall be chargeable and responsible therefor, together with his boardmen.

To disburse funds on appropriation of board.

SEC. 28. That the treasurer shall disburse the funds upon the appropriation of the board of commissioners according to such vouchers as may be duly drawn on him in manner hereinafter prescribed; he shall keep in a book provided for that purpose a fair and correct account of all moneys received and disbursed by him, together with proper entries thereof to the accounts designated in the orders mentioned in section twenty-seven of this act, and show the purpose for which disbursements were made, and shall submit all such accounts to the board when required so to do. During his continuance in office he shall faithfully perform all the duties lawfully imposed upon him as town treasurer, and at the expiration of his term of office he shall deliver to his successor all the moneys, securities, books of record and other property entrusted to him for use, safe-keeping, disbursement or otherwise.

Vouchers.

SEC. 29. That all the vouchers drawn upon the treasurer shall be signed by the mayor and countersigned by the clerk, and shall state the purpose for which the money was appropriated by the board, and shall be taken from a book of vouchers to be provided by the board, and at the issuance thereof a full and fair stub of the contents of each voucher shall be entered upon the stub margin of said voucher book, each voucher shall be consecutively numbered, and upon payment thereof shall be by the treasurer preserved and filed with his regular reports, and no credit shall be given to said treasurer except for vouchers by him filed with said reports.

Bond of clerk.

SEC. 30. That for the better and more certain enforcement and observance of the provisions contained in sections twenty-seven, twenty-eight and twenty-nine of this act, it shall be the duty of the board to require of said town clerk a good and sufficient bond to insure the due, careful and efficient discharge of the duties of his office, with not less than two sureties, who shall each justify in double the amount of said bond: *Provided*, that an undertaking, given with any approved surety company doing business in this State as surety, shall be sufficient for any of the bonds or undertakings required by this act.

Proviso: surety company in lieu of personal sureties.

Finance committee.

SEC. 31. That at any time upon petition to said board of one-fifth of the resident tax-payers of said town, they shall at the



next annual election submit to the vote of the qualified voters of said town the question of whether or not there shall be created a finance committee, whose duty it shall be to annually examine the books and records pertaining to the financial condition of said town and make report of their proceedings and findings in writing to said board; and if a majority of said qualified voters shall vote for the creation of said committee, then it shall be the duty of the board of commissioners to appoint not less than three, nor more than five, freeholders of said town, not of their number, to act as such finance committee; and said committee shall have authority to make rules and regulations governing the same, and shall have power and authority to subpoena and examine under oath, and compel the attendance of, any and all persons that may be necessary to get a full and correct report: *Provided*, that any allowance to said finance committee for the services rendered shall not in any one year exceed the sum of twenty-five dollars: *Provided further*, that if after having voted for said finance committee said board shall fail to so appoint the same, they shall be guilty of a misdemeanor; if the finance committee, when so appointed, or any member thereof, shall fail to perform their duty, or duties, then such member or members thereof, unless prevented by sickness or other unavoidable cause, shall be guilty of a misdemeanor and fined not exceeding fifty dollars.

Powers of finance committee.

Proviso: misdemeanor.

#### REVENUE.

SEC. 32. That said board shall, not oftener than annually, levy a tax on real and personal property situated within the limits of said town not exceeding fifty cents on each one hundred dollars valuation and on each taxable poll one dollar and fifty cents, the constitutional equation to be ever observed.

Taxes.

SEC. 33. That during the month of June of each year the board 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 State and county purposes, and said list-taker, when so appointed, shall act in conjunction with the list-taker who shall have been appointed for Averagesboro Township to list property for taxation for State and county purposes, to the end that the taxes collected by said town may, as near as may be, conform in valuation of property to that collected for State and county purposes.

Tax-lister.

SEC. 34. That the board 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, whose duty it shall be, as soon as the tax lists are completed by the list-taker, to take and examine said list, and alter the same when necessary in the same manner and for the same purposes as county boards of equalization change or alter lists made by township list-takers, and any change made in

Board of equalization.

Proviso: joint  
action with county  
board.

the valuation of the property, real and personal, 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 the county boards of equalization: *Provided*, that it shall be the duty of said Board of Equalization of the Town of Dunn to act conjointly with the County Board of Equalization of Harnett County, to the end that property may be equally valued by each of said boards of equalization for all purposes of taxation.

License taxes.

SEC. 35. That said board shall have power, not oftener than annually, to impose and collect license taxes for the privilege of carrying on business or doing within the corporation any of the acts named in this section, viz.: On all circuses, shows, exhibitions for reward, all gift enterprises, each billiard or pool table, bowling alley or alley of a like kind, bagatelle table or any other table, stand or place for any other game or play, with or without name, unless such alley, stand, place or game, or table is kept for private amusement or exercise alone and not prohibited by law, and not kept or used in connection with any place where liquors are sold: every merchant, peddler, grocer, druggist and other traders who, as principal or agent, carries on the business of buying and selling goods, wares or merchandise of whatsoever name or description; hotels, boarding-houses, restaurants and eating-houses; auctioneers, commission merchants or agents, brokers, factors or other persons who deal upon a brokerage or percentage basis; life or fire insurance agents and sewing-machine agents, lightning-rod agents; every horse or mule drover, or person who buys and sells or receives horses or mules, or both for sale, and every person who keeps horses or mules for hire; every itinerant dentist or medical practitioner, portrait or miniature painter, and every person taking likenesses of the human face; on every itinerant soliciting orders for portraits, pictures and other like articles who delivers the same; every butcher or dealer in fresh meats; barber-shops, fresh-fish dealers—said board shall have power to regulate the sale of fresh meats and fresh fish by restricting their sale to certain localities in said town; every huckster, trader, merchant or his or their agents, who buys produce for sale upon other markets; every owner or driver of a dray or cart who hauls for pay; on every hack or other conveyance used for transportation of passengers for hire within or without said town; on all dogs and other subjects, persons and franchises within the town of Dunn that may be taxed by the General Assembly; upon each and every surface privy within the corporate limits of said town a license tax not exceeding three nor less than two dollars, to be regulated in such manner as the board may direct: *Provided*, that such occupant shall be hereby relieved from any and all liability as to the cleaning of said privy, and the same shall be cleaned in a regular and orderly manner at the expense of said town; upon every express, tele-

phone, telegraph, railway, tram-way and railroad company doing business in said town, a license tax not exceeding one per centum of its gross receipts in the town, such gross receipts to be given in upon oath of the managing agent of such company annually at the time when other taxes are listed, and under the same penalty as that prescribed in the laws of the State for failure to give in or list property for taxation; upon all encroachments on the streets or sidewalks by porches, piazzas, wooden sheds, stairways, passages, or other projections, and all excavations suffered or allowed by the commissioners, a tax not exceeding one dollar per square foot; upon all swine and goats not prohibited by the commissioners to remain in the town, a tax not exceeding three dollars per head; upon every physician, dentist or other medical or scientific specialist, whether permanently or temporarily located within said town for the practice of their art or profession; every person engaged in removing buildings; real estate agents or brokers; upon all persons, firms or corporations, whose business is that of selling or trading stocks, bonds or other securities upon margin or otherwise; upon all persons and places of business where cotton, grain or other commodity is sold or traded upon margin or otherwise, whether for present or future delivery, except merchants and farmers who *bona fide* trade and sell cotton, grain and other crops grown in this State; painters, art and other decorators; persons who deal in, trade or sell ice, other than manufacturers thereof, whose manufactory is located within said town; junk and pawn-shops; places where soft drinks and other beverages are sold, other than druggists. Where no reference is made, or where reference is made, to the sex of the persons and business herein allowed to be taxed, it shall be construed to include all persons whatsoever or howsoever associated, or under what term or name known. The board shall use the proceeds of this taxation to defray the necessary expenses of the town and for the improvement thereof, and the same shall be deposited and covered in the general fund in the hands of the treasurer in like manner as other moneys are by said treasurer received and deposited.

Appropriation of proceeds.

SEC. 36. That all license taxes shall be collected by the chief of police, or tax collector, who shall collect the same and issue a license therefor, signed by the mayor and countersigned by the clerk, which license shall not extend beyond June first next after it is issued, and which license shall be taken from a book of blanks to be furnished by the board, and it shall be the duty of the clerk to consecutively number each and every license issued and keep a true and full stub thereof in said blank license book, and, when removed from said license book, it shall thereupon be immediately chargeable against said chief of police, or tax collector; and no license not so issued shall be valid as evidence of the payment of the sum therein named, or for the purpose of car-

How tax collected and license issued.

Proviso: license returned.

rying on the business or other act therein designated: *Provided*, that in proper cases said board may relieve said chief of police, or tax collector, from the charge therefor upon his presentation to said board of said license so taken from said book, and upon the clerk, after order thereto, exhibiting to said board a proper entry across the face of the corresponding stub thereof of the final disposition of such license, and that same be destroyed by said board at the meeting wherein the other acts herein mentioned with reference thereto occur: *Provided further*, that the signature of said mayor may be by stamp or stencil, but that of said clerk shall be only upon detachment of said license from said license book.

Clerk to make out tax lists.

SEC. 37. That from the returns and lists, as provided by this act, the clerk within thirty days after the expiration of the time for taking said lists shall make out in two books kept or provided for that purpose an alphabetical list of the persons, companies and owners of property who have so made their returns in the same manner as tax lists are made out by law for the State and county taxes; one of said books to remain on file in the office of the clerk of said town with receipts unsigned, the other to be delivered to the chief of police, or tax collector, as herein-after provided; and it shall be the duty of said clerk to enter and charge against said chief of police, or tax collector, upon the books of the town the total amount of taxes contained in said tax books, subdividing the total charge into as many items as there are different purposes for which said taxes are levied; and it shall be the duty of the chief of police, or tax collector, to, on each day, or as often as more than fifty dollars shall come into his hands by reason of said tax books, apply to said clerk for an order to the treasurer of said town to receive such funds as may on that day, or at that time, be in his hands, stating and showing to said clerk the different accounts for which said taxes have been collected, whereupon said clerk shall, as hereinbefore provided, issue said order to receive; and it shall be the duty of the clerk upon each call of said chief of police, or tax collector, for order to treasurer to receive, to, with said chief of police and tax collector, detach from said book remaining on file in his said office, corresponding unsigned tax receipts to those accounted for at such times by said chief of police, or tax collector, the proceeds of which are asked by him to be received by said treasurer, retaining such unsigned corresponding tax receipts and presenting them to the board at its regular monthly meeting, and such unsigned corresponding tax receipts shall be at that time checked against the tax books in the hands of said chief of police, or tax collector, and his reports filed with and for said board.

List of persons failing to make returns.

Tax collector to pay over.

Order on treasurer to receive money.

Board to assess taxes.

Clerk to compute taxes.

SEC. 38. That at a meeting immediately following the return of said lists and returns for taxation, the board shall assess the tax for that year upon all the property subject to *ad valorem* taxes and special taxes, and as soon as such assessment is made the town clerk shall compute the taxes due from each person in the

same manner as the register of deeds, or other officer, is required to compute the State and county taxes, and shall, on or before the first day of September, complete said tax lists, making, as herein provided, two copies thereof.

SEC. 39. That the mayor and board of commissioners shall, not later than the first day of September of each year, turn one of said lists over to the chief of police, or tax collector, as the case may be, and shall endorse thereon an order to collect the taxes therein mentioned, and such order to collect shall have the force and effect of a judgment and execution against the real and personal property of the person charged in such list. Said order shall be in the following or similar form:

STATE OF NORTH CAROLINA.  
OFFICE OF THE MAYOR AND BOARD OF COMMISSIONERS  
OF THE TOWN OF DUNN.

Lists delivered to  
tax collector.

Form of order to  
collect.

*To the Tax Collector of the Town of Dunn:*

You are hereby commanded to collect the taxes herein mentioned according to the provisions and requirements of the law as set out in the charter of said town and according to the laws of the State of North Carolina.

In witness whereof the mayor and two of the commissioners of said town have hereunto set their hands and affixed the seal of the said town, this .... day of ....., 190...

.....  
Mayor.

(Corporate Seal.)

.....  
Commissioner.

.....  
Commissioner.

SEC. 40. That the town tax collector shall have the same right to garnishee any property or chose in action belonging to or due to any person for the collection of taxes due the town as sheriffs or tax collectors have for the collection of taxes due the State and county of Harnett.

Garnishee for  
taxes.

SEC. 41. That the town tax collector shall have the same right and power to levy upon and sell real and personal property or other thing of value belonging to any person for the collection of taxes due the town as sheriffs and tax collectors have for the collection of taxes due the State and county of Harnett: *Provided*, that on and after the first day of September in each year said town tax collector shall have the power to levy upon and sell, after notice, as to time, as required by the laws of the State, the personal property of any person appearing in said list, and shall have power to levy upon and sell real estate of any person appearing in said list on and after the first day of October in each year, and each and every sale may be independent of any other for the same

Power of sale for  
taxes.

Proviso: time for  
collection by  
distress.



Proviso: advertisement.

purpose: *Provided further*, that the advertisement required before the sale of either real or personal property shall be that of posting a notice of the same in four public places in said town, including the town hall, if any, and the post-office located in said town, or by publication in some newspaper published in said town: *Provided further*, that such sale, or sales, shall be made at and from the door of the town hall, or usual place of meeting of the town commissioners, and that in all other respects the sale of both real and personal property for the collection of said taxes shall conform to that applicable to sale for taxes by sheriffs or tax collectors in the collection of taxes for State and county purposes.

Proviso: place of sale.

#### MISCELLANEOUS.

Policemen to execute process.

SEC. 42. That the chief of police, or any member of the police force, or any other lawful officer of the county of Harnett or State of North Carolina, shall have authority to execute any process which by this act may be issued from and out of the mayor's court.

Encroachments on streets.

SEC. 43. That no basement, cellar, area, passage, entrance or other opening shall be excavated, made, built or permitted to remain under any sidewalk, nor shall any veranda, piazza, platform, entrance, stairway, passage, building or other projection or construction whatever, be permitted to occupy any space on or over any sidewalk or street in the town, unless annually or temporarily licensed and taxed by the board: and if free and safe passage of persons be hindered, obstructed, delayed, or in anywise endangered thereby, then no license shall issue therefor.

Books, records and documents open for inspection.

SEC. 44. That all the books, records, documents and papers, of every name and nature, belonging to the town government, or the officers thereof, in the performance of their official duties, shall be open to the inspection of any citizen tax-payer of the town at all times during ordinary business and office hours.

Transcripts of receipts and disbursements made and filed.

SEC. 45. That when called by the board or the finance committee, all of the officers and agents of the town shall make out and file with the board of finance committee, if one, a fair transcript of all receipts and disbursements in the department over which they preside. All of the officers of the city having any of the property of the town in charge shall report an inventory of the same, and each committee of the board shall submit reports, all of which said board may cause to be printed, and in no case shall these reports and inventories be longer delayed than once in each year.

Removal of officers for cause.

SEC. 46. That any officer or employee not elected by a vote of the people may be removed from office or employment at any time by a majority vote of the board, for cause; and if any officer or employee shall fail to give the bond or undertaking required by this act or by the board, his office or position shall, *ipso facto*, be vacant.

SEC. 47. That the board shall not have the power to give, grant or sell any exclusive privilege, franchise, charter or power for any purpose. Exclusive privileges forbidden.

SEC. 48. That the town of Dunn shall not have the right or power to, by and through its board of commissioners, or otherwise, in anywise change the ownership or control of its electric and water plants from that of municipal ownership, control and management to that of private ownership, control or management, either by lease, contract or otherwise, unless such act be approved by a majority of the qualified voters of said town at some regular election held in said town, or a special election called by the board for that purpose, which election shall be held and conducted under such rules as may be prescribed by the board, not inconsistent with the rules and regulations required by this act for the election of mayor and commissioners of said town. Electric and water plants.

SEC. 49. That upon petition of one-fifth of the qualified voters of said town, in writing, the board may call an election and submit to the qualified voters of said town the question of the appointment by said board of a committee, to be known as the sinking fund committee, which shall consist of not less than three nor more than five freeholders of said town, and shall otherwise be governed and have such duties as shall be prescribed for them by said board: *Provided*, that if any moneys arising from the collection of any special or general tax within said town shall be entrusted to said sinking fund committee, then and in that event said committee shall enter into a bond or undertaking, payable to the town of Dunn, for the faithful performance of any duties required of them in the handling and management of such fund or funds, and for a true, full and correct accounting therefor, which bond or undertaking shall be in double the sum so entrusted to said committee, and increased from time to time as necessary: said bond to have not less than two good and sufficient sureties, or otherwise, as in this act provided. Sinking fund committee.  
Proviso: bond of committee.

SEC. 50. That when the board shall deem it necessary and expedient to alter, enlarge, improve or otherwise beneficially change the condition and size of the public properties owned and controlled by said town of Dunn, they are authorized and empowered so to do; and for that purpose may use any of the moneys of said town in the general fund not otherwise at that time appropriated; and if by said board deemed necessary and expedient, they may, at any time and as often as they may deem proper, call an election, to be held as other elections in said town are held, and submit to the voters thereof the question of whether or not bonds shall be issued for the purpose of either altering, enlarging or improving or otherwise beneficially changing the size or condition of any of the public properties owned or controlled by said town: and if a majority of the qualified voters of said town shall approve an issue Enlargement and improvement of town properties.  
Elections on issuing bonds.

Proviso: further elections.

Appropriation for health or morals.

Misdemeanors of officers.

Proviso: other offenses not mitigated.

Board to appoint officers, agents and servants.

And fix compensation.

Conflicting laws repealed.

of bonds at such election or elections, then and in that event said board may so issue such bonds in such amount or amounts as may have been voted upon, and provide by levy and collection of taxes for the payment of interest and principal of said bonds: *Provided*, that whatever may be the result of any one election held under the provisions of this section, it shall not preclude the same or like questions being at other times submitted to the voters of said town, as provided in this section.

SEC. 51. That when the board shall deem it a public necessity to take any action looking to the betterment of the health or morals of said town, then they are authorized and empowered to appropriate for that purpose any moneys in the treasury thereof belonging to the general fund not otherwise at that time appropriated.

SEC. 52. That any mayor or member of the board of commissioners who shall fail, neglect or refuse to in due time call and provide for the elections by the people of town officers and for other purposes prescribed in this act, when under the terms of this act they are so required: every officer of the town who shall fail, neglect or refuse to keep the books of the office open to public inspection, and shall fail, neglect or refuse to keep proper books of account, showing all their transactions with the town, or to make proper returns and reports thereof, or to turn over and account for all the proceeds of all the fines, penalties and forfeitures imposed by the mayor, as required by the provisions of this act and the general laws relating to municipal corporations, or who, having been elected to the office of mayor, commissioner or other officer of the town, with his full knowledge and consent, shall fail, neglect or refuse to qualify, or who, having been elected to such office, shall enter upon the discharge of the duties thereof, or attempt to do so, without having first taken and subscribed and filed with the clerk of said town the oath of office prescribed by this act, and given the bond, if any, required by the provisions of this act, or by said board, or shall fail, neglect or refuse to account for and turn over to the treasurer of said town any moneys or other things of value which should properly go into the hands of said treasurer, belonging to said town, or shall fail, neglect or refuse to account for all moneys and property of said town entrusted to his care, custody or safe-keeping, shall be guilty of a misdemeanor: *Provided*, that this act shall not be construed to or as mitigating or lowering the grade of any crime which might otherwise grow out of any violation of the provisions hereof.

SEC. 53. That the board shall appoint such officers, agents and servants of said town as may be necessary for the proper management of the affairs of said town and as contemplated by the several provisions of this act, and shall have power to fix the compensation of all the officers, agents and servants of said town.

SEC. 54. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 55. 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. 1905.

#### CHAPTER 236.

#### AN ACT TO AMEND CHAPTER 195. PRIVATE LAWS OF 1889. SO AS TO CHANGE THE CORPORATE LIMITS OF THE TOWN OF TARBORO AND TO REDISTRICT THE SAME.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and ninety-five of Private Laws of eighteen hundred and eighty-nine be and the same is amended as follows, viz.: Strike out section two thereof and insert in lieu thereof the following, to-wit: That the following shall be the limits and boundaries of said town, viz.: Beginning at a point on Tar River in line with Panola farm, thence a line in a northward direction, parallel with Main Street, to Beaver Dam; thence eastwardly along Beaver Dam to a ditch; thence up said ditch in a northeasterly direction to where said ditch crosses St. James Street extended; thence a straight line in a northeasterly direction to a point perpendicular to St. John Street, eleven hundred (1100) feet east of present eastern limit of said town; thence northwardly a line parallel to Main Street to a point perpendicular to the south line of Wilson Avenue; thence westwardly a straight line, perpendicular to the south line of Wilson Avenue, to Lloyd's Avenue, as in division of J. W. Lloyd's land (see record in Edgecombe registry, book sixty-three, page four); thence northwardly along the western line of said avenue to a point perpendicular to Baker Street; thence down said perpendicular line to Baker Street in the present town limits; thence northwardly up said line to the railroad; thence westwardly along said railroad to the county road; thence along the west side of the county road northwardly to the corner of old store; thence a direct line from corner of old store westwardly to a point where the present town line from Hendricks Creek strikes the railroad; thence down said line southwardly to the hedge-row line between the West Tarboro Land Improvement Company's land and Arlington; thence westwardly down said hedge-row to Hendricks Creek; thence down Hendricks Creek to Tar River; thence up Tar River to the beginning.

SEC. 2. That section three of said chapter one hundred and ninety-five of Private Laws of eighteen hundred and eighty-nine be and the same is hereby stricken out and the following inserted in lieu thereof, viz.: The said town shall be divided into six wards, bounded as follows:

First ward. The First Ward.—Begin at the river on the west side of Main Street; thence with Main Street to Church Street; then down the south side of Church Street to the town limits; thence with town limits to beginning.

Second ward. The Second Ward.—Begin at the river on east side of Main Street; thence with Main Street to Church Street; thence down south side of Church Street to the town limits; thence with the town limits to beginning.

Third ward. The Third Ward.—Begin on the north side of Church Street at the western limits of the town; thence with Church Street to Main Street; thence up the west side of Main Street to Baker Street; thence down the south side of Baker Street to the western limits of the town; thence along said limits to starting point.

Fourth ward. The Fourth Ward.—Begin at the town eastern limit on north side of Church Street to Main Street; thence up the east side of Main Street to Baker Street; thence down the south side of Baker Street to the eastern town limit; thence along the town limit to beginning.

Fifth ward. The Fifth Ward.—Begin at the western limit on the north side of Baker Street; thence with Baker Street to Main Street; thence up the west side of Main Street to town limit; thence along the line of the town to the starting point.

Sixth ward. The Sixth Ward.—Begin at the eastern limit of the town on north side of Baker Street; thence with Baker Street to Main Street; thence up east side of Main Street to the town limits; thence along the town limit to beginning.

One commissioner for each ward.  
Elected in alternate years. That one commissioner from each ward shall be elected, and that commissioners be elected for the Third, Fifth and Sixth Wards on odd years, and for the First, Second and Fourth Wards on even years; and to that end John F. Shackelford, commissioner in First Ward; J. J. Green, commissioner in Second Ward, and William Arnheim, commissioner in Fourth Ward, shall continue to hold their office until the regular election for commissioners for the town of Tarboro in the year one thousand nine hundred and six.

Vacancies filled by board. SEC. 3. That in case of a vacancy in the board of commissioners, by death, removal from the ward, or otherwise, of any commissioner, the vacancy shall be filled by the board of commissioners until the next election for commissioners.

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. 1905.



## CHAPTER 237.

AN ACT TO INCORPORATE THE WINTON HIGH-GRADE  
PUBLIC SCHOOL.

WHEREAS, the Winton Male and Female Academy, in the town Preamble.  
of Winton, Hertford County, North Carolina, constructed and  
owned by stockholders, is for sale; and

WHEREAS, the treasurer of said town of Winton now has in hand  
a sufficient amount of money for the use and benefit of a public  
school for the town of Winton to purchase the said academy and  
ground, or to purchase a lot and construct a building thereon for  
the purpose of maintaining a high-grade public school for the white  
children: Now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That W. P. Shaw, A. I. Parker, W. P. Taylor, J. P. Corporators,  
Freeman, John E. Vann, J. C. Carter, T. J. Matthews, H. B. Vann,  
J. S. Shaw, A. J. Pierce, William Jordan and C. F. Griffin, they  
and their successors, be and they are hereby declared a body cor-  
porate, under the name and style of the "Winton High-Grade Pub- Corporate name.

lic School," with perpetual succession, with all rights and privi-  
leges pertaining to a corporation and with full power and author-  
ity, and they are hereby authorized and empowered, in their dis-  
cretion, to purchase the lot, building and other property of the  
Winton Male and Female Academy, in the town of Winton in  
Hertford County, or to purchase a lot and construct thereon suit-  
able buildings for the "Winton High-Grade Public School," out of  
the funds now in the hands of the treasurer of the said town of  
Winton belonging to the public schools of said town. To purchase  
academy.  
Or purchase lot and  
erect buildings.

SEC. 2. That the said corporators shall elect six trustees in their  
first meeting, three of whom shall serve for one and three for two  
years: and at each annual meeting of said corporators they shall  
fill all vacancies in the board of trustees caused by resignation,  
death or expiration of term: and after the first year the term of  
each trustee shall be for a term of two years. The title to all  
property purchased by virtue of this act, and all other property  
that may hereafter belong to said school, shall vest in the afore-  
said board of trustees and their successors. Said corporators and  
trustees shall not be personally liable for the debts of said corpo-  
ration or said school. Corporators shall  
elect trustees.  
Corporators and  
trustees not per-  
sonally liable.

SEC. 3. Said trustees may make such rules, by-laws and regula-  
tions for the management and operation of said school as they may  
deem proper. Trustees to pre-  
scribe rules for  
school.

SEC. 4. Said trustees may receive gifts, devises and conveyances  
of real and personal property, and hold same for the use and bene-  
fit of said school. Trustees to hold  
property for use of  
school.

SEC. 5. That this act shall be in force from and after its ratifi-  
cation.

In the General Assembly read three times, and ratified this the  
1st day of March, A. D. 1905.

## CHAPTER 238.

AN ACT TO AMEND, REVISE AND CONSOLIDATE THE  
CHARTER OF THE TOWN OF LEGGETT.*The General Assembly of North Carolina do enact:*Corporation  
continued.

SECTION 1. That the citizens of the town of Leggett, in the county of Edgecombe, be and the same is continued, as heretofore, a body politic and corporate, and shall bear the name of Leggett.

Corporate name.

Corporate limits.

SEC. 2. That the limits of said town shall be as follows: Beginning at a point three hundred and fifty (350) yards south of where the Lawrence Road enters the Tarboro Road and one hundred (100) yards west of the Tarboro Road; thence north sixteen hundred and fifty (1650) yards; thence west seven hundred (700) yards; thence east seven hundred (700) yards; thence south sixteen hundred and fifty (1650) yards to the beginning.

Town government.

SEC. 3. That the corporate powers and authority granted said town shall be vested in and exercised by three commissioners and a mayor, to be elected in accordance with the general laws regulating the election of officers for towns and cities, and such police and other officers as the commissioners shall elect.

Commissioners to  
fix salaries.

SEC. 4. The commissioners shall fix the salaries of all officers by them elected, as well as the salary of the mayor.

Taxes.

SEC. 5. The commissioners of said town, for the expense incident to improving and governing said town, shall, annually, before the first day of each July, levy a tax on all the real and personal property, choses in action, evidences of debt, solvent credits and all other kinds of estate not exempt under the State law in said town, not exceeding twenty-five cents on the hundred dollars worth, and a tax on all polls liable under the general law not exceeding seventy-five cents; also on all retailers of spirituous or vinous and malt liquors a tax not less than one hundred dollars and not exceeding three hundred dollars per annum, and collect said liquor tax every six months, in advance.

Tax on liquor  
dealers.

License taxes.

SEC. 6. The commissioners may in their discretion levy a tax on all trades, professions and things not hereinbefore mentioned for taxation on which town commissioners are authorized to levy a tax by virtue of section eighteen hundred of The Code of North Carolina.

Powers under  
general law.

SEC. 7. That the mayor, commissioners and officers shall have and exercise all the jurisdiction, rights and powers conferred under and by virtue of the law as contained in chapter sixty-two of The Code, not inconsistent with the powers herein specifically 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 1st day of March, A. D. 1905.

## CHAPTER 239.

## AN ACT TO INCORPORATE THE TOWN OF HUDSON, IN CALDWELL COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Hudson, in the county of Caldwell, Town incorporated.  
State of North Carolina, be and the same is hereby incorporated  
and made a municipal corporation by the name and style of Hud- Corporate name.  
son, with all the powers, rights and privileges conferred upon  
towns and cities by chapter sixty-two (62) of The Code of North  
Carolina, not inconsistent with the special provisions of this act.

SEC. 2. That the corporate limits of the said town shall be as Corporate limits.  
follows: Beginning at the Carolina and Northwestern depot and  
running with railroad in a northerly direction three-fourths ( $\frac{3}{4}$ )  
of a mile to a stone; thence from said depot with railroad and  
running in a southerly direction three-fourths ( $\frac{3}{4}$ ) of a mile to a  
stone; thence east one-half ( $\frac{1}{2}$ ) mile from any point of said rail-  
road between the aforesaid northern and southern limits; thence  
west one-half ( $\frac{1}{2}$ ) mile from any point of said railroad between  
northern and southern limit.

SEC. 3. That the officers of said town shall consist of a mayor Officers.  
and five commissioners, a chief of police and such other policemen  
as in the judgment of the mayor and commissioners may be neces-  
sary for the preservation of the peace and good order of said town.  
The said commissioners are hereby authorized to appoint a mayor Mayor pro tem.,  
*pro tem.* and a clerk and treasurer, each of whom may also be one clerk and treasurer.  
of the commissioners.

SEC. 4. That upon the taking effect of this act the following- Officers named.  
named persons shall fill the said offices of mayor and commission-  
ers, to-wit: Mayor, E. B. Phillips; commissioners, John A. Lingle,  
Barney B. Hayes, P. M. Thornburg, E. T. Hickman, T. J. Lutz;  
who shall hold and exercise their respective offices until the regu- Term of office.  
lar election for towns and cities in May, one thousand nine hun-  
dred and six (1906), or until their successors shall be elected and  
qualified; that the chief of police shall be elected by the commis- Chief of police.  
sioners and shall hold office during the pleasure of the commis-  
sioners; that in the event of a vacancy occurring in the office of Commissioners to  
mayor or commissioners, by death or resignation, or otherwise, fill vacancies.  
the commissioners shall elect to fill the unexpired term of said  
office, and their said appointees shall hold office until their suc-  
cessors shall be elected and qualified.

SEC. 5. That the said commissioners are authorized to levy a tax Tax rate.  
rate in said town which shall not exceed twenty (20) cents *ad*  
*valorem* tax on the one hundred dollars worth of property and  
sixty (60) cents on each taxable poll. The commissioners may License taxes.  
also levy license or occupation taxes upon the subjects mentioned  
in section three (3) of article five (5) of the State Constitution.

Road duty.	All persons in said town subject to road duty shall comply with the ordinance relative to same passed hereafter by town commissioners.
Prohibition.	That the manufacture or sale of spirituous, vinous or malt liquor is prohibited in the limits of said town and any person manufacturing or selling such liquors in said town shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.
Misdemeanor.	
Penalty.	
Jurisdiction of mayor.	SEC. 6. That the mayor of said town shall have the criminal jurisdiction of a justice of the peace as to all offenses committed within the limits of said town, and that no appeal shall be granted wherein the fine does not exceed ten dollars (\$10).
Powers of commissioners.	SEC. 7. That the commissioners shall have the power to make any and all by-laws, regulations or ordinances that they may deem necessary for the peace, health, convenience, good order and general upbuilding of the town.
	In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1905.

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#### CHAPTER 240.

### AN ACT TO INCORPORATE THE IMPERIAL TRUST AND SAVINGS COMPANY.

*The General Assembly of North Carolina do enact:*

Corporators.	SECTION 1. That B. Frank Melbane, F. M. Ellett, Jr., W. R. Walker, J. Sandford Patterson and F. L. Fuller, and their associates, successors and assigns, be and they are hereby created and constituted a body politic and corporate, under the name, style and title of "Imperial Trust and Savings Company," and by that name shall be able and capable in law to have and use a common seal, and the same break, alter and renew at pleasure; to sue and be sued, plead and be impleaded, and are hereby made able and capable in law to have, purchase, receive, take, hold, possess, enjoy and retain, to them and their successors, lands, rents, tenements, hereditaments, stock, goods, chattels and effects of whatever kind, nature or quality, whether real, personal or mixed, by gift, grant, demise, bargain and sale, devise, bequest, testament, legacy, loan, deposit or advance, or by any other mode of conveyance whatever, and the same to give, grant, bargain, sell, devise, convey, assure, transfer, alien, pay, release and dispose of, for the whole or any less estate or property than they have in the same, and also to improve and augment the same in such manner and form as the said corporation by its by-laws and regulations shall direct; and shall and may apply the rents, issues, income, interest and profits of such estate, and the moneys arising from the sale, alienation, disposal or employment thereof, to the uses, ends and purposes of
Corporate name.	
Formal enumeration of corporate powers.	

their creation and institution, according to the rules, regulations and orders of the corporation, as fully and effectually as any natural person or body corporate within this State can or may do or perform. The said corporation shall have power to make, ordain, establish and put in execution such by-laws, ordinances and regulations as to it shall hereafter seem meet or convenient for the government of such corporation, not being contrary to the Constitution and laws of this State or of the United States, and generally to do and execute all and singular such acts, matters and things which to the said corporation shall or may appertain and be necessary for the purposes thereof.

SEC. 2. That said corporation shall have the right to receive Banking powers, 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 legal rate of interest, 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 Securities, 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; to elect such officers as they may see fit, and prescribe their duties, compensation and terms of service.

SEC. 3. That said corporation shall be and is hereby authorized Safe-deposit business 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 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 therefor 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 corporation; and also to invest the capital Investments, or fund as may be deposited with said corporation for that purpose, from time to time, in such stocks, bonds and securities as may be



Deposits in trust  
and as security.

regarded advantageous and desirable. They shall have power to receive and hold on deposit and in trust, and as security, estate—real, personal or mixed—including notes, bonds, obligations of States, municipalities, corporations, companies and individuals, and the same to purchase, collect, adjust, settle, sell and dispose of, upon such terms as may be agreed upon between them and the parties contracting with them.

Powers as trust  
company.

SEC. 4. That said corporation shall 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 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. And in lieu of the bond or undertaking required

Undertaking in  
lieu of bond.

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 Clerk of Superior Court of Rockingham 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 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 Rockingham County under his official seal, shall be evidence in the courts of said State. Whenever it shall be made to appear that it is necessary, in order to secure the faithful performance of all 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 trust 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.

Condition of  
undertaking.

Copy of under-  
taking evidence.

Undertaking may  
be increased.

How corporation to  
qualify.

Deposits of  
fiduciaries.

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 corporation.

SEC. 6. That the principal office and place of business of said cor- Location.  
poration shall be at Spray, in Rockingham County, North Carolina.

SEC. 7. That the capital stock of said corporation shall be ten Capital stock.  
thousand dollars, divided into one hundred shares, of the par value  
of one hundred dollars each, which said capital stock may be in- Increase.  
creased at any time, or from time to time, by the vote of a majority  
of the stockholders, to any sum not finally exceeding one hundred  
and twenty-five thousand dollars. When five thousand dollars of When organization  
the capital stock is subscribed and paid for, the corporators named may be had.  
herein, or a majority of them, or their assigns, shall be deemed and  
held ready and capable to organize and to begin business.

SEC. 8. That said corporation shall have and is hereby granted Powers to guaran-  
power and authority to guarantee the payment of principal or in- tee obligations of  
terest of notes, bonds, bills of exchange, acceptances, checks and corporations or  
other securities, or evidences of debt, including the obligations of individuals.  
such corporations and individuals as may have secured their pay-  
ment by deed of trust made to this corporation, and to charge and  
receive for any guaranty such compensation as may be agreed on  
by the parties, and may take and receive interest as high as six per  
centum per annum, and may receive the said interest at the time of  
making said transaction, or at any other time.

SEC. 9. All deposits of money in the savings department of this Deposits in savings  
corporation shall be entered into the books of the corporation, and department.  
a book shall be given to each depositor, in which the sum deposited Pass-books.  
shall be entered, and which shall be the voucher or evidence of the  
property of the depositor in the hands of the corporation. On mak- Depositors to sign  
ing his first deposit the depositor shall be required to subscribe his regulations and  
or her name to the regulations and laws of the corporation, and such laws.  
signature shall conclusively signify his assent thereto.

SEC. 10. Whenever any deposit shall be made by or in the name of Deposits of minors  
any person being a minor, or a female, being or thereafter becoming and married  
a married woman, the same shall be held for the exclusive benefit women.  
of such depositor and free from all control and lien of any persons  
except creditors, and shall be paid, together with interest thereon,  
to the person in whose name the deposit shall have been made, and  
the receipt or acquittance of such minor or female shall be a valid  
and sufficient release and discharge for such deposit, or any part  
thereof, to the corporation. And whenever any deposit shall be Deposits by  
made by any person in trust for another, and no other or further trustees.  
notice of the existence and terms of a legal and valid trust shall  
have been given in writing, duly attested, to the corporation, in the  
event of the death of the trustee the said deposit, or any part thereof,  
together with all interest thereon, may be paid to the person for whom  
the deposit was made.

SEC. 11. In case the pass-book of a depositor is lost, or the officers Indemnity bonds.  
of the corporation shall doubt the identity of any person claiming a  
deposit, or any part of it, or the right of any one claiming to be the  
representative of any deceased or other depositor, they may require

Company's assent  
necessary to trans-  
fer of deposit.

Interest on  
deposits.

and demand an adequate bond of indemnity against any other claim or demand before paying such deposit or any part of it. But no assignment or transfer of a pass-book and deposit shall be binding on said corporation, or have any legal force or effect, unless said corporation assent in writing to such transfer or assignment.

SEC. 12. The corporation shall pay to its depositors who allow their savings deposits to remain four 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 corporation's hands four 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 or increase the time required for deposits to be on hand before interest begins, and so as to make the computation and addition of interest to deposit monthly, quarterly or semi-annually, as they see fit, and as often as they please.

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

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1905.

## CHAPTER 241.

### AN ACT TO PROVIDE FOR THE ADOPTION OF AN OFFICIAL MAP FOR THE TOWN OF LUMBERTON.

*The General Assembly of North Carolina do enact:*

Map to be official  
when adopted by  
town commis-  
sioners.

SECTION 1. That the map of the town of Lumberton and of the boundaries thereof as established by an act of the General Assembly of North Carolina at its session of one thousand nine hundred and five, and of the adjoining and adjacent lands, made by J. E. Purcell, a civil engineer, bearing the date November first, one thousand nine hundred and four, when approved and adopted by the Mayor and Board of Commissioners of the Town of Lumberton at a regular meeting of said board, shall be and constitute the official map of the town of Lumberton.

Minute of adoption  
to be attached to  
map.

SEC. 2. That upon the adoption of the said map by the board of commissioners of said town it shall be the duty of the mayor and town clerk and treasurer to cause a minute of its adoption, with the date thereof, to be spread upon said map and to cause the same to be signed by the said J. E. Purcell, and the said mayor and town clerk and treasurer shall sign the same in their official capacities and cause the corporate seal of the town of Lumberton to be affixed thereto, and the said Purcell and the said mayor and town clerk and treasurer shall acknowledge the same before the Clerk of the Superior Court of Robeson County, and shall cause

the same to be recorded in the office of the Register of Deeds of Robeson County. Map and minute to be recorded.

SEC. 3. That upon the compliance with the provisions of sections one and two of this act the said map shall be *prima facie* evidence of the true locations of all lots, corners, streets, squares, lines and boundaries as contained within the corporate limits of the town of Lumberton as established by the General Assembly of North Carolina at its session of one thousand nine hundred and five, and shall be received as *prima facie* evidence thereof by all the courts of this State in all matters and disputes concerning the same, and the copy thereof upon the books of the register's office of Robeson County shall be received in evidence to the same extent as the original copy of said map. Map to be prima facie evidence.

SEC. 4. It shall be the duty of the town clerk and treasurer to cause a copy of said map to be inserted in a book to be kept for that purpose, which said book shall be at all times open for the inspection of any citizen of said town of Lumberton, and said clerk and treasurer shall likewise cause a copy thereof to be spread upon the minutes of the board of commissioners of said town. Recorded copy to have force of original.

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

In the General Assembly read three times, and ratified this 1st day of March, A. D. 1905.

## CHAPTER 242.

### AN ACT TO AMEND CHAPTER 39 OF THE PRIVATE LAWS OF 1903, RELATIVE TO BONDS AUTHORIZED TO BE ISSUED BY MOUNT OLIVE GRADED SCHOOL DISTRICT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of chapter thirty-nine, Private Laws of one thousand nine hundred and three, be amended by striking out the words "the Bank of Mount Olive, N. C.," in line seventeen, and inserting in lieu thereof the words "such bank or place as the board of trustees of said graded school district may select." Place of payment to be fixed by trustees.

SEC. 2. That section two of said act be and the same is hereby amended by adding thereto the following: "The said Mount Olive Graded School District are authorized, however, to pay a commission or brokerage of not exceeding ten per cent., in their judgment it is necessary in order to effect the sale of said bonds."

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

In the General Assembly read three times, and ratified this 1st day of March, A. D. 1905.

## CHAPTER 243.

AN ACT TO INCORPORATE THE METHODIST PROTESTANT  
COLLEGE OF NORTH CAROLINA.*The General Assembly of North Carolina do enact:*

Corporators.	SECTION 1. That for the purpose of establishing a college or other institution or institutions of learning the following-named persons, to-wit, F. R. Harris, W. P. Pickett, R. H. Brooks, W. A. Bunch, R. M. Andrews, J. Norman Wills, A. G. Dixon, T. M. Johnson and J. D. Williams, and their successors to be elected as hereinafter provided, are hereby created a body politic and corporate
Corporate name.	by the name and style of "Methodist Protestant College of North Carolina," and by that name they shall have perpetual succession
Formal enumeration of corporate rights.	and a common seal, may sue and be sued, and may purchase, take, receive and hold any real or personal property whatever, and may
Limitation.	sell, transfer, lease, mortgage and convey any such property. But nothing in this section shall authorize said corporation to use or dispose of any property given, bequeathed, devised or conveyed to it contrary to the conditions annexed to any such gift, bequest, devise or conveyance. The persons hereinbefore mentioned shall
Corporators to be trustees.	be and remain the trustees of said corporation until their successors are elected as hereinafter provided. The name of this corporation may be changed by the board of trustees by a resolution adopted with the concurrence of two-thirds of its entire number at a meeting of which due notice shall be given specifying its time, place and object. A certified copy of such resolution shall be filed with the Secretary of State.
Trustees may change corporate name.	
Election of trustees.	SEC. 2. That the general management of said corporation shall be held and exercised by a board of trustees to be elected by the North Carolina Annual Conference of the Methodist Protestant Church. The said board shall consist of twelve trustees, who shall severally hold said office for the term of six years and until their successors are elected, except as hereinafter provided. At the first election of trustees two shall be elected for the term of one year; two for the term of two years; two for the term of three years; two for the term of four years; two for the term of five years; and two for the term of six years: the intent of this provision being to so arrange the terms of the trustees that two shall be elected by each subsequent annual conference as the respective
Number.	vacancies may occur. All vacancies occurring otherwise than by the expiration of the term shall be filled by the board of trustees for the remainder of such term.
Terms of office.	
Vacancies filled by trustees.	
Powers of trustees.	SEC. 3. That said board of trustees shall have the general management, supervision and control of said corporation. They shall have power to make such rules, regulations and by-laws, not inconsistent with the Constitution and laws of the United States or of



this State, as may be necessary for the good government of said college and the management of the property and funds of the same. They may provide for and elect a chairman and such other officers of their own body, and also a president, professors and such other officers for the management of the college as they may deem necessary and proper: and may prescribe the tenure, duties and compensation of all such officers, whether of their own board or of the college. They may, after reasonable notice and for cause stated, to be entered on their record, remove by a two-thirds vote of their entire body any or all of such officers as they may deem proper. They may constitute and appoint from their own body an executive committee of such number as they may determine, to which they may delegate for the ensuing year such special or general powers within their own jurisdiction as they may deem proper. They may fix and change the times and places of meetings, and adjourn from day to day, or to a day certain, in their discretion. A majority of their board shall constitute a quorum. The president of the college shall be *ex officio* a member of the board of trustees during his continuance in office, in addition to the regular number, unless already a member thereof.

Organization.

President, professors and other officers.

Removal of officers.

Executive committee.

Time and place of meeting.

Quorum.

President *ex officio* member of board.

SEC. 4. That the president and faculty of the said college may, with the approval of its board of trustees, confer such degrees, diplomas or other marks of literary, scientific or academic distinction as are usually conferred by colleges and universities.

Degrees and diplomas.

SEC. 5. That the real and personal property of said corporation shall be exempt from taxation so long as it, or the income therefrom, shall be held and used for educational purposes.

Exemption from taxation.

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

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1905.

#### CHAPTER 244.

#### AN ACT TO PROVIDE FOR THE REPAIR OF THE PUBLIC STREETS OF THE TOWN OF LUMBERTON.

*The General Assembly of North Carolina do enact:*

The charter of the town of Lumberton as contained in chapter two hundred and fifteen (215), Private Acts of eighteen hundred and ninety-nine (1899), be and the same is hereby amended by inserting the following sections at the end thereof:

SECTION 1. That every owner of a lot, or person having as great an interest therein as a lease for five years, which shall front any street on which a sidewalk has been established, shall improve such sidewalk as far as it may extend along such lot in such

Lot-owners to improve sidewalks.

On failure of owner commissioners to make repairs.

Two-thirds of expense to be borne by owner. Expense a lien on property. Enforcement of lien.

Streets to which power extends.

Commissioners to enact ordinances.

Conflicting laws repealed.

manner as the board of commissioners of said town may direct, and on failure to do so within twenty (20) days after notice by the town constable to said owner, or, if he be a non-resident of the county of Robeson, to his agent, or if such non-resident have no agent within said county, then after publication in some newspaper published within said county for thirty (30) days, calling on the owner to make such repairs, the board of commissioners may cause the same to be repaired either with brick, stone, gravel, cement or otherwise, at their discretion, and the expense thereof shall be paid one-third by the town of Lumberton and two-thirds by the person in default. Said expense shall be a lien upon said lot, and if not paid within six months after the completion of the repairs such lot may be sold, or enough of the same to pay such expenses and cost, under the same rules, regulations and restrictions, rights of redemption and savings as are prescribed in the charter of the town of Lumberton for the sale of land for unpaid taxes.

SEC. 2. That this act shall only apply to such of the public streets within said town as are designated as follows: To Elm Street between the depot of the Seaboard Air Line Railway, or the Carolina Central Railway and Fifth Street; to Fourth Street from Elm Street to a point one hundred and fifty feet westwardly therefrom; to Fourth Street from Elm Street to a point one hundred and fifty feet eastwardly therefrom; to Fifth Street from Elm Street to a point one hundred and fifty feet westwardly therefrom.

SEC. 3. The board of commissioners of said town shall have the power to enact such ordinances as may be necessary to carry the provisions of this act into effect.

SEC. 4. All laws and clauses of laws in conflict with the provisions of this act be and the same 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 1st day of March, A. D. 1905.

## CHAPTER 245.

### AN ACT TO AMEND THE CHARTER OF THE CITY OF SALISBURY.

*The General Assembly of North Carolina do enact:*

City may mortgage real estate.

SECTION 1. That section one, chapter one hundred and eighty-six, of the Private Laws of North Carolina be amended by adding to said section the following: "And the city of Salisbury may mortgage any of the real property owned by it for the purpose of securing any moneys borrowed by said city on account of the current expenses of said city or for the benefit of the Salisbury Graded Schools or to erect new buildings or to pay for buildings

heretofore erected for graded school purposes. For any sums of money so borrowed the city of Salisbury may execute promissory notes, with the approval of the board of aldermen, signed by its mayor and attested by its clerk or treasurer and sealed with the seal of the city."

SEC. 2. That section eighty-five of said chapter be amended so as to read as follows: "The city of Salisbury, with the approval of the board of aldermen, may borrow from time to time during any fiscal year sums of money not exceeding thirty thousand dollars, in such amounts as the same may be needed for the expenses and obligations of said city, at a rate of interest not exceeding six per centum per annum, and may execute therefor the notes of said city, sealed with its corporate seal and signed as aforesaid; and all sums so borrowed shall be paid out of the municipal taxes for that or the succeeding fiscal year; and no such loan shall be made to become due at a date later than the expiration of the fiscal year next succeeding the year in which the said sum was borrowed. It shall be the duty of the mayor and board of aldermen to pay every such loan during the fiscal year in which said debt shall become due, or, if there shall be no funds in the city treasury sufficient to pay the same, the notes given for such loans may be taken up and new notes executed therefor. Every such note so renewed shall be considered a new loan and a part of the said sum of thirty thousand dollars which the said city is herein authorized to borrow during the fiscal year in which said new notes are given."

City may borrow money.

Limit.

Money to be paid from taxes of succeeding year.

When notes due.

Duty of mayor and aldermen.

Notes may be renewed. Renewal to be new loan.

SEC. 3. That subsection two of section forty-two of said chapter shall be amended by striking out the words "not exceeding \$2.70 (two dollars and seventy cents)" and insert in lieu thereof "three dollars."

Tax limits.

SEC. 4. That the words "not exceeding," wherever the same may appear in said chapter or any section thereof, shall be stricken out.

Limits removed.

SEC. 5. That subsection (10) of section fifty-four of said chapter shall be amended by striking out of said subsection down to and including the words "aldermen" in line five and inserting in lieu thereof the following: "(10) On any business, trade, occupation, calling, or franchise not otherwise taxable in said chapter or charter, a tax to be fixed by said board of aldermen."

Additional subjects of license tax.

SEC. 6. That the said board of aldermen is authorized to reduce or increase the taxes fixed in the charter of Salisbury or in said chapter according to the best judgment or discretion of said board: *Provided*, that the tax on property shall not be greater than ninety cents on the one hundred dollars worth and the poll tax shall not be greater than three dollars.

Taxing power of aldermen.

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

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1905.

## CHAPTER 246.

## AN ACT TO INCORPORATE THE TOWN OF MACON IN WARREN COUNTY.

*The General Assembly of North Carolina do enact:*

- Town incorporated. SECTION 1. That the town of Macon in the county of Warren be and the same is hereby incorporated by the name and style of the
- Corporate name. "Town of Macon," and it shall be subject to all the provisions of law now existing in reference to incorporated towns.
- Corporate limits. SEC. 2. The corporate limits of said town shall be as follows: Bounded on the north by the present corporate line; on the east, by the present corporate line; on the south, by Little Fishing Creek; on the west, by Brown and Edgerton line.
- Town officers. SEC. 3. That the officers of said town shall consist of a mayor, five commissioners and a chief of police, and the following-named
- Officers named. persons shall fill said offices until the next general election for cities and towns, as provided in chapter seven hundred and fifty, Public Laws of one thousand nine hundred and one, to-wit: Mayor, R. B. Thornton; commissioners, W. G. Edgerton, J. E. Rodwell, J. L. Coleman, M. P. Perry; and J. S. Nowell, chief of police.
- Town elections to be biennial. SEC. 4. There shall be an election held for officers mentioned in this act on Tuesday after the first Monday in May, one thousand nine hundred and five, and biennially thereafter, as provided in the above-mentioned act.
- Powers of commissioners. SEC. 5. That the commissioners shall have power to pass all by-laws, rules and regulations for the good government of the town of Macon, not inconsistent with the laws of the United States and the State of North Carolina, and levy and collect a tax on all subjects of State taxation not to exceed one dollar on the poll and thirty-three and one-third cents on the one hundred dollars valuation of property, and to impose fines and penalties and collect the same.
- Tax limit. SEC. 6. That this act shall be in force from and after its ratification.
- In the General Assembly read three times, and ratified this 1st day of March, A. D. 1905.

## CHAPTER 247.

AN ACT TO AMEND CHARTER OF THE TOWN OF MAXTON  
IN ROBESON COUNTY, CHAPTER 25 OF THE PRIVATE  
LAWS OF 1887.*The General Assembly of North Carolina do enact:*

SECTION 1. That section forty-four, chapter twenty-five, of the Private Laws of one thousand eight hundred and eighty-seven be and the same is hereby amended, by adding at the end of said section the following: "That the said commissioners shall have power to annually levy and cause to be collected, at such times during each year as they may deem expedient, such an amount of taxes, not exceeding five hundred dollars, as they may see fit, upon every individual, firm or corporation, his, their or its agents, engaged in the business of selling or buying any one or more of the following articles or commodities, to-wit: Farm products, cotton, corn, wheat, sugar, coffee, salt and meat, railroad stocks and bonds and stocks and bonds of other kinds, or any other article or commodity for future purchase, sale or delivery, commonly called "futures," whether such business is done through regularly organized stock and cotton exchanges, "bucket shops" or boards of trade: *Provided*, that if the said commissioners shall see fit, they may refuse to allow any person, firm or corporation to engage in aforesaid business by making it unlawful to engage in the said business, and may exclude and prohibit any person, firm or corporation, his, their or its agents, from so engaging in said business. The said commissioners shall also have power to annually levy and cause to be collected, at such times during each year as they may deem expedient, such an amount of taxes as to the said commissioners shall seem fair, equitable and right, on every business, calling, trade or profession which may be carried on in said town, not enumerated in section forty-four, chapter twenty-five, of the Private Laws of one thousand eight hundred and eighty-seven, which under the State Laws are subject to license taxes, the taxing of which, by the said town, will not be in conflict with the State laws now in effect."

Tax on dealers in futures.

Proviso: commissioners may refuse license.

Further subjects of license taxation.

SEC. 2. This act shall be in force from and after June first, one thousand nine hundred and five.

In effect from 1st June.

In the General Assembly read three times, and ratified this 1st day of March, A. D. 1905.



## CHAPTER 248.

AN ACT TO INCORPORATE THE TOWN OF HIGHLAND, IN  
CATAWBA COUNTY.*The General Assembly of North Carolina do enact:*

Town incorporated.	SECTION 1. That the town of Highland in the county of Catawba
Corporate name.	be and the same is hereby incorporated under the name and style of "Highland," and the inhabitants thereof shall be subject to all the provisions in the laws of North Carolina in reference to incorporated towns and not inconsistent with the provisions of this act.
Corporate limits.	SEC. 2. That the corporate limits of said town shall be determined by closing in lines beginning at a stone in a line of the corporate limits of the city of Hickory, near P. C. Coon's residence, and running with a line of said corporate limits in a northwest direction, one-half mile to a stake; thence to a stake at Landan Bowman's residence; thence northward to D. F. Eckard's residence; thence to a stake at James Eckard's residence; thence to Edward White's residence; thence to H. C. Killian's residence; thence to Chas. Eckard's residence; thence to a stake in a line of the corporate limits of Hickory, one-half mile in a southward direction from the beginning point; thence with the corporate limits of the city of Hickory northward to the beginning.
Town officers.	SEC. 3. That the officers of said town shall consist of a mayor
Duties of mayor.	and four commissioners; the mayor, when present, shall preside at the meeting of said board of commissioners, but shall not be
Mayor pro tem.	entitled to a vote, except in case of a tie. In the absence of the mayor the board may appoint one of their number to act as mayor
Officers named.	<i>pro tem.</i> ; and the following-named persons shall fill said offices until the first Monday in May, one thousand nine hundred and five, and until their successors are elected and qualified, to-wit: Mayor, O. T. Rockett; commissioners, H. C. Killian, P. C. Coons,
Officers to qualify.	Perry Hefner and W. J. Norton. Said officers, before entering upon the discharge of their duties, shall take and subscribe an oath to support the Constitution and laws of North Carolina, and
Police, secretary and treasurer.	shall have power to appoint a chief of police and as many others as may be necessary, and a secretary and treasurer, who shall hold their respective offices for one year, and until their successors are appointed and qualified.
Elections.	SEC. 4. That it shall be the duty of the commissioners of said town to provide for an election on the first Monday in May, one thousand nine hundred and five, and annually thereafter, according to the laws of the State, and the officers elected shall hold their offices until their successors are elected and qualified.
Qualification of voters.	SEC. 5. All qualified electors of the State who have been residents of the town for sixty days prior to any election in said town shall be entitled to vote.
Powers of commissioners.	SEC. 6. That the commissioners of said town shall have power to pass all by-laws, rules and regulations necessary for the good

government of said town, not inconsistent with the laws of this State. They shall have power to levy and collect a tax not exceeding forty-five cents on the poll and not to exceed fifteen cents on the one hundred dollars valuation of all property, real, personal and mixed; and also shall have power to tax all other subjects of State taxation not to exceed one-half of the State tax; and shall also have power to abate all nuisances, and may impose such fines and penalties as may be necessary to abate them; and shall also have full control of the streets and public roads, to open out and keep in repair such as are needed for the public convenience of the town.

SEC. 7. That the manufacture and sale of spirituous, vinous and malt liquors in said town shall be subject to the act incorporating Lenoir College. Manufacture and sale of liquors.

SEC. 8. That any person violating any ordinance of said town shall be guilty of a misdemeanor, but the punishment thereof upon conviction shall not exceed a fine of fifty dollars or imprisonment not to exceed thirty days. Violation of ordinance a misdemeanor. Penalty.

SEC. 9. That the board of commissioners at their first meeting, after being qualified, shall elect a town clerk and treasurer, a chief policeman, who shall, before entering upon their duty, take an oath before the mayor, or some justice of the peace, to faithfully execute the duties imposed upon them by virtue of their office; and they may receive such compensation as the board of commissioners may allow. And they shall also appoint a tax collector, whose duty it shall be to collect all taxes for the town and pay the same over to the treasurer. Election and qualification of town clerk and treasurer and chief policeman. Election and duties of tax collector.

SEC. 10. That the clerk shall keep a regular and fair minute of the board and preserve all books, papers and moneys committed to his charge, and pay out all money as directed by the board of commissioners of the town; and he shall keep a correct account of all money received and from what source received, and submit said accounts to the board of commissioners when required, and return all books, papers and moneys over to his successors. Duties of clerk.

SEC. 11. That the mayor shall perform such duties as may be prescribed; and he shall receive such compensation and fees as may be allowed by the board of commissioners and the ordinances of the corporation. That the commissioners shall form one board, and a majority of them shall be competent to perform any business. Duties and compensation of mayor. Quorum of commissioners.

SEC. 12. After the mayor shall have been duly elected and qualified he shall call the commissioners elected before him, within three days, and they shall then and there take an oath to discharge the duties imposed upon them by virtue of their office as commissioners to the best of their abilities, which oath may be issued by the mayor or any justice of the peace. Qualification of commissioners.

Precepts of mayor. SEC. 13. That the Mayor of the Town of Highland may issue his precepts to any constable, policeman or to such officers as are required to execute processes issued by a justice of the peace.

Mayor to keep minutes. SEC. 14. That the mayor shall keep a faithful minute of the precepts issued by him and all his judicial proceedings.

Mayor to qualify. SEC. 15. The mayor-elect of said town shall, within three days after notification of his election, take the oath prescribed, before any justice of the peace of Catawba County. The mayor is hereby constituted an inferior court, and as such shall, within the corporate limits of said town of Highland, have all the power, jurisdiction

Jurisdiction. tion and authority of a justice of the peace in all criminal matters. Mayor a special court. The mayor shall further be a special criminal court, within the corporate limits of said town, to have arrested and try all persons who are charged with a misdemeanor for violating any ordinance of said town. The proceedings in said court shall be the same as are now or hereafter shall be prescribed for courts of justices of the peace, and in all cases there shall be a right to appeal; and in all cases where a defendant may be adjudged to be imprisoned by said mayor, it shall be lawful and competent for him to adjudge also that the said defendant, during the period of his confinement, to work on public streets or roads, or other public works of said town; and it may be and shall be lawful for the mayor, when he has entered up a judgment against a defendant for fine or penalty, if the same is not paid, to order and require that such person or persons so convicted to work on the streets, or public roads, or public works, under the supervision of the policeman of said town, at the rate of from fifty cents to one dollar per day, until amount of fine and costs are paid.

Jurisdiction.

Appeal. Prisoners may be worked on streets.

Fine and penalty to be worked out.

Citizens subject to road duty. SEC. 16. That all male inhabitants of said town of Highland, between the age of eighteen and forty-five years, shall be subject to road and street duty within the limits of said town, unless they be exempt from duty by the town commissioners for disabilities: *Provided, however,* that they may pay a poll tax levied by the town commissioners for road and street purposes, or work out the same on the roads or streets at a *per diem* fixed by the town commissioners.

Proviso: poll tax in lieu of road duty.

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

In the General Assembly read three times, and ratified this 1st day of March, A. D. 1905.

## CHAPTER 249.

AN ACT TO INCORPORATE THE TOWN OF COUNCIL IN  
BLADEN COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Council in the county of Bladen be Town incorporated, and the same is hereby incorporated by the name and style of the Corporate name, "Town of Council," and shall be subject to all the provisions contained in chapter sixty-two of volume two of The Code not inconsistent with this act.

SEC. 2. The corporate limits of said town shall be as follows: Corporate limits. "Beginning at the center of the C. C. R. R. track, on the west side of Friar Swamp, and runs at right angle from said railroad in a southerly direction forty (40) chains to a stake, the first corner of the survey; thence a right angle from said first corner in an easterly direction eighty (80) chains to a stake, the second corner of the survey; thence a right angle from the said second corner in a northerly direction eighty (80) chains to a stake, the third corner of the survey; thence a right angle from said third corner, in a westerly direction, eighty (80) chains to a stake, the fourth corner of the survey; thence a right angle from said fourth corner in a southerly direction, a direct line forty (40) chains to the beginning, being a square mile."

SEC. 3. That the officers of said corporation shall consist of a Town officers, mayor, three commissioners, marshal, regular and special policemen, clerk and treasurer, and such other officers as the town commissioners may elect; and the following-named persons shall fill Officers named. the offices of mayor and commissioners from their qualification until the first Monday in May, one thousand nine hundred and five, and until their successors are elected and qualified: Mayor, J. S. Nicholson; commissioners, W. C. Vick, W. D. Shaw, A. B. Holmes.

SEC. 4. That the marshal, clerk and treasurer, and regular Appointment of policemen shall be appointed by the town commissioners, and the minor officers. special policemen shall be appointed by the mayor.

SEC. 5. That the marshal may appoint an assistant marshal, Assistant marshal. who, in the absence of the marshal, shall have all powers and discharge all the duties of the marshal.

SEC. 6. An election shall be held in said town on the first Mon- Elections to be day in May, one thousand nine hundred and five, and biennially thereafter, for a mayor and three commissioners, under the laws of North Carolina regulating elections in towns and cities.

SEC. 7. That the mayor and commissioners shall form a council. Powers of council. and may make, publish and enforce ordinances for the government of said town, not inconsistent with the Constitution of the United States, the Constitution of North Carolina and laws of said sov-

Proviso: prohibition.

eignties: *Provided*, that no spirituous, vinous, malt or other intoxicating liquors or bitters shall be manufactured or sold in said town of Council.

Officers to qualify.

SEC. 8. That the officers provided for by this act shall qualify within ten days after its ratification, before a justice of the peace, or the clerk of the superior court, and all officers hereafter elected shall qualify in like manner.

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

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1905.

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#### CHAPTER 250.

#### AN ACT TO REPEAL CHAPTER 321 OF THE PRIVATE LAWS OF 1895.

*The General Assembly of North Carolina do enact:*

Charter repealed.

SECTION 1. That chapter three hundred and twenty-one of the Private Laws of one thousand eight hundred and ninety-five, entitled "An act to incorporate the Marion, Linville Fall and Cranberry Turnpike," beginning in North Cove, McDowell County, and terminating in Mitchell County, Laws of eighteen hundred and ninety-five, be and the same is hereby repealed.

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

In the General Assembly read three times, and ratified this 1st day of March, A. D. 1905.

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#### CHAPTER 251.

#### AN ACT TO EMPOWER THE TOWN OF WINTON IN HERTFORD COUNTY TO ISSUE BONDS FOR THE IMPROVEMENTS OF ITS STREETS.

*The General Assembly of North Carolina do enact:*

Bond issue authorized.

Amount.

Description.

SECTION 1. That the town of Winton, by and through its commissioners, may issue debenture bonds with coupons attached in an amount not exceeding twenty-five hundred dollars, to be used for the improvement of the streets of said town. That said bonds shall be in denominations of one hundred dollars each, with coupons attached and payable at such place as said commissioners may determine, and unless the commissioners of said town shall elect to pay them earlier, said bonds to run for twenty years, and bearing a rate of interest not exceeding six per cent. per annum:



and shall be sold by the said commissioners in the manner to be determined by them: *Provided*, they shall not be sold for less than their par value. The proceeds to be paid to the town treasurer as other funds of said town.

Proviso: not to be sold below par.

SEC. 2. That the coupons to said town bonds shall represent the annual interest and five per centum of the principal, until the same be discharged; and to meet the payment of said coupons the commissioners of said town are authorized and empowered to apply thereto any funds belonging to said town, and to meet any deficiency that may exist. After such applications of said funds the said commissioners may annually assess, levy and collect such taxes as may be necessary to pay such principal and interest as provided in this section, and if the holder of said bonds and coupons shall fail to present the same to the town treasurer within thirty days after notice from said commissioners so to do, at the place named for their payment, then the interest thereon shall thereupon cease.

Coupons to represent 5 per cent. of principal.  
Funds appropriated.

Special tax for bonds.

SEC. 3. That the commissioners of said town shall not issue the said bonds until the same shall be approved by a majority of the legally qualified voters of said town at an election to be ordered by said commissioners for that purpose, which election shall be held by and under the rules and regulations prescribed for the election of town officers, so far as the same may be applicable; and the ballots in favor of such issue of bonds shall read "For Bonds," and those in opposition thereto shall read "Against Bonds." Such election shall be ordered at any time by said commissioners upon the written application of twelve freeholders, resident in said town, and qualified to vote therein, specifying the amount of the proposed bonds, not exceeding twenty-five hundred dollars.

Bonds to be approved by voters.

Form of ballots.

Election on application of freeholders.

SEC. 4. That for the election provided for in this act the said commissioners shall have power and authority, in their discretion, to order a new registration of the voters of said town, to appoint a registrar and judges of election, and to do and prescribe such other acts and things as may be necessary to give full effect to the provisions of this act, and the result of such election shall be certified by the registrar and judges thereof to said commissioners, within five days after the day of election, and the result shall be declared and entered and kept upon their official record, and also in the office of the Register of Deeds for Hertford County, upon the certificate of the mayor and clerk of the said board of commissioners; and the same shall be competent evidence in all courts of the result of the said election, and of the other facts contained therein.

New registration may be ordered.

Result to be certified and recorded.

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

In the General Assembly read three times, and ratified this the 1st day of March, A. D. 1905.

## CHAPTER 252.

AN ACT TO AMEND CHAPTER 24 OF THE PRIVATE LAWS  
OF 1889 TO INCORPORATE THE TOWN OF HOT SPRINGS.*The General Assembly of North Carolina do enact:*Number of commis-  
sioners increased.

SECTION 1. That section three of chapter twenty-four of the Private Laws of one thousand eight hundred and eighty-nine be amended by striking out the word "three" in line two and inserting the word "five."

SEC. 2. That all of said chapter after section three be stricken out and the following inserted:

Two wards.

SEC. 4. That said town of Hot Springs shall be divided into two wards: that that portion lying east of the Southern Railway track shall constitute the first ward and that portion lying west of said railway track shall constitute the second ward: that the first ward shall be entitled to two commissioners and the second ward shall be entitled to two commissioners; that until the next election to be held in said town the present officers shall constitute the government of said town under the provisions of said chapter.

Each ward to elect  
two commissioners.  
Present officers  
continued.Commissioners  
elected by wards.

SEC. 5. That the said two commissioners to be elected for said first ward shall be elected by the qualified voters of that ward, and the said two commissioners to be elected for said second ward shall be elected by the qualified voters of that ward. That said commissioners shall reside in the respective wards for which they may be elected as aforesaid.

To reside in wards.

Tax rate.

SEC. 6. That the rate of taxation in said town shall be annually fixed by the said commissioners and shall not be less than thirty cents nor more than sixty cents on the one hundred dollars assessed value of real and personal property in said town as fixed by the county authorities of said Madison County and not less than ninety cents nor more than one dollar and eighty cents on the taxable polls of said town, at all times observing the constitutional equation.

Live stock not to  
run at large.

SEC. 7. That it shall be unlawful for any live stock to run at large within the corporate limits of said town, and the said commissioners shall prescribe a penalty for the violation of this section, to be imposed upon the owner of such stock.

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

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1905.

## CHAPTER 253.

## AN ACT TO AMEND CHAPTER 55 OF THE PRIVATE LAWS OF 1903 IN RELATION TO THE FURNISHING OF WINES AND LIQUORS TO THE GUESTS OF THE TOXAWAY HOTELS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter fifty-five of the Private Laws of one Sale of liquors. thousand nine hundred and three be amended by adding to section one the following: "That the provisions and limitations of this section shall be applicable to the Mountain Park Hotel, Madison County."

SEC. 2. That section two of said chapter fifty-five be amended by inserting after the word "Transylvania," in line eleven, the words "and Madison." Act extended to Madison county.

SEC. 3. That this act shall take effect from its ratification.

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1905.

## CHAPTER 254.

## AN ACT TO AMEND THE PRIVATE LAWS OF 1887, CHAPTER 111, RELATIVE TO THE TOWN OF MOREHEAD CITY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Private Laws of one thousand eight hundred City hall. and eighty-seven, chapter one hundred and eleven, be amended as follows: That wherever in said act the word "station-house" appears, strike out the same and insert in lieu thereof the words "city hall"; that wherever in said act the words "town constable" or "constable" occurs, strike out the same and insert in lieu thereof the words "chief of police, or tax collector." Chief of police.

SEC. 2. Amend section one of said act by striking out the word "thirty" and inserting in lieu thereof the words "one hundred." Amount of real estate to be owned.

SEC. 3. Amend section three of said act by striking out the word "four" in line one of said section and inserting in lieu thereof the word "five"; and in said section three of said act strike out all the words after the word "town" in line two of said section and insert in lieu thereof the words "every two years, as is now provided by law for municipal elections." Five commissioners.  
Elections biennial.

SEC. 4. Amend section seventeen of said act by striking out the word "one" in line eight of the same and inserting in lieu thereof the word "four"; and add to said section seventeen the words "that if the treasurer's bond is given in a surety company, the premium for the same shall be paid by the town." Treasurer's bond.  
Premiums paid by town.

Appointment and compensation of policemen.

SEC. 5. Amend section eighteen of said act by adding to said section the words "the said mayor and commissioners shall have power to appoint, and shall fix the compensation for the same, for all necessary policemen needed for said town from time to time."

Limit of imprisonment.

SEC. 6. Amend section twenty-two of said act by striking out the word "ten" in the last line of said section and inserting in lieu thereof the word "thirty."

Commissioners paid.

SEC. 7. Amend section twenty-five of said act by adding to said section the following words: "*Providing further*, that the commissioners shall receive one dollar each for each regular and special meeting of the said commissioners which they may attend."

Wood inspector.

SEC. 8. Amend section twenty-nine of this act by adding thereto the words "The mayor and commissioners shall have power and authority to appoint a wood inspector for said town, and shall have power to fix his compensation and to provide for the payment of the same out of any moneys in the town treasury, not otherwise appropriated, or authorized to be used, and shall have power to fix and prescribe the duties of said wood inspector."

Tax limit raised.

SEC. 9. Amend section thirty-two of said act by striking out the words "thirty-three and one-third cents" in lines six and seven of said section and inserting in lieu thereof the words "sixty-six and two-thirds cents," and by striking out the word "one" in line eight of said section and inserting in lieu thereof the word "two."

Time for listing taxes.

SEC. 10. Amend section thirty-four of said act by striking out the word "July" in line one of said section and inserting in lieu thereof the word "June."

Time for returns.

SEC. 11. Amend section thirty-seven of said act by striking out the word "July" in line six of said section and inserting in lieu thereof the word "June."

License taxes.

SEC. 12. Strike out all of section forty-five of said act and insert in lieu thereof the following: "Section 45. That in addition to the subjects of taxation for State purposes, the commissioners of said town shall have power to levy and collect a fair and reasonable special or license tax on the following subjects, to-wit: All itinerant merchants, peddlers or auctioneers who shall sell or offer to sell privately or at public outcry within the city limits, whether by ascending or descending bids; all drummers or commercial travelers, 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 banker's office; each dealer in cotton futures; each dealer in patent rights; each sewing-machine agent; all commission merchants and commercial brokers; 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 non-alcoholic drinks; each brick-yard each broker in 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 town of Morehead City; every dealer in buggies, wagons or other vehicles not manufactured in said town; 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 not manufactured in the town; and all other subjects taxed by the State."

SEC. 13. Amend said act by adding after section forty-five of the same, another section as follows: "Section 45a. That the Commissioners of the Town of Morehead City shall have power, in its discretion, to assess owners of land abutting on sidewalks paved or improved by said town for the cost of paying or improving such sidewalk in front of such abutting land; and the cost thereof as

Lot-owners  
assessed for  
improvement of  
sidewalks.



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, "*Provided*, said sidewalk shall not be put in a better condition than the paved or improved street, under this section."

Control of shade trees.

SEC. 14. Add to said act after section forty-five (a) the following section: "Section 45b. That the Commissioners of the Town of Morehead City shall have control and supervision of all the shade trees on any of the streets or sidewalks of said town and shall have power and authority to make rules and regulations regarding the same."

SEC. 15. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 2d day of March, A. D. 1905.

## CHAPTER 255.

### A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE LOVE TRUST COMPANY.

*The General Assembly of North Carolina do enact:*

Corporators.

SECTION 1. That R. A. Love, Edgar Love and J. F. Love, and their associates and successors are hereby created a body politic and corporate under the name and style of the Love Trust Company, 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.

General corporate rights.

Books of subscription.

When company to organize.

Trustees or directors.

SEC. 2. That the corporators above-named or any three 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 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 not less than three 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.

Capital stock.

SEC. 3. That the capital stock of the said corporation shall be fifty (50) thousand dollars; the same may be increased from time to time in the manner prescribed by the general corporation laws.

Stock transfer.

SEC. 4. That the stock of said corporation shall be transferred only upon its books, either in person or by proxy.

Location.

SEC. 5. That the principal office and places of business of said corporation shall be in the city of Gastonia, State of North Carolina, but branch offices or agencies may be at any time established

Branch offices.

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 three (3) 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 bonds with approved security for the faithful performance of their respective duties.

Officers.  
Terms of trustees.  
Trustees to elect other officers.  
May require bonds.

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.

Formal enumeration of corporate rights.  
Alteration of name to be filed with Secretary of State.

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 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 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.

General banking business.  
Securities.

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

Power to deal in stocks, bonds and debentures.

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.

Deposits for investment.

Powers as savings bank.

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.

Deposits of minors and married women.

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 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.

Powers as surety companies.

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.

Powers 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 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 premiums, commission or rate of compensation as may be agreed on, in and for any of the matters and things authorized by this charter.

SEC. 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, 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.

May accept fiduciary employment.

Courts may appoint as fiduciary.

Proviso: qualification as fiduciary.

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 deposit 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 author-

Deposits of funds in litigation.

Powers as safe deposit company.

Circulating notes.

ized and provided by the laws of the said State of North Carolina and the United States.

Powers as warehouse company.

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, 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 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 that the receipts issued by said corporation shall be and are hereby declared to be negotiable instruments, and pass by indorsement 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, 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.

Advances.

Receipts negotiable.

Personal liability of stockholder.

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.

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

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1905.

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## CHAPTER 256.

### AN ACT FOR THE RELIEF OF E. L. AUBERRY OF CLAY COUNTY, NORTH CAROLINA.

Preamble.

WHEREAS, in the year one thousand nine hundred and three, one E. B. Padgett of Clay County entered a piece of land in Clay County under entry number nine hundred and twelve in the entry-taker's office of Clay County; and

WHEREAS, one W. H. Sudderth of Cherokee County had previously laid an entry in Cherokee County, number eight thousand



four hundred and eighty-eight, in said county, which really lapped over into Clay County and covered the land entered by said E. B. Padgett, but there was nothing so showing on the face of the papers filed by Sudderth with the Secretary of State; and

WHEREAS, the said Padgett afterwards transferred his entry to one E. L. Auberry; and

WHEREAS, the said W. H. Sudderth filed a protest against the Preamble, issuing of a grant to the said Auberry; and

WHEREAS, the Secretary of State, thinking that he had a right to issue a grant to said Sudderth, disregarded the request of said Auberry and issued a grant to said Sudderth for the land lying in Clay County, as well as that lying in Cherokee County, and refused to issue a grant to said Auberry for the land lying in Clay County; and

WHEREAS, afterwards the Secretary of State discovered that he had no authority to issue a grant to said Sudderth for that part of the land lying in Clay County and covered by his entry; and

WHEREAS, the Secretary of State afterwards agreed to issue a grant to said Auberry, provided there would be no conflict of interest; and

WHEREAS, the said Auberry paid the said Sudderth the money he had paid out to the State for that part of the land lying in Clay County and procured a quit-claim deed from said Sudderth for same, and applied to the Secretary of State for a grant, when the Secretary of State issued him a grant, number sixteen thousand two hundred and ninety-one, but required the said Auberry to pay the sum of twenty dollars in addition to the fees for issuing same: Now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That the State Auditor issue his warrant to E. L. Auberry for twenty dollars, to be paid by the State Treasurer out of any funds not otherwise appropriated.

SEC. 2. That 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. 1905.

## CHAPTER 257.

AN ACT TO AMEND CHAPTER 103, PRIVATE LAWS OF 1903, RELATIVE TO THE INCORPORATION OF NORTH CAROLINA MINING, MANUFACTURING AND DEVELOPMENT COMPANY, CHANGING NAME TO "CAROLINA, GLENANNA AND PEE DEE RAILWAY AND DEVELOPMENT COMPANY," TO GRANT IT CERTAIN POWERS.

*The General Assembly of North Carolina do enact:*

Name changed.

SECTION 1. That the word "North," before the word "Carolina," in line three of the first section, be stricken out, and that the first two words in line four of said section, to-wit, "mining, manufacturing," be stricken out and the following inserted in lieu thereof: "Glenanna and Pee Dee Railway"; and that the name of said corporation be and the same is hereby changed to the Carolina, Glenanna and Pee Dee Railway and Development Company.

How capital stock to be raised.

SEC. 2. That after the last word in section eleven of said chapter one hundred and three, Laws of one thousand nine hundred and three, be amended by adding the following sections:

Sec. 12. That the capital stock shall be raised by donation or subscription on the part of individuals, county, township, municipal or other corporations, 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.

Counties and municipalities may make donations or subscribe stock.

Sec. 13. 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, is respectively authorized and empowered to make such donations or subscriptions to the capital stock of said company in such amounts as may be settled upon in the manner hereinafter 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.

Proviso: donation or subscription to be voted on by people.

Elections ordered on petition.

Sec. 14. 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, or 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 election, 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 or municipal authorities, upon the registrars and 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.

Sec. 15. 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 elections, 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 town-

Form of ballots if  
on donation.

Form of ballots if  
on subscription.

Time and notice of  
election.

New registration  
required.

Regulations for  
county elections.

Regulations for  
township elections.

Regulations for  
city or town  
elections.

Authorities to  
make donation or  
subscription.

Within twenty  
days.

Payable in bonds.

Tax for bond.

How coupons and bonds authenticated.

To run thirty years.

Special taxes.

Investments of sinking fund.

Counties, townships, cities and towns incorporated.

ship 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 town. Said bonds shall express on their face by what authority and for what purpose they are 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 the 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.

Sec. 16. 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, 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 or other proper officer of said county, city or town authorized by law to perform the duties of treasurer or commissioner of sinking fund, and by him to be invested in said bonds, which shall be cancelled by the county commissioners or the municipal authorities of the city or town, as the case may be. If such investment cannot be made in the said bonds, then the moneys belonging to the sinking fund shall be invested as the proper authorities may direct.

Sec. 17. That for the purpose 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 power 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, 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.

County commissioners corporate agents of townships.

Sec. 18. That in all conventions of the stockholders of said company, such counties, townships, cities or 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.

Representation of municipal stockholders.

Sec. 19. 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 center of the same; and shall have full power and authority to sell or lease its road-beds, 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.

Condemnation of land.

May sell to other companies.

Or buy stock of other companies. Or consolidate.

Sec. 20. 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 railroads and other roads.

Sec. 21. 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.

Consolidation.

Sec. 22. 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 eight 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

Right to borrow money and issue bonds.



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 precedence over all other liens on said 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 2d day of March, A. D. 1905.

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#### CHAPTER 258.

#### AN ACT TO AMEND CHAPTER 130, PRIVATE LAWS OF 1897, THE CHARTER OF THE TOWN OF LILESVILLE.

*The General Assembly of North Carolina do enact:*

New officers  
appointed.

SECTION 1. That the charter of the town of Lilesville, chapter one hundred and thirty, Private Laws of eighteen hundred and ninety-seven, be and the same hereby is amended as follows: In section one of said act strike out all after the word "that" in line three, down to [and] including the word "Saunders" in line four, and insert in lieu thereof the following: "E. J. Lily, E. P. Liles and C. L. Frederick"; and in line twelve of said section strike out the name "M. H. McLean" and insert the name "A. J. Allen" in lieu thereof.

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

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1905.

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#### CHAPTER 259.

#### AN ACT TO REPEAL CHAPTER 327 OF THE LAWS OF 1891, RELATIVE TO THE TOWN OF LEICESTER, IN BUNCOMBE COUNTY.

*The General Assembly of North Carolina do enact:*

Town charter  
repealed.

SECTION 1. That chapter three hundred and twenty-seven of the Laws of North Carolina of one thousand eight hundred and ninety-one, and all acts and laws amendatory thereof, 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 2d day of March, A. D. 1905.

## CHAPTER 260.

AN ACT TO REDUCE THE CORPORATE LIMITS OF THE  
TOWN OF FOUNTAIN, IN PITT COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and fifteen of the Private Laws of one thousand nine hundred and three be and the same is hereby amended by striking out section two thereof and inserting in lieu thereof the following:

"SEC. 2. That the corporate limits of the town of Fountain shall be as follows: Eight hundred yards square, four hundred yards each way with Wilson Street from the point where the East Carolina Railroad crosses said Wilson Street, and four hundred yards each way from said point with said East Carolina Railroad."

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

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1905.

## CHAPTER 261.

AN ACT TO AMEND THE CHARTER OF THE CITY OF  
FAYETTEVILLE.*The General Assembly of North Carolina do enact:*

SECTION 1. That the charter of the city of Fayetteville be amended as follows, to-wit: Amend chapter eighteen, Private Laws of one thousand eight hundred and ninety-nine, entitled "An act to amend chapter one hundred and fifty-three, Private Laws of one thousand eight hundred and ninety-three, entitled An act to incorporate the city of Fayetteville," by striking out the words "five hundred," in line twenty-one of section eight, and insert in lieu thereof the words "one thousand."

SEC. 2. Amend section nine of said act by striking out the word "thirty," in line three, and insert in lieu thereof the word "ten."

Liquor license.  
Appropriation for debts.

SEC. 3. Amend section ten of said act by striking out the word "thirty," in line two, and insert in lieu thereof the word "ten."

Appropriation for debts.

SEC. 4. That section ten of chapter one hundred and fifty-three of the Private Acts of one thousand eight hundred and ninety-three, entitled "An act to incorporate the city of Fayetteville," be changed to read as follows: "Any person offering to register in said city shall take and subscribe the following oath or affirmation: 'I do solemnly swear that I am twenty-one years of age; that I have been a *bona fide* resident of the State of North Carolina for two years, and of the county of Cumberland for six

Registration oath.

months, and of the city of Fayetteville for four months; and that I have not been convicted of any crime which, under the laws of North Carolina, disqualify me to vote: So help me, God."

Further subjects  
of taxation.

SEC. 5. That section thirteen (incorrectly numbered three in the printed act), chapter eighty-six of the Private Laws of one thousand eight hundred and eighty-five, be amended by inserting after the word "business," in line nine, the words "or practicing or pursuing any profession, trade or avocation"; and after the word "above," in line twelve of said section, insert the words "and on their libraries, books, office furniture and fixtures, instruments, tools and all other subjects of taxation."

Collection of taxes  
by distress.

SEC. 6. That section nine of chapter one hundred and twelve, Private Laws of one thousand eight hundred and eighty-three, be amended by inserting after the word "taxes," in line fifteen, near the end of said section, the following: "Provided, it shall be lawful for the tax collector of the city of Fayetteville to levy and sell for taxes any time after the same shall be due, if in his opinion necessary to protect the city against loss."

Conflicting laws  
repealed.

SEC. 7. That all laws and clauses of laws in conflict with this act are hereby repealed.

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

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1905.

## CHAPTER 262.

### AN ACT TO ESTABLISH GRADED SCHOOLS IN THE TOWN OF MOREHEAD CITY, CARTERET COUNTY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Town made school  
district.

SECTION 1. That all the territory lying within the corporate limits of the town of Morehead City, and all territory which may be included in any future extension of said town, be and the same is hereby constituted the public school district for the white and colored children, to be known as the "Morehead City Graded School District."

Official  
designation.

Bond issue  
authorized.

Amount.  
Description.

SEC. 2. That the board of graded school trustees, whose appointment is hereinafter provided for, shall be and are hereby authorized and empowered to issue bonds of said graded school district to an amount not exceeding ten thousand dollars, of such denomination and of such proportions as such board of trustees may deem advisable, bearing interest from date, at a rate not exceeding six per cent. per annum, with interest coupons attached, payable annually, at such time or times and at such place or places as may

be deemed advisable by such board of trustees; said bonds to be of such form and tenor, and transferable in such a way, and the principal thereof payable or redeemable at such time or times, not exceeding twenty-five (25) years from the date thereof, and at such place or places as such board of trustees may determine: *And provided*, that said board of trustees shall issue at such time or times and in such amount or amounts as may be required to meet the expenditures hereinafter provided for in section three of this act. Said bonds shall be signed by the chairman of said board of trustees and countersigned by the secretary thereof, and a record shall be kept of all bonds issued.

Proviso: bonds issued as funds needed.

How bonds attested.

SEC. 3. 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 graded school trustees in the purchase or erection of such graded school buildings as may be required and proper for the same, and in furnishing the same with school furniture and other necessary equipments, and for no other purposes.

Specific appropriation of proceeds.

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

Bonds not to be sold under par.

Use of proceeds.

SEC. 5. That the said interest coupons shall be receivable in payment of all taxes and other public dues of the town of Morehead City for any fiscal year, until said coupons shall become due or payable thereafter; and if any holder of any of said bonds or coupons shall fail to present the same for payment at the time or times or the place or places therein named, he shall not be entitled to interest thereon for the time they shall have been outstanding after maturity.

Coupons receivable for town taxes.

SEC. 6. 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 Morehead City shall, annually, and at the time of levying the municipal taxes, commencing with the fiscal year after election has been carried for schools under this act, levy and lay a particular tax on all persons and subjects of taxation within the limits of the said graded school district, of which said board of commissioners may now or hereafter be authorized to lay and levy taxes for any purpose whatsoever; and said particular tax shall not be more than fifty cents on one hundred dollars assessed valuation of property and not more than \$1.50 on each taxable poll.

Special tax for bonds and schools.

Limit.

SEC. 7. Said taxes shall be collected by the Tax Collector of the Town of Morehead City at the time and in the manner that the municipal taxes are collected; and the said tax collector shall pay the same over to the treasurer of said town, who shall keep said money separate and apart from the municipal fund. And the treasurer shall pay out said taxes and other funds which may

To be collected as other taxes.

Money to be kept separate.

Paid out only on school warrant.

Proviso: bonds of tax collector and treasurer.

Act to be submitted to voters.

Election on petition.

Notice of election.

Proviso: new registration required.

Form of ballots.

come into his hands for the use of the graded schools only upon warrant of the chairman and secretary of said board of graded school trustees: *Provided*, that said tax collector and said treasurer shall enter into said bonds and in such amounts as said board of trustees may direct: the former conditioned for the faithful collection and paying over of said taxes and other funds that may come into his hands for the use and benefit of said graded schools; and that of the latter for the keeping and proper disbursement of the same.

SEC. 8. That before the provisions of this act shall become operative, there shall be submitted to a vote of the qualified voters of said school district, at an election to be held at any time after six months from the ratification of this act, upon a petition of twenty-five qualified voters of said school district, the question whether said bonds shall be issued and said particular tax be levied; that it shall be the duty of the Commissioners of the Town of Morehead City, upon a petition of twenty-five qualified voters of the said school district, specifying a date on which they desire an election to be held upon said question, to call an election on such date to submit said question to the qualified voters of said school district; that said Board of Commissioners of the Town of Morehead City shall cause notice of said election, containing a copy of sections two and six of this act, or a synopsis thereof, to be published in some newspaper published in Carteret County for a period of thirty days prior thereto, if there be a newspaper published in said county; otherwise to be published in four public places in said town. And in all other respects said election shall be held and conducted under the provisions of the law regulating municipal elections in said town: *Provided*, the board of commissioners of said town shall, at the same time they call said election, give at least ten days' notice that there will be an entire new registration of the voters of the said town, to begin immediately after the expiration of said notice and to continue until Saturday [at] twelve o'clock preceding such election, to be conducted under the rules and regulations prescribed by law in municipal elections of said town. Those qualified voters approving the issue of bonds provided for in section two, and the levying and collection of particular taxes provided for in section six of this act, shall deposit a ballot containing the printed or written words "For Schools"; those disapproving the same shall deposit a printed or written ballot containing the words "Against Schools." If a majority of the qualified voters of said district shall vote for schools, the said board of trustees shall have the authority and power to issue said bonds, and the said board of commissioners shall have authority and power and shall levy the particular tax provided for in section six. But if a majority of the qualified voters shall vote against schools, then said board of trustees and the said board of commissioners



shall not have said authority. The result of said election, duly ascertained in accordance with the law, shall be enrolled among the public records of Morehead City; and after thirty days from date of the election shall not be open to attack, but shall be held and deemed conclusive evidence of the truths and facts therein recited: *Provided further*, that if a majority of the said qualified voters shall fail to vote in favor of issuing said bonds and of levying said particular tax, said commissioners shall order another election at any time at the expiration of thirty days from the former election, upon the petition of twenty-five qualified voters of said school district; and if at such election a majority of such qualified voters shall vote for schools it shall have the same force and effect as if no election had been previously held: *Provided*, that no more than two elections can be held under this act.

Result to be enrolled.

Proviso: second election.

Proviso: not more than two elections.

Sec. 9. That the Commissioners of the Town of Morehead City, at their first regular meeting after an election has been held under this act and it has been ascertained that a majority of the qualified voters of the said graded school district have voted for schools, shall appoint six trustees for the graded schools of said graded school district, as follows: Two for the term of two years from the date of their appointment, two for the term of four years from the date of their appointment, two for the term of six years from the date of their appointment. All vacancies occurring in the said board of trustees from any cause shall be filled by the Commissioners of Morehead City 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.

Town commissioners to appoint trustees.

Term of office.

Vacancies.

Sec. 10. That no person shall be appointed as trustee of said graded schools until he shall have arrived at the age of twenty-one years, and nothing in this act shall prevent persons acting as trustees from holding any other office of profit or trust while acting as trustees.

Qualifications of trustees.

Sec. 11. That said board of graded school trustees and their successors, shall be and are hereby constituted a body corporate by the name and style of "The Board of Graded School Trustees of Morehead City," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, hold by purchase, devise or bequest real or personal property, 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, and may change the same at pleasure. That at the first meeting of the said board of trustees, they shall elect one of their number as chairman of the same and one of their number as secretary, whose terms of office shall be for one year from their election.

Trustees incorporated.

Corporate name.

Formal enumeration of corporate rights.

Organization.

Sec. 12. That it shall be the duty of the board of said graded school trustees to establish graded public schools for the white and

Graded schools to be established.

Apportionment of funds.	colored children of the said graded school district. And said board of trustees shall appropriate and use the funds which are derived from said particular taxes, and from other sources, in such manner as may be deemed just to both races, providing necessary facilities for each, due regard being paid, however, to the difference in cost
Proviso: donations.	of maintaining said schools: <i>Provided</i> , that all donations to said schools shall be applied as directed by the donors.
Trustees to have exclusive control of schools.	SEC. 13. That the said board of graded school trustees shall have exclusive control of all public schools in said school district, free from the supervision and control of the county board of school directors and the county superintendent of schools of Carteret County: shall prescribe rules and regulations, not inconsistent with this act, for their own government and for the government of such schools: shall prescribe the qualifications, employ and compensation of all officers and teachers of such schools as may be necessary for the good of said schools: shall cause to be taken from time to time, in accordance with the general law of the State, an accurate census of the school population of said school district: and shall exercise such other powers as may be necessary for the successful control and operation of said graded school: <i>Provided further</i> , that the Treasurer of Carteret County shall, whenever the schools hereinbefore provided for shall open, pay over to the Treasurer of the Town of Morehead City all funds of said school district then in his hands or which may hereafter come into his hands.
Rules and regulations.	
Officers and teachers.	
School census.	
Proviso: school funds to be paid to teachers.	
Public school fund to use of graded schools.	SEC. 14. That all public school funds derived from the said county of Carteret, for the use and benefit of the public schools in said graded school district, shall be paid over to the Treasurer of the Town of Morehead City by the treasurer of the said county, for the use and benefit of the graded schools in said graded school district: and the property, both real and personal, of the various public school districts embraced within the limits of the said graded school district, and the title thereto, shall be vested in the said board of trustees in trust therefor: the said board of trustees may, in their discretion, sell the same, or any part thereof, and apply the proceeds to the use of the graded schools to be established in said graded school district.
Property turned over.	
Power of sale.	
School superintendent.	SEC. 15. That the said board of graded school 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 schools of said school district, under the direction of said board of trustees, and shall exercise such other powers and discharge such other duties as said board of trustees may prescribe.
Curriculum and text-books.	SEC. 16. That the said board of graded school trustees are hereby authorized, in their discretion, to fix the curriculum of studies and adopt text-books for said graded schools, to provide for further instruction other than that included in the prescribed course, and to fix the rate of tuition to be charged therefor: to admit pupils
Advanced instruction.	
Outside pupils.	

residing without the limits of said school district, upon such terms as the board of trustees may deem reasonable.

SEC. 17. It shall be the duty of said board of graded school trustees to make to the mayor and commissioners of the town of Morehead City, annually, at the close of each school year, a full report of the operations of the graded schools of said graded school district, and duplicate copies of said report shall be furnished the County Superintendent of Schools for Carteret County; and in said statement shall state to said board the amount necessary to conduct the said schools for the ensuing year. Annual reports.  
Estimates for expense.

SEC. 18. That upon the report of the said board of trustees to the Mayor and Commissioners of the Town of Morehead City of the amount necessary to run said graded schools in said district for the ensuing year, it shall be the duty of the said mayor and commissioners of said town to levy a sufficient particular tax to raise a sufficient amount of money to conduct the said graded schools for the ensuing year. Tax levied for expense.

SEC. 19. That the several boards of school trustees, having authority under the general school laws of the State, shall in the apportionment of all public school funds to said graded school district, apportion the same upon a *per capita* basis. Apportionment of public school funds.

SEC. 20. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed. Conflicting laws 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 2d day of March, 1905.

## CHAPTER 263.

AN ACT TO AMEND CHAPTER 14 OF THE PRIVATE LAWS OF 1897 AS AMENDED BY CHAPTER 371, PRIVATE LAWS OF 1903, AMENDING THE CHARTER OF THE TOWN OF HAMLET.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter fourteen of the Private Laws of one thousand eight hundred and ninety-seven be and the same is hereby amended by striking out the words "thirty-five cents" in line three of section eight as amended by chapter three hundred and seventy-one, Private Laws one thousand nine hundred and three, and inserting the words "one dollar"; and by striking out the words "one dollar and five cents" in line four of section eight as amended by chapter three hundred and seventy-one of the Private Laws of one thousand nine hundred and three, and inserting in their place the words "three dollars." Tax limit raised.

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

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1905.

# CHAPTER 264.

## AN ACT TO ALLOW THE TOWN OF MADISON, IN ROCKINGHAM COUNTY, TO ISSUE BONDS.

*The General Assembly of North Carolina do enact:*

Bond issue authorized.

SECTION 1. That the Board of Commissioners of the Town of Madison in Rockingham County is hereby authorized and empowered to issue bonds in the name of the said town of Madison, in the sum of eight thousand dollars (\$8,000), for the purpose of taking up and paying off the outstanding bonded indebtedness of said town, and for no other purpose.

Amount.

Purpose.

Description of bonds.

SEC. 2. The said bonds shall be of denominations of one hundred dollars, or any multiple thereof; they shall run for thirty years from the date of issue thereof, and shall bear interest at the rate of five per centum per annum, and the principal of said bonds and the interest thereon shall be payable at the office of the treasurer of said town; the interest shall be payable semi-annually.

Coupons receivable for town taxes.

SEC. 3. The coupons on said bonds shall be receivable for the taxes of said town for any fiscal year in which they shall fall due.

How bonds authenticated.

SEC. 4. That all the bonds issued under this act shall be signed by the mayor and the members of the board of commissioners of the said town of Madison, with the town seal attached. The coupons of said bonds shall be signed by the town treasurer.

Special tax.

Rate.

SEC. 5. That for the purpose of paying said bonds and the interest thereon there shall be levied and collected, annually, the sum of not less than twenty cents nor more than twenty-five cents on the one hundred dollars valuation of property, and not less than forty cents nor more than seventy-five cents on the poll; and the amount so collected shall be applied to the payment of the principal and interest of said bonds, and no other purpose.

Bond issue subject to election.

SEC. 6. That none of said bonds shall be issued, nor any of the taxes herein provided for levied and collected, until the question of issuing the said bonds shall be approved by a majority of the qualified voters of the said town of Madison.

Notice of election.

SEC. 7. That the Board of Commissioners of the Town of Madison shall give notice of the election to be held as provided in section six of this act, by four weeks' notice in some newspaper published in said town, if any, and by thirty days' notice posted in four public places in said town, stating the time and place of said

election and the purpose thereof. They shall appoint a registrar and two judges of election for the purpose of this election, who shall have the powers now or hereafter conferred by the laws of the State on such officers, as far as the same may be applicable to this election.

Registrars and  
judges.

SEC. 8. All persons residing in the town of Madison who are entitled to vote for members of the General Assembly shall be entitled to vote at the election herein provided for, and all persons not on the registration books of said town, and who are entitled to vote as herein provided, shall be registered by the registrar.

Voters.

SEC. 9. That the registrar shall give ten days' notice by an advertisement posted in four public places in the town of Madison of the time and place of the registration. The registration books shall be kept open for ten days immediately preceding the election. Any person not entitled to vote may be challenged, and if found not entitled to vote, upon a hearing of said challenge his name shall be erased from the registration book and he shall not be allowed to vote.

Notice of  
registration.

Registration.

Challenges.

SEC. 10. The election herein provided for shall be conducted as far as may be practicable in accordance with the law as provided for the election of members of the General Assembly. Those in favor of issuing said bonds shall vote a ticket, without device, on which is printed or written the words "For Bonds," and those opposed shall vote a ticket, without device, on which is printed or written the words "Against Bonds."

Election under  
general law.

Form of ballots.

SEC. 11. The polls shall be open from sunrise to sunset on the day of the election, and when the election is concluded the registrar and judges of election shall count the votes and certify the result to the board of commissioners of the said town of Madison.

Hours of election.  
Votes counted and  
results certified.

SEC. 12. If a majority of the qualified voters of the town of Madison shall vote for the issue of said bonds, there shall be levied and collected, annually, the taxes as provided in section five of this act.

Taxes levied and  
collected if bonds  
authorized.

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 2d day of March, A. D. 1905.



## CHAPTER 265.

AN ACT TO PERMIT THE BOARD OF PUBLIC WORKS, WITH THE APPROVAL OF THE BOARD OF COMMISSIONERS OF THE TOWN OF TARBORO, TO ISSUE BONDS TO EXTEND, IMPROVE AND MAINTAIN THE WATER, LIGHT AND SEWERAGE SYSTEM OF SAID TOWN.

*The General Assembly of North Carolina do enact:*

Bond issue  
authorized.

SECTION 1. That the Board of Public Works of the Town of Tarboro, with the approval of the board of commissioners of said town, be and they are hereby authorized and empowered, in their discretion, to issue the bonds of said town to an amount not to exceed the sum of thirty thousand dollars (\$30,000) for the purpose of extending, improving and maintaining its water-works, electric light and sewerage system.

Amount.  
Purpose.

Description.

SEC. 2. Said bonds shall run for a period of not less than thirty years from the first day of July, one thousand nine hundred and five, and bear interest at the rate of five per cent. per annum, payable semi-annually, from date, and shall be issued and sold in such denominations and in such amounts as said board of public works, with approval of said board of commissioners of said town, shall deem necessary: *Provided*, that no bond shall be sold for less than its par value: *And provided further*, that none of the moneys derived from the sale of said bonds shall be used for any other purpose than the extension, improvement and maintenance of the water-works, electric light and sewerage system of said town.

Proviso: not to be  
sold below par.  
Proviso: specific  
appropriation.

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

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1905.

## CHAPTER 266.

AN ACT FOR THE RELIEF OF CATTIE KIRBY, A SCHOOL-TEACHER IN ANSON COUNTY.

*The General Assembly of North Carolina do enact:*

To be paid for  
teaching school.

SECTION 1. That the Treasurer of Anson County is hereby authorized, empowered and directed to pay to Cattie Kirby, a school-teacher in Anson County, or to her order, the sum of forty dollars, out of the school fund now in his hands or that may hereafter come into his hands to the credit of district number four, for the colored race, in Ansonville Township, in Anson County: said sum being due said Cattie Kirby for teaching a public school in said district, in said township and county, during the years one thousand nine hundred and two and one thousand nine hundred and three: *Provided*, same be approved by county board of education.

Proviso: account to  
be approved.

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

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1905.

## CHAPTER 267.

### AN ACT TO AMEND THE CHARTER OF LITTLETON FEMALE COLLEGE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Willis Alston, Sr., R. C. Beaman, G. D. Best, Corporators, Z. W. Evans, Eugene Johnston, W. H. P. Jenkins, W. S. Rone, J. M. Rhodes, F. W. Swindell, W. E. Spruill, E. A. Thorne and E. A. Yates, their associates and successors, be and they are hereby created a body politic and corporate for the purpose of maintaining a school of high grade in the town of Littleton in the county of Warren, for the intellectual, moral and religious development and training of young ladies, under the name and style of "Littleton Female College," and in that name may sue and be sued, plead, be impleaded, contract and be contracted with, and shall receive, hold and direct for the aforesaid purpose all donations and bequests to the institution.

Objects of  
incorporation.

Corporate name.

Corporate powers.

SEC. 2. The members of the corporation shall have perpetual succession, and forever elect their successors and officers not hereinafter named, and may, if they so elect, have and use a common seal.

Perpetual succession and common seal.

SEC. 3. The officers of said company shall be a president, vice-president, treasurer, secretary, and a board of trustees, five of whom shall constitute a quorum for the transaction of business.

Officers.

Quorum.

SEC. 4. The annual meeting of the trustees shall be on the last Wednesday in May of each year, unless otherwise ordered by vote of a majority of said trustees.

Annual meetings.

SEC. 5. The property, franchises, rights and privileges shall be held, exercised and used by the trustees for the purpose named in section one. The proceeds from the institution and all donations and bequests to it shall be held and used by the trustees for the above said purpose.

Property and income used for purpose of incorporation.

SEC. 6. The officers of the corporation, until the election and qualification of their successors in office, shall be as follows: F. D. Swindell, president; E. A. Thorne, vice-president; W. E. Spruill, secretary; and J. M. Rhodes, treasurer.

Officers named.

SEC. 7. All laws and parts 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 2d day of March, A. D. 1905.

## CHAPTER 268.

AN ACT TO AMEND CHAPTER 194 OF THE PRIVATE ACTS  
OF THE GENERAL ASSEMBLY OF THE YEAR 1897, RE-  
LATING TO THE CHARTER OF THE TOWN OF SOUTH-  
ERN PINES, AND FOR OTHER PURPOSES.

*The General Assembly of North Carolina do enact:*

Amendment after  
January, 1906.

SECTION 1. That chapter one hundred and ninety-four of the Private Laws of North Carolina, passed by the General Assembly at its session of one thousand eight hundred and ninety-seven, be amended as follows: Strike out all of section one of said chapter after the word "follows" in line four of said section down to and including the word "and" in line six of said section: *Provided*, that the provisions of this act shall not go into force and effect until the first day of January in the year one thousand nine hundred and six.

Code not to apply.

SEC. 2. That the proviso in section two thousand eight hundred and fifteen of The Code of North Carolina shall not apply to any election held upon the question of "Stock Law" or "No Stock Law" in any part of Moore County, until the first day of October, one thousand nine hundred and five: *Provided*, that the corporate limits of the town of Southern Pines in said county shall be included in the district in which said election shall be held; but if any such election shall be held upon the question aforesaid, the corporate limits of the said town of Southern Pines being included in the territory in which said election shall be held, and at said election the majority of the votes cast shall be in favor of "No Stock Law," then another election may be held upon said question under chapter twenty of The Code of North Carolina, and amendments thereto, in any territory including the corporate limits of said town, at any time before the said first day of October, one thousand nine hundred and five.

Proviso: town  
included in stock-  
law territory.

Special election in  
town if stock law  
defeated.

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

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

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1905.

## CHAPTER 269.

## AN ACT TO INCORPORATE THE SOUTHPORT AND WESTERN RAILWAY COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That A. E. Stevens, W. H. Pyke, R. C. Hood, A. J. Corporators, Robbins and R. W. Davis, and such other parties as may be associated with them, and their successors, be and are hereby created a body corporate by the name of the Southport and Western Rail- Corporate name, way Company, under which name they shall have the right to sue Corporate powers, and be sued, have a common seal, plead and be impleaded, and enjoy all the powers, rights and privileges of other like corporations under existing laws and those hereafter enacted.

SEC. 2. The capital stock of said company shall be one hundred Capital stock, and twenty-five thousand dollars, divided into shares of one hundred dollars each, but said company may, by concurrence of the two-thirds in value of all its stock, increase its capital from time to time to an amount not exceeding one million dollars: *Provided*, Proviso: tax on that no increase shall be made exceeding one hundred and twenty- increase, five thousand dollars until the tax required by law shall be paid to the Secretary of State.

SEC. 3. The said company is hereby authorized to construct a Routes and railroad or railroads of any gauge it may choose, from any point terminals, in the city of Southport, North Carolina, to the State lines dividing the States of North and South Carolina, and from Southport through any or all of the counties of Brunswick, Columbus, Bladen and Robeson, to any point on the lines of the Atlantic Coast Line and Seaboard Air Line; and thence in a northwestern direction through any of the counties to the line dividing the States of North Carolina and Tennessee; and also to construct branches to Branches, the said road in any direction not to exceed fifty miles.

SEC. 4. That the said company shall have the power to cross the Power to cross or tracks of other railroads and to connect with any railroad now or connect with other hereafter chartered, and to lay down and use tracks through any railroads, town or city, and with the consent of the authorities of said town Tracks in towns and cities, or city, upon such terms as they may prescribe. Said company is Terminal facilities, hereby authorized to erect and construct at or near the city of Southport, wharves, piers, docks, basins, warehouses, elevators, cotton presses and coal chutes, suitable for the accommodation of vessels, and may conduct the business usually transacted by warehousemen and lightermen, and may charge and collect compensation for the storage and dockage, wharfage and lighterage of merchandise of all kinds, including the usual expenses thereto, and upon such terms as may be agreed upon between it and its customers, and shall have a preferred lien on said merchandise and property, which shall be paid before said company shall be required to deliver same.

Rights as canal company.

SEC. 5. That the said company, for the purpose of drainage and for the purpose of navigation and transportation with any or all kinds of boats or rafts, is hereby vested with power to widen, deepen or straighten the channels or runs and to cut canals in the Green Swamp and other swamps in the counties of Brunswick and Columbus, North Carolina, as may be necessary in the conduct of the business of said corporation; and is hereby vested with all the rights and privileges secured to canal companies by chapter thirty-eight of The Code of North Carolina and any amendments thereto.

Right of condemnation.

And in case said corporation is unable to agree with the owners for the purchase of any real estate required for the construction of any canal, it shall have the right to acquire title to the same in the manner and by the special proceedings prescribed in chapter

Vessels and boats.

forty-nine of said Code and any amendments thereto. Said company may build, purchase and hold, charter or connect with such ocean vessels, river steamers or boats as may be desired to run and use from or to the terminal points or on any water-course in connection with the road to be constructed by the said company.

Right to purchase land.

SEC. 6. That said company is hereby authorized to acquire by purchase such lands along its line as it may need for the purpose of obtaining rights-of-way and depot stations and terminal facilities; and if it cannot obtain such lands by negotiation and agreement with the owners thereof, then it shall have a right to acquire a title in fee-simple by condemnation proceedings as prescribed in chapter forty-nine of The Code of North Carolina, to such lands as may be needed for terminal and railroad purposes.

Condemnation proceedings.

Books of subscription.

SEC. 7. Books of subscription may be opened by said corporation or by the directors at such times and places and under such rules and regulations as a majority may determine, and the said corporation or a majority of them may, at any time after ten per cent. of the capital stock has been subscribed and five per cent. of such subscription paid in, have power to call together the subscribers to said shares of the stock for the purpose of completing the organization of said company.

When company to organize.

Certificates of stock.

SEC. 8. 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 certificate shall be transferable in such manner as may be prescribed by the by-laws of the company.

Transfer of stock.

Right to borrow money and issue bonds.

SEC. 9. Said company shall be authorized to borrow money for the construction and operation of said railroad and for the purpose of this act, and to issue coupon or regular bonds for the amount so borrowed, and to mortgage said road and the other property of said company to secure the payment of said bonds, principal and interest.

County or municipal contributions, donations or subscriptions.

SEC. 10. That upon the written application of one-fifth of the qualified voters asking from any county, city, town or township any



contribution, donation or subscription to its capital stock, said application stating the amount of donation or subscription asked, the terms and conditions of the same, the county commissioners of such county or proper authorities of such city, town or township shall appoint a day and order an election to be held thereon in such county, township, city or town, in the manner prescribed by law for holding other elections, at which said election the legally qualified voters shall be entitled to vote for or against such subscription or donation. Said election to be held at the usual voting places [after] thirty days' notice specifying the amount of subscription, contribution or donation to be voted for, and to what company it is proposed to donate, contribute 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 other elections in said county, city, town or township, and the returns thereof shall be made and the results declared and certified as prescribed by law in such other elections: and such results so verified shall be filed with the register of deeds in such county, city or town, and shall be taken as evidence of the same in any court in the State: *Provided*, that should it be required by the county commissioners, or proper authorities of the city, town, county or township, that no election shall be ordered for the purposes of this section until the above-named railway company has placed in the hands of the governing body of said county, town, township or city a sum of money sufficient to pay expense of said election.

Election to be ordered.

Notice of election.

Election held and returns made under general law.

Proviso: deposit for expense of election.

SEC. 11. That if the result of said election shall show that the majority of the qualified voters of said county, township, city or town favor said contract, contribution, donation or subscription to the capital stock of said railroad to the amount voted for in such election, then the said county commissioners, if said election shall have been held in a county or township thereof, or the proper authorities of the said city or town, shall immediately make such subscription to the capital stock of said railroad, payable in cash, or the bonds authorized to be issued under this act, as may be agreed upon, shall issue the bonds of said county, township, city or town, to the amount so voted for at said election, in such forms and denominations and running for such length of time as may be determined on by said county commissioners or proper authorities of said city, town, county or township, bearing interest at the rate not greater than six per centum per annum, said interest to be payable semi-annually and evidenced by coupons on said bonds; and said designated authorities shall deliver said bonds so issued, or pay in cash, as may be agreed, to said Southport and Western Railway Company upon receiving therefor for the use and benefit of said

Authorities to act if ordered by election.

Bonds to be issued.

county, township, city or town, proper certificates of stock in said company to the amount of subscription so voted as aforesaid.

Special tax for interest and sinking fund.

SEC. 12. 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 property and polls of any such county, township, city or town a sufficient tax to pay such interest, and after ten years a tax sufficient to provide each year for the interest on said subscription bonds, and a sum equal to one-fortieth of the principal thereof for a sinking fund; and the sum levied and collected for said sinking fund to be paid over to the county treasurer or other officer of said county, city or town authorized by law to perform the duties of treasurer or commissioner of sinking fund, and by him invested in said bonds, and the amount of interest maturing on such bonds shall be collected and likewise invested; all said bonds 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 of any city or town.

Investment of sinking fund.

Alternative investments.

Railroad taxes applied to bonds.

SEC. 13. That all taxes which shall be levied upon and collected from said railroad company by any county, city or township, under the general revenue acts, as from other citizens and property, upon any real or personal property belonging to said corporation and situated within said county, city, town or township, shall be set aside as a distinct fund and applied exclusively by the proper authorities thereof, if said county, city, town or township shall have subscribed to the capital stock of said company, and issue bonds in payment thereof to the liquidation and payment of the interest accruing on said bonds issued on account of such subscription so long as said bonds shall be outstanding and remaining unpaid. If the tax so levied upon [said] company should be insufficient to pay the interest upon the said subscription bonds, then the difference shall be paid out of the tax to be levied and collected and provided in section twelve of this act; but if in any year the tax paid by said company should be more than the sum required to pay the said interest for that year, then the surplus may be applied to the general purposes of said county, city, town or township.

Surplus to general fund.

Powers in connection with other companies.

SEC. 14. That the said company, after it shall have been organized, shall have the power to connect with any railroad company that has been already organized or that may hereafter be organized, or to sell or lease any part of or the whole of its main line or branches thereof to any other railroad company; and if a portion or the whole of either of said lines shall be sold to any other com-

pany, then the company purchasing shall take the line so purchased, with all the franchises therein granted as appurtenant, and manage said line under its own corporate name.

SEC. 15. Said company shall be authorized to begin the construction of said road at any point on the line projected for it, and may operate any portion of it when completed, and shall have the exclusive right of transportation over same. Said company may build its roads by such route as it may deem most advantageous and expedient, and shall have the right to cross any navigable stream or canal on its route, provided a draw sufficient not to impede navigation is placed on its bridges over such streams or canals.

Where construction to begin.

Right to cross streams or canals.

SEC. 16. That said company is empowered to construct and operate a telegraph or telephone line upon any part of its route.

Telegraph and telephone lines.

SEC. 17. That this act shall be in force from and after its ratification, and all laws and clauses of laws in conflict with this act are hereby repealed.

Repeal and ratifying clause.

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1905.

## CHAPTER 270.

### AN ACT TO ALLOW THE CAMDEN FERRY COMPANY TO ERECT A DRAWBRIDGE ON PASQUOTANK RIVER.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Camden Ferry Company, incorporated under the laws of the State of North Carolina, are hereby granted the right and power to erect, maintain and operate a steel or iron drawbridge over the waters of Pasquotank River and within the counties of Pasquotank and Camden, North Carolina.

Bridge authorized.

SEC. 2. The said Camden Ferry Company shall, at any time within five years from and after the ratification of this act, be allowed to erect the said bridge.

Five years allowed for construction.

SEC. 3. That the said company be and they are hereby authorized to use the said bridge in connection with their Ferry-Road franchise, and to charge such tolls for passing over the same by the general public as the Board of County Commissioners of Pasquotank County have heretofore ordered in their franchise.

Bridge in connection with ferry.

Tolls.

SEC. 4. That the said bridge shall consist of a center pier with two openings on each side of the same for the free passage of all vessels navigating the waters of said river, and said openings shall not be of less space in the clear than is now given by the Norfolk and Southern Railroad bridge on Pasquotank River, and the Lake Drummond Canal and Water Company's locks at South Mills, North Carolina.

Description of bridge.

Bridge not to hinder navigation.

Bridge-tender.

Location.

Abutments not to encroach on deep water.

Contract with city for use of street.

SEC. 5. That the said bridge shall be erected and operated so as not to obstruct or hinder the navigation of vessels through said bridge at any and all times, and said company are to keep a bridge-tender at all times for the purpose of opening and closing the same.

SEC. 6. Said company are to have the right to erect said bridge at any point within the corporate limits of Elizabeth City, north of Main Street and south of Poindexter Creek.

SEC. 7. Said company is not to build the abutments further out into the river than the deep-water line in front of the said city, and as may be set by the Board of City Aldermen of Elizabeth City and the United States Government Port Warden line.

SEC. 8. That the corporation of Elizabeth City shall be authorized to enter into an agreement by which the said Camden Ferry Company shall be allowed the right to use the end of any street in the city from which to build said bridge, and use the same for the purpose of a toll ferry-bridge and road.

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

In the General Assembly read three times, and ratified this 2d day of March, A. D. 1905.

## CHAPTER 271.

### AN ACT TO AUTHORIZE AND EMPOWER THE TRUSTEES OF ETHER ACADEMY TO CONVEY BY FEE-SIMPLE DEED ALL OR ANY PART OF THE LOT FROM WHICH SAID ACADEMY WAS BURNED ON JANUARY 25, 1905.

*The General Assembly of North Carolina do enact:*

Preamble.

SECTION 1. Whereas, Ether Academy was destroyed by fire on the twenty-fifth day of January, one thousand nine hundred and five; and whereas, it is the desire of the trustees of said academy to sell and convey the lot, or a part thereof, whereon said academy was situate, to the Public School Trustees of Hill Township or to the Board of Education of Montgomery County, for the purpose of erecting a public school building thereon: Now, therefore, Hiram Freeman, L. A. Wright and W. L. Freeman, trustees of said Ether Academy, are hereby authorized and empowered to sell and convey to the trustees of the public schools of Hill Township, Montgomery County, or to the board of education of said Montgomery County, all or any part of that certain lot or parcel of land in Hill Township, Montgomery County, whereon Ether Academy was recently situated and generally known and designated as "The Ether Academy Lot"; and said trustees above named are hereby authorized and empowered to make fee-simple deed for all of such part of said lot as they may see fit to convey.

Trustees to sell and convey.

Trustees to make deed.

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

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1905.

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#### CHAPTER 272.

#### AN ACT TO AUTHORIZE A RIGHT-OF-WAY FOR A STREET RAILWAY FROM HICKORY TO CATAWBA SPRINGS IN CATAWBA COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. The right-of-way for a street railway, to be operated by electricity over the public road from the city of Hickory to the Sparkling Catawba Springs, both being in Catawba County in this State, is hereby granted unto Marcellus Eugene Thornton, a citizen of said city of Hickory and Catawba County, and such other persons of this State or elsewhere as he may associate with him, and his and their successors and assigns, for the purpose of conveying both passengers and freight; and that they may grade and macadamize said road for said purpose: *Provided*, that construction of the same is commenced on or before the first day of June, nineteen hundred and six: *And provided further*, that the person, persons or company operating said street railway shall maintain and keep said road in good order and condition at their own cost and expense and not impede the same to public travel, and subject to the regulation of the road overseers as heretofore: *And provided still further*, that the consent of the Board of Commissioners of Catawba County and the governing bodies of the city of Hickory and the village of Catawba Springs be had and obtained.

Right-of-way granted.

Proviso: when construction to begin.

Proviso: consent of town and village to be had.

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

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1905.

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#### CHAPTER 273.

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

*The General Assembly of North Carolina do enact:*

SECTION 1. That section thirty-eight of chapter forty-six of the Private Laws of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two be and the same is hereby amended by striking out in line eight of said section the

Tax limit.



words "one-quarter," and inserting in lieu thereof the words "one-half," and by striking out in line nine the words "fifty cents," and inserting in lieu thereof the words "one dollar and fifty cents."

Tax listing.      SEC. 2. That section forty of said chapter be amended by striking out in line three thereof the words "on the first Monday in May," and inserting in lieu thereof the words "during the month of June," and by adding after the word "mayor" and the word "on" in line four of said section the words "or list-taker."

Mayor or list-taker to return lists.      SEC. 3. That section forty-one of the said chapter be amended by adding after the word "mayor" and before the word "within" in line one thereof the words "or list-taker," and by striking out in lines five and six of said section the words "on the first Monday of June in each year."

Dates of collection.      SEC. 4. That said chapter be further amended by striking out all of section forty-six thereof and inserting in lieu thereof the following: "That the Commissioners of the Town of Dallas are authorized and empowered to borrow money upon the faith of the corporation, and to issue bonds for the purpose of installing and operating, or leasing and operating, or otherwise procuring electric lights, and for any other necessary expenses."

Power to borrow money and issue bonds.      SEC. 5. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1905.

CHAPTER 274.

AN ACT TO INCORPORATE THE MISSIONARY BOARD OF THE KRIMMER MENNONITE BRETHREN CHURCH.

*The General Assembly of North Carolina do enact:*

Corporators.      SECTION 1. That Henry Wiebe, D. P. Schroeder, J. A. Flaming, John Esau, P. A. Wiebe, K. D. Willems, Gerhard Cornelson, H. V. Wiebe and J. M. Tschetter, and their associates and successors, be and they are hereby created a body politic and corporate under the name and style of "The Missionary Board of the Krimmer Mennonite Brethren Church," with power to receive, purchase and hold property, both real and personal, not to exceed ten thousand dollars; to sue and be sued; to plead and be impleaded; to contract and be contracted with, and to do all other acts and things which may be necessary for the convenient and efficient management of the business of the association and carry out the intent and object thereof.

Corporate name.      SEC. 2. That the corporators named shall be the principal officers thereof until they and their associates shall, under the rules and

Limit on power to hold property.

Officers.

regulations by them adopted, or which they may hereafter adopt, elect officers.

SEC. 3. That the location of the Missionary Board of the Krimmer Mennonite Brethren Church shall be at or near Elk Park in the county of Mitchell, North Carolina.

SEC. 4. That the object of said corporation is to establish a mission and prepare poor and promising orphans of the colored race for the duties and responsibilities of life; to that end the said corporation shall have power to adopt such measures as will enable it to afford protection and extend the benefits of correct training to all such as may be entrusted to its care by lawful authority.

SEC. 5. That said corporation shall have power to secure the control of such orphans by the written consent of those nearest of kin, or those having the control of the said orphans, or by petition for such control, when necessary, to the superior court clerk of the county in which said orphans may be domiciled, who may, in his discretion, grant such control to said corporation; and it shall be unlawful for any person or persons to in any way interfere with said corporation in the management of said orphans, after they shall have been entered and received by the association.

SEC. 6. That said corporation shall have power to discharge any of said children from the "Mission" when, in the judgment of the general manager, it shall be for the best interest of the child or the advantage of the mission.

SEC. 7. That said corporation may, by such quorum as it may by its constitution designate, adopt such by-laws, rules and regulations as may be deemed proper for its efficient management, and to elect, constitute and appoint such officers, committees, teachers and assistants as may be deemed expedient.

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

In the General Assembly read three times, and ratified this 2d day of March, A. D. 1905.

## CHAPTER 275.

### AN ACT TO AMEND CHAPTER 170 OF THE PRIVATE LAWS OF 1903, ENTITLED "AN ACT TO INCORPORATE THE CITY OF WASHINGTON."

*The General Assembly of North Carolina do enact:*

SECTION 1. That whereas, the city of Washington is now indebted in the sum of fifteen thousand dollars (\$15,000), contracted for the necessary expenses of the said city of Washington, to-wit, the constructing of an electric lighting system, which is now outstanding and unpaid; and whereas, it is desired to issue bonds for

Bond issue authorized.	the purpose of raising a fund wherewith to pay off and discharge the said indebtedness: the mayor and board of aldermen of the said city of Washington are hereby fully empowered and authorized
Amount.	to issue coupon bonds to the amount of fifteen thousand dollars (\$15,000), to bear interest at a rate not to exceed five per centum per annum, the interest to be payable semi-annually upon such
Description.	dates as the mayor and board of aldermen of said city may determine. The principal and interest of said bonds shall be payable in current funds of the United States government, and at such place as the said board may direct. The said bonds shall be issued in denominations of one hundred dollars and multiples thereof, no one bond being for a less sum than one hundred nor for a greater sum than one thousand dollars. Said bonds and their coupons shall be numbered, and the bonds signed by the mayor of the said city and countersigned by the city clerk, and the corporate seal of the said city shall be affixed, and the coupons shall be signed by the mayor. Said bonds shall be sold under such regulations as the board of aldermen may direct, but none of said bonds shall be sold for less than par; and the proceeds derived from the sale of the said bonds shall be applied to the payment and discharge of the present outstanding indebtedness created in the establishment and construction of an electric lighting system.
How bonds attested.	
Bonds to be sold not below par.	
Application of proceeds.	
When payable.	SEC. 2. The principal of all of said bonds shall be due and payable on the first day of May, one thousand nine hundred and thirty-five (1935).
Coupons receivable for city taxes.	SEC. 3. The coupons of said bonds shall be receivable for all taxes due or to be levied by said board of aldermen of the said city of Washington, or by its successors, and the interest on said bonds shall be payable out of the ordinary revenues and taxes of the said city, if said revenues are sufficient after paying the current necessary expenses of each year.
Special tax.	SEC. 4. To further provide for the payment of the interest upon the said bonds, and the principal at maturity, the said board or its successors shall, in the event that it becomes necessary, levy an annual special tax on the polls, personal and real property, and other subjects of taxation in the said city, sufficient to meet and pay the interest semi-annually upon the said bonds and the principal thereof at maturity. Said special tax shall be levied and collected from the polls, personal and real property, and other subjects of taxation in the said city in the same manner as other taxes of said city are levied and collected. Said special tax shall be applied, when collected, strictly to the payment of the interest on said bonds and the principal at maturity. The provisions of section seventy-seven (77) of chapter one hundred and seventy (170) of the Private Laws of one thousand nine hundred and three (1903) shall apply to the taxes which are levied and collected under the authority of this section.

SEC. 5. That before any of the bonds herein provided for shall be issued, the question of issuing 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 prescribed by law for elections 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 the taxes to pay the same shall deposit in a separate ballot-box a written or printed ballot with the words "For Bond Issue" thereon: those disapproving the same shall deposit a like ballot with the words "Against Bond Issue" thereon. If at such election a majority of the qualified voters shall vote "For Bond Issue" the board of aldermen shall issue the bonds provided for in such notice, and may levy and order the collection of taxes therein named and authorized by this act.

Bond issue to be submitted to election.  
Notice of election.

Form of ballots.

Aldermen to issue bonds if voted for.

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 2d day of March, A. D. 1905.

## CHAPTER 276.

### AN ACT TO AMEND THE CHARTER OF THE BANKING, LOAN AND TRUST COMPANY OF SANFORD, N. C.

WHEREAS, on the twenty-fourth day of April, one thousand nine hundred and four, A. W. Huntley, J. W. Cunningham and A. R. Chisholm, and others, filed in accordance with the banking laws of the State of North Carolina their articles of agreement and plan of incorporation under the name of The Banking, Loan and Trust Company, upon the terms and with the power in said articles and plan set forth; and whereas, the said incorporators organized the said company under said articles and plan: Now, therefore,

Preamble.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the creation, incorporation and organization of said company under the name of The Banking, Loan and Trust Company for the purposes and upon the terms and conditions and with the right, powers and privileges set forth in said articles of agreement and plan of incorporation and organization is hereby ratified, approved and confirmed.

Incorporation confirmed.

SEC. 2. That the said company, its successors and assigns, shall have all the rights, powers, privileges and immunities conferred

Powers of banking and trust company.

upon banking and trust companies under the general laws of this State.

Formal enumeration of corporate rights.

SEC. 3. The said company shall have the right to sue and be sued, plead and be impleaded, prosecute and defend actions at law or in equity in any court of this State or of the United States or of any other State. Shall have the right to have a common seal, alter and break the same at pleasure, and shall have power to own real, personal or mixed estate, subject to section nine, Public Acts of one thousand nine hundred and three, chapter two hundred and seventy-five, and sell, transfer, mortgage or otherwise dispose of the same as said company or its board of directors shall deem to be for its best interest.

Location.

Directors and officers.

SEC. 4. The principal office and place of business of said company shall be in the town of Sanford, North Carolina. Its officers shall consist of a board of directors of not fewer than five in number nor more than fifteen, a president, a vice-president and treasurer and such other officers and employees as the board of directors from time to time may deem necessary to conduct the business of the corporation. The board of directors shall be elected annually by a stock vote of 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 treasurer and such other officers and employees as they think desirable to give bond with surety to be approved by the board of directors for the faithful performance of their respective positions.

Election of directors.

Directors to choose other officers.

Bonds of employees.

Capital stock.

SEC. 5. The capital stock of the corporation shall be one hundred thousand dollars, divided into shares of the par value of fifty dollars each, and the shares so subscribed, when fully paid, shall be non-assessable, and no stockholder shall be liable for any other sum or sums on account of such stock or subscription. The company shall enjoy all the rights, powers, privileges and immunities and franchises granted under this act when ten thousand dollars of said capital stock of one hundred thousand dollars shall be *bona fide* subscribed and paid in.

Stockholders not personally liable. When company to organize.

Bank and savings bank powers and privileges.

SEC. 6. The said company shall be invested with all powers and privileges usually incident to banking institutions and savings banks, with the right to receive deposits in any sum or 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 company and such depositor; and the board of directors are fully authorized to adopt all other rules and regulations for conducting and carrying into effect the savings bank features of this corporation.

Stockholders to make by-laws.

SEC. 7. It shall be the duty of the stockholders, and they are hereby fully authorized, to make all necessary rules, regulations and by-laws for the government of said company, as well as fix the salaries of its officers and agents. The board of directors are hereby authorized and empowered to fill any vacancy occurring

Directors to fill vacancies.



from any cause in the board of directors of said company, its officers or employees, until their successors are elected and qualified.

SEC. 8. 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 company, partnership or corporation or person, to invest its own money or the money of others, to lend or invest money in or upon the security of mortgage deed, deed of trust, pledge or otherwise on any real, personal or mixed estate or interest therein of any description whatsoever, situated anywhere in the United States. To lend money upon or purchase or otherwise accept bills of lading or the contents thereof, bills, notes, choses in action, and any or all other negotiable or other commercial papers, or any crops or farm produce whatever and what is known as cash credit, or any stock, bullion, merchandise, manufactured products 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. The 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 to hold, deal in, sell or distribute the same among the stockholders of said company; may negotiate or place in behalf of any corporation, company, partnership or person, shares, stock, bonds, 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 therein, in any way acquired by said company, to any other corporation for any portion of the bonds, securities, obligations or capital stock of such corporation as may be agreed upon by the board of directors of this company and such corporation, without liability or on such stock so purchased or subscribed.

General banking powers.

Securities.

SEC. 9. 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 on deposit for safe-keeping, gold, silver, paper, money, bullion, precious metals, jewels, plate, certificates of stock, evidences of indebtedness, deeds or muniments of title, or other valuables of any kind, and charge commission or compensation therefor. It may guarantee or become surety upon any official or other bond or undertaking required or authorized by law, and it may likewise guarantee or become surety upon all kinds of fiduciary bonds or undertakings made by those having possession, custody or control, or who may come into possession, custody or control of trusts, moneys or funds, either as guardian, executor,

Power to borrow money.

Deposits for safe-keeping.

Rights as guarantee company.

administrator, collector, receiver or trustee of any sort, or as employees of any person, company or corporation, howsoever 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 company shall be consistent with the laws of the State.

May act as fiscal  
agent or trustee.

SEC. 10. 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, negotiate, sell, transfer, register and countersign certificates of stocks, bonds or other evidences of indebtedness.

May accept fiducia-  
ry employments.

SEC. 11. The said company shall have power to act as executor, administrator, guardian, trustee, receiver or depositor, 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 trust, and for compensation shall have such commission as may be fixed by law or as may be agreed upon; and in accepting any of the trusts or powers hereunder the said company may qualify by one of its executive officers.

Investment of  
funds.

SEC. 12. 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 town 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 company, and for any losses by reason of such investment 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 profit 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.

Investments of  
trust funds.

Deposits of minors  
and married  
women.

SEC. 13. That if money be deposited in any manner with said company 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 by such *feme covert* without consent of her husband, 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.

Powers as ware-  
house company.

SEC. 14. 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 and

merchandise, cotton and other products, and to charge and receive commissions, rent and compensation for the storage in keeping thereof, which charge shall constitute the first lien upon the property so stored; make rules, regulations, contracts and by-laws, and fix terms and prices for storage, manner of inspection, form of receipt, 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.

SEC. 15. 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 such other officers to take immediate control, supervision of any branch office established under the provisions of this section; but such local board 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.

Proviso: local  
boards of directors.

SEC. 16. That the stockholders shall be individually responsible, equally and ratably, and not for each other, 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 shares.

Individual liability  
of stockholders.

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

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1905.

## CHAPTER 277.

## AN ACT TO INCORPORATE THE HIGH POINT SAVINGS AND TRUST COMPANY.

*The General Assembly of North Carolina do enact:*

Corporators.	SECTION 1. That S. H. Hilliard, Dred Peacock, J. W. Harris, Fred. N. Tate, J. E. Kirkman, O. E. Kearns, H. W. Frasier, D. N. Welborn and A. J. Rickel, and their associates, successors and assigns, are hereby constituted a body corporate by the name of the
Corporate name.	"High Point Savings and Trust Company," by which name said
Corporate powers.	corporation shall have all franchises, rights, powers and privileges incident to and of right belonging to a corporation.
Books of subscription. When company to organize.	SEC. 2. The corporators named in section one, or any three of them, may open books of subscription; and after one thousand shares of twenty-five dollars each have been subscribed, upon ten days' notice issued by said corporators or any three of them, or
Directors.	upon the waiving of said notice, 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
Officers and agents.	successors are elected, and who shall elect all necessary officers and
When to begin business.	agents. The company shall have authority to transact business whenever two thousand shares of twenty-five dollars each have been subscribed to the capital stock and twenty per centum paid thereon. Further payments on stock shall be paid in as called for
Stock votes.	by the directors. At all stockholders' meetings each share shall be entitled to one vote, either in person or by proxy.
General corporate powers.	SEC. 3. The corporation hereby created shall have power to make contracts; to have and to use a common seal; to sue and be sued, complain and defend in any court as fully as natural persons; to buy, hold, possess and convey real and personal property; to make by-laws for the regulation and management of the business of the company; to do all lawful acts and things and exercise all lawful powers and privileges which a corporate body may do.
Power to borrow money.	SEC. 4. That said company shall have power to borrow money in such amounts and at such rate of interest and payable at such times and places as the board of directors may determine, and issue its notes, certificates or registered or coupon bonds under its corporate seal. It may receive money on deposit, on open account or
To receive money on deposit. Deposits for safe-keeping.	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 and every kind and class, and charge commission or compensation therefor.
Further general powers.	SEC. 5. The said company may loan money on mortgage or deed of trust, conveying real or personal property, or on other security; may buy and sell real estate, stocks, bonds and other security; may

discount bills of exchange, foreign 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.

SEC. 6. The said company may act as the fiscal or transfer agent of or trustee for any State, county, municipality, body politic or corporation, or for any person or persons, and in such capacity may receive and disburse money, and negotiate, sell, transfer, register and countersign certificates of stock, bonds or other evidences of indebtedness. May act as fiscal agent or trustee.

SEC. 7. The said company shall have power to act as executor, administrator, guardian, trustee, receiver or depository, and to take, accept and execute in all such trusts and powers of whatever nature or description as may be conferred upon or entrusted to or committed to it by any person or persons or by any corporation, by agreement, grant, assignment, transfer, devise, bequest or otherwise, or by order of any court of record, and to receive, take, hold, manage and convey any property or estate, real or personal, which may [be] the subject of any such trust, and for compensation shall have such commission as may be fixed by law or as may be agreed on. In lieu of the bond required by law to be given by an administrator, guardian, trustee, fiscal agent, 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 Guilford 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 or town 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 Guilford County, whenever it shall be made satisfactorily to appear by sworn testimony that it is necessary in order to secure the faithful performance of all 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 under the seal of the Superior Court of Guilford County, and if May accept fiduciary employments. Undertaking to be filed.



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 inspecting such trusts and to require the said company to render all accounts which said court might lawfully make or require if such trustees were a natural person. And in accepting any of the trusts or powers hereunder, the said corporation may qualify by any of its executive officers.

How corporation  
to qualify.

Power to make  
investments.

SEC. 8. The said company shall have discretionary power to invest the funds received by it in trust in the bonds of the United States or of any State or city or town, when the same shall have been duly authorized to be issued, 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 incomes, rents and profits of any estate in its hands, but shall not be liable for any greater income, rents and profits than can be reasonably earned by safe and prudent investments.

Branch offices.

SEC. 9. The said company may have branch offices and agencies or transact business at such places as it may deem proper in and out of the State of North Carolina, but the principal office of said company shall be in High Point, in Guilford County, North Carolina.

May deal in real  
estate and personal  
property.

SEC. 10. The said company shall have full power to buy, lease, own, hold and improve real estate and personal property of all kinds, and to sell, lease, convey and dispose of the same in such lots and upon such terms as the board of directors may determine; to deal in stocks, bonds, mortgages and every kind and class of securities; to lend money and make, accept, endorse, issue and purchase promissory notes, with or without coupons; mortgage and pledge its property, both real and personal; may act as factors, brokers or agents in borrowing or lending money, buying and selling stocks and securities, and in doing other acts not inconsistent with law; and investing such money as may be entrusted to its care or management for investment in bonds, stocks or other securities and property; may subscribe to stock in other corporations, and accept subscriptions for stock in this company, either in real estate or personal property, or in the bonds or stocks of other incorporated companies.

May act as  
guarantee.

It may 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; and may guarantee the title to any and all real estate situate within or without the State. It may guarantee or become surety upon all kinds of fiduciary or other bonds or undertakings not pro-

Surety on bonds.

hibited by law, including those of guardians, executors, administrators, collectors, receivers, trustees of any sort, suitors in any court, public officers of the United States or of any State, county or municipality, and of employees and agents of any person, company or corporation, under such regulations as may be determined by the board of directors.

SEC. 11. That in addition to the powers hereinbefore conferred, this company may receive and pay out the lawful currency and deal in exchange, gold and 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 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 of such minor or the husband of the *feme covert*, and his or her check or receipt therefor shall be as binding upon such minor or *feme covert* as though he or she were of full age or unmarried; and this company is specially 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 limits to be fixed by its board of directors, and may pay interest thereon by way of dividends out of the net earnings or at fixed rates, according as it may be agreed upon by 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.

SEC. 12. This company shall have the power to insure buildings, furniture, stocks of goods and other property against loss or damage by fire, lightning and water, and may issue policies therefor, and shall have power to issue policies of accident and life insurance 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 the law.

SEC. 13. Any and every court in which moneys may be paid, lodged or deposited by agreements of parties, or by order, judgment or decree of such court, may order or direct the same to be deposited with the said company, and when such deposits shall have been made, the same, like all other moneys deposited with the said company by individuals or corporations, shall be at all times subject to withdrawal by the check or order of the person entitled and duly authorized to withdraw the same; and any executor or administrator, guardian, collector, receiver or other trustee or

Banking powers.

Deposits by minors and married women.

Savings bank business.

Powers as insurance company.

Bank of deposit for moneys paid into court.

Bank of deposit for trust funds.

public officer of the State or county, or any county or city or town, having the control of any bonds, moneys, stocks, securities or other valuables belonging to others, shall be and is hereby authorized to deposit the same for safe-keeping with said company.

Stockholders not individually liable.

SEC. 14. That no stockholders shall be individually liable for any debt, contract or tort of the corporation.

May act as insurance agent.

SEC. 15. That this company is hereby authorized and fully empowered to act as agent or broker in the business of marine, fire, tornado, life, accident and fidelity insurance, in the business of giving protection to principals and employers and to any other kind or class of insurance in all of its branches, and to act as agents or representatives of owners or other persons or corporations having, or claiming to have, any interest in merchandise, vessels, cargoes, freights or other subjects of insurance.

Warehouse powers.

SEC. 16. That the said company shall have the power and authority to build, erect, maintain, conduct and operate one or more warehouses or depots at such place or places as its directors may determine, for the storage of goods, wares, merchandise, cotton, tobacco and other products, and to charge and to receive commissions, rents and compensation for the storage and keeping thereof, which charge shall constitute a first lien upon the property so stored; to make rules, regulations, contracts and by-laws, fixing terms and prices for storage, manner of inspection, form of receipts, insurance of property in store, and all other matters affecting the safe and prudent conduct of such business; to make advances of money or credit upon goods, wares, merchandise, cotton, tobacco or other products stored as aforesaid, and the receipts issued by said company for said goods, wares, merchandise, tobacco, cotton and other produce 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. And said company shall have further authority to make advances of money or credit to merchants, manufacturers or farmers upon any merchandise, goods or products, and may hold such goods, merchandise or products as security for such advances, and any receipt, contract or instrument which may be executed to said company by such merchant, manufacturer or farmer shall be and constitute a first lien upon the property so pledged as security for the payment of such advances.

By-laws, rules and regulations.

SEC. 17. That this company shall have the power and authority to make all by-laws and regulations necessary for the due and orderly conduct and government of itself and the management of its affairs, business and property; to determine the manner of calling and conducting all meetings, mode of voting, mode of selling and transferring stock, and such other things as may be for

the best interests of said company: and to do any and all things exercised by or incident to other corporations of similar character and purpose.

SEC. 18. That the officers of this corporation shall be a presi- Officers.  
dent, a vice-president, a secretary and treasurer and a board of five or more directors as aforesaid; the number of said directors to be determined by the by-laws: and said directors shall have the power to fill vacancies and to create such other offices as may be necessary for the successful conduct of the business of this corporation.

SEC. 19. That all laws and clauses of laws in conflict with this Conflicting laws  
act be and the same are hereby repealed. 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 2d day of March, A. D. 1905.

## CHAPTER 278.

### AN ACT TO ESTABLISH GRADED SCHOOLS IN THE TOWN OF BEAUFORT, CARTERET COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all the territory embraced within the corporate limits of the town of Beaufort, and also all the territory embraced and included as it is now laid out in the present public school district, number eighteen, in Beaufort Township, shall be and is hereby constituted a school district for the white and colored children, to be known and designated as the "Beaufort Graded School District." School district  
established, Official title.

SEC. 2. That upon the petition of twenty-five qualified voters of the said Beaufort Graded School District, as hereinbefore constituted, the Board of Commissioners of Carteret County shall submit to the qualified voters of said Beaufort Graded School District, as hereinbefore constituted, at an election to be held for said Beaufort Graded School District, in the town of Beaufort, Carteret County, the question whether an annual tax shall be levied for the support of the graded schools in said Beaufort Graded School District: *Provided*, that said election shall not be held within sixty days after the ratification of this act. Petition for elec-  
tion on special tax. Proviso: no elec-  
tion within sixty  
days.

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 with the words "For Graded Schools" upon it, and those opposed to the levying of such tax shall vote on a written or printed ballot with the words "Against Graded Schools" upon it. The penalty for an illegal or fraudulent voting shall be the same as in the election for members of the General Assembly. Form of ballots. Penalty for illegal  
voting.

Notice of election.	The board of commissioners shall give thirty days' notice of the time of holding said election in some newspaper published in Carteret County, and shall post the said notice at the court-house door in said county and at four other public places in said Beaufort Graded School District; that said election shall be conducted under the same rules and regulations as elections are conducted
New registration not required.	for electing members for the General Assembly; that a new registration of the voters in said graded school district shall not be required, and all voters in the said graded school district who registered at the last general election held in said county shall be entitled to vote in said election; that any person of lawful age who has moved into said Beaufort Graded School District since the last general election, or any person of lawful age at said election who is not registered on the registration books of said Beaufort Township, shall be entitled to register and vote in said election if he can qualify for registration according to law, and that the Commissioners of Carteret County shall appoint a registrar, whose duty it shall be to meet on a day to be fixed by said commissioners at least one week before said election, at the court-house door in said county, with the registration books of the said Beaufort Township, to register said persons who qualify themselves according to law to vote at said election; and that in all other respects the said election shall be conducted in the same manner and under the same rules and regulations as elections are conducted for electing members of the General Assembly.
County commissioners to appoint registrar. Registration.	
Special tax to be levied.	SEC. 4. That in case a majority of the qualified voters of the said Beaufort Graded School District shall be in favor of such tax, the Board of Commissioners of Carteret 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 Beaufort Graded School District, to raise such a sum of money as the trustees of said graded schools in said graded school district shall deem necessary to support and maintain said graded schools, which sum shall not exceed thirty cents on one hundred dollars valuation of property and ninety cents on each poll. The said trustees, whose appointment is hereinafter provided for, upon their appointment and qualification after the election herein provided for, shall meet and organize and report to the Commissioners of Carteret County what sum said trustees deem necessary to support and maintain said graded schools during the first year; and annually thereafter the said trustees, thirty days prior to the time for levying the county taxes, shall report to the said Board of Commissioners of Carteret County what sum is necessary to support and maintain said graded schools during the next year. The taxes levied for the support of said schools, as hereinafter provided, shall be annually collected as other taxes
Limit.	
Trustees to meet and organize.	
To submit estimates.	
Estimates submitted annually.	
Taxes levied and collected.	



are collected and paid over by the sheriff or other collecting officer to the Treasurer of Carteret County for the safe-keeping and proper distribution of the same, and the said tax 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.

Tax kept sacred and separate.

SEC. 5. That the trustees to be appointed for said graded schools, as hereinafter provided, are hereby created, and their successors shall be, a body corporate by the name and style of the "Board of Trustees of the Beaufort 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 said board.

Trustees incorporated.

Corporate name.

Formal enumeration of corporate powers.

Conveyances to and by trustees.

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 the said Beaufort Graded School District, and the said board of trustees shall use and appropriate the funds derived from said special tax 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 costs of establishing and maintaining the graded schools for each race.

Trustees to establish graded schools.

SEC. 7. That the board of trustees whose appointment is 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 compensation of the 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 interests in said district: *Provided*, that all children resident in the said district between the ages of six and twenty-one years old shall be admitted into said schools free of tuition charges, and the board of trustees may permit attendance upon the said school of children residing without the territory embraced in said graded school district, or admit pupils to said schools over twenty-one years of age, upon such terms as the board of trustees may prescribe.

Trustees to have exclusive control.

Officers and teachers.  
School census.

Children resident free of tuition.

Non-resident pupils.

Public school moneys to use of graded schools.

Treasurer and sheriff liable on bond.

Appointment of trustees.

Terms of office.

Trustees to organize.

Vacancies.

Superintendent and teachers.

School year.

Public school property vested in graded school.

SEC. 8. That all public school funds derived from the State and County of Carteret, 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 moneys 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 Carteret County, and shall be applied to the keeping up of said graded schools under the order of the said board of trustees. The said Treasurer of Carteret County and his sureties on his official bond shall be responsible for the proper disbursement by said treasurer of all moneys collected under this act and received by him; and the Sheriff of Carteret County and his sureties on his official bond shall be responsible for all moneys collected by him under this act until the same is paid over to the treasurer of said county.

SEC. 9. That at the first regular meeting of the board of education with the Superintendent of Public Schools of Carteret County after the election has been held under this act, and it has been ascertained that a majority of the qualified voters of the Beaufort Graded School District have voted for graded schools in said district, the said board of education, in conjunction with the Superintendent of the Public Schools of Carteret County, shall appoint nine trustees for the graded schools of said district, as follows: Three trustees for the term of six years from and after the date of their appointment, three trustees for the term of four years from and after the date of their appointment, three trustees for the term of two years from and after the date of their appointment. The said trustees shall meet and organize by electing one of their number as chairman and one of their number as secretary, and they and their successors shall be a body corporate, as hereinbefore described, by the name and style of the "Board of Trustees of Beaufort Graded Schools," and shall have all the powers as such corporate body as is set out in section five of this act. All vacancies occurring in the said board of trustees, from any cause, shall be filled by the board of education in conjunction with the Superintendent of the Public Schools of Carteret County, 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 trustees so dying or resigning.

SEC. 10. That the said board of trustees shall have the 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 said schools. They shall have power at any time to remove said superintendent or any teacher, and to employ others in his or her stead.

SEC. 11. That the beginning and end of the school term of each year shall be fixed by the said board of trustees; that the property, both real and personal, of the public schools of said school district

shall become the property of the said graded schools, shall be vested in the said board of trustees and their successors in trust for said graded schools: *Provided*, that said election carries for graded schools; and that in case of the discontinuance of the said graded schools, all the property thereto belonging shall revert to and become the property of the public schools of said district. Proviso: reversion.

SEC. 12. Under the direction of and under the rules prescribed by the said board of trustees, the superintendent elected by them shall examine all the applicants for the positions as teachers in said schools and certify the result to 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. Examination of teachers.  
Superintendent to act as secretary.

SEC. 13. That the moneys received, as herein provided for, shall be held by the Treasurer of Carteret 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 said treasurer for the disbursement of said money in any settlement required of him by law or by the said board of trustees. Vouchers.

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 the 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 in their judgment be advisable to the Board of Education of Carteret County. Said trustees shall also include in their reports such data and other information as may be required under the general school law. Trustees to report annually.

SEC. 15. That no person shall be appointed as trustee of said graded schools but shall have arrived at the age of twenty-one, and nothing in this act shall prevent persons acting as trustees from holding any other office of profit or trust while acting as trustee. Qualifications for trustees.

SEC. 16. That the expense and cost of holding the election under this act shall be paid out of the funds raised by this act by the treasurer of the county. Cost of election.

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 enforced from and after its ratification.

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1905.

## CHAPTER 279.

## AN ACT TO INCORPORATE THE DOBSON ELECTRIC RAILWAY COMPANY.

*The General Assembly of North Carolina do enact:*

Corporators.	SECTION 1. That T. W. Folger, C. H. Haynes, T. W. Davis, J. R. Lewellyn, W. W. Hampton, R. C. Freeman, J. M. Bodenhammer, C. C. Holyfield, Samuel Simpson and J. B. McGuffin, all of Surry County, North Carolina, and such other persons as may be associated with them, are hereby created and declared a body politic and corporate, with perpetual succession, under the name and
Corporate name.	style of the Dobson Railway Company, and in that way may
Formal enumeration of corporate rights.	sue and be sued, plead and be impleaded in any court in this State, contract and be contracted with, 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 any other way, real or personal property, and holding, leasing, conveying or in any other manner dealing with the same for any of the purposes hereinafter enumerated; and the said corporation shall have and enjoy all the rights and immunities which corporate bodies may lawfully exercise, and may make by-laws and regulations for its government not inconsistent with the laws of the United States or the State of North Carolina. It may build branch roads from any part of its main line not exceeding twenty (20) miles in length.
Branch roads.	
Route and terminals.	SEC. 2. Said company, upon organization as herein provided for, shall have power to construct, maintain and operate a steam or electric railroad, electric power plant, electric wires, trolley or electric car lines, telegraph and telephone lines from Dobson, North Carolina, through any portion of the counties of Surry, Yadkin and Alleghany to the Virginia line.
Capital stock.	SEC. 3. The capital stock of said railway company shall be fifty thousand dollars (\$50,000), which may be increased from time to time by the votes of its shareholders to an amount not exceeding two hundred and fifty thousand dollars (\$250,000), to be divided into shares of the par value of twenty-five dollars (\$25) each:
Proviso: increase of capital.	<i>Provided</i> , such increase of capital stock shall only be made upon application to the Secretary of State and leave granted by him: such application to be accompanied by a receipt from the State Treasurer for the taxes prescribed in section two of Public Laws of one thousand nine hundred and one, for the increase of capital stock. Each share subscribed shall be entitled to one vote in all the meetings of the stockholders of said company, and five thousand dollars (\$5,000) shall be the minimum subscribed on which said company may be organized.
Stock votes.	
When company to organize.	
Books of subscription.	SEC. 4. That said incorporators shall have the power to open books of subscription, in person or by agents duly appointed by a majority of them, at such place or places as they may determine,

and to keep the same open for such time and under rules and regulations as may be deemed necessary or expedient. Said incorporators may, when they deem proper, after twenty (20) days' notice 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 said company by electing a board of directors and such other officers as they may see fit; and at such meeting, and all other 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 share or by his proxy; 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 said company prescribe, and may do and perform all other acts necessary to complete the organization of said company and to carry into effect the objects of this charter in accordance with the direction of the stockholders. The directors elected shall serve such period, not exceeding one year, as the stockholders may direct, and the stockholders shall fix the time and place of meeting. Said stockholders' meeting to be annually, but if the day of annual election should under any circumstances pass without any election the corporation shall not thereby be dissolved, but the directors formerly elected shall continue in office until a new election shall take place.

Meeting for organization.

Directors.

Directors to elect president and other officers.

Term of directors.

Annual meetings.

SEC. 5. The election of directors shall be by ballot, each stockholder having as many votes as he has shares in the stock of the company, and the persons receiving the greatest number of votes shall be duly elected directors; and, at all elections and upon all votes, when at any meeting of the stockholders, each share of stock shall be entitled to one vote, to be represented either in person or by proxy, and the proxies may be verified in such manner as the by-laws of the corporation prescribe.

Election of directors.

SEC. 6. The board of directors may fill any vacancies that may occur in it during the period for which they have been elected.

Vacancies.

The president of the company and the vice-president 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. The secretary and treasurer shall also be elected by the directors and may be one and the same person. In the absence of the president or secretary, at any meeting of the directors, they may appoint a president, and secretary *pro tempore* to fill his place, except when the vice-president is present; in that case the vice-president shall act.

Term of president and vice-president.

Secretary and treasurer.

President and secretary pro tem.

SEC. 7. The company shall issue certificates of stock to its members, and said stock may be transferred in such manner and form as may be directed by the by-laws of the company.

Certificates and transfer of stock.

SEC. 8. The said company shall have power to take by purchase, lease or otherwise, the railroad franchises and property of

Powers to purchase other companies.



Consolidation.	any 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 road under such name as shall be 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 purchasing or leasing shall be entitled to all property, franchises, privileges and immunities belonging to or pertaining to the road created by this act: <i>Provided</i> , nothing in this act shall be construed to allow the said railroad company to become the channel through which any competing railroad companies shall consolidate. Any of the powers and privileges conferred and authorized by this section may be exercised and effected by the directors of the companies concerned in such manner, and on such terms as the stockholders of each company may determine. 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 shall have power to use any section or portion of its road before the whole of the same shall have been completed, and charge for transportation of passengers and freight thereon.
Power to sell or lease to other companies.	
May use portion of road.	
Crossing roads and railroads. Construction along public road. Proviso: conditions.	SEC. 9. The said company shall have the right, when necessary, to construct their said road across any public road or other railroad, or alongside any other public road: <i>Provided</i> , said company shall not obstruct any public road without first constructing one equally as good and convenient as the one taken by the company, and which has been accepted by the board of county commissioners.
Condemnation of land.	SEC. 10. 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 purposes, the said company may proceed to condemn and enter same in the manner set out in chapter forty-nine of The Code, and amendments thereto.
Limit of right of condemnation.	SEC. 11. The right of said company to condemn and take land under this act shall be limited to the space of fifty (50) feet on each side of their road-bed, measuring from the center of the same, except where cuts and fills require more, and then as much as may be required for a double track at grades; and for depots and warehouses they may condemn not exceeding two acres in any one place; and in all cases where land or rights-of-way have been condemned and where the owner shall petition for assessments of damages within two years from condemnation and occupation, and not after except in case [of] legal disabilities, and in such case within two years from the removal of such disabilities.
Owner to petition within two years.	

SEC. 12. That any county, township, city or town along or near the line of railroad may subscribe to the capital stock of the said company, or for bonds issued by the same, in the following manner: Upon presentation of writing signed by not less than fifty freeholders and resident tax-payers of the county, township, city or town to the board of county 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 or bonds of said company, the board of commissioners of said county, or proper authorities of said city or town, may in their discretion order a new registration, and shall within thirty (30) days thereafter order an election to be held in such county, township, city or town, to submit to the qualified voters therein the question of subscribing to the capital stock or bonds 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 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 (30) 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 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 county or proper authorities of said city or town.

SEC. 13. 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, and shall issue such coupon bonds to the amount of said subscription, in order to pay the same, and the bonds shall upon the face indicate on account of what county, township, city or town they are issued. They shall be in a denomination 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.

SEC. 14. The county authorities in any county voting for subscription, or in which there is a township voting for subscription, who are legally empowered to levy taxes in order to provide for payment of the bonds authorized to be issued by the preceding

Counties, townships, cities and towns may subscribe to stock.

Manner of making subscriptions.

New registration.  
Election to be ordered.

Form of ballots.

Notice of election.

Authorities to act if subscription voted.

Bonds to be issued.  
Description of bonds.

Special tax for interest and sinking fund.

section, shall compute and levy each year, at the time of levying other taxes, a sufficient tax upon the property and polls in said county, township, city or town, to pay for 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 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 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 it was levied and collected, and for no other. The sinking fund shall be invested as may be directed by the board of commissioners of said county or by the proper authorities of such city or town issuing such bonds.

Taxes kept  
distinct.  
Specific  
appropriation.  
Investment of  
sinking fund.

Company to issue  
bonds.

Mortgage.

Registration in  
Surry county.

Convicts to be hired  
to company.

Stockholders not  
personally liable.

SEC. 15. It shall be lawful for the said Dobson Railway Company, chartered by this act, to issue coupon bonds in such denomination, and running for such a time, and having interest at such rate, and payable at such time and place as the board of directors may direct, to be sold or hypothecated by the direction of said company; and to secure payment of the same, the company is authorized to execute a mortgage, to such person or corporation as the company may select, on all real and personal estate of said company, together with all its franchises and privileges, or in case the road may be divided and built in sections, which the said company is authorized to do, such mortgage may be placed upon such separate sections, and in such manner as the company may direct; and it is hereby provided that the registration of any mortgage provided to be executed in this section may be made in Surry County, and, upon registration in Surry County, it shall be a lien on such property and franchises conveyed in such mortgage as fully and completely as if the same was registered in each and every county through which the road passes.

SEC. 16. That the board of directors of the penitentiary may, on the application of president of said company, approved by the Governor, turn over to said company convicts not otherwise appropriated, not less than one hundred and fifty (150) in number, to be worked in construction of said road on 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.

SEC. 17. That the stockholders of said company, with the private citizens or other corporations, public, private or municipal, shall not be personally liable for the debts of said company.

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 2d day of March, 1905.

## CHAPTER 280.

## AN ACT TO INCORPORATE THE CLIFFSIDE RAILROAD COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That R. R. Haynes, T. B. Lovelace, B. D. Heath, Jno. M. Scott, Henry Jenkins, W. S. Lee, W. C. Heath, A. W. Heath and C. H. Haynes, and their assistants and successors, be and they are hereby declared a body politic and corporate under the name and style of "The Cliffside Railroad Company," and by that name shall have sixty (60) years succession, and have the right to sue and be sued, plead and be impleaded, make and use a corporate seal, and alter 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.

SEC. 2. That the capital stock of said company shall be one hundred thousand dollars (\$100,000); the par value of each share of stock shall be one hundred dollars (\$100); and the directors, with the approval of the stockholders, may receive cash, labor, material, bonds, stocks, contracts, real or personal property, in payment of subscriptions to the capital stock, and may make such subscription, in such manner or amounts and at such times as may be agreed upon with the subscribers; and whenever one hundred (100) shares of the capital stock shall have been subscribed for and the sum of one thousand dollars (\$1,000) paid in cash, the subscribers under the direction of a majority of the incorporators hereinbefore named, who themselves 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 thereafter they shall have and exercise all the powers and functions of a corporation, under the charter and the laws of this State. Every subscriber to, or holder of, the capital 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 said subscribers or holders, and no more.

SEC. 3. That 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, or 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 or expedient; and it shall be lawful for the said corporation to acquire by original subscription, contracts 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 of America.

Route and  
terminals.

Branch roads.

Consolidation.

May buy out other  
companies.

SEC. 4. That the said corporation is authorized and empowered to lay out, survey, construct, equip, maintain and operate by steam, electrical or other power, a railroad from Cliffside in Rutherford County to Rutherfordton *via* Cliffside Junction, a point on the Henrietta Branch of the Seaboard Air Line Railway, and from said road to locate, contract, equip, maintain and operate extensions and lateral or branch roads to the South Carolina line, in the direction of Gaffney or Spartanburg in the State of South Carolina, and such other places in the State of North Carolina as the board of directors, under the authority of the stockholders, may select; and said corporation may operate any such extensions, lateral or branch roads which may be constructed, together with all the rights, powers, properties, privileges and franchises appertaining thereto, and it may pay for the same with money or by the issue of stock, bonds or notes; and said corporation may connect or unite its route with that of any other company or companies, or consolidate or merge its stock, property and franchises with and into any other company or corporation operating or authorized to operate the 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; and said company shall have the power to buy or lease the right-of-way, route, location, road-bed, railroad, property or franchises of the "Rutherford Power Company," or of any other company or companies authorized to locate, construct, maintain or operate a railroad in the territory embraced in this act, or any part thereof, or of any other company or companies which may hereafter be authorized to locate, construct, maintain or operate such railroad, upon such terms and under such names as may be agreed upon between the companies to such purchase or lease; and the said company may pay for said purchase or lease in money, stock, bonds or such other material and in such manner as may be agreed upon by the said company and the said "Rutherford Power Company" or such other company or companies from which the railroad is bought or leased; and for that purpose power is hereby given to it and to the said "Rutherford Power Company," or such other company or companies as it may buy or lease from, as herein authorized, to make and carry out such contracts as will facilitate and consummate such purchase or lease; and said company shall have power to convey and transport persons or property over its road, and to



receive compensation therefor, and to do all things incident to a railroad business.

SEC. 5. That the said company shall have power, in addition General railroad powers. to the powers hereinbefore enumerated, to maintain and operate railroads, and cross the same, street railways and tramways, carry freight and passengers thereon, and to charge, collect and receive toll, fares or tariffs for the same; to lease or sell any part or all of its railroads, street railways, motor lines and tramways to any other company or companies incorporated for the purpose of maintaining and operating a railroad, street railway, motor line or tramway, and to lease, purchase, operate and maintain 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 county in the State of North Carolina in which the railroad, street railway, motor lines or tramways of this corporation may extend, or be designed or interested, now or hereafter to extend, for a grant of any rights, powers, privileges and franchises, for the maintenance or operation thereof, and to erect poles, wires, apparatus and buildings for the maintenance and operation thereof; to accept, receive, own, hold, lease all and singular the same; to acquire, by contract, purchase, lease, and to accept, own and hold any rights, privileges or franchises heretofore granted to any person, firm, company, 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, construct, maintain and operate depots, stations, warehouses and such other buildings as may be necessary in the conduct of its business; to acquire, purchase, lease and hold and improve real property purchased for the purpose of providing pleasure grounds, parks and places of amusement along the line of its railroads, railways, motor lines or tramways, and erect such buildings on said real property as may be deemed expedient; 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; 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 other matters and things necessary, proper or convenient for its accomplishment of the objects, or any thereof, above specified.

SEC. 6. That it shall be lawful for the president and directors Entry on land for surveys. of the company, their agents, superintendents, engineers or others in their employ to enter at all times upon all lands for the purpose

Condemnation of land.	of exploring or surveying the railroad routes of said company and locating or laying out the same, doing no unnecessary damage to private property; and when the location of said route shall have been determined upon, and a survey of the same deposited in the office of the clerk of the superior court of the county or counties in which said routes are located, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors and others in its employ, to enter upon, take possession of, have, hold, use and locate on any such lands, and to erect all the poles, wires, structures or apparatus necessary to the completion of said railroad, subject to such compensation as is here-
Proviso: payment to be made or tendered.	after provided: <i>Provided always</i> , that payment, or tender of payment, of all demands for the occupancy of all lands upon which the railroad may be located be made before the said company shall enter upon or break ground upon the premises, except surveying or locating said railroad, unless the consent of the owner
Proviso: route may be changed.	or owners be first had and obtained: <i>And provided further</i> , that such location of its railroad and filing of its surveys in the office of the clerk of the superior court shall not preclude said company from making, from time to time, other locations of its railroad and filing surveys of the same as its business or development require.
Procedure for condemnation.	SEC. 7. That when any lands or rights-of-way may be required by said company for the purpose of constructing and maintaining its railroads or other works, and for want of agreement as to the value thereof, or for any other cause, the same cannot be purchased from the owner, the company may proceed to condemn and enter the same in the manner set out in chapter forty-nine (49) of The Code and all amendments thereto.
Votes of stockholders.	SEC. 8. That every stockholder in the company shall, at all meetings or elections, be entitled to one vote for every share of
By-laws, rules and regulations.	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
Meetings of stockholders and directors.	held at Cliffside, in Rutherford County, 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 prescribe, and power is given to the stockholders to change the location of the principal office of the company at any time.
Election and term of office of directors.	SEC. 9. That 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 on such days as the by-laws of the company shall direct, and shall continue in office for the term of one (1) year from and after the date of their election and until their successors
President.	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 vacancies, unexpired term.

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 2d day of March. A. D. 1905.

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### CHAPTER 281.

#### AN ACT FOR THE RELIEF OF J. H. HAMRIC, A JUSTICE OF THE PEACE FOR RUTHERFORD COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Education of Rutherford County is hereby authorized, empowered and directed to repay to J. H. Hamric, a justice of the peace of Rutherford County, the sum of ten dollars paid by the said J. H. Hamric as a fine in the case of State against James Bridges, to the school fund of Rutherford County; said fine never having been collected by the said J. H. Hamric and having been paid into the school fund by error. Fine paid by mistake returned.

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

In the General Assembly read three times, and ratified this the 2d day of March. A. D. 1905.

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### CHAPTER 282.

#### AN ACT TO INCORPORATE THE TOWN OF CRONLY IN THE COUNTY OF COLUMBUS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the village of Cronly in the county of Columbus be and the same is hereby incorporated into a town under the name of "Cronly," and shall possess and be subject to all of the powers and provisions contained in chapter sixty-two (62), paragraph two (2), of The Code of North Carolina, and all amendments thereto not inconsistent with the provisions of this act. Town incorporated. Corporate name.

SEC. 2. The corporate limits of the said town shall be as follows: Beginning at the point where the county bridge on the Fayetteville and Wilmington Road crosses Livingstone Creek, and running thence down Livingstone Creek to the mouth of Mill Creek; thence up Mill Creek to where the county road crosses the same; Corporate limits.

thence along the county road southwardly twenty-five chains to a point which is distant south twenty-two degrees thirty minutes west fourteen and thirty-five one-hundredths chains from the northern line of the right-of-way of the Seaboard Air Line Railroad Company; thence south thirty degrees west fourteen and thirty-five one-hundredths chains to the northern line of the right-of-way of the Seaboard Air Line Railroad Company; thence westwardly with said right-of-way seven and sixty one-hundredths chains; thence south forty-eight degrees fifty minutes west twenty-two and twenty-five one-hundredths chains to a pine; thence south thirty-one degrees thirty-five minutes west twenty and ninety-five one-hundredths chains to a holly on Lynch Gum Creek, and thence down the creek with its meanders to Livingstone Creek, and thence down Livingstone Creek to the beginning.

- Officers. SEC. 3. That the officers of said town shall consist of a mayor, three commissioners and such other officers as said commissioners may elect. That until their successors are duly elected and qualified, as hereinafter provided, E. H. Rapalje shall be mayor and S. L. Chinnis, R. G. Burns and Cornelius Van Leuven shall be commissioners of the said town. The said commissioners, after their qualification by taking the oath of office before some person qualified to administer oaths, may elect such other officers as they may deem necessary, and require from them such bonds and in such amounts as they may deem necessary for the faithful performance of their duties.
- Officers named.
- Commissioners to elect other officers.
- Bonds.
- Town election in 1906, and biennially. SEC. 4. That there shall be held on the first Monday in May in the year one thousand nine hundred and six (1906), and biennially thereafter, in some convenient place in said town to be designated by the said commissioners, an election for mayor and commissioners, under the laws of the State prescribing the manner of election for municipal officers.
- Voters. SEC. 5. That all persons entitled to vote in the county of Columbus for members of the General Assembly, who shall have been *bona fide* residents of the said town four months preceding the election, shall be entitled to vote at any and all municipal elections for said town.
- Tax power. SEC. 6. That the board of commissioners shall have power to levy and collect, annually, taxes for municipal purposes upon all persons and property and subjects of taxation which are taxed for State and county purposes.
- Road duty. SEC. 7. That the said commissioners may require and compel all able-bodied male citizens of said town between the ages of eighteen and forty-five years to work upon the streets of said town in the same manner and for the same time that public roads are required to be worked.
- Rules, regulations and ordinances. SEC. 8. That the said board of commissioners shall have power to pass and enact such rules, regulations and ordinances for the

government of the said town as they may deem necessary, not inconsistent with the laws of North Carolina.

SEC. 9. That the said commissioners shall have power from time to time to open any new streets or alleys within said town, by paying the owner through whose land the said streets and alleys may run such damages as may be sustained thereby, if any: *Provided*, that if the said commissioners and owners of said land cannot agree as to the amount of damages it shall be left to three disinterested freeholders, citizens of said town, to be selected as follows, to-wit: The commissioners shall select one, the owner of the land one, and the two then selected shall select a third; and the persons so selected shall proceed to assess the damages; and if the owner of the land fails or refuses to select a man, upon notice, then the commissioners shall select two, and the two then selected shall choose a third man, and the three so selected shall assess such damages. Either party who may be dissatisfied with their assessment or decision may appeal to the Superior Court of Columbus County.

Commissioners to open streets.  
Assessment of damages.

SEC. 10. The mayor shall be entitled to a vote in any meeting of the commissioners when there is a tie.

Mayor to vote in case of tie.

SEC. 11. Any vacancies that may occur in the office of the mayor or commissioners of the said town, when occasioned by death, resignation or otherwise, shall be filled by the remaining members of the board of commissioners.

Vacancies.

SEC. 12. It shall be unlawful for any person, persons or corporation to manufacture or sell, or offer to sell, any vinous, spirituous or malt liquors within the limits of the said town.

Prohibition.

SEC. 13. The mayor of the 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 hear and determine all causes of action and warrants which may arise upon the ordinances and regulations of the town, to enforce penalties for issuing execution upon any adjudged violation thereof, and to execute the rules and regulations made by the commissioners.

Mayor constituted inferior court.  
Jurisdiction.

SEC. 14. 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. 1905.



## CHAPTER 283.

AN ACT TO AMEND THE CHARTER OF THE CITY OF  
ASHEVILLE.*The General Assembly of North Carolina do enact:*Street improve-  
ment extended.

SECTION 1. That section one hundred and fifteen of chapter one hundred, Private Laws one thousand nine hundred and one, be and the same is hereby amended by striking out the word "two" in line thirteen and inserting in lieu thereof the word "three."

Aldermen to select  
material.

SEC. 2. That section one hundred and fourteen of chapter one hundred of the Private Laws of one thousand nine hundred and one be and the same is hereby amended by adding at the end of said section the following proviso: "*Provided, however,* that the nature and kind of material used in such improvement shall be left absolutely to the discretion of the said board of aldermen in all cases."

Exceptions as to  
debt limit.

SEC. 3. That section ninety-two of chapter one hundred of the Private Laws of one thousand nine hundred and one be and the same is hereby amended by adding at the end of said section the following: "But the debt limit and other provisions of this section shall have no application to debts contracted for street improvements, or any other kind of debts, the amount of which may be secured to the city of Asheville by lawful assessment liens therefor against private property."

Lands benefited  
assessed for  
improvements.

SEC. 4. That section sixty-five of chapter one hundred of the Private Laws of one thousand nine hundred and one be and the same is hereby amended as follows: Insert in line fifteen of said section, between the word "affected" and the word "by," the words "in anywise," and immediately after the word "thereby" and before the word "shall" in line eighteen thereof, the words "which shall include, as far as may be, all persons owning lands supposed to be within the area of special benefit or damage resulting from said proposed improvement, whether said lands abut on said street or right-of-way or not"; and in line twenty-five thereof, between the word "affected" and the word "by," the words "as aforesaid"; and immediately after the word "jury" and before the word "such," in line twenty-six of said section, the following: "*Provided,* that all amendments hereinabove made to this section are hereby construed to express the meaning of said section prior to the adoption of said amendments: *Provided,* this section shall not permit such assessments upon property abutting upon streets which have heretofore been paved."

Proviso: amend-  
ments explanatory.Proviso: property  
excepted.

Building inspector.

SEC. 5. That section thirty of chapter one hundred of the Private Laws of one thousand nine hundred and one be and the same is hereby amended by adding at the end thereof the following: "and to appoint a building inspector for said city: to prescribe his

duties and fix his compensation: to order the removal, reconstruction, repair or demolition of any building when satisfied from the report of said building inspector, and after investigation, that any building erected or about to be erected in said city is unsafe or dangerous to the life, health or property of any citizen or resident of said city; and to fix and prescribe building lines for all buildings of any kind that may hereafter be erected or reconstructed in said city; to prescribe rules and regulations in relation thereto, and to provide penalties for the violation of any such rules."

SEC. 6. That section one hundred and sixteen of chapter one hundred of the Private Laws of one thousand nine hundred and one be and the same is hereby amended by striking out the second proviso of said section. Limit to assessment.

SEC. 7. That section fifty-two of chapter one hundred of the Private Laws of one thousand nine hundred and one be and the same is hereby amended by striking out the two provisos in said section. Board of assessors and notice of assessment.

SEC. 8. That section seventy-one of chapter one hundred of the Private Laws of one thousand nine hundred and one be and the same is hereby amended by striking out the proviso beginning with the seventh line on page two hundred and sixty-five of the Private Laws of one thousand nine hundred and one, immediately after the word "property," and ending with the word "improvement," in the eleventh line of said chapter. Limit of assessment.

SEC. 9. That section seventy of chapter one hundred of the Private Laws of one thousand nine hundred and one be and the same is hereby amended by striking out the proviso thereof. Limit of assessment.

SEC. 10. That section thirty-two of chapter one hundred of the Private Laws of one thousand nine hundred and one be and the same is hereby amended by inserting therein, between the word "it" and the word "to," in the twenty-third line from the top of page two hundred and thirty-five of said Private Laws of one thousand nine hundred and one, the following: "to locate, regulate, restrain or prohibit slaughter-houses within said city; to provide for an inspection of all such cattle, swine and sheep before the same are slaughtered, and of their products afterwards; to designate and locate the place or places of such inspection, and in proper cases to provide for the condemnation of such cattle, swine, sheep and their products, and, under proper and reasonable safeguards for the protection of the owner or owners thereof, for the confiscation of such condemned cattle, swine, sheep or their products; and, to the ends hereinbefore in this amendment set forth, said joint health board shall have power to adopt all needful and convenient rules and regulations in that behalf, and to provide suitable penalties for the violation of any such rules and regulations."

SEC. 11. That section seventy of chapter one hundred of the Private Laws of one thousand nine hundred and one be and the same is hereby amended by striking out the proviso thereof. Lot-owner to repair sidewalk.

same is hereby amended by striking out, immediately after the word "repair," in line ten of said section, the words "the half of," and by striking out the remainder of the sentence after the word "cost," in line twelve of said section.

Assistant tax collector.

SEC. 12. That section forty-five of chapter one hundred of the Private Laws of one thousand nine hundred and one be and the same is hereby amended by inserting immediately after the word "appoint," in the second line from the top of page two hundred and forty-two of the Private Laws of one thousand nine hundred and one, the words "with the approval of said board of aldermen," and by adding the following at the end of said section forty-five: "*Provided, however,* that said board of aldermen shall have the power to increase, diminish or alter the duties imposed in this charter on said tax collector, and may in its discretion impose any part of said duties upon any other officer or officers of said city."

Proviso: duties of tax collector.

SEC. 13. That this act shall take effect from and after the date of its ratification.

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1905.

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CHAPTER 284.

AN ACT TO AMEND CHAPTER 171 OF THE PRIVATE LAWS OF 1897, INCORPORATING THE TOWN OF MAYSVILLE, JONES COUNTY, PROVIDING FOR MANNER OF HOLDING TOWN ELECTIONS IN SAID TOWN.

*The General Assembly of North Carolina do enact:*

Officers named.

SECTION 1. That chapter one hundred and seventy-one of the Private Acts of one thousand eight hundred and ninety-seven be amended by striking out section seven as it reads in said chapter and inserting in place of said section the following: "Section 7. That until the next town election to be held in the town of Maysville, the following persons are hereby appointed and shall constitute the officers of said town, to-wit: Frank M. Jenkins, as mayor; Dr. N. G. Shaw, A. C. Fosene, J. E. McCutchen, B. L.

Officers to qualify.

Mattocks and Lewis Bynum, as commissioners, who shall qualify before some justice of the peace within twenty days after the ratification of this act, and said officers shall continue in office until their successors shall be elected and qualified. The said commissioners are hereby authorized and empowered to appoint a town marshal, to hold office until his successor is elected and qualifies. That hereafter the officers in said town of Maysville, Jones County, shall be elected under the law as provided in chapter seven hundred and fifty of the Public Laws of one thousand nine hundred

Commissioners to appoint town marshal.  
General municipal election law.

and one, and said chapter is hereby made applicable to the town of Maysville."

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

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1905.

## CHAPTER 285.

### AN ACT TO REVIVE AND REINCORPORATE THE "GROVE ACADEMY" AT KENANSVILLE, NORTH CAROLINA.

WHEREAS, in the year one thousand seven hundred and eighty-nine, the General Assembly of North Carolina duly incorporated and established the "Grove Academy" at Kenansville, North Carolina, for the purpose of promoting learning, the charter for which is embodied in chapter thirty of "Martin's Collection of Statutes"; and whereas, the original charter has never been repealed or amended, and is insufficient for modern purposes; and whereas, the patrons and friends thereof are desirous of obtaining a more efficient and suitable charter for said institution of learning: Now, therefore, Preamble.

*The General Assembly of North Carolina do enact:*

That the said chapter thirty of "Martin's Collection of Statutes" be and the same is hereby amended so as to read as follows:

SECTION 1. That Thomas S. Kenan, D. L. Farrior, S. O. Middle-  
ton, Frank Thompson, D. L. Carlton, Henry Farrior, J. G. Murphy  
and J. O. Carr, and such others as may be associated with them,  
be and they are hereby created a body corporate under the name  
of "The Grove Academy," and by such name may sue and be sued,  
have a common seal, adopt such by-laws and regulations as may  
be necessary for its government, and may have and enjoy all  
rights, privileges and franchises pertaining to corporations. Corporators.  
  
Corporate name.  
Corporate rights.

SEC. 2. That the said "Grove Academy" shall have power and  
authority to establish and operate a school or schools for educa-  
tional and training purposes, to hold and possess real estate or  
other property, to receive donations and gifts, to issue certificates  
of scholarship and efficiency to its students, and to do such other  
things as may be necessary for carrying out the purposes of this  
act; and the said corporation shall have an existence of thirty  
years. Corporation to  
establish and  
operate school.  
To hold property.  
To receive dona-  
tions and gifts.  
Certificates of  
scholarship and  
efficiency.  
Term of corpo-  
ration.

SEC. 3. That all laws and clauses of laws inconsistent herewith  
are repealed. Conflicting laws  
repealed.

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

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1905.

## CHAPTER 286.

## AN ACT TO INCORPORATE THE WOMBLE HOOK AND LADDER COMPANY OF RALEIGH, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Corporators.	SECTION 1. That John W. Mangum, E. B. Parish, L. D. Bagwell, L. P. Brooks, E. Y. Enniss, Henry Olive, W. C. Parish, Edgar Peebles, W. D. Terry, Wiley Peebles, C. Pool, W. F. Roberts, W. A. Taylor, A. L. Terry, W. C. Underhill, John Wynne, E. A. Lassiter and such other persons as are now or may hereafter become members, not to exceed twenty-five in number, be and they are hereby
Corporate name.	created and declared to be a body politic and corporate, under the name and style of "The Womble Hook and Ladder Company of Raleigh, North Carolina," and by that name and style shall have
Corporate rights.	power to acquire a hook and ladder wagon, horses and such other equipments and appliances as is necessary for the successful accomplishment of the object of its organization, and such real estate as may be needful for the protection of its property and for meeting places, etc., the value of which shall at no time exceed twenty-five thousand dollars.
Formal enumeration of corporate powers.	SEC. 2. That said company shall be authorized to sue and be sued, to plead and be impleaded in any and all courts of law, to contract and be contracted with, and shall have perpetual succession and a common seal, with the power to purchase, hold and convey real and personal property when necessary or convenient for the purposes of carrying out the objects of said company; and for its government may make all necessary by-laws, rules and regulations not inconsistent with the laws and Constitution of this State or of the city of Raleigh, and shall have and enjoy all other rights, privileges and franchises which belong to bodies corporate and politic.
Officers.	SEC. 3. That the officers of this corporation shall be such as may be provided by the by-laws of the corporation. All officers shall be elected annually and at such time as the by-laws of the corporation may prescribe, and shall hold office until their successors are duly elected and qualified.
Corporation to impose fines on members.	SEC. 4. That said corporation is empowered to impose reasonable fines and penalties upon its members in order to secure from them prompt and efficient services, and to provide for the collection of the same.
Branches or teams.	SEC. 5. That the said corporation shall have one or more branches or teams in the [discretion] of the members of the said corporation.
Active members exempt from road and jury duty and poll tax.	SEC. 6. That the members of the said corporation, while they continue to perform the duties incident to membership therein and shall be in good standing in the said corporation, shall be exempt from serving upon juries and from the performance of



road duty in Wake County, and the payment of State, county and city poll tax.

SEC. 7. That this act be enforced from and after its ratification.

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1905.

## CHAPTER 287.

### AN ACT TO AMEND CHAPTER 297 OF THE PRIVATE LAWS OF 1901, BEING AN ACT TO AMEND THE CHARTER OF THE "ATLANTIC AND NORTHWESTERN RAILROAD COMPANY."

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter two hundred and ninety-seven of the Private Laws of the General Assembly of one thousand nine hundred and one, being "An act to incorporate the Atlantic and Northwestern Railroad Company," be amended as follows: By adding immediately after the words "North Carolina" and before the word "to," in the third line of section two, the following words, to-wit: "or some point on the Atlantic and North Carolina Railroad between Goldsboro and Kinston, or from some point on the Wilmington and Weldon Railroad between Goldsboro and Warsaw."

SEC. 2. By adding immediately after the word "taxes," in the ninth line, and before the word "to," in the tenth line of section six, the following words: "and provide for a sinking fund with which."

SEC. 3. By adding at the end of section seven, immediately after the word "day," the following: "For all such elections the county commissioners, board of aldermen, or governing body of any and all such counties, townships, cities or towns calling the same shall order an entirely new registration of all voters."

SEC. 4. That the word "five," immediately after the word "have" and before the word "years," in the third line of section eleven, be stricken out and the word "eight" be substituted in lieu thereof.

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

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

In the General Assembly read three times, and ratified this the 2d day of March, A. D. 1905.

## CHAPTER 288.

## AN ACT TO INCORPORATE THE CITIZENS LOAN AND TRUST COMPANY.

*The General Assembly of North Carolina do enact:*

Corporators.	SECTION 1. That Richard W. Gwyn, Jonathan B. Horton, Henry W. Horton, Thomas B. Finley, John H. Johnson, J. Clinton Smoot, Hugh G. Chatham, Arthur L. Butner, William E. Colvard, W. H. Church, and their associates, successors and assigns, are hereby
Corporate name.	constituted a body corporate by the name of "Citizens Loan and Trust Company," by which name said corporation shall have all franchises, rights and privileges incident to a corporation.
Books of subscription.	SEC. 2. The corporators above named, or any three of them, may open books of subscription, and after two hundred (200) shares of one hundred dollars (\$100) each shall have been sub-
Organization.	scribed, upon ten days' notice issued by said corporators, or any
Directors.	three of them, the subscribers may meet and organize by the election of a board of three to seven directors, who shall manage the affairs of the company for one year, or until their successors
Officers and agents.	are elected, and who shall elect all necessary officers and agents.
When company to begin business.	The company shall have authority to transact business whenever two hundred (200) shares of one hundred dollars (\$100) each have been subscribed to the capital stock, and fifty (50) per centum paid thereon. Further assessments shall be paid in as
Increase of capital.	called for by the directors. The capital stock may be increased from time to time to an amount not to exceed one hundred and twenty-five thousand dollars (\$125,000), either by additional sub-
Investments in real estate.	scriptions of stock or by application of the surplus earnings of the corporation, and not more than ten thousand dollars (\$10,000) of the same to be invested in real estate; and if such increase shall be from the earnings of the corporation, the directors shall have the power to declare stock dividends to the shareholders <i>pro rata</i> .
Votes.	At all stockholders' meetings each share of stock shall be entitled to one vote, either in person or by proxy.
Formal enumeration of corporate powers.	SEC. 3. The corporation hereby created shall have power to make contracts, to have and use a common seal, to sue and be sued, complain and defend in any court as fully as natural persons; to buy, hold, possess and convey real estate and personal property, subject to the Public Acts of one thousand nine hundred and three (1903), chapter two hundred and seventy-five (275); to make by-laws for the regulation and management of the business of the company; to do all lawful acts and things and exercise all lawful powers and privileges which a corporate body may do.
Power to borrow money.	SEC. 4. That said company shall have power to borrow money in such amounts and at such rate of interest and payable at such times and places as the board of directors may determine, and

issue its notes, certificates or registered or coupon bonds under its corporate seal. It may receive money on deposit, on open account Deposits of money, or on certificate of deposit, and pay interest thereon, or not. It Deposits for safe-keeping, 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 any valuables of any kind, and charge commission or compensation therefor. It may guarantee or become surety upon any official or Powers as guaranty or surety company, other bond or other undertaking required or authorized by law; and it may likewise guarantee or become surety upon all kinds of fiduciary bonds or undertakings made by those having possession, custody or control, or who may come in the possession, custody or control of trust moneys or funds, either as guardians, executors, administrators, collectors, receivers or trustees of any sort, or as employees of any person, company or corporation, however or by whomsoever chosen or appointed, under such 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 company shall be consistent with the laws of the State. Proviso: laws of State to control.

SEC. 5. The said company may loan money on mortgage or deed Further general powers, of trust, conveying real or personal property or any other security; may buy and sell real estate, stocks, bonds and other securities; 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 obligation it may exact and collect such amount or percentage as may have been agreed upon, not exceeding the legal rate of interest, and reasonable costs, charges and expenses, and, in case of sale of either real or personal security, make title to the purchaser.

SEC. 6. The said company may act as the fiscal or transfer May act as fiscal agent or trustee, agent of or trustee for any State, county or municipality, body politic or corporate, 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 evidence of indebtedness. That said company shall have the May act as insurance agent, right to act as agents for any life, fire, accident, liability or other insurance company, and to exercise all the rights and privileges commonly enjoyed by insurance agents; to collect rents for individuals, firms or corporations, and charge fees or commissions for same; to buy and sell real estate, personal property, stocks, bonds and all kinds of merchandise on commission, and otherwise do a general brokerage business.

SEC. 7. The said company shall have power to act as executor, administrator, guardian, trustee, receiver or depository, and to take, accept and execute any and all such trusts and powers of whatever nature or description as may be conferred upon or entrusted or committed to it by any person or persons or by any

Undertaking in  
lieu of bond.

corporations, 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, 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 Wilkes County an undertaking, with sufficient security, with either personal sureties or bonds of the State of North Carolina, or of the United States, or of any county or city of the State of North Carolina, or any other security satisfactory to the court, and to be approved by the said clerk, and the said undertaking so secured may be accepted by the said clerk and held as such security in the sum of ten thousand dollars (\$10,000), 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 Wilkes County, whenever it shall be made satisfactorily to appear by sworn testimony that it is necessary in order to secure the faithful performance of all of said trusts, may require the said undertaking to be enlarged sufficiently to secure the faithful performance of the same). A copy of such undertaking, duly certified by the seal of the Superior Court of Wilkes 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 order respecting such trusts, and to require the said company to render all accounts which said court might lawfully make or require if such trustees were natural persons. And in accepting any of the trusts or powers hereunder the said corporations may qualify by one of its executive officers.

How company to  
qualify.

Investments of  
trust funds.

SEC. 8. The said company shall have discretionary power to invest the funds received by it in trust in the bonds of the United States or any State, or in the bonds duly authorized to be issued by any county or incorporated city, or other good securities, or in safe real and personal securities; but all such investments shall be at the sole risk of the company, and for any losses by reason of such investments the capital stock, property and effects of said

corporation shall be absolutely liable. The company shall use due diligence to enhance the income, rents and profits of any trust estate within its hands, but shall not be held liable for any greater income, rents and profits than can be reasonably earned by safe and prudent investments.

SEC. 9. That whenever any deposit shall be made by or in the name of any person being a minor, or a female being or thereafter becoming a married woman, the same shall be held for the exclusive use and benefit of such depositor, free from all contracts of any person, and all shall be paid to such person, and the check or receipt of such minor or female shall be valid and sufficient.

Deposits of minors  
and married  
women.

SEC. 10. That whenever any real or personal property upon which the company shall have any lien shall be sold, the president or other officers of said company shall have the right to purchase same, though same may be sold by the company, and such sale and purchase shall be valid and binding upon all persons claiming an interest therein.

Purchase of  
property at  
foreclosure.

SEC. 11. That the stockholders of this company shall be individually liable for the debts or torts of the corporation, except as otherwise provided in the corporation laws of North Carolina, as set out in section thirteen (13), Public Acts of one thousand nine hundred and three (1903), chapter two hundred and seventy-five (275).

Individual  
liability.

SEC. 12. The said company may establish offices and agencies or transact business at such places as it may deem proper, but the principal office shall be in North Wilkesboro, Wilkes County, North Carolina.

Offices and  
agencies.

Principal office.

SEC. 13. 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. 1905.

## CHAPTER 289.

### AN ACT TO INCORPORATE THE HUMANE SOCIETY OF WASHINGTON, N. C.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Lida T. Rodman, Pattie Archbell, Minnie Pickles, Madame Hortense Littler, Fannie Satchwell, Mrs. E. P. Webler, Miss Maude Webler, E. T. Stewart, Mrs. C. E. Leans, Mrs. S. C. Bragaw, Lee Bonner, James K. Hatton, George N. Howard, Harry Howell, B. L. Susman, J. A. Arthur, Jr., George J. Studert, W. H. McDevett, Rev. Meriee Owen, Dr. E. M. Brown, J. H. Harris, J. M. Gallagher, Dr. Ira M. Hardy, S. F. Freeman, J. T. Bland, John H. Small, John B. Sparrow, Dr. Whit. Small, Dr. D. T. Tayloe, C. F. Bland, E. K. Willis, W. G. Willis, A. J. Cox,



Corporate name.	H. Wharhaftig, Andrew Latham, J. B. Moore, E. R. Mixon, A. M. Dunay, George T. Leach, Dr. John C. Rodman and George I. Dale, their associates, successors and assigns, be and they are hereby constituted and declared a body politic and corporate by the name and style of "The Humane Society of Washington, N. C.," 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 from the date of the ratification of this act, with all the rights, powers and privileges of corporation under the general laws of the State of North Carolina now or hereafter existing.
Formal enumeration of corporate rights.	
No capital stock.	SEC. 2. That there shall be no capital stock of said corporation,
New members.	and new members are to be admitted by a vote of the then members of the corporation according to the by-laws hereafter to be adopted by the corporation.
Meeting for organization.	SEC. 3. That the corporators named in the first section hereof, or a majority of them, are hereby empowered to call a meeting of the corporators for the purpose of organizing the said corporation, by giving ten days' notice of said meeting in some newspaper published in Washington, N. C., and they or a majority of them shall organize and adopt such rules, regulations and by-laws for their government as shall not be inconsistent with the laws of the State of North Carolina or of the United States.
Rules, regulations and by-laws.	
Marshals to be appointed.	SEC. 4. The said corporation shall have power to appoint from its members certain persons who shall be designated as marshals,
Rights and powers.	and shall have the rights, powers and privileges of constables for the purpose of enforcing the laws of the State of North Carolina
Duty of marshals.	against cruelty to animals of any kind whatsoever. That it shall be the duty of said marshals, upon complaint made to them, to swear out warrants before the nearest magistrate in accordance with the laws of North Carolina, and they shall have the power to arrest all such persons so charged with the commission of any such crime, and they shall carry them before said magistrate for trial.
Fees.	They shall receive the same fees for services as constables, to be taxed as costs.
Right to hold property. Branch offices.	SEC. 5. The said corporation shall have power to own real and personal property and to conduct its business in all its branches and may establish one or more branch offices in the State of North Carolina.
	SEC. 6. 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. 1905.

## CHAPTER 290.

AN ACT TO INCORPORATE THE WINSTON, HIGH POINT  
AND WADESBORO INTER-URBAN RAILROAD COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That T. L. Caudle, G. W. Huntley, L. J. Huntley, Corporators.  
H. Haney, W. F. Crump, W. C. Hardison, T. J. Covington, S. H.  
Hearne, J. S. Eflord, O. N. Richardson, J. P. Redding and F. N.  
Tate, their associates, successors and assigns, be and they are  
hereby created a body politic and corporate by and under the name Corporate name.  
of the "Winston, High Point and Wadesboro Inter-urban Electric  
Railroad Company," and by that name shall exist for ninety years, Formal enumeration of corporate rights.  
and shall have the right to have and use a common seal, to sue  
and be sued, to contract and be contracted with, to purchase, or  
acquire, by gift or demise, property—real, personal and mixed;  
to hold, lease or sell the same as the interest of said company may  
require, and shall have all the rights, and shall enjoy all the priv-  
ileges and immunities possessed and enjoyed by any other street  
railway or railroad company under the laws of the State of North  
Carolina.

SEC. 2. The capital stock of said company shall be one hundred Capital stock.  
and twenty-five thousand dollars (\$125,000), to be created by sub- Subscriptions.  
scription, contributions, or donations by individuals, counties,  
townships, municipalities and other corporations, and such sub-  
scriptions may be paid for in money, labor, land, material, stocks,  
bonds or other securities, the value of which the board of direc-  
tors shall be the judges. Said company, by a concurrence of two- Increase of capital.  
thirds in amount of all its stock, may increase its capital stock  
from time to time to an amount not exceeding three million dol-  
lars: *Provided*, that said increase shall be granted by the Secre- Proviso: increase under general law.  
tary of State upon application to him, and the payment of the tax  
required by law: *And provided further*, that when two thousand  
dollars of the capital stock shall have been subscribed for, by sol- Proviso: when company to organize.  
vent persons, the company shall have right to organize under this  
charter, and begin business, with all the powers, privileges and  
franchises hereby granted. The capital stock herein provided for Shares and votes.  
shall be divided into shares of one hundred dollars each, and each  
share subscribed shall be entitled to one vote in all the meetings  
of the stockholders of said company.

SEC. 3. The company hereby incorporated may acquire by lease, May buy out other companies.  
purchase, subscription to or purchase of the capital stock, or other-  
wise, the works, tracks, property, franchise, rights, privileges and  
immunities, including the right to be a corporation, of other like  
companies doing a railroad business, operated either by steam,  
electric or other motive power, chartered under the laws of this  
State or any other State, and may own, buy, sell, lease, use, main-  
tain and extend the same, and powers hereby conferred upon like

companies chartered under the laws of this or other States, to transfer by sale or lease all their works, tracks, property, franchises, rights 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 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 this State, 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 to borrow money.

SEC. 4. 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.

Route and terminals.

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, sidetracks, switches, appliances, crossings, bridges, turnouts and branches, through and along and over the streets and avenues of the town of Wadesboro, and from thence, by the most feasible and practical route, as may be determined upon by said corporation, through the interlying counties, townships and municipalities, in the State of North Carolina, to the city of High Point in Guilford County, and thence to Winston and Salem in the county of Forsyth, and from either of said cities to the city of Greensboro, if said corporation shall so elect, and also by branch lines from its main lines to the city of Charlotte in the county of Mecklenburg, and other points either in Mecklenburg and Cabarrus Counties, and such other points as said company may select lying and being within fifty miles of any part of the main line of said railroad. The main line of said road may run either through Lexington, Thomasville or other point, and thence to Winston, if the stockholders of said company shall direct; 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; to erect and equip such stations, warehouses, offices, power plants, shops and other buildings as the said board

Branch lines.

Main line.

Further general powers.

of directors may deem necessary; to buy or otherwise acquire, generate, develop, store, use, transmit and distribute power in the form of electric current, hydraulic, pneumatic and steam pressure, and any and all other 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 may reasonably fix as the fare or rate of transportation between given points: *Provided*, that its line or lines of railway shall be constructed over and along the streets and avenues within the corporate limits of the said cities, towns and villages, as aforesaid, by and with the consent of the board of aldermen or other governing authorities of said cities and towns by whatever name called, 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; and the board of aldermen or other governing authorities of the different cities, towns and villages, and the authorities having lawful control and supervision of the public highways within the radius aforesaid, are hereby vested with power to grant to the said Winston, High Point and Wadesboro Inter-urban Electric Railroad Company the right, privilege, license and franchises to lay its tracks, erect its poles, maintain its lines, along, under and upon the streets, avenues and highways as aforesaid, for the term of ninety-nine years, or for such other length of time as may be agreed upon.

Fares.

Proviso: lines on streets.

SEC. 6. That said company hereby incorporated may manufacture, generate, employ, distribute, furnish, buy and sell, within the radius aforesaid, electricity, the electric current, gas or other suitable and proper materials or fluids for public and private use, for its own use and for distribution and sale, for any and all of said purposes, 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.

Rights as power company.

SEC. 7. Said company shall have the right to accept subsidies from States, counties, townships or municipalities; to transmit, convey, transfer and deliver for hire, passengers, mail, express matter, freight, general merchandise and other property, and in all respects shall have authority to do and conduct a general railroad business.

Subsidies.

SEC. 8. Said company shall have the right to carry on the business of an electric light company in all its branches, and in particular to construct, lay down, fix and carry out all necessary cables, wires, lines and accumulators, lamps and works, and to generate and accumulate, distribute and supply electricity, and to light cities, towns, streets, markets, theaters and buildings, both

Powers as electric light company.

public and private; may manufacture and deal in all apparatus and things required for or capable of being used in an electric railroad business, or in connection with the generation, distribution, supply, accumulation and employment of electricity.

Hotels, houses and  
real estate.

SEC. 9. Said company shall have the right to build, erect, construct, manage and occupy buildings for hotel purposes, dwelling-houses, apartment houses, and other structures; to buy, own, operate, lease lands and buildings for hotels, apartment houses, dwelling-houses and business structures of all kinds for the accommodation of the public and of individuals; to manage, keep, conduct and carry on hotels, apartment houses, dwelling-houses, restaurants, and places for the accommodation of the public or individuals; and to purchase, sell, lease and mortgage buildings, structures, lands and real and personal property of every description; to fit up and furnish the same, and to carry on the business of hotel and inn-keepers and livery-stable keepers; to buy and sell mineral springs, mineral water, establish parks and conduct health and pleasure resorts, and to conduct and operate places for pleasure and amusement.

Livery-stables.  
Mineral springs,  
parks and pleasure  
resorts.

Right to hold and  
develop property.

SEC. 10. Said company shall have the right to acquire by purchase or otherwise, own, hold, buy, sell, convey, lease, mortgage or encumber real estate or other property, personal and mixed. To survey, subdivide, plat, improve and develop land for purposes of sale, or otherwise, and to do and perform all things needful and lawful for the development and improvement of the same for residence, trade, agriculture or other business.

Water-works.

SEC. 11. Said company shall have the right to construct, purchase or otherwise acquire, maintain, repair and operate water-works, and to sell, lease or rent water and water privileges.

Condemnation of  
property.

SEC. 12. Said company shall have authority to exercise within the State of North Carolina the right of eminent domain, and in the lawful exercise thereof to condemn for the use of said company, its successors or assigns, lands, tenements, hereditaments and water-courses and water power for the purpose of utilizing the same as a right-of-way for said line of railway, and for the purpose of constructing thereon tracks, roadway, culverts, ditches, stations, offices, round-houses, power-houses and repair shops for said railway, together with dams, ditches, canals, plants and houses for generating electricity or steam power, or both, and for selling and conducting the same in such manner and to such points, concerns and purposes as the said railroad company may select; and may construct dams over and across all streams, not navigable, in the line of said railroad, or in the immediate territory thereof, for the purpose of obtaining water power for generating electricity or other motive power.

Procedure for  
condemnation.

SEC. 13. Whenever, from any cause, the said company hereby incorporated cannot agree with the owners of the land sought to be used for any purpose mentioned in section twelve of this act,



for the purchase of the land for said purposes, or any of them, the said company may proceed to condemn and enter upon the same in the manner set out in chapter forty-nine of The Code, and amendments thereto, or may file a petition before the clerk of the superior court of the county wherein the land lies, or, in case the land lies in two counties, then in that event, before the clerk of the superior court of either of said counties in which any part of said land lies, specifying the object for which the land is desired, with a description and plat thereof. The clerk of the superior court before whom said petition is filed shall thereupon appoint five disinterested freeholders, possessing the qualifications of jurors, 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 into consideration the actual value of the land, together with any special damages likely to accrue to the owner as aforesaid. If the consideration shall be for the way only, the consideration shall extend only to the right-of-way; but if for depot or building purposes, the consideration shall be in fee. The appraisers shall make their report to the clerk of the superior court by whom they were appointed within ten days from the time of their meeting on the premises; said report shall be recorded in the office of register of deeds of the county or counties in which the land is situated, after approval by the clerk and the payment of damages assessed, and shall have the force and effect of a deed. Either party may have the right of appeal to the superior court in term time from the approval or disapproval of the clerk, which appeal must be prayed within ten days from the approval or disapproval of the clerk.

SEC. 14. That any county, township, city or town along or near the line of railroad may subscribe to the capital stock, or bonds, of said railroad company, in the following manner: Upon presentation of a petition signed by not less than fifty freeholders and resident tax-payers of the county, township, city or town, to the board of county commissioners of said county, or to the board of aldermen or governing authority 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 for a definite sum, named in said petition, to the capital stock of said company, or for the purchase of a definite amount in the bonds of said company, the board of commissioners of said county or board of aldermen or governing authority 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 or the purchase of bonds of said company, as the case may be, to the amount specified in said petition, at which election all those qualified to vote who are in favor of such subscription, or purchase of

Manner of making  
subscriptions  
by counties and  
municipalities.

Form of ballot.	bonds, as the case may be, shall vote a ballot on which shall be written or printed "For Subscription" or "For Purchase of Bonds"; and those opposed to such subscription, or purchase of bonds, as the case may be, shall vote a ballot on which shall be written or printed "Against Subscription" or "Against Purchase of Bonds"; 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 under the general
Notice of election.	election laws of North Carolina. Such election shall be held after thirty days' notice thereof shall have been given, specifying the amount of the proposed subscription, or purchase of bonds, as the case may be, by posting notice thereof at the court-house door of said county and at every polling-place in 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 board of aldermen or other governing authority of said city or town.
Authorities to act if instructed.	SEC. 15. If a majority of the qualified voters vote for subscription, or purchase of bonds, then the board of commissioners of said county, or board of aldermen or governing authority of said city or town, shall immediately make subscription, or purchase
Bonds to be issued.	bonds of the company, as the case may be, and shall issue coupon bonds to the amount of said subscription, or purchase of bonds, as the case may be, in order to pay for the same; and the bonds shall upon the face indicate on account of what county, township, city
Description.	or town they are issued. They shall be in denomination of not less than one hundred dollars and not more than one thousand each, and shall run for such number of years and bear such rate of interest as the petition and order of election shall indicate.
Special taxes.	SEC. 16. The county authorities in any county voting for subscription, or purchase of bonds, as the case may be, or in which there is a township voting for subscription, or purchase of bonds, or the board of aldermen or governing authority in the city or town voting for subscription, or purchase of bonds, who are legally empowered to levy taxes in order to provide for payment of the bonds authorized to be issued by the preceding sections, shall compute and levy each year, at the time of levying 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
Sinking fund.	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, shall be annually collected with other taxes, and shall be paid by the collecting officer of such county, township, city or town to the treasurer thereof, or, in case of townships, to the county treasurer; and the taxes levied and collected for these purposes shall be kept separate and distinct from all other taxes, and shall be used for the purpose for which it was levied and collected, and for no other.
Taxes to be kept separate.	
Specific appropriation.	

The sinking fund shall be invested by the board of commissioners of said county, or board of aldermen or other governing authority of said city or town issuing such bonds.

Investment of sinking fund.

SEC. 17. That the mortgage provided for in section four of this act to secure the payment of such bonds as said company may see fit to issue shall be executed to such person or corporation as the company may select, and it is hereby provided that the registration of any mortgage authorized to be executed by this act, or by law, may be made in the county of Anson, and upon registration in Anson County it shall be a lien on such property and franchises conveyed in such mortgage as fully and completely as if the same was registered in each and every county through which the road passes.

Mortgage by company.

SEC. 18. All counties, townships, cities or towns along or near the line of any branch road of said company may subscribe to the capital stock, or purchase bonds of said company, in the same manner as is herein provided in sections fourteen, fifteen and sixteen.

Counties, townships, cities or towns may subscribe to stock.

SEC. 19. Said incorporators shall have the power to open books of subscription, in person, or by agents duly appointed by a majority of them, at such place or places as they may determine, and to keep the same open for such time and under such rules and regulations as may be deemed necessary or expedient. Said incorporators may, when they deem proper, after ten days' notice to 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 said company by electing a board of directors and such other officers as they may see fit; and at such meetings, and all other 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 share or by his proxy; 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 said company may prescribe, and may do and perform all other acts necessary to complete the organization of said company and to carry into effect the objects of this charter in accordance with the direction of the stockholders. The directors elected shall serve such period, not exceeding one year, as the stockholders may direct, and the stockholders shall fix the time and place of meeting; said stockholders' meeting to be annually; but if the day of annual election should under any circumstances pass without any election, the corporation shall not thereby be dissolved, but the directors formerly elected shall continue in office until a new election shall take place.

Books of subscription.

Organization.

Directors and other officers.

President and other officers.

Term of directors.

Annual meetings.

SEC. 20. The election of directors shall be by ballot, each stockholder having as many votes as he has shares in the stock of the company, and the person receiving the greatest number of votes shall be duly elected a director; and at all elections, and upon all

Election of directors.

votes, at any meeting of the stockholders, each share of stock shall be entitled to one vote, to be represented either in person or by proxy, and the proxies may be verified in such manner as the by-laws of the corporation may prescribe.

Vacancies.

SEC. 21. The board of directors may fill any vacancies that may occur in it during the period for which they have been elected. The president of the company, and a vice-president, 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. The secretary and treasurer shall also be elected by the directors, and may be one and the same person; and any other officer may hold any additional office created by the by-laws of the company.

President and vice-president.

Secretary and treasurer.

President and secretary pro tem.

SEC. 22. In the absence of the president or secretary at any meeting of the directors they may appoint a president and secretary *pro tempore* to fill his place, except when the vice-president is present, and in that case the vice-president shall act.

Issue and transfer of stock.

SEC. 23. The company shall issue certificates of stock to its members, and said stock may be transferred in such manner and form as may be directed by the by-laws of the company.

Company may sell out.

SEC. 24. Said company may assign, lease or sell its property, franchises and privileges, or any part thereof, to any other railroad company, and the road so leasing or purchasing the 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 created by this act. The company shall have power to use any portion or section of its road before the same shall have been completed, and charge for transportation of passengers and freight thereon.

To use part of road.

Sections.

SEC. 25. Said company shall have authority to construct its road in sections, and shall have authority to make High Point, or any other locality on or within fifteen miles of the Southern Railroad,

Northern terminus, its northern terminus.

Stockholders not individually liable.

SEC. 26. That the stockholders of said company, whether individuals, counties, townships, towns or cities, shall not be personally liable for the contracts, either for labor, materials or supplies, or for the torts of said company.

Leases for rolling stock.

SEC. 27. It shall be lawful for the directors of the company to enter into any agreement or agreements with any other company, firm or individual, for leasing, hiring or use of any locomotives, carriages, rolling stock and other movable property from such company or companies, firms, or individuals, for such time or times, and on such terms as may be agreed upon, and also to enter into agreements with any railroad company or companies, for the use of the locomotives, carriages, rolling stock and other movable property of such company or companies, and on such terms of compensation or otherwise as may be agreed upon.

SEC. 28. The company is hereby authorized and empowered to enter upon and make surveys and levels of the land through which said railway is to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and in like manner of the water power, and sites for generating plants, dams, canals and power houses.

Entrance on lands  
for surveys.

SEC. 29. The directors may enter into a contract or contracts with any individual, corporation or association of individuals for the construction and equipment of the railroad or any part thereof, including or excluding the purchase of the right-of-way, or for the construction or equipment of power houses, and power-generating plants, with necessary dams, water power, canalizing and machinery, and may pay therefor, either in whole or in part, either in cash or bonds of the company, such sums as they may deem expedient, to the engineers, or for the right-of-way or material, plant or rolling stock, and also for the services of the promoters or other persons who may be employed by the directors for the purpose of furthering the undertaking, or for the purchase of right-of-way, material or rolling stock, whether such promoters be provisional or elected directors or not: *Provided*, that no such contract shall be of any force and validity unless first authorized by resolution passed by the votes of the shareholders, either in person or by proxy, representing two-thirds in value of the subscribed capital stock and on which no call is in default and unpaid.

Contracts for  
construction and  
equipment.

Promoters.

Contract to be  
authorized by  
stockholders.

SEC. 30. The company hereby incorporated may organize at any time within two years from the ratification of this act.

To organize within  
two years.

SEC. 31. 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 2d day of March, A. D. 1905.

## CHAPTER 291.

### AN ACT TO AUTHORIZE THE TOWN OF MOREHEAD CITY TO ISSUE BONDS TO PAY CERTAIN INDEBTEDNESS AND FOR OTHER PURPOSES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Commissioners of the Town of Morehead City are hereby authorized and empowered to issue bonds in the name of the town of Morehead City, in such denomination and forms as it may determine, to an amount not exceeding fifteen thousand dollars (\$15,000), payable at such time or times and at such place or places as the commissioners of said town may pre-

Bond issue  
authorized.

Amount.



Time and place of payment.	scribe: <i>Provided</i> , that the time of payment of such bonds shall not be more than twenty-five (25) years from date.
Interest.	SEC. 2. That the said bonds shall bear interest at no greater rate than six (6) per centum per annum, and the interest shall be payable annually or semi-annually, as the said commissioners may prescribe, and the said bonds shall, in no case, be sold, hypothecated or otherwise be disposed of for less than their par value.
Bonds not sold below par.	
How bonds authenticated.	SEC. 3. That the said bonds shall be signed by the mayor, attested by the town clerk and sealed with the seal of the said town, and shall have interest coupons attached thereto; and the said coupons shall be receivable in payment of town 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 said commissioners of the said town, and they are hereby empowered to do so, to levy and collect each year a sufficient special or particular 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 other taxes are collected under said charter, and according to law: <i>Provided</i> , that the total rate of taxation allowed for the special purpose set forth in this act shall not exceed fifty (50) cents on each one hundred dollars (\$100) valuation and one dollar and fifty cents (\$1.50) on each taxable poll: <i>Provided further</i> , 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 treasurer, as the said coupons are taken up and paid off, to cancel the same and report not less than twice a year to the commissioners the number and amounts of the coupons cancelled.
Coupons receivable for town taxes.	
Special tax.	
Proviso: tax limit.	
Proviso: specific appropriation.	
Semi-annual reports.	
Election to be held.	SEC. 4. The commissioners shall not issue said bonds, nor any of them, nor levy and collect said tax, until they shall have been authorized and empowered to do so by a majority of the qualified voters of said town at an election to be held at such time that the said commissioners may appoint, of which election notice shall be given for not less than twenty (20) days in some newspaper published in said town, if there be a paper published in said town, and if there be no newspaper published in said town, said notice to be published in four (4) public places in the same; and at such election those favoring the issue of said bonds and the levy and collection of the tax for the payment of the bonds and coupons shall vote a ballot upon which is written or printed the words "For Bonds," and those opposing the same shall vote a written or printed ballot containing the words "Against Bonds." That said election shall be held under the same rules and regulations as elections for mayor and commissioners of said town: <i>Provided</i> , that the commissioners of said town may, in its discretion, order a new registration of voters: <i>Provided further</i> , that a failure of the voters to ratify this act in any election held, as
Notice of election.	
Form of ballots.	
New registration may be ordered. Proviso: subsequent elections on petition.	

aforesaid, shall not prevent said commissioners to cause a subsequent election to be held for the same purpose: and the commissioners shall call any of said elections under this act upon a petition of twenty-five (25) qualified voters of said town at a time specified in the said petition: *Provided further*, that in any call for an election to be held under this act the commissioners shall specify the amount of bonds to be issued, and it shall be unlawful for said commissioners to issue any bonds in excess of the amount so specified.

SEC. 5. That the said bonds and the proceeds arising from the sale of the same shall be used by the Commissioners of the Town of Morehead City for the following purposes and for no other purpose, to-wit: To pay an indebtedness of \$....., contracted by the present commissioners of said town for constructing, completing, equipping, conducting and operating the present electric light plant now in operation in said town. And the acts of the said commissioners, equipping and constructing said electric light plant and maintaining the same for the said town, is hereby validated and the amount due for the same is hereby made a valid debt against the said town. (2) For paying an indebtedness due and incurred by the present commissioners in connection with Bay View Cemetery of \$....., and the said acts of said commissioners in contracting said debt in reference to said Bay View Cemetery is hereby validated, and the said amount is hereby created a valid debt against the town of Morehead City. (3) For buying and maintaining an improved fire engine and for constructing such water mains or reservoirs as may be necessary for the use of said fire engine, in case of fires. (4) For the grading, curbing, macadamizing and improving the streets and sidewalks of said town. (5) For the purchase by the town of an electric dynamo and boiler and engine and necessary machinery to operate an electric plant for the said town of Morehead City: *Provided*, that the purchasers of said bonds shall in no respect be held responsible for the application of said bonds or the funds derived from the sale of the same.

Proviso: specification in call.

Specific appropriation.

For payment of debt.  
For electric lights.

For payment of cemetery debt.

For fire engine and water mains.

For improving streets and sidewalks.

For purchase of dynamo and machinery.

SEC. 6. That the treasurer of the said town shall enter into such bond and in such amount as the commissioners of the town may direct, conditioned for the keeping and proper disbursement of the funds derived from the sale of said bonds.

Bond of treasurer.

SEC. 7. That the said commissioners shall have entire supervision and control of any and all of the plants and works established under this act, and are hereby authorized to elect all such agents, servants and employes as they 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.

Commissioners to have charge of works.

SEC. 8. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws 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 2d day of March, A. D. 1905.

## CHAPTER 292.

### AN ACT TO INCORPORATE "THE JACKSON COUNTY RAILWAY COMPANY."

*The General Assembly of North Carolina do enact:*

Corporators.

SECTION 1. That C. J. Harris, D. R. Harris, S. W. Enloe, J. C. Fisher, H. B. Reese and Joseph J. Hooker, citizens of the State of North Carolina, their associates and successors, be and they are hereby constituted and created a body politic and corporate under the name of "The Jackson County Railway Company," and by that name shall have perpetual succession, may make and use a common seal and alter same at its will and pleasure, may sue and be sued, and plead in any and all the courts of the State of North Carolina; shall have power to make and alter all such by-laws as to it may seem convenient, not inconsistent with the Constitution and the law of the land; to buy, hold, use and sell real estate; to appoint all necessary officers and prescribe their powers and duties, and in general to have and exercise all other privileges, powers and franchises and rights granted to railroad companies by chapter forty-nine, volume one, of The Code of North Carolina, or common to other corporations, not inconsistent with the Constitution and the laws of the State.

Corporate name.

Formal enumeration of corporate rights.

Routes and terminals.

SEC. 2. That said company be and it 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 suitable points to be fixed by said company at some point on the Murphy Branch of the Southern Railway in Jackson County between the Balsam Mountain and the Tuckasegee River in Jackson County to some suitable point up the said river or its tributaries to the State line to the South Carolina State line: said company is also authorized to build branch roads from its main line in Jackson County, and for that purpose shall have all the powers, rights and privileges contained in this act, which are hereby made to apply to such extensions and branch roads as well as the main line.

Branch roads.

Capital stock.

Increase.

SEC. 3. That the capital stock of said company shall be one hundred thousand dollars, which may be increased from time to time by a vote of the majority of the stockholders to one million dollars, upon certificate filed with the Secretary of State and the payment of the taxes required by law, which said capital stock shall be

divided into one thousand shares of the par value of one hundred dollars, for which certificates may be issued, and said stock shall be transferable as the by-laws of said company shall provide. The incorporators in this act, or any of them, may open books and receive subscriptions to the capital stock of said company at such place or places as they may deem expedient, and when ten per centum of the capital stock shall be paid in, the subscribers may proceed to organize the said company by the election of a board of directors, not less than five in number, who shall hold their offices for one year, and until their successors are elected and qualified; the number of the directors may be increased or diminished at a general meeting of the stockholders, provided that the number shall not be reduced below three. Said directors shall elect a president, vice-president, secretary and treasurer, and such other officers and agents as they may deem best, who shall hold their offices for such time as the board of directors may prescribe. Each stockholder shall be entitled to one vote for each share of stock owned by him; no stockholder shall be individually liable for the debts, liabilities of said company in any greater sum than the amount owing by him upon unpaid subscription for stock.

Books of subscription.

When company to organize.

Directors.

President, vice-president, secretary and treasurer.

Other officers.

Votes.

Stockholders not individually liable.

SEC. 4. The meetings of the stockholders shall be held annually at such time and place as may be determined by them, and at all annual meetings the president shall render to the stockholders an account of the affairs of the company. Special meetings of the stockholders may be held as prescribed by the by-laws of the company. The directors shall be elected at such annual meeting, annually, and in case of vacancies occurring in the office of directors the same may be filled by the board of directors until the next annual meeting of the stockholders.

Annual meetings.

Special meetings.

Election of directors.  
Vacancies.

SEC. 5. 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 said railroad and the conduct of its business. And said president and directors are authorized to borrow money to such extent and in such manner (not inconsistent with the laws of the State) as may be authorized by the stockholders of said company, and to issue therefor such bonds or other evidences of debt, in such manner and form as said president and directors may determine, and to secure the same by such mortgages or deeds in trust, on its property, income or franchises of said company, as they may deem expedient.

Power to make expenditures and contract debts.

Power to borrow money and issue bonds.

SEC. 6. That the said company shall enjoy all the rights and privileges and be subject to the provisions of chapter forty-nine of The Code of North Carolina, from section one thousand nine hundred and forty-three to one thousand nine hundred and fifty-one, both inclusive, in respect to the acquisition of real estate by condemnation for the location and construction of said railroad, for

Condemnation of land.

right-of-way and for stations, warehouses, water stations, workshops and other buildings and improvements.

Telegraph and telephone lines.

SEC. 7. That said company shall have the power to construct, operate and maintain such telegraph and telephone lines along its said main line and branches as may be deemed by it necessary or convenient for its business.

To use any part of road.

SEC. 8. That the said railway company shall have the right and be authorized to construct, equip and use any part of said railroad before the whole is complete.

Counties and municipalities may subscribe to company.

SEC. 9. That it shall be lawful for any county, town, city or township, in and through which said railroad may be located, or which is interested in its construction, to subscribe to the capital stock of said company such sum or sums, in bonds or money, as a majority of the qualified voters in such county, town, city or township may authorize, not inconsistent with the provisions of the laws of the State regarding such subscriptions. That for the purpose of determining the amounts of such subscription it shall be the duty of the commissioners of any county in which said road is being constructed or which may be interested, or the townships through which same may be constructed, or the board of aldermen of any city or town which may be interested in the construction of said road or any of its branches, upon the written application of one hundred tax-payers of any county, fifty tax-payers of any township, and twenty-five tax-payers of any town or city, specifying the amount to be subscribed in bonds or money, to order an election and submit to the qualified voters of said county, township, city or town, as the case may be, the question of "Subscription" or "No Subscription."

Petition for election.

And the board of county commissioners for the county or any township, or the board of aldermen or other municipal officers for any city or town, as the case may be, shall order an election, specifying the time, place and purpose of the election, and shall provide for holding of the same as is now provided for holding the election for members of the General Assembly, if for the county subscription or township, or if for the city or town, then in the same manner and under the same regulations as is now provided by law for the election of the municipal officers of said city or town. That said ballots shall have the word "Subscription" and the words "No Subscription." Notice of said election shall be given as now required by law, and said election officers as aforesaid shall declare the result and make record of the same. That in the case a majority of all the qualified voters in such county, township, city or town, as the case may be, shall have voted "Subscription," then the chairman of the board of county commissioners, in case of county or township election, or the mayor or other chief officer of such city or town, in case of city or town election, shall have the right and authority, in payment of such subscriptions to the capital stock of said railroad

Election to be ordered.

Form of ballots.

Authorities to act if authorized by election.

Bonds to be issued. company, to issue its bonds in proper form for such time and



payable at such place and bearing such rate of interest not now prohibited by law as may have been fully set forth in the said petition and call and order for election. And all taxes levied for the purposes of raising funds to pay the said bonds, coupons and interest shall be made upon the taxable property in such county, town, township, city or town, as the case may be.

SEC. 10. That said company may, with the consent of the stockholders, be consolidated with and form one and the same body corporate with any other company having or which may hereafter have a charter for a railroad in North Carolina, under such corporate name as may be mutually agreed upon under the provisions of the laws of North Carolina in such cases made and provided.

SEC. 11. That said company shall have five years within which to perfect the organization of said company and to begin the construction of said railroad.

SEC. 12. That the incorporators and stockholders of this said company shall not be individually liable for the debts, contracts, liabilities or torts of the said company not hereinbefore specified.

SEC. 13. That nothing in this act shall be construed to exempt the said company from taxation.

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

In the General Assembly read three times, and ratified this 4th day of March, A. D. 1905.

## CHAPTER 293.

### AN ACT TO INCORPORATE THE TOWN OF LOCUST IN THE COUNTY OF STANLY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Locust in the county of Stanly be and the same is hereby incorporated by the name and style of "The Town of Locust," and shall be subject to the provisions of all general laws in relation to incorporations of a like nature, not inconsistent with this act.

SEC. 2. The corporate limits of said town shall extend from the point designated and described in the following boundaries, to-wit: Beginning at an iron pin in the public crossing and run south eighty, west three-eighths of a mile to a stake; thence north ten, west three-eighths of a mile; thence north eighty east six-eighths of a mile to a stake; thence south ten east six-eighths of a mile to a stake; thence south eighty west six-eighths of a mile to a stake; thence north ten west three-eighths of a mile to the second station, making the limits three-eighths of a mile on the main road.

SEC. 3. That the officers of said incorporation shall consist of a mayor, three commissioners, and a town marshal.

- Mayor appointed. SEC. 4. That J. A. Little is hereby constituted, created and appointed mayor of said town of Locust for the term of two years from the ratification of this act.
- Commissioners appointed. SEC. 5. That E. M. Osborne, J. F. Hartsell and R. W. Simpson are hereby constituted and appointed commissioners for said town for the term of two years from the ratification of this act, until the first Tuesday in May, nineteen hundred and seven.
- Appointment binding on town. SEC. 6. That the powers and duties given and imposed by law to and upon the said mayor and commissioners mentioned in sections four and five of this act shall be as binding and general as if they had been elected by the qualified voters of said town.
- Commissioners to qualify. SEC. 7. It shall be the duty of the commissioners herein appointed to meet together, within thirty days after the ratification of this act, and organize by taking the following oath before some person authorized to administer oaths, to-wit: "I, A. B., do swear that I will faithfully act as Commissioner of the Town of Locust to the best of my knowledge and ability, for the ensuing two years: So help me, God."
- Form of oath.
- Powers of commissioners. SEC. 8. The said commissioners shall have power to pass all by-laws, rules and regulations for the government of said corporation not inconsistent with the laws of this State and of the United States.
- Poll and property tax. SEC. 9. The commissioners shall have power to levy a tax not to exceed forty-five (45) cents on the poll and not to exceed fifteen (15) cents on the one hundred dollars (\$100) valuation of property, said valuation to be same that is placed thereon to raise revenue for State and county purposes.
- Other taxes. SEC. 10. The commissioners shall have power to tax all subjects of State taxation within the corporate limits to an amount not exceeding one-half of the State tax; and they shall have power to abate all nuisances, and for this may impose such fines as may be necessary to abate them, said fines to go into the school fund of the county.
- Nuisances.
- Use of taxes. SEC. 11. It shall be the duty of the commissioners to use the taxes levied and collected in accordance with this act in defraying expenses of said corporation and in repairing streets and sidewalks and in keeping them in good and passable order.
- Secretary. SEC. 12. The commissioners, when organized, shall have power to appoint a secretary, whose duty it shall be to record the proceedings of the commissioners, and also to appoint a treasurer, who shall enter into bond in the sum of five hundred dollars (\$500), payable to the State of North Carolina, with one or more sureties approved by the commissioners; and it shall also be their duty to require of the marshal appointed, to enter into bond, payable to the State of North Carolina in the sum of five hundred dollars (\$500), with one or more sureties approved by the said commissioners.
- Bond of secretary.
- Marshal.
- Bond of marshal.

SEC. 13. The mayor, after taking oath prescribed by law, shall have the same powers, to all intents and purposes, in criminal cases occurring in said corporate limits that any other magistrate of the county has. Jurisdiction of mayor.

SEC. 14. That the mayor, before entering into office, shall go before some person authorized to administer oaths and take the oath usually taken by such officers: and it shall be his duty to hold an election on the first Tuesday in May, one thousand nine hundred and seven, and on the first Tuesday in May thereafter. Mayor to qualify. Town elections.

SEC. 15. That the marshal, before entering into office, shall go before some person authorized to administer an oath and take the oath usually taken by constables in such cases, and he shall occupy the same position and have the same authority, within said corporation, that the sheriff of any county has within his county: *Provided*, his duties shall only extend to the business of said corporation. Marshal to qualify Powers. Proviso: extent of duties.

SEC. 16. The officers of said corporation shall hold their offices for two years, and until their successors are elected and qualify, and in case of a vacancy in any of said offices, from whatever cause, the commissioners, or a majority of them, shall have power to fill the same by appointment, until the next regular election: *Provided*, that it shall be unlawful for any person or persons to manufacture or sell spirituous, vinous or malt liquors in said town. Term of office. Vacancies. Prohibition.

SEC. 17. That all laws and clauses of laws heretofore enacted, coming 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 4th day of March, A. D. 1905.

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## CHAPTER 294.

### AN ACT TO DEFINE THE CORPORATE LIMITS OF THE TOWN OF BOYETT AND TO APPOINT OFFICERS FOR SAID TOWN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter twenty-nine, Private Laws of North Carolina, session one thousand eight hundred and ninety-seven, be amended as follows: 1st. That section two of said act shall read: That the corporate limits of said town shall begin at a sweet gum on the west side of the county road and about one-quarter of a mile south of where said road crosses the Wilson and Fayetteville Railroad about the center of said town, thence nearly west to the old "Cattle Guard" on said railroad, thence nearly north

touching the county road at the corner of Henry Kirby's barn yard, thence nearly east to Cabin Branch at the Bynum Davis fish dam, thence with the run of said branch to the railroad, thence nearly south to the corner of the Boyett lands, thence nearly west to the beginning. 2d. That section four of said act after the word "he" in line three shall read: For mayor, R. P. Kirby; for commissioners, Henry Kirby, R. G. Raper and J. S. Kirby; for chief of police, W. R. Hinnant.

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. 1905.

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#### CHAPTER 295.

#### AN ACT TO PROVIDE FOR THE ELECTION OF MAYOR OF THE TOWN OF SANFORD BY A POPULAR VOTE OF THE PEOPLE AT THE REGULAR ELECTION OF ALDERMEN.

*The General Assembly of North Carolina do enact:*

Election of mayor.

SECTION 1. That at the various elections held in the town of Sanford for the election of aldermen in the several wards of said town, there shall be elected a mayor under the same laws and regulations as prevail for the election of such aldermen. At such election the elector shall vote one ballot upon which shall be written or printed the choice of such elector for mayor of said town, together with the two aldermen to represent the ward of such elector upon the board of aldermen of said town. And the persons receiving the greatest number of the qualified votes of the entire town for mayor shall be declared duly elected such officer upon the canvassing of the returns of such elections as now provided for canvassing the returns for the election of aldermen.

Conflicting laws repealed.

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

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

## CHAPTER 296.

AN ACT TO REPEAL THE ACT PASSED AT THIS SESSION  
INCORPORATING THE TOWN OF HAYWOOD IN CHATHAM  
COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That the act passed at the present session incorporating the town of Haywood in the county of Chatham be and the same is hereby amended by striking out the name of W. H. Bryan as one of the commissioners.

Commissioner removed.

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. 1905.

## CHAPTER 297.

AN ACT TO INCORPORATE THE TOWN OF MINERAL  
SPRINGS, IN UNION COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Mineral Springs, in Union County, be and the same is hereby incorporated by the name and style of the "Town of Mineral Springs," subject to all the provisions of law now existing in regard to incorporate laws as contained in chapter sixty-two, volume two, The Code of North Carolina, and all laws amendatory thereto.

Town incorporated.  
Corporate name.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning in center of the Georgia, Carolina and Northern Railway Company, twenty chains east from center of the old Potter Road, at the point where it crosses said railroad, and running thence south twenty-nine east twenty-three chains to a stake by a cedar tree; thence a parallel line with said railroad south sixty-one west forty chains to a stake by a post oak and pine pointer; thence north twenty-nine west forty-three chains (crossing said railroad at twenty-three chains) to a stake; thence north sixty-one east forty chains to a stake; thence south twenty-nine east twenty chains to the beginning.

Corporate limits.

SEC. 3. That the officers of said town shall consist of a mayor, three commissioners and constable. The following-named persons shall fill said offices until their successors are elected and qualified, viz.: Mayor, W. W. Alexander; commissioners, H. A. Helms, C. W. Kindley and W. H. Howie, which commissioners shall have power and authority to elect a constable, to hold his office until the election herein provided for, and shall have authority to fill any vacancy in this office.

Officers.

Mayor and commissioners named.

Commissioners to elect constable.



Elections biennial. SEC. 4. That the election for officers shall be held on the first Tuesday in May, one thousand nine hundred and three, and every two years thereafter.

Prohibition. SEC. 5. That it shall be unlawful for any person, firm or corporation to barter, sell or exchange any spirituous, vinous or malt liquors or intoxicating liquors or drinks of any kind whatsoever within the incorporate limits of said town, and any person, firm or corporation violating this section shall be guilty of a misdemeanor.

Misdemeanor. 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 4th day of March, A. D. 1905.

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## CHAPTER 298.

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

*The General Assembly of North Carolina do enact:*

Town charter amended. SECTION 1. That chapter three hundred and sixty-nine of the Private Laws of one thousand eight 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 adding thereto the following:

Land to be purchased for benefit of water supply. SEC. 2. That for the purpose of erecting, establishing and maintaining a system of water-works for the said town of Lincolnton, and for the purpose of obtaining good and wholesome water, and for operating and improving said system, the Board of Aldermen of said Town of Lincolnton are hereby authorized and empowered to purchase and hold in fee-simple for said town, and in the name of the town of Lincolnton to purchase and buy not exceeding forty acres of land lying and being beyond the limits of the corporation of said town, on the waters of Mill Creek: and said board of aldermen shall have power to acquire and hold in fee-simple such additional real estate as may be necessary, within and without the corporate limits of said town, as is necessary for stand-pipes or towers and in making the necessary connections in supplying said town with good and wholesome water. That title to said real estate shall be made in the name of the town of Lincolnton and shall vest a fee-simple title thereto.

Power to acquire rights-of-way and other property. SEC. 3. That the town of Lincolnton shall have the power to acquire and hold rights-of-way, easements, water rights and other property within and without the town limits: shall have power to run its pipes under and along the public roads, streets and avenues of the county and within the said town, and shall have power to condemn and take rights-of-way, easements, water rights and other

Power to run pipes.

Power to condemn property.

property within and without the town limits for the purpose of getting a pure and adequate supply of water and of properly disposing of the sewerage. That the proceedings in condemnation shall be conducted as is now or may hereafter be prescribed in the charter of said town for the condemnation of land and other property for street purposes and water-works.

Proceedings in  
condemnation.

SEC. 4. That all land and property of every kind so held by the town of Lincolnnton shall be exempted from taxes and assessments.

Exemption from  
taxation.

SEC. 5. That after the installing, equipping and erection of said water system and plant, the board of aldermen may in their discretion dispose and sell so much of the real estate that may be by them purchased for said town lying beyond the corporate limits of said town as may not be necessary for the proper operation and conducting said water system, and in event of said sale, to convey fee-simple title to said realty, which said deed shall be signed in the name of the town of Lincolnnton, by the mayor, attested by the clerk thereof, with official seal of said town attached, and when so executed shall to all intents and purposes be a good and valid deed to the land therein conveyed in fee-simple.

Power to sell real  
estate.

Deed signed and  
attested.

SEC. 6. That the town of Lincolnnton, through its proper officers and agencies, as provided in its charter, shall have entire supervision and control of any and all of the plants and works of said water system, and shall have power to protect all of its rights-of-way, easements, water rights and other property by proper ordinances, and shall do all other proper things to carry into effect and protect said water system.

Powers in con-  
nection with water-  
works.

SEC. 7. That said board shall regulate the distribution and use of said water for all places and for all purposes, where same may be required, and from time to time shall fix a price for the use thereof and the time of payment, and may erect such number of public hydrants and in such places as they shall deem fit, and shall direct the manner and for what purposes the same shall be used.

Commissioners to  
regulate distribu-  
tion of water.  
Price for use.  
Public hydrants.

SEC. 8. That 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 fully paid. That said board shall make no contract for the price of using said water for a longer time than two years.

Payment of water  
rents.

No contract for  
more than two  
years.

SEC. 9. 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 of aldermen, and all engineers, superintendents

Rules and regula-  
tions for introduc-  
tion and use of  
water.

Power of entrance  
for examination.

Punishment for obstruction of officer.

or inspectors in their service, are hereby authorized and empowered to enter, after demand made and refused, at all reasonable hours, any dwelling or other place where such water is taken and used, when unnecessary waste thereof is known or suspected, and examine and inquire into the cause thereof; and if any person refuses to permit such examination, or opposes or obstructs such officer in the performance of such duty, he, she or they so offending shall be subject to a fine of ten dollars, and the supply of water may also be cut off until the required examination is made and the required alteration and repairs are made.

Water rents to use of general fund.

SEC. 10. That said Board of Aldermen of the Town of Lincoln-ton shall collect, or cause to be collected, all rents, forfeitures or emoluments arising from the operation of said system of water-works and paid to the town treasurer for general expenses.

Expense to be paid from general fund.

SEC. 11. That the costs and expenses of operating the plant and system of water-works, including costs of improvement of same from time to time, for the efficient working of same, and the payment of employees, shall be paid out of the general fund of the town.

Diversion of water or injury to plant a misdemeanor.

SEC. 12. That if any person or persons shall maliciously or willfully 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.

SEC. 13. That for the violation of any ordinance or by-laws made by said board of aldermen, they may prescribe fines or penalties not exceeding fifty dollars for each offense, to be recovered before the mayor without stay of process, mesne or final; and when judgment shall be given for such fines or penalties the party convicted may, unless the fine or penalty and costs be paid, be committed to the county jail for a term not exceeding thirty days, or until such fine or penalty and costs, including jail fees, be paid: *Provided*, nothing herein contained shall prevent the said defendant from being guilty of a misdemeanor for the violation of the said ordinances of the town, nor shall prevent the working of said defendant on the public streets or other public works of the town.

Penalty for violation of ordinances.

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

Imprisonment for default in payment. Proviso: misdemeanor; street work.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

## CHAPTER 299.

## AN ACT FOR THE RELIEF OF M. H. BARNES, A PUBLIC SCHOOL TEACHER OF CHATHAM COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Treasurer of Chatham County be and he is hereby authorized and empowered to pay M. H. Barnes, a public school teacher of Chatham County, or to his order, the sum of thirty-eight dollars (\$38) out of the school funds now in his hands or that may hereafter come into his hands to the credit of District Number Three for the colored race in Gulf Township, said sum being due said M. H. Barnes as a balance for teaching a public school in Chatham County in the year one thousand nine hundred and four. To be paid for teaching.

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. 1905.

## CHAPTER 300.

## AN ACT SUPPLEMENTAL TO HOUSE BILL No. 126, BEING AN ACT TO ESTABLISH A GRADED SCHOOL IN THE TOWN OF RHODHISS, IN CALDWELL COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That House bill number one hundred and twenty-six, being an act to establish a graded school in the town of Rhodhiss, in Caldwell County, be and the same is hereby amended as follows: Add to the first section thereof the following words: "And the said trustees of the graded school of Rhodhiss shall have and receive one-half of the public school funds apportioned to said school district number two, in Lovelady Township, for the present school year." Public school funds to graded school.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

## CHAPTER 301.

## AN ACT FOR THE RELIEF OF T. N. CHISMOND, A SCHOOL-TEACHER IN CASWELL COUNTY.

*The General Assembly of North Carolina do enact:*To be paid for  
teaching school.

SECTION 1. That the Treasurer of Caswell County be and hereby is authorized and directed to pay to T. N. Chismond out of the school funds which now are or may come into his hands the sum of fourteen dollars and thirty-four cents (\$14.34), the same being the remainder of the amount due him as a teacher of a free public school in District Number Twenty-two (22), colored race, in Yanceyville Township, Caswell County, from the nineteenth day of January, one thousand nine hundred and three, to the thirteenth day of February, one thousand nine hundred and three; but said claim shall not be paid until approved by the school committee of the district, the county superintendent and the county board of education.

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. 1905.

## CHAPTER 302.

## AN ACT TO AUTHORIZE THE TRUSTEES OF ASHBORO MALE AND FEMALE ACADEMY TO SELL OR DONATE AND CONVEY A CERTAIN LOT IN THE TOWN OF ASHBORO, RANDOLPH COUNTY.

Preamble.

WHEREAS, on the sixteenth day of May, one thousand eight hundred and ninety-one, J. M. Worth, by deed, conveyed to the trustees of Ashboro Male and Female Academy a certain lot in the town of Ashboro known as the Academy lot, adjoining the Gluyas lot and others, and containing four (4) acres and fifteen (15) square poles, more or less, and recorded in the register's office, Randolph County, book sixty-seven, page three hundred and forty-five; and whereas, the said Ashboro Male and Female Academy no longer exists, but the property has been improved by public subscription and by funds from the public school district of the town of Ashboro, and has been for many years used and occupied for the purpose of a public graded school for the white race: Now, therefore,

*The General Assembly of North Carolina do enact:*Trustees to convey  
lot to town.

SECTION 1. That the trustees of the Ashboro Male and Female Academy shall have full power and authority, and they or a majority of them are hereby authorized and empowered in their dis-



cretion to sell or donate and convey the said lot in the town of Ashboro to the school commissioners for the purpose of being improved and for the occupation and use of the graded school for the white race for the public school district in the town of Ashboro.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

### CHAPTER 303.

#### AN ACT TO INCORPORATE THE J. M. RAY CAMP OF UNITED CONFEDERATE VETERANS, COMPANY K, ELEVENTH N. C. VOLUNTEERS, AND COMPANY F, NORTH CAROLINA VOLUNTEERS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That J. M. Gudger, G. W. Worley, S. H. Bell, William Garrison and G. A. Pickens, they and their successors in office, are 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, Company K, Eleventh North Carolina Volunteers, and Company F, Fourteenth North Carolina Volunteers," and under such name and style, in addition to having a corporate seal, they shall have the right to adopt by-laws and use all the powers set out in the laws of North Carolina, in The Code, in chapter regulating the formation of corporations.

SEC. 2. That the officers of the said association shall consist of a commander, lieutenant-commander, chief of police and two police sergeants, who shall be elected annually by the incorporators named herein and their associates and successors, under such rules and regulations and at such times as the by-laws of said corporation shall fix.

SEC. 3. That until the annual election of said officers shall be had, under this chapter, the following shall be the officers of said corporation: James M. Gudger, commander; G. W. Worley, lieutenant-commander; G. H. Bell, chief of police; William Garrison and G. A. Pickens, police sergeants.

SEC. 4. That the said corporation shall have its chief place of business in the county of Buncombe, North Carolina, and shall have full direction and control over, as hereinafter provided, of a certain locality in said county known as the "Hall Field," now the property of M. L. Reed, on the waters of Swannanoa, to embrace the Hall Spring and all contiguous land within one-half of a mile in circumference from said spring.

SEC. 5. That the said corporation shall have the power and right to hold their annual meetings within said described boundary

- of land, and such other meetings and reunions as its by-laws may prescribe and allow, and to make and pass such by-laws for the government, control and police of said boundary of lands, not in conflict with the general laws of the State and United States, as may be required for the protection of said meetings and gatherings.
- By-laws.** SEC. 6. That any person who shall knowingly violate any of the by-laws or ordinances of said corporation, or who shall willfully disturb any of the meetings or reunions of said corporation herein provided for and allowed, he shall be guilty of a misdemeanor and fined not less than thirty dollars and be imprisoned in the discretion of the court.
- Violation of by-laws or disturbance of reunions a misdemeanor.**
- Penalty.**
- Special constables.** SEC. 7. That for the purpose of preserving the peace and the protection of said annual meeting and other reunions and meetings allowed by the by-laws of said corporation within the said mentioned boundaries, the officers of said corporation shall be and they are hereby constituted special constables, with the power to serve warrants and to make arrests as other constables and sheriffs of said county, within the said boundaries, during and at all times while said meetings and reunions are being held; and for the purpose of making said arrests and the preservation of the peace, they shall have the power and right to call to their assistance as special policemen any or all bystanders that may be present: *Provided*, that when any arrest shall be made under the provisions of this statute it shall be the duty of the officer or officers making said arrest to bring the party arrested before some justice of the peace of said county, as required of other constables and sheriffs, that the matter may be speedily inquired into according to law, as in all other cases of misdemeanors.
- Power to summon bystanders.**
- Proviso: parties arrested carried before magistrate.**
- Incorporation of locality.** SEC. 8. That the said territory described and located in this act shall be and is hereby incorporated into a town, and for the purpose of this act the powers conferred on the officers of said corporation shall be the same as are now conferred on commissioners of cities and towns under the general laws of this State.
- Officers of corporation to have powers as town commissioners.**
- Prohibition.** SEC. 9. That no spirituous, vinous or malt liquors shall be manufactured or sold within said territory.
- SEC. 10. 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. 1905.

## CHAPTER 304.

AN ACT TO INCORPORATE THE RALEIGH AND SOUTH-  
PORT RAILWAY COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That G. A. Oldham, E. H. Lee, W. W. Jones, N. B. Corporators, Broughton, A. N. Johnson, F. T. Ward, T. B. Moseley, L. G. Rogers, A. M. Moore, J. S. Pearson, M. C. Nichols, W. A. Cooper, W. B. Temple, J. S. Correll, J. T. Rowland, C. V. Albright and such other persons as may hereafter become associated with them as stockholders, their successors and assigns, be and they are hereby created and declared a body politic and corporate, under the laws of the State of North Carolina, under and by the name of "Raleigh Corporate name, and Southport Railway Company," and by such name may sue and Corporate rights, be sued, adopt a common seal and change the same at will, adopt by-laws, and shall have and enjoy all the rights, powers and privileges that are granted to railway corporations by the general laws of the State.

SEC. 2. The said corporation shall have such officers, with such Officers, duties and terms of office as the by-laws of the corporation may from time to time prescribe. There shall be seven directors of Directors, the company elected by the stockholders, whose duties and terms of office shall be as prescribed in its by-laws.

SEC. 3. The capital stock of the corporation shall be one hundred Capital stock, and fifty thousand dollars, divided into one thousand five hundred shares, of the par value of one hundred dollars each; but said capital stock may from time to time be increased to such an amount as a majority in value of the stockholders shall determine, upon payment of fees prescribed by law upon increase of capital stock: such increased amount to be likewise divided into shares of the par value of one hundred dollars each. Said capital stock Preferred stock, may be divided into preferred and common shares, in such proportions and with such privileges, qualities and characteristics as a majority in value of the stockholders may determine. Said corporation may commence business when ten thousand dollars of its When business to begin, capital stock has been subscribed for.

SEC. 4. Said corporation shall have the right and power to construct, maintain and operate a line or lines of railroad from any point in the county of Wake to a point or points 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, Lenoir, Jones, Carteret, Harnett, Sampson, Duplin, Onslow, Cumberland, Bladen, Pender, Scotland, Robeson, Columbus, Brunswick and New Hanover, as it may desire: and along all of said route the said company shall have the right and Route and terminals.

Right to acquire lands.	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 gauge, 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.
Branch lines.	SEC. 5. The said company shall have the right to construct, maintain and operate such lateral and branch lines, not exceeding fifty miles in length in 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: <i>Provided</i> , that said company shall provide suitable draws in all its bridges over navigable streams where they shall be necessary for the passage of boats navigating said rivers.
Bridges.	
Proviso: draws in bridges over navigable streams.	
Water transportation.	SEC. 6. The said company may own and operate, in connection with its said railroad or any of its branches, ferries and ferry boats, 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.
Telegraph and telephone lines.	
Power to hold real estate.	SEC. 7. 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, depot, warehouses, shops and other necessary buildings.
General enumeration of powers of company.	SEC. 8. That 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.

SEC. 9. The 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, 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.

Exclusive right to carry passengers and freight.

Express and mail.

SEC. 10. The said company shall have the right to condemn land for the necessary purposes of building and operating its road, as is prescribed in chapter forty-nine of The Code of North Carolina and the amendments thereto now or hereafter enacted.

Right to condemn land.

SEC. 11. 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.

Limit.

SEC. 12. Any of the counties of Wake, Johnston, Wayne, Lenoir, Jones, Carteret, Harnett, Sampson, Duplin, Onslow, Cumberland, Bladen, Pender, Scotland, Robeson, Columbus, 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 voters 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

Counties authorized to subscribe to stock.

Municipalities may subscribe.

Petition for election.



Election to be ordered.	(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 within sixty days after the making of such order, and submit to the qualified voters therein the question of subscribing to the capital stock of the said company the
Form of ballots.	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 qualified to vote 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 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 county or
Notice of election.	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) 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 board of county commissioners, and if issued by a city or town, by the mayor and one of the commissioners or aldermen of such city or town.
Authorities to act if subscription voted for.	SEC. 13. 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
Bonds to be issued.	Description of bonds.
Description of bonds.	How bonds authenticated.
How bonds authenticated.	Special tax for interest and sinking fund.
Special tax for interest and sinking fund.	

SEC. 13. 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 when the subscription has been made by a county or township, and to the treasurer of the city or town when 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 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, with the consent of the board of commissioners of any county making such subscription, or in which there is a township making such subscription in the case of county or township bonds, or by consent of the proper authorities of any city or town making such subscription in the case of city or town bonds.

SEC. 14. For the purposes of this act, all of the said counties of Wake, Johnston, Wayne, Lenoir, Jones, Carteret, Harnett, Sampson, Duplin, Onslow, Cumberland, Bladen, Pender, Scotland, Robeson, Columbus, 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 levying 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.

Taxes kept distinct from other taxes.

Specific appropriation.  
Investment of sinking fund.

Proviso: investment in subscription bonds.

Transfer of subscription.

Counties and townships incorporated.

County commissioners agents of townships.

How subscriptions  
made and paid.

SEC. 15. That subscription 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 payments on their respective shares from time to time as the wants of the company may demand, until the whole of their subscription shall be paid. If any stockholder shall fail to pay the sum required of him by the president and directors within one month after the same shall have been required of him, 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 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 executor or administrator, or of his assignee, 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.

Payments on  
shares.

Sale of delinquent  
shares.

Right to  
consolidate.

SEC. 16. 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 domestic corporation subject to the laws of North Carolina, upon such terms and on such conditions as to the stockholders may seem proper: *Provided*, that such consolidation or lease or sale is approved by the affirmative vote of the holders of at least two-thirds of the capital stock of the said company. In the event of such a consolidation, all of the rights, powers, privileges, immunities and franchises of each cor-

Proviso: to be a  
domestic cor-  
poration.

Power to lease or  
sell.

Proviso: approval  
of lease or sale.

Effects of con-  
solidation.

poration shall pass to and vest in the consolidated company resulting. In the event of consolidation with any corporation upon whose property there is any encumbrance, the lien of such encumbrance shall be continued upon the identical property it covered before the consolidation, and upon none other. Said corporation shall also have the right and power to purchase the capital stock of any other railroad corporation, or purchase the road and works and other property of any other railroad corporation, and pay for the same with its own capital stock or otherwise, and the issue of its capital stock for such purposes is hereby fully authorized.

Right to purchase other companies.

SEC. 17. That the corporate existence of the company hereby chartered shall continue perpetually from and after the date of the ratification of this act.

Perpetual succession.

SEC. 18. 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.

Stockholders not individually liable.

SEC. 19. 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. 20. That this act shall be in full force and effect from and after its ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

## CHAPTER 305.

### AN ACT TO INCORPORATE THE WAYNESVILLE RAILWAY AND POWER COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That S. A. Jones, B. J. Sloan, Frank W. Miller, Thomas Stringfield and H. R. Ferguson, and their associates and successors, be and they are hereby declared a body politic and corporate, under the name and style of "Waynesville Railway and Power Company," and by that name shall have perpetual 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.

Corporators.

Corporate name.

Corporate rights.

SEC. 2. The objects for which said corporation is established are: To construct and operate a railway line between Waynesville, North Carolina, and Asheville, North Carolina, to be operated by electricity or other motive power; to supply light, heat and power, electrical or otherwise, to individuals and corporations, pri-

Objects of corporation.  
Railway lien.

Light, heat and power supply.

Other business and enterprises.

vate or municipal, at any point along the route of the proposed railway or elsewhere; to encourage, promote, operate and maintain manufacturing enterprises, hotels, industries and businesses of any kind whatsoever, and works of internal improvement or public use or utility, in the section to be traversed by the proposed railway line or elsewhere, and generally to develop in every way the resources of any and all land acquired by the said corporation or belonging to others.

Powers enumerated.

Powers under general law.

SEC. 3. In furtherance of the objects and purposes hereinabove stated, the said corporation shall have the following powers (it being hereby expressly provided, however, that the said powers herein specifically enumerated shall not be held to limit or restrict in any manner the general powers conferred by the laws of the State of North Carolina in chapter forty-nine of The Code and the laws amendatory thereof, or in chapter two of the Public Laws of one thousand nine hundred and one and the laws amendatory thereof, or elsewhere)—that is to say:

To construct and operate railways.

First. To lay out, construct, equip, maintain and operate, by steam, electricity transmitted by trolley or otherwise, or such other motive power as the board of directors thereof or the stockholders therein 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 Waynesville, in the county of Haywood, or from any other point connected with any other railroad or railway system or street railway line in the vicinity of the said town of Waynesville, in the county of Haywood, State of North Carolina, and the said county of Buncombe, by whatever route or routes the said board of directors may determine, to the city of Asheville, in the said county of Buncombe, or to any other point connected with any other railroad or railway system or street railway line in the vicinity of the said city of Asheville; 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 system or street railway line operating any other railway in this or any other State.

Terminals and routes.

Branch lines.

To condemn land.

Second. To condemn land for rights-of-way according to existing laws, the width of the said rights-of-way not to exceed two hundred feet, and also 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, and also to take land for necessary warehouses and other buildings.

To use water-ways, streets or roads.

Third. To construct its road across, along or upon, or to use any stream of water, water-course, street, highway or canal which the

Proviso: restriction on use of streets.

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 said corporation.

Proviso: restriction on use of roads.

Fourth. 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 turn-outs, sidings, switches and conveniences necessary or proper 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.

To cross or intersect other railways.

Fifth. To carry freights or passengers, or both, thereon, and to charge, receive and collect tolls and fares therefor; to construct, build, own, hold, purchase, lease, maintain and operate telephone lines wherever it may be deemed expedient, and to charge, receive and collect such charges and rates for the use of the same and for the transmission of messages thereon as may be deemed advisable or expedient.

To carry freight and passengers. Tolls and fares. Telephone lines.

Sixth. To 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 railway company now created or which may hereafter be created, 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; and also to enter into any operating or traffic contract, or any contract in the nature of a lease, with any company or corporation, and to transfer and convey to such company or corporation the operation of the whole or any portion of the road or lines of this corporation.

To sell, lease or consolidate.

Contracts for construction or operation.

Traffic contracts.

Seventh. The said company is authorized and empowered to supply to the public, including both individuals and corporations, private and municipal, within the counties of Buncombe, Madison, Haywood, Transylvania, Henderson, Yancey, Jackson, Swain, Macon, Clay, Cherokee, Graham, and elsewhere, power in the form of electric, hydraulic, pneumatic and steam pressure, or any of the said 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 purposes of enabling the company to supply power as aforesaid, the company is authorized and empowered to buy or otherwise acquire, generate, develop, store or use, transmit and distribute power of all kinds, and to locate, acquire, construct, equip, maintain and operate lines for the transmission of power by wires on poles or underground, and by cables, pipes, tubes, con-

Contracts for furnishing power, light or heat.

Enumeration of rights as power and light company.

duits and all other convenient appliances for power transmission, with such connecting lines as necessary, and also with such branch lines in said counties or elsewhere as the board of directors of said 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 said State of North Carolina and elsewhere, and may locate, acquire, construct, equip, maintain and operate all necessary plants for generating and developing the same by water, steam or any other means, and for storing, using, transmitting, distributing, selling and delivering power, including dams, bridges, gates, sluices, tunnels, canals, stations and other buildings, boilers, engines, machinery, switches, lamps, motors, 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 within 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 a dam, shall not exceed five thousand acres, inclusive of the right-of-way.

Proviso: restriction on real estate holdings.

Purchase or condemnation of water powers.

Eighth. To acquire, by purchase, condemnation or other proper method, the right to use, employ and divert the water flowing and running in any stream or water-course which may be necessary to the exercise of any of the powers of a public or *quasi* public character herein granted to the said corporation; and whenever it shall be necessary to divert the water from any such stream or water-course to be used for any of the purposes herein provided, the said corporation shall have the right to have the value of the said water so to be diverted and the land so to be used, over which it shall be conducted, condemned and the value thereof assessed in the manner hereinafter provided for the condemnation and valuation of land and other property in section five of this act.

Grants of privileges from counties, cities or towns.

Ninth. To apply to the proper authorities of any incorporated city or town or of any county in the State of North Carolina into which the railroads, tramways, motor lines, telegraph or telephone lines, water conduit lines, electric light and power lines, plants, wires, poles and appliances of this corporation may extend or be situated, or be designed or intended now or hereafter to extend or be situated, for a grant of any rights, powers, privileges and franchises for the maintenance or operation thereof; to accept, receive, own, hold or lease all and singular the same.

Real estate business.

Tenth. To purchase, acquire, rent, lease, own, hold and improve real estate in such quantities as may be deemed expedient, and to build dwelling-houses, build and operate stores, mills, schools, factories, warehouses, hotels and any and all other buildings and structures deemed advisable and expedient; 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 required by the company, into lots, blocks, squares, factory sites and other convenient forms: and to lay out, plat and dedicate to public use or otherwise streets, avenues, alleys and parks: and to adorn and beautify its property by building dams for ponds, reservoirs and lakes, and by other means.

Eleventh. To manufacture, purchase or otherwise acquire, hold, own, sell, assign and transfer, invest, trade, deal in and deal with goods, wares and merchandise and property of every class and description, and to do both mining and manufacturing of any kind, and also carry on the business of farming, stock raising, lumbering and cutting and dealing in fire-wood, quarrying and hotel keeping.

Trading, mining and manufacturing powers.

Twelfth. To erect and construct, make, improve or aid or subscribe towards the construction, making and improvement of mills, factories, storehouses, buildings, roads, docks, piers, wharves, houses for employees and others, and works of all kinds.

Building company's powers.

Thirteenth. To guarantee the payment of dividends or interest on any shares, stocks, debentures or other securities issued by or any other contract or obligation of any corporation, whenever proper or necessary for the business of this corporation, in the judgment of its directors.

To guarantee stocks, bonds and contracts.

Fourteenth. To do all and everything necessary, suitable or proper for the accomplishment of any of the purposes or attainment of any one or more of the objects herein enumerated or which shall at any time appear conducive or expedient for the protection or benefit of the corporation, either as holders of or interested in any property, and in general to carry on any business, whether manufacturing, mining or otherwise.

General powers.

Fifteenth. The said corporation is hereby further authorized and empowered 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 issued or created by other corporation or corporations, and while the holder of such stock, to exercise all the rights and privileges of ownership, including the right to vote thereon, to the same extent as a natural person might or could do; to lease, purchase or otherwise acquire, own, hold, maintain, use and dispose of the rights-of-way, permits, privileges, powers, franchises and property of every kind and nature, real, personal or mixed, of any other corporation, or to unite and consolidate with any other corporation upon such terms as may be agreed upon, and also to borrow money, and for such consideration and upon such terms as the stockholders or board of directors may determine: and to issue its notes, bonds and debentures from time to time as they may elect, and to secure the same by mortgage or mortgages on its property, whether then owned or thereafter to be acquired, and its franchises, in whole or in part, as they may deem necessary or expedient.

To hold stock in other companies.

Consolidation.

To borrow money.

Entrance on land  
for surveys.

Entrance on land  
for use.

Proviso: payment  
or tender before  
entrance.

Proviso: location  
not final.

Procedure for  
condemnation of  
land.

To use part of road.

Capital stock.

Common or  
preferred.

Shares.

SEC. 4. It shall be lawful for the president and directors, their agents, superintendents, engineers and others in their employ to enter at all times upon any and all lands or water for the purpose of exploring or surveying the works of said company and locating the same, doing no unnecessary damage to private property; and when the location of said works shall have been determined upon and a survey of the same deposited in the office of the clerk of the superior court of the county wherein the land is situated, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors and others in its employ to enter upon, take possession of, and have, hold, use and excavate any such lands, and to erect all the structures necessary and suitable for the completion and repairing of said works, subject to such compensation as is hereafter provided: *Provided always*, that payment, or tender of payment, of all demands for the occupation of all lands upon which the said works may be laid out be 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 be first had and obtained: *And provided further*, that such location of its works and filing of its survey in the office of the clerk of the superior court as aforesaid shall not preclude said company from making, from time to time, other location of works and filing surveys of the same as its business or development may require.

SEC. 5. When any land or right-of-way be required by said company for the purpose of constructing and operating its works, and for want of agreement as to the value thereof, or for any other cause, the same cannot be purchased from the owner, the same may be condemned and acquired in the manner prescribed by chapter forty-nine of The Code of one thousand eight hundred and eighty-three: *Provided*, the purpose for which said land is desired is of a public or *quasi* public nature.

SEC. 6. The said corporation is hereby further authorized and empowered to use and operate any section or portion of its railway or other lines before the whole of the same shall have been completed, and to use and operate any part or portion of the works of the said corporation, notwithstanding that the entire works of the said corporation have not been completed.

SEC. 7. That the capital stock of said company shall be three hundred thousand dollars (\$300,000) and may be increased from time to time, with the consent of a majority of the stockholders, to any additional amount, by the issue and sale of shares of common or preferred stock, or both, upon such terms and conditions and under such regulations as the board of directors shall prescribe: *Provided*, the fees required by law are paid the Secretary of State upon each increase. The par value of each share of stock shall be one hundred dollars; and the directors may receive cash,



labor, material, bonds, stock, contracts, credits, accounts, real or personal property in payment of subscriptions, payable in such manner or amounts and at such times as may be agreed upon with the subscribers; and whenever one hundred shares shall have been subscribed for, and the sum of one thousand dollars paid in, the subscribers, under the direction of a majority of the corporators hereinbefore named, who themselves shall be subscribers, may organize the said company by electing a board of directors, and provide 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. Every subscriber for or holder of the stock of this 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.

When company to  
organize.

Liability of  
stockholders.

SEC. 8. 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 expedient. Meetings of the stockholders and directors may be held in the city of Waynesville, where the principal office of the said company in North Carolina shall be, in the city of New York, or elsewhere, at such times and places as the stockholders may in the by-laws or otherwise prescribe.

Stockholders to  
enact by-laws.

Meetings of  
stockholders and  
directors.

SEC. 9. That it shall be 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 said corporation 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.

Counties and  
municipalities may  
subscribe to stock.

SEC. 10. The board of directors shall be composed of stockholders of said company, and shall consist of such numbers as the stockholders may prescribe from time to time by the by-laws; and shall be elected by the stockholders at meetings to be held at such times as the by-laws of the company may direct, and shall continue in the 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 their office; and they shall choose one of their number president, and elect such other officers as the by-laws may prescribe; and in case of the death, resignation or other 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.

Directors.

Election.

Term of office.

President and  
other officers.

SEC. 11. 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. 1905.



## CHAPTER 306.

AN ACT TO INCORPORATE THE BOWMAN ACADEMY OF  
BAKERSVILLE, MITCHELL COUNTY, NORTH CAROLINA.*The General Assembly of North Carolina do enact:*

Corporators.

SECTION 1. That J. S. Poteet, S. J. Black, M. L. Buchanan, W. M. Green, J. Wilton Buchanan, C. F. Baker, M. C. Pannel, R. M. Davis, C. E. Green, J. C. Bowman, D. J. English, W. M. Stamey, J. C. Thomas, L. H. Green and R. M. Young, and their successors

Purpose of  
corporation.

in office, be and they are hereby declared as trustees to be a body politic and corporate for the purpose of conducting, under the auspices of the Mitchell County Baptist Association, a school of high grade in the town of Bakersville, Mitchell County, for the

Corporate name.

education of boys and girls, to be known as the Bowman Academy,

Corporate rights.

and by this name and style shall have continual succession for a term of sixty years, and shall have 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 supporting the school to be known and styled as the Bowman Academy.

Trustees to be  
directors.  
Organization.

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.

Term of office.

Proviso: term of  
corporators as  
trustees.

SEC. 3. That the full term of the office of trustees shall be three years: *Provided*, the said trustees mentioned in section one of this act shall hold office until the annual meeting of the said association in the year nineteen hundred and five, 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.

Election of  
trustees.

SEC. 4. That all trustees shall be elected by the 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.

Failure to attend  
meetings.

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

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

Executive  
committee.

SEC. 8. That the trustees shall have 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.

Powers of trustees.

SEC. 9. That the said trustees shall hold an annual meeting at the close of each spring term, and such other meeting 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 members of the board of trustees.

Annual meetings.

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.

Exemption from  
taxation.

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

Trustees not  
personally liable.

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 Bowman Academy: 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 fifty dollars (\$50) or imprisoned not less than thirty (30) days, for which judgment shall not be suspended except upon appeal.

Prohibition.

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 4th day of March, A. D. 1905.

## CHAPTER 307.

AN ACT TO INCORPORATE LENOIR COLLEGE, SITUATED  
AT HICKORY, CATAWBA COUNTY, NORTH CAROLINA.*The General Assembly of North Carolina do enact:*

Corporators.

SECTION 1. That W. P. Cline, J. C. Moser, R. L. Fritz, S. E. Killian, J. S. Propst, P. C. Setzer, McCoy Moretz, and B. A. Whitner, of Hickory, N. C.; J. G. Hall, Lenoir, N. C.; J. M. Rhodes, Rhodhiss, N. C.; J. B. Stirewalt, New Market, Va.; W. J. Boger, Mt. Holly, N. C.; R. H. Cline, Henry, N. C.; Lee Hoover, Lincolnton, N. C.; G. W. Rabb and C. E. Smyre, Newton, N. C.; John M. Arndt, Claremont, N. C.; J. F. Deal, Concord, N. C.; J. S. Bipe, Landis, N. C., and J. H. C. Huitt, Catawba, N. C., and their associates and successors, be and they hereby are created a corporation for the promotion of religion, morality, and learning, under the name of "Lenoir College."

Corporate name.

Corporators  
trustees.

Corporate powers.

SEC. 2. That the persons named in section one of this act shall constitute the board of trustees of said corporation until their successors are respectively nominated and elected, and that said trustees shall be capable in law to sue and be sued in all the courts of this State, and may have and use a common seal, may take, demand, receive and possess all lands and tenements, moneys, goods and chattels which have been or which may be given them by will or otherwise for the proper use of said Lenoir College in Hickory, and shall have power to make all needful rules and regulations not in conflict with the laws of this State and the United States for the government of themselves and of the college.

Number of  
trustees.  
Vacancies.

SEC. 3. That there shall not be fewer than fifteen nor more than twenty-five trustees at any one time: that all vacancies occurring in said board of trustees shall be filled by persons nominated by the Evangelical Lutheran Tennessee Synod, and that all persons thus nominated shall be duly and formally elected by said board as members; that the power to remove members for sufficient cause shall reside in said synod, and that ten members of said synod shall constitute a quorum for the transaction of business.

Quorum.

Degrees and  
distinctions.

SEC. 4. That the trustees of said college shall have power to confer the degrees of Master of Arts, Doctor of Divinity, and the usual degrees and distinctions of less dignity than Master of Arts, upon such persons as have been recommended by the president and professors of said college.

Prohibition.

SEC. 5. That it shall not be lawful for any person or persons to manufacture or sell any wines or spirituous or malt liquors to any person within two miles of said Lenoir College, except for medical purposes, and any person or persons violating any of the provisions of this act shall be considered guilty of a misdemeanor, and shall be fined not exceeding fifty dollars or imprisoned not more than thirty days for each and every offense: *Provided*, that this

section shall not apply to the incorporate limits of the city of Hickory.

SEC. 6. That said corporation may take and hold real and personal property not exceeding two hundred thousand dollars cash, and shall enjoy any and all rights incident to such corporations in the State and necessary to accomplish the objects of its creation.

Power to hold property.

SEC. 7. That said trustees may open books of subscription and receive any money or property by donation or otherwise and appropriate the same to the proper use of said college; may borrow money for the benefit of said college, and may sell, exchange, mortgage or dispose of any property acquired in any manner in furtherance of the interests of the college aforesaid, when not constrained by conditions in receiving said property.

Books of subscription.

Power to borrow money and dispose of property.

SEC. 8. That said board of trustees shall have power to elect and employ a president of said college and professors to teach in this institution, and to remove them for sufficient cause; to erect suitable and necessary buildings for said school, and to exercise supervision and control over the same.

President and professors.

College buildings.

SEC. 9. That whenever property is received by this corporation by gift or otherwise, on conditions specified in the deed or other instrument conveying property, and said corporation shall not comply with such conditions or shall cease to use the property in conveyance, then the property is to revert to the grantor, his heirs or assigns.

Property received on conditions.

SEC. 10. 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. 1905.

## CHAPTER 308.

### AN ACT TO REGULATE THE APPORTIONMENT OF THE SCHOOL FUNDS FOR THE PUBLIC GRADED SCHOOLS OF THE CITY OF CHARLOTTE, MECKLENBURG COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section nine of chapter four hundred and thirty-five of the Public Laws of one thousand nine hundred and three be amended by adding thereto the following: That the County Board of Education of Mecklenburg County in apportioning the school fund of said county shall ascertain and determine the amount of said funds to be used each year for the Public Graded Schools of the City of Charlotte by dividing the whole amount of school funds received by the County Treasurer of Mecklenburg County, less his commissions or the part of his salary which is to be paid out of said funds, and less the amount reserved by said

Apportionment per capita.

county board of education for the office expenses and salary of the county superintendent of education and for the per diem and mileage of the said county board of education, by the total number of children of school age in said county, as determined by last school census preceding such apportionment, and by multiplying the quotient so obtained by the total number of children of school age in the city of Charlotte, as determined by last school census preceding such apportionment, and the amount so ascertained and determined is to be paid by the Treasurer of said Mecklenburg County to the Treasurer of the Public Graded Schools of the City of Charlotte, or such other official as may be legally designated to receive the same, to be used for the said public graded schools of said city, under the control and direction of the board of school commissioners of said city of Charlotte: *Provided*, that the amount so ascertained and determined for said graded school shall bear its proportionate part of the loss sustained on account of any taxes not collected by reason of errors, releases from taxation, or otherwise.

Proviso: losses apportioned.

Apportionment of remaining fund.

SEC. 2. That the school funds of said Mecklenburg County, after ascertaining and making the apportionment for the Public Graded Schools of the City of Charlotte, are to be apportioned by said county board of education in the manner prescribed by section nine of chapter four hundred and thirty-five of the Public Laws of one thousand nine hundred and three; that said section nine, chapter four hundred and thirty-five of the Laws of one thousand nine hundred and three is hereby repealed so far as the same is inconsistent with the provisions of this act.

Limitation.

SEC. 3. That the provisions of this act shall apply only to the county of Mecklenburg.

Repealing clause.

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

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

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## CHAPTER 309.

### AN ACT TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE.

*The General Assembly of North Carolina do enact:*

From second Tuesday in May.

Corporate limits.

SECTION 1. That from and after the second Tuesday of May, one thousand nine hundred and five, the corporate limits and boundaries of the city of Asheville shall be as follows: Beginning at the present north-east corner of the city of Asheville, in the crevice of



a large rock marked with the letters A. C. L. on top of the mountain ridge, northeast of the court-house and south of the highest top of said mountain, known as Smith's View, or Sunset Mountain, it runs in a westerly course to a stake at the intersection of the northerly margin of the street between Barnard and Ambler, supposed to be King Street, with the western margin of the Beaverdam Road, or Woolsey Avenue, as it is sometimes called; thence with the northern margin of said street between Barnard and Ambler and with the line between Barnard and Spears to a point in the east line of the Reed lands; thence in a straight westerly course to a point on the east bank of the French Broad River, one thousand feet north of the center of the eastern abutment of Pearson's Bridge; thence up and with the eastern bank of said river to the north end of the eastern abutment of Carrier's Bridge, a little below the mouth of the Swannanoa River; thence with the northern and eastern margin of a road leading from said Carrier's Bridge to Biltmore (known through part of its length as the Meadow Road) to the Asheville and Biltmore Road, formerly the Buncombe Turnpike, at a point in the center thereof about two hundred yards north of the Swannanoa River; thence in a straight northerly course to a stone post marked A. C. L. on the ridge south of Dr. Battle's (said post being the present southeast corner of the city of Asheville); thence in a northerly course, parallel with and one hundred feet east of the Town Mountain Ridge to a point one hundred feet east of the beginning, thence to the beginning.

SEC. 2. That chapter sixty-three of the Private Laws of one thousand nine hundred and ninety-nine, entitled "An act to incorporate the town of Ramoth in the county of Buncombe," ratified the twenty-eighth day of February, one thousand eight hundred and ninety-nine, together with all the amendments of said act, chapter eighty-two of the Private Laws of one thousand eight hundred and ninety-three, entitled "An act to incorporate the town of Montford in the county of Buncombe," ratified the seventeenth day of February, one thousand eight hundred and ninety-three, together with all amendments of said act, and chapter one hundred and twenty-one of the Private Laws of one thousand eight hundred and ninety-one, entitled "An act to incorporate the town of Kenilworth," ratified the twenty-seventh day of February, one thousand eight hundred and ninety-one, together with all amendments of said act, in so far only as said last-mentioned act and the amendments thereof relate to the territory formerly within the town of Kenilworth under said act, but by this act incorporated into the limits and boundaries of the city of Asheville; and chapter one hundred and eight of the Private Laws of one thousand eight hundred and eighty-seven, entitled "An act to incorporate the town of Victoria in the county of Buncombe," ratified the

Charter of Ramoth  
repealed.

Charter of Mont-  
ford repealed.

Charter of Kenil-  
worth partially  
repealed.

Charter of Victoria  
repealed.

Charters of other towns and villages repealed.

seventh day of March, one thousand eight hundred and eighty-seven, together with all amendments of said act, and all acts chartering or incorporating any towns, villages or cities within the territorial limits defined in section one hereof, other than acts incorporating the city of Asheville or constituting the present charter of the city of Asheville, and other than chapter one hundred and twenty-one of the Private Laws of one thousand eight hundred and ninety-one, entitled "An act to incorporate the town of Kenilworth" in so far as the same defines the territory embraced at the date of the passage of this act in the town of Kenilworth, but not embraced within the limits of the city of Asheville as said limits are described in section one hereof, be and the same are hereby repealed, and the city of Asheville is hereby invested with all rights, privileges, powers and property of all kinds that may belong on the second Tuesday of May, one thousand nine hundred and five, to any incorporated town previously existing within the territorial limits of the city of Asheville, as in section one hereof defined, except such rights, privileges, powers and property as may belong to the town of Kenilworth on said date; and is hereby charged with all duties, obligations, debts and liabilities of all kinds that lawfully appertain to said towns, or any of them, except the town of Kenilworth, prior to the second Tuesday of May, one thousand nine hundred and five.

Rights to vest in Asheville.

Ward five.

SEC. 3. That that part of the territory described in section one hereof lying north of the northern line of the city of Asheville, as located immediately prior to the legislative ratification of this act, shall be and constitute Ward Five of the City of Asheville, and the remainder of the territory added to the city of Asheville, and not embraced within the corporate limits of the said city as the same are located and described immediately prior to the legislative ratification of this act, nor within the limits of Ward Five as hereinabove in this section established, shall be Ward Six of the city of Asheville.

Ward six.

Aldermen for ward six.

SEC. 4. That Josiah M. Jones is hereby appointed alderman from Ward Six of said city of Asheville as the same is defined in section three hereof, and he shall qualify and enter upon the discharge of his duties on and from the second Tuesday of May, one thousand nine hundred and five, and shall hold office until the regular election for said city in May, one thousand nine hundred and nine, and until his successor shall be duly elected and qualified; and Herbert C. Allen is hereby appointed alderman for said city from Ward Five thereof, as defined in section three of this act, and he shall qualify and enter upon the discharge of his duties on and from the second Tuesday of May, one thousand nine hundred and five, and shall hold office until the regular election for said city in May, one thousand nine hundred and seven, and until his successor shall be duly elected and qualified.

Aldermen for ward five.

SEC. 5. That there shall be elected by the qualified voters of the city of Asheville, at the regular election to be held in said city in May of the year one thousand nine hundred and seven, and every four years thereafter at said regular election in May, four aldermen of said city, who shall be residents and qualified voters thereof and whose duties shall be the same as now prescribed by law and such as may be hereafter prescribed by law as aldermen for 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 an alderman-at-large; one of whom shall be at the time of his election a resident and qualified voter of Ward One; another shall be a resident and qualified voter of Ward Three; and the other shall be at the time of his election a resident and qualified voter of Ward Five of said city; and each of said aldermen shall hold his said office for four years from and after his qualification, and until his successor shall be duly elected and qualified.

Election of aldermen in 1907.

SEC. 6. That there shall be elected by the qualified voters of the city of Asheville at the regular election to be held in said city in May, one thousand nine hundred and nine, and every four years thereafter, four aldermen for said city who shall be residents and qualified voters thereof, and whose duties shall be the same as those now prescribed by law for aldermen of the city of Asheville; one of whom shall be elected without regard to the ward of said city in which he may reside, and shall be known as an alderman-at-large; and one of whom shall be at the time of his election a qualified voter of Ward Two; and one of whom shall be at the time of his election a resident and qualified voter of Ward Four of said city; and one of whom shall be at the time of his election a resident and qualified voter of Ward Six of said city; and each of said aldermen shall hold his said office for a term of four years from and after his election and qualification, and until his successor shall be duly elected and qualified.

Election of aldermen in 1909.

SEC. 7. That the aldermen of said city elected at the regular election held for said city in May, one thousand nine hundred and three, 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, resignation or removal of any alderman or aldermen elected at said regular election of said city in May, one thousand nine hundred and three, shall continue to hold their said offices respectively until the election and qualification of their successors, who may be elected at said regular election in said city in May, one thousand nine hundred and seven, or until their successors may be duly elected and qualified.

Present aldermen continued.

SEC. 8. That the aldermen of said city to be elected under the present law at the next regular election to be held for said city in May, one thousand nine hundred and five, and such alderman or aldermen as may hereafter be elected by the board of aldermen

Term of aldermen.

of said city to fill any vacancy or vacancies caused by the death, resignation or removal of any alderman or aldermen who may be elected at said regular election for said city in May, one thousand nine hundred and five, shall hold their said offices respectively until the election and qualification of their successors, who may be elected at the regular election to be held for said city in May, one thousand nine hundred and nine, or until their successors may be duly elected and qualified.

Towns and villages  
to contract no  
debt.

SEC. 9. That from the date of the legislative ratification of this act until the second Tuesday of May, one thousand nine hundred and five, no board or boards, officer or officers or any authority whatever of any of the villages or towns incorporated by virtue of any of the acts of the General Assembly enumerated in section two hereof, shall have power or authority to contract any debt, pledge the faith or credit or incur any obligation or liability, in any manner whatever, of or on behalf of any such town or village, except such as may be absolutely essential to pay the necessary running expenses thereof, nor to convey, nor to contract to convey, nor to transfer, nor contract to transfer absolutely or on condition, any property of any kind or nature whatever belonging to said towns or villages except in pursuance of a valid contract or valid contracts made prior to the legislative ratification of this act.

Nor alienate  
property.

Tax rate extended  
to addition.

SEC. 10. That on and after the first day of June, nineteen hundred and five the tax rate now or hereafter in force in the city of Asheville shall apply to persons and property in the territory herein added to the territorial area of the present city of Asheville: *Provided, however,* that all the municipal advantages in the way of water and sewerage lines, schools and lights, now enjoyed by residents of the city of Asheville shall be extended as rapidly as practicable, in the opinion of the board of aldermen of said city of Asheville, to the new territory herein added to said city of Asheville; and the revenues received from said new territory from persons and property in said new territory herein added to said city of Asheville shall be applied as rapidly as practicable, in the opinion of said board of aldermen, to that end.

Proviso: extension  
of municipal  
advantages.

Salary of mayor.

SEC. 11. That section twenty-four of chapter one hundred of the Private Laws of one thousand nine hundred and one be and the same is hereby amended by striking out the last sentence in said section and all amendments thereto and substituting therefor the following: "The salary of the mayor of said city shall be not exceeding fifteen hundred dollars (\$1,500) per annum, payable in monthly installments on 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: *Provided, however,* that this amendment shall not go into effect until the second Tuesday of May, one thousand nine hundred and five."

Proviso: after  
second Tuesday in  
May.

SEC. 12. That section forty-three of chapter one hundred of the Private Laws of one thousand nine hundred and one be and the same is hereby amended by striking out the word "two" in the first line of said section and substituting in lieu thereof the word "three": *Provided, however,* that this amendment shall not go into effect until the second Tuesday of May, one thousand nine hundred and five. Salary of aldermen.  
Proviso: from second Tuesday in May.

SEC. 13. That all laws and clauses of laws inconsistent with the provisions of this act be and the same are hereby repealed. Conflicting laws repealed.

SEC. 14. That this act shall be in force and effect from and after the second Tuesday in May, one thousand nine hundred and five.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

#### CHAPTER 310.

AN ACT TO AUTHORIZE THE TREASURER OF THE BOARD OF EDUCATION OF HYDE COUNTY TO PAY ANNIE BRIDGMAN, TEACHER IN WHITE SCHOOL DISTRICT, No. 1, THE SUM OF \$7.68.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Treasurer of the Board of Education of Hyde County be authorized to pay out of the school funds of White Public School District Number One, Swan Quarter Township in Hyde County, the sum of seven dollars and sixty-eight cents to Annie Bridgman, this being due her for teaching a public school in said township, in said district, for white race. Due for teaching school.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

#### CHAPTER 311.

AN ACT TO CREATE A PUBLIC WORKS COMMISSION FOR THE CITY OF FAYETTEVILLE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the charter of the city of Fayetteville be amended as follows, viz.: That in addition to the offices already provided by the charter of the city of Fayetteville, a commission to be known as the "Public Works Commission," be and the same is hereby created, to consist of three members, who shall be elected Public Works Commission created.



and whose qualifications, duties, powers and compensation shall be as in this act provided.

Election of  
commissioners.

Terms of office.

Vacancies.

Two-thirds vote to  
elect.

Qualifications for  
commissioners.

Duties of  
commission.

Organization.

Commission to  
prescribe duties.

Records to be kept.

Accounts.

Receipts and  
disbursements.

SEC. 2. That the members of said commission shall be elected by the Board of Aldermen of the City of Fayetteville of said board in June, one thousand nine hundred and five; one member to be elected for a term of three years, one for a term of two years and one for a term of one year; and their successors shall be elected for a term of three years, at the first regular meeting of said board in June of each year, as the term of each member expires. Any vacancies shall be filled by the said board for the unexpired term of the member whose office is vacant, at any regular or special meeting of said board. It shall require a vote of two-thirds of the members of said board to elect the members of said commission and their successors in office.

SEC. 3. The members of said commission shall be resident freeholders and tax-payers of the city of Fayetteville, and shall be men of recognized ability and good business judgment and standing who, in the opinion of the said board of aldermen can and will perform their official duties to the best interest of said city and its inhabitants.

SEC. 4. Said commission shall have full charge and control, and the general supervision and management of all public utilities, including electric light plant, water-works, sewerage, market-house, and all buildings and other public property yielding revenue, other than chattels, now owned or which may hereafter be owned by said city, and shall collect all rents and profits accruing therefrom, and shall make all disbursements on account of the same.

SEC. 5. The members of said commission shall meet as soon after their election as possible, and shall elect out of their number a chairman, a secretary, and treasurer, each of whom shall be a different person. The duties of each shall be such as is prescribed by said commission from time to time, not inconsistent with the provisions of this act.

SEC. 6. That said commission shall keep a full and complete record of all meetings held and official action taken, and of all other transactions, items and facts, necessary to the proper and intelligent conduct of the business affairs, and shall keep a separate account of each item of property under their control, showing in detail the income from each, the disbursements on account of each, and the net income or loss on each of the same.

SEC. 7. That all funds handled by said commission shall be paid over to the treasurer thereof, and all disbursements by said commission shall only be made by order upon the treasurer, signed by the secretary and countersigned by the chairman thereof, and all orders shall state for what object the same is drawn, and a record shall be kept of all such orders.

SEC. 8. That said commission shall have full charge and control and shall supervise the construction, repairing, alteration or enlargement of any public utilities or buildings or other public property now owned or which may hereafter be owned by the city of Fayetteville, which may be lawfully authorized and directed from time to time, with full power and authority to make all necessary contracts relating to the same, including the purchase of all necessary sites, machinery and other property, and the employment of necessary labor and other help in said construction, repairing, alteration or enlargement.

Commission to have full charge of public utilities.

Power to make contracts.

SEC. 9. That no contract shall be entered into by said commission without the concurrence of at least two members thereof, and all contracts made by said commission, required to be in writing, shall be in the name of the city of Fayetteville, signed by the chairman and attested by the secretary of the said commission and sealed with the corporate seal of the said city. The title to all property under the management and control of said commissioners shall be and remain in the city of Fayetteville, and the title to all property purchased or acquired by said commission shall vest in said city: *Provided*, that nothing in this act shall be construed as conferring upon said commission any power or authority to convey title to any public utilities, buildings or other real property under their management and control.

Contracts by commission.

Title to property to remain and vest in city.

Proviso: commission not to sell property.

SEC. 10. That the proceeds from the sale of any bonds, and all other special funds to be used in the construction, repairing, alteration or enlargement of any public utilities, building or other property mentioned in this act, shall be paid over to the treasurer of said commission, who shall disburse the same as provided in this act.

Proceeds of bonds and special funds.

SEC. 11. That said commission is hereby fully authorized and empowered to make all necessary contracts in the proper management of said public utilities and other property under its management and control, and to employ and discharge all necessary superintendents, clerks, accountants, laborers, artisans and other help in said management; to prescribe the duties and fix the salaries of each, and to require such bonds of each as said commission may deem proper to the successful management of said property.

Powers of commission in management of property.

SEC. 12. That said commission is hereby fully authorized and empowered to fix all rates, rents for water, light and sewerage, market stalls, scales, and all other public property under their control, subject to the limitations fixed in any franchise heretofore granted or which may hereafter be granted for the same. All rentings of market stalls, scales and other public buildings may be rented at public auction or by private renting, and on such dates and for such terms as said commission shall deem for the best interest of the city.

Power to fix rates and rents.

Rentings at auction.

SEC. 13. Said commission shall render a full report to the Board of Aldermen of the City of Fayetteville, not later than the second

Monthly reports.

Report to show.	Monday of each month, and shall pay over to the treasurer of said city all balances in excess of necessary expenses and disbursements to said date, as shown by said report. Said report shall show among other things: (1) the several items of public property under the control and charge of said commission, the value of same, and the floating and bonded indebtedness outstanding against the same; (2) the amount received from each item of public property, and the amount disbursed on account of same, separately; (3) all amounts received and disbursed on account of construction, repairing, alteration or enlargement of said property; (4) the physical condition of the property; (5) the amount of insurance carried upon said property; (6) the names of all delinquents to said city, three months or more in arrears, and the amount of such delinquency; (7) all other facts, items and information pertaining to the condition and management of said property. Said commission shall also furnish to the board of aldermen of said city such additional and special reports as the said board may request from time to time.
Annual report.	SEC. 14. That at the end of each fiscal year said commission shall publish a complete report for the year, which shall include all financial operations of said commission during the year, and all items, facts and information required by the provisions of this act to be reported monthly to the said board of aldermen.
Bond of chairman and secretary.	SEC. 15. That the chairman and secretary of said commission, shall each give bond to the city of Fayetteville, in the sum of one thousand dollars each, and the treasurer of said commission shall give bond in double the amount of any funds in his hands. All bonds required by this section shall be filed with the chairman of the board of audit and finance of said city.
Bond of treasurer.	
Salary of commission.	SEC. 16. The members of said commission shall receive a salary not to exceed the sum of \$..... per annum, which shall be divided among them in proportion to the respective services performed by each as said commission may decide to be mutually fair and just.
Books and accounts to be audited.	SEC. 17. That at the end of each fiscal year the books, accounts and records of said commission shall be audited by the board of audit and finance of said city, which shall report upon the condition of the same at the next regular or special meeting of the board of aldermen of said city. The board of audit and finance shall receive such compensation for their services in auditing the same as the board of aldermen of said city may allow. The chairman of said board of audit and finance shall see that all bonds required by the provisions of this act are promptly made and kept in force, and shall safely keep the same.
Pay for audit.	
Neglect of duty a misdemeanor.	SEC. 18. That if any member of said commission shall willfully neglect or fail to perform any duty required by the provisions of this act, or required by any rule or regulation made by said commission in pursuance of the authority contained in said act, he

shall be guilty of a misdemeanor, and upon conviction shall be <sup>Penalty.</sup> punished in the discretion of the court, and shall be removed from office by the board of aldermen of said city.

SEC. 19. That all laws and parts of laws in conflict with this <sup>Conflicting laws repealed.</sup> act 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 4th day of March, A. D. 1905.

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## CHAPTER 312.

### AN ACT FOR THE RELIEF OF MISS MARY HUGH STEWART.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Treasurer of Robeson County be and he is hereby authorized and directed to pay to Miss Mary Hugh Stewart the sum of sixty dollars (\$60) out of any school funds which may be in his hands or become due to school district number one (1) for the white race in Smith's Township, county of Robeson, for services rendered as a public school teacher in said school district from the fifteenth (15) day of February, one thousand nine hundred and one (1901), to the fifteenth (15) day of May, one thousand nine hundred and one (1901). <sup>To be paid for services as school teacher.</sup>

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. 1905.

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## CHAPTER 313.

### AN ACT TO AMEND CHAPTER 36, PRIVATE LAWS OF 1876, AND TO EXTEND THE CHARTER OF THE OXFORD COLORED EDUCATIONAL ASSOCIATION.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter thirty-six (36), Private Laws of one <sup>Charter extended.</sup> thousand eight hundred and seventy-six, be and the same is hereby re-enacted, and that the duration of said corporation shall extend to the first day of May, one thousand nine hundred and thirty-five.

SEC. 2. That the words "one thousand eight hundred and sev- <sup>Thirty years.</sup> enty-seven" in lines two and three of section two of said act be stricken out, and the words "one thousand nine hundred and five" be inserted in lieu thereof.

Additional  
trustees.

SEC. 3. That the following names be added to the list of trustees named in section one of said chapter: Willis Moss, Ed. Smith and Sandy Parham and Sam Littlejohn.

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. 1905.

#### CHAPTER 314.

### AN ACT TO AMEND THE CHARTER OF THE CITY OF MONROE, NORTH CAROLINA, TO AUTHORIZE THE ALDERMEN TO ESTABLISH FIRE LIMITS.

*The General Assembly of North Carolina do enact:*

Fire limits  
stricken out.

SECTION 1. That section fifteen of chapter three hundred and fifty-two of the Private Laws of one thousand eight hundred and ninety-nine be amended by striking out the words "establish a fire limit in said city, within which it shall be unlawful to build, erect, repair or move any building built of wood or other dangerous material." and by striking out all of section twenty-six of said chapter after the word "orders" in line ten.

Aldermen to  
establish fire  
limits.

SEC. 2. That there shall be added to said chapter three hundred and fifty-two of the Private Laws of one thousand eight hundred and ninety-nine, and to section twenty-six thereof, as a substitute for the provisions above stricken out, the following: "The said board of aldermen shall establish fire limits in said city, within which it shall be unlawful for any person, or persons, or corporation, to erect, construct or repair any building of wood, or other dangerous or inflammable material, or material peculiarly subject to fire; and a building, built of wood and covered on the outside, on the sides and ends with sheet-iron, shall be considered a dangerous building and a wooden building within the meaning of this

Requirements for  
buildings.

act. All buildings hereafter erected, constructed or repaired within such fire limits shall be covered with slate, gravel, metal or other kinds of roofing, approved by standard insurance companies: *Provided*, that any person, or corporation, proposing to cover any building with any material other than slate or metal shall first obtain the approval of the board of aldermen before using such roofing. That it shall be the duty of the chief of

Proviso: permission  
for roofing.

police to notify the owner of any partially destroyed building to remove the same, or to repair it according to the requirements of this act, and, upon failure of said owner to remove or repair within sixty days, the mayor of said city shall cause the said building to be removed at the expense of the owner, and expense of removal shall be a lien upon the lot from which such building

Partially destroyed  
building to be  
removed or  
repaired.

At expense of  
owner.

Lien on lot.



has been removed, and the same may be collected by the chief of police in the manner provided in the charter of Monroe for the collection of taxes. The said board of aldermen shall have power to enforce the provisions as to fire limits by suitable penalties or ordinances, and the violation of such ordinances shall be a misdemeanor." Aldermen to enforce provisions.

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. 1905.

### CHAPTER 315.

AN ACT TO AMEND CHAPTER 250, PUBLIC LAWS OF 1889, AND CHAPTER 410, PRIVATE LAWS OF 1901, IN RELATION TO THE CHARTER OF THE ENTERPRISE LUMBER COMPANY, AND AUTHORIZING THE SAID COMPANY TO CONSTRUCT A RAILROAD.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Enterprise Lumber Company of Goldsboro, North Carolina, 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 by its directors most advantageous and expedient from a point on the Atlantic Coast Line Railroad about one mile south of the town of Mount Olive in the county of Wayne, and extending eastwardly twenty-five (25) miles through said county of Wayne, and partly through the county of Duplin in said State; and it may also construct and operate such branch lines as may be necessary or advantageous to the extension, completion or the successful operation of the said railroad, no one of which shall exceed five (5) miles in length, which said railroad shall exist for the term of twenty (20) years from and after the ratification of this act. Railroad authorized.  
Terminal and route.  
Branch lines.

SEC. 2. That the said company shall have the right to transport over the said road and its branches its own property of every character, and to transport at reasonable rates, not inconsistent with the laws of this State, over the said road and its branches, goods, wares and merchandise usually bought and sold by merchants in their stores, all farm products and all articles of whatever character necessary or useful as supplies upon the farm, except live stock, and that its duty and its liability as a common carrier shall be confined to the transportation of freight, and to the transportation of such freight only as is herein specified, and it shall not be a carrier of passengers. Right to transport freight.  
Except live stock.  
Not to carry passengers.

SEC. 3. That the said company shall have the right to connect the said road or any branch thereof with any railroad or other Right of connection.

Exchange of  
traffic.

transportation company that may have been or may hereafter be chartered under the laws of this State, and to exchange traffic with such railroads or transportation companies upon such terms as may not be inconsistent with the laws of this State or with the provisions of this act.

Right-of-way.

SEC. 4. That the said company is hereby authorized and empowered to purchase and hold a right-of-way fifteen feet wide on each side of its said track and of its branches for the purpose of constructing, operating and maintaining its said railroad and for the purpose of constructing and using such warehouses and other structures as may be necessary for the operation of the said railroad, and such additional lands as may be necessary for the construction of such warehouses and other structures: and if the same cannot be acquired by purchase or gift, that the said company shall have the right and power to condemn and hold all lands, timber and undergrowth within fifteen feet of the center of the track of said railroad and its branches as the same may be laid out, and on each side of the same, for the purpose of constructing, operating and maintaining said railroad, and for the purpose of constructing its warehouses and other structures necessary or convenient for the construction, operation and maintenance of the said railroad, and such additional lands as may be necessary for the construction of such warehouses and other structures; and for the purpose of condemning the same the said company shall have all such rights and powers for the condemnation of said land, timber and undergrowth as is provided for the condemnation of lands for railroads by chapter forty-nine of The Code.

Right of  
condemnation.

General law to  
apply.

SEC. 5. That the said company shall have, in reference to the said railroad, all the powers and privileges, and be subject to all the duties, liabilities and provisions of chapter forty-nine of The Code not inconsistent with the provisions of this act.

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 4th day of March, A. D. 1905.

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## CHAPTER 316.

### AN ACT TO AMEND CHAPTER 54 OF THE PRIVATE LAWS OF 1889 CONCERNING THE TOWN OF JASON IN GREENE COUNTY.

*The General Assembly of North Carolina do enact:*

Town line  
changed.

SECTION 1. That section two (2) of chapter fifty-four (54) of the Private Laws of one thousand eight hundred and eighty-nine (1889) be and the same hereby is amended as follows, to-wit:

Strike out all of the said section that follows the word "heirs" on the fifth (5th) line, and insert in lieu thereof the words following, to-wit: "thence with said line eastwardly to a stake three hundred yards east of the public road; thence a direct line northeast three hundred and fifty yards to a stake; thence westwardly in a direct line to the beginning."

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. 1905.

### CHAPTER 317.

#### AN ACT TO INCORPORATE THE FAISON MALE ACADEMY OF FAISON, DUPLIN COUNTY, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the name of the institute of learning operated and controlled by the Presbytery of Wilmington, located at Faison in the county of Duplin in the State of North Carolina, and known at present as the Faison Male Academy, shall be hereafter known as the same, and that Jno. M. Faison, Peter McIntyre, I. L. Faison, H. J. Faison, W. C. Steele, T. E. Johnston, W. J. Boney, A. F. Johnston and W. L. Hill, 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 Faison Male Academy, and by that name shall sue and be sued in all 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 nor contrary to the regulations of said Presbytery of Wilmington.

Corporate name.

Corporators as trustees.

Corporate rights.

SEC. 2. The said trustees or their successors in office are hereby authorized to elect a president and secretary-treasurer, 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 carry out the objects of said institution of learning, and further, that they shall have full power and authority to establish any department or schools of general or special instructions or study in said institution, and may issue any scholarship, certificates and diplomas, and confer any degree of merit or honor which they may determine upon, and to these ends may co-operate with other institutions of like character.

President and secretary-treasurer.

Officers, teachers and instructors.

Curriculum.

Certificates and diplomas. Degrees.

SEC. 3. That the said corporation by its name and style aforesaid shall on behalf of the Presbytery of Wilmington have, hold, and

Property of institution vested in corporation.

Right to hold property.	use and enjoy and succeed to all 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 reinvest all of its property and assets in as full and ample manner as other institutions of the State similarly chartered, and in no greater degree.
President and secretary-treasurer named.	SEC. 4. That until further action by the trustees above mentioned the said Jno. M. Faison as president and Peter McIntyre as secretary-treasurer shall be and the same are hereby created as the respective officers of this institution.
Prohibition.	SEC. 5. That it shall be unlawful for any person or persons, firms, partnerships or corporations to retail, sell, manufacture or rectify any spirituous, vinous, malt or intoxicating liquors in any quantity whatever within five miles of this institution of learning, upon penalty of being guilty of a misdemeanor and upon conviction thereof to be fined or imprisoned, within the discretion of the court.
Misdemeanor. Punishment.	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 4th day of March, A. D. 1905.

## CHAPTER 318.

### AN ACT TO INCORPORATE THE KINSTON AND CAPE FEAR RAILROAD COMPANY.

*The General Assembly of North Carolina do enact:*

Corporators.	SECTION 1. That B. H. Ellington, of Richmond, Va.; C. R. Guy, of Richmond, Va.; George F. Montgomery, of New York City; W. H. Montgomery, of Kinston, N. C.; James H. Pou, of Raleigh, N. C.; Robert R. Boyd, of Raleigh, N. C., their associates, successors and assigns, are hereby created a body politic and corporate
Corporate name.	for term of sixty years, under the name and style of "The Kinston and Cape Fear Railroad Company," and under that name
Corporate powers.	may sue and be sued in any court of the State of North Carolina or elsewhere; 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, forests, lumber yards or furnaces, also steam-

ships, docks, wharves, lighters, barges, tugs, steamboats and vessels; may lease, buy or construct telegraph and telephone lines along or near its right-of-way, and charge tolls, under such rules and regulations as are prescribed by the laws of this State, or at the option of its board of directors; may lease or rent these privileges to other corporate bodies or persons; may build branch roads not extending more than fifty miles each from any point on its main line; may change the name of said company by a vote of a majority of its stockholders at a regular or special meeting, and may make all such by-laws for the government of said company as may be deemed proper and are not inconsistent with law.

SEC. 2. That the authorized capital stock of said company shall be ten thousand dollars, with the privilege of increasing the same to two hundred and fifty thousand dollars. With each increase of capital stock the tax thereon shall be paid according to law, over one hundred and twenty-five thousand dollars, to be divided into shares of one hundred dollars each. That said capital stock may be subscribed for and paid in money, lands, mines, mineral property, materials, bonds, timber, labor, depot or terminal facilities, franchises, rights-of-way, water-craft, or otherwise, as may be agreed upon between the subscriber or subscribers and the said company.

SEC. 3. That books of subscription to the capital stock of said company shall be opened by the corporators, or a majority of them, acting in person or by proxy, at such times and places and under such rules and regulations as they may prescribe. That as soon as ten thousand dollars has been subscribed for *bona fide* by solvent persons to the capital stock, the said company shall be authorized to commence operations and to exercise all the rights, powers, privileges and franchises granted by this act, and said corporators, or a majority of them, acting in person or by proxy, shall be authorized to call a meeting of stockholders for the purpose of organization, at such place or places as they may deem advisable, giving ten days' notice thereof in some newspaper published in Raleigh, and at such meeting and at each annual meeting thereafter a board of not less than seven 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 officer.

SEC. 4. That after the organization of said company the president and board of directors may again 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.

Capital stock.

Shares.

Subscriptions.

Books of subscription.

Organization.

Directors; term of office. President, vice-president and other officers, agents and employees.

Subscriptions after organization.

Liability of stockholders.



Terminals and route.

SEC. 5. That said company shall have the power to locate, construct, equip, maintain and operate a railroad for the transportation of freight, passengers, mail and express from any point it may select upon either the Atlantic Coast Line Railroad or the Atlantic and North Carolina Railroad in Lenoir County; thence in a southerly or southwesterly direction to any point it may select in either the county of Duplin or the county of Pender, and to build branch roads as above provided.

Branch roads.

Powers under general law.

SEC. 6. That said company may build its said railroad and branch roads as may be deemed most advantageous and expedient, and it shall have all the powers and privileges contained in volume one, chapter forty-nine of The Code of North Carolina, and all of the acts of the General Assembly of North Carolina amendatory thereto.

Rights of crossing and intersection.

SEC. 7. That said company shall have the right to cross 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.

Right to condemn land.

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, in accordance with volume one, chapter forty-nine of The Code of North Carolina, and all the acts of the General Assembly of North Carolina amendatory thereof, to the extent of fifty feet on each side of the track of the said railroad and branches, measuring from the center of the same. And the company shall have the power to appropriate and condemn land in like manner for the building and erection thereof of depots, warehouses, shops and other purposes.

Right to borrow money.

SEC. 9. That said 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 coupon bonds at a rate of interest not exceeding five per cent., and to secure the payment of the same by mortgage or deed of trust, or trust agreement with any bank, trust company or corporation on its property, franchises and effects or otherwise. And should said company issue second mortgage bonds as hereinafter provided, then in that event it shall not issue first mortgage bonds exceeding twelve thousand dollars per mile of its main road and branches.

Second mortgages.  
Limit on first mortgage bonds.

To begin work at any point.  
May operate part of road.

SEC. 10. That the said company may begin work upon any point of its line, and upon the construction of any part or portion thereof may operate and maintain such part or portion, with all the rights, powers and privileges hereby granted to this company. That it may, under purchase, lease, agreement or running arrangement as it can make with any other railroad company, operate any railroad as a link between different portions of its own line.

May operate other route.

SEC. 11. It shall be compulsory with the Kinston and Cape Fear Railroad Company, and all other railroads with which it connects, to interchange traffic in a prompt manner; to make the divisions of rates otherwise on all business originating at or destined within the borders of the State, and routing orders of consignees by all transportation lines shall be respected.

SEC. 12. That for the purpose of aiding in the construction of the Kinston and Cape Fear Railroad Company, the board of directors of said company shall have the power, in general or special meeting, to issue coupon bonds to an amount not exceeding three thousand dollars per mile upon the said railroad and its branch roads, bearing interest at the rate of six per cent., payable semi-annually; the principal of said bonds to be made payable thirty years from the date of issue, and to secure the payment of said bonds and interest by a second mortgage or deed of trust on its property, franchises and effects, or otherwise. That it shall be lawful for any county, township, city or town in or through which the said road or its branches may be located, or which may be interested in its construction, to subscribe to the said second mortgage bonds of said railroad company in such sums as a majority of the qualified electors of any such county, township, city or town may authorize; anything contained in the charter of any such city, town or other corporation to the contrary notwithstanding. That the said subscription shall be made in coupon bonds bearing interest at five per cent., interest payable semi-annually, and the principal of said bonds to be due and payable thirty years from time of issue, the said bonds to be received by said railroad company at par, and upon receiving the same the said railroad company shall deliver to such counties, townships, cities or towns as shall subscribe a like amount of its second mortgage bonds in exchange therefor; all of said bonds to be in denominations of one thousand dollars each.

SEC. 13. That for the purpose of determining the amount of such subscription it shall be the duty of the county commissioners of any county in which the said railroad has the right under this charter to construct its road or branches, or which may be interested in the construction of said road or branches, or the board of aldermen or the board of commissioners or other municipal authorities of any city or town in or through any part of such city or town the said railroad has the right under this charter to construct its road or branches, or which may be interested in the construction of said road or branches, upon the written application of fifty tax-payers of any such county, or thirty in any township, city or town, specifying therein the amount to be subscribed in bonds, to submit to the qualified electors of such county, township, city or town, as the case may be, the question of "Subscription" or "No Subscription" to the second mortgage bonds of said railroad com-

Traffic interchanges.

Routing orders.

Second mortgage bonds.

Counties, townships, cities and towns may subscribe to second mortgage bonds.

Subscriptions payable in bonds.

Election for municipal subscriptions.

Question.

- pany. And said board of county commissioners, board of aldermen, board of commissioners or other municipal authority of such city or town, as the case may be, shall order an election, specifying the time, place and purpose of the election, and shall provide for the holding of the same as is now provided for the holding of elections for members of the General Assembly, except as is hereinafter provided for the said election in any city or town. That at said election ballots shall be provided upon which shall be printed or written the word "Subscription," and also ballots shall be provided upon which shall be printed or written the words "No Subscription"; and the said board of county commissioners, board of aldermen or board of commissioners or other municipal authorities of such city or town, having first fixed the amount proposed to be subscribed according to the request of the petition submitted to them, shall give public notice of said election, not exceeding sixty days immediately prior thereto, in one or more newspapers published in the county in which such election is to be held, and if there be no newspaper published in such county, then in some newspaper published in the county nearest thereto, and also at the court-house door of such county, that such an election will be held upon the day therein named. That a new registration may be ordered in accordance with law by such board of county commissioners, board of aldermen, board of commissioners or other municipal authority, as the case may be, of the qualified voters of said county, township, city or town for the said election.
- SEC. 14. That all elections under the preceding section shall be held, if for a county or township, according to the law and regulations provided for the election of members of the General Assembly, and if the election shall be held for a county the returns shall be made to and canvassed by the board of county commissioners, who shall ascertain and declare the result and make a record of the same. If the election shall be for a township the registrar and judges of election shall make returns to the board of county commissioners, who shall canvass the same and ascertain and declare the result and make a record of the same. If the election shall be for a city or town it shall be conducted as elections for municipal officers, and the mayor and aldermen, or town commissioners or other municipal authorities of such city or town, shall ascertain and declare the result and make a record of the same. That in case a majority of all the qualified voters in such county, township, city or town, as the case may be, shall have voted "For Subscription," then the chairman of the board of county commissioners in all cases of county or township elections, and the mayor or other chief officer in all cases of city or town elections, shall, within twenty days after the vote is ascertained, subscribe to the second mortgage bonds of said railroad company in behalf of said county, township, city or town, as the case may be, the sum that may have been named in the said petition, which
- Form of ballots.
- Notice of election.
- New registration.
- Laws governing elections.
- Subscriptions made if voted for.

subscription shall be made in coupon bonds, bearing interest at the rate of five per cent., payable semi-annually, and all tax levies for the purpose of raising funds to pay said bonds or coupons shall be made upon the taxable property in such counties, townships, cities or towns.

SEC. 15. That to provide for the interest on said bonds and their redemption at or before maturity, the board of county commissioners aforesaid, or the board of aldermen or board of commissioners or other municipal authorities aforesaid subscribing, shall, in addition to other taxes, each year compute and levy on all property of any such county, township, city or town as may make a subscription of bonds to the said second mortgage bonds, preserving the constitutional equation of taxation, a sufficient tax to pay such interest and an additional tax sufficient to provide each year a sum equal to one-thirtieth part of the principal of said bonds for a sinking fund, which amount shall annually be collected as the other taxes are, and paid to the county treasurer or other officer of said county, city or town authorized by law to perform the duties of treasurer, as commissioner of sinking fund, and by him invested in said bonds, which shall be cancelled by the county commissioners or the municipal authorities of the city or town, as the case may be; but in case said treasurer or other officer shall be unable to invest the sinking fund herein provided for in said bonds, at or about par value, he shall invest the same in solvent bonds or securities as may be selected and approved by the county commissioners aforesaid or the proper authorities of any city or town, as the case may be, subscribing to the second mortgage bonds of said railroad company.

Special taxes for bonds and sinking fund.

Investment of sinking fund in bonds.

Alternative investments.

SEC. 16. That for the purpose of this act all the townships along the line of said railroad and its branches, or which are interested in its construction, are hereby declared bodies politic and corporate and are vested with the necessary powers to carry out the provisions of this act, and shall have all the rights and be subject to the liabilities in respect to any right or cause of action growing out of the provisions of this act. The county commissioners of the respective counties in which are situated the respective townships subscribing are declared to be the corporate agents of the townships so incorporated and situated within the limits of the said counties, respectively.

Townships incorporated.

County commissioners agents for townships.

SEC. 17. That the State, county and city convicts may be used in the construction of the said railroad and its branches in such numbers and at such times as may be agreed upon by the proper authorities in charge of said convicts and by said railroad company. The payment for such labor shall be made monthly.

Convict labor.

SEC. 18. The Kinston and Cape Fear Railroad Company shall not be sold, leased, merged or transferred to any other corporation that is now or may be hereafter constructed, that is now or here-

Limit to power of sale, lease or merger.

Limit to second mortgage bonds.

after may be a competitor, during the period that the State or any county, township, city or town shall hold seventy-five per cent. of the second mortgage bonds of said railroad company. Only a sufficient amount of the said six per cent. second (mortgage) bonds shall be issued in the construction, purchasing and equipment in exchange with the State of North Carolina, the various counties, townships, cities and towns for labor performed or bonds subscribed for, not to exceed three thousand dollars per mile of said railroad and its branches.

Construction to commence within five years.

SEC. 19. That the construction of the said railroad under this act of incorporation shall be commenced within five years after the ratification of this act.

SEC. 20. 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 4th day of March, A. D. 1905.

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## CHAPTER 319.

### AN ACT FOR THE RELIEF OF P. A. FORE AND THE ALMA LUMBER COMPANY.

Preamble.

WHEREAS, the Alma Lumber Company was duly incorporated under the laws of the State of North Carolina on the twenty-eighth day of August, one thousand eight hundred and ninety; and whereas, J. B. Wilkinson, P. A. Fore, Parke Fitzhugh and W. E. Miller were the original and sole stockholders in said corporation; and whereas, no certificates of stock were ever issued to any of said stockholders; and whereas, on or about the first day of January, one thousand eight hundred and ninety-two, the said P. A. Fore, for valuable consideration, purchased all and the entirety of the stock, interests and holdings of whatsoever nature in said Alma Lumber Company of all the other said stockholders; and whereas, no certificates of stock indicating the interests and holdings of said stockholders in said corporation were transferred or assigned to the said P. A. Fore; and whereas, the said P. A. Fore is now the only stockholder in said corporation and the sole owner of its franchise, rights, privileges, goods, chattels, lands, tenements and all other property of whatsoever description and kind; and whereas, various and sundry contracts, deeds of conveyance and other instruments required by law to be in writing and executed with certain formalities have heretofore been made and delivered to said Alma Lumber Company; and whereas, since its formation said Alma Lumber Company has continued to exercise its corporate rights and privileges and has carried on business,



as authorized by its charter, as a body politic, doing various acts and engaging in many transactions: Now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That the transfers and assignments of the stock, Transfer validated.  
interests and holdings of whatsoever nature in said Alma Lumber  
Company of J. B. Wilkinson, Parke Fitzhugh and W. E. Miller to  
P. A. Fore, on or about the first day of January, one thousand  
eight hundred and ninety-two, are hereby declared valid and suf-  
ficient to all intents and purposes as if the same had been trans-  
ferred and assigned according to law.

SEC. 2. That all contracts, deeds of conveyance and other instru- Contracts and  
ments required by law to be in writing and executed with certain conveyances to  
formalities which have heretofore been made and delivered to said lumber company  
Alma Lumber Company are hereby declared valid and sufficient validated.  
for all uses and purposes.

SEC. 3. That the status of the said Alma Lumber Company as a Status of company  
corporation or body politic since the formation thereof is hereby recognized.  
recognized, and all acts, deeds and transactions of the said Alma Acts validated.  
Lumber Company shall be construed to be the valid acts, deeds  
and transactions of a corporation duly created and existing under  
the laws of the State of North Carolina.

SEC. 4. That the charter of the said Alma Lumber Company be Charter repealed,  
and is hereby repealed.

SEC. 5. That the title to all the property—real, personal and Title to property  
mixed—of said Alma Lumber Company is hereby vested in P. A. vested in and  
Fore, with absolute and entire control over the disposition of the liabilities imposed  
same, upon the sole condition, however, that the said P. A. Fore on P. A. Fore.  
shall assume all liabilities, debts, claims, demands and obligations  
of whatsoever nature against said Alma Lumber Company.

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

In the General Assembly read three times, and ratified this the  
4th day of March, A. D. 1905.

## CHAPTER 320.

AN ACT FOR THE RELIEF OF MRS. LIZZIE CASH WILLI-  
FORD, A PUBLIC SCHOOL TEACHER IN DISTRICT No. 4.  
FOR WHITES, TALLY HO TOWNSHIP, GRANVILLE  
COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Treasurer of the Public School Fund of To be paid for  
Granville County be and he is hereby directed to pay to Mrs. Lizzie teaching school.  
Cash Williford (formerly Miss Lizzie Cash) the sum of eight dol-  
lars and fifty cents, being a balance due her for teaching school in

District Number Four, for whites, in Tally Ho Township, Granville County, out of any money belonging to said fund: the same to be refunded out of any sum now due or hereafter to be due the said school district.

SEC. 2. That this act 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. 1905.

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#### CHAPTER 321.

#### AN ACT FOR THE RELIEF OF ROENA MOORE, A SCHOOL-TEACHER OF DURHAM COUNTY.

*The General Assembly of North Carolina do enact:*

To be paid balance  
for teaching school.

SECTION 1. That the Treasurer of Durham County is hereby authorized to pay to Roena Moore (colored) the sum of ten dollars, balance due her as teacher in District Number Two, colored race, of Mangum Township, Durham County, for the year nineteen hundred and two, out of any money that is now or may hereafter become due said school district.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

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#### CHAPTER 322.

#### AN ACT FOR THE RELIEF OF ALEXANDER BAKER, FORMER SUPERINTENDENT OF PUBLIC SCHOOLS IN GRANVILLE COUNTY.

*The General Assembly of North Carolina do enact:*

To be paid for ser-  
vices performed.

SECTION 1. That the Treasurer of the County School Fund of Granville County be and he is hereby directed to pay to Alexander Baker, former superintendent of public instruction of said county, the sum of sixty-six dollars for services performed in the year one thousand nine hundred and one.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

## CHAPTER 323.

## AN ACT FOR THE RELIEF OF S. E. HOGSED, A SCHOOL-TEACHER IN CLAY COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the County Treasurer of Clay County be and is hereby authorized and directed to pay S. E. Hogsed forty-five dollars and eighty-four cents (\$45.84), due him for teaching a public school in said county in the year one thousand nine hundred and one (1901). Said amount shall be paid out of any school funds in the hands of said treasurer or that may hereafter come into his hands; but said amount shall not be paid until approved by the school committee of the district, the county superintendent and the county board of education.

To be paid amount  
due for teaching  
school.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

## CHAPTER 324.

## AN ACT TO AMEND CHAPTER 378 OF THE PRIVATE LAWS OF 1901, AS AMENDED BY CHAPTER 406 OF THE PRIVATE LAWS OF 1903.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter three hundred and seventy-eight of the Private Laws of nineteen hundred and one (1901), as amended by chapter four hundred and six of the Private Laws of nineteen hundred and three (1903), be amended as follows: Insert after the figures "1904," in the last line of section one, the words and figures "1905 and 1906"; and as so amended, sections one and two of chapter three hundred and seventy-eight of Private Laws of one thousand nine hundred and one, as amended by chapter four hundred and six of Private Laws of one thousand nine hundred and three are hereby re-enacted.

Special tax  
extended.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

CHAPTER 325.

AN ACT FOR THE RELIEF OF MISS MAMIE LITTLE, A PUBLIC SCHOOL TEACHER.

*The General Assembly of North Carolina do enact:*

To be paid for services rendered as teacher.

SECTION 1. That the Treasurer of Anson County be and he is hereby authorized and required to pay to Miss Mamie Little, out of the public school money now due or hereafter to become due District Number Eight, Burnsville Township, in said county, for the white race, the sum of forty dollars (\$40) for services rendered as teacher in said district: *Provided*, the same shall not be paid unless in their discretion it is ordered to be paid by the board of education of said county of Anson.

Conflicting laws repealed.

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

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

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CHAPTER 326.

AN ACT TO AMEND THE CHARTER OF MARS HILL COLLEGE, PASSED AT THE SESSION OF 1858 AND 1859, AMENDED AT THE SESSION OF 1860 AND 1861, AND AGAIN IN 1893.

*The General Assembly of North Carolina do enact:*

Section one of said charter is repealed and the following is hereby enacted in lieu thereof, viz.:

Corporators.

SECTION 1. That J. R. Sams, W. P. Jervis, J. A. Ramsey, J. B. Sams, R. H. Higgs, W. J. McLendon, J. H. Baird, Andrew Ingle, J. D. Carter, C. B. Mashburn, John W. Anderson, J. F. Tilson, J. M. Stoner, T. M. Hufham, W. F. Robinson, A. F. Sprinkle, J. C. Pritchard, J. L. Jarvis, L. B. Ramsey, J. B. Sprinkle, William Bryan, John Ammons, C. C. Bruce, J. H. Tucker and R. S. Gibbs shall be and they are hereby declared to be a body corporate, to be known and distinguished by the name and style of Mars Hill College, located in the county of Madison, and by that name shall have succession and a common seal, and shall continue for a term of ninety-nine years; and they and their successors, or a majority of them, by the name aforesaid, shall be capable in law to receive and possess all moneys, goods and chattels that may be given them for the use of said college, and, by gift, purchase or devise, may receive and hold to them and their successors any lands, tene-

Corporate name.

Corporate powers.

ments and hereditaments of whatever kind, nature or quality, and wheresoever situated, in special confidence, that the sum and profits thereof shall be applied to the use and for the benefit of said Mars Hill College; and the said trustees and their successors shall have such other privileges, rights and powers as are usually incident to corporate bodies of a like character.

Section two of said charter is repealed and the following is hereby enacted in lieu thereof, viz.:

SEC. 2. That the term of office of a trustee under the provisions of this charter shall be five years: *Provided*, that the first five members appointed in section one, viz., J. R. Sams, W. P. Jervis, J. A. Ramsey, J. B. Sams and R. H. Hipps, are hereby appointed for a term to expire April the first, one thousand nine hundred and six; that the second five, viz., W. J. McLendon, J. H. Baird, Andrew Ingle, J. D. Carter and C. B. Mashburn, are appointed for a term to expire April the first, one thousand nine hundred and seven; that the third five, viz., John W. Anderson, J. F. Tilson, J. M. Stoner, T. M. Hufham and W. F. Robinson, are appointed for a term to expire April the first, one thousand nine hundred and eight; that the fourth five, viz., A. F. Sprinkle, J. C. Pritchard, J. L. Jarvis, L. B. Ramsey and J. B. Sprinkle, are appointed for a term to expire April the first, one thousand nine hundred and nine; that the fifth five, viz., John Ammons, William Bryan, C. C. Bruce, J. H. Tucker and R. S. Gibbs, are appointed for a term to expire the first day of April, one thousand nine hundred and ten; that said board of trustees shall meet annually at said college during commencement week, and at each successive annual meeting shall appoint and fill all vacancies provided for in this section, or caused by death, resignation, or removal for cause by said trustees, which may be physical or mental inability, gross immorality, or failure to attend two consecutive annual meetings; and the trustees thus appointed shall be invested with all the privileges, rights and powers as those appointed by this act.

Term of office.  
 Proviso: term of  
 corporators as  
 trustees.

Trustees to meet  
 annually.  
 Vacancies.

Section three of said charter is repealed and the following is hereby enacted in lieu thereof, viz.:

SEC. 3. That nine trustees shall constitute a quorum for the transaction of any business at regular annual or call meetings of said board, except the sale and transfer of real estate, or to place a mortgage or deed of trust on the same, for which purpose seventeen shall constitute a quorum; that said board of trustees may at each annual meeting map out work of any and all kinds, and appoint an executive committee of five resident members to carry out the same, and to transact and carry on any ordinary business of said board: *Provided*, that the chairman of the board shall be chairman *ex officio* of the executive committee: *Provided further*, that the chairman of the board may call an extra or call meeting of said board at any time and for any purpose by giving

Quorum.  
 Quorum for sale of  
 real estate.  
 Executive  
 committee.  
 Proviso: chairman.  
 Proviso: call  
 meetings.



notice to the members, by mail or otherwise, stating the purpose of said meeting.

Section four of said charter is repealed and the following is hereby enacted in lieu thereof, viz.:

President of college.

SEC. 4. That said trustees shall elect a president of said college as often as a vacancy may occur, either by death, resignation or removal from office for cause, which may be immorality, physical or mental inability, heresy, habitual gross neglect of duty, or a lack or harmony between said president and board of trustees, which shall be determined by a majority of said board; and the board and president of said college shall from time to time provide for as many professors, teachers and tutors as the best interest of said school may demand, any of whom may be removed for cause by the president of the college: *Provided*, the professor, teacher or tutor so removed may appeal to the board, whose decision shall be final: *Provided further*, that should the president of the college neglect or refuse to remove any professor, teacher or tutor for any of the causes herein provided for his own removal by the board, then the board may make such removal at any time.

Professors, teachers and tutors.

Proviso: removal by trustees.

Limit to property.

SEC. 5. That the whole amount of real and personal estate belonging to said college shall not exceed one hundred and fifty thousand dollars in value.

Prohibition.

SEC. 6 is amended to read as follows: That it shall not be lawful for any person to erect, keep or maintain at Mars Hill College, or within four miles of said college in the county of Madison, any tippling-house or establishment or place whatsoever for the manufacture or sale of intoxicating liquors or wines, nor shall it be lawful for any person to sell any wines or intoxicating liquors within three miles of said college.

Misdemeanor.

SEC. 7. Any person or persons violating the provisions of section six shall be guilty of a misdemeanor.

Section eight is hereby repealed and the following enacted in lieu thereof:

Qualification of trustees and president.

SEC. 8. That at all times at least twenty-one of the twenty-five trustees, as well as the president of Mars Hill College, provided for in this act, shall be members of some regular Baptist Church, and that said trustees shall conduct the affairs of said college in the best manner possible for the promotion of scientific and literary research, moral and Christian education, as fostered by the Baptist denomination, and shall, through the president of said college, or otherwise, report annually to the Baptist State Convention any facts they may think necessary or important concerning the property, needs and character of work done of said institution.

Annual reports.

Organization of board.

SEC. 9. That the board, at the annual meeting of one thousand nine hundred and five, and at each succeeding annual meeting, shall organize by electing out of their number a chairman, a financial and recording secretary, and a treasurer, who shall give satisfactory bond for any funds that may come into their hands; and

Bonds of officers.

said treasurer and secretary shall be the receiving and disbursing officers of said board, but no voucher shall be paid till it is countersigned by the chairman of the board; and may appoint such other officers, agents and committees as they may hereafter think necessary; all of whom shall report in writing annually to the board.

Annual reports of officers.  
Power to sell lands.

SEC. 10. That the said trustees and their successors shall be able and capable in law to bargain and sell and convey to the purchasers any land, tenement or hereditament to which they may be entitled as aforesaid; and the said trustees, or a majority of them, and their successors, for the term aforesaid, shall be able to sue and be sued, plead and be impleaded in all courts whatsoever, of law, record, equity or otherwise.

SEC. 11. That the trustees and president of Mars Hill College shall have full right and power to enact such by-laws, rules and regulations as to them seem best for the government of the students, societies and faculty of said college, and the said president of the college shall be the executive officer to enforce the same.

By-laws, rules and regulations.

SEC. 12. That hazing in any form of students at Mars Hill College is hereby declared to be unlawful.

Hazing unlawful.

SEC. 13. Any person or persons adjudged to be guilty of violating section twelve, before any justice of the peace of Madison County, shall forfeit and pay a fine of not less than five dollars nor more than ten dollars.

Punishment for hazing.

SEC. 14. That all laws and clauses of laws not consistent with this act relating to Mars Hill College are hereby repealed, and this act shall be in force from and after its ratification.

Conflicting laws repealed.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

## CHAPTER 327.

### AN ACT TO AMEND CHAPTER 155 OF THE PRIVATE LAWS OF 1901 AND TO PROHIBIT PUBLIC DRUNKENNESS AT SPRAY IN ROCKINGHAM COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and fifty-five of the Private Laws of one thousand nine hundred and one be and the same is hereby amended by making section two thereof its third section and inserting a new section, as follows, to-wit:

SEC. 2. That every person found drunk on the streets or roads or in any public place within one mile of the reservoir at Spray in Rockingham County shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two dollars nor more than ten dollars, or imprisoned not more than ten days.

Drunkenness a misdemeanor.

Penalty.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

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#### CHAPTER 328.

#### AN ACT TO AMEND CHAPTER 15, PRIVATE LAWS OF 1895, RELATING TO THE FARMERS MUTUAL FIRE INSURANCE ASSOCIATION OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Territorial limits. SECTION 1. That chapter fifteen of the Private Laws of one thousand eight hundred and ninety-five be amended by adding at the end of section nine the following: "except as hereinafter provided."

Central branch. SEC. 2. That a new section, to be known as section nine and one-half, be added to said chapter, in the following words: "That there may be established a central branch with headquarters at the general office in Raleigh, and under the direct supervision of the officers of the State association, whose duties towards the central office shall be the same as the duties of similar officers of a county branch. Any person may be eligible to membership in the central branch, under such regulations as may be established, who would be eligible to membership in county branches: *Provided, however,* whenever as many as fifty members of the same county or contiguous counties, a branch may be established as provided for in sections eight and nine."

Proviso: fifty  
members a branch.

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. 1905.

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#### CHAPTER 329.

#### AN ACT TO APPOINT E. S. SIMMONS A JUSTICE OF THE PEACE IN THE COUNTY OF BEAUFORT.

*The General Assembly of North Carolina do enact:*

Appointed for six  
years. SECTION 1. That E. S. Simmons of Washington Township, Beaufort County, be and he is hereby appointed a justice of the peace for the term of six years, his term of office to begin upon the passage of this act and his acceptance and qualification.

Code not to apply. SEC. 2. That section twenty-seven of The Code of North Carolina shall not be applicable to the said E. S. Simmons.

SEC. 3. The appointment of the said E. S. Simmons, and his acceptance and qualification, as a justice of the peace in and for said township and county, shall in nowise affect his right to practise as an attorney-at-law in the various courts of Beaufort County and the courts of the State, except in such cases as have been appealed from the courts of the justice of the peace over which he presided or took part. Right to practice law.

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. 1905.

#### CHAPTER 330.

#### AN ACT FOR THE RELIEF OF J. A. SHEPHERD, A SCHOOL-TEACHER OF ASHE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Treasurer of the School Fund of Ashe County, upon a voucher signed by the chairman of the county board of education and the county superintendent of said county, is hereby authorized and directed to pay to J. A. Shepherd the sum of seven dollars for services as teacher in District Number One, Peak Creek Township, for the year one thousand nine hundred and two. To be paid for services as teacher.

SEC. 2. 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. 1905.

#### CHAPTER 331.

#### AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF THE TOWN OF GREENVILLE IN PITT COUNTY TO BORROW MONEY, NOT TO EXCEED TEN THOUSAND DOLLARS, FOR THE PURPOSE OF ESTABLISHING A SEWERAGE SYSTEM FOR SAID TOWN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Aldermen of the Town of Greenville, North Carolina, are authorized and are hereby empowered to borrow a sum of money, not to exceed ten thousand dollars, to be used for the purpose of establishing a sewerage system for said town. Power to borrow money.  
Amount.  
Purpose.

Conflicting laws  
repealed.

SEC. 2. That all laws in conflict herewith are 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. 1905.

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## CHAPTER 332.

### AN ACT TO AMEND CHAPTER 365, PRIVATE LAWS OF 1901, CHANGING THE CORPORATE LIMITS OF THE TOWN OF MACCLESFIELD IN EDGECOMBE COUNTY.

*The General Assembly of North Carolina do enact:*

Corporate limits.

SECTION 1. That section two (2) of chapter three hundred and sixty-five (365), Private Laws of one thousand nine hundred and one (1901), be amended so as to read as follows: "That the corporate limits of said town shall be as follows, to-wit, beginning at a point on the center line of the East Carolina Railway, six hundred and fifty (650) yards northeast of the crossing of Edgcombe Street by said line; thence south sixty-five (65) degrees east to a stake; thence south twenty-five (25) degrees west one thousand three hundred (1,300) yards to a stake on the edge of Briar Branch; thence north sixty-five (65) degrees west one thousand three hundred (1,300) yards to a stake; thence north twenty-five (25) degrees east one thousand one hundred and sixty-six and two-thirds ( $1,166\frac{2}{3}$ ) yards to a stake; and thence on the same course one hundred and thirty-three and one-third ( $133\frac{1}{3}$ ) yards to a point in a swamp; thence six hundred and fifty (650) yards to the beginning."

Closing ordinance.

SEC. 2. Amend section five (5) by inserting after the word "town" in second line the words "and shall have power to pass an ordinance requiring that all places of business in said town shall be closed at a stated hour at night, not earlier than ten (10) o'clock, except that on Saturday nights the hour shall not be earlier than eleven (11) o'clock."

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. 1905.



## CHAPTER 333.

AN ACT TO AMEND THE CHARTER OF THE BANK OF  
CAPE FEAR.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the name of the Bank of Cape Fear, a corpo- Corporate name.  
ration chartered under the general banking laws of the State of  
North Carolina, shall hereafter be the Bank of Cape Fear and  
Trust Company.

SEC. 2. The location of its principal office shall be at Lillington. Principal and  
branch offices.  
North Carolina, but the corporation may have offices and places of  
business elsewhere.

SEC. 3. The powers of said corporation shall be buying and sell- Powers of  
corporation.  
ing for itself, and as agents of other corporations or individuals,  
bonds, notes, stocks, choses in action and all kinds of securities,  
real estate (subject to Public Laws nineteen hundred and three,  
chapter two hundred and seventy-five (275) section nine), and  
personal property of every nature; conducting a general broker-  
age and commission business in any or all of its branches; nego-  
tiating loans and endorsing or becoming surety on notes and  
bonds, and charging and receiving pay therefor; acting as trus-  
tees or mortgagees in deeds of trust or mortgages, securing notes  
or bonds, or providing indemnity against loss, and other similar  
objects; acting as agent or trustee in writing or placing life insur-  
ance, fire insurance, accident insurance and health insurance and  
other kinds of insurance for corporations, companies and individ-  
uals; collecting rents and claims of all kinds, and acting as agent  
or trustee in leasing and managing real estate or personal property  
for corporations, companies or individuals; owning the stock of  
other corporations, with the same privilege as individuals; doing a  
general banking business in all of its branches; acting as adminis-  
trator, executor, trustee, guardian, assignee, receiver or agent or  
commissioner, under the same rules as individuals are authorized  
to act; doing a general trust company business in all of its  
branches, conducting a warehouse and storage business in all of its  
branches, with right to charge and receive pay therefor, and to  
issue receipts for articles stored; and generally to do and perform  
any and all things necessary to be done to properly conduct any  
branch of its business, and the right to conduct any other business  
not prohibited by law that the stockholders may authorize by vote  
in meeting assembled. Each stockholder shall be liable to double  
the amount of stock owned in 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  
4th day of March, A. D. 1905.

CHAPTER 334.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF LUMBERTON AND TO PROVIDE FOR AN INCREASE OF ITS BONDED DEBT.

*The General Assembly of North Carolina do enact:*

That chapter two hundred and fifteen of the Private Laws of one thousand eight hundred and ninety-nine be and the same is hereby amended by adding the following:

Power to create debt.

Purposes.

Amount.

Bond issue authorized.

Bonds to be voted on.

Notice of election.

Form of ballot.

Separate boxes for separate issues.

"SECTION 1. That the town of Lumberton is hereby authorized and empowered to create a debt for public improvements, such as grading and paving streets and sidewalks, extending and improving the system of sewerage and drainage; extending and improving the system of water-works and water supply; in the purchase of engines and other apparatus for the fire department; for improving and extending the system of electric lights and lighting the streets; for the purchase of land necessary for the use of the town and for the erection of buildings thereon; to provide for the payment of the accumulated and floating debt of the said town, and for other improvements of a public nature, to an amount not exceeding twenty-five thousand dollars, and may issue bonds to that amount, or any less amount, for any one, or more, or all of said purposes in the name of the town of Lumberton, in denominations and form, and payable at such place and time, not exceeding thirty years, and bearing interest at no greater rate than six per centum per annum, payable annually or semi-annually, as the board of commissioners may determine.

Sec. 2. That the bonds for any of the aforesaid purposes shall not be issued until approved by a majority of the qualified voters of said town, after thirty days' notice at the court-house door, at an election to be held under the same rules and regulations as are now provided by the charter for elections in said town: such notice shall set forth the object for which bonds are to be issued, the amount of the same, the rate of interest, the time when they mature, and the rate of tax to be levied to pay the principal and interest on the bonds. The qualified voters approving the issue of such bonds, and the levy and collection of the taxes to pay the same, shall deposit in a ballot-box a written or printed ballot with the word "Approved" thereon; and those disapproving the same shall deposit a like ballot with the word "Disapproved" thereon. If at such election a majority of such voters shall vote "Approved," then the mayor and board of commissioners of the said town shall issue the bonds provided for in such notice, and shall levy and cause to be collected the taxes therein named and authorized by this act. At such election, upon the proper notice being given as above set forth, the question of issuing bonds for more than one purpose, within the meaning of this act, may be

voted on in separate boxes, under the same rules and regulations as above set out: but in such case the ballots shall contain the purpose of the bonds with the word "Approved" or "Disapproved" following, as the voter may desire: *Provided*, that no election shall be ordered unless a petition requesting the same, signed by a majority of the qualified voters of said town, be presented to the mayor and commissioners thereof, setting forth the matter above required in the notice of election.

Proviso: no election without petition.

SEC. 3. That said bonds shall be issued under the signature of the mayor of the said town, and attested by the town clerk and treasurer under the official seal of said town, and the mayor shall, under the direction of the board of commissioners, dispose of said bonds at a sum not less than par value.

How bonds attested.

Not to be sold below par.

SEC. 4. That for the purpose of paying the interest on said bonds as it falls due, and for providing a sinking fund for the redemption of said bonds when due, or for purchasing and cancelling the same before due, it shall be the duty of the board of commissioners of said town, at the time fixed for the levy of other taxes in the same, to levy and cause to be collected with the other taxes each year, so long as any of the said bonds are unpaid, a sufficient special tax upon all the subjects of taxation set out in section thirty of chapter two hundred and fifteen, Private Laws of one thousand eight hundred and ninety-nine, which taxes, so collected, shall at all times be kept separate and distinct and used only for the purpose above set out: *Provided*, that so much of the tax levied each year as may not be required to pay the interest on said bonds, and which cannot be applied to the purchase or discharge of the said bonds, shall be invested so as to secure the payment at maturity of the principal of said bonds; and to increase the due investment of the above-described amounts from time to time it shall be the duty of the treasurer of said town, under such regulations as the board of commissioners thereof shall from time to time prescribe, to make investment of said amounts and to do and perform all such other services in connection with said bonds as said commissioners may prescribe: *Provided further*, that the board of commissioners of said town may require an official bond of the clerk and treasurer, not exceeding ten thousand dollars, for the faithful discharge of all the duties pertaining to his office: *Provided further*, that the rate of taxation in said town (not including license and privilege taxes) shall not at any time exceed the rate of one dollar and twenty-five cents on every hundred dollars valuation and a poll tax not exceeding three dollars and seventy-five cents, with which to pay both the ordinary expenses of said town and the special taxes provided for in the acts heretofore enacted for the issuance of bonds by the said town and the special taxes herein provided for.

Special tax.

Proviso: sinking fund.

Proviso: clerk and treasurer to give bond.

Proviso: tax limit.

Bonds exempt from  
town taxation.

SEC. 5. That the bonds authorized to be issued by this act, and their coupons, shall not be subject to taxation by said town until after they become due or tender of payment shall have been made by the town through the treasurer, and the coupons shall be received in payment of town taxes for any fiscal year in which they become due, or thereafter; and if the holders of any of said bonds or coupons shall fail to present the same for payment at the time or times and place therein named, he shall not be entitled to any interest thereon for the time they have been outstanding after maturity.

Record of bonds.

SEC. 6. That the clerk and treasurer of said town shall keep a record in which shall be written the name of every purchaser of a bond and the number and amount thereof, and he shall keep an accurate account of the coupons and bonds which shall be paid and cancelled, so that the true state of the bonded indebtedness of the town shall be readily seen and ascertained at any time by any tax-payer of said town.

Lithographed  
signature.

SEC. 7. That the lithographed signature to the said coupons and to the bonds provided for in this act shall be deemed a sufficient signing thereof by the mayor and by the town clerk and treasurer.

Bonds in addition  
to issues previously  
authorized.

SEC. 8. That the bonds herein provided for shall be separate from and independent of the bonds heretofore issued by said town of Lumberton under the provisions of chapter eighty-eight of Private Laws of one thousand eight hundred and ninety-seven, and chapter two hundred and fifteen, Private Laws of one thousand eight hundred and ninety-nine, and the provisions of an act to amend chapter eighty-eight, Private Laws of one thousand eight hundred and ninety-seven and chapter two hundred and fifteen, Private Laws of one thousand eight hundred and ninety-nine, said act being ratified on February the tenth, one thousand nine hundred and three, and the bonds herein provided for shall be in addition to the bonds provided for by said acts.

Conflicting laws  
repealed.

SEC. 9. That all laws and clauses of laws in conflict with the provisions of this act be and the same 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. 1905.

## CHAPTER 335.

AN ACT TO INCORPORATE AVERY McDOWELL CAMP OF  
CONFEDERATE VETERANS OF BURKE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That L. A. Bristol, W. A. Bailey, Thomas Garrison, Corporators.  
L. A. Thomas, Samuel Asbury, A. C. Avery, Sr., and their asso-  
ciates, members of Avery McDowell Camp of Confederate Veter-  
ans, be and they are hereby incorporated under the corporate Corporate name.  
name of Avery McDowell Camp, with power to them and their  
successors, composing the membership of the said Avery McDowell  
Camp, to sue and be sued, and when assembled in annual encamp- Powers of municipi-  
ment during the month of August of each year, and for such time pal corporation.  
as they are so assembled, to exercise the powers of a municipal  
corporation, as hereinafter more specifically set forth.

SEC. 2. That when so assembled annually in camp at such time Commander of  
during the month of August as may be determined by the said camp, the commander of the said camp shall have and exercise all powers of mayor  
of the powers now given by statute in the chapter of The Code of town.  
of North Carolina to mayors of incorporated cities and towns; and  
five others, members of said camp, designated by said com- Five members to  
mandant, shall be constituted, during the time of said encamp- have powers as  
ment, commissioners, and the said mayor and commissioners shall commissioners.  
during the period of said encampment have all the powers given Extent of powers.  
in said chapter to towns in and over a tract or body of land  
whose limits are hereinafter more specifically set forth, and the  
said mayor and aldermen shall have authority to enact ordinances  
to carry out their powers, and to appoint policemen [who when] Policemen.  
appointed shall wear official badges and shall be clothed with all  
the powers given to town constables in said chapter.

SEC. 3. That the limits of said corporation, territorially, shall Boundaries of land  
be as follows, to-wit: Beginning at a point in the line between the subject to powers.  
farm of Henry Fisher and the old Alexander Shuping farm, four  
poles southeast of the spring known as the Old Shuping Spring,  
and running north so as to include the Shuping spring, and then  
east and then south, then west so as to embrace the said spring  
and ten acres of land within the boundary out of the said Henry  
Fisher tract or Mary Fisher tract.

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

In the General Assembly read three times, and ratified this the  
4th day of March, A. D. 1905.



## CHAPTER 336.

AN ACT TO ESTABLISH GRADED SCHOOLS IN THE TOWN  
OF HERTFORD AND TO ISSUE BONDS.*The General Assembly of North Carolina do enact:*Town made school  
district.

SECTION 1. That all the territory lying within the corporate limits of the town of Hertford, North Carolina, shall be and is hereby constituted a public school district for white and colored children, to be known as "The Hertford Graded School District."

Bond issue  
authorized.

SEC. 2. That the board of graded school trustees hereinafter provided for shall be and are hereby authorized and empowered to issue bonds of said graded school district to an amount not exceeding fifteen thousand dollars, to be issued in denominations as may seem advisable to said board of trustees, five thousand dollars worth of said bonds to be payable or redeemable in twenty years from their date of issue, five thousand dollars worth to be payable or redeemable in twenty-five years from their date of issue, and five thousand dollars worth to be payable or redeemable in thirty years from their date of issue; that said bonds shall bear an interest rate not exceeding six per cent, per annum, and shall have attached interest coupons, payable annually, and at such time or times and at such place or places as may be deemed advisable by the board of trustees; and said bonds shall be made payable at such place or places as the board of trustees may determine: *Provided*, that said board of trustees shall issue said bonds at such time as may be required to meet the expenditure hereinafter provided for in section three of this act. Said bonds shall be valid when signed by chairman and secretary of said board of trustees. Coupons shall have *fac-simile* of signature of said board of trustees.

Payable.

Description.

Proviso: to be  
issued as needed.

How attested.

Specific  
appropriation.

SEC. 3. That the proceeds arising from the sale of said bonds shall be expended by said board of graded school trustees in providing, by purchase or otherwise, such graded school buildings and grounds as may be required, and in furnishing same with school furniture and other necessary equipment, and for no other purpose.

Not to be sold  
below par.

SEC. 4. 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 set out in section three of this act.

Exemption from  
town taxation.

SEC. 5. That said bonds and their coupons shall not be subject to taxation by the town of Hertford until after they shall have become due and tender of payment shall have been made. And said coupons shall be receivable in payment of all taxes and other public dues of said town for any fiscal year in which said coupons shall become due, or thereafter; and if any holder of said bonds or coupons shall fail to present the same for payment at the time

Coupons receivable  
for town taxes.

or times or at the place or places therein named, he shall not be entitled to interest thereon for the time they have been outstanding after maturity.

SEC. 6. That for the purpose of providing for the payment of Special tax, 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 Hertford shall annually, and at the time of levying the municipal taxes, commencing with the fiscal year beginning the first day of June, one thousand nine hundred and five, levy and lay a particular tax on all persons and subjects of taxation within the limits of said graded 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 sixty cents on the one hundred dollars worth of taxable property at its assessed valuation, and not more than one dollar and eighty cents on each taxable poll. Limit.

SEC. 7. That said taxes shall be collected by the Tax Collector of the Town of Hertford in the manner and at the time that the municipal taxes are collected: and said tax collector shall pay the same over to the town treasurer of said town, who shall keep such moneys separate and apart from the municipal funds. And the 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 secretary of the board of graded school trustees, which warrant must be countersigned by the chairman of said board, and must bear, in writing, upon its face, the purpose for which it is issued: *Provided*, that said board of trustees shall have the power to require from the tax collector and the town treasurer such bonds, in addition to those which may be exacted by the municipal authorities, as will, in the judgment of said trustees, insure a faithful performance of duty and a safe-keeping of the funds belonging to said graded school district: *And provided further*, that for the collection of said particular taxes no greater compensation than two dollars for each one hundred dollars collected shall be allowed, or if less than one hundred dollars an equal proportion thereof, and that for receiving and disbursing any moneys belonging to said graded school district, in accordance with section seven of this act, no compensation or commission shall be allowed greater than fifty cents for each one hundred dollars received and fifty cents for each one hundred dollars disbursed: or if received and disbursed in amounts less than one hundred dollars the same proportion shall be maintained: *Provided further*, that no commission, compensation or emolument of any kind whatsoever shall be allowed or paid for disposing of or selling the bonds provided for in section two of this act, nor for receiving or disbursing the proceeds thereof. Taxes to be kept separate.  
Warrants.  
Proviso: bonds of tax collector and treasurer.  
Proviso: compensation of tax collector and treasurer.  
Proviso: no commission for selling bonds.

Bonds and tax to be voted on.	SEC. 8. That the provision of sections two and six of this act shall be submitted to a vote of the qualified voters of said graded school district, at an election to be held on a day to be designated by the Board of Town Commissioners of the Town of Hertford
Notice of election.	immediately after the ratification of this act. That thirty days' notice of such election, containing a copy of the provisions of sections two and six of this act, or a synopsis of the same, shall be given in a notice posted at the door of the county court-house and two other public places in the town of Hertford; 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 said issuance of bonds provided for in section two, and the levying and collection of those particular taxes provided for in section six of this act,
Form of ballots.	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."
Effect of vote "For 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 graded school district is in favor of granting to the aforesaid graded school trustees authority to issue said bonds, and to the board of commissioners of said town authority to lay and levy said particular tax, and said board of 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 trustees and said board of town commissioners shall not have such authority: <i>Provided</i> , that the results of such election, duly ascertained in accordance with law, shall be enrolled among the public records of the town of Hertford, 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>And provided further</i> , that if a majority of such qualified voters shall fail to vote in favor of issuing said bonds and of levying said particular tax, said board of town commissioners shall order another election at any time after the expiration of six months from the date of the former election, when requested to do so by said board of graded school trustees; and if at such an 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: <i>Provided</i> , that no election shall be held under the provisions of this act after the first day of June, one thousand nine hundred and six.
Proviso: result to be enrolled.	
Proviso: further elections.	
Proviso: no election after 1st June, 1906.	
Trustees named.	SEC. 9. That T. S. McMullan, Charles Whedbee, George E. Major, Robert L. Knowles, William R. White and William H. Cannon shall be and are hereby constituted a board of trustees for the public schools of said graded school district. That the first two named shall hold office until the first Monday in June, nineteen hundred and eleven; the next two named shall hold office until
Terms of office.	

the first Monday in June, nineteen hundred and nine, and the last two named shall hold office until the first Monday in June, nineteen hundred and seven; and their successors, elected as hereinafter provided, shall hold office for the term of six years each. The vacancies occurring by reason of the expiration of the terms of office of the trustees as aforesaid shall be filled by a majority vote of the other members of said board of graded school trustees holding over, acting in conjunction with the Board of Town Commissioners of the Town of Hertford. And for the purpose of filling such vacancies said members of the board of trustees and said board of town commissioners shall meet in joint session at twelve o'clock on the Monday immediately preceding the first Tuesday in June of each year in which such vacancies shall occur: *Provided*, that at such conjoint meetings for the election of trustees no votes shall be allowed to those trustees whose terms of office expire on the first Monday in June of that year, and that in such meetings the chairman of the board of graded school trustees shall preside, and shall have the power, in addition to any other rights which he may possess as a trustee, to decide all questions or elections in which there may be a tie vote: *And provided further*, that any and all vacancies in said board of trustees occurring by reason of death, resignation, or otherwise than by expiration of term of office, shall be filled by the other members of said board of trustees: *And provided further*, that the position of trustee shall not constitute an office within the meaning of article seven, section fourteen, of the Constitution of North Carolina.

Successors.

Meetings for election of trustees.

Proviso: outgoing trustees not to vote.

Vacancies.

Proviso: trustee not an officer.

SEC. 10. That the said board of graded school trustees and their successors shall be and are hereby constituted a body corporate by name and style of "The Board of Graded School Trustees of Hertford," 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 property, hold, exchange 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.

Trustees incorporated.

Corporate name.

SEC. 11. That it shall be the duty of said board of graded school trustees to establish graded schools for the white and colored children of said graded school 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 may be deemed just to both races, providing equal facilities to each, due regard being paid, however, to the difference in the cost of maintaining said schools, and to the usual habits and environments of the two races: *Provided*, that all donations to said schools shall be applied as directed by the donors.

Duty of trustees.

Proviso: application of donations.

SEC. 12. That said board of graded school trustees shall have exclusive control of all public schools in said school district, free

Trustees to have exclusive control.

Rules and regulations.	from the supervision and control of the county board of school directors and the county superintendent of schools for Perquimans County; shall prescribe rules and regulations, not inconsistent with this act, for their own government and for the government of the schools; shall prescribe the qualifications, employ and fix the compensation of all officers and teachers of such schools;
Officers and teachers.	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 said school district; and shall exercise such other powers as may be necessary for the successful control and operation of said graded schools.
School census.	
School funds to be paid over.	SEC. 13. That the Treasurer of the County of Perquimans shall, without delay, pay over to the Treasurer of the Town of Hertford all funds of School District Number One for whites and all funds for School District Number One for colored now in his hands or which may hereafter come in his hands; and that the said Treasurer of the Town of Hertford shall, up to the thirtieth day of May, nineteen hundred and five, disburse said funds only upon the warrant of said board of trustees, and thereafter as hereinbefore provided for the disbursement of other funds of said graded school district: <i>Provided</i> , that of such moneys belonging to said public school district a proportionate part, in accordance with the law governing the distribution of the common school fund, shall be accredited to that part or parts of said common school district not included in said graded school district.
Proviso; apportionment.	
Public school funds to use of graded schools.	SEC. 14. That all public funds derived from the State and from the county of Perquimans for the use and benefit of the public schools in said graded school district shall be paid over to the Treasurer of the Town of Hertford by the Treasurer of Perquimans County for the use and benefit of the graded schools in said graded school district, except as hereinbefore provided in section thirteen of this act; and the property, both real and personal, of the public school districts, or parts thereof, embraced within the graded school district shall become the property of said graded school district, 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 graded schools to be established, or which may have been established, in said graded school district: <i>Provided</i> , that any and all interests in said funds or property which may proportionately belong to any part of School District Number One for whites and to School District Number One for colored, Perquimans County, must be paid to any such part or parts in such an amount and in such a manner as the county board of school directors may determine, in accordance with the act governing the distribution of the public school funds.
Title to property vested in trustees.	
Trustees may sell property.	
Proviso; apportionment.	
Superintendent.	SEC. 15. That the said board of graded school 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 schools of said graded school district and exercise such other powers and discharge such other duties as said board of trustees may prescribe.

SEC. 16. That said board of graded school trustees are hereby authorized, in their discretion, to fix a curriculum of studies and to adopt text-books for said graded schools; to provide for instruction other than that included in the prescribed course, and to fix the rate of tuition to be charged therefor, and to admit pupils residing without the limits of said graded school district, upon such terms as the said board of trustees may deem just and reasonable.

Curriculum and text-books.

Tuition for advanced courses.

Non-resident pupils.

SEC. 17. That it shall be the duty of said board of trustees to make to the Mayor and Board of Commissioners of the Town of Hertford, annually, after the close of each school year, a full report of the operations of the graded schools of said graded school district, and they shall cause to be publicly exhibited by the treasurer of the funds belonging to said graded school district an itemized statement of all receipts and disbursements during the fiscal year past. A copy of this report shall be filed, each, with the secretary of the board of graded school trustees and with the Superintendent of Schools for Perquimans County.

Annual reports.

Itemized statement.

SEC. 18. That all laws and clauses of 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 4th day of March, A. D. 1905.

## CHAPTER 337.

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

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one (1) of chapter three hundred and one (301) of the Private Laws of one thousand eight hundred and ninety-three (1893) be amended by striking out all after the word "field," in line seven (7), down to the word "passing," in line sixteen (16), and insert in lieu thereof the words "thence running west one-fourth of a mile to a pile of stones; thence in a southerly direction to a pine north of John Rich's house; thence in a southern direction to the northwest corner of the McAden tract of land; thence east along the McAden line to a large stone, McAden's corner; thence in a northeasterly direction to a large stone on top of

Boundaries.

the hill south of Alex. Tucker's place; thence in a northerly direction."

Term of town officers.

SEC. 2. That section six (6) of said chapter be amended by adding to the end of said section the words "that the mayor and all town officers shall be elected on the first Monday in May, one thousand nine hundred and five (1905), and every two years thereafter. That said officers shall hold their offices for a term of two years after 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 4th day of March, A. D. 1905.

## CHAPTER 338.

### AN ACT TO AMEND THE CHARTER OF THE CITY OF KINSTON.

*The General Assembly of North Carolina do enact:*

Town charter affirmed and continued.

SECTION 1. That the inhabitants of the town of Kinston in the county of Lenoir 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 "City of Kinston," and under that name is hereby invested with all the property and rights of property which now belong to the said corporation under the name of town of Kinston heretofore used, and with all other rights, powers and privileges now vesting in the said corporation under the name of town of Kinston; and the mayor and board of aldermen of the said corporation under the name of "City of Kinston" shall have all the rights, powers and privileges and be charged and vested with all the rights, powers and duties now appertaining to the mayor and board of aldermen under the corporate name of the town of Kinston, as the same may have been prescribed and now in force by virtue of the act incorporating said municipality and all acts amendatory thereof, and in all other public or private acts of this State: *Provided*, the provisions of this section shall in no manner alter, modify or impair any ordinance, rule or law of said municipality, nor in any manner change or impair the obligation or liability of said municipality on any bond, contract or obligation heretofore issued and now in force, nor shall in any manner alter, change, restrict or modify any existing rights, powers or privileges of the said corporation or of its mayor and board of aldermen: the sole purpose and intent of this section being to change the name of the corporation to "City of Kinston."

Proviso: effect of section.

Corporate limits.

SEC. 2. That section one of chapter one hundred and eighty of the Private Laws of North Carolina of nineteen hundred and one

(1961) be amended by striking out all of said section one from and after the word "to-wit." in line seven, and that the corporate limits of said city of Kinston shall hereafter be defined and located as follows: By inserting in lieu of the portion of said section one so stricken out, the following: "Beginning at a point on the north bank of Neuse River at the intersection of a line parallel to and five hundred feet west of Mitchell Street extended south; thence running north with said line and parallel to Mitchell Street to a stake sixty feet south from the center of the Atlantic and North Carolina Railroad track; thence running westwardly and at a distance of sixty feet south from the center of the said railroad track to a stake thirty-five feet east from the eastern line of the plat of land owned by the city of Kinston and on which the city's electric light and water-works plants are located; thence south two and one-half west to Neuse River; thence up and with the various courses of said river to the corner of the city's tract of land and the tract known as the W. J. Street land; thence north ten east to a stake sixty feet north from the center of the Atlantic and North Carolina Railroad track; thence eastwardly and at a distance of sixty feet north from the center of the said railroad track to a stake in a line five hundred feet west of Mitchell Street; thence north with said line and parallel to Mitchell Street to an iron post in said line about sixteen feet south of the big ditch at the foot of Rhodes' School Hill; thence running eastwardly and parallel with said ditch and sixteen feet south from the same to the intersection of said line with the eastern edge of the sidewalk on the west side of Queen Street; thence with the eastern edge of said sidewalk northwardly to a stake twenty-five feet further north than the flush-tank at the foot of Vernon Hill; thence parallel with Granger Street to the western edge of the eastern sidewalk of Queen Street; thence south with the western edge of said sidewalk to a stake in a line running parallel with and sixteen feet south from said ditch; thence eastwardly and parallel with said ditch and sixteen feet south from the same to the intersection of said line with East Street, extending 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 Orion Street extended northwardly; thence 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 south 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 the said parallel line to Neuse River; thence up and with the course of said river to the beginning."

SEC. 3. That the plat of land fifty feet square situate on Vernon Hill, owned by the city of Kinston, and on which the stand-pipe of

Jurisdiction  
extended.

said city is located, shall be under the jurisdiction and control of the said city and subject to such ordinances as may be enacted for the government of said city and for said plat of land and stand-pipe, as fully and completely as if the said plat of land were within the boundaries of said city as designated and prescribed in the preceding section.

Limit on liquor license.

SEC. 4. That section seven of chapter one hundred and eighty, Private Laws of nineteen hundred and one (1901), be and is hereby stricken out and repealed, and that section four of chapter two hundred and eighty-two, Private Laws of nineteen hundred and three (1903), be and is hereby stricken out and repealed.

Liquor license tax.

SEC. 5. That the words and figures "not exceeding one hundred and twenty dollars (\$120)," in lines two and three of subsection two of section sixty-one of chapter one hundred and eighty, Private Laws of eighteen hundred and ninety-nine, be stricken out, and in lieu thereof the following words be substituted: "of not less than five hundred dollars nor more than one thousand dollars."

Powers in improving streets.

SEC. 6. That the Mayor and Board of Aldermen of the City of Kinston, out of any funds available from bonds sold by virtue of chapter two hundred and eighty-two, Private Laws of nineteen hundred and three (1903), or from other available funds, shall have full power and authority to grade, pave, macadamize and otherwise improve for travel and drainage the streets of said city and to construct sidewalks and pave the same and put down crossings, curbings and cross-drains and otherwise properly improve them.

Proportion of cost of sidewalks on abutting property.

SEC. 7. In order to more effectually carry out the authority now existing, and by this act delegated, to improve the streets and sidewalks of said city, the said mayor and board of aldermen shall have the right to assess not exceeding two-thirds of the cost of grading, paving and otherwise improving the sidewalks of said city, including 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, and each lot shall be charged with its ratable proportion of said assessment according to its frontage.

Proportion of cost of street on abutting property.

SEC. 8. In order to more effectually carry out the authority now existing and by this act delegated to improve the streets and sidewalks of said city, the mayor and board of aldermen shall have the right to assess not exceeding one-third of the cost of the grading, paving, macadamizing, constructing side-drains, cross-drains and all other necessary drains and crossings, or otherwise improving the roadway or street proper, on the real estate abutting on each side of the street so improved or repaired, and each lot shall be charged with its ratable proportion of said assessment according to its frontage.

SEC. 9. The amount of the assessment of such street improve- Lien on real estate.  
ment and for sidewalks as authorized in the two preceding sec-  
tions, on each piece of real estate or lot, shall be a lien on such  
real estate, and the amount of said lien and of said assessment  
against all property abutting on said street or streets as aforesaid  
shall become due as follows, to-wit: In three equal installments,  
payable three, six and nine months from the date of the assess-  
ment; and in case of failure to pay either of said installments Enforcement of  
lien.  
within thirty days after its maturity, then all shall become due  
at once and enforceable against the property on which a lien is  
authorized at the instance of the city of Kinston by suit instituted  
in the Superior Court of Lenoir County; and in his answer to the  
action so instituted the owner shall have the right to deny the  
whole or any part of the amount claimed to be due by the city,  
and to plead any irregularity in reference to the assessment or  
any fact relied upon to question the legality of the assessment,  
and the issues raised shall be tried and the cause in other respects  
disposed of according to law and the practice of the court.

SEC. 10. That all laws and clauses of laws in conflict with this Conflicting laws  
repealed.  
act are hereby repealed.

SEC. 11. That this act shall be in force from and after its ratifi-  
cation.

In the General Assembly read three times, and ratified this 4th  
day of March, A. D. 1905.

## CHAPTER 339.

### AN ACT TO INCORPORATE THE ASHEVILLE BROKERAGE AND INVESTMENT COMPANY.

WHEREAS, "The Asheville Brokerage and Investment Company" Preamble.  
desires to be incorporated and vested with the powers to conduct  
and carry on a general brokerage business, including discount,  
endorsement and sale of notes, bonds and other securities; and

WHEREAS, under the general law, section five of chapter two of Preamble.  
the Public Laws of nineteen hundred and one, a doubt exists  
whether such charter can be granted:

*The General Assembly of North Carolina do enact:*

SECTION 1. That Carl Vernon Reynolds, Philip Charles Cocke Corporators.  
and William Johnston Cocke, and such other persons as may be  
associated with them by subscribing to and purchasing the capital  
stock of the company, and their successors, are hereby constituted  
a body politic and corporate under the name and style of "The Corporate name.  
Asheville Brokerage and Investment Company." for a period of  
sixty years, and by that name may sue and be sued, plead and be Corporate rights.



impleaded, contract and be contracted with, adopt and have a common seal, which may be altered at pleasure, and may adopt such by-laws, rules and regulations for the management and government of its business and affairs as it may deem proper.

Capital stock.

SEC. 2. The capital stock of said company shall be twenty-five thousand dollars, divided into shares of ten dollars each; but said capital stock may be increased from time to time by and with the consent of a majority of the stockholders into an amount not exceeding fifty thousand dollars, but said company may commence business whenever five thousand dollars of said capital stock may have been *bona fide* subscribed for and fifty per cent. thereof shall have been paid into the company.

Payments of subscriptions.

SEC. 3. That the corporation may receive subscriptions to its capital stock in cash, real or personal estate, or property of any kind, at such rates and upon such terms as said corporation may deem proper, and when stock shall be paid for in cash or other property it shall be deemed as fully paid up and shall be non-assessable.

Principal office.

SEC. 4. That the principal office and place of business of said company shall be in the city of Asheville, Buncombe County, North Carolina, but the said corporation may remove the same to any other point in the State of North Carolina or within the United States, at its discretion, and the said corporation may establish offices and agencies and transact business at any place in this State or in any State or Territory of the United States.

Offices and agencies.

Books of subscription.

SEC. 5. That the incorporators named in the first section of this act, or a majority of them, may open books of subscription to the capital stock of said company at such time and place and for such period as they may determine upon, and whenever five thousand dollars of said capital stock shall have been *bona fide* subscribed for as aforesaid, the said corporators, or a majority of them, may call a meeting of the stockholders to be held in the city of Asheville at such time and place as may be designated in the call; and if at such meeting a majority of the stock so subscribed is represented, said incorporators and associates may organize said company by the election of such directors as they may deem proper, not exceeding seven in number, who shall manage the affairs of the company and shall hold office for one year or until their successors shall be elected. Said directors, as well as their successors, shall elect one of their number president, shall elect and appoint such other officers as the by-laws may direct, and shall fix the salaries and length of term of office of all officers and fill vacancies on the board of directors.

Organization.

Directions.

President and other officers.

Salaries and terms.

Powers of corporations.

SEC. 6. That said corporation shall have power to receive purchase, buy and hold land and personal and mixed property, to issue bonds therefor, and to improve, sell and dispose of the same in such part and parcels, way and manner as they shall deem best.

and to this intent and purpose may enter into agreements, contracts and conveyances, and may lease, mortgage and otherwise dispose of and convey the same, and may receive for such sales, lease or mortgage, such moneys, securities and things as they may choose, with power to issue or endorse bonds or borrow money and to prescribe the form of such conveyance, agreement, contracts, leases, mortgages or other such instruments of writing, and determine how and by whom the same shall be executed.

SEC. 7. That said corporation shall have the power to make loans and advance money, or other things on such terms and on such security—real or personal—as may be agreed upon, not inconsistent with the laws of the State. It may also act as agent in the collection of rents, notes, accounts and such other evidences of indebtedness, on commission; may discount, buy and sell notes, bonds or other securities or other evidences of debt.

Power to advance money.

Power to act as agent.

Deal in notes, bonds and securities.

SEC. 8. That said corporation may act as broker or agent in the purchase or sale of stocks, bonds or other securities, and negotiate loans, and receive commissions therefor, and may lend money on mortgages upon real or personal property, or both, or upon crops planted or unplanted, or upon products of any kind, or merchandise, or any article of personal property.

Brokerage powers.

SEC. 9. That said corporation may act as agent, factor or trustee for any State, county, city, town or any other municipal corporation, or for any person or corporation, on such terms as to compensation as may be agreed upon in negotiating loans, registering, selling, countersigning, collecting, holding, acquiring, dealing in and disposing of any bonds, certificates of stock, notes or any description of property.

May act as special agent.

SEC. 10. That said corporation shall have the power to guarantee, endorse and secure the payment and punctual performance and collection of notes, debts, bills of exchange, contracts, bonds, accounts, claims, rents, annuities, mortgages, choses in action, evidences of debt, certificates of property, values, checks and the title to property, real and personal, indebtedness of companies, individuals, partnerships, cities, counties, municipalities in this State, on such terms or commissions as may be agreed upon or established by said company and the parties dealing therewith.

Powers as guarantee company.

SEC. 11. That when 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 the 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 or otherwise, shall be valid and binding upon all parties having or claiming an interest therein, and all personal property deposited with and received by the said company as a pledge or security for any loans may be sold by the said company either at public or private sale, after ten days' notice to the owner of said property of such intended sale; the said notice to be given after the maturity of said

May buy under foreclosure.

debt: *Provided*, a letter mailed to the owner of said property at his last address known to the company shall be deemed a sufficient notice within the meaning of this act.

May act as insurance agent.

SEC. 12. That the said corporation shall have the right and power to act as agent for any life, accident, casualty, fire, bonding or other insurance company lawfully doing business in the State of North Carolina, and to do all such acts and things in connection with such agency as may be allowed by the rules and regulations of said insurance companies and not inconsistent with the laws of North Carolina.

Stockholders not individually liable.

SEC. 13. That no corporator, stockholder or officer of said corporation shall be in anywise individually or personally liable for any debts, obligations, contracts or torts of said corporation.

Votes.

SEC. 14. That in all meetings of the stockholders of said corporation each stockholder shall be entitled to cast one vote, either in person or by proxy, for each share of stock held by him.

SEC. 15. 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, 1905.

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#### CHAPTER 340.

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

*The General Assembly of North Carolina do enact:*

Quorum of trustees.

SECTION 1. That chapter two hundred and twenty-nine of the Private Laws of the year one thousand eight hundred and ninety-nine be amended by striking out the word "majority," in line twenty-five of section five, and by inserting in lieu thereof the word "five," and by adding after the word "business," in line twenty-six of said section, the following: "except when action is taken concerning the purchase or sale of property, in which case a majority of the trustees shall constitute a quorum."

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, 1905.

## CHAPTER 341.

AN ACT TO INCORPORATE THE NANTAHALA RAILROAD,  
FLUME AND TRANSPORTATION COMPANY

*The General Assembly of North Carolina do enact:*

SECTION 1. That C. W. Kibler, Arthur Boyd, C. T. Roane, Paul Corporators. Farley and J. E. Barnard, together with such persons as they may associate with them, their successors and assigns, be and they are hereby created a body politic and corporate under the name and Corporate name. title of the "Nantahala Railroad, Flume and Transportation Company," by which name they may sue and be sued, plead and be Corporate rights. impleaded, contract and be contracted with, may adopt and have a common seal, which they may alter at pleasure; may make such by-laws, rules and regulations for the management and government of its business and officers as may be deemed proper; shall have perpetual succession and enjoy all the rights, privileges, powers, immunities and franchises usually pertaining to corporations; said corporation to exist for nine hundred and ninety-nine years.

SEC. 2. That the capital stock of said company shall be twenty- Capital stock. five thousand dollars (\$25,000), with privilege of increasing said stock to an amount not exceeding one hundred thousand dollars (\$100,000), by and with the consent of a majority of its stockholders, to be divided into shares of one hundred dollars each.

SEC. 3. That whenever the sum of ten thousand dollars (\$10,000) Organization. shall have been subscribed, and ten per cent. thereof paid in, it shall be the duty of the corporators herein named to call a meet- Directors. ing of the stockholders and elect a board of directors, and said Other officers. board of directors shall elect a president and vice-president, secretary and treasurer, and such other officers as they may see fit, and fix their compensation.

SEC. 4. That the principal office and place of business of said Principal office. company shall be at the town of Topton, North Carolina, but the Branch offices. directors may establish branch offices elsewhere, and, if most convenient, hold their meetings and conduct their business elsewhere, and may change their principal office and remove same to any other point within the State when they deem it to the convenience of the stockholders and directors to do so.

SEC. 5. The incorporators named in the first section of this act, Books of or a majority of them, may open books of subscription to the capi- subscription. tal stock of said company at such time and place and for such period as they may determine upon.

SEC. 6. That until said corporation shall have fully organized, Corporators to direct. the incorporators herein named shall have full power and control over the affairs of same, and may manage and direct the opera-

tions and proceedings of the same in like manner as nearly as practicable in accordance with powers of the directors themselves.

Power to build  
railroad.  
Terminals and  
route.

SEC. 7. That the said company, upon its organization, shall have the power to lay out, construct, equip, maintain and operate a railroad connecting with the Southern Railroad at a point near Nantahala Station in Swain County, or with the terminus of the branch road built by the Union Lumber Company in Macon County, extending up the Nantahala River with one or more tracks to the white-oak bottoms at or near the mouth of Kinsey Creek, and may also extend said railroad through the county of Macon to the Georgia line by such route or routes as may be most expedient.

Entrance on lands.

SEC. 8. That for the purpose of constructing, operating and surveying said line of railroad, said company is hereby empowered to enter upon the lands for the purpose of selecting the most advantageous route, and make all needful surveys to enable its employees and surveyors to select and locate said line of railroad; to take and hold any such grants of land as may be made to said company for the purpose of aiding in the construction of said railroad, and to acquire, purchase, hold and use all such property, both real and personal, as may be necessary or proper to aid in the construction, maintenance or operation of the said road, stations and terminal facilities and other accommodations; and when an agreement cannot be made with the owner of any land through which the said line may run, as to the right-of-way over land or water, the said company shall have the power to have same condemned; and, in general, shall have all the power as to purchasing, holding and conveying property as is necessary to the construction and operation of said road.

Telegraph and  
telephone lines.

Flumes, tram-roads  
and wagon roads.

SEC. 9. That the said company shall have power to erect, construct, maintain and operate telegraph lines and stations, telephone lines and stations, and build and operate flumes, tram-roads and wagon roads from the said point at the terminus of the Union Lumber Company Railroad up the Nantahala River and its tributaries to the said white-oak bottoms and Kinsey Creek, and may acquire, by purchase, any lands or timber necessary for the construction, maintaining and operating said telegraph, telephone lines or tram-roads or flues, and if agreement cannot be made with the owners of the lands as to purchase of right-of-way, or the terms of same, the said company shall have the power to have same condemned to its use, as hereinafter provided, and the same right shall apply to any stone, dirt or water as may be necessary to construction and operation of flumes or tram-ways.

Power of  
condemnation.

Freight and  
passenger rates.

Telegraph and  
telephone tolls.

SEC. 10. That the said company shall have the power to charge reasonable freight and passenger rates over any railroad it may construct, and other transportation rates, not inconsistent with and such as are allowed by the laws of this State, and shall have the power to charge such reasonable tolls and compensation for the use and service of any telephone or telegraph lines, and for



transmitting and receiving messages, as are not in excess of the charges allowed by the laws of this State, and to fix and charge such transportation rates as are reasonable and proper over any tram-road or flumes they may build and operate.

SEC. 11. That whenever and as often as it may become necessary to condemn lands under the provisions of this act, agreement of purchase having failed to be made with the owner or persons having the beneficial interests, after an effort on the part of the company to purchase same, such condemnation proceeding shall be conducted in the manner provided in The Code of North Carolina, sections one thousand nine hundred and forty-four to one thousand nine hundred and fifty-two, with all laws amendatory thereof, and the same shall apply to any such proceeding as fully as if incorporated in this act; and the said Nantahala Railroad, Flume and Transportation Company shall pay all damages that may be awarded by reason of the condemnation of the lands as aforesaid.

Procedure for condemnation of land.

SEC. 12. That the said corporation is authorized and empowered to carry on the business of buying and selling timber and real estate wherever the same may be situated, and dealing in timber and lumber and all other products of the forest, and of manufacturing timber and lumber of all sizes and forms.

Dealing in real estate.

Lumber company.

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 4th day of March, A. D. 1905.

## CHAPTER 342.

### AN ACT TO ESTABLISH A GRADED SCHOOL AT COPELAND IN SURRY COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the territory embracing the village of Copeland and vicinity, two and one-half miles in every direction from the present school-house of said village of Copeland, be and the same is hereby created a public school district, to be known as the "Copeland Public School District": *Provided*, that the western boundary of said district shall be Fish River.

School district.

Proviso: western boundary.

SEC. 2. That W. M. McDowell, J. W. Hancock, Joe Dobson, W. R. Doss and J. W. Harbour, and their successors in office, are hereby appointed the school committee of the Copeland Public School District, who shall serve until their successors have been duly elected and qualified. The term of office of the two first named shall be four years; the term of office of the two second named shall be two years, and the term of office of the last named shall be one year. All vacancies on said committee occurring by

School committee.

Term of office.

Successors.

Vacancies.	the expiration of term of office shall be filled by the qualified voters of said district at an election held for the purpose, after twenty days' notice by the committee at three public places in said district. Said election shall be held under such rules and regulations as may be prescribed by said school committee. Vacancies caused by death, resignation or for causes other than expiration of term of office shall be filled by the remaining members of the committee.
School committee incorporated.	SEC. 3. That the school committee provided for in this act, and their successors in office, are hereby created a body corporate by the name of the Copeland Public School Committee, and as such shall have the usual corporate powers conferred by law. The said committee shall have charge of the public school funds, public school property and all the public school interests of said district.
Committee to have charge of schools.	The said committee shall elect such teachers and school officers as may be necessary for the proper conduct of the public schools of said district, fix their salaries and have power to make all needful rules and regulations for the effective management of the public schools of said district, and to admit students not residing in the district, upon such terms as they may fix.
Teachers and school officers.	SEC. 4. That the school committee provided for in this act, and their successors in office, shall elect a treasurer, who may be one of their number, fix his term of office and compensation, require of him a good and sufficient bond for the safe-keeping and proper disbursement of the public school funds which may be in his hands from time to time, prescribe the form of a valid voucher in the hands of their treasurer, and require such reports of him as they shall deem best for the welfare of the public schools of the district.
Non-resident pupils.	SEC. 5. That upon the written request of the school committee appointed by this act, the Board of County Commissioners of Surry County shall order an election to be held in the Copeland Public School District to ascertain the will of the people within said district whether there shall be levied in said district a special annual tax of not less than ten cents nor more than fifty cents on each one hundred dollars valuation of property and not less than thirty cents nor more than one dollar and fifty cents on each poll, to supplement the public school fund which may be apportioned to said district by the county board of education. The board of county commissioners shall appoint a registrar and order a new registration for said district, and said election shall be held in said district after thirty days' notice at three public places in said district, under the law governing general elections, as nearly as may be.
Treasurer.	At said election those who are in favor of the levy and collection of said special tax shall vote a ticket on which shall be printed or written the words "For Special Tax." and those who are opposed shall vote a ticket on which shall be printed or written the words
Bond.	
Reports.	
Special tax election.	
Rate.	
Registrar.	
New registration.	
Notice of election.	
Form of ballots.	

"Against Special Tax." In case a majority of the qualified voters at said election is in favor of said special tax, so much thereof as may be necessary each year—the amount of the levy between the maximum and minimum to be determined and certified to by the school committee of the district—shall be annually levied by the County Commissioners of Surry County and collected by the sheriff of said county in the manner now prescribed for the levy and collection of other taxes, and paid over by the sheriff to the treasurer of the Copeland Public School Committee, to be used for public school purposes in said district: *Provided*, no election shall be held under this section except between the first and eighth days of May in any year. Tax levied if voted for.  
Proviso: date for election.

SEC. 6. That the amount apportioned to the Copeland Public School District from time to time by the county board of education shall be paid by the treasurer of said board of education directly to the treasurer of Copeland Public School District for the use of the public schools of said district. And all the public school funds of said district shall be apportioned by the school committee among the schools of said districts so as to equalize school facilities as nearly as may be. Apportionment from county school fund.  
Apportionment of district funds.

SEC. 7. That the provisions of this act shall be null and void until the special tax herein provided for shall have been approved by a majority of the qualified voters of said district: *Provided*, that the provisions as to the special tax levy may be annually submitted in the manner and form prescribed, until approved by a majority of the qualified voters within said district, and when so approved all the provisions of this act shall thereby be in full force and effect. Act null and void until approved.  
Proviso: annual elections.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

## CHAPTER 343.

### AN ACT TO AMEND THE CHARTER OF THE CITY OF GOLDSBORO.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section thirteen of chapter three hundred and ninety-seven, Private Laws of North Carolina, passed by the General Assembly at its session in one thousand nine hundred and one, be amended as follows: In line two of said section the words "twelve months" are hereby stricken out, and in lieu thereof the words "two years" be inserted; and in said line two of said section thirteen, after "Goldsboro," the words "ninety days" are Qualifications of town electors.

hereby stricken out and the words "six months" are hereby inserted in lieu thereof.

Taxes paid  
treasurer.

SEC. 2. That section thirty-three of chapter three hundred and ninety-seven, Private Laws of North Carolina, passed by the General Assembly at its session in one thousand nine hundred and one, be amended as follows: "The tax collector of the city of Goldsboro shall pay over to the treasurer of said city, as collected, all moneys collected for taxes on real estate, personal property, license tax and from all other general subjects of taxation, taking the receipt of the treasurer therefor. The said tax collector of said city of Goldsboro shall pay to the commissioner of the sinking fund of said city of Goldsboro all moneys collected as special taxes on bonds issued by the said city and coupons on said bonds, same to be paid over as collected, and receipts to be taken for same.

Taxes paid  
commissioner of  
sinking fund.

Mayor's court.  
Jurisdiction.

SEC. 3. That the mayor of the said city is hereby constituted an inferior court, to be known as the "Mayor's Court," with exclusive original jurisdiction of all offenses arising from the violation of the provisions of this act, or of the ordinances, by-laws, rules and regulations of the board of aldermen made in pursuance hereof, and with the jurisdiction, power and authority which is now or hereafter may be given to justices of the peace for the trial and determination of criminal causes, in the General Laws of North Carolina, arising or committed within the corporate limits of the city of Goldsboro, or within one-half mile thereof; and to this end he may issue his summons, warrants, or other process, and have the party or parties brought before him; hear, determine and give judgment thereon; issue execution, impose fines, forfeitures and penalties, as the case may be, and direct the enforcement thereof, subject to the limitations of this act as to the amount of such penalties, fines or forfeitures, and subject also to the same right of appeal as is provided for the courts of the justices of the peace. The mayor shall have power and authority to impose fines in his discretion, not exceeding fifty dollars, or imprisonment not exceeding thirty days; and the mayor may imprison an offender in the lock-up or common jail of the county, and it shall be competent for the mayor to adjudge any person so imprisoned to work during the period of such imprisonment upon the streets or other public works of said city or upon the public roads of Wayne County. That the judgment rendered by the mayor under the provisions of this act shall have all the force, virtue and validity of judgments rendered by justices of the peace, and may be enforced and executed against the parties in the county of Wayne and elsewhere in the same manner and by the same persons.

Process.

Limit of  
punishment.

Prisoners to be  
worked on roads.

Duties of police  
force.

SEC. 4. That the chief of police and members of the police force of the said city of Goldsboro shall be charged with the duty of executing and enforcing the laws of the city and ordinances of the board of aldermen and the orders of the mayor, and to report all

breaches thereof to the mayor of the city: they shall have the power and authority to preserve the peace and order of the city, to suppress disturbances and arrest and carry before the mayor all offenders against any laws, city or State, who may be found within the corporate limits of said city of Goldsboro or within one-half mile of said corporate limits: to execute all warrants or other process lawfully directed to them by the mayor or other competent authorities against any person or persons charged with the commission of any crime or misdemeanor within the corporate limits of the city or within one-half mile thereof: and if in violation of any provisions of this act they pursue and continually follow such offender anywhere within the county of Wayne, and in the performance of the duties herein imposed they shall have all the power and authority of and be governed by the same provisions of law as sheriffs and constables in their respective jurisdictions.

SEC. 5. That subsection three of section forty-five of the said chapter three hundred and ninety-seven of the Private Laws of North Carolina passed by the General Assembly at its session in one thousand nine hundred and one, is hereby repealed, and the following is hereby enacted in lieu of said subsection three: Upon every company of circus riders who shall exhibit within the city of Goldsboro, or parade any street or streets of said city, there shall be imposed a tax not exceeding fifty dollars for each separate exhibition or each separate parade: the tax to be paid before the exhibit, and if not so paid, to be doubled the said amount.

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

SEC. 7. 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 4th day of March, A. D. 1905.

#### CHAPTER 344.

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

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and ninety-seven, Private Laws of one thousand eight hundred and ninety-five, it being the charter of the town of Peachland, be and the same hereby is amended by striking out in section four of said act from the word "mayor" in line five down to and including the word "Griffin" in line seven; and that in lieu thereof there be inserted the following: "Mayor, E. G. Liles; commissioners, Robert Vernon Lockhart, T. V. Howell, Dr. W. W. Barrett, Marcus C. Traywick, and A. T. Niven."



Election of  
successors.

SEC. 2. That under the general law providing for the holding of municipal elections the successors to said officers shall be elected on the Tuesday after the first Monday in May, one thousand nine hundred and five, and biennially thereafter.

Distillery  
forbidden.

SEC. 3. That no distillery shall be operated in said town.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

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#### CHAPTER 345.

#### AN ACT TO AMEND THE CHARTER OF AURORA IN BEAUFORT COUNTY, CHAPTER 5 OF THE PRIVATE LAWS OF 1880.

*The General Assembly of North Carolina do enact:*

Corporate limits.

SECTION 1. That chapter five of the Private Laws of one thousand eight hundred and eighty be amended by striking out section two of said act and inserting in lieu thereof the following: Beginning at C. S. Dixon's northeast corner on South Creek and running thence westwardly with Dixon's to the south road; thence northward with said road to the Bonner line, northeast corner, about forty yards; thence westwardly with said line to Dr. H. W. Bonner's east line; thence northward with said line and same course continual to Bailer's Creek; thence down said creek to South Creek, and thence up said creek to the beginning.

Property tax.

SEC. 2. That the board of aldermen, commissioners or governing body of said town are hereby authorized and empowered to levy and collect an *ad valorem* tax on all real and personal property within said town not exceeding thirty-five cents on each one hundred dollars worth, and a poll tax on each taxable poll not exceeding one dollar and five cents, and on all vocations, trades, professions or enterprises as are now allowed by law to be taxed, a license tax not exceeding fifty dollars per annum.

Poll tax.

License tax.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

## CHAPTER 346.

## AN ACT TO ALLOW THE PERPETUAL INSURANCE COMPANY AND THE PROTECTION INSURANCE COMPANY FURTHER TIME TO BEGIN BUSINESS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That whereas, the Perpetual Insurance Company, Charters extended, chartered by chapter two hundred and eighty of the Private Laws of one thousand nine hundred and three, and the Protection Insurance Company, chartered by chapter three hundred and ninety-eight of the Private Laws of one thousand nine hundred and three, have been organized but have not yet actually begun business, all the powers, rights and privileges under said two charters be and the same are 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 4th day of March, A. D. 1905.

## CHAPTER 347.

## AN ACT TO INCORPORATE THE TOWN OF MAUFIN IN THE COUNTY OF PITT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Maufin in the county of Pitt be Town incorporated, and the same is hereby incorporated by the name and style of the Corporate name. "Town of Maufin," and it shall be subject to all the provisions of law now existing in reference to incorporated towns.

SEC. 2. That the corporate limits of said town be as follows: Corporate limits. Beginning at a forked holly on the north side of Grindale Creek; thence north forty-six and three-quarter degrees east to a stake near east corner of the Satterthwaite tool-house; thence north fifty (50) degrees west to a pine on the east side of the road leading to Tarboro; thence north seventy (70) degrees west to the northwest corner of W. S. Williams' land; thence south twenty-eight and one-half degrees west to a persimmon tree on H. W. Hymer's land; thence south twenty-eight and one-half degrees east to Grindale Creek, and thence down said creek to the beginning.

SEC. 3. That it shall be unlawful for any person, firm or corporation to manufacture or sell any whiskey, brandy, alcohol or malt liquors or intoxicating bitters within said town.

SEC. 4. That any person, firm or corporation violating section three (3) of this act shall be guilty of a misdemeanor, and fined three dollars (\$3) or imprisoned, or both, at the discretion of the court.

Town officers.

SEC. 5. That the officers of said town shall consist of a mayor and two commissioners, and the said commissioners shall have power to appoint a chief of police, secretary, treasurer and all other officers that are necessary to organize the governing body of said town.

Powers and duties of commissioners.

SEC. 6. That said commissioners shall have power and exercise all corporate powers and duties as are conferred upon commissioners of incorporated towns under The Code; and in addition thereto they shall have power to pass by-laws, rules and regulations for the government of the town, not inconsistent with the laws of the State and of the United States, and to impose fines and penalties for the violation of town ordinances, and collect the same: *Provided*, the tax levy shall not exceed fifty (50) cents on the hundred dollars valuation and one dollar [and a half] (\$1.50) each on the poll.

Proviso: tax limit.

Election of officers.

SEC. 7. There shall be an election for officers mentioned in this act on the first Monday in May, one thousand nine hundred and five (1905), and every year thereafter, under the same restrictions that county, State [and] municipal elections are held; and until an election is held on the first Monday in May, one thousand nine hundred and five (1905), the following persons shall fill same [said] offices, namely: Mayor, J. J. Satterthwaite; commissioners, J. P. Fleming and B. B. Satterthwaite.

Temporary officers.

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 4th day of March, 1905.

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#### CHAPTER 348.

AN ACT TO AUTHORIZE THE SUFFOLK AND CAROLINA RAILROAD COMPANY TO CONSTRUCT ONE OR MORE LINES OF RAILROAD IN THE COUNTIES OF TYRRELL AND HYDE, OR EITHER OF THEM, AND TO AUTHORIZE THE SAID COUNTIES OF TYRRELL AND HYDE, AND EACH OF THEM, TO SUBSCRIBE TO THE CAPITAL STOCK OF SAID SUFFOLK AND CAROLINA RAILWAY COMPANY AND TO ISSUE BONDS AND LEVY TAXES TO PAY FOR THE SAID SUBSCRIPTIONS.

*The General Assembly of North Carolina do enact:*

Power to build railroad.

SECTION 1. That the Suffolk and Carolina Railway Company is hereby authorized and empowered to build, construct, maintain and operate one or more lines of railroad, beginning at some point

or points on the Albemarle Sound, or some tributary or estuary Terminals. thereof, and extending to any point or points it may designate in either Tyrrell or Hyde Counties. It shall have the right to build Branch lines. branch lines, not exceeding fifty miles in length, connecting with the lines so constructed, and with regard to the surveying, building, constructing and operating said railroad lines and branch lines, the said Suffolk and Carolina Railway Company shall have General law to apply. and exercise all the powers of condemnation contained in chapter forty-nine of The Code and the act amendatory thereof, now or hereafter enacted.

SEC. 2. That for the purpose of aiding in the construction in the County subscrip- counties of Tyrrell and Hyde by the said Suffolk and Carolina tions authorized. Railway Company of any line of railroad authorized by this act, the said counties of Tyrrell and Hyde, each, are hereby severally and separately authorized and empowered to subscribe for and pay for capital stock of the said Suffolk and Carolina Railway Company to an amount not exceeding five thousand dollars Limit. (\$5,000) for each and every mile of standard-gauge railroad constructed in said county.

SEC. 3. That upon the presentation to the board of commission- Petition for ers of either of said counties, to-wit, Tyrrell County and Hyde election. County, of a petition in writing, signed by not less than one-fourth of the qualified voters of either or each of said counties, respectively, requesting the board of commissioners thereof to submit to the qualified voters of such county wherein said petitioners reside, a proposition to subscribe a definite sum named in said petition to the capital stock of the said Suffolk and Carolina Railway Company, the board of commissioners of either of the said counties to which such petition shall be presented within thirty days, may order an election to be held at the various polling- Election may be places in said county upon the question of "Subscription" or "No ordered. Subscription" for the said purpose of aiding in the construction Question. of the said railroad. That the amount of subscription to be submitted to the voters of either of said counties shall not exceed the sum of five thousand dollars (\$5,000) per mile for each and every mile of standard track to be built in said county, and the amount of the subscription which it is proposed to submit to the voters of the said counties shall be designated in the petition submitted to the board of commissioners.

SEC. 4. That all elections held under the preceding section shall Law governing be held as nearly as may be practicable in the manner prescribed election. by law for the election of members of the General Assembly. The returns of said election from the voting precincts shall be made to and canvassed by the board of county commissioners respectively of each of said counties, which board shall ascertain and declare the result of said election and make a record of the same and have the said record recorded in the book of elections of said county. That in case a majority of all of the qualified voters in either of

Board to make subscription if voted.

Form of ballots.

Subscription paid in bonds.

Description of bonds.

Proviso: time of maturity.

How bonds attested.

Special tax.

Investment of sinking fund.

the said counties shall have voted for subscription, then the board of commissioners of the same county shall, within thirty days after the result of the said election is ascertained, subscribe in the name of the county to the capital stock of the said Suffolk and Carolina Railway Company in the amount designated in the petition requesting the election to be held as aforesaid. That at all such elections those favoring the subscription shall vote a ballot on which is written or printed, or partly written and partly printed, the words "For Subscription," and those opposed to the proposition to subscribe shall vote a ballot on which is written or printed, or partly written and partly printed, with the words, "Against Subscription." The said ballots shall be upon white paper, and shall be one inch wide and three inches long.

SEC. 5. That the said counties of Tyrrell and Hyde, each of them, are hereby authorized to pay for the capital stock of the Suffolk and Carolina Railway Company which they or either of them may subscribe for in the manner hereinbefore provided by the issue and delivery to the said Suffolk and Carolina Railway Company of coupon bonds of the said counties, or either of them, bearing five per cent. interest, payable semi-annually on the first days of July and January of each year, the said bonds to be in the denomination of one thousand dollars each, with coupons attached, and shall be payable at such times as is designated by the board of county commissioners of the county issuing them: *Provided*, the time of their maturity shall not be longer than thirty years from the date of their issue. The said bonds shall be in the form prescribed by the board of county commissioners of the county issuing them, and the name of the county shall be affixed to each of said bonds by the chairman of the board of commissioners thereof and shall be attested by the register of deeds and his seal affixed thereto.

SEC. 6. That to provide for the payment of the interest on said bonds as it accrues and their redemption at or before maturity, the board of county commissioners of each of the said counties of Tyrrell and Hyde, subscribing to the capital stock of the said Suffolk and Carolina Railway Company, shall, in addition to the other taxes, each year compute and levy on all property of such county, preserving the constitutional equation of taxation, a sufficient tax to pay such interest and an additional tax sufficient to provide each year a sum equal to one-thirtieth part of the principal of said bonds for a sinking fund, which amount shall annually be collected as the other taxes are collected and paid to the county treasurer or other officer of said county authorized by law to perform the duties of treasurer. The said treasurer, or other such officer, is constituted a commissioner of the sinking fund created hereby and is directed to invest the proceeds of the taxes levied, as hereinbefore, in the bonds issued by the county. If the board of commissioners



of either of said counties shall provide that the bonds issued shall mature in a shorter period than thirty years, in that event in such county the board of commissioners shall levy a sufficient tax each year to pay off and discharge the entire issue of bonds within the period prescribed for their maturity. The board of commissioners of either of said counties, in issuing said bonds, may insert a proviso that it or the commissioner of the sinking fund may call in and pay off out of said sinking fund any of said bonds before maturity upon payment of the interest then due and the principal sum named in the bond. It shall be the duty of the sinking fund commissioner, whenever he has sufficient money in hand to pay off any one or more of said bonds, to give notice that he is ready to buy a certain number thereof, and if he receives offers to sell said bonds at less than par, it shall be his duty to invest the money in hand in the bonds which are offered lowest to him, and if none are offered at less than par and interest he shall designate, of the bonds offered, the ones which he will purchase.

Provision for call of bonds.

Notice for purchase.

SEC. 7. That whenever it shall appear to the board of county commissioners of either of said counties that it is to the interest of said county to sell its stock in the Suffolk and Carolina Railway Company, subscribed and paid for by such county under this act, it may sell all or any part of said stock, and the proceeds of such sale shall be turned into and made part of the sinking fund created for the redemption of said bonds, and shall be immediately invested in said bonds in the manner hereinbefore provided for. In case of such sale, a resolution of the board of county commissioners authorizing the sale shall be sufficient, and a transfer of said stock, signed in the name of the county by the chairman of the board of commissioners, attested by the register of deeds under his seal, shall be a sufficient transfer of the stock and shall vest in the purchaser the legal title thereto. That any dividends accruing and paid upon said stock shall likewise be paid into and made a part of the sinking fund for the redemption of the bonds issued hereunder.

Sale of stock.

Proceeds made part of sinking fund.

Transfer in case of sale.

Dividends to use of sinking fund.

SEC. 8. That for the purpose of this act the said two counties, Tyrrell and Hyde, and each of them, are hereby declared bodies politic and corporate and are vested with the necessary powers to carry out the provisions of this act, and shall have all the rights and be subject to the liabilities in respect to any right or cause of action growing out of the provisions of this act.

Counties incorporated.

SEC. 9. That if at the election held in either of the said counties of Hyde and Tyrrell, under the provisions of this act, the proposition to subscribe to the stock of the Suffolk and Carolina Railway Company shall be defeated, it shall be lawful for the board of county commissioners of either of the said counties to again submit the question of subscription to the capital stock of the said railroad to the qualified voters thereof in the manner prescribed hereinbefore in this act, but no second, third, or other election

Subsequent elections.

Only one election a year.

shall be held under the provisions of this act until one year shall have elapsed after the next preceding election on said question.

Secretary of State  
to send copies of  
act.

SEC. 10. That immediately after the ratification of this act the Secretary of State is directed to transmit a certified copy of the same to the clerks of the superior courts of the counties of Hyde and Tyrrell.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

## CHAPTER 349.

### AN ACT TO INCORPORATE THE BELHAVEN GRADED SCHOOL DISTRICT.

*The General Assembly of North Carolina do enact:*

Boundaries of  
district.

SECTION 1. That the district contained within the following boundaries, viz., beginning at the county bridge across Cuckol's Creek, running south eighty east to a point where south twenty east will strike a bridge across Little Ease Creek, to lower Dower Creek; then down said creek to Pungo River to mouth of Pantego Creek; thence with the channel of Pantego Creek to the mouth of Cuckol's Creek; then with said creek to the bridge, shall constitute the Belhaven Graded School District.

Graded school  
committee.

SEC. 2. That the Graded School Committee of the Belhaven Graded School District, as set forth in section one of this act, shall consist of five members; that W. J. Bullock, Duncan McLeod, S. J. Topping, G. L. Swindell and J. J. White shall constitute such committee; and that the term of office of Duncan McLeod and J. J. White shall expire on the first day of July, one thousand nine hundred and five; that the term of G. L. Swindell and W. J. Bullock shall expire on the first day of July, one thousand nine hundred and seven; that the term of office of S. J. Topping shall expire on the first day of July, one thousand nine hundred and nine. As the terms of the members of said committee as above provided for shall expire their successors shall be elected for a term of five years by the County Board of Education of Beaufort County, on the first Monday of July. When any vacancy shall occur in said committee, otherwise than by expiration of the term of office, the vacancy for the unexpired term of the member or members shall be filled by the said committee.

Terms of office.

Successors.

Committee to have  
exclusive control  
of schools.

SEC. 3. That the school committee provided for by this act shall have exclusive control of the public school interests, funds and property in the graded school district as heretofore provided; shall provide rules and regulations for their own government, not inconsistent with law; shall fix the compensation of the officers and

teachers of the public or graded schools annually, and they shall be subject to removal by said committee: said committee shall make an accurate census of the school population of said district as required by the general school law of the State, and all other acts that may be lawful and proper to conduct and manage the general school interest within said district: *Provided*, all children resident in said district between the ages of six and twenty-one years shall be admitted into the schools free of tuition charges.

School census.  
Proviso: free tuition.

SEC. 4. That it shall be the duty of the Board of County Commissioners of the County of Beaufort to levy annually a tax of not more than thirty cents on the one hundred dollars valuation of property in said school district and not more than ninety cents on each poll in said district for the support and maintenance of the public graded school in said district: the amount to be levied each year by the said board of county commissioners is to be determined by the graded school committee, and the amount so determined and certified by said committee shall be levied by said county commissioners, and the taxes so levied shall be collected by the sheriff of said county and accounted for by him as other taxes, and paid by him to the treasurer of the said school committee.

Special tax for school.

SEC. 5. That the moneys which shall from time to time be apportioned under the general school laws of the State to the above described school district shall be turned over by the Treasurer of Beaufort County to the treasurer of said school committee for the benefit of the school.

Apportionment from general fund.

SEC. 6. That the said school committee shall elect one of their number as treasurer, who shall be required to give bond in such sum as may be deemed necessary by the committee, whose receipts for such money shall constitute a sufficient voucher in the hands of any person paying the same, and the said treasurer shall report monthly to said school committee his receipts and disbursements, with all vouchers for the same. The moneys received as aforesaid, and all other money coming into his hands, shall be held by the said treasurer of said committee, said fund to be disposed of under the direction of the aforesaid school committee, whose warrants, when signed by the chairman and countersigned by the secretary of said committee, shall only be valid vouchers in the hands of said treasurer for disbursements of said money in any settlement required of him by law. The said treasurer shall furnish annually on the first Monday in July, to the County Board of Education of Beaufort County, a statement in writing of his receipts and disbursements of the school money, properly and duly audited and approved by the chairman and secretary of said school committee: *Provided*, the accounts, books and vouchers of said treasurer shall be opened for the inspection of the said school committee at any time.

Treasurer.  
Bond.

Annual statements.

Proviso: books open for inspection.

SEC. 7. The school committee provided for by this act shall have the right to control site, lands, buildings and other property be-

Committee to control school property.

longing to the present graded school committee of the Belhaven graded school district.

School committee incorporated.

SEC. 8. The school committee hereby created shall be a body corporate by the name and style of the "Belhaven Graded School," and by that name it shall be capable of receiving gifts and grants and making purchases and holding real estate and personal property, of selling mortgages and transferring the same for school purposes, of prosecuting and defending suits for or against the corporation hereby created. All conveyances of said school committee shall be made to them and their successors in office, and all deeds and other agreements affecting real estate shall be deemed sufficiently executed when signed by the chairman and secretary of said committee.

Conveyances.

Apportionment of county fund.

SEC. 9. That in apportioning the school fund of said county said school district shall be allowed the proportion of said fund due per capita to the children of school age entitled under this act to attend said school.

Conflicting laws repealed.

SEC. 10. That all laws and parts of laws inconsistent with the provisions of 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 4th day of March, 1905.

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## CHAPTER 350.

### AN ACT TO ESTABLISH A BOARD OF PERMANENT IMPROVEMENT, AND TO ENABLE THE TOWN OF ELIZABETH CITY TO ISSUE BONDS.

*The General Assembly of North Carolina do enact:*

Board of permanent improvement.

SECTION 1. That Dr. Oscar McMullen from the First Ward, L. W. Anderson from the Second Ward, G. M. Scott from the Third Ward, W. C. Glover from the Fourth Ward, E. F. Aydlott from the Fifth Ward, Henry Raper from the Sixth Ward, and W. H. Weatherly from the Seventh Ward, and from the city at large P. H. Williams, H. T. Greenleaf, Sr., and C. H. Robinson, be and they are hereby appointed and incorporated as a board of permanent improvement for the corporation of Elizabeth City, and the mayor of the corporation of Elizabeth City shall be *ex officio* president of the said board of permanent improvement.

Mayor ex officio president.

Term of office.

SEC. 2. That the members of the said board of permanent improvement, appointed and designated in section one, hereof, shall hold office for the term of four years from and after the ratification of this act. If a vacancy should occur in said board during the said term of four years it shall be the duty of the Board of

Vacancies.

Aldermen of the Town of Elizabeth City forthwith to call an election in the ward wherein said vacancy may occur, at which election a member of the said board for said ward shall be elected by the qualified voters thereof for the unexpired term. The said election shall be held 'after not less than ten days' advertising thereof, and shall be held as near as practicable in the manner prescribed by law for the election of members of the board of aldermen for the town of Elizabeth City. The returns shall be made by the election officers and the votes canvassed by the board of aldermen of said town, and the result of the said election shall be ascertained and announced by said board, and immediately upon the announcement of the said result the person so elected shall qualify and enter upon the duties of his office.

Notice of election.

Law governing election.

SEC. 3. That the said board of permanent improvement shall erect a suitable building to be used as a market-house, town hall or auditorium, or mayor's office, and shall equip the said building in such manner as will meet the necessities of the people and of the corporation of Elizabeth City; the said board shall provide a suitable and adequate system of automatic fire alarms for the said town, at a cost not exceeding three thousand dollars; that the floating debt of said town existing at the time of the sale of the bonds other than the bonded indebtedness of the said town shall be paid and discharged in full. That there shall not be expended an amount exceeding ten thousand dollars for the site of the market-house, town hall, auditorium or mayor's office; that an amount not exceeding forty thousand dollars shall be expended in the erection and completion of said town hall or auditorium, market-house and mayor's office, as aforesaid.

Buildings to be erected.

Fire alarms.

Floating debt.

Limit to cost of sites.

Limit to cost of construction.

SEC. 4. That the Board of Aldermen of Elizabeth City is hereby authorized and shall issue bonds in the name of the corporation of Elizabeth City in the denomination of one thousand dollars each, with coupons, and in such form as may be determined by the said board of permanent improvement, to an amount not to exceed one hundred thousand dollars (\$100,000), payable in thirty years from the date of sale of same, and at such time and place as the board of aldermen may prescribe. The said bonds shall bear interest at a rate not exceeding five per cent. per annum, payable semi-annually. None of said bonds shall be paid within five years after their issue, but after five years from their issue four of said bonds shall be paid off and cancelled each and every year until the entire issue shall have been in that manner paid off and cancelled. The bonds shall be numbered serially, one to one hundred, and the first four shall be paid off the sixth year: the next four, being five to eight inclusive, shall be paid off the seventh year, and in like manner the next succeeding four bonds serially shall be paid off each year until all are paid.

Bond issue authorized.

Amount.

When payable.

Bonds numbered.

Payable by numbers.



Bonds not to be sold below par. Proceeds turned over to treasurer.	<p>SEC. 5. That the said bonds shall not be sold, hypothecated or in any way disposed of for less than par value, and the proceeds from the sale of the said bonds shall be turned over to the treasurer of the said corporation of Elizabeth City, who shall give such bonds for the safe-keeping of the said fund as shall be required of him by the Board of Aldermen of the Town of Elizabeth City. His compensation for both receiving and paying out the said fund shall be three-eighths of one per cent. upon the amount received by him. The said fund shall be expended by the board of permanent improvement for the purchase of the site and the building of the market-house, town hall or auditorium and mayor's office, as aforesaid, and in paying off all floating indebtedness of the said corporation of Elizabeth City outstanding at the time of the sale of the bonds; in providing for a suitable and adequate system of automatic fire alarms, as aforesaid, and the residue, if any, of said fund shall be expended by the said board of permanent improvement in the permanent improvement of the streets of the said town of Elizabeth City by paving, curbing, and to sanitize the same. That in expending the said residue, if any, of the said fund the board of permanent improvement shall expend three thousand dollars in each ward of said town, and the residue, if any remain, shall be expended according to the best judgment of said board of permanent improvement.</p>
Bond of treasurer.	
Compensation.	
Application of proceeds.	
Residue used on streets.	<p>SEC. 6. That the said bonds shall be signed by the mayor and attested by the clerk of the corporation and sealed with the seal of the town of Elizabeth City, and shall have interest coupons attached thereto. In order to meet the payment of 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 and authorized, and shall levy and collect each year a sufficient and special tax upon the subjects of taxation, which are now or may hereafter be embraced in the subjects of taxation under the charter of the said city, and in the manner, at the same time as other taxes collected under said charter: <i>Provided</i>, that the taxes collected under this act for the payment of the said bonds and the interest coupons aforesaid shall be used for no other purpose. It shall be the duty of the treasurer, as the said coupons are paid off and taken up by him, to cancel the same and report to the board of aldermen the number and the amount of the coupons so cancelled.</p>
How bonds attested.	
Special tax.	
Specific appropriation.	
Bonds and taxes to be voted on.	<p>SEC. 7. That the said board of aldermen shall not issue said bonds, nor any of them, nor levy nor collect said taxes, until they shall have been authorized and empowered to do so by a vote of a majority of the qualified voters of the said town at an election to be held at such time and places as the said board of aldermen shall appoint, of which election a notice shall be given by public advertisement in some newspaper published in said Elizabeth City for thirty days. At such election those electors favoring the issue</p>
Notice of election.	
Form of ballots.	

of said bonds and the levy and collection of said taxes for the payment of the said bonds and coupons shall vote a ballot containing the words "For Bonds," and those electors opposing the issue of said bonds and the levy and collection of said taxes shall vote a ticket containing the words "Against Bonds." The said ticket shall be on white paper and shall be one inch wide and three inches long. The said tickets shall be either written or printed, or partly written and partly printed. The election shall be held as near as practicable in the manner prescribed by law for the election of members of the board of aldermen of the said town. The returns shall be made by the election officers to the board of aldermen of said town, and the said board of aldermen shall, within three days after the said election, canvass the said returns and declare the result of the election. The result of said election shall be inscribed upon the records of the said town.

Law governing  
election.

SEC. 8. That the proceeds arising from the sale of the said bonds shall be held by the treasurer of the corporation of Elizabeth City subject to the order of the said board of permanent improvement, and shall be paid out by the said treasurer upon the order of the said board of permanent improvement. Such orders upon the treasurer shall be signed by the president of the board of permanent improvement and countersigned by the clerk of the board of aldermen, who shall also be clerk of this board of permanent improvement.

How proceeds  
paid out.

SEC. 9. That all moneys received as rents from the market-house and town hall shall be applied to the payment of the interest on the bonds hereinbefore authorized to be issued.

Rents to use of  
interest.

SEC. 10. That all funds arising from the sale of the bonds authorized to be issued in this act shall be expended by the said board of permanent improvement within two years from and after the ratification of this act.

Funds expended  
within two years.

SEC. 11. Immediately upon the ratification of this act the Secretary of State is desired to transmit a certified copy hereof to the Mayor of the Town of Elizabeth City, and the mayor shall notify the members of the board of permanent improvement appointed in the first section of this act. Within thirty days after the ratification of this act the members of the said board of permanent improvement shall meet in the mayor's office and qualify by taking and subscribing the oath of office required by the Constitution and laws of this State, and by also taking and subscribing the following oath as members of the said board, to-wit:

Secretary of State  
to send copy.

Mayor to notify  
board.

Members of board  
to qualify.

"I, ..... do solemnly swear that I will, to the best of my ability, faithfully endeavor to perform the duties as a member of the Board of Permanent Improvement of the Town of Elizabeth City, and that during my continuance in said office I will not become pecuniarily interested, directly or indirectly, in any matters or things coming before the said board of permanent improvement. That in all respects, to the best of

Form of oath.

my ability, will I guard and promote the interest and welfare of the town of Elizabeth City: So help me, God."

Surplus turned  
over to general  
fund.

SEC. 12. After the board of permanent improvement shall have made all of the expenditures hereinbefore provided for, if there shall then remain any portion of the moneys arising from the sales of bonds provided to be issued and sold in this act unexpended for the said purposes, the said sum of money shall, by the said board of permanent improvement and the treasurer of the corporation of Elizabeth City, be turned into and made a part of the general fund of the said corporation. And 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. 1905.

## CHAPTER 351.

### AN ACT TO ESTABLISH A GRADED SCHOOL IN LAKE LANDING TOWNSHIP, IN HYDE COUNTY.

*The General Assembly of North Carolina do enact:*

Boundaries of  
graded school  
district.

SECTION 1. That the following territory lying and being in Hyde County, North Carolina, in Lake Landing Township, and more particularly described as follows: beginning at the mouth of Middle Creek, thence up said creek with its north bank to Middle Creek bridge; thence with the public road, first northwardly and then westwardly, to Farrows Fork; thence southwardly with the public road to the bridge across Lake Landing Canal at Lake Landing; thence eastwardly with the said canal to the turn or bend in said canal at Last Chance, or Miltonville; thence a straight course to the Negro Church, on the Piny Woods public road; thence with said road southwardly and eastwardly to Brooks' Canal; thence with said canal to Pamlico Sound; thence with the shore of Pamlico Sound northwardly to the beginning, is hereby created one school district, which shall be called the "Lake Landing Graded School District."

Trustees  
appointed.

SEC. 2. That the following parties are hereby appointed school trustees for the schools in said district, and shall hold for the following terms, and all vacancies shall be filled in the following manner, to-wit: J. G. Young, S. A. Windley and Alonzo Roper for one year; and J. A. Cox, T. J. Mann and W. S. Dudley for two years; and C. E. Mann, Walter Gibbs and George Bridgman for three years; and the term of office of each of said trustees shall commence with the date of the ratification of this act. All vacancies in said board, whether arising from death, resignation, removal, expiration of the term of office or otherwise, shall be filled

Vacancies.

by the remaining trustees, and the majority thereof shall have the power of selection, and the persons so selected shall hold for three years from date of their selection.

SEC. 3. That said board of trustees shall, on the first Monday in May next ensuing, submit to the qualified voters of said district above created the question of establishing a graded school in said district. The said trustees shall give thirty days' notice of said election by notices posted at four public places in said district and at the court-house door in Swan Quarter. The said board of trustees shall select three men, qualified voters of said district, one of whom they shall appoint registrar and the other two pollholders, to hold said election, and these three shall hold said election and shall be governed in their acts in all particulars as to the registration of voters, challenges, etc., by the same rules and regulations as prevail in the election of county officers; and the qualified voters of said district shall vote at said election on the first Monday in May next ensuing tickets on which shall be written or printed the words "For Graded School" or "Against Graded School," and the result of the election shall be declared by the same rules that govern the election of county officers; the said election shall be held at the usual precinct polling-place at Lake Landing.

Trustees to call election.

Notice of election.

Registrar and pollholders.

Law governing elections.

Form of ballots.

SEC. 4. That if a majority of the qualified voters of said district shall vote at said election in favor of a graded school, it shall be the duty of the Board of County Commissioners of Hyde County to levy annually a special tax of not less than thirty cents nor more than thirty-three and one-third cents on the hundred dollars valuation of all the taxable property of said school district and upon the poll not less than ninety cents and not more than one dollar; and the said tax so levied shall be collected by the Sheriff of Hyde County and shall be by him turned over to the treasurer of the said school trustees, and the said sheriff shall receive as compensation for the collection and disbursement of this special tax five per cent. commissions one way.

Special tax.

Limit.

Sheriff's commissions.

SEC. 5. That all moneys coming to the said district above described for school purposes from the State and from the county, as well as that coming from the special tax above referred to, shall be by the proper officers paid to the board of trustees above created and appointed, and their duly constituted successors, and shall be by them used for the benefit of the graded schools above referred to.

School moneys paid over.

SEC. 6. The said school trustees above named, and their duly constituted successors, shall have the sole and exclusive charge of the public schools in said territory, and they shall organize by the election of such officers and the passing of such by-laws as they deem proper, and they shall elect a treasurer, who shall have charge of all moneys to be used for school purposes and who shall pay the same out on such vouchers as they shall direct and who

Trustees to have exclusive control.

Organization.

Treasurer.

shall receive such compensation and give such bond as they shall dictate. The said trustees above named shall spend all moneys coming to their hands from any and all the sources above named, and any other source that shall be paid, bequeathed or devised them, for the exclusive benefit of the schools in said territory, for the benefit of said schools.

Teachers and officers.

General powers.

Non-resident pupils.

School property conveyed to trustees.

Conflicting laws repealed.

SEC. 7. That said trustees shall have the power to employ all teachers and select all officers necessary for said public schools and to fix their compensation, and they shall have the power to establish and maintain such schools as they shall deem necessary. They shall have the right and power to buy, sell, take and hold all property, both real and personal, necessary for the use of said schools, and they shall have the right and power to do all things necessary for the successful conduct of said schools. And should parents or other parties having charge of children of school age outside of said territory desire to send to the schools in said territory, then the trustees shall have the right to permit them so to do upon such terms as shall be fixed by said trustees.

SEC. 8. That all the property now situate in said territory and used for public schools shall be by the proper authorities conveyed to the trustees above named and their duly constituted successors, who are hereby granted full power and authority to sell all the public school buildings now in said district hereinbefore specified and invest the proceeds of said sale, together with other proceeds, belonging to the school funds which shall come into their hands, or so much thereof as may be needed, in the erection and equipment of a graded school building or buildings centrally located and accessible to the entire district.

SEC. 9. That all laws or parts of laws in conflict with any of the provisions of 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. 1905.

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## CHAPTER 352.

### AN ACT TO ESTABLISH GRADED SCHOOLS IN THE TOWN OF FRANKLINTON.

*The General Assembly of North Carolina do enact:*

Graded school district established.

Boundaries.

SECTION 1. That the following described territory situate in Franklin County and including the town of Franklinton shall be and the same is hereby constituted a public school district to be known as the Franklinton Graded School District: Beginning on Cedar Creek at the point where the township lines of Franklinton



and Freeman's Townships join said creek, thence westward along said township line to the Seaboard Air Line Railway; thence in a straight line to where the road from Franklinton to Pope's Chapel crosses Cedar Creek, near the S. P. Lowry place; thence up said creek to line of the Norman Long estate; thence northward along said Long line and to the Hillsboro Road; thence northward to the road from Franklinton to Horton's Mill at the point where the road to S. C. Vann's place, "Green Hill," branches off from said Morton's Mill Road; thence along said Green Hill Road to line between I. H. Kearney and S. C. Vann; thence along line of said S. C. Vann to Taylor's Creek; thence down said creek to Dr. Hal Harris' northern line; thence eastward along said Dr. Hal Harris' line to the line of the Dr. Person place; thence northward along the Dr. Person line to J. H. Wilder's line; thence eastward along said Dr. Person line and across the Seaboard Air Line Railway to the Thomas corner of the Dr. Person place and the Fenner Tharrington land; thence southeast to Billy's Creek at the Duke crossing; thence eastward to road from W. D. Spruill's to Perry's Chapel at the southern line of the Widow Gill place; thence southward along said road to Cedar Creek; thence up said Cedar Creek to the beginning.

SEC. 2. That the board of graded school trustees, hereinafter provided for, shall be and are hereby authorized and empowered to issue bonds of said graded school district to an amount not exceeding ten thousand dollars, of such denomination and of such proportion as said board of trustees may deem advisable, bearing interest from the date thereof at a rate not exceeding six per centum per annum, with interest coupons attached, payable semi-annually, at such time or times and at 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 at such time or times not exceeding forty years from the date thereof, and at such place or places as said board of trustees may determine; none of said bonds shall be disposed of by sale, exchange, or otherwise for a less price than their par value, and the proceeds arising from the sale thereof shall be expended by said board of trustees in providing such school buildings as may be required and in furnishing and equipping the same, and for no other purpose: *Provided*, that said board of trustees may issue such bonds at such time or times, and in such amount or amounts, as may be required to meet the expenditures above provided for.

Bond issue authorized.

Amount.

Description of bonds.

Not to be sold below par.

Application of proceeds.

Proviso: bonds issued as required.

SEC. 3. 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 County Commissioners of Franklin County shall, annually, and at the time of levying the county taxes, levy and lay a special tax on all persons and property subject to taxation within the limits of

Special tax.

Limits.

said graded school district on which said board of commissioners may now or hereafter be authorized to lay and levy taxes for any purpose whatever; said special tax to be not less than twenty-five cents and not more than thirty-five cents on the one hundred dollars assessed valuation of property, and not less than seventy-five cents and not more than one dollar and five cents on each taxable poll, the constitutional equation between poll and property to be maintained. Said taxes shall be collected by the Sheriff of Franklin County at the time and in the manner and with the same powers and authority that the county taxes are collected, and shall be paid over to the treasurer of the said board of graded school trustees. For the purpose of aiding in the listing of the taxes for said district it shall be the duty of the secretary of said board of graded school trustees, before June first of each year, to report to the Corporation Commission the number of miles of each railroad, telegraph and telephone line in said district, and the said Corporation Commission shall notify said secretary, or the proper tax-lister, the value assessed for taxation on each line in said district, and such valuation shall be entered on the tax list of said district and the taxes thereon estimated and collected as provided for taxes on other property.

Assessment of  
railroad property.Bonds and tax to  
be voted on.Registrar and  
pollholders.Law governing  
election.

Form of ballots.

Proviso: further  
elections.

SEC. 4. That the provisions of sections two and three of this act shall be submitted to a vote of the qualified voters of said graded school district at an election to be held on a day to be designated, as soon as practicable after the ratification of this act, by the Board of County Commissioners of Franklin County. For said election the said county commissioners shall appoint one registrar and two pollholders, who shall conduct said election in the manner and under the rules prescribed for the election of members of the General Assembly, and shall report the result thereof to said county commissioners; no other report or canvass to be required. Such report shall be entered on the records of the said county commissioners, and after thirty days from 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. In the election above provided those voters approving the issue of bonds and the levy of the tax as provided in sections two and three of this act shall cast ballots having written or printed thereon the words "For Graded Schools"; those disapproving the same shall cast ballots having written or printed thereon the words "Against Graded Schools." If a majority of the qualified voters of said district shall vote "For Graded Schools," bonds shall be issued and a special tax levied as prescribed in sections two and three of this act: *Provided*, that if a majority of said qualified voters shall fail to vote for graded schools said board of county commissioners shall order another election or elections to be held as above provided at any time or times within five years of the date of the

first election, when requested to do so by the said board of graded school trustees; the effect of such election to be the same as provided in the election first called.

SEC. 5. That C. S. Williams, S. C. Vann, E. J. Cheatham, W. L. McGhee, I. H. Kearney, H. E. Pearce, I. G. Staunton, R. O. Pur-nell and W. F. Joyner are hereby constituted a board of trustees for the public schools of said graded school district. From the first Monday in May, one thousand nine hundred and five, the first three shall hold office for six years, the next three for four years, and the last three for two years. Their successors shall be elected for six years, except in case of vacancies caused otherwise than by expiration of term; such vacancies to be filled for the unexpired term. All vacancies, however caused, shall be filled by the remaining members of the board of trustees: *Provided*, that the position of trustee shall not constitute an office within the meaning of article seven, section fourteen, of the Constitution of North Carolina.

Trustees  
appointed.

Terms of office.

Successors.

Vacancies.

Proviso: trustees  
not officers.

SEC. 6. That the 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 Graded School Trustees of Franklinton," and by that name may sue and be sued, make contracts, acquire real and personal property by gift, purchase or devise; hold, exchange and sell the same, and exercise such other rights and privileges as are incident to other corporations.

Trustees  
incorporated.  
Corporate name.

SEC. 7. That it shall be the duty of the said trustees to establish and maintain a system of public schools for the children of school age resident in said district. They shall have exclusive control of such schools, shall prescribe rules and regulations for their conduct, employ, fix the compensation and dismiss the officers and teachers therein, and exercise all powers that may be needful for the proper and successful operation thereof; they may admit pupils over twenty-one years of age, and from outside districts, upon such terms as they may deem proper; may elect a superintendent and delegate to him such powers as may be needed for a proper supervision of the schools; shall cause to be taken as required by the general law an accurate school census, shall make annual reports of the operation of the schools to the County Board of Education of Franklin County and as may be required by the State Superintendent of Public Instruction.

Duties of trustees.

Pupils over age or  
non-resident.

Superintendent.

School census.

Annual reports.

SEC. 8. That the said board of trustees shall elect a treasurer, who may or may not be one of their number, and who shall give bond in an amount equal to the moneys coming into his hands annually; a chairman, and secretary, and shall prescribe the duties of each. The said treasurer shall pay out the funds which may come into his hands for said graded schools only upon the warrant of the chairman and secretary of said board of trustees.

Treasurer.

Bond of treasurer.

SEC. 9. The limits of the said graded school district may at any time be enlarged and new territory included therein upon a vote

Enlargement of  
district.

Petition for  
enlargement.

Proceedings on  
petition.

Proviso: territory  
to be added.

School funds paid  
to treasurer.

of a majority of the qualified voters in said additional territory, held and made as follows: A petition shall be prepared definitely stating by ascertainable bounds the territory proposed to be added. Such petition shall be signed by a majority of the voters resident in said additional territory whose names appear on the registration books of Franklinton or Freeman's Township as used in the preceding general election; the signature of any voter to be counted the vote of such person affixing his name to the said petition. This petition shall be presented to the said board of trustees, accompanied by a list of all the voters in said territory, the correctness of which to be attested by the affidavit of some reputable freeholder of Franklinton Township. The said trustees, if they approve the addition of such territory, shall thereupon cause to be posted in some public place in the town of Franklinton for thirty days a notice of the filing of such petition. At the expiration of the thirty days' notice this petition shall be presented to the Board of County Commissioners of Franklin County. The said commissioners shall have the power to hear and determine challenges to right of persons whose names are signed to said petition to vote under the same rules as apply to challenges in election of members of the General Assembly, and shall have the power to correct, upon proper evidence, the list of voters resident therein. A residence in said territory of at least sixty days immediately preceding shall be necessary to entitle any one to vote as above, in addition to the qualifications required by law. If it shall appear that a majority of the qualified voters of such additional territory have signed such petition, then the said board of commissioners shall order the territory therein described to be included in said graded school district, and upon such order the said additional territory shall be subject to all the provisions of this act in the same manner and to the same extent as if definitely described and included hereby, and at the next general tax levy the same tax shall be levied and collected on the persons and property therein as on the property and persons in the original district: *Provided*, that no territory shall be added except such territory as adjoins and is contiguous to the said district at the time of the filing of the petition.

SEC. 10. That all funds derived from the State and county for said public school district shall be paid to the treasurer of said board of trustees by the treasurer of the county.

SEC. 11. 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, 1905.

## CHAPTER 353.

AN ACT CREATING A SCHOOL DISTRICT IN PROVIDENCE  
TOWNSHIP, RANDOLPH COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That the following territory, lying and being in Ran- Boundaries.  
dolph County, North Carolina, Providence Township, and more  
particularly described as follows: beginning at the Old Trading  
Ford on Big Pole Cat Creek; thence east to the Hillsboro Road;  
thence up the said road to W. D. Siler's land; thence leaving the  
Hillsboro Road and running around W. D. Siler's land on the  
south side in an easterly direction to Milton Cox's land; thence  
around the south side, and including the said Cox's land, to a point  
where Henry Frazier's land adjoins it; thence around, and in-  
cluding said Frazier's land, to John Teague's, on the east, and  
along said line to a point where it joins Luther Siler's line; thence  
along Luther Siler's north line to Dallas Frazier's line; thence  
following his line on the south side to Thompson's line; thence  
along his line on the south side to Will Fields' line; thence along  
his line on the south and east to Ed. Cox's line; thence along his  
line on the south and east to the Hillsboro Road; thence leaving  
the Hillsboro Road in a northerly direction along said Cox's line  
to W. A. White's line; thence in the same direction on the east  
side of White's land to M. K. Swaim's line; thence on the east  
side of his land in a northerly direction to Plen White and Dr.  
Tyson's farm (formerly Ad. Branson's); thence along his east line  
in a northerly direction to S. W. White's line; thence along said  
line on the east of his farm and in a northerly direction to Dr.  
Tyson's farm; thence along his line on the east and north to S. W.  
White's line; thence around his entire land on the east, northwest,  
to Red Cross and Center Road; thence along said road west to the  
cross roads near the three forks; thence south along the Greens-  
boro Road to Alphens Julian's line; thence on his north and west  
line to Robert Julian's line; thence following his line around his  
land on the west side to John Hockett's line; thence on his line to  
the Widow Vickory's line; thence around said line on the north  
and west to Pole Cat Creek; thence down the various courses of  
said creek to the Old Trading Ford, the beginning, is hereby made  
one school district and named Providence. Providence school  
district.

SEC. 2. That the following parties are hereby appointed school Trustees and terms  
trustees for the schools in said district, and they shall hold for the of office.  
the following terms, beginning on the first Monday of July, one thou-  
sand nine hundred and five, to-wit: C. L. Cranford, for one year,  
and W. A. White for two years, and G. P. Barker for three years,  
and W. R. Julian for four years, and E. D. Frazier for five years.  
All vacancies in said board, whether arising from death, resigna- Vacancies.  
tion, removal, expiration of term of office, or otherwise, shall be



filled by the County Board of Education of Randolph County, and the persons so selected shall hold for five years from the date of their selection.

Special tax.

SEC. 3. The Board of County Commissioners of Randolph County shall levy annually a special tax of thirty cents on the one hundred dollars valuation of all the taxable property of said school district, and upon each poll ninety cents; and the tax so levied shall be collected by the Sheriff of Randolph County, and shall be by him turned over to the treasurer of the county board of education of said county, to be paid out by order only of the trustees of said school district; said orders to be approved and signed by the county superintendent of schools for said county in order to become valid vouchers in the hands of the treasurer; and the sheriff shall receive as compensation for the collection and disbursement of this special tax five per cent. commissions one way, and the treasurer of the county board of education shall receive as compensation for such disbursement two per cent. commission on all such vouchers by him paid.

Commission of sheriff.

Commission of treasurer.

Trustees to have exclusive control.

SEC. 4. The said trustees above named, and their duly constituted successors, shall have the sole and exclusive charge of the public schools in said territory, and they shall organize by the election of a chairman and secretary and the adoption of such by-laws as they deem proper. The said trustees above named, and their duly constituted successors, shall spend all moneys now belonging to said district, or that shall belong to it by reason of this act and the election held in said district in May, one thousand nine hundred and three, when a majority of the qualified voters voted "For Special Tax" under section seventy-two of the school law, or from any other source, for the exclusive use of said school, for the benefit of said schools.

Powers of trustees.

SEC. 5. That said trustees shall have the power to employ teachers and select all officers necessary for said schools, and to fix their compensation, and they shall have the power to establish and maintain such schools as they shall deem necessary. They shall have the right and power to buy, sell, take and hold all property, both real and personal, necessary for the use of said schools, and should parents or other parties having charge of children of school age outside of said territory desire to send to the school in said territory, then the trustees shall have the right to permit them so to do, upon such terms as shall be fixed by said trustees.

Non-resident pupils.

Adjoining land-owners admitted to school district.

SEC. 6. That all persons who own real estate adjoining the above-described territory may be included in said school district by going before the Board of County Commissioners of Randolph County at any regular meeting of said board and making oath that they desire to be included in said school district and that they are willing to be taxed annually thereafter for the maintenance of the school as provided in section four of this act. Such persons shall be taxed and shall be admitted to the school in like manner as

persons now living in or having taxable property in the above-described territory.

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

SEC. 8. That this act shall be in force from and after the third day of July, one thousand, nine hundred and five. In force from 3d July.

In the General Assembly read three times, and ratified this 4th day of March, 1905.

## CHAPTER 354.

### AN ACT TO ESTABLISH THE LUCAMA GRADED SCHOOL.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all of that territory in Cross Roads Township, Wilson County, heretofore formed into a special school tax district under and by virtue of the Laws of nineteen hundred and one, chapter four, and embraced in the following boundaries: beginning at the fork of Black Creek and Cabin Branch; thence up Cabin Branch to Spring Branch; thence up Spring Branch to the county road leading from Lucama to Wilson, North Carolina; thence a southerly direction with said road to Enos Lamm and Jack Hooks' corner; thence westerly direction with said Lamm and Hooks' line to Amos Newsom's line; thence with Jack Hooks' and Amos Newsom's line to Claudius Aycock's line; thence a northerly direction with said Aycock and Newsom's line to the Smith heirs' line; thence a westerly course with said Aycock and Smith heirs' line to Turner Williamson's line; thence with said Aycock and Williamson's line to Hardy Evans' line; thence with said Evans' and Williamson's line to S. T. Lamm's line; thence with said Lamm and Williamson's line to I. H. Lamm's line; thence a southerly course with S. H. and S. T. Lamm's line to Jesse Moore's corner; thence a westerly course with Jesse Moore's line to J. H. Lamm's corner; thence a southerly direction with I. H. and J. H. Lamm's lines to the Long Branch; thence a westerly course with J. H. Lamm and Sythie Ellis' line to S. M. Lamm's corner; thence a northerly course with S. M. and J. H. Lamm's line to J. W. Lamm's line; thence westerly to S. M. and J. W. Lamm's line to the Long Branch; thence down Long Branch with S. M. Lamm and Hardy Evans' line to B. A. Scott's corner; thence a westerly course with J. H. Lamm's and B. A. Scott's line to Rutha Moore's line; thence with Frank Lamm and Rose heirs' line to the county road; thence with said road to the cross roads at Tom Moore's residence; thence with the public road to L. E. Newsom's line; thence with L. E. Newsom and Sallie Moore's line to Lousetta Newsom's corner; thence with Lousetta Newsom and L. E. Newsom's line to the said public road; thence south with

Lucama graded school district.	road to Lee Swamp; thence down the run of said swamp to Black Creek; thence up the run of Black Creek to A. T. Barnes' corner; thence with A. T. Barnes' and Silas Powell's lines to C. R. Raper's line; thence with C. R. Raper and P. T. Lucas' line to H. H. Love's line; thence with said Lucas and Love's line down a small branch to a larger branch; thence down the run of said branch to Black Creek; thence down the run of Black Creek to the beginning, shall be and is hereby constituted a graded school district and shall be known as the Lucama Graded School District.
Trustees named.	SEC. 2. That K. W. Barnes, S. T. Lamm, J. R. Barnes, W. D. Crocker and I. W. Lamm be and they are hereby constituted a board of trustees for the public schools of said graded school district.
Terms of office.	The first above named shall hold office until the first Monday of April, nineteen hundred and six; the second above named, until the first Monday of April, nineteen hundred and seven; the third above named, until the first Monday of April, nineteen hundred and eight; the fourth above named, until the first Monday of April, nineteen hundred and nine, and the last above named, until the first Monday of April, nineteen hundred and ten.
Successors.	The vacancies occurring by reason of the expiration of the terms of office of the trustees as aforesaid shall be filled for terms of five years by a majority vote at joint meetings of the County Board of Education of Wilson County and Town Commissioners of the Town of Lucama. And for the purpose of filling such vacancies the town commissioners aforesaid and the county board of education aforesaid shall meet in joint session at the office or regular place of meeting of said board of education on the first Monday of April, nineteen hundred and six, and annually thereafter: <i>Provided</i> , that any and all vacancies in the said board of trustees occurring by reason of death, resignation, or otherwise than by expiration of term of office, shall be filled by the other members of said board of trustees: <i>Provided</i> , that the position of trustee shall not constitute an office within the meaning of article seven, section fourteen, of the Constitution of the State.
Proviso: vacancies.	SEC. 3. That the said board of graded school trustees and their successors be and they are hereby constituted a body corporate by the name and style of "The Board of Graded School Trustees of Lucama," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire, by gift or purchase, real and personal property, hold, exchange or sell the same, and exercise such other general powers and privileges as belong to other boards of graded school trustees in North Carolina.
Proviso: trustees not officers.	SEC. 4. That the said board, upon the passage of this act, shall meet and elect one of its members chairman, whose duty it shall be to call the meetings of the board and preside over them; a secretary, who shall keep a record of the proceedings of each meeting; a treasurer, who shall keep an accurate account of the moneys
Trustees incorporated.	
Corporate name.	
Organization.	

paid to him for the schools and also of the disbursement thereof: *Provided*, that the treasurer shall give bond in such sum as may be prescribed by said board, 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 and paid into said district, and pay the same out by order of the said board upon a warrant drawn by the secretary and countersigned by the chairman. The treasurer shall make out a full and complete financial statement, annually, on the thirtieth day of June, and oftener when directed to do so by the board.

Proviso: bond of treasurer.

Annual statements.

SEC. 5. That the property, both real and personal, of the public schools of said 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 graded schools: *Provided*, that in the event of the discontinuance of said graded schools all of the property thereto belonging shall revert to and become the property of the public schools of said district as constituted before the passage of the act.

School property vested in trustees.

Proviso: reversion.

SEC. 6. That the moneys that shall be apportioned by the State and county of Wilson from time to time, and the moneys that shall arise from the special tax in said district, and the moneys accruing to said schools from the dispensary in the town of Lucama, shall be paid direct to the treasurer of said board of trustees and shall be applied to the maintenance of graded public schools for the white and colored children of said graded school district in such manner as may be deemed just to both races, 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.

Apportionment of funds.

Proviso: donations.

SEC. 7. That the said board of trustees, before the opening of the schools each year, shall elect such teachers as may be necessary to carry on the work they have in charge, and fix the term of the schools and the salary of each teacher at such amounts as they deem proper, and shall make and prescribe such by-laws, rules and regulations as may be necessary for the government of said schools, as well as for the government of said board.

Teachers.

Terms of school and salaries of teachers.

SEC. 8. That all the children between the ages of six (6) and twenty-one (21) years of age residing within said district shall be admitted in said schools free of tuition: *Provided*, that children residing outside the limits of said district may be admitted therein upon payment of such rates of tuition as may be established by the board of trustees: *Provided further*, that children whose parents or guardians own property and pay tax on the same within the said district may be admitted free of tuition.

Free tuition.

Proviso: non-resident pupils.

Proviso: children of non-resident tax-payers.

SEC. 9. That said board of trustees shall furnish the county board of education and the State Superintendent of Public Instruction annual reports, giving an accurate census of the children of school age in said district, a financial statement of receipts and

Annual reports of trustees.

disbursements, and such other information as may be required by the general school law.

Special tax  
continued.

SEC. 10. That the special school tax payable in said district shall not be repealed by this act, and said district shall continue as a special school tax district as fully and completely as before the passage of this act.

Conflicting laws  
repealed.

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

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

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## CHAPTER 355.

### AN ACT AMENDING CHAPTER 268, PRIVATE LAWS OF 1903, RELATIVE TO THE TOWN OF PACTOLUS.

*The General Assembly of North Carolina do enact:*

Corporate limits.

SECTION 1. That chapter two hundred and sixty-eight of Public Laws of one thousand nine hundred and three be amended by striking out of said act all of section two, and substitute therefor the following: That the boundaries of said town shall be as follows: Beginning at a gum on the south side of Grindal Creek, on the lands of Mrs. Florence P. Tucker, and on the east side of the bridge, about thirty yards therefrom; thence across the lands of Mrs. Florence P. Tucker north seventy-four degrees west to the Tucker mill-dam; thence across the edge of the Tucker mill-pond south sixty-seven degrees west to a water-oak on the lands of J. J. Rollins, eleven and one-half poles north of Rollins Road; thence a westerly course parallel with the Rollins Road and eleven and one-half poles distant from said road to a point opposite the fork of the road above Hoyt Wilson's house; thence a southerly course to the fork of the road; thence with the road leading from the Rollins Road in the direction of the river road to a cypress; thence south eighty-six and one-fourth degrees west to a graveyard on J. J. Rollins' land; thence south to the river road leading from Pactolus to Greenville; thence down said road an easterly course to a point twelve poles east of the fork of the creek and river road; thence south thirty-seven poles to a stake in R. R. Fleming's field; thence an easterly direction, crossing the lands of R. R. Fleming, J. R. Davenport and Mrs. Florence P. Tucker, on a parallel line with the Greenville and Pactolus Road and the Pactolus and Yankey Hall Road, to a ditch thirty-seven poles from the last-mentioned road on the Tucker land; thence with said ditch to the Yankey Hall Road; thence north thirteen degrees east to a



pine: thence north twenty-five and one-half degrees east to the creek, and thence westerly with creek to the beginning.

SEC. 2. That all laws and clauses of laws in conflict with this act shall be and the same are hereby repealed: *Provided*, that the present officers of the town of Pactolus, and the aldermen or commissioners of said town living within the above-named corporate limits, and such as may be chosen by them to fill any vacancy by death, resignation or otherwise, shall be and they are hereby constituted the lawful officers of said town of Pactolus until another election of town officers is held according to law.

Conflicting laws  
repealed.  
Present officers  
continued.

SEC. 3. 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, 1905.

#### CHAPTER 356.

#### AN ACT AUTHORIZING THE BOARD OF TRUSTEES OF SANFORD GRADED SCHOOL DISTRICT TO ISSUE BONDS FOR THE PURPOSE OF ERECTING AND EQUIPPING A GRADED SCHOOL BUILDING.

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of raising money to build and equip a graded school building for the Sanford Graded School District, the board of trustees of the said Sanford Graded School District are hereby authorized and empowered to issue bonds to an amount not exceeding ten thousand dollars, payable at such time and place as they may designate, which bonds shall bear interest not exceeding six per cent. per annum, payable annually, at such time and place as said board may designate, and evidenced by coupons attached to said bonds. Said bonds shall be signed in the name of the Board of Trustees of the Sanford Graded School District, under its corporate seal, by the chairman of said board, and attested by its secretary, and shall mature in not less than thirty nor more than fifty years from date of their issue.

Bond issue  
authorized.

Amount.

Description of  
bonds.

SEC. 2. That said bonds shall not be sold for less than their par value, and the proceeds from the same shall not be used for any purpose other than the purpose mentioned in section one of this act.

Bonds not sold  
below par.

SEC. 3. That for the purpose of providing for the payment of the same at their maturity, the Board of County Commissioners of the County of Moore shall, annually, at the time of levying other taxes, levy and lay a special tax on all polls and property subject to taxation within the said graded school district, sufficient to meet the annual accruing interest on said bonds and provide a

Special tax.

sinking fund for the payment of the same. The taxes provided for in this section shall be collected by the Sheriff of Moore County and by him paid over to the treasurer of said graded school district, and shall be applied exclusively to the purpose for which they are collected. That said bonds shall be issued and taxes levied and collected only upon approval of a majority of the qualified voters of said district.

Specific  
appropriation.  
Bonds and special  
tax to be voted on.

County board of  
elections to order  
election.

SEC. 4. That for the purpose of submitting to the qualified voters of the Sanford Graded School District the question of issuing said bonds and levying and collecting the taxes hereinbefore provided for, the County Board of Elections for the County of Moore, upon petition of the Board of Trustees of the Sanford Graded School District, shall order an election to be held in said district, and in such order appoint the time and place for holding the same, appoint a registrar and two judges of election, and shall give thirty days' notice in some newspaper published in Moore County, and shall order an entire new registration of voters for said election.

Notice of election.

New registration.

Form of ballots.

SEC. 5. That at said election those voting for issuing said bonds and levying and collecting the taxes herein provided for shall vote a written or printed ballot containing the words "For School Bonds," and those voting against issuing said bonds and levying and collecting said taxes herein provided for shall vote a written or printed ballot containing the words "Against School Bonds." Said election shall be held under the same rules and regulations as now provided for the election of members of the General Assembly.

Law governing  
election.

Canvass and  
returns of votes.

SEC. 6. That the registrar and judges of election, at the close of said election, shall canvass the votes and declare the result of the election and make two returns thereof—one to the County Board of Elections for Moore County and one to the Board of County Commissioners for Moore County—and the said board of county commissioners shall order said returns recorded in the office of register of deeds for said county.

Returns recorded.

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. 1905.

## CHAPTER 357.

### AN ACT TO INCORPORATE "HOLMAN CHRISTIAN UNIVERSITY."

*The General Assembly of North Carolina do enact:*

Corporators.

SECTION 1. That Dr. J. C. Coggins of Black Mountain, North Carolina; Mrs. Sarah A. Holman of Peoria, Illinois; J. L. Owens of Asheville, North Carolina; Dr. J. W. Coggins of Kansas City,

Missouri: Reverend Preston Bell Hall of Kinston, North Carolina, and Dr. Bede Coggins of Bucklin, Missouri, their associates, successors and assigns, be and are hereby created and constituted a body politic and corporate, under the name and style of "Holman Christian University," and under that name and style they and their successors shall have succession for ninety-nine years, and shall have power to sue and be sued, plead and be impleaded; and said corporation, "Holman Christian University," shall have a common seal and shall have authority and power to acquire, purchase, hold and enjoy lands, tenements and hereditaments in fee-simple or by less estate, and convey the same, and shall also have power to acquire, purchase, hold and convey goods, chattels and all other personal property or choses in action necessary or expedient to the purposes and objects of the corporation.

SEC. 2. Said Holman Christian University shall have power to take lands, money or other property, by devise, bequest or donation, and use and enjoy the same, upon the terms and trusts expressed by the donor.

SEC. 3. Said corporation, Holman Christian University, shall have the authority, and the same is hereby granted it, to make by-laws and regulations, consistent with the laws of the State, for its own government, and for the due and orderly conduct of its affairs and the management of its authority, and to appoint in such manner as it shall determine to be proper all necessary officers and agents, and to fix their compensation and define their duties and obligations.

SEC. 4. That the capital stock of said Holman Christian University shall be one hundred thousand dollars, divided into four thousand shares of the par value of twenty-five dollars each, with the privilege of commencing business on a paid-up capital of twenty thousand dollars; and stock may be paid in cash, solvent negotiable securities, or other personal property, at its actual value, or in lands at the actual value thereof.

SEC. 5. That said corporation, Holman Christian University, is formed and created for the following objects and purposes, to-wit: To inculcate and disseminate moral, educational and religious principles; to train and equip young white men and women for the profession of teaching; to educate white men and women for efficient service as ministers of the gospel and missionaries, Sunday school teachers, superintendents of Sunday schools and laborers in the various branches of religious work, and generally to conduct a high-grade course or courses of study in all the various branches of learning, together with such special and preparatory departments as may be found necessary.

SEC. 6. That said Holman Christian University shall have power and authority to confer such diplomas and degrees as may be awarded by the president and faculty in the several departments and branches of learning.

Corporate name.  
Corporate powers.

Power to receive gifts.

By-laws and regulations.

Officers and agents.

Capital stock.

When business to commence.

How stock paid in.

Objects of incorporation.

Diplomas and degrees.

- Advisory board. SEC. 7. That said corporation shall have authority to appoint an advisory board, composed of not less than seven nor more than twelve men and women learned in science, theology, law or literature, who shall advise with the board of directors and president in the management of said Holman Christian University.
- Prohibition. SEC. 8. That it shall be unlawful for any person, firm or corporation to manufacture, sell, dispose of, for gain, any vinous, spirituous or malt liquors within a radius of three miles from the campus and buildings of said Holman Christian University; and any person, firm or corporation violating the provisions of this section shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court.
- Misdemeanor.
- Punishment.
- Organization. SEC. 9. That as soon as twenty thousand dollars shall have been subscribed, either in cash or property, real or personal, said incorporators and subscribers, or a majority of them, shall meet at the principal office of said corporation at Black Mountain, North Carolina, and perfect the organization by the election of a board of directors of not less than three nor more than five members. The officers of the corporation shall then be elected, consisting of a president, vice-president, secretary and treasurer and such other officers as may be deemed necessary for the proper government of said corporation. Such bonds may be required of any officer for the faithful discharge of his or her duties as the board of directors may require. By-laws shall be adopted necessary for the government of the corporation.
- Directors.
- Other officers.
- Bonds of officers.
- Stockholders not individually liable. SEC. 10. That the stockholders of said corporation shall not be individually liable for the debts, contracts, engagements or torts of said company.
- 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 4th day of March, 1905.

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#### CHAPTER 358.

### AN ACT TO INCORPORATE THE TOWN OF GARNER IN THE COUNTY OF WAKE.

*The General Assembly of North Carolina do enact:*

- Town incorporated. SECTION 1. That the town of Garner in the county of Wake be
- Corporate name. and the same is hereby incorporated under the name and style of the Town of Garner, and in and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire and hold property, real and personal, for the use of the town, as its board of aldermen may deem necessary and expedient.

SEC. 2. That the corporate limits of said town shall be one-half Corporate limits. mile east and west and one-quarter mile north and south from the center of the well at Rand's store.

SEC. 3. That the officers of said town shall consist of a mayor Officers. and five aldermen, who shall be styled the Board of Aldermen of Garner, and the said mayor and the aldermen shall be elected by Election of officers. the qualified voters of said town on the first Monday in May, one thousand nine hundred and six, and annually thereafter, under the same rules and regulations as are prescribed by the law for the holding of such elections in the incorporated town of Apex in said county of Wake; a constable and secretary and treasurer, to be Constable and secretary and treasurer. chosen by the board of aldermen immediately after its organization, to hold office one year or until their successors are duly elected and qualified; and until the first Monday in May, one thousand nine hundred and six, J. B. Richardson shall fill the Temporary officers. office of mayor, and H. D. Rand, J. J. Bagwell, H. Bryan, M. C. Penny and J. S. Buffaloe shall act as aldermen, and Ernest Jones as constable.

SEC. 4. The board of aldermen of said town shall have authority Taxing power. to assess and collect annual taxes for municipal purposes on all taxable persons and property within the corporate limits which are taxed for State and county purposes, under such rules and regulations as they may adopt: *Provided*, that the basis of taxation between persons and property shall be the same as established by the Constitution of the State, and the taxes so assessed and collected shall not exceed fifty cents on the hundred dollars of Proviso: basis and limit of taxes. property and one dollar and fifty cents on the poll.

SEC. 5. That the board of aldermen of the town may pass all Ordinances. ordinances they may deem necessary for the good government, quiet, peace, health and safety of the town, not inconsistent with the Constitution and laws of the State and of the United States.

SEC. 6. That the willful and unlawful violation of any ordinance Violation of ordinances a misdemeanor. of the town shall be a misdemeanor, but the punishment thereof shall not exceed a fine of fifty dollars or imprisonment for thirty Punishment. days.

SEC. 7. That the mayor of said town, within the limits thereof, Jurisdiction of mayor. shall have and exercise the jurisdiction and power which are now or may hereafter be conferred upon such officer by the laws governing cities and towns. And the constable or marshal of said town shall, within the corporate limits thereof, have and exercise all the Powers of constable. authority, rights and powers which are now or may hereafter be conferred by the law on constables, including the right and authority to arrest any person without warrant who commits a breach of the peace or violates a town ordinance in the presence of such constable or marshal.

SEC. 8. That the town constable shall collect and pay over to Duties of constable. the secretary and treasurer all taxes imposed by the board of alder-



	men, all fines and costs, when execution is issued to him for that purpose, and return the same in due time to the secretary and treasurer. He shall see that the ordinances of the town are enforced, and report all breaches thereof to the mayor. He shall preserve the peace of the town by suppressing all disturbances in his presence and apprehending offenders and taking them before the mayor, or if they are intoxicated or in any way not in a condition to be brought before the mayor he may confine them there until they are in a condition to be brought before the mayor. He shall execute all process directed to him by the mayor within the limits of the said town, and make due return thereof, and in the execution of any criminal process he may call to his aid such assistance as he may deem necessary; and whenever the board of aldermen may deem it necessary they may appoint as many additional constables as they see proper. He shall have the same fees for his services as are allowed the sheriff for similar services, and such additional compensation as the board of aldermen may allow.
Additional constables.	
Fees.	
Duties of secretary and treasurer.	SEC. 9. The secretary and treasurer shall act as the clerk of the board of aldermen and of the mayor's court. He shall keep minutes of the proceedings of all trials before the mayor, of all fines imposed, preserve the books, papers and all articles committed to his charge, keep a strict account of all moneys coming into his hands, from any and all sources whatever, belonging to said town; pay the same out upon the order of the board of aldermen, signed by the mayor; and at the expiration of his term of office shall turn over to his successor all books, papers, money and other property belonging to said town; and for his services he shall receive such compensation as the board may allow.
Compensation.	
Bond of secretary and treasurer.	SEC. 10. That the secretary and treasurer, before entering upon the duties of his office, shall enter into bond, conditional upon the faithful performance of his duties, in the sum of three hundred dollars, payable to the State of North Carolina, with surety to be approved by the board of aldermen. And the town constable shall enter into a like bond before entering upon his duties. And the board of aldermen shall institute suit in the name of the town of Garner upon the relation of the State of North Carolina for any violation of said bonds.
Bond of constable.	
Mayor to commit to county jail.	SEC. 11. That the mayor shall have power to commit any offender who is sentenced to imprisonment for misdemeanor or violation of the town ordinances, or for contempt of the mayor's court, or upon failure to pay fine and costs, to the common jail of the county, and the sheriff or jailer shall receive such persons as are committed by the mayor, and shall charge the same fees as in cases of other prisoners: or the mayor shall have power, under such rules and regulations as the board of aldermen may adopt, to require any person who fails to pay fines and costs to work on the streets of the town till the fines and costs are paid.
Fine and costs worked out on streets.	

SEC. 12. That the mayor, immediately after the election and before entering upon the duties of his office, shall, before a justice of the peace, take the oath prescribed for public officers and an oath that he will faithfully and impartially discharge the duties of his office according to law. Mayor to qualify.

SEC. 13. That each alderman, before entering upon the duties of his office, shall take before the mayor or some justice of the peace the oath prescribed for public officers and an oath that he will truly and impartially perform the duties of commissioner for the town according to the best of his skill, ability and judgment. Aldermen to qualify.

SEC. 14. That the mayor and aldermen shall hold their offices, respectively, until the next ensuing election and until their respective successors shall be qualified. The mayor, when present, shall preside at the meetings of said board of aldermen, but shall not be entitled to vote upon any question except in case of a tie. In the absence of the mayor the board may appoint one of their number mayor *pro tempore*. The said board shall have [power] also to fill all vacancies which may occur. Term of mayor and aldermen.  
Mayor to preside at meetings of aldermen.

SEC. 15. Any person qualified to serve and elected mayor or alderman, either by the electors at their annual election or by the board, to fill a vacancy, or otherwise, who shall not take the oath of office within five days after his election, or who, having qualified, shall fail to serve during the term for which he may be elected (inability from sickness, removal from the town, or resignation, excepted), shall forfeit and pay fifty dollars, to be recovered before any justice of the peace of Wake County in the name of and for the benefit of the town of Garner. Forfeit for failure to qualify.

SEC. 16. That the aldermen shall have power from time to time to open out any new streets and alleys within the limits of said town by paying the owners through whose land the said streets and alleys may run, the damages, if any there be: *Provided*, that if the said aldermen and the owners of said land cannot agree as to the price of the same it shall be left to three disinterested persons, to be selected as follows: The aldermen shall select one and the owner of the land one, and the two thus selected shall select the third man, and the persons thus selected shall assess the damages; and if the owner of the land shall fail or refuse to select a man, then the aldermen shall select two men, and the two thus selected shall select the third, and the three shall assess the damages to the land: *Provided*, that either party, being dissatisfied with the decision of the persons thus selected, by giving bond for payment of cost, may appeal to the superior court. Aldermen to open streets.  
Proviso: procedure for condemnation.

SEC. 17. That the mayor and aldermen and constable named in this charter shall hold said offices, with all the powers, privileges, rights and responsibilities which this charter [gives], until their successors are elected and qualified. Officers to hold until successors qualify.

SEC. 18. That in addition to the rights, franchises and immunities conferred by the foregoing sections, the town of Garner shall General law applicable.

Prohibition.

have and be subject to all the provisions contained in The Code of North Carolina, chapter sixty-two, not inconsistent with this act.

SEC. 19. That it shall be unlawful for any person, firm or corporation to manufacture or sell spirituous, vinous or malt liquors within the corporate limits of the said town.

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 4th day of March, A. D. 1905.

#### CHAPTER 359.

### AN ACT FOR THE ESTABLISHMENT, CONTROL AND MAINTENANCE OF GRADED SCHOOLS IN THE TOWN OF NORTH WILKESBORO.

*The General Assembly of North Carolina do enact:*

Town constituted school district.

SECTION 1. That all the territory embraced within the corporate limits of the town of North Wilkesboro, Wilkes County, shall be and is hereby constituted a school district for the white and colored children.

School district and special tax ratified.

SEC. 2. That the special school district embracing the territory hereinbefore named, as created by the Board of Education of Wilkes County, in the year one thousand nine hundred and four (1904), and the special tax voted by said district at an election held therein on the ..... day of ..... one thousand nine hundred and four (1904), is hereby ratified and validated, and the committee appointed for said district and now exercising the duties and functions of their office, shall remain in their said office and discharge the duties thereof until their successors as provided for in this act are elected and qualified.

Committee continued in office.

Tax to be continued.

SEC. 3. That the taxes voted and levied by virtue of said election, namely, a tax of thirty cents on the one hundred dollars worth of property and ninety cents on the poll, shall be annually levied and collected for said graded schools as hereinafter set out.

Property vested in school district.

SEC. 4. That all the property held by said committee of said special school district shall be vested in and become the property of the North Wilkesboro Graded School District, as hereinafter set out, and shall be properly conveyed by deed to the trustees of the said North Wilkesboro Graded School, as hereinafter set out.

Board of trustees to be elected.

SEC. 5. That at the regular election in May, one thousand nine hundred and five (1905) for mayor and commissioners of North Wilkesboro, there shall also be elected by the qualified voters of said town six citizens of said town, who shall compose and be "The Board of Trustees of the North Wilkesboro Graded School." That the said board of trustees shall be divided into three classes: the

Classes.

members of the first class shall hold office for two years; the members of the second class shall hold office for four years, and the members of the third class shall hold office for six years, respectively, from the date of their qualification. Each shall hold office until his successor is elected and qualified, and there shall be two members in the first class, three members in the second class, and two members in the third class. Vacancies by death or resignation, or any cause than by expiration of term, shall be filled by the Mayor and Board of Commissioners of North Wilkesboro, but only for the unexpired terms of such members. Not more than two members of said board shall be of the same religious persuasion or faith.

Terms of office.

Vacancies.

Religion.

SEC. 6. That the board of trustees herein created shall be a body corporate by the name and style of "The Board of Graded School Trustees of the Town of North Wilkesboro," and by that name shall be capable of receiving gifts and grants, of leasing property, of purchasing and holding real and personal estate, of conveying and transferring the same for school purposes, of prosecuting and defending suits. All conveyances shall be executed in the manner prescribed by law for corporations. The corporation may have a corporate seal, which it may alter at pleasure.

Trustees  
incorporated.  
Corporate name.  
Corporate rights.

SEC. 7. That it shall be the duty of the said board of trustees to establish graded public schools for the white and colored children of said town, and said board shall use and appropriate the funds derived from the special taxes hereinbefore mentioned, and all other sources, in such manner as shall be just to both races, giving equal school facilities, due regard, however, being had to the cost of establishing and maintaining the graded schools of each race, as said board may deem just and proper. The board of trustees provided by this act shall have entire and exclusive control of the public schools and public school property in the town of North Wilkesboro; shall prescribe rules and regulations for their own government and the government of the said schools, not inconsistent with the provisions of this act; shall employ and fix the compensation of officers and teachers of the public schools; shall make an annual accurate census of the school population of the town, as required by the general school law of the State, and do all other acts that may be just and lawful in the management of the public school interests of said town: *Provided*, that all children resident in the town of North Wilkesboro between the ages of six and twenty-one years shall be admitted into said schools free of tuition charges, and those desiring admission into said schools as pay students may be admitted on such terms as said board of trustees may determine.

Trustees to establish graded schools.

Powers of board.

Proviso: free  
tuition.

Pay students.

SEC. 8. That all public school funds derived from the State and from Wilkes County for the use and benefit of the public schools of said town, as indicated by the annual census of the children of

Public school funds  
to use of graded  
schools.

School property vested in graded schools.	school age therein, shall be paid to the town treasurer by the Treasurer of Wilkes County for the use and benefit of the graded public schools in said town; and the property, both real and personal, of said public school district, whether heretofore belonging to the white or colored public schools, shall become the property of said graded schools as hereinbefore set out, and shall be vested
Power to sell.	in the said board of trustees in trust for said graded schools, and the said board of trustees may sell the same, or any part thereof, if deemed necessary or advisable, and apply the same for the use of said graded schools.
Superintendent.	SEC. 9. That the board of trustees created under the provision of this act shall elect, annually, at least sixty days before the opening of the fall session, a superintendent of the graded schools
Duties.	of said town, whose duties shall be such as may be prescribed by said board of trustees, and the said superintendent shall examine
Superintendent to examine teachers.	all applicants for positions as teachers in said schools, and certify the results of said examinations to said board before their election as such teachers by said board. No other certificates of qualification shall be necessary for such teachers before their election as teachers in said schools. The said superintendent shall act as secretary to said board of trustees, should the said board so elect him or require him to serve.
Tax to be levied annually.	SEC. 10. That the taxes heretofore named in this act, to-wit, not less than twenty cents nor over thirty cents on the property valuation, and not over ninety cents on the poll, shall be annually levied
School tax books.	by the Board of Commissioners of the Town of North Wilkesboro at their monthly meeting in June of each year, and the same shall be listed separately from the regular municipal taxes and made out for collection on separate tax-books, to be known as the "School Tax Books," and shall be collected by the town tax collector under the same provisions as are made for the collection of
Funds kept separate.	other municipal taxes, and turned over to the town treasurer to be kept by him separate from the regular town funds, and they shall be disbursed by said town treasurer only under the written order of the said board of trustees, signed by the chairman of the board of trustees, and countersigned by the secretary of said board, and such orders shall be preserved by said town treasurer as his vouchers for the disbursement of said funds, and the said treasurer, for receiving and disbursing said school funds, shall receive
Commission of treasurer.	a commission of two per cent. thereof for his services, and the town tax collector shall receive a commission of four per cent, for
Commission of tax collector.	collecting said taxes; and both officials shall be required to give sufficient bond for the faithful discharge of the said duties, said bonds to be in addition to their regular official bonds and properly conditioned, with surety in at least double the amount of said
Bonds.	annual taxes. And the same tax shall be levied and collected in one thousand nine hundred and five (1905) as was collected by
County school tax to be levied.	



the county for said school district in one thousand nine hundred and four (1904), all property and such increase assessed in one thousand nine hundred and four (1904) to be assessed in one thousand nine hundred and five (1905).

SEC. 11. That it shall be the duty of the said board of trustees Annual reports. to make annually, after the close of each school year, a full and complete report of the operation of said graded schools, together with a full and complete financial report of receipts and disbursements, and also such recommendations and plans for the future as may in their judgment be advisable, to the Mayor and Board of Commissioners of the Town of North Wilkesboro. Said board of trustees shall also include in their report such data and other information as may be required under the general school law.

SEC. 12. That the board of trustees, in conjunction with the Curriculum and text-books. superintendent, are hereby authorized in their discretion to fix a curriculum of study and adopt text-books for said graded schools not in conflict with the State list of text-books.

SEC. 13. That at the regular town election in May, one thousand Act to be submitted to voters. nine hundred and five (1905), this act shall be submitted to the qualified voters for ratification or rejection; and there shall be Separate box. prepared a separate box in which all of said voters who favor this Form of ballots. act shall vote a written or printed ticket "For Graded Schools" and those who oppose this act shall vote a written or printed ticket "Against Graded Schools"; and if a majority of the regis- Effect of vote. tered qualified voters shall vote "For Graded Schools," this act shall be in full force and effect, but if a majority of the registered qualified voters shall vote "Against Graded Schools," this act shall be void, and the graded school shall remain under the control of the county board of education as it now is.

SEC. 14. That all laws and clauses of laws in conflict with this Conflicting laws repealed. act are hereby repealed.

SEC. 15. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

## CHAPTER 360.

### AN ACT TO EXTEND THE TIME OF ORGANIZATION OF WINSTON-SALEM TRUST AND DEPOSIT COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the time of organizing under the charter heretofore granted to Winston-Salem Trust and Deposit Company— Time for organization extended. chapter forty-two (42) of the Private Laws of North Carolina, session of one thousand eight hundred and ninety-nine (1899), and as extended and amended in chapter two hundred and seventy-

two (272) of the Private Laws of North Carolina, session of one thousand nine hundred and one (1901)—be and the same is hereby extended 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 4th day of March, A. D. 1905.

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#### CHAPTER 361.

AN ACT TO PAY MRS. MARY S. GILLETT \$40.52 DUE FROM DIRECT LAND TAX REFUNDED TO STATE BY THE FEDERAL GOVERNMENT BY VIRTUE OF CHAPTER 404 OF THE PUBLIC LAWS OF 1895.

*The General Assembly of North Carolina do enact:*

To be paid amount  
due her father.

SECTION 1. That the Treasurer of North Carolina be and he hereby is directed to pay out of any moneys not otherwise appropriated, to Mrs. Mary S. Gillett of Carteret County, the sum of forty dollars and fifty-two cents, due her deceased father, the late William F. Bell, Sr., said sum of forty dollars and fifty-two cents being the direct land tax paid by the said William F. Bell, Sr., to the United States, in July, one thousand eight hundred and sixty-five, and refunded to the States under and by virtue of chapter four hundred and four of the Public Laws of one thousand eight hundred and ninety-five.

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. 1905.

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#### CHAPTER 362.

AN ACT TO INCORPORATE THE TOWN OF COATS.

*The General Assembly of North Carolina do enact:*

Town incorporated.  
Corporate name.

SECTION 1. That the town of Coats in the county of Harnett be and the same is hereby incorporated under the name and style of the Town of Coats, and under and by said name may sue and be sued, plead and be impleaded, contract and be contracted with, and acquire and hold property, real estate and personal, for the use of the town, as its board of commissioners may deem expedient.

Corporate limits.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at a stake in Vaden Barbour's field and runs due east fifty chains to a stake in A. Turner's field; thence south fifty

chains to a stake and pointers south of W. H. Coats' house; then west fifty chains to a stake and pointers in R. Parrish's line; thence north fifty chains to the beginning, containing two hundred and fifty acres.

SEC. 3. That the officers of said town shall consist of a mayor, Officers. four commissioners and marshal; and the commissioners when qualified may elect a town clerk and such other officers as they may deem necessary to the preservation and regulation of the town's interest.

SEC. 4. That until the election hereinafter provided for, the mayor and commissioners provided for in the preceding section shall be as follows: J. K. Stewart; R. M. Coats, J. G. Stephens, J. W. Talton and W. H. Coats, commissioners, who shall hold their respective offices until their successors are elected and qualified. All other officers of said town shall [be] elected by the board of Mayor and commissioners named. commissioners, and such officers shall be required to enter into bond, payable to the State for the faithful performance of their several duties, into such amounts as to said board may seem just and reasonable. Commissioners to elect other officers.

SEC. 5. That there shall be held on the first Monday in May, Town elections. nineteen hundred and five, and biennially thereafter, under the same rules and regulations as are prescribed for State elections, in some convenient place in said town to be designated by the board of commissioners, an election for a mayor and four commissioners, who shall hold their offices until their successors are qualified. And for the holding of such election the board of Election officers. commissioners shall appoint one registrar and two judges of election: *Provided*, that it shall be sufficient for the registrar to hold the Registration. books open for ten days prior to the day for closing the same for the registration of voters according to law.

SEC. 6. That any qualified elector in the State who has been a Persons eligible as *bona fide* resident of said town for twelve months next preceding mayor or commissioner. the day of election shall be eligible as mayor or commissioners.

SEC. 7. That all persons entitled to vote in the county of Har- Voters. nett for members of the General Assembly, and shall have been *bona fide* residents of said town for ninety days next preceding the day of election, and shall be otherwise qualified to vote as required by law, shall be entitled to register and vote at any municipal election of said town.

SEC. 8. That the board of commissioners may adopt and enact Ordinances, rules and regulations. such ordinances, rules and regulations as to them may seem best for the government of said town, preserving the peace, abating nuisances and promoting sanitary conditions therein, and may enforce the same by fine not exceeding fifty dollars, or imprisonment not exceeding thirty days in the common jail of Harnett County or on the streets or other public works of said town.

SEC. 9. That the mayor of said town [is] hereby constituted a Municipal court. municipal court, with all the jurisdiction in criminal offenses Jurisdiction.

occurring within the corporate limits of said town and of all offenses arising under or by virtue of this charter which are now or which 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 town ordinances. The mayor shall likewise have the same jurisdiction as that of justice of the peace to hear and determine all civil actions and causes arising under and by virtue of this act, the ordinances of said town or the general law applicable to towns and cities. The mayor may issue his process to the town marshal or other lawful officer of Harnett County, and the same may be executed anywhere in said county. The proceedings in said court shall be in all respects the same as that prescribed by law for justice of the peace; and the mayor and all officers of said town shall be entitled to the same fees as are now or hereafter may be prescribed for the justices' court: *Provided*, that the board of commissioners may require all fees to be paid by such officers into the treasury of said town.

Process of mayor.

Proceedings in  
mayor's court.  
Fees.

Powers under  
general law.

SEC. 10. That the mayor, board of commissioners, marshal, and all other officers of said town, shall have all the authority and power, not inconsistent with the provisions of this act, which now belong to similar officers or which may hereafter be conferred upon such officers by law of the State applicable to towns and cities.

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 4th day of March, A. D. 1905.

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## CHAPTER 363.

### AN ACT TO AMEND CHAPTER 229, PRIVATE LAWS OF 1889, ENTITLED AN ACT TO INCORPORATE THE METHODIST ORPHANAGE.

*The General Assembly of North Carolina do enact:*

Quorum of  
trustees.

SECTION 1. Commencing in section five, line twenty-two, strike out "A majority of said trustees shall constitute a quorum for the transaction of business" and insert in lieu thereof "Five of the said trustees shall constitute a quorum for the transaction of business at the regular meetings, but a majority shall be required for the disposition of real estate."

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

## CHAPTER 364.

## AN ACT TO INCORPORATE "THE CITIZENS BANK AND TRUST COMPANY OF SOUTHERN PINES."

*The General Assembly of North Carolina do enact:*

SECTION 1. That C. B. Grout, C. D. Tarbell, C. T. Patch, P. H. Corporators.  
Beck, all of the town of Southern Pines, State of North Carolina,  
and Emmet Seaton of the City of Richmond, State of Virginia, or  
any three of them, and their successors, associates and assigns, are  
hereby constituted a body corporate by the name of "The Citizens Corporate name.  
Bank and Trust Company of Southern Pines," by which name  
said corporation shall have all franchises, rights and privileges  
incident to a corporation.

SEC. 2. The corporators above named, or any three of them, Books of  
may open books of subscription, and after ten thousand dollars subscription.  
(\$10,000) have been subscribed the subscribers may meet upon five Organization.  
days' notice, given by mail, addressed to the last known place of  
residence of each subscriber, given by any three of the incorporators,  
and if a majority of said subscribers be present in person, or  
by proxy, they may elect a president and a board of five or more President, directors  
directors and such other officers as they may deem necessary; and and other officers.  
said president and directors shall designate the par value, or  
values, of the shares of stock, the same, however, to be for the  
sum of fifty dollars (\$50) per share, or one hundred dollars (\$100)  
per share; make by-laws and manage the affairs of the company  
for one year, or until their successors are elected. The company When business to  
shall have authority to transact business whenever one-half of the begin.  
shares subscribed shall have been paid for, provided said one-  
half shall not be less than the sum of five thousand dollars  
(\$5,000). The capital stock may be increased by a majority vote Increase of capital.  
of the stockholders after ten days' notice, from time to time, to an  
amount not to exceed one hundred thousand dollars (\$100,000),  
and the increase may be made from the earnings of the company.  
A majority of the directors may at any and all times have the Depositories.  
authority to use any bank or banks in this State, or other States,  
as a depository for any property; and if such bank is reasonably  
considered by them to be solvent and in good condition, they may  
not be held responsible for any loss which might thereby occur in  
any manner. If any of the said directors should fail, or refuse, Vacancies.  
to act for any reason, the vacancy caused thereby shall be filled by  
the said board of directors. No person shall be eligible who has  
not lawfully subscribed for three shares of stock according to the  
provisions of this act. At all stockholders' meetings each share  
of stock shall be entitled to one vote, either in person or by Votes of  
proxy, and if shares for different amounts are issued, then each stockholders.  
larger share shall entitle the owner to a proportionate number of  
votes according to its par value.



Formal enumeration of corporate rights.

SEC. 3. The corporation hereby created shall have power to make contracts; to have and use a common seal; to sue and be sued in any court as fully as natural persons; to buy, hold, possess and convey real, personal and mixed property, subject to section nine (9) chapter two hundred and seventy-five (275), Laws of North Carolina, one thousand nine hundred and three (1903); to make by-laws for the regulation and management of the business of the company; to do all lawful acts and things and exercise all lawful powers and privileges which a corporate body may do.

Power to borrow money.

SEC. 4. That said company shall have power to borrow money in such amounts and at such rate of interest and payable at such times and places as the board of directors may determine, and issue its notes, certificates or registered or coupon bonds, under its corporate seal; it may receive on deposit on open account or on certificates 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, 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 may hold and vote the same.

Deposits.

Deposits for safe-keeping.

Stock of other companies.

Power to loan money and hold property.

SEC. 5. The company may loan money on mortgages or deeds of trust conveying real or personal property, or on other security, and may, at its option, take in payment for such loans real or personal property, or it may have real or personal property consigned to it to sell to effect said payment, and it may charge a reasonable commission therefor; may buy real estate subject to section nine (9) Acts of one thousand nine hundred and three (1903), chapter two hundred and sixty-five (265); lease, rent, mortgage and convey the same in trust or otherwise; may buy and sell stocks, bonds and other securities; may discount bills of exchange, foreign or domestic, promissory notes or other negotiable paper. In case any borrower from said company fails or neglects to meet his obligation, it may exact and collect, besides the sum due and interest, reasonable costs, charges, commissions and expenses.

May deal in stocks and securities.

May act as agent.

SEC. 6. That said company may act as agent of or trustee for any State, county, municipality, body politic or corporate, or for any person or persons, and in such capacity may receive and disburse money, negotiate, sell, transfer, register and countersign certificates of stock, bonds or other evidences of indebtedness, and perform any other acts as such agent or trustee which any natural person might do or perform.

Powers as surety company.

SEC. 7. The said company 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. 8. The said company shall have power to act as the executor, administrator, guardian, trustee, receiver or depository, and to take, accept and execute any and all such trusts and powers of whatever nature and 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 may be agreed upon. All of the property mentioned in this section which may be the subject of any such trust shall not in any manner be used or considered as a part of the assets of this corporation, but as the private property of the *cestui que trust*. In lieu of the bond required by law to be given by an administrator, guardian, trustee, receiver or other fiduciary, 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 Moore County an undertaking or bond, with sufficient security, either personal or bonds of the State of North Carolina, or of the United States, or of any county or city of the State of North Carolina, or any other security satisfactory to the court or officer authorized to accept the same, the said bond or undertaking conditioned as now required by law. But should it be made to appear to said court or clerk that the said company is solvent and safe, then the qualification of said company as hereinafter set forth in this section shall be deemed a sufficient undertaking, and the property of said company shall be liable for the faithful performance of its duties so imposed. And the Superior Court of Moore County, or clerk thereof, whenever 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 and security to be enlarged sufficiently to secure the faithful performance of the same. A copy of such bond or undertaking, duly certified under the seal of the Superior Court of Moore County, and if secured by the bonds of the State or 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, fiduciary or depository, shall have power to make orders respecting such trusts and to require the said company to

May accept fiduciary employments.

Undertaking in lieu of bond.

Solvency of company sufficient undertaking.

- render all accounts which said courts may lawfully make or require if such trustee were a natural person; and in accepting any of the trusts or powers hereunder the said corporation may qualify by any of its executive officers authorized by the rules and regulations of the company to do so.
- How company to qualify. SEC. 9. 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 bonds duly authorized to be issued by any county or incorporated city, or other securities, or in real or personal securities, and, unless otherwise specified in writing, for all such funds the company shall be liable in the same manner as a natural person would be.
- Investment of trust funds.
- Warehouse powers. SEC. 10. 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 depositor of the property, and the said company shall exercise ordinary care in the custody and protection of property stored with it, and may charge a reasonable compensation for all such services.
- General banking laws. SEC. 11. That all general banking laws made or that are hereafter made by the General Assembly of North Carolina may be exercised by this corporation, provided they do not restrict or destroy in any manner the powers, rights or privileges herein granted.
- No forfeit for non-use. Provisor; to organize within one year. SEC. 12. That all the rights, powers or privileges as set forth in this act shall not be deemed forfeited by non-user; *Provided*, the corporation is organized within one (1) year from the date of the ratification of this act.
- Individual liability. SEC. 13. That all stockholders in the corporation shall be liable for any debt or default of the corporation to the extent of the par value of the stock held by him in the corporation, in addition to the amount invested in said shares of stock.
- Conflicting laws repealed. SEC. 14. That all laws and clauses of laws in conflict with this act are hereby repealed.
- Offices and agencies. SEC. 15. That said company may establish offices and agencies or transact business at such places as it may deem proper, but the principal office shall be in Southern Pines, Moore County, North Carolina.
- 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 4th day of March, A. D. 1905.

## CHAPTER 365.

## AN ACT TO INCORPORATE SCHOOL DISTRICT No. 5 FOR WHITES IN WHICH IS SITUATE THE TOWN OF AHOSKIE IN HERTFORD COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the territory embraced in the school district number five, for the whites, in Hertford County, in which the town of Ahoskie is situate, is hereby incorporated, to be known as the Ahoskie Graded School District, and shall be entitled to all rights and privileges of chapter four of the Public Laws of one thousand nine hundred and one, as if the same was an incorporated city or town.

SEC. 2. That said Ahoskie Graded School District shall also possess and may exercise all other rights and privileges as any other school district in said county under the general school laws of the State, and under any school law for Hertford County which is now in force or may hereafter be enacted.

SEC. 3. That the county board of education shall appoint three persons, living in said district, as committeemen for said school district, who shall possess the powers of other school committeemen under the general laws of the State, in said graded school district.

SEC. 4. That this act take effect from its passage.

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

## CHAPTER 366.

## AN ACT TO PAY SALLIE CALDWELL, A SCHOOL-TEACHER OF STANLY COUNTY, THE REMAINDER OF SALARY FOR THE SCHOOL TERM, 1904.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Sallie Caldwell be paid the sum of seventeen and one-half dollars out of the school funds of district number one, colored race, Furrs Township, Stanly 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 4th day of March, A. D. 1905.

## CHAPTER 367.

## AN ACT TO INCORPORATE THE TOWN OF CORNELIUS.

*The General Assembly of North Carolina do enact:*

Town incorporated. Corporate name.	SECTION 1. That the town of Cornelius in the county of Mecklenburg be and the same is hereby incorporated under the name and style of "Town of Cornelius," and in and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire and hold property, real and personal, for the use of the town, as its board of commissioners may deem necessary and expedient.
Corporate limits.	SEC. 2. That the corporate limits of said town shall be as follows: Beginning at a stone one thousand yards due north of the northeast corner of the depot of the Atlantic, Tennessee and Ohio Railway Company, known as Cornelius, and runs due east one thousand yards to a stone; thence due south two thousand yards to another stone; thence due west two thousand yards to another stone; thence due north two thousand yards to another stone; thence due east one thousand yards to the beginning.
Town officers.	SEC. 3. That the officers of said town shall consist of a mayor and five commissioners, and the following-named persons shall fill said offices until the first Monday in May, one thousand nine hundred and seven, or until their successors are duly elected and installed into office, to-wit: J. B. Proctor, mayor; P. A. Storgl, J. W. Goodrum, P. A. Chester, W. B. Owen, J. W. Barnett, commissioners; and a constable and clerk and treasurer, to be chosen by the board of commissioners immediately after its organization.
Mayor and commissioners. Constable, clerk and treasurer.	
Town elections.	SEC. 4. There shall be an election held for the offices of mayor and commissioners of said town on the first Monday in May, Anno Domini nineteen hundred and seven, and every two years thereafter, under the same rules and regulations that govern State and county elections; and the mayor and commissioners shall appoint a registrar and two judges to conduct the elections 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.
Voters.	
Taxing powers.	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.
Proviso: constitutional equation.	
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.

SEC. 7. That the violation of any ordinance of the town shall be a misdemeanor, but the punishment thereof shall not exceed a fine of fifty dollars or imprisonment for thirty days.

Violation of ordinances a misdemeanor.

SEC. 8. That the mayor of said town, within the limits thereof, shall have and exercise the jurisdiction and powers which are now or may hereafter be conferred by the laws governing cities and towns. And the constable of said town shall, within the corporate limits thereof, have and exercise all the authority, rights and powers which are now or may hereafter be conferred by the law on constables, including the right and authority to arrest any person without warrant who commits a breach of the peace or violates a town ordinance in the presence of such constable.

Jurisdiction and powers of mayor.

Powers of constable.

SEC. 9. That the town constable shall collect and pay over to the 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 treasurer. He shall see that 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 the board of commissioners may deem it necessary they may appoint as many additional constables as they see proper. He shall have the same fees for his services and such additional compensation as the board of commissioners may allow.

Constable to collect taxes.

Further duties of constable.

Additional constables.

Fees and compensation.

SEC. 10. The clerk and treasurer shall act as clerk of the board of commissioners. He shall 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 whatever belonging to said town, pay the same out upon the order of the board of commissioners, signed by the mayor; and at the expiration of his term of office shall turn over to his successor all books, papers, money and other property belonging to said town; and for the services he shall receive such compensation as the board of commissioners may allow.

Duties of clerk and treasurer.

Compensation.

SEC. 11. The clerk 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;

Bond of clerk and treasurer.

and the town constable 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 Mecklenburg County, in the name of the town of Cornelius, upon the relation of the State of North Carolina, and all amounts recovered by said suits, after paying the court costs, shall go into the treasury of said town.

Further powers of mayor.

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 Mecklenburg 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 constable is authorized to use a ball and chain upon persons working the streets for the non-payment of such fines and costs.

Street work for fines and penalties.

Fines and penalties to street fund.

SEC. 13. That all fines and penalties imposed for violations of the town ordinances shall be paid over to the treasurer, and shall be expended for the improvement of the streets of the town or for the necessary expenses of the town.

Mayor to qualify.

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.

Commissioners to qualify.

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 seven, as hereinbefore provided, and until their respective successors shall be qualified and inducted into office; the constable and clerk and treasurer shall hold their offices respectively at the will of the commissioners only; 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*, who shall discharge all duties of the mayor

Mayor to preside at meetings of commissioners.

in his absence. The said board shall also have power to fill all vacancies which may occur in the board.

SEC. 17. That the board of commissioners of said town shall have the power from time to time to establish and extend the streets now open, and to open out any new street or alley 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 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 clerk and treasurer of the town 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 Mecklenburg 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 Mecklenburg County within ten days from the filing of the report of the jury appointed to assess the damages as aforesaid; and when the clerk 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 Mecklenburg County.

Opening and extension of streets.

Proviso: procedure for condemnation.

Proviso: appeal.  
Bond on appeal.

Proviso: notice of appeal.

SEC. 18. That said commissioners may prohibit the running at large of 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 ordinance thereof.

Animals and fowls running at large.

Prohibition. SEC. 19. It shall be unlawful for any person or persons, firm or corporation to manufacture, sell or otherwise dispose of, for gain, any spirituous, vinous or malt liquors or intoxicating bitters within said town, except by druggist as prescribed by laws of the State and county, and any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be imprisoned not exceeding six months or fined not exceeding two hundred dollars, or both, in the discretion of the court.

Misdemeanor.  
Punishment.

Powers and privileges. SEC. 20. That the mayor and commissioners 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.

Rights under general law.

SEC. 21. That in addition to the rights, franchises and immunities conferred by the foregoing sections, the town of Cornelius shall have and be subject to all the provisions contained in The Code of North Carolina and statutes amendatory thereto, not inconsistent with this act.

Repealing clause.

SEC. 22. 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 Cornelius.

Charter of Davidson College not affected.

SEC. 23. That nothing in this act shall be construed so as to repeal, alter or in any way affect the powers and privileges granted to the trustees of Davidson College by act of General Assembly, ratified on the fourth day of March, A. D. one thousand eight hundred and eighty-five, and amendments thereto, but that all of the provisions of the said act of the General Assembly, ratified on the fourth day of March, A. D. one thousand eight hundred and eighty-five, and amendments thereto, are hereby declared to be in full force and effect.

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, A. D. 1905.

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## CHAPTER 368.

### AN ACT TO AMEND CHAPTER 247, PRIVATE LAWS OF 1889, ALLOWING KERNERSVILLE, FORSYTH COUNTY, TO ISSUE BONDS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter two hundred and forty-seven (247), Private Laws of one thousand eight hundred and eighty-nine (1889), be and the same is hereby amended as follows, by adding after the words "railroad company," wherever they appear in said chapter, the words "or electric car line 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 4th day of March, A. D. 1905.

#### CHAPTER 369.

#### AN ACT TO AMEND THE CHARTER OF THE CULLOWHEE HIGH SCHOOL, AND TO TRANSFER THE PROPERTY NOW OWNED BY SAID SCHOOL TO THE STATE OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the corporate name of the Cullowhee High School shall hereafter be "The Cullowhee Normal and Industrial School": *Provided*, that the board of managers of the normal department of the Cullowhee High School, as now composed, and their successors in office, be and they are hereby constituted "The Board of Directors" of The Cullowhee Normal and Industrial School as herein incorporated: *Provided further*, that all property now owned by and belonging to the Cullowhee High School is hereby transferred and conveyed to the State of North Carolina, to be under the control and care of the Superintendent of Public Instruction.

Name changed.

Proviso: property transferred to State.

Sec. 2. 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, 1905.

#### CHAPTER 370.

#### AN ACT TO INCORPORATE THE TOWN OF ROARING RIVER.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Roaring River in Wilkes County be and the same is hereby incorporated under the name and style of Roaring River, and as such shall be subject to all the provisions contained in chapter sixty-two, volume two of The Code in relation to incorporated towns.

Town incorporated.  
Corporate name.

Sec. 2. Corporate boundaries of said town shall be as follows, to-wit: Beginning at a stone on the north bank of the Yadkin River, in the east line of the Adams line, thence a northerly course with said line to the road; thence with said road to Poplar Spring Church; thence north to a stone in J. H. Belder's north line;

Corporate limits.



thence west to a stone on the east bank of Roaring River; thence down said river to a stone; thence west, crossing said river, to and with Frank Parks' line to a stone, Pardue's east line of his home tract; thence south with said Pardue's east line to a stone on the north bank of the Yadkin River, Parks' and Pardue's corner; thence south, crossing said Yadkin River to a stone on the south bank of same; thence west up said river to a stone in Major Foote's west line of his home tract; thence south to a stake on bank of Brier Creek in Silas Chappel's west line; thence down said Brier Creek to the Yadkin River; thence down said river and crossing same to the beginning.

- Town officers.** SEC. 3. That the officers of said town shall consist of a mayor and three commissioners, a constable and such other officers as said board of commissioners may elect, and that until the next election the following persons shall be the officers of said town, to-wit: H. B. Parks shall be mayor; J. R. Bolden, W. L. Harper, T. W. Church, C. H. Greenwood and C. L. Reeve shall be commissioners, and Thos. Shores shall be constable.
- Officers named.**
- Powers under general law.** SEC. 4. Said board of commissioners shall have all the powers as enumerated in said chapter sixty-two, volume two of The Code, in relation to incorporated towns, and shall hold their offices until the regular election, which said election shall be held as provided for by The Code in said chapter sixty-two, volume two.
- Voters.** SEC. 5. That all persons entitled to vote in the county of Wilkes for members of the General Assembly and who shall have been *bona fide* residents of the town of Roaring River for ninety days next preceding the day of election and who shall be otherwise qualified to vote as required by law shall be entitled to vote at any and all municipal elections in said town.
- Prohibition.** SEC. 6. That no spirituous, vinous or malt liquors shall be manufactured, rectified or sold within the corporate limits of the town of Roaring River.
- Penalty.** SEC. 7. That any person convicted of manufacturing, rectifying or selling spirituous, vinous or malt liquors in said town of Roaring River shall be fined not less than fifty dollars or may be imprisoned for thirty days for each and every offense.
- Nuisances.** SEC. 8. That the board of commissioners shall have power to abate all nuisances and for this purpose shall have power to impose such fines and penalties as may be necessary to abate the same.
- Power to issue bonds.** SEC. 9. That the board of commissioners of the town of Roaring River is hereby authorized to issue bonds in the name of the corporation of the town of Roaring River in such denomination and form as may be determined upon to an amount not to exceed fifteen thousand dollars, payable at such time and place as the board of commissioners may prescribe: *Provided*, that the time of payment of such bonds shall not be less than eight nor more than twenty years.
- Limit.**
- Proviso: time of payment.**
- Interest.** SEC. 10. That said bonds shall bear interest at no greater rate

than six per cent. per annum, and the interest shall be payable annually.

SEC. 11. That said bonds shall be signed by the mayor and attested by the town secretary and treasurer and sealed with the corporate seal of the town and shall have interest coupons attached thereto. In order to meet the payment of said bonds at maturity and the said coupons as they become due it shall be the duty of the board of commissioners, and they are hereby empowered, to levy and collect in each and every year a sufficient special tax on the subjects of taxation which are now or may hereafter be embraced in the subjects of taxation within the corporate limits of the town of Roaring River and in the same manner and at the same time as other taxes are collected by the town: *Provided*, that the taxes collected under this act for the payment of said bonds and interest coupons aforesaid shall be used for no other purpose, and it shall be the duty of the secretary and treasurer of said town as said coupons are paid off and taken up to cancel the same and report to the board of commissioners the number and amount of the coupons so cancelled.

How bonds attested.

Special tax.

Proviso: specific appropriation.

SEC. 12. That the mayor and board of commissioners shall not issue said bonds, nor any of them, nor levy nor collect said taxes 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 said board shall appoint, of which notice shall be given twenty days in some newspaper published in the county of Wilkes, and at such election or elections those favoring the issue of said bonds and the levy and collection of said taxes for the payment of said bonds and coupons shall vote "Issue" and those opposing shall vote "No Issue."

Bond issue to be voted on.

Notice of election.

Form of ballots.

SEC. 13. That the rejection by the voters shall not prevent a submission of the same proposition to the said voters at any other time that the said board may appoint.

Subsequent elections.

SEC. 14. That the said bonds may be issued in the manner aforesaid for the establishment of a free graded school, the erection of all buildings necessary for said school and the purchase of all furniture and other necessary equipment and appliances for said graded school and for the construction of such other public improvements as the said board shall have embraced in said public notice.

Purpose of bond issue.

SEC. 15. That the said board of commissioners with the proceeds of said bonds are hereby authorized to establish said graded school buildings and said public improvements in the manner aforesaid. The said board of commissioners shall have the right to elect from the citizens of the town three graded school commissioners, who shall have supervision of the said graded school and shall elect the superintendent and choose the teachers for the same and shall do and perform all such acts and things as may be expedient or necessary for the proper conduct and management of said school.

Town commissioners to invest proceeds.

Graded school commissioners.

Powers of  
commissioners.

SEC. 16. That the said board of commissioners and their successors shall have the right and authority to do all proper things to carry into effect the true intent of this act.

Road work.

SEC. 17. That the roads in the boundary of said town shall be kept up and worked in the same manner as is now in force, unless otherwise provided by the commissioners of said town, and this is not to prevent the change, laying out or construction of any road or roads.

Repealing clause.

SEC. 19. That all previous acts or laws in so far as they may conflict with the provisions and validity of this act only be and 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 4th day of March, A. D. 1905.

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## CHAPTER 371.

### AN ACT TO AMEND THE CHARTER OF THE CITY OF GREENSBORO.

*The General Assembly of North Carolina do enact:*

Jurisdiction  
extended.

SECTION 1. That chapter three hundred and thirty-three of the Private Laws of one thousand nine hundred and one entitled "An act to revise the charter of the city of Greensboro" be amended by inserting after the word "city" and before the word "or" in line four of section twenty of said act the following words, "or within one mile of the corporate limits of said city, or in Lindley Park near said city, or upon any of the water or sewer lines of the city, or upon the tracks or right-of-way of the Greensboro Electric Company or its successor."

Powers of mayor  
extended.

SEC. 2. That said act be further amended by inserting after the word "law" in line eighteen of section twenty and before the word "provided" in said line the following words: "And the mayor shall have power to issue a capias for any witness or other person summoned to appear before the said court and failing to appear, and shall have power to fine said witness, or other person, not exceeding fifty dollars or imprison such a person not exceeding thirty days for each and every offense."

Outside  
jurisdiction.

SEC. 3. That section twenty-three of said act be amended by adding at the end thereof the following words: "The said mayor or police officers of said city shall have as full and ample jurisdiction in the territory outside of the city of Greensboro for one mile in all directions from the corporate limits, and in Lindley Park and upon any of the water or sewer lines of the city, and upon the tracks or right-of-way of the Greensboro Electric Company or its successor, and upon property belonging to the said city."

SEC. 4. That section twenty-eight of said act be amended by adding at the end thereof the following: "And all ordinances of the city of Greensboro now in force or hereafter enacted shall, unless otherwise provided by the board of aldermen, apply with equal force to the territory outside of the city limits for one mile in all directions from the city, and in Lindley Park, and upon the water and sewer lines of the city, and upon the right-of-way of the Greensboro Electric Company or its successor, and upon all property of the city outside of said incorporate limits." Application of ordinances extended.

SEC. 5. That section thirty-five of said act be amended by inserting between the words "city" and "by" in line twenty-three of said section the following words: "And the outlying territory, rights-of-way, easements and property of which the mayor and policemen are hereinbefore given jurisdiction." Powers of police in outlying territory.

SEC. 6. That section thirty-six of said act be amended by striking out in line eight thereof the words "not exceeding one week." Limit on special policemen.

SEC. 7. That section thirty-eight of said act be amended by adding after the word "officers," in line three thereof, the following words: "*Provided, however,* that the mayor and chief of police may authorize such officers to appear on duty in plain clothes." Plain-clothes men.

SEC. 8. That section forty-two of said act be stricken out and the following be inserted in lieu thereof: "That the mayor or board of aldermen may employ detectives and the board of aldermen may offer rewards for the capture and 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 offense is committed in the city limits, or in Lindley Park, or in one mile of the city limits, or on or upon any of the property or easements or rights-of-way of which the mayor and policemen are given jurisdiction." Detectives and rewards.

SEC. 9. That section forty-eight of said act be stricken out and the following inserted in lieu thereof: "That as soon as the clerk shall have furnished the assessment roll, as provided, and same shall have been revised by the board (if such revision is deemed necessary), 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 lists in the hands of the said collectors for collection, who shall forthwith proceed with the collection, and all taxes shall immediately become due as soon as such list is placed in the hands of the tax collector, and if any person, firm or corporation fails to pay his, their or its taxes on or before the first day of November of the year in which said taxes are listed, then and in that event each person, firm or corporation failing in making payment of such taxes by the said date shall pay a penalty of one per cent. of the total amount of said tax for each month or

Levy and collection of taxes.

fraction thereof of such failure after November the first. The said penalty to be charged in the said tax receipt and to be paid and collected as such taxes are paid and collected. That if all of such taxes are not paid on or before the thirty-first day of December next following the listing of said taxes, the tax collector is authorized to proceed to collect said taxes and penalties by distress and sale as provided by law. The said tax collectors 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, and the said tax collector shall make full settlement with the city treasurer and board of aldermen on or before the first day of April of each and every year, and for failure to comply with the provisions of this charter shall be liable to a penalty of fifty dollars for each and every offense, said penalty to be collected by the board of aldermen.

- Time of settlement.** SEC. 10. That section forty-nine of said act be amended by striking out all of said section after the word "realty" in line seven.
- Taxes on realty.** SEC. 11. That section fifty of said act be amended by striking out the word "October" in line three thereof and inserting the word "January" in lieu thereof.
- General license tax.** SEC. 12. That section fifty-five of said act be amended by striking out the word "fifty" in line four of subsection twenty-two and inserting in lieu thereof the words "five hundred."
- Civic commission.** SEC. 13. That section sixty-five of said act be amended by adding at the end thereof the following: "That the board of aldermen of said city shall have power to appoint a civic commission of three members and may prescribe their duties and powers, and among other things may commit to their care the squares and parks of the city and may also give them power to beautify the streets and to remove nuisances of all kinds therefrom, including poles and other obstructions, and the said board of aldermen may prescribe penalties and punishments for the violation of the orders of said commission."
- Powers and duties.** SEC. 14. That section seventy-one be amended by inserting after the words "prescribe" in line three thereof the following: "And the said board of health, when established, and the said superintendent of health, when appointed, shall have all the power and authority now or hereafter given by law to the county superintendent of health or county physician and the board of aldermen may by ordinance give the said board of health such further power and authority as will better preserve the health of the citizens. And the said board of aldermen."
- Buildings.** SEC. 15. That section seventy-four be amended by inserting between the words "erect" and "wooden," in line two thereof, the following: "alter and repair."
- Water supply.** SEC. 16. That section seventy-seven of said act be amended by inserting after the word "going" and before the word "a." in line



five of section seventy-seven, the words "storing, maintaining and furnishing."

SEC. 17. That said act be further amended by adding after section one hundred and fifteen of said act the following sections, to be known as sections one hundred and sixteen, one hundred and seventeen, one hundred and eighteen, one hundred and nineteen, one hundred and twenty and one hundred and twenty-one:

"Sec. 116. That it shall be unlawful for any person, firm or corporation in the city of Greensboro, or within one mile of its corporate limits, or in Lindley Park, or on the right-of-way of the Greensboro Electric Company or its successor, or upon any property of the city, to sell spirituous, vinous or malt liquors for sickness, upon the written prescription of a legally qualified physician, except in the manner hereinafter provided. Sale of liquors on prescription.

"Sec. 117. That any person, firm or corporation desiring to make such sales shall first apply to the board of aldermen of said city for a license to carry on the said business in a drug store, and if a license shall be granted such person, firm or corporation so applying, such applicant shall then be entitled in good faith to sell such spirituous, vinous or malt liquors as shall be necessary to fill such written prescriptions of physicians as shall from time to time be presented for that purpose, at the place of business of such applicant, but no physician's prescription shall be filled by any person, firm or corporation licensed pursuant to the provisions of this act except in the manner and upon the conditions provided by chapter two hundred and thirty-three of the Public Laws of North Carolina of session of one thousand nine hundred and three. License. Prescriptions.

"Sec. 118. The board of aldermen of said city shall not license any person, firm or corporation to sell any spirituous, vinous or malt liquors upon the written prescriptions of practicing physicians unless such applicant shall prove to the satisfaction of such board the following facts: Requisites for license.

"First. That the applicant is engaged or intends to engage in conducting a wholesale or retail drug business within the corporate limits of said city, under the supervision of a reputable pharmacist, duly licensed by the State Board of Pharmacy or other organization authorized thereto by the State of North Carolina. Licensed pharmacist.

"Second. That such applicant, if a natural person, is a man of good moral character, and if a corporation, that the stockholders, directors and managing agents of such corporation are men of good moral character. Good moral character.

"Third. That such applicant is engaged in or proposes to engage in said business of a wholesale or retail druggist within the corporate limits of said city in good faith and not for the mere purpose of obtaining license to sell intoxicating liquor upon a physician's prescription. Business in good faith.

"Fourth. That such applicant has never been convicted or submitted in open court to the charge of selling liquor contrary to That applicant has not violated law heretofore.

Proviso: revocation of license. law: *Provided*, that any license granted pursuant to the provisions of this act shall be revoked by the board of aldermen in case such

Proviso: further ground for revocation.

applicant or any of his agents or employees shall be convicted or submit in open court to the charge of selling liquor in violation of the laws of the State of North Carolina: *Provided further*, that any such license shall be revoked in case it shall appear to the satisfaction of the said board that the person or persons so licensed have violated any of the provisions of chapter two hundred and thirty-three of the Public Laws of North Carolina of the session of one thousand nine hundred and three.

Person delivering liquors sellers.

"Sec. 119. That when any person shall attempt to buy or procure intoxicating liquors at the request of another person, said liquors to be purchased or procured from a third person, then the party delivering such liquors so attempted to be purchased or procured shall be deemed the seller and the proof of such delivery be deemed *prima facie* evidence of an illegal sale on the part of the person so making said delivery, and that whenever any person, firm or corporation shall deliver to any other person, firm or corporation, on any street, road, public square or in any business house within the city limits, or one mile thereof, or other outside territory hereinbefore described, any intoxicating liquors, except upon a physician's prescription and under the provision hereinbefore described, then such delivery shall be *prima facie* evidence of the sale of said liquors contrary to law. And the possession of or issuance to any

United States license *prima facie* evidence of guilt.

person, firm or corporation within the corporate limits of said city, or within one mile thereof, or on the other outlying territory herein described, of a license from the United States Government to manufacture, rectify or sell any intoxicating liquors, shall be *prima facie* evidence of the violation by such person, firm or corporation of the laws of this State forbidding the manufacture, rectifying or sale of such intoxicating liquor: *Provided, however*, that this section shall not apply to a druggist selling liquor upon the prescription of a practicing physician, as hereinbefore provided.

Proviso: licensed druggists.

Right of search.

"Sec. 120. That whenever any policeman, constable or other officer shall have in his possession a warrant against a person, firm or corporation for retailing liquors contrary to law, the said policeman and other officers shall have the right to search the premises of such person, firm or corporation for the purpose of discovering if intoxicating liquors are stored or kept upon the premises, and shall seize all such intoxicating liquors so discovered and stored, the same as directed by the court before whom such warrant is returnable, and shall give notice for ten days in a paper published in the city of Greensboro, or at the court-house door in Greensboro, naming the time and place at which proceedings will be held to determine whether or not said liquors shall be forfeited and condemned: and if no claimant shall appear at

Procedure for condemnation of liquors.

such time and place, then and in that event such liquors shall be deemed forfeited; and if a claimant should appear at such time and place, then the court shall proceed to try the question whether or not said liquors were held for the purpose of illegal sale, and the burden of proof shall be upon the claimant; and if such claimant shall fail to prove that such liquors were not kept for said purpose, then the fact of their discovery, under the conditions hereinabove set out, shall be *prima facie* evidence that they were held for such illegal purpose, and the court may declare same forfeited. Upon a forfeiture the court may sell all or any part of such liquors to a drug store having a license to sell upon a physician's prescription, and use so much of the proceeds as is necessary to pay the costs and expenses of the proceedings, including costs and expenses of storage and handling, and turn the balance over to the treasurer of the county for the county school fund, or in its discretion may destroy said liquors.

Sale upon  
forfeiture.

"Sec. 121. That any person violating any of the provisions of Misdemeanor. this act shall be guilty of a misdemeanor."

SEC. 19. That section one hundred and sixteen of chapter three hundred and thirty-three of the Private Laws of one thousand nine hundred and one be amended by changing the number of said section to one hundred and twenty-two; and all laws or parts of laws in conflict herewith are hereby repealed.

Section numbers  
changed.

In the General Assembly read three times, and ratified this the 4th day of March, 1905.

## CHAPTER 372.

### AN ACT TO ALLOW THE CITY OF GREENSBORO TO USE CERTAIN MONEYS FOR THE IMPROVEMENT OF ITS STREETS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That whereas, under and by virtue of chapter eighty of the Private Laws of one thousand nine hundred and three, ratified on the sixteenth day of February, one thousand nine hundred and three, the citizens of Greensboro voted to issue seventy-five thousand dollars (\$75,000) of bonds for the building, construction, enlargement and maintenance of a sewerage system; and whereas, said bonds were duly issued and have been sold and part of the proceeds will be used by the said city for the purpose of building, constructing, enlarging and maintaining a sewerage system; and whereas, it will not, in the opinion of the board of aldermen of said city, require all the proceeds of said bonds to build, construct and maintain said sewerage system as aforesaid, and there will remain out of the proceeds of said bonds about twenty thousand

Preamble.  
Sewerage bonds.

Preamble.  
Surplus from sewerage bonds.

Preamble.  
Needs of streets.

Use of surplus  
authorized.

dollars (\$20,000) which will not be required for building, constructing, enlarging and maintaining said sewerage system; and whereas, the streets of the said city of Greensboro are in great need of funds to further improve, maintain and pave the same, the city of Greensboro, through its board of aldermen, is hereby authorized and empowered to use any funds remaining as afore-said, after paying all indebtedness for the construction, building and enlargement of the sewerage system, for the purposes of grading, paving, improving and maintaining the streets of said city.

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. 1905.

CHAPTER 373.

AN ACT TO AMEND CHAPTER 131, PRIVATE LAWS OF 1903,  
AND TO REGULATE THE GRANTING OF LICENSE TO  
RETAIL SPIRITUOUS LIQUORS IN WILSON COUNTY,  
NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section thirteen, chapter one hundred and thirty-one, Private Laws one thousand nine hundred and three, be repealed and the following inserted in lieu thereof:

Election to be held.  
Date.  
Question.

"Sec. 13. That an election shall be held in the town of Wilson on the first Monday in April, one thousand nine hundred and six, at which election the question of 'Dispensary' or 'No Dispensary' shall be submitted to the qualified voters residing within the said town of Wilson; that at said election those favoring the dispensary shall vote a ballot on which is printed or written the words 'For Dispensary,' and those opposing the dispensary shall vote a ballot on which is printed or written the words 'Against Dispensary':

Form of ballots.

Effect of election.

that if a majority of votes cast at said election be against dispensary, then it shall be unlawful to establish or operate a dispensary in the town of Wilson after July first, one thousand nine hundred and six, until an election shall be held reversing such election: *Provided*, that such election shall be held once in three years after April first, one thousand nine hundred and six, upon the petition to the governing board of said town of one-third of the qualified voters of said town. Then, on or after the first day of July, one thousand nine hundred and six, said chapter one hundred and thirty-one, Private Laws of one thousand nine hundred and three, be and is hereby expressly repealed and abrogated. That the election herein provided for shall be held and conducted under the rules and regulations as are now provided by the laws of

Proviso: subsequent elections.

Dispensary law repealed.

Law governing elections.

North Carolina governing and regulating municipal elections:

*Provided*, that if one-third of the qualified voters of said town shall apply to the governing board of said town in a petition declaring their purpose and intention and desire to vote for prohibition, asking therefor, then and in that case said board shall order an election upon the question of 'Prohibition' or 'No Prohibition,' at the same time and in the same manner as hereinbefore provided for: *Provided further*, that if such election shall be ordered and a majority of the votes cast shall be 'Against Dispensary,' then and in that case the board of town commissioners and board of county commissioners may issue license in the manner and subject to the provisions of section two hereof: *Provided further*, that if a majority of the votes cast shall be 'For Prohibition,' then and in that event it shall be unlawful for any person, firm or corporation to manufacture or sell within the corporate limits of the said town spirituous, vinous or malt liquors."

Proviso: election for prohibition.

Proviso: license, if majority against dispensary.

Proviso: if majority for prohibition.

SEC. 2. That if a majority of the votes cast at said election—the one provided for in the above section—on the first Monday in April, one thousand nine hundred and six, shall be "Against Dispensary," then, on or after July the first, one thousand nine hundred and six, the Board of Town Commissioners of the Town of Wilson and the Board of Commissioners of the County of Wilson may grant license to all proper applicants to retail spirituous, vinous and malt liquors in the town of Wilson. That before any license to retail spirituous, vinous and malt liquors shall be granted by the Board of Town Commissioners of the Town of Wilson, the applicant therefor shall file his application before said board of town commissioners, in writing, duly verified, in which the applicant shall set forth that he is a *bona fide* resident of the State of North Carolina and is a qualified voter therein, and has been such *bona fide* resident and qualified voter for the previous two years, and shall particularly specify the building and its location in which he proposes to engage in business, and that he has not theretofore been convicted or confessed his guilt in any court of competent jurisdiction of violating the laws of the State or of the United States governing or regulating the manufacture or sale of spirituous, vinous or malt liquors; and that said application shall also be accompanied by the affidavits of ten *bona fide* residents who are qualified voters in said town and who are freeholders in said town, and who are not officers or holding office in or under the laws or charter of said town of Wilson, who shall make oath that they each personally know the applicant for such license, and that such applicant is a suitable person to sell spirituous, vinous and malt liquors in said town, and that the proposed building is a suitable one for the business to be carried on in, and that the affiant is in no way connected with or interested in said business of liquor selling with said applicant, nor proposes to become so connected or interested in the near future in said business, and that said affiant has not

License granted if majority against dispensary.

Application for license.

Affidavits.



Commissioners may issue license. recommended any other person to obtain license in said town; that

thereupon the Board of Commissioners of the Town of Wilson may issue license to said applicant to sell, by retail, spirituous, vinous and malt liquors in said town; that upon a certified copy of said application and accompanying affidavits, together with said license from said board of town commissioners, being filed before the said board of county commissioners, they may grant an order to the Sheriff of Wilson County to issue to applicant a proper license to sell spirituous, vinous and malt liquors as applied for, upon the applicant's paying to the sheriff the lawful fees and taxes

Proviso: license for six months.

therefor: *Provided*, that such license shall be for only six months, and shall be dated July the first or January the first, as the case may be: *Provided further*, that any person who shall, knowingly, falsely make the affidavit as herein provided shall be guilty of a misdemeanor.

Proviso: false affidavit a misdemeanor.

No games on premises.

SEC. 3. That no billiards, pool, cards, dice, nickel-in-the-slot machine, bagatelle, match-penny, crackaloo, or any game of chance of any kind or nature, by whatever name called or designated, shall be played or allowed to be played in any building or upon the premises in which spirituous, vinous or malt liquors are sold, and any owner, proprietor, clerk or salesman in said building connected with said business or selling liquor who shall knowingly allow or permit such playing in said building, or upon said premises, shall be guilty of a misdemeanor, and upon conviction shall be fined one hundred dollars or imprisoned for sixty days for each offense. Upon certificate of such conviction, exhibited to the Board of County Commissioners of Wilson County, it shall be their duty to declare the license forfeited, and make due record thereof.

Misdemeanor.  
Punishment.

Forfeiture of license.

Saloons to be open.

SEC. 4. There shall be no screens, curtains, obscured, colored or stained windows or doors, or any obstructions to a clear view from the street of the inside of any building in which liquor is sold, either while open or while closed from the view of people on the street. Any person or persons violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined fifty dollars or imprisoned thirty days for each offense.

Misdemeanor.  
Punishment.

Hours of closing and opening.

SEC. 5. That each and every place in which spirituous, vinous or malt liquors are sold within Wilson County shall be closed promptly not later than eight o'clock P. M., except in the town of Wilson, when they shall be closed not later than ten o'clock P. M., and remain closed until six A. M. the next morning, and during the time when said business shall be closed no liquor of any kind shall be sold in or removed therefrom. Any person or persons violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined one hundred dollars or imprisoned for sixty days for each offense.

No sales during closed hours.

Misdemeanor.

Penalty.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

## CHAPTER 374.

AN ACT TO INCORPORATE THE "APPALACHIAN ELECTRIC  
POWER AND TRANSIT COMPANY."

*The General Assembly of North Carolina do enact:*

SECTION 1. That T. B. Finley, R. W. Gwyn, J. E. Finley, H. W. Corporators.  
Horton, J. C. Smoot, A. A. Finley and such other persons as may  
be associated with them, are hereby created and declared a body  
politic and corporate, with perpetual succession, under the name Corporate name.  
and style of the "Appalachian Electric Power and Transit Com-  
pany." and in that name may sue and be sued, plead and be im- Formal enumera-  
pleaded in any court in this State; contract and be contracted tion of corporate  
with; shall have power to adopt a common seal, and to change the rights.  
same at will; and shall be capable of taking, by purchase, gift, or  
any other way, real and personal property, and holding, leasing,  
conveying or in any other manner dealing with the same for any  
of the purposes hereinafter enumerated; and the said corporation  
shall have and enjoy all the rights and immunities which corpo-  
rate bodies may lawfully exercise, and may make all necessary  
regulations for its government, not inconsistent with the laws of  
the United States or of North Carolina. It may build branch Branch roads.  
roads from any part of its main line not exceeding fifty (50) miles  
in length.

SEC. 2. That said company, upon organization as herein pro- Railroad  
vided for, shall have power to construct, maintain and operate an authorized.  
electric or steam railroad and telegraph line from North Wilkes-  
boro, North Carolina, through the counties of Wilkes, Alexander, Terminals and  
Catawba, Caldwell, Watauga, Mitchell, Yancey, Buncombe, Ashe routes.  
and Alleghany and through any parts of either of the said counties  
to the Tennessee or Virginia lines.

SEC. 3. The capital stock of said railway company shall be one Capital stock.  
hundred and twenty-five thousand dollars (\$125,000), which may  
be increased from time to time by the votes of its shareholders to  
an amount not exceeding three millions of dollars (\$3,000,000), to  
be divided into shares of one hundred dollars (\$100) each: *Pro- Proviso: increase  
vided*, that such increase of capital stock shall only be made upon of capital.  
application to the Secretary of State and leave granted by him;  
such application to be accompanied by a receipt from the State  
Treasurer for the taxes prescribed in section ninety-seven of chap-  
ter two of Public Laws of one thousand nine hundred and one, for  
increase of capital stock. Each share subscribed shall be entitled Votes of stock.  
to one vote in all the meetings of the stockholders of said company,  
and fifteen thousand dollars (\$15,000) shall be the minimum sub-  
scription on which said company may be organized and begin opera- When company  
tions. may organize.

SEC. 4. That said incorporators shall have the power to open Books of  
books of subscription, in person or by agents duly appointed by a subscription.

Notice of meeting for organization.	majority of them, at such place or places as may be determined by them, and to keep the same open for such time and under such rules and regulations as may be deemed proper or expedient. Said incorporators may, when they deem proper, after twenty (20) days' notice to the subscribers, call together the subscribers of said shares of stock at any public place in or out of the State, and said subscribers shall then complete the organization of said company by electing a board of directors and such other officers as they may see fit; and at such meeting and all other 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 share or by his proxy; 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 said company prescribe, and may do and perform all other acts necessary to complete the organization of said company and to carry into effect the objects of this charter in accordance with the directions of the stockholders. The directors elected shall serve such period, not exceeding one year, as the stockholders may direct, and the stockholders shall fix the time and place of meeting; said stockholders' meetings to be annually. But if the day of annual election should under any circumstances pass without an election, the corporation shall not thereby be dissolved, but the directors formerly elected shall continue in office until a new election shall take place.
Directors and other officers.	
President.	
Term of office.	
Annual meetings.	
Elections by ballot.	SEC. 5. The election of directors shall be by ballot, each stockholder having as many votes as he has shares in the stock of the company; and the persons receiving the greatest number of votes shall be duly elected directors; and at all elections and upon all votes, when at any meeting of the stockholders, each share of stock shall be entitled to one vote, to be represented either in person or by proxy, and the proxies may be verified in such manner as the by-laws of the corporation prescribe.
Vacancies.	SEC. 6. The board of directors may fill any vacancies that may occur in it during the period for which they have been elected.
President and vice-president.	The president and a vice-president of the company 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 be elected. The secretary and treasurer shall also be elected by the directors, and may be one and the same person. In the absence of the president or secretary at any meeting of the directors, they may appoint a president and secretary <i>pro tempore</i> to fill his place, except when the vice-president is present; in that case the vice-president shall act.
Secretary and treasurer.	
President and secretary pro tem.	
Certificates and transfer of stock.	SEC. 7. The company shall issue certificates of stock to its members, and said stock may be transferred in such manner and form as may be directed by the by-laws of the company.

SEC. 8. The said company shall have power to take, by purchase, lease or otherwise, the railroad franchises and property of any other railroad or turnpike now constructed or that may be hereafter constructed in this State or elsewhere. It shall have power to consolidate its franchises or property with any other road, under such name as shall be agreed upon. It may assign or lease its property or 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 purchasing or leasing shall be entitled to all property, franchises, privileges and immunities belonging to or pertaining to the road created by this act: *Provided*, nothing in this act shall be construed to allow the said railroad company to become the channel through which any competing railroad companies shall consolidate. Any of the powers and privileges conferred and authorized by this section may be exercised and effected by the directors of the companies concerned, in such manner and on such terms as the stockholders of each company shall determine. 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 shall have power to use any section or portion of its road before the whole of the same shall have been completed, and charge for the transportation of passengers or freight thereon.

Powers as to other companies.

Proviso: no consolidation of competing companies.

May use portion of road.

SEC. 9. The said company shall have the right, when necessary, to construct their said road across any public road or railroad, or alongside any other public road: *Provided*, said company shall not obstruct any public road without first constructing one equally as good and convenient as the one taken by the company and which has been accepted by the board of county commissioners.

Rights of crossing.

Proviso: limitation.

SEC. 10. 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 or depot purposes, the said company may proceed to condemn and enter same in the manner set out in chapter forty-nine of The Code, and amendments thereto; 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 or plot 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 the appointment, and assess the damages of the land taken. In assessing the damages the appraisers shall take into 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

Procedure for condemnation of land.

only, the consideration shall extend only to the right-of-way, but if for 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 payment of damages assessed, and shall have the force and effect of a deed. Either party may appeal to the superior court, in term time, from the approval or disapproval of the clerk, which appeal must be prayed within ten days from the approval or disapproval of the clerk: *Provided*, the right of condemnation herein given shall not apply to the lands of the Winston Land and Improvement Company on the east side of Reddies River in the town of North Wilkesboro, North Carolina, but that in the event this company purchases or leases the Wilkesboro and Jefferson Turnpike Company's road interests, it shall only have the forty feet right-of-way now granted and laid off over said Winston Land and Improvement Company's lands.

Proviso: limit to  
condemnation.

Amount of land  
condemned.

SEC. 11. The right of said company to condemn and take land under this act shall be limited to the space of fifty (50) feet on each side of their road-bed, measuring from the center of the same, except for depot and warehouses they may condemn not exceeding two acres in any one place; and in all cases where land or rights-of-way have been condemned, and where the owner shall petition for assessment of damages within two years from condemnation and occupation, and not after, except in case of legal disabilities, and such cases within two years from the removal of such disabilities: *Provided*, the right of condemnation herein given shall not apply to the lands of the Winston Land and Improvement Company on the east side of Reddies River in the town of North Wilkesboro, North Carolina, but that in the event this company purchases or leases the Wilkesboro and Jefferson Turnpike Company's road interests, it shall only have the forty feet right-of-way now granted and laid off over said Winston Land and Improvement Company's lands.

Proviso: limit.

Purchase and sale  
of Wilkesboro and  
Jefferson Turnpike  
allowed.

SEC. 12. And the said company shall have the right to purchase or lease the Wilkesboro and Jefferson Turnpike, and the Board of Internal Improvements of this State are hereby fully empowered and authorized to act jointly with the private stockholders of the said turnpike company to sell or lease the said turnpike road, with all its property, rights, privileges and franchises, to this corporation, on such terms and conditions as the majority of stockholders in the said turnpike company may deem proper, or the State's stock in said turnpike may be exchanged for stock in this company. And the said Board of Internal Improvements is fully authorized to sell the State's stock at above or below par, as it may be able or think best to do, taking into consideration the indebtedness of

Exchange of State  
stock.



said turnpike company, the State paying its full proportion of same.

SEC. 13. That in the event the "Appalachian Electric Power and Transit Company" shall purchase the stock, or a majority thereof, in the Wilkesboro and Jefferson Turnpike Company, then the said purchasing company shall have the right to enter into the possession at once of said road property and be subrogated to all right in road-bed, right-of-way and all other rights now held by said turnpike company, with the further right to amend and change the said turnpike survey or grade to suit the purpose of the said Appalachian Electric Power and Transit Company, and said company may use said turnpike road-bed for railway purposes, and discontinue its use as a wagon road: *Provided*, that this company shall provide another road as good and as convenient as the one taken by the said turnpike in its construction, as provided in section nine of this act.

Company subrogated to rights of turnpike company.

Proviso; road to be constructed.

SEC. 14. That any county, city, town or township along or near the line of railroad may subscribe to the capital stock of said company in the following manner: Upon presentation of writing, signed by not less than one hundred freeholders and resident taxpayers of the county, city, town or township, to the board of county commissioners, 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 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 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 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 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.

Counties and municipalities may subscribe to stock. Petitions for election.

Election to be ordered.

Form of ballots.

Law regulating election.

Notice of election.

Returns.

SEC. 15. If a majority of the qualified voters vote for subscription, then the board of commissioners of said county, or proper

Bonds issued if subscription voted.

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 the 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.

Special taxes.

SEC. 16. The county authorities in any county voting for subscription, or in which there is a township voting for subscription, or proper authorities in a city or town voting for subscription, who are legally empowered to levy taxes in order to provide for 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 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 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 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 it was levied and collected, and for no other. The sinking fund shall be invested as may be directed by the board of commissioners of said county, or by the proper authorities of such city or town issuing such bonds.

Specific appropriation.

Investment of sinking fund.

Company may issue bonds.

SEC. 17. It shall be lawful for the said "Appalachian Electric Power and Transit Company" chartered by this act to issue coupon bonds in such denominations and running for such a time and bearing interest at such a rate and payable at such a time and places as the board of directors may direct, to be sold or hypothecated by the direction of said company; and to secure the payment of the same the company is authorized to execute a mortgage to such person or corporation as the company may select on all real and personal estate of said company, together with all its franchises and privileges; or, in case the road be divided and built in sections, which the said company is authorized to do, such mortgage may be placed upon such separate sections and in such manner as the company may direct; and it is hereby provided that the registration of any mortgage provided to be executed in this section may be made in Wilkes County, and upon registration in Wilkes County it shall be a lien on such property and franchises conveyed in such mortgage as fully and completely as if the same was registered in each and every county through which the road passes.

SEC. 18. That said company is hereby given power and authority Dams.  
to construct dams across any water-way for the purpose of gener-  
ating electricity, gas or other forces, and shall have power to Powers as power  
transmit the same, either above or under the ground, by wires, and light company.  
cables, tubes, pipes, conduits and all other ways and means now  
used or which may be devised for transmission of power, light and  
heat; to transmit and distribute the same directly to consumers  
or users within the territory aforesaid, or to a distributing point  
therein, and from such distributing point to consumers as afore-  
said; to make, buy, deal in, furnish, supply and sell electricity,  
gas and any and all other kinds of power, 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 the manufacture and gen-  
erating, distributing and furnishing of electricity, gas and other  
fluids, forces or currents; to purchase, acquire, hold, improve,  
lease, operate and maintain water-powers, water rights and privi-  
leges; to supply water to persons, corporations, towns and citizens  
for domestic or public purposes, for use as power and manufactur-  
ing purposes, and to charge and collect such rents and rates there-  
for as may be deemed advisable or expedient; to lay out and plat Improvement  
any real property belonging to or acquired by the corporation company.  
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.

SEC. 19. That in order to carry into effect the purposes of this Surveys and  
act said company may survey such routes for its line or lines of routes.  
railway and for its ways and means for transmission and dis-  
tribution of power, light and heat as may be deemed practicable,  
and if any lands of individuals 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 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 Condemnation.  
compensation therefor, said company shall have the right to ac-  
quire the title to the same, or to an easement, privilege or right-  
of-way therein, in the manner set forth in section ten of this act.

SEC. 20. That any person who shall deface, injure, destroy, re- Injury to property  
move or obstruct said railway or any part thereof, or any of the a misdemeanor.  
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 Punishment.  
the superior court.

SEC. 21. That any person or persons who shall cast, throw, Shooting at cars a  
shoot, propel or project or in anywise put in motion any stone, misdemeanor.  
rock, shot, torpedo or other missile of any kind or nature at,  
against, in or into any car, carriage, coach or train of said rail-

Punishment.

way, 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.

Authority of officers and employees.

SEC. 22. That the conductors, 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:

Powers for ejection of disorderly persons.

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, coaches or cars of said company at any time, whether the fare of said drunken, disorderly or profane persons has been paid or not, and the said company shall not be liable or responsible in damages therefor, unless greater force be used than is necessary to eject such person.

Stockholders not personally liable.

SEC. 23. 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.

Principal office.  
Branch offices.

SEC. 24. That the principal office of the corporation shall be in North Wilkesboro, North Carolina, and such branch offices as may be desirable for the purposes of the corporation shall be established at such places as the directors of the corporation shall designate and prescribe.

SEC. 25. 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, 1905.

#### CHAPTER 375.

#### AN ACT TO AUTHORIZE THE CITY OF STATESVILLE TO CALL AN ELECTION FOR THE PURPOSE OF VOTING BONDS FOR THE GRADED SCHOOL AND OTHER PURPOSES.

*The General Assembly of North Carolina do enact:*

Election authorized.

SECTION 1. That the Mayor and Board of Aldermen of the City of Statesville are hereby authorized and empowered to cause an election to be held at such time as they shall appoint, within twelve months from the ratification of this act, at which election shall be submitted to the qualified voters of the city of Statesville the question of issuing bonds to an amount not exceeding ten thousand dollars (\$10,000) for the purpose of erecting another graded school building for the city of Statesville. At the same

Question submitted.

time the mayor and board of aldermen shall submit to the qualified voters of the city of Statesville the question of issuing bonds to an amount not exceeding twenty thousand dollars for the purpose of extending the water and sewerage lines and for moving the electric light station and putting the electric light plant in shape to be run more economically and furnish more lights. At said election the mayor and board of aldermen shall provide two boxes—one for the vote on the graded school bonds and the other for the vote on water, sewerage and electric light bonds. Those who favor the issue of the graded school bonds shall vote a written or printed ticket with the words "For Graded School Bonds" thereon, and those opposed shall vote a written or printed ticket with the words "Against Graded School Bonds" thereon; and those who favor the issuing of the water, sewerage and electric light bonds shall vote a written or printed ticket with the words "For Water, Sewerage and Electric Light Bonds" thereon, and those opposed shall vote a written or printed ticket with the words "Against Water, Sewerage and Electric Light Bonds" thereon. All elections provided for in this act shall be held under the rules and regulations provided in chapter seven hundred and fifty of the Public Laws of one thousand nine hundred and one, as amended by chapter six hundred and thirteen of the Public Laws of one thousand nine hundred and three, except as to the times of holding said elections. If a majority of the qualified voters of the city of Statesville shall vote "For Graded School Bonds," or if a majority of the qualified voters shall vote "For Water, Sewerage and Electric Light Bonds," then said mayor and board of aldermen shall issue the bonds so voted for as follows, viz.: Coupon graded school bonds, not to exceed in amount the sum of ten thousand dollars; and coupon water, sewerage and electric light bonds, not to exceed in amount the sum of twenty thousand dollars. The mayor and board of aldermen shall issue either or both of said bonds as they shall be authorized by a majority of the qualified voters of said city at said election. Said bonds shall be in denominations of not less than one hundred dollars each, bearing interest, payable semi-annually, at a rate not exceeding five per cent. per annum. The principal of said bonds shall be payable at the expiration of thirty years from the date thereof, and the bonds shall show upon their face the purpose or purposes for which they are issued. Said bonds and coupons shall be numbered and shall be signed by the Mayor of Statesville and countersigned by the clerk and treasurer of said city, and the official seal of said city shall be attached to each bond. Said bonds shall be sold for not less than par. The moneys arising from the sale of the graded school bonds shall be kept separate from all other moneys of the city of Statesville, and shall be expended by the mayor and board of aldermen only for the purpose of erecting a graded school build-

Separate boxes.

Forms of ballots.

Law governing election.

Effect of election.

Limit on graded school bonds.  
Limit on sewerage and electric light bonds.

Description of bonds.

How bonds attested.

Not to be sold below par.  
Specific appropriation for graded schools.



Specific appropriation for sewerage and electric lights.	<p>ing for the city of Statesville and for purchasing a sufficient amount of land for a site for said building, if it shall be necessary to purchase said land, and for fitting said building with the necessary furniture. The moneys arising from the sale of water, sewerage and electric light bonds shall be kept separate from all other moneys of the city of Statesville, and shall be expended by the mayor and board of aldermen only for the purpose of extending the water and sewerage lines of said city and of moving the electric light station and putting the electric light plant in shape to run economically, so as to furnish more lights. If there shall be any surplus remaining of the proceeds of the sale of water, sewerage and electric light bonds, such surplus may be used for repairing and improving the streets of the city of Statesville, and for no other purpose.</p>
Appropriation of surplus.	<p>SEC. 2. That section one of chapter three hundred and sixty-nine of the Private Laws of one thousand nine hundred and three be amended as follows: After the word "more," in the last line of said section, add the following: "<i>Provided</i>, that no alderman shall receive more than one per diem in any one month."</p>
Limit on per diem of aldermen.	<p>SEC. 3. Whereas, the Mayor and Board of Aldermen of the City of Statesville, for the purpose of protecting the water supply of said city from contamination, and repairing some of the public streets of said city, have borrowed the sum of twenty thousand dollars, and have pledged as security for said loan the faith and credit of said city, the mayor and aldermen of the city of Statesville are hereby authorized and empowered, without submitting the question to a vote of the qualified voters of said city, to issue coupon bonds for an amount not exceeding the sum of twenty thousand dollars, in denominations of not less than one hundred dollars each, bearing interest from the date of their issue at a rate not exceeding five per cent. per annum, and payable semi-annually. The bonds shall be payable at the expiration of thirty years from the date thereof. Said bonds and coupons shall be numbered and shall be signed by the Mayor of Statesville and countersigned by the clerk and treasurer thereof, and the official seal of said city shall be attached to each bond. The coupons shall be received in payment of all taxes and debts due to said city. Said bonds shall be sold for not less than par. The moneys arising from said sale shall be expended by the mayor and board of aldermen of said city only for the purpose of paying off and discharging the indebtedness of said city above mentioned.</p>
Bond issue for debt authorized.	<p>SEC. 4. All laws and clauses of laws in conflict with this act are hereby repealed.</p>
Limit.	<p>SEC. 5. That this act shall go into effect and be in force from and after its ratification.</p>
Description of bonds.	<p>In the General Assembly read three times, and ratified this 4th day of March, 1905.</p>
Coupons receivable for city taxes. Not to be sold below par. Specific appropriation.	
Repealing clause.	

## CHAPTER 376.

## AN ACT TO AMEND THE CHARTER OF THE BANK OF FAYETTEVILLE AND THE SEVERAL ACTS AMENDATORY THEREOF, AND TO PROVIDE FOR ITS REORGANIZATION.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of an act to amend the charter of the Bank of Fayetteville, ratified the fifth day of March, one thousand eight hundred and ninety-five, as amended by an act entitled "An act to amend chapter one hundred and sixty-three, Private Laws of one thousand eight hundred and ninety-five" (see Private Laws of one thousand eight hundred and ninety-five, chapter one hundred and sixty-three, and Private Laws of one thousand eight hundred and ninety-nine, chapter eleven), be further amended by striking out in last-named act the word "one," and in first-named act, in line eleven, the first word, "hundred," and inserting the word "fifty," and in same line by striking out the word "five" and inserting the word "two," and striking out the figures in the proviso in said first-named act, so as to leave the minimum capital stock at fifty thousand and the maximum at two hundred thousand.

SEC. 2. The stockholders of said bank, in general meeting or special meeting, duly called for the purpose, may direct any such reduction to be made by its board of directors, by the purchase and cancellation of its outstanding stock, upon terms as may be agreed upon by said board and the owners of stock willing to sell: *Provided*, such purchase may be directed by three-fourths vote in value of all the stock of said bank, by resolution duly spread upon the minutes of their meeting.

SEC. 3. The stockholders of said bank, in general meeting or special meeting, duly called for the purpose, may, by an affirmative vote duly spread upon the minutes of their meeting, of three-fourths in value of all the stock of said bank, voluntarily agree to surrender for cancellation such ratable part of their several holdings of stock by applying in uniform and proportionate manner such scale as will reduce the total stock to such sum as shall be decided upon, within the limit fixed by section one of this act.

SEC. 4. At any and all meetings of stockholders of said bank, where a reduction of capital stock may be determined upon in either manner hereinbefore provided for, if it shall appear that two-thirds in value of all the stock of said bank duly represented at such meeting and standing in the names of persons other than executors, administrators, guardians, trustees and other fiduciaries, shall vote for a reduction, then and in that event any executor, administrator, guardian or other fiduciary holding stock in said bank and duly represented at such meeting, deeming it for the best interest of his *cestui que trust* so to do, may assent to such

Capital stock.

Reduction by purchase and cancellation.

Proviso: three-fourths vote.

Surrender of stock for cancellation.

Fiduciaries may assent to reduction.

reduction, and shall not be held liable to his *cestui que trust* for any shrinkage or loss resulting from his doing so.

Increase by  
subscription.

SEC. 5. The stockholders of said bank, in general meeting or special meeting, called for the purpose, may, within the limit named in section one of this act, determine by a vote of three-fourths in value of all the stock of said bank, duly represented at such meeting, to increase its capital stock, and to that end may open books of subscription upon such terms as to price of stock as may be agreed on.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1905.

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## CHAPTER 377.

### AN ACT TO ESTABLISH A GRADED SCHOOL IN WALKERTOWN AND VICINITY IN FORSYTH COUNTY.

*The General Assembly of North Carolina do enact:*

Graded school  
district.

SECTION 1. That all the territory embraced within the following boundary shall be and is hereby constituted a graded school for the white race in Walkertown and vicinity, including the territory now embraced in Public School District Number One, and all other territory within a radius of one and one-half miles in every direction from the public school-house in the town of Walkertown, Forsyth County, North Carolina.

Special tax  
directed.

SEC. 2. That the Board of Commissioners of the County of Forsyth are hereby directed and required to levy a special tax each year, at the same time they levy other taxes as required by law, of not more than thirty cents on the one hundred dollars worth of the taxable property within the boundary set out in section one of this act, and a tax upon the taxable polls resident in said boundary of not more than ninety cents, observing at all times the constitutional equation, and the same shall be collected by the Sheriff or Tax Collector of Forsyth County, under the same rules and regulations under which other schools are taxed, 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 five per centum commission.

Limit.

SEC. 3. That the special taxes levied and collected under this act shall be expended in establishing, maintaining and keeping up a graded school in said district for children between the ages of six and twenty-one years.

Commission of  
sheriff.

Application of tax.

Trustees and terms  
of office.

SEC. 4. That the following-named persons shall constitute the board of trustees of said graded school and shall hold office for

the terms following their respective names: W. N. Poindexter, T. A. Crews, E. M. White, E. W. Linville, D. C. Moir, J. C. Hammock and D. A. Jones, one year from the date of their election; and all vacancies occurring in the said board of trustees from any cause shall be filled by the remaining members of said board for the term of two years, except in case of death and resignation; then in the event of either of these causes, for the unexpired term of trustees so resigned or dying. The said board of trustees shall Superintendent. have power to employ and fix the compensation for the superintendent for said graded school, and such cases as are necessary, and to do all other acts necessary to carry on their school. 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.

SEC. 5. That said board of trustees shall elect a treasurer, who School treasurer. may be one of their number, whose duty shall be to take charge of all money collected by the sheriff or tax collector by reason of any other provision of this act, and pay the same out under the directions of said board of trustees, and all orders on said treasurer shall be signed by the chairman of said board; and said treasurer shall hold office for two years and until his successor is elected; and it is further provided that said treasurer and his successors shall, before entering upon his duties, take the usual Bond and oath of treasurer. treasurer's oath of office and file a good and solvent bond, to be approved by said board of trustees and filed and recorded as other official bonds.

SEC. 6. That said board of trustees created by this act are hereby Trustees created and shall be a body corporate by the name and style of incorporated. Corporate name. Walkertown Graded School, and by that name it shall be capable of receiving gifts and grants of both real and personal property, and of selling or pledging the same for school purposes, of suing and being sued.

SEC. 7. That in appropriating the school fund of said county, Apportionment of school fund. said school district described in section one shall be allowed the proportion of said fund due per capita to children of school age.

SEC. 8. That the board of trustees provided for in this act shall have exclusive control of the public school interest, funds and property of the said graded school district, as set forth and fully described in section one of this act, and said board shall prescribe rules and regulations for their own government, not inconsistent with the law, and said board shall fix the compensation of officers and teachers for said graded school annually, and said board of Trustees to have exclusive control of schools and school property. trustees shall meet annually hereafter on the third Tuesday of June to elect a superintendent and teacher or teachers, and said Annual meetings. board shall meet as often as necessary to perform the duties imposed upon said board by this act, and may require said treasurer Other meetings. to settle with them as often as said board may deem needful; and Settlements of treasurer. said board of trustees shall make an accurate census of the school School census.

population of said school district, as required by the general school law of the State, and said board of trustees shall and may do and perform all and any other acts and things that may be lawful and proper to conduct and manage the general school interest within said district.

Reports to State Superintendent.

SEC. 9. That the superintendent and board of trustees shall make reports to the Superintendent of Public Instruction of this State, as required by superintendents of public schools of the various counties of the State.

Act to be voted on.

SEC. 9½. That this act shall not go into effect until ratified by a majority of the voters of said district at an election to be held as other special elections, to be called by the Board of Commissioners of Forsyth County and to be held on the first Monday in May, one thousand nine hundred and five, at which election those favoring said graded school shall vote a ticket "For Graded Schools," and those opposed shall vote a ticket "Against Graded Schools"; and if a majority of said votes cast is in favor of said school this act shall be in full force and effect, but if a majority of said vote shall be against said school, then this act to be void.

Date of election.

Form of ballots.

Effect of election.

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. 1905.

## CHAPTER 378.

### AN ACT TO AMEND CHAPTER 116 OF THE PRIVATE LAWS OF 1903, INCORPORATING CALDWELL INSTITUTE GRADED SCHOOL IN ORANGE COUNTY.

*The General Assembly of North Carolina do enact:*

Election to be called by petition.

SECTION 1. That chapter one hundred and sixteen of the Private Laws of one thousand nine hundred and three, incorporating Caldwell Institute Graded School in Orange County, be and the same is hereby amended by adding at the end of section three thereof the following: And it is hereby provided that upon a petition to the County Commissioners of Orange County of one-half of the qualified voters within said district, the said board of county commissioners shall be empowered to call an election under the provisions of section seventy-two of chapter four of the Public Laws of one thousand nine hundred and one; and if a majority of the qualified voters of said district vote in favor of the said tax the same shall be annually levied and collected, but if a majority of the qualified voters of said district vote against the said special tax the same shall not be thereafter levied.

Effect of election.



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. 1905.

## CHAPTER 379.

### AN ACT TO INCORPORATE THE MECKLENBURG POWER AND TRACTION COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That E. D. Latta, E. B. Springs, J. L. Chambers, Corporators, F. B. McDowell and M. A. Bland, and their associates, successors and assigns, be and they are hereby created a body politic and corporate by and under the name of "The Mecklenburg Power and Traction Company," and by that name shall exist for ninety-nine years, the right to have and use a common seal, to sue and be sued, to contract and be contracted with, to purchase or acquire by gift or demise, property, real, personal or mixed; to hold, lease or sell the same as the interest of said company may require, and shall have all the rights and enjoy all the privileges and immunities possessed and enjoyed by any other street railway or railroad company under the laws of North Carolina. Corporate name.  
Corporate rights.

SEC. 2. That the capital stock of said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each, to be created by subscription, contribution or donation by individuals, townships, municipal or other corporations, and such subscriptions may be paid in money, labor, land, materials, stocks, bonds or other securities as may be stipulated between the company and the subscribers; and said company may, by a concurrence of two-thirds in value of all its stock, increase its capital stock from time to time to an amount not exceeding one million dollars: Capital stock.  
Subscriptions.  
Provido: increase of capital.  
*Provided, however,* that such increase shall be null and void until the amount of such increase shall be certified to the Secretary of State and the taxes prescribed therefor by law be paid.

SEC. 3. That for the purpose of creating capital stock for said company any three of the corporators above named may open books of subscription to such capital stock at such times and places as they may appoint, and keep the same open for such time as they may determine, under such rules and regulations as a majority of all the corporators may prescribe. Books of subscription.

SEC. 4. That when the sum of ten thousand dollars shall have been subscribed to the capital stock of said company it shall be the duty of at least three of the corporators above named to call a general meeting of the corporators and subscribers for stock of said company, of which meeting ten days' notice of the time and Meeting for organization.  
Notice of meeting.

Directors.	<p>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 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 may prescribe, and may do and perform all other acts necessary to the complete organization of said company. In all its meetings of stockholders each share of stock shall be entitled to one vote.</p>
President and other officers.	<p>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, sidetracks, switches, appliances, crossings, bridges, turnouts and branches as it may deem necessary through, along and over the streets, avenues, roads and highways of all towns and villages within a radius of twenty-five miles from the center of the city of Charlotte, North Carolina, and connecting said city with the towns and villages, and any of said towns and villages with each other, and to such points in the vicinity thereof and within the radius aforesaid as the said company may from time to time determine; to cross any track of any street railway or railroad company now incorporated or hereafter to be incorporated: <i>Provided</i>, that it conform to the grade of the track to be crossed, subject to such rules and regulations as may be prescribed by the governing bodies of such city, town or villages, respectively: to erect and equip such stations, warehouses, offices, power plants, 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 may reasonably fix as the fare or rate of transportation between given points: <i>Provided</i>, that its line or lines of railway shall be constructed over and along streets within the corporate limits of said city, towns or villages, by and with the consent of the governing bodies thereof, 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.</p>
Power to construct, equip and operate railroads.	
Proviso: limit on rights.	
Buildings.	
Power.	
Fares and tolls.	
Proviso: lines on roads and highways.	
Light, heat and power company.	<p>SEC. 6. That said company is hereby given power and authority also to make, transmit and furnish to individuals and corporations within said city and within a radius of twenty-five miles from the center of said city, power, light and heat in the form of electricity or other forces, currents, or fluids used for such purposes; to con-</p>

struct, maintain and operate a plant or plants in or near the city of Charlotte, or at some initial point within a radius of twenty-five miles from the center of said city, for the purpose of generating, manufacturing and transmitting the same, and either above or underground, by wires, cables, tubes, pipes, conduits, and all other ways and means now used or which may be devised for transmission of power, light and heat; to transmit and distribute the same directly to consumers or users within the radius 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, and any and all other kinds of powers, forces, fluids, currents, matters and materials now used, or which may be discovered, for the purposes of illumination, heat and power; to carry on any and all business in anywise connected with the manufacturing and generating, distributing and furnishing of electricity, 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 may hereafter 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 purchase, acquire, hold, improve, lease, operate and maintain water powers, water rights and privileges; to supply water to persons, corporations, towns and cities for domestic or public purposes, for use as power and for 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 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, streets, avenues, alleys and parks.

Water company,  
rights and powers.

Rents and rates.

Development and  
improvement  
company.

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 centum per annum; to sell, exchange and hypothecate said bonds on such terms as it may deem advisable, and to secure the said bonds and interest thereon by deed of trust or mortgage, conveying its road-bed, property and franchises in whole or in part.

Power to borrow  
money.

SEC. 8. That in order to carry into effect the purposes of this act said company may survey such route for its line or lines of railway, and for its ways and means for transmission and distribu-

Powers of survey.

tion of power, light and heat, as may be deemed practicable; and if any lands of individuals 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 and distribution of power, light and heat, 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 proceedings prescribed by chapter forty-nine of The Code of North Carolina, entitled "Railroad and Telegraph Companies": *Provided, however*, that said company shall not have the power under this act to condemn for its use any of the tracks of the Charlotte Electric Railway Light and Power Company or any of its easements or other property, or any of the property now owned by the Charlotte Consolidated Construction Company.

Right of  
condemnation.

Proviso: excep-  
tions.

Injury to property  
of company a  
misdemeanor.

Punishment.

Shooting at cars a  
misdemeanor.

Punishment.

Police powers.

Powers in ejecting  
disorderly persons.

Stockholders not  
individually liable.

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 machinery thereof, or its structures or appliances of any kind, shall be guilty of a misdemeanor, and fined or imprisoned within the discretion of the superior court.

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.

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 persons 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 use greater force than is necessary to eject such persons.

SEC. 12. That the stockholders shall not be individually or personally liable for any of the contracts, obligations, indebtedness, defaults or torts of the corporation, and no stockholder shall be liable to pay for more stock than he has subscribed for.

SEC. 13. That the principal office of said corporation shall be at Principal office.  
 Charlotte, North Carolina, and such branch offices as may be de- Branch offices.  
 sirable for the purposes of the corporation shall be established at  
 such places as the by-laws of the corporation shall designate and  
 prescribe.

SEC. 14. That this act shall be in force from and after its ratifi-  
 cation.

In the General Assembly read three times, and ratified this the  
 4th day of March, A. D. 1905.

## CHAPTER 380.

### AN ACT TO INCORPORATE THE GUARANTY, TRUST AND SECURITY COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That J. W. Fry, C. M. Vanstory, J. A. Odell, T. A. Corporators.  
 Hunter, J. S. Cobb, C. A. Bray, A. B. Bray, C. W. Banner, and  
 W. L. Grissom, and J. E. Brooks, together with such other persons  
 as they may associate with them, their successors and assigns, be  
 and they are hereby created and constituted a body politic and cor-  
 porate, under the name of "Guaranty, Trust and Security Com- Corporate name.  
 pany," by which name they may sue and be sued, plead and de-  
 fend, and shall have the right to adopt and use a common seal,  
 and to make such by-laws, rules and regulations as they may  
 deem best for the betterment of said corporation, not inconsistent  
 with the laws of the State, and shall have continual succession for  
 the term of sixty years, with all the rights, privileges, powers and  
 franchises pertaining to a corporation.

SEC. 2. That the capital stock of said corporation shall be ten Capital stock.  
 thousand dollars (\$10,000) divided into one hundred (100) shares  
 of the par value of one hundred dollars (\$100) each, which said  
 capital may be increased at any time, or from time to time, by a  
 vote of a majority of the stockholders, to any sum not exceeding  
 one million dollars (\$1,000,000): *Provided*, such fees for such  
 increase be paid to the Secretary of State as provided by law in  
 such cases. When said ten thousand dollars (\$10,000) of said  
 capital stock is subscribed the corporators above named, or any  
 five of them or their assigns, shall be deemed and held ready and  
 capable to organize, which they shall do by electing a board of When company  
to organize.  
 directors to consist of not less than five nor more than fifteen Directors.  
 persons, who shall serve for one year, or until their successors are  
 elected and qualified, unless it be otherwise provided in the by-  
 laws adopted at such meeting: and such directors so chosen shall President.  
 proceed to elect a president, whose term shall expire at the expi-  
 ration of the term of the directors, unless it be otherwise provided



Vice-president,  
secretary and  
treasurer.

Bonds of officers.

Stock dividends.

Votes.

Liability of  
stockholders.

Assessments.

Power to hold and  
deal in property.

Power to deal in  
stocks and  
securities.

in the by-laws; and such board of directors shall elect at such time as they shall see fit a vice-president, a secretary and a treasurer (provided, that the offices of secretary and treasurer may be filled by one and the same person), 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 a director, president, vice-president or treasurer unless he be a stockholder in said corporation. The directors shall require of the treasurer, and such other officers of the corporation as they may deem advisable, such bonds and securities for the honest and faithful discharge of their duties as said directors may order. That the increase of capital stock of said corporation provided for in this section shall be made either by individual subscription to stock or by application of the surplus earnings of said corporation to such purpose; and if such increase shall be from the earnings of the corporation, the directors shall have the power to declare stock dividends to the said stockholders pro rata. At all stockholders' meetings each share of stock shall be entitled to one vote, either in person or by proxy. The stockholders of the corporation shall be individually liable, equally and ratably and not one for another, for all contracts and debts of the corporation, to the extent only of the par value of the stock by them respectively subscribed for. That said corporation shall have authority to transact business whenever said one hundred (100) shares of stock have been fully subscribed to the capital stock, and the sum of fifty dollars (\$50) per share shall have been paid in upon such subscription; further assessment shall be paid in as called for by the directors until all of said capital stock, amounting to ten thousand dollars (\$10,000), shall have been paid up in full.

SEC. 3. That said corporation shall be, and it is hereby authorized and empowered to have, purchase, receive and possess lands, tenements, hereditaments, rents, stocks, goods, chattels, and effects of whatever nature or quality, either real or personal or mixed, by gift, grant, demise, bargain and sale; devise, bequest, testament, legacy, loan or otherwise, and by any other mode of conveyance or transfer whatever; and the same to give, bargain, sell, convey, release and dispose of for the whole or any less estate, the property that said corporation has in the same, and also to improve and augment in such manner and form as said corporation by its by-laws and regulations shall direct, and shall and may apply the rents, issues, income, interest and profits of said estate, and the moneys arising from the sale, alienation, disposal or improvement thereof, to the uses, ends and purposes of its creation, according to the rules, regulations and orders of the corporation, as fully and effectually as any natural person, body politic or corporate, within the State, can or may do or perform.

SEC. 4. That said corporation shall have, and is hereby given the power and authority to purchase or otherwise own and deal in

stocks, bonds, mortgages, debentures, securities, obligations of every nature, and to receive, collect and dispose of interest, dividends, income upon, of and from any of the stocks, bonds, mortgages, debentures, securities, obligations and other property held or owned by it, and to exercise in respect to all such stocks, bonds, mortgages, debentures, securities and obligations, and other property, any and all rights, powers and privileges of individual owners thereof; to do any and all acts and things tending to increase the value of the property at any time held by the corporation; to furnish capital, material, etc., in the organization and development of corporations and business enterprises; to borrow money for use in its corporate name, and to secure the same by obligations, pledges, mortgages, or otherwise; to issue bonds and debentures, with right of redemption, subject to the terms, conditions, restrictions and limitations contained in the by-laws, which terms, conditions, restrictions and limitations shall also be expressed upon the face of said bonds or debentures, and constitute a part thereof; and shall have power to lend money on mortgages, and receive as security therefor its own bonds or debentures, or certificates of indebtedness, with power to grant and purchase annuities, including the power to act as agent for leasing, managing, mortgaging, buying, selling and improving real estate, and to act as agent or on its own account in buying and selling stocks, bonds, mortgages, debentures, securities and obligations of every nature, and to collect interest or dividends thereon, and to act as agent in the management and investment of estates or funds of every nature, with full power of agency in the premises, and to act under appointment made by power of attorney by will or deed or otherwise, in any matter, transaction or thing whatsoever, with power to guarantee the payment of principal and interest of mortgages and other securities, and in general to make any contract of guaranty which the directors may deem advisable.

Power to borrow  
and secure money.

Further details of  
power.

Powers to act as  
agent.

Further enumeration  
of general  
powers.

SEC. 5. Said corporation shall have and is hereby given power to raise money by the issue of shares, bonds, debentures or certificates, and to invest the money so raised in the purchase of or otherwise to acquire and hold any stocks, bonds, debentures, shares, scrip or security issued or having any guaranty by any government, municipality, trust, legal authority, or other body incorporated or unincorporated, public or private, of the United States, or any country or State under the protection of the United States, or any stocks, bonds, debentures, shares, scrip or security, issued or having any guaranty by any corporation or company incorporated, constituted or carrying on a business in the United States or elsewhere; to acquire any such investment as aforesaid by original subscription, underwriting, participation in syndicates, or otherwise, and whether or not fully paid up and may make payments thereon, as called for, or in advance of calls or otherwise, and to underwrite or subscribe for the same, conditionally

or otherwise, and either with a view of investment or re-sale or otherwise, and to vary the investments of the company, and generally to sell, exchange or otherwise dispose of or deal in and turn to account any of the assets of the company; to negotiate loans, to offer for public subscription or otherwise aid or assist in placing any such investments as aforesaid; to give any guaranty in relation to any such investment issued by, or required through or from the company; to offer for public subscription any shares or stocks in the capital of, or debenture, or debenture stock, or other securities of, or otherwise to establish or promote, or concur in establishing or promoting, any company, association, undertaking, or public or private body; to take, make, execute, or enter into, commence, carry on, prosecute and defend all contracts, agreements, negotiations, legal and other proceedings, compromises, arrangements and plans, and to do all other acts, matters and things which shall at any time appear conducive or expedient for the protection of the company as holders of or interested in any investments and securities as aforesaid.

Powers as guar-  
antee company.

SEC. 6. The said corporation shall have and is hereby given power and authority to guarantee the payment of principal or interest of existing bonds, bills of exchange, acceptances, checks or other securities or evidences of debt, including the obligations of such corporation, as may have secured their payment by deed of trust, or otherwise, and to receive such compensation as may be agreed upon by the parties.

Powers as bonding  
company.

SEC. 7. That said corporation shall have, and is hereby given, power and authority to act as surety for any person or persons, or corporation, upon the bonds of public or private persons, agents or clerks doing business of trust or confidence, and also upon bonds for costs in any case, in any of the courts of the several States of the United States, and to charge and receive for such services such sums as may be agreed upon: *Provided*, said company shall comply with the laws of the State relative to surety companies.

May accept fiducia-  
ry employments.

SEC. 8. That said corporation shall have, and is hereby given, power and authority to accept and execute trusts of all kinds which may be committed to its care, with its consent, by any person or persons whomsoever, or by any corporation or corporations, or by any court in this or any other State or territory of the United States; to act as trustee, executor, administrator, guardian, committee of a lunatic, or committee of an habitual drunkard, commissioner, assignee, receiver, broker, factor, agent or attorney for any person or corporation, and for its services shall receive such fees and compensation or emoluments as are or may be allowed to individuals in like cases. 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

Undertaking in  
lieu of bond.

Guilford County an undertaking in the sum of ten thousand dollars (\$10,000) with sufficient security, either personal surety, or bonds of the State of North Carolina, or of the United States, or of any county or city in the State of North Carolina, or any other security satisfactory to the 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 the 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, said undertaking may be sued upon by or for the party injured, or his legal representative, in the superior court of any county in the said State where such default shall have been made. A copy of such undertaking, duly certified by the Clerk of the Superior Court of Guilford 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, that it is necessary in order to secure the faithful performance of all of said trusts, he may require the said undertaking to be increased to such an amount as he may deem sufficient, not exceeding the sum of fifty thousand dollars (\$50,000). And the superior court of any county wherein any such trust shall have been committed to said corporation, to have the power to make orders respecting such trust, and to require it to render all accounts which said court might lawfully make or require of natural persons, and in accepting any trust or powers hereunder said corporation may qualify by one of its executive officers. The said corporation shall have discretionary power to invest the funds received by it in trust, in bonds of the United States or of any State, or the bonds duly authorized to be issued by any county or incorporated city, or other good securities, or in safe real and personal securities; but all such investments shall be at the sole risk of said 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 yearly rents and profits of any trust estate in its hands, but shall not be liable for any greater income, rents and profits than can be reasonably earned by safe and prudent investment.

Liability as  
fiduciary.

SEC. 9. That said corporation shall have the right to do a general savings bank business, receive deposits from or make loans for and obtain and procure loans for any person, company, corporation, co-partnership or association, including apprentices, minors and *femes covert*; to invest its own money or the money of others, to loan and invest money, on or upon the security of mortgage, pledge or deed of trust; to lend money upon, purchase or otherwise acquire bills of lading or the contents thereof, bills, notes, choses in action, or any and all negotiable and commercial paper,

General banking  
powers.

or any credit or other personal property, and sell, invest or dispose of the same, and to charge no rate of interest except that allowed by law; with power to act as trustee in mortgages or deeds of trust securing bonds or other corporate obligations.

Interest on  
deposits.

SEC. 10. That said corporation shall pay to its depositors who allow their deposits to remain two years or more, such lawful rate of interest as the directors may agree upon, such rate of interest to be computed annually, or at such other shorter periods as the directors may agree upon, and add it to the principal as a deposit; and the directors may prescribe and provide the terms on which deposits may be made, evidenced and withdrawn, as a condition precedent to an agreement on the part of the corporation to pay interest thereon.

How stock  
transferred.

SEC. 11. That the stock of this corporation held by any person shall be transferred only on the books of the corporation, either in person or by power of attorney duly executed and acknowledged as required in the case of deeds, 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 or discharged, and for all such indebtedness said corporation shall have a lien superior to all other liens on the stock of said stockholders, provided this condition is printed on the certificate of stock issued by the said corporation.

Lien of company.

Principal office.

Branch offices.

SEC. 12. That the principal office of said corporation shall be in the county of Guilford, State of North Carolina, but the directors may establish branch offices at such other places as may be deemed advisable by said board of directors.

Power to act as  
fiscal agent.

SEC. 13. That said corporation shall have, and is hereby given, power to act as a fiscal, transfer or business agent for any State, county, city, municipality, body politic or corporation, or for any person or persons, and in such capacity may receive and disburse money, negotiate, sell, transfer and register certificates of stock, bonds or other evidences of indebtedness.

Power to act as  
brokers.

SEC. 14. Said corporation shall have, and is hereby given, power to act as agents or brokers in the business of marine, fire, life, accident, fidelity, casualty, employers' liability and every other form of insurance in all of its branches.

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 4th day of March, A. D. 1905.



## CHAPTER 381.

AN ACT TO ESTABLISH A GRADED SCHOOL IN THE TOWN  
OF KINGS MOUNTAIN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all the territory embraced in the incorporate limits of the town of Kings Mountain shall be and is hereby constituted the "Kings Mountain Graded School District" for white and colored children. Town made school district.

SEC. 2. That the Board of Commissioners of the Town of Kings Mountain are hereby required to submit to the qualified voters of said town at the next election for municipal officers for said town to be held in May, one thousand nine hundred and five, the question whether the annual tax shall be levied for the support of graded schools in said town. Tax to be submitted to vote.

SEC. 3. That at the time of 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" upon it, and those opposed to the levying of such tax shall vote on a written or printed ballot, without device, with the words "Against Schools" upon it. Form of ballots.

SEC. 4. That if a majority of the votes cast at said election shall be in favor of such tax, it shall be the duty of the board of aldermen, or commissioners, of said town, and their successors, to levy annually a special tax of sixteen and two-thirds cents on the one hundred dollars valuation of all taxable property of said town, and upon the poll fifty cents; and said taxes shall be due and collected annually at the same time and in like manner as other town taxes are due and collected. Tax rate if levied.

SEC. 5. That the taxes shall be paid over by the tax collector of said town to the treasurer of said town, which officers shall give bonds, the former for collection and the latter for the safe-keeping and proper disbursement of said special tax and other funds that may come into his hands for the use of the said graded schools; 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 of the graded schools of said town. Treasurer to give bond.

SEC. 6. That the board of aldermen or board of commissioners of said town, in case this special tax shall be voted in the election, shall meet and elect a board of trustees of the Kings Mountain Graded Schools, said board to be composed of three members, and said board shall be constituted a board of trustees for the management and conduct of said graded schools; that said board shall have power to employ teachers and do all such acts as may be necessary to carry on the said graded schools. The board of aldermen, or commissioners, of said town of Kings Mountain shall have Election of school trustees.  
Power of trustees.  
Vacancies.

- the power and authority to fill all vacancies occurring in the said board of trustees of said graded schools and to appoint and elect successors upon expiration of the term, and the terms of office of the said members of the board of trustees first elected shall be respectively one, two and three years, and the first-named trustee shall serve for one year, the second named for two years and the third named for three years, in the order of their election by the board of aldermen or commissioners of the said town of Kings Mountain; and the term of office of the members of said board of trustees elected as successors to members whose terms have expired shall be three years.
- Term of office.**
- School property vested in trustees.** SEC. 7. 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: *Provided*, that in the event of the discontinuance of said graded schools, all the property thereto belonging shall revert and become the property of the said town or public schools of said town.
- Proviso: reversion.**
- Proviso: non-resident pupils.** SEC. 8. *Provided*, that the trustees of the said graded school of Kings Mountain shall have the right to admit students from outside of the incorporate limits of Kings Mountain and make a reasonable charge for tuition for the same.
- Conflicting laws repealed.** SEC. 9. That all laws and clauses of laws in conflict with this act are hereby repealed in so far as they conflict, and no further.
- SEC. 10. 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 March, A. D. 1905.

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## CHAPTER 382.

### AN ACT TO INCORPORATE THE TOWN OF YANCEYVILLE.

*The General Assembly of North Carolina do enact:*

- Town incorporated.** SECTION 1. That the town of Yanceyville in the county of Caswell be and the same is hereby incorporated by the name and style of
- Corporate name.** the "Town of Yanceyville," and shall be subject to all the provisions of law now existing in reference to incorporated towns.
- Corporate limits.** SEC. 2. The corporate limits of said town shall be as follows: One-half mile east, west, north and south from the northeast corner of the Court-house Square, running with the four cardinal points of the compass.
- Officers.** SEC. 3. The officers of said town shall consist of a mayor, three commissioners and a constable, 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 Temporary officers, following shall be the officers of said town: Mayor, B. S. Graves; commissioners, D. L. Edmonds, T. J. Florence and F. W. Brown.

SEC. 5. That it shall be unlawful for any person, firm or cor- Prohibition.  
poration to sell any spirituous, vinous or malt liquors or any  
liquor or mixture thereof which will produce intoxication, within  
the corporate limits of said town: *Provided*, that this section shall *Proviso: dispensary*  
not be so construed as to prevent the sale of such liquors by a dis- *not forbidden.*  
pensary.

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

In the General Assembly read three times, and ratified this 6th day of March, A. D. 1905.

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#### CHAPTER 383.

#### AN ACT TO AUTHORIZE THE CITY OF CONCORD TO SELL AT PRIVATE SALE ITS VACANT LOT ON WEST DEPOT STREET IN SAID CITY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the city of Concord, in its corporate name, be Sale authorized.  
and it is hereby authorized and empowered to sell at private sale  
its vacant lot, or any part of it, situate on West Depot Street be-  
tween the lots of Gowan Dusenberry and M. J. Corl on the north  
side of said street, and make deed for same in fee-simple to the Deed.  
purchaser or purchasers.

SEC. 2. 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 March, A. D. 1905.

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#### CHAPTER 384.

#### AN ACT TO CHANGE THE NAME OF THE TOWN OF JEROME IN JOHNSTON COUNTY TO MICRO.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter two hundred and fifty-four (254). Amendment.  
Private Laws of eighteen hundred and ninety-nine (1899), be and  
the same is hereby amended as follows: Strike out the word  
"Jerome" wherever used in said chapter and insert in lieu thereof  
the word "Micro."

SEC. 2. That the name of said town is hereby changed and shall Name to be Micro.  
hereafter be known as "Micro."

Charter of Jerome  
to apply.

SEC. 3. That the act incorporating the town of Jerome shall and the same shall apply to the town of Micro.

Conflicting laws  
repealed.

SEC. 4. That all laws in conflict with this 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 5th day of March, A. D. 1905.

## CHAPTER 385.

### AN ACT TO INCORPORATE RALEIGH AND DURHAM PASSENGER AND POWER COMPANY.

*The General Assembly of North Carolina do enact:*

Corporators.

SECTION 1. That B. S. Jerman, T. D. Fuller, F. L. Fuller, W. J. Nelms, T. S. Fuller and Jones Fuller, and their associates, successors and assigns, be and they are hereby created a body politic and corporate by and under the name of Raleigh and Durham Passenger and Power Company, and by that name shall have perpetual corporate existence and sue and be sued, plead and be impleaded in the courts of this State; have a common seal and alter the same; hold, purchase and acquire by deed, gift or otherwise, both real and personal property of every kind and nature; to sell or lease the same as may best promote the interests 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 the State.

Capital stock.

SEC. 2. That the capital stock of this corporation shall be one hundred and twenty-five thousand dollars (\$125,000), and the said capital stock may be issued and reissued upon such terms and with such designations, preferences, voting powers and restrictions and qualifications thereto as those holding two-thirds ( $\frac{2}{3}$ ) of the outstanding shares of the capital stock may prescribe. Said capital stock shall be divided into shares of the par value of one hundred dollars (\$100) each, and the same, or any increase thereof, may be paid for in money or other property or services, as may be determined by the board of directors of the said corporation.

Shares.

Power to construct  
and operate  
railroad.

SEC. 3. That said corporation 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, sidetracks, 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, or any other 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, when the same is done in any incorporated city: to erect and equip such stations, warehouses, offices, power plants, 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 or 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 may 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 cities by and with the consent of the authority having lawful supervision and control of said public highways and avenues: *And provided further*, that said corporation 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 the said cities within five years from the ratification of this act.

Proviso: grade at crossings.

Railroad fares.

Proviso: power on streets.

Proviso: construction on streets.

Proviso: work to begin and be finished.

SEC. 4. That said corporation is hereby given power and authority also to make, transmit and furnish to individuals and corporations within said cities, and 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 other point, 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 transmission 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 kinds 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,

Rights as power and light company.



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 may hereafter be utilized, and all matters incidental and 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, hotels and any and all other structures desirable or convenient; to lay out and plat any real property belonging to or acquired by the corporation, into lots, blocks, squares, factory sites, amusement parks and other convenient forms, and to lay out, plat and dedicate to public use, or otherwise, avenues, alleys and parks.

Powers as water company.

Rights as improvement and development company.

Power to borrow money.

SEC. 5. That said corporation 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.

Surveys.

SEC. 6. That in order to carry into effect the purposes of this act said corporation may survey such routes for its lines or line of railway, and for its ways and means of transmission and distribution of power, light and heat, as may be deemed practicable; and if any lands of individuals or corporations, or any easement, privilege or right-of-way therein shall be found necessary for the construction and operation of said line or lines, its branches and sidings, and of its wires, cables, tubes, pipes and conduits, for the purpose of transmission of its power, and if unable to agree with the owners thereof upon the compensation therefor, said corporation 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 proceedings prescribed by chapter forty-nine of The Code

Right to condemn property.

of North Carolina, entitled "Railroad and Telegraph Companies," and the acts amendatory thereof.

SEC. 7. 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.

Stockholders not individually liable.

SEC. 8. That all privileges, rights, franchises, powers, grants and easements heretofore lawfully granted to Raleigh and Durham Passenger and Power Company by the Board of Aldermen of the City of Raleigh and the Board of Aldermen of the City of Durham and the Board of Commissioners of Wake County and the Board of Commissioners of Durham County, for the use and occupation of the streets, avenues, lanes, cartways, thoroughfares, sidewalks and public highways of said cities and counties, and all other rights, privileges, franchises, powers, grants and easements granted by said cities and counties are hereby ratified and confirmed: *Provided*, that the said Raleigh and Durham Passenger and Power Company shall not be authorized to straddle the track or tracks of the Raleigh Electric Company, nor to construct a parallel track on any street so near the said tracks of said Raleigh Electric Company as to obstruct or hinder the free passage of its cars.

Grants from cities validated.

Proviso: rights of other companies.

SEC. 9. That nothing in this act shall be construed to abridge, alter, amend or repeal any of the provisions of the charter of the Raleigh and Durham Passenger and Power Company heretofore granted by the Secretary of State of the State of North Carolina, granted the second day of December, one thousand nine hundred and four, but the same is hereby ratified and confirmed in all respects and shall be and remain in full force and effect.

Rights under former charter confirmed.

SEC. 10. That the principal office of said corporation shall be in Raleigh, North Carolina, and such branch offices as may be desirable for the purpose of the corporation may be established at such places as the board of directors shall designate and prescribe.

Principal office.  
Branch offices.

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

In the General Assembly read three times, and ratified this 6th day of March, 1905.

## CHAPTER 386.

### AN ACT TO CHANGE THE CORPORATE LIMITS OF THE TOWN OF LUMBERTON.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section three of chapter two hundred and fifteen of the Private Acts of one thousand eight hundred and ninety-nine, ratified March fourth, one thousand eight hundred and

Corporate limits.

ninety-nine, be and the same is hereby repealed, and the said section is hereby amended and re-enacted so that the same shall read as follows, to-wit: 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 a point one-half mile south eighty-seven and one-half degrees east from the center of the courthouse of the said town of Lumberton, and running thence north two and one-half degrees east one-half mile to a stake; thence north eighty-seven and one-half degrees west one mile to a stake; thence south two and one-half degrees west to a stake two hundred feet south of the southern edge of the right-of-way of the Carolina Central Railroad Company; thence parallel with the right-of-way of the said Carolina Central Railroad and two hundred feet south of the southern edge of said right-of-way, until a line north two and one-half degrees east will direct to the beginning, thence direct to the beginning.

Conflicting laws repealed.

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

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

In the General Assembly read three times, and ratified this 6th day of March, 1905.

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#### CHAPTER 387.

### AN ACT TO AUTHORIZE THE CITY OF WASHINGTON TO ISSUE ADDITIONAL SCHOOL BONDS.

*The General Assembly of North Carolina do enact:*

Bond issue authorized.

Amount.

Description.

SECTION 1. That the Board of Aldermen of the City of Washington be and they are hereby authorized and directed to issue coupon bonds not to exceed an amount in the sum of fifteen thousand dollars (\$15,000), and in denominations of not less than one hundred dollars, nor more than one thousand dollars, bearing interest from date of bonds at a rate not to exceed five per cent. per annum and payable annually on the first day of January of each year until said bonds are paid; but the said board of aldermen may, by resolution, agree to pay the interest upon said bonds semi-annually and at such dates as may be deemed advisable, if they desire to do so. That the principal of said bonds shall be made payable at a time to be fixed by the said board of aldermen and named therein, not to be less than twenty years nor more than fifty years from the date thereof: *Provided*, said board may divide said bonds into classes as they determine best, and have them mature at different dates between the limits aforesaid. That said bonds and their coupons shall be numbered, and the bonds shall be signed by the Mayor of the City of Washington and countersigned

Proviso: bonds classified.

How bonds attested.

by the clerk of the said board, and have the corporate seal affixed thereto, and the coupons thereto attached shall be signed by the mayor of the city. That a record shall be kept of said bonds, Record of bonds. showing the numbers and denominations thereof and to whom sold, the dates of issuing thereof, and when the same will mature, and the interest-bearing rate thereof, the amount received from the sale thereof, 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. That 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 public school purposes.

SEC. 2. That the said bonds hereby authorized to be issued shall be delivered to the Treasurer of the City of Washington, who is Bonds sold by treasurer. *ex officio* Treasurer of the Board of School Trustees of the Town of Washington, to be by him sold at not less than par and converted Not to be sold below par. into money; and said sale shall be under the direction of and the proceeds thereof disposed of under the authority of the Board of School Trustees of the Town of Washington: but the said treasurer shall not deliver said bonds to the purchaser until the purchase money thereof shall be received by him. That the sureties upon the official bond of said treasurer shall be liable to account for and pay over the same as provided by the laws relating to the Treasurer of the City of Washington; and it shall be the duty of the board of aldermen of said city to provide that the bonds of said treasurer shall at all times be sufficient in amount and with satisfactory sureties to provide against any loss of money arising from the sale of said bonds; and to that end may, at any time, require said treasurer to renew his official bond in such sum and with satisfactory sureties as they may require, and in default thereof remove him from office as treasurer; and they shall also fix the Treasurer's bond liable. compensation of said treasurer. Compensation.

SEC. 3. That the Treasurer of the City of Washington shall keep Money to be kept separate. separate from all public moneys coming into his hands the moneys arising from the sale of said bonds, and the same shall be ex- How expended. pended by the Board of School Trustees of the Town of Washington (the body corporate created by the General Assembly of North Carolina under chapter four hundred and nine, Public Laws of one thousand eight hundred and ninety-nine, entitled "An act to establish graded schools in the town of Washington"), and said moneys shall be used to supplement the moneys derived from the sale of bonds authorized by an act of the General Assembly of North Carolina, chapter three hundred and thirty-five, page seven hundred and seventy-four of the Private Laws of one thousand nine hundred and three, entitled "An act to authorize the city of Washington to issue school bonds."

SEC. 4. That said bonds shall not be issued nor the taxes herein Bonds not issued until ratified by people. authorized levied until authorized by a majority of the qualified

Petition for election.	voters of the city of Washington at a public election to be held in said city; and that upon the written petition of the Board of School Trustees of the Town of Washington, signed by a majority of the members of said board and addressed to the Board of Aldermen of the City of Washington, the said board of aldermen shall
Date of election.	order the said election to be held. That the date of such election shall be designated by the said board of school trustees in the said petition, and the said election shall be ordered for such day only as the said Board of School Trustees of the Town of Washington may designate; and that the said election shall not be ordered except upon such written petition made within two years from
Notice of election.	and after the ratification of this act. That said election shall be advertised by said board of aldermen for thirty days prior to the election in one or more newspapers published in said city, and the
Law governing election.	said election shall be held under the supervision of inspectors and pollholders or judges of election appointed by the said board of aldermen, and in accordance with the provisions of chapter one hundred and seventy, Private Laws of one thousand nine hundred
Returns.	and three of North Carolina, relating to the election of mayor and aldermen of the city of Washington, and the returns of the result of said election shall be made and certified by the said election officers to the board of aldermen of said city, and the result thereof shall be canvassed by the said board of aldermen and the result duly declared. That at the said election those who are in favor of
Form of ballots.	issuing said bonds and levying the taxes herein provided for shall vote ballots with the words "For School Building;" and those opposed to issuing said bonds shall vote ballots with the words
Result certified to Secretary of State.	"Against School Building" written or printed thereon. That when the result of the election shall be canvassed and declared as aforesaid, that the same shall be certified by the mayor and the clerk of the said board of aldermen, under the corporate seal, to the Secretary of State, which said certificate shall be received
Effect of election.	and filed by the Secretary of State in his office. That if at said election the majority of the qualified voters shall cast their ballots "For School Building," then the said board of aldermen shall proceed at once to issue and deliver said bonds as above provided, or so many thereof as in the judgment and discretion of the said Board of School Trustees of the Town of Washington shall be necessary for the purpose aforesaid.
Special taxes for interest and sinking fund.	SEC. 5. That 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 Washington shall
Limit.	levy and collect a special tax, not exceeding seven cents on every one hundred dollars worth of taxable property and not exceeding twenty-one cents on every taxable poll in the said city, and such other special taxes upon all subjects for taxation which are now or may hereafter be embraced in the subjects of taxation under the charter of the said city as may be necessary for that purpose.



observing the equation of taxation between property and the polls fixed by law: and the money paid into the city treasury, received from the taxes levied under this act, shall be appropriated for the purpose of paying said bonds and interest 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 Board of School Trustees of the Town of Washington, to the general fund of the city of Washington. That the said taxes shall be collected in like manner as the other taxes of the said city. 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 shall have been due and tender of payment made: and if the holder of any of the 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 had been outstanding after maturity.

Specific  
appropriation.

Proviso: surplus to  
general fund.

Exemption from  
city taxation.

SEC. 6. The Board of Aldermen of the City of Washington may, in their judgment at any time they deem it advisable to do so, appoint any individual or banking or trust company as trustee, whose duty it shall be to receive from the Tax Collector of the City of Washington 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 the amount of compensation and the bond for the faithful performance of the duty of the said trustee. It shall be the duty of the said trustee to pay the interest on said bonds as the coupons become due, and to invest the surplus money coming into his hands upon real estate situated in the city of Washington, or any securities, for the purpose of creating a sinking fund for the payment of the principal of said bonds: *Provided*, that the said board of aldermen may provide that no such investment or loan shall be made without their consent and approval.

Trustees of sink-  
ing fund.

Investment of  
sinking fund.

Proviso: consent of  
aldermen.

SEC. 7. The Board of School Trustees of the Town of Washington, incorporated under chapter four hundred and nine, Laws of one thousand eight hundred and ninety-nine, being an act entitled "An act to establish graded schools in the town of Washington," ratified the sixth day of March, one thousand eight hundred and ninety-nine, are hereby vested with authority to borrow money for the purpose of constructing and equipping any of its school buildings, or for the necessary current expenses of such schools, and may issue therefor its obligations, signed by the chairman of the board and its secretary and attested by its corporate seal, to secure the payment of such bonds may pledge any revenues or income of the said corporation which it may be entitled to receive under chapter four hundred and nine, Public Laws of one thou-

School trustees may  
borrow money.

said eight hundred and ninety-nine, or any amendment thereto, or any other act establishing a graded school in the town or city of Washington.

Trustees to  
condemn lands.

SEC. 8. The Board of School Trustees of the Town of Washington, incorporated under chapter four hundred and nine, Laws of one thousand eight hundred and ninety-nine, being an act entitled "An act to establish graded schools in the town of Washington," ratified the sixth day of March, one thousand eight hundred and ninety-nine, is hereby vested with authority to condemn lands for the use of schools or the erection of school buildings for the [use] of the public schools of said city of Washington. The procedure shall be in the same manner as prescribed for the condemnation of lands for railroads under chapter forty-nine of The Code of one thousand eight hundred and eighty-three, and the amendments thereto. The board may use any funds arising [from] an act entitled "An act to authorize the city of Washington to issue school bonds," chapter three hundred and thirty-five, Private Laws of one thousand nine hundred and three, and ratified the sixth day of March, one thousand nine hundred and three, or under this act, or any of its general revenues, to pay for such lands.

Procedure.

Funds for payment.

SEC. 9. 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 March, A. D. 1905.

## CHAPTER 388.

### AN ACT TO ESTABLISH A BOARD OF POLICE, FIRE AND HEALTH COMMISSIONERS FOR THE CITY OF CHARLOTTE.

*The General Assembly of North Carolina do enact:*

Board created.

SECTION 1. That the police, fire and health departments of the city of Charlotte shall be under the general control of a board of police, fire and health commissioners thereof, hereby created, and which shall consist of the mayor as *ex officio* chairman and six other citizens of said city, and four of whom (exclusive of the mayor) shall constitute a quorum; that A. L. Smith, John J. Williams, J. P. Wilson, J. I. Blakely, J. A. Durham and J. K. Wolfe be and they are hereby constituted a board of police, fire and health commissioners for the city of Charlotte, of which the Mayor of the City of Charlotte shall be *ex officio* chairman. That at all meetings of the board of commissioners the mayor shall preside, but shall have a vote only in case of a tie. In his absence the other members shall elect a chairman *pro tem*.

Mayor to be  
chairman.

Commissioners  
named.

Chairman pro tem.

Terms of  
commissioners.

SEC. 2. That the said commissioners named above shall hold office and serve for the following periods, respectively, to-wit:

A. L. Smith, until the first Monday in July, nineteen hundred and six, and until his successor shall be appointed or elected and qualified; John J. Williams, until the first Monday in July, nineteen hundred and seven, and until his successor shall be appointed or elected and qualified; J. P. Wilson, until the first Monday in July, nineteen hundred and eight, and until his successor shall be appointed or elected and qualified; J. I. Blakely, until the first Monday in July, nineteen hundred and nine, and until his successor shall be appointed or elected and qualified; J. A. Durham, until the first Monday in July, nineteen hundred and ten, and until his successor shall be appointed or elected and qualified; J. K. Wolfe, until the first Monday in July, nineteen hundred and eleven, and until his successor shall be appointed or elected and qualified. And as the said terms expire the vacancies in the board thus created shall be filled by election by the Board of Aldermen of the City of Charlotte in the month of June of each of the said years as hereinafter prescribed.

SEC. 3. The Board of Aldermen of the City of Charlotte, at their regular meetings in the month of June of each year, shall elect one commissioner to succeed the commissioner whose term will expire that year; and as the terms of the commissioners chosen under this act, respectively, expire, the vacancies in the board thus made shall be filled by selecting members for six years, whereby all will serve and hold office six years, and one be elected in June of each year in the manner hereinbefore provided. That the members of said board of commissioners may be removed at any time by vote of two-thirds of all the members of the Board of Aldermen of the City of Charlotte in meeting assembled, for good cause, upon proper charges and specifications made and proved. If any member (commissioner) shall refuse to qualify, or, after qualifying, shall become physically or mentally disqualified to serve, resign, cease to be a qualified voter of the city of Charlotte, or be a candidate for any office, Federal, State or municipal (same to be found as a fact by board of aldermen and spread upon its minutes), there shall be at once a vacancy in said board of commissioners, which vacancy, as well as one caused by removal for cause, shall be filled by the Board of Aldermen of the City of Charlotte at their next regular meeting after such vacancy occurs; and when any member of the police, fire and health commission is named as an applicant or candidate, or as proper to be supported as a candidate for any office, or a proper person to receive such office, the chairman shall, or any member of said board of police, fire and health commission may, notify him in writing that his name is mentioned in connection with such office; and if said member does not, within ten days after receipt of said notice, file with the chairman of said board of police, fire and health commissioners his statement in writing that he is neither a candidate nor applicant for such office, and that he will not serve nor accept it if elected

Successors.

Elections of commissioners.

Removable for cause.

Vacancies.

How vacancies filled.

Commissioner to vacate office if candidate for other office.

Vacancies for unexpired term.	or appointed, the said board of police, fire and health commissioners shall declare vacant his place, which shall be filled in the manner hereinbefore prescribed for filling other vacancies. When vacancies are filled for any cause other than expiration of term, they shall be filled only by the board of aldermen for the unexpired term.
Commissioners to qualify.	SEC. 4. That each commissioner appointed by this act, and his successors in office, shall, before entering on the duties of his office, take this oath, to be administered by the Mayor, or, in his absence,
Form of oath.	the Mayor <i>pro tem.</i> , of the City of Charlotte: "I swear that I will faithfully and impartially demean myself as a member of the Board of Charlotte Police, Fire and Health Commissioners during my continuance in office. I have not, in order to influence my election to this office of commissioner, directly or indirectly, expressly or impliedly, promised my vote or support to any person for any office in the city of Charlotte nor for any other office. I will not knowingly permit my vote in the election or appointment of any person to position on the police or fire or health department, or other forces of the city, to be influenced by fear, favor or affection, reward or the hope thereof, but in all things pertaining to my said office I will be governed by my conviction of the public good." The oath shall be entered on the minutes of the proceedings of the board, and the original shall be filed in the
Meeting of board.	office of the city clerk and treasurer. That on or before the first day of May, nineteen hundred and five, the commissioners herein appointed shall assemble at the city hall in the city of Charlotte,
Secretary.	and, after taking the oath of office, organize, elect a secretary from
Salary.	among their number for the ensuing year, and fix his compensation, which shall not exceed one hundred dollars (\$100) per annum, and shall be paid him in quarterly installments by the clerk and treasurer of the city, upon the warrant of the mayor of the city.
Official name of board.	That said board of commissioners, when so organized, shall be known as the "Charlotte Police, Fire and Health Commission."
Votes.	Each member of said board of commissioners shall be entitled to one vote on every question or subject before the commissioners, and the board may determine the manner in which any vote may be taken on any subject brought before it. The said board shall adopt rules and regulations for the government thereof; it may establish, promulgate and enforce proper rules, regulations and orders for the good government of the police force and fire and fire-alarm and health departments, and in any investigation pertaining to their duties shall have power to send for persons and papers, and by their presiding officer to administer an oath: <i>Provided</i> , that such rules and regulations shall not in any way conflict with any ordinance of the board of aldermen.
Fire department to be elected by board.	SEC. 5. The force of the fire department of the city of Charlotte shall be appointed by the said board of police, fire and health commissioners as herein provided. The said force shall consist of a
Fire force.	

chief, engineer, such assistant engineers and as many foremen, station men, hose men and ladder men as from time to time may be required, in the opinion of said board, except that the total number of the force shall not be increased without the consent of the board of aldermen of said city, above its present number. The chief, the engineer and other members of the department shall be appointed for a period of three years. The said officers and members of the fire department may be removed at any time, or such fines or suspensions may be imposed, for cause, as the board may deem proper, as hereinafter provided. In any investigation pertaining to their duties the board shall have power to send for persons and papers, and by their presiding officer administer an oath, and their findings and judgment shall be final. The board of police and fire and health commissioners is hereby empowered to prescribe the duties of the chief, engineer, assistant engineer, as well as appoint other members or employees of the fire department, assigning to them such duties in the department as the board shall deem proper.

Term of fire force.

Force subject to board.

Board to prescribe duties.

SEC. 6. The board of police, fire and health commissioners shall have and exercise fully and exclusively all powers necessary for the government, management, maintenance and direction of the fire and fire-alarm department of the city and the premises and property thereof. All real estate, fire apparatus, hose, implements, bells and bell towers, fire telegraph and all property of whatever nature in use by the firemen or fire and fire-alarm departments of the city belonging to said city shall be under the control of the police, fire and health commissioners, and for the use of said departments, but the said property shall remain the property of the city of Charlotte, subject to the public uses of said department as aforesaid, and for the purposes provided by this act. The said board shall, subject to the other provisions of this act, have full power to provide supplies, horses, tools, implements and apparatus of any and all kinds incident to or to be used in the control, prevention and extinguishment of fires and for fire-telegraph purposes, food and provender for horses of said departments, and to buy, sell, construct, repair and have the care of the same, and to take any and all such action in the premises as it may deem to be reasonably necessary and proper. The said board may, with the approval of the board of aldermen, increase the number of companies in service as from time to time they may deem necessary.

Board to control fire and fire-alarm department and property.

SEC. 7. The said board of police, fire and health commissioners shall have exclusive right and power from time to time to designate and fix the location of all fire alarms, telegraph, signal and alarm stations in the city, and shall have access to and the control of the same for the purposes of the department.

Fire alarms.

SEC. 8. The said board of police, fire and health commissioners shall, subject to the other provisions of this act, provide such offices and business accommodations as may be requisite for the

Officers.



transaction of the business of the departments. The board of police, fire and health commissioners may adopt a common seal and direct its use.

Attorney of board. SEC. 9. The city attorney shall be the attorney for the board of police and fire commissioners, and shall perform such duties connected with the departments under their control as are prescribed herein or as may be properly required of him by the board of police, fire and health commissioners.

Regulations. SEC. 10. It shall be the duty of said board of police, fire and health commissioners to make such suitable regulations for the government of the officers, men and property of the police, fire and fire-alarm and health departments of said city as it may deem necessary and proper for the control and management of the same.

Exemptions. SEC. 11. No person holding office by appointment of the board of police, fire and health commissioners shall be liable to military or jury duty, nor to arrest on civil process while in the actual performance of duty in answer to an alarm of fire.

Employees to take oath. SEC. 12. Every member of the departments herein named shall take an oath for the faithful performance of his duties, and subscribe the same before a member of the board of police and fire and health commissioners.

Powers of board over employees. SEC. 13. The board shall have power, in its discretion, on conviction of a member of the force of either department of any offense against its rules, or of neglect of duty, or neglect or disobedience, or incapacity, or absence without leave, or immoral conduct, or conduct unbecoming an officer, or other breach of discipline, to punish the offending party by reprimand, forfeiture and withholding of pay for specified time, or by dismissal from the force.

Board to fix salaries. SEC. 14. The said board shall fix the salaries and compensation of the officers and members of the police, fire and health departments, but the aggregate of such salaries and compensations shall not be reduced below the sum appropriated by the board of aldermen annually for pay-roll of the said department at the date of the passage of this act, and the aggregates be increased only by the board of aldermen after recommendation of the said board of police, fire and health commissioners.

Powers of police. SEC. 15. That the chief of police and other policemen of the city of Charlotte shall have the same power and authority to serve warrants and make arrests in Charlotte Township as are now conferred by law on the constable of said township, and shall have the powers of such constables in criminal and police matters; and the Recorder of the City of Charlotte, in addition to his powers, authority and jurisdiction in the city of Charlotte and the limits of the one-mile police jurisdiction thereof, shall have the same powers and jurisdiction in criminal and police matters and actions in Charlotte Township as are now conferred upon and vested by law in justices of the peace of said township at the date of the passage of this act, and may be increased only by the board of

Jurisdiction of recorder.

aldermen after recommendation of said board of police, fire and health commissioners.

SEC. 16. It shall be the duty of the board of police, fire and health commissioners, once in each year, and oftener if deemed necessary, to submit to the board of aldermen in writing a classified estimate of what funds will be needed for the proper maintenance and growth of the police, fire and fire-alarm and the health departments, and to request the board of aldermen to make appropriation accordingly. It shall be the duty of the board of aldermen to appropriate, annually, upon the recommendation of the board of police, fire and health commissioners, such sums of money as said board shall deem sufficient for the proper maintenance of both police, fire and fire-alarm and health departments for pay-rolls, expense, equipment and construction: *Provided*, such appropriation shall not be reduced below the sums appropriated to the said police, fire and fire-alarm and health departments for the last fiscal year preceding this act. The said board of police and fire commissioners are authorized and empowered to draw warrants on the treasurer of the city to pay claims against said departments, said warrants to be signed by the chairman of the board, or by the chairman *pro tem.*, to be appointed by the said board as hereinbefore provided, after the same shall have been approved by the board in regular session.

Board to submit estimates.

Appropriations.

Proviso: appropriation not reduced.

Board to draw warrants.

SEC. 17. That said board of police, fire and health commissioners shall have and are hereby granted all the powers, duties and functions of and possessed and exercised by the present Board of Health of the City of Charlotte, which latter board is hereby superseded by and the same and their powers and functions transferred to said board of police, fire and health commissioners, to take effect upon the expiration of the terms of office of the members of said board of health, at which time the commissioners hereby appointed, and their successors in office, shall have charge, possession and control of the department of health of said city of Charlotte, and the officials, agents and employees of the health department of said city shall be elected by and serve under the Charlotte Police, Fire and Health Commissioners of Charlotte, under rules and regulations and for terms to be prescribed by said Charlotte Police, Fire and Health Commissioners; but said commissioners shall make no rules or regulations in violation of an ordinance of the city of Charlotte, and the compensation of the officials and employees of the health department of the city shall be fixed as provided in section fourteen of this act. The laws and ordinances now in existence in regard to the board of health and the health department of said city shall remain in full force and effect, except as by this act modified or amended, until further changed or amended according to law.

Board of health superseded.

Compensation of employees.

SEC. 18. It is hereby declared to be unlawful for the board of police, fire and health commissioners, or any member thereof, to

Members of board not to be interested in contracts.

Misdemeanor.	be personally interested in any contract, purchases or sales made for the departments under their control, or in any way, directly or indirectly, to receive compensation or profit arising from the performance of the duties of their office, and any member of said
Punishment.	board who shall be found guilty thereof shall be punished by a fine not exceeding one thousand dollars or imprisoned not exceeding six months.
Accounts.	SEC. 19. The said board shall keep, in a separate book prepared by them for the purpose, a detailed account of their expenditures in the several departments, and shall report said expenditures to the board of aldermen at its first meeting in the months of January and July of each year, and they shall be at all times prepared to substantiate such expenditures by proper papers and vouchers.
Annual reports.	They shall also report to the board of aldermen at its first meeting in January in each year the condition of the departments under their control, with all information germane thereto and not prejudicial to the service.
Present contracts protected.	SEC. 20. Nothing in this act shall be construed to interfere in any manner with any contract or agreement that may exist at the date of the passage of this act between the city of Charlotte and any railway, telephone or telegraph company in reference to the occupancy of the streets by telegraph or telephone wires.
When board to organize.	SEC. 21. The police, fire and fire-alarm and health departments of the city of Charlotte shall remain as at present organized, until the expiration of the terms of office, at which time the said board of police, fire and health commissioners shall proceed to organize the said departments as herein described, and to assume
Appointment of police force.	all the powers and duties conferred upon them by this act. The police force of the city of Charlotte shall be appointed by the board of police, fire and health commissioners as vacancies occur and as herein provided. The said force shall consist of a chief of
Police force.	police, assistant chief of police, sergeants of police and as many officers and privates as the board of aldermen of said city may by ordinance prescribe, except that the force, officers and privates, shall not be reduced below its present number. The present police force shall hold their positions for the terms for which they were appointed, and as the said terms shall expire new appointments shall be made by the said board of police, fire and health commissioners. All new appointments, including the chief, shall be for three years, but subject to removal for inefficiency or other good cause as in this act provided, and under rules and regulations by this commission adopted and in their discretion. The pay of the police shall be fixed by the board of police, fire and health commissioners. The chief of police shall be responsible for the discipline and efficiency of the police force. All orders shall pass through him, except so far as the rules, regulations and orders of the board of police, fire and health commissioners authorize orders to be given direct to any subordinate on the police force. In addi-
Terms of new appointees.	
Chief of police.	

tion to the power of dismissal vested in the chief, any member of the force, including the chief, may be removed, suspended or fined by the board of police, fire and health commissioners, upon proper cause shown, and, in cases where a fine is imposed, may order the same to be deducted from his pay, and in their discretion.

SEC. 22. The chief of police shall give bond, in such sum as the board of aldermen may prescribe, for the faithful discharge of the duties imposed by law and the ordinances of the city, and to faithfully account for all money that may come into his hands from fines, penalties and otherwise by virtue of his office. It shall be the duty of the chief of police to attend the recorder's court each day and report any violation of law or ordinance 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 in force, and do such other things as may be required of him by law and by the rules and regulations of the police, fire and health commissioners of the city. The chief of police and each member of the police force shall have all the power and authority invested in sheriff and constables for the preservation of the peace of the city of Charlotte and the territory over which said city's police jurisdiction extends, and Charlotte Township, by suppressing disturbances and apprehending offenders. They shall execute all process directed to them by the recorder of said city or other lawful officers in said jurisdiction, and in execution thereof shall have the same power which sheriff and constables have. The chief and members of the police force shall take an oath before the mayor for the faithful performance of the duties required by law and the ordinances of the said city and rules and regulations of said police, fire and health commissioners. The salary of the chief of police shall be fixed by the board of commissioners and shall not be less than one thousand dollars and not more than one thousand five hundred dollars, and he shall receive no other compensation whatsoever for his services, and all fees now and heretofore prescribed to be collected and paid to him shall be paid to the treasurer of the said city of Charlotte.

SEC. 23. In times of exigency the mayor, with the advice and consent of the police, fire and health commissioners, may appoint and put on duty special policemen for such time as may appear necessary, not exceeding one week, and which policemen shall take the same oath and be subjected to the same control as regular policemen. And the mayor, with like consent of said commissioners, may from time to time appoint in times of exigency and put on duty special detectives for such time as shall appear necessary.

SEC. 24. The mayor may at any time, upon charges being preferred, or upon the finding of the chief of police or any member of the police force of said city of Charlotte guilty of misconduct,

Chief to give bond.

Further duties of chief.

Powers and authority of police.

Police force to be sworn.

Salary of chief.

Special policemen.

Special detectives.

Power of mayor to suspend.

have power to suspend such member from service until the police, fire and health commissioners of said city shall convene and take action in the matter, and upon hearing the proofs in the case the said board of police, fire and health commissioners may discharge or restore such member, and the salary of such member so suspended shall cease from the time of his suspension to the time of his restoration to service. Any violation of the regulations or orders of any superior shall be good cause for dismissal; and the mayor shall suspend the chief or any member of the police force if found drunk while on duty.

Mayor to suspend  
on complaint of  
recorder.

SEC. 25. Upon written complaint made to the mayor by the recorder of the said city 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 police, fire and health commissioners of the city shall meet and take action in the matter.

Badges and  
uniforms.

SEC. 26. The Board of Police, Fire and Health Commissioners of the City of Charlotte shall require the entire police force to wear badges and be so armed and uniformed as to be readily recognized by the people 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 and injury.

General powers of  
police.

Salary of mayor.

SEC. 27. That the mayor shall receive no additional compensation other than his regular salary as mayor of the city according to law, and the members of the said board of commissioners shall receive no pay.

Construction of act.

SEC. 28. This act shall not be construed to repeal any law now in force relating to or affecting the city of Charlotte, its charter, amended charters, its government, powers, jurisdiction, or to amend the same, except as they are hereby modified and amended; and all ordinances of the city of Charlotte affecting the police, fire and health departments of said city, or either of them, shall, until repealed or amended by the board of aldermen of the said city, remain in full force and effect, except in so far as modified by this act, by reason of said departments being hereby placed under the control and management of the said Charlotte Police, Fire and Health Commissioners.

SEC. 29. This act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 6th day of March, 1905.



## CHAPTER 389.

## AN ACT TO AMEND THE CHARTER OF THE TOWN OF WAYNESVILLE, NORTH CAROLINA, AND TO PROVIDE FOR THE PAVING AND IMPROVEMENT OF THE STREETS OF SAID TOWN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Mayor and Board of Aldermen of the Town of Waynesville 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 town, 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 town.

Duty, power and authority of aldermen.

SEC. 2. That in order to more fully carry out the duty imposed by section first 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 the 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, except on Main Street between the "Temple lot," near the Presbyterian Church, and fifty feet south of where Academy Street intersects with Main Street. 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 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 majority of persons owning land abutting on such street or alley, or portions thereof proposed to be improved, shall, in writing, request the said mayor and board of aldermen to make such improvement; and said improvement, when so made, shall be left to the discretion of said board of aldermen in all cases.

Two-thirds cost assessed on abutting property.

Proviso: exemptions.

SEC. 3. That to equalize the assessments on real estate for the purposes described in section two 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 prorate the cost thereof on the real

Apportionment of cost.

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 may subdivide their lands in such manner as they may see fit, and shall file in the office of the town clerk a plat of such 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. 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 town, they shall have the same accurately surveyed and a permanent grade thereof established, and cause an accurate map thereof 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 town clerk, to be subject to public inspection; and when the assessments and liens provided for shall have been made upon the various lots and properties on the street the said town 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. 4. That the amount of assessments of such street improvements as hereinbefore provided, being estimated on each piece of real estate as above described, 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 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 the *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 said assessments against all property abutting upon said streets as aforesaid shall become due and payable as follows, to-wit: one-fifth in sixty days after the adoption of said

Proviso: sub-  
division.

Surveys and  
grades.

Map to be filed.

Liens and assess-  
ments written on  
map.

Record of  
assessments.

Assessments lien  
on property.

Survey and report  
of engineer.

Liens operative on  
confirmation of  
report.

Assessments  
payable.

report, and the balance in three equal installments, which deferred payments shall all bear interest at the rate of six per cent. 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 town of Waynesville, stating that such report has been filed in the office of the town clerk, and that at the first regular meeting of the said board of aldermen to be held after the expiration of the 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 lands affected by said liens 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 town 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 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 filed objections, as aforesaid, to the confirmation 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 said decision of the said board of aldermen to the next Superior Court of Haywood County, North Carolina, by serving upon the said town notice, in writing, of his intention so to do, and specifying in said notice 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 Haywood 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 the said town 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 objection of the appellant thereto, and of said notice, duly certified by the town clerk, shall constitute the record of 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 town of Waynesville, "as an appeal from an assessment," and the cause shall then be

Notice of filing of report.

Land-owners to file objections.

Appeal.

Bond on appeal.

Record on appeal.

deemed to be at issue without any further plea on the part of the said town; but said town shall have the right to file a further answer of defense; therefore, be it so advertised, 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 ten days after the confirmation of said report,

**Proviso: prosecution of appeal.** all rights to prosecute such appeal shall be thereby forfeited. And upon the trial of the issues arising on such appeal, if issues be found in favor of the appellant the lien for said assessment shall be discharged; if, however, the issues, or any of them, be found in favor of the town of Waynesville to any amount, and if it be thereby ascertained that the appellant is due to said town any amount by virtue of the matter 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 town of Waynesville, with interest thereon, together with cost thereon approved, which cost shall be assessed as costs in other civil actions, shall be and continue a lien against the property on 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 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 due and payable, and an execution shall be issued by the said town clerk, directed to the said tax collector of the said town, who shall advertise the land upon which the said assessments so in default have been made, as aforesaid, in the manner as is required by law for the sale of land for taxes under the provisions of the charter of said town, and shall sell the said land, or a portion thereof, at the court-house door in Haywood County, North Carolina, in the same manner as he is required to sell real estate in said town in case of failure to pay 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 assessments due thereon, the cost of the sale, the name of the owner or owners of the land sold, the interest in said land so sold as aforesaid, and the description of the same; and the owner or owners of the land so sold as aforesaid shall have twelve months in which to redeem said land from such sale by paying to the tax collector of said town 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

**Effect of judgment.**

**Sale of property for assessments.**

**Power of redemption.**

**Procedure on sale.**

shall set up and offer for sale the whole of the real estate to be sold, and the same, or the smallest interest thereof, shall be struck off to the person who will pay the amount of the assessments due thereon, with all costs and expenses for making 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 fifty cents to defray the expense 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 shall pay such assessments and expenses of sale for the smallest interest in such real estate; and if no person shall bid enough to pay such assessments and expenses said tax collector shall bid on behalf of the town of Waynesville the amount of such assessments and expenses; and if no higher bid shall be made, the same shall be struck off to the said town of Waynesville; and in all cases where real estate shall be struck off to the said town, as hereinbefore provided, the same shall belong to the town in fee-simple, unless redeemed in the manner provided by law, and said tax collector shall immediately thereafter make a return to the board of aldermen of the said town by filing with the clerk of the said town a statement of the proceedings, showing the purchaser or purchasers of said real estate, and the amount of interest in such real estate, or each part thereof, that was sold, which shall be entered by the town clerk upon the minute books of said board of aldermen. If the land so sold as aforesaid is not redeemed within twelve months, then the tax collector of the said town 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 said assessments at any time before maturity, and upon such payment the said liens shall be released and discharged.

Cost of advertisement.

Deeds if property not redeemed.

Proviso: payment before maturity.

SEC. 5. That the said mayor and board of aldermen of said town, by their proper officers, shall have the exclusive control and management of the work of improving the 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 town of Waynesville that may be available for such purpose; the said town itself being liable for all costs of all curbing and for one-third of the cost and expenses of improving the streets 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 improvement which may be paid by or assessed against the property of any street rail-

Powers of mayor and aldermen.

Liability of town.

Proviso: street railways.



road or railway company, as provided for by law, shall be deducted from the proportion of the cost of such improvement for which the said town 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 the 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.

Liens may be sold.

SEC. 6. That the 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 devise 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 the said town in the same manner as other assessments herein provided for in this act, and the amount thereof, when collected, shall be paid by the said tax collector to the owner or owners of said liens, less his compensation for collecting the same, which shall be fixed by said board of aldermen, but shall not exceed two per centum of the amount actually collected by him.

Transferred liens collected by town.

Street improvement fund.

SEC. 7. That all funds derived from assessments heretofore or hereafter levied by said Mayor and Board of Aldermen of the Town of Waynesville upon private property, on account of improvements of the streets upon which said property abuts, shall, when collected and received by the town of Waynesville, constitute a specified 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 said town, and a separate record thereof shall be kept by the town clerk; and said funds and every part thereof shall be applied by the mayor and board of aldermen exclusively to the grading, paving, macadamizing or otherwise improving the streets of said town according to the true intent and meaning of this act. And in order to supplement said 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 town tax collector, in addition to the taxes otherwise provided by law, and under the same rules and regulations as general poll and property taxes are provided by law, a special street tax of said town, not to exceed thirty cents on the one hundred dollars valuation of property and ninety cents on the poll, for the purpose of carrying into effect the provisions of this act, and the fund 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.

Money kept separate.

Specific appropriation.

Special tax.

Limit.

SEC. 8. That the 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. Any contract or contracts heretofore made and entered into by the Mayor and Board of Aldermen of the Town of Waynesville in regard to the improvement of the streets of said town is hereby ratified and approved.

Power to make contracts.

Contracts ratified.

SEC. 9. That the Board of Aldermen of said Town of Waynesville may in their discretion, if they deem the same advisable and for the best interests of the people of said town, order and cause to be held an election in said town, to be held at the usual voting place for town officers, and submit to the qualified voters of said town the question of improving, paving and macadamizing the streets of the said town, under the provisions of this act; the said board of aldermen and mayor of said town first giving twenty days' notice of such election, which shall be held, if said board of aldermen decide to advertise and have held such election, within two years from the date of the ratification of this act. Notice of said election shall be given by a published notice of the holding thereof in some newspaper of general circulation in said town, the same to be published not less than twenty days in such paper of general circulation as aforesaid next before the time of the holding of said election. And said election, if called and held as hereinbefore provided, shall be held under the laws and regulations provided for the election of members of the General Assembly, and all electors in favor of improving the streets of said town under the provisions of this act may vote one ballot each, upon which shall be written or printed the words "For Street Improvements," and all electors opposed to the improvement of the streets of said town under the provisions of this act may vote one vote or ballot "Against Street Improvements"; and if said election is called and held as herein provided, and a majority of the qualified voters of said town vote "For Street Improvements," then the mayor and board of aldermen of said town shall, as soon as practicable, let contract or contracts to carry into effect the provisions of this act.

Election may be ordered.

Question.

Notice of election.

Law governing election.

Form of ballots.

Effect of election.

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

In the General Assembly read three times, and ratified this 6th day of March, 1905.

## CHAPTER 390.

## AN ACT TO INCORPORATE THE NORTH STATE TELEPHONE COMPANY.

*The General Assembly of North Carolina do enact:*

Corporators.	SECTION 1. That W. H. Ragan, V. A. J. Idol, E. M. Armfield, Charlie Houser, J. F. Hayden, E. D. Steele and their associates are hereby created a body corporate and politic under the name
Corporate name.	and style of the North State Telephone Company, for the period of thirty years and after the date of these presents.
Telephone lines.	SEC. 2. That the said corporation shall have power to build and erect and equip telephone lines in the city of High Point in Guilford County, and to maintain, build and equip telephone lines in the State of North Carolina, and to charge toll for service or a
Tolls and charges.	specific charge per month for the use of the telephones, with power in the board of directors to locate and establish the same over any road in any direction.
Power to condemn lands.	SEC. 3. That the said board of directors shall delegate to its proper officers the right to condemn lands owned by individuals for the erection of poles and wires, as provided by the general laws of the State.
Capital stock.	SEC. 4. That the capital stock of said corporation shall be twenty thousand dollars, with the privilege of increasing the same
When business may begin.	to fifty thousand dollars, in shares of fifty dollars each, and when ten thousand dollars worth of stock shall be subscribed to said corporation it shall proceed and prosecute the business of receiving and sending messages and prosecute the business hereinafter set forth.
Officers.	SEC. 5. That the officers of said corporation shall be a president, secretary and treasurer and a board of directors composed of five
Powers of directors.	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 and regulations and by-laws, not inconsistent with the laws of the State, for the proper conduct of its business.
Formal enumeration of corporate rights.	SEC. 6. That the 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, purchase other lines, co-operate with other lines at its terminal office with any and all telephone lines or systems of telegraph companies doing business within the State.
Further general powers.	SEC. 7. 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 located at High Point, North Carolina, by and with the consent of the board of aldermen.

SEC. 8. 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 of stock shall not personally or individually be responsible for the acts, liabilities, contracts or defaults or torts of said corporation. Transfer of stock.  
Stockholders not personally liable.

SEC. 9. That the principal offices of said corporation shall be in the city of High Point, North Carolina, 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 service just and reasonable charges or fees, as may be agreed upon between the said corporation and its patrons, not inconsistent with law. Principal office.  
Branches.

SEC. 10. This act shall take effect from and after its ratification. In the General Assembly read three times, and ratified this 6th day of March, A. D. 1905.

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#### CHAPTER 391.

#### AN ACT TO AMEND THE CHARTER OF THE TOWN OF CONCORD, RATIFIED THE 22<sup>d</sup> DAY OF JANUARY, 1901, BEING CHAPTER 9 OF THE PRIVATE LAWS OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That said act be and the same is hereby further amended by striking out "board of water commissioners" and the word "board" wherever same occurs in said act, and substituting in lieu thereof "board of light and water commissioners." Board of light and water commissioners.

SEC. 2. This act shall be in force from and after its ratification. In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

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#### CHAPTER 392.

#### AN ACT TO INCORPORATE THE HICKORY RAILWAY AND POWER COMPANY, AND FOR OTHER PURPOSES.

*The General Assembly of North Carolina do enact:*

SECTION 1. Be it enacted by the General Assembly of North Carolina, that Frank O. Elliott, Anderson and Marcellus E. Thornton, and their assigns or successors, be constituted a body corporate Corporators.

Corporate name.	under the name and style of the Hickory Railway and Power Company, and as such may sue and be sued, with its chief office
Location.	at Hickory in Catawba County, and transact such other business
Business.	as may an individual, with its chief business being that of a common carrier, to haul and transport passengers and freight to and from Hickory and Catawba Springs and Newton and other points, by electric railway or otherwise, and to erect a dam or dams on Catawba River and establish electric generating plant or plants and operate the same for distribution of electric current for illuminating or power purposes, and may buy and sell personal property and real estate and other evidences of value.
Capital stock.	SEC. 2. That the capital stock of said corporation shall be divided into shares of one hundred dollars each, and may be issued to the extent of one hundred and twenty-five thousand dollars, with the privilege of also issuing bonds secured by a mortgage or mortgages on the property of the company to the extent of one hundred and twenty-five thousand dollars; said bonds to be in the denomination of one thousand dollars each.
Bonds.	
When act in effect.	SEC. 3. That this act shall take effect from and after its passage, when said incorporators have complied with the requirements of law and organized, and shall continue in force for the period of fifty-one years.
	In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

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#### CHAPTER 393.

#### AN ACT TO REQUIRE THE LEVY OF A SPECIAL TAX IN THE CITY OF ASHEVILLE, TO ENCOURAGE INDUSTRIES AND PROMOTE IMMIGRATION.

*The General Assembly of North Carolina do enact:*

Special tax to be levied.	SECTION 1. That in addition to the taxes now levied and collected in the city of Asheville, the mayor and board of aldermen of said city shall, on the first Monday in June in every year, lay and cause to be collected a special tax of not less than five cents and not more than ten cents on each one hundred dollars of valuation of taxable property in said city, such tax to be collected and levied under the same rules and regulations as other <i>ad valorem</i> taxes in said city.
Limit.	
Application of proceeds.	SEC. 2. That the proceeds derived from said taxes shall be and constitute a separate fund, and when collected shall be paid by the tax collector of said city to the treasurer thereof, and shall be applied, as hereinafter provided, for the purpose of encouraging and promoting immigration to said city, encouraging the building and operation of manufacturing plants in said city or the vicinity



thereof, and for advertising the advantages of, said city as a resort, and promoting its general welfare.

SEC. 3. That the Board of Aldermen of the City of Asheville, at their first regular meeting in June, one thousand nine hundred and five, and annually thereafter, shall appoint, upon the recommendation of the directors of the board of trade of said city of Asheville (a corporation), a committee, consisting of three members, who shall be citizens of Asheville, to hold office for one year and until their successors are appointed, who shall have the exclusive control of the disbursement of said funds to be collected under this act; that said committee shall receive no compensation for their services, shall elect one of their members as chairman and another as secretary, and said funds shall be disposed of under the direction of the said committee, whose warrants, signed by the chairman and countersigned by the secretary of said committee, shall be the only valid vouchers in the hands of said treasurer for the disbursement of said money in any settlement required of him by law. The said treasurer shall furnish annually to the board of aldermen a statement, in writing, of his receipts and disbursements of the said money, duly audited and approved by the chairman and the secretary of the said committee: *Provided*, that accounts, books and vouchers of the said treasurer shall at all times be open for the inspection of the said 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 said purposes in the said city.

Committee of disbursement.

Annual statements.

Proviso: books and accounts open for inspection.

Bond of treasurer.

Commission of treasurer.

SEC. 4. That before this act shall go into effect the same shall be submitted to the qualified voters of the city of Asheville for the approval of the majority thereof, and the mayor and board of aldermen of said city are hereby authorized to submit the same to the qualified voters of said city at the next election to be held therein for the election of the mayor and board of aldermen, and under the same rules and regulations as are now or may hereafter be prescribed for said election; and at such election those who favor the tax authorized by this act shall cast ballots having the words "For Advertising Tax" written or printed thereon; and if at such election a majority of the qualified voters of said city shall cast ballots having the words, "Advertising Tax," written or printed thereon, then the said board of aldermen shall levy and collect the said taxes as aforesaid for the purposes specified in

Act to be submitted to voters.

Time of election.

Form of ballots.

Effect of election.

Proviso: if dispensary established.

this act, and thereupon this act shall go into effect: *Provided, however,* that said election shall not be held, and said tax shall not be levied, if, at the election held in said city on the sixth day of April, one thousand nine hundred and five, on the question of establishing a dispensary in said city, a majority of the votes cast be "For Dispensary."

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 6th day of March, A. D. 1905.

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#### CHAPTER 394.

#### AN ACT TO EXTEND THE TIME FOR THE ORGANIZATION OF THE RALEIGH LIGHT AND TRACTION COMPANY.

*The General Assembly of North Carolina do enact:*

Extension granted.

SECTION 1. That the time for the organization of the Raleigh Light and Traction Company, incorporated by chapter three hundred and thirty-six, page seven hundred and seventy-eight, Private Acts of one thousand nine hundred and three, be and is hereby extended for two years from and after the ratification of this act.

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

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#### CHAPTER 395.

#### AN ACT TO PROHIBIT THE SALE OF CIGARETTES AND CIGARETTE TOBACCO WITHIN THE TOWN OF WINGATE IN UNION COUNTY.

*The General Assembly of North Carolina do enact:*

Sale forbidden.

SECTION 1. That it shall be unlawful for any person, firm or corporation to sell or exchange any cigarettes or cigarette tobacco within the limits of the town of Wingate in Union County, and any person, firm or corporation violating this section shall be guilty of a misdemeanor, and fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Misdemeanor.  
Penalty.

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

## CHAPTER 396.

AN ACT TO REPEAL CHAPTER 83, PRIVATE LAWS OF 1899,  
RELATIVE TO THE CORPORATE LIMITS OF THE TOWN  
OF JONESBORO IN MOORE COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter eighty-three of the Private Laws of one Corporate limits, thousand eight hundred and ninety-nine be and the same is hereby repealed.

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

## CHAPTER 397.

AN ACT TO INCORPORATE THE TOWN OF GODWIN IN  
CUMBERLAND COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Godwin in the county of Cumberland Town incorporated, land be and the same is hereby incorporated, by the name and style of the Town of Godwin, and shall have all the privileges and Corporate name, duties and be subject to all the provisions contained in chapter sixty-two of volume two of The Code, not inconsistent with this act.

SEC. 2. The corporate limits of said town shall be as follows: Corporate limits. Beginning at a point in the Atlantic Coast Line Railroad Company's track one-fourth of a mile south of the said railroad company's depot building at Godwin; thence in an eastwardly direction, at right angles to said railroad, one-fourth of a mile; thence northerly, parallel to said railroad, one-half mile; thence westwardly, at right angles to said railroad, one-half mile; thence southwardly, parallel to said railroad, one-half mile; thence eastwardly, in a direct line to the beginning.

SEC. 3. The officers of said corporation shall consist of a mayor Town officers, and three commissioners, chief of police, regular and special policemen, clerk and treasurer, and such other officers as the commissioners may elect; and the following-named persons shall fill the following offices until their successors are elected and qualified: For mayor, Hector McIntyre; for commissioners, J. W. McLean, Temporary officers named. J. M. Starling, and J. W. Deans; for clerk and treasurer, D. L. Pridgen; for chief of police, Wm. C. Sills.

SEC. 4. That the chief of police, clerk and treasurer, and regular policemen shall be appointed by the commissioners, and the special policemen shall be appointed by the mayor. Chief of police, clerk and treasurer.

- Town elections. SEC. 5. An election shall be held in said town on the first Monday in May, one thousand nine hundred and five, and annually thereafter, for a mayor and three commissioners, under the laws of North Carolina regulating elections in towns and cities.
- Council. SEC. 6. That the mayor and commissioners 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.
- Officers to qualify. SEC. 7. That the officers provided for by this act shall qualify within ten days after its ratification, before some justice of the peace, or the clerk of the superior court, and all officers hereafter elected shall qualify in like manner.
- Prohibition. SEC. 8. That no spirituous, vinous or malt liquors shall be manufactured or sold within the corporate limits of said town.
- 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 6th day of March, A. D. 1905.

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#### CHAPTER 398.

#### AN ACT TO INCORPORATE THE TOWN OF CREEDMOOR IN THE COUNTY OF GRANVILLE.

*The General Assembly of North Carolina do enact:*

- Town incorporated. SECTION 1. That the town of Creedmoor in the county of Granville be and the same is hereby incorporated under the name of
- Corporate name. Creedmoor and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, and acquire, hold and sell such real and personal property, either within or without the corporate limits of said town, as its board of commissioners may deem necessary and expedient for the use of said town and its inhabitants.
- Corporate limits. SEC. 2. The corporate limits of said town of Creedmoor shall be as follows: Beginning at the Masonic building and running thence in a northeasterly direction nine hundred yards to a point between R. H. Roger's old line and the Durham and Northern Railroad; thence at right angles, nearly southeast, four hundred yards to a stake or stone; thence at right angles, nearly southwest, fourteen hundred yards to a stake or stone; thence at right angles, nearly northwest, eight hundred yards to a stake or stone; thence at right angles, nearly northeast, fourteen hundred yards to a stake or stone; thence at right angles, nearly southeast, to the point between R. H. Roger's old line and the Durham and Northern Railroad as stated in the first call, so as to make the limits of said town eight hundred by fourteen hundred yards.

SEC. 3. The officers of said town shall consist of a mayor and Town officers.  
 five commissioners, who shall be elected on the first Monday in Elections.  
 May of each year by the voters of said town who are qualified to  
 vote for members of the General Assembly, at an election to be  
 held under and by such rules and regulations as now govern  
 elections for cities and towns.

SEC. 4. Until the first Monday in May, A. D. one thousand nine Temporary officers  
 hundred and five, Joseph L. Peed shall fill the office of mayor and named.  
 Dr. J. F. Sanderford, Isaac W. Bullock, S. C. Lyon, Claude V. Gar-  
 ner and L. H. Longmire shall constitute the board of commission-  
 ers of said town; and they shall immediately enter upon the dis-  
 charge of their duties after taking and subscribing, before some  
 justice of the peace or other officer authorized to administer oaths,  
 an oath faithfully to discharge their respective duties and to sup-  
 port the Constitution of North Carolina and of the United States;  
 and they shall continue in office until their successors are elected  
 and qualified.

SEC. 5. Said board of commissioners may elect a marshal or Marshal and  
 police and such assistant police officers as they may deem neces- police.  
 sary and proper, and also a clerk, treasurer and tax collector, who Clerk, treasurer  
 shall be citizens of said town and shall hold their offices during and tax collector.  
 the term of the board electing them, unless removed by said board  
 for cause, the compensation of whom shall be fixed by said board:  
*Provided*, that one person may be both clerk and treasurer, and Proviso: clerk and  
 one person may be both marshal or police and tax collector, and treasurer.  
 said tax collector shall be vested with the same powers relative  
 to the collection of taxes for said town as are vested in the Sheriff  
 of Granville County.

SEC. 6. The board of commissioners shall have authority to Tax rate.  
 assess and collect annual taxes for municipal purposes on all prop-  
 erty, real and personal, and polls in the corporate limits of said  
 town at a rate not to exceed thirty cents on the one hundred dol-  
 lars worth of property and ninety cents on each poll: *Provided*, Proviso: constitu-  
 that in the levy of such taxes the constitutional equation between tional equation.  
 property and poll tax shall always be maintained: *And provided* Proviso: assess-  
*further*, that the assessment of values of property in said town as ments.  
 made by the tax assessors for Granville County shall be and con-  
 stitute the assessment for said town.

SEC. 7. The board of commissioners may pass all ordinances Ordinances.  
 which they may deem necessary to the welfare, health and gov-  
 ernment of said 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 in Ordinances to be  
 the town, and shall be numbered and recorded in the minutes of posted.  
 said board.

SEC. 8. Said board shall prescribe what bonds shall be given by Bonds of officers.  
 the officers of said town, and such bonds shall be payable to the



Oaths of officers.	State of North Carolina and be conditioned 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 breach of their terms. All officers of said town shall, before entering upon the discharge of the duties of their office, take and subscribe before some person qualified to administer oaths, an oath to support the Constitution of North Carolina and of the United States and to faithfully discharge the duties of their office.
Enforcement of ordinances.	SEC. 9. The board of commissioners of said town may enforce all ordinances adopted by said board by a fine not exceeding fifty dollars or by imprisonment not exceeding thirty days on the public roads of the county or on the streets of said town: <i>Provided</i> , that no female shall be sentenced to work on the streets.
Proviso: females not worked on streets.	
Powers of mayor.	SEC. 10. The mayor of said town 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 fine and costs, to the guard-house, which the board may provide for, or to the common jail of the county of Granville, and the sheriff or jailer of said county 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 or police is authorized to use a ball and chain upon any person sentenced to work upon the streets, if he shall deem the same to be necessary.
Quorum of commissioners.	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 of commissioners shall select one of its number who shall be mayor <i>pro tempore</i> , and such person so selected shall be vested with all of the powers and authority of the mayor, after taking the necessary oaths as hereinbefore set out. The board of commissioners shall have the power to fill any vacancy occurring in the office of mayor or commissioner.
Mayor pro tem.	
Vacancies.	
Jurisdiction of mayor.	SEC. 12. The mayor of said town shall be vested with 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 police of said town or by the Sheriff of the County of Granville. The mayor and police shall be entitled to charge and collect the same fees prescribed for justices of the peace and sheriffs.
Fees of mayor and police.	
Prohibition.	SEC. 13. It shall be unlawful for any person, firm or corporation to manufacture or to sell in any manner, directly or indirectly, any spirituous or malt liquors, wines or any other intoxicating

liquors or beverages within the corporate limits of the said town of Creedmoor. Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine or by imprisonment, or both, in the discretion of the court. Misdemeanor. Punishment.

SEC. 14. All of the streets, alleys and highways now open within the corporate limits of said town are hereby declared to be public streets. Public streets.

SEC. 15. The board of commissioners of said town shall have the power and authority to condemn land for streets and sidewalks and for other town purposes, and it shall be the duty of the said board of commissioners to keep the streets and sidewalks of said town in good repair. Condemnation of land for streets and sidewalks.

SEC. 16. Said board of commissioners shall also have the power to purchase for the use of said town such land as they may deem necessary for the establishment of a cemetery, and may prescribe such rules and regulations for the government of the same as they may deem necessary. Cemetery.

SEC. 17. That whenever it shall become necessary to condemn lands for streets or for other town purposes, the value of such lands shall be appraised by three freeholders of said town, qualified to act as jurors and not connected by blood or marriage with the owner of such lands and not officially connected with the said town: one of said appraisers to be appointed by the board of commissioners of said town, 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 land. Said report shall be signed by not less than two of the appraisers, and shall lie in the mayor's office for ten days and be subject to the inspection and examination of the land-owner or his agent, and, unless an appeal is taken, and such appeal shall lie to the Superior Court of Granville County in term time, during said period of ten days, by the town or the land-owner, 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. In case of an appeal, the same shall stand for trial in the superior court at the next term and shall be governed by the rules applicable to appeals from a justice of the peace: *Provided*, the superior court shall have power upon notice and motion to require bond in all cases of appeal. All proceedings to condemn land for streets and for other town purposes shall be recorded in full in the minutes of the board of commissioners, and the report of the appraisers, unless appealed from, shall be recorded in the office of the Register of Deeds for Granville County, after having been certified by the clerk of said town and duly probated by the clerk of the superior court of said Procedure for condemnation of land. Appeals. Proviso: bond on appeal. Record of proceedings.

Pay of appraisers. county. The appraisers herein provided for shall be paid one dollar per day for their services.

Powers under  
general law.

SEC. 18. That in addition to the rights, powers and authorities hereinbefore set out, the said town of Creedmoor shall be entitled to exercise any and all of the powers conferred upon towns by chapter sixty-two of The Code of North Carolina and the amendments thereto.

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

In the General Assembly read three times, and ratified this 6th day of March, 1905.

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#### CHAPTER 399.

#### AN ACT FOR THE RELIEF OF T. D. DAVIS, AN OYSTER INSPECTOR IN HYDE COUNTY.

*The General Assembly of North Carolina do enact:*

Relieved of  
payment.

SECTION 1. That T. D. Davis be and he is hereby released from the payment of the sum of forty dollars and forty-five cents to the oyster fund of North Carolina, which amount was burned in the post-office at Middleton, North Carolina, after having been registered to the oyster commissioner.

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

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#### CHAPTER 400.

#### AN ACT TO AMEND THE CHARTER OF THE TOWN OF ROSE HILL IN DUPLIN COUNTY.

*The General Assembly of North Carolina do enact:*

License taxes.

SECTION 1. That chapter sixty-seven of the Private Laws of one thousand nine hundred and one and chapter two hundred and eighty-four of the Private Laws of one thousand nine hundred and three be amended by adding, after the last word in section two of chapter two hundred and eighty-four of the Private Laws of North Carolina, the following: "That in addition to the subjects listed for taxation, the commissioners may levy a tax on the following subjects (the amount of each tax when levied to be collected by the constable of said town instantly), and if the same be not paid on demand the same may be recovered by suit or the article upon

which the tax is imposed, or any other property of the owner, may be forthwith distrained and sold to satisfy the same, viz.:

(1) Upon all temporary or itinerant merchants or peddlers offering to sell in the town, 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 sell or peddle under a single license: *Provided*, that such temporary or itinerant merchants or peddlers shall comply with such rules and regulations as the board of commissioners may make, in respect to the times, place and manner of vending under such licenses. And such itinerant or temporary merchant shall be construed to be one who opens up and continues in business for a shorter period than twelve months. (2) Upon every sewing-machine or bicycle company or agent for such company, dealer in or manufacturers' agent of musical instruments, keeper of sales stables or livery-stables, cotton broker or buyer, street huckster, photographer, merchandise or produce broker, a license tax not exceeding five dollars."

Peddlers.

Agents, hucksters, etc.

SEC. 2. That all license taxes shall be collected by the constable or policeman of said town whose duty it is to collect the same, and issue a license signed by the mayor and countersigned by the town clerk, which license shall not extend beyond June first next after it is issued. The town clerk shall keep a record of all licenses issued and shall report monthly to the board of aldermen all licenses issued during the preceding month. Any person who shall engage [in], conduct or carry on any business in said town for which a license is required, without first obtaining said license, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days; and each day that such a business is conducted without a license shall be a separate offense.

Constable to collect license taxes.

Record of licenses.

Doing business without license a misdemeanor.

Punishment.

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

Conflicting laws repealed.

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

## CHAPTER 401.

AN ACT SUPPLEMENTAL TO AN ACT RATIFIED ON THE  
2D DAY OF MARCH, 1905, THE SAME BEING AN ACT TO  
AMEND THE CHARTER OF THE CITY OF ASHEVILLE.

*The General Assembly of North Carolina do enact:*

Section 4 repealed.

SECTION 1. That section four of an act ratified by the General Assembly of North Carolina on the second day of March, one thousand nine hundred and five, the same being an act to amend the charter of the city of Asheville, be and the same is hereby repealed.

Proposed amendments to be published in full.

SEC. 2. That whenever it is the intention of the Mayor and the Board of Aldermen of the City of Asheville to make any application to the General Assembly for any amendment or amendments to the charter of the said city of Asheville, such amendment or amendments shall be published in full in some newspaper published in the city of Asheville, once a week for at least two weeks successively, in some newspaper published in the said city of Asheville, prior to the time the said application is to be made to the General Assembly for the enactment of the same.

Assessment of damages on regrading streets.

SEC. 3. That whenever the Mayor and Board of Aldermen of the City of Asheville shall decide or determine to grade, pave and improve any of the streets of the city of Asheville, and in order to so grade, pave and improve it shall be necessary to raise or lower the grade of any street or streets of said city, it shall be lawful, after the city engineer shall have made profile or map of the proposed grade or improvement on the street or streets, showing where the grade of said street or streets shall be lowered or raised, and the said Mayor and Board of Aldermen of the City of Asheville are hereby required and directed to summon or cause to be summoned a jury to assess the damages and benefits of the abutting property, where such raising or lowering of the grade shall have to be made, in the same manner and under the same rules, regulations and provisions as are now required by the charter and laws creating and establishing the city of Asheville, for the assessment of damages to property where streets are widened.

Arbitration authorized.

SEC. 4. In all cases where the street or streets have been paved, graded or macadamized in said city of Asheville within the year previous to the ratification of this act, and the grade of said street or streets has been raised or lowered, and abutting property on said street or streets has been benefited, damaged or injured, then, and in that case, the Mayor and Board of Aldermen of the City of Asheville and the owner of the property so benefited, injured or damaged, may in their discretion appoint three arbitrators: one to be selected by the city of Asheville, one by the owner of the property alleged to be damaged, and these two to select an umpire; and such board of arbitrators may settle and adjust all claims and demands arising out of such alleged benefits, damages



or injury to abutting property on said street or streets so improved in one year as aforesaid; and if such board of aldermen shall assess damages in favor of any abutting property the city of Asheville may pay the owner of such property the amount so awarded and adjudged by such board of aldermen.

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 6th day of March, A. D. 1905.

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## CHAPTER 402.

### AN ACT TO EXEMPT A CERTAIN BOUNDARY FROM SPECIAL SCHOOL TAX IN HENDERSON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the following boundary, to-wit, beginning at the Buncombe County line, the west corner of E. N. Youngblood's land, thence with his west line to J. Youngblood's west line; thence with his line to J. N. Russell's west line; then with his line to J. M. Kuykendall's line, and with his west line to the Original Special Tax boundary line of Fletcher Academy, and thence, running east and to include all who live in the said tax boundary east of the above-described line to the beginning, be and the same is hereby exempt from the operation of the tax levied in the special school tax district embracing and known as the "Fletcher Academy District" in the county of Henderson, and the said territory above described is hereby taken out of said district: *Pro-* Boundary taken from district.  
*vided*, that this act shall not affect any other part of said special school tax district. *Proviso: balance of district not affected.*

SEC. 2. That this act shall be in force from and after its ratification: *Provided*, that this act shall not take effect until the exempted boundary shall be voted in and included in another school boundary of a special tax district, which vote may be submitted at any time another and adjoining boundary may be voted upon. *When act to take effect.*

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

## CHAPTER 403.

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

## INCORPORATORS—BODY POLITIC—CORPORATE NAME.

Corporators.	SECTION 1. That Mark Ferguson, Thomas Ludlow, Howard Goulding, and their associates, successors and assigns, be and they are hereby made and declared a body politic and corporate by the name and style of the Southport, Northern and Western Railroad Company, for the purpose, hereinbefore declared, of locating, constructing, equipping, maintaining and operating a railroad for the transportation of freights and passengers between the city of Southport in the county of Brunswick, State of North Carolina, and Wilmington, also in the State of North Carolina, or such other point or points within the said State as may be determined.
Corporate name.	
Right to run railroad.	
Terminals.	

## POWERS AND PRIVILEGES.

Route.	SEC. 2. That said railroad company may build its road or roads by such route or routes between the terminus at Southport and other point or points along the line or lines as may be most advantageous and expedient; with the privilege of constructing and operating such branch roads as may hereafter be deemed advisable. In constructing and operating said branch roads said company shall have all 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 and privileges granted by the laws of North Carolina to railroad and telegraph companies.
Branch roads.	

## RIGHT OF CONSTRUCTION.

Right of construction.	SEC. 3. That the said company shall have the right to cross over, under or at grade, or to intersect, join or unite its railroad at any point or points on its main line or branches with any railroad now built or to be hereafter constructed within the State. It shall also have the right to build all necessary turn-outs, sidings, switches, yards and other conveniences in furtherance of the objects of its construction.
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## TELEGRAPH AND TELEPHONE LINES.

Telegraph and telephone lines.	SEC. 4. That the said company is hereby authorized to construct and operate at its option one or more lines of telegraph or telephone, or both, along its main and branch lines and to charge
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and collect such reasonable remuneration for messages or dispatches as may be determined; and the said company may connect said lines of telegraph or telephone with the lines of any other company or companies of this or adjoining States upon such terms and conditions as may be agreed upon; and said company may lease, sell or rent these rights 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 provisions of law relative to rates and tariffs to be charged for dispatches and messages along its said lines.

Proviso: subject to general law.

#### POWER TO LEASE, SELL, ETC.

SEC. 5. That said company shall have power to lease or sell, merge or consolidate any railroad that may be constructed by it with its franchises, or which it may hereafter acquire, to any railroad company, directly or indirectly connected with it in North Carolina, and any such other railroad company shall have the power to lease or buy from said company any such railroad as may be constructed by it, with its franchises, or which may hereafter be by it acquired, and merge and consolidate the same as may be agreed upon between the respective companies.

Power of lease, sale or merger.

#### POWER TO CONSOLIDATE.

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, 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 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 or 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 of consolidation.

#### WHEN TO BEGIN WORK—POWER TO OPERATE CERTAIN LINES.

SEC. 7. That the said company may begin work on any part of its line or branches, and upon the completion of any part or portion thereof may operate and maintain such part or portion with

Power to operate portion of line.

all the rights, powers and privileges hereby granted to this company; that it may under such purchase, lease, agreement or running agreements 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—SHARES—SECRETARY OF STATE MAY INCREASE CAPITAL STOCK—OTHER CORPORATIONS MAY TAKE STOCK—PAYMENT OF SUBSCRIPTIONS.

Capital stock. Shares.	SEC. 8. That the capital stock shall be one hundred and fifty thousand dollars (\$150,000), divided into fifteen hundred (1,500) shares of the par value of one hundred dollars (\$100) each. The
Increase of capital.	Secretary of State is authorized to amend this charter, increasing the capital stock from time to time as the board of directors of the company may desire, upon the payment to him of the taxes and fees as provided in section ninety-six, chapter two, Public
Common or preferred stock.	Laws of one thousand nine hundred and one. The board of directors shall have the right to divide said capital stock into common and preferred stock, and said stock shall be issued upon terms and conditions and in such manner, form and designation as shall be prescribed by the board of directors. The capital stock of said company may be created by subscription by individuals, corporations, counties, cities, towns and townships, and said subscriptions may be paid for in money, labor, land, materials, cross-ties, stocks, bonds or other securities, or in any other way that may be agreed upon between the corporation and the subscribers; and the corporation may receive donations of any kind of property, both real and personal, and labor.

POWER TO OPEN SUBSCRIPTION BOOKS—UPON SUBSCRIPTION OF A CERTAIN AMOUNT SUBSCRIBERS TO MEET—ORGANIZATION, HOW PERFECTED.

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 time and such places as they may see fit, for subscription to the capital stock of said company; and when at least five thousand dollars (\$5,000) shall have been subscribed, and ten per centum thereof paid in, the commissioners above named may 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.
When company to organize.	

## EMINENT DOMAIN—CHAPTER FORTY-NINE, CODE.

SEC. 10. That when any right-of-way may be required by the company for the construction of its main line and 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 for 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. Said company shall have further power to appropriate and condemn land in like manner for the building and erecting thereon its telegraph and telephone lines, depots, warehouses, shops, houses for employees, yards, terminals and other necessary structures.

Powers to condemn property.

POWER TO ACQUIRE AND HOLD PROPERTY IN CERTAIN PLACES—FOR WHAT PURPOSE TO BE USED—POWER TO CHANGE RATES—POWER TO OWN STEAMERS.

SEC. 11. 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 Southport and at any other points and places along its proposed route; and especially have the power and right to acquire such lands, easements, rights and privileges as may be necessary, and to erect on any such lands as it may acquire along the Cape Fear River in the cities of Wilmington and Southport, or between said cities, piers, wharves, coal-chutes, coal docks, coal elevators, 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 have the right to charge such rates for the use of any such property as it may deem reasonable and proper and consistent with law, under such rules 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 lines or any water or water-courses connected with the railroad or its branches to be constructed by this company as aforesaid.

Power to hold lands.

Water transportation.



POWER TO CONNECT WITH OR SUBSCRIBE TO CAPITAL STOCK OF OTHER  
COMPANIES.

Powers in connection with other companies.

SEC. 12. That the said company shall have the power to connect with, subscribe to the capital stock of and hold same in any railroad company, steamship company or transportation company, or any other company or corporation that has been already or may 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 may be the case.

TO BUILD LINES AND LATERAL BRANCHES, WHERE.

Powers in crossing streams.

SEC. 13. 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 authorities, 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 its main line; and in constructing and operating its telegraph and telephone lines hereinbefore provided for, it shall have all powers and privileges granted to such companies in the Laws of North Carolina, volume one, chapter forty-nine, entitled "Railroad and Telegraph Companies," and by the acts of the General Assembly of North Carolina amendatory thereof.

RIGHTS TO SUE, BE SUED, ETC.

General corporate rights.

SEC. 14. That the said company shall have the rights 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, rules, limitations and

regulations applicable to railroads, telegraph and telephone companies in this State.

#### PRINCIPAL OFFICE.

SEC. 15. 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.

Branch offices,  
agencies.

#### ANNUAL MEETING—MANNER OF VOTING.

SEC. 16. That the annual meeting and the special meetings of the stockholders of the company shall be held at such times in the city of Southport, North Carolina, 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, North Carolina, or elsewhere in the State of North Carolina, or in the city of New York, in the State of New York, as may be found most convenient.

Annual meetings.

Votes.

#### POWER OF OTHER COMPANIES TO OWN STOCK IN THIS COMPANY—CONTRACTIVE POWERS.

SEC. 17. 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 bonds, 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 railroad company, steamship company, steamboat company, or transportation company, and guarantee or endorse such bonds or stock or stocks, or may purchase, use or lease the railroad, steamship, 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 parties shall be connected, directly or indirectly, by means of intermediate railroads or transportation lines.

Powers in connection with other companies.

#### POWER TO BORROW MONEY AND ISSUE BONDS.

SEC. 18. That this company is hereby authorized to borrow money for the use 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

Power to borrow money and issue bonds.

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 company 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 the board of directors may deem most advantageous to the company.

COUNTIES, TOWNS, ETC., MAY MAKE DONATIONS OR MAY SUBSCRIBE TO CAPITAL STOCK OF THE COMPANY—PROVISO.

Counties and municipalities may subscribe to stock or make donation to company.

SEC. 19. That any county, city, town or township through which any portion of 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 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 or town or township wherein the election is held shall vote for the donation or subscription, which shall be submitted to their vote for acceptance or rejection.

Proviso: subscription to be voted on.

SUBSCRIPTIONS AND DONATIONS, HOW SUBMITTED TO VOTERS—ELECTION, HOW ORDERED—ELECTION, WHEN AND HOW HELD—CERTIFICATE OF RESULT FILED WITH REGISTER OF DEEDS, TAKEN AS EVIDENCE.

Petition for election.

SEC. 20. That upon written application of one-fifth ( $\frac{1}{5}$ ) 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 appoint an election to be held thereon in such county, city, town or township, in the manner prescribed 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 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 county,

Election to be ordered.

Notice of elections.

Law governing elections.

township, city, town, and shall be taken as evidence of the same in any court of the State: *Provided*, that if required by the county commissioners or other proper governing body of any county, township, city or town, the expense of any election or elections under this section shall be paid by the said Southport, Northern and Western Railroad Company, or their successors or assigns.

Proviso: expense borne by company.

AUTHORITIES TO CARRY OUT CONTRACT—BONDS, HOW ISSUED—INTEREST ON BONDS, HOW PAYABLE—TRUSTEES TO DELIVER BONDS TO COMPANY—RAILROAD COMPANY TO GIVE PROPER RECEIPT.

SEC. 21. That if the result of the said election shall show that the majority of the qualified voters of said county, township, city or town favor said donation or subscription to the capital stock of said railroad to the amount voted for in such election, then said 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 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 the said county, township, city, town, to the amount so voted for at the said election, and in such forms and denominations and running for such length of time as may be determined upon by the said county commissioners or proper authorities of said city, town, county or township, bearing interest at such legal rate as may have been determined upon, 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 in cash, as may be agreed, to said Southport, Northern and Western Railroad Company, upon receiving therefor from said Southport, Northern and Western Railroad Company either the proper receipt for donation or certificates of stock in said railway company to the amount of subscription so voted as aforesaid.

Authorities to act if authorized.

Bonds to be issued.

Bonds turned over.

TAXES ON BONDS, HOW LEVIED—SINKING FUND TO BE PROVIDED—SINKING FUND, HOW INVESTED, ETC.

SEC. 22. 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 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 to

Special taxes if bonds issued.

Investment of  
sinking fund.

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 fund herein provided for in said bonds at or below their par value, he shall invest the same in such solvent bonds or securities as may be selected and approved by the board of county commissioners aforesaid, or proper authorities in any county, town, township or city.

NOT LIABLE PERSONALLY.

Stockholders not  
personally liable.

SEC. 23. That the stockholders in said company, whenever 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.

Work to commence  
within two years.

SEC. 24. That unless the 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. 25. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 6th day of March, A. D. 1905.

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CHAPTER 404.

AN ACT TO INCORPORATE THE TOWN OF ROCKY POINT  
IN PENDER COUNTY.

*The General Assembly of North Carolina do enact:*

Town incorporated.

SECTION 1. That the railroad depot at Rocky Point, Pender County, be and the same is hereby incorporated by the name and style of the "Town of Rocky Point," and shall be subject to all the provisions of law now existing in reference to incorporated towns.

Corporate name.

Corporate limits.

SEC. 2. That the corporate limits of said town shall be one-fourth ( $\frac{1}{4}$ ) mile, measuring in every direction from where the public or Long Creek Road crosses the Wilmington and Weldon Railroad.

Town officers.

SEC. 3. That the officers of said corporation shall consist of a mayor, three (3) commissioners and a marshal, and the following-named persons shall fill said offices until the first Monday in July, one thousand nine hundred and five (1905), or until their succes-



sors are elected and qualified: Mayor, W. W. Miller; commissioners, J. C. Jones, R. J. Williams, J. L. Casteen; marshal, J. D. Darham. It shall be the duty of the officers named in this section to meet within twenty (20) days after the ratification of this act and organize, after being duly sworn by some one authorized to administer oaths in Pender County.

Temporary officers named.

Officers to meet and organize.

SEC. 4. That there shall be an election for the officers named in this act on the first Monday in July, one thousand nine hundred and five (1905), and each succeeding year thereafter, to be held under the same rules and restrictions that county elections for county officers are held, and all citizens who have resided within said corporate limits twelve (12) months and are entitled to vote for county officers shall be entitled to vote at said election.

Town elections.

SEC. 5. That it shall be the duty of the officers elected under this act to qualify after ten (10) days. After their election the commissioners may appoint a secretary and treasurer, if they deem it proper, and they shall have the power to pass such by-laws, rules and regulations as they think necessary for the good government of the town, not inconsistent with the laws of the State or the United States.

Officers to qualify.

Secretary and treasurer.

SEC. 6. That the marshal shall be bound in the sum of two hundred dollars (\$200), after being sworn to faithfully discharge his duty. He shall collect all taxes levied by the commissioners, and all fines and penalties imposed by the mayor for violation of town ordinances, and pay the same to such person as may be named by the commissioners; to make all arrests and to enforce all ordinances; and his pay shall be such as sheriffs and constables of the State receive for such services, and such other pay as the commissioners may allow him.

Bond of marshal.

Marshal to collect taxes, fines and penalties.

Marshal to make arrests and enforce ordinances.

SEC. 7. That the mayor shall preside at the meetings of the commissioners, but shall not vote except in case of a tie. He shall have jurisdiction to hear and determine all offenses or violation of ordinances of the town of Rocky Point, on the sworn complaint of any person, or when such offenses come under his knowledge, and he shall have power to commit any person violating any ordinance of the said town to the calaboose, or to assign such persons to work on the streets; but in no case shall the punishment exceed a fine of fifty dollars (\$50) or imprisonment or labor for more than thirty (30) days, or both, in his discretion; the fees of the mayor shall be the same as a justice of the peace.

Mayor chairman of commissioners.

Jurisdiction of mayor.

Fees of mayor.

SEC. 8. That it shall be unlawful for any person or persons to manufacture, sell or give away, or dispose of directly or indirectly of any spirituous liquors, extracts, mixtures or intoxicating drinks of any kind for reward, or hope of reward, within the corporate limits of the town of Rocky Point; and if any person shall violate the provisions of this act they shall be guilty of a misdemeanor, and upon conviction thereof, before the mayor or any justice of

Prohibition.

Misdemeanor.

Punishment.

the peace of Pender County, shall be fined not less than twenty-five (\$25) nor more than fifty (\$50) dollars, or imprisoned, or work on the streets of said town not less than fifteen (15) nor more than thirty (30) days, for each and every offense.

Former prohibition not affected.

SEC. 9. That nothing contained herein shall affect the laws forbidding the sale of spirituous liquors within three (3) miles of the Methodist Episcopal Church at Rocky Point.

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

In the General Assembly read three times, and ratified this 6th day of March, 1905.

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#### CHAPTER 405.

#### AN ACT TO AMEND THE CHARTER OF THE TOWN OF SPENCER MOUNTAIN MILLS.

*The General Assembly of North Carolina do enact:*

Corporate limits.

SECTION 1. That chapter three hundred and twelve of the Private Laws of one thousand eight hundred and ninety-five be amended by striking out section two of said chapter and inserting in lieu thereof the following: That the incorporate limits of said town shall be as follows: Beginning at a water oak on the north-west bank of Big Long Creek, near the mouth of Little Long Creek, and runs thence south forty-seven and one-half west forty-three poles to a beech on the south bank of said creek near the mouth of Buckhorn Branch; thence south forty-six east thirty-six poles to a Spanish oak stump; thence south four west forty-six poles to a stake, thence east forty-six poles to a stake; thence south ten and three-fourths west one hundred and forty poles to a hickory on the south side of Buckhorn Branch; thence north fifty-one and one-fourth east one hundred and forty-nine poles to a chestnut on the side of the mountain; thence north thirty-eight west seventy-five poles to a white oak; thence south forty-one and one-third east one hundred and six poles to a stake; thence south eighty-six and one-half east seventy poles to a stake; thence north three and one-half east forty-seven poles to a stake; thence south seventy-two east thirty-nine poles to a stake; thence north eighteen east seventeen poles to a stake; thence north seventy-five east twenty-five poles to a Spanish oak; thence north forty-three east twenty-two poles to a stake and pointers; thence north eighteen and three-fourths west one hundred and twelve poles to an oak on the south bank of the south fork of the Catawba River two and one-fourth poles above the bridge on the river; thence across the river to the north bank above the bridge; thence down the river as it meanders sixty-nine and one-half poles to a stake and pointers on the lower bank of a small branch; thence down the

river forty-six poles to a stake at the old Spencer Ford; thence with M. G. Rhyne's line; thence north thirty poles to a beech; thence north thirty-eight and one-half poles to a beech; thence north thirty-eight and one-half east sixty-five poles to a white oak; thence north fifty-six and three-fourths west one twenty-four poles to a stake; thence south thirty-four and one-half west thirty-two poles to a stake; thence north seventy-seven and three-fourths west sixty-six and one-half poles to a post oak; thence south thirty-eight and three-fourths west sixty-seven poles to a stone; thence north thirty-six west twenty-eight poles to a stone; thence north sixty-five west nineteen poles to the mouth of the branch on the north bank of the river; thence the same course to the middle of the river; thence down the middle of the river as it meanders to a point opposite the mouth of Big Long Creek; thence with Big Long Creek as it meanders to the beginning.

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

In the General Assembly read three times, and ratified this 6th day of March, 1905.

## CHAPTER 406.

### AN ACT TO AMEND CHAPTER 352 OF THE PRIVATE LAWS OF 1899.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter three hundred and fifty-two of the Public Laws of eighteen hundred and ninety-nine, entitled "An act to amend and consolidate the charter of the town of Monroe," be amended by inserting in the second line of subsection fourteen of section twenty-five, after the words "as follows" and before the words "on dentists," the words "on every insurance company soliciting or doing business in the town, by an agent or otherwise, a tax not exceeding twenty-five dollars." That there shall be added after section twenty-five, subsection seventeen, of said chapter, the following subsections, viz.:

"(18) That the board of aldermen are authorized to levy and cause to be collected from every person selling cider of any kind, or any drink containing alcohol, by whatever name known, an annual license tax not to exceed two hundred dollars, and before any person shall sell cider or any of the drinks herein specified he shall obtain from the board of aldermen a license for that purpose, and any failure so to do shall be a misdemeanor. Cider license.

"(19) That any person who shall practice any of the trades or do any of the things herein enumerated as being subject to a tax, Doing business without license a misdemeanor.

without paying the taxes levied by the city of Monroe, shall be guilty of a misdemeanor."

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

## CHAPTER 407.

### AN ACT TO INCORPORATE THE CAMP-MEETING IN DARE COUNTY.

*The General Assembly of North Carolina do enact:*

Section divided  
into districts.  
First district.

Trustees.

Second district.

Trustees.

Power and author-  
ity of trustees.

Powers and duties  
of special police.

Appointment of  
special justices.

Term of office.

When camp-ground  
occupied.

SECTION 1. That the section shall be divided into two districts: first, from Hatteras Inlet to Cape Hatteras Light-house, with the following men as trustees, and such as hereafter may be named by them: John W. Goskill, Samuel Dasher, A. S. Stowe, William Poyner, Arthur Fulcher and Seymour Miller; the second district to extend from Cape Hatteras Light-house to New Inlet, with the following men as trustees, and such as hereafter be named: T. P. Gray, W. G. Oneal, Lafayette Douglas, Jethro A. Midgett, Elroy Midgett, Frank Meekins.

SEC. 2. That these trustees and their successors shall have full and ample power and authority to appoint special police and to prescribe rules and regulations for their government and remuneration, not inconsistent with the Constitution and laws of the State, and that they may enact all ordinances for the good government and protection of the camp-grounds and the people there assembled while occupied for worship: *Provided*, said laws are not inconsistent with the Constitution of the State.

SEC. 3. That this special police shall have the power to keep the peace and to execute all process to them directed by the justice of the peace to be hereafter provided for, or any justice of the peace in the limits of this incorporation, while occupied for divine worship.

SEC. 4. That upon the recommendation and request of these trustees, the clerk of the court shall appoint a special justice of the peace living in the settlement where the meeting is held, who shall have full power and authority to try and dispose of all cases coming before him, in the same manner as justices duly elected, being governed and safeguarded as all other justices; his term of office beginning with the opening service and ending with the last service: *Provided*, all cases have been disposed of; otherwise to remain in office until full disposition is made.

SEC. 5. The camp-ground shall be considered as occupied for worship from the opening of the first service to the close of the last service.

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

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#### CHAPTER 408.

#### AN ACT TO AMEND CHAPTER 131 OF THE PRIVATE LAWS OF NORTH CAROLINA, 1899, AND THE CHARTER OF THE CITY AND SUBURBAN ELECTRIC COMPANY OF CHARLOTTE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and thirty-one of the Private Laws of North Carolina, session of one thousand eight hundred and ninety-nine, be and the same is hereby amended by striking out the words "twenty-five" in line nine of section five and inserting the word "thirty" in lieu thereof; also by striking out the words "twenty-five" in line three of section six and inserting the word "thirty" in lieu thereof; also by striking out all of said section six after the word "parks" in line fifty 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 6th day of March, A. D. 1905.

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#### CHAPTER 409.

#### AN ACT TO AMEND THE CHARTER OF THE TOWN OF HENDERSONVILLE IN HENDERSON COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section ten of chapter ninety-seven of the Private Laws of nineteen hundred and one be and the same is hereby amended as follows: "*Provided further*, that the said board of commissioners shall have power to organize a chain-gang under such rules and regulations as they may prescribe, and may elect a stockade for the securely keeping and proper protection of convicts; and it shall be lawful for the courts and judges holding the courts in the counties in the judicial district comprising said county of Henderson to send to said chain-gang convicts who may be either imprisoned as punishment or committed for the non-payment of fines, and to be worked either upon the streets of the town of Hendersonville or upon such other public roads or works as the said town may be lawfully engaged upon, under such rules



and regulations as may be prescribed by the said board of commissioners. And the Mayor of the Town of Hendersonville shall have the right, in his discretion, to send any offender against the town ordinances to said chain-gang."

Repealing clause.

SEC. 2. That this act shall not repeal any of the provisions of the present road law in Henderson County, but all other clauses of laws in conflict herewith 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 6th day of March, A. D. 1905.

#### CHAPTER 410.

#### AN ACT TO ESTABLISH A PUBLIC SCHOOL DISTRICT FROM PORTIONS OF SALEM TOWNSHIP IN THE COUNTY OF GRANVILLE.

*The General Assembly of North Carolina do enact:*

School district created.

Boundaries.

SECTION 1. That a public school district is hereby created out of the portion of Salem Township in the county of Granville contained within the following boundaries: Beginning at a point on the public road leading from Dexter to Stovall in Granville County where said public road crosses the township line between Sassafras Fork and Salem Townships in Granville County, and running thence along said public road in a southerly direction to the public road known as "Goshen Road"; thence across said road in a southeasterly direction to the public road leading from Oxford to Williamsboro, at the point where said public road crosses Flat Creek; thence down the said creek to the Vance County line; thence with the Vance County line to the point where the lines between Salem and Sassafras Townships in Granville County corner on the Vance County line; thence along said Salem and Sassafras Fork Township line to the beginning.

School committeemen.

SEC. 2. That at the regular time for the appointment of school committeemen two members of the school committee of said public school district shall be appointed by the County Board of Education of Granville County from that portion of the district lying in Granville County.

School census.

SEC. 3. That the school committee of this district, upon taking the school census of said district, as required by the public school law, shall certify to the County Superintendent of Granville the number of children of school age residing in the portion of said district.

Apportionment.

SEC. 4. That the *pro rata* part of the public school money due the children of said district residing in Granville County shall be

apportioned to said district by the county board of education of said county to the children in said school district, to be placed by said Treasurer of Granville County to the credit of said school district, and all funds placed to the credit of said district by the county board of education shall be paid out by said Treasurer of Granville County according to the public school law governing other public school districts.

SEC. 5. That, subject to the provisions hereinbefore named, said public school district shall be governed by the same laws, rules and regulations as other public school districts in the State. General law to apply.

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 6th day of March, A. D. 1905.

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#### CHAPTER 411.

#### AN ACT TO INCORPORATE THE WATAUGA RAILWAY COMPANY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Moses H. Cone, J. R. Ervin, W. C. Coffey, J. W. Farthing, H. McD. Little, W. L. Bryan, F. A. Linney, E. S. Coffey, T. S. Coffey and B. B. Dougherty, 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 ninety-nine years, under the name and style of the Watauga 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 holding, leasing, conveying or in any other way 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 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. Corporators.  
Corporate name.  
Formal enumeration of corporate rights.

SEC. 2. That said company shall, upon its organization as hereinafter provided for, have power to survey, lay out, construct and equip, maintain and operate an electric or steam railroad, with one or more tracks, from any point within one mile of the town of Power to build and maintain railroad.

Terminals.	Boone, North Carolina, to the town of Lenoir, Collettsville or Edgemont, North Carolina, or any other place on the Carolina and Northwestern Railroad, or to any place to which the Carolina and Northwestern Railroad may hereafter be extended, by such route or routes as the directors of said company may determine. The said company may also extend said railroad in or through the counties of Watauga, Ashe and Caldwell, to such points in any of said counties as the directors of said company may determine upon, by such route or routes as the said directors may deem most expedient, and 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.
Routes.	
Branches.	
	Sec. 3. That for the purpose of surveying, constructing and operating said line or said lines of railroad said company is hereby empowered:
Powers of survey.	First. To cause such examination and survey 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 lands or water of any person or persons.
Voluntary grants.	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.
Purchase and condemnation.	Third. To acquire purchase, hold and use all such water-power, 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, and to condemn, lease or buy land necessary for its use as aforesaid.
Laying out road.	Fourth. To lay out its road, not exceeding one hundred feet in width, and to construct the same, and for the purpose of cutting any embankment and obtaining gravel and other material, 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 said track or otherwise obstructing the right-of-way, making compensation therefor as provided by law.
Constructing road.	Fifth. To construct its road across, along or upon, or to use any stream of water, water-power, street, highway or turnpike road which the route of its road shall intersect or touch: <i>Provided</i> , no railroad shall be constructed along and upon any street without the consent of the municipal authorities, or along and upon any turnpike road without the consent of the corporation owning the same.
Rights in connecting and crossing other railroads.	Sixth. To cross, intersect or join or unite its railroad heretofore or hereafter to be constructed, at any point on its route, or upon the ground of any other railroad, with the turn-outs, sidings,

switches and conveniences necessary or proper 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 depots or to reach any other point of its right-of-way otherwise inaccessible.

Seventh. To take and convey persons or property over its rail- To convey persons or property.  
road by the use of any steam, electricity or other mechanical power, and to receive compensation therefor, and to do all things incident to electric or steam railroad business.

Eighth. To acquire, by purchase or otherwise, any water-power Water-powers.  
along said route or routes, near enough thereto to be conveniently used: to construct dams and put in such machinery, cables, wires and lines as may be necessary to generate, accumulate, distribute and transmit electricity sufficient to operate said railroad: to build Telegraph and telephone lines.  
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.

Ninth. To erect and maintain convenient buildings, warehouses, Buildings.  
stations, power-houses, fixtures and machinery sufficient for the accommodation and use of its passengers and freight and for its business purposes.

Tenth. To regulate the time and manner in which passengers Transportation.  
and property shall be transported, and the compensation to be paid therefor, subject to any law of the State upon the subject.

Eleventh. To borrow such sum of money at such rate of interest, To borrow money, issue bonds and execute mortgages.  
upon such terms, not inconsistent with existing law governing rates of interest, 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 rates 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 part of its railroads and appurtenances, property, franchises and privileges, in such manner and form as said board may direct. Said company may, through its board of directors, sell, hypothecate or otherwise dispose of the bonds hereinbefore authorized to be issued, or any of its stock, bonds or securities.

Sec. 4. That the capital stock of said company shall be two Capital stock.  
hundred thousand dollars in common stock or preferred stock, or partly in each, as a majority of the stockholders may determine, with the power to increase the sum from time to time by a majority vote of the stockholders to five hundred thousand dollars: *Provided*, that said increase shall be granted by the Secretary of Proviso: increase of capital stock.  
State, upon application to him and the payment of the tax required by law: *And provided further*, that when ten thousand Proviso: when company to begin business.  
dollars of the capital stock has been subscribed for, the company shall have the right to begin business, with all the powers, privi-

Shares.	leges and franchises hereby granted. 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 ;
Votes.	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.
Stockholders not individually liable. Transfer of stock.	
Books of subscription.	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 and place and on such conditions, rules and regulations as a majority of them may deem necessary or expedient ; and said incorporators, or a majority of them, may, when ten thousand dollars shall have been subscribed and when a majority of them deem proper, call together the subscribers to said shares of stock at any place in or out of the State, and said subscribers, or a majority of them, may 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 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 such other acts necessary to the complete organization of said company and to carry into effect the objects of this act.
Organization.	
Payment of subscriptions.	SEC. 6. The subscriptions to the capital stock of said company may be made in money, land or other property, bonds, stocks, credits, leases, rights-of-way, stock in any turnpike company along said railroad, labor and service, 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
Forfeiture of delinquent stock.	board may declare his stock forfeited, together with 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 mailing to his post-office (post-paid), such notice, stating that he is required to make such payment within sixty days from the date of said notice, at such time and place as is therein stated.
Annual meetings.	SEC. 7. That meetings of the stockholders shall be held annually, at such time and place 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 Watanga County, or in some newspaper published in some adjoining county if none in Watanga County, for four successive weeks.
Advertisement.	
General called meetings.	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 the



stockholders holding together one-fourth of the capital stock, upon notice published as specified in the foregoing section, for ten days and by mailing to each stockholder written notice ten days before said meeting. At such general meeting all the powers of the company may be exercised and any business transacted that might be transacted at any annual meeting.

SEC. 9. That the election of directors shall be by ballot and Elections, shall be held at the annual meeting, unless otherwise determined 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, secretary and treasurer shall be elected by the directors annually in such manner as the regulations of the company shall provide, and shall hold their offices until their successors are appointed and assume their duties. The board of directors shall have power to adopt by-laws, subject, however, to amendment or repeal by the stockholders.

SEC. 10. That said company shall have power to take, by purchase, lease or otherwise, the railroad franchises and property of any other railroad, and it is also hereby authorized and empowered to consolidate its capital stock, property and franchises with those of any other railroad company, upon such terms and under such name as may be agreed upon. It may assign or lease its property or franchises, or any part thereof, to any other railroad company, and the railroad 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. Any of the powers and privileges conferred and authorized by this section may be exercised and carried into effect by the directors of the company concerned, in such [manner] and on such terms as the stockholders of each company incorporated by this act may subscribe to and purchase the capital stock, bonds or other securities of any railroad or turnpike company, and any railroad or turnpike company incorporated by the laws of North Carolina or any other State may subscribe its entire capital stock, or any amount thereof, to this company. This company shall have power to use any section or portion of its road before the whole shall have been completed. Power of purchase, sale, lease and consolidation. May use portion of road.

SEC. 11. That the president and directors of said company shall have power to make such expenditures and contract such debts as shall be necessary for the construction and operation of its railroad business. Expenditures and debts.

SEC. 12. That the said company shall enjoy all the benefits and be subject to all the provisions of sections one thousand nine hundred and forty-three to one thousand nine hundred and fifty-one, Condemnation of land.

both inclusive, of chapter forty-nine, volume one of The Code of North Carolina, one thousand eight hundred and eighty-three, and all amendments thereto, in respect to the acquisition of land by condemnation.

Counties, towns and townships may subscribe to stock.

Procedure for making subscription.

Form of ballots.

Notice of election.

Bonds.

Special tax if subscription made.

SEC. 13. That the counties of Watauga, Ashe and Caldwell, or either of them, and any city, town or township along the line of said railroad 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 counties, cities, towns or townships, to the board of commissioners of said county, or to the proper authorities of the said cities or towns, 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 the said county, or the proper authorities of any city or town, shall, within thirty days after filing 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 on a ballot on which shall be written or printed the words "For Subscription," and those opposed to such subscription shall vote on 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 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 return 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 such county, or the proper authorities of the said city or town, shall immediately make said subscription and pay for the same in cash, or may issue coupon bonds to the amount of said subscription in order to pay the same; and the 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 nor more than five hundred dollars each, and shall run for twenty years, and shall bear interest at five per centum per annum, payable semi-annually.

SEC. 14. That in case a subscription shall be made to said railroad company by either of said counties, or by any city, town or township in North Carolina as prescribed herein, it shall be the duty of the board of commissioners of said county, or the proper

authorities of the said city or town, if the bonds are issued, to levy a special tax sufficient to meet the interest charges, and to provide a sinking fund with which to pay off and discharge the principal of said bonds as the same may become due.

SEC. 15. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this 6th day of March, 1905.

## CHAPTER 412.

### AN ACT TO AMEND SECTION 71, CHAPTER 4, OF THE PUBLIC LAWS OF 1901, RELATING TO BURLINGTON GRADED SCHOOLS, ALAMANCE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section seventy-one (71) of chapter four (4) of Tax rate. the Public Laws of nineteen hundred and one be amended as follows, to-wit: In line eight (8) strike out the word "thirty" and insert in lieu thereof the word "fifty," and in line nine strike out the word "ninety" and insert in lieu thereof the words "one dollar and fifty."

SEC. 2. That this act shall apply only to the city of Burlington in Limitation. Alamance County.

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

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.

## CHAPTER 413.

### AN ACT TO BUILD A GRADED SCHOOL BUILDING IN THE TOWN OF ASHBORO.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all the territory lying within the corporate limits of the town of Ashboro, as the boundaries of said town are on the first day of April, one thousand nine hundred and five, shall constitute a public school district for the white and colored children and shall be known and designated as "Ashboro Graded School District." Town made school district.

SEC. 2. That the board of graded school trustees, hereinafter provided for, shall be and are hereby authorized and empowered to issue bonds of said graded school district to an amount not exceeding ten thousand dollars (\$10,000), of such denomination and of such proportion as said board of trustees may deem advisable. Bond issue authorized.  
Amount.  
Description of bonds.

bearing interest from date thereof at a rate not exceeding six per cent. per annum, with interest coupons attached, payable half-yearly at such time and place 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 at such time or times, not exceeding twenty years from the date thereof, and at such place or places as said board of trustees may determine: *Provided*, that the 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 three of this act.

Application of proceeds.

SEC. 3. That the proceeds arising from sale of said bonds or such part thereof as may be necessary, shall be expended by said board of graded school trustees in providing by purchase or otherwise such graded school buildings as may be required and furnishing the same with graded school furniture and other necessary equipment.

Bonds not to be sold below par.

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

Exempted from town taxes.

SEC. 5. That said bonds and their coupons shall not be subject to taxation by the town of Ashboro until after they have become due and tender of payment shall have been made, and such coupons shall be receivable in payment of all and other public dues of said town for any fiscal year in which said coupons shall become due, or thereafter; and if any holder 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, the holder shall not be entitled to interest thereon for the time they shall have been outstanding after maturity.

Coupons receivable for town taxes.

Special tax.

SEC. 6. That for the purpose of providing for payment of said bonds and 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 Ashboro shall annually and at the time of levying the municipal taxes, commencing with the fiscal year beginning the first day of June, one thousand nine hundred and five, levy and lay a particular tax on all persons and subjects of taxation within the limits of said graded 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 forty cents on the one hundred dollars assessed valuation of property and not more than one dollar and twenty-five cents on each taxable poll.

Limit.

Collection of tax.

SEC. 7. That said taxes shall be collected by the Tax Collector of the Town of Ashboro at the time and in the manner that the municipal taxes are collected, and said tax collector shall pay the same to the treasurer of said town, and shall keep such money

separate and apart from the municipal funds. And the 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 graded school trustees: *Provided*, that said tax collector and said treasurer shall enter into bond in such amounts as said board of trustees may direct for the faithful performance of the demands of their respective offices.

Proviso: bonds of tax collector and treasurer.

SEC. 6. That the provisions of sections two and six of this act shall be submitted to a vote of the qualified voters of said town of Ashboro at an election to be held at the time of the next regular town election, unless the board of town commissioners in their discretion deem it wise and proper to defer or put off said election to a day to be designated by them within the next twelve months after the ratification of this act. That thirty days' notice of said election, containing a copy of the provisions of sections two and six of this act or a synopsis of the same, shall be published in some newspaper published in the town of Ashboro, and in all other respects the said election shall be held and conducted under the provisions of the law governing the holding of municipal elections of said town. Those qualified voters approving the issue of bonds provided for in section two and the levy and collection of the particular taxes provided for in section six of this act shall deposit a ballot containing the written or printed words "For Better Schools," and those disapproving the same shall deposit a ballot containing the written or printed words "Against Better Schools." If a majority of the qualified voters of said town are in favor of granting to the aforesaid board of graded school trustees authority to issue such bonds and to the board of commissioners of said town to levy such particular taxes, then said board of trustees and said board of commissioners shall have such authority. But if a majority of such qualified voters shall vote "Against Better Schools," then said board of trustees and said board of commissioners shall not have such authority: *Provided*, that the result of such election, duly ascertained in accordance with the law, shall be enrolled among the public records of the town of Ashboro; and after thirty days from the date of such enrollment such record shall not be open to attack, but shall be deemed conclusive evidence of the truth of the fact therein recited.

Sections submitted to vote of people.

Date of election.

Notice of election.

Form of ballots.

Effect of election.

Proviso: record of result.

SEC. 9. That J. O. Redding, D. M. Holloday, J. A. Spence, S. W. Laughlin, E. L. Moffitt, W. J. Scarboro, R. R. Ross, A. C. McAlister and W. P. Wood shall be and are hereby constituted a board of trustees for the public school of said town. That the term of office of said trustees shall begin at the expiration of the terms of office of the present school commissioners of said town. That the first three of said trustees shall hold office until the first Monday in July, nineteen hundred and seven; the next three until the first Monday in July, nineteen hundred and nine, and the last three

Trustees named.

Terms of office.



Successors.

until the first Monday in July, nineteen hundred and eleven; and their successors as herein provided shall hold for the term of six years each. The vacancies occurring by reason of the expiration of the term of office of the trustees aforesaid shall be filled by a majority vote of the other members of such board of graded school trustees holding over, acting in conjunction with the Board of Commissioners of the Town of Ashboro; and for the purpose of filling such vacancies said members of the board of trustees and said board of commissioners shall meet in joint session on the Monday immediately preceding the first Monday in July in each

Proviso: vacancies.

year in which any such vacancy is to occur: *Provided*, that any and all vacancies in the board of trustees occurring by reason of death, resignation or otherwise than by expiration of term of office, shall be filled by other members of said board of trustees: *Provided*, that the position of trustees shall not constitute an office within the meaning of article seven, section fourteen of the Constitution of this State.

Proviso: trustee not an officer.

Trustees incorporated.

SEC. 10. That the said board of graded school trustees and their successors in office shall be and are hereby constituted a body corporate by the name and style of the graded school trustees of Ashboro, 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 estate and personal property; 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 exchange at pleasure.

Corporate name.

Corporate rights.

Duties of trustees.

SEC. 11. That it shall be the duty of said board of graded school trustees to establish and maintain public schools for the white and colored children of said graded school 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 may be deemed just, fair and equitable to both races, providing equal school facilities for each, due regard being paid, however, to the difference in cost of maintaining said schools; *Provided*, that all donations to said schools shall be applied as directed by the donors.

Proviso: donations.

Trustees to have exclusive control of schools.

SEC. 12. The said board of graded school trustees shall have exclusive control of all public schools in said public school district, free from the supervision of the County Board of Education and the County Superintendent of Schools of Randolph County, and shall prescribe rules and regulations, not inconsistent with this act, for their own government and for the government of such schools; shall prescribe the qualifications, employ and fix the compensation of all officers and teachers of such schools; shall cause to be taken, from time to time, according to the general school law of the State, an accurate census of the school population of said school district, and shall exercise such other powers as may be

School funds.

necessary for the successful control and operation of said graded schools.

SEC. 13. That all public school funds derived from the State and county of Randolph for the use and benefit of the public school district shall be paid over to the Treasurer of the Town of Ashboro by the Treasurer of said County of Randolph for the use and benefit of the graded schools in said graded school district, except as hereinbefore provided in section twelve of this act; and the property, both real and personal, of the school districts embraced within the limits of said town of Ashboro shall become the property of said graded school district, and the title thereto shall be vested in said board of trustees in trust therefor: and the said board of trustees shall, in their discretion, sell the same or any part thereof and apply the proceeds to the use of the public school to be established in said graded school district.

Apportionment of State and county funds.

School property vested in graded school.

SEC. 14. That said board of graded school trustees shall elect annually, at least thirty days before the opening of the fall term of graded schools, a superintendent and all other necessary teachers. Said superintendent shall supervise the said graded public schools in said district and exercise such other powers and discharge such other duties as said board of trustees may prescribe.

Superintendent and teachers.

SEC. 15. That said board of graded school trustees are hereby authorized in their discretion to fix a curriculum of studies and to adopt text-books for said graded schools; to provide for instruction other than that included in the prescribed course, and to fix the rate of tuition to be charged therefor, and to admit pupils residing without the limits of said district, upon such terms as the said board of trustees may deem just and reasonable.

Curriculum and text-books.

Non-resident pupils.

SEC. 16. That it shall be the duty of said board of graded school trustees to make to the Mayor and Board of Commissioners of the Town of Ashboro, annually, after the close of each year, a full report of the operations of the graded public schools of said graded school district, and duplicate copies of said report shall be furnished to the Superintendent of Schools of Randolph County.

Annual reports.

SEC. 17. That the board of school trustees, having authority under general school law of the State, shall, in the apportionment of all public school funds to said graded school district, apportion the same according to the public school law.

Apportionment of funds.

SEC. 18. That the tax collector shall receive for collecting all taxes under this act a commission not exceeding two per cent., and the treasurer shall receive a commission for disbursing the same not exceeding one per cent.

Pay of tax collector and treasurer.

SEC. 19. That all laws and clauses of law 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 6th day of March, A. D. 1905.

## CHAPTER 414.

AN ACT TO AMEND THE CHARTER OF THE TOWN OF  
PITTSBORO.

*The General Assembly of North Carolina do enact:*

Tax rate.

SECTION 1. That the charter of Pittsboro, Chatham County, as contained in Private Laws of one thousand eight hundred and eighty-nine, chapter one hundred and fifty-three, be amended as follows: That the word "ten" at the end of line nine of section four of the charter be stricken out and the following be substituted therefor: "fifteen cents on the hundred dollars worth of property and forty-five cents on the poll."

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 6th day of March, A. D. 1905.

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CHAPTER 415.AN ACT TO AMEND CHAPTER 103 OF THE PRIVATE LAWS  
OF 1883, TO EXTEND THE CORPORATE LIMITS OF THE  
TOWN OF MAIDEN, CATAWBA COUNTY, NORTH CARO-  
LINA.

*The General Assembly of North Carolina do enact:*

New boundaries.

SECTION 1. That the Private Laws of one thousand eight hundred and eighty-three, chapter one hundred and three, be amended by adding to section two thereof the following: "That the eastern boundary of the corporate limits of the town of Maiden, North Carolina, shall be the Island Ford Road; the southern boundary of this extension be one block south of the Old State Road, and parallel with said Old State Road, extending east to the said Island Ford Road; the northern boundary of this extension to be three blocks north of the Old State Road, and parallel with said Old State Road, to the said Island Ford Road."

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 6th day of March, A. D. 1905.

## CHAPTER 416.

AN ACT TO CHANGE THE BOUNDARIES OF THE SANFORD  
GRADED SCHOOL DISTRICT IN MOORE COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter three hundred and sixty-one of the Private Laws of one thousand nine hundred and one be amended by striking out all of section one of said act and substituting in lieu thereof the following:

"SECTION 1. That the following-described territory in Sanford Township, Moore County, viz., beginning at the intersection of the corporate limits of the town of Sanford with the Southern Railroad, and running thence with the said corporate limits east to a point two hundred feet west from Hawkins Avenue, or the McQueen Road; thence a direct line to the old Levi Gunter residence; thence, so as to include said residence, direct to the stock-law fence west of G. W. Temple's barn; thence with said fence around to the west side of Temple's residence to the 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 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 pointers; thence south seventy 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 as Acree's and Ray's and Acree's and Monroe's lines to Acree's and Monroe's corner; thence a direct line to a stake in Mrs. Eva Acree's line, in the old road south of the old Bryan residence; thence a direct line to Field's and Mann's corner in the old Bryan line; thence as Mann's north line to Mann's and Bryan's corner in John Conella's line; thence as Conella's east and south boundary lines crossing the railroad to the west line of the right-of-way of the Seaboard Air Line Railroad; thence with said right-of-way northward to

New boundaries  
established.

the Atlantic Coast Line quarry siding near the overhead bridge; thence a direct line to the south corner of the Sanford Manufacturing Company's land; thence running around on the west side of their land with their various lines to W. H. Watson and Bethia 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 of the Atlantic Coast Line Railroad; thence with said right-of-way to a stake on same, nearly in front of colored Baptist Church; thence north fifty-four 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 sixteen 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 seventy-two 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 the Atlantic Coast Line Railroad on the east side of said road; thence with said right-of-way southward to a stake on the same; thence south fifty-four degrees west to a stake on the right-of-way of the Seaboard Air Line Railway, east side; thence southward with the same to a stake on same; thence south eighty-seven degrees west, crossing said railroad and running with Moffitt Bros.' line on the south side of their land to their southwest corner; thence with their line northward to another of their corners; thence north thirty-nine degrees west, crossing Wicker Street to a stake in Davis' line; thence south fifty-five degrees west to a stake on the line between J. W. Scott and the Greystone Company; thence with J. W. Scott and Currie's line to Endor Street; thence west to the corporate limits of the town of Sanford; thence with said corporate limits to the beginning, shall be and is hereby constituted the Sanford Graded School District."

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

In the General Assembly read three times, and ratified this 6th day of March, 1905.

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## CHAPTER 417.

### AN ACT TO INCORPORATE THE TOWN OF RICHLANDS IN THE COUNTY OF ONSLOW.

*The General Assembly of North Carolina do enact:*

Town incorporated. SECTION 1. That the town of Richlands in the county of Onslow be and continue to be, as it heretofore has been, and is hereby declared to be incorporated into a body politic and corporate by



the name and style of the "Town of Richlands," and shall have Corporate name. the usual powers of such corporations, and under said corporate name may sue and be sued, plead and be impleaded, contract and be contracted with, and may acquire, hold, own, possess and convey property, real and personal, for the use and benefit of said town, and may make all needful rules, regulations, by-laws and ordinances for the government, improvement, health and welfare of the inhabitants of said town, not inconsistent with the laws and Constitution of the United States and of the State of North Carolina.

SEC. 2. That the corporate limits of said town shall be as fol- Corporate limits. lows, viz.: Beginning at the center of the Methodist Church Building in said town and running north one-half mile and running from the center of said building east one-half mile, and running from center of said building south one-half mile, and running from center of said building west one-half mile, and shall comprise one mile square.

SEC. 3. That on the second Tuesday in May, one thousand nine Town elections. hundred and five, and every two years thereafter, an election shall be held at the usual voting place in said town by the qualified voters therein as hereinafter prescribed for a mayor and five alder- Officers. men and a town constable for said town, who shall hold their offices for two years from their election and until their successors are elected and qualified; and every person elected as mayor or Forfeit for failure to qualify. alderman or town constable who shall willfully neglect or refuse to qualify on the first Monday following his election, and willfully neglect or refuse to perform the duties of the office to which he may have been chosen after being duly notified of his election thereto by a written notice given within three days from the date of such election by the pollholders [and] registrar of said election, shall forfeit and pay the sum of twenty-five dollars to the use and benefit of said town, which may be recovered before any justice of the peace of Onslow County in the name of the "Town of Richlands" for the use and benefit of said town, or, in failure to pay said penalty, shall be deemed guilty of a misdemeanor and fined Misdemeanor. Punishment. not exceeding fifty dollars or imprisoned not exceeding thirty days: *Provided*, that no person shall be eligible to the office of mayor Proviso: persons eligible. or alderman of said town who is not a qualified voter thereof and a freeholder therein and who has not been *bona fide* resident of the town for ninety days before the day of election. No person shall be required to serve in any of said offices two terms in succession: *Provided further*, that no person shall be qualified to vote Proviso: qualification for voters. at any election for officers of said town unless such person shall be duly registered upon the book of registered voters of said town, and in addition to being a qualified voter for members of the General Assembly of North Carolina, shall have been a *bona fide* resident of said town for ninety days prior to the date of the election.

Mayor to fill vacancy.	And in case of a vacancy in the office of mayor, for any cause, after his election, the board of aldermen shall appoint a qualified person to serve as mayor until the next ensuing election and until the person then elected a mayor shall be duly sworn, qualified and inducted into office.
Aldermen to fill vacancies.	And in case of a vacancy in the office of alderman, the board shall elect a qualified person to act as alderman until the next ensuing election and until the person then elected as alderman shall be duly sworn, qualified and inducted into office.
Notice of elections.	SEC. 4. That the aldermen of the town shall give written notice of all town elections to be held in said town, which notice shall be posted at three public places in the corporate limits of the town at least ten days before the time of holding said election; and all elections for officers of said town shall be held by two persons
Election officers.	styled pollholders of the election and the registrar of the qualified voters of the town, all of whom shall be qualified voters of the town, and who shall be appointed for that purpose by the aldermen of the town; and shall be duly sworn by the mayor or other person authorized to administer oaths to truly, fairly, honestly, impartially and lawfully hold and conduct said election; and at its close announce the result thereof. It shall be the duty of the
Registration.	aldermen to cause a registration to be made of all the qualified voters residing in said town and entitled to vote therein under the rules and regulations prescribed for the registration of voters for general election; and in case of a vacancy for any cause in the office of registrar, the mayor of said town shall be authorized and empowered to fill the vacancy by appointing some suitable person to act; and in case either one of the pollholders should fail to attend at the time and place for holding the election, the registrar and the pollholders present may appoint some suitable person to act in place of the absent pollholders; and in the absence of both pollholders, the registrar and mayor may appoint suitable persons to act; and said pollholders and registrar, after being duly sworn as hereinbefore prescribed, shall open, hold and close said election in the manner directed by the general election laws
Election under general law.	of the State, and declare the result at the close thereof. The pollholders and registrar shall within three days thereafter transmit to the Register of Deeds of Onslow County an abstract of the votes cast, and for whom, and for what offices, and the names of the persons declared elected to the several offices, and shall also within three days deposit and file with the aldermen of the town the pollbook and the registrations of said elections; and the said pollholders and registrar shall also within three days from the holding of said election give notice in writing to the several persons elected to the respective offices, who shall meet and qualify and enter upon the performance of the duties of their respective offices on the Monday following. All outgoing or retiring officers of said town shall yield, surrender and deliver to their successors all property and rights of property, moneys, books, accounts, records, writ-
Returns of election.	
Notice to persons elected.	
Property and records to be turned over.	

ings, papers and other things in their keeping, belonging to said town; and on failure or refusal to do so, after demands made by their successors, shall be deemed guilty of a misdemeanor, and upon conviction in a court of a justice of the peace of Onslow County be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

SEC. 5. The person elected or appointed mayor of the town, before entering upon the performance of his duties, shall, on the Monday following the notification of his election or appointment, take and subscribe an oath to support the Constitution and laws of the United States and the Constitution and laws of North Carolina, and to well, truly and faithfully perform the duties of mayor of said town to the best of his ability, which oath shall be administered by a justice of the peace of Onslow County or other officer duly empowered to administer oaths for general purposes, and shall be filed with the board of aldermen. The Mayor of the Town of Richlands while acting as such is hereby constituted an official court with the same jurisdiction and powers in criminal offenses committed or occurring within the limits of said town as now are or hereafter may be given by law to justices of the peace. The mayor shall also have full jurisdiction to hear and determine all misdemeanors consisting of a violation of any of the ordinances of said town. The proceedings in said court shall be the same as now are or hereafter shall be provided for courts of justices of the peace; and in all cases there shall be a right of appeal from the mayor's court to the superior court of the county. And in all cases wherein a defendant may be adjudged to be imprisoned it shall be competent for the mayor to also adjudge that the said defendant shall work during the period of his confinement upon the public streets or other public work of said town. The mayor may issue his precepts to the chief of police and to such other officers to whom a justice of the peace may direct his precepts.

SEC. 6. That the mayor shall keep a full, true and perfect record of all 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.

SEC. 7. That the mayor when present shall preside at all meetings of the board of aldermen, and when there is an equal division upon any question or in the election of officers by the board, he shall decide the matter by his vote; he shall vote in no other case. If he shall be absent at any meeting of the board, the aldermen may appoint one of their number to preside *pro tempore* and exercise the duties of the mayor at said meeting, as well as during the absence of the mayor from the town, or his inability.

SEC. 8. That every person elected as alderman or appointed as such shall, before entering upon the performance of duties of his office and on the Monday following his election or appointment, take and subscribe an oath to support the Constitution and laws

Board of aldermen.  
Quorum.

Meetings.

General powers of  
aldermen.

Violation of  
ordinance  
misdemeanor.  
Punishment.

Powers of aldermen  
as to streets.

of the United States and of the State of North Carolina, and to well, truly and faithfully perform the duties of alderman of said town to the best of his ability, which oath may be administered by the mayor or a justice of the peace of Onslow County, and filed with the mayor. That the aldermen shall form one board, and a majority of them shall be competent to perform all the duties prescribed, unless otherwise provided. At their first meeting they shall fix stated days of meetings for the year, which shall not be less than one time in every month; special meetings of the aldermen may also be held on the call of the mayor or by the call of a majority of the aldermen; and of every such meeting, when called by the mayor, all the aldermen shall be notified of the time of meeting, and when called by a majority of the aldermen, such as shall not join in the call shall be notified of the time of meeting.

SEC. 9. That the board of aldermen when convened shall have power to make and provide for the execution and carrying out of such ordinances, by-laws, rules and regulations for the government, improvement, health and welfare of the inhabitants of said town as they may deem necessary, not in conflict with this act nor with the laws of the land; and to affix penalty thereto for violation thereof; to make by-laws, rules and regulations for the proper conduct and government of these corporate meetings, with the penalties attached; to cause to be erected necessary prison-house, market-house, and provide for keeping the same cleanly and in good sanitary condition; to provide for constructing and keeping in good order public pumps and wells of drinking-water; to appoint inspectors of wood, and for weighing and inspection of cotton, tar and other products of the country; to provide how such weight and inspection shall be paid; to appoint town watchmen or patrols and to do all other acts and things which in their judgment may be necessary for the improvement, welfare, health and good government of the inhabitants of said town; and the said by-laws, rules, regulations and ordinances from time to time to alter, change, amend or discontinue, when they or the majority of the said aldermen shall deem the same necessary, and publish and post all such as are passed ten days before going into effect.

SEC. 10. That the violation of any ordinance of said town shall be a misdemeanor, but the punishment thereof shall not exceed a fine of fifty dollars nor exceed imprisonment for thirty days.

SEC. 11. That the board of aldermen shall have power to open, lay out and widen any street, lane or avenue within the limits of said town whenever deemed necessary by them, and shall have power to enlarge, extend, change or discontinue any street or streets or any part thereof in 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

owners of said land. In case the owners of the land and the aldermen do not agree as to the amount of damages, then the matter shall be referred to arbitrators, each party choosing one, who shall be a freeholder and a resident of the town; and in case the owner of the land shall refuse to choose such arbitrator, the sheriff of the county shall select one for him; and in case the two arbitrators chosen as prescribed do not agree they shall select an umpire whose duty it shall be to examine the land condemned and ascertain the amount of 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 aldermen the right and power to use the land for the purposes specified; and all damage agreed upon by the aldermen or awarded by the arbitrators or umpire shall be paid as other town liabilities, by taxation: *Provided*, either party may appeal to the superior court of the county as provided by law.

Procedure for condemnation of land.

SEC. 12. That among the powers hereby conferred upon the board of aldermen are the powers to order a new registration of voters at any and all town elections if they deem it proper to do so; to take all proper means to prevent and extinguish fires; to appoint and regulate a police force; to make regulations to cause the due observance of Sunday; to provide for repairing and cleansing the streets and building bridges at necessary points; to provide suitable places for imprisonment of persons adjudged guilty of violations of town ordinance; to regulate the markets; to execute such precepts as the mayor and other authorized persons may lawfully issue to them; to declare, suppress and abate all nuisances; to preserve the health of the inhabitants of the town from exposure to contagious or infectious diseases; to preserve the peace and order of the town; to prohibit the firing of guns, pistols, gunpowder, fire-crackers, or other explosives, combustible or dangerous materials, within the corporate limits of the town; to impose annually a tax per capita on all dogs running at large or kept within the corporate limits of the town, not exceeding five dollars upon each dog; to prohibit all horses, mules, cattle, swine, geese, sheep and goats from running at large upon the streets, public grounds or in any public place in the corporate limits of the town; and to declare all such animals and fowls so running at large a nuisance, and may at their option impose a fine upon the owner or owners of such animals and fowls so running at large not to exceed ten dollars for each animal and one dollar upon each fowl, or may treat the same as nuisances and abate or suppress the same as other nuisances are abated or suppressed. And the owner of any dog who shall fail or refuse to pay the tax imposed upon such dog running at large within the corporate limits of the town shall be guilty of a misdemeanor and fined not exceeding twenty dollars or imprisoned not exceeding thirty days. And the owner or owners of such animals and fowls as are

Further enumeration of powers.



found running at large within the corporate limits of said town, who shall fail or refuse to pay the fine imposed in this section, shall be guilty of a misdemeanor and fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Further enumeration of powers of aldermen.

SEC. 13. The board of aldermen shall have power to appoint and provide for the pay and prescribe the duties of all such subordinate officers of said town as may be necessary. The board of aldermen shall also have power to make contracts in the name of the "Town of Richlands," and as such to become the owners or part owners of electric light plants and water plants, and to contract with persons or corporations for light and water supplies for the inhabitants of said town, and shall have power to sell and grant franchises to any persons or corporation, upon such terms and conditions as may be agreed to by the said board of aldermen of the one part and the contracting persons or corporation of the other part. But no mayor, nor alderman, nor other officer of said town shall directly or indirectly become a contractor for any work to be done by said town, or for its improvement; and any officer of said town violating this provision shall be removed from office, and be guilty of a misdemeanor and fined not exceeding fifty dollars or imprisoned not exceeding thirty days. That said board of aldermen shall have power to appoint from time to time special police, who shall be subject to the control and direction of the mayor.

Officers not to contract with town.

Misdemeanor. Punishment.

Powers of taxation.

SEC. 14. That the board of aldermen of said town shall have the same powers over levying, collecting and settling of the taxes of said town as the Commissioners of the County of Onslow have over the taxes of the county: *Provided*, that the taxes levied by said board of aldermen shall not exceed thirty-three and one-third cents on each one hundred dollars valuation of real and personal property and one dollar on each poll.

Proviso: limit of tax rate.

Board of tax assessors.

SEC. 15. That the board of aldermen of said town shall at some meeting held not later than the first Monday of August, one thousand nine hundred and five and every year thereafter, appoint three discreet freeholders, residents of said town, who shall list and assess the real and personal property in said town for taxation; said assessors shall ascertain the true valuation in money of every lot or parcel of land or other real property with the improvements thereon, and also all personal property, and assess the same in accordance with said valuation; said assessors are authorized to administer oaths in all cases necessary to obtain full and accurate information concerning taxable real and personal property in said town.

Returns of assessments.

SEC. 16. Said board of assessors shall make a complete return of the assessments, embracing an abstract of taxable property and taxable polls of said town, to the board of aldermen on or before the second Monday in September of each year, and annex the following affidavit, sworn to and subscribed before some official author-

ized to administer oaths, viz.: "We, the Assessors of the Town of Form of oath.  
Richlands in the county of Onslow, make oath that the foregoing  
list contains, to the best of our knowledge and belief, all the real  
and personal property and the number of polls required by law to  
be assessed in said town, and that we have assessed every tract or  
parcel of land, or other real and personal property at its true val-  
uation in money and have endeavored to do equal justice to the  
public and the tax-payers concerned."

SEC. 17. That the board of aldermen of said town shall consti- Board of  
tute a board of equalization of said town and shall be subject to equalization.  
the same rules and regulations as the county board of equaliza-  
tion of said county of Onslow.

SEC. 18. That in addition to the persons and subjects of tax: License taxes.  
tion mentioned in section fourteen of this act, the board of alder-  
men of said town shall have the power to levy and collect as  
herein specified a special license or privilege tax on the following  
persons and subjects of taxation, viz.: On all itinerant or resident  
merchants, peddlers and auctioneers, an annual tax of ten dollars;  
on each express company, each telegraph office, each railroad com-  
pany having an office or depot in the limits of the town, an annual  
tax of twenty dollars; each photograph artist and persons taking  
the likeness of the human face by whatsoever art, each broker, each  
bank or banking office, each cotton buyer, each dealer in patent  
rights, each sewing-machine agent, each commission merchant and  
each commercial broker, each livery-stable, each dairy, each hotel,  
each fire or life insurance agent, each dealer in buggies, wagons or  
other vehicles not manufactured in the town, each dealer in  
horses, mules and cattle, an annual tax of twenty-five dollars, to  
be levied and collected quarterly, monthly or yearly, at the option  
of the board of aldermen of said town as designated in their ordi-  
nances.

SEC. 19. That in addition to the persons and subjects of taxation Further license  
mentioned in sections fourteen and eighteen of this act, the board taxes.  
of aldermen may also levy a tax on the following subjects—the  
amount of such tax when fixed shall be collected by the tax collec-  
tor immediately: Upon every company of circus riders who shall  
exhibit within the town, a tax not exceeding thirty dollars for  
each separate exhibition, to be paid before the exhibition takes  
place; if not so paid, the tax to be doubled. Upon each show or  
exhibition of any kind and upon each concert or lecture for reward,  
five dollars for each lecture or exhibition: *Provided*, that when the  
proceeds arising from any concert, lecture or exhibition are to be  
devoted to any religious or charitable use such tax shall not be  
imposed or collected.

SEC. 20. That the tax list of the town, when made out, com- Tax list to have  
pleted and delivered to the tax collector, shall have the force and force of judgment.  
effect of a judgment and execution against the property of the

Tax collector to settle monthly.

Commission.

When taxes due.

Tax collector to receive taxes.

Notice.

Proviso: collection by distress.

Fines and forfeitures to be worked out.

Constable to be tax collector.  
To be sworn.

Powers as peace officer.

person or persons charged in such list and may be enforced in the same manner by said collector as sheriff of the county collect and enforce county and State taxes; and said collector shall settle with the board of aldermen every month and account to them for all moneys collected by him up to the day of such settlement, and for his services shall receive such fees and commissions as may be allowed by the board of aldermen, not to exceed in any case in the aggregate two dollars per day.

SEC. 21. All taxes upon persons and property authorized in section fourteen of this act shall be due on the first Monday in October in each year, and when paid the tax collector shall execute and deliver a proper receipt for the amount of such tax, and note the judgment and the date thereof on the tax list against the name of the party paying the same; and if the tax collector fails to fully account with the board of aldermen for the amount of such taxes collected by him every month, and oftener when required, he shall be guilty of a misdemeanor and removed from office by the board of aldermen.

SEC. 22. The tax collector shall attend during the month of November in each and every year at some stated place in said town for receiving and collecting said taxes, of which fifteen days' notice shall be given by advertisements posted at three or more public places in said town: *Provided*, that if the taxes shall not be paid before the first day of December the tax collector may after that day levy and sell property to satisfy the amount of the taxes owing by such persons as may have not previously paid the same; but he shall not advertise nor sell before the first day of January following.

SEC. 23. That the board of aldermen shall have authority to put at work and keep at work upon the streets or upon the public grounds of the town any person or persons who shall fail or refuse to pay any fines, penalty or forfeiture which may have been imposed by the mayor of the town: and the said aldermen shall have authority by the ordinances and by-laws of the town to confine, manage and control such person or persons until the fine, penalty or forfeiture, together with the cost thereof, shall be fully paid and satisfied, under such rates for labor and board as the aldermen may establish.

SEC. 24. That the town constable shall be the tax collector of said town. Before entering upon the performance of any duty he shall 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. He shall take this oath before a justice of the peace of Onslow County or other person duly empowered to administer oaths for general purposes. As a peace officer the town constable shall have within the town all the powers of a constable in the county, and as a ministerial officer he shall have the same power as a constable in the county to execute all precepts and

process that may be issued by the mayor or other lawful authority of the county and to enforce the ordinances and regulations of the aldermen as they may direct. He shall have the same powers to collect the town taxes imposed by the aldermen as sheriffs have to collect the taxes imposed by county commissioners, and he shall execute a bond payable to the State of North Carolina with good and sufficient surety in such sum as the board of aldermen may prescribe, which shall not be less than double the amount of the annual tax levied upon the taxable persons and taxable property of the towns upon which the board of aldermen may institute suit and prosecute the same to final judgment, for any default made or suffered by the town constable. The bond herein required to be executed and delivered by the town constable shall be duly proved before the mayor and aldermen and recorded in the office of the Register of Deeds of Onslow County.

Powers as tax collector.

Bond.

SEC. 25. That it shall be lawful for the town constable to serve and execute all civil or criminal process that may be directed and delivered to him by any court in the county of Onslow under the same regulations and penalties as prescribed by law in the case of other constables.

Constable to execute process.

SEC. 26. That a policeman of the town shall have the same authority to make arrests and execute criminal process within the corporate limits of the town as is vested by law in a sheriff.

Powers of policemen.

SEC. 27. The board of aldermen shall annually publish an accurate statement of the taxes levied and collected in the town, together with a statement of the amount expended by them and for what purpose. And on failure to comply with this section the said board of aldermen shall forfeit and pay one hundred dollars, for which they shall be personally liable, and be guilty of a misdemeanor. The penalty herein prescribed shall be recoverable by any person who will sue for the same, and shall come to his own use and benefit.

Annual statements published.

Forfeit for failure.

SEC. 28. That any person violating any of the by-laws, rules, regulations or ordinances of the town of Richlands shall not only be subject to the penalties thereto attached, but also in addition thereto be guilty of a misdemeanor, and shall be fined not exceeding fifty dollars or imprisoned in the county jail or a town lock-up not exceeding thirty days.

Violations of town law misdemeanor.

Punishments.

SEC. 29. The mayor may issue his precepts to the town constable or to any policeman of the town or to such other officers to whom a justice of the peace may direct his precepts, and no preliminary affidavit shall be necessary to give the mayor final jurisdiction over the offenses against the by-laws, rules, regulations or ordinance of the said town.

Precepts of mayor.

SEC. 30. That the expenses incurred in holding town election shall be borne by the town, and every person shall be allowed to inspect the election returns deposited with the board of aldermen as hereinbefore provided, and also to inspect and examine all

Expense of town elections.

Returns and records open to inspection.

journals, records, books, papers and writings in the custody of the board of aldermen, relating to the government of the town and the administration of its affairs in any way connected therewith.

Rights under  
general law.

SEC. 31. That the town of Richlands through the board of aldermen is hereby vested with all the powers, rights, privileges and immunities as are enacted in chapter sixty-two, volume two of The Code of North Carolina, not inconsistent with the provisions of this act.

Officers continued.

SEC. 32. That the present town government of the town of Richlands now in existence and comprising the mayor and three commissioners shall continue in existence until the election, qualification and induction into office of those provided for in this act and to be chosen on the second Tuesday in May, one thousand nine hundred and five, and L. W. Harget and Lee Mills shall be added to the number of town commissioners, who shall henceforth be styled the Board of Aldermen of the Town of Richlands, and said L. W. Harget and Lee Mills shall qualify as aldermen of said town within twenty days after the ratification of this act. The mayor and board of aldermen shall provide for the holding of the town election as prescribed in this act. The mayor now in office and the board of aldermen as constituted by this section shall hold their offices until their successors are elected, qualified and inducted into office. They and their successors may continue in force the present method and system of keeping the streets in good order until the first of November, one thousand nine hundred and five.

Additional  
aldermen.

Government  
continued.

Prohibition  
confirmed.

SEC. 33. That prohibition of the sale of spirituous and malt liquors, wines and cider with intoxicating qualities or powers within two miles of Richland Academy in said town, having been adopted and established by a vote of the people upwards of forty-five years and pursuant to legislative authority and been in force ever since, such prohibition is hereby ratified and confirmed, and any persons, firm or corporation selling, or offering for sale, within two miles of Richlands Academy in said town, any spirituous or malt liquors, wines or cider with intoxicating qualities, or medicated bitters with intoxicating effect, shall be guilty of a misdemeanor and upon conviction fined for each and every offense not exceeding fifty dollars or imprisoned not exceeding thirty days.

Misdemeanor.  
Punishment.

Conflicting laws  
repealed.

SEC. 34. That all laws and clauses of laws in conflict with this act shall be and the same are hereby repealed.

SEC. 35. That this act shall be in force from and after its ratification.

In the General Assembly read three times, and ratified this the 6th day of March, A. D. 1905.



## CHAPTER 418.

AN ACT TO REPEAL CHAPTER 123, PRIVATE LAWS 1887,  
AND TO AMEND CHAPTER 29, PRIVATE LAWS 1885, RE-  
LATING TO THE TOWN OF PRINCEVILLE IN EDGE-  
COMBE COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and twenty-three, Private Laws one thousand eight hundred and eighty-seven, be and the same is hereby repealed. Tax rate.

SEC. 2. That section five, chapter twenty-nine, Private Laws one thousand eight hundred and eighty-five, be and the same is hereby amended by striking out in line two thereof the words "ten cents" and inserting in lieu thereof the words "thirty-three and one-third cents," and by striking out in line three thereof the words "thirty cents" and inserting in lieu thereof the words "one dollar": *Provided*, that this act shall not restrict the right of said town to tax retailers of liquors or wines, or privileges, or any power over animals likely to commit nuisances. Tax rate.  
Proviso: license  
tax receipted.

SEC. 3. 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 March, A. D. 1905.

## CHAPTER 419.

## AN ACT TO INCORPORATE ENGLEHARD IN HYDE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Englehard in the county of Hyde, be and the same is hereby incorporated by the name and style of Englehard, and the limits of said town shall be as follows: Beginning at a point where the Spencer lane intersects the public road within the present limits of Englehard and extending from said point one half mile in each direction. Town incorporated.  
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 sixty-two of The Code. Town officers.

SEC. 3. That until the first election to be held under the charter, to-wit, on Tuesday after the first Monday in May, nineteen hundred and five, and until their successors shall be elected and qualified, the officers of said town shall be: Mayor, C. W. Davis; commissioners, John M. Clayton, W. W. Spencer, W. E. Clark, and constable J. C. Respass. Temporary officers  
named.

General law  
applicable.

SEC. 4. That 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 sixty-two of The Code and laws amendatory thereof.

Prohibition.

SEC. 5. That it shall be unlawful for any person to sell any intoxicating liquors in said town.

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 6th day of March, A. D. 1905.

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STATE OF NORTH CAROLINA,

OFFICE OF SECRETARY OF STATE,

RALEIGH, July 31, 1905.

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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