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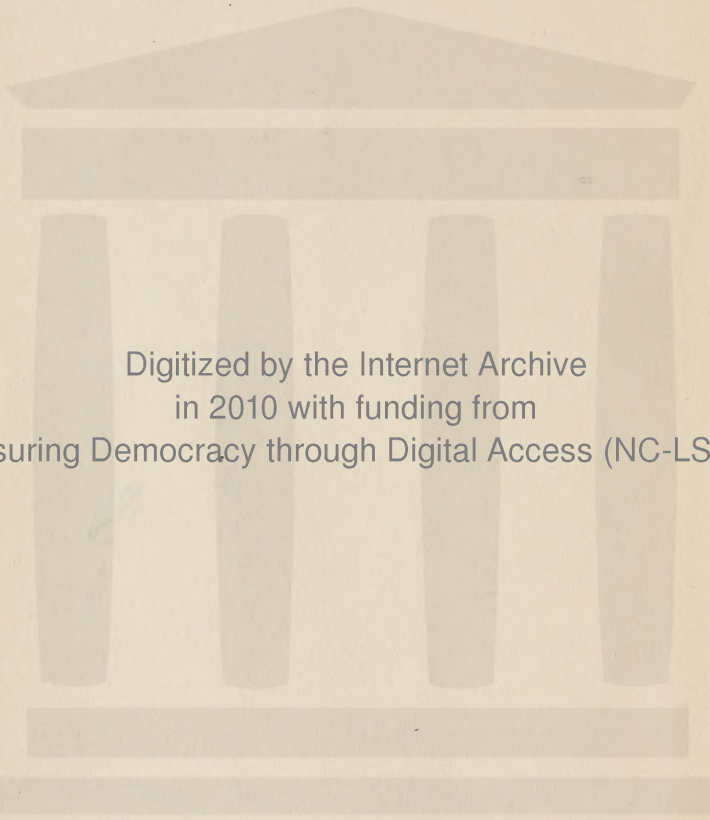
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PRIVATE LAWS

OF THE

STATE OF NORTH CAROLINA

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

SESSION OF 1893,

BEGUN AND HELD IN THE CITY OF RALEIGH

ON

WEDNESDAY, THE FOURTH DAY OF JANUARY, A. D. 1893.

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# CAPTIONS

OF THE

## PRIVATE LAWS,

SESSION 1893.

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| CHAP.  | PAGE. |
|--|-------|
| 1. An act supplemental to an act entitled "An act to amend the charter of the town of Salisbury," ratified the fourteenth day of February, eighteen hundred and ninety-one,  | 1     |
| 2. An act to incorporate Patterson Lodge, number three hundred and seven of Ancient, Free and Accepted Masons, at Mount Pleasant, Cabarrus county,   | 2     |
| 3. An act to extend the charter of the Cape Fear and Yadkin Valley Railway Company,  | 3     |
| 4. An act to incorporate the town of Ahoskie, in the county of Hertford,   | 3     |
| 5. An act to repeal the charter of the town of Portia, in McDowell county,   | 4     |
| 6. An act to incorporate the Bank of Washington, at Washington, North Carolina,  | 4     |
| 7. An act to amend chapter one hundred and eighteen, private laws of eighteen hundred and ninety-one, in relation to the Waynesville Library Association,  | 8     |
| 8. An act to amend the charter of the town of Brevard,   | 9     |
| 9. An act to amend and correct an act of the present session of the general assembly of North Carolina, entitled "An act to incorporate the Bank of Washington,"   | 9     |
| 10. An act to incorporate "The Willard Bag and Manufacturing Company,"   | 10    |
| 11. An act to incorporate the town of Claremont, in Catawba county,  | 11    |
| 12. An act to exempt the town of Monroe, Union county, North Carolina, from the operations of chapter three hundred and twenty-seven of laws of eighteen hundred and ninety-one,   | 12    |
| 13. An act to incorporate Ashler Lodge, number four hundred and fifty-one, A., F. and A. M., at Stony Fork, Watauga county,  | 12    |
| 14. An act to amend the charter of the town of Mount Airy,   | 13    |
| 15. An act to amend the charter of the Roanoke, Norfolk and Baltimore Steamboat Company,   | 14    |
| 16. An act to amend "An act to incorporate the Yadkin Railroad Company," chapter two hundred and thirty-six, private laws, ratified April five, eighteen hundred and seventy-one,  | 15    |
| 17. An act amending the charter of the town of Nashville, chapter two hundred and thirteen, acts of eighteen hundred and seventy-six [and] eighteen hundred and seventy-seven,   | 15    |
| 18. An act to extend the charter of the Randolph Manufacturing Company, granted and passed by the general assembly at its adjourned session in eighteen hundred and sixty-three, and ratified the eleventh day of February, eighteen hundred and sixty-three, and to amend the same, | 16    |
| 19. An act to amend the charter of the town of Murfreesboro, Hertford county,  | 17    |
| 20. An act to incorporate the town of Mars Hill, in the county of Madison,   | 17    |
| 21. An act to amend an act entitled "An act to incorporate the Guilford Battle-Ground Company," laws of eighteen hundred and eighty-seven, chapter one hundred and sixty-two, and to increase the number of directors in said Guilford Battle-Ground Company,                        | 18    |
| 22. An act to amend the charter of the Aberdeen and Rockfish Railroad Company,   | 19    |
| 23. An act to incorporate the Burlington and South Western Railroad Company,   | 21    |

Richard H. Battle

| CHAP.   | PAGE. |
|---|-------|
| 24. An act to declare the Southern Red and Brownstone Company a duly incorporated company, and to amend and enlarge its charter,  | 25    |
| 25. An act to amend chapter one hundred and nineteen of the private laws of one thousand eight hundred and eighty-nine, entitled "An act to incorporate the town of Waxhaw, in Union county," and to repeal chapter one hundred and thirty-four of the private laws of one thousand eight hundred and ninety-one, entitled "An act to amend chapter one hundred and nineteen of the private laws of one thousand eight hundred and eighty-nine, | 28    |
| 26. An act to incorporate The Beaufort County Bank,   | 30    |
| 27. An act to incorporate the town of Kelford, Bertie county,   | 33    |
| 28. An act to incorporate Hatcher Lodge, number three hundred and ten, Free and Accepted Masons,  | 33    |
| 29. An act to incorporate the town of Waco,   | 34    |
| 30. An act to amend the charter of Rocky Mount,   | 35    |
| 31. An act to amend the charter of the Raleigh and Western Railway Company,   | 36    |
| 32. An act to incorporate the town of Fallston, county of Cleveland,  | 38    |
| 33. An act to empower the Wilmington Light Infantry to issue bonds, and for other purposes,   | 39    |
| 34. An act to incorporate the town of Inanda, in the county of Buncombe,  | 40    |
| 35. An act amending the charter of the state bank of Wilson, changing its name to the Branch Banking Company,   | 42    |
| 36. An act to amend the charter of the Moore County Railroad Company,   | 43    |
| 37. An act to incorporate the town of Rocky Mount Mills, in the county of Nash,   | 44    |
| 38. An act to incorporate The Boone and Blowing Rock Turnpike Company,  | 45    |
| 39. An act to incorporate the Siloam Male and Female Academy,   | 48    |
| 40. An act to incorporate Cabarrus Cotton Mill,   | 49    |
| 41. An act to incorporate the Trustees of Carr Academy, a school located at Norwood (Town), Stanly county, North Carolina,  | 51    |
| 42. An act to incorporate the General Construction and Guaranty Company,  | 52    |
| 43. An act to amend chapter two hundred and sixty-five, private laws of one thousand eight hundred and ninety-one, entitled "An act to incorporate the town of Pigeon River in Haywood county, North Carolina,"   | 54    |
| 44. An act to amend chapter one hundred and seventy-two of the private laws of one thousand eight hundred and ninety-one, the same being an act to incorporate The Commercial Security Company,   | 54    |
| 45. An act to incorporate Haywood Council, number eight hundred and seventeen, Royal Arcanum, at Waynesville,   | 55    |
| 46. An act to amend the charter of Trinity College Park, in Durham county,  | 56    |
| 47. An act to repeal an act entitled "An act to incorporate the town of Killquick," in the county of Edgecombe,   | 56    |
| 48. An act to amend the charter of the town of Monroe in Union county, to authorize said town to issue bonds, and for other purposes,   | 56    |
| 49. An act to legalize the marriage of Rev. David S. George and Mary Ellen George, of Yadkin county,  | 59    |
| 50. An act to amend chapter one hundred and ninety-eight of the private laws of one thousand eight hundred and ninety-one,  | 59    |
| 51. An act to amend chapter fifty-nine of the private laws of eighteen hundred and ninety-one, being an act to amend the charter of the town of Salisbury,  | 60    |
| 52. An act to amend the charter of the town of Salisbury,   | 60    |
| 53. An act to incorporate the Cape Fear Harbor and Coal Company,  | 60    |
| 54. An act to provide for wood inspectors in the city of Wilmington,  | 62    |
| 55. An act to incorporate the town of Hampton in the county of Rutherford,  | 63    |
| 56. An act to amend chapter two hundred and ninety-seven of the private laws of one thousand eight hundred and ninety-one,  | 63    |
| 57. An act to amend the charter of the city of Burlington,  | 64    |
| 58. An act to incorporate Hinshaw and Medearis Company,   | 66    |
| 59. An act to declare the North Carolina Lumber Company a duly incorporated company, and to amend and enlarge its charter,  | 70    |

CAPTIONS OF THE PRIVATE LAWS.

V

| CHAP.  | PAGE. |
|--|-------|
| 60. An act to incorporate the town of Parmele, in the county of Martin,  | 73    |
| 61. An act to amend the charter of the town of Durham, in Durham county,   | 74    |
| 62. An act to incorporate Wadeville Academy,   | 76    |
| 63. An act to confirm and enlarge the powers of the Wilmington Homestead and Loan Association, giving it banking powers,   | 78    |
| 64. An act to renew chapter one hundred and ninety-three of the private laws of one thousand eight hundred and ninety-one,   | 80    |
| 65. An act to incorporate The Watson-Daniels Land Company,   | 80    |
| 66. An act to amend chapter forty-three, private laws of one thousand eight hundred and ninety-one, relating to the Bank of Commerce at Fayetteville,  | 81    |
| 67. An act relative to the sale of intoxicating liquors in the town of Shelby, Cleveland county,   | 82    |
| 68. An act to amend "An act to incorporate Brevard Station, Gaston county, North Carolina,"  | 85    |
| 69. An act to amend the charter of the Peoples Bank of Asheville,  | 86    |
| 70. An act to incorporate "The Co-operative Bank of North Carolina."   | 87    |
| 71. An act to incorporate the Bank of Waynesville, in the county of Haywood,   | 90    |
| 72. An act to incorporate the Carolina Real Estate and Investment Company,   | 92    |
| 73. An act to incorporate the Judson College Company,  | 94    |
| 74. An act to incorporate the Baptist Missionary and Educational Convention of North Carolina for the Colored Race,  | 94    |
| 75. An act to incorporate "The Peoples Bank" of Kinston, North Carolina,   | 95    |
| 76. An act to incorporate the Wilkins River Water-power, Manufacturing and Land and Improvement Company,   | 98    |
| 77. An act to incorporate the Carolina Buff and Brownstone Company,  | 101   |
| 78. An act to incorporate the town of Pendleton in North Carolina,   | 103   |
| 79. An act to amend an act to incorporate the Trustees of Turkey Creek Camp-Ground in the county of Buncombe,  | 103   |
| 80. An act to incorporate the "Jones Mica Company,"  | 104   |
| 81. An act to authorize the councilmen of Edenton to build a market-house,   | 105   |
| 82. An act to incorporate the town of Montford in the county of Buncombe,  | 106   |
| 83. An act to amend chapter fifty-seven, laws of eighteen hundred and seventy-four and eighteen hundred and seventy-five, entitled "An act to incorporate the town of Shelby, Cleveland county," ratified the twenty-sixth day of February, anno Domini one thousand eight hundred and seventy-five, | 107   |
| 84. An act to amend chapter two hundred and forty-three (243) of the private laws of eighteen hundred and ninety one, and the charter of the city of Raleigh,  | 107   |
| 85. An act to amend section six of an act entitled "An act to incorporate Cabarrus Cotton Mill," enacted at present session of the general assembly and ratified on ninth day of February,   | 108   |
| 86. An act to incorporate the North Carolina State Insurance Company of Asheville, North Carolina,   | 109   |
| 87. An act to amend chapter one hundred and six, private laws of one thousand eight hundred and ninety-one, entitled "An act to incorporate the Glendon and Gulf Mining and Manufacturing Company,"  | 111   |
| 88. An act to amend the charter of the town of Old Fort,   | 112   |
| 89. An act to amend an act entitled "An act supplemental to an act entitled 'An act to amend the charter of the town of Salisbury,' ratified the fourteenth day of February, eighteen hundred and ninety-one," ratified the twentieth day of January, eighteen hundred and ninety-three,             | 115   |
| 90. An act to amend the charter of the town of Whiteville, Columbus county,  | 116   |
| 91. An act to extend the charter of the Saint Augustine Normal School and Collegiate Institute,  | 117   |
| 92. An act to incorporate the Enterprize Mills, Kings Mountain, Cleveland county,  | 117   |
| 93. An act to incorporate the Winston-Salem and Charleston Railroad Company,   | 120   |
| 94. An act to incorporate the North State Brownstone Company,  | 124   |
| 95. An act to extend and correct the charter of the Shelby, Glenalpine Springs and Cranberry Railroad Company,   | 127   |

| CHAP.   | PAGE. |
|---|-------|
| 96. An act to allow North Carolina State Company further time to organize,  | 127   |
| 97. An act to amend the charter of the town of Benson, Johnston county,   | 128   |
| 98. An act to incorporate the Carthage and Western Railroad Company,  | 128   |
| 99. An act to incorporate The Bank of Weldon,   | 131   |
| 100. An act to amend the charter of the Wilmington and Weldon Railroad Company, and to provide for taxing the property of said company in like manner as other property is taxed, and to adjust all differences between the state of North Carolina or any county, city or town in said state and said company, | 135   |
| 101. An act to incorporate the Henderson Storage Company,   | 138   |
| 102. An act to amend the charter of the town of Liberty, Randolph county,   | 142   |
| 103. An act to amend an act to incorporate the Bank of Madison in the county of Rockingham,   | 143   |
| 104. An act to authorize the "Association of ex-Confederate Soldiers of Beaufort county" and the trustees of said association to dispose of certain real estate,  | 143   |
| 105. An act to change the name of Keeversville in Catawba county to Plateau,  | 144   |
| 106. An act to amend chapter three hundred and fifty (350) of the laws of one thousand eight hundred and ninety-one,  | 145   |
| 107. An act relating to the city of Goldsboro,  | 146   |
| 108. An act to amend chapter four hundred and fifty of the laws of eighteen hundred and eighty-nine,  | 147   |
| 109. An act to incorporate the Columbus Land and Improvement Company,   | 148   |
| 110. An act to amend an act entitled "An act to incorporate the Lower Creek and Linville Valley Transportation Company," being chapter five hundred and sixty-four of the laws of eighteen hundred and ninety-one,  | 150   |
| 111. An act to incorporate the Bank of Lexington at Lexington, North Carolina,  | 154   |
| 112. An act to amend an act amended at the session of eighteen hundred and sixty and eighteen hundred and sixty-one, passed at the session of eighteen hundred and fifty-eight and eighteen hundred and fifty-nine, to incorporate Mars Hill College in the county of Madison,                                  | 157   |
| 113. An act to incorporate the Atlantic and Ohio Railroad Company,  | 159   |
| 114. An act to amend and consolidate the acts incorporating the "Butters Lumber Company," chapter ninety-one, private laws eighteen hundred and eighty-seven, and chapter fifty-one, private laws eighteen hundred and ninety-one,  | 165   |
| 115. An act to incorporate the Piedmont Toll-Bridge Company,  | 168   |
| 116. An act to change the corporate limits of the town of Thomasville in Davidson county,   | 170   |
| 117. An act to amend the charter of the town of Kinston, Lenoir county, chapter thirty-three, private laws of eighteen hundred and eighty-five,   | 170   |
| 118. An act to amend the charter of the Roanoke and Southern Railway Company,   | 171   |
| 119. An act to amend the charter of the Roanoke and Southern Railway Company,   | 171   |
| 120. An act to amend chapter one hundred and seventy, private laws eighteen hundred and ninety-one, amending charter of the Chowhee High School,  | 172   |
| 121. An act to incorporate The Bank of Lanrinburg,  | 173   |
| 122. An act to incorporate the Citizens Savings Bank at Wilmington, North Carolina,   | 176   |
| 123. An act to amend the charter of the Cape Fear and Yadkin Valley Railway Company,  | 180   |
| 124. An act to incorporate the Tuckaseegee High School in Jackson county,   | 182   |
| 125. An act to incorporate the town of Hilma in the county of Edgecombe,  | 183   |
| 126. An act to incorporate the town of Robinsville in Graham county,  | 184   |
| 127. An act to amend chapter one hundred and twenty-seven of the public laws of one thousand eight hundred and ninety-one,  | 185   |
| 128. An act to amend chapter ninety-eight, private laws of eighteen hundred and eighty-seven, in relation to the corporate limits of Whittier,  | 185   |
| 129. An act to authorize the city of Raleigh to issue bonds for public improvements and to levy a special tax,  | 186   |
| 130. An act reviving the charter of the town of Gatesville,   | 188   |
| 131. An act to incorporate the William L. Saunders Historical Society,  | 189   |
| 132. An act to amend chapter two hundred and eighty-six, laws of North Carolina, eighteen hundred and ninety-one,   | 190   |
| 133. An act to amend the charter of the city of Statesville,  | 191   |

| CHAP.  | PAGE. |
|--|-------|
| 134. An act to amend section two of chapter seventy-one of the laws of eighteen hundred and eighty-nine,   | 192   |
| 135. An act to amend chapter one hundred and thirty-five, acts of eighteen hundred and ninety-one, relating to the charter of the city of Asheville,   | 192   |
| 136. An act to amend chapter two hundred and eighty-five, private laws of one thousand eight hundred and ninety-one, entitled "An act to incorporate the town of New London,"  | 193   |
| 137. An act to amend chapter one hundred and five, private laws of eighteen hundred and eighty-nine, entitled "An act to incorporate the Farmers' State Alliance of North Carolina and Sub-Alliances,"   | 193   |
| 138. An act to incorporate the Wilkes County Bank,   | 195   |
| 139. An act to incorporate the Blowing Rock and Lenoir Railway and Improvement Company,  | 199   |
| 140. An act to amend the charter of the town of Murphy, Cherokee county, North Carolina,   | 202   |
| 141. An act to amend the charter of Carteret Lodge,  | 203   |
| 142. An act to incorporate the Commercial Bank of Rutherfordton,   | 203   |
| 143. An act to incorporate "The Loan and Savings Bank of Charlotte, North Carolina,"   | 205   |
| 144. An act to incorporate the North Carolina Monumental Association,  | 208   |
| 145. An act to amend the charter of the city of Asheville,   | 211   |
| 146. An act to amend the charter of the town of Pikeville,   | 216   |
| 147. An act to amend the charter of Lewiston, Bertie county, North Carolina,   | 217   |
| 148. An act to incorporate the "Carolina Manufacturing Company,"   | 217   |
| 149. An act to amend an act ratified the ninth day of March, eighteen hundred and ninety-one, entitled "An act to renew and extend the charter of Petersburg Railroad Company, and to further extend and renew the charter of the said Petersburg Railroad Company," | 218   |
| 150. An act to amend the charter of the Granite City Land and Improvement Company,   | 220   |
| 151. An act to amend the charter of the city of Winston,   | 221   |
| 152. An act to incorporate the Western North Carolina and Atlanta Railroad Company,  | 223   |
| 153. An act to incorporate the city of Fayetteville,   | 231   |
| 154. An act to incorporate the "North Carolina Investment Company,"  | 241   |
| 155. An act to amend the charter of the Eastern Carolina Piscatorial Association,  | 242   |
| 156. An act to amend the charter of the town of Waynesville,   | 243   |
| 157. An act to amend the charter of the Roaring Gap Summer Resort Company and to confirm and enlarge its powers,   | 243   |
| 158. An act to incorporate the Durham and Charlotte Railroad Company,  | 245   |
| 159. An act to incorporate the Neuse and Swansboro Railroad Company,   | 250   |
| 160. An act to amend the charter of The Moore County Railroad Company, passed at the present session of the general assembly,  | 254   |
| 161. An act to incorporate "The Monitor Company," Littleton, North Carolina,   | 254   |
| 162. An act to amend and re-enact an act to incorporate the town of Sparta, in Alleghany county,   | 255   |
| 163. An act to amend chapter thirty-seven, acts of eighteen hundred and sixty-eight and eighteen hundred and sixty-nine, concerning the Jamesville and Washington Railroad and Lumber Company, now the Jamesville and Washington Railroad Company,                   | 256   |
| 164. An act to incorporate Amherst Academy in Burke county, North Carolina,  | 257   |
| 165. An act to amend chapter sixty-five of the private laws of eighteen hundred and eighty-five,   | 258   |
| 166. An act to incorporate the Newbern Steam Ferry Company,  | 258   |
| 167. An act in regard to the Eastern Carolina Land, Improvement and Banking Company, extending the time within which said company may be organized,  | 261   |
| 168. An act to amend an act entitled "An act to incorporate the Polk County Railroad Company," being chapter one hundred and thirty-four of the laws of one thousand eight hundred and eighty-seven,   | 261   |
| 169. An act to incorporate the Aid and Loan Association of Littleton Female College,   | 265   |
| 170. An act to repeal chapter one hundred and four, private laws of eighteen hundred and eighty-one, amending chapter seventy-one, private laws eighteen hundred and seventy-nine,   | 266   |

| CHAP.  | PAGE. |
|--|-------|
| 171. An act to amend the charter of the town of Littleton, North Carolina,   | 266   |
| 172. An act to incorporate The High Point Loan and Trust Company,  | 276   |
| 173. An act to incorporate The Bank of Louisburg,  | 281   |
| 174. An act to incorporate Andrews High School, in Cherokee county,  | 283   |
| 175. An act to amend the charter of the town of Hot Springs, in Madison county,  | 284   |
| 176. An act to incorporate the Wilmington and West Indies Navigation Company,  | 285   |
| 177. An act to amend chapter ninety, private laws of eighteen hundred and ninety-one,  | 286   |
| 178. An act to incorporate the Rutherford and Polk County Railroad Company,  | 287   |
| 179. An act to amend the charter of the town of Greensboro,  | 290   |
| 180. An act to enable the city of Winston to own and control the Winston Water-Works,  | 292   |
| 181. An act to change the name of the "Davis School" to "Davis Military School,"   | 295   |
| 182. An act to amend the charter of Bryson City in the county of Swain, authorizing the condemning of property for streets and other public purposes,  | 295   |
| 183. An act to amend section seven, chapter one hundred and seventy-seven, private laws of eighteen hundred and eighty-nine, in regard to the town of Dillsboro in Jackson county,                         | 296   |
| 184. An act to incorporate the Trustees of the North Carolina Annual Conference of the Methodist Protestant Church,  | 297   |
| 185. An act to incorporate the Mount Pleasant Manufacturing Company,   | 299   |
| 186. An act to amend the charter of the American Home Mineral and Timber Land Company,   | 301   |
| 187. An act to incorporate the Asheville Tobacco Works and Cigarette Company,  | 302   |
| 188. An act to continue in force chapter four hundred and eighty-three of the laws of eighteen hundred and ninety-one, entitled "An act to amend the charter of the Atlantic and North Carolina Railroad," | 303   |
| 189. An act to amend chapter sixty-six, laws eighteen hundred and seventy-six and seventy-seven,   | 304   |
| 190. An act to incorporate the Stone's Bay Oyster Company,   | 304   |
| 191. An act to repeal chapter two hundred and twenty-two, laws of eighteen hundred and ninety-one, authorizing the town of Greenville to issue bonds,  | 307   |
| 192. An act to amend chapter twenty-nine, private laws of eighteen hundred and ninety-one, on pages seven hundred and eight and seven hundred and eleven of said acts,                                     | 307   |
| 193. An act to amend chapter one hundred and ninety-six of the private laws of one thousand eight hundred and ninety-one, relative to the charter of the Falls Manufacturing Company,                      | 308   |
| 194. An act to incorporate the Exchange Bank of Winston, North Carolina,   | 309   |
| 195. An act to amend chapter two hundred and seventy-three, laws of eighteen hundred and ninety-one, ratified March seventh, eighteen hundred and ninety-one, in relation to the Harper Fabric Company,    | 311   |
| 196. An act to incorporate the Southern Metallurgical and Mining Company,  | 312   |
| 197. An act to amend the charter of the town of Dunn in Harnett county,  | 315   |
| 198. An act to extend the time for organizing the Commercial Bank of Shelby, North Carolina,   | 316   |
| 199. An act supplemental to an act to empower the Wilmington Light Infantry to issue bonds, and for other purposes,  | 316   |
| 200. An act to incorporate the North Carolina Savings Bank and Trust Company,  | 317   |
| 201. An act to incorporate the Elizabeth and Pasquotank Railway Company, passed by the legislature of Virginia on the twenty-ninth day of February, eighteen hundred and ninety-two,                       | 321   |
| 202. An act to incorporate the Yadkin Falls Bridge Company,  | 324   |
| 203. An act to allow the New York and Wilmington Land Improvement and Banking Company further time to organize,  | 326   |
| 204. An act to incorporate The Charlotte, Troy and Sanford Railroad Company,   | 326   |
| 205. An act to incorporate the Columbia, Charlotte and Winston Railroad Company,   | 330   |
| 206. An act to authorize the town commissioners of Wilkesboro to appropriate certain moneys in the town treasury,  | 333   |
| 207. An act to amend chapter one hundred and seventy-two of the private laws of eighteen hundred and eighty-seven,   | 334   |

| CHAP.   | PAGE. |
|---|-------|
| 208. An act to change the name of Winston Baptist Church,   | 334   |
| 209. An act to incorporate Spray Investment Company,  | 335   |
| 210. An act to declare Big Falls Cotton Mills a duly incorporated company and to amend and enlarge its charter,   | 337   |
| 211. An act to amend the charter of the town of Clinton, North Carolina,  | 339   |
| 212. An act to amend the charter of the town of Washington, and to authorize the commissioners for the town of Washington to procure a market-house and to issue bonds,                             | 340   |
| 213. An act to amend chapter twenty-six, private laws of eighteen hundred and ninety-one, entitled "An act to amend and consolidate the acts incorporating the town of Wadesborough."               | 341   |
| 214. An act to repeal chapter ninety-four of the private laws of eighteen hundred and eighty-one, the same being an act to incorporate the town of Jamestown in Guilford county,                    | 342   |
| 215. An act to extend the charter and the corporate existence of the Washburne Male and Female Seminary of Beaufort, North Carolina,  | 342   |
| 216. An act to incorporate Virginia Dare Lodge, number three, Independent Order of Odd Fellows, in Dare county,   | 343   |
| 217. An act to establish a benevolent association in the town of Tarboro, North Carolina,   | 344   |
| 218. An act to incorporate Lindley Training School,   | 345   |
| 219. An act to amend chapter three hundred and thirteen, private laws of one thousand eight hundred and ninety-one, in relation to the Southern Woman's Christian Temperance Union Assembly,        | 346   |
| 220. An act to incorporate the town of Aberdeen, in Moore county,   | 347   |
| 221. An act to incorporate Vestibule Church (colored) in Cleveland county,  | 348   |
| 222. An act to incorporate the town of Grimesland in Pitt county,   | 349   |
| 223. An act to incorporate the Young Men's Christian Association of Raleigh, North Carolina,  | 350   |
| 224. An act to amend the charter of Rutherford College in Burke county,   | 351   |
| 225. An act to amend chapter three hundred and nineteen, section eleven, acts of one thousand eight hundred and ninety-one, relative to the Norwood and Rockingham Railroad charter,                | 351   |
| 226. An act to incorporate the Watauga Boom and Lumber Company,   | 352   |
| 227. An act allowing the city of Statesville to establish a sinking fund, and for other purposes,   | 353   |
| 228. An act to incorporate the Mountain View Road Company, and to authorize the construction of a turnpike road between the iron bridge west of Morganton and the town of Linville or Miller's Gap. | 354   |
| 229. An act to amend the charter of the Glendon and Gulf Mining and Manufacturing Company,  | 357   |
| 230. An act to incorporate the Cape Fear and Raleigh Railroad Company,  | 358   |
| 231. An act to extend the corporate limits of Windsor, North Carolina,  | 363   |
| 232. An act to incorporate the "Crédit Foncier Company" of Lenoir, North Carolina,  | 364   |
| 233. An act to authorize the commissioners of Fayetteville to provide for the location of a depot building for the Wilmington and Weldon Railroad Company,  | 366   |
| 234. An act to incorporate the town of Bostic in the county of Rutherford,  | 367   |
| 235. An act to amend the private laws of eighteen hundred and seventy and eighteen hundred and seventy-one, the same being an act to incorporate the town of Gibsonville,                           | 367   |
| 236. An act to amend chapter three hundred and fifty-three, private laws of one thousand eight hundred and ninety-one,  | 368   |
| 237. An act to amend the charter of the Wilkesboro Land Company, and to change its name,  | 368   |
| 238. An act to amend the charter of the town of Kenley,   | 370   |
| 239. An act to amend the charter of the town of Reidsville,   | 370   |
| 240. An act to incorporate Sparta Lodge, number four hundred and twenty-three, of Ancient, Free and Accepted Masons,  | 371   |
| 241. An act to incorporate the Houston Narcotic Cure Company of North Carolina,   | 372   |

| CHAP.   | PAGE. |
|---|-------|
| 242. An act to incorporate the Bessemer City Cotton Mills Company,  | 374   |
| 243. An act to incorporate the town of Black Mountain in Buncombe county,   | 376   |
| 244. An act to incorporate Chowan and Aulander Railroad Company,  | 377   |
| 245. An act to incorporate the Southern Trust and Guarantee Company,  | 378   |
| 246. An act to authorize the city of Greensboro to issue bonds for school purposes,   | 383   |
| 247. An act to incorporate The Asheville Trust, Guarantee and Collecting Association,   | 385   |
| 248. An act to authorize the town of Morehead City to issue bonds,  | 389   |
| 249. An act to amend chapter two hundred and seventy-seven, private laws of eighteen hundred and ninety-one,  | 390   |
| 250. An act to amend the charter of Elizabeth City,   | 391   |
| 251. An act to incorporate the town of Falkland in Pitt county,   | 393   |
| 252. An act to amend chapter two hundred and twenty-four of the laws of eighteen hundred and eighty-nine,   | 394   |
| 253. An act to incorporate the Stoneville Collegiate Institute,   | 394   |
| 254. An act incorporating the First Colored Baptist Church of Rocky Mount, North Carolina,  | 395   |
| 255. An act to allow the Raleigh Cotton Shipping and Warehouse Company further time to organize,  | 396   |
| 256. An act to incorporate the Konetoga Hotel Company,  | 396   |
| 257. An act to incorporate the Bank of Smithfield,  | 397   |
| 258. An act to ratify the purchase of the property of the Cheraw and Salisbury Railroad Company by the Cheraw and Darlington Railroad Company, and to incorporate the Cheraw and Darlington Railroad Company in North Carolina, | 401   |
| 259. An act to amend the charter of the town of Morganton, North Carolina,  | 402   |
| 260. An act to authorize the trustees of the Methodist Episcopal Church, South, of Edenton, North Carolina, to mortgage the property of said church,  | 403   |
| 261. An act to amend the charter of the city of Asheville,  | 403   |
| 262. An act to incorporate Clyde Lodge, number four hundred and fifty-three, Ancient, Free and Accepted Masons,   | 404   |
| 263. An act supplemental to an act to amend the charter of the town of Monroe in Union county, to authorize said town to issue bonds, and for other purposes,   | 405   |
| 264. An act to amend the charter of the town of Randleman,  | 405   |
| 265. An act to incorporate the town of "South Wadesboro" in Anson county,   | 406   |
| 266. An act to extend the corporate limits of the town of Four Oaks,  | 407   |
| 267. An act to amend chapter one hundred and eleven, private laws of one thousand eight hundred and eighty-three,   | 407   |
| 268. An act to incorporate "The Benevolent Religious Burying Society,"  | 408   |
| 269. An act to incorporate the Hassell Lumber Company,  | 408   |
| 270. An act to supplement an act entitled an act to incorporate "The Peoples Bank of Kinston,"  | 409   |
| 271. An act to amend chapter ten (10), private laws of eighteen hundred and seventy-nine, and thereby change the name of the Charlotte Home and Hospital to Saint Peter's Home and Hospital,                                    | 410   |
| 272. An act to incorporate Pleasant Hill Lodge, number one hundred and sixty-eight (168), Ancient, Free and Accepted Masons,  | 410   |
| 273. An act to amend the charter of the city of Hickory,  | 411   |
| 274. An act to incorporate the town of Catawba in Catawba county,   | 411   |
| 275. An act to incorporate the town of Arlington in Currituck county,   | 412   |
| 276. An act to incorporate the Catawba Toll-Bridge Railway Company,   | 413   |
| 277. An act to confirm the powers of "The Edgecombe Homestead and Loan Association," and to confer banking privileges,  | 415   |
| 278. An act to amend the charter of Trinity College,  | 416   |
| 279. An act to incorporate "The Commercial and Savings Bank" of Goldsboro, North Carolina,  | 417   |
| 280. An act to incorporate the "Carolina Pyrites Company,"  | 418   |
| 281. An act to amend the charter of the town of Lexington, North Carolina,  | 421   |
| 282. An act to incorporate the Elizabeth City Colored Normal and Industrial Institute at *Elizabeth City, Pasquotank county,  | 428   |



| CHAP.   | PAGE. |
|---|-------|
| 283. An act to incorporate the Louisburg Savings Bank,  | 429   |
| 284. An act to authorize the Wilmington and Weldon Railroad Company to consolidate with any other railroad company with which it may connect directly or indirectly,                                | 430   |
| 285. An act to incorporate Peterson Academy,  | 431   |
| 286. An act to amend chapter twenty-one of the private laws of eighteen hundred and eighty-seven, and chapter three hundred and twenty-nine of the private laws of eighteen hundred and ninety-one, | 432   |
| 287. An act to incorporate the "Waccoon Game Preserve Company,"   | 433   |
| 288. An act to incorporate the Board of Education of the Buncombe County Missionary Baptist Association,  | 434   |
| 289. An act to incorporate the "Mutual Mercantile company,"   | 437   |
| 290. An act to incorporate Mount Pleasant Academy in Wake county, state of North Carolina,  | 438   |
| 291. An act to change the name of the "C. E. Graham Manufacturing Company" to "Asheville Cotton Mills,"   | 439   |
| 292. An act to re-enact chapter four hundred and eighty-two of the laws of eighteen hundred and ninety-one, and to extend the time for the operation of same,                                       | 439   |
| 293. An act to allow the city of Asheville to issue additional sewer bonds,   | 440   |
| 294. An act relating to the sale of spirituous liquors within the limits of Killquick, Edgecombe county,  | 440   |
| 295. An act to amend the charter of the town of Ayden in Pitt county,   | 441   |
| 296. An act to amend the charter of the Glendon and Gulf Mining and Manufacturing Company,  | 446   |
| 297. An act to incorporate the Trustees of the Bellwood Institute, Cleveland county,  | 446   |
| 298. An act to renew chapter three hundred and fourteen of the private laws of one thousand eight hundred and ninety-one, and to extend the time for the corporation chartered thereby to organize, | 447   |
| 299. An act to incorporate the Mercantile Banking and Trust Company,  | 447   |
| 300. An act to incorporate the Harriman, Franklin and South Atlantic Railroad Company, to confer certain powers, and for other purposes,  | 451   |
| 301. An act to amend the charter of the town of Asheboro in Randolph county,  | 455   |
| 302. An act to amend chapter two hundred and ninety-one of the private laws of one thousand eight hundred and ninety-one,   | 458   |
| 303. An act to incorporate East Bend Lodge, number one hundred and thirty-seven, of Independent Order of Odd Fellows,   | 459   |
| 304. An act to allow the Raleigh Bank further time to organize,   | 459   |
| 305. An act to incorporate the Charlotte Medical College,   | 460   |
| 306. An act to locate a public street in the town of Wilkesboro,  | 461   |
| 307. An act to incorporate "The Catawba Electric Power Company" of Gaston county, North Carolina,   | 462   |
| 308. An act to incorporate Bethel Lodge, Order of Love and Charity, of Perquimans county,   | 466   |
| 309. An act to incorporate the Wilmington Fair Association at Wilmington, North Carolina,   | 466   |
| 310. An act to incorporate the Thomasville, Yadkin and Pee Dee River Mining, Manufacturing, Railway, Electric Light and Power Company,  | 468   |
| 311. An act to incorporate the Gordon Manufacturing Company,  | 473   |
| 312. An act to incorporate the Tarboro Street Railway Company,  | 479   |
| 313. An act to amend the charter of the North Carolina Home Insurance Company,  | 481   |
| 314. An act to incorporate the "Carolina Light, Water and Sanitary Construction Company,"   | 482   |
| 315. An act to incorporate the town of Elon College in Alamance county,   | 486   |
| 316. An act to promote education in the town of Williamston, Martin county,   | 486   |
| 317. An act to incorporate the Lumberton and Lumber River Railroad Company,   | 488   |
| 318. An act to incorporate the town of Biltmore,  | 493   |
| 319. An act to charter the Bank of Kernersville,  | 494   |
| 320. An act to amend the charter of the town of Huntersville,   | 499   |
| 321. An act to incorporate the town of Everetts, Martin county, North Carolina,   | 501   |

| CHAP.  | PAGE. |
|--|-------|
| 322. An act to incorporate Jewell Hill Academy in Madison county,  | 502   |
| 323. An act to incorporate the Virginia and North Carolina Railroad Company,   | 502   |
| 324. An act to incorporate The Hyde Park Club,   | 507   |
| 325. An act to incorporate Union Home School,  | 508   |
| 326. An act to re-enact chapter two hundred and forty-six of the laws of eighteen hundred and ninety-one, and to extend the time for the organization of the said corporation authorized thereby,  | 510   |
| 327. An act to incorporate "The Thomasville Banking and Trust Company,"  | 510   |
| 328. An act supplemental, amendatory to and to be a part of an act entitled "An act to amend the charter of the American Home Mineral and Timber Land Company,"  | 511   |
| 329. An act to incorporate The Bank of Commerce,   | 512   |
| 330. An act to incorporate Hopewell Academy,   | 516   |
| 331. An act to incorporate the Metropolitan Trust Company of Wilmington, North Carolina,   | 516   |
| 332. An act to amend chapter one hundred and forty-six of the acts of the general assembly, session eighteen hundred and ninety-one, page one hundred and thirty two,  | 520   |
| 333. An act incorporating the "Carolina Charity Association,"  | 520   |
| 334. An act to charter Trap Hill Institute,  | 521   |
| 335. An act to authorize the collection of arrears of taxes due Fayetteville, North Carolina,  | 522   |
| 336. An act to incorporate Saint James Parish, Wilmington, North Carolina,   | 523   |
| 337. An act to incorporate the New South Air-Line,   | 523   |
| 338. An act to incorporate the Supreme Lodge, Knights of Harmony,  | 526   |
| 339. An act to amend chapter three hundred and sixty, private laws of one thousand eight hundred and ninety-one,   | 527   |
| 340. An act to incorporate the Vestry of Grace Church in the town of Weldon, North Carolina,   | 527   |
| 341. An act to incorporate Flat Creek public school near Dula's Springs in Buncombe county,  | 528   |
| 342. An act to incorporate the town of Vaughans in Warren county,  | 529   |
| 343. An act to incorporate "The Farmer's Mutual Fire Insurance Association of North Carolina,"   | 530   |
| 344. An act to incorporate the New South Air-Line,   | 531   |
| 345. An act to amend the charter of the Atlanta, Asheville and Baltimore Railroad Company,   | 533   |
| 346. An act to extend the time for organizing The Murphy Banking Company, chapter three hundred and two, private laws eighteen hundred and ninety-one,   | 534   |
| 347. An act to incorporate the Duck Creek Syndicate,   | 534   |
| 348. An act to incorporate "The Young Men's Christian Association of Winston, North Carolina,"   | 535   |
| 349. An act to incorporate the Onslow Land and Improvement Company,  | 537   |
| 350. An act to charter The Bank of Maxton,   | 539   |
| 351. An act to incorporate the Yadkin Railway and Lumber Company,  | 542   |
| 352. An act to incorporate "The Keystone Mining and Manufacturing Company,"  | 544   |
| 353. An act to enable the Methodist church in Edenton, North Carolina, to borrow money,  | 545   |
| 354. An act to amend the charter of the town of Shelby,  | 545   |
| 355. An act to incorporate Marble Spring Lodge, number [439], A., F. and A. M., in Cherokee county,  | 546   |
| 356. An act to amend chapter three hundred and one of the laws of the year eighteen hundred and ninety-one,  | 546   |
| 357. An act to incorporate Mount Pleasant Lodge, number one hundred and fifty-seven, of Ancient, Free and Accepted Masons,   | 547   |
| 358. An act to repeal chapter one hundred and thirty-two, laws of eighteen hundred and seventy-three and eighteen hundred and seventy-four, ratified February sixteenth, eighteen hundred and seventy-four, incorporating the town of Vandemere, | 548   |
| 359. An act to incorporate Greensboro Ice and Coal Company,  | 548   |
| 360. An act to incorporate the Trustees of the Sylvanus Erwin Normal Institution,  | 549   |
| 361. An act to amend and re-enact chapter one hundred and fifty-four, laws of eighteen hundred and eighty-three, and subsequent amendments thereto, and amend chapter four hundred and sixty-seven, laws of eighteen hundred and eighty-nine,    | 550   |

| CHAP.  | PAGE. |
|--|-------|
| 362. An act to amend chapter one hundred and thirteen, private laws of eighteen hundred and eighty-nine,   | 551   |
| 363. An act to incorporate the town of Advance in Davie county,  | 551   |
| 364. An act to confirm and enlarge the powers of The Wilmington Lumber Company,  | 552   |
| 365. An act to amend the act of the general assembly of North Carolina, passed at its session in eighteen hundred and eighty-nine, chapter two hundred and seventy-two, granting powers and franchises to the Suffolk and Carolina Railway Company,                | 553   |
| 366. An act to amend the charter of the town of Lumberton, North Carolina, private laws one thousand eight hundred and eighty-three, chapter eighty-nine,  | 555   |
| 367. An act to amend the charter of the town of Edenton,   | 559   |
| 368. An act to consolidate and revise the charter of the town of Elkin,  | 560   |
| 369. An act to amend the following sections of an act to incorporate the Bank of Madison in the county of Rockingham, chapter ninety-three, session eighteen hundred and eighty-nine,  | 566   |
| 370. An act to incorporate the trustees of the Baptist State Convention of North Carolina,   | 567   |
| 371. An act to incorporate the Madison, Reidsville and Haw River Valley Railroad Company,  | 568   |
| 372. An act to incorporate LaFayette Military School,  | 574   |
| 373. An act to incorporate the Trustees of Salem Methodist Church on Flat creek in the county of Buncombe,   | 574   |
| 374. An act to extend time for the construction of the Biltmore and Asheville Street Railway,  | 575   |
| 375. An act to incorporate the Saints' Ark,  | 575   |
| 376. An act to amend [chapter] twenty, section five, private laws of one thousand eight hundred and seventy-three and seventy-four,  | 576   |
| 377. An act to incorporate the town of Bessemer City in Gaston county,   | 577   |
| 378. An act to amend the charter of The Peoples Perpetual Building and Loan Association of Wilmington, North Carolina,   | 578   |
| 379. An act to incorporate the Western Carolina Iron Company,  | 579   |
| 380. An act to incorporate Murfreesboro Methodist College in Hertford county,  | 581   |
| 381. An act supplemental to "An act to amend the charter of the Lower Creek and Linville Valley Transportation Company," being chapter five hundred and sixty-four of the laws of eighteen hundred and ninety-one, passed at this session of the general assembly, | 583   |
| 382. An act to incorporate "The Wilmington Sewerage Company."  | 583   |
| 383. An act to incorporate the Trustees of Centerville Male and Female Academy in Pitt county,   | 585   |
| 384. An act to incorporate the Statesville Savings Bank,   | 585   |
| 385. An act to incorporate the Atlantic, Yanceyville and Reidsville Railroad Company,  | 586   |
| 386. An act to incorporate the Southport Naval Marine Academy,   | 590   |
| 387. An act to consolidate and revise the charter of the town of Wilson,   | 591   |



PRIVATE LAWS  
OF THE  
STATE OF NORTH CAROLINA,  
SESSION 1893.



PRIVATE LAWS  
OF THE  
State of North Carolina,  
SESSION 1893.

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CHAPTER 1.

An act supplemental to an act entitled "an act to amend the charter of the town of Salisbury," ratified the fourteenth day of February, eighteen hundred and ninety-one.

WHEREAS, By an act entitled "an act to amend the charter of the town of Salisbury," ratified the fourteenth day of February, eighteen hundred and ninety-one, the board of commissioners for said town was authorized to issue coupon bonds of said town to the amount of fifty thousand dollars of the denomination of one hundred dollars each, to bear interest from date at the rate of five per centum per annum, payable annually, to be designated series A, to be dated June first, eighteen hundred and ninety-one, and to mature at the times more particularly set forth in said act, the proceeds of the sale of said bonds to be applied to defraying the expenses of improving the streets and sidewalks of said town, provision being made in said act that the question of the issuance of said bonds should be submitted to a vote of all the qualified voters of said town at an election to be called on the fourth Tuesday of March, eighteen hundred and ninety-one; and if a majority of such qualified voters should vote in favor of issuing said bonds, then and in that event the provisions of said act should take effect and be in force from and after the first day of May, eighteen hundred and ninety-one; and whereas, such election was duly and regularly called and held on the fourth Tuesday in March, eighteen hundred and ninety-one, and a majority of all the qualified voters of said town voted in favor of the issuance of said bonds; and whereas, thereafter pursuant to said act the board of commissioners of said town directed the issuance of such bonds, and such bonds by such order were duly executed to the amount of fifty thousand dollars, of the denomination of [one] hundred dollars each, designated series A, dated June first, eighteen hundred and ninety-one, and maturing as follows: Fifteen thousand dollars in ten years, fifteen thousand dollars in twenty years, and twenty thousand dollars in thirty years from date, bearing interest at the rate of five per centum per annum, payable annually on the first day of June of each and

Preamble.

every year, principal and interest payable at the mayor's office in said town, which bonds were, by order of said board, delivered to the contractor in payment of the work done by him in improving the streets and sidewalks of said town pursuant to said act; and whereas, said contractor has been unable to negotiate the sale of said bonds by reason of their small denominations; now therefore,

*The General Assembly of North Carolina do enact :*

Commissioners authorized to issue bonds for street improvements of denomination of \$1,000, in exchange for bonds heretofore issued.

SECTION 1. The board of commissioners of the town of Salisbury are hereby authorized to issue to the holder or holders of said bonds new negotiable coupon bonds of the denomination of one thousand dollars each, designated series A, to be dated June the first, eighteen hundred and ninety-one, and to be signed and executed and to be due and payable in the same manner, amounts and at the same time as the bonds heretofore issued, bearing interest at the rate of five per centum per annum, payable annually on the first day of June, principal and interest payable at the mayor's office in the town of Salisbury, in exchange for the bonds heretofore issued under said act, dollar for dollar : *Provided*, that the total amount of bonds so issued in exchange does not exceed the sum of fifty thousand dollars: *And provided*, that interest coupons be attached to such new bonds only from the date of the maturity of the last coupons paid on the old bonds.

Limitation of issue.

Interest coupons.

Cancellation of old bonds.

SEC. 2. The old bonds so surrendered in exchange to the board of commissioners pursuant to the provisions of the foregoing section shall be thereupon cancelled by said board.

Provisions of chapter 53, Private Laws 1891, applicable to this act.

SEC. 3. The provisions of the act to which this act is a supplement shall apply to the new bonds so issued in exchange under the provisions of this act.

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

Ratified the 20th day of January, A. D. 1893.

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## CHAPTER 2.

An act to incorporate Patterson Lodge number three hundred and seven of Ancient, Free and Accepted Masons, at Mount Pleasant, Cabarrus county.

*The General Assembly of North Carolina do enact :*

Body politic.

SECTION 1. That the master, wardens and members of Patterson Lodge, number three hundred and seven, of Ancient, Free and Accepted Masons, and their successors, at Mount Pleasant, in the county of Cabarrus, be and they are hereby constituted a body politic



and corporate by the name and style of Patterson Lodge, number three hundred and seven, of Ancient, Free and Accepted Masons, and by that name shall have perpetual succession, may sue and be sued, may plead and be impleaded, have a common seal, and in general may exercise all such rights and privileges as are usually incident to corporate bodies of like nature.

Corporate name.

Corporate powers.

SEC. 2. That this act shall be in force from and after its ratification.  
Ratified the 20th day of January, A. D. 1893.

## CHAPTER 3.

An act to extend the charter of the Cape Fear and Yadkin Valley Railway Company.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section twenty-seven, chapter one hundred and forty-seven of the laws of the general assembly of North Carolina, ratified December twenty-fourth, eighteen hundred and fifty-two, be amended by adding after the words "nineteen hundred" in the fourth line of said section the words "and ninety-nine."

Chapter 147, laws 1852, amended. Charter of C. F. &amp; Y. V. R. R. Co. extended.

SEC. 2. That this act shall be in force from and after its ratification.  
Ratified the 20th day of January, A. D. 1893.

## CHAPTER 4.

An act to incorporate the town of Ahoskie, in the county of Hertford.

*The General Assembly of North Carolina do enact :*

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

Incorporated.

Corporate name.

SEC. 2. The corporate limits of said town shall be as follows, namely: Beginning at the crossing of main street by the Norfolk and Carolina railroad and extend six hundred yards each way from said crossing.

Corporate limits.

Officers.  
When elected.

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

Temporary  
officers.

SEC. 4. That until their successors are elected and qualified, the following persons shall be the officers of said town: mayor, J. H. Mitchell; commissioners, F. Powell, W. S. Dukes and A. J. Parker; constable, J. H. Downs.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 24th day of January, A. D. 1893.

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#### CHAPTER 5.

An act to repeal the charter of the town of Portia, in McDowell county.

*The General Assembly of North Carolina do enact:*

Chapter 205, private laws 1891 (incorporating town of Portia) repealed.

SECTION 1. That chapter two hundred and five of the private laws of eighteen hundred and ninety-one, incorporating the town of Portia, in McDowell county, be and the same is hereby repealed.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 24th day of January, A. D. 1893.

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#### CHAPTER 6.

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

*The General Assembly of North Carolina do enact:*

Corporators.

SECTION 1. That Seth Bridgman, N. S. Fulford, E. M. Short, J. Havens, Jr., Dennis Simmons, W. P. Baughman, W. A. Blount, Mary T. McDonald, C. F. Warner, W. B. Rodman, Jr., William Cleve, Sr., J. H. Small, E. Peterson, J. R. Davenport, William Cleve, G. H. Brown, Jr., and others, their present and future associates, successors and assigns, are hereby declared to be a body politic and coporate by the name and style of "The Bank of Washington," situated at Washington, North Carolina; and shall so continue for the period of thirty years, with capacity to take, hold and convey real and personal estate, to sue and be sued, and with all the powers, rights and privileges

Corporate name.  
Corporate existence.

- granted to any bank or banking institution or belonging to corporations of a like character, set forth or referred to in the first, second and third sections, or any other sections contained in chapter sixteen, volume one of The Code, entitled "Corporations"; or chapter four, volume two of The Code, entitled "Banks."
- SEC. 2. The capital stock of said bank shall be forty-nine thousand nine hundred and ninety-nine dollars, and may be issued in shares of one hundred dollars each, and such parts of a share as may be necessary and the said corporators or directors may elect. The stockholders of said corporation shall have power by a vote of a majority of the stock, each share having one vote, to increase its capital stock from time to time to a sum not exceeding one hundred thousand dollars. The office and place of business of the said bank corporation shall be Washington, North Carolina, and its officers shall consist of a president, vice-president, cashier, and a board of not less than five nor more than nine directors, exclusive of the president and vice-president, who shall be *ex officio* members of the said board. The said directors may, if they see proper, elect a teller, who, together with the cashier and president, shall be required to give bonds with approved security for the faithful performance of their respective duties. The stockholders shall meet annually and at such other times as the directors may designate, and shall elect the president, vice-president and directors, and fix the terms of their offices and the compensation of the president. In case of a failure by the stockholders to elect a president or vice-president, or in case of a vacancy, the directors by a majority vote may appoint said officers.
- SEC. 3. The corporators named in the first section, or a majority of them, are hereby empowered to open books of subscription to the capital stock of said bank, at such time and place and for such a period of time as they shall determine. The subscriptions to the capital stock of said bank heretofore made in contemplation of the passage of this act shall be valid and binding in law, and collected by suit or otherwise in the manner provided by law and herein prescribed.
- SEC. 4. Whenever twenty thousand dollars are paid up, the said corporators or a majority of them may call a meeting of the stockholders in the town of Washington, and the stockholders shall proceed to adopt such by-laws and regulations for the government of said bank (not inconsistent with the laws of the state), and may elect such number of directors as may be necessary to serve for one year, and until their successors shall be chosen, or for such term as they may prescribe.
- SEC. 5. The directors shall appoint a cashier and such other officers and clerks as may be provided for by the by-laws of said corporation, to serve at the discretion of the directors; the directors shall prescribe

Corporate powers.

Capital stock.  
Shares.

Increase of capital stock.

Place of business.  
Officers.Bonds of officers.  
Meetings of stockholders.Duties.  
Vacancies.

Books of subscription.

Collection of subscription.

Organization.

Directors.

Officers.

their duties, and shall take from them bonds with security for the faithful discharge of their duties, and shall fix their compensation.

Powers of directors.

SEC. 6. The said board of directors may adopt and use a seal, and break and alter the same at pleasure; may prescribe the manner of paying for stock and transferring the same; may regulate the method of conducting the business of said bank; may do a general banking business, and exercise all the powers, rights and privileges conferred by the public laws of this state on banks and corporations of a like character, especially those set forth in chapter four, volume two, of The Code; may lend money at such rates of interest as may be agreed upon; may discount, buy and sell notes, drafts, and all other securities or evidences of debt; may loan money on mortgages of real and personal property; may buy, build or lease a banking house, and sell or exchange the same at pleasure; may negotiate loans on mortgages on real or personal estate, or both, and they shall direct when dividends or profit shall be made and declared: *Provided*, said bank shall not charge or discount at a greater rate of interest than is allowed by law.

Collection of unpaid subscription.

SEC. 7. That if any subscriber shall fail to pay for his stock hereafter or heretofore subscribed, or any part thereof as the same may be required of him, the same or any part thereof remaining unpaid may be recovered in the name of the corporation by an ordinary civil action, or the entire stock of such delinquent may be sold by order of the directors for cash at the banking house of said corporation, after three months notice of such sale in writing to the said delinquent, and after two weeks advertisement published in some newspaper in said town; and the proceeds of such sale may be applied to the payment of the balance of the unpaid subscription; and if the proceeds shall not be sufficient to discharge the amount of the unpaid subscription, with all costs of sale, the balance may be recovered by civil action, as hereinbefore provided.

Corporate powers.

SEC. 8. That said corporation shall have the power to own, maintain or lease warehouses and carry on the business of warehousemen and forwarders, in case the said corporation by stock vote shall so determine; to receive on storage or deposit all kinds of produce, merchandise or other personal property; to make advances in money or merchandise, or produce, and to carry on and transact all kinds of business usually transacted by warehousemen; also to advance money and take legal liens for all such advances and collect and receive interest and commissions, compensation for storage and all labors and expenses incident thereto. All advances made by said corporation on property received for storage or deposit and compensation for all charges and expenses thereon shall be a preferred lien on said property, which shall be satisfied and paid before said corporation can be required to deliver said property.

Deposits by married women, minors or apprentices.

SEC. 9. That when married women, minors or apprentices deposit money or anything of value in said bank or its branches, either gener-

ally or specifically, to their own credit, they or any of them may draw the same on their check or order and be bound thereby, and such married woman, minor or apprentice shall be bound by such individual check or order, and the same shall be a valid release to said corporation against such married woman, minor or apprentice and all other persons whatsoever.

SEC. 10. That said corporation shall have the right to act as agent, factor or trustee for any state, county, township, town or other municipality or corporation, company or individual, on such terms as to compensation and commission as may be agreed on, in registering, selling, countersigning, collecting, acquiring, holding, dealing and disposing of on account of any state, county, township, town, municipality, corporation, company or individual, any bond, certificate of stock, notes or any description of property, real or personal, or for indorsing or guaranteeing the payment of said bond, certificates of stock, notes, etc., and generally for managing such business; and for doing any of the matters and things authorized by this charter the said corporation may charge such premium, commissions or rate of compensation as may be agreed upon.

Authorized to act as agent, &c., for state, &c.

SEC. 11. The bank is authorized to organize in connection with its general banking business a department for savings and do a savings bank business for the convenience of small depositors, and make such regulations in regard thereto, in case the stockholders of the said bank shall so vote. In which case the said bank may receive deposits in the savings department and give certificates therefor, and to pay such interest as its directors may authorize, not exceeding the legal rate of interest, and also to regulate the time of payment and notice of demand.

Authorized to organize savings bank department.

Powers.

SEC. 12. No stockholder shall be in any wise liable or responsible for any debts, obligations, contracts or engagements of said bank, but nothing herein shall exempt from liability on account of fraud, as provided by chapter sixteen, section six hundred and eighty-six of The Code.

Liability of stockholders.

SEC. 13. That the said bank shall be located at Washington, North Carolina, but branches or agencies of the bank may be established at such times and places as the stockholders may designate, and such branches or agencies may be removed at any time, and shall be subject to such rules and regulations as may be prescribed by the president and directors of the bank: *Provided*, the sum of twenty-five dollars for each branch established shall be paid to the state treasurer.

Location.

Branches.

Proviso.

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

Stock vote.

SEC. 15. That the stock held by any one shall be transferred only on the books of said corporation, either in person or by power of attorney. No stockholder shall transfer his stock if he is indebted to

Transfer of stock.

the corporation as principal or security, unless such indebtedness is paid off and discharged, except a majority of the directors consent to the said transfer; and for all such indebtedness the said corporation shall have a lien superior to all other liens upon the stock of said stockholder.

Corporate powers.

SEC. 16. That said corporation shall have power to receive money in trust and to accept and execute any trust that may be committed to it by any court, corporation, company, person or persons; and it shall have power to accept any grant, assignment, transfer, devise or bequest, and to hold any real or personal estate or trust created in accordance with the laws of this state and then to execute the same on such terms as may be established or agreed upon by its board of directors. And said corporation is hereby fully authorized and empowered to act as trustee or assignee, and to receive any deposit of funds in litigation in the various courts of this state and pay therefor such interest as may be agreed upon, not exceeding the lawful rate. In case its stockholders shall so elect, it shall have power and authority to receive for safe keeping on deposit all money, bonds, stocks, diamonds and silver plate and other valuables, and collect reasonable compensation for the same, which charge shall be a lien on such deposit until paid; and generally to do and carry on the business of a safe deposit and trust company.

Taxes, how paid.

SEC. 17. The tax upon the capital stock and shares of this bank shall be paid by the said bank as other property in this state to the full amount paid in thereon, less the value of its taxable property and all untaxable bonds, which shall be deducted from the amount paid in on the capital stock.

To be organized within one year.

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

SEC. 19. That this act shall be in force from and after its ratification. Ratified the 24th day of January, A. D. 1893.

## CHAPTER 7.

An act to amend chapter one hundred and eighteen, private laws of eighteen hundred and ninety-one, in relation to the Waynesville Library Association.

*The General Assembly of North Carolina do enact :*

Chapter 118, section 1, private laws 1891, amended. Names of corporations.

SECTION 1. That section one of the private laws of eighteen hundred and ninety-one, chapter one hundred and eighteen, entitled "An act to incorporate the Waynesville Library Association in the county of Haywood, state of North Carolina," be amended by striking out

the word "Mrs." and the initial letter "S." in line six in said section and inserting the name "Lucy Biddle," and by striking out the word "Mr." in the said sixth line of said section and insert the name J. Reece."

SEC. 2. That section two of said act be amended by striking out the first sentence of the said section and inserting the following: "The affairs of said association shall be managed by a board of directors," and by striking out the words "the affairs" in line nine of said section and inserting the following: "A president, vice-president, secretary and treasurer."

Section 2 amended.  
Board of directors.  
Officers.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 24th day of January, A. D. 1893.

## CHAPTER 8.

### An act to amend the charter of the town of Brevard.

*The General Assembly of North Carolina do enact :*

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

Section 1, chapter 22, private laws 1891 (fixing corporate limits of town of Brevard) repealed.

SEC. 2. That section two, chapter one hundred and ten of the private laws of one thousand eight hundred and eighty-nine be and the same is hereby re-enacted.

Section 2, chapter 110, private laws 1891 (fixing corporate limits) re-enacted.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 24th day of January, A. D. 1893.

## CHAPTER 9.

An act to amend and correct an act of the present session of the general assembly of North Carolina, entitled "An act to incorporate the Bank of Washington."

*The General Assembly of North Carolina do enact :*

SECTION 1. That section first of said act be corrected and amended by changing the word "Baughman" into "Baugham" and the word "Warner" into "Warren"; also the corporate name shall read "Bank of Washington," and not "The Bank of Washington," as therein appears. Also by striking out the name William Cleve, but retaining the name of William Cleve, Sr., among the incorporators.

Chapter 6, ante, corrected.  
Corporators.  
Corporate name.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 27th day of January, A. D. 1893.

## CHAPTER 10.

**An act to incorporate "The Willard Bag and Manufacturing Company."***The General Assembly of North Carolina do enact:*

- Corporators. SECTION 1. That Joseph B. Willard, William H. Willard and Martin S. Willard, and their associates and assigns, be and they are hereby created a corporation and body politic, in law and in fact, by the name and style of "The Willard Bag and Manufacturing Company," for the purpose of engaging in the manufacture of bags and other articles, and in the purchase and sale of cotton of all kinds and any other merchandise, in or near the city of Wilmington, North Carolina, and by that name and style may sue and be sued, plead and be impleaded, contract and be contracted with, have perpetual succession and a common seal, and acquire, possess and enjoy and retain real and personal estate, goods and merchandise to enable them to carry on their business to advantage and profit, and shall so continue for a term of thirty years from and after the ratification of this act.
- Corporate name.
- Corporate powers. SEC. 2. That said corporation shall have power to make all necessary by-laws and regulations, not inconsistent with the laws and constitution of the state, for its government, and to appoint officers and agents to transact their business and conduct their operations.
- By-laws, &c. SEC. 3. That the capital stock of said company shall not exceed the sum of one hundred thousand dollars, in shares of one hundred dollars each.
- Officers and agents. Capital stock. SEC. 4. That the said corporation may open books of subscription for receiving stock in said company at such time and place as they may determine, and shall be authorized to receive subscriptions of stock in money or real estate or machinery at such value in money as they may deem safe for the company.
- Books of subscription. Subscriptions, how made. SEC. 5. That whenever five thousand dollars of stock shall have been subscribed, and not less than fifty per centum thereon paid in or secured, the said company may commence operations by electing a board of directors for the proper management of their business.
- Organization. SEC. 6. That the said company shall hold its annual meetings at such time and places as the stockholders in the by-laws may designate, at which a board of not less than three stockholders shall be chosen, one of whom shall be chosen president of the board, and the said board of directors shall have the management and control of the affairs of the company, subject to the by-laws thereof.
- Annual meeting. Directors, &c. SEC. 7. That the stockholders of said corporation shall not be liable for any loss or damage or responsibility in their persons or property, other than the property they have in the capital stock or funds of the said corporation to the amount of the shares respectively held by them or any profit arising thereon not divided.
- Liability of stockholders.



SEC. 8. That the above-named corporators, or a majority of them, are duly authorized, so soon as the capital stock shall have been subscribed, as provided in section five, to call a meeting of the said subscribers and organize temporarily and commence business operations of the company. Temporary organization.

SEC. 9. That this act shall be in force from and after its ratification. Ratified the 31st day of January, A. D. 1893.

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### CHAPTER 11.

An act to incorporate the town of Claremont, in Catawba county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Claremont, in the county of Catawba, be and the same is hereby incorporated by the name and style of Claremont, and shall be subject to all the provisions contained in chapter sixty-two of The Code. Incorporated.  
Corporate name.

SEC. 2. That the corporate limits of said town shall be one-half mile east, west, north and south from the depot of the Western North Carolina Railroad Company. Corporate limits.

SEC. 3. The officers of said incorporation shall consist of a mayor, three commissioners and a constable; and the following named persons shall hold said offices until the first Monday in May, one thousand eight hundred and ninety-three, or until their successors shall be elected and qualified, to-wit: For mayor, J. D. Kelley; for commissioners, John W. Setzer, W. A. Hoke, and Jonas T. Sigmon; and for constable, H. J. Little. Officers.  
Temporary officers.

SEC. 4. There shall be an election held for officers mentioned in section three of this act on the first Monday in May, eighteen hundred and ninety-three, and thereafter each succeeding year. Election.

SEC. 5. The county commissioners of Catawba county shall not grant license to any person or persons to sell intoxicating liquors within the corporate limits of said town without the permission of the board of commissioners of said town, and any license granted without such assent shall be utterly void. License to retail liquor, how granted.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 31st day of January, A. D. 1893.

## CHAPTER 12.

An act to exempt the town of Monroe, Union county, North Carolina, from the operations of chapter three hundred and twenty-seven of laws of eighteen hundred and ninety-one.

*The General Assembly of North Carolina do enact :*

Chapter 327, laws 1891 (omnibus prohibitory law) not to affect town of Monroe.

SECTION 1. That chapter three hundred and twenty-seven of the laws of eighteen hundred and ninety-one be and the same is hereby amended by striking out line twenty-two on page three hundred and forty-seven of laws of eighteen hundred and ninety-one so as to exempt the town of Monroe, in said county of Union, from the operations and provisions of said chapter.

Retail liquor license, how granted.

SEC. 2. That the board of commissioners for said county of Union, upon the recommendation of the commissioners of said town, shall have the right at any time to order the issue of license for the sale of spirituous, vinous or malt liquors within said town upon the payment of the taxes prescribed by law.

Conflicting laws repealed.

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

SEC. 4. That this act shall take effect from and after its ratification. Ratified the 31st day of January, A. D. 1893.

## CHAPTER 13.

An act to incorporate Ashler Lodge, number four hundred and fifty-one, A., F. and A. M., at Stony Fork, Watauga county.

*The General Assembly of North Carolina do enact :*

Incorporators.

SECTION 1. That John B. Hopkins, Andrew J. Wellborn, William E. Greene, Larkin Hodges, Jacob Mikeal, Isaac Watson and George L. Payne, and their associates and successors in office, be and they are hereby created a body corporate under the name and style of "The Ashler Lodge, number four hundred and fifty-one, of A., F. and A. M.," at Stony Fork, Watauga county, for the purpose of purchasing and holding property, and for the transaction of business connected with said lodge and fraternity, and as such shall have all the rights and immunities of trustees of similar institutions; that the trustees may sue and be sued, plead and be impleaded in any of the courts of this state.

Corporate name.

Corporate powers.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 2d day of February, A. D. 1893.

## CHAPTER 14.

## An act to amend the charter of the town of Mount Airy.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the laws of North Carolina, private acts of eighteen hundred and eighty-seven, chapter sixty-two, be amended as follows: In section four (4), line two, after the word "commissioners" and before the word "to" insert "such commissioners," in line three strike out "May" and insert "February"; in section seven (7), line two, strike out all after the word "inspectors" down to the first word of line four; in section nine (9) strike out all after the word "if" in line first down to the word "if" in line five; in section eleven (11) strike out the words "the mayor" in line one, the words "the mayor before some justice of the peace and the commissioners" in lines three and four, and the word "mayor" in line six.

Chapter 62, private laws 1887, amended.  
Commissioners of Mt. Airy to be elected on first Monday in February of each year.  
Provisions of act for election, &c., of mayor repealed.

SEC. 2. That the laws of North Carolina, private acts of eighteen hundred and eighty-seven, chapter sixty-two, be further amended as follows: In section eleven (11) by adding after the last word in [line] seven "that the board of commissioners upon their organization shall elect some person not of their number to be mayor of the town of Mount Airy, to hold his office for one year and until his successor shall qualify. That in such election by the commissioners of the town of Mount Airy, the eligible citizen receiving a majority of the votes of the said commissioners shall be elected mayor. For misconduct in office the mayor may be removed from his office by a vote of three-fifths of the entire number of commissioners, and upon such office becoming vacant for any cause the board of commissioners shall fill the same for the unexpired term."

Commissioners to elect mayor.

SEC. 3. That the mayor before entering upon the duties of his office shall take the following oath before a justice of the peace of Surry county: "I do solemnly swear that I will faithfully and diligently discharge the duties of the office of mayor to which I have been elected: so help me God."

Term of office.

How elected.

Removal.

Vacancy.

Mayor's oath.

SEC. 4. That the laws of North Carolina, eighteen hundred and eighty-seven, private acts, chapter sixty-two, section thirty, be amended as follows: In line seven strike out "thirty-three and one-third" and insert in lieu thereof "sixty-six and two-thirds."

Tax on property limited to 66 $\frac{2}{3}$ % on hundred dollars value.

SEC. 5. That the charter be further amended by adding an additional section as follows: That the commissioners of the town of Mount Airy are authorized to organize a street force and to employ all necessary overseers and guards to secure such prisoners as may be entrusted to their keeping, and to work on such street force all persons convicted of violation of the ordinances of the said town, and all persons convicted in the courts of justices of the peace in the

Street force.

Certain persons liable to work on streets.

county of Surry and sentenced to imprisonment, and also all persons convicted in the superior court of Surry county and sentenced to imprisonment for a term of one year or less, if the presiding judge shall so allow: *Provided*, the commissioners of said town will accept them.

Proviso.

Conflicting laws repealed.

SEC. 6. That all laws and clauses of laws in conflict be and the same are hereby repealed.

SEC. 7. That this act shall be in force from and after its ratification. Ratified the 2d day of February, A. D. 1893.

#### CHAPTER 15.

An act to amend the charter of the Roanoke, Norfolk and Baltimore Steamboat Company.

*The General Assembly of North Carolina do enact:*

Additional corporate powers.

SECTION 1. That in order to facilitate the business of the Roanoke, Norfolk and Baltimore Steamboat Company, a corporation duly incorporated under the laws of this state, its charter be amended as follows: That in addition to the powers already conferred by its charter said company shall have the right to build, purchase, charter or otherwise acquire such steamboats or other vessels as may be requisite and necessary for the convenient and proper prosecution of its business, and to employ them upon the waters of the Chesapeake Bay, Albemarle and Pamlico sounds, and the tributaries of either.

Authorized to sell, &c., steamboats.

SEC. 2. That said company shall have power to sell, lease, charter or otherwise dispose of any steamboat, vessel or other property owned by it whenever in the opinion of the board of directors it may be to the best interest of said company so to do.

Capital stock.

SEC. 3. That the capital stock of said company shall not exceed one hundred thousand dollars, to be divided into shares of the par value of one hundred dollars each.

Authorized to connect, &c., with railroads, &c.

SEC. 4. That the said company shall have power to connect and make traffic contracts with any and all railroad, steamboat and steamship companies chartered under the laws of this or any other state: *Provided*, said company shall open and maintain an office in North Carolina with one or more agents: *Provided further*, this act shall not affect litigation now pending in which said company is interested.

Proviso.

Proviso.

Annual meetings, &c.

SEC. 5. That said company shall have its annual or special meetings of stockholders or directors at such place or places, whether in the states of North Carolina, Virginia or Maryland, as may be deter-

mined upon by the stockholders in annual or special meeting legally assembled.

SEC. 6. That all laws and clauses of laws and all sections of the original charter of said company in conflict with this act are hereby repealed. Conflicting laws, &c., repealed.

SEC. 7. That this act shall be in force from and after its ratification. Ratified the 2d day of February, A. D. 1893.

### CHAPTER 16.

An act to amend "An act to incorporate the Yadkin Railroad Company," chapter two hundred and thirty-six, private laws, ratified April five, eighteen hundred and seventy-one.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section one (1) of said act be amended by adding to the end thereof the words, "and said company shall have the right to construct and operate branch or side lines to reach any manufactory, quarry, mine, mill or other industry situated within five miles of its line." Chapter 236, laws 1870-'71, amended. Authorized to build branch roads, &c.

SEC. 2. That section two (2) of said act be amended by inserting after the word "stockholders" in the last line of said section the words "the number of directors may be increased by the stockholders to eleven." Number of directors.

SEC. 3. That section seven (7) of said act be amended by inserting after the word "charter" and before the word "and" in line two of said section the words, "or for the purpose of constructing and operating branch or side lines, as provided in section one of this act." Condemnation of land for branch roads, &c.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 2d day of February, A. D. 1893.

### CHAPTER 17.

An act amending the charter of the town of Nashville, chapter two hundred and thirteen, acts of eighteen hundred and seventy-six [and] eighteen hundred and seventy-seven.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section one of chapter two hundred and thirteen of the laws of eighteen hundred and seventy-six and seventy-seven be and the same is hereby amended by striking out the words "one" Chapter 213, laws 1876-'77, amended.

Subject to provisions of Code, chapter 62. hundred and eleventh chapter of Battle's Revisal" and inserting in lieu of the same the words "sixty-second chapter of The Code of North Carolina."

Commissioners to appoint constable. SEC. 2. That the town constable, instead of being elected by the voters of the town as provided in the original charter, shall be appointed by the town commissioners, as provided in section three thousand eight hundred of The Code.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 2d day of February, A. D. 1893.

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CHAPTER 18.

An act to extend the charter of the Randolph Manufacturing Company, granted and passed by the general assembly at its adjourned session in eighteen hundred and sixty-three, and ratified the eleventh day of February, eighteen hundred and sixty-three, and to amend the same.

*The General Assembly of North Carolina do enact :*

Chapter 15, private laws 1862-'63, amended.

SECTION 1. That the charter granted to the "Randolph Manufacturing Company" by the act of the general assembly, ratified on the eleventh day of February, eighteen hundred and sixty-three, extend and continue in force; and said Randolph Manufacturing Company shall and may continue a corporation for sixty years from and after the ratification of this act, and said corporation shall enjoy for the said sixty years the same rights and privileges and be subject to the same restrictions as they have heretofore enjoyed and been subject to, except so far as they are modified by this act.

Charter extended.

Corporate powers.

Subject to provisions of Code, chapter 16.

SEC. 2. That the words "twenty-sixth chapter of The Revised Code" at the beginning of the twenty-first line of the first section of said act of eighteen hundred and sixty-three be stricken out, and "sixteenth chapter of The Code of North Carolina" be inserted instead thereof, and that the proviso at the end of said first section be stricken out.

Limitation as to maximum of profit on sales stricken out. Capital stock.

SEC. 3. That the words "eighty thousand dollars" in the third line of section second of said act of eighteen hundred and sixty-three be stricken out and "one hundred thousand dollars" inserted instead thereof.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 2d day of February, A. D. 1893.

## CHAPTER 19.

An act to amend the charter of the town of Murfreesboro, Hertford county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the commissioners of the town of Murfreesboro, in Hertford county shall have the power to require all persons engaged in the retail liquor trade in said town to pay a privilege tax annually, not exceeding one hundred dollars. Privilege tax on retail liquor dealers.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 2d day of February, A. D. 1893.

## CHAPTER 20.

An act to incorporate the town of Mars Hill, in the county of Madison.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Mars Hill, in the county of Madison, be and the same is hereby incorporated by the name and style of the town of Mars Hill, and is subject to all the laws in chapter sixty-two (62), volume two (2), of The Code of North Carolina, not inconsistent with this act. Incorporated. Corporate name.

SEC. 2. That the corporate limits shall be twelve hundred yards in every direction from the old Mars Hill college building in a direct line. Corporate limits.

SEC. 3. That the officers of said town shall be a mayor, three aldermen and a town marshal; and that W. O. Connor is hereby appointed mayor; and George T. Tillery, George W. Anders and John R. Sams aldermen, and Benjamin F. Smith marshal until, the first regular election, which shall take place on the first Monday in May, A. D. 1894, and on that day every year thereafter, and until their successors are chosen and qualified. Officers. Temporary officers. Election.

SEC. 4. That every person qualified to vote under the laws of the state of North Carolina, who has resided within the corporate limits of said town of Mars Hill ninety days next preceding the day of election, shall be entitled to vote or hold office in said town. Electors.

SEC. 5. That the board of aldermen shall have power to erect a town prison, to better aid the mayor and other officers in enforcing the laws and ordinances of said town. Town prison.

Streets, &amp;c.

SEC. 6. That the aldermen shall have power to lay out new streets and roads within the corporate limits of said town; or to amend, straighten or widen old ones, or discontinue such roads and streets as appear to them advisable, and that said aldermen shall be the sole judges as to the advisability of said changes; and in making new streets, or amending those already in use, or if it becomes necessary for the good of the town that the aldermen condemn the land of any citizen of said town for public uses, and said aldermen and citizen cannot agree as touching the amount of damage and benefits, then the said aldermen shall select a disinterested freeholder of said town, and said citizen shall select a like qualified person, who shall examine the premises and decide the matter at issue; and if said persons thus selected fail to agree on said damage and benefits then they shall select an umpire, qualified as themselves, whose decision shall be final: *Provided*, either party shall have right to appeal to the superior court of Madison county: *Provided further*, that if said citizen refuse to select an arbitrator the mayor shall select in his stead; and in case of appeal said appeal shall in no way interfere with the progress of the work on said premises, and said aldermen shall have all other powers conferred by chapter sixty-two, volume two, of The Code of North Carolina.

Condemnation of land.

Proviso.  
Proviso.

Taxation.

SEC. 7. That all taxes imposed and collected by the aldermen of the town of Mars Hill, which shall not exceed one dollar on the poll and every three hundred dollars worth of property, either real or personal equal thereto, and all fines and penalties for violations of ordinances, forfeited bonds, etc., relating in any way to said town shall go to the use and benefit of said town.

SEC. 8. That this act shall be in force from and after its ratification. Ratified the 2d day of February, A. D. 1893.

## CHAPTER 21.

An act to amend an act entitled "An act to incorporate the Guilford Battle-Ground Company," laws of eighteen hundred and eighty-seven, chapter one hundred and sixty-two, and to increase the number of directors in said Guilford Battle-Ground Company.

*The General Assembly of North Carolina do enact:*

Chapter 162 private laws 1887, amended.  
Number of directors.

SECTION 1. That section two of the "Act to incorporate the Guilford Battle-Ground Company," ratified the 7th day of March, eighteen hundred and eighty-seven, be amended by striking out the words "not less than five nor more than nine" before the word "directors" and inserting the words "not less than nine nor more than fifteen."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 2d day of February, A. D. 1893.



## CHAPTER 22.

## An act to amend the charter of the Aberdeen and Rockfish Railroad Company.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the charter of the Aberdeen and Rockfish Railroad Company heretofore obtained under the provisions of chapter forty-nine of The Code be amended as follows :

SEC. 2. That the capital stock of the company shall be twenty-five thousand dollars, with power from time to time to increase the same to any sum not exceeding one million dollars, in shares of one hundred dollars each. That it shall be lawful for subscriptions to the capital stock to be made payable in labor, real estate, personal estate, material, stock, bonds or other securities, or otherwise, as may be agreed upon between the corporation and the subscribers.

SEC. 3. That when the said corporation may desire to increase its capital stock, books of subscription shall be opened by order of the stockholders by a resolution adopted at a regular or special meeting, at such times and place and under such rules and regulations as they may prescribe.

SEC. 4. That this corporation shall be governed by such officers as the stockholders may select, and the said stockholders, at any regular or special meeting, may change the said officers and may adopt such rules, regulations and by-laws for the government of the corporation as they may see fit.

SEC. 5. That no stockholder shall be individually liable or responsible for any obligation or liability of this corporation for more than the amount of his unpaid subscription.

SEC. 6. That this company shall have power to construct, maintain and operate its line of railroad with one or more tracks from a point at or near Aberdeen in Moore county, on the line of the Raleigh and Augusta Air-Line Railroad, to the Mulatto road in Cumberland county at a point within five miles or less of Nicholson's creek, with power to build branches not exceeding twenty miles in length. That this corporation is authorized to commence work on any part of its line, and upon completion of any section thereof to maintain and operate the same with all the powers conferred on this corporation by its original charter or by this amendment thereof.

SEC. 7. That in order to carry into effect the purposes of this act the company may survey one or more routes for such road as may be deemed practicable, and shall have the power and authority to appropriate and occupy as much land as may be necessary for the construction of said railway and its branches of the width of eighty feet on each side of its main track and branches, and as much addi-

tional land as may be necessary and convenient for the construction, maintenance and operation of said railway and its branches.

Other companies authorized to subscribe, guarantee bonds, &c.

SEC. 8. That any railroad or transportation company incorporated in this or any adjoining state may subscribe to or purchase and own the stocks or bonds, or both, of this corporation, and may guarantee or endorse the same, or may purchase, lease, or use the road, property and franchise of this corporation for so long a time and upon such terms as shall be mutually agreed upon between the two corporations. That this corporation may subscribe to or purchase and own the stocks or bonds, or both, of any other railroad company incorporated in this or any other state, and may guarantee or endorse such stocks or bonds; and may purchase, lease, or use the road, property and franchise of such company upon such terms and for such time as may be agreed upon between the two companies.

Corporation authorized to subscribe to other roads, &c.

Authorized to borrow money on mortgage.

SEC. 9. That this company is authorized and empowered to borrow money for the purposes of the company to such extent and at such lawful rate of interest as a majority of the stock vote may determine, and issue therefor its bonds in such manner and form as may be determined upon by the president and directors, and to secure the said bonds by deed of trust or mortgage upon the whole or any portion of the said road, property and franchise of the corporation, as the president and directors may approve. And the said corporation is hereby empowered to sell its bonds where, when, and at such rates and prices as the president and directors shall deem most advantageous to the corporation.

Authorized to consolidate with other roads, &c.

SEC. 10. That this company is authorized and empowered to consolidate its capital stock, property and franchise with those of any other railroad company or companies incorporated under the laws of this or any other state, and such other railroad companies or company are hereby authorized to merge and consolidate with this company; and such consolidated company shall have all the rights, powers, privileges and franchises which each of the corporations forming it theretofore held and possessed, except that such consolidated company shall not be exempt from taxation. That such consolidation may be effected in such manner and on such terms as a majority of the stock vote of each of said companies may determine.

Corporate powers.

SEC. 11. That, except as herein amended, all the powers and rights acquired by this corporation under the charter granted it under chapter forty-nine of The Code are ratified and confirmed.

SEC. 12. That this act shall be in force from and after its ratification. Ratified the 2d day of February, A. D. 1893.

## CHAPTER 23.

## An act to incorporate the Burlington and South Western Railroad Company.

*The General Assembly of North Carolina do enact :*

- SECTION 1. That W. L. Holt, C. E. McLean, C. C. Townsend, I. H. Holt, junior, I. W. Menefee, E. S. Parker, I. A. Turrentine, J. D. Kernodle, J. R. Ireland, R. A. Freeman, M. B. Wharton, L. A. Williamson and I. L. Scott, junior, their associates, successors and assigns, be and are hereby constituted a body politic and corporate, under the name of the Burlington and Southwestern Railroad company, and under that name and style they and their successors and assigns shall have succession for ninety-nine years, and shall have power in their corporate name to sue and be sued, plead and be impleaded, appear, prosecute and defend to final judgment and execution in any court or courts of competent jurisdiction in this state or elsewhere; shall have a common seal which it may use and alter at pleasure, and they and their successors and assigns, under the said corporate name and style, shall have power to purchase, hold and convey any lands, tenements, goods and chattels whatsoever, necessary or expedient to the purpose and objects of this corporation; they shall have power to make such by-laws and regulations for their own government and for the due and orderly conduct of the affairs of the corporation and the management of their property as may be deemed necessary, not inconsistent with the constitution and laws of the state.
- SEC. 2. That said company be and it 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 on the North Carolina Railroad in the county of Alamance to some point on the Cape Fear and Yadkin Valley Railway Company's main line in the counties of Guilford, Randolph or Chatham by such route or routes as the president and board of directors may determine, and may extend the same towards the North Carolina and Virginia line and towards the North Carolina and South Carolina line as may be agreed on and determined by said company. Said company may also build and operate branch or lateral lines not exceeding fifteen miles in length, and the said company may in its discretion construct and operate any part of the road before the whole thereof is completed.
- SEC. 3. That the capital stock of said company shall be thirty thousand dollars, with the privilege and power of increasing the same to five hundred thousand dollars, divided into shares of one hundred dollars each. The capital stock shall be raised by donation or subscription on the part of individuals, township, municipal, or other
- Corporators.
- Corporate name.
- Corporate powers.
- Authorized to build road, &c.
- Termini.
- Extension.
- Branch roads.
- Capital stock.
- Subscriptions, how made.

corporations, and such donations or subscriptions may be paid in money, labor, land, material, bonds or other securities, or in any other way that may be agreed upon by the company and its subscribers.

Books of subscription.

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

Organization.

Directors.

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

Officers.

Term of office.

Vacancies.

Stock vote.

By-laws.

Certificates of stock.

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

Townships authorized to subscribe.

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

Proviso.

Election in township on question of subscription or donation.

SEC. 8. That the board of commissioners of the several counties through which said railroad may pass are authorized and required, whenever one-fifth of the voters of any township in their county shall petition to them in writing to have submitted to the voters of said township a proposition to make a donation or subscribe a specific sum to the capital stock of said company, to cause an election to be held

in said township at the proper voting place or places therein after thirty days notice of said election by advertisement at [the] courthouse door of the county and at four or more public places in said township, and to submit to the qualified voters of such townships the election of donating to said company or of subscribing to the capital stock the sum of money specified in said written petition of the taxpayers calling for said election as aforesaid; at which election those in favor of said donation shall deposit a ballot on which shall be written or printed the words "For donation," and those opposed shall deposit a ballot on which shall be written or printed the words "Against donation." But if the election be to authorize a subscription to the capital stock, then ballots shall be deposited on which shall be written or printed the words "For subscription" or "Against subscription." Such election when ordered shall be held under the rules and regulations prescribed for holding elections for members of the general assembly. The returns of which election shall be made to the board of commissioners of the county in which said township may be situated on the Thursday next succeeding the day of election, who shall on that day canvass the same, and if a majority of the qualified voters of said township shall be "For subscription," then the subscription so authorized may 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 shall vote "For donation," then the chairman of the board of county commissioners shall deliver to the railroad company a certificate setting forth the facts.

Ballots.

Election, how held.

Returns, how made.

Subscription or donation made on vote of majority of qualified voters.

SEC. 9. That in payment of any subscription or donation made as provided in the next preceding section, the board of commissioners of the county wherein said township may be situate shall issue bonds to an amount not exceeding the sum so authorized to be donated or subscribed, as the case may be, and said bonds shall express upon their face by what authority and for what purpose they are issued. They shall be coupon bonds and bear interest at the rate of six per centum, payable on the first day of January in each year by the treasurer of the county in which said township is situate, if the county have a treasurer; but if not, then by the sheriff of the county. The bonds shall be payable in ten years after the first day of January next after the years in which they are issued unless the commissioners shall agree to pay the same in installments, as they may deem best; and if the amount subscribed or donated is to be paid in installments, the board of commissioners shall issue a certificate to said company stating the times and manner of said payments.

County commissioners to issue township bonds.

SEC. 10. That to provide for the payment of the interest on the bonds issued as aforesaid, or for the installments thereof, as may be agreed upon, the board of commissioners of the county in which said township is situate on account of which said bonds shall have been

Special township tax.

issued, shall, in addition to other taxes, compute and levy upon the proper subjects of taxation in such township a sufficient tax to pay the interest on said bonds and one-tenth the amount of the principal thereof; or in case said donation or subscription shall be agreed to be paid by installments, a sufficient amount to meet the installment due for the year in which said taxes shall be levied, which said taxes shall be collected by the sheriff of said county under the same rules and regulations and subject to the same penalties as are now provided by law. The sheriff shall pay said taxes to the treasurer of his county, who shall first pay the interest on said bonds or the installment due upon said donation or subscription, and the coupons to said bonds or the certificate to the installment then due shall be his evidence of such payment: *Provided*, if said county have no treasurer, then the sheriff shall retain the tax in his hands and perform the duties herein required of the treasurer.

Collection.

Disbursement.

Proviso.

Election in towns on question of subscription or donation.

Returns, how made.

Subscription or donation to be made on vote of majority of qualified voters.

Town commissioners to issue bonds.

Special tax.

Collection.

Township bonds, how issued.

SEC. 11. That the commissioners of any town of the counties through which said railroad may pass shall be authorized and required, when one-fifth of the voters in said town shall request in writing that a proposition to make a donation of a specific sum to said railroad or to subscribe a specific sum to the capital stock of said company may be submitted to the voters of said town, to cause an election to be held therein under the same rules and regulations as are prescribed hereinbefore for elections in townships, except that the return shall be made to the commissioners of the town, who shall canvass the same; and if a majority of all the qualified voters of said town shall have voted "For subscription," then the mayor of the town shall make this subscription to the capital stock of said railroad company; and if the town shall have voted "For donation," then the mayor of the town shall certify the result of said election to the authorities of the company; and in payment of said subscription the commissioners of said town shall issue bonds or other evidence of indebtedness, payable at such times and at such rates of interest as may be voted for in said election. And in addition to the other tax upon the subjects of taxation in said town the said commissioners shall levy a tax to pay the interest on said bonds and one-tenth of the principal or each annual installment, as the case may be; the tax levied under the provisions of this section shall be collected in the same manner as other taxes are collected, and subject to the same rules and with the same penalties and remedies against the collectors for failure to account and collect the same.

SEC. 12. That the bonds issued under the provisions of this act to secure donations to said railroad company or subscriptions to its capital stock by any township shall be signed by the chairman of the board of county commissioners in which said township is situated and by the clerk of said board, and the coupons shall also be thus signed. The bonds issued by any town under the provisions of this

- act shall be signed by the mayor and the clerk thereof, and the coupons shall also be thus signed. Town bonds, how issued.
- SEC. 13. That said company shall have the right to have lands condemned for the right-of-way and for necessary warehouses and other buildings according to existing laws; and shall also have full power and authority to sell or lease its road-bed, property and franchise to any other company, corporation or person; and also the power to contract with any other corporation or construction company or any individual for the construction, maintenance or operation of its road, and to purchase or lease and hold the bonds or stock of any other railroad in the state, or to consolidate with any connecting line of railroad. Condemnation of land.  
Sale of road-bed, &c.  
Contracts for construction of road, &c.  
Consolidation.
- SEC. 14. That said company shall be authorized to begin the construction of said road at any point on the line projected for it, and may operate any portion of it when completed and shall have exclusive right of transportation over the same. May begin to build at any point.
- SEC. 15. That said company shall have the right to borrow money for the construction and operation of said railroad and to make, issue and negotiate and sell its bonds in such sums and to such amounts as may be agreed upon, not exceeding fifteen thousand dollars for every mile of said railroad in operation, as the directors may deem expedient, and said bonds shall bear interest at the rate of six per centum per annum, and shall be payable at such times and places as the board of directors may determine; and said company shall have power to secure the payment of the same by mortgage or deed of trust on its property, estate, rights and franchises on such terms and to such trustee or trustees as the board of directors may think proper, and said mortgage deed or deed of trust when duly registered in the county of Alamance shall convey all the property and estate in said company without registration in any other county in the state. Authorized to issue mortgage bonds, &c.
- SEC. 16. That the work on this road may be begun at any time within three years. When work to begin.
- SEC. 17. That this act shall be in force from and after its ratification. Ratified the 4th day of February, A. D. 1893.

## CHAPTER 24.

An act to declare the Southern Red and Brownstone Company a duly incorporated company and to amend and enlarge its charter.

WHEREAS, The Southern Red and Brownstone Company has heretofore, to-wit, on the twenty-sixth day of April, one thousand eight hundred and ninety-two, been incorporated before the clerk of the Preamble.

superior court of Moore county under the general laws of the state of North Carolina, and the organization perfected by the election of officers and the adoption of by-laws, and business conducted under said organization; and whereas, it is desired to enlarge and increase the corporate powers, franchises and privileges of said company; therefore,

*The General Assembly of North Carolina do enact :*

Incorporation  
before clerk vali-  
dated.

SECTION 1. That said incorporation before the clerk of the superior court of Moore county on the twenty-sixth day of April, one thousand eight hundred and ninety-two, and the organization of the company, election of officers, adoption of by-laws, subscription for and transfer of stock, and all conveyances heretofore made by or to said company or any persons for it, and all contracts made by or with said company are hereby ratified; and that the charter of said company granted by the clerk of the superior court of Moore county as aforesaid be and the same is hereby amended and re-enacted so as to read as follows, to-wit:

Incorporators.

SEC. 2. That David C. Schuler, John Mitchell, George Shepherd, Amelia Stewart, George W. Stewart, Charles E. Boothroyd, Charles E. Gunn, Ezekiel Stewart, George L. Stewart, Lloyd Bailey, Ezekiel J. Stewart, John B. Stewart, J. F. Gathring, B. Ridgway & Son, Winfield B. Daugherty, and such others as are now or hereafter may be associated with them, and their successors and assigns, are hereby constituted a body politic and corporate by the name and title of the "Southern Red and Brownstone Company"; and under that name and style may sue and be sued, implead and be impleaded, contract and be contracted with, adopt and use a common seal which it may alter at pleasure, and enjoy all the rights and privileges, powers, immunities, liberties and franchises pertaining to corporations.

Corporate name.

Corporate pow-  
ers.

Capital stock.

SEC. 3. That the capital stock of said company shall be fifty thousand dollars (\$50,000) in shares of the par value of one hundred dollars each; and said company shall have liberty to increase said capital stock at any time, or from time to time, to any sum not exceeding in the aggregate one hundred thousand dollars (\$100,000); and said shares may be paid in money, labor, land, material, stock, bonds or other securities, or in any other way that may be agreed upon by the company and its subscribers.

Subscriptions,  
how made.

Corporate pow-  
ers.

SEC. 4. That said corporation is hereby empowered to conduct, transact and carry on in all its branches the business of manufacturing, buying, selling and dealing in lumber; and of quarrying, mining, removing, dressing, manufacturing, buying, selling and dealing in all kinds of clay, stone, ores and minerals; and to explore, work and mine gold, silver, copper, coal, iron and all other metals and minerals; to purchase the clay, stone and mineral rights in lands other than



those owned in fee by the company, and to buy, sell and deal in goods, wares and merchandise at its will and pleasure.

SEC. 5. That said company shall have power to lease, purchase, hold, sell and convey real estate and personal property of any description necessary for its business, to borrow money when so authorized by a two-thirds vote of the board of directors and to issue bonds and other evidence of indebtedness so created, and to secure the same by mortgage of its property, franchise and effects, or otherwise. Corporate powers.

SEC. 6. That said company be and the same is hereby permitted to construct, equip and operate a railroad from Sanford, Moore county, to or in the direction of Carthage, Moore county, not to exceed thirty miles in length, and branch roads on either side of the same not exceeding ten miles in length, for the purpose of carrying freight and passengers. Authorized to build railroad from Sanford to Carthage.  
Branch roads.

SEC. 7. That when any right-of-way may be required by the company for the purpose of constructing their road, and for want of agreement for any cause it cannot be purchased from the owner, the same may be condemned as provided for in the charter of the North Carolina Railroad Company to the extent of fifty feet on each side of the main track of the railroad, measuring from the center of the same, and the company shall have power to appropriate and condemn land in like manner for the building and erection thereon of depots, warehouses, shops, and houses for servants, employees and other purposes, not exceeding two acres in any one lot or place; and it shall be lawful for any officer, agent, surveyor, engineer or employee of the company to enter at all times upon any lands or water for the purpose of exploring, leveling or doing anything necessary or proper for laying out the route of said railroad and locating the same, and to erect all necessary wares and buildings required in this behalf, doing no unnecessary injury to private property. Condemnation of land.

SEC. 8. That said company shall be managed by a board of directors, to be elected by the stockholders; said board of directors shall consist of such a number of stockholders and shall hold their office for such length of time as may be prescribed by the stockholders in general meeting; said board of directors may make such by-laws, rules and regulations for the management of the company and its business as they may deem necessary or expedient: *Provided*, the same be not inconsistent with the laws of the state or the United States. Directors.  
By-laws, &c.  
Proviso.

SEC. 9. That the officers of the company shall be a president, vice-president, secretary and treasurer; all shall be elected annually by the board of directors. Officers.

SEC. 10. That the stockholders shall not be individually liable for the debts, contracts or engagements of the company. Non-liability of stockholders.

SEC. 11. That the principal office and place of business of the company shall be at Sanford, North Carolina. Principal office.

Corporate existence.  
Payment of subscription.  
Proviso.

SEC. 12. That the duration of said corporation shall be thirty years.

SEC. 13. That each stockholder shall pay the remainder of his subscription upon the call of the treasurer: *Provided*, said call shall not be made oftener than once in every thirty days, nor for more than twenty-five per centum of his subscription.

Former organization validated.

SEC. 14. That the organization of said company having been perfected under the original letters of incorporation issued by the clerk of the superior court of Moore county no notice of the first meeting shall be required, and said organization is hereby ratified and declared in all respects regular and valid.

SEC. 15. That this act shall be in force and effect from and after its ratification.

Ratified the 4th day of February, A. D. 1893.

#### CHAPTER 25.

An act to amend chapter one hundred and nineteen of the private laws of one thousand eight hundred and eighty-nine, entitled "An act to incorporate the town of Waxhaw, in Union county," and to repeal chapter one hundred and thirty-four of the private laws of one thousand eight hundred and ninety-one, entitled "An act to amend chapter one hundred and nineteen of the private laws of one thousand eight hundred and eighty-nine.

*The General Assembly of North Carolina do enact :*

Chapter 119, private laws 1889, amended.

SECTION 1. That section two (2) of chapter one hundred and nineteen (119) of the private laws of one thousand eight hundred and eighty-nine, entitled "An act to incorporate the town of Waxhaw, in Union county," be repealed, and the following is inserted in lieu thereof :

Corporate limits.

SEC. 2. That the corporate limits of said town shall be as follows : Beginning at the chimney at the northwest end of J. W. Price's residence or near the boundary line between Sandy ridge and Jackson townships and running thence south  $33\frac{1}{2}$  degrees west 49.17 chains, crossing the ridge at  $44\frac{1}{2}$  chains and the Georgia, Carolina and Northern Railway at  $46\frac{3}{4}$  chains to a white-oak by four white-oaks, one red-oak and one spanish-oak ; thence south 25 degrees east 20.44 chains passing A. E. Gordon's corner at 3.84 chains to a stake on the southeast side of the McIlwaine road, two pines pointers ; thence north 71 degrees east 62 chains ; crossing the Providence road to a stake by a white-oak, post-oak and hickory ; thence north 12 chains, crossing the Georgia, Carolina and Northern Railway at  $8\frac{1}{2}$  chains to a rock by a pine, post-oak and red-oak ; thence north 86 degrees west

15 chains to a stake in a road about fifty links east of a hollow and bearing north  $61\frac{1}{2}$  degrees west 18 links from a large red-oak, also a post-oak and hickory pointers; thence north  $14\frac{1}{3}$  degrees east 26.50 chains, crossing a spring branch to a post-oak by a pine, red-oak, dogwood and blackgum in or near said township line; thence with said line crossing Providence road north  $89\frac{1}{4}$  degrees west to the beginning.

SEC. 3. That chapter one hundred and thirty-four (134) of the private laws of eighteen hundred and ninety-one (1891), entitled "An act to amend chapter one hundred and nineteen of the private laws of one thousand eight hundred and eighty-nine, entitled "An act to incorporate the town of Waxhaw in Union county," be and the same is hereby repealed.

Chapter 134, private laws 1891 (fixing corporate limits) repealed.

SEC. 4. That the commissioners of said town shall have full power to name the streets of said town and number them or the houses of said town in such manner as they may see proper.

Commissioners authorized to name streets, &c.

SEC. 5. That the said commissioners of the town of Waxhaw shall have power to lay out, open and name any new street or streets or to extend those now open within the corporate limits of said town whenever by them deemed necessary, and shall have power at any time to widen, enlarge, change, extend or discontinue any street or streets or any part thereof within the corporate limits of said town, and shall have full power and authority for the purpose herein expressed to condemn, appropriate or use any land or lands within said town upon making reasonable compensation to the owner or owners thereof; and in case the owner of any land which shall be condemned, appropriated or used under the provisions of this act and the said commissioners shall fail to agree upon the compensation for said land the matter shall be settled by arbitrators, who shall be freeholders and residents of said town, and shall be chosen by the parties, one by the said commissioners and the other by the owner of said land; and in case the owner of such land shall fail or refuse, upon notice given to choose such arbitrator, then the mayor of said town shall select one in his stead; and in case the two chosen as aforesaid cannot agree they shall select an umpire, whose duty it shall be to examine the land condemned and ascertain the damages sustained and the benefits accruing to the owner in consequence of the change, and the award of the arbitrators and the umpire or any two of them shall be conclusive of the rights of the parties, and shall vest in the said commissioners the right to use the land for the purposes herein specified; and all damages agreed upon by the parties or awarded by the arbitrators in case of a disagreement shall be paid by taxation or as other town liabilities: *Provided*, that either party may appeal to the superior court as now provided by law.

New streets, &c.

Condemnation of land.

Right of appeal.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 4th day of February, A. D. 1893.

## CHAPTER 26.

## An act to incorporate The Beaufort County Bank.

*The General Assembly of North Carolina do enact :*

- Incorporators.** SECTION 1. That C. M. Brown, A. M. Dumay and George R. Dupuy, their associates, successors and assigns, are hereby constituted and declared a body politic and corporate by the name and style of "The Beaufort County Bank," with its principal place of business at Washington, North Carolina; and by that name may sue and be sued, plead and be impleaded in any of the courts of this state, and shall have all the powers, rights, privileges and immunities granted to any bank or banking institution by the public laws of North Carolina; the said corporation shall exist for fifty years.
- Corporate name.**
- Corporate powers.**
- Capital stock.** SEC. 2. That the capital stock of the said bank shall not be less than twenty-five thousand dollars in shares of the par value of one hundred dollars each, and such capital stock may be increased from time to time as such corporation may elect to a sum not exceeding one hundred thousand dollars.
- Books of subscription.** SEC. 3. That the corporators named in section one hereof, or any three of them, are hereby empowered to open books of subscription to the capital stock of the said corporation at such time or times, at such places, and for such periods as they may determine; and the stockholders may, at any time after the organization of the said corporation, re-open books of subscription until the stock herein authorized shall be fully subscribed.
- Organization.** SEC. 4. Whenever ten thousand dollars shall have been subscribed, and such part of such stock as may be determined upon shall be paid into the capital stock of the said bank, the corporators or any three of them may call a meeting at such time and place and upon such notice as they may deem sufficient, when the said corporation shall be organized; and the said stockholders may elect such number of directors as the by-laws may prescribe, who shall hold their offices for one year or until their successors are elected and qualified, with power in said board of directors to fill all vacancies occurring in their body until their next general election; and the said directors may elect a president, cashier and such other officers as the by-laws shall prescribe.
- Directors.**
- Vacancies.**
- Officers.**
- Powers of president and directors.** SEC. 5. The president and directors of said corporation may adopt and use a common seal and alter the same at pleasure; may make and appoint all necessary officers and agents and fix their compensation; shall exercise and have all such powers and authority as may be necessary for directing and controlling the affairs of the corporation consistent with the by-laws thereof; they may regulate the terms and rates on which loans may be made and discounts received and

deposits taken, and when dividends of the profits and the amount thereof shall be made and declared, and fill all vacancies occurring among the officers and agents of said corporation; they may call meetings of the stockholders at such times and upon such notice as the by-laws may prescribe. At all meetings of the stockholders they may be represented in person or by written proxy, and each share shall be entitled to one vote. Stock vote.

SEC. 6. That said bank may receive and pay out all lawful currency, with full power of circulating currency of its own issue, under all the rights and privileges and under such restrictions as may be imposed by the laws of this state or the laws of the United States as to currency of state banks; it may deal in exchange, gold and silver coin, current and uncurrent paper, public and other securities, and for the purpose of aiding planters and miners, manufacturers and others said bank shall have power to loan any sum or sums of money and to secure the repayment of the same by the execution of a lien or liens upon the crops to be raised, or upon any article or articles then in existence; and it shall have power to make loans upon mortgages of real or personal property with power of sale inserted in default of payment; and it shall also have power to receive in storage or warehouse any cotton or other species of crop or any other article of produce, trade or manufacture as a pledge or pledges for the repayment of money or moneys loaned upon the faith of the sums so due or advanced thereon, and upon failure to pay at the time agreed said property may be sold after advertisement as required for the sale of personal property under chattel mortgage; it may discount notes and other evidences of debt, buy or sell all commercial paper of every kind; may loan money to and receive deposits of the same from any and all persons, including corporations, minors and *femes covert*, upon such terms and the manner and time of collection and payment as may be agreed upon, and may charge such rate of interest as allowed by the laws of this state, which it may take at the time of making such loan or at such time as may be agreed upon; it may invest in stocks, bonds or other securities of this state or of the United States, or any corporation, public or private, domestic or foreign, and may issue its own bonds in such denominations and payable in such manner and in such times as it may see fit. Corporate powers.

SEC. 7. That the said corporation may purchase and hold property, real, personal or mixed, and also such property as may be conveyed to it to secure or satisfy any debt due it, or for any other purpose, and may sell and convey the same at pleasure. Authorized to hold property, &c.

SEC. 8. If any subscriber shall fail to pay for his stock or any part thereof as the same is required of him, then the entire residue thereof shall be deemed to be due and may be recovered in the name of the corporation by a civil action, or the entire stock of such delinquent may be sold by order of the directors for cash at the banking house Remedy against subscriber failing to pay.

of said corporation after advertisement of such sale for ten days in some newspaper published in the town of Washington, and the proceeds of such sale may be applied to the balance of the unpaid subscription, and if the proceeds shall not be sufficient to discharge the amount of the unpaid subscription with all costs of such sale, the subscriber shall be liable for the deficiency in a civil action.

Savings bank department.

SEC. 9. The said bank is authorized to organize in connection with its general banking business a department for savings, and to do a savings bank business for the convenience of small depositors, and to make such regulations in regard thereto, not inconsistent with the laws of the state, as will enable said bank to receive small deposits in the savings department, and to give certificates or other evidence of deposit, and to regulate the time of payment and notice of demand, and to pay such interest as may be agreed on, provided the same does not exceed the legal rate of interest.

Additional corporate powers.

SEC. 10. That said bank is authorized to receive on deposit all valuable precious metals, certificates of stock, bonds, or other evidences of debt, and all things of value which may be left on deposit with said bank for safe keeping, for which it may receive such compensation as may be agreed upon; that said bank is authorized and empowered to accept and exercise any trust of any description which may by its consent be committed to it by any persons or other corporations; and to accept and fulfill the office of executor, administrator, collector, guardian or assignee wherever such appointment is conferred by any person or court, and shall be clothed with the same powers and subject to the same restrictions as individuals are in the same capacity.

Liability of stockholders for corporate debts.

SEC. 11. That the stockholders of said bank, their successors and assigns, shall not be in anywise liable or responsible for any debts, obligations, contracts or torts of said bank beyond the amount subscribed by each stockholder.

Branch banks.

SEC. 12. The said bank, at any meeting of the stockholders, may establish branch offices or agencies at such times and places as they may deem proper and the same shall be under the direction and control of this corporation, and they may discontinue the same at pleasure, but such branch bank or agency shall be subject to the same restrictions and have the same powers as are hereby provided in this act, but the principal office of said bank shall be located in the town of Washington, North Carolina: *Provided*, that the sum of twenty-five dollars shall be paid to the state treasurer for each branch or agency established as aforesaid, and they shall also furnish to the said treasurer the name of the locality where such branch is proposed to be established, and a receipt therefor shall be authority for the establishment of said branch or agency.

Principal office.

Proviso.

SEC. 13. That this act shall be in force from and after its ratification. Ratified the 4th day of February, A. D. 1893.

## CHAPTER 27.

## An act to incorporate the town of Kelford, Bertie county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the town of Kelford, Bertie county, be and the same is hereby incorporated by the name and style "Kelford," and shall be subject to and have the benefit of all laws in existence for the regulation of towns and cities in North Carolina. Incorporated.  
Corporate name.

SEC. 2. That the corporate limits of said town shall be one thousand yards square, the boundary being equal on the north, east, south and west, the crossing of the Norfolk and Carolina and Roanoke and Tar River Railroad in said town shall be the center or starting point, running five hundred yards each way from said railroad crossing. Corporate limits.

SEC. 3. That the officers for said town shall consist of a mayor, five commissioners, and a constable. Officers.

SEC. 4. That until their successors are elected and qualified, the following-named persons shall be the officers of Kelford: Mayor, J. H. White; commissioners, A. S. Norfleet, C. L. L. Cobb, George L. Parker, W. H. Coman and George L. Brown; for constable, M. W. Harrell. Temporary officers.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 4th day of February, A. D. 1893.

## CHAPTER 28.

## An act to incorporate Hatcher Lodge, number three hundred and ten, Free and Accepted Masons.

*The General Assembly of North Carolina do enact :*

SECTION 1. That Elias G. Barnes, L. H. Boyken, William Hinnant, and others, officers and members of Hatcher Lodge, number three hundred and ten (310), Free and Accepted Masons, located in Old Fields township, Wilson county, be and they are hereby created a body corporate under the name and title of Hatcher Lodge, number three hundred and ten, Free and Accepted Masons. Incorporators.  
Corporate name.

SEC. 2. That under the above name they and their associates and successors shall have perpetual succession, may use a common seal, sue and be sued, plead and be impleaded before any court of record or a justice of the peace in the said state, contract and be contracted Corporate powers.

with, acquire, hold and dispose of real and personal property not exceeding ten thousand dollars, for the benefit of said lodge or its members, and the widows and orphans of its members, and may have such and other rights and privileges as are incident to such corporations.

By-laws, &c.

SEC. 3. That the said corporation shall have power to pass necessary by-laws and regulations for its own government which may be consistent with the constitution and laws of North Carolina and of the United States.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 4th day of January, A. D. 1893.

#### CHAPTER 29.

#### An act to incorporate the town of Waco.

*The General Assembly of North Carolina do enact :*

Incorporated.

SECTION 1. That the town of Waco, in the county of Cleveland, be and the same is hereby incorporated by the name and style of the town of Waco, and it shall be subject to all the provisions of law now existing in reference to incorporated towns.

Corporate name.

Corporate limits.

SEC. 2. That the corporate limits of said town shall include a radius of one-half mile from the Carolina Central Railroad depot as a centre.

Officers.

SEC. 3. That the officers of said town shall consist of a mayor, five commissioners and a constable, and the commissioners shall have power to appoint a clerk and treasurer and such other officers as they shall deem necessary in the discharge of their corporate duties.

Powers of commissioners.

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

Fines payable into town treasury.

SEC. 5. That all fines collected for violations of any ordinance of said town shall be paid to the treasurer of said town.

Temporary officers.

SEC. 6. That until an election is held on the first Monday in May next, the following-named persons shall fill the offices, viz.: Mayor, Charles P. Goode; commissioners—F. M. Meiler, D. Hoyle Elliott, B. A. Putman, L. W. Hoyle, jr., and N. J. Long; constable, W. D. Smith.

SEC. 7. That this act shall be in force from and after its ratification. Ratified the 4th day of February, A. D. 1893.



## CHAPTER 30.

## An act to amend the charter of the town of Rocky Mount.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter three hundred and sixteen of the private laws of North Carolina, eighteen hundred and ninety-one, entitled "An act to amend the charter of the town of Rocky Mount," be and the same is hereby amended in so far as is necessary to incorporate and include therein the following, and no farther; and that, subject to the following amendments, the same shall remain in full force and effect.

Chapter 316, private laws 1891, amended.

SEC. 2. That section two of said chapter be amended by striking out in the first and second lines the words "one of their number as" and inserting therefor the word "a."

Provision that commissioners "may elect one of their number" as mayor repealed. Retail liquor license tax.

SEC. 3. That section seven subsection ten of said chapter shall be amended by inserting after the word "exceeding" and before the word "one" in the second line the words "five hundred dollars and not less than."

SEC. 4. That section fourteen of said chapter be amended by inserting after the word "dogs" in first line the words "geese, goats."

Commissioners authorized to prevent geese and goats from running at large. Commissioners empowered to prohibit sale of second hand clothing, &c. Criminal jurisdiction of mayor.

SEC. 5. That section twenty of said chapter be amended by adding to said section the words "may prohibit second-hand clothing from being sold or exhibited within the town or brought into the town."

SEC. 6. That the criminal jurisdiction of the mayor shall extend one-half mile beyond the corporation line, and the ordinances that govern the town shall apply to this extension.

SEC. 7. That the limits of the town of Rocky Mount shall be and they are hereby enlarged so as to take in the following territory on the south side of said town, and the same is hereby included into and in every respect made a part of said town, viz.: Beginning on the northern side of the Raleigh road where it meets the western boundary line of said town; thence up the northern side of said road to Rose Fleming's line; thence across said road with her line to the line of the New South Development Company; thence with the outer line of said company to L. O. Parrish's line; thence with L. O. Parrish's outer line to the eastern boundary of the Wilmington and Weldon Railroad; thence with said boundary along the northern boundary of the Tarboro branch railroad to the point where L. V. Bassett's eastern line, if extended, would meet said boundary line; thence to and with Z. Daughtridge's (old) outer line to the canal; thence up the canal and with the present southern limit of the town to the beginning.

Enlargement of corporate limits.

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

Ratified the 4th day of February, A. D. 1893.

## CHAPTER 31.

## An act to amend the charter of the Raleigh and Western Railway Company.

*The General Assembly of North Carolina, do enact :*

Charter validated.

SECTION 1. The charter of the Raleigh and Western Railway Company obtained by articles of agreement filed in the office of the secretary of state of North Carolina, in the city of Raleigh, on September sixth, one thousand eight hundred and ninety-two, by Samuel A. Henszey, K. K. Waite and others, under the provisions of The Code, volume one, chapter forty-nine, is ratified, confirmed and validated and amended as hereinafter provided, and all acts previously done by such company which are permitted by this act are validated: *Provided*, this act shall not affect the existing rights of any person or other corporation. The said company is created and constituted a body corporate and politic, to have perpetual succession and under such name to sue and be sued and to plead and be impleaded in any of the courts of North Carolina. 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 and personal, and of leasing or selling the same as the interest of the said company shall require, and may make such by-laws for the government of the company as may be deemed proper.

Proviso.

Incorporated.

Corporate powers.

Capital stock.

SEC. 2. The capital stock of said company shall be two hundred and fifty thousand dollars, with the power from time to time to increase the same to any sum not exceeding one million dollars, in shares of fifty dollars each. It shall be lawful for subscriptions to be made payable in money, land, material, labor, stocks, bonds or other securities as may be agreed upon between the company and the subscribers.

Subscriptions, how made.

Books of subscription.

SEC. 3. For the purpose of increasing the capital stock of the said company, books of subscription to such capital stock shall be opened from time to time by the directors of said company 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. No stockholder shall be responsible for more than the amount of his unpaid subscription.

Proviso.

Location of road.

SEC. 4. This company shall have power to construct, maintain and operate a line of railroad with one or more tracks between the town of Goldsboro and some point in the state line west of Person county and north or northeast of Watauga county in a northwesterly direction as shall be determined by the directors, with power to build branch roads not exceeding twenty-five miles in length. This com-

Branch roads.

pany is authorized 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 conferred upon the said company and other railroads by The Code, volume one, chapter forty-nine: *Provided*, the completion and operation of such section or portion of its line shall not be construed to be a complete exercise of the powers of construction herein conferred, but said company may afterwards complete its line, construct and operate other sections thereof and build the branches herein provided for.

May build part of road.

Proviso.

SEC. 5. So much of The Code, sections one thousand nine hundred and forty-six, one thousand nine hundred and fifty-two, and one thousand nine hundred and fifty-three as relates to filing maps or surveys and profiles shall not be applicable to this company, and as to this company so much of said sections is repealed. In lieu of such provisions, whenever said company shall desire to acquire any right-of-way for its road-bed, station houses, or other lawful purpose, it shall at least thirty days before the hearing the petition serve upon the person whose land is sought to be condemned a map showing plainly and clearly the proposed location, and a profile showing the grade of such railroad through the lands of such person. This provision may be waived by such person, and its requirement will be deemed to have been so waived unless advantage of such failure is taken on the day of the hearing such petition.

Certain sections of Code in relation to filing maps, &c., not applicable to this company.

Duty of company in regard to acquiring right-of-way, &c.

Waiver.

SEC. 6. Any railroad or transportation company incorporated in this or an adjoining state may subscribe to or 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 road, property and franchises of this company for so long a time and upon such terms as shall be mutually agreed upon between the two contracting parties. This company may subscribe to or purchase and own the stock or bonds, or both, of any other railroad company, and may guarantee or endorse such bonds or stock, or may purchase, use or lease the road line, property and franchises of such company on such terms and for such time as may be agreed upon between the two companies: *Provided*, the roads or lines of the two companies shall be connected, directly or indirectly, by means of intermediate railroads.

Subscriptions by other companies.

Subscription by this company to other companies.

Proviso.

SEC. 7. This company is authorized to borrow money for the purposes of the company to such extent and at such lawful rate of interest as a majority of the stockholders may determine, and to issue therefor its bonds in such manner and form as may be determined by the president and directors, and to secure them by a deed or deeds of trust or a mortgage upon the whole or any portion of the property and franchise of the company as they may direct or approve. And the said company is authorized to sell its bonds when, where and at

Authorized to borrow money on mortgage.

such rates and prices as the president and directors deem most advantageous to the company.

Consolidation  
with other road.

SEC. 8. This company is authorized to consolidate its capital stock, property and franchises with those of any other railroad company whenever the two or more railroads of the companies to be consolidated shall be connected with each other directly or by means of intervening road or roads; and such consolidation may be effected in such manner and on such terms as a majority of the stockholders of each of such companies may determine. Upon such consolidation being effected, the consolidated company shall have all the rights, privileges and franchises which each of the companies forming it heretofore held and possessed, and may establish the corporate name of such consolidated company: *Provided*, that any corporation formed by the consolidation of this company with any other shall be a North Carolina corporation.

Proviso.

No exemption  
from taxation.

SEC. 9. Nothing in this act shall be deemed or taken to exempt the property or franchises of this company or any company that may be consolidated with it from taxation.

Charter void in  
hands of certain  
companies.

SEC. 10. This charter shall be void in the hands of any company as owner or lessee that claims or whose charter provides or purports to provide exemption from taxation of its property or any part thereof.

SEC. 11. That this act shall be in force from and after its ratification. Ratified the 6th day of February, A. D. 1893.

## CHAPTER 32.

An act to incorporate the town of Fallston, county of Cleveland.

*The General Assembly of North Carolina do enact:*

Incorporated.

SECTION 1. That the town of Fallston, county of Cleveland, be and the same is hereby incorporated under the name and style of the town of Fallston, and is subject to the general incorporation act contained in chapter sixty-two, volume two, of The Code.

Corporate name.

Corporate limits.

SEC. 2. That the limits of said corporation shall form a circle with a radius of one-half mile from the crossing of the county line, and Waco and Cleveland Mills public roads as a center.

Officers.

SEC. 3. That the officers of said town shall consist of a mayor, three town commissioners and a constable, and the commissioners shall have power to appoint such other officers as shall be deemed necessary in the discharge of their corporate duties.

SEC. 4. That until the regular election is held on the first Monday in May, eighteen hundred and ninety-three, the following persons shall hold the several offices named in this act, namely: Mayor, Thomas Falls; commissioners—Thomas Stamey, W. D. Lackey and David Beam; town constable, Clarence Stamey. Temporary officers.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 6th day of February, A. D. 1893.

## CHAPTER 33.

**An act to empower the Wilmington Light Infantry to issue bonds, and for other purposes.**

WHEREAS, There is a military and civic corporation duly existing under the laws of North Carolina, created for the purpose of protecting the lives and property of the citizens of New Hanover county in cases of extreme necessity, and also for the purpose of aiding the civil authorities in the due enforcement of the mandates of the courts of justice and for assisting in the maintenance of peace and order in said county when called upon therefor by the civil authorities; and whereas, the said military and civic corporation has purchased in the city of Wilmington in said county a valuable piece of real property to be used as headquarters, armory and home for itself; now therefore, in order to enable the said military and civic corporation, to-wit, the Wilmington Light Infantry, to meet its legal obligations for the payment of the balance due on the purchase of the said real estate and for the purpose of building a drill-house on the same— Preamble.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the Wilmington Light Infantry, a military and civic organization duly existing under the laws of this state in the county of New Hanover, be and the same is hereby authorized and empowered to issue bonds in the aggregate sum of ten thousand dollars, in manner and form herein provided. Authorized to issue bonds.

SEC. 2. Each of said bonds shall be of the denomination and for the sum of five hundred dollars, and shall bear interest at the rate of six per centum per annum, and shall be payable twenty years after the date thereof, with coupons attached thereto providing for the annual interest thereon; and it is especially provided that the said corporation shall, upon giving ninety days special notice to the holder or holders of such bonds, or if the holder or holders of the same be Description of bonds.  
Redemption of bonds.

not known to the officers of said corporation, by publication of notice in any daily newspaper published in the said city of Wilmington, have power and authority to call in any one or more of the said bonds so issued as aforesaid by paying the face value thereof, together with all interest which may then be due.

Bonds, how executed.

SEC. 3. That the bonds herein provided for shall be signed by the president and the secretary of the said corporation respectively, and shall have the seal of the said corporation attached thereto.

Annual appropriation by county.

SEC. 4. That the board of commissioners of New Hanover county, by and with the assent of the board of justices of the peace of said county, are hereby authorized and empowered to set apart and appropriate to the use of said corporation annually for six years the sum of five hundred dollars out of the general fund of said county, and if the same shall be so appropriated as herein provided, the said board of commissioners and the said board of justices of the peace shall provide annually for the payment of the same by levying and collecting a tax on the real and personal property of said county not to exceed one mill upon the hundred dollars valuation.

Special tax.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 6th day of February, A. D. 1893.

#### CHAPTER 34.

**An act to incorporate the town of Inanda, in the county of Buncombe.**

*The General Assembly of North Carolina do enact:*

Incorporated.

Corporate name.

SECTION 1. That the town of Inanda, in the county of Buncombe is hereby incorporated by the name and style of "The Town of Inanda," and it shall be subject to all the provisions of law now existing in reference to incorporated towns.

Corporate limits.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at the mouth of Hominy creek, and thence up and with the center of said creek to the mouth of Ragnel branch; thence a southwest course with the meanders of A. L. Bright's line of his farm and the Tennant line to Robert Owenby's line; then with Owenby's line and the Laston line to Hominy creek; thence down said creek to the bridge near J. W. Cole's house; thence a direct course to and including J. L. Buchanan's house; thence to the road at a bridge on the Steven Jones branch; thence down said branch to the river; thence down the river to the beginning.

SEC. 3. That the officers of said town shall consist of a mayor, five commissioners and a marshal, and the commissioners shall have right to appoint a clerk and a treasurer; and the following named persons shall fill said offices until the first Monday in May, one thousand eight hundred and ninety-four, namely: Mayor, A. L. Bright; commissioners—G. W. Ballard, E. J. Rhodes, J. B. Ingle, M. N. Roberts and J. L. Buchanan; marshal, A. B. Luther.

Officers.

Temporary officers.

SEC. 4. There shall be an election for officers mentioned in this act on the first Monday in May, eighteen hundred and ninety-four, and every year thereafter, under the same restrictions that county and state elections are held. All male citizens over twenty-one years of age who shall have resided in the state twelve months, and ninety days in said corporation next preceding the day of election, shall be entitled to vote in said election. In case of death of any official of said town, or in case any office should become vacant by resignation or otherwise, the commissioners shall appoint his successor for the unexpired term.

Election.

Electors.

Vacancies.

SEC. 5. The said commissioners shall have and exercise all corporate powers and duties as are conferred upon commissioners of incorporated towns under The Code; and in addition thereto they shall have power to pass by-laws, rules and regulations for the government of the town not inconsistent with the laws of the state or the United States, levy and collect taxes, impose fines and penalties for the violation of town ordinances and collect the same: *Provided*, that said commissioners shall have power to levy a tax not exceeding sixty-five cents on each one hundred dollars worth of property and one dollar and fifty cents on each poll.

Powers of commissioners.

SEC. 6. That all fines collected for the violation of any town ordinance shall go to the town treasury for the benefit of the town.

Fines payable into town treasury.

SEC. 7. That the said commissioners shall have power to lay out and open any new street or streets within the limits of said town; and they shall have power to widen, enlarge, change or discontinue any street as their judgment may direct, appropriate and use any lands within said limits for purposes named in this act: *Provided*, that if said commissioners and the owner of such lands cannot agree upon a just compensation for land appropriated to town purposes they shall refer the matter to arbitration, the commissioners and the owners of the land each choosing one qualified elector of said town; and in case any owner of land shall refuse to choose an arbitrator then the mayor shall in his stead choose such an arbitrator for him; and in case the two arbitrators so chosen cannot agree they shall elect an umpire like qualified as themselves, the duty of which board of arbitrators shall be to examine the land sought to be condemned and ascertain the damages that will be sustained by and the benefits accruing to the owner in consequence of the taking and appropriating of said land, and award to the said owner the amount, if any, that

Streets.

Condemnation of land.

shall be paid by the town for the use of the lands so taken, and shall assess against the property adjoining any new street or streets such benefits as they shall have decided shall be taxed against the property; and the award of the arbitrators shall be conclusive of the rights of the parties and shall vest in the commissioners the right to use the land for the purposes for which it is condemned; and the damages agreed upon shall be paid as other liabilities, and the benefits assessed against any property shall be a lien upon the same in the same way that unpaid state or county taxes are a lien upon real property, and may be collected in the manner provided by law for the collection of such unpaid state and county taxes: *Provided*, that either party may appeal to the superior court of Buncombe county.

Right of appeal.

Not lawful for county commissioners to grant license to sell spirituous liquor in town.

SEC. 8. That it shall not be lawful for the board of county commissioners of Buncombe county to grant license for the sale of spirituous liquors within the limits of the town of Inanda; and if such license be granted by the board of county commissioners the same shall be void, and the person obtaining such license shall be indictable as in other cases of retailing without license: *Provided*, that the provisions of this act shall not apply to the sale of wines manufactured from grapes grown in Buncombe county.

Proviso.

SEC. 9. That this act shall be in force from and after its ratification. Ratified the 6th day of February, A. D. 1893.

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## CHAPTER 35.

An act amending the charter of the state bank of Wilson, changing its name to the Branch Banking Company.

*The General Assembly of North Carolina do enact:*

Chapter 77, private laws 1891, amended. Name of the State Bank of Wilson changed to "The Branch Banking Company."

SECTION 1. That section one of chapter seventy-seven of the private laws of eighteen hundred and ninety-one be and the same is hereby amended by striking out the words "The State Bank of Wilson," lines seven and eight of said section, and inserting in lieu thereof the words "The Branch Banking Company."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of February, A. D. 1893.



## CHAPTER 36.

## An act to amend the charter of the Moore County Railroad Company.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the charter of the Moore County Railroad Company heretofore granted under the provisions of chapter forty-nine of The Code be amended as follows: Charter amend-  
ed.

SEC. 2. That the capital stock of the said company shall be thirty thousand dollars, with power from time to time to increase the same to any sum not exceeding one million dollars, in shares of one hundred dollars each. That it shall be lawful for subscriptions to be made in money, land, material, labor, stocks, bonds or other securities, as may be agreed upon between the company and the subscriber. Capital stock.  
Subscriptions,  
how made.

SEC. 3. That when the said company may desire to increase its capital stock, books of subscription shall be opened by order of the stockholders, by resolution adopted at a general or special meeting, at such times and places and under such rules and regulations as they may prescribe. Books of sub-  
scription.

SEC. 4. That at every annual meeting of the stockholders a president and four directors shall be elected, and they shall hold office for one year and until their successors are elected; and the board of directors shall appoint such other officers and agents as they may deem proper and fix their duties, and the said board may fill any vacancy in the office of president or directors until the next meeting of the stockholders. President and  
directors.  
Other officers.  
Vacancies.

SEC. 5. That no stockholder shall be liable or responsible for any debt or liability of the corporation for more than the amount of his unpaid subscription. Liability of stock-  
holders for cor-  
porate debt.

SEC. 6. That this corporation shall have power to construct and operate and maintain a line of railway with one or more tracks between a point on the Raleigh and Augusta Air-Line Railroad at or near the town of Aberdeen in Moore county, and a point at or near Little river in Montgomery county, with power to build branch roads not exceeding thirty miles in length. That this corporation is authorized to commence work on any part of its line, and upon completion of any section thereof to maintain and operate the same with all the rights and powers conferred upon this corporation by its original charter or by this amendment thereto. Location of road.  
Branch roads.—  
May build part of  
line.

SEC. 7. That in order to carry into effect the purposes of this act the company may survey one or more routes for such road as may be deemed practicable, and shall have the power and authority to appropriate and occupy as much land as may be necessary for the construction of said railway and its branches of the width of fifty feet on each side of its track, and as much additional land as may be necessary for the station houses, depots and all other purposes Survey of route.  
Condemnation of  
land.

necessary for the construction, maintenance and operation of said railway and its branches.

Consolidation  
with Aberdeen  
Forwarding Co.

SEC. 8. That this company is hereby authorized and empowered to consolidate its stock, property and franchise with those of the Aberdeen Forwarding Company, and the said Aberdeen Forwarding Company is hereby authorized to merge and consolidate with this company, and such consolidation may be effected in such manner and upon such terms as a majority of the stock-vote of the two corporations may determine; that upon such consolidation being effected the consolidated companies shall have all the rights, powers, franchises and privileges which each of the companies forming it heretofore possessed, except that such consolidated company shall in no event be exempt from taxation.

Corporate pow-  
ers.

No exemption  
from taxation.

Other companies  
may subscribe,  
&c.

Subscription to  
other companies.

Authorized to  
borrow money on  
mortgage.

SEC. 9. That any other corporation may subscribe to or purchase the bonds or stock, or both, of this company, or may guarantee or endorse the same, and this corporation may subscribe to or purchase and own the stock or bonds, or both, of any other corporation.

SEC. 10. That this company is authorized to borrow money for its corporate purposes to such an extent and at such lawful rate of interest as the stock-vote may determine, and to issue therefor its bonds in such manner and form as may be determined by the president and directors, and to secure the said bonds by deed of trust or mortgage upon the whole or any portion of the road, property and franchises of the company as the president and directors may approve. And this company is hereby empowered and authorized to sell its bonds when, where and at such rates and prices as the president and board of directors may deem best for the company.

Corporate pow-  
ers confirmed.

SEC. 11. That except as herein amended, all the powers and rights acquired by this company by the charter granted it under chapter forty-nine of The Code are hereby ratified and confirmed.

SEC. 12. That this act shall be in force from and after its ratification. Ratified the 6th day of February, A. D. 1893.

#### CHAPTER 37.

**An act to incorporate the town of Rocky Mount Mills, in the county of Nash.**

*The General Assembly of North Carolina do enact :*

Incorporated.

Corporate name.

SECTION 1. That the village of Rocky Mount Mills on the south side of Tar river, in the county of Nash, be and the same is hereby incorporated under the name and style of "The Town of Rocky Mount Mills," and as such shall have all the rights and privileges and be subject to all the provisions of chapter sixty-two (62), volume two of The Code, except as is hereinafter provided.

SEC. 2. That the corporate limits of said town shall include all the lands of Rocky Mount Mills lying on the south side of Tar river in Nash county as follows: Beginning on the southern bank of Tar river at the corner of J. H. Logan with Rocky Mount Mills; thence with the line of Rocky Mount Mills along the lines of J. H. Logan, W. C. Trevathan and V. W. Land to the bank of Tar river; thence down the bank of said river to the beginning.

Corporate limits.

SEC. 3. That the officers of said corporation shall consist of a mayor and three commissioners and one or more constables, and the following named persons shall fill said offices until their successors are elected and qualified as hereinafter provided, viz.: J. H. Ruffin, mayor; and H. M. Daniel, R. R. Gay and J. F. Kearsey, commissioners, who shall elect a constable.

Officers.

SEC. 4. That the mayor and commissioners shall be elected each year by the directors of Rocky Mount Mills at their regular October meeting, and shall hold their office for the term of one year, and these shall elect the other officers. The names of said mayor and commissioners, as soon as elected, shall be certified to the register of deeds of Nash county by the president and treasurer of said Mills.

Temporary officers.

Election of mayor and commissioners.

SEC. 5. That it shall be the duty of the persons appointed to office by this act to meet and take the oath prescribed by law before some justice of the peace of Nash county, and enter upon the discharge of their respective duties.

Other officers. Names of mayor and commissioners to be certified to register.

Duty of officers elect to qualify.

SEC. 6. The criminal jurisdiction of mayor shall also extend over the Fall bridge and over all the lands of Rocky Mount Mills on the north side of Tar river, and the processes of said mayor may be executed anywhere in Nash county by the constable or other lawful officer.

Criminal jurisdiction of mayor.

SEC. 7. That this act shall in no way alter the law prohibiting the sale of liquor within one mile of the Falls Baptist Church, or the right now possessed by the town of Rocky Mount to regulate the sale of liquor within one mile of its limits.

Prohibitory law as to Falls Baptist church and rights of Rocky Mount not affected.

SEC. 8. That this act shall be in force from and after its ratification. Ratified the 6th day of February, A. D. 1893.

## CHAPTER 38.

An act to incorporate The Boone and Blowing Rock Turnpike Company.

*The General Assembly of North Carolina do enact :*

SECTION 1. That for the purpose of constructing a turnpike road from Boone to Blowing Rock, Watauga county, North Carolina, the formation of a corporation with a capital stock not exceeding ten

Incorporation authorized.

thousand dollars, to be styled "The Boone and Blowing Rock Turnpike Company," is hereby authorized.

Books of subscription.

SEC. 2. That it shall be lawful to open books of subscription to the capital stock of said corporation in the town of Boone, under the direction of any three of the following named persons, namely: W. B. Council, junior, W. C. Caffry, D. B. Daugherty, W. L. Bryan, L. C. Reeves and J. F. Spainhour.

Capital stock.

SEC. 3. That the capital stock of said association shall be divided into shares of ten dollars each, and whenever one hundred of such shares shall be subscribed for on the books authorized to be opened for that purpose, the subscribers for the same and their future associates and their successors are hereby declared to be a body politic and incorporate by the name and style of "The Boone and Blowing Rock Turnpike Company," with all the rights, powers and privileges incident or belonging to corporations as set forth or referred to in the chapter of The Code of North Carolina entitled "Corporations."

When to be incorporated.

Corporate name.

Corporate powers.

Organization.

SEC. 4. So soon as one hundred shares of the capital stock of said corporation shall be subscribed for it shall be lawful for any three of the persons hereinbefore named to call a general meeting of such subscribers by notifying each one in writing at least two days prior to such meeting, and such subscribers at each meeting shall elect from among themselves a board of directors of not less than five, and the directors to be chosen at such meeting and at the subsequent annual meetings of the stockholders as they may be fixed by the laws of said corporation shall elect one of their number president of said corporation at said meeting or at any subsequent meeting of the stockholders of said corporation. They may adopt all such by-laws as may be considered necessary for the good management of said corporation, and all matters not provided for by such by-laws shall be regulated and done as the board of directors shall from time to time order and direct.

Directors.

President.

By-laws.

Payment of subscriptions.

SEC. 5. That the board of directors may require payments of subscriptions to the capital stock of said corporation to be made in such installments as they may think proper, and in case any subscriber shall fail to pay the amount of his subscription after fifteen days notice, given in writing, the directors may sell said share or shares of stock so subscribed for by him 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.

Remedy against subscriber failing to pay.

Condemnation of land.

SEC. 6. That whenever any lands may be required for said turnpike, either for a roadway or for toll-houses, or other appurtenances thereto, and an agreement 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 Watauga county to cause the damage of such owner, if any, to be assessed by three disinterested referees, one to be chosen by the owner, one by the corporation and one by the clerk of the court; if either party or both shall fail to appoint after five days notice of the application to the clerk then the clerk shall appoint instead. The referees so appointed, being duly notified by the clerk, shall, being first duly sworn by some person authorized to administer oaths to act impartially, lay off a right-of-way forty feet in width or less as the company may elect; and also, if required by the company, shall lay off a suitable site or sites for a toll-house or houses not exceeding one acre of land at each toll-house, and assess the damage, if any, to the owners of the land, taking into consideration any 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, 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 turn-pike road or erecting toll-houses, as the case may be.

Right of appeal.

Appeal not to affect right of entry.

SEC. 7. 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, thirty-five (35) cents; one-horse buggy, twenty-five (25) cents; one-horse wagon, fifteen (15) cents; horse and rider, ten (10) cents; loose horses, five (5) cents each; cattle, five (5) cents each; sheep, three (3) cents each. Any person who shall use any part of said road without paying the fare and toll due and payable for such use and demanded by any officer or agent of said company at the established toll-gate shall be guilty of a misdemeanor, and on conviction before any justice of the peace of the county of Watauga shall pay a fine of not less than two dollars (\$2.00) nor more than five dollars (\$5.00), 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 treasurer for benefit of school fund.

Tolls.

Misdemeanor to use road without paying toll.

Fines payable into county treasury for benefit of school fund.

Toll-gate.

SEC. 8. That said company is hereby authorized to erect a toll-gate across said turnpike at some convenient place as the board of directors may select after said turnpike shall have been completed, and at such place may demand, receive and recover the fare or toll authorized in this act.

Tolls, how applied.

SEC. 9. That the fare or toll received for the use of said road shall be expended in keeping the toll-house and in keeping said road in good repair or so much thereof as may be necessary; and after an amount sufficient to keep said toll-house and said road in good repair has been expended, the residue, if any, shall be declared a dividend for the benefit of the stockholders.

Dividend.

Injury, &amp;c., to road, &amp;c., a misdemeanor.

SEC. 10. Any person who shall in any manner injure or obstruct the road of said company or any bridge connected therewith, besides being liable for damages in a civil action, shall be guilty of a misdemeanor, and on conviction thereof before any court having jurisdiction shall be fined or imprisoned, or both, in the discretion of the court.

Liability of stockholders for corporate debts.

SEC. 11. That the stockholders shall not be individually liable for the debts of the corporation beyond the amount of the stock held by each.

SEC. 12. That this act shall be in force from and after its ratification. Ratified the 6th day of February, A. D. 1893.

## CHAPTER 39.

## An act to incorporate the Siloam Male and Female Academy.

*The General Assembly of North Carolina do enact:*

Incorporators.

SECTION 1. That W. M. Cundiff, W. F. Miller, S. J. Atkinson, R. N. Marion and W. M. Norman, their associates and successors, are hereby created a body politic and corporate, under the name and style of the "Trustees of Siloam Male and Female Academy," and in that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire and hold, enter upon and possess in their corporate capacity, property, real and personal, such as may be necessary and suitable for maintaining a school of high grade in the town of Siloam, in the county of Surry, with power to make all needful rules and regulations for their own government and that of said academy, and shall have continual succession in such capacity: *Provided*, there shall be an election every two years by the stockholders of trustees, whose number shall never exceed thirteen nor be less than five.

Corporate name.

Corporate powers.

Proviso.

SEC. 2. That in case of vacancy occurring in said board of trustees it shall be filled by appointment by the remaining members thereof. Vacancies.

SEC. 3. That the corporate limits of said academy shall extend one mile in each direction, and that it shall be unlawful for any person to manufacture, sell or dispose of any spirituous liquors, wine or any beverage that produces intoxication in said distance, and any person who shall violate the provisions of this section shall be guilty of a misdemeanor and on conviction shall be fined or imprisoned at the discretion of the court. Unlawful to sell liquor within one mile. Misdemeanor.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 6th day of February, A. D. 1893.

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#### CHAPTER 40.

##### An act to incorporate Cabarrus Cotton Mill.

*The General Assembly of North Carolina do enact :*

SECTION 1. That J. W. Cannon, D. F. Cannon, L. J. Foil, Elam King, Robert S. Young, D. B. Coletrane and Louis D. Duval, citizens of Cabarrus county, together with such other persons as are now or may hereafter be associated with them and become stockholders in the corporation created by this act, their successors and assigns, are hereby created and constituted a body politic and corporate under the name and style of Cabarrus Cotton Mill, by which name said corporation may sue and be sued, plead and be impleaded in any court whatsoever, contract and be contracted with, and may make and use a common seal and alter the same at pleasure. Incorporators. Corporate name. Corporate powers.

SEC. 2. Said corporation is authorized and empowered to conduct and carry on the business of spinning and weaving wool, cotton and other textile productions and manufacturing of the same into cloth and other fabrics, and the sale of the same and of said cloth and fabrics; and for the purpose of conducting and carrying on said business to purchase, own, lease or otherwise acquire, mortgage, and to sell and convey lands, tenements, hereditaments and personal property to such an amount as to it shall seem proper and in as full and ample manner as citizens of this state can or may do. Corporate powers.

SEC. 3. The duration of said corporation shall be thirty years, and its principal office and place of business shall be at or near Concord in this state. Corporate existence. Principal office.

Capital stock.

SEC. 4. The capital stock of said corporation shall not be less than thirty thousand dollars which from time to time at any meeting of the stockholders may be increased to a sum not exceeding in the aggregate one hundred and fifty thousand dollars, and said stock shall be divided into shares of the par value of one hundred dollars each. At the time of the organization of said corporation everyone who shall have subscribed to the capital stock shall execute his note or notes for the whole amount of his subscription less any installment which he shall have paid, and said note or notes shall be made payable to said corporation in weekly installments or assessments of fifty cents a share for each week from the organization of said corporation, and at such time and place and under such rules and regulations as may be prescribed in the by-laws adopted at the time of said organization; and anyone subscribing to the capital stock after said organization shall execute his note or notes for the whole amount of his subscription payable in such manner, at such time and place and under such rules and regulations as may be prescribed in by-laws adopted prior to said subscription: *Provided*, no stockholder in any class shall be required to pay his subscription note or notes other than in weekly installments or assessments as aforesaid; but a stockholder in any class may pay his note or notes in full at any time and be allowed such rate of interest thereon as may be agreed upon by the board of directors, and shares or certificates of stock may be assigned and transferred in the manner prescribed in the by-laws.

Notes to secure subscription.

Proviso.

Non-liability of stockholder for corporate debt.

SEC. 5. Stockholders shall not be individually liable for the debts, liabilities or torts of said corporation, nor shall any stockholder after he shall have paid his note or notes be subject to the payment of any further assessment or installment on his subscription or stock.

No assessments after payment of notes.  
Remedy against subscriber failing to pay.

SEC. 6. That rules and regulations may be adopted to enforce the payment of any subscription notes by prescribing that interest at the rate of eight per centum per annum shall be paid on any unpaid installment or assessment from maturity, and upon failure of any subscriber to pay any assessment or installment within such time as may be prescribed in the by-laws, it shall be the duty of the president or superintendent of said corporation to advertise for sale for thirty days in some newspaper published in Cabarrus county the subscription notes or shares of stock subscribed for by such defaulting subscriber and sell the same at public auction to the highest bidder; and all assessments which shall have been paid in by such subscriber, together with such sum as may be realized by such sale, shall be paid to him less all costs and expenses and ten per centum of such subscription paid in.

Directors.

SEC. 7. Said corporation shall be governed by a board of directors who shall be elected annually by the stockholders. The number of directors may be determined upon at the first annual meeting and specified in the by-laws. The directors shall elect one of their num-



- ber to be president of the corporation, and shall also elect such other officers as may be deemed necessary, prescribe their duties and fix their salaries. Any vacancy occurring in the board of directors by death or otherwise shall be filled in the manner stated in the by-laws. President and other officers.
- SEC. 8. The annual meetings of stockholders shall be held in the office of the corporation in or near said Concord on the second Tuesday of January in each year; but the day of such annual meeting may be changed by the stockholders at any meeting. The first meeting under this charter to organize and elect officers shall be on the third Tuesday after its ratification. At any stockholders meeting a stockholder may be represented in person or by written proxy and shall be entitled to cast one vote for each share of stock held or subscribed for by him: *Provided*, that no stockholder shall be entitled to vote any share subscribed for by him upon which any weekly installment is due and unpaid. It may be provided in the by-laws how called meetings may be called and held. Vacancies.  
Annual meetings.  
Organization.
- SEC. 9. The stockholders at regular or called meetings may authorize the board of directors to borrow money for the conduct of the business of the corporation, and in a resolution shall state specifically the amount to be borrowed and how the same shall be secured. Stock vote.  
Proviso.  
Called meetings.
- SEC. 10. Until the first meeting of stockholders the persons whose names are mentioned in the first section of this act are hereby declared provisional directors, and as such are authorized to open books of subscription to the capital of said corporation, and do all acts and things necessary to that end. Stockholders may authorize the borrowing of money.  
Provisional directors.
- SEC. 11. To adopt, annul or abolish any by-law it shall require a vote of three-fourths of all the capital stock subscribed for and entitled to be voted as provided in the last clause of section eight of this act. Adoption, &c., of by-laws.
- SEC. 12. That this act shall be in force from and after its ratification. Ratified the 9th day of February, A. D. 1893.

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#### CHAPTER 41.

**An act to incorporate the Trustees of Carr Academy, a school located at Norwood (Town), Stanly county, North Carolina.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That J. W. Hood, J. J. Moore, T. H. Lonax, J. M. Hill, J. W. Thomas, M. S. Kell, R. S. Rives, J. H. Love, H. S. Sellers, T. L. Taylor, W. C. Coleman, J. T. Williams, P. N. Melchor, G. C. Scurlock, J. C. Davey, John Turner, H. C. Colson, Toney Sides, G. N. Clinton, Isaac H. Smith, A. G. Oden, H. L. Simmons, E. B. Incorporators.

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|--|---|
| Corporate name.                              | Wall, S. B. Gaskell, W. J. Sides and R. G. Mosley, their associates and successors, shall be and are hereby declared a body politic and corporate in deed and in law, by the name and style of the Trustees of Carr Academy, located at Norwood, North Carolina, in Stanly county; and said corporation shall have power to purchase and hold   |
| Corporate powers.                            | real and personal estate and to acquire the same corporate powers by gift or otherwise; shall have thirty years succession, and sue and be sued, plead and be impleaded in any court in this state having corporate jurisdiction, and may have and use a common seal, and have power to elect such officers as they shall deem necessary: <i>Provided</i> , the limit of said incorporation shall not embrace more than ten acres |
| Incorporation limits.                        | of land, more or less.  |
| Vacancies.                                   | SEC. 2. That in case of death or refusal to act or removal or from vacancies by any other cause there becomes a vacancy the remaining trustees shall have power to fill the same: <i>Provided</i> , their number shall not be less than five nor more than twenty-five.   |
| Proviso.                                     |   |
| Election of teachers.<br>Proviso.            | SEC. 3. That said trustees may also elect the teachers to hold office one year or until their successors are appointed: <i>Provided</i> , the president shall be consulted as to the competency of said teachers.   |
| Misdemeanor to exhibit one's self drunk, &c. | SEC. 4. That it shall be a misdemeanor for anyone to exhibit himself drunk in the limits of this incorporation, or in any way disturb or deface any property belonging to said school.  |
|  | SEC. 5. That this act shall be in force from and after its ratification. Ratified the 9th day of February, A. D. 1893.  |

## CHAPTER 42.

## An act to incorporate the General Construction and Guaranty Company.

*The General Assembly of North Carolina do enact :*

|                   |   |
|-------------------|---|
| Incorporators.    | SECTION 1. That George W. Williams, James Sprunt, J. W. Harper, William L. Smith, H. A. Burr, Isaac Bates, A. D. Brown, their associates, successors and assigns, be and they are hereby created a body |
| Corporate name.   | corporate under the name and style of "The General Construction and Guaranty Company," and as such shall have the general powers of corporations as set out in section six hundred and sixty-three of   |
| Corporate powers. | The Code of North Carolina, and the same shall continue for ninety-nine years.  |
| Capital stock.    | SEC. 2. That the capital stock of said corporation shall not be less than ten thousand dollars, and may be increased up to five hundred   |

thousand dollars, in shares of one hundred dollars par value each, and subscriptions to same may be paid in money, land or other valuable property as the directors of the corporation may determine.

Subscriptions,  
how paid.

SEC. 3. That the corporators above named, or any three of them, may open books of subscription to said capital stock within twenty days after the passage of this act, and as soon as the sum of ten thousand dollars (\$10,000) shall have been subscribed they shall call a meeting of the subscribers and organize said corporation by the election of three directors, who shall elect a president from their own number or from the stockholders and shall do such other acts as may be necessary to perfect its organization.

Books of sub-  
scription.

Organization.

SEC. 4. That the stockholders shall not be individually or personally liable or responsible for the debts, contracts, engagements or torts of this corporation.

Non-liability of  
stockholders for  
corporate debts.

SEC. 5. That said corporation shall have full power to negotiate, buy and sell stocks, bonds, mortgages and other securities, its own or those of other persons or corporations; may borrow and lend money and may issue mortgage, debenture or other bonds or other form of indebtedness; may act as brokers, agents or attorneys, and may invest such money as may be left in its care or management for investment in bonds, stocks, real or personal property; may receive money on deposit and may carry on all business of estates, agents, merchants, lumber or mining companies; may receive goods or things on storage and charge for same.

Corporate pow-  
ers.

SEC. 6. That said corporation is further authorized and empowered to build, equip and operate mills, factories, furnaces, hotels, houses, roads, rail, tram or turnpike, electric, cable or street-car lines, canals, gas or electric-light works, water-works, sewers, bridges, dams, culverts or reservoirs; may buy, lease, own, sell and convey real and personal estate to any amount; and may do any and all things necessary or expedient for utilizing or improving the property of the company as freely as citizens of this state may or can do; may subscribe for stock in other enterprises or corporations, and other corporations may subscribe for stock in this corporation.

Corporate pow-  
ers.

SEC. 7. That this corporation is hereby given the right to insure and guarantee the payment of any dividends, bonds, notes, undertakings, mortgages or other securities or evidences of indebtedness of any person, partnership or corporation; and may guarantee the performance or completion of any contract or agreement of any person, partnership or corporation for any price or consideration agreed on.

Corporate pow-  
ers.

SEC. 8. That said corporation may purchase and hold stock in other corporations, and may acquire and hold, use and operate the property, things, franchise and rights of any other person or corporation, and any other person or corporation may purchase and hold stock in this corporation or may acquire and hold, use and operate the property, things, rights and franchise of this corporation.

May purchase  
stock in other  
corporations, &c.

- Place of business. SEC. 9. That the principal place of business of said corporation shall be at Wilmington, North Carolina, but branches may be established at any place which the directors of the company may select.
- Branches. SEC. 10. That this act shall be in force from and after its ratification. Ratified the 9th day of February, A. D. 1893.

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CHAPTER 43.

**An act to amend chapter two hundred and sixty-five, private laws of one thousand eight hundred and ninety-one, entitled "An act to incorporate the town of Pigeon River in Haywood county, North Carolina."**

*The General Assembly of North Carolina do enact :*

Chapter 265, private laws 1891 amended.  
Name of town of Pigeon River changed to Canton.

SECTION 1. That chapter two hundred and sixty-five, private laws of one thousand eight hundred and ninety-one, be amended by striking out the words "Pigeon River" wherever the same occurs in said act, except in section two thereof, and insert in lieu thereof the word "Canton."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of February, A. D. 1893.

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CHAPTER 44.

**An act to amend chapter one hundred and seventy-two of the private laws of one thousand eight hundred and ninety-one, the same being an act to incorporate The Commercial Security Company.**

*The General Assembly of North Carolina do enact :*

Chapter 172, private laws 1891, amended.

Name changed to "The Southern Finishing and Warehouse Co."

SECTION 1. That chapter one hundred and seventy-two (172) of the private laws of one thousand eight hundred and ninety-one be amended so as to change the name of the company incorporated by said chapter from "The Commercial Security Company" to "The Southern Finishing and Warehouse Company;" and wherever the words "The Commercial Security Company" occur in said chapter the same shall be stricken out and the words "The Southern Finishing and Warehouse Company" inserted in lieu thereof.

SEC. 2. That section eleven of said chapter be amended by striking out all the words after the word "elect" in line nine down to and including the word "directors" in line ten and insert in lieu thereof the following words, to-wit: "from their number a board of directors of such number as said company shall provide for in the by-laws thereof."

Number of directors.

SEC. 3. That said "The Southern Finishing and Warehouse Company" shall succeed to all the property, estates, rights, powers, privileges, liabilities and obligations which were vested in or imposed upon the said "The Commercial Security Company."

Corporate powers.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 9th day of February, A. D. 1893.

#### CHAPTER 45.

An act to incorporate Haywood Council, number eight hundred and seventeen, Royal Arcanum, at Waynesville.

*The General Assembly of North Carolina do enact :*

SECTION 1. That B. F. Smathers, Leroy Francis, and D. F. Rhineheart, trustees, and their associates and successors in office are hereby created and constituted a body corporate under the name and style of "Haywood Council, number eight hundred and seventeen, Royal Arcanum," and by such name may contract and be contracted with, may sue and be sued, plead and be impleaded in the courts of this state and the United States.

Incorporators.

Corporate name.

Corporate powers.

SEC. 2. That the said corporation may have a common seal, which it may alter at pleasure; may pass all such by-laws not inconsistent with the laws of North Carolina and the United States as may be necessary for its government; may purchase, lease, hold and convey all such real and personal property as may be necessary for carrying out the objects and purposes of the said corporation.

Corporate powers.

SEC. 3. That the corporate property only of the said company shall be liable for its debts and obligations.

Liability for corporate debts.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 9th day of February, A. D. 1893.

## CHAPTER 46.

**An act to amend the charter of Trinity College Park, in Durham county.***The General Assembly of North Carolina do enact :*

Chapter 263, private laws 1891, amended.

Lower council of students to be part of a self-governing body, composed of <sup>SEVEN</sup> lower council and upper council, &c.

SECTION 1. That chapter two hundred and sixty-three, private laws of one thousand eight hundred and ninety-one, be and the same is hereby amended by inserting after the word "constituted" and before the word "a" in line four of section eight of said chapter the words "part of"; and by inserting after the word "veto" and before the word "any" in line twelve of said section the words "either council shall have the right of initiating any measure, and joint session may be held by vote of the majority of both councils."

When act to take effect.

SEC. 2. That this act shall be in force from and after its ratification by the General Assembly and acceptance by the board of trustees of Trinity College.

Ratified the 9th day of February, A. D. 1893.

## CHAPTER 47.

**An act to repeal an act entitled "An act to incorporate the town of Killquick," in the county of Edgecombe.***The General Assembly of North Carolina do enact :*

Chapter 52, private laws 1883 (incorporating town of Killquick, Edgecombe county) repealed.

SECTION 1. That chapter fifty-two of the private laws of eighteen hundred and eighty-three, with all the powers and privileges therein contained, be and the same is hereby repealed.

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

SEC. 3. That this act shall take effect from and after its ratification.

Ratified the 9th day of February, A. D. 1893.

## CHAPTER 48.

**An act to amend the charter of the town of Monroe in Union county, to authorize said town to issue bonds, and for other purposes.***The General Assembly of North Carolina do enact :*

Mayor, marshal and policemen to receive no fees, &c.

SECTION 1. That neither the mayor, marshal nor policemen of the town of Monroe shall receive any fee in any case tried in the mayor's court whether the said mayor has final jurisdiction or only acts as a committing magistrate, but the fees now prescribed by law for said

respective officers shall be collected as heretofore and paid into the treasury of said town. The mayor, marshal and policemen of said town shall receive as compensation such salary as the board of commissioners of said town may prescribe, payable out of the town treasury in such sums and at such times as said commissioners may fix.

To be paid salaries.

SEC. 2. All fines, penalties and forfeitures imposed and collected under judgment of said mayor for violations of the ordinances of said town shall be covered into the town treasury for the benefit of said town and shall be expended by said town as a part of its general fund.

Fines, &c., to be paid into town treasury.

How expended.

SEC. 3. That of any and all violations of the criminal law occurring outside of said town and within one-half mile of the corporate limits of said town the mayor of said town shall have the same jurisdiction as if said violation had occurred within the corporate limits of said town, and the marshal or policemen of said town shall have the right to serve at any place within said county of Union any warrant or other process issued by the mayor of said town.

Jurisdiction of mayor beyond town limits.

Service of warrants.

SEC. 4. The commissioners of said town are hereby authorized and empowered to secure or provide a guard-house or lock-up for said town, and the mayor, marshal and policemen of said town may, if they see fit, use said guard-house or lock-up for the purpose of confining their prisoners, instead of the county jail for said county of Union.

Guard-house.

SEC. 5. The commissioners of said town are authorized and empowered to purchase a seal for said town, the same to have such suitable design or lettering as they may prescribe.

Town seal.

SEC. 6. That the election held for said town on the eighteenth day of November, eighteen hundred and ninety-two, by which the commissioners of said town were authorized and empowered by a majority of the qualified voters of said town to issue the bonds of said town to the amount of seven thousand dollars for the purpose of securing and providing electric lights for said town, and to the amount of eight thousand dollars for the purpose of securing a site and erecting thereon a building or buildings for the preservation of the fire-engine and other property belonging to said town is declared valid and legal in all respects, and the commissioners of said town are authorized to issue said bonds as hereinafter provided.

Election in November, 1892, on question of issuing bonds declared valid.

SEC. 7. That the commissioners of the said town of Monroe, for the purpose of securing the electric lights and the site for the building or buildings hereinbefore mentioned, be and they are hereby authorized and empowered to issue bonds to the amount of fifteen thousand dollars (\$15,000), bearing interest at a rate not to exceed six (6) per centum per annum of the denomination of five hundred dollars, and to each and every one of said bonds shall be attached the coupons representing the interest thereon, which shall be due and payable on the first day of January of each and every year until the maturity of

Commissioners authorized to issue bonds.

said bonds. The bonds thus issued shall be numbered consecutively from one (1) to thirty (30) and the coupons attached to said bonds shall bear the number of the bond to which they and each of them are attached, and shall declare the amount of interest they represent and when due; the bonds shall run for a period of twenty years: *Provided*, that no part of said bonds or the moneys arising therefrom shall be used for any other purpose than that named in the proposition submitted to the qualified voters of said town and heretofore authorized by the election held on the eighteenth of November, eighteen hundred and ninety-two.

Proceeds of bonds, how used.

Bonds, how executed.

How negotiated.

Special tax.

How collected.

Sinking fund.

Town authorized to contract for use of electric lights in private houses, &c.

Proviso.

SEC. 8. That the said bonds shall be issued under the signature of the mayor, the clerk of the board of commissioners and the treasurer of the town, and shall be attested by the signature of one or more of said commissioners other than the clerk or treasurer, and they shall be disposed of by the treasurer of said town under the direction of the commissioners at a sum not less than their par value, and the money arising from the sale of said bonds shall be used for the purposes declared in section seven (7) of this act.

SEC. 9. That the commissioners of said town are authorized and empowered to levy a special tax not to exceed fifteen cents on every one hundred dollars worth of property, real and personal, and forty-five cents on the poll, which said tax shall be used as far as necessary for the purpose of promptly paying the interest on said bonds as it becomes due, and the taxes so levied by said commissioners shall be collected by the town marshal as other taxes, and he shall account for the same to the treasurer of the town in the same manner as he accounts for other taxes due to said town.

SEC. 10. That in the event the taxes levied in this act shall be more than sufficient to pay the interest on said bonds annually the commissioners of said town are authorized to issue such excess for the purpose of providing a sinking fund for the redemption of said bonds.

SEC. 11. That said town of Monroe by its officers or properly appointed agents are authorized to contract with any or all of its citizens or property owners to furnish electric lights for the use of the private or individual store-houses, residences or other buildings of its said citizens or property owners within the corporate limits of said town, and to enforce said contracts by suits or otherwise; and the money or moneys collected on said contracts shall be paid into the treasury of said town for its benefit: *Provided*, the net proceeds of all moneys collected or received from contracts made pursuant [to] or under this section shall be applied on the bonded debt authorized to be created by this act, until the same is paid in full.

SEC. 12. That this act shall take effect from and after its ratification. Ratified the 9th day of February, A. D. 1893.



## CHAPTER 49.

## An act to legalize the marriage of Rev. David S. George and Mary Ellen George, of Yadkin county.

WHEREAS, There is some doubt as to the legality of the marriage of Preamble.  
David S. George and Mary Ellen George, resident of Yadkin county,  
because the minister who first performed the ceremony was not  
ordained; now therefore, to remove all doubts and make legitimate  
the issue of said marriage—

*The General Assembly of North Carolina do enact :*

SECTION 1. That the marriage of David S. George and Mary Ellen  
Myers, which took place in Yadkin county on the twenty-eighth day  
of October, eighteen hundred and eighty-six, be and the same is  
hereby declared legal and valid, and the issue of such marriage shall  
be and are declared legitimate to all intents and purposes the same  
as if said marriage had been performed by a regular ordained min-  
ister. Marriage of D. S.  
George and Mary  
E. Myers valida-  
ted.

SEC. 2. That this act shall be in force from and after its ratification.  
Ratified the 9th day of February, A. D. 1893.

## CHAPTER 50.

## An act to amend chapter one hundred and ninety-eight of the private laws of one thousand eight hundred and ninety-one.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section seven of chapter one hundred and ninety-  
eight of the private laws of one thousand eight hundred and ninety-  
one be amended by striking out in twenty-ninth (29) line of said  
section, beginning with the word "that" and ending with "inopera-  
tive" in the forty-third line of said section, including the words  
"that" and "inoperative" and all intervening words in said section.  
Chapter 198, pri-  
vate laws 1891  
(incorporating  
town of North  
Wilkesboro)  
amended.  
Provision that  
town shall grade,  
&c., road to depot  
repealed.  
Persons sen-  
tenced to impris-  
onment by mayor  
to be confined in  
town calaboose.

SEC. 2. That section fourteen of said chapter be amended by strik-  
ing out in line nine the words "county jail" and inserting in lieu  
thereof the words "town calaboose."

SEC. 2. That this act shall be in force from and after its ratification.  
Ratified the 9th day of February, A. D. 1893.

## CHAPTER 51.

An act to amend chapter fifty-nine of the private laws of eighteen hundred and ninety-one, being an act to amend the charter of the town of Salisbury.

*The General Assembly of North Carolina do enact :*

Chapter 59, private laws 1891, amended.

Principal and interest on street bonds, where payable.

SECTION 1. That chapter fifty-nine of the private laws of eighteen hundred and ninety-one, being an act entitled an act to amend the charter of the town of Salisbury, be and the same is hereby amended by adding to section one of said act the following words, namely: "The principal and interest on said bonds payable at such place or places in the city of New York as may be designated by the said board of commissioners for the town of Salisbury."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of February, A. D. 1893.

## CHAPTER 52.

An act to amend the charter of the town of Salisbury.

*The General Assembly of North Carolina do enact :*

Chapter 34, private laws 1885, amended.

Retail liquor license tax.

SECTION 1. That subsection three (3) of section fourteen (14), chapter thirty-four of the private laws of eighteen hundred and eighty-five be and the same is hereby stricken out and the following substituted therefor, to-wit: "The privilege tax on licensed retailers of spirituous or malt liquors shall be five hundred dollars per annum."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of February, A. D. 1893.

## CHAPTER 53.

An act to incorporate the Cape Fear Harbor and Coal Company.

*The General Assembly of North Carolina do enact :*

Incorporators.

Corporate name.

SECTION 1. That Frank F. Vander-Veer, Thomas J. Hawkins, James C. Boyles, their associates and assigns, are hereby constituted a body corporate by and under the name of the "Cape Fear Harbor and Coal Company," and by that name shall be entitled to sue and be

sued, plead and be impleaded in any court in or out of the state of North Carolina; shall have and use a common seal and alter the same at pleasure; may hold, buy and sell such real estate as it shall deem proper for the carrying on of the business hereinafter mentioned; may make contracts, establish by-laws for its government, and shall have, use and enjoy all other rights, powers and privileges which by law belong to corporations of like nature.

Corporate powers.

SEC. 2. That the said company is hereby authorized to build and own wharves, piers, docks, slips, elevators and any and all other conveniences for loading or unloading vessels or other craft navigating the waters of the Cape Fear river or its tributaries or the Atlantic ocean, and for loading or discharging cars or other conveyances operated by steam, electricity or other motive power, and to enter into contracts with companies owning such conveyances for the erection or leasing of depots, terminal facilities, wharves, piers, warehouses, etc., upon the grounds of the company; to buy, own and sell lands, and in its discretion to lay off the same into lots and streets, to build houses thereon and otherwise improve the same, to establish and own water-works, gas-works, electric plants, and to charge for the use of water, gas or electricity; to buy, own, sell or charter vessels, floats, barges, steamboats and other marine craft, and to act as consignee and agent for owners of such craft; to buy and sell coal, wood, and any and all kinds of merchandise at any place on the said Cape Fear river or any of its tributaries or any place on the Atlantic ocean in the counties of New Hanover and Brunswick, state of North Carolina, and to charge reasonable rates for wharfage, storage, or other use of its property; to erect, buy, lease or own buildings for storage of merchandise bonded or free, and to transact a general warehouse business; and to purchase, operate and own coal mines in the state of North Carolina, and for the purpose of developing any of its property or business to acquire by subscription, purchase or assignment stock in railroads or other transportation companies doing business with the company or otherwise connected with it.

Corporate powers.

SEC. 3. The principal office of said company shall be in the town or city of Southport, or such other place in the state as the board of directors may from time to time decide upon, with the right to have a branch office or offices in any other state or country.

Principal office.

Branch offices.

SEC. 4. The length of time for the existence or continuance of the company shall be not exceeding sixty years.

Corporate existence.

SEC. 5. That the capital stock of the company shall be five hundred thousand dollars (\$500,000), divided into shares of the par value of one hundred dollars (\$100) each, but the said stock may be increased from time to time to any amount not exceeding one million dollars, divided into shares of the same par value, by a vote of the majority of all the stock of said company, of which said stock not exceeding

Capital stock.

- Preferred stock. twenty-five (25) per centum may be preferred stock entitling the owners thereof to a dividend not exceeding eight (8) per centum in preference to the common stock.
- Directors. SEC. 6. That the officers of the company shall consist of a board of five directors, but this number may be increased from time to time
- Officers. by the stockholders at any general meeting. That said board shall elect from among their number a president and a vice-president and shall have the right to select such other officers, whether stockholders or not, as the said board may determine.
- Authorized to borrow money on mortgage. SEC. 7. That the said company shall have the right to borrow money and issue coupon bonds evidencing the same, running for such period of time as it may be deemed necessary, and shall have the authority and power to secure the payment of the same by mortgage or deed of trust on all or any of its property, franchises, rights and privileges.
- SEC. 8. That this act shall be in force from and after its ratification. Ratified the 11th day of February, A. D. 1893.

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CHAPTER 54.

An act to provide for wood inspectors in the city of Wilmington.

*The General Assembly of North Carolina do enact :*

- Appointment of wood inspectors. SECTION 1. That wood inspectors for the city of Wilmington be appointed under the same law, rules and regulations as are now provided for by statute in reference to timber inspectors.
- Duty of inspectors. SEC. 2. That any and all persons desiring to have wood inspected and measured shall apply to any such wood inspector who shall forthwith inspect and measure the same, and shall receive from the persons demanding or asking for such inspection and measurement the sum of five cents (5) per cord measured and inspected by the cord, and two cents for every one-fourth ( $\frac{1}{4}$ ) cord measured in said quantity.
- Fees. SEC. 3. That a cord of wood shall consist of one hundred and twenty-eight (128) cord feet of wood, and a quarter of a cord of wood shall consist of thirty-two (32) cord feet of wood, including openings and interstices, as are by custom allowed in wood measurement.
- Measurement of a cord, &c. SEC. 4. That any inspector who shall wilfully and knowingly falsely inspect and measure any wood as above provided or who shall conspire with any owner or purchaser of wood to cheat and defraud shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court.
- False inspection, &c., a misdemeanor. SEC. 5. That this act shall be in force from and after its ratification. Ratified the 11th day of February, A. D. 1893.

## CHAPTER 55.

**An act to incorporate the town of Hampton in the county of Rutherford.***The General Assembly of North Carolina do enact :*

SECTION 1. That the town of Hampton in Rutherford county be Incorporated.  
and the same is hereby incorporated under the name and style of  
Hampton, and shall be subject to all the provisions of chapter sixty- Corporate name.  
two (62) of the second volume of The Code.

SEC. 2. That the corporate limits of said town shall extend one- Corporate limits.  
fourth of a mile in all directions from the C., C. and C. Railroad depot,  
near the town of Rutherfordton.

SEC. 3. That the officers thereof shall consist of a mayor, three Officers.  
commissioners and a marshal; and the commissioners shall have the  
right to appoint a secretary and treasurer.

SEC. 4. That until their successors are elected and qualified on the Temporary  
first Monday in May, eighteen hundred and ninety-three, the follow- officers.  
ing named persons shall fill said offices, viz.: Mayor, S. D. Hampton;  
commissioners—A. B. Stephens, M. C. Rice, and Barnett Young; and  
B. H. Hampton, marshal; and in the event of the failure to elect by  
the qualified voters of said town on the said first Monday in May,  
eighteen hundred and ninety-three, then the said mayor, aldermen  
and marshal shall hold their offices until their successors are elected  
and qualified.

SEC. 5. That the said commissioners shall have the right and Power of com-  
authority to make such rules and regulations and formulate such missioners.  
by-laws as may be necessary for the government of said town.

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

Ratified the 11th day of February, A. D. 1893.

## CHAPTER 56.

**An act to amend chapter two hundred and ninety-seven of the private laws of one thousand eight hundred and ninety-one.***The General Assembly of North Carolina do enact :*

SECTION 1. That the word "every" be substituted in line five, sec- Chapter 297, pri-  
tion three, chapter two hundred and ninety-seven, of the private laws 1891  
of one thousand eight hundred and ninety-one, instead of the word (incorporating  
"ever," as it now stands in said line. the N. C. Electric  
Power Co.)  
amended.

SEC. 2. That this act shall be in force from and after its ratification.  
Ratified the 11th day of February, A. D. 1893.

May furnish  
power to manu-  
factories of every  
kind.

## CHAPTER 57.

## An act to amend the charter of the city of Burlington.

*The General Assembly of North Carolina do enact :*

Chapter 19, private laws 1866, amended.

City of Burlington to continue a corporation.

Corporate name.

Corporate rights.

Corporate powers.

Corporate limits.

Divided into wards.

Mayor and commissioners.

Election of mayor.

SECTION 1. That chapter nineteen, private laws of one thousand eight hundred and sixty-six, incorporating the town of Company Shops, and all acts amendatory thereof, be amended to read as follows: "That the inhabitants of the city of Burlington shall be and continue, as heretofore they have been, a body politic and corporate, and henceforth the corporation shall bear the name and style of "The City of Burlington," and under such name and style is hereby invested with all the property and rights of property which now belong to the present corporation of the city of Burlington, or any other corporate name or names heretofore used and by the corporate name of "The City of Burlington," may purchase and hold for its government all such estate, real and personal, as may be conveyed, devised or bequeathed to it, and the same may from time to time sell, dispose of and reinvest, as shall be deemed advisable by the board of commissioners of the said corporation of the city of Burlington; and under the name and style of "The City of Burlington" said corporation may sue and be sued, plead and be impleaded in any and all the courts of this state, contract and be contracted with, and adopt and use a common seal which may be altered at the pleasure of the board of commissioners.

SEC. 2. That the corporate limits of the city of Burlington shall remain the same as in the original charter of the town of Company Shops. The same special enactments prohibiting the sale and manufacture of spirituous and fermented liquors shall remain in full force and effect.

SEC. 3. That the city of Burlington shall be divided into four wards, as follows: The first ward shall contain all that part of the city west of the track of the North Carolina railroad and north of Main street, the second ward all that part of the city east of the track of the North Carolina railroad and north of Torpley street, the third ward all that part of the city east of the track of the North Carolina railroad and south of Torpley street, the fourth ward all that part of the city west of the North Carolina railroad and south of Main street.

SEC. 4. The administration and government of said city shall be vested in one principal officer to be styled the mayor and a board of eight commissioners.

SEC. 5. The mayor shall be elected by the qualified voters of the whole city, voting in their respective wards.

SEC. 6. Each ward shall elect two commissioners, and such commissioners shall be residents of the ward for which they are chosen and shall be elected by the qualified voters of such ward.

Election of commissioners.

SEC. 7. The commissioners, for the purpose of holding the elections for said officers, shall appoint a registrar and two inspectors for each ward, the two inspectors to be of different political parties, and the inspectors of each ward shall make their returns according to section thirty-seven hundred and eighty-eight of The Code.

Registrars and inspectors of election.  
Returns of election.

SEC. 8. When any land or right-of-way shall be required for the purpose of opening and laying out new streets or widening those already open, and the landowner or owners and said commissioners cannot agree upon the price which the landowner or owners will take and convey said land to the town, the same shall be taken at a valuation to be made by three freeholders of the said city to be chosen as follows: The commissioners shall select one and the owner or owners of the land one within three days after notice in writing to the landowner or owners from the commissioners of their selection, and the two freeholders thus selected shall select the third man also a freeholder and these persons shall assess the damage, if there be any, within five days after the notice from the commissioners to the landowner 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 damages to the land within the time aforesaid. The said freeholders when so chosen shall be first duly sworn by the mayor or a justice of the peace and shall view the premises of the land to be condemned, and in making valuation shall take into consideration any benefit or advantage such owner or owners may receive from the opening or widening of such street and shall ascertain and report to the commissioners under their hands and seals what amount or sum shall be paid to the landowner 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 landowner or owners against said city and shall pass the title of said land to the said city of Burlington: *Provided*, that either party may appeal to the next term of the superior court of Alamance 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 opening of any street.

Condemnation of land for streets.

Right of appeal.

SEC. 9. That in case the owner or owners of land over which a right-of-way is desired as stated in preceding section 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 Alamance county on behalf of the said city of Burlington making defendants the parties over whose land the said right-of-way is desired, and such

Condemnation of land of infants, lunatics and non-residents.

petition shall set forth in detail the lands over which said right-of-way will run and the termini of said street, and such proceeding as to notice and the 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 city of Burlington, as commissioners, who shall view the premises and shall ascertain and report to the clerk under their hands and seals what amount or sum shall be paid to the landowner or owners; and the order of the clerk of the superior court, together with the report of the commissioners, shall be spread upon the minutes of the city of Burlington, and shall pass the title of said land to the city of Burlington, and shall have the force and effect of a judgment in favor of said landowner or owners against said city of Burlington.

Taxation.

SEC. 10. That all property the subject of taxation by the state and county shall be likewise subject to taxation by the city of Burlington, and it shall be the duty of the mayor of said city to obtain from the office of the register of deeds for Alamance county the assessed value of all property belonging to citizens of the city of Burlington and to compute the tax upon the same and have it ready to turn over to the tax collector by the first Monday in October of each year, at which time the taxes of said city shall be due and payable.

When taxes due.

Conflicting laws repealed.

SEC. 11. That all acts and parts of acts in conflict herewith are hereby repealed.

Additional corporate powers.

SEC. 12. That in addition to the powers herein contained the said officers shall be governed in their powers and duties by chapter sixty-two, volume two of The Code of North Carolina.

SEC. 13. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1893.

## CHAPTER 58.

### An act to incorporate Hinshaw and Medearis Company.

*The General Assembly of North Carolina do enact :*

Incorporators.

SECTION 1. That George W. Hinshaw, N. H. Medearis, John W. Brown, J. C. Goodman and H. A. Crute, together with all other persons and corporations as shall be associated with them and become stockholders in the corporation hereby incorporated, their successors and assigns, be and they are hereby created and constituted a body politic and corporate by and under the name and title of "Hinshaw and Medearis Company," by which name the said corporation may sue

Corporate name.



and be sued, plead and be impleaded, appear, prosecute and defend in any court of law in all actions; contract and be contracted with, and shall have the privileges and rights hereby specially granted and such as may be necessary to the full exercise and enjoyment of the same. The said corporation shall also have perpetual succession and enjoy all the rights and privileges, liberties and immunities, franchises and powers conferred upon and pertaining to other corporate bodies and not forbidden by the laws of the United States and of North Carolina.

Corporate powers.

SEC. 2. That said corporation shall have the right to and may make and use a common seal and alter the same at its pleasure.

Common seal.

SEC. 3. That said corporation is hereby authorized and empowered to contract, transact and carry on in all its branches the manufacture and sale of cotton goods and woolen goods, either or both, of all descriptions whatsoever; also the manufacture and sale of tobacco; also any and all goods, wares and merchandise of any and every kind made out of jute, hemp, flax and leather, or any other material whatsoever except alcoholic spirits; to spin, dye, weave, print, bleach and finish, manufacture and sell all kinds of cloths, prints, warps, yarns, and all goods, wares and merchandise of every kind made out of wool or cotton; also all classes of articles made of wood. Said corporation may buy and sell and deal in goods, wares and merchandise of every kind and description at its will and pleasure, either at wholesale or retail, or both. May erect, own and operate flour-mills, grist-mills, saw-mills, machine and workshops, stores, dwellings and other business premises, and may maintain them as may be requisite to carry on its business. Said corporation for the purpose of carrying on its business may buy, own and sell real estate, stocks, bonds, or other property; may export and import all kinds of crude, raw or manufactured materials, goods and wares; may mine pyrites and phosphates and manufacture all kinds of commercial fertilizers; said corporation may carry on tanning, currying, gin cotton, manufacture agricultural implements, wagons and all other things whatsoever may seem fit, out of iron, wood or other material.

Corporate powers.

SEC. 4. That said corporation, its successors and assigns, is hereby authorized and empowered to take by purchase, hold, lease or otherwise acquire, sell and convey, mortgage lands, tenements and hereditaments, and all manner of real and personal property, including cotton mills and factories, houses, water-powers, mineral rights, roads, tramways, or any other kind of property whatsoever, to such amount as to it may seem proper and as full as citizens of this State can or may do. And said corporation is hereby authorized to pay for such real and personal property as it may purchase or otherwise acquire with and by its capital stock.

Corporate powers.

SEC. 5. That said corporation shall likewise have the right, power and authority to lay out, build and construct and equip with rolling

Corporate powers.

and other stock and to operate such roads, whether tram, plank or turnpike, and also such canals, aqueducts, waste-ways, wells, water-courses, bridges, ferries or other ways for the transportation of its property or trade, and to construct such dams and obstructions across such streams as are not navigable as shall be needful to the supply of water for its wells, manufactories and other works, or for any purpose found necessary: *Provided*, that in so doing the vested rights of any other corporation or person are not interfered with in any material or unreasonable manner. Said corporation shall have the right to erect, establish and maintain such telegraph and telephone lines as may be necessary, and shall likewise have the right, power, charter and franchise hereby to charge such tolls, fees and compensation as is reasonable for the use or service over such telegraph or telephone lines, roads, turnpikes, bridges or ferries, and canals as it may erect and construct; and when any lands or rights-of-way shall be required by said corporation for constructing any road, cart-ways, canals, bridges, telegraph and telephone lines, or other lines or ways, streams, aqueducts, wells, dams or obstructions, and for want of agreement as to the value thereof, or for other causes, the same cannot be purchased of the owners, the same may be condemned and the value ascertained in the manner prescribed by the law of the state in chapter of The Code entitled "Railroads and Telegraphs";

Proviso.

*Provided*, that nothing herein contained shall be construed to authorize the said company to condemn any land for any purposes other than for the building of railroads, telegraph and telephone lines which shall be operated for the benefit of the public in connection with the business of the said company: *Provided*, that nothing in this section shall be construed to exempt any telegraph line, steamboat or railroad from the supervision and control of the railroad commission.

Proviso.

Authorized to borrow money.

SEC. 6. The stockholders may at any meeting called for that purpose authorize money to be borrowed by the corporation for the purpose of aiding the conduct of its business, and shall prescribe how much and how the same shall be borrowed and how secured.

Capital stock.

SEC. 7. The capital stock of said corporation shall be one hundred thousand dollars, with the privilege of increasing the same to an amount not exceeding two hundred and fifty thousand dollars by a vote of ninety-five per centum of the stock-vote. The par value of each share shall be one hundred dollars; and said corporation shall have authority to organize and transact business whenever one hundred thousand dollars of its capital stock is subscribed for and fifty per centum paid up in any kind of property mentioned in this section hereafter, or other property to an amount equal to fifty per centum of the one hundred thousand dollars shall have been purchased for the purpose of said corporation. That said corporation may issue

Organization.

Issuance of stock.

stock, both common and preferred, with such regulations as to such

stock as may be prescribed by a majority of the stockholders or as may be provided by the by-laws of the corporation. The certificates of stock shall be issued only when fully paid for, and shall not thereafter be liable to assessment for any purpose whatever. The shares of stock shall be deemed personal property and be transferable upon the books of the corporation in the method prescribed in any by-law made in that behalf; and such certificates of shares of stock may be so issued and granted for money or in payment for goods, wares and merchandise, material, services, labor, work, buildings, machinery, easements and other kinds of real and personal property, and at such rate and upon such terms as the said corporation by its board of directors may deem fit and best and may agree upon. The capital stock may be increased from time to time to such an amount as may be deemed proper until the limit of two hundred and fifty thousand dollars is reached, and also may be retired or decreased; but it shall at first be determined by ninety-five per centum of the stock as hereinbefore stated: *Provided*, that of the total amount of stock entitled to be voted in any election of said corporation not more than twenty-five per centum shall be preferred stock.

Stock deemed personal property, &c.

Increase of capital stock.

Proviso.

SEC. 8. That the directors and stockholders of said corporation, their successors and assigns, shall not be individually or personally liable or responsible for the acts, debts, liabilities, contracts, engagements, defaults, omission or torts of the corporation, except such torts as he may have participated in and caused said corporation to commit, or for any claim, payment, loss or injury relating to or connected with the company, and no stockholder shall be liable to pay for more stock than he subscribed for.

Liability of directors and stockholders.

SEC. 9. That the principal place of business of said corporation shall be in Winston, North Carolina.

Place of business.

SEC. 10. That the affairs of said corporation shall be managed by a president, vice-president and a board of directors. George W. Hinshaw, N. H. Medearis and John W. Brown are hereby constituted provisional directors of the corporation of whom a majority shall be a quorum and shall hold offices as such until the first election of directors under this act, and shall have power forthwith to open stock books and procure subscriptions of stock in the said corporation. When and as soon as shares to the [amount of] one hundred thousand dollars in the capital stock of the corporation have been subscribed any one of the provisional directors shall call a general meeting of the subscribers to the said capital stock at Winston, North Carolina, for the purpose of organizing the corporation and electing directors. The directors shall annually be elected by ballot at a regular meeting of the stockholders and shall act under such by-laws and regulations as the corporation may from time to time adopt, and shall hold office until their successors are elected. No person shall be a director of this corporation unless he or she is the owner and holder in his or her

Officers, &c.

Provisional directors.

Books of subscription. Organization.

Election of directors.

Qualification of director.

- own right of at least five shares in the stock of the corporation.
- Annual meeting. Thereafter the regular general meeting of the stockholders of the corporation for the transaction of business, election of directors and other general purposes shall be held once in each year at such place within North Carolina and on such a day as may be provided for in the by-laws of the corporation. At all meetings of the stockholders of the corporation every stockholder shall be entitled to as many votes as she or he owns shares in the corporation and may constitute another shareholder his or her proxy to vote for him or her by an instrument of writing to that effect. At all meetings of the stockholders a majority of the stock subscribed for and paid in shall be necessary to constitute a quorum for the transaction of business and election of directors. The stockholders shall have full power to make all by-laws, rules and regulations for their own government and for the transaction of business: *Provided*, that said by-laws, rules and regulations shall not be in conflict with the constitution and laws of this state or of the United States. For the adoption of by-laws a two-third vote of the capital stock which has been subscribed for and paid in shall be required. The president or stockholders owning at least one-fourth part of the capital stock shall at all times have the right to call meetings for the general or special purposes, to be specified in writing to that effect, and upon giving five days notice to each stockholder.
- Stock-vote.
- Quorum.
- By-laws.
- Proviso.
- Called meetings.
- Meetings of directors.
- Powers.
- To elect officers.
- Number.
- Vacancies.
- Corporation not dissolved by failure to elect directors.
- SEC. 11. The board of directors shall hold their meetings in such manner and at such times as the by-laws may direct and they shall have full power to administer the affairs of the corporation. They shall annually elect from their number a president, vice-president and a secretary, one of whom may also be a treasurer. The board of directors shall not be less than three nor more than seven, the number to be fixed by the by-laws from time to time. Vacancies may be filled for unexpired term by the board from among the qualified stockholders. If at any time an election of directors is not made the corporation shall not be held to be thereby dissolved, but such elections may take place at any general meeting of the corporation called for that purpose, and the retiring directors shall continue in office until their successors are elected.

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

Ratified the 14th day of February, A. D. 1893.

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CHAPTER 59.

**An act to declare the North Carolina Lumber Company a duly incorporated company, and to amend and enlarge its charter.**

- Preamble. WHEREAS, The North Carolina Lumber Company has heretofore, to-wit, on the thirtieth day of October, anno Domini one thousand eight hundred and ninety-one, been incorporated before the clerk of

the superior court for Halifax county, under the general laws of the state of North Carolina, and the due organization thereof has been perfected by the election of officers and the performance of many other acts in its corporate capacity, and it is now desired to enlarge and increase the corporate powers, privileges and franchises of said company; therefore,

*The General Assembly of North Carolina do enact :*

SECTION 1. That the said incorporation before the clerk of the superior court for Halifax county on the thirtieth day of October, anno Domini one thousand eight hundred and ninety-one, the organization, the election of officers, adoption of by-laws, subscription to and transfer of the stock, all contracts by or with said company, and all other acts done by it in pursuance of said act of incorporation by said clerk are hereby declared valid, and the charter granted by said clerk is hereby amended and re-enacted so as to read as follows:

SEC. 2. That Harold H. Fries, Angus J. McDonald, William W. Richards, Adolph DeBarry and Treadwell Cleveland, all of the county and state of New York, and such others as are now or may be hereafter associated with them, and their successors and assigns, are hereby constituted a body politic and corporate by the name and title of "The North Carolina Lumber Company," and under that name and style may sue and be sued, plead and be impleaded, contract and be contracted with, adopt and use a common seal, which it may alter at pleasure.

SEC. 3. That said company shall have power to buy, lease, own, exchange, hold, sell, donate and convey real property situate in the counties of Halifax, Martin, Pitt and Edgecombe, or elsewhere in North Carolina, in any amount or quantity in fee-simple or less estate, with all rights and privileges in connection therewith: *Provided*, the amount or quantity of land owned at any one time shall not exceed one hundred thousand acres; to hold, own, buy and sell timber trees growing and standing upon land in any quantity; to conduct a general lumber business in all its branches and departments; to manufacture lumber of every kind, either for the home or the foreign markets; to manufacture laths, shingles, buckets, crates, furniture, sash, doors, blinds, and anything else out of lumber that it may see fit; to manufacture cotton, knit goods of all kinds, and hosiery, tobacco, cigars, snuff, meal and flour; to lay out any of its lands into streets, lots, blocks and parks, and to erect stores, dwellings, factories and other buildings thereon; to buy, sell, own and hold personal property of any kind necessary to carry out the purposes of the company herein recited, and to do all other things necessary for conducting and developing the business enterprises by this act authorized.

SEC. 4. That the said company be and the same is hereby authorized and empowered to lay out and construct, equip and maintain

Incorporation before clerk validated, &c.

Charter amended.

Incorporators.

Corporate name.

Corporate powers.

Corporate powers.

Proviso.

Authorized to build railroad.

and operate a railroad in this state, with one or more tracks, from the town of Tillery, in said state, through the counties of Halifax, Edgecombe, Martin and Pitt, either narrow or standard gauge, for the purpose of conducting its business, and it shall carry persons and freight for other persons and corporations, when required to do so, under the same rules and regulations as pertain to other railroad companies. The said company may, in its discretion, engage in and prosecute all of the enterprises herein mentioned, or any one of them, and it may construct and operate any part of its road before the whole shall be completed, and may operate the same with any power it may see fit, and it may build and operate tramroads with any power it may see fit for the purpose of conducting its own business and that of the public: *Provided*, that the powers herein conferred with respect to the construction and operation of any railroad or railroads shall be subject to the provisions of chapter five hundred and forty-four (544) of the laws of one thousand eight hundred and ninety-one.

Proviso.

Condemnation of land.

SEC. 5. That for the purpose of constructing the said road and any branches that it may see fit to build, not to exceed ten miles in length, and for the purpose of reaching any timber lands and timber that it may purchase, and for the purpose of constructing and operating any tramroads that may be necessary to reach said timber, whether such tramroads shall be built with rails of wood or iron or steel, and whether the same shall be operated by steam, horse or other power, the said company shall have the right to acquire the land necessary for the right-of-way, not to exceed one hundred feet in width. And if the company cannot agree with the owners of any lands through which it may be necessary or desirable to build such road or tramroad, the company may proceed in the manner provided by the general law to have a right-of-way condemned.

Authorized to cultivate, &c., lands.

SEC. 6. That the said company may cultivate, farm, lease and let any of its lands for agricultural purposes and shall have all rights in respect thereto as landlords may have.

Capital stock.

SEC. 7. The capital stock of said company shall be two hundred thousand dollars, divided into shares of one hundred dollars each, and the capital stock may be increased to any amount not exceeding one million dollars whenever the stockholders at any general or called meeting shall so determine.

By-laws.

SEC. 8. The said company shall have power to make from time to time such by-laws and regulations as it may see fit for the government of its affairs, fix the number of directors and elect a president and such other officers as it may see fit. The said company shall

Directors and officers.

Place of business.

have its principal place of business in the town of Tillery in the county of Halifax, and shall hold its annual meetings there or elsewhere in this state as a majority of the directors may determine. The company may mortgage any or all of its property to secure any

debt or loan of money, and it shall have the right to issue bonds for the purpose of borrowing money and to secure the same by deed in trust or mortgage or lien upon any of its property, real or personal. Authorized to borrow money on mortgage, &c.

SEC. 9. That the stockholders and corporators shall not be individually liable for any of the debts, contracts, obligations, engagements, assurances or torts of said company. Non-liability of stockholders for corporate debts.

SEC. 10. That the organization of said corporation having been perfected under the original charter granted by said clerk no notice of the first meeting shall be required, and said organization is hereby declared in all respects regular and valid. Former organization declared valid.

SEC. 11. That all sections or parts of sections of chapters sixteen and forty-nine of The Code of North Carolina or the statutes amendatory thereof or other laws in conflict with or inconsistent with this act are hereby declared inoperative so far as they affect the rights and privileges and powers herein conferred or granted by the original letters of incorporation. Certain sections of Code, &c., declared inoperative as to this corporation.

SEC. 12. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1893.

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CHAPTER 60.

**An act to incorporate the town of Parmele, in the county of Martin.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That the town of Parmele in Martin county be and is hereby incorporated by the name and style of the Town of Parmele, and it shall be subject to all the provisions of law now existing in reference to incorporated towns. Incorporated.  
Corporate name.

SEC. 2. That the corporate limits of said town be as follows: Beginning at a half-mile post on the Albemarle and Raleigh Railroad; the railroad yard-limits, running north seven east eight hundred and eighty yards to a stake; thence north eighty-three west seventeen hundred and sixty yards to a stake; thence south seven west seven hundred and sixty yards to a stake; then south eighty-three east seventeen hundred and sixty yards to a stake; thence north seven east eight hundred and eighty yards to the half-mile post, the beginning, on the Albemarle and Raleigh Railroad. Corporate limits.

SEC. 3. That the officers of said town shall consist of a mayor and three commissioners and a constable; and the commissioners shall have power to appoint a secretary and treasurer. Officers.

SEC. 4. There shall be an election of officers mentioned in this act on the first Monday in May, one thousand eight hundred and ninety- Election.

- three, and every year thereafter, under the same restrictions that county and state elections are held; all male citizens over twenty-one years of age who have resided in the state for twelve months, and ninety days within the said corporation, previous to the day of election shall be entitled to vote at said election.
- Electors.
- Powers of commissioners. SEC. 5. That said commissioners shall have power to pass by-laws, rules and regulations for the good government of the town not inconsistent with the laws of the state and the United States, and to impose fines and penalties for the violation of the town ordinances and collect the same.
- Fines payable to town treasury. SEC. 6. That all fines collected for violation of town ordinances shall go into the town treasury for the benefit of the town.
- Temporary officers. SEC. 7. That until their successors are elected on the first Monday in May, one thousand eight hundred and ninety-three, the following persons shall fill said offices: Mayor, William Powell; commissioners—R. F. Gaines, David S. Powell and G. J. Cherry; and for constable, W. H. Harper.
- SEC. 8. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1893.

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CHAPTER 61.

An act to amend the charter of the town of Durham, in Durham county.

*The General Assembly of North Carolina do enact :*

- Chapter 110, private laws 1874-'75, amended. SECTION 1. That the charter of the town of Durham as contained in chapter one hundred and ten, private laws of one thousand eight hundred and seventy-five, and the acts amendatory thereto, be and the same is hereby amended as follows, namely: by striking out in section forty-four, subsection two and line two thereof, the words "first Monday in May" and insert in lieu thereof the words "first day of June," by inserting after section seventy-six, as now appears, the words "and within one-half mile thereof."
- Poll-tax on residents on June 1st. SEC. 2. That Schedule B of section forty-four thereof be stricken out and the following be inserted in lieu thereof: "Schedule B. The tax in this schedule shall be imposed as a license tax for the privilege of carrying on the business or doing the act named; and nothing in this schedule contained shall be construed as to relieve any person from the payment of the *ad valorem* taxes required in the preceding schedule: 1. Upon merchandise a tax not exceeding ten dollars a year. 2. Upon leaf tobacco dealers a tax not exceeding five dollars a year.
- License taxes.
- Merchants.  
Leaf tobacco dealers.



3. Upon commission merchants, auctioneer or broker a tax not exceeding ten dollars a year. 4. Upon every omnibus used for the carriage of persons for hire a tax not exceeding fifteen dollars a year; and upon every hack, carriage or other vehicle used for the transportation of freight or other articles of hire, a tax not exceeding ten dollars a year; and a discrimination may be made between one and two-horse vehicles in the tax. 5. Upon all dogs kept in the town and which are so kept on the first day of June a tax not exceeding three dollars a year: *Provided*, a discrimination may be made in the sexes of dogs in the tax: *Provided further*, that any person owning a dog listed under the ordinance passed hereunder who fails to pay the tax levied for the year preceding by the first of January of each year shall be subject to a fine of five dollars, and an additional fine of five dollars for each ten days said tax remains unpaid. 6. Upon every transient merchant, trader or street peddler offering to vend in the city, a tax not exceeding one hundred dollars a year, or twelve dollars a month, except only such as sell books, charts or maps. 7. Upon every public billiard table, bowling alley, or alley of like kind, skating rink, bagatelle table, or table, stand or place for any other game or play, with or without a name, kept for hire or kept in a place where liquor is sold, or a house used or connected with such house, or used connected with a hotel or restaurant, a tax not exceeding one hundred dollars a year nor less than fifteen dollars a year. 8. Upon every hotel, victualing house or restaurant established, opened or kept in the town a tax not exceeding fifty dollars a year. 9. Upon every permission or license of the board to retail spirituous liquors a tax not exceeding five hundred dollars a year, to be paid annually, semi-annually or quarterly, as the board shall determine. 10. On every exhibition of a circus or menagerie within the town, or a mile thereof, one hundred dollars for each separate exhibition, and on each side-show twenty-five dollars, to be paid before the exhibition, or if not paid then the same to be doubled. 11. Upon each exhibition within the town of stage or theatrical plays, sleight-of-hand performances, rope-dancing or walking, a tax not exceeding twenty-five dollars, to be paid before exhibiting or the same to be doubled. 12. Upon each exhibition for reward of waxworks or curiosities of any kind, natural or artificial, a tax not exceeding ten dollars. 13. Upon each exhibition of any other kind and on each concert for reward, and on every strolling musician, a tax of five dollars, except when the exhibition or concert is given for charitable or benevolent purposes, or to aid in any public improvement of the town. 14. Upon every goat or hog running at large in the town a tax of two dollars, and every such goat or hog may be seized and impounded, and if the owner, on being notified, will not pay the tax the animal shall be sold therefor at such place as the commissioners may designate, after three days notice. 15. Upon every auctioneer
- Commission merchants,  
Omnibus, &c.
- Dogs.
- Proviso.  
Proviso.
- Peddlers, &c.
- Billiard tables,  
&c.
- Hotels, &c.
- Retail liquor  
license.
- Circus, &c.
- Theatre, &c.
- Waxworks, &c.
- Concerts, &c.
- Goats and hogs  
running at large.
- Auctioneer, &c.

or crier of goods at public auction allowed to be taxed by this charter a tax not exceeding twenty-five dollars: *Provided*, that this section shall not conflict with the provisions of section two thousand two hundred and eighty-four of The Code of North Carolina. 17. Upon every stock and bond broker, sewing machine company, dealer in or manufacturers' agent of musical instruments, keeper of a livery or livery and sale stables or stock yards a tax not exceeding twenty dollars a year. 18. Upon every street huckster, photographer, merchandise or produce broker or shooting gallery a tax not exceeding twenty-five dollars a year. 19. Upon every itinerant dentist, itinerant medical practitioner, optician, portrait or miniature painter, daguerrean, artist, photographer, and every person taking or enlarging likenesses of the human face a tax of five dollars a month. 20. Upon every itinerant person or company peddling lightning rods, stoves or ranges, a tax of fifty dollars a year on each wagon (if wagons are used), if wagons are not used the tax shall be paid on each agent. 21. Upon every bill-poster a license tax of not more than ten dollars per annum.

Penalties for failure to pay taxes. SEC. 3. That there be inserted after section forty-seven the following: "After the first day of January in each year there shall be added five per centum, after the first day of February three per centum additional and after the first day of March two per centum additional tax or taxes remaining unpaid in the hands of the collector, which additions shall be collected and accounted for as other taxes."

Chapter 119, private laws 1891, amended. Presumption of grant from use of streets, &c., not to affect *femes covert* or infants until two years after disability removed. SEC. 4. That section six of chapter one hundred and nineteen of the laws of one thousand eight hundred and ninety-one be and the same is hereby amended by striking out the words "under ten" in line seventeen thereof and inserting in lieu thereof the words "until two."

SEC. 5. That this act shall be in force from and after its ratification Ratified the 14th day of February, A. D. 1893.

## CHAPTER 62.

### An act to incorporate Wadeville Academy.

*The General Assembly of North Carolina do enact:*

Incorporators.

SECTION 1. That E. J. Bruton, J. W. Harris, T. B. Hurley, D. F. Robinson, A. J. Bruton, J. M. Robinson and J. B. Hurley, of the county of Montgomery, and state of North Carolina, and those who hereafter may be associated with them, and their successors, are hereby created a body politic and corporate and have perpetual suc-

cession by the name and style of "Wadeville Academy," located in the village of Wadeville, and by such name may contract and be contracted with, sue and be sued, make and use a common seal and alter the same at pleasure, and make and maintain such by-laws, rules and regulations for the government of the same and the orderly conduct of its affairs as may be deemed necessary, and shall be capable in law to take, receive and hold all manner of lands, tenements, rents, annuities and hereditaments which may at any time be granted, bargained, released, demised or otherwise granted, and that said academy and all real and personal property so granted, received or accepted and appertaining thereto shall be set apart forever for the exclusive purpose of educating the children of the white race and of assisting young men and young ladies in the education of themselves, and when in the judgment of a majority of the board of trustees a sale of any property acquired as aforesaid is necessary for the interests thereof such sale and transfer is hereby authorized, and the proceeds thereof directed to be used as a general fund for improvements.

SEC. 2. That the capital stock of said corporation shall be five hundred dollars, to be divided into shares of five dollars each, and the capital stock may from time to time be increased by additional subscription or the issue and sale of shares not exceeding five thousand dollars, as the stockholders may at any general or special meeting authorize and prescribe. The corporators may receive subscriptions to the capital stock or in payment for its shares so issued money, lands, labor in building its academy, material for building or furniture, but in no event shall the corporators, stockholders, trustees, their successors nor assigns, be liable individually or personally for the contracts, debts or liabilities of the corporation.

SEC. 3. The corporators above named are severally authorized to receive subscriptions to the capital stock of said academy and when the minimum capital stock of five hundred dollars shall have been subscribed the said subscribers may organize by the election of not less than three nor more than seven trustees, stockholders therein, of whom they shall elect one as president and such subordinate officers as may be deemed necessary, to remain in office one year from date of election or appointment and until their successors shall have been elected and qualified, unless sooner removed by the stockholders in general meeting.

SEC. 4. That each stockholder shall be entitled to one vote for each share held by him and without limit as to number of shares to be held by any one person, and the shares shall be deemed personal estate, and the school or schools conducted under the provisions of this charter shall be conducted as near as may be without sectarian bias in its management.

SEC. 5. That the board of trustees of said corporation after organization as hereinbefore provided be and they are hereby authorized to

Corporate name.

Corporate powers.

Capital stock.

Subscriptions, how made.

Non-liability of stockholders, &amp;c., for corporate debts.

Organization.

Trustees.

Officers.

Stock-vote.

Conduct of school.

Authorized to issue bonds for improvement of grounds, &amp;c.

issue bonds of ten dollars each, not exceeding two hundred, each bearing interest, which shall be sold at not less than par value for the improvement of grounds, completion of buildings and full equipment of the school, and may contract with the purchasers of said bonds binding and pledging a portion of its property or the rents of such academy, and so far as necessary all insurance of its buildings and furniture in case of loss by fire, to pay pro rata the principal and interest due on said bonds.

Unlawful to conduct gaming table or sell liquor within two miles.

SEC. 6. That it shall not be lawful for any person or persons to set up or continue any gaming table or any device whatever for playing at any game of chance or hazard, by whatever name called, or to receive or use any license to make, retail any spirituous liquors or other intoxicating drink, or in any way sell the same within two miles of the said academy, and anyone offending shall be deemed guilty of a misdemeanor.

Misdemeanor.

SEC. 7. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1893.

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## CHAPTER 63.

### An act to confirm and enlarge the powers of the Wilmington Homestead and Loan Association, giving it banking powers.

Preamble.

WHEREAS, The Wilmington Homestead and Loan Association was duly chartered according to the laws of this state before the clerk of the superior court of New Hanover county on the eleventh day of May, one thousand eight hundred and eighty-six; and whereas, under its charter the amount of capital stock is limited to four thousand shares of the par value of one hundred dollars each; and whereas, all of said stock has been issued and divided into five series, and there is now demand for an additional series which cannot be issued on account of the limit in the said charter; now,

*The General Assembly of North Carolina do enact:*

Charter obtained from clerk confirmed.

SECTION 1. That the said charter or plan of association be and is hereby confirmed except as hereinafter amended.

Authorized to increase capital stock.

SEC. 2. That the said The Wilmington Homestead and Loan Association be and is hereby empowered to increase its capital stock from time to time as in the opinion of its board of directors may be deemed necessary to any number of shares not exceeding in the aggregate one million shares, which the said board of directors may divide into

series or classes as is now prescribed and provided for under its present articles of association.

SEC. 3. That if at any time the said The Wilmington Homestead and Loan Association may desire to convert itself into a bank or banking association, the said association at any called or general meeting of its stockholders shall have such power and privilege, all the stockholders first giving their assent thereto; and from that time the said The Wilmington Homestead and Loan Association shall have all the rights, privileges and powers of a bank, with the right to lend money, to take personal property or real estate as security; to take, discount, negotiate bills of exchange and promissory notes; to buy and sell exchange on any point or place in the world, and to exercise any and all other powers usually appertaining to a bank, and which may be given and conferred by any law of the state of North Carolina, and subject to all laws which may from time to time be passed regulating banks in this state.

Authorized to convert itself into bank, &c.

Corporate powers.

SEC. 4. At any and all meetings of the stockholders of the company no stockholder shall be allowed to vote more than one hundred shares, including his own and that held by him as proxy.

Stock-vote.

SEC. 5. Any stockholder wishing to withdraw from the association shall be entitled to receive from the treasurer the amount of dues actually paid in, and in addition thereto, if such application be made after two years payment of dues, he shall receive seventy-five per centum of all profits which may have accrued to the credit of said shares; after three years, eighty per centum; after four years, eighty-five per centum; after five years, ninety per centum of all said profits accrued as aforesaid, as shown by the last quarterly statement made before such application is filed; but such withdrawal to be under such rules, restrictions and regulations as are now provided for by said association.

Rights of stockholders desiring to withdraw.

SEC. 6. That it shall be unlawful for said association to compel any stockholder to borrow the funds of the association without the consent of such stockholder.

Unlawful to compel stockholders to borrow funds.

SEC. 7. That within ninety days after the ratification of this act the president of said association shall call a special meeting of all the stockholders of said association, giving each stockholder ten days written or printed notice of the said meeting for the acceptance or rejection of the powers and amendments herein conferred; and if at said meeting a majority of all the stockholders shall consent, this act shall be accepted as amendments and additions to said charter.

Special meeting to consider question of accepting this act.

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

Ratified the 14th day of February, A. D. 1893.

## CHAPTER 64.

An act to renew chapter one hundred and ninety-three of the private laws of one thousand eight hundred and ninety-one.

*The General Assembly of North Carolina do enact :*

Chapter 193, private laws 1891 (incorporating the Parrish Warehouse Bank) re-enacted.

SECTION 1. That chapter one hundred and ninety-three (193) of the private laws of one thousand eight hundred and ninety-one be and the same is re-enacted and renewed as if passed at this session of the general assembly.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1893.

## CHAPTER 65.

An act to incorporate The Watson-Daniels Land Company.

*The General Assembly of North Carolina do enact :*

Incorporators.

SECTION 1. That C. T. Watson, Thomas Daniels, J. J. Wolfenden and W. W. Clark, and their associates, successors or assigns, or any three of them, are hereby created a corporation and body politic for the period of thirty years, under the name and style of "The Watson-Daniels Land Company," and under such name shall be empowered to sue and be sued, plead and be impleaded, may adopt and use a common seal and alter the same at pleasure, and shall have all the privileges, powers and immunities granted under the general laws of the state as now existing or as may hereafter be enacted in addition to such powers as are granted herein.

Corporate name.

Corporate powers.

Corporate powers.

SEC. 2. That it shall have power to receive, acquire and hold real estate and personal property in fee-simple by purchase, gift, devise or otherwise (and to hold in like manner such as may have been heretofore acquired under the general laws of this state). It shall have power to transfer and convey the same by deed, mortgage, lease or other conveyance, and to deal with and in other respects to make contracts for the purchase and sale of the same in like manner as may individuals under the laws of North Carolina; to issue certificates of stock for such sales or purchases, and to improve, sell and dispose of such property in such parts, parcels, way and manner as it may deem best, and to this end may enter into agreements, contracts and conveyances, or otherwise purchase and dispose of the same, and may give and receive for such purchase and sales, such moneys, securities

and things as it may choose, with power to issue and endorse bonds, with power to make loans and advance money or other property to settlers and other persons, and to take such securities therefor as may be agreed upon, but shall not charge a greater rate of interest thereon than is provided by law; and shall have power to engage in any agricultural, mining, building or manufacturing enterprise whatsoever, with power to form and lay out town sites upon their lands and to prescribe the rules and regulations thereof as to the mode and manner of selling and disposing of such lots and the terms and inducements to purchasers thereof.

SEC. 3. That the capital stock of said company shall be ten thousand dollars, with power in the stockholders to increase the same to five hundred thousand dollars, and shall have power to issue certificates of stock in such form and in such amount as to the value of each share as shall be decided upon. And such subscription to the capital stock of the company may be paid in whole or in part in real or personal estate at a valuation to be agreed upon.

Capital stock.  
Subscriptions,  
how paid.

SEC. 4. That the principal place of business of said company shall be the city of Newbern, North Carolina, and its affairs shall be managed by a board of three or more directors, one of whom shall be elected president of said company, and it shall have power to make and enact all by-laws for the government of said corporation and may provide therein for the election of such other officers as it may deem necessary, for the manner of their election, their duties and term of office.

Place of business.  
Directors.  
By-laws.  
Officers.

SEC. 5. The stockholders of the company shall not be individually liable for the debts or torts of the company.

Non-liability of  
stockholders for  
corporate debts.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1893.

CHAPTER 66.

An act to amend chapter forty-three, private laws of one thousand eight hundred and ninety-one, relating to the Bank of Commerce at Fayetteville.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the caption of chapter forty-three, private laws of one thousand eight hundred and ninety-one, be amended by striking out [the] word "Commerce" and insert in lieu thereof the word "Cumberland."

Chapter 43, private laws 1891, amended.  
Name of Bank of Commerce changed to Bank of Cumberland.  
Name changed.

SEC. 2. That wherever the words "Bank of Commerce" appear in said chapter forty-three, private laws one thousand eight hundred

and ninety-one, the same are hereby stricken out and the words "Bank of Cumberland" inserted in lieu thereof.

Corporate existence.

SEC. 3. That section one is hereby amended by striking out the word "thirty" and insert in lieu thereof the word "sixty."

Capital stock.

SEC. 4. Strike out section two of said chapter and insert in lieu thereof the following: "The capital stock of said corporation shall be one hundred thousand dollars, but said capital stock may be increased by said corporation from time to time until it amounts to five hundred thousand dollars, and no more; that whenever twenty-five thousand dollars or more shall have been subscribed, a meeting of the stockholders shall be called, as provided in section three of the said chapter forty-three, private laws of one thousand eight hundred and ninety-one, for the purpose of organization; and when the sum of twenty-five thousand dollars shall have actually been paid in cash to any party authorized by the stockholders to receive the same, said corporation is hereby duly authorized to begin the business of banking as herein provided; and said bank when organized may continue to receive additional subscriptions to its stock until the sum of one hundred thousand dollars shall have been paid in as stock in such manner as the president and directors may determine."

Organization.

Additional subscriptions.

SEC. 5. Strike out the word "two" in line two of section three and insert in lieu thereof the word "five."

Books of subscription may be opened at any time within five years.

SEC. 6. Strike out the words "one hundred" in line one of section four and insert in lieu thereof the words "twenty-five."

Organization when \$25,000 subscribed.

No forfeiture for non-user if organized within five years.

SEC. 7. Strike out the word "two" in line four of section seven and insert in lieu thereof the word "five."

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

Ratified the 14th day of February, A. D. 1893.

## CHAPTER 67.

**An act relative to the sale of intoxicating liquors in the town of Shelby, Cleveland county.**

*The General Assembly of North Carolina do enact:*

Election in Shelby upon question of prohibition; when ordered, &c.

SECTION 1. That upon petition of one-third of the qualified voters of the town of Shelby, made to the commissioners of said town, an election shall be held on the third Monday in March, anno Domini eighteen hundred and ninety-three, or on such other day thereafter as said commissioners may appoint, and every three years thereafter, such election to be held at the court-house in said town under the



supervision of three discreet persons to be appointed by the commissioners of said town, who shall be known as judges of such election for the purpose of determining whether intoxicating liquors shall be sold within the corporate limits of said town. Where and how held.

SEC. 2. It shall be the duty of the mayor of said town, and on his neglect or refusal to do so any one of the commissioners of said town, to give public notice by written advertisement at the court-house door and at three other public places within said town of said election for at least ten days prior to the same. Notice of election.

SEC. 3. The same qualifications that apply to voters for mayor and commissioners of said town shall apply to the election held under the provisions of this act, and all persons who are duly and legally registered, and are otherwise qualified, shall be entitled to vote at any such election. Electors.

SEC. 4. The polls shall be opened and closed for such election at the same time as is provided for by law for the general election, and the judges shall be sworn as other judges of election are sworn. When polls to be opened.

SEC. 5. At such election all persons who favor the sale of intoxicating liquors in said town shall vote a written or printed ballot with the word "License" thereon, and those who oppose the sale of such liquors in said town shall vote a written or printed ballot with the words "No license" thereon. At the close of any such election the judges shall count the votes and announce the result, which said result, with the number of votes cast for and against, shall be certified by said judges of election to the mayor and commissioners of said town, and also to the commissioners of Cleveland county. Judges of election to be sworn.  
Ballots.

SEC. 6. The clerk of the commissioners of said town, who shall be the registrar for any such election, shall open and close the registration book for said election as is now provided by law for the election of mayor and commissioners of said town, and the same registration book for the general town election shall be used for the election aforesaid, and no voter need re-register for any such election: *Provided*, he has previously registered for any general town election and is a legally qualified elector. Returns of election.

SEC. 7. If a majority of the votes cast at any election provided for by this act shall have written or printed on them the words "No license," then and in that case it shall not be lawful for the commissioners of said town, nor the commissioners of Cleveland county, to license the sale of intoxicating liquors within the corporate limits of said town until another election shall be held reversing such election; and if any person shall sell any intoxicating liquors within the corporate limits of said town, in such case such person shall be guilty of a misdemeanor and shall be fined or imprisoned, or both, at the discretion of the court. Registration book, &c.

SEC. 8. If the majority of the votes cast at any election provided for by this act in said town shall have written or printed on them the words "No license," then and in that case it shall not be lawful for the commissioners of said town, nor the commissioners of Cleveland county, to license the sale of intoxicating liquors within the corporate limits of said town until another election shall be held reversing such election; and if any person shall sell any intoxicating liquors within the corporate limits of said town, in such case such person shall be guilty of a misdemeanor and shall be fined or imprisoned, or both, at the discretion of the court. On vote for "No license," unlawful for licenses to be issued, &c.

SEC. 9. If the majority of the votes cast at any election provided for by this act in said town shall have written or printed on them the words "No license," then and in that case it shall not be lawful for the commissioners of said town, nor the commissioners of Cleveland county, to license the sale of intoxicating liquors within the corporate limits of said town until another election shall be held reversing such election; and if any person shall sell any intoxicating liquors within the corporate limits of said town, in such case such person shall be guilty of a misdemeanor and shall be fined or imprisoned, or both, at the discretion of the court. Misdemeanor.

SEC. 10. If the majority of the votes cast at any election provided for by this act in said town shall have written or printed on them the words "No license," then and in that case it shall not be lawful for the commissioners of said town, nor the commissioners of Cleveland county, to license the sale of intoxicating liquors within the corporate limits of said town until another election shall be held reversing such election; and if any person shall sell any intoxicating liquors within the corporate limits of said town, in such case such person shall be guilty of a misdemeanor and shall be fined or imprisoned, or both, at the discretion of the court. On vote for "License," duty

of commissioners  
to grant license,  
&c.

word "License," then, and in that case, intoxicating liquors may be sold within the corporate limits of said town, and in such case it shall be the duty of commissioners of said town and the commissioners of the county of Cleveland (and this duty shall be construed to be mandatory) to grant license to all persons applying for the same to sell intoxicating liquors within the corporate limits of said town who shall prove a good moral character and pay to the sheriff of Cleveland county the tax provided for by the general law for the sale of liquors, and also by paying to the treasurer of the town of Shelby an annual tax of one thousand dollars for the privilege of carrying on such business in said town, said town tax to be paid in advance and before such license shall be issued by said board of commissioners, and used as said commissioners may direct. Said license so issued shall be signed by the mayor by the direction and authority of the said board. Before any license shall be issued to the person or persons applying for the same the commissioners of said town shall have the right and power to require such person or persons so applying to enter into a good and justified bond with sufficient security in the sum of one thousand dollars or more payable to the town of Shelby, conditioned that such applicant or applicants will not sell intoxicating liquors on Sunday nor to minors nor to habitual drunkards; and in the event the conditions of such bonds be broken or violated by the party executing the same or by their agent or employees, then and in that case it shall be the duty of said commissioners of said town in the name of said town to institute suit against the party or parties executing such bond in the superior court of Cleveland county for the recovery of same, and the whole amount of such bond shall be recoverable, and when so recovered the same shall be paid into the treasury of said town and used as may be directed by the commissioners thereof.

Bond to be  
given, &c.

Action on bond.

Revocation of  
license.

SEC. 9. The commissioners of said town shall have the power at all times to revoke the license granted by virtue of this act for the sale of liquors for good cause, and shall have the right and power to pass all such laws and ordinances regulating the running of bar-rooms in said town as they may see fit not in conflict with this act: *Provided*, that it shall be unlawful for any licensed bar-room to be kept open on Sunday or after ten o'clock on Saturday nights.

Proviso.

Unlawful to sell  
liquor without  
license.

SEC. 10. It shall be unlawful for any person to sell intoxicating liquors in the town of Shelby before obtaining license from the town and county commissioners as herein provided, and any person so offending shall be guilty of a misdemeanor and fined or imprisoned, or both, at the discretion of the court.

Misdemeanor.

Certificate of  
town commis-  
sioners evidence  
of good charac-  
ter, &c.

SEC. 11. If an applicant or applicants for license to sell liquors in said town under the provisions of this act shall apply to the commissioners of said town and shall prove a good moral character before said commissioners as herein provided, and license shall be granted

to such applicant or applicants by such commissioners, and this fact shall be certified to the board of commissioners of Cleveland county by the secretary of the commissioners of said town, this shall be sufficient evidence of the good moral character of such applicant or applicants, and the board of commissioners of said county of Cleveland shall grant to such applicant or applicants license to sell intoxicating liquors in said town upon such certificate and upon the tax as is required by law being paid to the sheriff of Cleveland county.

Duty of county commissioners.

SEC. 12. That chapter one hundred and thirty-nine of the laws of eighteen hundred and seventy-three and eighteen hundred and seventy-four is hereby repealed.

Chapter 139, laws 1873-'74 (prohibiting sale of liquor within two miles of court-house in Shelby) repealed. Chapter 115, laws 1876-'77 (submitting question of prohibition to voters of Shelby) repealed.

SEC. 13. That chapter one hundred and fifteen of the laws of eighteen hundred and seventy-six and eighteen hundred and seventy-seven is hereby repealed.

SEC. 14. That all of that part of section forty-two, chapter one hundred and one, laws of eighteen hundred and eighty-one, relative to the sale of liquors, wine, cordials or other spirituous liquors in the town of Shelby, should it become lawful to license the same, is hereby repealed.

Part of section 42, chapter 101, private laws 1881, relating to license tax on liquor dealers, &c., repealed if it becomes lawful to sell liquor under this act. Code, vol. 2, chap. 32, repealed as to Shelby, &c.

SEC. 15. That chapter thirty-two of volume two (2) of The Code of North Carolina and all amendments thereto are hereby repealed in so far only as they apply and relate to the corporate limits of the town of Shelby, and the said chapters of The Code aforesaid and all amendments thereto shall have no application to the territory lying within the corporate limits of said town, but the sale of intoxicating liquors shall be regulated in said territory entirely by the provisions of this act.

SEC. 16. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 17. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1893.

## CHAPTER 68.

An act to amend "An act to incorporate Brevard Station, Gaston county, North Carolina."

*The General Assembly of North Carolina do enact :*

SECTION 1. That section one (1), chapter twenty of the private laws of one thousand eight hundred and seventy-nine be amended by striking out the words "Brevard Station" in line one of said section and wherever it occurs in said chapter and inserting in lieu thereof the words "Stanley Creek"; and by striking out all of said section

Chapter 20, private laws 1879, amended. Name of Brevard Station changed to "Stanley Creek."

**Corporate limits.** one after the word "to-wit" in line four and inserting in lieu thereof the following, to-wit: "Beginning at a stone and pointers near Morris' tan-yard and running thence south fourteen and one-fourth degrees, east two hundred and thirty poles to a stake and pointers on J. B. Smith's line west of his house; thence south eighty-eight and one-half degrees east, one hundred and five poles to the crossing of the Carolina Central Railroad at or near Broom's shop; thence north fifty-six and one-half degrees east with the Dallis and Beatties ford road ninety-six (96) poles to a post-oak on McLurd's line; thence north twenty-six degrees east sixty-five (65) poles to the Parker spring on J. T. Abernathy's land; thence north fourteen and one-fourth degrees west one hundred and sixty-two poles to a stake on S. P. Abernathy's land north of his house; thence south seventy-eight and three-fourth degrees west two hundred and thirty-five (235) poles, crossing the Carolina Central railroad north of J. A. Morris' house to the beginning."

**Corporate powers.**

SEC. 2. That section three of said chapter be amended by striking out all of said section after the word "chapter" in line three thereof and inserting in lieu thereof the following, to-wit: "Sixty-two of The Code, volume two, entitled Towns and Cities."

**Provision for election to be held by sheriff of Gaston, &c., repealed.**

SEC. 3. That section four of said chapter be stricken out.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1893.

## CHAPTER 69.

### An act to amend the charter of the Peoples Bank of Asheville.

*The General Assembly of North Carolina do enact :*

**Chapter 15, private laws 1891, amended.**

**Shares of stock to be \$25 each.**

**Directors to be owners of at least ten shares.**

SECTION 1. That section two, chapter fifteen of the private laws of one thousand eight hundred and ninety-one be amended as follows, to-wit: In line four of said section after the word "shares" insert "of" instead of "or" as it now stands.

SEC. 2. That section three of said chapter be amended by inserting the word "ten" in the last line of said section instead of "four" as it now stands.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1893.

## CHAPTER 70.

## An act to incorporate "The Co-operative Bank of North Carolina."

*The General Assembly of North Carolina do enact :*

SECTION 1. That John P. Coffin, I. O. Reardon, R. J. Burns, O. C. Norment and George W. Sanderlin, and their associates and successors, are hereby constituted and declared a body politic and corporate by the name and style of "The Co-operative Bank of North Carolina," and shall so continue for the term of ninety-nine years, with capacity to take, hold and convey real and personal estate, and with all the powers, rights and privileges granted to any bank or banking institution by this or any preceding or subsequent legislation of this state, together with the rights, powers and privileges incident or belonging to corporations as set forth or referred to in sections six hundred and sixty-three and six hundred and sixty-four and six hundred and sixty-five of chapter sixteen of The Code, entitled "Corporations."

Incorporators.

Corporate name.

Corporate existence.

Corporate powers.

SEC. 2. That the capital stock of said corporation shall not be less than twenty thousand dollars (\$20,000) in shares of the value of twenty-five dollars each, and such capital stock may be increased from time to time as said corporation may elect to a sum not exceeding five hundred thousand dollars.

Capital stock.

SEC. 3. That the corporators in the first section named, or a majority of them, are hereby empowered to open books of subscription to the capital stock of said corporation at such time or times, at such places and such periods as they shall determine, and the stockholders at any general meeting called after the due organization of said corporation may, at their discretion, from time to time re-open books of subscription to said capital stock until the same as herein limited shall have been wholly taken.

Books of subscription.

SEC. 4. That whenever twenty thousand dollars shall have been subscribed and ten thousand dollars paid into the capital stock of said corporation, the before-named corporators, or a majority of them, shall call a meeting of the subscribers to said stock at such time and place, and on such notice as they may deem sufficient, and such stockholders shall pass by-laws for the government of the corporation and shall elect such directors as they may think proper, who shall hold office for one year or until their successors shall be chosen, and said directors shall elect a president and such other officers as may be provided for by the by-laws of said corporation.

Organization.

Directors.

Officers.

SEC. 5. That the president and directors of said corporation may adopt and use a common seal and may alter the same at pleasure, may make and appoint all necessary officers and agents, fix their compensation and take security for the faithful discharge of their duties and may discharge any and all of them at their pleasure; may

Powers of president and directors.

prescribe the manner of paying for stock and the transfer thereof; may do a general banking business on such terms and rates of discount and interest as are now provided by law. The said corporation shall have a lien on its stock for debts due it by the stockholders before and in preference to all other creditors of the same dignity.

Lien on stock for debt due by stockholder, Corporate powers.

SEC. 6. That the said company shall have the right to do a general banking business, to receive deposits, to make loans and discounts, to obtain and procure loans for any person, company, partnership or corporation, to invest its own money or the money of others, to lend and invest money in and upon the security of mortgages, pledge, deed or otherwise on any lands, hereditaments or personal property, or interest therein of any description situated anywhere; to lend money upon or purchase or otherwise acquire bills of lading or the contents thereof, bills, notes, choses in action or any and all negotiable or commercial papers, or any crop or produce whatever, or any stock, bullion, merchandise or other personal property, and the same to sell or otherwise dispose of, and to charge any rate of interest on all such loans not exceeding the rate allowed by law.

Corporate powers.

SEC. 7. That said corporation may subscribe to, purchase, acquire or lend money upon any stock, share, notes, debenture or other securities of any government, state, municipality, corporation, company, partnership or person, and hold, deal in, sell or distribute the same among the stockholders; may negotiate or place in behalf of any corporation, partnership or person, shares, stocks, debentures, notes, mortgages or other securities, without guarantee or collateral obligation by this company, and may sell or subscribe any of the property, real or personal, or any interest acquired therein by it, to any 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 terms or subscription.

Corporate powers as to deposits, &c.

SEC. 8. Be it further enacted that said corporation may receive on deposit all sums of money which may be offered it for the purpose of being invested in such sums, and at such times and on such terms as the board of directors may agree upon; and when married women, minors or apprentices deposit money or other things of value in said bank, either generally or specially, to their own credit, they or any of them may draw the same out on their own check or order and be bound thereby, and such married woman, minor or apprentice shall be bound by said individual check or order, and the said check or order shall be a valid and sufficient release to said corporation against said married women, minors and apprentices and all persons whomsoever.

Deposits by married women, minors, &c.

Corporate powers as agent, trustee, &c.

SEC. 9. That said company shall have the right to act as agent, factor or trustee for any estate, county, town or municipality, corporation, company or individual on such terms as to agency and commis-

sion as may be agreed upon in registering, selling and countersigning, collecting, acquiring and holding, dealing and disposing of, on account of any state, county, town, municipality, corporation, company or person, bonds, certificates of stock or any description of property, real or personal, or for guaranteeing the payment of such bonds, certificates of stock, etc., and generally for managing such business; and may charge such premiums, commission or rate of compensation as may be agreed on in and for any of the matters and things authorized by this charter.

SEC. 10. That said corporation shall have power to receive money in trust, shall have power to accept and execute any trust that may be committed to it by any court, corporation, company, person or persons; and it shall have power to accept any grant, assignment, transfer, devise or bequest, and to hold any real or personal estate trust created according to the laws of this state, and then to execute the same on such terms as may be established by its board of directors; and said corporation is hereby fully authorized and empowered to act as trustee or assignee, and to receive on deposit all funds in litigation in the various courts in this state and pay therefor such interest as may be agreed upon not exceeding the lawful rate. It shall have power and authority to receive for safe keeping on deposit all money, bonds, stocks, diamonds, and silver-plate and other valuables, and charge and collect a reasonable compensation for the same, which said charge shall be a lien on such deposits until paid, and generally to do and carry on business of a safety deposit and trust company.

Corporate powers as to trusts, &c.

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

Corporate powers as to guaranties, &c.

SEC. 12. That this company is especially invested with the powers and privileges usually incident to savings banks; may receive deposits in very small sums, the limit to be fixed by the board of directors, and may pay interest thereon by way of dividends out of the net earnings or by fixed rates according as may be agreed between the company and its depositors, and the board of directors are hereby fully authorized to make all needful by-laws and regulations for conducting and carrying into effect the savings bank features of this corporation.

Savings bank.

SEC. 13. In every case of delinquency in a subscriber or others the subscription shall be deemed a promissory note payable to the said corporation, as well in respect to the remedy for recovering the same as in the distribution of the assets of any deceased subscriber.

Recovery of subscriptions.

SEC. 14. That the president and directors of said corporation shall exercise and have all such powers and authority as may be necessary

Powers of president and directors.

in governing the affairs of said corporation. They shall have power to prescribe the rules for the conduct of said corporation, the same being consistent with the by-laws, rules and regulations established by the stockholders, not inconsistent with the laws of the state, and may regulate the terms and rates on which discounts and loans may be made and deposits secured by the corporation, and they shall direct when dividends of profits shall be made and declared. They may call a meeting of stockholders whenever they may think proper or upon a written request by stockholders.

Stock vote.

SEC. 15. At all meetings stockholders may be represented by proxy, each share being entitled to one vote, but such proxy must be a stockholder.

Branch banks.

SEC. 16. That branches or agencies of said corporation may be established at such times and places as the president and directors may designate and shall be subject to such rules and regulations as may be prescribed by the president and directors of said corporation, and shall be entirely under the control of said president and board of directors who may remove them when they shall deem it for the best interests of the company so to do.

Place of business.

SEC. 17. The principal place of business and general offices shall be at Lumberton, North Carolina, or at such other place as it may be deemed for the best interest of the company by the president and board of directors.

No forfeiture for non-user. Proviso.

SEC. 18. The powers and privileges granted herein shall not be deemed forfeited by non-usage: *Provided*, the corporation is organized within two years from the date of the ratification of this act.

Non-liability of stockholders for corporate debts.

SEC. 19. That the stockholders of this corporation shall not be individually or personally liable for any of the debts, contracts or liabilities of the corporation.

Conflicting laws repealed.

SEC. 20. That all laws in conflict with the provisions of this act are hereby declared inoperative so far as they may affect the privileges, rights and powers herein conferred.

SEC. 21. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1893.

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#### CHAPTER 71.

An act to incorporate the Bank of Waynesville, in the county of Haywood.

*The General Assembly of North Carolina do enact:*

Incorporators.

SECTION 1. That T. C. Skinner and Alden Howell, and their associates, successors and assigns, be and they are hereby created a body politic and corporate under the name and style of "Bank of Waynes-



ville," and by such name may acquire, hold and convey real and personal property, sue and be sued, plead and be impleaded in any of the courts of this state, and have continual succession for ninety-nine years, and a common seal for the purposes indicated in the title.

SEC. 2. That the capital stock of said corporation shall not be less than forty thousand dollars, which may be increased from time to time to a sum not exceeding one hundred thousand dollars, in shares of one hundred dollars each, and the said bank may commence the business of banking when forty thousand dollars of the capital stock aforesaid has been paid in.

SEC. 3. That the persons named in section one of this act shall be and remain directors of this corporation until their successors are chosen by the stockholders.

SEC. 4. That it shall be the duty of the board of directors to prescribe rules, regulations and by-laws for the government thereof, to choose officers, fix salaries, fill vacancies and generally to do and perform such duties as the rules, regulations and by-laws of this corporation shall prescribe, when the same shall have been duly ratified by a majority and value of the stockholders voting thereon in person or by proxy.

SEC. 5. That the office or banking-house of this corporation shall be located in the town of Waynesville, Haywood county and state of North Carolina.

SEC. 6. That this corporation shall have the power to receive and pay out the lawful currency of the country, deal in exchange, gold and silver coin, stocks, bonds, notes and other securities; to loan money to or receive deposits of money or other property or evidences of debt from corporations, minors, apprentices, *femes covert*, or other persons, on such terms and time and manner of collection and payment as may be agreed upon between the parties, and for the use and loan of money may charge the highest lawful rate of interest per annum, and may take and receive said interest at the time of making said loan free from all other control, contract or liability whatever, to invest in stocks, bonds, or other securities of this or any other state or of the United States, or of any corporation under the laws thereof, and to take such real and personal property conditioned in such form for the payment of the principal and interest of the money loaned, advanced or expended as may be most safe, expedient and beneficial.

SEC. 7. That said corporation shall have power and authority to guarantee the payment of the principal and interest of notes, bonds, bills of exchange and other securities and evidences of debt, including the obligations of such corporations and individuals as may have secured their payment by deed of trust or otherwise made to this corporation for such special purpose, and to receive for any guarantee such compensation as the parties may agree upon, and also may

Corporate name.  
Corporate powers.

Capital stock.

When to commence business.

Temporary directors.

Duties of directors.

Location.

Corporate powers.

Corporate powers as to guarantees, &c.

charge therefor the highest lawful rate of interest per annum, and may take and receive the interest at the time of making said transaction, and may in its discretion use such method and form of making such guaranty, either by indorsement, the issuing of its own debenture bonds, or otherwise, as to said company may seem best, and in the case of issuing debenture bonds it shall have the right to secure their payment by the pledging of the securities or evidences of debt thus held by it in some trust company or otherwise, under such contract as it may make for such purpose, and shall also have, use, exercise and enjoy all the powers, privileges, advantages, benefits and rights of banking under such restrictions as are provided by the laws of this state in regard to bodies politic and corporate.

**Taxation.**

SEC. 8. That the said bank shall have all the general powers and be subject to all the general regulations with reference to taxation and as otherwise provided for by the laws of this state, or which may be hereafter enacted by the general assembly in regard to banking corporations.

SEC. 9. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1893.

## CHAPTER 72.

**An act to incorporate the Carolina Real Estate and Investment Company.**

*The General Assembly of North Carolina do enact:*

**Incorporators.**

SECTION 1. That John P. Coffin, George W. Sanderlin and D. H. Walsh, junior, together with such other persons, as they may associate with them, their successors and assigns, be and they are hereby created a body politic and corporate under the name and title of "The Carolina Real Estate and Investment Company," by which name they may sue and be sued, plead and be impleaded, shall adopt and use a common seal, which they may alter at pleasure; may make by-laws, rules and regulations for the government of said corporation not inconsistent with law; shall have perpetual succession and enjoy all the rights, privileges, powers, immunities, liberties and franchises usually pertaining to corporations.

**Corporate name.  
Corporate powers.****Capital stock.**

SEC. 2. That the capital stock of said company shall be one hundred thousand dollars, with privilege of increasing said stock to an amount not to exceed one million dollars, to be divided into shares of one hundred dollars each.

**Organization.**

SEC. 3. That whenever the sum of ten thousand dollars or more shall have been subscribed and ten per centum paid in, it shall be the

duty of the corporators or a majority of them to call a meeting of the stockholders and elect a board of directors; and said board of directors shall elect a president and vice-president, secretary and treasurer, and such other officers as they may see fit, prescribe their duties, fix their compensation, and may require bonds payable to the company from any officer or employee for the faithful discharge of their duties.

SEC. 4. That the principal place of business of said corporation shall be at Fayetteville, North Carolina; but the directors may establish branch offices elsewhere, and if most convenient hold their meetings for the transaction of business elsewhere.

SEC. 5. The said corporation shall have full power to negotiate, buy and sell stocks, bonds, mortgages and other securities, to make, accept, endorse and issue promissory notes, bonds and bills of exchange, mortgages or other negotiable paper; may borrow and lend money and issue mortgages or debenture bonds; may act as brokers, agents or attorneys and invest such moneys as may be entrusted to its care or management for investment in bonds, stocks, real or personal property; may receive money on deposit and issue certificates for the same which shall be negotiable, and may carry on all business of estates, agents, merchants, lumber or mining companies; may build, equip and operate mills, factories, furnaces, hotels, houses, roads, rail, tram or turnpikes, electric, cable or street-car lines, canals, conduit pipe lines, gas or electric-light works, bridges, dams, culverts or reservoirs, telegraph or telephone lines; may buy, lease, hold and own real and personal estate not exceeding one million dollars, and may sell and convey the same and do any and all things necessary or expedient for utilizing or improving the property of the company as fully as citizens of the state may or can do; to subscribe for stock in other enterprises or corporations and accept subscriptions for capital stock in this company in real estate or other property, and when any lands or rights-of-way shall be necessary for railway and street railway purposes, and the company and the owners of such lands cannot agree as to the compensation the same may be taken and condemned and the value ascertained in the manner prescribed by law in the case of railway companies, and said company shall have the right, power, charter and franchise to charge such fees, tolls or compensation as is reasonable or may be agreed upon for the use of any of its property or services: *Provided*, said company shall not charge any greater than the legal rate of interest.

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

SEC. 7. That no notice of the first meeting of the corporation shall be required.

SEC. 8. That all laws in conflict with the provisions of this act are

Directors.  
Officers.

Bonds.

Place of business.

Branch offices.

Corporate powers.

Proviso.

Non-liability of stockholders for corporate debts.  
No notice of first meeting.

Conflicting laws not operative

against its corporation.

hereby declared inoperative so far as they may affect privileges, rights and powers herein conferred.

SEC. 9. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1893.

#### CHAPTER 73.

##### An act to incorporate the Judson College Company.

*The General Assembly of North Carolina do enact :*

Incorporators.

SECTION 1. That Jesse R. Starnes and James M. Brookshire and their successors are hereby created and constituted a body politic and corporate under the name and style of the "Judson College Company," and in that name may sue and be sued, plead and be impleaded, contract and be contracted with, purchase and hold in their corporate capacity such real and personal property as may be necessary and suitable for maintaining a school for boys and girls at Judson College, in the town of Hendersonville, Henderson county, North Carolina, with power to borrow money on said property or to sell same if thought best by the above-named company, also with power to make all needful rules, by-laws and regulations for their own government and the government of their school.

Corporate name.]

Corporate powers.

Number of trustees.

Vacancies.

Powers.

SEC. 2. That said Judson College Company may at their option increase their number by choosing others, not to exceed fifteen (15), and may likewise fill all vacancies occurring therein, and may have all the corporate powers of trustees of like associations and institutions.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1893.

#### CHAPTER 74.

##### An act to incorporate the Baptist Missionary and Educational Convention of North Carolina for the Colored Race.

*The General Assembly of North Carolina do enact :*

Incorporators.

SECTION 1. That C. S. Brown, C. C. Somerville, A. Shepard, N. L. Roberts, A. W. Pegues, S. N. Vass, J. A. Whitted, P. S. Lewis, A. W. Pattello, M. W. D. Norman, Luke Pierce, and their associates and successors, be and are hereby constituted and made a body corporate

and politic with perpetual succession, under the name and style of "The Baptist Missionary and Educational Convention of North Carolina for the Colored Race," and by that name may sue and be sued, plead and be impleaded in all the courts of law and equity, and may purchase and hold and sell and convey real estate, goods and chattels, whatsoever necessary to the objects of this incorporation. They shall have power to make and use a common seal, and to alter the same at will. And they are hereby invested with all the powers and privileges necessary for conducting missionary and other religious and educational work.

Corporate name.

Corporate powers.

SEC. 2. That said corporation shall have power to enact all necessary by-laws, and to do such other things and perform such other acts as appertain to bodies corporate and politic, not inconsistent with the constitution and laws of the United States and of this state.

Corporate powers.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1893.

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#### CHAPTER 75.

An act to incorporate "The Peoples Bank" of Kinston, North Carolina.

*The General Assembly of North Carolina do enact :*

SECTION 1. That S. H. Abbott, J. Q. Jackson, William L. Kennedy, David Cettinger, Abe Cettinger, Lemuel Harvey, J. A. Pridgen, Dempsy Wood, L. Einstein, J. W. Grainger, J. W. Braxton, D. G. Taylor, and their present and future associates and assigns, be and they are hereby constituted, created and declared to be a body politic and corporate under the name and style of "The Peoples Bank of Kinston," and shall so continue for the period of sixty years, with capacity to sue and be sued, maintain and defend actions and special proceedings in its corporate name; to take, hold, buy, sell, lease and exchange and convey real and personal estate; and to conduct, transact and carry on in its full scope and import a general banking business with all the powers, rights, privileges and immunities hereby specially granted, and in addition those contained in chapter four, volume two, of The Code, entitled "Banks," and all such laws as may in the future be passed relative to banks.

Incorporators.

Corporate name.

Corporate powers.

SEC. 2. That the capital stock of said bank shall be twenty-five thousand dollars, in shares of one hundred dollars each, with liberty to the stockholders or a majority of them to increase said capital stock from time to time to two hundred thousand dollars.

Capital stock.

Books of subscription.

SEC. 3. That the corporators in the first section named or any three of them are hereby empowered to open books of subscription to the capital stock of said corporation at such time or times, at such place, and for such period as they shall determine. And in addition they are empowered to select any one of their number, authorizing the one so selected to solicit and take subscription to the capital stock of said company; and whenever fifteen thousand dollars of the capital stock subscribed is paid in this corporation is empowered to commence and transact business.

When to commence business.

Place of business.

SEC. 4. That the office and place of business of said banking company shall be in the town of Kinston, Lenoir county, state of North Carolina, and its officers shall consist of a president, vice-president, cashier, and such other officers and assistant officers as its management requires; and a board of directors not less than five nor more than fifteen in number, who are to be elected annually by the stockholders. The directors so elected to choose the officers aforesaid, and shall require the president, cashier and the teller each to give bond with approved security for the faithful performance of their respective duties.

Officers.

Directors.

Bonds.

Board of directors.

SEC. 5. That the board of directors shall be chosen by a majority of the stockholders at the first meeting, to be called by a majority of the corporators named or any three of them upon such notice as they may deem expedient; and said board of directors shall hold office for one year and until their successors are duly elected, a majority of said board to constitute a quorum for the transaction of business. It shall be the duty of the board of directors and they are hereby fully empowered to make rules, regulations and by-laws for the government of said corporation and for the conduct of its business, also to fill vacancies on the board of directors.

Term of office.

Quorum.

By-laws, &c.

Vacancies.

Corporate powers.

SEC. 6. That the said company shall have the right to do a general banking business, to receive deposits, to make loans and discounts, to obtain and procure loans for any person, company, partnership or corporation, to invest its own money or the money of others, to lend and invest money in or upon the security of mortgages, pledge, deed, or otherwise, on any lands, hereditaments or personal property or interest herein of any description, situated anywhere; to lend money upon or purchase or otherwise acquire bills of lading or the contents thereof, bills, notes, choses in action, or any and all negotiable or commercial papers, or any crop or produce whatever, or any stock, bullion, merchandise or other personal property, and the same to sell or in anywise dispose of, and to charge any rate of interest on all such loans not exceeding the rate allowed by law.

Corporate powers.

SEC. 7. That said company may subscribe to, purchase, acquire or lend money upon any stock, share, notes, debenture, or any other securities of any government, state, municipality, corporation, company, partnership or person, and hold, deal in, sell or distribute the

same among the stockholders; may negotiate or place in behalf of any corporation, company, partnership or person, shares, stocks, debentures, notes, mortgages or other securities, without guarantee or collateral obligation by this company, and may sell or subscribe any of the property, real or personal, or interest acquired therein by it, to any corporation for any portion of its bonds, securities, obligations or capital stocks, as may be agreed upon, without liability on such stock so purchased or subscribed for beyond the agreed terms of such purchase or subscription.

SEC. 8. Be it further enacted that said corporation may receive on deposit all sums of money which may be offered it for the purpose of being invested in such sums and at such times and on such terms as the board of directors may agree upon, and when married women, minors or apprentices deposit money or other things of value in said bank either generally or specially to their own credit, they or any of them may draw the same out on their check or order and be bound thereby, and such minors, married women or apprentices shall be bound by said individual check or order and the said check shall be valid and sufficient release to said corporation against said minors, married women or apprentices, and all persons whatever.

Corporate powers as to deposits.

Deposits by married women, minors, &c.

SEC. 9. That said company shall have the right to act as agent, factor, or trustee for any state, county, municipality, corporation, company or individual on such terms as to agency and commission as may be agreed on in registering, selling and countersigning, collecting, acquiring, holding, dealing and disposing of on account of any state, county, town, municipality, corporation, company, or person, bonds, certificates of stock of 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 in and for any of the matters and things authorized by this charter.

Corporate powers as agent, &c.

SEC. 10. That said corporation shall have power to receive money in trust, and shall have power to accept and execute any trust that may be committed to it by any court, corporation, company, person or persons; and it shall have power to accept any grant, assignment, transfer, devise or bequest, and to hold any real or personal estate or trust created in accordance with the laws of this state, and then to execute the same on such terms as may be established and agreed upon by its board of directors, and said corporation is hereby fully authorized and empowered to act as trustee or assignee, and to receive on deposit all funds in litigation in the various courts of this state and pay therefor such interest as may be agreed upon, not exceeding the lawful rate. It shall have power and authority to receive for safe keeping on deposit all money, bonds, stocks, diamonds and silver-plates and other valuables, and charge and collect a reasonable com-

Corporate powers as to trusts, &c.

compensation for the same, which said charge shall be a lien on such deposits until paid; and generally to do and carry on the business of safety deposit and trust company.

Corporate powers as to guaranties, &c.

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

Savings bank.

SEC. 12. That this company is specially invested with the powers and privileges usually incident to savings banks, may receive deposits in very small sums, the limit to be fixed by the board of directors, and may pay interest thereon by way of dividends out of the net earnings or by fixed rates according as may be agreed between the company and its depositors; and the board of directors are hereby fully authorized to make all needful by-laws and regulations for conducting and carrying into effect the savings bank features of this corporation.

Annual meetings of stockholders.

SEC. 13. That the board of directors shall by their by-laws fix the time of the annual meeting of the stockholders of this corporation and how the said meeting shall be called, and also provide

Special meetings.

for special meetings, and at all general or special meetings the stockholders may be represented in person or by proxy, and each share of

Stock-vote.

stock shall be entitled to one vote.

Non-liability of stockholder for corporate debts.

SEC. 14. That the stockholders of this corporation shall not be individually liable for any of the debts, contracts or liabilities of the corporation.

Transfer of stock.

SEC. 15. That the stock held by any one shall be transferred only on the books of said corporation, either in person or by power of attorney, and no stockholder shall transfer his stock, except by consent of the directors of said corporation, if he is indebted to the corporation as principal, security or otherwise, until such indebtedness is paid off and discharged; and for all such indebtedness said corporation shall have a lien superior to all other liens upon the stock of said stockholders.

lien on stock.

SEC. 16. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1893.

#### CHAPTER 76.

### An act to incorporate the Wilkins River Water-power, Manufacturing and Land and Improvement Company.

*The General Assembly of North Carolina do enact:*

Incorporators.

SECTION 1. That Joseph T. Evans, of Weldon, North Carolina; George S. Daniel, of Lockport, New York; James M. Mayo, of Ocala,



Florida; R. H. Butler, of Indianapolis, Indiana; William H. Day, Aaron Prescott, E. L. Travis and Charles G. Evans, of Weldon, North Carolina; John P. Leach, of Warren county, North Carolina, and their associates, successors and assigns, be and they are hereby constituted and created a body politic and corporate under the name, style and title of the Wilkins River Water-power, Manufacturing and Land and Improvement Company of Weldon, North Carolina; and shall be able and capable in law to have and use a common seal, and the same break, alter and renew at pleasure; to sue and be sued, to plead and be impleaded; and are hereby made capable in law to have, purchase, receive, take, hold, possess, enjoy and retain to them and their successors lands, rents, tenements, hereditaments, stocks, goods, chattels and effects of whatever kind, nature or quality, whether real, personal or mixed, by gift, grant, demise, bargain and sale, devise, bequest, testament, legacy, loan, deposit or advance, or by any other mode of conveyance or transfer whatever; and the same to give, grant, 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, augment the same in such manner and form as the said company by its by-laws and regulations shall direct; and shall and may apply the rents, uses, incomes and profits of such estate, and the moneys arising from the sale, alienations, disposals or employments thereof to uses, needs and purposes of the creation and institution according to the rules and regulations and order of the said company, as fully and effectually as any natural person or body politic or corporate within the state can or may do or perform. The company shall have power to make, ordain, establish and put into execution such by-laws, ordinances and regulations as shall hereafter seem meet or convenient for the government of such corporation, not being contrary to the constitution and laws of the state and the United States; and generally to do and execute all and singular such acts, matters and things which to the said corporation shall or may appertain and be necessary for the purposes thereof.

Corporate name.

Corporate powers.

SEC. 2. That said Wilkins River Water-power, Manufacturing and Land and Improvement Company of Weldon, North Carolina, shall have the right to use the water of Wilkins river, to be drawn through canal or canals, for manufacturing or other purposes, to rent or lease the same, to erect and operate manufacturing establishments, or rent or lease the same, and the right to sell and alien any of its said property; and the said company is authorized and empowered to acquire by purchase, lease, donation, or otherwise, all such land or lands as may be needed to perfect and enlarge the purposes and objects of the said Wilkins River Water-power, Manufacturing and Land and Improvement Company of Weldon, North Carolina.

Corporate powers.

Authorized to build street railway in Weldon, &c.

SEC. 3. That said company shall have power and authority to constitute and operate a line or lines of street railways in the town of Weldon, North Carolina, the same to be propelled by horse or steam power or by electricity, with the consent and concurrence of the municipal authorities of the said town of Weldon, North Carolina.

Capital stock.

SEC. 4. That the capital stock of said company shall be fifty thousand dollars divided into five hundred shares of one hundred dollars each, which said capital stock may be increased at any time or from time to time by the vote of the majority of the stockholders to any sum not exceeding one million dollars.

Organization.

SEC. 5. When five thousand dollars of the capital stock is subscribed the corporators named herein, or a majority of them, or their assigns, shall be deemed and held ready and capable to organize,

Directors.

which they shall do by electing a board of directors to consist of not less than three or more than seven, who shall serve for one year or until their successors are elected and qualified, unless it is otherwise provided in and by the by-laws adopted at said meeting, and their directors so chosen shall proceed to elect a president whose term shall expire at the expiration of the term of the said directors unless the by-laws otherwise provide, and said board of directors shall elect at

Officers.

such time as they see fit a vice-president, a secretary and treasurer and such other officers as they may deem necessary and increase or diminish the number of said officers at pleasure, and no person shall be elected director, president or vice-president unless he is a stockholder in said corporation, and the directors shall require of the secretary and treasurer and all subordinate officers such bonds and securities for the performance of their duties as they may order, and may require such bond of the president and vice-president if they see fit to do so.

Bonds.

Stock-vote.

SEC. 6. That at all meetings of the stockholders of said company for the election of directors or for other purposes, each stockholder shall be entitled to one vote for each share of stock standing on the books of said company in the name of such stockholder.

Increase of capital stock.

SEC. 7. That the said company be and it is hereby authorized to increase its capital stock to an amount not exceeding one million of dollars, and if the capital stock should at any time be increased as hereby authorized the stockholders at the time of such increase shall be entitled to a prorata share of such increase upon the payment of the par value of the same.

Rights of stockholders.

Corporate powers.

SEC. 8. To acquire by purchase or in any other manner, and take, receive, hold, use, employ, manage and dispose of in any manner not inconsistent with law, deal with any property, real, personal or mixed and situated in or out of this state, which may be necessary or proper to enable the said corporation to carry on its operations or fulfill the purposes named in its charter of incorporation, and generally to do every other act or thing not inconsistent with law which

may be necessary or proper to promote the objects, designs and purposes for which said corporation was formed.

SEC. 9. That this act shall be in force from and after its ratification. Ratified the 15th day of February, A. D. 1893.

## CHAPTER 77.

### An act to incorporate the Carolina Buff and Brownstone Company.

*The General Assembly of North Carolina do enact :*

SECTION 1. That Charles M. Cassell, Walter H. Doyle, John W. Hinsdale, T. P. Devereux and Van B. Moore, their associates, successors and assigns, are hereby constituted a body politic and corporate under the name of the Carolina Buff and Brownstone Company, and with, adopt and use a common seal which it may change at pleasure, and enjoy all the rights and privileges, powers and franchises generally pertaining to corporations in this state.

SEC. 2. That the capital stock of the said corporation shall be five thousand dollars in shares of the par value of one hundred dollars each, and said company shall have liberty to increase said capital stock at any time or from time to time to any sum not exceeding in the aggregate one hundred thousand dollars, and said shares may be paid in money, labor, land, material, stocks, bonds or other securities, or in any other way that may be agreed upon by the company and its subscribers.

SEC. 3. That said corporation may issue stock with such regulations as to such stock and dividends thereon as may be prescribed by the stockholders in general meeting.

SEC. 4. That said corporation is hereby empowered to conduct, transact and carry on in all its branches the business of quarrying, mining, working, removing, dressing, manufacturing, buying and selling and dealing in all kinds of clay, stone, ores and minerals, and to purchase the clay, stone and mineral rights in lands other than those owned in fee by the company, and to buy, sell and deal in goods, wares and merchandise at its will and pleasure.

SEC. 5. That said company shall have power to lease, purchase, hold, sell and convey real estate and personal property of any description necessary for its business; to borrow money when so authorized by a two-third vote of the board of directors, and to issue bonds and other evidences of indebtedness and to secure the same by mortgage of its property, franchises and effects or otherwise.

Authorized to  
build railroad,  
&c.

SEC. 6. That said company be and the same is hereby permitted to construct and operate a railroad or tramway from a point on the Cape Fear and Yadkin Valley Railroad or the Raleigh and Augusta Air Line Railroad in Moore or Chatham counties not to exceed fifteen miles in length, and branch roads on either side of the same not exceeding five miles in length, for the purpose of carrying freight and passengers.

Condemnation of  
land.

SEC. 7. That when any right-of-way may be required by the company for the purpose of constructing their road, and for want of agreement from any cause it cannot be purchased from the owner, the same may be condemned as provided for in chapter forty-nine of The Code to the extent of forty feet on each side of the track of the railroad, measuring from the centre of the same. And the company shall have power to appropriate and condemn land in like manner for the building and erection thereon of depots, warehouses, shops and houses for servants, employees and other purposes not exceeding two acres in any one lot or place: *Provided*, that the right of condemnation herein granted shall not authorize the said company to invade the dwelling-house, yard, garden, or burial ground of any individual without his consent.

Proviso.

Authorized to  
lease, &c., rail-  
road, &c.

SEC. 8. That this corporation shall have power to lease or sell any railroad that may be constructed by it to any other railroad company operating in Moore county in North Carolina, and any other railroad shall have the power to lease or buy from this corporation any such railroad as may be constructed by it.

Directors.

SEC. 9. That said corporation shall be managed by a board of directors, to be elected by the stockholders; the said board of directors to consist of such a number of said stockholders and to hold their offices for such time or length of time as may be prescribed by the stockholders in general meeting. And said board of directors shall have power to elect such officers as they may deem necessary or expedient, to prescribe their duties, compensation and terms of service; and to make all such by-laws, rules and regulations for the management and proper conduct of the corporation and its business, not inconsistent with the constitution and laws of this state and of the United States, as they may deem proper and necessary.

Officers.

By-laws.

Non-liability of  
stockholders for  
corporate debts.  
Place of business.

SEC. 10. That the stockholders shall not be individually liable for the debts, contracts and agreements of the company.

SEC. 11. That the principal office and place of business of the company shall be at Raleigh, North Carolina.

Corporate exist-  
ence.

SEC. 12. That the duration of the said company shall be thirty years.

SEC. 13. That this act shall be in force from and after its ratification. Ratified the 15th day of February, A. D. 1893.

## CHAPTER 78.

## An act to incorporate the town of Pendleton in North Carolina.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the town of Pendleton in the county of Northamp- Incorporated.  
ton is hereby incorporated by the name and style of "Pendleton." Corporate name.

SEC. 2. That the corporate limits of said town shall be a space of Corporate limits.  
one thousand two hundred yards (1,200), running east and west six  
hundred yards (600), running north and south from a point where the  
county road and the Roanoke and Tar River Railroad intersect.

SEC. 3. That the officers of said corporation shall consist of a mayor, Officers.  
five commissioners and a constable.

SEC. 4. The first election for mayor and commissioners shall be held Election.  
the first Monday in May, one thousand eight hundred and ninety-  
three, until the officers under said first election qualify the following  
shall be the officers of said corporation upon qualifying, by giving the Temporary  
proper bonds and taking the prescribed oath: Mayor, K. R. Maddney; officers.  
constable, D. K. Edwards; commissioners—J. I. Martin, J. R. Beale,  
O. N. Stephenson, W. I. Lee and T. O. Atkinson.

SEC. 5. That the authority to tax real and personal estate and polls Taxation.  
shall be governed by the law of the state applying to cities and towns.

SEC. 6. That the commissioners of said town shall have the power By-laws.  
to make any by-laws or regulations for the government of said town  
not inconsistent with the laws of North Carolina.

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

Ratified the 15th day of February, A. D. 1893.

## CHAPTER 79.

An act to amend an act to incorporate the Trustees of Turkey Creek  
Camp-Ground in the county of Buncombe.

*The General Assembly of North Carolina do enact :*

SECTION 1. That an act to incorporate the Trustees of Turkey Creek Chapter 357, pri-  
Camp-Ground in the county of Buncombe, laws of eighteen hundred vate laws 1891,  
and ninety-one, chapter three hundred and fifty-seven, page one amended.  
thousand four hundred and sixty-one, be amended as follows: Strike  
out in section one "the limits of said incorporation shall not embrace  
more than fifty acres of land more or less" and insert "the limits of Corporate limits.

said incorporation shall extend one mile in all directions from the main arbor on said camp-ground.”

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

Ratified the 15th day of February, A. D. 1893.

## CHAPTER 80.

### An act to incorporate the “Jones Mica Company.”

*The General Assembly of North Carolina do enact :*

Incorporators.

SECTION 1. That H. R. Jones, T. B. Vance, J. E. Traywick and G. H. Zimmerman, their associates and successors and assigns, be and are hereby created a body politic and corporate under the name and style of the “Jones Mica Company,” with a capital stock of twenty thousand dollars, divided into shares of fifty dollars each, with liberty and authority to a majority of stockholders to increase said capital stock to an amount not exceeding fifty thousand dollars.

Corporate name.

Capital stock.

Corporate powers.

SEC. 2. That as said corporation they shall have perpetual succession, and a common seal, which they may alter or break at pleasure. They may in their corporate name sue and be sued, prosecute and defend actions in all courts. They may buy, lease, exchange, hold, sell and convey property, real or personal, property with such water-powers and water-rights as may by them be deemed necessary for the purpose of manufacturing mica and reducing it from its crude state into merchantable mica flour, and together with all rights and privileges necessary to the transaction of its business, not inconsistent with the laws of North Carolina.

By-laws.

Officers.

SEC. 3. That said corporation may make such by-laws, rules and regulations as the stockholders may desire; may elect such officers as they may see fit and prescribe their duties, compensation and terms of office.

Non-liability of corporators and stockholders for corporate debts.

SEC. 4. That the corporators and stockholders of said company, and their successors and assigns, shall not be individually or personally liable for debts, contracts or engagements of said corporation, and no stockholder shall be liable to pay for more stock than he subscribed for.

Corporate powers.

SEC. 5. That said corporation shall have and exercise all the powers vested in corporations by sections six hundred and sixty-three, six hundred and sixty-four, and six hundred and sixty-five of The Code.

SEC. 6. The principal place of business shall be at Plumtree Post-

office, in the county of Mitchell, and such other places in this state as may be agreed upon by the corporation. Place of business.

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

Ratified the 15th day of February, A. D. 1893.

## CHAPTER 81.

### An act to authorize the councilmen of Edenton to build a market-house.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of councilmen of Edenton, North Carolina, be and they are hereby authorized and empowered to submit to an election by the qualified voters of said town the question as to whether or not a sum not exceeding two thousand dollars shall be expended for the purpose of buying a lot in said town and erecting thereon a market-house, to be used under such regulations as said board may from time to time prescribe. Election in Edenton on question of building market-house.

SEC. 2. That said election shall be held at the court-house in Edenton on such day and in such manner as said board may designate, notice of same to be given for at least thirty days before the election is held; at such election every person who is a qualified elector of Election, when and how held.

Those of the qualified electors favoring the expenditure of said money shall vote a ballot on which is written or printed the words "For market"; and those opposed thereto a ballot on which is written or printed the words "Against market." Electors.

SEC. 3. That the judge of said election shall make a written return of same to said board at their meeting next after said election, and said board shall at said meeting ascertain and declare the result of same and have said result entered on the record of their proceeding. Ballots.

SEC. 4. That if a majority of the qualified electors of said town vote "For market," said board of councilmen may expend a sum not exceeding two thousand dollars from any taxes collected by said town for the purpose of buying such lot and building thereon a market-house at such place in said town as they may deem most beneficial to the citizens of said town. Returns of election.

SEC. 5. That this act shall be in force from and after its ratification. Expenditure of \$2,000 authorized on affirmative vote of majority of qualified voters.

Ratified the 15th day of February, A. D. 1893.

## CHAPTER 82.

**An act to incorporate the town of Montford in the county of Buncombe.**

*The General Assembly of North Carolina do enact :*

**Incorporated.**      **CORPORATE NAME.**      **SECTION 1.** That the town of Montford in Buncombe county be and the same is hereby incorporated by the name and style of Montford, and shall have and be entitled to all the rights and privileges and be subject to the restrictions and liabilities as now provided by law for incorporated towns in this state.

**Corporate limits.**      **SEC. 2.** That the corporate limits of said town shall be as follows: Beginning at the stake on the west margin of North Main street at the intersection of said west margin of North Main street with the corporation line of the city of Asheville, and runs with the west margin of the old Buncombe turnpike road, the extension of North Main street to Glenn's creek a stream crossing the road below J. E. Reed's residence; thence with said Glenn's creek to the French Broad river; thence up said river to the corporation line of the city of Asheville; thence with said corporation line to the beginning.

**Officers.**      **SEC. 3.** That the officers of said corporation shall consist of a mayor and three commissioners, and the following named persons shall fill said offices until the first Monday in May, one thousand eight hundred and ninety-three, or until their successors are duly elected and qualified, namely: Mayor, J. E. Rumbough; commissioners—T. S. Morrison, James Joyner and Locke Craig; who shall take the oath of office within thirty days after the ratification of this act, before some justice of the peace of Buncombe county or other officer qualified to administer oaths.

**Election.**      **SEC. 4.** That an election for mayor and three commissioners shall be held on the first Monday in May, one thousand eight hundred and ninety-three, and annually thereafter, under the same rules and regulations prescribed by law for holding municipal elections in this state.

**Unlawful to sell liquor within corporate limits.**      **SEC. 5.** That it shall not be lawful to sell any intoxicating liquors within the limits of said corporation. Any one violating the provisions of this section shall be fined not less than fifty dollars nor imprisoned more than thirty days.

**Unlawful for county commissioners to grant license to sell liquor within corporate limits.**      **SEC. 6.** That it shall not be lawful for the board of commissioners of Buncombe county to grant license for the sale of spirituous liquors within the limits of the town of Montford, and if such license be granted by the board of county commissioners the same shall be void and the person obtaining such license shall be indictable as in other cases of retailing without license.

**Fines payable into town treasury.**      **SEC. 7.** That all fines collected for violation of any of the town ordinances shall be paid into the treasury for the benefit of said town.

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

Ratified the 17th day of February, A. D. 1893.



## CHAPTER 83.

An act to amend chapter fifty-seven, laws of eighteen hundred and seventy-four and eighteen hundred and seventy-five, entitled "An act to incorporate the town of Shelby, Cleveland county," ratified the twenty-sixth day of February, anno Domini, one thousand eight hundred and seventy-five.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section three of chapter fifty-seven of the laws of eighteen hundred and seventy-four and five, entitled "An act to incorporate the town of Shelby, Cleveland county, be amended by striking out all after the word "May" in line three down to and including the word "election" in line five and insert "one thousand eight hundred and ninety-three, and every two years thereafter," and by striking out the words "one year" in line seven of said section and inserting in lieu thereof the words "two years."

Chapter 57, private laws 1874-'75, amended.

Biennial elections.

Term of office of constable, &c.

SEC. 2. That section twenty-five of said section be amended by striking out the words "for the year" in line six.

Provision that commissioners shall fix days of meeting "for the year," repealed. Term of office of clerk, &c., to be two years.

SEC. 3. That section thirty-four of said chapter be amended by striking out the word "twelve" in line three and inserting the word "two," and by striking out the word "months" in line four and inserting the word "years."

SEC. 4. That the present mayor, commissioners and all other officers of the town of Shelby shall hold their offices until their successors are duly elected and qualified.

Present officers hold until successors are elected, &c.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 17th day of February, A. D. 1893.

## CHAPTER 84.

An act to amend chapter two hundred and forty-three (243) of the private laws of eighteen hundred and ninety-one, and the charter of the city of Raleigh.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section two (2) of chapter two hundred and forty-three (243) of the private laws of eighteen hundred and ninety-one be amended as follows: Add to the end of said section two (2) the following: The tract of land conveyed to the city of Raleigh by R. S. Pullen, Esquire, 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

Chapter 243, private laws 1891, amended.

Pullen Park and Oakwood and Mount Hope Cemeteries included within corporate limits.

Wake county, and known as "Pullen Park," and all other territory which may be acquired by the city by purchase, or donation, or otherwise, for park purposes, and the cemetery for the burial of deceased white persons, located northeast of the city of Raleigh, known as "Oakwood Cemetery," and the cemetery for the burial of deceased colored persons, located south of the city of Raleigh, known as "Mount Hope Cemetery," 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.

Oakwood Cemetery in first ward.

SEC. 2. That section three (3) of said chapter two hundred and forty-three (243) be amended by adding thereto the following: The territory embraced in "Oakwood Cemetery" shall be and compose a part of said first ward and the territory embraced in "Pullen Park" and "Mount Hope Cemetery" shall be and compose a part of the said fourth ward.

Pullen Park and Mount Hope Cemetery in fourth ward.

Certain provisions as to mayor's jurisdiction, removal of causes, payment of fines, &c., repealed.

Aldermen may pass ordinances regulating speed of railroad trains, prohibiting vagrancy, &c.

SEC. 3. That section twenty-three (23) of said chapter two hundred and forty-three (243) be amended by striking out all of said section after the word "law" in line nineteen thereof.

SEC. 4. That section thirty-three (33) of said chapter two hundred and forty-three (243) be amended by adding at the end of said section thirty-three (33) the following: They may also pass ordinances regulating the speed of railroad trains and locomotives within the corporate limits of the city, and impose fines and penalties for violation thereof; they may also pass ordinances prohibiting vagrancy and street-begging within the city of Raleigh, and impose fines and imprisonments for violation thereof.

Conflicting laws repealed.

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

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 17th day of February, A. D. 1893.

#### CHAPTER 85.

An act to amend section six of an act entitled "An act to incorporate Cabarrus Cotton Mill," enacted at present session of the general assembly and ratified on ninth day of February.

*The General Assembly of North Carolina do enact:*

Chapter -- ante, amended.

SECTION 1. That section six of an act entitled "An act to incorporate Cabarrus Cotton Mill," enacted at present session of general assembly and ratified on the ninth day of February, be and [the] same

is hereby amended by striking out all of said section after the word "by-laws" and inserting in lieu thereof the following: "And that the amount paid in by any subscriber shall be forfeited upon his failure to pay assessments for such time as may be determined upon in said by-laws."

Forfeiture of amount paid by subscriber failing to pay assessments, &c.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 17th day of February, A. D. 1893.

### CHAPTER 86.

#### An act to incorporate the North Carolina State Insurance Company of Asheville, North Carolina.

*The General Assembly of North Carolina do enact:*

SECTION 1. That S. A. Court, Lawrence Pulliam, H. C. Hunt, L. P. McLeod and Charles A. Webb, and all other persons who may hereafter be associated with them in the name and style of "The North Carolina State Insurance Company," are hereby constituted a body politic and corporate, to have succession for ninety-nine years, and by that name to sue and be sued, appear, prosecute and defend in any court of record or other court or places whatsoever; and may have and use a common seal, and may hereafter break, alter or renew the same at will; may purchase and hold such real and personal estate as may be deemed necessary to effect the objects of this association, and may sell and convey the same at pleasure; and may make, establish and put into execution such by-laws, ordinances and resolutions not being contrary to the laws of this state and of the United States as may be necessary or convenient for their regulation and government and for the management of their affairs, and do and execute all such acts and things as may be necessary to carry into effect the provisions of this act.

Incorporators.

Corporate name.

Corporate existence.  
Corporate powers.

SEC. 2. That the affairs of this company shall be governed and managed by a president and board of directors to consist of not less than three nor more than nine members or stockholders as may be regulated by the by-laws of the company; and the president and two local directors shall constitute a quorum for the transaction of business, or in absence of the president a majority of the board shall be required to constitute a quorum: *Provided further*, that unless the quorum shall consist of a majority of the board that all matters ordered and business done shall be by unanimous consent of the directors present. Said directors shall be elected at the regular annual

President and directors.

Quorum.

Proviso.

Election of directors.  
Term of office.  
Vacancies.

meeting and shall hold office for one year or until others shall have been elected to supply their places. The board shall have power to fill vacancies caused by death, removal or resignation.

Capital stock.  
Proviso.

SEC. 3. That the capital stock of said corporation shall be two hundred thousand dollars: *Provided*, that the stockholders may at any time, after being called together for that purpose, deem the same expedient and by a vote of not less than sixty per centum of the stock theretofore issued order the same increased in any sum not exceeding a maximum of five hundred thousand dollars. Said stock shall be divided into shares of one hundred dollars each and shall be payable by each subscriber in amount, manner and form as shall be prescribed by the president and directors of said corporation.

Payment of subscription.

Powers of directors.

SEC. 4. That the board of directors shall have full power to loan or invest the capital paid in and all moneys coming into possession of the company in real estate or personal estate, bonds, mortgages, gold, silver, stocks of any corporation of this or any other state or the funded debt of any state, city, village or corporation or other securities of any description. They may receive such stocks, bonds, mortgages, real or other estate from any subscriber to the capital stock of the company, but before the same shall be received and accepted by this corporation it shall be appraised by the board of directors whose appraisement shall fix the valuation thereof, and such stocks being properly transferred shall be accepted for the appraised value in the issue of that amount of the capital stock of this corporation; the board of directors shall have power to sell and convey any such real estate, personal estate, bonds, mortgages, stocks or securities or change the character of any investments of the company from time to time as its interests may require.

Corporate powers as to insurance, &c.

SEC. 5. That this company may issue policies of insurance duly signed by its president and secretary against loss or damage by fire, lightning, wind or tornado, or any other insurance whatsoever that the directors may deem proper, including life, accident or benefit insurance, and may establish branches for either. And the company is hereby vested with all the power that any insurance company has or may have to transact business in this state and formulate such policy forms and requirements and charge such rates and premiums as may be agreed upon by this company and the parties insured.

Liability of stockholders.

SEC. 6. That the stockholders of said corporation shall not be liable for any loss, damage or responsibility in their persons or property other than the property they have in the capital stock or funds of said corporation or the payments there may be made upon any contingent stock held by them respectively or upon any profits arising therefrom not divided.

Removal of home office.

SEC. 7. That upon the affirmative vote of sixty per centum of all certificates of stock issued or subscribed for, the home office of this corporation may be removed to any other city in the state of North

Carolina, and in event of such removal a certificate of minutes showing such action and notice of time and place of removal shall be filed with the secretary of state of the state of North Carolina, and all business done and contracts made shall be held the same as if originally made from the place to which this corporation is removed.

SEC. 8. That the above-named persons are duly authorized, as soon as the capital stock shall have been subscribed to the amount of one hundred thousand dollars, and fifty per centum be paid in their hands, to call a meeting of said subscribers, who shall elect from their number a president and board of directors consisting of such number as desired, the same to be in accordance with section two of this act. Each subscriber shall have one vote for each share of stock subscribed for, and may authorize any other stockholder to be his proxy in such election and to vote for and represent his interest the same as he would be authorized to do were he himself present. The said president and board of directors shall serve until the first annual meeting, which shall be one year from said day of organization unless then otherwise provided or until their successors shall have been elected. After such action they shall have power to commence the business operation of the company.

Organization.

President and directors.

Stock-vote.

Term of office.

SEC. 9. The board of directors shall organize immediately after election, choose one of their number as president *pro tem.*, appointing a secretary and such other office help as may be necessary for the proper conduct of the business of this corporation, fixing also the compensation of the office management, which compensation once provided shall not be changed except by unanimous consent until the meeting prior to the next annual election when the same shall be likewise arranged for the coming years in regular order.

Duties of directors.

SEC. 10. That the said North Carolina State Insurance Company shall have power to represent as agent any fire insurance company or companies organized outside of the state of North Carolina, subject to the same laws which govern individuals in acting in the same capacity.

Authorized to act as agent for other companies.

SEC. 11. That this act shall be in force from and after its ratification. Ratified the 20th day of February, A. D. 1893.

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## CHAPTER 87.

An act to amend chapter one hundred and six, private laws of one thousand eight hundred and ninety-one, entitled "An act to incorporate the Glendon and Gulf Mining and Manufacturing Company."

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and six, private laws of one thousand eight hundred and ninety-one, ratified the twenty-fifth day

Chapter 106, private laws 1891, amended.

Authorized to  
extend railroad,  
&c.

of February, one thousand eight hundred and ninety-one, be amended as follows: By adding to section six of said chapter the following: "That said company is hereby authorized to extend its line of railroad from Fair Haven in the county of Moore through the counties of Moore, Montgomery, Stanly, Cabarrus and Mecklenburg to the city of Charlotte."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 20th day of February, A. D. 1893.

## CHAPTER 88.

### An act to amend the charter of the town of Old Fort.

*The General Assembly of North Carolina do enact :*

To continue a  
corporation.

SECTION 1. That the inhabitants of the town of Old Fort shall be and continue as they heretofore have been a body politic and corporate, and in the name of the corporation of Old Fort shall have the right to contract and be contracted with, sue and be sued, implead and be impleaded, to purchase, to receive by donation, devise or otherwise, to hold and convey property, real and personal.

Corporate name  
and powers.

Corporate limits.

SEC. 2. That the corporate limits of said town shall be as follows, to-wit: Begin at a point on the railroad one half of a mile east of the railroad depot, and follow the circumference of a segment of a circle, the centre of which circle is the railroad depot, and the radius of which is one-half mile long, to a point on the railroad one-half of a mile west of the railroad depot; thence to the mouth of Still-house branch; thence up said branch to its source; thence due north to the Butcher's branch; thence down said branch, as it meanders, to the cemetery road; thence with said road to the north line of J. C. Finch's lot; thence with said line to Golay's line, thence with Golay's line to the beginning point on the railroad.

Mayor and alder-  
men.

SEC. 3. That the government of said town shall be composed of a mayor and five aldermen, who shall be biennially elected on the first Monday in May by the qualified voters of said town as herein provided.

When elected.

Who eligible as  
mayor or alder-  
men.

SEC. 4. Any qualified voter of said town shall be eligible to the office of mayor or alderman.

Electors.

SEC. 5. Every person entitled to vote in the county of McDowell for members of the general assembly, and who shall have been a *bona fide* resident of said town for thirty days next preceding the

day of election and registered as hereinafter provided for, shall be entitled to vote for mayor and aldermen.

SEC. 6. That the mayor and each alderman, 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, skill and judgment.

Oath of mayor and aldermen.

SEC. 7. 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 constable or marshal 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 aldermen shall be further authorized to appoint one of their number a mayor *pro tempore* to act as mayor in case of the absence of the mayor or his inability to perform the duties of his office. Before acting each of said officers shall be sworn to the faithful discharge of his duties, and the treasurer and constable shall each execute a bond with sufficient security, payable to the state of North Carolina in such sum as the mayor and said 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 so direct, and the duties of the secretary and treasurer by a member of the board of aldermen.

Powers of mayor and aldermen.

Mayor *pro tem*.

Oaths of officers.

Bonds of treasurer and constable.

Proviso.

SEC. 8. That the mayor of said town is hereby constituted an inferior court, and as such shall, within the corporate limits of the town, have all the power, jurisdiction and authority of a justice of the peace to preserve and keep the peace, to issue process; to hear and determine all causes of action which may arise upon the ordinances and regulations of the town; to enforce penalties by issuing executions upon any adjudged violation thereof; to execute the by-laws, rules and regulations made by the mayor and board of aldermen; to have arrested and to try all persons who are charged with the violation of chapter four of the laws of the state passed at the special session of the general assembly in the year one thousand eight hundred and eighty, and for this purpose his jurisdiction shall extend two miles from the town. The mayor shall further be a special court within the corporate limits of the town to have arrested and to try all persons who are charged with a misdemeanor for violating any ordinance of the town; and if the accused shall be found guilty he shall be fined at the discretion of the mayor or court not exceeding the amount specified in the ordinance so violated, or imprisoned at the discretion of the court or mayor not exceeding the length of time specified in the ordinance or ordinances so violated.

Jurisdiction of mayor as an inferior court.

Special court.

SEC. 9. That the mayor shall have power to commit any person or persons convicted of a violation of any ordinance of the town to the

Committal of person violating town ordinance.

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.

Persons failing to pay fine liable to work on streets.

SEC. 10. That the board of aldermen shall have authority to put and keep at work on the streets of the town any person or persons who may fail to pay any fine, penalty or forfeiture which may be imposed on such person or persons for violation of any ordinance, by-law or regulation of said town; and the said aldermen shall have authority by their ordinance to confine, control and manage such person or persons until the said fines, penalties, forfeitures or fees, together with the cost thereof, shall be fully paid and satisfied under such rate for labor and board as the aldermen may adopt.

Mayor and aldermen empowered to make ordinances to prohibit firing of firearms, disposal of liquor, &c., &c.

SEC. 11. That the mayor and board of aldermen shall have power to make ordinances to prohibit or control the firing of firearms, fire-crackers, torpedoes and other explosive materials, and to govern the sale thereof in the town; to prevent the gratuitous disposing of spirituous liquors in the corporate limits of the town; to control the pace and speed at which horses may be driven or ridden through the streets, at which railroad engines and trains shall run within the limits of the town; to prohibit railroads from stopping cars and engines on the streets of the town, and to require said railroads to keep the street 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.

Abatement of nuisances.

SEC. 12. They shall have power and it shall be their duty, to prohibit all trades and occupations which are a nuisance from being carried on said town; and the power and authority of said mayor and board of aldermen for the abatement and removal of nuisances shall extend one mile beyond the town limits.

Taxation.

SEC. 13. That the mayor and board of aldermen of the town of Old Fort shall have power and authority, not oftener than annually, 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 and one dollar and fifty cents on each poll, and the constitutional equation between property and poll shall always be observed, and the mayor and aldermen shall further be authorized and empowered to levy a license tax for the privilege of carrying on the business or doing the act named on all subjects enumerated in Schedule B of the act to raise revenue in force each year in the state, but shall not

License taxes.



- levy more than thirty per centum of the amount levied by the state on each privilege enumerated in said act: *Provided*, that the mayor and aldermen shall not levy less than four hundred dollars for the privilege of selling spirituous liquors in said town whenever it shall become lawful for liquors to be sold in the corporate limits of said town. That said board of aldermen shall cause to be made out semi-annually a fair transcript of the receipts and disbursements of all moneys collected and disbursed on account of said town for the inspection of the public, and shall cause the same to be posted at two public places in said town. Proviso.  
Semi-annual statement of receipts and disbursements.
- SEC. 14. That it shall be the duty of the mayor during the first week of April, eighteen hundred and ninety-three, and every two years thereafter, to give notice by advertisement at the post-office door and three other 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 inspectors of election; the registrar so appointed shall open the registration books ten days preceding the election and keep them open till Saturday evening at sunset preceding the day of election; and the inspectors so appointed shall hold said election as is now provided by law. Notice of election.  
Registrar and inspectors.  
Registration books.  
Election, how held.
- SEC. 15. That the town of Old Fort is hereby invested with all the powers, rights, privileges and immunities enumerated in chapter sixty-two of The Code, entitled "Towns and Cities," not inconsistent with this act. Corporate powers.
- SEC. 16. That all laws and parts of laws inconsistent with the provisions of this act within the corporate limits of said town are hereby repealed, and this act shall be in force from and after its ratification. Conflicting laws repealed.
- Ratified the 20th day of February, A. D. 1893.

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 CHAPTER 89.

An act to amend an act entitled "An act supplemental to an act entitled 'An act to amend the charter of the town of Salisbury,' ratified the fourteenth day of February, eighteen hundred and ninety-one," ratified the twentieth day of January, eighteen hundred and ninety-three.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section one (1) of said act entitled "An act supplemental to an act entitled 'An act to amend the charter of the town of Salisbury,' ratified the fourteenth day of February, eighteen hundred and ninety-one," which act was ratified January twentieth, Chapter 1, ante, amended.

Commissioners authorized to issue new coupon bonds to holders of street improvement bonds.

eighteen hundred and ninety-three, be and the same is hereby amended to read as follows: Section 1. The board of commissioners of the town of Salisbury are hereby authorized to issue to the holder or holders of said bonds new negotiable coupon bonds of the denomination of one thousand dollars each designated series A, to be dated June the first, eighteen hundred and ninety-one, and to be signed and executed and to be due and payable in the same manner, amounts and at the same time as the bonds heretofore issued, and to bear interest at the rate of five per centum per annum, payable annually on the first days of June, principal and interest payable at such place or places in the city of New York as may be designated by the said board of commissioners of the town of Salisbury in exchange for the bonds heretofore issued under said act dollar for dollar: *Provided*, that the total amount of bonds so issued in exchange does not exceed the sum of fifty thousand dollars: *And provided further*, that interest coupons be attached to such new bonds only from the date of the maturity of the last coupons paid on the old bonds.

Proviso.

Chapter ..., ante, repealed.

SEC. 2. That an act entitled "An act to amend chapter fifty-nine of the private laws of eighteen hundred and ninety-one," being an act to amend the charter of the town of Salisbury, ratified the eleventh day of February, eighteen hundred and ninety-three, is hereby repealed.

SEC. 3. That this act shall take effect from and after its ratification. Ratified the 20th day of February, A. D. 1893.

## CHAPTER 90.

**An act to amend the charter of the town of Whiteville, Columbus county.**

*The General Assembly of North Carolina do enact:*

Chapter 267, private laws 1891, amended.

SECTION 1. That chapter two hundred and sixty-seven of the private laws of one thousand eight hundred and ninety-one be amended by inserting after section twenty-two (22) and before section twenty-three (23) the following, namely: Section 22½. Any person convicted of violating any ordinance of said town who shall not immediately pay the fine imposed on him may be imprisoned in the town calaboose for a space not to exceed thirty days.

Imprisonment in town calaboose of person failing to pay fine.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 20th day of February, A. D. 1893.

## CHAPTER 91.

## An act to extend the charter of the Saint Augustine Normal School and Collegiate Institute.

WHEREAS, On July nineteenth, eighteen hundred and sixty-seven, the Saint Augustine Normal School and Collegiate Institute was incorporated by letters patent issued under sections fourteen and fifteen of chapter twenty-six of the Revised Code of North Carolina for promoting the education and elevation of the colored people of the United States, or some of them, to continue for thirty years; and whereas, under said letters patent the said corporation was duly organized and has since been in successful operation; now, therefore,

Preamble.

*The General Assembly of North Carolina do enact :*

SECTION 1. That said incorporation and organization of said company is hereby ratified and confirmed, and it is hereby declared that the same is a body politic and corporate, with all the powers and franchises heretofore granted to it, and with the power to hold and own such real and personal property as may be necessary or convenient for the objects of its creation.

Incorporation validated.

Corporate powers.

SEC. 2. That the corporate name of said body be changed to Saint Augustine's School.

Corporate name changed.

SEC. 3. That the board of trustees shall consist of the Bishop of the Protestant Episcopal Church in the diocese, North Carolina, and clerical and lay members of the same.

Board of trustees.

SEC. 4. That the existence of said corporation is hereby extended for the period of ninety-nine years.

Corporate existence.

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

Ratified the 20th day of February, A. D. 1893.

## CHAPTER 92.

## An act to incorporate the Enterprise Mills, Kings Mountain, Cleveland county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That W. O. Ware, W. A. Ware, W. A. Falls, O. G. Falls, C. E. Falls, F. A. Carroll, M. M. Carpenter, A. P. Carpenter, James A. Walls, and their associates and successors, are hereby made and created a body corporate in law under the name and style of Enter-

Incorporators.

Corporate name. prise Mills, for the purpose of manufacturing, dyeing, printing, finishing and selling all goods and textiles made of cotton or wool or of which cotton or other fibrous articles may form a part, and for making cotton-seed oil; and shall have power to take, hold, purchase, exchange, sell and convey real estate in fee-simple and otherwise, and build upon and improve, lease and rent estate, lay off and open streets.

Corporate purposes and powers.

SEC. 2. That said corporation is further authorized and empowered to construct, erect and maintain electric light works and plants, street railways and tramways for the transportation of persons and their baggage, goods, wares, merchandise and other property; to manufacture, buy and sell all articles made of wood, iron, steel, tin or other metal, or a combination of all or any of the same; to make, manufacture, buy and sell brick, pipe, tiles, and all kinds of articles made out of clay, sand or dirt; to buy and sell all kinds of goods, wares and merchandise, and carry on the business of general merchandise, and for the transaction of all such business as may be connected therewith; and may erect such mills, buildings, machine-shops and other works as may be required or necessary to carry on such branches of manufacture and business; and do any and all things that may be necessary to the proper conduct of any and all of its purposes aforesaid, including the buying and selling of all kinds of material and property of every description used and needed in any of its contemplated business aforesaid; or engage in any other enterprise not prohibited by the laws of the state, including the business of banking, with all the rights, powers and privileges granted to bank corporations by the legislature of North Carolina, with the right to secure any loan made or money advanced by mortgage or otherwise at any rate agreed upon not inconsistent with the laws of the state; and shall also have such rights as are granted to any of the savings banks; and shall have the right to issue bonds, certificates of preferred stock or other evidence of indebtedness, and secure the same by mortgage or deed of trust on any or all of its property, real or personal.

SEC. 3. That the affairs of said corporation shall be managed by a board of directors, the number to be decided by the stockholders, to be elected annually by the stockholders and to hold office until their successors are elected and qualified, and said directors shall have power to fill any vacancy that may occur.

Temporary directors.

SEC. 4. That W. O. Ware, W. A. Falls, O. G. Falls, C. E. Falls, M. M. Carpenter, F. A. Carroll and James A. Ware are hereby appointed a board of directors, to hold office until the next and first annual and general meeting of the stockholders.

Capital stock.

SEC. 5. That said corporation shall have power to raise by subscription, in shares of fifty dollars each, a capital of thirty thousand dollars, with the privilege of increasing the same from time to time to an amount not to exceed three hundred thousand dollars, the said

capital to be paid for either in money, real estate, building material, leases or machinery. Subscriptions.  
how paid.

SEC. 6. That said corporation having thirty thousand dollars subscribed to its capital stock, fifteen thousand dollars of which has already been paid in, is hereby authorized to commence business under this act, and to call for the payment of all subsequent assessments upon the stock subscribed in such sums and at such times as the president and a majority of the directors of the said corporation may determine. When to commence business.

SEC. 7. That said corporation shall have power to sue and be sued in any courts of law and equity, have and use a common seal which may be changed at pleasure, and make such by-laws and regulations for their government as they may deem proper and necessary, not inconsistent with the constitution and laws of the United States and of this state; and shall have generally all the rights, powers and privileges in law incident or appertaining to corporations. Corporate business.

SEC. 8. That the capital stock shall be deemed personal property and transferable on the books of the said corporation: and no part of the capital stock shall at any time or upon any pretense whatever be loaned or divided amongst the stockholders, neither shall the capital be withdrawn or divided amongst the stockholders until all the liabilities of the company are lawfully paid; and no dividend shall be declared except from the net earnings of the company. Each stockholder shall have one vote for each share which he may own or represent at the election of directors and at all meetings of the company. Capital stock to be personal property.  
Not to be loaned, divided, &c., until debts paid.  
  
Dividends.  
  
Stock-vote.

SEC. 9. That if the proprietor of any share shall neglect to pay the installments assessed thereon for the space of thirty days after time appointed for the payment thereof, the treasurer of the corporation may by order of the president and a majority of the directors sell at public auction such number of delinquent shares as may be necessary to pay such assessments and expenses of such sale: *Provided*, that such sale be advertised for three weeks successively in some newspaper published in the county, and a bill of sale by the president of said corporation shall transfer such shares to the purchaser and entitle him to a certificate thereof: *Provided further*, that nothing herein shall prevent the collection of the installments by action of law. Remedy against subscriber failing to pay, &c.  
  
Proviso.  
  
Proviso.

SEC. 10. No stockholder of said company shall be held liable for the debts, contracts and acts of said corporation beyond the amount of stock actually subscribed by such stockholder, and the stock of said corporation is non-assessable. Liability of stockholder for corporate debts.

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

Ratified the 21st day of February, A. D. 1893.

## CHAPTER 93.

**An act to incorporate the Winston-Salem and Charleston Railroad Company.***The General Assembly of North Carolina do enact :*

Incorporators.

SECTION 1. That F. H. Fries, J. C. Buxton, C. B. Watson, H. E. Fries, C. H. Fogle, Jas. A. Grey, J. W. Haynes, T. J. Brown, W. A. Blair, H. T. Bahnson, H. F. Shaffner, T. H. Sutton and H. R. Starbuck, and such other persons as may now or hereafter be associated with them, their successors and assigns, are hereby created a body politic and corporate, with perpetual succession, under the name and style of Winston-Salem and Charleston Railroad Company, and by that name may sue and be sued, plead and be impleaded, may adopt a common seal and alter and change the same at will, and may make and adopt such by-laws for the government of said company or the management of its affairs as may be deemed necessary: *Provided*, the same shall not conflict with the laws of this state or of the United States, and shall have all the general powers and be subject to all the general restrictions granted or imposed by the laws of this state upon railroad companies or other corporations.

Corporate name.

Corporate powers.

Authorized to build railroad.

Route.

Corporate powers.

SEC. 2. The said company shall have and is hereby given the right and power to locate, construct, equip, maintain and operate a railroad, with one or more tracks, from some point in or near the town of Winston, or in or near the town of Salem, in the county of Forsyth, in this state, through the said county of Forsyth and the counties of Davidson, Stanly, Montgomery, Cabarrus, Union and Anson, or any of them, by such line as may be adopted by said company, to a point in or near the town of Wadesborough, in Anson county, and thence through the county of Anson to a point on the line between the states of North and South Carolina, with the right to acquire by purchase or to take by gift or devise or to condemn in the manner provided by the general laws of this state any and all such real estate as may be necessary for carrying out the intent and object of this charter; and in addition thereto shall have the power and authority to acquire, hold, own, operate or lease any quarries, mines, coal-beds, lumber-yards, or furnaces in any of the counties through any part of which its road or branches may extend or pass, and to build branch roads from any part of its main line not exceeding fifty miles in length.

Capital stock.

SEC. 3. The capital stock of the said company shall not exceed five million dollars, to be divided into shares of one hundred dollars each. As soon as twenty-five thousand dollars shall have been subscribed towards the capital stock of the said company the same may be duly organized, and thereafter the capital stock may be increased from

time to time by the stockholders of said company to any sum or sums not exceeding in all the said sum of five million dollars.

SEC. 4. The incorporators named in the first section of this act, any five of whom may act, are hereby appointed commissioners to receive subscriptions to the capital stock of said company, and for that purpose may open books of subscription at such time or times and at such place or places and upon such notice as to them may seem proper, and as soon as the sum of twenty-five thousand dollars, or such other sum in addition thereto as may be prescribed by the said commissioners, shall have been subscribed to the capital stock of said company, the said books may be closed and the said commissioners shall forthwith call a meeting of the subscribers to the said capital stock, to be held at such time and place and upon such notice as to the said commissioners may seem proper; and at such meeting the said subscribers shall have the right to elect a president and board of directors of not less than five nor more than ten members of said company, and to do such other things as may be necessary for the proper organization of the same.

Books of subscription.

Organization.

President and directors.

SEC. 5. The said company shall have the right to issue, negotiate and sell its bonds, either coupon or registered, to such an amount as may be deemed necessary for its purposes, not to exceed thirty thousand dollars per mile of its road-bed, and to secure the payment of the same, both principal and interest, by one or more mortgages or deeds in trust, conveying to such trustee or trustees as may be desired, its road-bed, right-of-way, franchises, rights, powers and privileges and all other property of said company of every kind and nature, whether real, personal or mixed, on such terms and conditions as may be deemed proper.

Authorized to issue mortgage bonds.

SEC. 6. It shall be lawful for any county, township, city or town through or near which the said road may run, to subscribe for and hold stock in said company or in any section thereof, in case any section be built alone, whenever such subscription shall be authorized under the provisions of this act by a majority of all the qualified voters of such county, township, city or town; and any such township through which or near which said road passes, upon a majority of the qualified voters therein having voted in favor of a subscription to the capital stock of said railroad company, shall be and thereupon become constituted a corporation, with full power to subscribe as provided in this act and to assume and to contract indebtedness for the purpose of payment of said subscription, and shall have all authority through the board of county commissioners of the county in which said township is situated as authorized by this act to issue bonds of such township or townships and to provide for the levy and collection of taxes on property and polls to pay the accruing interest on said bonds and the principal when the same falls due.

Subscriptions by counties, townships, cities and towns authorized.

Townships subscribing incorporated, &c.

Election in counties on question of subscription, when held, &c.

Bonds to be issued and taxes levied on affirmative vote.

Election in townships, cities and towns on question of subscription, when held, &c.

Ballots.

Election, how held, &c.

Returns of election.

On affirmative vote, chairman of county commissioners to subscribe, &c.

County commissioners to issue bonds.

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

SEC. 8. Upon the presentation of a petition signed by at least twenty resident taxpayers of any township, city or town through or near which said road shall have been located, in any county along the line thereof, to the board of county commissioners of any county wherein such township, city or town is situated requesting said commissioners to submit to the vote of the qualified voters of their respective township, city or town as the case may be, a proposition to subscribe a definite sum named in said petition to the capital stock of the Winston-Salem and Charleston Railroad Company, it shall be the duty of said board of commissioners, within sixty days, to order an election to be held at the various polling places in the township, city or town so petitioning and submit to the qualified voters thereof the question of subscribing to the capital stock of said company the amount specified in the petition, at which election those in favor of such subscription shall vote "Subscription" and those opposed shall vote "No subscription;" said election shall be held, registrars and poll-holders and judges appointed, the registration of votes taken as may be provided by law for general elections of members of the general assembly in townships, and as provided by law for the election of commissioners or aldermen in cities and towns, except that in all said elections the poll-holders shall make returns within three days after the election of the votes cast to the board of county commissioners of the county, who shall on the third day after the election canvass the returns, declare the result and cause the same to be entered on their minutes.

SEC. 9. In case any township, city or town shall, by a majority vote of all the qualified voters therein, direct a subscription as provided in this act, then the chairman of the board of commissioners shall, within sixty days after said vote is ascertained, subscribe the amount authorized by the vote of said township, city or town, in stock to said company, to be paid for in the bonds of such township, city or town at their face value.

SEC. 10. To provide for the payment of said subscriptions made as provided in this act, the board of commissioners of the county in which is situated any township, city or town making such subscription shall issue coupon bonds to the amount of the subscription so authorized, and said bonds shall upon their face indicate on account



of what township, city or town they are issued and the conditions upon which they are issued. Said bonds shall be in denominations of not less than fifty nor more than one thousand dollars, and shall run for not exceeding forty years and bear interest not exceeding six per centum per annum, payable annually or semi-annually, and payable at such time and place as the board of county commissioners may direct.

SEC. 11. To provide for the payment of said bonds issued under the authority of this act the board of commissioners of any county wherein the township, city or town issuing the same may be situated shall, in addition to the other taxes that annually may be levied upon the property and polls of such township, city or town, annually compute and levy at the time of levying the general taxes upon the property and polls of said township, city or town, or at any other regular meeting of the board of county commissioners to compute and levy upon the property and polls in said township as assessed and listed for taxation at the last assessment and levy for state and county taxation, a sufficient tax to regularly and promptly pay the interest on said bonds as it falls due and to provide a sinking fund to pay off the principal of the same as the bonds may mature, which taxes shall be collected by the sheriff of the county or by a tax-collector to be annually appointed for the purpose by the board of county commissioners of the county in which such township is situated, if the taxes be levied upon the subjects of taxation in a township to pay township bonds, and by the tax-collector of a city or town to pay city or town bonds, and by said officers promptly applied to the payment of interest and principal as provided for in this act; and such collectors shall enter into bond before the county commissioners with sufficient securities conditioned for the faithful performance of their duty under the provisions of this act. All tax-collectors in collecting taxes as provided in said chapter as amended by this act shall have the same powers and be subject to the same liabilities as are now applicable to sheriffs in the collection of state and county taxes; and said collectors shall apply said taxes when collected either directly to the payment of the bonds or the interest thereon of the county, township, city or town, respectively, or shall deposit the same with some other person or banking institution as directed by the said board of commissioners, which board shall have the right to fix the amount of compensation of said tax-collector, not to exceed five per centum upon gross amount collected.

County commissioners to levy special tax.

How collected.

How applied.

Bond of collectors.

Powers and liabilities of collectors.

Application of taxes.

Compensation of collectors.

SEC. 12. That during the construction of the said railroad, and until the same shall have been completed, the state may furnish to the said railroad company, as called for by the president or board of directors thereof, not less than three hundred able-bodied convicts, to be used in the work of construction within the state; and the said company in consideration of the services of such convicts shall pay to the state

State may furnish convicts to work on road.

What amount company to pay. treasurer in equal quarterly installments in advance the sum of one hundred and twenty-five dollars per capita per annum, and so much more than one hundred and twenty-five dollars per capita per annum as will cover and pay the entire expenses of such convicts, not to exceed altogether the sum of one hundred and fifty dollars per capita per annum. And the cost in excess of one hundred and twenty-five dollars per capita per annum shall be secured by bond of the company with security to be approved by the board of directors of the penitentiary: *Provided*, the authorities of the penitentiary shall not be required to furnish said convicts nor keep them in camps in bodies of less than one hundred: *And provided further*, that this section and act and every part thereof may be amended or repealed by any future general assembly.

Bond.

Proviso.

Other corporations may subscribe to stock.

Consolidation.

Proviso.

Election of officers.

Vacancies.

SEC. 13. Any company incorporated under the laws of this or any other state may subscribe to or acquire and hold shares of the capital stock of this company, with the right to vote the same or to transfer and assign the same; and the company hereby incorporated shall have the right to consolidate with any other railroad company incorporated under the laws of this or any adjoining state upon such terms as may be agreed upon between the companies so consolidating: *Provided, however*, that the company hereby incorporated shall always be and remain a corporation of the state of North Carolina.

SEC. 14. The president and one or more vice-presidents and a board of directors to consist of not less than five nor more than ten shall be elected by the stockholders, and all other officers shall be elected by the board of directors. In case of any vacancy in the office of president or vice-president or in the board of directors the same may be filled by the board.

SEC. 15. That this act shall be in force from and after its ratification. Ratified the 21st day of February, A. D. 1893.

## CHAPTER 94.

### An act to incorporate the North State Brownstone Company.

*The General Assembly of North Carolina do enact :*

Incorporators.

Corporate name.

SECTION 1. That J. S. Pescud, W. C. Lewis, R. H. Wright, B. L. Duke, W. W. Vass, A. D. Baird, S. H. MacRae, William Smith, T. P. Devereux, P. Cowper, James McKee, J. W. Hinsdale, S. A. Ashe, T. T. Hay and V. B. Moore, their associates, successors and assigns, are hereby constituted a body politic and corporate under the name of the North State Brownstone Company, and under that name may

sue and be sued, contract and be contracted with, adopt and use a common seal which it may change at pleasure, and enjoy all the rights and privileges, powers and franchises generally pertaining to corporations in this state. Corporate powers.

SEC. 2. That the capital stock of the said corporation shall be ten thousand dollars in shares of the par value of one hundred dollars each, and said company shall have liberty to increase said capital stock at any time or from time to time to any sum not exceeding in the aggregate two hundred thousand dollars, and said shares may be paid in money, cross-ties, labor, land, timber, materials, mineral and stone rights, and leases, stocks, bonds or other securities, or in any other way that may be agreed upon by the company and its subscribers. Capital stock.  
  
Subscriptions,  
how paid.

SEC. 3. That said corporation may issue stock, both common and preferred: *Provided*, that the amount of preferred stock shall not at any time exceed more than twenty-five per centum of the entire common and preferred stock of said corporation, with such regulations as to such stock and dividends thereon as may be prescribed by the stockholders in general meeting. Issuance of stock.

SEC. 4. That said corporation is hereby empowered to conduct, transact and carry on in all its branches, the business of quarrying, mining, cutting, working, removing, dressing, manufacturing, buying and selling and dealing in all kinds of timber, lumber, clay, stone, ores and minerals and to purchase the timber, clay, stone and mineral rights in lands other than those owned in fee by the company and to buy, sell and deal in goods, wares and merchandise at its will and pleasure. Corporate powers.

SEC. 5. That said company shall have power to lease, purchase, hold, sell and convey real estate and personal property of any description necessary or convenient for its business; to borrow money when so authorized by a majority vote of its stockholders, and to issue bonds and other evidences of indebtedness and to secure the same by mortgage of its property, franchises and effects, or otherwise. Corporate powers.

SEC. 6. That said company be and the same is hereby permitted to construct and operate a railroad or tramway from its quarries to some point on the Cape Fear and Yadkin Valley Railroad or the Raleigh and Augusta Air-Line Railroad or other railroad in Moore or Chat-ham counties not to exceed thirty miles in length and branch roads not exceeding ten miles in length. Authorized to  
build railroad.

SEC. 7. That when any right-of-way may be required by the company for the purpose of constructing its railroad, and for want of agreement from any cause it cannot be purchased from the owner the same may be condemned as provided for in chapter forty-nine of The Code to the extent of fifty feet on each side of the track of the railroad measuring from the center of the same. And the company shall have power to appropriate and condemn land in like manner Condemnation of  
land.

for the building and erection thereon of depots, warehouses, shops and houses for servants, employees and other purposes, not exceeding two acres in any one lot or place.

Authorized to sell, &c., railroad, &c.

SEC. 8. That this corporation shall have power to lease or sell any railroad that may be constructed by it to any other railroad company operating in Moore or Chatham counties, North Carolina, and any other such railroad shall have the power to lease or buy from this corporation any such railroad as may be constructed by it.

Payment of subscriptions.

SEC. 9. That the president and directors shall have power and authority to require payments 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 subscription shall be paid. If any stockholder shall fail to pay the sum required of him by the president and directors within one month after the same shall have been required of him it shall and may be lawful for the said president and directors to sell at public auction and convey to the purchaser the share or shares of such stockholder so failing or refusing, giving one month's previous notice of the time and place of sale in one or more newspapers published in this state, and, after retaining the sum due and all charges of the sale out of the proceeds thereof, to pay the surplus over to the delinquent owner or his legal representative; and if the sale should not produce the sum required to be advanced, with the incidental charges attending the sale, then the said company may recover the balance of the original subscriber or his assignee, or the executor or administrator or either of them, at the option of the said company, by civil action in any court having jurisdiction thereof. Any purchaser of stock under such sale by the president and directors shall be subject to the same rules and regulations as the original owner.

Remedy against subscriber failing to pay.

Directors.

SEC. 10. That said corporation shall be managed by a board of directors, to be elected by the stockholders; the said board of directors to consist of such a number of said stockholders and to hold their offices for such term or length of time as may be prescribed by the stockholders in general meeting. And said board of directors in person or by proxy shall have power to elect such officers as they may deem necessary or expedient; to prescribe their duties, compensation and terms of service, and to make all such by-laws, rules and regulations for the management and proper conduct of the corporation and its business, not inconsistent with the constitution and laws of this state and of the United States, as they may deem proper and necessary.

Officers.

SEC. 11. That the stockholders shall not be individually liable for the debts, contracts and agreements of the company.

Non-liability of stockholders for corporate debts.

SEC. 12. That the principal office and place of business of the company shall be at Raleigh, North Carolina.

Principal office.

SEC. 13. That the duration of said company shall be fifty years.

Corporate existence.

SEC. 14. That this act shall be in force from and after its ratification. Ratified the 21st day of February, A. D. 1893.

## CHAPTER 95.

**An act to extend and correct the charter of the Shelby, Glenalpine Springs and Cranberry Railroad Company.***The General Assembly of North Carolina do enact :*

SECTION 1. That the charter of the Shelby, Glenalpine and Cranberry Railroad Company, contained in chapter one hundred and forty-two of the laws of one thousand eight hundred and eighty-seven, and ratified the second day of March one thousand eight hundred and eighty-seven, be and the same is hereby extended for the term of five years from the ratification of this act, and that the said company shall have all the powers and privileges conferred upon it by the original charter and shall be subject to the liabilities and provisions of the same.

Charter (chapter 142, laws 1887) extended.

Corporate powers.

SEC. 2. That the said charter of the Shelby, Glenalpine Springs and Cranberry Railroad Company shall be corrected by striking out I. Z. Falls, in line eight of section one of said charter, and inserting J. Z. Falls; by striking out H. T. Schenck, I. Z. Falls, Sen., and L. I. Hoyle, in line six of section five of said charter, and inserting in lieu thereof H. F. Schenck, J. Z. Falls and L. J. Hoyle.

Additional incorporators.

SEC. 3. That the names of S. J. Greene and T. D. Lattimore be inserted between the name of D. D. Lattimore and the word "of" in line seven of section five of said act,

Additional commissioners to open books of subscription.

\*SEC. 4. That this act shall be in force from and after its ratification. Ratified the 21st day of February, A. D. 1893.

## CHAPTER 96.

**Act act to allow North Carolina State Company further time to organize.***The General Assembly of North Carolina do enact :*

SECTION 1. That the private acts of the general assembly of North Carolina, chapter ninety-six, laws of one thousand eight hundred and ninety-one, entitled "An act to incorporate the North Carolina State Company," be and the same is hereby amended so as to allow the incorporators in said act named further time, until the first day of January, eighteen hundred and ninety-six, to open books and receive subscriptions for stock and to organize "The North Carolina State Company."

Chapter 96, private laws 1891, amended.

Incorporators allowed until Jan. 1, 1896, to organize.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 21st day of February, A. D. 1893.

## CHAPTER 97.

An act to amend the charter of the town of Benson, Johnston county.

*The General Assembly of North Carolina do enact:*

Chapter 155, private laws 1887 amended.

Streets, &c.

Condemnation of land.

Right of appeal.

SECTION 1. That chapter one hundred and fifty-five of the private acts of eighteen hundred and eighty-seven be amended by adding after the word "determine" in line twenty-one, section seventeen, the following: "That the commissioners shall have power to lay out, open and name any new street within the corporate limits of the town and shall have power at any time to widen, enlarge, change, extend or discontinue any street or streets within the corporate limits of the town, and shall have full power and authority to condemn, appropriate and use any land or lands necessary for any of the purposes of this section, upon making a reasonable compensation to the owner or owners thereof, but in case the owner of the land and the commissioners cannot agree as to the damages then the matter shall be referred to arbitrators, each party choosing one who shall be a freeholder and a bona fide citizen of the town; and in case the owner of the land shall refuse to choose such arbitrator, then the mayor shall in his stead select one for him, and in case the two chosen as aforesaid cannot agree they shall select an umpire, whose duty it shall be to examine the land condemned and ascertain the damages sustained and the benefits accruing to the owner; and the award of the arbitrators shall be conclusive of the right of the parties and shall vest in the commissioners the right to use the land for the purposes specified, and all damages agreed upon 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 provided by law."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 21st day of February, A. D. 1893.

## CHAPTER 98.

An act to incorporate the Carthage and Western Railroad Company.

*The General Assembly of North Carolina do enact:*

Incorporators.

Corporate name.

SECTION 1. That W. C. Petty, H. T. Petty, J. C. Black, L. P. Tyson, and such other persons as they may hereafter associate with them, their successors and assigns are hereby constituted a body corporate by the name of the Carthage and Western Railroad Company; and

by such name may sue and be sued, implead and be impleaded in all the courts of this state or of the United States; may have a common seal, with right to alter the same at pleasure; make such by-laws, rules and regulations as they may deem necessary or expedient for the purpose of incorporation and the conduct of business; may purchase, lease, hold and convey all property, real and personal, requisite and proper for their corporate purposes, and may have and enjoy all the rights, powers, franchises and immunities granted by the general laws of the state not inconsistent with this act.

SEC. 2. That said company is hereby authorized and empowered to construct, maintain, equip and use a railroad with one or more tracks from a point on the line of the Carthage Railroad to and beyond Curriesville in Moore county not exceeding twenty miles, and to construct, maintain, equip and use a railroad with one or more tracks from a point on the line of the Carthage Railroad at or near Carthage to Ashboro in Randolph county, and to sell, lease, consolidate or connect with any other railroad: *Provided*, that work on one of said roads shall be commenced within twelve months from the ratification of this act.

SEC. 3. That the capital stock of said company shall be thirty thousand dollars, with power from time to time to increase the same to any sum not exceeding one hundred thousand dollars, in shares of one hundred dollars each. That it shall be lawful for subscriptions to be made payable in money, land, materials, labor, stocks, bonds or other securities, as may be agreed upon between the company and the subscribers.

SEC. 4. That the persons named in the first section of this act, or such of their number or those associated with them hereafter as they may designate, shall constitute a board of commissioners to open books at such times and places as they may see fit for subscriptions to the capital stock of said company, and whenever ten thousand dollars shall have been subscribed the commissioners named under this section shall call the stockholders together in such manner and at such time and place as they may deem proper to perfect the organization of said company, and the organization of said company shall be perfected by the election of a president and four directors in such manner as the stockholders shall determine, and mode of managing, controlling and conducting the affairs and the business of the company in all their details shall be as prescribed by the by-laws and regulations hereinafter provided for.

SEC. 5. That at every annual meeting a president and four directors shall be elected and they shall hold office for one year and until their successors shall be elected, and the board of directors may appoint such other officers and agents as they may deem proper and fix their duties, and the said board may fill any vacancy occurring in the office of president or director until the new meeting of the stockholders.

Corporate powers.

Authorized to build railroad.

Termini.

Authorized to build another road.

Termini.

Proviso.

Capital stock.

Subscriptions, how made.

Commissioners to open books of subscription.

Organization.

Election of president and directors.

Officers, &amp;c.

Vacancies.

Liability of stockholders. SEC. 6. That no stockholder shall be responsible for more than the amount of his unpaid subscription.

Authorized to remove cross-ties, &c., from road bed. SEC. 7. That said company is hereby authorized and empowered to remove from said road-bed or road-beds the cross-ties, iron or steel rails, joint fastenings and such other property as may be placed thereon after five years from the ratification of this act: *Provided*, this section shall not apply to the proposed line from Carthage to Curriesville in case said line be consolidated with another railway nor to the proposed line from Carthage to Ashboro.

Proviso. SEC. 8. That in order to carry into effect the purposes of this act the company may survey one or more routes for said roads as may be deemed practicable, and shall have the power and authority to appropriate as much land as may be necessary for the construction of said railways of the width of fifty feet on each side of its main track, and as much additional land as may be necessary for the station houses, depots and all other purposes necessary and convenient for the construction, maintenance and operation of said railways, under the same rules and terms as are prescribed for the acquisition and condemnation of land in chapter forty-nine, volume one of The Code.

Authorized to survey routes. SEC. 9. That any railroad or transportation company incorporated in this or any adjoining state may subscribe to or purchase and own the stocks or bonds, or both, of this corporation, or may guarantee or endorse the same, or may purchase, lease or use the road property and franchise of this company for so long a time and upon such terms as shall be mutually agreed upon between the two companies. This company may subscribe to or purchase and own the stocks or bonds, or both, of any other railroad company incorporated in this or any other state, and may guarantee or endorse its stock or bonds and may purchase, lease or use the road, property and franchise of such company on such terms and for such time as may be agreed upon between the two companies: *Provided*, the roads or lines of the two companies shall be directly connected.

Other companies may subscribe, &c. SEC. 10. That this company is authorized to borrow money for the purposes of the company to such an extent and at such lawful rate of interest as a majority of the stockholders may determine, and issue therefor its bonds in such manner and form as may be determined by the president and directors, and to secure them by deed of trust or mortgage upon the whole or any portion of the roads, property and franchises of the company as the said president and directors may approve. And the said company is hereby empowered to sell its bonds when, where, and at such rates and prices as the president and directors shall deem most advantageous to the company.

Company may subscribe to stock of other companies, &c. SEC. 11. That this company is authorized to consolidate its capital stock, property and franchises with those of any other railroad company incorporated under the laws of this or any other state, and such other railroad company or companies are hereby authorized to merge

Sale of bonds.

Consolidation with other roads.

Proviso.

Authorized to borrow money on mortgage.

Other companies may subscribe, &c.

Company may subscribe to stock of other companies, &c.

Condemnation of land.

Authorized to survey routes.

Proviso.

Authorized to remove cross-ties, &c., from road bed.

Liability of stockholders.



and consolidate with this company whenever the said railroad shall connect directly, and such consolidation may be effected in such manner and on such terms as a majority of the stock vote of each of said companies may determine. That upon said consolidation being effected the consolidated companies shall have all of the rights, privileges and franchises which each of the companies forming it heretofore held and possessed, except that such consolidated company shall not be exempt from taxation. Corporate powers.

SEC. 12. That this act shall be in force from and after its ratification. Ratified the 21st day of February, A. D. 1893.

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## CHAPTER 99.

### An act to incorporate The Bank of Weldon.

*The General Assembly of North Carolina do enact :*

SECTION 1. That W. R. Smith, S. P. Arrington, E. I. Thomas, J. R. Tillery, C. F. Norment, B. F. Smith, W. R. Wood, Sterling Johnston, W. E. Tillery, W. M. Cohen, Abram Brinkley, E. Clark, Paul Garrett, J. T. Gooch, W. F. Parker, J. L. Suiter, W. E. Daniel, their associates, successors and assigns, are hereby constituted and declared a body politic and corporate by the name and style of "The Bank of Weldon," with its principal office and general place of business at Weldon, North Carolina, and by that name may sue and be sued, plead and be impleaded in any court in the state, and have a continual succession for the term of thirty years. Incorporators.  
Corporate name.  
Corporate powers.

SEC. 2. That the capital stock shall not be less than ten thousand dollars in shares of fifty dollars each, and such capital stock may be increased from time to time as said corporation may elect to a sum not to exceed one hundred thousand dollars. Capital stock.

SEC. 3. That the corporators named herein or any three of them are hereby empowered to open books of subscription to the capital stock of said corporation at such time or times, at such places, and for such periods as they may determine; and the stockholders or a majority of them may at any time at any general meeting called after the organization of said corporation at their discretion reopen books of subscription to said capital stock until the same as herein limited is wholly taken. Books of subscription.

SEC. 4. Whenever ten thousand dollars shall be subscribed and paid into the capital stock of said bank, the beforementioned corporators or any three of them may call a meeting of the subscribers to said stock at such time and place and upon such notice as they may deem Organization.

Directors.

sufficient, and such stockholders may elect such directors and so many as they may deem proper and sufficient, who shall hold their offices one year or until their successors are elected, with power in said board of directors to fill all vacancies occurring in their body until any general election thereafter, and said directors may elect a president, vice-president, attorney, cashier, teller, bookkeeper and all other such officers as may to them be deemed necessary to serve during their continuance in office or until their successors shall be elected or appointed by the said board of directors.

Officers.

Powers of president and directors.

SEC. 5. The president and directors of said corporation may adopt and use a common seal and alter the same at pleasure; may make and appoint all necessary officers and agents and fix their compensation; shall exercise and have all such powers and authority as may be necessary for governing the affairs of the corporation consistent with such by-laws as may be adopted by the stockholders; they may regulate the terms and rates on which loans may be made and discounts received, not to exceed the rate allowed by law, and deposits taken, and when dividends of the profits and the amount thereof shall be made and declared; they shall fill all vacancies occurring among the officers or agents of the said corporation; they may call meetings of the stockholders at such times and upon such notice as they may deem proper, and at all such meetings of the stockholders said stockholders may be represented by written proxy and each share shall be entitled to one vote.

Corporate powers.

SEC. 6. That said bank may receive and pay out all lawful currency of its own issue under all rights, powers and authority, and under such instructions as may be imposed by the laws of this state and of the United States as to circulation by state banks; may deal in exchange, gold and silver coin, current and uncurrent paper, public, municipal and other securities; and for the purpose of aiding planters, manufacturers and others said bank shall and may have power to loan any sum or sums of money, and to secure the repayment of the same by taking in writing a lien or liens upon the crops to be raised or upon any article or articles then in existence, and shall have power to make loans upon mortgages of real and personal property with power of sale inserted upon default of payment; said bank shall also have power to receive in storage or warehouse any cotton, tobacco, wheat, corn, peanuts, potatoes, oats or any other article of produce, trade or manufacture, as a pledge or pledges for the repayment of the money or moneys loaned upon the faith of the sum so due or advanced thereon, and upon failure to pay at the time agreed upon said property may be sold after the same advertisement as required for sale of personal property under chattel mortgage; said bank may discount notes and other evidences of debt, buy or sell and otherwise deal in all commercial paper of every kind; may loan money to and receive deposits of the same from any and

all persons, including corporations, minors, *femes covert*, upon such terms and the manner and time of collection and payment as may be agreed upon, and may charge such rate of interest as allowed by the laws of the state, and may take and receive such interest at the time of making such loan or at such times as may be agreed upon; said bank may invest in stocks, bonds or other securities of this state, the United States, or any corporation, public or private, of this or any other state in the Union, and may issue its own bonds in such denominations, payable at such time and manner, as it may see fit.

SEC. 7. The said bank may purchase and hold property, real, personal or mixed, and such as may be conveyed to it to secure or satisfy any debt due it or for any other purpose, or any sold under any mortgage, execution or order of court to satisfy any debt due it, and may sell and convey the same at pleasure and use or re-invest the proceeds thereof as it may deem best.

Authorized to purchase property, &c.

SEC. 8. That whenever any deposit shall be made by any minor of [or] *feme covert* to said corporation may at its discretion pay such minor or *feme covert* such sum or sums as may be required by them from such deposit; and any check, draft, order, receipt or acquittance of such minor or *feme covert* shall be to all intents and purposes valid in law to discharge the said corporation from any and all liability on account thereof.

Deposits by married women, minors, &c.

SEC. 9. If any subscriber shall fail to pay for his stock or any part thereof as the same is required of him, the entire amount upon said stock shall be due and may be recovered in the name of the said corporation by civil action, either in the county of the office of said corporation or of the residence of said delinquent, or the entire stock of the said delinquent may be sold in the town of Weldon after ten days notice at the door of said bank by posting, and if the proceeds thereof shall not be sufficient to discharge the amount unpaid, with all costs and expenses of such sale, the delinquent shall be liable for the balance found still deficient to be collected as aforesaid by civil action; or such stock, after ten days notice given by the cashier to such delinquent in writing, may be sold privately to the best and highest bidder on the market for the same. And if any subscriber shall assign his stock before full payment he and all subsequent assignees shall be liable to said corporation jointly and severally, and such subscription shall be a promissory note with the assignees thereof endorsers payable to said corporation.

Remedy against subscriber failing to pay.

SEC. 10. That said bank shall have the right to act as agent, factor, or trustee for any state, county, township, town or other municipality or corporation, company or individual, on such terms as to compensation and commission as may be agreed upon, in registering, selling, countersigning, collecting, acquiring, holding, dealing and disposing of on account of any state, county, township, town, municipality, corporation, company or individual, any bonds, certificates of stock,

Corporate powers as agent, &c.

notes or any description of property, real or personal, or for endorsing or guaranteeing the payment of said bonds, certificates of stocks, notes, etc., and generally for managing such business; and for doing any and all other matters and things authorized by this charter said corporation may charge such premium, commissions, or rate of compensation as may be agreed upon and which is not prohibited by law.

Corporate powers as to deposits, trusts, &c.

SEC. 11. That said corporation is hereby authorized to receive on deposit all valuables, gold, silver, precious metals, jewels, plate, certificates of stock, bonds, evidences of debt, instruments of title, and all other things of value which may be left on deposit with corporation for safe keeping, and shall be entitled to charge such commissions or compensation as may be agreed upon; and that said bank is authorized and empowered to accept and exercise any trust of any and every other description which may by its consent be committed or transferred to it by any person or persons whomsoever; by any bodies, politic or corporate, public or private, and to accept the office of executor, administrator, collector, guardian, or assignee whenever such appointment is made or conferred by any person or persons or court of the state or of the United States, and shall be clothed with the same powers and shall be under the same restrictions as private individuals in the same capacity.

Liability of stockholders for corporate debts, &c.

SEC. 12. No stockholder shall be in anywise individually liable or responsible for any debts, obligations, contracts or engagements of said bank beyond the amount subscribed by such stockholder, and no stockholder shall be individually liable to depositors or other creditors of said bank beyond the amount of stock subscribed by each stockholder.

Savings bank department.

SEC. 13. Said bank is fully authorized and empowered to organize in connection with its general banking business a department for savings and to do a general savings bank business for the convenience of small depositors and to make such regulations in regard thereto, not inconsistent with the laws of the state, as will enable it to receive small deposits in said savings department in any sum or sums as desired in any single case; and may give certificates or other evidences of deposit, and to pay such interest as may be agreed upon, not exceeding the rate allowed by law, and to regulate the time of payment and notice of demand; and the same officers elected by the board of directors for the general business may be also placed in control of the savings department. That such savings department shall be in nowise be considered separate and distinct of said corporation, but in all respects a part and parcel thereof and regulated by the provisions of this act; and to the savings department the bank itself shall be liable for their final payment as to its general depositors and creditors.

Agencies.

SEC. 14. The president and directors may establish agencies of this bank at such times and places as they may designate, and such agen-

cies may be removed or terminated at any time; such agencies shall have the same powers as are prescribed for the corporation hereby chartered, and shall be subject to such rules and regulations as may be prescribed by the president and board of directors of the said bank: *Provided*, the license tax be paid to the treasurer of the state of North Carolina, and a receipt for said tax from the treasurer shall be a sufficient power and authority to establish the said agency under this act. Proviso.

SEC. 15. That the business in the town of Weldon, North Carolina, known as "The Bank of Weldon," a general banking business conducted by the incorporators herein mentioned and their associates, shall be deemed and considered as organized under this act and entitled to its provisions whenever the said incorporators shall meet together and accept this act, their acceptance to be noted in the record kept of said meeting; and the said record shall be evidence of the organization of The Bank of Weldon under the provisions of this act. "Bank of Weldon," now conducted by incorporators, to be considered as organized, &c.

SEC. 16. That this act shall be in force from and after its ratification. Ratified the 21st day of February, A. D. 1893.

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#### CHAPTER 100.

An act to amend the charter of the Wilmington and Weldon Railroad Company, and to provide for taxing the property of said company in like manner as other property is taxed, and to adjust all differences between the state of North Carolina or any county, city or town in said state and said company.

WHEREAS, It is claimed that the general assembly of North Carolina by the original charter of the Wilmington and Raleigh Railroad Company, which is now the Wilmington and Weldon Railroad Company, granted an exemption from taxation on certain property and stock of said company, and conferred upon said company the power to fix freight and passenger rates; and it is represented to this general assembly that said company is now ready to surrender all its exemptions from taxation and all its powers to fix rates on the terms hereinafter set forth, and it is desirable that all matters of controversy between the state or any county, city or town therein and the said company shall be amicably adjusted: Preamble.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the act of the general assembly of the state of North Carolina ratified on the third day of January, eighteen hundred Chapter 78, laws 1833-'34, amended.

Exemption from taxation repealed.

Provision fixing rates of transportation repealed.

Company required to pay state taxes for certain years.

Company required to pay certain county and town taxes on branch roads.

Company required to pay certain county, city and town taxes on main line, &c.

and thirty-four, entitled "An act to incorporate the Wilmington and Raleigh Railroad Company," be and the same is hereby amended as follows: That the nineteenth section of said act be amended by striking out the words "and the property of said company and the shares therein shall be exempt from any public charge or tax whatsoever;" and that section twenty-six of said act be amended by striking out the following words, to-wit: "And they shall be entitled to receive and to demand the following rates, to-wit, not exceeding four cents a mile for toll and nine cents a mile for transportation per ton of two thousand pounds; and for the transportation of passengers not exceeding six cents per mile for each passenger until the net profits received shall amount to a sum equal to the capital stock expended, with six per centum per annum interest thereon from the time the money was advanced by the stockholders until received back in the net profits; but when the net profits received as aforesaid from the tolls aforesaid shall have amounted to a sum equal to the capital stock aforesaid with interest thereon as aforesaid, then the tolls which the said company or the president and directors shall be entitled to receive for the transportation of produce or other commodities on the said railroad shall be fixed and regulated from time to time by the president and directors of the said company so as to make them sufficient in their estimation to yield a net profit equal to fifteen per centum per annum on the capital stock of the company over and above what may be necessary for the repairs, improvement or renewal of the same, together with all other incidental expenses of said company."

SEC. 2. That the said company shall and is hereby required to pay to the state of North Carolina for state taxes a sum equal to the taxes for the three years of eighteen hundred and ninety, eighteen hundred and ninety-one and eighteen hundred and ninety-two on its main line and equipment between Wilmington and Halifax, and on all its branch lines and equipment according to the assessments made as hereinafter provided.

SEC. 3. That the said company shall and is hereby required to pay to the several counties and towns in which any of its branch lines are located all the unpaid taxes which have been assessed against the said branch lines for the years eighteen hundred and ninety-one and eighteen hundred and ninety-two, and in addition thereto the taxes for the year eighteen hundred and ninety according to the assessments made as hereinafter provided.

SEC. 4. That the said company shall and is hereby required to pay to the several counties, cities and towns in which its main line is located between Wilmington and Halifax the taxes for the years eighteen hundred and ninety-one and eighteen hundred and ninety-two on the main line and equipment according to the assessments made as hereinafter provided.

SEC. 4 $\frac{1}{2}$ . That the powers of the said company to construct branch lines under its charter is limited to the extent that said company is not to parallel the Atlantic and North Carolina Railroad.

Not to construct branch road to parallel A. & N. C. R. R.

SEC. 5. That the board of railroad commissioners is hereby directed and required to forthwith assess the main line of said railroad between Wilmington and Halifax and its equipment for the three years of eighteen hundred and ninety, eighteen hundred and ninety-one and eighteen hundred and ninety-two, and to also assess all the branch lines of said company and their equipment for the year eighteen hundred and ninety, according to the rate of assessments for similar property that were made for said years, and the said board will report to the state treasurer the amount of such assessment upon which the state is entitled to collect the taxes for the years eighteen hundred and ninety, eighteen hundred and ninety-one and eighteen hundred and ninety-two as provided for in this act, and the said board shall also report to the proper authorities of the several counties, cities and towns the amount of assessment upon which each county, city or town is entitled to collect the taxes under the provisions of this act; and the treasurer of this state in collecting the state taxes, and the proper authorities of the said counties, cities and towns in collecting the taxes due them, shall levy upon the said assessments the same rate of taxation that was levied by the state and by the several counties, cities and towns for the several years for which they are entitled to collect taxes under the provisions of this act.

Railroad Commissioners to assess main line and branch roads for certain years.

To report to state treasurer as to county and municipal authorities.

How levy to be made.

SEC. 6. That when the said Wilmington and Weldon Railroad Company in stockholders meeting assembled shall accept this act and the amendment to its charter as hereinbefore set forth, and shall in such meeting by a resolution declare its absolute and unqualified surrender of all exemption from taxation and its readiness to submit all its property to taxation under the constitution and laws of North Carolina in like manner as other property is taxed, and its absolute surrender of said rate-making power as contained in said twenty-sixth section of its charter, and its agreement to pay to the towns, cities and counties the taxes due them as set forth in this act, and shall have delivered to the secretary of state of this state duly certified copies of its acceptance of this act and of said resolution, and shall have paid to the treasurer of this state all such sum or sums as shall be found to be due and collectible by the state under this act, then this act shall operate as a full and complete discharge and release of said Wilmington and Weldon Railroad Company from all other taxes which might or could have been claimed or assessed against it by the state of North Carolina or any county, city or town in this state prior to January first, eighteen hundred and ninety-three.

When act accepted by company and exemption from taxation and power to make rates surrendered, &c., then claim of state for back taxes released.

SEC. 7. That to provide a fund for the payment of the attorneys employed by the state in litigation against said company in making payments to the counties, cities and towns of the amounts due each

Fifteen per cent. of amount due by company to counties, &c.,

payable into state treasury to provide fund for payment of counsel, &c.  
Tender of balance a discharge, &c.;

Company also to pay \$2,500 into state treasury.

under this act, the said company shall deduct from the amount due each county, city or town fifteen per centum, which said per centum the said company shall pay into the state treasury, and the tender of the balance to any county, city or town, in case its acceptance is refused, shall be a discharge to said company from any liability to such county, city or town under this act; and said company shall for like purposes pay into the state treasury the sum of twenty-five hundred dollars, which sum is equal to one year's tax on the stocks and credits listed by said company in eighteen hundred and ninety-one.

SEC. 8. That this act shall be in force from and after its ratification. Ratified the 23d day of February, A. D. 1893.

## CHAPTER 101.

### An act to incorporate the Henderson Storage Company.

*The General Assembly of North Carolina do enact :*

Incorporators.

SECTION 1. That James H. Lassiter, D. Y. Cooper, S. and C. Watkins, Lewis Ginter, John D. Cooper, Redding Perry, Jos. R. Young, J. P. Taylor & Company, H. M. Cannon, I. G. Roberts, W. E. Gary & Company, W. T. Parker, J. L. Currin, E. G. Barnes, C. Hunter and George W. Water, their associates, successors and assigns, are hereby created and constituted a body politic and corporate under the style and name of "The Henderson Storage Company."

Corporate name.

Capital stock.

SEC. 2. The capital stock of the said company shall be twenty-five thousand dollars, which may be increased at the option of said company to any amount not exceeding one hundred thousand dollars. So soon as four thousand dollars of said capital stock shall have been subscribed and fifty per centum thereof paid in cash, it shall be lawful for the said company to organize and commence business. The said capital stock shall be divided into shares of twenty-five dollars each, shall be deemed personal property, and shall be transferable as may be prescribed by the by-laws of said company, and each shall entitle its holder to one vote in all meetings of the stockholders.

Organization.

Stock-vote.

Corporate powers.

SEC. 3. The said Henderson Storage Company shall have power and authority to carry on a general warehouse, storage and commission business; may lease, purchase, hold, convey and assign all such real and personal property as it may deem necessary and convenient for its business, not exceeding in value the amount of the capital stock of the company; may build, erect and maintain warehouses and other buildings for its business; may receive on storage or deposit



tobacco and other agricultural products, and all other kinds of general merchandise and personal property (not to include bonds, notes, accounts or other securities and evidences of debt), for storage, sale or shipment; may transact and carry on all kinds of business usually transacted and carried on by warehousemen and commission merchants; may collect and receive compensation for storage, selling or shipment and all labor incident thereto, including expenses of receiving and delivering, handling, sampling, cooperage, insurance and custody, or any other service rendered or expense incurred, on all property received on storage or deposit, at such rates and on such terms as may be agreed on by and between said company and the owners of such property or their respective agents; may make advances in money, negotiable notes, acceptances, indorsements or other evidences of indebtedness on tobacco, cotton, or other agricultural products, merchandise or other property stored or deposited with it; may guarantee payment of notes, bonds, acceptance or other like obligations of persons or corporations storing or depositing such property with it; and all such advances or guarantees so made by said company on property received on storage or deposit, and compensation for all charges and expenses thereon shall be a preferred lien on said property which shall be satisfied and paid before the said company shall be called on for the delivery of said property; and for such advances in money or otherwise, acceptances, notes or guarantees the said company shall be entitled to charge and collect such commission as may be agreed on between the said company and the owners of such property or their agents: *Provided*, that no advancements in money or otherwise, acceptance, indorsement or guaranty so made shall in any case exceed seventy-five per centum of the cash value of the property on which it is made; and all such property shall be actually in the hands of said company before any such advances, acceptances, indorsements or guarantees whatever shall be made.

SEC. 4. That said company shall have the power to carry on and conduct the said business for the time not exceeding sixty years from the date of the incorporation thereof, and shall have all the general powers and be subject to all the general restrictions conferred and imposed upon corporations and chartered companies generally by the laws of North Carolina, save so far as the same may conflict with the provisions herein.

SEC. 5. The said company may appoint and employ an intelligent, experienced and reliable man, skilled in the handling of tobacco and possessing a good general knowledge of other things and their value, who shall under oath, whenever so directed by said company, carefully examine and sample all tobacco and other things deposited with said company, and make a record of the same in a book kept by him for that purpose; and when so required by said company to do so, or

Proviso.

Corporate existence.

Corporate powers.

Authorized to appoint agent to examine tobacco, &c., deposited with company.

Certificate. at the request of the owner, he shall give a certificate of such examination and sampling, with the date thereof, and the order and condition of the tobacco or other things so examined and sampled, and the cash value of the same; and the said company shall in all cases, when it makes advances or guarantees of any kind, be governed by said valuation so certified.

Delivery receipt. ] SEC. 6. For all tobacco and other property received by the said company for storage or deposit, and which it is authorized to receive under this charter, the receipt or certificate shall be given by the company binding it to deliver the said tobacco or other thing to the party in whose favor the receipt or certificate is given, or his assignee, on payment of all dues to the company for which the same is liable; and the receipts or certificates issued by said company as aforesaid shall be and are hereby declared to be negotiable instruments, passing by delivery or endorsement and entitling the holder thereof to the property marked and designated therein without regard to the depositor of said property, and transferring the title to the property therein mentioned and described to the holder of the receipt or certificate. The holder of said receipt or certificate shall be entitled to

Rights of holder. receive the property therein mentioned and described from the company on delivery of said receipt or certificate and paying to the company whatever sum or sums there may be due on the said property for advancements, endorsements, charges, guarantees, storage, labor, and expenses, with interest and costs thereon if any have accrued. In the event of loss or destruction of a receipt or certificate given by the company for property on storage or deposit, the *bona fide* holder of such receipt or certificate at the time of its loss or destruction, his representatives or assigns, shall have the same right to receive the said property from the said company that he would have had on delivery of the said receipt or certificate upon satisfactory proof of its loss or destruction, and upon delivery to the said company of a proper bond of indemnity with security satisfactory to said company.

Remedy when property deposited decreases in value, &c. SEC. 7. Whenever from any cause any tobacco or other property on storage or deposit with said company shall so decrease in value as in the opinion of said company to render the preferred lien on the same a doubtful security for advances, endorsements, guarantees, charges, storage, labor and expenses due the said company thereon; or whenever on any tobacco or other property left on storage or deposit with the said company the advances, endorsements guarantees, charges, labor, storage and expenses due the said company thereon shall not have been satisfied and paid at such time or times as may be required by the regulations established by said company for the conduct of its business, it shall be lawful for the said company to give notice to the party entitled to said tobacco or any other property, personally or by mailing such notice to him or his agent or representative at his or his agent's or representative's last known place of business or residence,

requiring said party within fifteen days after such notice to pay to the said company all such advances, endorsements, guarantèes, charges, storage, labor and expenses, with any interest that may have accrued thereon, and if within twenty days after personal service of said notice, or the mailing thereof as aforesaid, the same be not paid, it shall be lawful for the said company to sell such property at public sale after ten days notice upon such terms as to the company may seem best for all concerned, and after reserving the amount due the said company and paying the costs of sale the said company shall pay over the balance of the proceeds of the property to the party entitled thereto, on his surrender of the receipt or certificate given for said property. If the holder of the receipt or certificate be unknown to said company, the notice may be given to the party to whom the receipt or certificate was originally given, or if he be deceased to his personal representative. Nothing contained in this section, however, shall be construed to prevent the said company from making any such sale at such earlier or later time and in such other manner as may be provided for in any contract or agreement made by any person or persons with said company.

SEC. 8. It shall be lawful for the said company to borrow such sums of money from time to time as may be necessary to carry out the provisions of this charter and to issue and dispose of its promissory notes or bonds for the amount borrowed; and the said company may mortgage, pledge or hypothecate any part of its corporate property or franchises to secure the payment of such bonds or promissory notes.

Authorized to borrow money on mortgage.

SEC. 9. The stockholders of said company in general meeting shall make and establish such by-laws, rules and regulations, not inconsistent with the laws of the state of North Carolina or of the United States, as they may deem proper for the management and control of the affairs and business of said company and the government of its officers, inspectors, agents, clerks and other employees, which shall be binding upon themselves and all persons in the employment of said company.

By-laws.

SEC. 10. At their first and every subsequent annual meeting the stockholders shall elect seven of their number to constitute a board of directors, to remain in office until their next annual meeting or until their successors are elected.

Election of directors.

SEC. 11. Subject to the by-laws, rules and regulations of the company the board of directors shall have the management and control of its affairs and business. From their own body they shall elect a president, who shall preside at all meetings of the board and perform such other duties as may be prescribed for him by the stockholders or board of directors. His compensation, if any, shall be fixed by the board of directors. They may also choose a vice-president and an executive committee from their own number or from the body of stockholders and prescribe their duties. Said officers shall remain

Powers of directors.

President.

Vice-president and executive committee.

Other officers, &c. in office for the term of one year or until their successors are elected. The said board of directors shall also appoint such officers, agents, inspectors and clerks as they may find necessary for the management of the company's business, and they shall provide for the securing of subscriptions to the capital stock of said company, which they shall make payable at such times and in such installments as they or the stockholders in general meeting may determine.

Liability of stockholders, &c.

SEC. 12. The corporators, stockholders and their successors and assigns shall not be liable or responsible individually or personally for the debts, contracts, obligations or torts of the corporation beyond the amount of stock subscribed individually.

Liability of company for care of property, &c.

SEC. 13. In the absence of any stipulations in the receipt or certificate or any contract between the said company and any depositor of such property in its storage warehouses, the said company shall be held and deemed to be liable to exercise such care in the custody and protection of such property as is required of all other bailees.

SEC. 14. That this act shall be in force from and after its ratification. Ratified the 25th day of February, A. D. 1893.

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## CHAPTER 102.

An act to amend the charter of the town of Liberty, Randolph county.

*The General Assembly of North Carolina do enact :*

Chapter 16, private laws 1889, amended.

Condemnation of land for streets.

SECTION 1. That section five, chapter sixteen, private laws of one thousand eight hundred and eighty-nine, be amended by adding the following at the end of said section, to-wit: "When any land or right-of-way shall be required for the purpose of opening and laying out new streets or widening those already opened, and the landowner or owners and the commissioners of the town cannot agree upon the price which the landowner or owners will take and convey said land to the town, the same shall be taken at a valuation to be made by three freeholders of the said town, to be chosen as follows: The commissioners shall select one and the owner or owners of the land one, within three days after notice in writing to the landowner or owners from the commissioners of their selection; and the two freeholders thus selected shall select the third man, also a freeholder, and these three persons shall assess the damage, if there be any, within five days after the notice from the commissioners to the landowner 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 commission-

ers shall select two men; and the two thus selected shall assess the damage to the land within the time aforesaid, taking into consideration any benefit or advantage such owner or owners may receive from the opening or widening of such street, and shall report to the commissioners, which report on being confirmed by the commissioners and spread upon the minutes of said town, shall have the force and effect of a judgment in favor of said landowner or owners against said town and shall pass the title of said land to the said town: *Provided*, that either party may appeal to the next term of the superior court of Randolph county, but no appeal shall delay the opening of any street. Right of appeal.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 25th day of February, A. D. 1893.

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#### CHAPTER 103.

**An act to amend an act to incorporate the Bank of Madison in the county of Rockingham.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter ninety-three of the acts of eighteen hundred and eighty-nine, entitled "An act to incorporate the Bank of Madison in the county of Rockingham," be amended by inserting "one" in place of "two" and "five" instead of "ten" in section three of said act.

Chapter 93, private laws 1889, amended.  
To be organized when one hundred shares are subscribed and five thousand dollars paid.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 25th day of February, A. D. 1893.

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#### CHAPTER 104.

**An act to authorize the "Association of ex-Confederate Soldiers of Beaufort county" and the trustees of said association to dispose of certain real estate.**

WHEREAS, By chapter ninety-nine of the private laws of eighteen hundred and eighty-five R. W. Wharton, W. A. Blount, William Shaw, C. C. Thomas, C. K. Galligher, J. D. Myers, N. Harding, W. H. Call, W. A. B. Branch, W. H. von Eberstein, W. B. Cowell, D. N.

Preamble.

Bogart, T. P. Ricaud, Decarton Jarvis, Edward S. Marsh, I. G. Berry, Thomas M. Allen, A. C. Latham, J. A. Oden, J. T. Respass, George H. Brown, senior, and others, were incorporated under the name of the "Association of ex-Confederate Soldiers of Beaufort County" for the purposes expressed in the said act; and whereas, on the seventeenth day of February, anno Domini eighteen hundred and eighty-eight, Charles M. Brown and wife conveyed to the above-named parties as trustees for the association aforesaid a certain lot of land in the town of Washington, designated in the division of the lands of Thomas A. McNaid among his heirs at law as lot number eighty-six; and whereas, by reason of the passage of certain burial ordinances by the said town and for other reasons the said property cannot be used now for the purposes intended, and the said association and its trustees desire to sell the same; therefore,

*The General Assembly of North Carolina do enact :*

Authorized to sell and convey certain land.

SECTION 1. That the "Association of ex-Confederate Soldiers of Beaufort county" and the trustees of the association named in the preamble shall have full power and authority to sell and convey in fee-simple discharged of all trusts the lot of land above described.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 25th day of February, A. D. 1893.

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#### CHAPTER 105.

**An act to change the name of Keeverville in Catawba county to Plateau.**

*The General Assembly of North Carolina do enact :*

Chapter 27, private laws 1885, amended.

Name of Keeverville changed to Plateau.

Corporate limits.

SECTION 1. That section one in chapter twenty-seven of the laws of eighteen hundred and eighty-five be amended by striking out the word "Keeverville" wherever it occurs and in its place insert the word "Plateau."

SEC. 2. That section two be stricken out and the following substituted therefor, to-wit: "That the corporate limits of the said town shall be a circle with a house known as the storehouse of C. P. Shuford and Dankel as its center with a radius of one-half a mile in every direction."

Temporary officers until first Monday of May, 1893, &c.

SEC. 3. That section three be amended by striking out the words "eighty-five" in the fifth line and insert the words "ninety-three," and by striking out all that part of said section following the word "to-wit" and in its stead insert the following: "For mayor, J. S. Goodman; and for commissioners, J. M. Clampitt, Charles Scronse and W. J. Boggs; and for constable, G. P. Ritchey.

SEC. 4. That section four be amended by striking out the words "eighty-five" in line three and insert "ninety-three." Election on first Monday in May, 1893.

SEC. 5. That the word Keeversville wherever found in this chapter be stricken out and in its place insert "Plateau." Name changed.

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

Ratified the 25th day of February, A. D. 1893.

## CHAPTER 106.

An act to amend chapter three hundred and fifty (350) of the laws of one thousand eight hundred and ninety-one.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section two of chapter three hundred and fifty (350) of the laws of one thousand eight hundred and ninety-one be amended by striking out from the word "at" in line three of said section to the word "Lillington" in line four of said section, both words inclusive, and inserting in lieu thereof "on the state line in Mecklenburg or Gaston county," and by inserting after the word "operating" in line seven of said section the words "a branch road from its main line to a point in the state line in either Robeson or Columbus county, and other." Chapter 350, laws 1891 (incorporating the South-eastern N. C. R. R. Co.) amended. Change of termini. Branch roads.

SEC. 2. That section five be amended by striking out all of line five from the word "and" to the word "Lenoir," both inclusive, and by inserting after the word "other" in line eight the words "or be connected directly or indirectly by means of intermediate railroads." Connection with other roads.

SEC. 3. That section six be amended by adding after the word "directly" in line seventeen the words "or indirectly." Authorized to subscribe to stock of other roads indirectly connected, &c.

SEC. 4. That section nine be amended by adding after the word "company" in line five the words "and the completion and operation of such portion or section of its line shall not be construed to be a complete exercise of the powers of construction herein conferred, but said company may afterwards complete its line, construct and operate other sections thereof and build the branches herein provided for." Construction of part of road not construed to be complete exercise of powers, &c.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 25th day of February, A. D. 1893.

## CHAPTER 107.

## An act relating to the city of Goldsboro.

*The General Assembly of North Carolina do enact :*

Chapter 43, private laws 1881 (incorporating Goldsboro) amended. Maximum of license tax on certain subjects. Execution of criminal process by policemen.

Dividing line between fourth and fifth wards.

Chapter 61, private laws 1891 (authorizing city to issue sewerage bonds) amended. Amount of issue increased.

Authorized to construct system of sewerage, &c.

Condemnation of land beyond corporate limits.

Assessments on abutting lands for paving, sewerage, &c.

SECTION 1. That section forty-three (43) of chapter fifty (50) of the private laws of eighteen hundred and eighty-one be amended by striking out the word "fifty" in line three of said section and inserting in lieu thereof the words "one hundred."

SEC. 2. That the policemen of the city of Goldsboro shall have power to execute any criminal process issuing upon offences committed in said city anywhere in the county of Wayne.

SEC. 3. That the dividing line between the fourth and fifth wards of said city shall be what is known as the "Big Ditch;" all that part of said city lying on the east side of said ditch shall be and remain the fifth ward, and all that part thereof lying on the west side of said ditch and heretofore being a part of said fifth ward shall be and become a part of the fourth ward.

SEC. 4. That section one, line seven (7), of chapter sixty-one (61) of the private laws of eighteen hundred and ninety-one be amended by striking out the words "forty thousand" and inserting in lieu thereof the words "fifty thousand," and, as thus amended, that sections one, two, three, four and five of said chapter be and the same are hereby re-enacted.

SEC. 5. That the city of Goldsboro may construct, or contract for the construction of, a system of sewerage for said city, and protect and regulate the same by adequate ordinances; and if it shall be necessary in obtaining proper outlets for the said system to extend the same beyond the corporate limits of said city, then in such case the board of aldermen of said city shall have power to so extend it, and both within and without the said corporate limits to condemn land for the purposes 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.

SEC. 6. That the city of Goldsboro shall have power, in its discretion, to assess owners of land abutting on streets paved by said city with an amount not to exceed one-third of the actual cost of such paving in front of such abutting land, and if said city shall construct a partial system of sewerage it shall have like power of assessing not exceeding one-third of the actual cost of such 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, or



judgment may be taken by said city before the mayor or any justice of the peace or the superior court of Wayne county for the same; and when docketed in the superior court of said county such judgment shall have the same lien as is possessed by other judgments docketed in said superior court and be enforced in like manner.

SEC. 7. That this act shall be in force from and after its ratification. Ratified the 25th day of February, A. D. 1893.

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CHAPTER 108.

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

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter four hundred and fifty of the laws of eighteen hundred and eighty-nine, entitled "An act to incorporate the Maxton and Northwestern Railroad Company," be and the same is hereby amended as follows: After the word "railroad" in line eleven of section one and before the word "by" insert the words "and to the Tennessee or Virginia line west of the county of Stokes," and at the end of said section one add the following words "and is also authorized to build or construct a railroad from Maxton, North Carolina, south or east to Southport, North Carolina, or such other point as may be necessary to reach deep water on the Atlantic coast."

Chapter 450, laws 1889, amended.

SEC. 2. Amend section three by adding to the end of the same the words "and individuals, municipal or other corporations may subscribe to the capital stock of said company."

Change of terminus.

Authorized to build road from Maxton to Southport.

SEC. 3. Amend section eight by substituting the following: "This corporation shall have all the powers, privileges and rights relating to the condemnation and acquisition of real estate for right-of-way, depot and warehouse sites, and other necessary purposes, which are provided for and set out in chapter forty-nine of The Code and the acts amendatory thereof."

Subscriptions to capital stock.

SEC. 4. Amend section eleven by inserting after the word "pass" and before the word "or" in line three of said section the following words, "or proposed as a probable route," and be further amended by striking out all of line six of said section before the word "order" and insert in lieu thereof the word "shall."

Condemnation of land.

SEC. 5. Amend section seventeen as follows: By adding to end of said section the words "and this company is further authorized to

Election on question of subscription in counties, &c., through which road is proposed as a probable route. On petition, election shall be ordered, &c.

Authorized to purchase other roads, &c.

Conflicting laws repealed.

buy or purchase such other railroad or railroads as may be necessary or deemed advisable by said company."

SEC. 6. All laws or clauses of laws in conflict with this act are hereby repealed.

Ratified the 25th day of February, A. D. 1893.

### CHAPTER 109.

**An act to incorporate the Columbus Land and Improvement Company.**

*The General Assembly of North Carolina do enact:*

Incorporators.

SECTION 1. That J. A. Brown, R. E. L. Brown, J. B. Schulken, I. M. Powell, J. A. Smith, W. G. Burkhead, H. C. Moffitt, their associates, successors and assigns, are hereby created a body politic and corporate by the name of the Columbus Land and Improvement Company for the purpose of acquiring and owning land and other property in the state of North Carolina, of leasing and selling the same, of building upon, draining and otherwise improving the same, and of conducting a general business in real estate; by said name may contract and be contracted with, sue and be sued, plead and be impleaded in all the courts of this state; may have a common seal which it may alter at pleasure, and shall at all times be entitled to all the rights, privileges and immunities of corporations as provided in chapter sixteen of The Code, entitled "Corporations."

Corporate name.  
Corporate purposes.

Corporate powers.

Organization.

SEC. 2. That no notice or publication of the first meeting of the said corporation shall be required, but the same may be held at such time and place as the said corporators or a majority of them may determine, at which meeting they may elect such officers and agents as may be deemed proper and advisable to hold office for such terms and until others are duly elected or appointed as hereinafter provided.

Capital stock.

SEC. 3. That the capital stock of this corporation shall be such an amount as shall be fixed by the corporators herein named, not exceeding twenty-five thousand dollars at its organization; and the capital stock may be increased from time to time by a vote of the stockholders in the manner to be provided by the by-laws of the corporation, not to exceed ultimately one hundred thousand dollars. Said capital stock may be divided into classes by the by-laws of the corporation, which said by-laws shall prescribe the amount or par value of the shares of the several classes and the manner of paying for the same and the transfer thereof, and each share shall entitle the holder to one vote in all meetings of the stockholders, and all elections by them held.

Classification of capital stock.

Stock-vote.

SEC. 4. That there shall be an annual meeting of the stockholders on such day as may be fixed by the by-laws; and in case such meeting is not held on such day for any cause it may be held at any time to be thereafter appointed by the board of directors or upon the call of stockholders holding at least one-fifth of the capital stock of the corporation: *Provided*, other meetings of the corporation may be called in the same manner at any time whenever it may be deemed the interest of the corporation requires such meetings.

Annual meeting of stockholders.

Proviso.

SEC. 5. That said corporation may issue its capital stock for money paid into its treasury, or in payment for property purchased by the corporation, or services rendered to it, in such amounts as the directors may provide or order, and all stock so issued shall be deemed to be and be fully paid-up stock, and the holders thereof shall not in any event be liable personally for any debt or obligations contracted by the corporation.

Subscriptions, how paid.

Non-liability of stockholders.

SEC. 6. That the said corporation shall have full power and authority (a) To acquire lands and other property in said state not exceeding in value one hundred thousand dollars at the time the same are purchased by said corporation, the value to be determined by the price paid by the corporation for such lands; nor to hold more than said amount for a longer time than thirty years; (b) To issue bonds or other evidences of debt of the company and to secure said bonds or evidences of debt; shall have power to mortgage or pledge its property, real, personal and mixed, or any part thereof, and the franchises of said company; and any mortgages so made and duly registered in the county where property lies shall constitute a lien on said property; (c) To develop, drain, improve and turn to account any land or other property acquired by or in which the company is interested, and for that purpose to carry on all or any business of real estate agents or brokers, by subdividing and selling or leasing the same or any part thereof; to build upon said lands, or otherwise to aid, encourage and promote others to build upon the same; and to that end may take mortgages on the same, to deal with, manufacture and render salable the timber found on said property; to build and equip with rolling-stock and other stocks, and operate tram, turnpike and other roads connecting the property of the corporation with other roads of any and all kinds; and whenever it may become necessary for the purpose of constructing its said roads, canals, dams or other works to enter upon any lands to which it may not have title or the right of possession, and is unable to agree with the owner thereof for the compensation therefor, the mode of procedure to secure the condemnation of such lands shall be as is prescribed by law.

Corporate powers.

SEC. 7. That said company may require such of its officers, agents and servants as the directors may think proper to give bonds conditioned for the faithful discharge of their several duties.

Bonds of officers, &amp;c.

SEC. 8. That it shall be the duty of the president and directors at

Annual reports  
by president, &c.

Books open to  
inspection.

Certain rules  
binding on cor-  
poration.

least once a year and oftener if thereto required, to make a report to the shareholders, of the true state of the company, its operations, assets, debts and finances, and the books and accounts of the company shall at all times be open to the inspection of any shareholder.

SEC. 9. That the following rules and regulations shall be binding on the corporation unless and until the same shall be changed or repealed by a two-thirds vote of the shareholders, to-wit: (1) at all general meetings of the company each shareholder shall be entitled to vote in person or by proxy, and all elections shall be by ballot unless otherwise ordered, each shareholder being entitled to one vote for each share held by him; (2) at each annual meeting the stockholders shall elect a president, vice-president, a treasurer and secretary and directors, and all other officers, agents and servants shall be elected by the president and directors; (3) the president and directors shall constitute the board of directors, to whom shall be entrusted the general management of the corporation, who shall have power to fill vacancies occurring in the board for the unexpired remainder of the term of service; (4) no share shall be transferred upon the books of the company until all previous calls thereon have been fully paid or until declared forfeited for non-payment of calls thereon; (5) the directors may declare dividends from time to time, but no dividend shall be declared when the company is insolvent, or when the payment of the dividend would render the company insolvent or greatly diminish its capital stock or embarrass its future operations.

Corporate exist-  
ence.

SEC. 10. This corporation shall exist and be in force and effect for a period of thirty years from the day of the ratification of this act.

Certain conflict-  
ing sections of  
Code declared  
inoperative, &c.

SEC. 11. That all sections or parts of sections of chapter forty-nine of The Code of North Carolina in conflict with the provisions of this act are hereby declared inoperative so far as they affect the privileges, rights and powers hereby conferred.

SEC. 12. That this act shall be in force from and after its ratification. Ratified the 25th day of February, A. D. 1893.

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## CHAPTER 110.

An act to amend an act entitled "An act to incorporate the Lower Creek and Linville Valley Transportation Company," being chapter five hundred and sixty-four of the laws of eighteen hundred and ninety-one.

*The General Assembly of North Carolina do enact:*

Chapter 564, laws  
1891, amended.

SECTION 1. That chapter five hundred and sixty-four of the laws of eighteen hundred and ninety-one be amended by striking out the words "the Lower Creek and Linville Valley Transportation Com-

pany" and inserting in lieu thereof whenever they occur in said act the words "Caldwell and Northern Railroad Company."

SEC. 2. That in section one of said act after the word "may" in line four insert the words "contract and be contracted with."

SEC. 3. Strike out all of section two of said act after the word "of" in line three and insert the words "freight and passenger."

SEC. 4. Amend section three of the said act by striking out all after the word "it" in line seven and insert in lieu thereof "may be condemned as provided for in chapter forty-nine of The Code of North Carolina, passed at session of eighteen hundred and eighty-three, or as it may have been afterward amended"; also insert "and in case the said Lower Creek and Linville Valley Transportation Company shall not be able to agree with persons owning land bordering upon or through which the streams mentioned in section five for the privileges hereby conferred in section five, then and in such event the privileges acquired as aforesaid, in so far as they relate to John's river and its tributaries, may be acquired by condemnation proceedings under the same provisions and in the same manner as is provided for the said railways, tramways, roadways and cartways, as set forth in section three as hereby amended."

SEC. 5. Strike out all after the word "railroads" in line eight, section four of said act.

SEC. 6. Strike out in section five of the said act and in line four the word "sixty" and insert in lieu thereof the words "one hundred."

SEC. 7. In the eleventh line of section five, so numbered in error, after the word "waterways" add the words "or other purposes"; also in line seventeen of the same section strike out all after the word "state" where it occurs first in said line down to and including the word "Pennsylvania" in the same line and insert in lieu thereof the words "or any other state."

SEC. 8. Between sections seven and eight, as numbered in the said act, insert the following additional sections, to be numbered as herein follows:

SEC. 9. That the said company be and it is hereby authorized and empowered to lay out, construct and equip, maintain and operate a railway or railways with one or more tracks from a point or points on the South Carolina line in the counties of Cleveland or Gaston in a northern direction to the Virginia state line, passing through either Burke or Caldwell counties or both, and if the board of directors so desire to build a railroad to some point on the Tennessee line in the counties of Watauga or Mitchell, together with such branch lines, not exceeding twenty miles in length each, as may be found necessary and convenient for the proper conduct of their business. The said company may in its discretion construct and operate any part or section of its roads as it may think proper, and charge for transporta-

Name changed to Caldwell and Northern R. R. Co.  
Corporate powers.

Transportation powers.

Condemnation of land, &c. ;

Power of officers to fix rates on road laid with iron or steel rails repealed.  
Width of right-of-way.

Authorized to borrow money for "other purposes."

Consolidation with company organized under laws of this or any other state.  
Additional sections.

Authorized to build railroads.

Termini.

Branch roads.

Authorized to construct part of road.

tion of freight or passengers before the whole of any one of its roads or branches have been completed, subject, however, to the provisions of section four of said chapter five hundred and sixty-four of the acts of eighteen hundred and ninety-one, as amended by this act.

Books of subscription.

SEC. 10. That the corporators therein named, their associates, successors or assigns, or a majority in interest in the same, may cause books of subscription to the capital stock of the company to be opened at such times and places as may be appointed by said corporators or a majority in interest of the same, and said corporators or a majority in interest of the same at any time after the sum of twenty thousand dollars has been subscribed to the capital stock of said company and ten per centum thereof has been paid shall be authorized and empowered to call together the subscribers to the capital stock of said company for the purpose of completing the organization thereof in accordance with the provisions of this act.

Organization. Election in counties, townships, cities and towns on question of subscription.

SEC. 11. That upon presentation of a petition in writing signed by at least twenty-five of the qualified voters of any county, township, city or town through or near which the road may pass to the board of commissioners of any of said counties requesting said commissioners to submit to the qualified voters of the county, township, city or town where said petitioners reside a proposition to subscribe a definite sum named in said petition to the capital stock of said Caldwell and Northern Railroad, it shall be the duty of said board of commissioners within sixty days to order an election to be held at the various polling places of said county, township, city or town, and to submit to the qualified voters thereof the question of subscribing to the capital stock of said company the amount specified in said petition, at which election those in favor of said subscription shall vote "For subscription," and those opposed thereto shall vote "Against subscription;" and the election for this purpose shall be conducted in the same manner and be subject to the same rules and regulations as are provided for the election of members to the general assembly.

Ballots. Election, how held.

On vote of a majority of qualified voters, county commissioners to make subscription, &c.

SEC. 12. That if a majority of the qualified voters of any county, township, city or town shall vote for said subscription the board of commissioners of said county thus voting, or wherein is located the township, city or town thus voting, shall within twenty days after the ascertainment of the result of said vote subscribe on behalf and in the name of said county, township, city or town to the capital stock of the Caldwell and Northern Railroad Company the amount specified in the petition or petitions on which said election was ordered, and any township, city or town may at said election vote for a separate and distinct township, city or town subscription in addition to the county subscription at the same time it votes for the latter subscription.

Vote in township, &c., for additional subscription.

SEC. 13. That to provide for the payment of said subscription the board of commissioners of the county voting said subscription, or wherein is located any township, city or town voting subscription, shall issue coupon bonds to the amount of the subscription so authorized, and the bonds shall upon their face indicate on account of what county, township, city or town they are issued, and said bonds shall be in denominations of not less than one hundred and not more than one thousand dollars, and shall run for twenty years and bear interest at the rate of six per centum per annum, payable annually in the city of Philadelphia.

County commissioners to issue bonds.

SEC. 14. That the county authorities legally empowered to levy taxes in any county voting for said subscription or in which is a township, city or town voting for subscription for payment of which bonds have been issued as provided for in this act, shall, in addition to the other taxes levied upon said county, township, city or town in whose behalf said bonds are issued, annually compute and levy at the time of levying other taxes a sufficient tax upon the property and polls of said county, township, city or town to regularly and promptly pay the interest on the bonds of said county, township, city or town issued in behalf of said subscription, and at the same time said authorities shall compute and levy a tax on the property and polls of said county, township, city or town equal to one-twentieth of said bonds for a sinking fund to pay the principal of said bonds; and the taxes for the payment of the principal and interest aforesaid shall be annually collected as other taxes are collected and paid over by the sheriff to the county treasurer or such other officer as the county commissioners issuing said bonds shall designate, which officer shall give a good and sufficient qualified bond for the safe keeping and proper disbursement of said taxes; and the taxes levied and collected for these purposes shall be kept sacred and separate and distinct from each other and all other taxes, and each shall be used only for the purpose for which it was levied and collected. The sinking fund shall be used yearly in purchasing the identical bonds to pay the principal of which it was levied and collected if possible, but if it is impracticable to annually invest said sinking fund in the purchase of said bonds for the payment of which it was created, the same shall be invested as may be directed by the board of commissioners issuing said bonds, and the tax for the sinking fund for the payment of the principal of said bonds shall be levied and collected no longer than is necessary to create a fund sufficient to pay the principal of said bonds.

Special tax.

How collected.

How used.

Sinking fund.

SEC. 15. It shall be lawful for the said Caldwell and Northern Railroad Company chartered by this act to issue coupon bonds in such denominations and running for such time, not exceeding thirty years, and bearing interest at such rate and payable at such times and places as the board of directors may direct, to be sold or hypothecated by the directors of said company, and to secure the payment of the same

Authorized to issue mortgage bonds.

- the said company may execute a mortgage or mortgages to such person or persons as the company may select on all the real and personal estate of the company, together with all their franchises and privileges; or in case the roads be divided and built in sections, which the said company is authorized to do, such mortgage or mortgages may be placed upon such separate section 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 the county of Caldwell, and upon such registration in Caldwell county it shall be a lien upon the property and franchises conveyed in such mortgage or mortgages as fully and completely as if the same were registered in each and every county through which the roads pass or any part thereof.
- Mortgage on separate sections.
- Registration of mortgage.
- Lien.
- Liability of stockholders.
- Taxes collected on property of company in counties, &c., to be applied to payment of interest on bonds, &c.
- Excess, how applied.
- SEC. 16. That section eight of chapter five hundred and sixty-four of the acts of eighteen hundred and ninety-one be amended by adding at the end thereof the words "beyond the amount of stock subscribed by them," and that said section be renumbered as section sixteen.
- SEC. 17. That when any county, city, town or township shall subscribe its bonds to the capital stock of said railroad company as provided in this act, the county, town, city or township taxes which shall be levied and collected upon the property and franchises of said company in said county, town, city or township, shall be applied in payment of the interest on the bonds of such county, town, city or township to the amount of said interest so long as the same shall accrue, and the excess of said taxes, if any, shall be applied to the general county, town, city or township purposes; that when the said interest shall cease to accrue by reason of the payment of the said bonds the said taxes shall be applied to general county, town, city or township purposes.
- SEC. 18. That this act shall be in force from and after its ratification. Ratified the 25th day of February, A. D. 1893.

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CHAPTER 111.

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

*The General Assembly of North Carolina do enact:*

- Incorporators.
- Corporate name.
- SECTION 1. That John D. Grimes, Thomas J. Grimes, George W. Mountcastle, W. G. Penry, their associates, successors and assigns, are hereby constituted and declared to be a body politic and corporate by the name and style of the "Bank of Lexington," with its principal



place of business at Lexington, North Carolina, and by that name may sue and be sued, plead and be impleaded and shall have continual succession for sixty years, with capacity to take, hold and convey personal and real estate, and shall have all the rights, privileges, immunities and powers granted to banks and corporations by the general bank and corporation laws of this state contained in chapter sixteen, volume one, and chapter four of volume two of The Code of North Carolina, and shall have all such powers, rights, privileges and immunities as may hereafter be granted to banks in this state by any subsequent legislation of this state.

Corporate powers.

SEC. 2. That the capital stock of said corporation shall not be less than thirty thousand dollars, in shares of one hundred dollars each, and such capital stock may be increased from time to time as said corporation may desire to a sum not exceeding two hundred thousand dollars.

Capital stock.

SEC. 3. That the corporators named in the first section or a majority of them are hereby empowered at any time within two years from the ratification of this act to open books of subscription to the capital stock of said corporation at such time or times and at such places and for such periods as they may determine; and the stockholders at any general meeting held after the organization of said corporation may at their discretion from time to time re-open the books of subscription to said capital stock until the same, as herein limited, be wholly taken.

Books of subscription.

SEC. 4. That whenever thirty thousand dollars or more shall have been subscribed to the capital stock of said corporation, the before-named corporators or a majority of them shall call a meeting of the subscribers to said stock at such time and place and upon such notice as they may deem proper; and such subscribers shall elect by ballot or otherwise from among their numbers such directors as they may deem proper, who shall hold office for one year and until their successors are appointed; said directors shall elect a president and vice-president by ballot or otherwise, the same being stockholders, and have authority to fill all vacancies that may occur in their own body or in any office or position in the bank until the next annual meeting of the stockholders.

Organization.

Directors.

Officers.

Vacancies.

SEC. 5. That the president and directors of the bank may adopt and use a common seal and alter the same at pleasure; appoint all necessary officers and agents, fix their compensation, prescribe their duties and take security for the faithful discharge of the same; prescribe the manner of paying for stock and the transfer thereof; may do a general banking business on such terms and rate of discount as may be agreed on, and take such interest and discount in advance at a rate not greater than is allowed by laws.

Powers of president and directors.

SEC. 6. That said corporation may receive and pay out the lawful currency of the country, discount promissory notes, bills of exchange,

Corporate powers.

domestic and foreign; deal in exchange, gold, silver and other coins, bullion, uncurrent paper, public and other securities, including the bonds and other securities of the United States, this state, and other states of the Union; also county bonds, township bonds, town bonds, or other municipal bonds or other evidences of debt of any corporation chartered by this or any other state of the Union; may loan money to any person or corporation and take such security, either personal, individual or real, or personal property or mortgage on real [and] personal property to secure the same as may be agreed upon; may purchase and hold such real and personal property as may be necessary for conducting its business, and also may purchase and hold such real and personal property as may be conveyed to secure debts and liabilities to said corporation, or in which said corporation may be interested, or which may be sold under execution, mortgage or other lien, or by order of any court to satisfy any debt or liabilities to said corporation, and may sell and convey the same at pleasure; may receive deposits of money and other property from corporations, minors without guardians, *feme covert* guardians, executors, administrators, traders or other persons upon such terms and times and manner of payment and collection as may be agreed upon, and when any deposit shall be made by any minor, or *feme covert*, the said corporation may at its discretion pay such minor or *feme covert* such sums as may be due to him or her, and the receipt or acquittance of such minor or *feme covert* shall be to all intents and purposes valid in law and fully discharge said corporation from all liabilities or account thereof.

Duties of president and directors.

SEC. 7. That the president and directors shall exercise all the necessary authority and power for the proper government of the business of the corporation; they shall direct when dividends shall be paid to the stockholders, they may call meetings of the stockholders when they may deem it proper, giving ten days notice; and any number of stockholders holding one-fourth of the capital stock paid up may call a special meeting, giving ten days notice of such meeting in a newspaper published in Lexington, North Carolina. At all meetings each share of stock shall be entitled to one vote, and any stockholders not present may be represented by proxy, the proxy being a stockholder.

Special meetings of stockholders.

Stock-vote.

Remedy against stockholder failing to pay.

SEC. 8. That if any subscriber shall fail to pay for his stock or any part thereof as the same is required of him, the entire residue of his stock shall be deemed to be due and may be recovered in the name of the bank by a civil action, or the entire stock of such delinquent may be sold by order of the directors for cash, after advertisement of sale for twenty days in some newspaper published in Lexington, North Carolina, and if at such sale the price paid shall not be sufficient to pay and discharge the amount unpaid and all cost of sale, the residue may be recovered in a civil action against the subscriber.

SEC. 9. That if any subscriber shall assign his stock before it is fully

paid, he and his assigns and subsequent assignees shall be liable for the payment and may be sued jointly or severally in any court having jurisdiction, and the liability in every case of such delinquency shall be deemed a promissory note payable to the corporation, both in respect to the remedy for recovering the same and in the distribution of the assets of any deceased subscriber.

Remedy against assignee of stockholder.

SEC. 10. That any receiver, executor, administrator, trustee, assignee, guardian, committee of a lunatic, clerk of the superior court, treasurer of a county, sheriff, tax collector, or other public officer is hereby authorized to deposit with said corporation any money, securities or other valuables that may come in his possession or under his control by virtue of his said office or appointment aforesaid: *Provided*, nothing herein contained shall be construed to discharge any such depositors in case of loss from liability for such loss and their legal liability for the same shall be the same as now exists.

Fiduciaries authorized to deposit, &c.

Proviso.

SEC. 11. That said corporation shall have authority to establish and operate a savings bank under such rules and regulations as its by-laws may prescribe, and such savings bank may receive deposits and pay the same, together with such interest as may be agreed upon with the depositors; deposits may be received from married women, minors without guardians, and apprentices, and the same may be paid out on their receipt, order or check, unless restrained by law. And deposits may be made in the name of married women, minors without guardian, by their husbands, parents or others, and the same may be drawn out by the person making the deposit. But said corporation shall take and receive only such interest as is allowed by law or shall hereafter be allowed.

Savings bank department.

SEC. 12. The president and directors shall cause to be published during the first week in January and July of each year a statement of the financial condition of the bank, unless required by law to make and publish such statements at other times.

Semi-annual statement by president, &c.

SEC. 13. That this act shall be in force from and after its ratification. Ratified the 25th day of February, A. D. 1893.

## CHAPTER 112.

An act to amend an act amended at the session of eighteen hundred and sixty and eighteen hundred and sixty-one, passed at the session of eighteen hundred and fifty-eight and eighteen hundred and fifty-nine, to incorporate Mars Hill College in the county of Madison.

*The General Assembly of North Carolina do enact:*

SECTION 1. That P. M. Hudgins, J. C. Pritchard, John Ammons, Incorporators. T. M. Honeycutt, J. R. Sams, W. P. Jervis, L. C. Huff, Wm. Bryan, L. B. Ramsay, J. F. Tilson, W. C. Sprinkle, James A. Ramsay, J. B.

- Corporate name. be known and distinguished by the name and style of Mars Hill College, and by that name shall have succession and a common seal, and continue for the term of ninety-nine years, and that the said trustees and their successors or a majority of them by the name aforesaid shall be able and capable in law to receive and possess all moneys, goods and chattels and choses in action that shall be given them for the use of the college, and by gift, purchase or devise may take and hold to them and their successors any lands, tenements, rents and hereditaments of whatever kind, nature or quality soever in special trust and confidence that the sum and profits thereof shall be applied to and for the use and benefit of said college; and the said trustees shall have such other powers and enjoy such other privileges and rights as are usually incident to corporate bodies of a like character.
- Corporate existence.
- Corporate powers.
- Powers of trustees, &c.
- SEC. 2. That the said trustees or their successors or a majority of them by the name aforesaid shall be able and capable in law to bargain and sell and convey the purchasers any such lands, rents, tenements and hereditaments to which they may be entitled as aforesaid; and further, that the said trustees or a majority of them and their successors for the term aforesaid shall be able and capable to sue and be sued, plead and be impleaded in all courts whatsoever, either of law or equity or record or otherwise.
- Number of trustees.
- Vacancies.
- Powers.
- Trustees to appoint president, professors, &c.
- By-laws.
- Proviso.
- Proviso.
- SEC. 3. That there shall not be less than five nor more than twenty-five trustees for said college at any time; and that on the death or resignation or refusal to act of any of the trustees for the time being, or removal from office by the concurrence of two-thirds of the trustees for the neglect of duty or other cause, the vacancy so happening shall be filled by the said board of trustees; and the trustees so appointed shall be vested with the same powers, rights, trusts and authority as those appointed by this act.
- SEC. 4. That the trustees and their successors shall have the power of appointing a president and such other professors and tutors as to them shall appear necessary and proper for said college, whom they may remove at any time for misbehavior, inability or neglect of duty, and may from time to time make such by-laws and regulations as they may deem necessary for the government of the college: *Provided*, the same are not inconsistent with the constitution or laws of the state: *Provided further*, that if a majority of the said trustees shall not convene for the purpose aforesaid, it shall be lawful for five of the trustees or their successors to form a quorum for the transaction of business, and may from time to time make all necessary by-laws and regulations.

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. Limitation of ownership of property.

SEC. 6. That it shall not be lawful for any person to erect, keep, or maintain at Mars Hill College, or within three miles of said college, in the county of Madison, any tipping house or establishment or place whatsoever for the manufacture or sale of spirituous liquors or wines; nor shall it be lawful for any person to sell any wines or spirituous liquors within two miles of said college. Unlawful to keep tipping house within three miles or to sell liquor within two miles.

SEC. 7. Any person or persons violating the provisions of section six shall be guilty of a misdemeanor. Misdemeanor.

SEC. 8. That this act shall be in force from and after its ratification, and all laws and clauses of laws relating to Mars Hill College not contained in this act are hereby repealed, Former laws repealed.

Ratified the 25th day of February, A. D. 1893.

#### CHAPTER 113.

#### An act to incorporate The Atlantic and Ohio Railroad Company.

*The General Assembly of North Carolina do enact :*

SECTION 1. That Chas. M. Steadman, M. E. Carter, J. C. Pritchard, A. G. Halliburton and H. Justice, of North Carolina; W. J. Maulden, of South Carolina; Samuel Thomas, of Ohio; J. M. Bass, of Indiana, and J. C. Brice, of Kentucky, and such other persons as they associate with them, are hereby declared a body politic and corporate with perpetual succession under the name and style of The Atlantic and Ohio Railroad Company, and in that name may sue and be sued in any court in the state, and shall be competent to purchase, or acquire by gift, devise or otherwise such real and personal property as shall be necessary for carrying out the intent and object of this charter, and in addition thereto shall have power and authority to acquire, hold, own, operate, or lease any quarries, mines, lumber yards or furnaces in any of the counties through any part of which its road or branches may extend or pass, and build branch roads from any part of its main line not exceeding twenty miles in extent. Incorporators.

SEC. 2. That said company, upon organization as herein provided for, shall have power to construct, maintain and operate a railroad and telegraph line from some point on the line of the states of North and South Carolina in the counties of Henderson or Transylvania, and through the counties of Transylvania, Henderson, Buncombe, Madison, Yancey and Mitchell to a point on the Tennessee state line. Corporate name. Corporate powers.

SEC. 2. That said company, upon organization as herein provided for, shall have power to construct, maintain and operate a railroad and telegraph line from some point on the line of the states of North and South Carolina in the counties of Henderson or Transylvania, and through the counties of Transylvania, Henderson, Buncombe, Madison, Yancey and Mitchell to a point on the Tennessee state line. Authorized to build railroad and telegraph line. Route.

- Capital stock. SEC. 3. That the capital of the said Atlantic and Ohio Railroad Company shall not exceed two million dollars, to be divided into
- Stock-vote. shares of one hundred dollars each. Each share subscribed shall be entitled to one vote in all meetings of the stockholders of said company, and fifteen thousand dollars shall be the minimum subscription on which said company may be organized.
- Organization.
- Books of subscription. SEC. 4. That for the purpose of raising the capital stock of said company it shall be lawful to open books in any county in which the line of said road will run under the direction of the following commissioners, Chas. M. Steadman, M. E. Carter, A. G. Halliburton, and at such places and under the direction of such other persons as a majority of the commissioners above named may deem proper for receiving subscriptions to the capital stock of said company.
- When books to be opened, &c. SEC. 5. That the commissioners above named, and all other persons who may be appointed as aforesaid to open books for subscriptions, shall open the same at any time after the ratification of this act, first giving twenty days notice thereof of the time and place in one or more newspapers printed in North Carolina; and the said books, when opened, shall so remain as long as the commissioners above named shall deem necessary and direct.
- Organization. SEC. 6. That whenever the sum of fifteen thousand dollars shall have been subscribed in manner and form aforesaid, and five per centum thereof shall have been paid in to the said commissioners, the subscribers, their executors, administrators and assigns, together with persons named as corporators in this act, shall be authorized to organize said company, with all the rights, powers and privileges heretofore enumerated, and shall have the right to have and use a corporate seal which they may change as often as necessary.
- Notice of meeting of stockholders to organize. SEC. 7. That it shall be the duty of the commissioners named in this act for receiving subscription as aforesaid, or a majority of them, so soon as a sum of fifteen thousand dollars has been subscribed in manner aforesaid, to give public notice thereof and at the same time to call a general meeting of the stockholders, giving at least ten days notice of the time and place of such meeting; and at such meeting a majority of the stockholders being represented in person or by proxy shall proceed to elect nine directors out of the number of stockholders; and the said directors shall have power to perform all the duties necessary for the government of the corporation and the transaction of its business; and the persons elected as aforesaid shall serve such periods, not exceeding one year, as the stockholders may direct; and at each meeting the stockholders shall fix on the time and place or places where the next subsequent election of directors shall be held, and such stockholders meeting shall take place annually, and such election of directors shall thenceforth be annually made. But if the day of the annual election of directors should, under any circumstances pass without an election, the corporation shall not thereby be
- Directors.
- Annual meetings
- Corporation not dissolved by failure to elect directors.

dissolved, but the directors formerly elected shall continue in office until a new election is held.

SEC. 8. That the selection of such directors shall be by ballot, each stockholder having as many votes as he has shares in the stock of the company; and the persons receiving the greatest number of votes polled shall be considered duly elected directors, and at all elections and upon all votes taken at any meeting of the stockholders upon any by-laws or any affairs of the company each share of the stock shall be entitled to one vote, to be represented either in person or by proxy, and the proxies may be verified as the by-laws of the company prescribe.

Directors, how elected.

Stock-vote.

SEC. 9. That the board of directors may fill any vacancies that may occur in it during the period for which it has been elected. The president of the company and one or more vice-presidents thereof shall be annually elected by the directors from among their number in such manner as the regulations of the company shall prescribe, and shall hold the offices until their successors shall be elected. The secretary and treasurer shall be elected by the directors and may be one and the same person. In the absence of the president or secretary at any meeting of the board of directors they may appoint a president or secretary *pro tempore* to fill his place, except when a vice-president shall act and preside.

Vacancies.

Election of president, &c.

Secretary and treasurer.

Officers *pro tem*.

SEC. 10. That the company shall issue certificates of stock to its members and said stock may be transferred in such manner and form as may be directed by the by-laws of the company.

Certificates of stock.

SEC. 11. That said company shall have power to use any portion or section of its road before the whole of the same shall be completed and to charge for transportation of passengers and freight.

Authorized to use part of road.

SEC. 12. That the said company shall have the right, when necessary, to construct their said railroad across any public road or other railroad or alongside of any public road: *Provided*, said company shall not obstruct any public road without constructing one equally as good and convenient as the one obstructed, which shall be accepted by the road supervisors.

Authorized to build across public road.

Proviso.

SEC. 13. That whenever for any cause the said railroad company cannot agree with the owner of the land over which their road shall go for the purchase of land for right-of-way, the said company may file a petition before the clerk of the superior court of the county wherein the land lies, specifying the purpose for which the land is desired, with a description thereof. The clerk of the superior court shall thereupon appoint five disinterested freeholders, who shall be summoned by the sheriff to meet on the premises at a time not more than ten days from the time of appointment and assess the damage for the land taken. In assessing the damages the appraisers shall take into consideration the actual value of the land, together with any special damage likely to accrue to the owner, and likewise shall

Condemnation of land.

consider any special benefit which the owner may derive from the location of the road. If the condemnation shall extend only to the right-of-way the said appraisers shall make their report to the clerk of the superior court within two days from the time of their meeting on the premises. Said report shall be recorded in the office of register of deeds after the approval by the clerk and payment of damages assessed, and shall have the force and operation of a deed. Either party may appeal to the superior court in term from the approval or disapproval of the clerk. The cause shall then be proceeded with in accordance with other appeals, and shall stand for trial at the term to which the appeal is taken. The appeal must be proven within ten days from the approval or disapproval of the clerk.

Right of appeal.  
When tried, &c.

Limitation of  
right of condem-  
nation.

Landowner to  
petition for dam-  
ages within two  
years.

SEC. 14. That the right of said company to condemn and take land under this act shall be limited to the space of fifty feet on each side of their road-beds along the main track and its branches, measuring from the center of the same; and in all cases where the land for the right-of-way over land has been condemned and taken, the owner shall petition the sheriff for assessment of damages within two years from condemnation and occupation, and not after, except in case of legal disability, and in such cases within two years from the removal of such disabilities.

Exclusive right  
of conveyance.

Proviso.

SEC. 15. That said company shall have the exclusive right of conveyance or transportation of persons, goods, merchandise and produce over said road at just and reasonable charges; *Provided*, that said company shall not discriminate in matters of transportation in the state of North Carolina.

Dividends.

SEC. 16. That the board of directors may from time to time declare dividends of profits among the stockholders when the affairs of the company admit.

Subscription by  
counties, town-  
ships, cities and  
towns.

SEC. 17. That it shall be lawful for any township, county, city or town through or near which the said road may run to subscribe to and hold stock in said company or in any section thereof, in case any section be built alone, whenever such subscription shall be authorized under the provisions of this act by a majority of all the qualified voters of such county, township, city or town. All the townships along the line of the said road in their respective counties are hereby incorporated, and the commissioners of each county are hereby appointed trustees for the townships within their respective counties. It shall be lawful for any railroad corporation in the state of South Carolina, Tennessee, Kentucky or Ohio to subscribe for and hold stock in said company.

Township incor-  
porated.

Subscriptions by  
railroads in cer-  
tain states.

Authorized to  
issue mortgage  
bonds.

SEC. 18. That it shall be lawful for the Atlantic and Ohio Railroad Company, chartered by this act, to issue coupon bonds in such denomination and running such time, not exceeding fifty years, and bearing interest at such rate and payable at such time and places as the board of directors may direct, to be sold or hypothecated by the directors of



the said company; and to secure the payment of the same the said company may execute a mortgage to such person or persons as the company may select on all the real and personal estate of the company, together with all their franchises and privileges; or in case the road be divided and built in sections, which the said company is authorized to do, such mortgage on separate sections in such manner as the company may direct; and it is hereby provided that the registration of mortgages provided to be executed in this section may be made in the county of Buncombe, and upon such registration in Buncombe county it shall be a lien upon the property and franchises conveyed in such mortgages as fully and completely as if the same were registered in each and every county through which the road passes or any part thereof.

Mortgage on separate sections.

Registration of mortgage.

Lien.

SEC. 19. That the said company may consolidate its stock and property with that of any railroad company chartered by the state of South Carolina, Tennessee, Kentucky or Ohio upon such terms as shall be agreed upon by the companies; but in case of such consolidation the consolidated company shall always remain a North Carolina corporation in regard to the right of suing and the liabilities of being sued, and the jurisdiction of the courts of North Carolina over the same.

Consolidation with other roads in certain states.

SEC. 20. That work on the said road shall begin within two years and be prosecuted without unnecessary delay to final completion, or the rights of this act will be repealed.

When work to begin.

SEC. 21. That in case any county through or near which the said road is located desires to subscribe for stock in said company it shall be the duty of the board of commissioners of such county, upon the petition of not less than fifty freeholders and resident taxpayers of the county, to provide for the submission of the question of subscription to the qualified voters of such county; and in case the same is adopted by said voters then the bonds shall issue, and taxes to pay the same shall be levied as is prescribed by the general laws as contained in chapter forty-nine of The Code of North Carolina.

Election in counties upon question of subscription.

Bonds to be issued, &c., on majority vote.

SEC. 22. That upon presentation of a petition signed by at least one-fifth of the resident taxpayers of any township, city or town through or near which said road may run or shall have been located in any county along the line thereof to the board of commissioners of any county wherein such township is situated, requesting said commissioners to submit to the vote of the qualified voters of their respective townships, city or town, as the case may be, a proposition to subscribe a definite sum named in said petition to the capital stock of the Atlantic and Ohio Railroad Company, it shall be the duty of said board of commissioners, within sixty days, to order an election to be held at the various polling places in the townships, city or town so petitioned, and submit to the qualified voters thereof the question of subscribing to the capital stock of said company the amount speci-

Elections in townships, cities and towns on question of subscription.

Ballots.

Election, how held.

Returns, &c.

On vote of majority of qualified voters, chairman of county commissioners to subscribe, &c.

Bonds not to be sold for less than par.

County commissioners to issue bonds, &c.

Special taxes.

How collected.

How applied.

fied in the petition; at which election those in favor of such subscription shall vote "Subscription," and those opposed shall vote "No subscription." Said election shall be held, registrars, poll-holders and judges appointed, the registration of votes taken, as may be provided by law for general elections of members of the general assembly in townships, and as provided by law for the election of commissioners or aldermen in cities and towns, except that in all such elections the poll-holders shall make returns within three days after the election of the votes cast to the board of county commissioners of the county, who shall, on the third day after the elections, canvass the returns, declare the result, and cause the same to be entered on their minutes.

SEC. 23. That in case any township, city or town shall by a majority vote of the qualified voters therein direct a subscription as provided in this act, then the chairman of the board of commissioners shall, within sixty days after said vote is ascertained, subscribe the amount authorized by the vote of said township, city or town in stock to said company, to be paid for in the bonds of such townships, city or town at their face value, and said bonds shall not be sold for less than par by said railroad company.

SEC. 24. To provide for the payment of said subscription made as provided for in this act the board of commissioners of the county in which is situated any township, city or town making such subscription shall issue coupon bonds to the amount of the subscription so authorized; and said bonds shall, upon their face value, so indicate on account of what township, city or town they are issued, and the condition upon which they are issued. Said bonds shall be in the denominations of not less than fifty nor more than one thousand dollars, and shall run for not exceeding fifty years and bear interest not exceeding six per centum per annum, payable annually or semi-annually, and payable at such time and such place as the board of county commissioners may direct.

SEC. 25. To provide for the payment of said bonds issued under the authority of this act, the board of commissioners of any county wherein the townships, city or town is issuing the same may be situated shall, in addition to the other taxes that annually may be levied upon the property and polls of such townships, city or town, annually compute and levy at the time of levying the general taxes upon the property and polls of said townships, city or town a sufficient tax to regularly and promptly pay the interest on said bonds as it falls due, and to provide a sinking fund to pay off the principal of the same as the bonds may mature; which taxes shall be collected by the sheriff or the regular tax collector of the county; if the taxes be levied upon the subjects of taxation in a township to pay township bonds, and by the tax collector of a city or town to pay city or town bonds, and by said officers promptly applied to the payment of inter-

est and principal as provided in this act; and such collectors shall enter into bond before the county commissioners, with sufficient securities, conditioned for the faithful performance of their duty under the provisions of this act. Bond of collectors.

SEC. 26. That the stockholders in said company, whether private citizens or other corporations, public, private or municipal, shall be personally liable for the debts of said company to the amount only of the unpaid stock in said company held by them respectively. Liability of stockholders.

SEC. 27. That this act shall be in force from and after its ratification. Ratified the 27th day of February, A. D. 1893.

#### CHAPTER 114.

**An act to amend and consolidate the acts incorporating the "Butters Lumber Company," chapter ninety-one, private laws eighteen hundred and eighty-seven, and chapter fifty-one, private laws eighteen hundred and ninety-one.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That Horace Butters, M. F. Butters and W. H. Butters, their associates and successors, be and the same are hereby created a body politic and corporate under the name and style of "Butters Lumber Company," and shall have besides the powers herein specially set forth all the rights and privileges vested in corporations by section six hundred and sixty-three, six hundred and sixty-four, six hundred and sixty-five of The Code of North Carolina and by any amendments thereto. Incorporators.  
Corporate name.  
Corporate powers.

SEC. 2. That the principal place of business of said corporation shall be at the town of Hub in Columbus county, North Carolina, but it may establish and maintain such other places of business as may be necessary or convenient for the transaction of its business. Place of business.  
Branches.

SEC. 3. That the capital stock of said corporation shall not exceed one million dollars, to be divided into shares of the par value of five hundred dollars each, and the stockholders shall not be individually liable for the debts or liabilities of the corporation. Capital stock.  
Non-liability of stockholders.

SEC. 4. That said corporation is hereby fully authorized to take by purchase or otherwise and hold in fee-simple or any other manner any number of acres of land not exceeding in value at any time the sum of five hundred thousand dollars: *Provided*, that the value of the lands is to be fixed by the price paid for the same, any increase in value by improvements made by said corporation or otherwise not to be considered in ascertaining the value of the lands: *Provided* Authorized to own land, &c.  
Proviso.

Proviso.

*further*, that this section shall not be construed to have any effect upon the valuation of said lands for taxation.

Corporate powers.

SEC. 5. That the said corporation, for the purpose of drainage and for the purpose of navigation and transportation with any and 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 Big swamp in Robeson county, North Carolina, from where it empties into Lumber river to its head near the Cumberland county line, and likewise in Coward swamp in said county of Robeson from Lumber river to the Ashpole swamp, and in Ashpole swamp from the South Carolina line to McLeod's mill near Pleasant Grove Baptist church, and in Raft swamp from Lumber river to its head; and to cut all such other canals in the counties of Robeson, Columbus and Bladen as may be useful or necessary in the conduct of the business of said corporation; and it 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. And in case said corporation is unable to agree with the owner for the purchase of any real estate required for the purpose of constructing any canal, it shall have the right to acquire title to the same in the same manner and by the special proceedings prescribed in chapter forty-nine of said Code and any amendments thereto: *Provided*, that said corporation shall have the right to abandon and not keep open any canal or stream opened or improved by it when the same shall have become unnecessary for the conduct of its business: *Provided further*, that in no case shall the said corporation be allowed to recover any sum from any person by reason of any benefit that may accrue to the lands of such person by the opening of any canal or draining of any stream or the building of any railroad in said counties: *Provided further*, that in all cases where the opening of any stream or canal or the building of any road it shall require the building of any bridge across county roads, it shall be the duty of the said corporation to build and keep in good repair any such bridges so long as the said corporation may use such roads or canals.

Proviso.

Proviso.

Proviso.

Corporate powers.

SEC. 6. That said corporation may subscribe to the capital stock of all other corporations which may be projected in this state; it may buy, sell, own, hold and deal in real estate (subject to the limitations contained in section four), standing trees, lumber, lumbermen's materials and supplies, goods, wares and merchandise of any and all kinds; it may build, equip and operate saw-mills, planing-mills, stave-mills, shingle-mills, dry-kilns, hotels, boarding-houses and all other buildings, mills, machinery and apparatus necessary and convenient for the conduct of its business; it is hereby authorized to build and equip with rolling and other stock and to operate all such railroads, tramroads, turnpikes and other roads as will connect its mills, buildings and premises at Hub, North Carolina, with railroads now in operation

or that may hereafter be operated in Robeson, Bladen or Columbus county, or with any lands the said corporation now owns or may hereafter own in any of said counties (*Provided*, that the said corporation shall have full power to dispose of by sale or otherwise or to cease to operate and to remove any railroad or tramroad it may build when the same shall become unnecessary for the prosecution of its business); and to that end it may build bridges, dams and culverts across any streams or depressions in said counties over which it may desire to pass, and in said counties it may establish, maintain and equip telegraph or telephone lines, warehouses, gas-works, water-works, electric lights and any works that may be necessary and convenient for the prosecution of any of the business that it is herein authorized to engage in; and to the end that said corporation may lawfully engage in the constructing, maintaining and operating the railroads, tramroads, turnpikes and other roads in this section mentioned, it has hereby conferred on it all the powers, privileges and immunities conferred upon railroad and telegraph companies by chapter forty-nine (49) of The Code of North Carolina and any amendments thereto; and in case said corporation is unable to agree with the owner for the purchase of any real estate necessary or convenient for the purpose of constructing and operating any road, it shall have the right to acquire the title to the same in the manner and by the special proceeding provided in said chapter forty-nine of The Code of North Carolina and any amendments thereto.

SEC. 7. Said corporation shall have power to sell, convey, lease, improve, manage, develop, mortgage, dispose of, or otherwise deal with, any or all of its property; to lend money, to make, accept, endorse and execute promissory notes, bonds, drafts and other commercial instruments; to raise money in such manner as it may see fit, to issue mortgage bonds upon any or all of its property, and to do all such other acts and things as are incident to and conducive to the accomplishment of any or all of the objects in this act set forth, not inconsistent with the laws of this state.

SEC. 8. That said corporation shall have power to collect reasonable charges on all persons and freights of every kind transported over any of the railroads, tramroads, canals, or over any of the above-named streams which may be opened or improved by it for the purpose of navigation.

SEC. 9. That if any person shall in any manner wilfully obstruct the canals, streams improved, railroads, tramroads, or other works of said corporation, he shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court, and said corporation is hereby fully authorized to remove any such obstruction,

SEC. 10. That said corporation is hereby granted all the rights and privileges contained in this act to it and its successors and assigns for

Proviso.

Corporate powers.

Authorized to collect transportation charges.

Wilful obstruction of canals, &c., a misdemeanor.

Corporate existence.

- Conflicting laws repealed. sixty years, and all laws and clauses of laws in conflict with this act are hereby repealed in so far as they affect the same, and no further.
- Corporate rights. SEC. 11. That upon the ratification of this act the said "Butters Lumber Company" shall become vested with all the property, both real and personal, now owned by it, subject to the rights, privileges and immunities herein contained.
- SEC. 12. That this act shall be in force from and after its ratification. Ratified the 27th day of February, A. D. 1893.

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CHAPTER 115.

An act to incorporate the Piedmont Toll Bridge Company.

*The General Assembly of North Carolina do enact :*

- Incorporators. SECTION 1. That W. V. Clifton, T. H. Vanderford, F. B. Arendell and D. R. Julian, and such others as may be associated with them, their successors and assigns, are hereby created a body corporate
- Corporate name. under the name of "The Piedmont Toll Bridge Company," and by
- Corporate powers. that name may sue and be sued, plead and be impleaded, and have a common seal; and have and enjoy all rights, privileges, franchises and immunities pertaining to corporations. May adopt such by-laws and regulations, not inconsistent with the laws of the state, as may be necessary to carry out the objects of the corporation. Said company shall exist for a period of sixty years; and may buy, sell, lease, hold and deal in real estate and personal property.
- Corporate existence.
- Capital stock. SEC. 2. That the capital stock of said company shall be twenty-five thousand dollars (\$25,000) divided into such number of shares as the by-laws may determine. That any subscriber to the capital stock of said company may pay for the same in money, lands, labor, bridge material, or other articles of value in such manner and on such terms as may be agreed upon by said company and such subscriber.
- Subscriptions, how paid.
- Books of subscription. SEC. 3. That at any time within two years from the passage of this act the corporators above named, any two of whom may act, may cause books of subscription to be opened at Salisbury or Lexington, North Carolina, or both; and whenever the sum of one thousand dollars has been subscribed, any one of said corporators may call a general meeting of the stockholders for organization, at which meeting or at any general meeting not less than a majority of the capital subscribed, represented either in person or by proxy, shall constitute a quorum for the transaction of business. At the first general meeting of the stockholders it shall be their duty to elect from among
- Organization.
- Officers.

their number a president, secretary, who shall also be treasurer, and a board of directors of not less than three nor more than five, who shall also be stockholders, each to hold office for one year or until their successors are chosen, and have the management of the affairs of the company.

SEC. 4. That said company shall have the right to construct, own and operate a toll-bridge across the Yadkin river at a point within two miles of and either above or below the Richmond and Danville Railroad bridge near Holtsburg in Davidson county. That if said company and the owner of any lands which may be necessary for the location of said bridge, the building of a keeper's house, or the laying out and opening of any public road to or from said bridge shall not be able to agree on a price for the same, or for any cause said land cannot be purchased from the owner, the same may be taken by the company at a valuation to be ascertained as follows, namely: On application by the company to any justice of the peace for the county in which said land may be situated it shall be the duty of said justice of the peace to issue his warrant to the sheriff of said county to summon a jury of not less than five freeholders to meet on the land on the day named in such warrant, not less than five nor more than twenty days thereafter, and on receipt of said warrant the sheriff shall summon the jury and notify the owner of the land of the time and place at which he has summoned the jury to meet, and when met if three or more shall appear he shall administer an oath to them that they will impartially value the land. The proceedings of said jurors or a majority of them, accompanied by a description of the land, shall be returned under their hands and seals by the sheriff to the clerk of the superior court, there to remain as a matter of record, and on payment of said valuation into the office of the clerk of the superior court the land shall vest in the company: *Provided*, that if either the owner or owners of such lands or the company shall be dissatisfied with the valuation of said jurors, either party may have an appeal to the superior court of the county in which the land is situated, but such appeal shall not delay nor interrupt said company from using said land for purposes named pending such appeal.

Authorized to build a toll-bridge across Yadkin river.

Condemnation of land.

Right of appeal.

SEC. 5. That said company shall prescribe rates to be charged for tolls in their by-laws, but they shall in no case exceed the following rates: For man on foot, five cents; for man on horse, ten cents (10); for one-horse wagon or buggy, twenty-five cents (25); for two-horse wagon, buggy, carriage or other vehicle, forty cents (40); for three or four-horse wagon, fifty-cents (50); for five or six-horse wagon, sixty cents (60); for loose hogs or sheep, one cent (1) per head; for loose cattle or horses, two and a-half cents ( $2\frac{1}{2}$ ) per head. A penalty of five dollars shall be imposed on any person who shall ride over the company's bridge at a pace faster than a walk.

Rates of toll.

Penalty for fast riding.

SEC. 6. That this act shall take effect from and after its ratification. Ratified the 27th day of February, A. D. 1893.

## CHAPTER 116.

**An act to change the corporate limits of the town of Thomasville in Davidson county.***The General Assembly of North Carolina do enact :*

Corporate limits.

SECTION 1. That the corporate limits of the town of Thomasville, Davidson county, North Carolina, be as hereinafter described: That the corporate limits shall measure one-half mile north and south from the center of the crossing of Salem and Glenanna streets, and shall measure five-eighths of a mile west and east from the same point, and lands inside this line shall embrace the corporate limits of the town of Thomasville.

Conflicting laws repealed.

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

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 27th day of February, A. D. 1893.

## CHAPTER 117.

**An act to amend the charter of the town of Kinston, Lenoir county, chapter thirty-three, private laws of eighteen hundred and eighty-five.***The General Assembly of North Carolina do enact :*

Chapter 33, private laws 1885, amended.

Change of corporate limits.

SECTION 1. That chapter thirty-three of the private laws of eighteen hundred and eighty-five be and the same is hereby amended as follows: Strike out all from the word "then" in line twelve, section two thereof to the word "then" in line fifteen, and insert in lieu thereof the following: South eighty-seven and one-half degrees east one hundred and sixty-four poles to a stake, then south five and one-half degrees west to the south side of the extension of Bright street.

Execution of process by policemen.

SEC. 2. That any policeman of the town of Kinston or any constable or other lawful officer of Lenoir county shall have power to execute the warrants, precepts and other writs of the mayor of the town of Kinston anywhere in the county of Lenoir.

Conflicting laws repealed.

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

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 27th day of February, A. D. 1893.



## CHAPTER 118.

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

*The General Assembly of North Carolina do enact :*

SECTION 1, That chapter eighty-seven, section twenty-five of the laws of one thousand eight hundred and eighty-seven be amended by inserting after the word bonds in line sixteen the following words: *Provided*, that if any such city or town fail or neglect to duly appoint a tax collector on or before the thirtieth day of May of any year, in that case it shall be the duty of the sheriff of the county in which such city or town is situated to collect all such taxes as have been or shall be duly levied upon the property and polls of such city or town.

Chapter 87, laws 1887, amended.

Sheriff to collect special tax in cities and towns failing to appoint tax collector.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 27th day of February, A. D. 1893.

## CHAPTER 119.

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

*The General Assembly of North Carolina do enact :*

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

Authorized to sell to other company, to consolidate, &c.

Proviso.

any company owning, operating or controlling a competing line:  
 Proviso. *Provided further*, that nothing in this act shall have the effect of ousting the jurisdiction of any of the state courts over causes of action arising within this state.

SEC. 2. That this act shall be in force from and after its ratification.  
 Ratified the 27th day of February, A. D. 1893.

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CHAPTER 120.

An act to amend chapter one hundred and seventy, private laws eighteen hundred and ninety-one, amending charter of the Cullowhee High School.

*The General Assembly of North Carolina do enact :*

Chapter 170, private laws 1891, amended.  
 Normal department for teachers.

Appropriation.

Supervision of Normal department.

Discontinuance.

Certificates.

To entitle holders to teach in public schools, &c.

Proviso.

SECTION 1. That section one, chapter one hundred and seventy, private laws of eighteen hundred and ninety-one, be amended by adding at the end of said section the following: And there shall be established in connection with said high school a normal department to fit and train young men and women for the position of teachers in the public schools of the state; and the sum of fifteen hundred dollars is annually appropriated for this purpose. Said normal department shall be under the supervision of the superintendent of public instruction of the state; and said superintendent shall have power to prescribe rules for the regulation and management of the same; said superintendent shall also have power, upon being satisfied that said normal department is inefficient or unnecessary, to discontinue the same, and the appropriation herein provided for shall thereupon cease. The principal of said high school, upon the completion of the prescribed course in the normal department, shall grant certificates which shall entitle the holders to teach in any of the schools of the state, subject to the general school laws of the state as to character, which certificates shall be good for three years, subject to examination upon branches that may be subsequently added to the public school course: *Provided*, that all young men and young women who are preparing themselves for teachers shall pay no charges for tuition.

SEC. 2. That this act shall be in force from and after its ratification.  
 Ratified the 27th day of February, A. D. 1893.

## CHAPTER 121.

## An act to incorporate The Bank of Laurinburg.

*The General Assembly of North Carolina do enact :*

SECTION 1. That A. L. James, T. I. Gill, W. H. Neal, J. A. McBryde, Mark Morgan, R. D. Phillips, J. P. McRae, W. G. Quackenbush and Rod McRae, their present and future associates, successors and assigns, are hereby constituted and declared to be a body politic and corporate by the name and style of The Bank of Laurinburg, with its principal place of business at Laurinburg, North Carolina, and by that name may sue and be sued, plead and be impleaded in any court of the state, and shall have a continual succession for thirty years, with capacity to take, hold and convey real and personal estate, with the rights, powers and privileges incident to or belonging to corporations as set forth or referred to in sections six hundred and sixty-three, six hundred and sixty-four, and six hundred and sixty-five of chapter sixteen of The Code, entitled "Corporations."

Incorporators.

Corporate name.  
Corporate powers.

SEC. 2. That the capital stock of said corporation shall not be less than twenty thousand dollars in shares of twenty-five dollars each, and such capital stock may be increased from time to time as said corporation may elect to a sum not exceeding one hundred thousand dollars.

Capital stock.

SEC. 3. That A. L. James, T. I. Gill and W. H. Neal, the corporators named in the first section, are hereby empowered at any time within two years from the ratification of this act to open books of subscription to the capital stock of said corporation at such time or times, at such places and for such periods as they shall determine, and the stockholders at any general meeting held after the organization of said corporation may at their discretion from time to time re-open books of subscription to the said capital stock until the same as herein limited be wholly taken.

Books of subscription.

SEC. 4. Whenever the sum of twenty thousand dollars shall have been subscribed the before-named corporators, or a majority of them, shall call a meeting of the subscribers to said stock at such time and place and on such notice as they may deem sufficient, and such subscribers shall elect by a stock-vote, from among their number such directors as they may deem proper, who shall hold office for one year and until their successors are appointed; said directors shall by a stock vote elect a president, vice-president and cashier, the same being stockholders, and have authority to fill all vacancies that may occur in their own body or in any office or position in the bank until the next annual meeting of the stockholders.

Organization.

Directors.

Officers.

Vacancies.

SEC. 5. The president and directors of the bank may adopt and use a common seal and alter the same at pleasure, appoint all necessary

Powers of president and directors.

officers and agents, fix their compensation, prescribe their duties and take security for the faithful discharge of the same, and may, when they deem it to the interest of the bank to do so, discharge any or all of them and appoint others to fill their places; they shall prescribe the manner of paying for stock and the transfer thereof, may do a general banking business, discount promissory notes, bills of exchange, domestic and foreign, and take interest or discount in advance at a rate not greater than is allowed by law. The corporation may invest in bonds of this state or other states and of the United States, or in the bonds or obligations of any corporation or county in this state.

Corporate powers.

SEC. 6. The said corporation may receive and pay out the lawful currency of the country, deal in exchange, gold, silver and other coins, bullion, uncurrent paper and public or other securities, including the bonds or other securities of the United States, this state and other states of the union, also county bonds, township bonds, town bonds or municipal bonds and the bonds or other evidences of debt of any corporation chartered by this or any other state of the Union; may purchase and hold such real and personal estate and property of any kind as may be conveyed to secure debts or liabilities to the said corporation or in which the said corporation may be interested or which may be sold under execution, mortgage or other liens, or by order of any court to satisfy any debt or liability to said corporation, and may sell and convey the same at pleasure; may purchase and hold real estate suitable for the transaction of its business, and at pleasure sell or exchange the same; may discount bills, bonds, notes, drafts and other evidences of debt, and lend money on such terms as may be agreed on, not to exceed the legal rate of interest, and may take and receive interest at the time of making such loan. It may receive deposits of money or other property or evidences of debt from corporations, minors without guardians, *feme covert*s, guardians, executors, administrators, trustees and other persons on such terms and time and manner of collection and payment as may be agreed upon; and when any deposit shall be made by any person being a minor without guardian or *feme covert* the said corporation may at its discretion pay to such minor without guardian or *feme covert* such sums as may be due him or her, and the receipt or acquittance of such minor without guardian or *feme covert* shall be to all intents and purposes valid in law, fully discharge the said corporation from any and all liability on account thereof.

Powers and duties of president and directors.

SEC. 7. That the president and directors shall exercise all the necessary authority and power for the proper government of the business of the corporation; they shall direct when dividends shall be paid to stockholders; they may call meetings of the stockholders when they may deem it proper, giving ten days notice; and any number of stockholders holding one-fourth of the capital stock paid up may call a

special meeting, giving ten days notice in a newspaper published in the town of Laurinburg; and at all meetings stockholders not present may be represented by proxy, each share of stock being entitled to one vote.

Special meetings of stockholders.

SEC. 8. That said corporation shall have power to loan money on a pledge or mortgage of real or personal property.

Authorized to loan money on pledge, &c.

SEC. 9. If any subscriber shall fail to pay for his stock or any part thereof as the same is required of him the entire residue of his stock shall be deemed to be due, and may be recovered in the name of the bank, either by motion in superior court of the county where the delinquent may reside, upon giving him ten days notice of the motion, or by civil action, or the entire stock may be sold by order of the directors for cash, after advertisement of sale for twenty days in a newspaper published in Laurinburg, North Carolina; and if at such sale the price shall not be sufficient to discharge the amount unpaid, with all costs of sale, the subscriber shall be liable for the deficiency in a civil action.

Remedy against person failing to pay.

SEC. 10. If any subscriber assign his stock before its full payment, he and his assigns and all subsequent assignees thereof shall be liable for its payment, and may be sued jointly or severally by motion, as aforesaid, or by civil action; and in every case of delinquency in a subscriber or others the subscription shall be deemed a promissory note payable to the corporation, as well in respect to the remedy for recovering the same as in the distribution of the assets of any deceased subscriber.

Remedy against assignee of stockholder.

SEC. 11. Any receiver, executor, administrator, trustee, assignee, guardian, committee of a lunatic, and any clerk, clerk of the superior court, treasurer of a county, sheriff, tax collector or other public officer is hereby authorized to deposit with the said corporation any money, security or other valuables which may come in his possession or under his control by virtue of his said office or appointment aforesaid: *Provided*, nothing herein contained shall be construed to operate as a discharge from liability any such depositors in case of loss, but they shall have the same legal liability for loss as if they had not so deposited according to law as it now exists.

Fiduciaries may deposit, &c.

Proviso.

SEC. 12. Said corporation shall have authority to establish and operate a savings bank under such rules and regulations as its by-laws may prescribe, and such savings bank may receive deposits and pay the same, together with such interest as may be agreed on with depositors. Deposits may be received from married women, minors without guardians, and apprentices, and the same may be paid out on their receipt, order or check, unless restrained by law; and deposits may also be made in the name of married women, minors without guardians and apprentices by their husbands, parents, guardians and masters, and the same may be drawn out by the person making the

Savings bank department.

Deposits by married women, minors, &c.

deposit unless restrained by law, but said corporation shall take and receive only such interest as may now or hereafter be allowed by law.

President, &c., to publish financial statements.

SEC. 13. The president and directors shall cause to be published at such times as required by the general law of the state a statement of the financial condition of the bank.

Liability of stockholders.

SEC. 14. In case of the insolvency of the bank hereby created or its ultimate inability to pay, shareholders shall be held individually responsible equally and rateably, and not one for another, for all contracts, debts and engagements of the bank to the extent of the amount of their stock therein at its par value.

Dividends.

SEC. 15. The president and directors may, as hereinbefore provided, declare dividends of so much of the net profits of the corporation as they shall judge expedient.

All questions at stockholders meetings to be decided by stock-vote.

SEC. 16. That at all meetings of the stockholders questions arising in the same shall be decided by a stock-vote.

How questions decided at director's meetings.

SEC. 17. That at all meetings of the directors of said corporation questions may be decided by a *viva voce* vote, but any director may call for the same to be decided by a majority of the stock as held by said directors, and thereupon a majority of the stock so represented in said board of directors shall decide the same.

Corporate existence.

SEC. 18. That this act shall continue in force for thirty years, and shall be in force from and after its ratification, and shall not be deemed forfeited by non-user if the corporation shall be organized at any time within two years after the ratification hereof.

Forfeiture of charter.

Ratified the 27th day of February, A. D. 1893.

## CHAPTER 122.

### An act to incorporate the Citizens Savings Bank at Wilmington, North Carolina.

*The General Assembly of North Carolina do enact :*

Incorporators.

SECTION 1. That J. W. Norwood, Luther Vollers, David G. Worth, A. David, Gabriel Holmes, Donald MacRae, J. G. L. Geisehen, M. S. Willard, S. Solomon, Marsden Bellamy and H. L. Vollers, their associates, successors and assigns, are hereby constituted and declared a

Corporate name.

body politic and corporate by the name and style of "The Citizens Savings Bank," with its principal place of business in the city of Wilmington, 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 ninety years, with all the rights, powers and privileges of corporations and banks under the general laws of the state.

Corporate powers.

SEC. 2. The capital stock of said corporation shall not be less than twenty-five thousand dollars in shares of one hundred dollars each, and such capital stock may be increased from time to time, as said corporation may elect, to a sum not exceeding five hundred thousand dollars.

Capital stock.

SEC. 3. The incorporators named in the first section, or a majority of them, are hereby empowered to open books of subscription to the capital stock of said corporation at such time or times, at such places and for such periods as they shall determine, and the stockholders at any general meeting called after the organization of said corporation may, at their discretion, from time to time reopen books of subscription to said capital stock until the same as herein limited be wholly taken.

Books of subscription.

SEC. 4. Whenever twenty-five thousand dollars shall be subscribed and one-half paid into the capital stock of said corporation, the above named incorporators or a majority of them shall call a meeting of the subscribers to said stock at such time and place and on such notice as they may deem sufficient to organize said corporation; and such stockholders shall elect such directors as they may think proper, who shall hold office for one year and until their successors shall be chosen; and said directors shall elect a president to serve during their continuance in office. The remaining one-half of subscribed capital shall be paid within six months after the bank begins business.

Organization.

Directors.

President.

Payment of subscription.

SEC. 5. The president and directors of said corporation may adopt and use a common seal and alter the same at pleasure; may make and appoint all necessary officers and agents and fix their compensation; shall exercise and have all such powers and authority as may be necessary for governing the affairs of said corporation; and shall prescribe the rules for the conduct of said corporation consistent with the by-laws established by the stockholders; they may regulate the terms and rates on which discounts and loans may be made and deposits received, not inconsistent with the laws of the state; and when dividends of the profits and the amounts thereof shall be made and declared; and fill all vacancies occurring in their own body and among the officers and agents of said corporation. They may call meetings of the stockholders whenever they think proper, and at all meetings the stockholders may be represented by proxy, and each share shall be entitled to one vote.

Powers of president and directors.

Stock-vote.

SEC. 6. That said corporation may purchase and hold all such real and personal property as may be necessary for its own business purposes, and such as may be conveyed to it to secure or satisfy any debt due to it, or for any other purpose, and such as may be sold under a foreclosure of any mortgage made to said corporation, or sold under execution or order of any court to satisfy any debt due to it, and may sell and convey or exchange the same at pleasure, and use or re-invest the proceeds thereof as may be deemed best.

Corporate powers.

Deposits by  
minors and mar-  
ried women.

SEC. 7. That when any deposit shall be made by any person being a minor or *feme covert* the said corporation shall pay to such minor or *feme covert* such sums as may be due to him or her, and the receipt or acquittance of such minor or *feme covert* shall be to all intents and purposes valid in law to fully discharge the said corporation from any and all liability thereof.

Remedy against  
subscriber failing  
to pay.

SEC. 8. If any subscriber shall fail to pay for his stock or any part thereof as the same is required of him the entire residue of his stock shall be deemed to be due, and may be recovered in the name of the corporation, either by motion in any court of the county where the delinquent resides, upon giving him ten days notice of the motion, or by ordinary civil action, or the entire stock of such delinquent may be sold by order of the directors for cash in the city of Wilmington after advertising such sale for ten days in some newspaper published in said city; and if the proceeds of such sale shall not be sufficient to discharge the amount unpaid, with all costs of such sale, the delinquent shall be liable for all deficiency in a civil action.

Remedy against  
assignee of sub-  
scriber.

SEC. 9. If any subscriber shall assign his stock before its full payment he and his assignee and all subsequent assignees thereof shall be liable for its payment and may be sued jointly or severally by motion as aforesaid or by action. In every case of delinquency in a subscriber or others the subscription shall be deemed a promissory note payable to the said corporation, as well in respect to the remedy for recovering the same as in the distribution of the assets of any deceased subscriber.

Corporate pow-  
ers.

SEC. 10. That the said company be and it is hereby authorized and empowered to receive and keep on deposit all such valuables, gold, silver or paper money, bullion, precious metals, jewels, plate, certificates of stock, bonds or evidences of indebtedness, instruments of title or other valuable papers of any kind or any other article or thing whatsoever which may be left on deposit for safe keeping with said company, and shall be entitled to charge such commissions or compensation therefor as may be agreed upon; and for the complete preservation and safe keeping thereof may construct, erect or purchase such fire and burglar-proof buildings, vaults, safes, or other means which may be or become necessary, and generally to transact and perform all business relating to such deposit and safe keeping or preservation of all such articles or valuables as may be deposited with said company; and also to invest the capital stock or funds of said company or such money or funds as may be deposited with said company for that purpose from time to time in the stocks, bonds or other securities of the United States, of this or any other state of the United States, or of any corporation under the laws thereof, or any other stock or property whatsoever, and to dispose of the same in such manner as may appear to said company most advantageous.



SEC. 11. That the said company be and it is hereby authorized and empowered to accept and exercise any trust of any and every other description which may with its consent be committed or transferred to it by any person or persons whomsoever, by any bodies corporate or public, or by any court of the state of North Carolina or of the United States, or any one of the states of the United States, and to accept the appointment and office of executor or administrator or trustee or assignee of any kind or nature whenever such office or appointment is made or conferred by any person or persons or by any court of competent jurisdiction of this state or of any one of the United States or of the United States; and in all cases where application shall be made to any court for the appointment of any receiver, trustee, administrator, assignee, guardian of any minor or committee of a lunatic it shall and may be lawful for such court to appoint the said company, with its assent, such receiver, trustee, administrator, assignee, guardian or committee, and when any person shall appoint the said company executor of his or her will or any court shall appoint the said company a receiver, trustee, administrator, assignee, guardian or committee or shall order the deposit of any money with the said company, the capital stock as paid in shall be taken and considered as the security required by law for the faithful performance of the duties as such executor, administrator, trustee, assignee, guardian or committee and shall be absolutely liable for any default, and in addition thereto the court may require the said company to give such other and additional security as it may judge to be expedient, and the court may if deemed necessary examine the officers of the company under oath or affirmation as to the sufficiency of its capital stock as such security. The accounts of said company as such receiver, trustee, executor, administrator, assignee, guardian or committee shall be regularly adjusted and settled before such court or officer as shall have jurisdiction thereof, which said court or officer shall upon such adjustment and settlement being made allow to said company all proper and legal and customary costs, charges, expenses and commissions for its care and management of the trusts and estates aforesaid, and shall charge the said company with interest not exceeding six per centum per annum whenever the said company shall be liable for or chargeable with interest as such receiver, trustee, executor, administrator, assignee, guardian or committee, or upon money deposited therewith as aforesaid. The said company as such receiver, trustee, executor, administrator, assignee, guardian or committee shall be subject to all lawful orders and decrees made by the proper tribunal under the laws of this state.

Corporate powers as to trusts, &amp;c.

Judicial appointment.

Additional security.

Settlement of accounts.

Allowance.

Interest chargeable.

Subject to orders of court, &amp;c.

SEC. 12. Any receiver, executor, administrator, assignee, guardian or committee of a lunatic and any public officer is hereby authorized to deposit with the said company for safe keeping any money or bonds, stocks, securities or other valuables which have or may come

Deposits by fiduciaries.

into his possession or under his control by virtue of his said office or appointment aforesaid.

Conflicting laws repealed.

SEC. 13. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 14. That this act shall be in force from and after its ratification. Ratified the 27th day of February, A. D. 1893.

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CHAPTER 123.

An act to amend the charter of the Cape Fear and Yadkin Valley Railway Company.

*The General Assembly of North Carolina do enact:*

Authorized to extend line to Atlantic coast.

SECTION 1. That the Cape Fear and Yadkin Valley Railway Company shall have full power and authority to extend the main line of its road to the Atlantic coast at some suitable point near Wilmington, and shall have the further power when duly authorized thereto

To enter and pass through other states.

by the laws of other states to enter and pass through said states or any one or more of them by continuous lines of railway constituting extensions of the line of said railway company now in operation, and to this end the said railway company shall have full power and authority to acquire by purchase or otherwise any road or to merge and consolidate with any road extending into or through any other state or states the purpose of which shall be to form with said Cape Fear and Yadkin Valley road a continuous line of railway. And for the purposes of carrying into effect the said merger or consolidation the Cape Fear and Yadkin Valley Railway Company shall have full power and authority to exchange its stocks and bonds or other securities for the stocks and bonds and other securities of the several corporations uniting in such merger or consolidation, and to issue sufficient bonds and stocks for that purpose and to mortgage the property and franchise of such consolidated lines as hereinafter provided.

To purchase, consolidate with, &c., other roads.

To exchange stocks and bonds.

SEC. 2. For the purpose of making such extensions and consolidations and of further improving its existing line the said Cape Fear and Yadkin Valley Railway Company is hereby authorized to make a mortgage upon all of its property, effects and franchises now owned and hereafter to be acquired of every kind whatsoever to secure the payment of the bonds, and to issue bonds in such sums as it may deem proper bearing a rate of interest not exceeding five (5) per centum per annum and to run for a period of fifty years from the

Authorized to issue mortgage bonds.

date thereof to an amount not exceeding forty thousand dollars (\$40,000) per mile upon each and every mile of single track and of sidings, and not exceeding sixty thousand dollars (\$60,000) per mile for each and every mile of double track of said road already constructed or which may hereafter be constructed and of any branch or branches of said road, and that said mortgage and the bonds issued thereunder shall be a first lien and have priority over every other claim against the company. The said mortgage when duly executed shall be registered in the register's office of the county of Cumberland, state of North Carolina, and the registration in said county shall be deemed an effectual and sufficient registration for all purposes, and it shall not be necessary to register the same in any other county, any law to the contrary notwithstanding: *Provided*, that from the issue of said bonds herein authorized the said company shall set apart such portion as may be deemed by it necessary to take up and cancel all existing mortgages on its property, and shall have full power and authority to dispose of the residue at such prices and upon such terms as it may deem best for the purposes herein contemplated.

First lien.

Registration of mortgage.

Proviso.

SEC. 3. Said Cape Fear and Yadkin Valley Railway Company is hereby authorized to increase its capital stock to an amount not exceeding forty thousand dollars (\$40,000) per mile for each and every mile of single track road and sidings, and sixty thousand dollars (\$60,000) per mile for each and every mile of double track of said road already constructed or which may hereafter be constructed and of all the extensions and of any branch or branches thereof, and the said corporation shall have full power and authority to issue and sell said stock at such prices and upon such terms as it may deem necessary.

Increase of capital stock.

Sale of stock.

SEC. 4. That the stockholders in general meeting assembled by a vote of two-thirds of the whole number thereof may change the name of said corporation to such name as said stockholders may adopt, and within ten days after the said change is made a certificate of the same shall be filed in the office of the secretary of state at Raleigh, North Carolina, and from the date of said filing the name of said corporation shall be changed to that adopted by the stockholders, and from that time the said corporation by its new name shall succeed to all the rights, privileges, powers, franchises and immunities that are possessed by the Cape Fear and Yadkin Valley Railway Company.

Stockholders authorized to change name.

Certificate to be filed in office of secretary of state.

Corporate rights, &amp;c.

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

Ratified the 27th day of February, A. D. 1893.

## CHAPTER 124.

## An act to incorporate the Tuckaseige High School in Jackson county.

*The General Assembly of North Carolina do enact :*

Incorporators.

SECTION 1. That C. L. Hooper, W. M. Hooper, John Wike, junior, B. N. Queen, L. W. Hooper, J. M. Wike, H. R. Queen, and the three committeemen of the public school district at the forks of the river in Jackson county, and their successors and the successors of the first named seven who may be elected as hereinafter provided, be and the same are hereby created a body politic and corporate under the name and style of "The Tuckaseige High School" for the purposes of establishing and maintaining a high school at or near the forks of the river in Jackson county, North Carolina, with the privilege of a common seal to be altered at their pleasure; and with power in their corporate name to sue and be sued, plead and be impleaded, contract and be contracted with, hold such real and personal property by purchase, donation or otherwise as they may consider necessary or convenient for the establishment and maintenance of said school, not to exceed fifty thousand dollars; and make all rules, regulations, by-laws and agreements needful or necessary for the government of their body and the said high school and for carrying into effect the aforesaid purposes of their institution, and do all other acts pertaining to similar corporations and not inconsistent with the laws of this state or the United States.

Corporate name.

Corporate powers.

SEC. 2. That the terms of office of the seven trustees named in section one of this act shall be one year from the date of their election as hereinafter provided.

SEC. 3. That the election of the seven trustees provided for in section one of this act shall be by a mass-meeting of the citizens on the second Saturday of February of each and every year, and that said trustees shall have power to elect a president and secretary of the board from among their number.

SEC. 4. That said board shall have power to prescribe a course of study for said Tuckaseige High School, and to change the same at any time deemed proper; upon the completion of said course of study so prescribed it shall be the duty of the principal of said high school to give to the student so completing said course a certificate of proficiency.

Authorized to receive property, &c.

SEC. 5. That said board of trustees shall have power to receive by donation, gift or otherwise any money or property of any kind or nature and disburse the same for the benefit of the said Tuckaseige High School.

Teachers.

SEC. 6. That the said board of trustees shall have power to elect a principal teacher in said high school, and as many assistants, either male or female, as may be necessary to carry on the said school.

SEC. 7. That the individual property of the aforesaid trustees shall not be liable for the debts of said corporation. Non-liability of trustees for corporate debts.

SEC. 8. That it shall be unlawful for any person or persons to sell any spirituous, vinous or malt liquors within two miles of said high school. Unlawful to sell liquor within two miles.

SEC. 9. That seven members of said board shall constitute a quorum for the transaction of any business coming before said board. Quorum of trustees.

SEC. 10. That any person violating the provisions of section eight of this act shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court. Misdemeanor.

SEC. 11. That this act shall be in force from and after its ratification. Ratified the 27th day of February, A. D. 1893.

CHAPTER 125.

An act to incorporate the town of Hilma in the county of Edgecombe.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the town of West Tarboro on the north side of Tar river and west side of Hendricks creek in the county of Edgecombe be and the same is hereby incorporated under the name and style of "The Town of Hilma," and as such shall have all the rights and privileges and be subject to all the provisions of chapter sixty-two of the second volume of The Code, except as is hereinafter provided. Incorporated.  
Corporate name.

SEC. 2. That the corporate limits of the said town shall include all the lands embraced within the following boundaries, to-wit: Beginning at the southwest corner of the bridge which crosses Hendricks creek near Hilma, thence with Hendricks creek to Tar river, thence down said Tar river to the line between the lands of the Tarboro cotton factory and Julian M. Baker's Foxhall place, thence with the line of the Tarboro cotton factory land to the south side of the public road near H. A. Dowd's residence, thence with said south side of said road to the bridge across Hendricks creek to the beginning. Corporate limits.

SEC. 3. That the officers of said town shall consist of a mayor and three commissioners and one or more constables. The names of the persons who shall fill the offices and commissioners until their successors are elected and qualified as hereinafter provided are as follows, viz.: Mayor, A. M. Fairly; commissioners—Raiford Lisles, Isham Gay and Redding Meares. Officers.  
Temporary officers.

SEC. 4. That there shall be held on the first Monday in May, eighteen hundred and ninety-three (1893), and every year thereafter, an election for a mayor and three commissioners, who shall hold their office Election.

- Commissioners to elect constable, &c. until their successors are qualified, said mayor and commissioners to be elected by the qualified voters of the town. The constable or constables and such other officers not specified in this act as may be necessary to the good government of said town shall be elected by the commissioners.
- Duty of appointees to qualify. SEC. 5. That it shall be the duty of the persons appointed to office by this act to meet and take the oath prescribed by law before some justice of the peace of Edgecombe county and enter upon the discharge of their respective duties.
- Execution of mayor's process. SEC. 6. The processes of the mayor of said town may be executed anywhere in Edgecombe county by the constable or other lawful officer.
- SEC. 7. That this act shall be in force from and after its ratification. Ratified the 27th day of February, A. D. 1893.

## CHAPTER 126.

## An act to incorporate the town of Robinsville in Graham county.

*The General Assembly of North Carolina do enact :*

- Incorporated. SECTION 1. That the town of Robinsville in Graham county be and the same is hereby incorporated under the name and style of the
- Corporate name. "Town of Robinsville," and shall be subject to all the provisions contained in chapter sixty-two of The Code, except sections thirty-eight hundred, thirty-eight hundred and seven, thirty-eight hundred and eight, thirty-eight hundred and nine, thirty-eight hundred and thirteen, thirty-eight hundred and fifteen and thirty-eight hundred and sixteen.
- Corporate limits. SEC. 2. That the corporate limits of said town shall be the same as set forth under the plat of said town under the original charter of the town of Robinsville in Graham county.
- Officers. SEC. 3. That the officers of said town shall consist of four commissioners, and a treasurer who shall be *ex officio* clerk of the board of town commissioners, said four commissioners shall choose one of their number mayor, and also their constable and treasurer.
- Temporary officers. SEC. 4. That until the officers shall be elected under the general law concerning corporations, N. M. E. Slaughter, G. B. Walker, N. G. Phillips and J. W. King are appointed commissioners of said town with power to appoint their constable and treasurer to serve until the time prescribed by law for the next election of officers for corporated towns.

SEC. 5. That the commissioners of said town shall have power to make all necessary by-laws, rules and regulations for the good government of said town, not inconsistent with the constitution of this state or the United States. By-laws, &c.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 27th day of February, A. D. 1893.

## CHAPTER 127.

An act to amend chapter one hundred and twenty-seven of the public laws of one thousand eight hundred and ninety-one.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section two, chapter one hundred and twenty-seven of the public laws of the session of one thousand eight hundred and ninety-one, be amended by striking out the word "two" in line fourteen and inserting the word "six," and by striking out the word "five" in line seventeen and inserting the word "nine." Chapter 127, laws 1891, amended. When work on Carolina & Virginia Railway to be commenced and completed.

SEC. 2. That the aforesaid act shall be in force from and after the ratification thereof.

Ratified the 28th day of February, A. D. 1893.

## CHAPTER 128.

An act to amend chapter ninety-eight, private laws of eighteen hundred and eighty-seven, in relation to the corporate limits of Whittier.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter ninety-eight, private laws of eighteen hundred and eighty-seven, be amended as follows: Add after section two of said act: "Provided, that said corporation line shall not extend beyond the dividing line between Swain and Jackson counties." Chapter 98, private laws 1887, (incorporating town of Whittier, Swain county) amended. Corporate limits. Conflicting laws repealed.

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

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1893.

## CHAPTER 129.

## An act to authorize the city of Raleigh to issue bonds for public improvements and to levy a special tax.

*The General Assembly of North Carolina do enact :*

Board of aldermen authorized to issue bonds for paving and other improvements, not exceeding \$50,000.

SECTION 1. That for the purpose of paving, macadamizing and otherwise improving such of the public streets of the city of Raleigh as the board of aldermen of said city may determine to improve, and for making such other public improvements as the said board of aldermen may determine to make, the city of Raleigh is hereby authorized and empowered to issue its bonds to an amount not exceeding fifty thousand dollars, of such denominations and in such proportions as the board of aldermen may deem advisable, bearing interest from the date thereof at a rate not exceeding five per centum per annum, with interest coupons attached, payable half-yearly, at such times and at such place or places as may be deemed advisable by said board of aldermen; said bonds to be of such form and tenor and transferable in such way, and the principal thereof payable or redeemable at such time or times, not exceeding thirty years from the date thereof, and at such place or places as the board of aldermen may determine.

Redemption.

Three-fifths to be set apart for improving streets.

SEC. 2. That the board of aldermen shall set apart for the special purpose of paving, macadamizing and otherwise improving the streets of the city of Raleigh not less than three-fifths of the proceeds arising from the sale of the bonds authorized by this act.

Bonds not to be sold for less than par.

Proceeds, how used.

SEC. 3. That none of the bonds authorized by this act shall be disposed of either by sale, exchange, hypothecation or otherwise for a less price than their par value; nor shall said bonds or their proceeds be used for any other purpose than those declared in said sections one and two respectively; and any officer of the said city of Raleigh violating or aiding or abetting any person in the violation of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five hundred dollars and imprisoned not less than six months, and shall moreover be liable to the said city in a sum double the amount lost to the city by such violation.

Penalty for violation of this section.

Freedom of bonds from taxation.

SEC. 4. That the bonds authorized to be issued by this act and their coupons shall not be subject to taxation by the said city until after they become due and tender of payment shall have been made by the city; and the coupons shall be receivable in payment of city taxes or other city dues for any fiscal year in which such coupons become due or thereafter; and if the holder of any of said bonds or coupons shall fail to present the same for payment at the time or times, and at the place or places therein named, he shall not be entitled to any interest thereon for the time they have been outstanding after maturity.

Coupons receivable for city taxes.

When interest to cease.



SEC. 5. That for the purpose of providing for the payment of the interest accruing on and the principal at maturity of the bonds issued under authority of this act the board of aldermen of said city shall annually, and at the time of levying other city taxes, levy and lay a particular tax on all persons and subjects of taxation on which the said board of aldermen now are or may hereafter be authorized to lay and levy taxes for any purpose whatsoever, said particular tax to be not less than six nor more than eight cents on the one hundred dollars assessed valuation on property, and not less than eighteen nor more than twenty-four cents on each taxable poll. The taxes provided for in this section shall be collected in the manner and at the times other city taxes are collected, and shall be accounted for and kept separate from other city taxes, and shall be applied exclusively to the purposes for which they are collected. So much of said taxes as may be required to pay the interest on the bonds issued by authority of this act, as it falls due, and cannot be applied to the purchase or discharge of the bonds for which said taxes are levied and collected, shall be invested so as to secure the payment at maturity of the principal of the said bonds; and to insure the due investment of the amounts collected from year to year in excess of that required to pay the said interest the board of aldermen shall cause the said excess to be turned over to the commissioner of the sinking fund of the city of Raleigh, whose duty it shall be, under such general rules and regulations as said board of aldermen shall from time to time prescribe, to make investments of so much of the taxes collected and turned over to him as aforesaid as shall be applicable as aforesaid to the payment of the principal of said bonds issued under this act, and to do or perform all such other services in connection with said bonds as said board of aldermen may prescribe, and such commissioner shall give bond and receive such compensation for his said services as said board of aldermen may determine.

SEC. 6. That the provisions of sections one and five of this act shall be submitted to a vote of the qualified voters of the city of Raleigh at an election to be held in said city on a day to be designated by the board of aldermen at any time after ten days from and after the ratification of this act, and after a public notice of thirty days preceding the election of the time when and the places where the election shall be held, which notice shall contain a copy of said sections one and five of this act, or a synopsis of the same, and shall be published in two or more newspapers published in the city of Raleigh. Said election shall be held and returns thereof made under the same rules and regulations as exist in case of elections for aldermen of the city. Those qualified voters approving the issue of the bonds provided for in section one and the levy and collection of the particular taxes provided for in section five of this act shall deposit in a ballot-box a slip containing the printed or written word "Approved," and those

Special tax.

Limitation of tax.

How collected.

How applied.

Sinking fund.

Question of issuing bonds and special tax to be submitted to popular vote.

Election, how held.

Ballots.

disapproving the same shall deposit a like slip with the printed or written word "Disapproved." If a majority of such voters shall vote "Approved" it shall be deemed and held that a majority of the qualified voters of the city of Raleigh are in favor of giving the board of aldermen authority to issue the bonds authorized by section one of this act and to levy the particular taxes authorized in section five of this act, and the board of aldermen shall have such authority. But if a majority shall vote "Disapproved," then the board of aldermen shall not have such authority: *Provided*, that if at any election held under this section a majority of the qualified voters shall vote "Disapproved" it shall not prevent the board of aldermen of said city from ordering another election under this section at any time after the lapse of twelve months from the date of such election at which the qualified voters may have voted "Disapproved;" and if at such other election a majority of the qualified voters shall vote "Approved" it shall have the same force and effect as if no election had been previously held.

Bonds to be issued and tax levied on majority vote.

Proviso.

Conflicting laws repealed.

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

SEC. 8. That this act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1893.

## CHAPTER 130.

### An act reviving the charter of the town of Gatesville.

*The General Assembly of North Carolina do enact :*

Chapter 203, laws 1877 (incorporating town of Gatesville) re-enacted. Temporary officers.

SECTION 1. That the act of the general assembly ratified the seventh day of March, eighteen hundred and seventy-seven, continue in full force and virtue.

SEC. 2. That the following named persons shall fill the offices of said town until the first Monday of May, eighteen hundred and ninety-three, with power to appoint a constable until that time: Mayor, John G. Cross; commissioners—R. M. Riddick, R. B. G. Cowper and C. W. Cross.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1893.

## CHAPTER 131.

## An act to incorporate the William L. Saunders Historical Society.

*The General Assembly of North Carolina do enact :*

SECTION 1. That George W. Graham, Edwin A. Alderman, Stephen B. Weeks, Kemp P. Battle, Alfred M. Waddell, David Schenck, Alexander Graham, Graham Daves, Richard H. Dillard, and their present and future associates and successors, are hereby created a corporate body by the name of the "William L. Saunders Historical Society of North Carolina."

SEC. 2. The object of the society shall be to collect, embody, arrange and preserve any books, pamphlets, papers and other literary material illustrative of the history of North Carolina, and to take proper steps to diffuse and publish information concerning the history of the state and to print and publish such records as they may be directed to do by the Trustees of the Public Library of North Carolina or provided in The Code, chapter fifty-one.

SEC. 3. The said society shall have all the general powers conferred on corporations in chapter sixteen of The Code, section six hundred and sixty-three, and in addition thereto it shall have the power to designate and elect such officers as it may think proper and necessary for the purpose of carrying out the objects of the society and to make and ordain a constitution and by-laws for the government of the society.

SEC. 4. The said society may acquire by deed, gift, contract, devise or otherwise real estate not to exceed twenty thousand dollars in value, and it shall have the power to alienate and transfer said property and deal with the same as a private individual. It may also acquire personal property of any kind necessary and proper for the use of the society.

SEC. 5. The said society shall report annually to the Trustees of the State Library concerning its proceedings and the result of its labors, and the said trustees shall publish and communicate the same in whole or in part in its report to the general assembly.

SEC. 6. Individual members of the society shall not be liable for any of the debts of the corporation.

SEC. 7. That this act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1893.

Incorporators.

Corporate name.

Corporate purposes.

Corporate powers.

Authorized to acquire, sell, &amp;c., property.

Annual report to trustees of state library.

Non-liability of members for corporate debts.

## CHAPTER 132.

An act to amend chapter two hundred and eighty-six, laws of North Carolina, eighteen hundred and ninety-one.

*The General Assembly of North Carolina do enact :*

Chapter 236, laws 1891 (incorporating Concord Southern R. R. Co.) amended. Termini.

Election in towns and cities on question of subscription.

County commissioners to make subscriptions for towns and cities on majority vote, &c.

County commissioners to issue bonds for towns and cities.

Special tax in towns and cities.

Transfer of town and city stock.

Taxes collected on corporate property in county, town, &c., applied to payment of interest on county, town, &c., bonds.

SECTION 1. That section two of said act be amended by inserting after the word "railroad" and before the word "and" in line four the words "or to any other railroad in the state of North Carolina which the board of directors may designate."

SEC. 2. That section six of said act be amended by inserting after the word "county" and before the word "or" in line two the words "town, city"; and in line five between the words "county" and "or" insert the words "town, city"; and in line nine between the words "county" and "or" insert the words "town, city."

SEC. 3. That section seven of said act be amended by inserting in line one between [the] words "county" and "or" the words "town, city"; and in line three after the word "township" and before the word "thus" the words "town or city"; and in line six between the words "county" and "or" the words "town, city"; and in line eight between the words "township" and "may" insert "town or city"; and in line eight between the words "township" and "subscription" insert "town or city."

SEC. 4. That section eight be amended by inserting after the word "township" and before the word "voting" in line three the words "town or city"; and between the words "county" and "or" in line five insert the words "town, city."

SEC. 5. That section nine be amended by inserting in line three between the words "township" and "voting" the words "town or city"; and between the words "county" and "or" in line five insert "town, city"; and in line seven between the words "county" and "or" insert "town, city"; and in line nine between the words "county" and "or" insert "town, city"; in line eleven between the words "county" and "or" insert "town, city."

SEC. 6. That after the word "township" and before the word "therein" in line four of section ten insert the words "town or city."

SEC. 7. That section twelve of said act be stricken out and the following inserted in lieu thereof as section twelve: "That when any county, town, city or township shall subscribe its bonds to the capital stock of said railroad company as provided in this act the county, town, city or township taxes which shall be levied and collected upon the property and franchises of said company in said county, town, city or township shall be applied in payment of the interest on the bonds of such county, town, city or township to the amount of said

interest so long as the same shall accrue, and the excess of said taxes, if any, shall be applied to the general county, town, city or township purposes; that when the said interest shall cease to accrue by reason of the payment of said bonds the said taxes shall be applied to general county, town, city or township purposes. That if work shall not be commenced on said railroad within six years after the ratification of this act then the charter shall be void."

Excess, how applied.

Charter to be void if work not begun in six years.

SEC. 8. That this act shall apply to all subscriptions which have heretofore been made to said railroad by any township.

Act applicable to former subscriptions.

SEC. 9. That all townships which have heretofore held elections upon the township subscribing to the capital stock of the company and which failed to vote for subscription, are hereby fully authorized and empowered to hold another election as herein provided for in the original act and the foregoing amendments.

Another election in certain townships.

SEC. 10. That this act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1893.

CHAPTER 133.

An act to amend the charter of the city of Statesville.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter forty of the private laws of eighteen hundred and eighty-five, the same being the charter of the city of Statesville, be amended as follows: Strike out all after the word "territory" in the second line of section one of said act down to the word "shall" in line eight of said section and insert the following in lieu thereof, namely, described as follows, to-wit: "Beginning at a stone on the north side of the Jonesville road near where said road and the Mocksville road fork; thence south twenty-four degrees east one hundred and ninety-four poles to a stone; thence south sixty-six degrees west one hundred and thirty-five poles to a stone; thence south twenty-four degrees east one hundred and thirty poles to a stone; thence south sixty-six degrees west one hundred and twenty-five poles to the switch on the Atlantic, Tennessee and Ohio Railroad; thence with said switch to the Western North Carolina Railroad; thence with said railroad west to the crossing of Fourth street of the Statesville Development Company; thence with the west side of said street one hundred and sixty-nine and one-half poles to Newbern Avenue; thence with said avenue eighty-five poles to Eighth street; thence with the east side of said street one hundred and forty poles to the

Chapter 40, private laws 1885, amended.

Corporate limits.

north side of the Western North Carolina Railroad; thence along the west side of said Western North Carolina Railroad eighty-two and one-half poles to the bridge crossing to the Statesville Development Company's land; thence north eight poles to the south side of the Statesville and Western Railroad; thence with the south side of said railroad ninety-three poles to a stake; thence south sixty-six degrees west one hundred and three poles passing an old stone corner to a stone, an original corner; thence north twenty-four degrees west passing near the fork of the Taylorsville and Lewis ferry road two hundred and twenty-two poles to a stone; thence north sixty-six degrees east five hundred and fifty-six poles to the beginning corner."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1893.

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#### CHAPTER 134.

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

*The General Assembly of North Carolina do enact :*

Chapter 71, laws 1889 (incorporating Aberdeen & West End R. R. Co.) amended. Authorized to construct branch roads, &c.

SECTION 1. That section two of chapter seventy-one, of the laws of eighteen hundred and eighty-nine, be amended by adding to the end thereof the following: That said company may in its discretion construct and operate two branch roads, neither of which shall exceed ten miles in length, with right to remove from the road-bed of said branch roads the cross-ties, iron rails and joint fastenings and such other property as may be placed thereon after five years from the ratification of this act.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1893.

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#### CHAPTER 135.

An act to amend chapter one hundred and thirty-five, acts of eighteen hundred and ninety-one, relating to the charter of the city of Asheville.

*The General Assembly of North Carolina do enact :*

Chapter 135, private laws 1891, amended. Mayor and aldermen authorized to issue bonds for street improvement, &c., within four years from Feb. 28, 1891.

SECTION 1. That line three of section two of chapter one hundred and thirty-five of the laws of eighteen hundred and ninety-one be amended by striking out the word "two" in said line and inserting in lieu thereof the word "four," so as to extend the time for carrying out the provision of said chapter for two years.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1893.

## CHAPTER 136.

An act to amend chapter two hundred and eighty-five, private laws of one thousand eight hundred and ninety-one, entitled "An act to incorporate the town of New London."

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter two hundred and eighty-five, private laws of one thousand eight hundred and ninety-one, be amended by striking out the words "three thousand nine hundred and thirty-eight in section two and inserting in lieu thereof the words "two thousand." Chapter 285, private laws 1891, amended. Corporate limits reduced.

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

Ratified the 28th day of February, A. D. 1893.

## CHAPTER 137.

An act to amend chapter one hundred and five, private laws of eighteen hundred and eighty-nine, entitled "An act to incorporate the Farmers' State Alliance of North Carolina and Sub-Alliances.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter one hundred and five, private laws of eighteen hundred and eighty-nine, be amended by adding at the end of section two of said act the following: *Provided*, that no individual stockholder in the business agency fund of the Farmers' State Alliance of North Carolina, or in any other business enterprises conducted or in any way controlled by the said State Alliance, or by any county or sub-alliance, and no member of such alliance or alliances who is not a stockholder in said fund or enterprise shall be individually liable for any debt or obligation contracted by the alliance or alliances, or by any officer, manager, agent or employee thereof. Chapter 105, private laws 1891, amended. Non-liability of stockholders, &c., for corporate debts.

SEC. 2. That section three of said act of eighteen hundred and eighty-nine be amended by adding to the end thereof the following: *Provided*, that the amount of salary paid to any officer or employee of the Farmers' State Alliance or any county or sub-alliance shall not at any time be increased from and after the ratification of this act; and any amendment to an alliance constitution or any by-law passed hereafter for the purpose of increasing any such salary shall work a forfeiture of the charter of the State Alliance, county alliance or sub-alliance passing the same. No increase of salaries. Forfeiture of charter.

Contributor to funds for carrying on state business agency, &c., authorized to withdraw amount paid in, &c.

Certificate to be forwarded to trustee, &c.

Affidavit in lieu of certificate.

Duty of trustee.

Person contributing through County Alliance, &c., entitled to demand proportionate part, &c.

Amount, how determined.

Affidavit of applicant.

Failure of trustee to pay to work forfeiture of charter.

Business agent and trustee to give bond.

SEC. 3. That section four of said act of eighteen hundred and eighty-nine be amended by adding to the end thereof the following: *Provided*, that from and after the ratification of this act any person who shall hereafter contribute, or has contributed, any amount to a fund raised by the said Farmers' State Alliance of North Carolina for the purpose of carrying on a state business agency, or any other business enterprise, shall have the power to withdraw from such fund the amount so paid or contributed to such fund, whether such amount can be proven by certificate or not: *Provided*, that the person holding a certificate shall forward the said certificate to the trustee of the business agency fund, or to any person having charge of said fund, before recovering the amount paid into said fund; and any person not holding a certificate shall before recovering the amount paid by him send to said trustee an affidavit made before a justice of the peace stating the said amount, and that said certificate has not been transferred and has been lost. Upon receiving the said certificate or affidavit it shall be the duty of said trustee of said business agency fund, or other person having charge of said fund, to send by mail to the person so sending such certificate or affidavit the amount contributed by said person less the postage required to send said amount. That any person who has contributed or hereafter shall contribute any amount to any county alliance or sub-alliance, and said county alliance or sub-alliance has paid or shall hereafter pay any sum into the said business agency fund shall have a right to demand of said trustee his proportionate part of the sum so paid by said county alliance or sub-alliance; the proportionate part of said sum due such person shall be ascertained by dividing the sum so paid by said county alliance or sub-alliance by the number of male members of said county or sub-alliance at the date of payment of such sum into the said fund. The affidavit of any such applicant stating the number of male members of such county or sub-alliance at the time of such payment, and that he was a member thereof, accompanied by the certificate of two members in good standing of the alliance for the county where the applicant resides, of the truthfulness of such affidavit, shall be sufficient proof of such membership and of the number of members of said county or sub-alliance at the time of such payment.

SEC. 4. If the said trustee shall for the period of sixty days after the application of any person under this act for repayment fail to pay said person any sum due by virtue of this act, the said failure to pay shall work a forfeiture of the charter of the said State Alliance. The business agent and the said trustee of the business agency fund shall each give a bond for the faithful performance of his duty, payable to the Farmers' State Alliance, with two or more sureties. The bond of the said business agent shall be for the sum of thirty thousand dollars, and the bond of the said trustee shall be for fifty thousand dol-



- lars. The sureties on said bonds shall be justified as required by law as the sureties on the bonds of an administrator, and shall be deposited in the office of the clerk of the superior court of the county where the said business agent or trustee respectively reside. Justification of sureties.
- SEC. 5. It shall be the duty of the state business agent to pay in the months of May and November of each year to the said trustee all the profits arising from the operations as such business agent after paying all necessary expenses of carrying on said business, such as rents, taxes, salaries, clerk hire, fire insurance, etc. Payment of profits by business agent to trustee.
- SEC. 6. It shall be unlawful for the said trustee or any officer, agent or employee of the said business agency or State Alliance or county or sub-alliance to use or permit to be used any part of said fund or any fund belonging to said agency, state, county or sub-alliance, directly or indirectly, for any purpose not embraced in said act of eighteen hundred and eighty-nine or in this act. Unlawful use of fund.
- SEC. 7. Any violation of any provision of this act by the said trustee or business agent or any employee of said trustee or business agent shall work a forfeiture of the charter of the State Alliance. Violation of this act to work forfeiture of charter.
- SEC. 8. It shall be the duty of the attorney-general, upon satisfactory proof of a violation of any provision of this act, to bring an action in Wake superior court to enforce the forfeiture of said charter. All laws and clauses of laws in conflict with this act are hereby repealed. Duty of Attorney General to bring action.
- SEC. 9. That this act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1893. Conflicting laws repealed.

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CHAPTER 138.

**An act to incorporate the Wilkes County Bank.**

*The General Assembly of North Carolina do enact :*

- SECTION 1. That W. F. Trogdon, S. L. Trogdon, C. L. Trogdon, J. M. Winstead, B. Shumate and Mrs. D. A. Swain, and their associates and successors, be and they are hereby constituted and declared to be a body politic and corporate under the name and style of "The Wilkes County Bank," and shall so continue for a period of sixty years; and under such name may acquire, hold and convey real and personal estate, may sue and be sued, plead and be impleaded in any of the courts of this state or elsewhere; may make by-laws and regulations for its own government and the due and orderly conducting of its affairs and the management of its property: *Provided*, the same Incorporators.
- Corporate name and existence.
- Corporate powers.
- Proviso.

be not inconsistent with the laws of this state or the United States; and may conduct, transact and carry on in its full scope and import a general banking business, with all the powers, rights, and privileges and immunities hereby specially granted, and those contained in chapter four, volume two of The Code of North Carolina, entitled "Banks," as well as in the constitution and laws of this state as now existing or as may hereafter be enacted.

Capital stock.

SEC. 2. That the capital stock of said corporation shall not be less than twenty thousand dollars, in shares of five dollars each, and said capital stock may be increased at any time or from time to time as said corporation may elect to any sum not exceeding one hundred thousand dollars.

Books of subscription.

SEC. 3. That the incorporators in the first section named or a majority of them are hereby authorized and empowered to open or cause to be opened books of subscription to the capital stock of said corporation at such time or times, at such place or places and for such periods as they may deem proper; and the stockholders at any general meeting called after the due organization of said corporation may in their discretion from time to time re-open books of subscription to the capital stock of said corporation until the same as herein limited shall be taken.

Organization.

SEC. 4. That when ten thousand dollars shall be subscribed to the capital stock of said corporation and one-half of that amount shall be paid to one commissioner who shall be appointed by the above-named incorporators or a majority of them to open books of subscription, said incorporators or a majority of them shall call a meeting of the subscribers to said capital stock at such time and place and upon such notice as they may deem sufficient; and said stockholders shall elect such directors as they may see proper to elect, not exceeding seven, who shall hold office for one year or until their successors shall be elected and qualified; and said directors may elect at their first meeting, and annually thereafter, one of their number president or president and cashier of the bank and may fix his compensation and prescribe his duties, and he shall be *ex officio* chairman of the board of directors, whereupon said bank may commence the transaction of its business.

Directors.

President, &c.

Powers of president and directors.

SEC. 5. That the president or president and cashier or directors of said bank may adopt and use a common seal and alter the same at pleasure; may appoint all necessary officers, fix their compensation and take security for the faithful discharge of their duties; prescribe the manner of paying for stock and the transfer thereof; may do a general banking business on such terms and rates of discount and interest as may be agreed on not inconsistent with the laws of this state or the laws of the United States; may receive in payment for stock money, land, houses, and lots, material for construction or such other equivalent. The bank shall have a lien on stock for debts due

it by the stockholders in preference to the claims of all other creditors of equal dignity. That the capital stock may be created by subscription on the part of individuals, firms or corporations of any kind.

Lien on stock.  
Capital stock,  
how created.

SEC. 6. That the bank may pay out and receive the lawful currency of the country, deal in exchange, gold and silver coin, bullion, current paper and public and other securities; may purchase and hold such personal and real estate and property as may be conveyed to secure debts to the bank or may be sold under execution to satisfy any debt due the bank, and may sell and convey the same at pleasure; may purchase and hold real estate for the transaction of business and at pleasure sell or exchange the same; may discount notes and other evidences of debt, and lend money on such terms as may be agreed on not inconsistent with the laws of this state or the laws of the United States; it may receive on deposit moneys on terms such as may be agreed on by the president or officers and depositors and issue certificates of said deposits, which certificates may be assignable and transferable under such regulations as may be prescribed by the president and cashier or directors; all such certificates signed by the proper officers of the bank shall be as binding as if under seal of said bank.

Corporate powers.

SEC. 7. That said bank shall have power to make loans upon mortgages on real estate and personal property, with power of sale inserted in such mortgages upon default in payment thereof; to advance or loan any farmer, planter, merchant, miner, manufacturer or other person or persons or firms or corporations any sum or sums of money, and to secure the payment of the same by taking in writing a lien or liens, mortgage or mortgages upon the present or prospective products of any mining operations or upon any article then existing or thereafter to be made, purchased, manufactured or acquired, and such lien or mortgage so taken shall be good and effectual in law, and said bank shall have power to receive in storage or warehouse any goods, cotton goods, manufactured tobacco, wheat, corn or other produce or any merchandise or manufactured articles whatsoever as a pledge or pledges for the repayment of money loaned upon the faith of the same; and said liens, pledges or mortgages being duly recorded as in the case of mortgages and deeds of trust under the general law, and any sale and purchase made thereunder according to the terms therein recited shall be good and valid in law. That with the power of sale inserted upon default of payment in any mortgage, deed of trust or lien inserted therein, such property or properties as may be described in such mortgages, deeds of trust or liens may be purchased by said bank at a sale of said property or any part or parcel thereof, and the title thereto acquired shall be valid and binding in all respects.

Corporate powers.

SEC. 8. That if any subscriber shall fail to pay his stock or any part thereof as the same may be required of him the entire residue of his stock shall be deemed to be due, and may be recovered in the name of the bank, either by motion in the superior court of the county

Remedy against  
subscriber failing  
to pay.

wherein the delinquent resides upon giving ten days notice of the motion, or by civil action of said court, or the entire stock may be sold by order of the board of directors for cash at the banking house in North Wilkesboro after advertising said sale for twenty days in a newspaper published in Wilkes county or in North Carolina, and if at such sale the price should not be sufficient to discharge the amount unpaid with all costs attending the sale the subscriber shall be liable for the deficiency in a civil action.

Remedy against assignee of stockholder.

SEC. 9. That if a subscriber shall assign his stock before paying the same in full, he and his assignee and all subsequent assignees thereof shall be liable for its payment and may be sued jointly or severally by motion as aforesaid or by civil action, and in every case of delinquency in a subscriber or other person or corporation the subscription shall be deemed a promissory note payable to the said bank, as well as in respect to the remedy for recovering the same as in distribution of assets of any deceased subscriber.

Liability of stockholder for corporate debts, &c.

SEC. 10. That the stockholders of said bank shall not be in anywise individually responsible or liable for any debts, obligations, contracts, or engagements of said bank to any amount exceeding the amount of the respective stock owned by them, nor shall they be liable for the contracts, engagements or torts of said corporation beyond the amount of the subscription or stock therein.

Deposits by married women and minors.

SEC. 11. That when married women or minors deposit money or other property in said bank to their own credit, they may withdraw the same on their own order or check and be bound thereby, and such individual check or order of such minor or married woman shall be a valid and sufficient release and receipt to said bank against themselves and all other persons.

Powers of president, cashier and directors.

SEC. 12. That the president or president and cashier or directors shall be capable of exercising all such powers and authority as may be necessary for the better government of the affairs of said bank, shall have power to prescribe rules for the conduct of said bank, may regulate the terms and rates on which discounts and loans may be made and deposits received by said bank, and shall direct when dividends of profits shall be declared; may pay interest not exceeding the legal rate of such deposits as they may see fit. They may call a meeting of the stockholders whenever they may think proper, and any number of stockholders owning and holding three-fourths of the stock may call a special meeting by serving a personal notice and twenty days notice in some newspaper circulated in said county on a three-fourths majority of the stockholders for twenty days. At all meetings of stockholders all questions shall be decided by a majority stock-vote each share being entitled to one vote; stockholders may be present in person or represented by proxy: *Provided*, such proxy be a stockholder. At all stockholders meetings a majority of the capital

Stock-vote.

Proviso.

stock in amount shall constitute a quorum for the transaction of any business.

SEC. 13. That the principal office of the bank shall be at North Wilkesboro, North Carolina, but may be changed by the officers of the bank to any other place in North Carolina; that it may establish branches or agencies at any point in this state: *Provided*, the state tax is paid. Principal office.  
Branches.  
Proviso.

SEC. 14. That this act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1893.

### CHAPTER 139.

#### An act to incorporate the Blowing Rock and Lenoir Railway and Improvement Company.

*The General Assembly of North Carolina do enact :*

SECTION 1. That John A. Boyden, S. F. Harper, Edmund Jones, H. B. Battle, S. L. Patterson, T. K. Bruner, P. M. Wilson, John L. Boyden, Thos. F. Parker, E. F. Lovell, L. L. Green, their present and future associates and their successors, be and are hereby created a body corporate by the name and style of the Blowing Rock and Lenoir Railway and Improvement Company, and shall have a corporate existence as a body politic for ninety-nine years. Incorporators.  
Corporate name.  
Corporate existence.

SEC. 2. That the purpose of the company is the constructing a railroad from the town of Lenoir in Caldwell county by way of Patterson to the town of Blowing Rock in Watauga county, with the right to extend the same to Boone in said county and to Linville City in the county of Mitchell, and to construct, purchase, lease and operate, let or sublet any hotel property at any and such points in this state in the counties named as its board of directors may select. That the capital stock of said company shall be one hundred thousand dollars, in shares of one hundred dollars each, which may be increased at the pleasure of said company to one million dollars. Location of road.  
Capital stock.

SEC. 3. That any three of the persons herein incorporated, to effect the purposes of this act, may open books of subscription and receive subscriptions to the capital stock of the said company at such times and places as they may appoint, and when ten per centum of the capital stock shall have been subscribed and five per centum of such subscriptions paid in, then the stockholders may organize said company by the election of a board of directors. Such election shall be held at such time and place as may be agreed on by a majority of the Books of subscription.  
Organization.  
Directors.

Officers.

stockholders represented, and the board of directors may elect a president and such officers as it may think proper, and that the company shall adopt a corporate seal.

Corporate powers.

SEC. 4. That the said corporation shall have power and authority to construct, purchase, lease and operate, let or sublet any hotel property at any and such points in this state in the counties hereinbefore named as its board of directors may select. It shall have power to purchase, acquire, hold and sell, buy and sell at any point along its lines or in the counties aforesaid any property, real, personal or mixed, from time to time, as its directors may determine or choose.

Subscriptions by counties, townships and towns.

SEC. 5. That any county, township or town along or near the line of said railroad or at any terminal point thereof may subscribe to the capital stock of said company such an amount in cash or bonds as may be agreed upon between the said company and the county commissioners or other proper authorities of said county, township or town and as may be ratified by a majority of the qualified voters of said county, township or town as hereinafter provided for; and to this end it shall be the duty of the county commissioners and the proper authorities of such town, upon the written application of the board of directors of said railroad stating the amount which it is desired that such county, township or town shall subscribe to the capital stock of said company, together with a petition of one-tenth of the registered voters of said county, township or town, to appoint a day in which an election shall be held in such county, township or town in the

Election.

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, those favoring such subscription, on ballots printed or written "Subscription," and those opposing on ballots

How held.

Ballots.

Notice of election.

written or printed "No subscription." Such election shall be held after thirty days notice, specifying the amount of subscription to be voted for and the terms of payment, whether in cash or bonds, and if in bonds then the time the same are to run, together with the rate of interest thereon and the name of the company, posted at the courthouse door and three other public places in said county, township or town, at the usual voting places and by persons appointed in the manner that persons are appointed for holding other elections in said county, township or town, and the returns thereof shall be made and the results declared and certified as prescribed by law in such other elections. And such results so certified shall be filed with the register of deeds in said county or in the county in which such township or town is situate, and shall be taken as evidence of the same in any court in this state: *Provided*, that whenever any county, township or town shall make any subscription to said company, the same shall be made upon the express condition that unless work shall be commenced by said company in the limits of the county so making the subscrip-

Returns, &amp;c.

Subscription to be conditional on work begun, &amp;c.

tion or within which the township or town is situated and prosecuted with diligence through the same within five (5) years from the date of such subscription, then the said subscription shall be void and of no further binding force or effect.

SEC. 6. That said company shall have the power and authority to consolidate its said line of railroad with other lines of railroad connecting with or intersecting it in this state. Consolidation with other roads.

SEC. 7. That said company may make by-laws for the government of the company and prescribe the duties of its officers and the mode in which it may contract and convey property; and that said company may adopt a gauge and change the same at its pleasure. By-laws, &c.  
Gauge.

SEC. 8. The company shall have power in its corporate name to sue and be sued, to own real and personal estate, to condemn land for right-of-way, depot, stations and other like railroad purposes in the same manner as the North Carolina Railroad Company, and to farm out or lease its railroad to any other person or corporation. Corporate powers.

SEC. 9. That said company may mortgage its road and other property and issue bonds thereon for the purpose of constructing said road or extending its lines. Authorized to issue mortgage bonds.

SEC. 10. That it may enter upon lands to survey its route and locate the road as it thinks proper and beneficial to the company: *Provided*, it does not run through yards, gardens and graveyards, unless absolutely necessary to secure a grade: *And provided*, that when they locate on a highway they shall make another highway equally good, and shall place crossings wherever the road intersects the highway. Entry of lands.  
Proviso.  
Proviso.

SEC. 11. That the said corporation may take by purchase, devise or otherwise all such real estate as may by its directors be considered necessary or convenient for its roadway or for sites for one or more hotels or houses of entertainment, with suitable yards, parks, gardens and grounds adjacent or near to the same, and may sell and convey the same at pleasure; and may make and construct its roads and the branches thereto of any such different materials and in such manner and form as to its directors may seem best. Corporate powers.

SEC. 12. That this company shall have the power to construct or operate a telegraph line or telephone line between such points in the counties aforesaid as its directors shall designate. Authorized to build telegraph, &c., line.

SEC. 13. That the private property of the stockholders of this company shall not be liable for the debts of the corporation. Non-liability of stockholders for corporate debts.

SEC. 14. That this act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1893.

## CHAPTER 140.

## An act to amend the charter of the town of Murphy, Cherokee county, North Carolina.

*The General Assembly of North Carolina do enact:*

Chapter 239, private laws 1889, amended.

Work on streets by persons convicted; under supervision of chief police; rate of wages allowed.

Chief of police to give two bonds, one as chief of police and the other as tax collector.

License taxes on trades, professions, &c., repealed.

Cherokee county to keep up certain bridges.

Taxes, how expended.

SECTION 1. That section eleven (11), chapter two hundred and thirty-nine, private laws of eighteen hundred and eighty-nine, be amended by adding after the word "town" in line thirteen the words "under the supervision of the chief of police or street overseer, until at a rate of wages, ranging from fifty cents to one dollar per day, such person or persons shall have worked out the full amount of judgment and costs of proceedings.

SEC. 2. That section nineteen be amended by striking out that portion beginning with "A" in line nine and ending with the word "collected" in line twelve and inserting in lieu thereof the words "two several bonds payable to the state of North Carolina, the one conditioned for the faithful performance of his duties as chief of police in the sum of five hundred dollars, and the other conditioned for the faithful collection and proper payment of all the general and special taxes of the town in a sum not less than the double of said taxes for said year, said bonds to be approved by the board of aldermen of said town."

SEC. 3. That subsection six of section twenty-six be stricken out.

SEC. 4. That section thirty-five be amended by adding after the word "require" in line four the words "except the bridges on the Hiawassee and Valley rivers, which are to be kept up by the county of Cherokee."

SEC. 5. Amend section twenty-six by adding after the word "dollars" in subsection six of the same the following: "*Provided*, that three-fourths of all taxes levied and collected by the town authorities of the town of Murphy upon property and subjects of taxation in said section provided, situate, lying and being in that part of the town of Murphy, north of the Valley river, owned by *bona fide* residents of said territory, be expended by the said town authorities exclusively for the benefit of that part of said town, all other taxes to go to other parts of said town.

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

Ratified the 28th day of February, A. D. 1893.



## CHAPTER 141.

## An act to amend the charter of Carteret Lodge.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the charter of Carteret Lodge, a corporation formed before the clerk of the superior court of Durham county, be and the same is hereby amended by the insertion therein of the following: "Said corporation may own in fee and hold land in said state to any amount not exceeding ten thousand acres."

Charter of Carteret Lodge amended.

Authorized to hold land.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1893.

## CHAPTER 142.

## An act to incorporate the Commercial Bank of Rutherfordton.

*The General Assembly of North Carolina do enact :*

SECTION 1. That D. F. Morrow, K. J. Carpenter and Frank Reynolds, and their associates and successors, and such other persons as may hereafter become associated with them for the purposes mentioned and intended in this act, shall be and are hereby declared to be a body politic under the name and style of "The Commercial Bank of Rutherfordton," and as such shall have corporate existence for the term of thirty years with all the rights, powers, privileges and immunities usually granted to banking corporations under the laws of North Carolina and subject to all the duties and liabilities of such banking corporations, and shall have the right and capacity to take, hold and convey property, real, personal and mixed, shall have a common seal, and as a body politic shall have the right to adopt by-laws for its government and to enter into all lawful contracts incident to a banking corporation.

Incorporators.

Corporate name and existence.

Corporate powers.

SEC. 2. The capital stock of said corporation shall not be less than twenty thousand dollars, in shares of fifty dollars each. The capital stock may be increased to two hundred thousand dollars.

Capital stock.

SEC. 3. The corporators mentioned in section one of this act or a majority of them are hereby authorized and empowered to open books of subscription to the capital stock of said corporation at such times and places and for such periods as they shall determine, and after the organization of said corporation it may direct and cause the

Books of subscription.

books to be reopened for subscription to said capital stock under such rules and regulations as the board of directors may deem proper.

Organization.

SEC. 4. Whenever twenty thousand dollars shall be subscribed to the capital stock of said corporation and ten thousand dollars thereof paid in the corporators mentioned in section one of this act, or a majority of them, shall call a meeting of the stockholders of said corporation at such time and place as said corporators or a majority of them may designate after giving ten days notice to such stockholders of such meeting, at which meeting only the stock actually paid in shall be represented and allowed to be voted at the meeting provided for herein; it shall be the duty of said stockholders and they are hereby authorized and empowered to organize by the election of a president and secretary and treasurer and not less than three, nor more than five directors and fix their terms of office, and unless so fixed by a resolution of the stockholders the terms of office of said directors, president and secretary and treasurer shall be one year, or until their successors shall be elected.

Officers and directors.

Powers of president and directors.

SEC. 5. The president and board of directors may adopt and use a common seal and alter the same at will, and may adopt by-laws for their government; may make and appoint all necessary officers and agents, fix their compensation, take such security as they may deem necessary for the faithful performance of their duties and may discharge such officers and agents when they may see proper so to do, and do all other things lawful and proper to be done in accordance with the by-laws of said corporation, and said corporation is authorized and empowered to do a general banking business on such terms and rates of interest and discount as may be agreed upon in accordance with law.

Corporate powers.

SEC. 6. The said banking corporation is authorized to deal in and exchange gold, silver and other coins and bullion, current and uncurrent paper, public or other securities of the United States or any state or county, also county and municipal bonds and bonds of corporations or any individual; may purchase and hold real and personal property, and may do all things necessary, proper and lawful to carry on the general banking and brokerage business; may purchase, hold and convey any real estate or any personal property as fully and well as could be done by any corporation or private individual; may receive money on deposit, lend money and do all other acts consistent with the law of the land to carry on a general banking business.

Corporate powers.

SEC. 7. The said corporation by its president and board of directors and officers may discount notes and other paper and make rules and regulations for the government of said corporation; may call a meeting of the stockholders whenever they may deem it necessary.

May be organized within two years.

SEC. 8. Said corporation may be organized under this act at any time within two years from the date of its passage.

SEC. 9. The stockholders shall be liable only to the extent of the stock subscribed for the default of said corporation. Liability of stockholders.

SEC. 10. That this act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1893.

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CHAPTER 143.

An act to incorporate "The Loan and Savings Bank of Charlotte, North Carolina."

*The General Assembly of North Carolina do enact:*

SECTION 1. That J. D. Church, W. J. Davis, A. Brady, W. C. Dowd, J. H. Craig, J. J. Sims, E. T. Cansler and C. A. Misenheimer, their present and future associates, successors and assigns, are hereby constituted and declared to be a body politic and corporate by the name and style of "The Loan and Savings Bank of Charlotte, North Carolina," with its principal place of business at Charlotte, North Carolina, and by that name may sue and be sued, plead and be impleaded in any court of this state, and shall have a continual succession for the period of thirty (30) years, with the capacity to take, hold and convey real and personal property, with all the powers, rights, privileges and immunities granted to any bank or banking institution by any general law of this state, together with the rights, powers and privileges incident to or belonging to corporations as set forth or referred to in sections six hundred and sixty-three, six hundred and sixty-four and six hundred and sixty-five, of chapter sixteen of The Code, entitled "Corporations." Incorporators.  
Corporate name.  
Corporate powers.

SEC. 2. This corporation is especially invested with the power and authority to carry on, conduct and operate a savings banking business in all its branches, and may receive deposits in very small sums, the limits to be fixed by its board of directors, and may pay interest thereon by the way of dividends out of the net earnings, or at fixed rates, according as it may be agreed between the company and its depositors; and the board of directors are hereby fully authorized to make all needful by-laws and regulations for conducting and carrying into effect the different features of this branch of this corporation, and shall also have a right to conduct a general banking business upon or incident to state banks. Corporate powers.

SEC. 3. The capital stock of this company shall not be less than one hundred thousand dollars (\$100,000), but may be increased from time to time to five hundred thousand dollars (\$500,000), to be divided into shares of one hundred dollars each: *Provided*, that the stock- Capital stock.

- Organization holders shall have the right to organize and commence business whenever fifty thousand dollars in stock shall have been subscribed
- Non-liability of stockholders. for and paid in as the board of directors shall direct. No stockholder shall be individually liable for the debts of this corporation after they shall have paid in the par value of the stock held by them, and shall in no event be held accountable, either to the bank or its creditors, for any sum beyond the par value of the said stock so purchased and held by them.
- Officers. SEC. 4. The officers of this corporation shall consist of a president, vice-president, cashier and teller, and a board of not less than five nor more than thirteen directors who are to be elected annually by the stockholders; the directors so elected shall choose officers aforesaid and shall require the cashier and teller, each to give a bond with approved security for the faithful performance of their respective duties.
- Bond of cashier and teller.
- Duties and powers of directors. SEC. 5. It shall be the duty of the board of directors and they are hereby empowered to make rules and regulations and by-laws for the government of the said corporation and for the conduct of its business; also to fix the salaries of its officers, and to fill vacancies on the board of directors. Said board of directors shall be chosen by a majority of the corporators herein named at the first meeting to be called by them, which said board of directors shall hold office for one year and until their successors are duly elected, and a majority of said board shall constitute a quorum for the transaction of business. Said president and board of directors may adopt and use a common seal and alter the same at pleasure, appoint all necessary officers and agents and prescribe their duties, and may, when they shall deem it for the interest of the bank, discharge any or all of them and appoint others to fill their place; and said president and directors shall cause to be published during the first week in January and July in each and every year a statement of the financial condition of the bank, unless required by the general laws of the state to publish a statement at other times.
- Corporate powers. SEC. 6. The said corporation shall have the right to do a general banking business, to receive deposits, make loans and discounts; to obtain and procure loans for any person, company, corporation or copartnership; to invest its own money or the money of others; to lend or invest money in or upon the security of mortgage, pledge, deed of trust or otherwise, or any land, hereditaments or personal property or interest therein of any description, situate anywhere; to lend money upon or purchase or otherwise acquire bills of lading or the contents thereof, bills, notes, choses in action, or any and all negotiable or commercial paper, or any crops or produce whatever; or any stock, bullion, merchandise or other personal property; or the same to sell or otherwise dispose of, and to charge any rate of interest on all such loans, not exceeding the rate allowed by law.

SEC. 7. That said company may subscribe to, purchase, acquire or lend money upon any stock, shares, notes, bonds, debenture or other securities of any government, state, municipality, corporation, company, copartnership or person; and hold, deal in, sell or distribute the same among the stockholders; may negotiate or place in behalf of any corporation, company, copartnership or person shares, stocks, debentures, notes, mortgages or other securities, with or without guaranty or collateral obligation by this company; and may sell or subscribe any of the property, real or personal, or any interest acquired therein by it to any other corporation for any portion of its bonds, securities or capital stock as may be agreed upon, without liability on such stock so purchased or subscribed for beyond the agreed terms of such purchase or subscription.

Corporate powers.

SEC. 8. That said corporation may receive on deposit all sums of money which may be offered it for the purpose of being invested in such sums and at such times and on such terms as the board of directors may agree upon; and if money be deposited by a minor, either as an investment or otherwise, such money may be withdrawn by the minor without the consent of the parent or guardian of such minor, and his or her check or receipt therefor shall be as binding upon such minor as though he or she were of full age.

Corporate powers as to deposits.

Deposits by minors.

SEC. 9. That said company shall have the right to act as agent, factor or trustee for any state, county, town, municipal corporation, company or individual on such terms as to the agency and commissions as may be agreed upon, in registering, selling and countersigning, collecting, acquiring, holding, dealing in and disposing of on account of any state, county, town, municipal corporation, company or person, bonds, certificates of stock of any description or property, real or personal, or for guaranteeing the payment of any such bonds, certificates of stock, etc., and generally for managing such business, and may charge such premium, commissions or rate of compensation as may be agreed in and for any of the matters and things authorized by this section.

Corporate powers as agent, &c.

SEC. 10. That said corporation shall have power to receive moneys in trust and shall have power to accept and execute any trust that may be committed to it by any court, corporation, company, person or persons, and it shall have power to accept any grant, assignment, transfer, devise or bequest and hold any personal or real estate in trust created in accordance with the laws of this state, and then to execute the same on such terms as may be established and agreed upon by its board of directors; and said corporation is hereby fully authorized and empowered to act as trustee or assignee and to receive on deposit all funds in litigation in the various courts in this state and pay therefor such interest as may be agreed on, not exceeding the lawful rate. It shall have power and authority to receive for safe keeping on deposit all money, bonds, stock, diamonds and silver

Corporate powers as to trustee, &c.

plate and other valuables, and charge and collect a reasonable compensation for the same, which said charges shall be a lien upon said deposit until paid, and generally to do and carry on the business of a safety and deposit company.

Corporate powers as guarantor, &c.

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

Transfer of stock.

SEC. 12. That the stock of this corporation held by any one shall be transferred only on the books of the company, either in person or by power of attorney, and no stockholder shall transfer his stock except by the consent of the directors of the corporation, if he be indebted to the corporation as principal, security or otherwise, until such indebtedness is paid off and discharged, and for all such indebtedness said corporation shall have a lien superior to all other liens upon the stock of said stockholder.

Lien on stock.

Limitation of loans.

SEC. 13. The total liabilities to the bank of any person, company or corporation for money borrowed shall at no time exceed one-tenth part of the amount of the capital of said bank actually paid in, but the discount of bills of exchange drawn in good faith against existing values and the discount of commercial or business paper owned by any person negotiating the same and deemed good shall not be considered as money borrowed.

Discounts not considered money borrowed.

SEC. 14. That this act shall take effect from and after its ratification.

Ratified the 28th day of February, A. D. 1893.

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#### CHAPTER 144.

#### An act to incorporate the North Carolina Monumental Association.

*The General Assembly of North Carolina do enact :*

Corporate purposes.

SECTION 1. That for the purpose of erecting a monument to those who sacrificed their lives upon the altar of their country in the late war between the states and as an ever-loving reminder to succeeding generations of their value and patriotism of men devoted to principle, the following-named persons and such others as are now and may become their associates, to-wit: Mrs. Armistead Jones, Miss Maggie Cowper, Mrs. John W. Hinsdale, Mrs. Garland Jones, Mrs. Bryan Grimes, Mrs. P. E. Hines, Mrs. Walter Clark, Mrs. C. T. Bailey, Mrs. Phil. H. Andrews, Mrs. A. W. Haywood, Mrs. Octavius Coke, Mrs.

Incorporators.

Charles Root, Mrs. E. S. Trappier, Mrs. M. T. Norris, Mrs. W. J. Saunders, Mrs. E. E. Moffitt, Mrs. T. N. Richardson, Miss Lovie Park, Mrs. Spier Whitaker, Miss Janie Brown, General R. F. Hoke, Major R. S. Tucker, Colonel Octavius Coke, Captain S. A. Ashe, Captain B. F. Park, Colonel A. B. Andrews, Colonel Thomas S. Kenan, V. C. Royster, Esquire, Captain C. B. Denson, Major J. C. Winder, W. C. Stronach, Esquire, T. R. Jernigan, Esquire, R. H. Battle, Esquire, W. B. Grimes, Esquire, R. T. Gray, Esquire, N. W. West, Esquire, C. M. Busbee, Esq., Captain T. C. Williams, Colonel John W. Hinsdale, Armistead Jones, Esquire, D. G. Conn, Esquire, Colonel Eugene Harrell, Colonel J. M. Heck, Major J. B. Hill, Captain G. M. Allen, Colonel F. A. Olds, J. C. Birdsong, Esquire, Captain C. M. Roberts, Thomas Badger, Esquire, W. H. Hughes, Esquire, and Captain J. J. Thomas are hereby constituted and declared to be a body politic and corporate by the name and style of "The North Carolina Monumental Association," with all the powers, rights and privileges incident or belonging to corporations as set forth in sections one and two of chapter sixteen of The Code of North Carolina, except as herein provided.

Corporate name  
and powers.

SEC. 2. That said corporation shall be located in the city of Raleigh, North Carolina, and the corporate powers of the same shall be vested in and examined by a board of lady managers to consist of not less than fifteen persons, and the said board shall have the power at each annual meeting to elect a president and secretary out of their own number, and the treasurer of the same shall be the public treasurer of North Carolina, and at all meetings of the said board five members of the same shall constitute a quorum; and until the association is regularly organized under this act and elections regularly held the ladies named in section one of this act shall constitute the board of managers, and they shall meet in the city of Raleigh at any time before the first Monday in June, eighteen hundred and ninety-three, and elect a president and secretary out of their own number; notice of the time and place of meeting for thirty days prior thereto shall be given by the public treasurer of North Carolina by publishing the same in some newspaper in the city of Raleigh, and at said meeting any five of the said ladies named in section one of this act shall constitute a quorum.

Location.

Board of lady  
managers.

Officers.

Quorum.

Temporary  
managers.

Organization.

Notice.

Quorum.

SEC. 3. That the membership fee of the said association shall be the sum of one dollar, and any person paying the same shall upon application become a member thereof.

Membership fee.

SEC. 4. That there shall be a regular annual meeting of the said association on the first Tuesday in May of each year after the year eighteen hundred and ninety-three, and at such meeting a board of lady managers shall be elected by those present who shall have the management of the affairs of the association and elect the officers provided for except the office of treasurer, and the public treasurer of North Carolina shall perform the functions of treasurer of the

Annual meetings,  
&c.

- Quorum. association until the object herein provided for is accomplished, and at all annual or other meetings of the association five persons shall constitute a quorum.
- By-laws. SEC. 5. That the said board of lady managers shall have power to make such by-laws, rules and regulations not inconsistent with this act for the government of the association and the management and disposition of its funds in the erection of a monument in the city of Raleigh, North Carolina as from time to time they may deem proper.
- Subscriptions, how made. SEC. 6. That the said association shall have power to receive subscriptions in money or property of any kind by donation or otherwise, and such subscriptions or donations of money or property shall be faithfully applied towards the erection of the said monument.
- Authorized to build monument. SEC. 7. That the said association shall have power to build and erect in the capitol square or at some other suitable place in the city of Raleigh, North Carolina, a monument to cost not exceeding one hundred thousand dollars, of such design and out of such material as shall be selected and agreed upon, and upon its completion the same shall be turned over to the state of North Carolina as a memorial to the brave soldiers of this state who lost their lives while in the service of the confederate states: *Provided*, that the monument shall be built of granite quarried in the state of North Carolina.
- Limitation of cost. SEC. 8. That all orders for money upon the treasurer shall be signed by the president and countersigned by the secretary and approved by the governor of North Carolina.
- To be turned over to state. SEC. 9. That in order to aid in the laudable undertaking and to manifest to the world that the state cherishes the memory of her devoted fallen heroes, it is further enacted that the sum of ten thousand dollars be appropriated out of the public funds in the treasury towards the erection of the said monument; and when the public treasurer of North Carolina is duly notified of the first meeting of the association under this act, that a president and secretary have been elected, and that the association has been duly organized as herein provided, he shall of the public funds place the sum of ten thousand dollars to his credit as treasurer of said association, the same to be used under the authority of this act and the rules and regulations of the said association in erecting said monument. The monument shall be placed in the capitol square in the city of Raleigh.
- To be built of N. C. granite. SEC. 10. This act shall take effect and be in force from and after its ratification.
- Orders on treasurer. Ratified the 28th day of February, A. D. 1893.
- \$10,000 appropriated.
- When payable.
- Monument to be placed in Capitol square.



## CHAPTER 145.

## An act to amend the charter of the city of Asheville.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the city of Asheville shall be subdivided into four wards, to be designated and bounded as follows: City divided into wards.

*Ward 1.* Beginning at the center of South Main street where the same crosses the southern line of the city and runs thence with center of said street northward to the center of College street at its intersection with North Main street; thence with center of said College street eastward and southeastward to a point where said College street crosses the mountain at the gap between the places of W. M. Hazzard and John E. Brown; thence a due east course to the city line; thence with the said city line westward to the beginning. First ward.

*Ward 2.* All that portion of the city of Asheville lying and situate on the east side of North Main street and which is not embraced within the boundaries of ward number one as above described. Second ward.

*Ward 3.* Beginning at a point on the public square opposite the center line of Patton avenue and runs with the center line of said Patton avenue to Haywood street near Woodcock's drug store; thence with said center of Haywood street westward to Spring street and with the center line of said Spring street northeastwardly to its second intersection with Haywood street; thence with center line of said Haywood street to the city line of French Broad river; thence with said city line northward and eastward to the point where said city line crosses the center of North Main street; thence with the center line of said North Main street southward to the beginning. Third ward.

*Ward 4.* All that portion of the city of Asheville situate and lying on the west side of south Main street and not embraced within the boundaries of ward number three as above described. Fourth ward.

SEC. 2. That the board of aldermen of the city of Asheville shall consist of six members to be elected by the qualified voters of said city, two of whom shall be selected and elected without regard to which of the four wards hereinbefore described they may reside in, to be known as aldermen for the city at large. Of the other four members of said board of aldermen, one shall be a resident of ward number one, one of ward number two, one of ward number three and one of ward number four. Board of aldermen, how elected, &c.

SEC. 3. That there shall on the first Monday of May, eighteen hundred and ninety-three, be elected by the qualified voters of the city of Asheville a mayor and four aldermen, one of which aldermen shall be a resident of ward number one, one of ward number two, one of ward number three and one of ward number four who shall hold their offices as follows: Election of mayor and four aldermen in May, 1893.

Term of office of mayor.

Subsection 1. The mayor for the term of one year from and after his election, or until his successor is elected and qualified.

Term of office of aldermen.

Subsection 2. The aldermen elected at said election, residents of wards number one and three respectively, shall hold their office for the term of two years from and after their election or until their successors are elected and qualified.

Subsection 3. The aldermen elected at said election, residents of wards number two and four respectively, shall hold their offices for the term of one year from and after their election or until their successors are elected and qualified.

Annual election of mayor.

SEC. 4. That there shall be elected annually by the qualified voters of said city, on the first Monday in May, a mayor who shall hold his office for the term mentioned in subsection one of this act.

Term of office.

SEC. 5. That there shall, on the first Monday in May, eighteen hundred and ninety-four, be elected by the qualified voters of said city two aldermen, one of whom shall be a resident of ward number two and one a resident of ward four, who shall hold their offices for the term of two years or until their successors are elected and qualified.

Election of aldermen in May, 1894.

Election of aldermen in May, 1895.

SEC. 6. That there shall, on the first Monday in May, eighteen hundred and ninety-five, be elected by the qualified voters of Asheville four aldermen, two of whom shall be elected for the city at large without regard to the portion of said city in which they may reside, one of whom shall be a resident of ward number one and one a resident of ward number three; one of the aldermen so elected for the city at large at the election held on the first Monday in May, eighteen hundred and ninety-five, shall hold his office for the term of one year or until his successor is elected and qualified; the other alderman for the city at large shall hold his office for the term of two years or until his successor is elected and qualified. The aldermen elected at said election on the first Monday in May, eighteen hundred and ninety-five, residents respectively of wards number one and three, shall hold their office for the term of two years or until their successors are elected and qualified. Annually thereafter on the first Monday in May there shall be elected by the qualified voters of said city three aldermen, one for the city at large; and on the years ending in an even number two aldermen, residents of wards two and four, and on the years ending in an odd number two aldermen, residents respectively of wards number one and three, who shall hold their offices for the term of two years or until their successors are elected and qualified.

Terms of office.

Annual election of aldermen.

Terms of office of J. M. Gudger and T. C. Starnes, present aldermen.

SEC. 7. Whereas, two members of the present board of aldermen of said city, to wit, James M. Gudger and T. C. Starnes, were elected for a term which will not expire until the first Monday in May, eighteen hundred and ninety-five, the said James M. Gudger and T. C. Starnes shall hold the office of aldermen of the city at large for the residue of their term, and, except in the event of a vacancy

occurring in the office held by one or both of said aldermen, there shall be no election held for aldermen for the city at large, as hereinbefore provided, until the expiration of the said term of office of said Gudger and Starnes.

SEC. 8. *Salaries.* The salary of the mayor of the said city of Asheville shall be five hundred dollars per annum, payable monthly on the warrant of the clerk of the board of aldermen drawn on the treasurer of said city and countersigned by the chairman of the finance committee of the board of aldermen.

Salary of mayor.

SEC. 9. The salary of the recorder of said city shall be six hundred dollars per annum, payable monthly on the warrant of the clerk of the board of aldermen, countersigned by the mayor.

Salary of recorder.

SEC. 10. The tax collector of said city shall receive as compensation for his services in collecting taxes two per centum of the amount of money collected by him as tax collector. The salary of each member of the board of aldermen shall be two hundred dollars per annum, to be paid as the said board may direct.

Compensation of tax collector.

SEC. 11. That the board of aldermen and advisory committee of said city shall have power to apply and appropriate twenty-five thousand dollars of the moneys arising from sales of the "street improvement" bonds issued by virtue of and in pursuance of chapter thirty-five, acts of the general assembly at the session of eighteen hundred and ninety-one, to the further extension and improvement of the water-works and sewer system of the said city of Asheville.

\$25,000 of street improvement bonds applicable to extension of water-works and sewer system.

SEC. 12. The board of aldermen of the city of Asheville at their first meeting in June, eighteen hundred and ninety-three, after their election shall elect four regular practicing physicians, two for the term of one year and two for the term of two years, and two shall be elected annually thereafter for the term of two years; which said four regular practicing physicians, together with the mayor, the chairman of the finance committee of the board of aldermen and the city engineer shall constitute and be the board of health of the city of Asheville: *Provided*, that the board of aldermen of said city shall have power to fill any vacancy that may occur in said board of health by death, removal, resignation or other cause.

Board of health, how constituted.

SEC. 13. That the said board of health shall have general charge and supervision of the public health of the city; shall make such sanitary investigations and institute such inquiries as in their judgment may be necessary to ascertain the condition of the general health of the city; shall investigate the causes of all diseases dangerous to the public health whether epidemic or otherwise; shall ascertain as far as possible the causes of mortality, the effects of locations, employments, vocations and conditions upon the public health; shall make inspection of the sanitary condition of all public buildings of the city, including school buildings, both public and private, at least twice a year at intervals of not over six months, and oftener if in the

Vacancies.

Powers and duties of board of health.

- Proviso. judgment of said board of health it shall be necessary: *Provided*, that the said board shall make a careful inspection of the sanitary condition of the city and county prisons at least once in each and every month. The said board of health shall report to the board of aldermen of said city the result of all investigations made by it at least once every three months, and oftener if it shall deem necessary. Said reports shall be accompanied by such suggestions and recommendations to the proper authorities as may seem advisable. Said board of health shall have general supervision and control of all matters of sanitation affecting the health of said city, including the healthfulness of the water-supply, milk and other dairy supplies, and all other articles of food and drink; drugs and all druggist supplies; the drainage of all lots and buildings and houses of every kind and description whatsoever, whether used for residence or business purposes. Said board of health shall be authorized and power is hereby expressly given it to declare nuisances of every character whatsoever and to abate the same so far as in its judgment may be necessary for the conservation of the public health; shall enforce the making of accurate reports and the keeping of full and complete records of all contagious and infectious diseases, whether epidemic or of other character, births and deaths, and permits for burial. Said board of health shall have authority and is hereby expressly empowered to prescribe, regulate and determine the plumbing, ventilation and drainage of all buildings, public and private, and the connection of said buildings with outside sewers; shall prepare and prescribe a system of connections and submit the same to a joint board to be composed of the board of aldermen and the board of health of said city, and upon the adoption of said system by said joint board, each individual member thereof having one vote, there shall be appointed by the said joint board an expert sanitary inspector who shall examine all plumbing and connections and see that the law governing the same shall be fully complied with; said inspector shall receive his compensation according to a schedule of fees to be established by the said joint board and to be paid by the owner of the premises. Said expert inspector shall have authority and power is hereby given him to condemn, close up and prevent the occupancy of and summarily eject all persons from any and all buildings or rooms therein which are not properly and sufficiently ventilated and which are liable to be unhealthful on account of dampness or the exclusion of light, or which for any cause whatsoever are made unsuitable for habitation or dangerous to the health of the occupants thereof.
- To report to board of aldermen.
- Powers and duties.
- Appointment of sanitary inspector.
- Compensation.
- Powers.
- Board of health to elect sanitary officers, fix salaries, &c.
- SEC. 14. That all employees and officers connected with the sanitary department of the city shall be elected by said board of health; the number of employees and officers, the salary of each, and all matters pertaining to the said sanitary department and necessary for its successful operation shall be determined and controlled by the said board

of health: *Provided*, that the annual expenditure by said board of health for all purposes shall not exceed the total amount annually apportioned by the board of aldermen to the sanitary department of said city.

Limitation of expenditure.

SEC. 15. That said board of health shall have authority to select the place or places to which the garbage of the city shall be removed and the manner of its disposition. It shall have authority to let contracts or procure means for the removal of said garbage; it shall also have supervision and control of all the property of the city in the sanitary department.

Removal of garbage.

SEC. 16. That the said sanitary inspector and such assistants as shall be provided and elected by the said board of health shall be and are hereby constituted special policemen of the city of Asheville, with such power and authority as may be necessary to execute and enforce all laws and ordinances relating to and governing the said sanitary department of said city. They shall wear badges indicative of their authority as may be prescribed by said board of health. Said inspector and assistants shall hold their offices for such term or terms as may be prescribed by said board of health, not to exceed two years from the date of their election, subject, however, to be removed at any time by said board of health for any cause deemed sufficient by said board of health.

Sanitary inspector, &c., to be special policemen.

Powers.

Badges.

Term of office.

Removal.

SEC. 17. That the board of health shall have authority and power is hereby expressly given it to order the removal, abatement and prevention of any and all sanitary nuisances in the city of Asheville, and shall specify a reasonable time within which said order shall be complied with; and in the event that the owner, agent or occupant of the premises, on or in connection with which any nuisance shall be committed or be about to be committed, shall fail to comply with the order of the said board of health to remove, abate or prevent the same within the time specified, he or she shall be fined such amount as may be fixed by the board of aldermen, not to exceed twenty dollars for each offence: *Provided*, that if any such owner, agent or occupant so notified shall satisfy said board of health by testimony given under oath or affirmation that he or she is unable to comply with said order, then the said board of health shall proceed to remove, abate and prevent such sanitary nuisance at the expense of said city: *Provided further*, that the cost to the said city of such removal, abatement and prevention shall not in any one case exceed the sum of one hundred dollars: *And provided further*, that nothing in this section shall be construed to give said board of health the right to destroy or injure property without due process of the law as it now exists for the abatement of nuisances.

Abatement of nuisances.

Proviso.

Proviso.

Proviso.

SEC. 18. That the said board of health shall have a general oversight and care of all sources of water-supply to the said city and to the individual citizens thereof, whether by public or private pipes, wells

Board of health to supervise water-supply, &c.

- or springs; and shall from time to time, as it may deem necessary and expedient, cause examinations of said waters to be made for the purpose of ascertaining whether the same are adapted for use or are in a condition likely to affect injuriously the health of those using the same; and for the purpose aforesaid it may employ such expert assistance as it may deem necessary. Said board of health shall have authority and power is hereby expressly given it to condemn and, as far as may be practicable, destroy all such sources of water-supply to the citizens of said city as it may deem necessary for the protection of the health of said city or the individual citizens thereof; and any person or persons using any water from any source condemned by said board of health shall on conviction be fined not less than one nor more than five dollars for each and every offence.
- SEC. 19. That the said board of health shall from time to time recommend to the board of aldermen of said city the passage of such ordinances as may be necessary for the proper enforcement of the provisions of this act.
- SEC. 20. That all laws and clauses of laws in conflict with this act are hereby repealed.
- SEC. 21. That this act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1893.

Condemnation of water supply sources, &c.

Penalty for use of condemned water.

Board of health to recommend ordinances, &c.

Conflicting laws repealed.

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CHAPTER 146.

An act to amend the charter of the town of Pikeville.

*The General Assembly of North Carolina do enact :*

- Chapter 108, private laws 1891, amended.
- New streets, &c.
- Condemnation of land.
- SECTION 1. That chapter one hundred and eight of the private laws of one thousand eight hundred and ninety-one be amended by adding thereto the following: That the board of commissioners of the town of Pikeville shall have the same power to lay out and open new streets and to widen, enlarge, change, extend or discontinue any street, or streets, or any part thereof, now existing, and to condemn land for either of said purposes, and with the same rights and powers, and by the same procedure as are granted to the city of Goldsboro by chapter fifty, section thirty-nine, of the private laws of one thousand eight hundred and eighty-one, substituting the word "commissioners" for "aldermen" and "town" for "city" when and as often as they occur in said section.
- SEC. 2. That this act shall be in force from and after its ratification. Ratified the 1st day of March, A. D. 1893.

## CHAPTER 147.

An act to amend the charter of Lewiston, Bertie county, North Carolina.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section two, chapter ninety-one of the private laws of eighteen hundred and eighty-one is amended by inserting in line two of section two the word "one" instead of "two" before the word "thousand," and instead of the words "J. W. Ballance and Company" insert "Mrs. M. H. Ballance" in same section. Chapter 91, private laws 1881, amended.  
Corporate limits reduced.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 1st day of March, A. D. 1893.

## CHAPTER 148.

An act to incorporate the "Carolina Manufacturing Company."

*The General Assembly of North Carolina do enact :*

SECTION 1. That the following-named persons, to-wit, W. J. Hawkins, B. S. Jerman, M. J. Hawkins and C. M. Hawkins, of North Carolina, their successors, associates and assigns are hereby created a body politic and corporate by the name of the "Carolina Manufacturing Company," and by which name said corporation, their successors and assigns, shall have perpetual succession and all rights conferred upon corporations by the general laws of North Carolina. Incorporators.  
Corporate name.  
Corporate powers.

SEC. 2. The capital stock shall consist of fifty thousand (\$50,000) dollars, which may be increased from time to time by the stockholders to five hundred thousand (\$500,000) dollars, divided into shares of one hundred (\$100) dollars each. The said company shall have authority to organize and transact business whenever five thousand (\$5,000) dollars of its capital stock is paid in. Capital stock.  
Organization.

SEC. 3. That said corporation is hereby authorized and empowered to conduct, transact and carry on in all its branches the business of manufacturing, making and finishing warps, yarns, cloths, prints or any other fabric of cotton, wool or any other material, and engage in any species of manufacturing enterprise and to carry on a general meachandise business, and shall have power to lease, purchase, hold, sell or convey both personal and real estate and to borrow money and to issue bonds or other evidence of any indebtedness so created, and to secure the payment of same by mortgage upon its property and Corporate powers.

Subscriptions.  
how made.

effects, or otherwise; may also receive subscriptions to its capital stock in cash or real or personal estate of any kind at such rates and upon such terms as said corporation may deem best.

Corporate power  
to act as an indi-  
vidual.

SEC. 4. Said corporation shall have power to act in all matters appertaining to its business as fully in every respect as an individual may or can do.

Non-liability of  
stockholders for  
corporate debts.

SEC. 5. The owners of the stock in this corporation shall not be individually liable for any contracts or indebtedness or liabilities of any kind whatsoever of said corporation.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 1st day of March, A. D. 1893.

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#### CHAPTER 149.

**An act to amend an act ratified the ninth day of March, eighteen hundred and ninety-one, entitled "An act to renew and extend the charter of Petersburg Railroad Company, and to further extend and renew the charter of the said Petersburg Railroad Company."**

*The General Assembly of North Carolina do enact:*

Chapter 540, laws  
1891, amended.

SECTION 1. That section one of an act entitled "An act to renew and extend the charter of the Petersburg Railroad Company," ratified the ninth day of March, anno Domini eighteen hundred and ninety-one, be amended by striking out the following words contained in the last sentence of said section, to wit: "This corporation shall not continue under this act for more than two years." That section one of said act be amended by striking out in line two after the word "exercise" the following words, "for not more than two years under this charter" and inserting in lieu thereof the words "for the term of sixty years from and after the ratification of this act," and by striking out in line seventeen of said section two after the word "thereto" the words "for two years" and inserting in lieu thereof the words "for sixty years"; and that section three of said act be amended by striking out all of the said section after the word "notwithstanding" in line five of said section so that as amended the said act shall read as follows;

Provision limit-  
ing corporate  
existence to two  
years repealed.  
Corporate exist-  
ence.

Provision de-  
claring forfeiture  
&c., in case of  
failure to rebuild  
Greenville &  
Roanoke R. R.  
repealed.  
Charter extended  
and renewed.

Section 1a. That the charter of incorporation granted to the Petersburg Railroad Company by an act passed at the general assembly of North Carolina at the session of one thousand eight hundred and thirty, entitled "An act to enact, with sundry alterations and additions, an act entitled 'An act to incorporate the Petersburg Rail-



road Company," passed by the general assembly of Virginia on the tenth day of February, one thousand eight hundred and thirty, is hereby extended and renewed, subject to the exceptions and provisions hereinafter recited and enacted.

Section 2b. That the said Petersburg Railroad Company shall have, enjoy and exercise for the term of sixty years from and after the ratification of this act, all the rights, powers, privileges and franchises given to the said company, its president, directors and stockholders by the aforesaid act passed by the general assembly of North Carolina at its session of one thousand eight hundred and thirty, entitled as aforesaid "An act to enact, with sundry alterations and additions, an act entitled an act to incorporate the Petersburg Railroad Company" passed by the legislature of Virginia on the tenth day of February, one thousand eight hundred and thirty, together with all other such rights, powers, privileges and franchises as may have been heretofore given to the said company by any acts of the general assembly of North Carolina, amendatory to said act or in relation to the said Petersburg Railroad Company, so that the said corporation shall continue to exercise the corporate powers granted by the said charter of incorporation or any amendments thereto for sixty years, anything in the said charter of incorporation or any amendments thereto or in the laws of this state to the contrary notwithstanding: *Provided, however*, that nothing in this act contained is to be construed as exempting the stocks, property or assets of said company from taxation": *And provided further*, that the provision in the said charter of incorporation contained in section seventeen of the charter of incorporation passed by the general assembly of Virginia, as recited in said act in the following words, to-wit: "And shall be exempt from any public charge or tax whatsoever," is specially excepted from the provisions and operations of this act, and this act is passed and the said charter of incorporation is hereby extended upon the conditions that at all times hereafter the stock, property, franchises, assets and estate of every kind of the said Petersburg Railroad Company in this state shall be subject to taxation under the laws of this state the same as that of an individual or of any other railroad or corporation in this state.

Section 3c. The said Petersburg Railroad Company shall be subject to all the restrictions imposed by the general laws of this state and to the tariffs, rules and regulations of the Board of Railroad Commissioners and to all the privileges given by the same as to railroad companies or other corporations, anything in its charter of incorporation to the contrary notwithstanding.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 1st day of March, A. D. 1893.

Corporate existence and powers.

No exemption from taxation.

Provision in charter of exemption from taxation excepted from this act.

Charter extended upon condition that corporate property shall be subject to taxation.

Subject to restrictions of law and to jurisdiction of railroad commissioners.

## CHAPTER 150.

## An act to amend the charter of the Granite City Land and Improvement Company.

*The General Assembly of North Carolina do enact :*

Corporate existence.

SECTION 1. That all the powers, privileges, immunities and franchises conferred upon said company in section eleven, chapter three hundred and thirty-eight, private laws of North Carolina, eighteen hundred and ninety-one, be and the same are hereby conferred upon the said company for the term of ninety-nine years; the town of Mount Airy shall have the privilege of establishing and maintaining a system of water-works in the said town.

Mt. Airy authorized to establish system of water works, &c.  
Corporate name under which to do banking business.

SEC. 2. Amend section twelve, chapter three hundred and thirty-eight, private laws of North Carolina, eighteen hundred and ninety-one, by adding after the words "North Carolina" in the second line of said section the words "under the name and style of 'The Bank of Mount Airy.'"

Limitation of time as to commencing work repealed.  
President *pro temp.*, &c.

SEC. 3. Amend by striking out section fifteen of the said act of eighteen hundred and ninety-one.

SEC. 4. Add at the end of section seventeen of the said act of eighteen hundred and ninety-one above referred to the words "And in the absence of the president at any regular, special or called meeting of the stockholders or directors of this company or at any meeting of the executive committee of this company the vice-president shall preside, and in his absence the secretary and treasurer shall call the meeting to order and the stockholders or directors or executive committee shall elect a president *pro tempore*; and in the absence of the president the vice-president shall to all intents and purposes be deemed the president.

Corporate powers.

SEC. 5. That this company shall have power to develop and utilize any water-power in Surry county, North Carolina, for manufacturing purposes and for the operation of mills and factories of any kind and for any purposes; and may erect and maintain dams, wasteways, and obstructions in and across any stream in said county, and cut and construct such canals and wasteways from and to said streams upon the company's lands or the lands of others as may be needed to develop and utilize said water-power or for the establishment of a system of water-works hereinbefore provided for. Whenever the said company is not able to agree with the owners of land upon the question of damages whenever any land shall be needed for any canals, then the said company may enter upon the said lands and have it condemned under the general law for the condemnation of land.

Condemnation of land.

Further amendments may be made before clerk of Surry superior court.

SEC. 6. That the provisions of section fourteen of the amendments of eighteen hundred and ninety-one are hereby re-affirmed and continued in force.

SEC. 7. That the commissioners of the said town of Mount Airy are hereby authorized and empowered to enter into a contract with said corporation for supplying said town with water for fire and town purposes and with electric lights and motive-power for town purposes, and make provision for such sum or sums of money as may be agreed upon as compensation for such supply of water and electric lights and motive power in the annual levy and collection of taxes for town expenses.

Commissioners of Mt. Airy may contract with company for water, electric lights, &c.  
How payment provided for

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. Ratified the 1st day of March, A. D. 1893.

CHAPTER 151.

An act to amend the charter of the city of Winston.

*The General Assembly of North Carolina do enact :*

SECTION 1. That an act entitled "An act to consolidate and revise the charter of the city of Winston," ratified the ninth day of March, eighteen hundred and ninety-one, chapter three hundred and seven, private laws of eighteen hundred and ninety-one, be amended as follows; Strike out section twenty-three of said act and in lieu thereof insert the following: "at their first regular meeting in September, eighteen hundred and ninety-four, 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, misconduct in office, failure to collect and pay over to the proper authorities all taxes due for the preceding year on or before the first day of August of each year and elect his successor to fill his unexpired term. Said tax collector shall give bond to be fixed by the board, and have the rights, power and duties prescribed by law for that office: *Provided*, the present board of aldermen may elect a tax collector at their first regular meeting in May, eighteen hundred and ninety-three, whose term of office shall expire upon the election of his successor in September, eighteen hundred and ninety-four.

Chapter 307, private laws 1891, amended.

Biennial election of tax collector by aldermen.

Removal.

Bond.

Powers, &c.

Proviso.

SEC. 2. Add to section sixty-nine of said act the following; 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

City ordinances operative within one mile.

- Criminal jurisdiction of mayor. criminal jurisdiction over all offences and violations of ordinances committed within one mile outside of said limits to the same extent and in like manner as he now has over offences and violations 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 of 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.
- Execution of process by policemen.
- Proviso.
- Scales, weigh-master, &c. SEC. 3. Add to section seventy-one of said act the following: And the aldermen may erect scales, appoint a weigh-master, fix his fees and direct by whom they shall be paid.
- Public buildings, fire-limits, &c. SEC. 4. Strike out section seventy-two of said act and in lieu thereof insert: That they may establish all public buildings necessary and proper for the city, may establish fire-limits extending not more than fifteen hundred feet from the court-house square, and prevent the erection, establishment, covering, altering or repairing of any wooden or corrugated iron building or structure therein (where they may increase the danger of fire) without the consent of the board of aldermen.
- Fire commissioners. SEC. 5. That after the word "proper" in section seventy-four of this act the following be inserted: "That they may elect at their first annual meeting, in April next, a committee of three citizens and taxpayers to be known as the fire commissioners—one for one year, one for two years and one for three years; that immediately upon election their term of office shall begin and continue until the election of their successors; that annually after the first election at the first annual meeting in April one commissioner shall be elected for a term of three years: *Provided*, that one aldermen and no more shall be one of the three members; that said commissioners shall have full and complete control of the fire department; that said commissioners may do such acts and make such expenditures as they may deem best for the equipment and organization of such department, including the purchase of apparatus, erection of buildings, employment of firemen and all other things essential to its establishment and maintenance. Said commissioners shall elect a chairman and a secretary, and the city treasurer shall pay all warrants drawn on him by said chairman and countersigned by said secretary: *Provided*, said warrants specify the object thereof: *And provided further*, that it shall be the duty of said fire commissioners to make application to the board of aldermen at their regular meeting on the first day of May of each and every year for such sum or sums of money as they desire to expend in the fire department during the coming year: *And provided further*, such expenditure shall not exceed such sum as the board of aldermen, upon such application, may grant; that the board of aldermen may pass ordinances clothing firemen with police powers."
- Proviso.
- Powers.
- Officers.
- Payment of warrants. Proviso.
- Proviso.
- Proviso.
- Police powers of firemen.

SEC. 6. That section fifty-four be abolished and the following inserted in lieu thereof: "No person, persons or corporation shall erect, put up, use, maintain or keep for public use, any billiard table or ten-pin alley within the corporate limits of Winston without first having paid the tax and obtained license therefor. That said license tax shall be one hundred dollars for each table or alley. That no gambling or gambling tables of any kind shall be allowed in the city of Winston."

License tax on billiard tables and ten-pin alleys.

Gambling prohibited.

SEC. 7. Amend section eighty-nine by adding after the word "require" the following: "And in case when required the citizens living along the lines of sewer or owning property along said lines or in the vicinity thereof neglect or refuse to connect their premises, drains or other pipes with said sewerage, then in that event it shall be lawful for the aldermen, after notice to said owners or their duly qualified agents (which notice in case of non-residents having no resident agent may be made by publication), may cause said premises to be properly arranged for health purposes and properly connected with main sewerage pipes, and the expenses of making said repairs and alterations as are conducive to health and of making said connection with the main sewerage pipes shall be paid by the person in default, and said expenses shall be a lien upon said premises or lot, and if not paid on demand such lot or so much as may be necessary shall be sold by the tax collector to pay said expenses and costs, under the same rules, regulations and restrictions as are required by law for the sale of land for unpaid taxes."

Connection of premises with sewerage pipes when owners refuse, &c.

Expenses, how paid.

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.

Ratified the 1st day of March, A. D. 1893.

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## CHAPTER 152.

### An act to incorporate the Western North Carolina and Atlanta Railroad Company.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Charles J. Harris, Joseph J. Hooker, W. A. Enlce, W. E. Moore and C. F. Buffum, of Jackson county, North Carolina, and K. Elias, J. F. Ray, R. L. Porter, of Macon county, North Carolina, their associates, successors and assigns, be and are hereby constituted a body politic and corporate under the name of the "Western

Incorporators.

|                                   |  |
|-----------------------------------|--|
| Corporate name.                   | North Carolina and Atlanta Railroad Company"; and under that name  |
| Corporate powers.                 | the said company may sue and be sued, plead and be impleaded; may have a common seal, alterable at pleasure; may acquire, hold, own and possess such real and personal estate as shall be necessary for carrying out the intent and object of this charter and as the interest of the company may require; that the said company shall have power and authority to make by-laws for its regulation and management, and shall have the usual rights, privileges and immunities possessed and enjoyed by other railroad companies within the state, such as those granted by the chapters of The Code of North Carolina, entitled "Corporations" and "Railroad and Telegraph Companies."   |
| Authorized to construct railroad. | SEC. 2. That the said company shall have the right to construct, operate and maintain a railroad with one or more tracks, to be used and operated by steam, electricity or other convenient and desirable  |
| Termini.                          | motor-power, from the most desirable and convenient point on the line of the Murphy Branch of the Western North Carolina Railroad in Jackson county at or near the town of Dillsboro in said county of Jackson to or near Webster, and by the most convenient, eligible and  |
| Route.                            | direct route by or near the town of Webster in Jackson county; and thence the most convenient and practicable route to Franklin in the county of Macon; thence to the state line of Georgia. The said company may in its discretion construct and operate any part of its road before the whole thereof shall be completed, and may establish such gauge for said road as they may deem proper.  |
| Construction of part of road, &c. | SEC. 3. That the capital stock of said company shall be one million dollars, with the privilege of increasing the same to five millions of dollars. It shall be divided into shares of one hundred dollars each, and be transferable upon the books of the company as the by-laws may direct.  |
| Capital stock.                    | SEC. 4. That certificates shall issue for each share of stock in said company to the person subscribing for the same; that at all meetings of stockholders each share shall be entitled to one vote; that subscriptions to the capital stock may be paid in money, land, labor, mines and mineral properties, materials, stocks, bonds or other security, or in any way that may be agreed upon between the president and directors of the company and the subscriber, but no subscriber shall be responsible or liable beyond the amount subscribed by him; that any five corporators may call a meeting of the same upon giving thirty days notice of the time and place of such meeting in some newspaper published in Jackson county, and shall constitute a quorum for the transaction of business; that at said meeting any one of the above-named corporators may be present in person or by proxy, and they may open books of subscription at such times and places and under regulations and restrictions as said corporators may prescribe; that upon the subscription of five thousand dollars to the capital stock of this company it shall be vested with all the powers, |
| Certificates of stock.            |  |
| Stock-vote.                       |  |
| Subscriptions, how paid.          |  |
| Liability of subscriber.          |  |
| Meetings.                         |  |
| Books of subscription.            |  |
| Organization.                     |  |

privileges and franchises conferred by this act, and the corporators, or any five of them, shall call together the subscribers to the capital stock for the purpose of completing the organization of the company, notice of said meeting having been published as hereinafter prescribed.

SEC. 5. That at such meeting, and at each annual meeting thereafter, the stockholders shall elect a board of five directors who shall hold office for one year and until their successors shall be elected; that the said board of directors shall elect one of their number president of the company, and they shall also elect a secretary and treasurer, which offices may be combined in one person if the directors shall so decide, and such other officers as may be deemed necessary and provided for by the by-laws of said company. Said board of directors shall have the power to fill any vacancy which may occur in said board of directors or any other office until the next annual meeting of the stockholders. The meetings of the stockholders shall be held annually at such time and place as shall be determined by them, after notice in one or more newspapers published in the state for thirty days before said meeting; that a majority of the stockholders may direct an increase of the capital stock within the limits hereinbefore mentioned at any time after the organization of the company, whereupon the president and directors shall appoint one or more commissioners to open books of subscription at such times and places and under such rules and restrictions as they may prescribe, or they may sell stock of said company for the benefit of the company.

SEC. 6. That whenever the roads of this company and any other company or companies incorporated by the laws of this state or any adjoining state shall be connected with each other directly or by railroad between them they may consolidate and merge with one another their respective capital stock, property and franchises, upon such terms as may be agreed upon between them by a majority of their respective stockholders, whereupon the consolidated company may adopt such name as it may choose, and may establish its principal office at any point on the line of the consolidated company's railroad, but the said consolidated company must maintain within this state officers or agents upon whom may be made service of process.

SEC. 7. That the president and directors shall have power and authority to require payments 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 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 said president and directors to sell at public auction and convey to the purchaser the share or shares of such stockholder so failing or refusing, giving one month notice of the time

Directors.

Officers.

Vacancies.

Annual stockholders meeting.

Increase of capital stock.

Consolidation with other roads.

Payment of subscriptions.

Remedy against subscriber failing to pay.

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 recover the balance of the original subscriber or his assignee or the executor or administrator or either of them at the option of the said company by civil action in any court having jurisdiction thereof. Any purchaser of stock under such sale by the president and directors shall be subject to the same rules and regulations as the original owner.

Remedy against assignee.

Authorized to construct, &c., telegraph and telephone lines.

SEC. 8. That the said company is hereby authorized to construct and operate at its option one or more lines of telegraph or telephones along its line of railroad and to charge and collect such remuneration for messages or dispatches as the president and board of directors may determine, and the said company may connect said lines of telegraph or telephones with the lines of any other company in this state or adjoining states, and may lease, sell, or rent this right and any telegraph or telephone line constructed by the company as in the judgment of the president and directors may be advantageous to the company: *Provided*, said company shall be subject to all the provisions of law in relation to freight and tariffs to be charged by same.

Proviso.

Powers of president and directors.

SEC. 9. That the president and directors of the said company, under authority of a majority of the stockholders, shall have power to make such expenditures and contract such debts as may be necessary for the construction and operation of the railroad authorized by this act.

Authorized to borrow.

SEC. 10. That the said company is authorized and empowered to borrow such amounts of money and upon such rate of interest not to exceed eight per centum as may be directed or approved by a majority of the stockholders, and it may issue its bonds and secure the same by mortgage or deed of trust upon the whole or any part of its property and franchises.

Sale of mortgage bonds.

SEC. 11. That the said company shall have the right to dispose of, negotiate or sell its bonds secured by mortgage or deed of trust at such rates and prices and upon such terms as its president and directors shall deem most advantageous to the company.

Occupation, &c., of land.

SEC. 12. That this company shall have the power and authority to occupy and appropriate as much land as may be necessary for the construction of said road, not to exceed fifty feet from the center of the road-bed on each side, and as much additional as may be necessary for the station houses, depots and all other purposes necessary for the construction and operation of said railroad, not to exceed two acres at any one place, under the rules and restrictions provided by the laws of North Carolina.

Entry on land, &c.

SEC. 13. That it shall be lawful for the president and directors, their agent, superintendents, engineers or others in their employ, to



enter at all times upon all lands or waters for the purpose of exploring, surveying, leveling or laying out the route of said railroad and locating the same, and to do and to erect all necessary works, buildings and appendages thereof, doing no unnecessary damage to private property; and when the route of said railroad shall have been determined upon and a survey of the same deposited in the office of the secretary of state then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors and others in their employ, to enter upon, take possession of, have, hold, use and excavate any such lands and to erect all the works necessary and suitable for the completion or repairing of the said railroad, subject to such compensation as is hereinafter provided: *Provided always*, that the payment or tender of payment of all demands for the occupancy of all lands through which the said road may be laid out be made before the company shall enter upon or break ground upon the premises, except for surveying or laying out said road, unless the consent of the owners thereof be first had and obtained. Proviso.

SEC. 14. That when any land or right-of-way may be required by said company for the purpose of constructing their road, and for want of agreement as to the value thereof, or for any other cause, the same cannot be purchased from the owners, the same may be taken at a valuation by five commissioners or a majority of them, to be appointed by the clerk of the superior court of the county where some part of the right-of-way is located. In making the said valuation the said commissioners shall take into consideration the loss or damage which may occur to the owner or owners in consequence of the land or right-of-way being surrendered, and are also to take in consideration as an offset of such loss the enhanced value the railroad will give to the other lands of the owner or owners through which the said railroad shall run: *Provided nevertheless*, that if any person or persons over whose lands the road may pass, or if said company shall be dissatisfied with the valuation of said commissioners, then and in that case the party so dissatisfied may have an appeal to the superior court in the county wherein the valuation may have been made, or in either county in which the land may be when it shall be in more than one county, subject to the same rules, regulations and restrictions as in other cases of appeal. The proceedings of said commissioners, with a full description of the said land or right-of-way, shall be returned under the hands and seals of a majority of them to the court from which the commission was issued there to remain a matter of record, and the land or right-of-way so valued shall vest in the said company so long as the same shall be used for the purpose of the said railroad, or so soon as the valuation shall have been paid or tendered in case of refusal: *Provided*, that upon application for the appointment of commissioners under this section it shall appear to the satisfaction of the court that at least ten days notice had been previously given by the Condemnation of land.  
Right of appeal.  
Proviso.

application to the owner or owners of the land so purposed to be condemned, or if the owner or owners be infants or *non compos mentis*, then to the guardian of such owners if such guardian can be found in within the county, or if they cannot be found in the county then that such notice of such application has been published for at least thirty days in some newspaper printed as convenient to the courthouse of the county in which the application is to be made: *Provided further*, that the valuation provided for in this section shall be made on oath by the commissioners aforesaid, which oath may be administered by any clerk of the court, justice of the peace or other person authorized by law to administer oaths: *Provided further*, that the right of condemnation herein granted shall not authorize said company to remove the dwelling-houses or burial-ground of any individual without his or her consent.

Proviso.

Proviso.

Width of right-of-way.

Land for depots, &c.  
Proviso.

Certain land to vest in company.

Payment of one-half of cost of survey by certain counties.

Election in counties, townships, cities and towns on question of subscription.

SEC. 15. That the right of the company to condemn land in the manner aforesaid shall extend to the condemning of fifty feet on each side of the main line from the center of the track on each side, and the said company shall have the power to condemn and appropriate lands in like manner for the construction of depots, warehouses, shops and all necessary buildings: *Provided*, that not more than two acres at any one place shall be so condemned for such purpose.

SEC. 16. That all lands not heretofore granted to any person lying within fifty feet of the center of said road shall vest in the company so soon as the line of the road is definitely laid out through it, and any grant of said line thereafter shall be void.

SEC. 17. That the county commissioners of such of the counties through or into which the said railroad may be located may in their discretion pay one-half the cost and expenses of a survey of the line or lines locating said road when the said company shall have paid the other half thereof and deposit a profile of such survey and an estimate of the cost of construction of said road in the office of the register of deeds of the county so consenting to pay such one-half of the cost of survey and locating said road.

SEC. 18. That upon presentation of a petition in writing, signed by at least fifty freeholders residing in any county and at least twenty freeholders residing in any township, city or incorporated town interested in the construction of this railroad to the board of commissioners of the county in case of a township or county, or to the municipal authorities in case of a city or town, setting forth the amount asked to be subscribed to the capital stock of said company by said county, township, city or town, the said board of county commissioners or municipal authorities shall fix the sum to be voted for as a subscription to said capital stock of said company, and it shall be the duty of such board of county commissioners or municipal authorities within sixty days from the presentation of such petition

at any regular meeting or any special meeting called for that purpose to order an election to be held in such county, township, city or town at the various polling places therein, and to submit to the qualified voters thereof the question of subscribing to the capital stock of said company the amount specified in said petition, at which election those in favor of said subscription shall vote on a written or printed ticket the words "For subscription," and those opposed thereto shall vote "Against subscription," and the election or elections for the purpose shall be conducted in the same manner and subject to the same rules and regulations as are provided for the election of county or municipal officers; that notice of said election shall be published for at least four weeks immediately preceding said election in one or more newspapers published or circulating in the county, township, city or town in which the election is to be held; that the commissioners or corporate authorities shall have the right in their discretion to order a new registration of voters for said election.

SEC. 19. That in all elections held in and for any county or township the returns shall be made to and canvassed by the board of county commissioners, and for any city or town by the mayor and commissioners or aldermen or other municipal authorities authorized by law to receive and canvass the same, who shall meet on Thursday after said election and shall ascertain and declare the result and make a record thereof, and if a majority of all the qualified voters shall vote for subscription then the chairman of the board of county commissioners or the proper authorities of the city or towns respectively shall subscribe to the capital stock of said company in behalf of said county, township, city or town, as the case may be, the sum named in said petition, in bonds payable to bearer in fifteen or thirty years as may be agreed upon before said election, with interest-bearing coupons attached at a rate not to exceed eight per centum payable semi-annually, and to be in denominations of fifty, one hundred, two hundred and fifty, and five hundred dollars; and when any county, township, city or town shall deliver its bonds it shall receive therefor certificates of stock representing a like amount; that the county and township bonds shall be signed by the board of county commissioners and countersigned or attested by the clerk of said board; and the city and towns bonds shall be signed by the mayor in his official capacity as mayor, and countersigned or attested by the clerk or secretary of said city or town, if any it has: *Provided*, that the bonds shall only be issued and delivered for work to be done in the constructing of said railroad in the county or township issuing the same.

SEC. 20. That it shall be lawful for and the board of county commissioners shall after issuing and delivering said bonds, to levy an annual tax on the taxable property and polls of any county or township so subscribing to the capital stock of said company to an amount sufficient to pay the interest on said bonds as the same shall become

Ballots.

Election, how conducted.

Notice of election.

New registration.

Returns, how made, &amp;c.

Subscription to be made on vote of majority of qualified voters.

Description of bonds.

Bonds, how executed.

Proviso.

Special tax in counties and townships.

Special tax in cities and towns.

due, and to create a sinking fund for the purpose of paying off and discharging the principal thereof when it shall become due, and in like manner the commissioners or aldermen of any city or town shall levy annually a special tax on its property and polls for the same purposes whenever it has issued and delivered its bonds, which said special tax shall be levied at the same time and in the same manner and shall be collected under the same restrictions and penalties as provided for the collection of other taxes for state and county purposes. The amount so levied and collected to create a sinking fund to pay the principal of said debt shall be annually invested by the board of commissioners as the same shall be paid into the treasury of said counties or of such cities and towns in solvent securities, to be approved by the said board or boards of commissioners, and shall be separated and set apart by said board or boards of commissioners to the credit of the county, township, city or town so subscribing for that purpose only when the same shall become due.

Investment of sinking fund.

Taxes collected in township on corporate property applied to payment of interest, &c., on township bonds.

SEC. 21. That when any township or townships shall subscribe its bonds or their bonds to the capital stock of this company, the county taxes which shall be levied and collected upon the property and franchises of the said company in the county in which the township or townships is or are situated shall be applied to the interest on the said bonds to the amount of said interest until the said bonds have been fully paid off and discharged, when the said taxes shall be applied to general county purposes.

Dividends.

SEC. 22. That the profits of the company, or so much thereof as the president and directors may deem advisable, shall, when the affairs of the company will permit, be annually or semi-annually divided among the stockholders in proportion to the stock that each one may own.

Additional corporate powers.

SEC. 23. That in addition to the special powers herein granted the said company shall have all the rights, privileges and immunities granted by chapter forty-nine of The Code of North Carolina entitled "Railroad and Telegraph Companies" and chapter sixteen of The Code of North Carolina entitled "Corporations" and of such other general laws for the benefit of railroad and telegraph companies and corporations now existing or which may hereafter be enacted for these purposes.

When work to begin.

SEC. 24. That the construction of this railroad shall be begun within two years from the ratification of this act.

SEC. 25. That this act shall be in full force and effect from and after its ratification.

Ratified the 1st day of March, A. D. 1893.

## CHAPTER 153.

## An act to incorporate the city of Fayetteville.

*The General Assembly of North Carolina do enact :*

- SECTION 1. That the inhabitants of the city of Fayetteville shall be and continue a body politic and corporate, and in the name of the city of Fayetteville shall have the right to sue and be sued, contract and be contracted with, to purchase, hold and convey real and personal property for the purpose of the government of said city, its welfare and improvement, and under the name and style aforesaid is hereby invested with all the property and rights of every kind which now belong to the present commissioners of Fayetteville or which are under their control. Incorporated.  
Corporate name.  
Corporate powers.
- SEC. 2. That the corporation boundary lines of the city of Fayetteville shall be as follows, to-wit: as the boundary lines of Fayetteville now exist. Corporate limits.
- SEC. 3. That the present board of commissioners of Fayetteville shall be and constitute the board of aldermen of the city of Fayetteville until the board of aldermen and mayor provided for in this act are elected and qualified, 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 Fayetteville by this act. Temporary board of aldermen.  
Powers.
- SEC. 4. That all valid indebtedness incurred by the present commissioners of Fayetteville shall be binding upon the city of Fayetteville and shall be paid by the city according to the terms thereof. Valid indebtedness.
- SEC. 5. That the said city of Fayetteville shall be divided into seven wards, to be known and designated as wards one, two, three, four, five, six and seven, and the following are declared the boundary lines of said wards: the same as the boundary lines of the wards of Fayetteville as they now exist. Divided into wards.  
Boundaries.
- SEC. 6. They [there] shall on the first Monday in May, one thousand eight hundred and ninety-three, and on the first Monday in May annually thereafter, be elected a mayor, fourteen aldermen and three members of a board of audit and finance for said city, who shall hold their offices until their successors are qualified; and of said aldermen two shall be selected from each ward in the city. Such aldermen shall be residents of the wards for which they are chosen, and shall be elected by the qualified voters of the city. Upon the qualification of said mayor and aldermen so elected the present commissioners of Fayetteville shall, without delay, turn over to them all corporate property and their duties shall thereupon cease and determine; and all officers, agents, servants and employees of the said commissioners Annual election of mayor, aldermen and board of audit.  
Present commissioners to turn over corporate property, &c.

of Fayetteville shall immediately upon the qualification of the mayor and aldermen provided for in this act report to and be subject to the authority of the said mayor and aldermen.

Registrars.

SEC. 7. The board of aldermen of the city of Fayetteville shall select at their regular meeting in March, eighteen hundred and ninety-three, and annually thereafter, a registrar of voters for the city of Fayetteville, and shall cause publication thereof to be made at the court-house door and notice to be served on such person selected by the chief of police of said city, and shall give ten days notice of a registration of voters in and for said city, specifying time and place and name of registrar.

Duties of registrar.

SEC. 8. The duties of said registrar shall be the same as those now prescribed by law for registrars in state and county elections, except as otherwise provided by this act.

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 registrar shall on application, before said books are closed, register all persons not then qualified to vote in the city 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 Fayetteville desiring so to do may inspect them.

Oath of elector.

SEC. 10. Any person offering to register in said city shall take and subscribe the following oath or affirmation: "I do solemnly swear that I am, or will be, twenty-one years of age; that I have been, or will have been, an actual *bona fide* resident of North Carolina for twelve months and an actual *bona fide* resident of the city of Fayetteville for ninety days on the first Monday of 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."

Judges of election.

SEC. 11. The board of aldermen of the city of Fayetteville shall at their meeting in March, one thousand eight hundred and ninety-three, and annually thereafter, appoint two judges of election for the city of Fayetteville to open the polls and superintend the same for the municipal election to be held on the first Monday of May next succeeding, and the polls shall be opened at such place in the city as said board shall designate.

Who entitled to register.

SEC. 12. All electors who have been *bona fide* residents of North Carolina for twelve months and of the city of Fayetteville 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 open on the day of election from sunrise 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

Meaning of "residence." When polls open.

Who entitled to vote. Challenges.

- challenge his ballot shall not be received. Ballots shall be on white paper and without device. The aldermen shall be voted for on one ballot, and likewise the board of audit and finance. Ballots.
- SEC. 13. If among the persons voted for two or more shall have an equal number of votes, and either would be elected but for the equal vote, the judges of election and registrar shall decide the election between such persons. As soon as the result of the election is determined a certificate thereof shall be made under the hands of the registrar and judges setting forth in writing and words the number of votes each candidate received, which certificate they shall deliver to the mayor. Tie vote.  
Certificate of result.
- SEC. 14. 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. How questions concerning election decided.
- SEC. 15. That on the Monday next succeeding the day of election the aldermen elected thereat shall qualify by taking the following oath or affirmation: "I ----- will truly and impartially perform the duties of alderman of the city of Fayetteville according to the best of my skill, ability and judgment: so help me God;" and shall succeed to and have all the rights, powers and duties conferred on them by the provisions of this act. Qualification of aldermen.  
Oath.
- SEC. 16. The mayor shall preside at the meetings of the board of aldermen and shall have the rights, powers and duties 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, from any cause the board of aldermen shall fill the same for the unexpired term. Mayor to preside.  
Removal of mayor.  
Vacancy.
- SEC. 17. That all elections held by virtue of this act shall be held under the supervision of the chief of police of the city of Fayetteville, 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. Preservation of order at elections.
- SEC. 18. That the mayor, before entering upon the duties of said office, shall take the following oath before the clerk of the superior court of Cumberland county: "I -----, do solemnly swear that I will diligently endeavor to perform faithfully and to the best of my skill and ability and judgment all the duties of the office of mayor for the city of Fayetteville, and to cause to be executed the laws and ordinances made for the government of said city, and in the discharge of my duties I will do equal justice to all cases whatsoever." Oath of mayor.
- SEC. 19. That each alderman, before entering upon the duties of said office, shall take before the mayor or some justice of the peace the oath prescribed by this act. The mayor and aldermen and members of the board of audit and finance shall hold their offices respectively until the next succeeding election and until their successors are Aldermen to take oath.  
Terms of office.

elected and qualified, and they shall have and exercise all the rights, powers and duties herein conferred.

Oath of members of board of audit, &c.

SEC. 20. That each member of the board of audit and finance, before entering upon the duties of said office, shall take an oath before the mayor or some justice of the peace to faithfully and to the best of his ability perform the duties of said office.

Organization of board of aldermen.

SEC. 21. That when said aldermen shall be elected as herein provided on the first Monday in May, one thousand eight hundred and ninety-three, and at each annual election thereafter as herein provided, their term of office shall begin and they shall organize on Monday next succeeding their election, when the mayor and board of audit and finance elected shall qualify and hold their offices until their successors are elected and qualified.

When mayor and board of audit to qualify, &c.

Tax collector.

SEC. 22. At the regular meeting in June, one thousand eight hundred and ninety-three, and annually thereafter, the aldermen of said city shall elect a tax collector for said city, who shall hold his office for one year and until his successor is elected and qualified, but the aldermen shall have power to remove him from office for inefficiency or misconduct in office and elect his successor to fill his unexpired term. Said tax collector shall give bond and have the rights, powers and duties now conferred by law upon the tax collector for the commissioners of Fayetteville, except as otherwise provided by this act.

Removal.

Bond.

Powers.

Mayor's fees payable into city treasury.

SEC. 23. That the mayor of said city shall not receive any fees in any case tried before him, whether he has final jurisdiction or only to act as a committing magistrate, but all fees shall be collected and recovered into the treasury of said city. The mayor shall receive as compensation for his services and salary as the aldermen may fix, payable out of the city treasury in such sums and at such periods as the aldermen may prescribe.

Salary of mayor.

Aldermen may grant use of streets to Street Railway Co.

SEC. 24. The aldermen of said city shall have the power to grant to any street railway company or to 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.

Criminal jurisdiction of mayor.

SEC. 25. That the mayor of the city of Fayetteville is hereby constituted a special court with all the jurisdiction and powers in criminal offences occurring within the limits of said city which are or hereafter may be given to justices of the peace. He shall preserve and keep the peace, and may cause, on proper proceedings, to be arrested persons charged or convicted of crime in other counties or states who may be found in the city limits and bound or imprisoned to appear at the proper tribunal to answer for their offences. He shall also have jurisdiction to issue process; to hear and determine all misdemeanors consisting of a violation of the ordinances and regulations of said city; to enforce penalties by issuing executions upon any adjudged violations thereof; to execute the laws and rules and ordinances made by the aldermen, and his endorsement of the names



of witnesses upon a summons or warrant shall be authority for the officer to execute the same; and he may issue process without complaint when he is satisfied that there has been a violation of the law: *Provided nevertheless*, that he shall not have jurisdiction of any laws of any nature or amount other than of such whereof a justice of the peace may take cognizance unless specially allowed by this act. He may have a clerk, to be elected by the board of aldermen, who shall keep the minutes of the court and shall collect all fines and penalties imposed.

Proviso.

Clerk.

SEC. 26. That all proceedings in the mayor's court shall be the same as are now or may hereafter be prescribed for courts of justices of the peace, and in all cases there shall be a right of appeal to the superior court of Cumberland county. That whenever a defendant or witness or other person shall be adjudged to be imprisoned by said court, it shall be competent for 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.

Procedure in mayor's court.

Right of appeal.

Certain persons may be sentenced to work on streets.

SEC. 27. That the mayor shall issue his precepts to the chief of the 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 Cumberland county.

Execution of mayor's precepts.

SEC. 28. 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 Cumberland 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 Cumberland.

Mayor to keep record. Force of judgments.

SEC. 29. 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.

Mayor's office, &amp;c.

SEC. 30. That the mayor shall preside at all the meetings of the board of aldermen except as otherwise herein provided, and when there is an equal division upon any question, or in the election of officers by the board, he shall determine the matter by his vote, and he shall vote in no other case.

Mayor to preside, &amp;c.

Tie vote.

SEC. 31. That the aldermen shall form a board, and a majority of them shall be competent to perform all the duties prescribed for the aldermen unless otherwise provided. Within ten days after their election they shall convene for the transaction of business and shall fix stated days of meetings through the year, which shall be as often at least as once every calendar month. Special meetings of the

Board of aldermen.

Meetings.

Special meetings.

aldermen may be held on the call of the mayor or a majority of the

aldermen, and all the aldermen when meeting is called by the mayor and those not joining in the call when made by the majority of the board shall be notified.

Ordinances, &c.

SEC. 32. 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 city as they may deem necessary: *Provided*, the same be allowed by the the provisions of this act and are consistent with the constitution and laws of the state.

Proviso.

Secretary and treasurer.

SEC. 33. That the aldermen at their first meeting after their election shall appoint a secretary and treasurer, who may be one and the same person, who shall respectively hold their offices during the official 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 offices shall be sworn to the faithful discharge of his duty, and shall execute a bond payable to the city of Fayetteville in such sum as the aldermen may determine.

Oath.

Bond.

Salary of secretary, &c.

SEC. 34. That the secretary and treasurer shall have a reasonable salary, to be fixed by the board of aldermen, and it shall be his duty to keep regular and fair minutes of the proceedings of the board and to preserve all books, papers and articles committed to his care during his continuance in office and deliver them to his successor, and generally to perform such other duties as may be prescribed by the aldermen and this charter.

Duties.

Duties of treasurer.

SEC. 35. That the treasurer shall make out annually a fair transcript of 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 and printed in some newspaper published in the city of Fayetteville.

Duties of treasurer.

SEC. 36. 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 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 or the board of audit and finance 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. 37. That all orders drawn upon the treasurer shall be signed by the mayor and shall state the purpose for which the money is

applied, and the treasurer shall specify such purposes in his accounts, and also the sources whence are derived the moneys received by him.

SEC. 38. Two members of the board of audit and finance shall constitute a quorum for the transaction of business; and the treasurer of said city shall be *ex officio* clerk of the board of audit and finance, and shall keep in books to be provided for that purpose a record of all business which shall be transacted by said board.

Quorum of board of audit.

Clerk.

SEC. 39. It shall be the duty of the board of audit and finance to consider and act upon the charges fixed for privileges of various kinds, and to make recommendations to the mayor and board of aldermen as to all such matters as shall affect the finances of the city of Fayetteville, and no appropriation of moneys or expenditures or contracts affecting the finances of the city shall be made by the mayor and board of aldermen until the same shall have been approved by at least two members of the board of audit and finance, but said board of audit and finance shall have no power or authority to do anything binding upon the city of Fayetteville otherwise than to concur in or veto the action of board of aldermen in matters of finance and contracts affecting the finances of said city.

Duties of board.

Limitation of powers.

SEC. 40. Said board of audit and finance shall have the power and authority at will to examine the books and vouchers of the treasurer and of the tax collector of the city of Fayetteville, and it shall be the duty of said officers at the request of a majority of said board of audit and finance to appear before said board and to give to them any desired information relative to the affairs of said offices.

Examination of accounts of treasurer, tax collector, &c.

SEC. 41. 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 offices for such terms as may be fixed by the board. The members of the police force 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 faithfully account for all moneys that may come into their hands from fines, penalties, etc.

Police force.

Bond.

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 part of any member of the police force, 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 member of the force shall have all the power and authority vested in sheriffs and constables for the preservation of the peace of the city by suppressing disturbances and apprehending offenders. They shall execute all processes directed to them by the mayor or others, and in the execution thereof shall have the same powers which sheriffs and constables have. The chief and members of the police force shall take an oath before the mayor for the faithful performance of the duties required by law and ordinances. The

Duties of chief of police.

Powers of policemen.

Execution of process.

May take bail,  
&c.

said policemen shall have power to take bail for appearance of defendants or other persons charged with violation of city ordinances in the manner and to the extent that such power is vested in sheriffs; and in case any person or persons shall not appear the mayor may issue a *seire facias* and enter judgment final against the defaulting party and his sureties. That the chief of police shall have the power to rearrest upon the same warrant a defendant or party who has been convicted and turned loose, upon the statement that he will pay fines and costs, upon failure to pay same, or in case of an escape.

Re-arrests.

Fees of policemen.

SEC. 42. 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, but the board of aldermen shall have power to require that said fees shall be recovered into the city treasury, and 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 be subject to the same control as regular policemen.

Aldermen may require fees to be paid into treasury, &c.

Special policemen.

Suspension of policemen by mayor.

SEC. 43. The mayor at any time, upon charges preferred or upon finding said chief or any member of police force guilty of misconduct, shall have power to suspend such member from service until the board of aldermen shall convene and take action in the matter; and upon hearing the proofs in the case the board may discharge or restore such member, and the pay of such member so suspended shall cease from the time of 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.

Inquiry by aldermen, &c.

Cause for dismissal.  
Suspension for drunkenness.

Badges for policemen, uniforms, &c.

SEC. 44. 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.

Action on official bonds.

SEC. 45. That for any breach of his official bond by the secretary and treasurer, chief of police, tax collector, or any other officer who may be required to give an official bond, such officer and his sureties shall be liable in an action on the same in the name of the city at the suit of the city or any person aggrieved by such breach, and the same may be put in suit without assignment from time to time until the whole penalty be recovered.

Temporary imprisonment in county jail, &c.

SEC. 46. That the sheriff or jailer of the county of Cumberland is hereby required, without a *mittimus*, to receive into the jail of the county as his prisoners any person taken up in the night by the police force, and to keep such person faithfully 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 prisoners may be confined in the city prison. Fees of jailer.

SEC. 47. That the said board of aldermen may also appoint a city engineer, a city attorney, employ detectives and offer rewards for the capture and conviction of criminals, and exercise like powers in the premises in order to bring offenders against the laws of the state and city ordinances, when the offence is committed in the city limits, to justice; and to use any funds belonging to the city not otherwise appropriated to carry out this purpose. City engineer and attorney.  
Capture of criminals, &c.  
Rewards.

SEC. 48. That the mayor and aldermen provided for in this act shall have full power and authority to assume and fund the present bonded indebtedness of the town of Fayetteville, as compromised, at its present face value, as now indicated upon the face of the bonds, and for this purpose they shall have full power and authority to issue new coupon bonds of the city of Fayetteville, bearing interest, payable semi-annually, at a rate not exceeding seven per centum per annum, in an amount not exceeding sufficient amount to pay said present bonded indebtedness, and in denominations of not less than one hundred dollars and not more than one thousand dollars; the said bonds shall be made payable thirty years after date at the office of the secretary and treasurer of the city of Fayetteville or elsewhere as the board of aldermen shall see fit, and shall not be valid unless signed by the mayor of the city and countersigned by the secretary and treasurer of the said city; they shall not be sold nor exchanged for less than par value. At the option of the holder they shall be registered by the secretary and treasurer of said city, and after such registration shall be transferable only by endorsement. And the coupons from and after maturity shall be receivable for payment of all taxes or other indebtedness due to said city. Funding of present bonded indebtedness.

SEC. 49. That in any event the said mayor and board of aldermen of the city of Fayetteville shall create a sinking fund for the payment of said bonded indebtedness, and to that end they may appropriate the taxes to be derived from railroads, licenses, or any other source which in their judgment would be adequate and proper. Sinking fund.  
Appropriation of certain taxes.

SEC. 50. That whenever any of the bonds representing any of the said present bonded indebtedness of the town of Fayetteville shall be paid, they shall be burned by the mayor of the city of Fayetteville in the presence of the board of aldermen of the said city, and a record shall be made thereof. Destruction of cancelled bonds.

SEC. 51. All executors, administrators, guardians, trustees and other persons acting in a fiduciary capacity, who now hold, or may hereafter hold or become possessed of any of the said bonds representing the present bonded indebtedness of the town of Fayetteville, Fiduciaries empowered to exchange bonds.

are hereby authorized and empowered to exchange the same for the bonds to be issued under this act or to invest their funds in the same.

Taxation.

Forty per cent. of ad valorem tax applied to payment of old debt. Limitation of license tax.

Creation of new bonded debt.

SEC. 52. There shall be and is hereby levied a tax of one per centum annually on property, forty per centum of which tax shall be applied to the liquidation of the old debt, and one dollar and eighty cents as a poll-tax, and the licenses and other taxes shall not exceed those levied by the state for county purposes. And the said mayor and aldermen shall have no power and authority to create any new bonded indebtedness unless with the assent of a majority of all the qualified voters of the city of Fayetteville at an election or elections to be held for that purpose under the express authority to be granted by the general assembly of the state. Nor shall they have power to issue orders on the treasurer in payment of any obligation due by the city when the issue of such orders will increase the amount of unpaid script to more than one thousand dollars.

Appropriation of taxes for debt and water-works.

SEC. 53. That the board of aldermen shall set aside forty per centum of all taxes collected each year, which shall be applied to the debt, and twenty per centum of same shall be set aside for the water-works if necessary.

Chapter 58, private laws 1881, repealed.

SEC. 54. That all parts of the act entitled "An act to authorize the town of Fayetteville to compromise its present indebtedness," ratified the fifth day of March, one thousand eight hundred and eighty-one, and all laws and parts of laws enacted by the general assembly since said act which are inconsistent with the provisions of this act are hereby repealed; and all parts of said act and all laws and parts of laws since enacted by the general assembly which are not inconsistent with the provisions of this act are hereby continued in full force and effect.

Conflicting laws repealed.

Assessment of property.

SEC. 55. The assessment of property for the purposes of taxation under the provisions of this charter shall be the same as that fixed by the assessors appointed by the board of commissioners of Cumberland county to assess the property of Cross Creek township for state and county purposes; and the board of aldermen of said city shall place on the tax lists of said city the property owned by the people of said city in the limits thereof or subject to taxation therein at the sums assessed by the said county assessors for Cross Creek township as returned by them to the county authorities, and place said list with the treasurer or tax collector of said city and direct that he shall proceed to collect the same.

Tax list.

Collection.

Registration for election in 1893.

SEC. 56. That it shall be the duty of the chairman of the commissioners of Fayetteville, at least two weeks before the last Friday in March, one thousand eight hundred and ninety-three, to appoint a fair, honest and competent person as registrar, who shall make a registration of the qualified voters of Fayetteville according to the rules and regulations governing registration in state and county elections; and also to appoint two fair, honest and impartial persons to

act as judges of the election hereinafter provided for, who shall hold said election under the same rules and regulations as provided for judges of election in section eleven of this act. The ballots to be used in said election shall be on white paper without device and shall contain the words "Charter" or "No charter." The election shall be under the supervision and control of the sheriff of Cumberland county, and the registrar and judges thereof shall certify the result of said election under their signatures to the chairman of the commissioners of Fayetteville, stating in figures and words the number of votes cast for and against this charter.

Judges of election.

Ballots.

Election, how held, &amp;c.

SEC. 57. This act shall be in force from and after its ratification by the majority of the qualified voters of Fayetteville at an election to be held the last Tuesday in March, one thousand eight hundred and ninety-three.

When act to take effect.

Ratified the 1st day of March, A. D. 1893.

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CHAPTER 154.

An act to incorporate the "North Carolina Investment Company."

*The General Assembly of North Carolina do enact :*

SECTION 1. That R. B. Sperry, of Baltimore, Maryland; B. S. Jer- man and C. M. Hawkins, their associates, successors and assigns, are hereby created a body politic and corporate for the uses, purposes and intents of this act, under the name and style of the "North Carolina Investment Company," and as such they shall exist for a period of sixty years, and have all rights, powers and privileges conferred upon corporations under the general laws of North Carolina.

Incorporators.

Corporate name.

Corporate exist-  
ence and powers.

SEC. 2. That said company shall have power to purchase, lease, hold, sell and convey real or personal estate.

Corporate pow-  
ers.

SEC. 3. Shall have power to construct and erect gas-works, water-works, electric light and power works and street railways in any city or town in this state, subject to the consent of said city or town, and to that end may do any and all things necessary for the proper conduct of the business, not inconsistent with the laws of North Carolina.

Corporate pow-  
ers.

SEC. 4. Shall have power to purchase, lease, operate, hold and convey water-works, gas-works, electric light and power works, street railways; and should this company at any time purchase or lease the property of any other company or corporation, power and authority is hereby given to said company or corporation to transfer therewith all of its powers, rights and privileges, and to this company to take the same.

Corporate pow-  
ers.

- Capital stock. SEC. 5. The capital stock of said company shall not be less than fifty thousand dollars or more than one million dollars, divided into shares of one hundred dollars each, which may be paid for either in cash, personal or real estate as the company may deem best.
- Subscriptions, how paid. SEC. 6. Shall have the power to sell, grant, convey, improve, manage, develop, lease, mortgage, dispose of or otherwise deal with any or all parts of the property of the company through its proper officers; to issue mortgage bonds, with or without coupons, upon any or all the company's property; to execute promissory notes or other negotiable instruments; to raise money in such manner as the company may see fit, and to do all such other things as are incidental or conducive to the attainment of any or all of the above objects.
- Corporate powers. SEC. 7. The stockholders of this company shall not be individually liable for any of its obligations.
- Non-liability of stockholders. SEC. 8. That this act shall be in force from and after its ratification. Ratified the 1st day of March, A. D. 1893.

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CHAPTER 155.

**An act to amend the charter of the Eastern Carolina Piscatorial Association.**

*The General Assembly of North Carolina do enact :*

- Chapter 190, private laws 1891, amended. Authorized to build railroad. SEC. 1. That chapter one hundred and ninety (190) of the private laws of eighteen hundred and ninety-one be amended by adding thereto an additional section as follows, to wit: "That the said company or association is hereby empowered to build, construct and operate a railroad for the purposes of the company for the transportation of freight and passengers from the grounds and property on New river, in the county of Onslow to some convenient point on the line of road of the Wilmington, Onslow and East Carolina Railroad Company, and shall have all the rights of condemnation for rights-of-way and all other rights conferred by The Code of North Carolina and the amendments thereto concerning railroad companies, known as chapter forty-nine of The Code."
- Route. SEC. 2. That this act shall be in force from and after its ratification. Ratified the 1st day of March, A. D. 1893.
- Corporate powers.



## CHAPTER 156.

## An act to amend the charter of the town of Waynesville.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter one hundred and twenty-seven, private laws of eighteen hundred and eighty-five, be amended by striking out all of section two of said chapter after the word "follows" in lines two and three and inserting in lieu thereof the following: "Beginning at a point in the center of Main street in front of the building known as the old court-house and extending therefrom three-fourths of one mile in every direction so as to make the limits of the said corporation a circle with the said point of beginning as the center."

Chapter 127, private laws 1885, amended.

Corporate limits.

SEC. 2. That section seven of said chapter be amended by inserting after the word "annum" in line two the following: "Upon livery-stables with five head of horses and not exceeding ten, a tax not to exceed twenty dollars; with ten head and not exceeding twenty, a tax not to exceed forty dollars, and upon stables with a larger number of horses the same proportion shall be observed in fixing the tax."

Tax on livery-stables.

SEC. 3. That subsection twelve of section fourteen of said chapter be amended by adding after the word "dollars" in line twenty-one of said subsection the following: "Upon physicians, not exceeding five dollars; upon barbers, not exceeding five dollars."

License tax on physicians and barbers.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 1st day of March, A. D. 1893.

## CHAPTER 157.

## An act to amend the charter of the Roaring Gap Summer Resort Company and to confirm and enlarge its powers.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the charter of the Roaring Gap Summer Resort Company, a corporation created and organized under the laws of North Carolina by decree of the clerk of the superior court of Forsyth county, March eleventh, eighteen hundred and ninety-two, is hereby ratified and confirmed, except as hereinafter amended. The articles of agreement set forth before said clerk are as follows:

Charter ratified and amended.

(1). The corporate name of the company shall be "Roaring Gap Summer Resort Company."

Corporate name.

- Corporate purposes and powers. (2). Its business shall be that of buying and selling land, exchanging, leasing, developing and improving lands at Roaring Gap, North Carolina, and vicinity, and to this end may erect hotels, boarding-houses, cottages, dwellings, stores, shops, places of pleasure and amusement, schools, churches and chapels; open roads, drives and streets; build bridges and waterways, and do any and all acts necessary to carry out the purposes of its organization, namely, the establishment and carrying on of a summer resort. It may borrow and pledge its credit by note, bond or otherwise.
- Principal office, &c. (3). The place of its principal office and meetings of stockholders shall be at Winston, North Carolina, but the said company shall have the power to establish a branch office and exercise any and all of its franchises, rights and privileges at Roaring Gap in the county of Alleghany, North Carolina.
- Branches.
- Corporate existence. (4). The duration of the corporation shall be thirty years.
- Incorporators. (5). The names of the incorporators are A. Chatham, A. H. Eller, H. R. Starbuck, J. L. Patterson, and such other persons as they may associate with them, and their successors.
- Capital stock. (6). The amount of the capital stock shall be seventy-five hundred dollars, divided into one hundred and fifty shares of the par value of fifty dollars each, which when paid up shall be non-assessable, with the privilege of increasing the same to an amount not exceeding twenty-five thousand dollars.
- Directors. (7). The corporation shall be governed and managed by a board of not less than three nor more than seven directors, to be elected annually by the stockholders, each stockholder casting one vote for every share of stock which he may represent in person or by written proxy. The president and secretary of the company shall be *ex officio* members of the board of directors, and shall be elected at the time and in manner and for the term above named for the directors, and subject to the by-laws which may be adopted by the company; said directors shall make contracts, appoint committees, receive reports, audit accounts, fix salaries of officers, agents and employees; appoint a treasurer, fix the amount of his bond and assume and control the general management and resources of the company; making full report of their transactions to the company at its annual meeting, which shall be held on the eleventh day of March of each and every year hereafter, inclusive of the year eighteen hundred and ninety-two: *Provided, however,* that the president shall call a meeting of the stockholders at such other times as may be designated, upon the written request of five stockholders.
- Stock-vote.
- President and secretary.
- Powers of directors.
- Annual meetings.
- Proviso.
- Non-liability of stockholders. (8). The stockholders of this corporation shall not be individually liable for its debts.
- Amendments. SEC. 2. The foregoing articles of incorporation are hereby amended as follows:

SEC. 3. The corporation is hereby authorized to acquire by purchase or otherwise and to hold lands, either in fee-simple or by less terms, not exceeding five thousand acres at any one time, and whether or not such lands be deemed necessary for the establishment or carrying on a summer resort; and may sell, improve and otherwise deal in real estate. Corporate powers.

SEC. 4. The duration of the corporation shall be one hundred years. Corporate existence.

SEC. 5. It may exercise all such rights and franchises as are conferred upon and pertain to other corporations; and may acquire, hold and dispose of without restriction as to quantity or time, except as aforesaid, all kinds of property, real, personal or mixed. Corporate powers.

SEC. 6. Said company shall have the power for the purpose of carrying on its business to issue bonds and stocks and to secure the same by mortgage on its property, or by preferring, guaranteeing any part or all of its stock in such manner as the stockholders or directors may determine. May issue mortgage bonds.

SEC. 7. The names of the incorporators are R. A. Doughton, W. C. Fields, A. Chatham, J. L. Patterson, A. H. Eller, D. P. Mast, T. J. Brown, D. J. Reid, W. T. Carter, C. A. Hall, C. J. Watkins, Joe Jacobs, J. W. Shepley, H. R. Starbuck, I. J. Montague, E. A. Ebert, N. G. Williams, V. O. Thompson, Cicero Tise, C. A. Rominger, J. S. Kilby, R. J. Renolds, C. H. Addison, Miller Brothers, R. R. Gwyn, W. L. Hill, A. C. Vogler, R. A. Womack, F. M. Simmons, R. R. Crawford, T. B. Crawford, W. T. Vogler, J. M. Rogers, T. L. Gwyn, T. I. Lillard, and such other persons as they may associate with them. Incorporators.

SEC. 8. This act shall in no way interfere with or impair the incorporation as set forth in section one, nor render illegal or void any act or contract done or made thereunder, and the powers and privileges conferred in said articles of incorporation not inconsistent with the amendatory provisions of this act are in all respects ratified and confirmed. Construction of this act.

SEC. 9. That this act shall be in force from and after its ratification. Ratified the 1st day of March, A. D. 1893.

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#### CHAPTER 158.

### An act to incorporate the Durham and Charlotte Railroad Company.

*The General Assembly of North Carolina do enact :*

SECTION 1. That J. S. Carr, W. M. Morgan, Thomas L. Peay and W. A. Guthrie, 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 Charlotte Railroad Com- Incorporators.  
Corporate name.

pany," for the purpose of locating, constructing, equipping, maintaining and operating a railroad for the transportation of freight and passengers from the town of Durham through the counties of Durham, Chatham, Moore, Montgomery, Stanly, Cabarrus and Mecklenburg to the city of Charlotte: *Provided*, the railroad shall be located through or within five miles of Gulf in Chatham county, through or within five miles of Troy in Montgomery county and through or within five miles of Albemarle in Stanly county.

Route. SEC. 2. That said railroad company may build its railroad by such route as may be deemed most advantageous and expedient through said counties, with the privilege of constructing and operating branch roads not exceeding thirty miles in length; and that in constructing and operating said branch roads the said company shall have all the rights and privileges granted to it with respect to the main line; and it shall have all the powers granted in The Code of North Carolina, volume one, chapter forty-nine, entitled "Railroad and Telegraph Companies."

Branch roads.  
Corporate powers.

Authorized to construct telegraph and telephone lines. SEC. 3. That the said company is hereby authorized to construct and operate at its option one or more lines of telegraph or telephone along its line or lines of railroad, and to charge and collect such remuneration for messages or dispatches as the president and board of directors may determine, and the said company may connect said lines of telegraph or telephone with the lines of any other company in this or adjoining states and may lease, sell or rent this right, and any telegraph or telephone line constructed by the company as in the judgment of the president and directors may be advantageous to the company: *Provided*, that said company shall be subject to all the provisions of law in relation to rate and tariffs to be charged by same.

Proviso.

Crossings, &c., 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 constructed within the state of North Carolina, at any point on its main line and branches, with the necessary turn-outs, sidings, switches and other conveniences in furtherance of the objects of its construction.

Capital stock. SEC. 5. That the capital stock of the company shall be one million five hundred thousand 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 individuals, counties, townships, municipal or other corporations in money, lands, mines, mineral properties, materials, bonds, timber, labor or otherwise, as may be agreed upon between the president and directors of the company and the subscribers.

Subscriptions, how made.

Books of subscription. SEC. 6. That any three or more persons named in the first section of this act, or such of their number and those associated with them hereafter as they may designate, shall constitute a board of commissioners to open books of subscription at such times and at such places

as they may see fit for subscription to the capital stock of said railroad company, and when ten thousand dollars shall have been subscribed and ten per centum thereof paid in, the commissioners named in the above section shall call the subscribers together in such manner and at such time and place as they may deem proper, to perfect the organization of said railroad company, and the organization of the railroad company shall be perfected by the election of a board of directors and such other officers in such manner as the stockholders shall determine. Organization.

SEC. 7. 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 subscription shall be paid. If any stockholder shall fail to pay the sum required of him by the president and directors within one month after the same shall have been required of him, it shall and may be lawful for the said president and directors to sell at public auction and convey to the purchaser the share or shares of such stockholders so failing or refusing, giving one month previous notice of the time and place of sale in one or more newspapers published in this state, and after retaining the sum due and all charges of the sale out of the proceeds thereof to pay the surplus over to the delinquent owner or his legal representatives, and if the sale should not produce the sum required to be advanced, with the incidental charges attending the sale, then the said company may recover the balance of the original subscriber or his assignee or the executor or administrator or either of them, at the option of the said company, by civil action in any court having jurisdiction thereof. Any purchaser of stock under such sale by the president and directors shall be subject to the same rules and regulations as the original owner. Payment of money subscriptions.  
Remedy against stockholder failing to pay.

SEC. 8. That when any right-of-way may be required by the company for the purpose of constructing its railroads and its branches, and for want of agreement for any cause it cannot be purchased from the owner, the same may be condemned as provided in chapter forty-nine of The Code of North Carolina to the extent of fifty feet on each side of the track of the railroad measuring from the centre of the same. And the company shall have power to appropriate and condemn land in like manner for the building and erection thereon of depots, warehouses, shops and houses for servants, employees and other purposes, not exceeding two acres in any one lot or place. Condemnation of land.

SEC. 9. That this corporation shall have power to lease or sell any railroad that may be constructed by it, with its franchises, to any other railroad company directly or indirectly connected with it in North Carolina, and any other such railroad company shall have the power to lease or buy from this corporation any such railroad that Lease or sale of road.

- Proviso. may be constructed by it with its franchises: *Provided*, the said company shall not lease or sell to the Richmond and Danville Railroad Company or its lessees or successors.
- Subscription by counties and townships. SEC. 10. That upon presentation in writing, signed by fifty freeholders, to the board of commissioners of any county through which said railroad may be located requesting said commissioners to submit to the qualified voters of the county or township where said petitioners may reside a proposition to subscribe a definite sum named in said petition to the capital stock of said Durham and Charlotte Railroad Company, the board of commissioners shall order an election to be held within thirty days at the various polling places of said county or township, and submit to the qualified voters thereof the question of subscribing to the capital stock of said railroad company the amount specified in said petition, at which election those in favor of said subscription shall vote "For subscription," and those opposed thereto shall vote "Against subscription," and the election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as are provided for election of members of the general assembly by the general election laws of the state of North Carolina.
- Election. SEC. 11. That for the purposes of this act all the townships along the line of the railroad or which are interested in its construction are hereby declared to be bodies politic and corporate and are vested with the necessary powers to carry out the provisions of this act, shall have all the rights and be subjected to the liabilities in respect to any rights or causes of action growing out of the provisions of this act.
- Ballots. 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.
- Election, how held. SEC. 12. That to provide for the payment of said subscriptions the board of commissioners of any county voting said subscriptions or wherein is located any township voting said subscriptions shall issue to said railroad, in exchange for an equal amount of stock therein, coupon bonds to the amount of the subscription so authorized, and the bonds shall upon their face indicate on account of what county or township they are issued, and said bonds shall be in denominations of not less than one hundred dollars and not more than one thousand dollars each, and shall run for twenty-five years and bear interest at the rate of six per centum per annum, payable semi-annually at some suitable depository designated by the board of commissioners issuing said bonds.
- Townships incorporated. SEC. 13. That the county authorities, legally empowered to levy taxes in any county voting for said subscription or in which there is a township voting for subscription for the payment of which bonds have been issued as provided for in this act, shall, in addition to the
- Corporate agents.
- County commissioners to issue bonds, &c.
- Special tax.

other taxes levied in such county or township in whose behalf said bonds were issued, annually compute and levy at the time of levying other taxes a sufficient tax upon the property and polls of said county and township to regularly and promptly pay the interest on the bonds of said county and township issued in behalf of said subscription, and at the same time said authorities shall compute and levy a tax upon the property and polls of said county or township equal to at least one-twenty-fifth of the aggregate amount of said bonds for a sinking fund to provide for the retiring of said bonds at maturity; and the taxes levied as above shall be annually collected as other taxes are collected and paid over by the sheriff or other authorized collecting officer to the county treasurer or such other officer as the county commissioners issuing said bonds may designate, which officer shall give a good and sufficient bond for the safe keeping and proper disbursement of said taxes; and the taxes levied and collected for these purposes shall be kept separate and distinct from each other and from all other taxes, and each shall be used only for the purpose for which it was levied and collected. The sinking fund shall be used yearly in purchasing the identical bonds to pay the principal for which it was levied and collected, if possible; but if it is impossible to annually invest said sinking fund in the purchase of said bonds for the payment of which it was created, the same shall be invested as may be directed by the board of commissioners issuing said bonds; and the taxes for the sinking fund for the payment of the principal of said bonds shall be levied and collected no longer than is necessary to create a fund sufficient to pay off the principal of said bonds.

How collected.

To whom payable.

To be kept separate, &amp;c.

Sinking fund.

SEC. 14. That this company shall have the right to borrow money when so authorized by a majority of its stockholders in general or special meeting assembled, and to issue bonds or other evidences of indebtedness and to secure the same by a mortgage or deed of trust of its property, franchises and effects or otherwise.

Authorized to borrow money on mortgage.

SEC. 15. That said company is hereby authorized and empowered to consolidate or merge its capital stock, estate, real, personal and mixed, franchises, privileges and property with those of any railroad company or companies chartered by and organized under the laws of this or any 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 which each of the companies so

Corporate powers.

Corporate powers.

consolidated or merged may have prior to such consolidation: *Provided*, the said company shall not consolidate or merge with the Richmond and Danville Railroad Company or its lessees or successors.

Authorized to build part of road, &c.

SEC. 16. That the said company may begin work on any part of its line, and upon the construction of any part or portion thereof may operate and maintain such part or portion with all the rights, powers and privileges hereby granted to this company; that it may under such purchase, lease, agreement or running arrangement as it can make with any other railroad company operate any road as a link between different portions of its own line.

Charter to be void if work not begun in two years.

SEC. 17. That if work on said railroad be not commenced in two years after the ratification of this act then this charter shall be void.

SEC. 18. That this act shall be in force from and after its ratification. Ratified the 2d day of March, A. D. 1893.

#### CHAPTER 159.

### An act to incorporate the Neuse and Swansboro Railroad Company.

*The General Assembly of North Carolina do enact:*

Incorporators.

SECTION 1. That Cyrus Foscue, J. C. Pittman, Joseph Sabiston, J. J. Hines, H. H. Perry, John S. Fisher, Henry B. Wood, Macon Porter, Wm. Flanner, N. Dennis, George Conner, David Aman, Clifford Simpson, Johnston Cornish, Andrew J. Ensign, Joseph B. Cornish, J. Nelson Pidcock, J. Cole Price, Robert O. Babbitt, John J. Stanton, Wm. H. Bell, Robert A. Price, Jacob C. Vanhorn, John G. Haney, Wm. F. Bell, Third Major Russell, C. D. Foy, Sen., Sam'l Hudson, P. A. Koonce, Thos. Bartley, their associates, successors and assigns, are hereby constituted a body politic and corporate, under

Corporate name.

the name of "The Neuse and Swansboro Railroad Company" for the purpose of constructing, equipping, maintaining and operating a railroad from or near Riverdale in Craven county on the Neuse river to or near Swansboro in Onslow county *via* or near Stella in Carteret county through the counties of Craven, Carteret, Onslow and Jones for the transportation of freight and passengers, and for the same purpose build and operate ferries and ferry-boats, steamships, steamboats, sailing vessels, boats and barges; and by their corporate name and style they and their associates, successors and assigns shall have succession for ninety-nine years.

Location of road.

Corporate existence.

Route.

SEC. 2. That said railroad company may build its railroad by such route as may be deemed most advantageous and expedient, and shall



have the right to cross any navigable stream or canal on the route: *Provided*, and subject, however, to the laws of the United States and the laws of the state of North Carolina governing the navigation of the navigable streams of North Carolina; and also the right to transport freight of all kinds that can be transported by rail, and collect freight rates and other charges for transporting and hauling the same; to carry passengers and collect fares for transporting the same; to carry and transport all manner of goods as express matter, charge and collect all express rates and charge for carrying the same; to carry the United States mail, charge and collect all charges for transporting the same.

Crossing navigable stream. Proviso.

Corporate powers as to transportation.

SEC. 3. That said company shall have the right to cross at grade, over or under, intersect, join or unite its railway or railroad with any railroad now built or to be hereafter built within the state of North Carolina at any point in the route, with the necessary turnouts, sidings, switches and other conveniences in furtherance of the objects of its construction.

Crossing other roads, &c.

SEC. 4. That the capital stock of said Neuse and Swansboro Railroad Company shall be six hundred thousand dollars, with the privilege of increasing the same to one million dollars, in shares of one hundred dollars each. The capital stock may be subscribed and paid for in money, land, bonds, timbers, labor or otherwise as may be stipulated; each share of stock subscribed shall be entitled to one vote in all the meetings of the stockholders of the said company. The stock shall be transferable on the books of the company, and ten thousand dollars shall be the minimum subscription on which said company may be organized.

Capital stock.

Subscriptions, how made.

Stock-vote.

Transfer of stock.

SEC. 5. That any five or more persons named in the first section of this act, or such of their number and of those associated with them hereafter as they may designate, shall constitute a board of commissioners to open books of subscription at such time and at such places, either in the state of North Carolina or in any other state as they may see fit, for subscriptions to the capital stock of said railroad company; and when ten thousand dollars shall have been subscribed and five per centum thereon paid in the commissioners named in the above section shall call the subscribers together in such manner and at such time and place as they may deem proper to perfect the organization of said railroad company; and the organization of said railroad company shall be perfected by the election of the board of directors and such other officers in such manner as the stockholders shall determine, the board of directors consisting of not less than five nor more than seven, out of the number of stockholders; and the said directors shall have power to perform all the duties necessary for the government of the company and the transaction of the business; and the directors so elected shall serve one year and until their successors shall be elected. At each stockholders meeting for the election of

Books of subscription.

Organization

Directors.

Powers.

Election.

directors the time and place for holding the next election shall be fixed upon, and such election shall henceforth be held annually; but if the day for annual election of directors should under any circumstances pass without an election being held the corporation shall not thereby be dissolved, but the directors formerly elected shall continue in office till a new election takes place. The board of directors may fill any vacancy which may occur in it during the period for which they have been elected.

Corporation not dissolved by failure to elect.  
Vacancies.

President, &c.

SEC. 6. That the president of the company and one or more vice-presidents thereof shall be elected annually by the directors from among their number in such manner as the regulations of the company shall prescribe, and they shall hold office until their successors are elected. The secretary and treasurer shall also be elected by the directors, and may be one and the same man. In the absence of the president or secretary at any meeting of the board of directors they may appoint a president or secretary *pro tempore* to fill his place, except when the vice-president is present, in which case he shall preside at the meetings.

Secretary and treasurer.

Authorized to issue mortgage bonds.

SEC. 7. That the Neuse and Swansboro Railroad Company may make a mortgage upon all its property, franchises or any part thereof, and execute first and second mortgage bonds in such denominations as may be deemed best; and the president and directors are hereby empowered, if the stockholders shall so authorize them, to make such expenditures and contract such debts as may be necessary for the construction of and operation of the road authorized by this act.

President and directors authorized to contract debts, &c.

Election of directors.

SEC. 8. That 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 highest number of votes polled shall be considered duly elected directors; and at all elections upon all votes taken at any stockholders meetings upon any by-law or upon any of the affairs of the said company each share of the stock shall be entitled to one vote, to be represented either in person or by proxy, and the proxies shall be in such form as the by-laws of the company may prescribe. That said corporation shall have a principal office in the state of North Carolina, which shall be designated by a majority of the stockholders, but the meetings may be held at such place or places as a majority of the stockholders may direct, and a majority of the shares of the stock subscribed present in person or by proxy shall constitute a quorum to transact business.

Stock-vote.

Principal office.

Stockholders meetings.

Quorum.

Authorized to build part of road.

SEC. 9. That the said company shall have power to use any section or portion of its road before the whole thereof shall be completed, and may charge for freight, transportation and passengers thereon.

Consolidation with other road.

SEC. 10. That the company is hereby empowered to merge and consolidate its capital stock, real estate, personal or mixed property, franchises, rights, privileges and property with those of any other railroad company or companies chartered by and organized under the

laws of this state whenever a majority of the stockholders shall so decide, and consolidation may be effected by its directors in such manner and on such terms and conditions and under such name and style as a majority of the stockholders may determine and approve; and the said company is hereby authorized to use under purchase, lease, agreement or other running arrangements as it may from time to time make with any other railroad or steamboat company in this state any line of road as a connecting link between the different parts of its road or as an extension of any portion of its road.

SEC. 11. That the said company shall have power and authority to appropriate and occupy as much land as may be necessary for the construction of said railway of the width of sixty feet on each side of the center line, measuring from the center of the track, and as much additional land as may be necessary for the station houses, depots and all other purposes necessary for the construction and operation of said railway, under the same rules and regulations and terms as are prescribed for the acquisition of land by the charter of the North Carolina Railroad Company. Authorized to appropriate land, &c.

SEC. 12. That where any right-of-way or other land being required by said railroad company for the purpose of constructing their railroad, and for the want of agreement for any cause it cannot be purchased from the owner, the same may be taken at a valuation to be assessed by three commissioners, or a majority of them, who shall be freeholders, to be appointed by the clerk of the superior court of the county wherein the land on which the right-of-way sought is situated, upon petition in writing by any officer of the said railroad company and after five days notice to the party owning the land, and the service of this notice shall be made in accordance as the case may be with subdivisions one, two, three, four, five, six and seven, under section nineteen forty-four, in chapter forty-nine, of The Code of North Carolina, volume one, eighteen hundred and eighty-three, and in making the valuation the commissioners shall take into consideration the loss or damage that may accrue to the owner in consequence of the right-of-way being surrendered. And the said railroad company or the landowner, if dissatisfied, may appeal to the superior court of the county wherein the land or any part thereof may be in the same manner as appeals are taken from a judgment of a justice of the peace to the superior court. The proceedings of the commissioners, accompanied with a full description of the land on which the right-of-way is desired, shall be returned over their signatures and the seals of the commissioners, or a majority of them, to the clerk of the court from whom the commission issued, there to remain a matter of record. The title to the land over which the right-of-way is sought shall rest in the said railroad company as soon as the valuation shall be paid, or when tendered and refused, and so long as the same shall be used for the pur- Condemnation of land.  
Right of appeal.

poses of said railroad; and the right of said railroad company to condemn land as aforesaid shall extend also to the condemnation of lands for stations, gravel-pits and all other purposes needed in the construction of the road: *Provided*, that the said company shall begin the work of constructing said road within two years and complete the same within ten years from the passage of this bill.

Proviso.

Liability of stockholder for corporate debts.

SEC. 13. That the stockholders in said company, whether private citizens or other corporations, public, private or municipal, shall be personally liable for the debts of the said company to the amount only of the unpaid stock in said company held by them respectively.

Conflicting laws repealed.

SEC. 14. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 15. That this act shall be in force from and after its ratification. Ratified the 2d day of March, A. D. 1893.

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#### CHAPTER 160.

**An act to amend the charter of The Moore County Railroad Company, passed at the present session of the general assembly.**

*The General Assembly of North Carolina do enact :*

Chapter 36, *ante*, amended.

SECTION 1. That the charter of The Moore County Railroad Company, passed at the present session of the general assembly, be amended as follows: In section two of said act strike out the words "in shares of one hundred dollars each" and insert "in shares of fifty dollars each."

Capital stock divided into shares of fifty dollars.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 2d day of March, A. D. 1893.

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#### CHAPTER 161.

**An act to incorporate "The Monitor Company," Littleton, North Carolina.**

*The General Assembly of North Carolina do enact :*

Incorporated.

SECTION 1. That the officers and members who are at present or in the future may be of "The Monitor Company," of Littleton, Warren county, North Carolina, be and they are hereby incorporated under the name and style of "The Monitor Company," and by that

Corporate name.

name may have succession and a common seal, sue and be sued, plead and be impleaded in any court of record or before any justice of the peace in this state, and contract and be contracted with, acquire, hold and dispose of real estate and personal property for the benefit of said company as may be required for the convenient transaction of its business.

Corporate powers.

SEC. 2. The members of the corporation shall have perpetual succession, shall forever elect their own officers, and shall have power to pass all necessary laws and regulations for their own government which may not be inconsistent with the constitution and laws of this state or of the United States.

Corporate powers.

SEC. 3. The capital stock of said corporation shall not be less than five hundred dollars nor more than ten thousand dollars, and shall be divided into shares of ten dollars each.

Capital stock.

SEC. 4. The members of the corporation shall not be individually liable for the indebtedness of the company.

Non-liability of corporators for corporate debts.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 2d day of March, A. D. 1893.

CHAPTER 162.

An act to amend and re-enact an act to incorporate the town of Sparta, in Alleghany county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter twenty-six of the private laws of eighteen hundred and eighty-seven be amended as follows: Strike out in section two line three of said act the word "A. J. Carson" and insert in lieu thereof the word "H. K. Boyer." Strike out in line four of said section the word "T. M. Honeycutt" and insert in lieu thereof the word "A S. Carson."

Chapter 26, private laws 1887, amended.  
Temporary officers.

SEC. 2. That said chapter be further amended by inserting between sections four and five, section four *a* to read as follows: That it shall be unlawful for any person in Alleghany county to turn hogs or cattle out in the range, streets or public roads for the purpose of allowing such stock to run at large in the range within a radius of one-half mile around the court-house in said town of Sparta; and if any person turns such stock in the range or such stock gets into the range in any way and roams or runs inside said boundary, then upon notice such owner shall immediately remove such stock from such boundary; and for every day such stock remains at large inside said boundary, with the knowledge of the owner, such owner shall forfeit and pay

Unlawful to allow live stock to run at large within half mile, &c.

Penalty.

to the mayor of such town, to be used in repairing the public roads and streets, twenty-five cents per day for each hog so running at large, and fifty cents for each head of cattle; and such penalty or forfeiture may be collected by an action before a justice of the peace in said county.

How collected.

Charter re-enacted.

Section 4b. That chapter twenty-six of the private laws of eighteen hundred and eighty-seven, as herein amended, is re-enacted and continued in force to all intents and purposes, and all laws in conflict with such chapter so amended are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in full force from and after its passage. Ratified the 2d day of March, A. D. 1893.

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#### CHAPTER 163.

An act to amend chapter thirty-seven, acts of eighteen hundred and sixty-eight and eighteen hundred and sixty-nine, concerning the Jamesville and Washington Railroad and Lumber Company, now the Jamesville and Washington Railroad Company.

*The General Assembly of North Carolina do enact :*

Jamesville and Washington R. R. Co. authorized to sell to Plymouth, Washington and Kinston R. R. Co.

SECTION 1. That the Jamesville and Washington Railroad Company is hereby authorized and empowered to sell and convey to the Plymouth, Washington and Kinston Railroad Company all of its terminals and property in the town of Washington, North Carolina, including its track, road-bed and rights-of-way and necessary franchises, extending from Pamlico river northwardly for a distance of seven miles in the direction of Jamesville to a point near Cherry's mill, where the proposed route of the Plymouth, Washington and Kinston Railroad Company would intersect the line of the Jamesville and Washington Railroad Company, and the said Plymouth, Washington and Kinston Railroad Company is hereby duly empowered to purchase and hold the same.

Authorized to take up part of track, &c.

SEC. 2. That the Jamesville and Washington Railroad Company is hereby empowered to take up its track and abandon that part of its road between said Cherry's mill or the point of its intersection aforesaid and Dymond City, and it is further authorized to cease to act as a common carrier between Cherry's Mill and Jamesville or between Dymond City and Jamesville, and to operate the same as a private corporation or a lumber road, or to sell and dispose of the entire remainder of its real and personal property, road-bed, track and rights-of-way to any individual or corporation, and the purchaser

Authorized to cease to act as common carrier as to part of road, &c.

Sale of remainder of property.

shall acquire title thereto and may operate the same for private purposes and not as a common carrier: *Provided*, that nothing herein shall be construed as compelling the Jamesville and Washington Railroad Company to cease to act as a common carrier or otherwise adopt the provisions of this act unless a majority of the stockholders in regular or called meeting shall so determine: *And provided further*, that nothing herein shall affect any existing contracts or invalidate any lien upon the property of the Jamesville and Washington Railroad Company.

Rights of purchaser.  
Proviso.

Proviso.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 2d day of March, A. D. 1893.

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CHAPTER 164.

An act to incorporate Amherst Academy in Burke county, North Carolina.

*The General Assembly of North Carolina do enact:*

SECTION 1. That E. H. Tilley, J. H. Hoffman, J. S. Tilley, W. H. Benfield, W. A. Tilley, J. D. Moore and A. G. Corpening, Trustees of Amherst Academy in Burke county, North Carolina, and their successors in office, are hereby created and declared a body politic and corporate under the name and style of the Amherst Academy, in said name to sue and be sued, plead and be impleaded, to buy, sell, lease and hold real and personal estate for educational purposes, and to have all other rights and privileges incident to such corporations.

Incorporators.

Corporate name.  
Corporate powers.

SEC. 2. That the appointment of said trustees is hereby duly ratified and confirmed, and the said trustees shall hold their offices during life, and in case of vacancy by the death or resignation of any of said trustees or otherwise the remaining trustees shall by a vote of their body elect some suitable person to fill such vacancy.

Trustees.

SEC. 3. That it shall be unlawful for any person to make, sell or retail any spirituous or malt liquors or other intoxicating beverages within two miles of said academy. That any person so offending shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Unlawful to make or sell liquor within two miles.  
Misdemeanor.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 2d day of March, A. D. 1893.

## CHAPTER 165.

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

*The General Assembly of North Carolina do enact :*

Chapter 65, private laws 1885 (incorporating Bank of Henderson) amended. Number of directors.

SECTION 1. Strike out the word "five" in line one on page nine hundred and nineteen of said laws and substitute the words "not less than twelve."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 2d day of March, A. D. 1893.

## CHAPTER 166.

## An act to incorporate the Newbern Steam Ferry Company.

*The General Assembly of North Carolina do enact :*

Incorporators.

SECTION 1. That Hill Humphrey, James Redmond, J. C. Whitly, Ferdinand Ulrich, J. S. Basnight, J. L. Halein, W. T. Caho, J. W. Stewart, Meyer Holme, J. H. Crabtree and E. S. Street, and such other persons as may be associated with them, and their successors, be and they are hereby created a body corporate by the name and style of "The Newbern Steam Ferry Company," with a capital of five thousand dollars, with the privilege of increasing the same to twenty-five thousand dollars whenever the directors of said company shall so desire and deem it expedient or necessary.

Corporate name.  
Capital stock.

By-laws

SEC. 2. That said company shall have the power to make such rules, regulations and by-laws as they shall deem necessary for the government and transaction of the business of said company: *Provided*, the same shall not conflict with the constitution and laws of this state and of the United States, and may amend or repeal the same or any part thereof at pleasure; and in its corporate name shall have, own, possess and use a corporate seal, and shall be capable of suing and being sued in any of the courts of the state or United States; shall have power to buy, own and possess real estate; buy, own and possess steamboats, tug-boats, barges, flatboats, sail-boats and any and all kinds of personal property necessary for the transaction of the business of said company; and may construct such wharves, piers, bridgeways and buildings as they may deem necessary for the transacting the business of said company; and to build and construct roads leading to and from the landings

Proviso.

Corporate powers.



or any of them of the said company, and to connect the same with the public roads of the state or county of Craven or any of them, as they may deem expedient and necessary for the carrying out the aims and objects of the company and for the convenience of the same and the traveling public and patrons of said ferry company.

SEC. 3. That said company shall have the power to lease or purchase one or more suitable places for landings in the city of Newbern and one or more suitable places for landings on the north side of Neuse river, and one or more suitable places for landings on the south side of Trent river, and may erect such wharves, piers, bridgeways and buildings as they may deem expedient for the transaction of their business.

Corporate powers.

SEC. 4. That the said company shall have the right and authority to transport passengers, live stock, vehicles, freight and produce from any of their said landings to another, and shall have the power and authority to establish reasonable rates of freight and tolls or charges as their compensation therefor, and to make such rules and regulations and by-laws for the enforcing the collection of the said charges as they may deem necessary and expedient, and such rules and regulations for the transporting passengers, live stock, freights, etc., as they may think necessary; and they shall have the power and authority to contract with the board of commissioners of Craven county or any other body, politic or corporate, person or persons for the transporting of passengers, live stock, freight, vehicles, produce, etc., or either, free of charge to such passenger or owner of such live stock, freight, vehicles, produce or either upon such terms and such charges as may be agreed upon by the contracting parties.

Corporate powers as to transportation.

SEC. 5. That the capital stock of the said company shall be divided in shares of the face or par value of twenty-five dollars each, and they shall be numbered from one to one thousand respectively as the same shall be issued; and the said company shall have the power to issue bonds of such denomination as the board of directors of the said company may think proper and necessary for the transaction of their business, not to exceed the capital stock of the company hereby authorized; and they may receive by donation or otherwise land, buildings, wharves, piers, steamboats, tug-boats, barges, sail-boats, flatboats or other property for the purpose of carrying on their business.

Shares of stock.

Issuance of bonds.

Donations.

SEC. 6. That the principal place of business of said company shall be in the city of New Berne, and the business of the company shall be conducted and carried on by a board of directors composed of such number as the stockholders may designate in their by-laws; one of the directors shall be styled the president of said company who shall be the principal head and general business manager of said company.

Place of business.

Directors.

President.

SEC. 7. That whenever any land or right-of-way shall be needed by said company for the purpose of erecting wharves, landings or

Condemnation of land.

- roads, and the same cannot be purchased or the parties cannot agree upon the terms that the said lands may be used or occupied by said company or the roads built or made, the same may be condemned and taken at a value to be assessed by three freeholders to be selected by some justice of the peace residing in the county where the land lies on the application of the president of said company. The report of the said three commissioners condemning and assessing the valuation of said lands shall be made in writing and signed by any two of them and filed in the office of the clerk of the superior court of Craven county, and shall be made under oath and may be proven and recorded in the same manner as deeds conveying real estate, and recorded in the office of the register of deeds of the county in which such lands lie; and the said report of commissioners shall be as effectual in passing title to the said land as if the same had been regularly conveyed by deed: *Provided*, that the said company shall have paid the sum assessed as the valuation and damages for said lands so condemned to the owner or owners thereof: *And provided*
- Proviso. *further*, that either party may appeal to the superior court of the
- Right of appeal. county in which the lands lie, but no appeal shall hinder or delay the
- Effect of appeal. said company from proceeding with their work; and in case the owner of the lands will not accept the price assessed by the commissioners of condemnation and he takes an appeal from their report, or in case the company takes an appeal, the said company shall not proceed with their work until they shall have made a deposit in some bank in the city of New Berne of the amount assessed by the commissioners as the valuation of the lands condemned, the said deposit to be subject to the orders and judgment of the said superior court:
- Proviso. *And provided further*, all appeals shall be taken within ten days from the filing of the report in the office of the clerk of the superior court of Craven county, and for the purpose of giving notice of the time when said report will be filed the commissioners of condemnation, or any two of them, shall give a notice in writing to the owners of the land and to the company stating the day of the month and year when said report will be filed in the office of the clerk of the superior court of Craven county, and the ten days for appeal shall begin to run from the day of delivery of said notice: *And provided*
- Proviso. *further*, that no appeal shall be considered as taken unless a good and sufficient bond shall be filed with the clerk of the said court to which the appeal lies sufficient to cover the costs of the action or a deposit of a sufficient sum with said clerk to cover the costs: *And*
- Proviso. *provided further*, that the right of condemnation shall not include any burial-ground, nor more than five acres for a landing, nor more than sixty feet in width for a road.
- Organization. SEC. 8. That for the purpose of organizing this company there shall be a meeting of the incorporators in New Berne at such time as any two of them may designate by giving notice in writing to the others,

and they shall organize by electing directors and such other officers as they may designate in their by-laws; and immediately upon the organization the directors shall elect one of their number as president of the company and cause books of subscription to the capital stock of the company to be opened, and thereafter all meetings shall be held and all officers shall be elected as the by-laws of the company may prescribe.

Books of subscription.  
Meetings, &c.

SEC. 9. That this corporation, formed under this act, shall exist for the term of sixty years.

Corporate existence.

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

Ratified the 2d day of March, A. D. 1893.

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#### CHAPTER 167.

An act in regard to the Eastern Carolina Land, Improvement and Banking Company, extending the time within which said company may be organized.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter two hundred (200) of the private laws of eighteen hundred and eighty-nine (1889), incorporating the Eastern Carolina Land, Improvement and Banking Company, together with acts amending the same (private acts, eighteen hundred and ninety-one, chapters two hundred and seventy-one and three hundred and twenty-four), be and the same are hereby declared in full force.

Chapter 200, private laws 1889, and chapters 271 and 324, private laws 1891, re-enacted.

SEC. 2. That said corporation is allowed two years after the passage of this act within which to organize under said statutes.

Time allowed for organization.

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

Ratified the 2d day of March, A. D. 1893.

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#### CHAPTER 168.

An act to amend an act entitled "An act to incorporate the Polk County Railroad Company," being chapter one hundred and thirty-four of the laws of one thousand eight hundred and eighty-seven.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter one hundred and thirty-four of the laws of one thousand eight hundred and eighty-seven be and the same is hereby amended in section one, line four, by striking out the word

Chapter 134, laws 1887, amended.

- Route of road. "or" and inserting the words "to connect with a projected line from Gaffney City, South Carolina, and extending said railroad from Columbus or Mills' Springs in Polk county to Chimney Rock in Rutherford county, and thence to any point on the state line between Tennessee and North Carolina, with one or more branch roads," and that said act be further amended by adding thereto the following additional section:
- Officers. SEC. 2. That the officers of the Polk County Railroad Company heretofore elected under the provisions of the charter of said company are hereby declared to be legal officers of said company, and shall serve as the officers of said company for one year from the ratification of this act and until their successors in office are elected, and all their acts as officers of said company shall be valid; and the failure to elect officers annually shall not dissolve the corporation, but the officers formerly elected shall continue in office until a new election takes place.
- Official acts validated. Corporation not dissolved by failure to elect. SEC. 3. That for the purpose of aiding in raising the capital stock for the construction of said railroad it shall and may be lawful for any county, township, city or town near or through which the line of said railroad or any of its branches 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 as a majority of their qualified electors may authorize the county commissioners of such county or of the county in which such township is situated or the municipal authorities of such city or town to subscribe. That said subscription shall be made in coupon bonds bearing six per centum interest, payable annually, and said bonds to be paid thirty years from date of issue, and to be in denominations of not less than one hundred nor more than one thousand dollars.
- Subscription by counties, townships, cities and towns. Subscription to be made in bonds. SEC. 4. That for the purpose of determining the amount of such subscription it shall be the duty of the county commissioners of any county in which said railroad or any of its branches may be located, or which is interested in the construction of said road, or in which the township in which the road is located, or in which it is interested, is situated, or the municipal authorities of any city or town interested in the construction of the said road, upon a written application of fifty freeholders of such county or city, or of twenty-five freeholders of such township or town, specifying therein the amount to be subscribed in bonds, to submit to the qualified electors of such county, township, city or town, as the case may be, the question of "subscription" or "no subscription" to the capital stock of said company; and said county commissioners or municipal authorities of such city or town shall have the power to order an election specifying the time, place and purpose of the election and to provide for the holding of the same according to law, at which said election the ballots shall have written or printed thereon either the word "Subscription" or the words "No
- Election on question of subscription.
- Ballots.

subscription;" the said county commissioners or the said municipal authorities of said city or town, having first fixed the amount proposed to be subscribed according to the request of the petition submitted to them; notice of said election being published for thirty days immediately prior thereto in one or more newspapers published or circulating in the county, township, city or town in which said election is to be held.

Notice of election.

SEC. 5. That all elections under the preceding section shall be held, if for a county, according to the laws and regulations provided for the election of members of the general assembly, and the returns shall be made to and be canvassed by the board of county commissioners, who shall ascertain and declare the result and make a record of the same. If the election shall be held for a township, the registrars and judges of election shall make returns to the board of county commissioners, who shall canvass the same and ascertain and declare the result and make a record of the same. If the election shall be held for a city or town, it shall be conducted as elections for municipal officers, and the mayor or aldermen or other municipal authorities shall ascertain and declare the result and make a record of the same. That in case a majority of all the qualified voters in said county, township, city or town, as the case may be, shall have voted for "Subscription," then the chairman of the board of county commissioners in all cases of county or township elections, or the proper municipal authorities in case of city or town elections, shall be authorized and required to subscribe to the capital stock of said company in behalf of said county, 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, payable thirty years from date, bearing six per centum interest payable annually as aforesaid.

Election, how held.

Returns.

Subscription to be made and bonds issued on vote of majority of qualified voters.

SEC. 6. 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 all the taxes, each year compute and levy on all property and polls of any such county, township, city or town as may make a subscription of bonds to the said company a sufficient tax to pay 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-twentieth ( $\frac{1}{20}$ ) part of the principal of said bonds as a sinking fund, which amount shall annually be collected as other taxes and paid to the county treasurer or other officer of said county, city or town authorized by law to perform the duties of treasurer or commissioners 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 such treasurer or other officer shall be unable to invest the sinking

Special tax.

How collected.

How invested, &c.

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 said company until the maturity of said bonds, when said sinking fund shall be applied to their redemption.

Township incorporated.

SEC. 7. That for the purpose of this act all the townships along the line of the said railroad or any of its branches, or which are interested in the construction of the same, are hereby declared to be bodies politic and corporate and are vested with all necessary powers to carry out the provisions of this act, and shall have all the rights and be subject to all the liabilities in respect to any rights or causes of action growing out of the provisions of this act; and the county commissioners of their respective counties in which are situated the respective townships subscribing are declared to be the corporate agents of the townships as incorporated and situated within the limits of said counties respectively.

Corporate powers.

Corporate agents.

Taxes collected on corporate property in townships, &c., applied to payment of interest on township, &c., bonds.

SEC. 8. That whenever any township or townships shall subscribe bonds to the capital stock of said company, the county taxes which shall be levied and collected upon the property and franchises of the said company in the county in which such 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 said interest until the said bonds shall have been paid in full; and the corporate taxes on the property and franchises of said company levied or collected in and for any city or town subscribing bonds to the capital stock of said company shall be applied to the payment of said interest upon said bonds of said city or town; that nothing herein contained shall be taken or construed in anywise to invalidate any of the bonds aforesaid in case the taxes as aforesaid should for any reason fail to be applied to the payment of the said interest or any part thereof, nor shall such failure invalidate such bonds.

County, &c., representation in stockholders meetings.

SEC. 9. 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 purpose by the county commissioners of the respective counties or by the corporate authorities of such cities or towns respectively.

Authorized to build part of line, &c.

SEC. 10. That the said company may construct and operate any portion of said line, and shall be entitled to all the rights and privileges of its charter and franchises over such portion so constructed, and may construct and operate other portions of said line or any of its branches in like manner when deemed advisable by said company:

Proviso.

*Provided*, that work shall be commenced on the first portion of said line within three years from the ratification of this act and completed

from the South Carolina state line to Chimney Rock via Columbus and Mill Springs within two years thereafter.

SEC. 11. That such portions of chapter one hundred and thirty-four of the laws of one thousand eight hundred and eighty-seven as are in conflict with the provisions of this act are hereby repealed or modified to conform to the provisions of this act, and all other portions of chapter one hundred and thirty-four aforesaid are hereby renewed and re-enacted; and all the rights, franchises, powers and privileges thereby conferred upon the Polk County Railroad Company are hereby preserved and protected, and all other laws and parts of laws in conflict with the provisions of this act are hereby repealed or rendered inoperative.

Conflicting provisions in chapter 134, laws 1887, repealed.

Other provisions re-enacted.

Conflicting laws repealed.

SEC. 12. That this act shall be in force from and after its ratification. Ratified the 2d day of March, A. D. 1893.

#### CHAPTER 169.

#### An act to incorporate the Aid and Loan Association of Littleton Female College.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the officers and members who are at present or in the future may be of the Aid and Loan Association of the Littleton Female College, Littleton, Warren county, North Carolina, be and they are hereby incorporated under the name and style of the "Aid and Loan Association of Littleton Female College," and by that name may have succession and a common seal, sue and be sued, plead and be impleaded in any court of record or before any justice of the peace in this state, and contract and be contracted with, acquire, hold and dispose of real estate and personal property for the benefit of said company as may be required for the convenient transaction of its business.

Incorporators.

Corporate name.  
Corporate powers.

SEC. 2. The members of this corporation shall have perpetual succession, shall forever elect their own officers and shall have power to pass all necessary laws and regulations for their own government which may not be inconsistent with the constitution and laws of this state or of the United States.

Corporate powers.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 2d day of March, A. D. 1893.

## CHAPTER 170.

An act to repeal chapter one hundred and four, private laws of eighteen hundred and eighty-one, amending chapter seventy-one, private laws eighteen hundred and seventy-nine.

*The General Assembly of North Carolina do enact :*

Chapter 104, private laws 1881 (amending chapter 71, private laws 1879, so as to permit manufacture and sale of vinous liquors within two miles of Ridgeway) repealed.

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

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

Ratified the 2d day of March, A. D. 1893.

## CHAPTER 171.

An act to amend the charter of the town of Littleton, North Carolina.

*The General Assembly of North Carolina do enact :*

Incorporated.

SECTION 1. That the inhabitants of the town of Littleton shall be and continue as heretofore they have been a body politic and corporate, and henceforth the corporation shall have the name and style of "The Town of Littleton," and under such name and style is hereby invested with all the property and rights of property which now belong to the corporation under any other corporate name or names heretofore used; and by this name may acquire and hold for the purpose of its government, welfare and improvement all such estate as may be demised, bequeathed or conveyed to it not exceeding in value three hundred thousand dollars, and the same may from time to time sell, dispose of and invest as shall be deemed advisable by the proper authorities of the corporation.

Corporate name.

Corporate rights and powers.

Corporate limits.

SEC. 2. That the corporate limits of the town shall be and remain as now established.

Election of mayor and commissioners.

SEC. 3. That there shall on the first Monday in May, one thousand eight hundred and ninety-three, and on the first Monday in May annually thereafter, be elected a mayor and seven commissioners for said town, who shall hold their offices until their successors are qualified.

County commissioners to appoint registrar.

SEC. 4. That the board of commissioners of the town of Littleton shall elect at their regular meeting in March, one thousand eight hundred and ninety-three, and annually thereafter, a registrar of voters of the said town of Littleton, and shall cause publication thereof to



be made at four public places in said town, and notice to be served on such persons by the chief of police, and said registrar shall give ten days public notice by posting at four public places in said town specifying the time and place of registration.

Notice of registration.

SEC. 5. That said registrar shall be furnished with registration books, and it shall be the duty of the corporate authorities of said town of Littleton to cause a registration to be made of all the qualified voters residing therein under the rules and regulations prescribed for the registrations of voters for general elections: *Provided*, that after the first registration shall have been made by virtue of this act a new registration shall not annually be had unless the board of commissioners shall at their meeting in March determine that the same is necessary, and by due advertisement give notice of the same and the place where the books of registration shall be open.

Registration.

New registration.

SEC. 6. That the board of commissioners shall in the year one thousand eight hundred and ninety-three, at their regular meeting in April, and annually thereafter, appoint two judges or inspectors of election to open the polls and superintend the same for the municipal election to be held on the first Monday in May next succeeding, and the polls shall be opened at such places as said inspectors together with the registrar shall designate; such elections shall be held as near as may be agreeable to the provisions of the law of this state under the same rules and regulations and penalties governing general elections, and the registrar and judges of election, whose appointment is herein provided for shall have authority to administer oaths and shall have all the powers of such officers appointed under the laws governing general elections in the state of North Carolina.

County commissioners to appoint judges of election.

Election, how held.

SEC. 7. That the qualifications of electors shall be the same as is provided for under the laws governing general elections in North Carolina.

Electors.

SEC. 8. That on Wednesday succeeding the day of each election the mayor and commissioners elected thereat shall qualify by taking the prescribed oaths of office before some officer authorized to administer oaths, and when organized shall succeed to all the rights, powers and duties heretofore prescribed by law.

Qualification of mayor and commissioners.

SEC. 9. That all elections held by virtue of this act shall be held under the supervision of the chief of police of said town of Littleton, who shall attend the polls and by his deputies preserve order.

Chief of police to supervise elections.

SEC. 10. That if any person chosen mayor shall refuse to be qualified, or there is any vacancy in the office after election and qualification, the board of commissioners shall choose some qualified person mayor for the town for the unexpired portion of the term, as the case may be, and on like occasions and in like manner the commissioners shall choose other commissioners to supply places of such as shall refuse to act, and all vacancies which may occur, and such persons shall be chosen as are declared eligible under the laws of the state:

Mayor, &c., refusing to qualify, vacancies, &c.

Proviso.

*Provided*, that in electing a mayor no member of the board of commissioners during the existing term shall be eligible.

Penalty for refusal of mayor or commissioners to qualify.

SEC. 11. That any person elected mayor [or] commissioner, who shall refuse to be qualified and act as such shall forfeit and pay to the town for its use twenty-five dollars, the same to be recovered by action brought by the treasurer of said town of Littleton.

Criminal jurisdiction of mayor.

SEC. 12. That the mayor of the said town of Littleton while acting as such is hereby constituted an official court with all the jurisdiction and powers in criminal offences occurring within the limits of the town which are now or may hereafter be given by law to justices of the peace, and also shall have jurisdiction to hear and determine all causes of action which may arise from a violation of the ordinances and regulations of said town. The said court shall have the power to enforce penalties by issuing executions upon adjudged violations thereof, and to execute the by-laws, ordinances, rules and regulations made or passed by the board of commissioners of the town. The mayor's court shall further be a special court within the corporate limits of the town to try all persons who may be charged with a misdemeanor for violating any by-law, ordinance, rule or regulation of the town; and if the accused be found guilty he shall be fined the amount specified in the by-law, ordinance, rule or regulation, or at the discretion of the mayor or court trying the same. Such offender may be imprisoned for thirty days in the town lock-up or in the county jail of the county of Halifax or Warren; and that in all cases when a defendant may be adjudged to be imprisoned by said court or mayor it shall be competent for the said court or mayor to adjudge also that the said defendant work during the period of confinement on the public streets or other public works of said town. Any offender failing to pay the penalty and costs adjudged to be paid in any action before the mayor's court may be committed to the lock-up or common jail of Halifax or Warren county until he is discharged as is prescribed by law for insolvent debtor. The proceedings in said court shall be the same as are now or hereafter shall be prescribed for courts of justices of the peace; and in all cases there shall be a right of appeal to the superior court of Halifax or Warren counties.

Imprisonment of offenders.

SEC. 13. That the mayor may issue his precepts to the chief of police and to the constables of the town and to such other officers to whom a justice of the peace may direct his precepts.

Right of appeal.

Mayor's precepts.

SEC. 14. 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 vitality of judgments rendered by a single justice of the peace.

Mayor to keep record.  
Force of judgments.

SEC. 15. That the commissioners shall form a board, and a majority shall be competent to perform all the duties prescribed for the commissioners unless otherwise provided; this board is to be presided over by the mayor as is prescribed by law. Within five days after

Board of commissioners.

SEC. 15. That the commissioners shall form a board, and a majority shall be competent to perform all the duties prescribed for the commissioners unless otherwise provided; this board is to be presided over by the mayor as is prescribed by law. Within five days after

their election they shall convene for the transaction of business and shall then fix stated days of meeting for the year, which shall be as often at least as once in every calendar month. Special meetings of the board of commissioners may also be held on the call of the mayor or a majority of the commissioners, and every such meeting when called by the mayor, all the commissioners, and when called by a majority of the board of commissioners, such as shall not join in the call, shall be notified in writing.

SEC. 16. That the board of commissioners when convened, shall have power to make and provide for the execution of such ordinances, by-laws, rules and regulations for the better government of the town as they may deem necessary: *Provided*, the same be consistent with the laws of the land.

Ordinances,  
by-laws, &c.

Proviso.

SEC. 17. That among the powers hereby conferred they may provide water, provide for repairing and cleansing the streets; take all proper means to prevent and extinguish fires; to make regulations to cause the due observance of Sunday; to appoint and regulate policemen; to suppress and remove nuisances; tax by license trades, professions, business and occupations conducted within the corporate limits; preserve the health of the town from contagious or infectious diseases; provide ways and means for the collection and preservation of vital statistics; to appoint constables to execute such precepts as the mayor and other persons may lawfully issue to them, and to preserve the peace and order and to execute the ordinances of the town. They may lay, not oftener than annually, a tax on real and personal estate within the corporate limits, on all persons retailing or selling liquors or wines of the measure of a quart or less; on all such shows and exhibitions for reward as are taxed by the general assembly; on all dogs; they may regulate the running at large of stock within the town. They may also lay taxes for municipal purposes on all persons, property, privileges and subjects within the corporate limits liable to taxation for state and county purposes. They may appoint such officers and agents as may be necessary to enforce their by-laws and regulations, keep their records and conduct their affairs; may determine the amount of the salaries or compensations of such officers, also the compensation of the mayor; may impose oaths of office upon them and may require bonds from them payable to the state, and proper penalties for the faithful discharge of their duties; they may provide for public schools and public school facilities by purchasing land and erecting buildings thereon and equipping the same; they may also construct or contract for construction of a system of sewerage for the town and regulate the same by adequate ordinances.

Powers of com-  
missioners.

SEC. 18. That the board of commissioners at their first meeting after their election shall appoint a clerk, a treasurer, a collector of taxes, a chief of police and a street commissioner (the chief of police and collector of taxes may be one and the same person) who shall

Town officers.

- Term of office. respectively hold their office during the official term of the commis-  
 Removal. sioners, subject, however, to be removed at any time and others  
 appointed in their stead for misbehaviour or neglect of office. Before  
 Oath. acting each of said officers shall be sworn to the faithful discharge of  
 his duty, and when the board of commissioners shall so determine  
 Bond. shall execute a bond as is hereinbefore provided in such sum as the  
 board of commissioners shall deem necessary.
- Duties of clerk. SEC. 19. That it shall be the duty of the clerk 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 commissioners.
- Duties of treas- SEC. 20. That it shall be the duty of the treasurer to call on all per-  
 urer. sons who may have in their hands any moneys or sureties belonging  
 to the town which ought to be paid or delivered into the treasury  
 and to safely keep the same for the use of the town; to disburse the  
 funds according to such orders as may be duly drawn in the manner  
 hereinafter specified. He shall keep in a book provided for that pur-  
 pose a fair and correct account of all moneys received and disbursed  
 by him, and shall submit said account to the board of commissioners  
 whenever required to do so by them. On the expiration of his term  
 of office he shall deliver to his successor all the moneys, securities  
 and other property intrusted to him for safe keeping or otherwise,  
 and during his continuance therein he shall faithfully perform all  
 duties lawfully imposed upon him as town treasurer,
- Orders on treas- SEC. 21. That all orders drawn on treasurer shall be signed by the  
 urer. mayor and countersigned by the clerk and shall state the purpose for  
 which the money is applied, and the treasurer shall specify said pur-  
 pose in his account.
- Annual state- SEC. 22. That the clerk shall make out annually a fair transcript of  
 ment of receipts the receipts and disbursements on account of the town and cause the  
 and disburse- same to be posted in some public place and published as the board of  
 ments by clerk. commissioners shall direct at the end of each fiscal year, and for his  
 failure to comply with the duties prescribed in this section he shall  
 forfeit and pay for the use of the town, to be recovered by action  
 brought by the treasurer, the sum of one hundred dollars.
- Penalty for SEC. 23. That it shall be the duty of the chief of police to see that  
 failure. the laws, ordinances and orders of the board of commissioners are  
 enforced, and report all breaches thereof to the mayor; to preserve  
 the peace of the town by suppressing disturbances and apprehending  
 offenders, and for that purpose he shall have all the powers of  
 authorities vested in sheriffs and county constables; he shall have  
 authority to execute precepts lawfully directed to him by the mayor  
 or others having authority, and in the execution thereof shall have  
 the same powers which the sheriff and county constables have. It  
 shall be lawful for the chief of police to serve all civil and criminal
- Duties of chief of police.
- Powers.
- Service of process.

- process that may be directed to him by any court within his county under the same regulations and penalties as are prescribed by law in case of constables; and he shall have the same fees in all processes and precepts executed or returned by him which may be allowed to constables on like processes and precepts, and also such other compensation as the commissioners may allow. The police officers of the town of Littleton shall have power when in pursuit of a criminal charged with the commission of any offence within the corporate limits of said town of Littleton to follow him to any part of Halifax or Warren counties, and may arrest him. Fees. Powers beyond corporate limits.
- SEC. 24. That it shall be the duty of the street commissioner to control the repairs of the streets of said town and to examine the same and make report to the board of commissioners as to their condition, with his recommendation; and he shall carry out the directions of the said board in all things relating to work performed on the streets of the town. Street commissioner.
- SEC. 25. That in the selection of a treasurer and street commissioner the board of commissioners shall select one of their number to fill each of the places named. Selection of treasurer and street commissioner.
- SEC. 26. That in the selection of a clerk the board of commissioners may either select one of their own number or some other qualified person. Selection of clerk.
- SEC. 27. No member of the then existing board of commissioners shall be eligible to the position of chief of police or collector of taxes. Commissioner not eligible as chief of police or tax collector.
- SEC. 28. That for any breach of his official bond by any officer who may be required to give an official bond he shall be liable to an action on the same by the commissioners as is provided by law upon the bond of other officers. Action on bond.
- SEC. 29. That in order to raise a fund for the expenses incident to the proper government of the town the commissioners may annually levy and collect the following taxes, namely: Taxation.
- (1). On all real and personal property within the corporate limits, including money on hand, and upon all other subjects taxed by the general assembly *ad valorem* a tax not exceeding twenty-five cents on every hundred dollars value. Ad valorem tax.
- (2). On all taxable polls, a tax not exceeding two dollars a poll who may be a resident of the town on the first day of June each year. Poll-tax.
- (3). Upon all itinerant merchants or peddlers offering to vend in the town, a license tax not exceeding twenty-five dollars a year. Not more than one person shall peddle under a single license. Peddlers.
- (4). Upon every billiard table, bowling alley or alley of like kind, bowling saloon, bagatelle table, pool table, kept for hire or kept in a house where liquor is sold or house used in connection with such a house or used in connection with a hotel or restaurant, a license tax not exceeding ten dollars. Upon every hotel, restaurant or eating-house, a license tax not exceeding ten dollars. Billiard tables, &c.

- Retail liquor license. (5). Upon every permission by the board of commissioners of Halifax or Warren county to retail within the corporate limits of the town of Littleton spirituous, vinous or malt liquors in quantities less than five gallons, a tax not exceeding two hundred dollars, and in quantities of five gallons and more a tax not exceeding one hundred dollars: *Provided*, that permission shall not be granted to any person or persons to sell spirituous, vinous or malt liquors within one hundred and twenty feet from Moseley's avenue, North Main street or South Main street, including both sides of the Raleigh and Gaston Railroad.
- Proviso. (6). Upon every company of circus riders or performers by whatever name called who shall exhibit within the town, a license tax not exceeding twenty-five dollars for each exhibition, and upon every side show connected therewith a license not exceeding ten dollars.
- Circuses, &c. (7). Upon every person or company exhibiting in the town hall or theatrical plays, sleight-of-hand performance, rope-walking, tumbling or menageries, a tax not exceeding ten dollars.
- Theatres, &c. (8). Upon every exhibition for reward of artificial curiosities in the town, a tax not to exceed five dollars.
- Exhibition of curiosities. (9). Upon every show or exhibition of any other kind and each concert for reward in the town, a tax not to exceed five dollars.
- Shows, &c. (10). Upon every dog a tax not to exceed five dollars: *Provided, however*, that a discrimination within this limit may be made in the different sexes of dogs.
- Dogs. (11). Upon every merchant, trader of whatsoever kind or character, lawyer, physician, dentist, cotton broker, bill-poster, street-huckster, photographer, butcher, or any occupation not hereinbefore enumerated, a tax not to exceed ten dollars.
- Proviso. **SEC. 30.** That the license on privilege taxes shall be collected by the town, or the articles upon which the tax is imposed or any other property of the person liable for such tax may be forthwith distrained and sold to satisfy same after ten days advertisement at three public places within the limits of the town.
- Merchants, lawyers, &c. **SEC. 31.** That the citizens of Littleton and others liable for taxes under this charter shall, on the days prescribed for listing state and county taxes, render to a list-taker appointed by the board of commissioners, who is hereby appointed a commissioner of affidavits for that purpose, on oath a list of their property and subjects for which they may be liable to be taxed under all the rules and penalties prescribed for listing state and county taxes; and if any person shall fail to render such list within the time prescribed, he shall pay double the tax assessed on any subject for which he is liable to be taxed; the list-taker shall procure from the registers of deeds of Halifax and Warren counties a list of the assessments of the value of property made by the county assessors, and such other records pertaining to
- Collection of license taxes.
- Listing of property for taxation.
- Penalty.

matters taxable by the town as shall be kept in their offices; the board of commissioners shall have all the powers given to the board of county commissioners except to alter the valuation of real estate.

SEC. 32. That as soon as the tax list can be completed, and not later than their regular meeting in September, the board of commissioners shall proceed to lay the tax on such subjects of taxation as they shall determine, and shall place the tax list in the hands of the tax collector for collection, and shall complete the same on or before the first day of January next ensuing, and shall pay the moneys as they are collected to the treasurer. On the first day of January there shall be a penalty of one per centum added to the amount of all taxes due and an additional one per centum on the first day of each month thereafter until the same are paid.

Levy of taxes.

Collection.

Penalty.

SEC. 33. That if any person liable to taxes on subjects directed to be listed shall fail to pay them within the time prescribed for collection, the collector shall proceed forthwith to collect the same by distress and sale after public advertisement at three public places in said town of Littleton if the property to be sold be personal; and the said collector shall have the right to levy upon and sell any personal property outside of the limits of the town and within the counties of Halifax and Warren belonging to a delinquent taxpayer of the town in order to enforce the payment of the taxes due the town by said delinquent.

Collection by distress.

SEC. 34. That if the poll-tax shall not be paid on or before the time herein specified to the collector of taxes it shall be the duty of the tax collector, if he can find no property of the person liable sufficient to satisfy the sum, to attach any debt or other property incapable of manual delivery due or belonging to the person liable, or that may become due before the expiration of the calendar year, and the person owing such debt or having such property in possession shall be liable for said tax.

Collection of poll-tax by attachment.

SEC. 35. That when the tax due on any lot or other land (which is hereby declared a lien on the same) shall remain unpaid on the first day of January, the tax collector shall either proceed to collect the same by levy and sale of personal property belonging to the owner of said lot, or shall report the fact to the commissioners together with a particular description of the real estate, and thereupon the commissioners shall direct the same to be sold before the mayor's office in the town of Littleton by the tax collector. The tax collector shall before selling the same make a full advertisement of the said real estate at three public places in said town for twenty days, and shall also serve upon the owner thereof a written or printed notice of the taxes due and the time of sale, but such notice need not be given to any person having or claiming a lien on said land by way of mortgage or otherwise. Whenever the owners are not in the town, or for any cause cannot be served with notice, then such notice shall be

Sale of real estate for taxes.

given by advertisement for one week in some newspaper published in Halifax or Warren counties, and if no person will pay the whole of the taxes and expenses for the said lot or other land the same shall be struck off to the town, and if not redeemed as hereinafter provided shall belong to the said town of Littleton in fee.

Collector to report sale, &c.

SEC. 36. That the tax collector shall return an account of his proceedings to the commissioners, specifying the purchaser of the real estate and the price paid, which shall be entered in the book of proceedings of the commissioners.

Redemption of land sold for taxes.

SEC. 37. That the owner of any lands sold under the provisions of this act, his heirs, executors and administrators, or any person acting for them, may redeem the same within one year after the sale by paying to the purchaser the sum by him paid, and twenty-five per centum on the amount of taxes and expenses.

Conveyance to purchaser.

SEC. 38. That if the real estate sold as aforesaid shall not be redeemed within the time specified the corporation shall convey the same in fee-simple to the purchaser or his assigns, and the recital in such conveyance or in any other conveyance of land sold for taxes due the town that the taxes were due, or of any other matter required to be true or done before the sale might be made, shall be *prima facie* evidence that the same was true and done.

Conveyance to town.

SEC. 39. That in all cases where real estate sold under provisions above set forth shall be struck off to the town and the same shall not be redeemed in the time specified, the tax collector shall convey the same in fee to the said town and the same shall belong to the said town of Littleton in fee.

Real estate of infants, &c.

SEC. 40. That the real estate of infants or persons *non compos mentis* shall not be sold for tax; the tax due on the same shall be collected as provided in section three thousand six hundred and ninety-one, volume two, of The Code of North Carolina, in the matter of revenue for state and county.

Collection of tax.

SEC. 41. That in the collection of taxes for the said town the tax collector shall have all the powers and authorities and may use the same methods as is provided by law for sheriffs.

Powers of tax collector.

Condemnation of land for streets.

SEC. 42. That when any lands or right-of-way shall be required by the said town of Littleton for the purpose of opening streets, and for want of agreement as to the value thereof the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five freeholders of the town chosen by the commissioners, and in making said valuation said freeholders, after being duly sworn by the mayor or a justice of the peace, shall take into consideration the loss or damages 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 advantage shall form the measure of valuation of said land or right-of-way: *Provided nevertheless*, that if any person over whose land the said street may pass or improvement be erected or the commissioners be dissatisfied with the valuation thus made, then and in that case either party may appeal to the superior court of the county in which the land is situated, and the said freeholders shall return to the court to which the appeal is taken their valuation with their proceedings, and the land so valued by the freeholders shall vest in the town so long as it may be used for the purposes of the same as soon as the valuation may be paid or lodged in the hands of the clerk of the superior court (in case of its refusal by the owner of the land): *Provided further*, that in case of the discontinuance of the use of the land and its reversion to owner the town shall have the right to remove any improvement under its authority erected.

Proviso.

Proviso.

SEC. 43. No appropriation of any money belonging to the town shall be made but by a board consisting of a majority of all the commissioners.

Appropriations,  
how made.

SEC. 44. That no mayor or commissioner or other officer of the town shall directly or indirectly become a contractor for work to be done for the town, and any person herein offending shall be guilty of a misdemeanor.

Town officer not  
to be contractor  
for town work,  
&c.

SEC. 45. That the mayor shall be entitled to fees in cases brought before him and whereof he may have jurisdiction as are prescribed by law for justices of the peace.

Fees of mayor.

SEC. 46. That from and after acceptance of this act the same shall thenceforth be the charter of the town of Littleton, and all laws now constituting the charter of the town and affecting the government thereof in the grants heretofore made of its corporate franchise and powers, and all laws of a public and general nature inconsistent with or coming within the provisions of this act are hereby repealed, so far only, however, as they may affect this town: *Provided, however*, that such repeal shall not annul any ordinance, by-law or rule of the corporation unless the same be inconsistent with this act; nor shall such repeal affect any act done or any right accruing or accrued or established, neither shall any rights, estates, duty or obligations possessed by or due to the corporation by its present name from any corporation or person whatever be lost or impaired, but the same shall remain in full force and be possessed, enforced and enjoyed in the name and for the use of the corporation by the name of "The Town of Littleton."

Acceptance of  
charter.Conflicting laws,  
&c., repealed.

Proviso.

SEC. 47. That all persons who at the time when this act shall take effect shall hold office under any charter hereby repealed shall continue to hold the same according to the tenure thereof, except those offices which may have been abolished and those as to which a different provision shall have been made by this act.

Present officers to  
continue, &c.

Conveyances by town.

SEC. 48. That the town of Littleton may convey land and all other property which is transferable by deed of bargain and sale or other proper deed, sealed with a common seal, signed by the mayor and attested by a witness.

Certain general laws applicable.

SEC. 49. That the provisions of the general laws of the state of North Carolina in regard to cities and towns as are not in conflict with this charter are made part thereof and supplementary to it.

SEC. 50. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1893.

#### CHAPTER 172.

#### An act to incorporate The High Point Loan and Trust Company.

*The General Assembly of North Carolina do enact :*

Incorporators.

SECTION 1. That William H. Ragan, J. Henry Millis, Robert R. King, Arthur H. Coffin, Charles Ragan, their present and future associates, successors and assigns, are hereby declared to be a body corporate by and under the name and style of "The High Point Loan and Trust Company," and shall so continue for a period of sixty years, and as such be capable in their corporate name to sue and be sued, appear, prosecute and defend to final judgment and execution in all actions in any courts or elsewhere; to have a common seal, which they may alter at pleasure; to elect in such manner as they shall determine to be proper all necessary officers, and define their duties and obligations; to fix their compensation; to take bonds, with security, payable to said Loan and Trust Company for the faithful performance of their duties; and to make by-laws and regulations not inconsistent herewith, the laws of this state and the United States for the due and orderly conduct and government of themselves and management of the affairs, business and property of the said company, and alter the same as they may provide in said by-laws; to determine the manner of calling and conducting all meetings, the number of members that shall constitute a quorum, the number of shares that shall entitle the members to one or more votes, the mode of voting by proxy, the mode of selling and transferring stock, the term of office of the several officers, the manner in which vacancies in any of the offices shall be filled till a regular election, and such other things as may be for the best interest of said Trust Company, and to do any and all things exercised by or incident to other cor-

Corporate name

Corporate existence and powers.

porations of similar character and purpose by force of the common or statutory laws of the state.

SEC. 2. The capital stock of said Loan and Trust Company shall not be less than fifty thousand dollars, divided into shares each of the par value of one hundred dollars, with power in said corporation to increase the same from time to time to an amount not exceeding five hundred thousand dollars, divided into shares of the par value as above. Capital stock.

SEC. 3. That said Loan and Trust Company shall have power to buy, take, acquire, hold and own all kinds of real, mixed and personal estates and properties in the name and right of the said Trust Company and as owner thereof, or in trust for said company or for others, and convey and incumber the same or any part thereof as natural persons can or are authorized to do under the laws of this state, and to and with the same effect; and it shall be competent for the said Loan and Trust Company to convey or encumber real estate or any interest therein by a deed executed in the name of said company by its president or other chief officer with the corporate seal affixed thereto, as well as the modes now exercised by other corporations, and the same may be admitted to probate and registration on the acknowledgment of the said president or other chief officer signing the same or proof by any subscribing witness thereto, as in case of natural persons before the proper officers. Corporate powers.

SEC. 4. The said company shall have power to receive money in trust and accumulate the same at such legal rate of interest as may be obtained or agreed on or to allow interest not exceeding the legal rate; to accept and execute trusts of every description as fully as natural persons could which may be committed to said company by any person or persons whatsoever, or by any corporation, or by order, decree or authority of any court of record, upon such terms as may be agreed upon, provided or declared in regard thereto; to act as agent for the purpose of issuing, registering or countersigning certificates of stocks, bonds or other evidences of debt of any state, corporation, association, municipality, or public authority, on such terms as may be agreed upon; to lease and rent real estate and collect rents from the same; to accept from and execute trusts for married women in respect of their separate property or estate, whether real, personal or mixed, and to act as agent for them in the management, sale and disposition of their properties. Corporate powers as to trustee, agent, &c.

SEC. 5. That in all cases where an application may be made to any court having jurisdiction to appoint a curator, guardian of an infant, committee of an idiot or insane person, administrator of any person dying testate or intestate, trustee or receiver, such court shall have power to appoint said company as such curator, guardian, committee, administrator, trustee or receiver upon the like application that any person might be so appointed; and it shall be lawful for any person, Corporate powers as guardian, administrator, &c.

natural or artificial, by deed, will, or other writing to appoint said company a trustee, executor, guardian of an infant, committee of an idiot or insane person, administrator, trustee, executor, assignee or receiver. Said company may lawfully act, and as such shall be subject to all the obligations and liabilities of natural persons acting in like capacities.

Capital stock to be security for trust fund, &c.

SEC. 6. Whenever the said company shall be appointed to any place of trust enumerated in the last foregoing sections, or whenever deposits of money or valuables of any kind shall be made with said company, the capital stock and its property and effects shall be taken and considered as security required by law for the faithful performance of its duties and shall be absolutely liable therefor, and no other security shall be required from it on the execution of the bond required, where one is now required of any natural person acting in such capacity.

Deposits by executors and other fiduciaries.

SEC. 7. That it shall be lawful for any individual, executor, administrator, guardian, committee, receiver, assignee, trustee, public officer or other person having the custody of any bonds, stocks, securities, moneys or other valuables to deposit the same for safe keeping with said company.

Courts to make orders, require accounts, &c.

SEC. 8. That every court wherein said company shall be appointed or shall be allowed to qualify as guardian, committee, executor, administrator, trustee or receiver, or in which it is made the depository of moneys or other valuables, shall have power to make all orders and compel obedience thereto, and require said company to render all accounts which such court might lawfully make or require if such company were a natural person.

Corporate powers.

SEC. 9. That said company is authorized to invest moneys received in trust on deposit, loan or otherwise and to take, have and hold estates, real, personal and mixed, obtained with the moneys aforesaid or with funds belonging to said company, and to sell, grant, mortgage or otherwise encumber, lease or dispose of the same, and to that end may execute all deeds or other instruments concerning the same as hereinbefore provided; to subscribe for and take stock in any other incorporated companies; to borrow and lend money and give or take notes therefor, as the case may be; discount, buy and sell notes, bonds, drafts and other securities or evidences of debt; to lend money at such rates of interest as may be agreed upon, subject to the general laws of the state as to the rate, with privilege to charge and retain same in advance and secure the repayment thereof by mortgage or deeds in trust made directly to 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 commissions 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, lands, 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.

SEC. 10. That the said Loan and Trust Company be and is hereby authorized and empowered to insure the fidelity of persons holding places of trust or responsibility, public or private, or both, or of any incorporation, company, person or persons whatsoever; to endorse for and become the security for the faithful performance of any trust, duty, contract or agreement; to go upon any bond for appeal or to go upon any injunction, attachment or other bond required by law of any person, individual or official, and in every such case the capital stock of the said company shall be taken and considered as sufficient security therefor, subject to the approval of the court or officer taking such bond; and it shall be lawful for the said company to stipulate and provide for indemnity from the parties aforesaid for whom it shall so become responsible, and to enforce any bond, contract, agreement, pledge or security made or given for that purpose.

Corporate powers as surety company, &c.

SEC. 11. That said company shall have power to guarantee, endorse and secure the payment and punctual performance and collection of notes, debts, bills of exchange, contracts, bonds, accounts, 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 *et cetera*, in this state and others, on such terms or commissions as may be agreed upon or established by said company and the parties dealing therewith.

Corporate powers as guarantor, &c.

SEC. 12. That said company may receive upon storage, deposit or otherwise, merchandise, specie, plate, stocks, promissory notes, certificates and evidences of debts, contracts, and all other personal properties whatsoever; take charge and custody of real and personal estates and securities and advance money thereupon on such terms as may be established or approved by said company; that in all cases in which public officers of municipal or private corporations are authorized to deposit money, stocks, bonds or evidences of debt, such deposits by such officers or corporations may be made with said company: *Provided*, that nothing in this act shall change the rule of law now in force as to the liability of public officers.

Deposits.

SEC. 13. That as to all property held by said company as security, it shall be lawful for the said company to sell at public auction or private sale in its discretion all property of what kind soever mentioned or specified in any contract or agreement between the company and the other parties, real estate excepted, after ten days shall have elapsed from the time of maturity of an obligation under said contract or agreement, or immediately upon the discovery of any fraud, misrepresentation or concealment in regard to the ownership or otherwise which might jeopardize the rights of the company or its security after ten days advertisement of the time and place of sale by bills

Sale of property held as security, &c.

posted at the court-house door in Greensboro, North Carolina, and three other public places in Guilford county; and to reimburse itself out of the proceeds of such sale for the money due it, with interest, storage, costs, and other charges of all kinds, and to indemnify itself for any loss it may have sustained by the non-fulfilment of such contract or by reason of said misrepresentation, fraud or concealment.

Corporate powers as to execution of papers, &c.

SEC. 14. That the said company is authorized to make, execute and issue in the transaction of its business all papers, receipts, certificates, vouchers, obligations and contracts, and the same shall be binding if signed for and in behalf of the company by the president or other chief officer thereof, except for sale or transfer of real estate, which is hereinbefore provided for unless otherwise provided for in the by-laws.

Deposits, &c., by married women, &c.

SEC. 15. That when married women, minors or apprentices lend money to or deposit same or other things of value with said company in the course of the business herein provided for, or in the course of doing a banking business hereinafter provided for, either generally or specifically, in their own or to their own name or credit, they or any of them may collect or draw the same on their own name or on their own check or order, and they and all other persons be bound thereby; and such collection, settlement, draft, check or order shall be a valid and sufficient release and discharge to said company.

Corporate powers as to banking, &c.

SEC. 16. That said Loan and Trust Company is hereby authorized and empowered at any time hereafter, by a resolution of the stockholders and a full compliance with the laws of this state relative thereto in force at the time of the adoption of such resolution, to do a general banking business with all such rights, powers and privileges as are then recognized, authorized or granted to banks under the laws of this state, including the right and power to organize in connection with its general business a department for savings, and do a savings bank business for the convenience of small depositors, and to make such regulations in regard thereto as will enable said company to receive small deposits in the savings department, and to give certificates or other evidence of deposits, paying such interest thereon as may be agreed upon, consistent with the laws of the state as to the rate, and to regulate the time of payment and notice of demand.

Principal office.

SEC. 17. That said Loan and Trust Company shall have its chief office at High Point, Guilford county, North Carolina, with branch offices at such other places as the stockholders may fix upon at any time.

Branches.

Organization.

SEC. 18. Whenever fifty thousand dollars of the capital stock of the said company is *bona fide* subscribed for and ready to be paid in, then by agreement signed by the said corporators and subscribers a meeting for the purpose of organization of the company may be held at such time and place as the said corporators and subscribers may

agree upon, or after said stock has been subscribed as above, then a majority of said corporators and subscribers may give notice in some newspaper published in the town of High Point, North Carolina, for the space of ten days that there will be a meeting of the said corporators and subscribers for the purpose of organization at a time and place therein named in the said town of High Point, and if at a meeting called as herein provided for there shall be present such persons as have subscribed for a majority of said stock (if not then another meeting shall be called in one of the foregoing ways) they, the said corporators and subscribers, may proceed to an exercise of all the powers and privileges, etc., herein granted.

SEC. 19. That this act shall be in force from and after its ratification.  
Ratified the 3d day of March, A. D. 1893.

#### CHAPTER 173.

##### An act to incorporate The Bank of Louisburg.

*The General Assembly of North Carolina do enact:*

SECTION 1. That William P. Webb, George W. Ford, Frank N. Egerton, E. T. Greer, William P. Neal, W. H. Pleasants and Henry A. Crenshaw, their present and future associates and successors, are hereby constituted and declared to be a body politic and corporate, by the name and style of "The Bank of Louisburg," and as such shall have succession for the term of fifty years, and by that name may sue and be sued, appear, prosecute and defend in any court or place whatsoever, and may have and use a common seal, and may break and renew the same at will, and may make, establish and put in execution such by-laws, not being contrary to the laws of this state or of the United States, as may be necessary for the regulation and management of its affairs, and do all such acts and things as may be necessary to carry into effect the provisions of this act, and shall have all the powers, rights and privileges granted to any bank or banking institution under the general laws of this state.

SEC. 2. The affairs of this corporation shall be governed and managed by a president and board of five directors, to be elected by the stockholders annually, who shall hold their offices for one year and until their successors have been appointed.

SEC. 3. The capital stock of said corporation shall not be less than ten thousand dollars, divided into one hundred shares of one hundred dollars each, and such capital stock may be increased from time to time as said stockholders may elect to a sum not exceeding one hundred thousand dollars.

Incorporators.

Corporate name.  
Corporate existence and powers.

President and directors.

Capital stock.

## Organization.

SEC. 4. Whenever ten thousand dollars shall be subscribed and paid, the before-mentioned corporators or a majority of them shall call a meeting of the subscribers to said stock at such time and place and on such notice as they may deem sufficient, and such stockholders shall elect a president and five directors, who shall hold office for one year and until their successors shall be appointed, and at all meetings of said stockholders and board of directors each share represented in person or by proxy shall be entitled to one vote.

## Stock-vote.

## Corporate powers.

SEC. 5. The Bank of Louisburg shall have authority to conduct a general banking business in the town of Louisburg, Franklin county, to receive money on deposit, to discount bonds, notes and bills of exchange, receiving the interest and discount in advance; to lend money on real and personal property; to make advances on warehouse receipts, bills of lading, certificates of stock, certificates of deposit and other negotiable instruments, and to use its funds and property in any manner incident to the business of banking and not contrary to the laws of this state and those of the United States.

## Corporate powers.

SEC. 5. The Bank of Louisburg shall have authority to acquire and hold such real estate as its president and directors may decide to be necessary for the transaction and management of its business, and also such real estate as it may acquire or come into possession of as the result of its business of banking, and to convey the same by deed or mortgage as they may consider to the advantage of the corporation.

## Lien on stock.

SEC. 7. The said corporation shall have a lien on its stock for debts due it by its stockholders before and in preference to all other creditors.

## Examination by president and directors.

SEC. 8. The president and board of directors shall have authority to make such examinations of its affairs from time to time as they may consider necessary and proper.

## Savings bank department.

SEC. 9. The said Bank of Louisburg is authorized to organize in connection with its general banking business a department of savings and do a savings bank business, and said corporation shall be capable of receiving from any person or persons disposed to obtain and enjoy the advantages of said bank any deposit or deposits of money and to use and improve the same for the purposes and according to the directions herein provided.

## Investment of deposits.

SEC. 10. The deposits of money shall be used and improved to the best advantage by employing the same in making loans on good security in a manner not inconsistent with the laws of this state or of the United States, or in the public debt, stocks or bonds of any county, or city, or township in this state which shall have been authorized by the legislature of this state to issue such stocks or bonds, or in any other stocks or securities for the redemption or payment of which the faith of any state in the Union shall be pledged, or in the stock of any national bank or state banks, or in the authorized bonds of any incorporated city in the United States whose bonds are equal to or above par, and all other loans shall be secured by mortgage of



unincumbered real estate in this state with double the amount secured thereon with power of sale inserted in default of payment; and said corporation shall have power to dispose of said public stocks and bonds held as investments as the interest of said corporation may require. The receiving of money on deposit, the investment of the same and the loaning thereof on personal or real estate securities shall be in the manner provided for in the by-laws.

SEC. 11. The said Bank of Louisburg is hereby granted three years from the passage of this act within which to complete its organization. When to organize.

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

Ratified the 3d day of March, A. D. 1893.

#### CHAPTER 174.

##### An act to incorporate Andrews High School, in Cherokee county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That Andrews High School, in the county of Cherokee, be and the same is hereby incorporated by the name and style of "Andrews High School." Incorporated

SEC. 2. That the corporate limits of said school shall be two miles in each direction from the place where the school-house now used for said school is situated, and it shall be unlawful for any person to manufacture or sell or otherwise dispose of any spirituous, vinous, or malt liquors within said distance of the said school, and any person violating the provisions of this act shall be guilty of a misdemeanor. Corporate limits.  
Unlawful to manufacture, &c., liquor within two miles.

SEC. 3. That D. W. C. Piercy, M. D. Callett, S. Porter, J. L. Welch and James Slagle be and they are hereby constituted a board of trustees for said high school, and they and their successors shall have all the powers and rights necessary for the proper carrying on of said high school, and all powers conferred by law on like corporations not inconsistent with the constitution of North Carolina and the United States. Trustees.  
Powers.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1893.

## CHAPTER 175.

An act to amend the charter of the town of Hot Springs, in Madison county.

*The General Assembly of North Carolina do enact :*

Act to incorporate town of Hot Springs, in chapter 24, private laws 1889. Made a city.

SECTION 1. That an act ratified February fifth, eighteen hundred and ninety-three, entitled "An act to incorporate the town of Hot Springs, in the county of Madison," be amended as follows: Strike out the word "town" whenever it occurs in said act and insert in lieu thereof the word "city."

Aldermen.

SEC. 2. That section three of said act be amended as follows; Strike out the word "commissioners" in the second line of said section and insert "aldermen."

Temporary aldermen.

SEC. 3. That section four of said act be amended as follows: Strike out the word "commissioners" in line three of said section and insert "aldermen."

Ordinances.

SEC. 4. That said mayor and board of aldermen shall have power and authority to make and publish such ordinances as they may from time to time deem best for the government of said city not repugnant to or inconsistent with the constitution and laws of this state.

Criminal jurisdiction of mayor.

SEC. 5. That the mayor of the city of Hot Springs shall have the same authority and jurisdiction as is conferred by law on mayors of incorporated towns.

Powers of constable.

SEC. 6. That the constable of the city of Hot Springs shall have the same power to arrest persons and execute civil process from the mayor or justices of the peace that is conferred by law on constables.

Taxation.

SEC. 7. That said mayor and board of aldermen may at their first meeting in June of each year levy an *ad valorem* tax on the property within its corporate limits not to exceed fifty cents on the one hundred dollars, the same property to be subject to taxation under this section as may be the subject of taxation by the state,

License taxes.

SEC. 8. Said mayor and board of aldermen may in their discretion levy a license or privilege tax on the following trades, etc.: Dealers in spirituous liquors, livery-stables, butchers, physicians, lawyers, billiard tables, pool tables, bowling-alleys, sleight-of-hand performances, menageries, circuses, theatres, and on such other trades and professions as they may deem proper.

Taxes, how applied.

SEC. 9. That the taxes levied and collected as above stated shall be applied to defraying the expenses of the city government and the improvement of the streets of the same.

Ratified the 3d day of March, A. D. 1893.

## CHAPTER 176.

## An act to incorporate the Wilmington and West Indies Navigation Company.

*The General Assembly of North Carolina do enact:*

SECTION 1. That John H. Bernard, W. W. Merrell, M. F. Heiskell, S. W. Merrell, Isaac Bates, John D. Bellamy, Jr., and J. H. McRae, all of the city of Wilmington and state of North Carolina, together with such persons as shall be associated with them, their successors and assigns, be and they are hereby created a body politic and corporate by the name and title of the "Wilmington and West Indies Navigation Company;" and under that title may sue and be sued, plead and be impleaded in any courts of this state, and be contracted with; and adopt and use a common seal, which they may establish and alter at their pleasure; shall have succession for ninety years, and shall enjoy all the rights and privileges, powers, immunities, liberties and franchises pertaining to corporations under the general laws of the state.

Incorporators.

Corporate name.  
Corporate powers.

SEC. 2. That the capital stock of said company shall be ten thousand dollars (\$10,000), with the privilege of increasing it to an amount not exceeding two hundred and fifty thousand dollars (\$250,000), to be divided into shares of one hundred dollars (\$100) per share par value.

Capital stock,

SEC. 3. That as soon as five thousand dollars (\$5,000) shall have been subscribed to the capital stock the said incorporators and subscribers shall meet and perfect the organization by the election of not less than five nor more than nine directors. The said board shall elect from among their number a president and also a vice-president, the term of office of said board and the said officers of president and vice-president shall be for one year and until their successors are duly elected. The said board shall elect such other officers as they may deem necessary and shall prescribe their terms of office and compensation.

Organization.

Directors.  
Officers.

SEC. 4. That said stockholders, at their first or any subsequent meeting, may fix and place the location of their general office anywhere on the Cape Fear river.

Location of general office.

SEC. 5. That said company shall have power:

Corporate powers.

(1). To make and pass all necessary by-laws for its government.

(2). To do a general freight and passenger business between the port of Wilmington or any other ports on the Cape Fear river and any port or ports in the West Indies or other foreign countries; to enter into general traffic arrangements with any existing or future railroad companies and their connections, and with any other steamship companies at any port or ports on their route or routes. To issue

through bills of lading and passenger tickets with any other transportation companies in connection with whom they may do business.

(3). To buy, lease, exchange, own, sell and convey any personal property or any real estate at any of their ports as may be necessary for offices, wharves, warehouses, freight tracks to said wharves or as is needful in the prosecution of their business as a transportation company; to condemn rights-of-way for said connection tracks and sidings, and for telegraph and telephone lines at any port in North Carolina, under the same conditions as property is condemned for railroads as provided by The Code, and possess and enjoy all the rights and privileges connected therewith; to issue bonds and secure the same by a mortgage or deed of trust on any or all its property, charters and franchises.

(4). To buy, build, own, charter, re-charter, lease or sell steamships, sailing vessels, tenders, tugs, lighters and railroad cars, and to operate them in the prosecution of their business.

(5). To take maritime risks on any freight which they may handle and to accept compensation from the owners for such insurance; to re-insure said risks or to exchange risks with other maritime insurance companies.

(6). To carry on a general ship-brokerage and commission business.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1893.

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## CHAPTER 177.

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

*The General Assembly of North Carolina do enact :*

Chapter 90, private laws 1891, (incorporating the Wachovia Loan and Trust Co.) amended. Number of directors five or more. Capital stock may be \$1,000,000.

Corporate powers.

SECTION 1. That section two of chapter ninety of the private laws of eighteen hundred and ninety-one be amended by adding after the word "five" in line five of said section the words "or more," and by striking out in line thirteen of said section after the word "exceed" the words "six hundred thousand" and inserting in lieu thereof the words "one million."

SEC. 2. That all of section four of said chapter after the word "therefor" in line ten be stricken out and that the following words be added: "and for such compensation as may be agreed upon may guarantee titles to real estate or other property. It may subscribe to the capital stock of other joint stock companies and hold and vote the same."

SEC. 3. That said chapter be further amended by inserting the following section between sections eight and nine: "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."

Additional corporate powers.

SEC. 4. That no stockholder in the corporation shall be liable for any debt or default of the corporation for a greater amount than the par value of the stock held by him in the corporation.

Liability of stockholders for corporate debts.

SEC. 5. That said act be further amended by adding the following: "That all laws and clauses of laws in conflict with this act be and are hereby repealed."

Conflicting laws repealed.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1893.

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#### CHAPTER 178.

#### An act to incorporate the Rutherford and Polk County Railroad Company.

*The General Assembly of North Carolina do enact :*

SECTION 1. That J. M. Williams, G. C. Collins, Wm. Shields, T. M. Walker, O. I. Nelson, C. W. Pearson, J. C. McFarland, N. H. Hill, J. T. Waldrop, and their associates, successors and assigns, are hereby incorporated under the name and style of the "Rutherford and Polk County Railroad Company," with power to construct, equip and operate a railroad from the town of Rutherfordton, North Carolina, or near said town, to Columbus in the county of Polk, North Carolina, said road between such points crossing the Green river at or below its mouth, thence to Cowpen Ridge, running at or near Mill Springs, and extending on from Columbus to Tryon or some point on the Spartanburg and Asheville Railroad in said county of Polk; and said company shall have a capital stock of five hundred thousand dollars (\$500,000), with power to increase same to two million dollars (\$2,000,000); and shall have a corporate and perpetual succession as a body politic and corporate, and by that name may sue and be sued, plead and be impleaded in any court in North Carolina, and may have and use a common seal, and shall be capable of purchasing, holding, leasing and conveying estate, real, personal and mixed, and acquiring the same by gift or devise so far as may be necessary for

Incorporators.

Corporate name.

Termini.

Route.

Capital stock.

Corporate powers.

the purpose herein contemplated; and said company may enjoy all the rights, privileges and immunities which the other railroad corporations may lawfully exercise under the general corporation laws of North Carolina, and may make all necessary by-laws and regulations for its government, not inconsistent with the constitution of North Carolina and the United States.

Subscriptions,  
how made.

SEC. 2. That the capital stock of said company may be created by subscription on the part of individuals, municipal or other corporations in shares of fifty dollars each, which may be in land, timber, works or money, as may be stipulated.

Books of subscrip-  
tion.

SEC. 3. It shall be the duty of any three of the corporators to call a meeting of the incorporators named in the first section of this act at such time and place as they may deem expedient; and the corporators who may meet under said call, a majority not being required as necessary, shall appoint the commissioners to open books of subscription at such time and place as to them shall seem best, with power to reject subscription not made for the *bona fide* purpose of securing the completion of a railroad to Columbus via Mills Springs as hereinbefore provided; and that after the sum of fifty thousand dollars has been subscribed to the capital stock of said company, the said commissioners shall call together the subscribers to said stock for the purpose of completing organization of said company, and the said subscribers shall be and they are hereby incorporated into a company by the name of the "Rutherford and Polk County Railroad Company."

Organization.

Stockholders  
meetings.

SEC. 4. That said company may hold annual meetings of the stockholders and oftener if necessary; and at its organization and annual meetings subsequent thereto the stockholders shall elect seven directors, to hold office for one year or until their successors are elected: *Provided*, that in all such meetings a majority of the stock subscribed shall be represented in person or by proxy, and each share there represented shall be entitled to one vote on all questions; that it shall be the duty of the directors to elect one of their number as a president of said company and to fill all vacancies in the board.

Directors.

Quorum.

Stock-vote.

President.

Location of road,  
&c.

SEC. 5. That after the company has been organized as aforesaid the board of directors shall proceed to locate and have constructed as speedily as possible on said route a railroad in accordance with the provisions of the first section of this act.

Sale or lease of  
road, &c.

SEC. 6. That said company may assign or lease their franchise and their rights in said road to any person, persons or corporation having for their object the completion of said railroad, or may contract with any person, persons or corporation for the completion of a railroad to Columbus via Mills Springs, and may consolidate with any railroad company for the purpose of completing or extending said road or facilitating the operation thereof.

Consolidation  
with other road.

Remedy against  
subscribers.

SEC. 7. That said company shall have power to use and enforce the payment of stock subscribed and to condemn lands for the use of the

company when a contract or purchase cannot be made with the owners thereof, to the same extent, in the same manner and under the same rules, regulations and restrictions as The Code of North Carolina provides for the condemnation of land for such purposes.

Condemnation of land.

SEC. 8. That the president of said company, under the instruction of the board of directors, shall issue certificates of stock to the stockholders, which shall be transferable by the laws of the company, and the gauge of said road shall be such as the board of directors may prescribe.

Certificates of stock.

Gauge of road.

SEC. 9. That this corporation shall have power from time to time to borrow such sums of money as may be necessary for the completing and furnishing or operating their said road, and to issue and dispose of bonds for any amount so borrowed, and to mortgage their corporate property and franchise to secure the payment of any debt so contracted by the said company for the purpose aforesaid. The said mortgage, when duly executed, shall be registered in the register's office of the county of Polk, and registration in said county shall be deemed an effectual and sufficient registration for all purposes, and it shall not be necessary to register the same in any other county, any law to the contrary notwithstanding.

Authorized to borrow money on mortgage.

Registration of mortgage.

SEC. 10. That upon the petition in writing of two hundred freeholders of said county of Polk, stating the amount they wish subscribed, not to exceed fifty thousand dollars, the board of county commissioners of said county shall order an election to be held within sixty days in said county, of which they shall give due notice in each township of at least thirty days for the purpose of ascertaining the sense of the qualified voters of Polk as to whether they will subscribe the sum mentioned in the petition.

Election in Polk county on question of subscription.

SEC. 11. That said election shall take place and be conducted under the laws prescribed for the election of members of the general assembly, and those voting for subscription shall vote on a written or printed ticket "Subscription," and those voting against subscription shall vote on a written or printed ticket "No subscription."

Election, how held.

Ballots.

SEC. 12. That if a majority of the qualified voters shall vote for subscription, then the board of county commissioners of said county or agents appointed by said commissioners shall subscribe to the capital stock of said railroad company the amount mentioned in the petition for said election.

Subscription to be made on vote of majority of qualified voters.

SEC. 13. That to provide for the payment of said subscription the county commissioners of said county of Polk shall make and issue coupon bonds of said county in denominations of not less than one hundred nor of more than five hundred dollars.

Commissioners to issue bonds.

SEC. 14. That said bonds shall be signed by the chairman of the board of county commissioners of Polk county and countersigned by the register of deeds of said county, and shall bear interest at the

Bonds, how executed, &c.

rate of six per centum, to be paid annually, said bonds to run twenty years from date of issue.

Special tax to pay interest.

SEC. 15. To provide for the payment of interest on said bonds the board of commissioners of said county shall, in addition to the other taxes in each year, compute and levy upon all property in said county a special tax to pay said interest, and the amount of taxes collected for interest shall be paid to the county treasurer and used by [him] in the prompt and regular payment of the coupons on said bonds; that said coupons shall be receivable in payment of taxes levied under the provisions of this act.

Special tax to pay principal.

SEC. 16. That in addition to the taxes levied for the payment of the annual interest on the bonds, the county commissioners are authorized to levy a tax not to exceed five thousand dollars in any one year for the purpose of paying the principal of the bonds at maturity, said tax to be levied at such time as the commissioners may deem best, and the levy and collection to be suspended in any year or years that the commissioners may deem best, keeping in view the redemption of the bonds and the financial condition of the taxpayers of the county.

Suspension of tax.

Commissioners authorized to subscribe amount voted under chapter 134, laws 1887, &c.

SEC. 17. And the county commissioners of Polk county are hereby authorized and empowered to subscribe to said company the amount heretofore voted in Polk county under chapter one hundred and thirty-four, laws of eighteen hundred and eighty-seven, and to pay the same in coupon bonds as described in section thirteen of this act, and are also authorized and empowered to provide for payment of such coupons and bonds by taxation as specified in sections fourteen, fifteen and sixteen of this act.

SEC. 18. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1893.

## CHAPTER 179.

### An act to amend the charter of the town of Greensboro.

*The General Assembly of North Carolina do enact :*

Chapter 219, private laws 1889, amended.

Imprisonment in mayor's court.

Fees of chief of police payable to treasurer.

SECTION 1. That chapter two hundred and nineteen of the private laws of eighteen hundred and eighty-nine be amended as follows: By inserting after the words "said court" in line six of section twenty-one the following: "for failure to pay fines and costs." By striking out in line one of section thirty-seven the words "shall be entitled to and" and inserting after the words "shall receive" in same line the words "and turn over to the city treasurer." By



- striking out of section forty-six, subsection two, the words "or may have been so resident within sixty days next preceding that day." **Liability to poll-tax.**
- By striking out of section forty-seven at the end thereof the words "which assessment may be revised, corrected or amended by the board of aldermen." By inserting in section sixty, line twelve, before the word "freeholder" the word "disinterested," and by striking out of the same line the words "to be chosen by the aldermen" and inserting in lieu thereof the words "one of whom shall be chosen by the board of aldermen, one by the owner or owners and the third by the two thus chosen," and inserting in line thirteen after the word "freeholder" the words "after giving the owner or owners three days notice of the time and place of meeting and," and by adding to said section the following proviso: "*Provided*, the board of aldermen shall have the right in the case the owner or owners refuse to select or delay the selection of a freeholder for five days to select for such owner or owners such freeholder, or if the two freeholders first chosen shall fail to agree upon the third freeholder within ten days, then the board of aldermen shall have the right to select said freeholders." **Assessment of property not subject to revision by aldermen.**
- By striking out section seventy-eight thereof. By striking out of section eighty-one in line one thereof the words "be entitled to" and inserting in lieu thereof the words "receive and turn over to the city treasurer." By striking out section one hundred and six thereof. **Election of commissioners in condemnation proceedings.**
- SEC. 2. That the public schools of the city of Greensboro shall be in charge of a board of education to consist of six members. **Proviso.**
- SEC. 3. The present board of aldermen shall at their last regular meeting in April elect three members of said board of education, one for one year, one for two years, and one for three years. The board of aldermen to be elected on the first Monday in May, eighteen hundred and ninety-three, shall elect three members of said board of education at their first regular meeting, one for one year, one for two years, and one for three years, and thereafter each succeeding board of aldermen shall at their first regular meeting elect two members of said board of education for a term of three years. The members so elected shall enter upon their duties immediately after their election and shall so continue until their successors are elected and qualified. Vacancies by death, resignation or otherwise, shall be filled by the board of aldermen for the unexpired term. The board of aldermen shall have the power to remove any member of the board of education for proved incapacity or unfitness. **School taxes not payable to city treasurer.**
- SEC. 4. The first organization of the board of education shall not take place until after the first regular meeting of the board of aldermen after the first Monday in May. **Mayor's fees payable to city treasurer.**
- SEC. 5. That said board of education shall yearly elect a superintendent and teachers for the public schools, and shall adopt all such rules and regulations as may be necessary for the successful conduct of said schools; shall choose the text books to be used in said schools. **Board of education.**
- Election of board of education.**
- Vacancies.**
- Removal.**
- Organization of board.**
- Duties of board.**

and shall have general oversight and management of the public schools of the city.

Board to elect president, &c.

SEC. 6. That within ten days from the date of their election the board shall organize by electing a president and a secretary. The secretary shall keep a record of the acts of the board.

Board to file annual estimates, &c.

SEC. 7. That it shall be the duty of the board of education on the third Friday of May in each year to prepare and file with the clerk of the board of aldermen an estimate of the amount of money which will be required for the maintenance of the public schools for the succeeding scholastic year.

Taxation for support of schools.

SEC. 8. That it shall be the duty of the board of aldermen in raising taxes for the current year to make suitable provisions for the maintenance of the public schools.

SEC. 9. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1893.

#### CHAPTER 180.

#### An act to enable the city of Winston to own and control the Winston Water-Works.

Preamble.

WHEREAS, the Winston Water Company is a duly incorporated [body] with a capital stock of seventy-five thousand dollars, divided into seven thousand five hundred shares of ten dollars each, of which four thousand eight hundred and four shares have been subscribed for and fully paid and are owned as follows: one thousand two hundred shares by the city of Winston and three thousand six hundred and four shares by private individuals; and whereas, the said Water Company own valuable real estate in the city of Winston in addition to its plant, of which it is desired that the city become the owner and controller as well as of the works, and that they be extended so as to cover as nearly as practicable the whole territory of the city; and whereas, it has been deemed to be the best interest of the city to perpetuate the corporation of the water company, it has been mutually agreed between the board of aldermen of the city and the directors of the water company to ask the general assembly to enact the following; therefore,

*The General Assembly of North Carolina do enact:*

City of Winston authorized to become owner of stock of Winston Water Co.

SECTION 1. That the city of Winston, by and through its board of aldermen, is hereby authorized to become the owner of all stock of the Winston Water Company, except fifty-four shares, which are to be retained by private individuals, so as to perpetuate the corporation,

by the retirement of the stock already subscribed, paid for, and not owned by the city of Winston, amounting to thirty-five thousand and five hundred dollars, on the conditions and terms hereinafter provided, to wit: The board of directors of the said Winston Water Company, through their president and secretary, are hereby authorized and empowered to issue and dispose of coupon bonds to the amount of one hundred and fifty thousand dollars, to be known as "The Winston Water Company Bonds," payable in twenty years, and bearing interest at the rate of five per centum per annum, payable semi-annually at the office of the Mercantile Trust and Deposit Company of Baltimore, Maryland, or at the office of the treasurer of the company in Winston, North Carolina; and to secure the same shall execute a mortgage upon the entire plant and property of the said Winston Water Company to the Mercantile Trust and Deposit Company of Baltimore, Maryland, trustee, with full powers of foreclosure and sale in case of default in payment at maturity of either the principal or interest of said bonds.

Company authorized to issue and sell bonds to amount of \$150,000.

Mortgage.

SEC. 2. That the proceeds arising from the sale of said bonds shall be used as follows, to-wit: First, in payment of the present bonded and other indebtedness of the said company; second, in paying for the shares of stock authorized in the first section of this act to be purchased from individual shareholders at par value of said stock; third, the remainder of the said proceeds shall be expended in the extension of the lines and water-mains, and in payment of such other expenditures as the board of directors may determine necessary for the enlargement of the plant and the increase of the water-supply for the city.

Proceeds of bonds, how applied.

SEC. 3. In order to meet the payment of the coupons on said bonds and the principal at maturity said directors shall apply thereto all dividends accruing to the city from its stock in said Water Company as well as other incomes from said company, including water and hydrant rents; and to meet any possible deficiency that may exist after such an application of said dividends and incomes said board of aldermen of the city of Winston shall annually assess, levy and collect such taxes as may be necessary to pay the principal and interest of said bonded indebtedness herein provided for. The proceeds of the bonds and the income received from said Water Company shall at no time be mixed with other funds of the city, but shall at all times be kept separate and apart and known as the Water Company Fund, and to be used for no other purpose than contemplated in this act.

Dividends, &c., applicable to payment of interest, &c.

Special tax.

Funds not to be mingled.

SEC. 4. That the said city of Winston may guarantee the payment of the interest as well as the principal of said bonded indebtedness, not exceeding one hundred and fifty thousand dollars of the first mortgage bonds of said corporation, and endorse the aforesaid bonds in the consideration of the retirement of the private stock as herein recited, as well as the benefits to be derived from the ownership of

City may guarantee bonds, &c.

Condemnation.

Liability of city. said Water-Works; but said city shall not be responsible for the payment of said indebtedness, nor for the interest, except to meet any deficiency that may exist after the application of the dividends and incomes from said rentals and resources of said Water Company, nor for the payment of the principal of said bonded indebtedness until the entire property of the said Water Company shall have been exhausted by sale or otherwise.

Corporate exist- SEC. 5. The corporation now known as the Winston Water Com-  
ence of Winston pan-y shall continue to exist as a body politic and corporate under the  
Water Co. contin- name and style of "The Winston Water Company," and have all the  
ued. rights and powers and privileges heretofore granted to it in its charter  
and amendments thereto.

Directors. SEC. 6. That the management of the corporation shall consist of  
seven directors as heretofore, whose terms of office shall be fixed by  
Officers. the stockholders. They shall elect one of their number president,  
and also elect a secretary, treasurer, and such other officers as they  
may deem needful and proper; and said directors need not be stock-  
holders, but shall be residents of said city and qualified voters therein.

Election in city Election in city  
on question of on question of  
guaranteeing guaranteeing  
bonds, &c. bonds, &c.

SEC. 7. The city of Winston shall not endorse the bonds of said  
Water Company nor guarantee the payment of the interest and prin-  
cipal of the bonds herein authorized until the same shall be approved  
by a majority of the registered voters of the said city at an election  
to be ordered by said board of aldermen for that purpose; which elec-  
tion shall be held under the rules and regulations prescribed by the  
charter of said city for election of its aldermen, so far as the same  
may be applicable; and the ballots in favor of said endorsement shall  
read "For endorsement and guarantee," and those in opposition shall  
read "No guarantee or endorsement." Said election shall be  
Ballots. ordered at any time upon the written application of twenty-five free-  
holders, resident in said city and qualified voters therein, on twenty  
Election, when days notice given in the *Daily Sentinel* and *Union Republican*, speci-  
ordered. fying the terms on which the endorsement and guarantee shall be  
made, together with the extent and location of the proposed lines of  
extension; and the order for said election shall state explicitly the  
time, terms and condition upon which the said election is ordered,  
and in what portion of the city the money received from said bonds  
is to be expended.

Subscriptions to SEC. 8. That after the private stock has been purchased and can-  
capital stock by celled the board of aldermen of the city may from time to time make  
city for exten- subscriptions to the capital stock of the Winston Water Company,  
sions, &c. and pay for same at par, for the purpose of making such extensions  
as may be deemed advisable by the board of aldermen of the city and  
the board of directors of the Water Company. The directors of the  
Water Company shall not allow any subscriptions to be made to the  
capital stock of the company without first having the approval of  
Aldermen to the board of aldermen. The board of directors of the Water Com-  
approve private subscriptions.

pany, by and with consent of the board of aldermen of the city of Winston, may contract to furnish water to parties outside of the city limits upon such terms as may be agreed upon by and between said parties and said board of directors.

Contracts for water outside city.

SEC. 9. That for the purpose of ascertaining the true number of the registered voters of the city of Winston the aldermen of the said city shall cause a new registration of the qualified voters of said city to be made previous to the election, under the rules and regulations of registering providing for new registration in elections for aldermen of the city.

New registration.

SEC. 10. That all laws and by-laws in conflict with any provision of this act are hereby repealed.

Conflicting laws repealed.

SEC. 11. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1893.

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#### CHAPTER 181.

An act to change the name of the "Davis School" to "Davis Military School."

*The General Assembly of North Carolina do enact :*

SECTION 1. That section one (1) of chapter one hundred and sixteen of the laws of eighteen hundred and ninety-one be amended by inserting after the word "Davis" and before the word "school" in line six (6) the word "military."

Chapter 116, private laws 1891 (incorporating Davis School) amended. Name changed.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1893.

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#### CHAPTER 182.

An act to amend the charter of Bryson City in the county of Swain, authorizing the condemning of property for streets and other public purposes.

*The General Assembly of North Carolina do enact :*

SECTION 1. That in addition to the powers conferred by chapter two hundred and seven of the laws of eighteen hundred and ninety-one the board of aldermen of Bryson City shall have the power to condemn any land inside the corporate limits of said town for streets or

Chapter 207, private laws 1891, amended.

Condemnation of land for streets, &c.

of other public purposes and may extend or discontinue streets; and in case the said aldermen and the owner or owners of any such land so needed for streets or other public purposes cannot agree as to amount of damages such owner or owners shall be entitled to receive for such land sought to be condemned, the said board of aldermen shall cause three freeholders residing in the corporate limits of said town to be summoned by the marshal, who, after being duly sworn by some officer authorized by law to administer oaths, shall proceed to view said land and assess such damages as the owner may sustain, and also ascertain and assess against the owner or owners such benefits as he or they may derive from laying out streets or other public improvements, and make their report to the said board of aldermen, and said property so condemned shall vest in fee in the said town for the purposes for which the same has been condemned: *Provided*, that the said board of aldermen or owner or owners of said land shall have the right of appeal to the superior court from any finding of said freeholders as to amount of damages sustained or benefits derived, when the same shall be tried as other special proceedings upon appeal.

Right of appeal.

Conflicting laws repealed.

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

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1893.

## CHAPTER 183.

An act to amend section seven, chapter one hundred and seventy-seven, private laws of eighteen hundred and eighty-nine, in regard to the town of Dillsboro in Jackson county.

*The General Assembly of North Carolina do enact:*

Chapter 177, private laws 1889, amended.

SECTION 1. That section seven of chapter one hundred and seventy-seven, private laws of eighteen hundred and eighty-nine, entitled "An act to incorporate the town of Dillsboro in Jackson county," be and the same is hereby amended as follows: Strike out the words "fifty cents" in line two and three of said section seven and insert "one dollar," and in [line] four of said section strike out the words "sixteen and two-thirds" and insert "thirty-three and one-third."

Poll-tax.

Ad valorem tax.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1893.

## CHAPTER 184.

## An act to incorporate the Trustees of the North Carolina Annual Conference of the Methodist Protestant Church.

*The General Assembly of North Carolina do enact :*

SECTION 1. That Walter A. Bunch, Thomas J. Ogburn, John M. Hadley, Charles A. Cecil, Arlando W. Lineberry, John L. Ogburn, Drury A. Highfill, William W. Amick and Berry Davidson, and their successors, duly elected and appointed in the manner herein-after directed, be and they are hereby made, declared and constituted a body politic and corporate, to exist for a period of thirty years, by the name, style and title of "The Trustees of the North Carolina Annual Conference of the Methodist Protestant Church;" and by that name, style and title are hereby made and declared able and capable in law to take, receive, hold, possess and acquire by gift, devise, bequest, grant or otherwise, lands, tenements, goods, chattels, estates and property of any kind whatsoever, and the same again to grant, devise, alien or dispose of: *Provided*, that the clear yearly income of the real and personal estate of said corporation shall not exceed the sum of fifty thousand dollars.

Incorporators.

Corporate existence.  
Corporate name.

Corporate powers.

SEC. 2. That the said corporation and its successors shall have full power and authority to make, have and use a common seal with such device and inscription as they shall see fit and proper, and the same to break, alter and renew at pleasure.

Common seal.

SEC. 3. That the said corporation and its successors, by the name, style and title aforesaid, shall be able and capable in law to sue and be sued, contract and be contracted with, plead and be impleaded in any court or before any judge or justice in any and all manner of suits, complaints, pleas, matters and demands of whatever nature, kind or form they may be, and all and every matter and thing to do in as full and effectual a manner as any other person or persons, bodies politic and corporate within this state can or may.

Corporate powers.

SEC. 4. That the said corporation and its successors shall be and are hereby authorized and empowered to make, ordain and establish by-laws, regulations and ordinances, and do everything incident and needful for the support and due government of said corporation and managing the funds and revenues thereof: *Provided*, the said by-laws, regulations and ordinances shall not be repugnant to the constitution and laws of the United States or of the state of North Carolina or to the constitution and discipline, rules and regulations of the Methodist Protestant Church.

Corporate powers.

SEC. 5. That the said corporation shall consist of nine persons and no more, who shall be members of the Methodist Protestant Church in good and regular standing, six of whom shall be ordained minis-

Corporation, how constituted.

ters of the North Carolina Annual Conference of the Methodist Protestant Church and three shall be lay members of the Methodist Protestant Church within the bounds of the North Carolina Annual Conference; and the term of membership shall continue three years, such term to begin on the first day of January next succeeding the election of the members as hereinafter provided; and the North Carolina Annual Conference of the Methodist Protestant Church shall, at each annual meeting of said Conference, elect in such mode as to the said Conference shall seem proper three new members, two of whom shall be ministers and one layman of the said Methodist Protestant Church, to fill the places of those members whose terms expire on the first of January following said meeting of said Conference: *Provided, however,* that the aforesaid members of said corporation named in this act shall continue in office as members of said corporation as follows: The term of membership of Drury A. Highfill, William W. Amick and Berry Davidson shall expire on the first day of January, eighteen hundred and ninety-four; the term of membership of Charles A. Cecil, Arlando W. Lineberry and John L. Ogburn shall expire on the first day of January, eighteen hundred and ninety-five; the term of membership of Walter A. Bunch, Thomas J. Ogburn and John M. Hadley shall expire on the first of January, eighteen hundred and ninety-six: *And be it further provided,* in case the place of any member of said corporation shall be made vacant by death, resignation, disqualification or otherwise before the expiration of his term, it shall be the duty of the remaining members of the said corporation at their first meeting held at which such vacancy shall become known, to elect or appoint some person, a minister or lay member of the Methodist Protestant Church, a member of said corporation, who shall, however, hold office only for the unexpired term of the member creating such vacancy: *And provided further,* if the said North Carolina Annual Conference of the Methodist Protestant Church shall fail at any annual meeting thereof to elect members to fill the vacancies occurring on the first of January next following said annual meeting, then the said corporation at its next meeting after the adjournment of said Conference shall elect members to fill such vacancies; and the members so elected shall hold membership for a term of three years, the same as though they had been elected by said Conference: *Provided, however,* that the name of each member elected by the corporation as hereinbefore provided shall be submitted to the said Conference at the next annual meeting thereof after such election; and the said Conference shall have power to approve such election or to remove any member or members so elected by the said corporation and to elect another or others in place thereof; but the official acts of any such member or members before removal shall be valid and binding upon all concerned.

Term of membership.

Election by Conference.

When terms expire.

Vacancies.

Failure of Conference to elect.

Proviso.



SEC. 6. That the said corporation shall have a president, a vice-president, a secretary and treasurer, such officers to be chosen by said corporation from their own members as often as they may see proper and according to rules or by-laws to be held by them prescribed, and the said corporation shall have authority to appoint such other officers and servants as shall be deemed necessary. Officers.

SEC. 7. That five members of said corporation shall be a sufficient number to transact the business thereof and to make by-laws, rules and regulations. Quorum.

SEC. 8. That the said corporation shall cause fair and regular entries of its proceedings and a just account of all receipts and disbursements to be kept in a book or books provided for that purpose, and its treasurer shall exhibit to the North Carolina Annual Conference of the Methodist Protestant Church at each annual meeting of said Conference a full and accurate report of the state of the accounts of said corporation. Record of proceedings, &c.  
Annual report of treasurer to Conference.

Ratified the 3d day of March, A. D. 1893.

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CHAPTER 185.

An act to incorporate the Mount Pleasant Manufacturing Company.

*The General Assembly of North Carolina do enact :*

SECTION 1. That Paul A. Barrier, William G. Barringer, H. C. McAlister, Daniel D. Barrier, George W. Blackwelder, Felix Yorke, John C. Wadsworth, William M. Eudy, Julius A. Halm, E. D. Lentz, Jonas Cook, L. I. Foil and Rufus A. Shimpock, and such other persons as may be associated with them, be and they are hereby created a body politic and corporate under the name of the "Mount Pleasant Manufacturing Company," by which name the said corporation may sue and be sued, plead and be impleaded in any court of this state. It shall have perpetual succession and enjoy all the rights and privileges, liberties, immunities and franchises usually pertaining to a trading and manufacturing company. Incorporators.  
Corporatename.  
Corporate powers.

SEC. 2. The said company shall have the right and power to purchase or otherwise acquire land; to conduct and carry on in all its branches the manufacturing, repairing and selling of wagons and other vehicles, all kinds of agricultural implements; to make, buy and sell coffins, sash, blinds, doors and all kinds of building material; to manufacture furniture of all kinds and to repair all kinds of machinery; and the said company may erect and operate grist-mills, Corporate powers.

saw-mills, cotton-gins, and may also convert their business into a cotton factory or erect and operate a cotton factory.

Place of business. SEC. 3. That the principal place of business of said company shall be at Mount Pleasant in the county of Cabarrus, state of North Carolina.

Capital stock. SEC. 4. The capital stock of said company shall be four thousand dollars, with right to increase the same from time to time to any sum the stockholders may desire, not to exceed two hundred thousand dollars. The said capital stock shall be divided into shares of fifty dollars each, and shall be personal property and transferable on the books of the company in the method provided by any by-law in that behalf.

Non-liability of stockholders for corporate debts. SEC. 5. The stockholders of the company shall not be personally or individually responsible or liable for any debt, accounts, defaults or liability whatsoever of the company, or liable for any injury, transaction, matter or thing whatsoever relating to or connected with the company.

Provisional directors. SEC. 6. The persons named in the first section of this act are hereby constituted provisional directors of the company, of whom three shall be a quorum, and shall hold office as such until the first election of directors under this act, and shall have power forthwith to open stock books and procure subscription of stock in the company. They shall have power to call a meeting of the stockholders at Mount Pleasant, North Carolina, at any time within twelve months from the passage of this act for the purpose of electing directors and officers of this company, giving ten days notice of the time and place of said election.

Books of subscription.  
Organization.

Officers. SEC. 7. That the officers of said company shall be a president, secretary, treasurer, superintendent, and as many directors as the stockholders may deem necessary, to be elected annually and to hold office till their successors are elected and qualified. The same person may be elected secretary and treasurer. The said officers shall be elected annually at the annual meeting of the stockholders by the stockholders of the company, and in all elections and in the decision of any and all questions by the stockholders of the company each share of stock shall be entitled to one vote.

Stock-vote.

By-laws. SEC. 8. That the stockholders of the company shall have power to make their own by-laws, rules and regulations for its government: *Provided*, the same shall not be in conflict with the constitution and laws of this state.

Proviso.

Liability to taxation. SEC. 9. That all property and estate owned by said company shall be liable for taxes according to its assessed value, and the taxes thereon shall be given in and paid by the company, and not by the several stockholders or parties owning stock therein.

Stock non-assessable.

SEC. 10. The stockholders and the shares of stock shall not be assessable.

- SEC. 11. That the said company shall have a common seal, which they may adopt and alter at pleasure. Common seal.
- SEC. 12. The affairs of said company shall be managed by a president, secretary and treasurer and the directors of the company. Officers to manage company.
- SEC. 13. The company shall have power to borrow money and mortgage its property to secure the same. Authorized to borrow money on mortgage.
- SEC. 14. That this act shall be in force from and after its ratification. Ratified the 2d day of March, A. D. 1893.

CHAPTER 186.

An act to amend the charter of the American Home Mineral and Timber Land Company.

*The General Assembly of North Carolina do enact:*

- SECTION 1. That chapter one hundred and thirty-eight of the private laws of one thousand eight hundred and ninety-one, entitled "An act to incorporate the American Home Mineral and Timber Land Company," and ratified the twenty-eighth day of February, anno Domini one thousand eight hundred and ninety-one, be amended by striking out in the sixth line of section one after the word "for" and before the word "years" the word "thirty" and inserting in lieu thereof the words "ninety-nine," by striking out in the ninth line of section one after the word "and" in the eighth line of said section and before the word "the" in the ninth line of said section the word "reverse" and inserting in lieu thereof the word "reserve." Chapter 138, private laws 1891, amended.
- SEC. 2. That the president and treasurer of said corporation may be one and the same person, and a secretary of said corporation may be elected or appointed by the president and treasurer, and said officers may hold their offices until their successors are elected and installed. Corporate existence.
- SEC. 3. That said corporation may issue twenty thousand dollars worth of preferred stock in shares of ten dollars each, upon such terms and under such regulations as a majority of the common stock may adopt; and no officer of said corporation shall receive any salary for any year until eight per centum per annum is paid on such preferred stock as may have been issued. That the president and treasurer of said corporation shall sign all stock certificates as president only and shall impress the same with the corporate seal of said corporation, and shall also have all stock certificates attested by the secretary of the corporation. All other contracts shall be signed by the president and treasurer. May reserve common seal.
- SEC. 4. That the president and treasurer of said corporation may be one and the same person, and a secretary of said corporation may be elected or appointed by the president and treasurer, and said officers may hold their offices until their successors are elected and installed. Officers.
- SEC. 5. That said corporation may issue twenty thousand dollars worth of preferred stock in shares of ten dollars each, upon such terms and under such regulations as a majority of the common stock may adopt; and no officer of said corporation shall receive any salary for any year until eight per centum per annum is paid on such preferred stock as may have been issued. That the president and treasurer of said corporation shall sign all stock certificates as president only and shall impress the same with the corporate seal of said corporation, and shall also have all stock certificates attested by the secretary of the corporation. All other contracts shall be signed by the president and treasurer. Preferred stock.
- SEC. 6. That the president and treasurer of said corporation may be one and the same person, and a secretary of said corporation may be elected or appointed by the president and treasurer, and said officers may hold their offices until their successors are elected and installed. When salaries may be paid.
- SEC. 7. That the president and treasurer of said corporation may be one and the same person, and a secretary of said corporation may be elected or appointed by the president and treasurer, and said officers may hold their offices until their successors are elected and installed. Issuance of stock certificates.
- SEC. 8. That the president and treasurer of said corporation may be one and the same person, and a secretary of said corporation may be elected or appointed by the president and treasurer, and said officers may hold their offices until their successors are elected and installed. Execution of contracts.

Conflicting laws repealed.

SEC. 4. That all sections or parts of sections of chapters sixteen and forty-nine of The Code of North Carolina, or of statutes amendatory thereof, or other laws in conflict or inconsistent with the powers, privileges or rights of this corporation herein conferred as conferred in the original charter are hereby repealed.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1893.

#### CHAPTER 187.

#### An act to incorporate the Asheville Tobacco Works and Cigarette Company.

*The General Assembly of North Carolina do enact :*

Incorporators.

SECTION 1. That J. M. Campbell, P. McNaughton, R. Muser, Wright Stedman, D. H. Miller and D. C. Waddell, junior, their associates, successors and assigns, are hereby created a body politic and corporate under the name of the "Asheville Tobacco Works and Cigarette Company," with a capital stock of one hundred thousand dollars, which shall be divided into one hundred shares of the par value of one hundred dollars each.

Corporate name.

Capital stock.

Increase of capital stock.

SEC. 2. The stockholders shall have power to increase the capital stock from time to time to any sum not exceeding in the aggregate five hundred thousand dollars.

Corporate powers.

SEC. 3. The said corporation is hereby authorized and empowered to conduct, transact and carry on in all its branches the business of manufacturing, buying and selling tobacco; and said corporation may buy, sell and deal in goods, wares and merchandise of every kind and description, of its will and pleasure.

Corporate powers.

SEC. 4. That said corporation shall have power to lease, purchase, hold, sell and convey real estate, and to purchase personal property of any kind and description necessary for its business, and to issue the whole or any part of its capital stock in payment therefor; and to borrow money and issue bonds or other evidences of any indebtedness so created, and to secure the payment of the same by mortgage of its property, franchises and effects, or otherwise; and it may make such bonds or other evidences of its indebtedness convertible, and provide for their conversion into the capital stock of said corporation at such rate of interest and upon such terms as to said corporation may seem best.

Powers of stockholders.

SEC. 5. That the stockholders of said corporation shall have power to make all rules and regulations for the government of said corpora-

tion and transaction of its business; they shall have power to elect, in such manner as a majority of the stock may prescribe, such officers as they deem necessary; prescribe their duties, compensation and terms of service; and in general such stockholders may make such by-laws and regulations for the government and conduct of said corporation and its business not inconsistent with the laws of this state and the laws of the United States, as they may consider best calculated to serve their interest.

SEC. 6. As such corporation they may have a common seal, which they may break or alter at pleasure. Common seal.

SEC. 7. That no notice or publication whatever of the first meeting of said corporation shall be given or required: *Provided*, all the corporators waive such notice or publication in writing and fixing a time for the first meeting of said corporation. No notice of first meeting required. Proviso.

SEC. 8. That the corporators and stockholders of said corporation, and their successors and assigns, shall not be individually or personally liable or responsible for the debts, liabilities, contracts, engagements or torts of the corporation. Non-liability of stockholders for corporate debts.

SEC. 9. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1893.

#### CHAPTER 188.

An act to continue in force chapter four hundred and eighty-three of the laws of eighteen hundred and ninety-one, entitled "An act to amend the charter of the Atlantic and North Carolina Railroad."

*The General Assembly of North Carolina do enact:*

SECTION 1. That section thirteen of chapter four hundred and eighty-three (483) of the acts of eighteen hundred and ninety-one, entitled "An act to amend the charter of the Atlantic and North Carolina Railroad," be amended by striking out in line two of said section the words "its ratification" and insert in lieu thereof the words "the ninth day of March, anno Domini eighteen hundred and ninety three." Chapter 483, laws 1891, amended.  
Company to elect to exercise powers within two years from March 9, 1893.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1893.

## CHAPTER 189.

An act to amend chapter sixty-six, laws eighteen hundred and seventy-six and seventy-seven.

*The General Assembly of North Carolina do enact :*

Chapter 66, private laws 1876-'77 (to incorporate Cumberland Lodge, K. of P.) amended.

Additional corporate powers.

SECTION 1. That chapter sixty-six of the acts of the general assembly of North Carolina, ratified eighth (8) day of March, eighteen hundred and seventy-seven, by adding after section two (2) the following section:

SEC. 2. That said corporation shall have the right to borrow money and to make, issue and negotiate its bonds in such sums and in such amounts, not exceeding twenty thousand dollars, as the officers and members of such corporation may deem necessary. Said bonds to run for thirty years and to bear interest at the rate of six per centum per annum, payable semi-annually, but the said corporation shall have the right at any time after the expiration of ten years, to call in and pay said bonds, and when said call shall be duly advertised and the bonds are to be paid at a time mentioned in said call, the interest on the same shall cease at the time stated for their payment; and to secure the payment of the principal and interest of said bonds the said corporation may make and execute a mortgage or a deed of trust upon all its property, real estate and personal effects on such terms and to such trustees as the officers and members of said corporation may direct, and said mortgage or deed of trust, when duly registered in Cumberland county, shall have precedence over all other liens on said property.

Conflicting laws repealed.

SEC. 3. That this act shall be in force from and after its ratification. All laws and parts of laws in conflict with this act are hereby repealed.

Ratified the 3d day of March, A. D. 1893.

## CHAPTER 190.

An act to incorporate the Stone's Bay Oyster Company.

*The General Assembly of North Carolina do enact :*

Incorporators.

SECTION 1. That Hugh MacRae, Donald MacRae, J. F. Divine, E. S. Tennent, J. A. Taylor, Walker Taylor, W. G. Whitehead, Charles E. Borden, J. C. Higgins, Walter L. Parsley, F. W. Gardner, M. W. Divine, and such other persons, companies or corporations as may hereafter be associated or consolidated with them and their succes-

sors, be and are hereby created a body corporate under the name of the "Stone's Bay Oyster Company," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with; shall have a continual succession for the term of ninety-nine years, and shall have and enjoy all the rights, powers and privileges of a corporate body under the laws of the state.

Corporate name.  
Corporate powers.

SEC. 2. That the capital stock of said company shall be fifty thousand dollars, divided into shares of fifty dollars each, with power to increase the same to a sum not exceeding two hundred and fifty thousand dollars by consent of the stockholders owning two-thirds of the stock issued. The principal place of business of this corporation shall be at Wilmington in New Hanover county, North Carolina, with power to the board of directors to change the same or have other places of business as the interests of the stockholders may appear.

Capital stock.

Place of business.

SEC. 3. That whenever five thousand dollars shall have been subscribed to the capital stock it shall be the duty of the incorporators, or any three of them, to call a meeting of the stockholders, and at such meeting the stockholders present, if representing a majority of the stock subscribed, may proceed to organize said company and adopt such by-laws as they may determine upon, and elect a board of directors who shall hold office for one year and until their successors are elected, and said directors shall elect one of their number to be president.

Organization.

Directors.  
President.

SEC. 4. The president and directors may adopt a common seal and alter the same at pleasure, may appoint all necessary officers and agents, fix their compensation and establish rules and regulations not in conflict with the by-laws passed by the stockholders.

Powers of president and directors.

SEC. 5. Said corporation shall have the right to engage in the business of planting, cultivating, buying and selling vegetables and fruit products, oysters, clams and all kinds of shell or migratory fish; and to carry on in all its branches the business of packing, pickling, preserving, canning and marketing the same; and to catch and fish for any or all kinds of shell and migratory fish in any of the waters of the state for any or all the objects and purposes of its business, in accordance with the laws of the state.

Corporate powers.

SEC. 6. Said corporation may acquire, hold, possess and enjoy, either by purchase, gift or in exchange for stock, real and personal estate, and shall have power to sell and convey the same, and may utilize in the planting and cultivating of oysters and other shell-fish all such oyster area or private gardens, not exceeding fifteen (15) acres to each corporator and stockholder, as shall have been or may be granted to the above-named corporators or to any person who may hereafter become a member of said corporation or acquired by them according to the laws regulating the acquisition of oyster bottom or ground, and not exceeding in the aggregate at any one time one

Corporate powers.

thousand acres of oyster area or bottom to be held by said corporation. And said corporation may lease from individuals or other corporations such areas of oyster bottom as they may have become legally possessed of upon such terms as may be mutually agreed upon: *Provided*, the total area so leased does not at any time exceed two thousand acres.

Corporate powers.

Proviso.

SEC. 7. Said corporation may transplant to its private oyster gardens or area from the natural oyster and shell-fish beds of the state oyster and other shell-fish for cultivation: *Provided*, such removal shall be done in accordance with the laws of the state regulating the transplanting of oysters and shell-fish: *Provided always*, that whenever such transplanting and cultivation is done in or from the waters and oyster area of Onslow county, then such transplanting and cultivation shall be in accordance with the law, special or general, regulating the same.

Corporate powers.

SEC. 8. Said corporation may construct, build, own and maintain, in the promotion of its interests, factories, buildings, warehouses, wharves, machinery, railways and tramways upon its own property or upon any property it may acquire the right so to do; and purchase or lease boats or vessels of any kind for freighting or transportation in connection with its business.

Corporate powers.

SEC. 9. Said corporation shall have full power to buy, lease, exchange, hold, own, sell and convey real estate to an amount not exceeding five thousand acres of land, exclusive of oyster area or bottom mentioned in section six, with all rights and privileges therewith to improve and turn to account any land acquired or in which the company is interested; to sell, mortgage, lease or otherwise dispose of any of the property of the company upon such terms as it may elect, and to issue bonds or sell its stock either for the purpose of buying land or promoting its business: *Provided*, that no bonds shall be issued except upon the affirmative vote of two-thirds of the stock issued, and to take subscription for shares of the capital stock either in money, real estate, personal property, or in personal services actually rendered or to be rendered to said corporation.

Proviso.

Remedy against subscriber failing to pay.

SEC. 10. If any stockholder shall fail to make any payment on his shares of stock, that may be provided by the by-laws of said company, the entire balance unpaid on said shares shall be due and payable, and the company may sell the said shares after notice to the stockholder and apply the proceeds to the payment of the amount then unpaid on the same; and if there shall still remain unpaid any balance the company may recover the said balance in a civil suit against such stockholder, and the company may have the same remedies against any purchaser or assignee of unpaid shares of stock, or instead of a sale of such unpaid stock the company may in the first instance recover the balance unpaid in a civil suit against the defaulting stockholder.

Remedy against assignee.



SEC. 11. That the corporators and stockholders of said corporation, their associates, successors or assigns, shall not be individually liable for the debts, contracts, obligations and engagements of said corporation. Non-liability of stockholders for corporate debts.

SEC. 12. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1893.

## CHAPTER 191.

An act to repeal chapter two hundred and twenty-two, laws of eighteen hundred and ninety-one, authorizing the town of Greenville to issue bonds.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter two hundred and twenty-two, private laws of eighteen hundred and ninety-one, entitled "An act to authorize the councilmen of the town of Greenville to issue bonds," be and the same is hereby repealed. Chapter 222, private laws 1891, repealed.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1893.

## CHAPTER 192.

An act to amend chapter twenty-nine, private laws of eighteen hundred and ninety-one, on pages seven hundred and eight and seven hundred and eleven of said acts.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter twenty-nine of the laws of eighteen hundred and ninety-one, being entitled "An act to enable the board of commissioners of the town of Washington to procure a railroad for said town," be amended as follows: Chapter 29, private laws 1891, amended.

That section two of said act be amended by adding after the word "law" in the last line of the said section the following: "The said board of commissioners shall also have authority in case they see fit to do so to give permission to such railroad to cross Second and Main and Gladden streets so as to reach the wharf known as the DeMills wharf on Pamlico river." Commissioners may permit railroad to cross certain streets.

Election on question, if commissioners refuse to give permission.

Ballots.

Permission granted on majority vote.

Election, how held, &c.

When ordered.

In case said board shall refuse to do so they shall, upon petition of one-fifth of the voters of said town, order an election immediately upon the presentation of said petition, and submit the proposition to the voters of said town. Those in favor of giving such permission shall vote a ticket upon which shall be written or printed "For permission," and those against, a ticket upon which shall be written or printed "Against permission."

In case a majority of the votes cast at said election shall be "For permission" the right to cross said streets shall be and is hereby granted to said railroad. The method of holding said election shall be the same as is provided in section nine of said act, except that the tickets shall be as hereinbefore provided, and the result shall be determined by a majority of the votes actually cast, and that the election shall be ordered immediately whenever the petition hereinbefore referred to shall be presented to said board.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1893.

#### CHAPTER 193.

An act to amend chapter one hundred and ninety-six of the private laws of one thousand eight hundred and ninety-one, relative to the charter of the Falls Manufacturing Company.

*The General Assembly of North Carolina do enact :*

Chapter 196, private laws 1891, amended.

Increase of capital stock to \$5,000,000.

Authorized to build railroads, telegraph lines, &c., from place of business to any other place, &c., in North Carolina.

Time for organization extended.

SECTION 1. That section two of chapter one hundred and ninety-six, private laws of one thousand eight hundred and ninety-one, be amended by striking out the word "one" in line four thereof and inserting in its place the word "five."

SEC. 2. That section ten (10) of said chapter be amended by striking out the words "said county of Wake: *Provided*, no line of railroad shall exceed forty miles in length" in lines seven and eight and inserting in place thereof the words "North Carolina."

SEC. 3. That the time for organizing the company under said chapter one hundred and ninety-six of the private laws of one thousand eight hundred and ninety-one as amended by this act be and is hereby extended two years from and after the third day of March, one thousand eight hundred and ninety-three.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1893.

## CHAPTER 194.

## An act to incorporate the Exchange Bank of Winston, North Carolina.

*The General Assembly of North Carolina do enact :*

SECTION 1. That W. A. Whitaker, C. Hamlin, Whit Pegram, Eugene Ebert, S. E. Allen, Starbuck & Eller, V. O. Thompson and John Boyer, and their associates and successors, are hereby constituted and declared a body politic and corporate by name and style of "The Exchange Bank of Winston," and shall so continue for the term of thirty years, with capacity to take, hold and convey real and personal estate with the rights, powers and privileges incident or belonging to corporations as set forth or referred to in sections six hundred and sixty-three, six hundred and sixty-four and six hundred and sixty-five of chapter sixteen of The Code, entitled "Corporations."

Incorporators.

Corporate name.

Corporate existence and powers.

SEC. 2. That the capital stock of said corporation shall not be less than twenty thousand dollars, in shares of fifty dollars each, and such capital stock may be increased from time to time as said corporation may elect to a sum not exceeding three hundred thousand dollars.

Capital stock.

SEC. 3. That the corporators in the first section named, or a majority of them, are hereby empowered to open books of subscription to the capital stock of said corporation at such time or times, at such places and such periods, as they shall determine, and the stockholders at any general meeting called for after due organization of said corporation may at their discretion from time to time re-open books of subscription to said capital stock until the same as herein limited by wholly taken.

Books of subscription.

SEC. 4. That whenever twenty thousand dollars shall have been subscribed and ten thousand dollars paid into the capital stock of said corporation, the before-named corporators, or a majority of them, shall call a meeting of the subscribers to said stock at such time and place and on such notice as they may deem sufficient, and said stockholders shall elect such directors as they may think proper, who shall hold office for one year or until their successors shall be chosen; and said directors shall elect a president and such other officers as may be provided for by the by-laws of said corporation.

Organization.

Directors.

Officers.

SEC. 5. That the president and directors of said corporation may adopt and use a common seal and may alter the same at pleasure; may make and appoint all necessary officers and agents, fix their compensation and take security for the faithful discharge of their duties, and may discharge any and all of them at their pleasure; may prescribe the manner of paying for stock and the transfer thereof; may do a general banking business on such terms and rates of discount and interest as are provided by law. The said corporation shall

Powers of president and directors.

Lien on stock.

have a lien on its stock for debt due it by the stockholders before and in preference to other creditors of the same dignity.

Corporate pow-  
ers.

SEC. 6. That the said corporation may receive and pay out the lawful currency of the country, deal in exchange, gold and silver coin, uncurrent paper and public or other securities, including the bonds or other securities of the United States, this state and other states, also county bonds, township bonds or other municipal bonds; may purchase and hold such real and personal estate and property as may be conveyed to secure debts to said corporation, or may sell under mortgage or other lien to satisfy any debt due to said corporation, and may sell and convey the same; may purchase and hold real and personal estate and property: *Provided*, such real estate shall not exceed at any one time in value two hundred thousand dollars, and at pleasure may sell and exchange the same; may discount notes and other evidences of debt and lend money on such terms as are provided by law, and may receive, deposit and issue certificates therefor, bearing interest, which certificates may be assignable and transferable under such regulations as may be prescribed by the president and directors; and all certificates and evidences of deposit signed by the proper officers of the said corporation shall be as binding as if under the seal of the same.

Remedy against  
subscriber failing  
to pay.

SEC. 7. That if any subscriber shall fail to pay for his stock or any part thereof at the time the same is required of him the entire residue of his stock shall be deemed to be due and may be recovered in the name of the corporation, either by motion in the superior court, Forsythe county, upon giving ten days notice of the motion, or by ordinary civil action; or the entire stock of said delinquent may be sold by order of the directors for cash at the banking house of said corporation in the city of Winston after advertisement of such sale for twenty days in some newspaper published in said city, and if at such sale the price should not be sufficient to discharge the amount unpaid with all the costs of such sale the subscriber shall be liable for the deficiency in a civil action.

Subscription  
deemed a promis-  
sory note.

SEC. 8. In every case of delinquency in a subscriber it shall be deemed a promissory note payable to the said corporation, as well in respect to the remedy for recovering the same as in the distribution of the assets of any deceased subscriber.

Powers of presi-  
dent and direc-  
tors.

SEC. 9. That the president and directors of said corporation shall exercise and have all such powers and authority as may be necessary in governing the affairs of said corporation. They shall have power to prescribe the rules for the conduct of said corporation, the same being consistent with the by-laws, rules and regulations established by the stockholders, not inconsistent with the laws of this state, and may regulate the terms and rates on which discounts and loans may be made and deposits received by the corporation, not inconsistent with the laws of this state; and they shall direct when dividends of

profits shall be made and declared. They may call a meeting of stockholders whenever they think proper; and any number of stockholders holding one-tenth of the stock may call a special meeting on giving thirty days notice in some newspaper published in the city of Winston. At all meetings stockholders may be represented by proxy, each share being entitled to one vote, but such proxy must be a stockholder. Stock-vote.

SEC. 10. That branches or agencies of said corporation may be established at such times and places as the president and directors may designate; and such branches or agencies may be removed at any time and shall be subject to such rules and regulations as may be prescribed by the president and directors of said corporations. Branch banks.

SEC. 11. That said corporation shall have power to negotiate loans on mortgages of real or personal estate at a rate of interest not exceeding the legal rate of interest. Authorized to loan on mortgages.

SEC. 12. The powers and privileges granted herein shall not be deemed forfeited by non-user: *Provided*, the corporation is organized within three years from date of ratification of this act. Corporate powers not forfeited by non-user. Proviso.

SEC. 13. That in case of the insolvency of the bank hereby created, or ultimate inability to pay, shareholders shall be held individually responsible, jointly and severally, for all contracts, debts and engagements of the bank to the extent of the amount of their stock therein at the par value thereof. Liability of stockholders.

SEC. 14. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1893.

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#### CHAPTER 195.

An act to amend chapter two hundred and seventy-three, laws of eighteen hundred and ninety-one, ratified March seventh, eighteen hundred and ninety-one, in relation to the Harper Fabric Company.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section four of chapter two hundred and seventy-three of the acts of the general assembly, ratified March seventh, eighteen hundred and ninety one, be amended by striking out the proviso in said section. Chapter 273, private laws 1891, amended. Proviso prohibiting consolidation repealed.

SEC. 2. That section seven of said act be amended so as to read: "The said company shall have an office at their works near Spray, and may have an office or offices elsewhere."

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1893. Offices.

## CHAPTER 196.

## An act to incorporate the Southern Metallurgical and Mining Company.

*The General Assembly of North Carolina do enact :*

- Incorporators. SECTION 1. That J. J. Newman, F. B. Arendell, H. McCoy, junior, T. H. Vanderford, Richard Eames, junior, C. M. Hawkins, J. M. Tieman and F. B. Dancy, and such other persons as shall be associated with them, their successors and assigns, be and they are hereby created a body politic and corporate by the name and title of "The Southern Metallurgical and Mining Company," by which name said Corporation may sue and be sued, plead and be impleaded in any court of law and equity, and shall have power to make such by-laws and regulations not inconsistent with the laws of the state, as may be deemed necessary for the government of the company. It shall have perpetual succession and enjoy all the rights and privileges, powers, liberties, immunities and franchises usually pertaining to corporations.
- Corporate name. Corporate powers. Organization SEC. 2. That this company shall be organized by any one of the resident incorporators giving twenty days notice in writing to the other incorporators to meet in the town of Salisbury, North Carolina, in person or by proxy, within two years from the passage of this act, and a majority of the incorporators shall constitute a quorum for the transaction of business.
- Quorum. Capital stock. SEC. 3. That the capital stock of said company may be divided into such number of shares and of such amount for each share as the stockholders in general meeting may determine: *Provided*, that the capital stock of said company shall not exceed one million dollars and the shares shall be personal property and are transferable as the by-laws may determine; said shares shall be non-assessable, and the stockholders shall not be individually, nor in their private property, liable for the debts of the corporation.
- Proviso. Non-liability of stockholder for corporate debts. SEC. 4. That a general meeting of stockholders may be held at any time determined by the by-laws, and that to constitute a meeting there must be present, in person or by proxy, the proxy being a stockholder, a number holding a majority of the stock, each share of which shall be entitled to a vote, and all acts shall require the sanction of a majority of the votes present.
- Stockholders meetings. Stock-vote. SEC. 5. The affairs of said company shall be managed by a board of not less than three nor more than seven directors as the stockholders by their by-laws shall determine, who shall all be stockholders, and one of whom shall always be a resident of the state; they shall be elected by ballot within one year from the passage of this act, and annually thereafter at such times and places as the by-laws may prescribe, and hold their offices for one year and until their successors
- Directors.

are elected. Each share of stock shall entitle the holder to one vote in person or by proxy, and a majority of the directors shall constitute a quorum for the transaction of business. If from any cause the election of directors shall not take place at the time fixed it shall be lawful to elect the same at any other time after two weeks notice. Said directors shall elect one of their number to be president of the board and appoint such other officers and agents as they may deem necessary to manage the affairs of the company, remove the same at pleasure, and establish offices at such places as the wants of their business may require. They shall fill all vacancies occurring in their own body until the next succeeding election by the stockholders, and have power to make all needful rules, regulations and by-laws for the well-ordering of the affairs and business of the company, not inconsistent with the laws of the state.

Officers.

Vacancies.

By-laws.

SEC. 6. That said company shall have the right to build and operate metallurgical works, acid chambers, cotton oil-mills, mining and milling plants, reduction, chlorination and other works for the purpose of working, exploring and manufacturing all kinds of ores, minerals, chemicals, cotton-seed products, and for the manufacture and sale of sulphuric or other acids, and for the manufacture and sale of ammoniated or other phosphates and commercial fertilizers at such place or places in the state as said company may select; may also buy, sell and hold, in fee-simple, under lease and otherwise, any number of acres of mineral, timber or other lands in the county of Rowan and any other counties within this state, with power to mortgage, lease or otherwise dispose of the same; may buy, sell, treat and deal in gold, copper, silver or other ores and their products.

Corporate powers.

SEC. 7. That the said company shall have the right, power and authority to lay out, build and construct roads, whether rail, tram, plank or turnpike, for the transportation of gold, silver or other ores, minerals, timber and other materials, to, from or between their lands, mines, furnaces, mills and manufactories; and also to construct such canals or drains as may be needful or required for the supply of water to said furnaces, mills or manufactories, the drainage of their mines, of the transportation of coal, ores or other articles as aforesaid; to erect bridges over streams of water wherever necessary, and to connect such roads or canals with the railroad, canal or slack-water navigation of any company now incorporated or which may hereafter be incorporated by the laws of the state at any point the said company may select for such connection; and such roads, canals and drains shall be open to the use of the public upon the payment of such reasonable tolls and compensation and subject to such rules and regulations as said company may by their by-laws establish.

Corporate powers.

SEC. 8. That when any land or right-of-way may be required by said company for constructing said roads, canals or drains, and for

Condemnation of land.

want of agreement as to the value thereof, or for any other cause, the same cannot be purchased of the owners, the same may be taken and the value thereof ascertained as follows, viz.: on application by the company to any justice of the peace for the county where the said land or right-of-way may be situated, it shall be his duty to issue his warrant to the sheriff of said county to summons a jury of at least five freeholders to meet on the land on the day named in such warrant, not less than five nor more than twenty days thereafter, and the sheriff, on receipt of said warrant, shall summons the jury and notify the owner of the land of the time and place at which he has summoned the jury to meet, and when met, if three or more appear, shall administer an oath or affirmation to them that they will impartially value the land or right-of-way in question. The proceedings of said jurors, accompanied by a description of the land or right-of-way, shall be returned under their hands and seals, or a majority of them, by the sheriff to the clerk of the superior court, there to remain as a matter of record; and on the payment of the said valuation the lands or right-of-way so valued shall vest in said company so long as the same shall be used for the purposes of said road, canal or drain: *Provided*, that the location of said roads, canals or drains shall not interfere with any graveyard, house, house-lot or garden, without the consent of the owner thereof, and that no more land than thirty feet in width on either side from the center of said road, canal or drain shall be condemned for the purpose aforesaid: *And provided further*, that if any person or persons over whose land said road, canal or drain may pass, or said company, shall be dissatisfied with the valuation of said jurors, either party may have an appeal to the superior court of the county in which the land lies, but such appeal shall not delay or interrupt the use or enjoyment of said right-of-way by said company: *Provided*, that when the company shall appeal from the decision of the jurors aforesaid, the company shall be liable for all costs and execute their bond with sufficient surety, payable to the owners of the land in double the amount adjudged by said jury.

Proviso.

Right of appeal.

Proviso.

Common seal.

SEC. 9. That the said company shall have power to adopt and use a common seal, with such device and inscription as they shall deem proper, and to change, alter and amend the same at pleasure; and certificates of stock and other official acts shall be authenticated by affixing the same.

Authorized to issue mortgage bonds.

SEC. 10. That said company shall have the power to issue mortgage bonds on any or all of its real estate or other property, and use the funds arising from the sale of such bonds in the development of its property in such manner as the board of directors may prescribe; that said company may also subscribe for and hold stock in other corporate companies; that the stock in this company may be paid for in



lands, minerals, machinery or other articles of value, as the by-laws may provide. May subscribe for stock in other companies.

SEC. 11. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1893.

### CHAPTER 197.

An act to amend the charter of the town of Dunn in Harnett county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter one hundred and ninety-one of the private laws of eighteen hundred and eighty-nine be and the same is hereby amended by adding the following sections to said chapter. Chapter 191, private laws 1889, amended.

SEC. 2. That the town constable or tax collector for the town of Dunn is hereby invested with the same powers in all respects whatever in collecting the town taxes due the said town as sheriffs are now or may be invested with in collecting state and county taxes; and shall have the same rights and powers to seize and levy upon property, both real and personal, and sell the same for taxes under the same rules and regulations as are now prescribed for sheriffs in like cases, except all sales for taxes of property shall be in the said town of Dunn. Powers of tax collector.

SEC. 3. That the commissioners of the said town of Dunn are hereby invested with the rights and power to establish, equip and maintain an efficient fire force or department in such a way and manner as to them may seem best, said force not to exceed thirty men in number, who shall be exempt from jury and road duty; and to the better enable them to equip said fire force and department the said commissioners of Dunn are hereby authorized to levy and collect a special tax for the year of one thousand eight hundred and ninety-three of ten cents on the one hundred dollars worth of property and thirty cents on each taxable poll, which shall be used in equipping said fire force or department, and for nothing else. Fire department.  
Special tax.

SEC. 4. All fines imposed and collected for the violation of any ordinance or regulation of the town of Dunn shall go to the common fund of the town and shall be paid to such officer of the town as the town commissioners may designate. Fines, how applied.

SEC. 5. That the mayor may order any offender, upon conviction, to be worked on the streets of said town at reasonable wages per day until they shall work out any fine and costs with which they may be adjudged, or confined in the town prison or common jail of this county. Offenders may be worked on streets.

School taxes.

SEC. 6. That the commissioners of the said town of Dunn are hereby invested with full rights and powers to levy, assess and collect school taxes upon all subjects taxed by the state: *Provided*, said tax shall not exceed twenty cents on the one hundred dollars worth of property and sixty cents on the poll.

Proviso.

Conflicting laws repealed.

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

SEC. 8. That this act shall go into full force and effect on the day of its ratification.

Ratified the 3d day of March, A. D. 1893.

#### CHAPTER 198.

##### An act to extend the time for organizing the Commercial Bank of Shelby, North Carolina.

*The General Assembly of North Carolina do enact :*

Chapter 95, private laws 1891, amended.

Time for organization extended.

SECTION 1. That the time for organizing the corporation known as the "Commercial Bank of Shelby," North Carolina, under an act entitled "An act to incorporate the Commercial Bank of Shelby, North Carolina," ratified the twentieth day of February, eighteen hundred and ninety-one, is hereby extended for two years, and upon its organizing within said time shall have all the rights and privileges granted in said act.

SEC. 2. That this act shall be in force from and after its ratification.  
 • Ratified the 3d day of March, A. D. 1893.

#### CHAPTER 199.

##### An act supplemental to an act to empower the Wilmington Light Infantry to issue bonds, and for other purposes.

*The General Assembly of North Carolina do enact :*

Chapter 33, ante, amended.

SECTION 1. That section four (4) of an act passed at the present session of the general assembly, and ratified February fifth, eighteen hundred and ninety-three, and entitled "An act to empower the Wilmington Light Infantry to issue bonds, and for other purposes,"

be and the same is hereby amended by striking out the word "mill" in said section and insert in lieu thereof the word "cent."

Special tax to pay annual appropriation by county of New Hanover.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1893.

## CHAPTER 200.

### An act to incorporate the North Carolina Savings Bank and Trust Company.

*The General Assembly of North Carolina do enact :*

SECTION 1. That W. J. Hawkins, J. Turner Morehead, R. H. Battle, I. M. Proctor, A. B. Andrews, C. G. Latta, J. W. Wilson, Joseph G. Brown, J. S. Wynne, G. W. Hinshaw, and such other persons as they may associate with them, and their successors, be and they are hereby made a body politic and corporate by the name of the "North Carolina Savings Bank and Trust Company," for the term of ninety-nine years; and by that name shall have succession and a common seal, and shall be entitled to all the rights conferred and subject to all the restrictions imposed by the laws of North Carolina so far as the same are applicable and not inconsistent with this act.

Incorporators.

Corporate name.

Corporate existence and powers.

SEC. 2. The capital stock of said company shall be not less than fifty thousand dollars nor more than five hundred thousand, to be divided into shares of one hundred dollars each, and when not less than the minimum amount of stock has been subscribed, the stockholders may elect a president, vice-president and a secretary and treasurer or cashier and not less than five directors in addition to the president and vice-president, who shall be *ex officio* directors of such company, which officers shall serve for one year and thereafter until their successors are elected; and the directors so elected shall have power to prescribe the rules and regulations for the government of the affairs of said company, not inconsistent with this act, and they may from time to time amend the same. Such rules and regulations shall be printed, and together with this charter shall be accessible at its place of business to all persons doing business with the company.

Capital stock.

Organization.

By-laws.

SEC. 3. The capital stock of said company shall be invested in bonds, notes or other evidences of debt, secured by deed of trust or mortgage upon fee-simple or leasehold estate or otherwise safely secured, or in securities or bonds of the United States or the bonds of the state and counties of North Carolina and bonds of other states, or the bonds of incorporated cities within this state, or in real estate, and the erec-

Investment of capital stock.

tion of suitable buildings thereon in which to conduct the business of the company as in the discretion of the directors shall seem best.

Corporate powers.

SEC. 4. The said company shall have power to receive money on deposit and in trust and accumulate the same at such legal rate of interest as may be agreed on; to allow interest, to accept and execute trusts of every description (as fully as a natural person could), which may be committed to said company by any person or persons whatsoever, or by any corporation, or by order, or decree, or authority of any court of record upon such terms as may be agreed upon, provided or declared in regard thereto; to act as agent for the purpose of issuing, registering or countersigning certificates of stocks, bonds or other evidences of debt of any state, corporation, association, municipality or public authority on such terms as may be agreed upon; to lease and rent real estate, and collect rents from the same; to accept from and execute trusts for married women in respect of their separate property or estate, whether real, personal or mixed, and to act as agent for them in the management, sale and disposition of their properties.

Corporate powers as guardian and administrator, &c.

SEC. 5. That in all cases wherein an application may be made to any court having jurisdiction to appoint a curator or guardian of an infant, idiot, inebriate or insane person, administrator or collector of the estate of any person dying testate or intestate, trustee or receiver, such court shall have power to appoint said company as such curator, guardian, administrator, collector, trustee or receiver upon the like application that any person might be so appointed; and it shall be lawful for any person, by deed, will or other writing, to appoint said company a trustee, executor, guardian of an infant, idiot, inebriate or insane person, administrator, trustee, executor, assignee or receiver of said company, may lawfully act, and as such shall be subject to all the obligations and liabilities of natural persons acting in like capacities; and in cases where such fiduciaries are now required to take oath for the faithful performance of duty, such oath shall be taken by the president, vice-president or secretary of said company for such faithful performance of duty by said company.

Capital stock to be security for deposits, trusts, &c.

SEC. 6. Whenever the said company shall be appointed to any place of trust enumerated in the last foregoing sections, or whenever deposits of money or valuables of any kind shall be made with said company, the capital stock and its property and effects shall be bound for the faithful performance of its duties, and shall be absolutely liable therefor, and no other security shall be required from it on the execution of the bond required, where one is now required of any natural person acting in such capacity. And in case of a dissolution of said company by any order or decree of any court, or otherwise, the debts, dues, obligations or money due from said company in its fiduciary capacity as aforesaid shall have preference.

SEC. 7. That it shall be lawful for any individual, executor, administrator, guardian, receiver, assignee, trustee, collector, public officer, or other persons having the custody of any bonds, stocks, securities, moneys, or other valuables to deposit the same for safe keeping with said company.

Fiduciaries may deposit, &c.

SEC. 8. That every court wherein said company shall be appointed, or shall be allowed to qualify as guardian, executor, administrator, collector, trustee or receiver, or in which it is made the depository of moneys or other valuables, shall have power to make all orders and compel obedience thereto, and require said company to render all accounts which such court might lawfully make or require if such company was a natural person, and upon sufficient cause to remove said company in like manner as a natural person may now be removed according to laws now in force.

Court may make orders, require accounts, &c.

SEC. 9. That said company is authorized to invest moneys received in trust, on deposit, loan or otherwise, and to take, have and hold estate, real, personal or mixed, obtained with money aforesaid, or with funds belonging to said company, and to sell, grant, mortgage or otherwise encumber, lease or dispose of the same, and to that end may execute all deeds or other instruments concerning the same; to deal in exchange, foreign or domestic, securities, mortgages, lands, certificates of indebtedness, stock of incorporated companies, notes, loans, bonds of the United States, or of any city, county, or of any incorporated company, or individual, and interest may be received in advance; but no loan shall be made, directly or indirectly, to any officer of the said company, and on any violation of this provision the parties making or consenting thereto, either directly or indirectly, shall be liable to said company for the amount so loaned.

Corporate powers.

SEC. 10. That any officer or employee of said company who shall apply any of the deposits of any kind of said company to his own use or to the use of any person or persons not entitled thereto, shall be deemed guilty of embezzlement, and upon conviction thereof shall be punished by imprisonment in the penitentiary for a term of not less than one or more than ten years, and shall be responsible in any suit at law for injury, loss, expense or damages incurred by reason of its prosecution or in consequence of said act, either to the company or to any party aggrieved, damaged or injured thereby.

Officer, &c., mis-applying funds, guilty of embezzlement, &c.

SEC. 11. That the said company shall be and is hereby authorized and empowered to insure the fidelity of persons holding places of trust or responsibility, or of any corporation, company, person or persons whatsoever; to endorse for and to enter security or become the security for the faithful performance of any trust, duty, contract or agreement; to go upon any bond for appeal or to go upon any injunction, attachment or other bond required by law of any person; and in every such case the capital stock of the said company shall be taken and considered as sufficient security therefor: *Provided*, on

Corporate powers as to suretyship, &c.

examination of the officers and affairs of the said company, or otherwise, the court shall be satisfied of the sufficiency of said company, and its property and effects shall be liable as aforesaid; and it shall be lawful for the said company to stipulate and provide for indemnity from the parties aforesaid for whom it shall so become responsible, and to enforce any bond, contract, agreement, pledge or security made or given for that purpose: *Provided*, that this company shall not be authorized by anything in this act contained to endorse the bond or become security for the faithful performance of the duty of any public officer, but the said company may become surety on the bonds of fiduciaries.

Corporate powers as to guarantees, &c.

SEC. 12. That said company shall have power to guarantee, endorse and secure the payments 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, *et cetera*, in this state on such terms or commissions as may be agreed upon or established by said company and the parties dealing therewith.

Corporate powers as to warehouses, &c.

SEC. 13. That said company may own, maintain or lease warehouses and transact all kinds of business usually transacted by warehousemen and trust companies; may receive upon storage, deposit or otherwise merchandise, specie, plate, stocks, promissory notes, certificates, and evidences of debt, contracts and of other personal properties whatsoever; take charge and custody of real and personal estates, securities, and advance money thereupon on such terms as may be established or approved by said company; that in all cases in which public officers of municipal or private corporations are authorized to deposit money, stocks, bonds or evidences of debt such deposits by such officers or corporations may be made with said company.

Sale of property pledged, &c.

SEC. 14. That it shall be lawful for the said company to sell at public auction or private sale, in its discretion, all property of what kind soever mentioned or specified in any contract or agreement between the company and the other parties, after ten days shall have elapsed from the time of maturity of an obligation under said contract or agreement, or immediately upon the discovery of any fraud, misrepresentation or concealment in regard to the ownership or otherwise which might jeopardize the rights of the company or its security, after five days advertisement of the time and place of sale in some newspaper published in the city of Raleigh, North Carolina; and to reimburse itself out of the proceeds of such sale for the money due it, with interest, storage, costs and charges; and to indemnify itself for any loss it may have sustained by the non-fulfilment of such contract or by reason of said misrepresentation, fraud or concealment.

SEC. 15. That the said company is authorized to make, execute and issue in the transaction of its business all papers, receipts, certificates, vouchers and contracts, which shall bear the impression or stamp of the seal of the company, and shall be signed by the president or vice-president and countersigned by the secretary; and all drafts, orders, checks, certificates or warehouse receipts signed and countersigned as aforesaid shall be transferable and negotiable, if payable to order, by endorsement, and if payable to bearer by delivery.

Execution, &c., of contracts, &c.

SEC. 16. That the chief office of said company shall be located in Raleigh, North Carolina, and not more than one-third of the directors of said company shall at any one time be non-residents of North Carolina.

Principal office.

SEC. 17. Whenever, by any general banking law of the state, state banks shall be allowed to issue notes to pass as currency or money, this company shall have power to issue such notes in the same proportion and upon the same terms and conditions as provided for other state banks in said general law.

Corporate powers as to issuance of currency.

SEC. 18. The stockholders of this company shall be held individually responsible, ratably, and not one for another, for all its contracts, debts and engagements to the extent of the amount of their stock therein respectively.

Liability of stockholders.

SEC. 19. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1893.

## CHAPTER 201.

An act to incorporate the Elizabeth and Pasquotank Railway Company, passed by the legislature of Virginia on the twenty-ninth day of February, eighteen hundred and ninety-two.

WHEREAS, It is represented that the general assembly of the commonwealth of Virginia has passed an act entitled "An act to incorporate the Elizabeth and Pasquotank Railway Company" in the words following, to-wit:

Preamble.

1. *Be it enacted by the General Assembly of Virginia:* That A. H. Lindsay, Joseph A. Wallace, H. F. Edmonds, L. M. West, W. A. West, C. R. Johnson, George T. Wallace, junior, and C. A. Stewart, of Norfolk county, Virginia, and John K. Abbott, George Beveridge, C. M. Ferebee, L. F. Wright, Dr. W. D. Kellam, M. B. Hughes, George H. Riggs, of Camden county; William Etheridge and Miles Whitehurst, of Pasquotank county; R. B. Creecy, Charles H. Robin-

Copy of act of legislature of Virginia.  
Incorporators.

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| Corporate name.<br>Corporate powers.        | son, George M. Scott, E. F. Aydlette and J. B. Flora, of Elizabeth City, North Carolina, together with such other persons as may become associated with them as stockholders, their successors and assigns, be and they are hereby declared to be a body politic and corporate under and by the name and style of the "Elizabeth and Pasquotank Railway Company," and by that name and style shall have all the powers conferred and be subject to all the restrictions imposed by the laws of this commonwealth upon such bodies politic and corporate for the purpose of locating, constructing, equipping, maintaining and operating a railroad of one or more tracks for the transportation of freight and passengers from Norfolk, Portsmouth, Berkley or other point or points on the Elizabeth river, Hampton roads, Chesapeake Bay or Lynn Haven river, to some point on the Virginia and North Carolina state line in Norfolk county, by and upon such lines and routes as the said company may determine and select; and with the assent of the authorities of the state of North Carolina or other states extend said road to such point or points within said state or states as it may select; and may establish such gauge and operate said road with any power it may think proper; and may operate any part of its road before the whole thereof may be completed; and for the purposes aforesaid, may build, buy, charter and run all such vessels, either steam, sailing or other craft, as may be necessary to develop or accommodate its traffic. |
| Termini.                                    |   |
| Gauge.<br>Construction of part of road, &c. |   |
| Branch roads.                               | 2. That said company shall have authority to build and operate one or more branches, not exceeding twenty miles in length, and the said railroad and its branches shall have the right to cross at grade or otherwise, join and unite its railway with any railroad now constructed or to be hereafter constructed, and also the right to cross any navigable stream or canal in its route in the manner provided by law; and shall have and enjoy all the rights, franchises, privileges and immunities appertaining to railroad corporations.   |
| Crossings, &c.                              |   |
| General corporate powers.                   |   |
| Capital stock.                              | 3. That the capital stock of said company shall be not less than twenty-five hundred dollars with the privilege and power to increase the same to five hundred thousand dollars, and the same may be subscribed to by individuals, corporations, counties, cities and towns in accordance with the laws of this commonwealth. That the first ten persons, or any five of them, named in section one of this act, shall be authorized to open books of subscription to the capital stock of said company, and when the minimum capital has been subscribed they are hereby authorized and empowered to call together the subscribers for the purpose of organizing said company.   |
| Books of subscription.                      |   |
| Organization                                |   |
| Corporate powers.                           | 4. That said company is hereby authorized and empowered to purchase property of any and every kind, to hold, grant, mortgage, sell or otherwise dispose thereof; to issue mortgage bonds upon its franchises, rights, privileges and property created or to be created, or upon specific parts of such property, in such sums and to such   |



amounts as the said corporation may by its board of directors, approved by its stockholders, direct and determine; to issue common and preferred stock; to change the name of said corporation by a majority vote of its stockholders; to consolidate its franchises, rights, privileges and capital stock with any other railroad or canal, corporation or corporations, chartered either by this state or other states, and to purchase any such railroads and canals, and to issue capital stock of this corporation in lieu of the capital stock of such purchased corporation: *Provided*, that the property of any such purchased or consolidated company shall be operated under the laws governing such corporation, and the service thereon shall in no manner be decreased, nor the tolls on the canals or the freight and passenger rates of the railroads be increased, except as is hereinafter provided as to the Dismal Swamp or Norfolk and North Carolina Canal.

Proviso.

5. That should said company become the purchaser of the Dismal Swamp Canal, now called the Norfolk and North Carolina Canal, it may conduct the business of such canal as provided in section four, whether it build a railroad or not, as contemplated in the first three sections of this act. Should the said company build the said railroad as contemplated above, and also purchase the canal, the said company may, in its discretion, so lower the water in said canal as to make it navigable for very small boats and skiffs only, or may so further reduce the water as to unfit it for navigation altogether; and in that event the said company shall build a branch road to Lake Drummond and shall have the use and control of the water in Lake Drummond, limited only to the conditions that said lake shall not be purposely overflowed nor the water to be less than four feet in depth, and that said lake shall be free to all citizens of the United States for purposes of commerce and pleasure.

Corporate powers of purchaser of Dismal Swamp Canal.

6. That in the event of the abandonment of the canal for transportation purposes and its use as a drain or for water-supply or other purposes as contemplated in part of section five the said corporation may make such restrictions as it deems best as to the number of ditches that may be cut into said canal and how these ditches may be finished where they enter the same, to prevent bars or other impediment to the free passage of the water in said canal, but no restrictions shall be made which will prevent the natural drainage of land into said canal where the same is needed for agricultural purposes. And in the event of the conditions existing as is contemplated in this section, the said company shall have control of the water in Deep Creek and Gilmerton Cut above the dam across said creek, but shall not hold the water so high as to hinder the drainage of the lands bordering on or west of the head of said creek, but may lower the same to any desired extent.

Corporate powers on abandonment of canal for transportation purposes.

7. That the privileges granted under sections five and six shall appertain to said corporation in the event of a construction of a rail-

Privileges granted in sections 5 and 6, when to avail.

road, as contemplated in the first four sections of this act; or if a railroad shall be constructed by some other corporation and so located as to practically give transportation facilities to that part of Virginia now tributary to and dependent upon the Norfolk and North Carolina canal: *Provided*, that in this case the corporation created by this act shall not be obliged to construct a branch road to Lake Drummond; and any privileges granted in said sections as to the use and control of the waters of Lake Drummond, its tributaries and affluents, not already possessed by the said Norfolk and North Carolina Canal Company, are subject to the rights of the act incorporating the Virginia Water Company: *And provided further*, that the work shall be commenced within two years and the road completed within five years.

8. That all taxes due to the state of Virginia shall be paid in lawful money of the United States, and not in coupons.

9. That this act shall be in force from its passage.

AND WHEREAS FURTHER, it is proposed by the Elizabeth and Pasquotank Railway Company to continue the railroad through the territory of North Carolina to the South Carolina line, beginning at the Virginia line in Camden county; and whereas, the assent of the legislature of this state is requested to the above-recited act to enable the said company to construct said railroad as aforesaid,

*The General Assembly of North Carolina do enact :*

SECTION 1. That the assent of this legislature in and to the act incorporating the Elizabeth and Pasquotank Railway Company, as contained in the before-recited act of the general assembly of Virginia, is hereby as fully and completely given as if the said act had been passed by this present general assembly, with the modification hereinafter provided.

SEC. 2. That work, or some act looking to the completion of said enterprise, shall be commenced within four years, and the said enterprise completed within eight years.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1893.

## CHAPTER 202.

### An act to incorporate the Yadkin Falls Bridge Company.

*The General Assembly of North Carolina do enact :*

SECTION 1. That V. Mauney, John Snotherly, D. N. Bennett, W. Smithdeal, F. B. Arendall, F. J. Murdock, their associates and successors, are hereby incorporated under the name and style of the "Yadkin Falls Bridge Company," and as such shall have all the rights,

- powers, privileges, liabilities and immunities incident to corporations under chapter sixteen of The Code of North Carolina. Corporate powers.
- SEC. 2. That the capital stock of said company shall not exceed the sum of fifty thousand dollars, in shares of twenty-five dollars each, and as soon as the sum of eight thousand dollars shall have been subscribed and five per centum paid thereon the corporators or any of them shall call a meeting for the purpose of organizing said corporation under this act. Capital stock.  
Organization.
- SEC. 3. Said corporation shall have the right to build a bridge of wood or iron, or of wood and iron, over the Yadkin river at a point near Yadkin Falls in Stanly county from Yadkin Falls to or near Milledgeville, Montgomery county. Authorized to build bridge over Yadkin river.
- SEC. 4. The subscribers when they shall be called together by the corporators as aforesaid shall proceed to organize said company and to elect such officers and form such by-laws as may in their judgment be necessary for the government of said company, and said by-laws shall provide how such officers shall be elected, what shall be their duties and terms of office, and when and where annual and other meetings of the stockholders shall be held, and how and by whom said by-laws may be altered or amended: *Provided*, such by-laws be not inconsistent with the laws of this state or the United States. Organization.  
Officers.  
By-laws.  
Proviso.
- SEC. 5. That if said company and owner of any land which may be necessary for the location of said bridge or for necessary buildings or appurtenances shall be unable to agree upon the price of the same, or if for any cause the same cannot be purchased from the owner, or if said company shall require any land for approaches or roads to or from said bridge and shall be unable to agree upon the prices of the same with the owners, or for any reason shall be unable to purchase the same, then the same may be taken by said company at a valuation to be ascertained under the rules and regulations prescribed by the laws of North Carolina for the condemnation of land needed for railroad companies. Condemnation of land.
- SEC. 6. That said company shall have the right to charge such reasonable tolls and fares as may be prescribed by the by-laws. Tolls.
- SEC. 7. That upon conviction before a justice of the peace any person who shall ride or drive on the company's bridge at a pace faster than a walk a penalty of five dollars shall be imposed. Penalty for fast riding, &c.
- SEC. 8. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1893.

## CHAPTER 203.

**An act to allow the New York and Wilmington Land Improvement and Banking Company further time to organize.***The General Assembly of North Carolina do enact :*

Chapter 174, private laws 1891, continued until March 3d, 1895.

SECTION 1. That chapter one hundred and seventy-four of the private acts of eighteen hundred and ninety-one be continued in full force and effect until March third, eighteen hundred and ninety-five, so as to allow said company further time to organize and begin operation.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1893.

## CHAPTER 204.

**An act to incorporate The Charlotte, Troy and Sanford Railroad Company.***The General Assembly of North Carolina do enact :*

Incorporators.

SECTION 1. That Samuel J. Green, P. J. Sinclair, R. G. Ward, A. Tripp, J. S. Spencer, D. A. Tomkins, G. W. Henshaw, J. R. Blair and S. J. Pemberton, and such other persons as may hereafter be associated with them, their successors or assigns, shall be and are hereby ordained, constituted and declared to be a body corporate and politic by the name of "The Charlotte, Troy and Sanford Railroad Company," and by that name may sue and be sued, defend or be defended in all courts whatsoever; may have a common seal, and generally shall have and possess all the rights and privileges conferred by the general law upon railroad companies in this state. The said company shall have the power to purchase, hold, sell and convey any land, tenements, goods and chattels whatsoever necessary or expedient to carry out the object and purpose of its incorporation.

Corporate name.  
Corporate powers.

Capital stock.

SEC. 2. The capital stock of said company shall be five hundred and fifty thousand dollars (\$550,000), with liberty and power to increase the same to such amount as the stockholders in interest may agree upon at any regular or called meeting of said stockholders, not exceeding five million dollars; and the said capital stock shall be divided into shares of the par value of fifty dollars (\$50) each, and may be denominated common or preferred stock, as the by-laws may provide.

- SEC. 3. That the persons named in the first section of this act, and such other persons as may be appointed by the legislature of South Carolina, are hereby appointed commissioners to receive subscriptions to the capital stock of said company, any three of whom shall have power to act, first giving ten days notice in one or more newspapers published in North or South Carolina; any five of said commissioners at any time after the books have been opened for thirty days shall have power to call together the subscribers to the capital stock of said company for the purpose of organizing said company; and the said commissioners may after the organization of said company from time to time receive further subscriptions to said company as they may deem proper, and the subscriptions to said capital stock may be made in money or land, and that all amounts subscribed, either in land or money, shall constitute a joint stock capital for the purpose of constructing and carrying into operation the railroad provided for by this act.
- SEC. 4. That whenever the sum of one hundred thousand dollars shall have been subscribed by responsible persons, corporations, towns, townships or counties in North Carolina or South Carolina to the capital stock of said company and ten thousand dollars shall be paid in, the general commissioners, the subscribers, their successors, executors, administrators or assigns, shall be and are hereby declared incorporated into a company under the name and style of "The Charlotte, Troy and Sanford Railroad Company," and the commissioners shall forthwith call together the stockholders of said company by giving public notice in one or more newspapers for ten (10) days of the meeting, who shall proceed to organize said company and elect not less than nine nor more than thirteen directors, who shall serve for one year and until others are elected; and the said directors shall elect a president from among their number, also a secretary and treasurer and other necessary officers.
- SEC. 5. That said company shall have full power and authority to survey, locate, construct, maintain and operate a railway of standard or other gauge, with one or more tracks, and by steam or electric motor power, from a point at or near the city of Charlotte, in North Carolina, by the town of Troy in Montgomery county in said state to the town of Sanford in Moore county, North Carolina.
- SEC. 6. Subscriptions to the capital stock of said company may be made by any corporation, resident or non-resident, municipal or other corporation; and the board of commissioners of any county in North Carolina through which said railroad may be located, are authorized and required, whenever twenty-five resident freeholders of any township, city or town in their county shall petition to them in writing to have submitted to the voters of said township, city or town a proposition to make a subscription for a specific sum to the capital stock of said company, to cause an election to be held in said

Books of subscription.

Organization.

Subscriptions, how made.

When to become incorporated.

Corporate name.

Organization

Directors. Officers.

Authorized to build railroad.

Route.

Subscriptions by corporations.

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

- township, city or town at the proper voting place or places therein, after thirty days notice of said election by advertisement at the court-house door of said county and at four or more public places in said township, city or town, and to submit to the qualified voters of such township, city or town the election of subscribing to the capital stock the sum of money specified in the written request of the taxpayers calling for said election as aforesaid; at which election those in favor of said subscription shall deposit a ballot on which shall be written or printed "For subscription," and those opposed shall deposit a ballot on which shall be written or printed "Against subscription." The returns of said election shall be made to the county commissioners on Tuesday next succeeding the day of such election, who shall on that day canvas the same; and if a majority of all the qualified voters in said township, city or town shall be "For subscription," then the subscription so authorized shall be made to the capital stock of said railroad company for said township, city or town by the chairman of the board of county commissioners; and the county commissioners shall have power to order a special registration for the election herein provided for under the law governing elections; and they shall also appoint registrars, judges, etc., as provided in other elections.
- Ballots.**  
**Returns.**
- Subscriptions to be made on vote of majority of qualified voters.
- Special registration.**
- Registrars, &c.**
- County commissioners to issue bonds.**
- Special tax.**
- How collected.**
- SEC. 7. That in payment of any subscription made or provided for in the next preceding section, the board of commissioners of said county wherein said township, city or town may be situate shall issue bonds to an amount not exceeding the sum so authorized to be subscribed; and the said bonds shall express on their face by what authority and for [what] purpose they are issued. They shall be payable twenty years after the first day of January next after the year in which they are issued. They shall be coupon bonds and bear interest at a rate not to exceed seven per centum per annum, interest payable semi-annually on the first day of January and the first day of July in each year by the treasurer of such county; but the bonds aforesaid may be redeemed at any time after the expiration of one year from the date of their issue.
- SEC. 8. That to provide for the payment of interest on the bonds issued as aforesaid, and for their redemption at maturity, the board of commissioners of said before mentioned county or counties shall, in addition to other taxes, compute and levy upon the proper subjects of taxation in such township, city or town a sufficient tax to pay the interest on said bonds and one-twentieth amount of the principal thereof, which taxes shall be collected by the tax collector of said county under the same rules and regulations as are provided for collecting other taxes; and he and his sureties shall be liable to the same penalties and subject to the same remedies as are now prescribed by law for the faithful collecting and paying over the state and county taxes. The tax collector shall pay said taxes when collected to the

treasurer of said county who shall first pay the interest on said bonds, and the coupons shall be his voucher and evidence of such payment; and the balance of the money shall be invested by him in the purchase of said bonds at a rate not above par.

Payable to county treasurer.

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

Bonds, how executed.

SEC. 10. That said company shall have the right to construct its road across or along any public road or watercourse when necessary:

Crossings.

*Provided*, the said company shall not obstruct any public road without constructing another equally as good; and shall have the right to have land condemned for the right-of-way and for necessary warehouses and buildings according to existing laws; and shall have full power and authority to sell or lease its road-bed, property and franchise to any other corporation or person, and to purchase or lease and hold the bonds or stocks of any other railroad in the state, or to consolidate with any connecting line of railroad.

Proviso.

Condemnation of land.

Sale or lease of road, &c.

SEC. 11. That for the construction and equipment of said railway the said company may, if it deem necessary, increase its capital stock to such amount as the stockholders may deem necessary for that purpose; and to this end the said company may from time to time borrow such sums of money as it may deem necessary to construct, maintain and operate its said line of railway; and to secure the payment of such sums it may mortgage its entire line of road, rights, franchises and property, real and personal, to such amount and on such terms as may be agreed upon; and registration of such mortgage in the registrar's office in the county of Mecklenburg, North Carolina, shall be deemed effectual as notice to all parties of such lien.

Increase of capital stock.

May borrow money on mortgage.

Registration of mortgage.

SEC. 12. That said company may construct branch lines, not exceeding twenty-five miles in length, connecting its main line with any other railway, mine or manufactory within this state, and may consolidate with any other railway company in this or any other state: *Provided*, that in event of a consolidation with any non-resident company the said company shall maintain within this state an officer or agent upon whom service of process may be made; and no such consolidation shall have the effect to oust the jurisdiction of the courts of this state in the matter of causes of action occurring within this state.

Branch roads.

Consolidation.

Proviso.

SEC. 13. That all laws and clauses of laws inconsistent with this act be and the same is hereby repealed.

Conflicting laws repealed.

SEC. 14. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1893.

## CHAPTER 205.

## An act to incorporate the Columbia, Charlotte and Winston Railroad Company.

*The General Assembly of North Carolina do enact:*

Incorporators.

SECTION 1. That Samuel J. Green, P. J. Sinclair, R. G. Ward, A. Tripp, J. S. Spencer, D. A. Tompkins, G. W. Henshaw, J. T. Gardner and D. S. Camerer, and such other persons as may hereafter be associated with them, their successors or assigns, shall be and are hereby ordained, constituted and declared to be a body corporate and politic

Corporate name.

Corporate powers.

by the name of the "Columbia, Charlotte and Winston Railroad Company," and by that name may sue and be sued, defend or be defended in all courts whatsoever; may have a common seal, and generally shall have and possess all the rights and privileges usually granted railroad companies in this state, except that it shall not be exempt from taxation under the laws of this state. The said company shall have the power to purchase, hold, sell and convey any land, tenements, goods and chattels whatsoever, necessary or expedient to carry out the object and purpose of its incorporation.

Capital stock.

SEC. 2. The capital stock of said company shall be ten hundred thousand dollars (\$1,000,000), with liberty and power to increase the same to such amount as the stockholders in interest may agree upon at any regular or called meeting of said stockholders; and the said capital stock shall be divided into shares of the par value of fifty dollars (\$50) each, and may be denominated common or preferred stock as the by-laws may provide.

Books of subscription.

SEC. 3. That the persons named in the first section of this act and such other persons as may be appointed by the legislature of South Carolina are hereby appointed commissioners to receive subscriptions to the capital stock of said company, any three of whom shall have power to act, first giving ten days notice in one or more newspapers published in North or South Carolina; any five of said commissioners at any time after the books have been opened for thirty days shall have power to call together the subscribers to the capital stock of said company for the purpose of organizing said company, and the said commissioners may, after the organization of said company, from time to time receive further subscriptions to said company as they may deem proper, and the subscriptions to said capital stock may be made in money or land at a rate per centum to be agreed upon at the time of subscription, and that all amounts subscribed either in land or money shall constitute a joint stock capital for the purpose of constructing and carrying into operation the railroad provided for by this act.

Organization.

Subscriptions, how made.



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

When to become incorporated.

Corporate name.

Organization.

SEC. 5. That said company shall have full power and authority to survey, locate, construct, maintain and operate a railway of standard or other gauge, with one or more tracks and by steam or electric motor power, from a point at or near the city of Winston in North Carolina to the city of Charlotte in said state, and thence to some point on the dividing line between the states of North Carolina and South Carolina in the direction of Columbia, South Carolina.

Authorized to build railroads.

Termini.

SEC. 6. Subscriptions to the capital stock of said company may be made by any corporation, resident or non-resident, municipal or other corporation; and the board of commissioners of any county in North Carolina through which said railroad may be located are authorized and required, whenever twenty-five taxpayers of any township, city or town in their county shall petition to them in writing to have submitted to the voters of said township, city or town a proposition to make a subscription for a specific sum to the capital stock of said company, to cause an election to be held in said township, city or town at the proper voting place or places therein after thirty days notice of said election by advertisement at the court-house door of said county, and at four or more public places in said township, city or town, and to submit to the qualified voters of such township, city or town the election of subscribing to the capital stock the sum of money specified in the written request of the taxpayers, calling for said election as aforesaid; at which election those in favor of said subscription shall deposit a ballot on which shall be written or printed "For subscription," and those opposed shall deposit a ballot on which shall be written or printed "Against subscription;" the returns of said election shall be made to the county commissioners on Tuesday next succeeding the day of such election, who shall on that day canvass the same; and if a majority of all the qualified voters in said township, city or town shall be "For subscription," then the subscription so authorized shall be made to the capital stock

Subscriptions by corporations.

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

Ballots.

Returns.

Subscription to be made on vote of majority of qualified voters.

of said railroad company for said township, city or town by the chairman of the board of county commissioners; and the county commissioners shall have power to order a special registration for the election herein provided for under the law governing elections, and they shall also appoint registrars, judges, etc., as provided in other elections.

County commis-  
sioners to issue  
bonds.

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

Special tax.

SEC. 8. That to provide for the payment of interest on the bonds issued as aforesaid, and for their redemption at maturity, the board of commissioners of said beforementioned county or counties shall, in addition to other taxes, compute and levy upon the proper subjects of taxation in township, city or town a sufficient tax to pay the interest on said bonds and one-twentieth amount of the principal thereof; which taxes shall be collected by the tax collector of said county under the same rules and regulations as are provided for collecting other taxes, and he and his sureties shall be liable to the same penalties and subject to the same remedies as are now prescribed by law for the faithful collection and paying over the state and county taxes.

How collected.

Payable to county  
treasurer.

The tax collector shall pay said taxes when collected to the treasurer of said county who shall first pay the interest on said bonds, and the coupons shall be his voucher and evidence of such payment; and the balance of the money shall [be] invested by him in the purchase of said bonds at a rate not above par.

Bonds, how  
executed.

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

Crossings.

SEC. 10. That said company shall have the right to construct its road across or along any public road or watercourse when necessary; *Provided*, the said company shall not obstruct any public road without constructing another equally as good; and shall have the right to have land condemned for the right-of-way and for the necessary warehouses and buildings according to existing laws; and shall have full

Condemnation of  
land.

power and authority to sell or lease, its road-bed, property and franchise to any other corporation or person, and to purchase or lease and hold the bonds or stocks of any other railroad in the state, or to consolidate with any connecting line of railroad.

Sale or lease of road, &c.

SEC. 11. That for the construction and equipment of said railway the said company, if it deem necessary, [may] increase its capital stock to such amount as the stockholders may deem necessary for that purpose; and to this end the said company may from time to time borrow such sums of money as it may deem necessary to construct, maintain and operate its said line of railway; and to secure the payment of such sums it may mortgage its entire line of road, rights, franchises and property, real and personal, to such amount and on such terms as may be agreed upon; and registration of such mortgage in the registrar's office in the county of ....., North Carolina, shall be deemed effectual as notice to all parties of such lien.

Increase of capital stock.

May borrow money on mortgage.

Registration of mortgage.

SEC. 12. That said company shall have all the rights, powers, privileges and immunities usually granted to railroads within this state, except that this act shall not be construed to exempt said company from taxes under the laws of this state.

Corporate powers.

No exemption from taxation.

SEC. 13. That said company may construct branch lines, connecting its main line with any other railway, mine or manufactory within this state, and may consolidate with any other railway company in this or any other state: *Provided*, said company shall remain a North Carolina corporation.

Branch roads.

Consolidation.  
Proviso.

SEC. 14. That all laws and clauses of laws inconsistent with this act be and the same are hereby repealed.

Conflicting laws repealed.

SEC. 15. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1893.

CHAPTER 206.

**An act to authorize the town commissioners of Wilkesboro to appropriate certain moneys in the town treasury.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That the town commissioners of Wilkesboro are hereby authorized and empowered to appropriate the sum of fifteen hundred dollars out of the treasury of said town; one thousand dollars of which sum is to be appropriated in the erection and construction of an iron bridge across the Yadkin river just below the ford on the public road leading from Jefferson to Wilkesboro and within one-half mile of the corporate limits of said town.

Commissioners authorized to make appropriation for bridge.

Appropriation for high school.

SEC. 2. That the remaining sum of five hundred dollars shall be appropriated for the benefit of the Wilkesboro High School as the said town commissioners shall direct.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1893.

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CHAPTER 207.

An act to amend chapter one hundred and seventy-two of the private laws of eighteen hundred and eighty-seven.

*The General Assembly of North Carolina do enact :*

Chapter 172, private laws 1887 (incorporating Thompson Orphanage and Training Institute) amended. Name changed.

SECTION 1. That section one of chapter one hundred and seventy-two of the private laws enacted by the general assembly of this state at its session of eighteen hundred and eighty-seven be amended by striking out the word "institute" in line five of said section and inserting in lieu thereof the word "institution."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1893.

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CHAPTER 208.

An act to change the name of Winston Baptist Church.

*The General Assembly of North Carolina do enact :*

Chapter 19, private laws 1876-'77 (incorporating the Winston Baptist Church) amended. Name changed.

SECTION 1. That section one, chapter nineteen, of the private laws of North Carolina passed at session of eighteen hundred and seventy-six and eighteen hundred and seventy-seven, be amended by striking out the last two words in fifth line and first word in sixth line which reads "Winston Baptist Church," and insert in lieu thereof "The First Baptist Church of Winston."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1893.

## CHAPTER 209.

## An act to incorporate Spray Investment Company.

*The General Assembly of North Carolina do enact :*

SECTION 1. That J. T. Morehead, C. E. Kluge and W. R. Walker, Incorporators. their associates, successors and assigns, be and they are hereby created a body corporate and politic by the name, style and title of "Spray Investment Company," and by that name and title shall be known Corporate name. and have perpetual succession, and may exercise and enjoy all the Corporate powers. privileges, franchises and immunities incident to corporations; may sue and be sued, plead and be impleaded, complain and defend in all courts of law and equity of record and otherwise; adopt a common seal and alter or renew the same at pleasure, also by-laws for the government of the corporation not contrary to the constitution and laws of this state; may purchase, receive by gift or otherwise, hold and enjoy property real, personal or mixed, of what kind and quality soever; may construct, build and erect buildings, structures, works and improvements public or private thereon, and use, manage and maintain the same; may sell, convey, mortgage, transfer, grant, lease, sublease and dispose of any portion or the whole of their property at such prices and on such terms as may be deemed proper; may exercise and enjoy the privileges granted and defined in the further sections of this act, and generally do all things appertaining to a company designed to aid in the development and improvement of the country: *Provided*, that nothing herein contained shall be so construed as to give to the said company any banking privileges of issuing their obligations as a currency.

SEC. 2. That the said company shall have power to contract with Corporate powers. companies, corporations and other parties in the construction, building and equipment of works and improvements, public or private, of whatever kind, at such prices and on such terms as may be agreed upon by the parties respectively, and may purchase, lease, use, maintain and sublease the same, and may also co-operate and unite with any other company in so doing.

SEC. 3. The said company shall have power to investigate, report Corporate powers. upon or certify to, make purchases and sales of or investments in the securities and property of, and to make advances of money and of credit to other companies, individuals and firms, and to aid in like manner contractors, miners, manufacturers and others, and to receive and hold in trust or otherwise or as collateral, any estate or property real, personal and mixed, including the notes, obligations and accounts of individuals, firms, companies and corporations, and the same to purchase, adjust, collect and settle, and also to pledge, sell and dispose thereof on such terms as may be agreed on between them

and parties contracting with them; and also to endorse or guarantee the payment of the bonds and the performance of the obligations of other companies, corporations and parties, and to assume, become responsible for or execute and carry out any contracts, leases or sub-leases made by any company, individual or firm to or with any other company or companies, individual or firms whatever.

Corporate powers.

SEC. 4. That said company shall have power to purchase, use, maintain and carry on any works or improvements connecting or intended to be connected with the works and improvements of said company, and to merge and consolidate or unite with the said company or the improvements, property and franchises of any other company or companies on such terms and conditions as the said company may agree upon; and to fix and regulate all charges in maintaining and carrying on the business of their works and improvements of whatever kind and of those under their control.

Certificates of stock.

SEC. 5. The said company shall have power to issue certificates of stock from time to time, the par value of the shares of which to be not less than one hundred dollars each, representing the property and business of the company, which stock may be sold at the par value of the shares thereof or at such price and on such terms as the directors may deem best, and be declared fully paid and not liable to further calls. The corporators named in the first section of this act or a majority of them may, after due notice has been given, open books of subscription; and whenever twenty-five thousand dollars of the stock has been subscribed, and five per centum thereof actually paid in, organize the said company by the election of not less than three directors; and may choose out of the list of directors a president, a secretary and treasurer, and may also elect or appoint such other officers and agents as the business of the company may require, the directors and officers to hold their positions until their successors shall have been chosen in accordance with the by-laws of the company, but in no event shall the existence of the company be in anywise affected or be dissolved by reason of a failure to elect officers.

Books of subscription.

Organization.

Directors.  
Officers.

Corporation not dissolved by failure to elect officers.  
May borrow money on mortgage.

SEC. 6. The said company may borrow money from time to time upon a pledge of their property or without such pledge; and may create, execute and deliver mortgage, and also bonds with or without coupons at the regular rate of interest of the state, and may sell the same at such prices and on such terms as may be deemed proper by the board of directors; and may also hypothecate the same in transactions between the company and individuals and corporations.

Office.

SEC. 7. The said company shall have an office at Spray in North Carolina, and may have an office or offices elsewhere as its by-laws may from time to time provide.

Non-liability of stockholders.

SEC. 8. The stockholders shall not be individually liable for the debts of the company.

SEC. 9. The said company is hereby authorized to create and convert such portion, not exceeding twenty-five per centum, of their capital stock from time to time as they may desire into preferred stock, and to issue and appropriate the same to such special purpose as may be deemed proper, which preferred stock, as well as the common stock heretofore authorized to be created, shall be subject to such rules, regulations and conditions as may be prescribed by the board of directors, and may be sold as authorized in section five of this act. Preferred stock.

SEC. 10. The said company may change its name whenever the holders of two-thirds of the stock of the company shall so determine by a vote, certificate of which changes to be filed in the auditor's department with the signature of the president and secretary and the seal of the company thereto affixed. Change of name.

SEC. 11. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1893.

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CHAPTER 210.

An act to declare Big Falls Cotton Mills a duly incorporated company and to amend and enlarge its charter.

WHEREAS, Big Falls Cotton Mills as heretofore, to-wit, on the fifteenth day of August, anno Domini one thousand eight hundred and eighty-seven (1887), was incorporated before the clerk of the superior court of Alamance county under the general laws of this state, and the organization perfected by the election of officers and the adoption of by-laws and the business conducted under said organization; and whereas, on the twenty-fifth day of July in the year one thousand eight hundred and eighty-eight an amendment to said charter was granted before the said clerk of the superior court of Alamance county in the state of North Carolina authorizing an increase of capital stock; and whereas, it is desired to enlarge and increase the corporate powers, franchises and privileges of said company; therefore, Preamble.

*The General Assembly of North Carolina do enact:*

That the said incorporation before the clerk of the superior court of Alamance county in the state of North Carolina on the fifteenth day of August, one thousand eight hundred and eighty-seven, and the organization of the company, election of officers, adoption of by-laws, subscription for the transfer of stock and all conveyances heretofore made by or to said Big Falls Cotton Mills, or by or to any per- Incorporation before clerk and corporate acts validated.

- son for it, and all contracts made by or with said Big Falls Cotton Mills are hereby ratified and made valid, and the charter of said Big Falls Cotton Mills granted by the clerk of the superior court of Alamance county and the amendment thereto as above set forth be and the same are hereby re-enacted and amended so as to read as follows:
- Charter re-enacted.
- Body politic. SECTION 1. That Mrs. C. S. D. Pomeroy, Julius H. Harden, Mrs. Sarah E. Harden and James V. Pomeroy, junior, and such others as are now or may hereafter be associated with them, and their successors and assigns, are hereby constituted a body politic and corporate by the name and title of "Big Falls Cotton Mills," and under that name and style may sue and be sued, implead and be impleaded, contract and be contracted with, adopt and use a common seal which it may alter at pleasure, and enjoy all the rights and privileges, powers and immunities, liberties and franchises pertaining to corporations.
- Corporate name.  
Corporate powers.
- Capital stock. SEC. 2. That the capital stock of said company shall be as it now is, one hundred and twenty-five thousand dollars, divided into twelve hundred and fifty shares of one hundred dollars each, and said company shall have power to increase its capital stock to two thousand shares of the par value of one hundred dollars each by a vote of a majority of the stock held by the stockholders of said company.
- Corporate powers.
- Place of business. SEC. 3. That said Big Falls Cotton Mills is hereby fully empowered and authorized to conduct, transact and carry on in all its branches the business of manufacturing, making and finishing warps, yarns, cloths or any other fabric of cotton, wool or any other material, or to engage in any species of manufacturing and milling in any and all its various branches, and it may buy, sell and deal in goods, wares and merchandise, either as wholesale or retail merchants. Its principal office and place of business shall be at Big Falls Post-office in Alamance county, North Carolina.
- Corporate powers.
- SEC. 4. That said Big Falls Cotton Mills shall have power to lease, purchase, hold, sell and convey real estate; and to borrow money and issue bonds or other evidence of indebtedness and to secure the payment of same by mortgage of its property and effects, or otherwise; and it may make such bonds or other evidence of its indebtedness convertible and provide for conversion into the capital stock of said corporation at such rate and upon such terms as to such corporation may seem best.
- By-laws. SEC. 5. That the stockholders of said corporation shall have power to make all rules and regulations for the government of said corporation for the transaction of its business. They shall have power to elect in such manner as a majority of them may deem necessary all such officers, prescribe their duties and terms of office as they may decide necessary for the proper government and management of its business, and fix their compensation.
- Officers.
- Non-liability of stockholders. SEC. 6. That the stockholders of said corporation shall not be individually liable for its debts.



SEC. 7. That said corporation shall exist and continue for a period of thirty years from and after the fifteenth day of August, one thousand eight hundred and eighty-seven. Corporate existence.

SEC. 8. That said corporation shall likewise have the right, power and authority to lay out, build and construct and equip with rolling and other stock and to operate such roads, whether tram, plank or turnpike, and also such canals, aqueducts, water-ways, wells, water-courses, bridges or other ways for the transportation of its property or trade; and to construct such dams and obstructions in and across Haw river or Stony creek and such reservoirs as shall be needful to the supply of water for its mills, manufactories and other works, or for any purpose found necessary: *Provided*, that in so doing the vested rights of any other corporation or person are not interfered with in any material or unreasonable manner, and said corporation shall have the right to erect, establish and maintain such telegraph and telephone lines and apparatus as may be necessary, and shall likewise have the right, power, charter and franchise hereby to charge such tolls, fees and compensation as is reasonable for the use, service or travel over such telegraph and telephone lines, roads, turnpikes or bridges and canals as it may erect and construct; and where any land or right-of-way shall be required by said corporation for constructing any turnpike, road, tramways, cartways, canals, bridges, telegraph and telephone lines, or other lines or ways, watercourses or drains, aqueducts, wells, dams, obstructions and reservoirs, and for want of agreement as to the value thereof or other causes the same cannot be purchased of the owner, the same may be taken and condemned and the value thereof ascertained in the manner prescribed by law of the state in chapter forty-nine of The Code, entitled "Railroads and Telegraphs." Corporate powers.

SEC. 9. That said corporation shall have power to engage in any other business not prohibited by the laws of this state, including the right to secure any debt it may owe or any loan it may make by mortgage or otherwise, and shall also have such rights as are granted to any of the savings banks of North Carolina, with all the incidents and privileges pertaining to savings banks under the laws of this state. Condemnation of land.

SEC. 10. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1893. General corporate powers.

#### CHAPTER 211.

An act to amend the charter of the town of Clinton, North Carolina.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section eighteen of chapter two hundred and five of the laws of eighteen hundred and fifty-two relating to the charter of the town of Clinton be amended so as to read: Chapter 205, laws 1852, amended.

County commissioners not to grant license to sell liquor except to those obtaining license from town commissioners.

“That no person shall keep a store or other place for selling spirituous or malt liquors or wines in the town of Clinton in quantities of one gallon or less until such person shall have first obtained from the commissioners of said town a license to sell the above-named liquors or wines in quantities of one gallon or less, which license shall be presented to the county commissioners, and the county commissioners shall not grant license to any one to sell liquor or wine within said town who does not present such license from the town commissioners.

Town license.

“All license issued by the town commissioners shall be granted for the period of one year, beginning on and running from the day on which said license is granted, which license shall permit the holder thereof to sell at but one place of business in said town.

License tax.

“The license tax to be paid to said town for the sale of spirituous or malt liquors or wines shall be one hundred dollars.

License tax for sale of cider.

“The license tax for the sale of cider within said town shall be twenty-five dollars, but all persons who have license to sell spirituous or malt liquors or wines may sell cider at the same place without additional tax.

Revocation of license.

“The town commissioners shall have power to revoke license issued to any person for sufficient cause without returning any part of the license tax: *Provided*, the county commissioners shall likewise revoke the license issued by them to each [such] person.”

Proviso.

Commissioners empowered to prevent erection of wooden buildings.

SEC. 2. That section one of said charter be amended by adding thereto the words “The commissioners of said town shall have power to prevent the erection of wooden buildings upon the business square of said town, or so near to said square as to endanger property upon said square.”

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1893.

## CHAPTER 212.

**An act to amend the charter of the town of Washington, and to authorize the commissioners for the town of Washington to procure a market-house and to issue bonds.**

*The General Assembly of North Carolina do enact:*

Commissioners empowered to issue bonds to pay for market-house, not exceeding \$5,500.

SECTION 1. That the commissioners for the town of Washington shall have power to issue bonds for the purpose of paying for the market-house in the town of Washington as a necessary expense of the said town, not exceeding the sum of fifty-five hundred dollars, and bearing no greater rate of interest than six per centum, payable annually, and in such sums as and payable at such times as the said

commissioners may provide. All bonds heretofore issued by said commissioners for the purpose of erecting and building the said market-house now in course of erection in the said town are hereby ratified and confirmed and declared to be valid. The said commissioners shall issue bonds in no greater sum than the amount hereinbefore specified, including those already issued.

Bonds heretofore issued validated.

SEC. 2. That the said board of commissioners shall make all necessary rules and regulations for renting out the said market-house, or the stalls and rooms therein, as they may deem most expedient, and the rents received therefrom shall be kept by the said commissioners as a separate fund for the payment of the principal and interest on said bonds until the whole be paid.

Rules, &c., for market-house.

Rents, how applied.

SEC. 3. That the said commissioners shall have full power and authority to prohibit the retailing of fresh meat, fish, oysters, vegetables and such other products as to the said commissioners may seem discreet and proper elsewhere in the said town, and to compel the same to be sold in the said market-house.

Commissioners may prohibit sales of meat, &c., elsewhere.

SEC. 4. That in order to pay the general outstanding indebtedness of the town other than the said market-house debt the said commissioners shall have full power and authority to issue bonds not exceeding the sum of six thousand dollars, bearing no greater rate of interest than six per centum, payable annually, the principal payable in such amounts and at such times as the said commissioners may order, which said bonds shall be paid out of the general revenues of the said town and out of such of the market-house revenues as may not be needed for the purpose to which they are to be applied under the foregoing provisions of this act.

Commissioners empowered to issue bonds to pay outstanding indebtedness, not exceeding \$6,000.

SEC. 5. All the foregoing bonds shall be signed by the mayor of the said town and the town clerk, and stamped with the seal of the said town, and a record of each bond shall be kept by the said clerk. None of the said bonds shall be sold for less than par.

Bonds, how executed.

SEC. 6. All acts or parts of acts in conflict herewith are hereby repealed.

Conflicting laws repealed.

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

Ratified the 3d day of March, A. D. 1893.

#### CHAPTER 213.

An act to amend chapter twenty-six, private laws of eighteen hundred and ninety-one, entitled "An act to amend and consolidate the acts incorporating the town of Wadesborough."

*The General Assembly of North Carolina do enact:*

SECTION 1. That section twenty-five of chapter twenty-six of the private laws of eighteen hundred and ninety-one be amended by add-

Chapter 26, private laws 1891, amended.

Compensation of  
commissioners.

ing to the end of said section the following: "and the commissioners, the pay of the commissioners not to exceed two dollars per day for twelve monthly meetings."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1893.

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CHAPTER 214.

**An act to repeal chapter ninety-four of the private laws of eighteen hundred and eighty-one, the same being an act to incorporate the town of Jamestown in Guilford county.**

*The General Assembly of North Carolina do enact:*

Chapter 94, private laws 1881 (incorporating town of Jamestown) repealed.

SECTION 1. That chapter ninety-four (94) of the private laws ratified on the twelfth (12) day of March, eighteen hundred and eighty-one (1881), be and the same is hereby repealed.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1893.

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CHAPTER 215.

**An act to extend the charter and the corporate existence of the Washburne Male and Female Seminary of Beaufort, North Carolina.**

Preamble.

WHEREAS, In accordance with the law (as prescribed in sections fourteen and fifteen of chapter twenty-six of the Revised Code of North Carolina), articles of agreement were entered into and filed in the office of the clerk of the superior court of Carteret county on the twenty-fourth day of March, eighteen hundred and sixty-seven, by Pierre Henry and others, for the establishment of a seminary to be called "Washburne Male and Female Seminary of Beaufort, North Carolina," and for the purpose of incorporating said seminary and procuring letters patent as provided by said chapter twenty-six of said Revised Code; and whereas, pursuant to said articles of agreement, and in accordance with the said Revised Code, letters patent were duly issued by the governor of North Carolina on the nineteenth day of April, one thousand eight hundred and sixty-seven, creating

and constituting the said Pierre Henry and others named in said articles of agreement and letters patent, and their successors, a body politic and corporate under the name and style of "The Washburne Male and Female Seminary, of Beaufort, North Carolina," for the purposes and with the powers mentioned in said articles of agreement and letters patent, which are duly recorded in the office of the clerk of the superior court of Carteret county and the secretary of state of North Carolina, respectively, the said seminary being established for educational purposes and to continue in operation thirty years; and whereas, the said charter in a short period will expire; therefore,

*The General Assembly of North Carolina do enact :*

SECTION 1. That the charter of the said Washburne Male and Female Seminary of Beaufort, North Carolina, and the corporate existence of said seminary duly and legally organized and incorporated as aforesaid, be and the same are hereby extended with the powers and for the purposes enumerated in the letters patent and articles of agreement aforesaid and no other, and subject to the same rules and regulations as therein prescribed, for the period of thirty years from and after the ratification of this act.

Charter obtained before clerk validated and extended.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1893.

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CHAPTER 216.

**An act to incorporate Virginia Dare Lodge, number three, Independent Order of Odd Fellows, in Dare county.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That R. W. Smith, N. G.; W. J. Griffin, V. G.; C. J. Dough, secretary; S. E. Mamre, treasurer; Daniel Meekins, R. S. to N. G.; Spencer Etheridge, L. S. to N. G.; M. C. Pough, War.; J. W. Evans, Con.; L. M. Midgett, R. S. to V. G.; R. C. Evans, L. S. to V. G.; L. S. Hooper, R. S. S.; S. A. Griffin, T. G.; J. B. Etheridge, L. S. S.; B. H. Creef, I. G.; Thomas Quidley, O. G., the present officers of Virginia Dare Lodge, number three, Independent Order of Odd Fellows, and their successors in office, be and they are hereby declared to be a community corporation and a body politic, and by the name and style and title aforesaid, and by that name they and their successors shall and may at all times hereafter be capable in law to have, receive and retain to them and their successors property, real and

Incorporators.

Corporate name.

Corporate powers.

personal, also devises or bequests of any person or persons, bodies corporate or politic capable of making the same; and the same at their pleasure to transfer or dispose of in such manner as they think proper.

Corporate powers.

SEC. 2. That the said corporation and their successors, by the name and style and title aforesaid, shall be forever thereafter capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all or any courts of justice, and before all or any judge, officer or person whatsoever in all and singular actions, matters or demands whatsoever.

Corporate seal.

SEC. 3. That it shall 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 anew from time to time as they may think best; and shall in general have and exercise all such rights, privileges and immunities as by law are incident or necessary to corporations, and what may be necessary to the corporation herein constituted.

Not authorized to issue currency

SEC. 4. That nothing in this act shall be so construed as to authorize the said corporation to issue any note, token, scrip, device or other evidence of debt to be issued as currency.

SEC. 5. That this act shall take effect from the date of its ratification.

Ratified the 3d day of March, A. D. 1893.

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#### CHAPTER 217.

#### An act to establish a benevolent association in the town of Tarboro, North Carolina.

Preamble.

WHEREAS, Certain citizens of North Carolina have associated themselves together with the intention of forming a corporation to promote charity, benevolence, morality and industry; therefore,

*The General Assembly of North Carolina do enact :*

Incorporators.

SECTION 1. That E. C. Mitchell, president; Brake Evans, vice-president; John P. Camper, secretary and Mack Lloyd, treasurer, and their successors, be and are hereby created a body politic to be known by the name, style and title of "The True Friends," and by such name and title shall have perpetual succession and the right to establish and charter other lodges, be capable of suing and being sued and of purchasing, leasing, holding, granting and receiving in its corporate name property, real, personal and mixed, and of making such rules and regulations as the corporation may enact, not in conflict with the laws of this state and of those of the United States.

Corporate name.

Corporate purposes.

SEC. 2. The objects of this corporation shall be to unite fraternally all colored men of sound bodily health and good moral character who are socially acceptable; to give all moral and material aid in its power to its members and those dependent upon them; to assist the widows and orphans of their deceased brethren; to educate its members socially, morally and intellectually; to establish a fund for sick and distressed members; to have a widows and orphans benefit fund from which such sums as the constitution and by-laws of the corporation permit may be drawn for their aid.

Corporate purposes.

SEC. 3. That this lodge of "True Friends," and such other lodges as this lodge may establish and charter, shall each have a seal for the making and delivery of all legal acts and proceedings, which they may alter from time to time as they may desire.

Corporate seal.

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

Meetings.

SEC. 5. That the private property of the members of the corporation shall be exempt from the corporate debts of this and others it may establish.

Non-liability of members for corporate debts.

SEC. 6. That said lodge and such other lodges as it may establish and charter shall provide for the election of such officers as is deemed best for the transaction of the business of the corporation and to further its objects, and these officers shall hold office till their successors are elected and qualified.

Officers.

SEC. 7. The said corporation shall have power to collect, hold and disburse the funds named in its objects for promoting charity and relieving the sick and distressed under such regulations as it may deem necessary to adopt, and said funds shall be exempt from execution and be liable under no circumstances for the debts of any of its living or deceased members.

Collection and disbursement of funds.

Exemption from execution.

SEC. 8. That this act shall be in full force and effect from the date of its ratification.

Ratified the 3d day of March, A. D. 1893.

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## CHAPTER 218.

### An act to incorporate Lindley Training School.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Sarah L. Mitchell, Anna E. Lord, Margaret E. Hilliard, Phebe A. Campbell, Annie L. Perry, E. V. J. Cobb and Susie R. Carter, their associates and successors, be and they are hereby

Incorporators.

created a body corporate and politic, with perpetual succession, under the name and style of "Lindley Training School," and they shall be

Corporate name.

Corporate powers.

capable in their corporate name to receive, purchase and hold such property, real and personal, as they may deem necessary; to sue and be sued, to have a common seal, to contract and be contracted with; to elect such officers as they may think proper; to choose from their number or otherwise a board of directors or managers, to consist of such number as may be deemed advisable; to make by-laws and regulations, consistent with the laws of the state, for the government and for the due and orderly conducting of their affairs and the carrying out the intent and object of the corporation.

Place of business.  
Corporate objects.

SEC. 2. That the principal place of business of said corporation shall be in Buncombe county, North Carolina, and its object shall be to receive, maintain and care for such women as under the regulations of said corporation may be deemed practicable and expedient, and to impart to them such mental, moral and industrial education and training as may fit them for usefulness in life.

SEC. 3. That this act shall be in force from and after its ratification.  
Ratified the 3d day of March, A. D. 1893.

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#### CHAPTER 219.

**An act to amend chapter three hundred and thirteen, private laws of one thousand eight hundred and ninety-one, in relation to the Southern Woman's Christian Temperance Union Assembly.**

*The General Assembly of North Carolina do enact :*

Chapter 313, private laws 1891, amended.

Name changed.

SECTION 1. That chapter three hundred and thirteen, private laws of one thousand eight hundred and ninety-one, be amended by striking out the words "the Southern Woman's Christian Temperance Union Assembly" whenever the same occur in said chapter and inserting in lieu thereof the words "The Woman's Christian Temperance Union Southern Assembly and School of Method, Waynesville, North Carolina."

Nannie A. Munnell an incorporator.

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

Corporate objects.

SEC. 3. That section four of said chapter be amended by striking out the word "scientific" in line three of said section and inserting in lieu thereof the word "educational."

SEC. 4. That this act shall be in force from and after its ratification.  
Ratified the 3d day of March, A. D. 1893.



## CHAPTER 220.

An act to incorporate the town of Aberdeen, in Moore county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the town of Aberdeen in Moore county be and is hereby incorporated under the name and style of "The Town of Aberdeen," and that it shall have the benefit of and be subject to all the provisions of the law now existing in reference to incorporated towns not inconsistent with this act.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at a point on the Raleigh and Augusta Air-Line Railroad, one-half mile southwest of the railroad depot in Aberdeen, and runs thence south sixty degrees east forty chains, thence north thirty degrees east eighty chains, thence north sixty degrees west eighty chains, thence south thirty degrees west eighty chains, thence south sixty degrees east forty chains to the first-named point on the railroad.

SEC. 3. That the officers of said town shall consist of a mayor and five commissioners and a town constable, and that the said mayor and commissioners shall be elected annually on the first Monday in May by the qualified voters of said town, and that the following-named persons shall be mayor and commissioners of said town until the first Monday in May next: Mayor, Robert N. Page; commissioners—John Blue, Henry A. Page, I. A. Ordway, N. A. McKeither and S. D. McLeod; constable, D. J. McPherson.

SEC. 4. That the said commissioners shall have power to pass all by-laws, rules and regulations for the good government of the town, not inconsistent with the laws of this state or of the United States; and to levy and collect a tax on all subjects of state taxation not to exceed one-half of the said state tax, and to impose fines for the violation of town ordinances and to collect the same.

SEC. 5. That all fines collected for the violation of any town ordinance shall go into the town treasury for the benefit of the town.

SEC. 6. That the mayor shall have power to sentence any person guilty of any misdemeanor or violation of any rule, regulation or town ordinance, and, on conviction, to impose a fine and penalty not to exceed fifty dollars; and any person refusing to pay such fine or penalty shall be sentenced to work on the streets in the town at a rate per diem to be fixed by the council until such unpaid fine shall have been paid.

SEC. 7. That no ordinance shall be valid or of force until it shall have been publicly posted in three or more public places in said town for ten days.

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

Ratified the 4th day of March, A. D. 1893.

Incorporated.  
Corporate name.

Corporate limits.

Officers.

Election.

Temporary officers.

By-laws.

Taxation.

Fines.

Fines payable into town treasury.

Criminal jurisdiction of mayor.

Work on streets by offenders, &c.

When ordinances to take effect.

## CHAPTER 221.

## An act to incorporate Vestibule Church (colored) in Cleveland county.

*The General Assembly of North Carolina do enact:*

- Incorporators.** SECTION 1. That Peter Forney, Caleb Roberts, Washington McLain, Tollover Webber and Gus Webber, and their successors in office, shall be and are hereby declared a body politic and corporate in deed and in law by the name and style of "The Trustees of Vestibule Church (colored)" in the county of Cleveland; and said corporation shall have power to purchase and hold real estate and to acquire the same by gift or otherwise; shall have perpetual succession, and sue and be sued, plead and be impleaded in any court of this state having competent jurisdiction; and may have and use a common seal, and have power to elect such officers as they may deem necessary.
- Corporate name.**
- Corporate powers.**
- Term of office of trustees.** SEC. 2. The term of office of the above trustees and of their successors shall be while they hold themselves as members in good standing in Vestibule Church (colored), and will act as a live, energetic officer; but should a vacancy be caused by neglect of either of the above requisites, or by death, or by any other cause, then such vacancy or vacancies shall be filled by the remaining trustees selecting a suitable person or persons for the same: *Provided*, their number shall never be less than three nor greater than seven.
- Vacancies.**
- Proviso.**
- Unlawful to sell, &c., spirituous liquors within one mile.** SEC. 3. That it shall not be lawful for any person to sell, give away, or in any way dispose of, unless for medicinal purposes, spirituous liquors at or within one mile of Vestibule Church (colored), and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for each offence be fined not more than fifty dollars or imprisoned not more than thirty days, or both, at the discretion of the court.
- Misdemeanor.**
- Certain offences a misdemeanor.** SEC. 4. That it shall be a misdemeanor for any one to exhibit himself staggering drunk, or use loud and boisterous language, or use profane and indecent language, or to quarrel in an angry manner in hearing of those who may be assembled within the limits of this corporation, at any time, for social, religious, political or educational advancement, and for every such offence, on conviction, the offender shall be fined ten dollars.
- Penalty.**
- Certain offences a misdemeanor.** SEC. 5. That it shall be a misdemeanor for any one while a congregation is assembled at the church for any social, religious, political or educational purposes, or while any such congregation is breaking and leaving, to fire any gun or pistol, to throw anything by which any one might be hurt, to cut loose any animal, or commit any damage to any article of personal property; and for every such offence, on conviction, the offender shall be fined ten dollars.
- Penalty.**

SEC. 6. That the Trustees of Vestibule Church (colored), and their successors in office shall regulate, control or prohibit the sale of all articles of merchandise or produce within the limits which they may deem judicious; and any person violating this section, upon conviction, shall be fined two dollars for each and every offence: *Provided however*, that the trustees shall not lay off a limit greater than one-half mile from the church. Regulation of sales by trustees.  
Penalty.  
Proviso.

SEC. 7. That the special police shall have power to keep the peace and carry out all the provisions of this act during the assemblage of the people, which shall be considered as from the arriving of the first to the leaving of the last person. Powers of special police.

SEC. 8. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

## CHAPTER 222.

An act to incorporate the town of Grimesland in Pitt county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the town of Grimesland in the county of Pitt be and the same is hereby incorporated by the name and style of "The Town of Grimesland," and shall be subject to all the provisions of chapter sixty-two, volume two of The Code. Incorporated.  
Corporate name.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at a red-oak on the Greenville road near W. H. Manning's house; thence nine hundred and twenty-five yards to a pine near residence of Harry Evins; thence four hundred yards to a large walnut tree south of and near residence of J. and H. O. Campbell; thence seven hundred yards to a pine near the residence of David Forbes on road leading from Grimesland to Washington; thence eight hundred yards to a small red-oak on east side of road leading to Boyd's ferry; thence twelve hundred yards to the beginning. Corporate limits.

SEC. 3. That the officers of said town shall consist of a mayor, three commissioners, a treasurer and one constable, and the following-named persons shall fill said offices until the first Monday in May, eighteen hundred and ninety-three, or until their successors are elected and qualified, namely: C. M. Jones, mayor; W. E. Proctor, W. H. Marslender and Thaddeus Moore, commissioners; J. O. Proctor, treasurer, and C. E. Boyd, constable. Officers.  
Temporary officers.

SEC. 4. That there shall be an election for officers mentioned in this act on the first Monday in May, eighteen hundred and ninety-three, Election.

and annually thereafter, as is required by the general laws regulating elections in cities and towns in North Carolina.

Duty of officers] to qualify.

SEC. 5. That it shall be the duty of the persons appointed to office by this act to meet and take the oath prescribed by law for such offices before some justice of the peace of said county, or other person qualified to administer an oath, within thirty days from the passage of this act, and enter upon the discharge of their respective duties; and the treasurer and constable before entering into their offices shall be required to execute a bond in the sum of two hundred dollars each, to be approved by the board of commissioners; and that after said first Monday in May, eighteen hundred and ninety-three, the said treasurer and constable shall give bond in any amount fixed by the board of commissioners, not exceeding one thousand dollars each.

Bonds.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

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#### CHAPTER 223.

#### An act to incorporate the Young Men's Christian Association of Raleigh, North Carolina.

*The General Assembly of North Carolina do enact:*

Incorporators.

SECTION 1. That C. M. Busbee, Joseph G. Brown, Richard H. Lewis, N. B. Broughton, E. McK. Goodwin, T. H. Briggs, George S. Terrell, C. P. Wharton, H. B. Battle, John T. Pullen, W. J. Young, C. G. Latta, W. S. Primrose, Julius Lewis and T. C. Williams, and such other persons, whether adults or minors, as are now or may hereafter be associated with them, are hereby created a body corporate under the name and style of "The Young Men's Christian Association of Raleigh, North Carolina," and by that name shall have perpetual succession and a common seal, may sue and be sued, contract and be contracted with, adopt a constitution and by-laws, elect such officers as may be deemed necessary, take and acquire by purchase, gift or otherwise, and hold and convey real and personal estate as may be appropriate to carry out the purposes of such corporation, and in general have all the rights and powers incident to corporations of like character.

Corporate name.

Corporate powers.

Corporate objects.

SEC. 2. That the objects and purposes of said corporation shall be the promotion of religion, morality, education and charity among the residents of said city of Raleigh.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

## CHAPTER 224.

An act to amend the charter of Rutherford College in Burke county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the charter incorporating Rutherford College in Burke county be so amended as to constitute Major James W. Wilson, of Burke; Major William M. Robbins, of Iredell; Rev. J. L. Murphy, of Catawba; Rev. Dr. J. A. Speight, of Buncombe; Dr. R. L. Abernathy, of Burke; and Rev. J. A. Weston, of Catawba, and their successors in office, a body corporate under the name and title of "The Literary Trustees of the Rutherford College in Burke county, North Carolina," whose duty it shall be, or any four of them, to meet at the close of each and every scholastic year in the college, at the call of the president of the college, and pass upon the claims of each and every applicant for graduation and the degree to which such applicant or applicants are entitled by scholarship. This body shall also consider the claim or claims of all persons whatsoever for "honorary degrees"; and no person whatsoever shall receive any honorary degree from this college without the unanimous vote of this body.

Charter amended.  
Trustees.

Corporate name  
Duty of trustees.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

## CHAPTER 225.

An act to amend chapter three hundred and nineteen, section eleven, acts of one thousand eight hundred and ninety-one, relative to the Norwood and Rockingham Railroad charter.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section eleven of chapter three hundred and nineteen, acts of one thousand eight hundred and ninety-one, be amended by striking out the word "three" in line two thereof and insert instead the word "five."

Chapter 319, laws 1891 (incorporating the Norwood and Rockingham R. R. Co.) amended.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

Work to be commenced within five years from March 5th, 1891.

## CHAPTER 226.

**An act to incorporate the Watauga Boom and Lumber Company.**

*The General Assembly of North Carolina do enact :*

Incorporators.

SECTION 1. That Henry Lineback, D. W. Hagaman, D. B. Dougherty, O. F. Carrier, M. Maison, T. H. Carrier, J. B. Means, M. W. Deekey and J. M. Bartille, and their associates and successors, are hereby constituted a body politic and corporate under the name and style of the "Watauga Boom and Lumber Company," and as such may sue and be sued, plead and be impleaded in any of the courts of the state, and shall be subject to all laws of North Carolina not inconsistent with this act; that said company shall elect such officers and prescribe such by-laws as may be necessary for the government and operation of said company and management of its affairs.

Corporate name.

Corporate powers.

Capital stock.

SEC. 2. That the capital stock of said company shall be seventy-five thousand dollars and shall be divided into shares of one hundred dollars each.

Stock-vote.

SEC. 3. That in all meetings of stockholders for the purpose of electing officers or for the transaction of any other business connected with said company, each stockholder shall be entitled to one vote for each share of stock owned by him, and shareholders may vote by proxy duly authorized in writing.

Corporate powers.

SEC. 4. That the said company shall have full power to erect and operate tramways for the transporting of logs or lumber, and shall have power to condemn land under the provisions of law in reference to railroads. They shall also have power to erect splash dams in the Watauga river anywhere below the mouth of the Laurel creek in said county [of] Watauga, and may build and erect booms for the collection of logs in said river at the Tennessee line; and after they shall have spent the sum of three thousand dollars in building splash dams and removing obstructions in said river, they shall have the exclusive right to take such toll or boomage as may be fixed by the officers of said company, not exceeding two dollars per thousand feet. They shall also have power to consolidate with any other company organized under the laws of this state or any other state for the purpose of carrying out the business contemplated by this act: *Provided*, nothing in this act shall be construed to authorize the said company to condemn abutting lands for the purposes of constructing said dams and booms.

Proviso.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

## CHAPTER 227.

## An act allowing the city of Statesville to establish a sinking fund, and for other purposes.

WHEREAS, There is a provision of law authorizing a sinking fund Preamble.  
to enable the city of Statesville to pay its bonded indebtedness when due; and whereas, eighteen hundred dollars of the bonds of said city were due January the first, eighteen hundred and ninety-three,

*The General Assembly of North Carolina do enact :*

SECTION 1. The board of aldermen of the city of Statesville are Aldermen au-  
authorized and empowered to issue new coupon bonds to the amount thorized to issue  
of eighteen hundred dollars, bearing six per centum interest per new bonds to  
annum, and due and payable as shall be determined by said board take up bonds  
of aldermen. That the holders of the bonds of the city of Statesville now due.  
now due shall have the option of taking said new bonds in exchange Holders of past-  
of the past due bonds held by them; and if they or any one of them due bonds may  
shall decline to so exchange, the board of aldermen of Statesville exchange.  
shall sell said new bonds or such number of them, as shall be neces- Sale of bonds,  
sary, for not less than par, and out of the proceeds of such sale shall Proceeds, how  
pay off the said past-due bonds. applied.

SEC. 2. It shall be the duty of the board of aldermen of the city of Special tax to  
Statesville to annually levy and collect on property and polls in said create sinking  
city a special tax, not exceeding ten cents on each one hundred dol- fund.  
lars valuation of property, for the purpose of creating a sinking fund  
for the payment of the bonded indebtedness of said city.

SEC. 3. The mayor, the city clerk and treasurer and the chairman Trustees of sink-  
of the finance committee of the board of aldermen of the city of ing fund.  
Statesville shall be the trustees of the sinking fund, with powers and  
duties as prescribed in this act.

SEC. 4. The city tax collector, at such times as the board of alder- Special tax, when  
men shall direct and prescribe by an ordinance, shall pay over to the collected, payable  
city treasurer for the said trustees of the sinking fund the taxes levied to city treasurer.  
by the board of aldermen and collected by him as provided herein.

SEC. 5. The city treasurer shall be the custodian of all moneys raised Treasurer to be  
by taxation or otherwise for said sinking fund, and his official bond custodian of  
as such treasurer shall be liable for the safe keeping of the same. sinking fund.  
Liability of bond.

SEC. 6. It shall be lawful for and the duty of the trustees of the Payment of  
sinking fund to call in any of the bonds of the city which may be bonds.  
due or which the owners may be willing to sell to said trustees at par  
and pay the same out of the sinking fund they may have in hand.

SEC. 7. When the special taxes herein provided for for any one Investment of  
year are collected and paid to the city treasurer for the trustees of the sinking fund.  
sinking fund, if at said time none of the bonds of the city are due,

and none of the holders thereof are willing to sell the same to said trustees at par, then and in that event it shall be lawful for and the duty of the said trustees of the sinking fund to invest the sinking fund then in their hands in other municipal, county or state bonds, bearing not less than six per centum interest, and shall hold said securities in trust for the city of Statesville. The trustees of the sinking fund shall at all times have the power to exchange any bonds so purchased by them for a like amount of the bonds of the city of Statesville, or to sell any or all of the bonds so purchased by them for the purpose of paying any of the bonded indebtedness of the city of Statesville which may be due or the holders may be willing to sell or exchange.

Annual, &c.,  
report of trustees  
of sinking fund.

SEC. 8. The trustees of the sinking fund shall annually, or oftener if required, make report of all their proceedings to the board of aldermen of the city of Statesville, and the same shall be published in some newspaper published in said city.

Treasurer to keep  
account of re-  
ceipts and dis-  
bursements, &c.

SEC. 9. It shall be the duty of the city treasurer to keep full and accurate accounts of the receipts, disbursements and investments made by the trustees of the sinking fund in behalf of said sinking fund, and shall perform such other duties as may be prescribed by said trustees or by the board of aldermen of said city. The books so kept shall be open to the inspection of the board of aldermen at any time.

Books open to  
inspection.

How long act to  
be in force.

SEC. 10. This act shall be in force from and after its ratification and until all the bonded indebtedness of the city of Statesville now outstanding is paid off and discharged.

Ratified the 4th day of March, A. D. 1893.

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#### CHAPTER 228.

**An act to incorporate the Mountain View Road Company, and to authorize the construction of a turnpike road between the iron bridge west of Morganton and the town of Linville or Miller's Gap.**

*The General Assembly of North Carolina do enact :*

Route of road.

SECTION 1. That for the purpose of constructing and operating a turnpike road from the iron bridge west of Morganton across the Catawba river and running by Somers' store and near Joseph Hunter's house and Linville Falls, George R. Watkins' place and near Miller's Gap to Linville; or beginning at iron bridge across the Catawba river running by Morris' cross-roads passing within one (1)



mile of Piedmont Springs, by Upper Creek Falls through the Pittman field to Linville or Miller's Gap, J. R. Ervin, I. T. Avery, A. E. Wilson, George R. Watkins, J. E. Ervin and such other persons and incorporators as may be associated with them, and their successors and assigns, be and they are hereby created a body politic and corporate by the name and style of "The Mountain View Road Company" for the term of ninety-nine (99) years, with all the powers and privileges granted to corporations as set forth in chapter sixteen of The Code; and, by that name may sue and be sued, plead and be impleaded, answer and be answered unto in any court in this state; may make by-laws, appoint all necessary officers and agents and prescribe their duties; and may purchase, accept, hold and convey any property, real and personal, necessary for the purpose hereinbefore and hereinafter mentioned; may make contracts, have and use a common seal and do all other acts incident to and connected with said corporation and necessary for the control and transaction of its business: *Provided*, that nothing shall be done in conflict with the laws of this state.

SEC. 2. That the said company be and is hereby authorized to construct, maintain and operate a turnpike road extending from the iron bridge west of Morganton across the Catawba river and running by Somers' store and near Joseph Hunter's house and Linville Falls, George B. Watkins' place and near Miller's Gap to Linville; or beginning at iron bridge across Catawba river, running by Morris' cross-roads, passing within one (1) mile of Piedmont Springs, by Upper Creek Falls through the Pittman field to Linville or Miller's Gap.

SEC. 3. That the principal office of the company shall be at Morganton, North Carolina, and which place it shall hold its annual meetings.

SEC. 4. That the capital stock of said company shall be fifty thousand dollars in shares of fifty dollars each, with the privilege of increasing the capital stock to such an amount as may be deemed necessary to carry out the intentions and purposes of this act, not to exceed sixty thousand dollars, and the shares shall be transferable in such manner as the company may direct: *Provided*, that when the sum of one thousand dollars shall have been subscribed to the capital stock of said company as hereinafter provided the said incorporators, or a majority of them, shall within a reasonable time thereafter appoint a time and place for meeting of said stockholders, of which two weeks notice shall be given in some newspaper published in either county through which the road passes, at which time and place said stockholders may proceed with the organization of said company by the election of a president, vice-president and three directors, who shall hold their office until the first annual meeting or until their successors are elected and qualified, which board shall be the first board of directors, and may in their by-laws prescribe the time and manner of holding their subsequent annual meetings and elec-

Incorporators.

Corporate name.  
Corporate powers.

Proviso.

Authorized to  
build turnpike  
road.  
Route.

Principal office.

Capital stock.

Organization

Officers and  
directors.

- tions, subject to the approval of the stockholders at their ensuing annual meeting: *Provided-further*, that a failure to hold the annual meeting and elect the officers provided for by this act shall not work a forfeiture of the chartered rights of said company.
- Charter not forfeited by failure to hold meetings.
- Gates. SEC. 5. That when said road is open for public travel between the points hereinbefore specified, the company shall have power to erect gates on any part of the new portion of said road, the said gates to be at least ten miles apart: *Provided*, there shall be not more than two gates between Morganton and Linville, and collect such tolls as they may fix for passage over said road not to exceed the following: For hogs, cattle, sheep or goats, five cents each; loose horses, mules and asses ten cents each; single horsemen, fifteen cents; vehicles pulled by one animal, twenty cents; by two animals, thirty cents, and for each additional animal ten cents: *Provided*, that the said company and their associates, successors and assigns shall keep said road in good condition.
- Proviso.  
Tolls.
- Proviso.
- Books of subscription. SEC. 6. That for the purpose of raising the capital stock of said company, and to acquire the means of completing said road as contemplated by this charter, it shall be lawful to open books of subscription at such times and places and under the direction of such persons as the said corporators may direct; and the said company shall have power, as soon as said road is completed, to sell, lease or mortgage its property, road and franchise on such terms and conditions and for such purposes and uses and for such time as the said company may deem desirable.
- Sale, &c., of road.
- Condemnation of land. SEC. 7. Whenever any lands may be required for a right-of-way, not to exceed forty feet in width, and an agreement cannot be made with the owner or owners of such land, the company or such owner may, in writing, apply to the clerk of the superior court of the county in which said land lies to cause the damages of such owners, if any, to be assessed by three disinterested referees, one to be chosen by the owner, one by the said corporation and one by the said clerk of the court; but should either party or both fail to appoint after five days notice of such application to the clerk, then the clerk shall appoint instead. The referees so appointed being duly notified by the clerk shall, being first duly sworn by some justice of the peace to act impartially, lay off a right-of-way forty feet in width, or such less width as the said company may elect, and assess the damages, if any, to the owners of the land, taking into consideration any benefits or advantages to accrue to such owner from the making of such road, and shall return their award in writing within ten days to said clerk; and such award of such referees, or any two of them, when returned, shall become a judgment of the superior court of said county, on which execution may issue, returnable in sixty days, if the amount is not paid by the said company in ten days after notice of such return; but if either party is dissatisfied and shall within ten days

after such award notify the clerk of an intention to appeal to the next term of the superior court of said county, such party shall have ten days after such notice to give an appeal bond or undertaking with two sufficient sureties in such sum as the clerk shall fix to cover damages and costs, and both parties may appeal from the same award, and the trial in the superior court shall be *de novo*, and the facts shall, if either party so request, be submitted to a jury. So soon, however, as an award is returned by such referee as aforesaid, whether there is an appeal or not, the company may enter in upon the lands referred to in such award and use them for making such turnpike road or erecting a toll-house, as the case may be.

SEC. 8. That any person who shall use any part of said road without paying the fare or toll due and payable for such use, and demanded by any officer or agent of said company, shall be deemed guilty of a misdemeanor, and on conviction before any justice of the peace in either of the counties of Mitchell or Burke shall pay a fine of not less than two dollars nor more than five dollars, and upon failure to pay such fine, together with the costs of the proceedings against him, shall be imprisoned by the justice of the peace before whom the case shall have been tried not less than five days nor more than twenty days. All such fines as may be collected by virtue of the provisions of this section shall be paid over to the school fund of the county in which collected.

SEC. 9. That any person who shall in any manner injure or obstruct the road of said company or any bridge, gate or other property connected therewith, besides being liable for damages in a civil action, shall be deemed guilty of a misdemeanor, and on conviction thereof before any court having jurisdiction shall be fined or imprisoned, or both, at the discretion of the court.

SEC. 10. That the stockholders shall not be individually liable for the debts of the corporation.

SEC. 11. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

## CHAPTER 229.

### An act to amend the charter of the Glendon and Gulf Mining and Manufacturing Company.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the act to incorporate the Glendon and Gulf Mining and Manufacturing Company, private laws of one thousand eight hundred and ninety-one, chapter one hundred and six, be amended by adding thereto an additional section as follows: "Sec-

Right of appeal.

Penalty for using road without paying toll.

Fines payable to county school fund.

Injury, &c., to road, &c., a misdemeanor.

Non-liability of stockholders for corporate debts.

Chapter 106, private laws 1891, amended.

Additional corporate powers.

tion 2. That the said company is hereby empowered to lease, sell or convey its railroad, right-of-way and franchise to construct and operate a railroad to the Durham and Charlotte Railroad Company, retaining and reserving all other property, rights and franchises which it holds and possesses under and by virtue of its charter."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

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CHAPTER 230.

An act to incorporate the Cape Fear and Raleigh Railroad Company.

*The General Assembly of North Carolina do enact :*

Incorporators.

SECTION 1. That E. B. Barbee, B. K. Partin, J. L. Johnson, B. S. Jerman, J. A. Mills, James A. Johnson, J. D. Ballentine, Joseph G. Brown and A. A. Thompson, their successors, associates and assigns, are hereby created and constituted a body corporate and politic under the name of "The Cape Fear and Raleigh Railroad Company," and under such name to sue and be sued, and plead and be impleaded in any and every court in the state of North Carolina; that the said company may have and use a corporate seal and shall be capable of acquiring by purchase, gift, devise, lease, or otherwise, estate, real, personal or mixed, and of leasing or selling the same as the interest of the company may require; and may make such by-laws for the government of the company as may be deemed proper.

Corporate name.

Corporate powers.

Capital stock.

SEC. 2. That the capital stock of the said company shall be ten thousand dollars, with the power to increase the same to any sum not exceeding one million of dollars, in shares of one hundred dollars each; that it shall be lawful for subscriptions to be made payable in money, land, material, labor, stocks, bonds or other securities as may be agreed upon between the company and the subscriber.

Subscriptions, how payable.

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 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 Raleigh, North Carolina; that at such meeting, and at

When authorized to begin work, &c.

Organization.

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.

President and directors.

Other officers.

Vacancies.

SEC. 4. That after the company shall be organized the president and board of directors from time to time [shall] open a book or books of subscription to the capital stock of the company at such times and places and under such rules and regulations as they may prescribe: *Provided*, that no subscription shall be received beyond the limit that may have been fixed by a majority of the stockholders according to the provisions of this act. That no stockholder shall be responsible for more than the amount of his unpaid subscription.

Books of subscription.

Proviso.

\*  
Liability of stockholders.

SEC. 5. That said company shall have the power to construct, maintain and operate a line of railway with one or more tracks from some point on the Raleigh and Augusta Air-Line Railroad in the city of Raleigh, or from some point between the city of Raleigh and the town of Cary, North Carolina, or from some point on the North Carolina Railroad between the city of Raleigh and the town of Clayton, Johnston county, to some point on the Cape Fear river between Fayetteville and Northington's ferry, as shall be determined by the president and directors, and with the power to build branch roads not to exceed twenty-five miles in length each. 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.

Authorized to build railroad.

Termini.

Branch roads.

Authorized to build part of road.

SEC. 6. That in order to carry into effect the purposes of this act the company may survey one or more routes for such road as may be deemed practicable, and shall have the power and authority to appropriate and occupy as much land as may be necessary for the construction of said railway and its branches of the width of one hundred feet, and as much additional land as may be necessary for the station-houses, depots, warehouses, and all other purposes necessary and convenient for the construction, maintenance and operation of said railway and its branches.

Survey of routes.

Appropriation of land, &c.

SEC. 7. That when any lands or rights-of-way may be required by said company for the purpose of constructing their road, and for want of agreement as to the value thereof, or for any other cause, the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five commissioners, or a majority of them, to be appointed by any court of record having common law jurisdiction in the county where some part of the land or right-of-way is situated. In making the said valuation the said commissioners

Condemnation of land.

- Right of appeal. shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land or right-of-way being surrendered: *Provided, nevertheless*, that if any person or persons over whose land the road may pass should be dissatisfied with the valuation of said commissioners, then and in that case the person or persons so dissatisfied shall have an appeal to the superior court in the county where the said valuation has been made, or in either county in which the land lies, where it may be in more than one county, under the same rules, regulations and restrictions as in appeals from judgments of justices of the peace. The proceedings of the said commissioners, accompanied with a full description of the said land or right-of-way, shall be returned under the hands and seals of a majority of the commissioners to the court from which the commission issued, there to remain a matter of record. And the lands or right-of-way so valued by the said commissioners shall vest in the said company so long as the same shall be used for the purposes of the said railroad, so soon as the valuation may be paid, or, when refused, may have been tendered: *Provided*, that on application for the appointment of commissioners under this section it shall be made to appear to the satisfaction of the court that at least ten days previous notice has been given by the applicant to the owner or owners of land so proposed to be condemned; or if the owner or owners be infants or *non compos mentis*, then to the guardian of such owner or owners, if such guardian can be found within the county, or if he cannot be so found, then such appointment shall not be made unless notice of the application shall have been published at least one month next preceding in some newspaper printed as convenient as may be to the court-house of the county, and shall have been posted at the door of the court-house on the first day at least of the term of said court to which the application is made: *Provided further*, that the valuation provided for in this section shall be on oath by the commissioners aforesaid, which oath any justice of the peace or clerk of the court of the county in which the land or a part of it lies is hereby authorized to administer: *Provided further*, that the right of condemnation herein granted shall not authorize the said company to invade the dwelling-house, yard or burial-ground of any individual without his consent: *Provided further*, that for the purpose of the condemnation of land for this railroad sections one thousand nine hundred and forty-four, one thousand nine hundred and forty-five, one thousand nine hundred and forty-six, and one thousand nine hundred and fifty-two, chapter forty-nine of The Code, are repealed.
- Proviso.
- Proviso.
- Proviso.
- Width of right-of-way, &c. SEC. 8. That the right of said company to condemn lands in the manner described in the seventh section of this act shall extend to the condemning of fifty feet on each side of the track of the main road and the branches thereof, measuring from the center of the same, unless in case of deep cuts and fillings, where 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 and 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.

Condemnation of land for depots.

SEC. 9. That in the absence of any contract or contracts with said company in relation to lands through which the said road or its branches may pass, signed by the owner thereof or by his agent, or any claimant or person in possession thereof which may be confirmed by the owner thereof, it shall be presumed that the land upon which the said road or any of its branches may be constructed, together with a space of fifty feet on each side of the center of the said road, has been granted to the said company by the owner or owners thereof, and the said company shall have good right and title thereto, and shall have, hold and enjoy the same as long as the same be used for the purposes of said road and no longer, unless the person or persons owning the said land at the time that part of the said road which may be on the said land was finished, or those claiming under him, her or them, shall apply for an assessment of the value of said lands as hereinbefore directed within two years next after that part of the said road which may be on said land was finished; and in case the said owner or owners, or those claiming under him, her or them, shall not apply within two years next after the said part was finished he, she or they shall be forever barred from recovering said land or having any assessment or compensation therefor: *Provided*, nothing herein contained shall affect the rights of *femes covert* or infants until two years after the removal of their respective disabilities.

Presumption of grant.

Within what time claim for damages to be made.

Proviso.

SEC. 10. That this company is authorized to borrow money for the purposes of the company to such extent and at such lawful rate of interest as a majority of the stockholders may determine, and to issue therefor its bonds in such manner and form as may be determined by the president and directors, and to secure them by a deed or deeds of trust or mortgage upon the whole or any portion of the road or branches, property and franchise of the company as they may direct or approve. And the said company is hereby authorized to sell its bonds when, where and at such rates and prices as the president and directors shall deem most advantageous to the company.

Authorized to borrow money on mortgage.

SEC. 11. That it shall and may be lawful for any county, township, city or town interested in the said railroad to subscribe to the capital stock of the said company such sum or sums in bonds as a majority of all of its qualified voters may authorize, said bonds to bear six per centum interest, to be payable forty years after date thereof, and to be of the denominations of one hundred and five hundred dollars, interest payable semi-annually, the bonds to be received by the company at par.

Subscription by counties, townships, cities and towns.

Description of bonds.

Election in counties, townships, cities and towns on question of subscription.

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 company, [county] township, city or town, of which election a notice of at least thirty days shall be given in some newspaper published or circulating in such county, township, city or town, for the purpose of ascertaining the wish of the qualified voters thereof as to whether they will subscribe the sum mentioned in the petition or not; that said election when held in and for a county or township shall take place and be conducted in the manner prescribed by the law for electing members of the general assembly; that those who favor said subscription shall vote on a written or printed ballot "For railroad," and those opposing said subscription shall vote on a written or printed ballot "Against subscription"; that the return of said elections in the counties and townships shall be made to the county commissioners, and in the case of cities and towns shall be made to the municipal authorities thereof; that the commissioners or municipal authorities, as the case may be, shall canvass the same and declare the result and make a record thereof; that if a majority of all the qualified voters in the county, township, city or town shall vote "For railroad," then the chairman of the board of commissioners in all cases of county or township subscriptions are authorized and required to subscribe to the capital stock of said company in behalf of said county or township the sum which has been fixed or named in said petition; and in case of city and town elections, if a majority of all the voters shall vote "For railroad," then the proper corporate authorities of such city or town are authorized and required to subscribe in behalf of such city or town in like manner as the county commissioners are herein required to subscribe in all cases of county and township subscription.

Election in counties and townships.

Ballots.

Returns.

Commissioners to make subscription on vote of majority of qualified voters.

Corporate authorities to make subscriptions for cities and towns.

Special tax.

SEC. 13. That in order to make provision for the payment of interest on said bonds and their redemption at maturity, the said board of commissioners and the said municipal authorities, as the case may be, shall, in addition to the other taxes for each year, compute and levy on all property and each poll in such county, township, city or town a sufficient sum to pay interest on the bonds as aforesaid, preserving the constitutional equation of taxation, which shall be styled on the tax lists "Cape Fear and Raleigh Railroad tax;" and they shall compute and levy a second additional tax sufficient to provide each year a sum equal to the sixtieth part of the principal of said bonds for a sinking fund, which amount shall annually be collected as other taxes and paid over to the treasurer of the county, city or town or other officer authorized by law to perform the duties of commis-

Collection.



sioners 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.

Investment

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.

Company to issue stock for bonds received.

Dividends, how applied.

SEC. 15. That all the townships along the line of the railroad, or which are interested in its construction, are hereby incorporated, and that the county commissioners of the counties in which said townships are respectively situated are declared to be the corporate agents of said townships.

Townships incorporated.

Corporate agents.

SEC. 16. That the work on said railroad shall be commenced within two years from the ratification of this act.

When work to be commenced.

SEC. 17. That nothing in this act shall be deemed or taken to exempt any of the property or franchises of this company from taxation.

No exemption from taxation.

SEC. 18. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

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## CHAPTER 231.

### An act to extend the corporate limits of Windsor, North Carolina.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the corporate limits of the town of Windsor, Bertie county, be and the same are hereby extended, marked and designated as follows: Beginning at the junction of Saint Elmo street and the Erleraine road on the south of Emanuel Taylor's; thence up said road one hundred and sixty yards to a ditch; thence turning and running with said ditch to Saint Elmo street near the residence of Thomas W. Morris, then turning and running down said Saint Elmo street to the beginning.

Corporate limits extended.

SEC. 2. That all laws and parts of laws contrary to this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

## CHAPTER 232.

## An act to incorporate the "Credit Foncier Company" of Lenoir, North Carolina.

*The General Assembly of North Carolina do enact:*

- Incorporators.** SECTION 1. That John M. Howell, John B. Atkinson, H. L. Howell, and their associates and successors, are hereby constituted a body politic and corporate for a term of ninety-nine years under the name and style of the "Credit Foncier," and as such may sue and be sued, plead and be impleaded, contract and be contracted with, and may do and perform any act or thing, through and by its general manager that may be done and performed by an individual citizen of North Carolina.
- Corporate name.**
- Corporate powers.**
- Officers.** SEC. 2. Its officers shall be a general manager, who shall be treasurer, and such other officers as it may appoint for the transaction of the business of the said "Credit Foncier." The treasurer shall give bond in such sum as the holders of the majority of the stock shall direct at their organization meeting and at their several annual meetings as are hereinafter provided for.
- Bond of treasurer.**
- General manager.** SEC. 3. The general manager shall be elected at the first meeting of stockholders, and shall hold his office for one year, or till his successor is chosen.
- Stock-vote.** SEC. 4. On the election of the general manager, and in all other proceedings of stockholders, each paid-up share of stock shall be entitled to one vote.
- Offices.** SEC. 5. The principal place of business of the said company shall be Lenoir, North Carolina, but it may have branch offices anywhere in the State of North Carolina.
- Principal business.** SEC. 6. Its principal business shall be the manufacture, buying and selling lumber, shingles, laths and any species of wood in the rough; the manufacture and sale of any and every article of merchandise, made of wood, stone, earth, animal or vegetable matter or metal, or a combination of any two or more such substances; the growing, buying and selling of every species of farm products, and the manufacture of the same into any merchantable shape. It may loan money on real estate mortgages, on chattel mortgages, and on personal security, subject to the laws of North Carolina regarding interest and foreclosures. It may establish a savings bank for the use of its employees and such other persons as may choose to deposit with it. It may buy and sell real estate, and all deeds made to it as "Credit Foncier" shall be good and valid, and all deeds signed for it in disposing of real estate shall be good and valid if signed with the corporate name and seal of "Credit Foncier" and acknowledged by the general manager. It may purchase land and construct a boom at or above
- Additional corporate powers.**

Catawba station, adjacent to the counties of Catawba and Iredell, and may charge toll on all logs caught in said boom, said toll not to exceed two dollars per thousand feet. It may float logs on the Catawba river and on all its tributaries that are by the laws of North Carolina open to the public for such purposes, and it may acquire by purchase, lease or gift the right to plant on any of said tributaries that are not so open, and when it shall have acquired such a right on any stream not open to the public it shall have the exclusive right to float over that stream. It shall have the right to construct tramways or railways from Lenoir through the Yadkin valley to Wilkesboro, North Carolina; from Lenoir to Linville and Cranberry, North Carolina; from Lenoir to Taylorsville, North Carolina, and from Lenoir to Morganton, North Carolina, under the laws of North Carolina now in force in such cases made and provided as regards rights-of-way and damages. It may remove the tracks of such of their tramways and railways as are not used for general freight traffic.

SEC. 7. To enable the said company to carry out the provisions of this act it may purchase and hold real estate to the amount of five hundred thousand dollars. The capital stock shall be one million dollars, divided into shares of one hundred dollars each, but the said company may begin business as soon as it shall have twenty thousand dollars capital stock subscribed. In the discretion of the general manager the stock may be paid into the treasury in weekly, monthly, quarterly or semi-annual payments.

May hold real estate, &c.

Capital stock.  
When to begin business.

Payment of subscriptions for stock.

SEC. 8. The general manager shall at each annual meeting of the stockholders render an account of the years business, and shall, if in the judgment of the holders of a majority of the stock the state of the finances will permit, declare and pay a dividend. It shall establish a school and employ a teacher whose salary shall be paid out of the general fund in the treasury of the said "Credit Foncier, and at this school all the children of the stockholders may attend free of charge under the same rules and regulations as those governing the public schools of North Carolina. It shall establish a gymnasium and reading-room at a convenient place for the free entertainment of the stockholders and their families, and shall pay the expenses of the same out of the general fund. It shall establish a free circulating library for the use of the stockholders, their families and the employees of the said "Credit Foncier," and shall devise rules for the preservation of the same. It shall employ a person learned in the law at a fixed yearly salary, to be paid out of the general fund, whose duty it shall be to give legal advice and counsel and service in the courts to the general manager for the said "Credit Foncier" and to any stockholder without charge. It shall employ a person learned in the medical science who shall have license to practice medicine in the state of North Carolina, at a fixed yearly salary to be paid out of the general fund, to give medical attention to

Annual report by general manager.

Company to establish free schools, &c.

Free gymnasium.

Free circulating library.

Free legal service.

Free medical attention.

- Free newspapers. all the families of stockholders free of charge. It shall subscribe for one newspaper, a copy to be sent to the family of each stockholder, said subscription to be paid out of the general fund. It shall establish a general store, at which the stockholders shall be allowed to buy goods at such reduced prices as the holders of the majority of the stock may determine, and at which every stockholder shall be allowed credit to the amount of his paid-up stock, under such rules and regulations as shall be allowed by the by-laws adopted at the organization meeting and the subsequent annual stockholders meetings, stock in that branch of this business at Lenoir shall be taken by individuals only, but stock in any other branches of the business may be taken by individuals, corporations, counties, towns or townships.
- General store.
- Consolidation. SEC. 9. The "Credit Foncier" may consolidate with the Wilson Lumber Company, the Lenoir and Blue Ridge Railroad Company, the Caldwell Land and Lumber Company, or any other corporation doing business in the state of North Carolina. It may loan its credit, mortgage its real and personal property, and issue bonds to raise money to carry on its business.
- Loan of credit, &c.
- Conflicting laws repealed. SEC. 10. 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. Ratified the 4th day of March, A. D. 1893.

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CHAPTER 233.

**An act to authorize the commissioners of Fayetteville to provide for the location of a depot building for the Wilmington and Weldon Railroad Company.**

Preamble. WHEREAS, The Wilmington and Weldon Railroad Company desires to build a passenger station and depot in Fayetteville, and have proposed a plan and selected a location for the same which will cover and encroach upon a portion of Hillsboro street near Hay street in said town,

*The General Assembly of North Carolina do enact :*

Commissioners authorized to permit W. & W. R. R. Co. to encroach on Hillsboro street in building depot, &c.

SECTION 1. That the commissioners of Fayetteville, or their successors in office, be and they are hereby authorized and empowered to contract and agree with the Wilmington and Weldon Railroad Company for the construction and erection of such building and to permit the same to be erected and located so as to cover and encroach

upon such part of said Hillsboro street as may hereafter be agreed on upon such terms and conditions as said commissioners or their successors in office may prescribe: *Provided*, that said railroad company shall by said terms be required to keep open in front of said building so much of said street as shall be necessary and sufficient for the safe and convenient passage of all persons and vehicles that are accustomed to pass that way. Proviso.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

#### CHAPTER 234.

An act to incorporate the town of Bostic in the county of Rutherford.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the town of Bostic in the county of Rutherford be and the same is hereby incorporated under the corporate name and style of the "Town of Bostic," and shall be governed by the general law of the state as to towns and cities, except as hereinafter provided. Incorporated.  
Corporate name.

SEC. 2. That the corporate limits of said town shall be the circumference of a circle whose radius shall be one-half mile, and whose centre shall be at the depot of Bostic in the county aforesaid. Corporate limits.

SEC. 3. That the officers of the said town shall consist of a mayor, three commissioners, a constable and a treasurer, and the following-named persons shall fill said offices till their successors are elected and qualified under the general laws of the state, to-wit: Mayor, G. T. Bostic; commissioners—A. L. Smart, A. P. Higgins and W. H. Martin; constable, Joseph W. Green; treasurer, such person as such of said commissioners as qualify shall elect. Officers.  
Temporary officers.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

#### CHAPTER 235.

An act to amend the private laws of eighteen hundred and seventy and eighteen hundred and seventy-one, the same being an act to incorporate the town of Gibsonville.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter twenty of the private laws of eighteen hundred and seventy and eighteen hundred and seventy-one be amended by striking out all of section one after the words "to-wit" Chapter 20, private laws 1870-71, amended.

Corporate limits. in line five and by inserting in lieu thereof the following, to-wit.  
 “That the territory embraced in the town of Gibsonville shall contain one square mile, subject to the proviso hereinafter named. The present railroad depot in said town shall be the center of the territory named above, and the boundary lines of said town shall run east and west and north and south: *Provided*, that the lands now owned by A. C. Boon on the northwest corner and the lands now owned by Dr. Thomas Cummings on the southeast corner shall not be included nor be a part of said territory.”

Proviso.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

#### CHAPTER 236.

**An act to amend chapter three hundred and fifty-three, private laws of one thousand eight hundred and ninety-one.**

*The General Assembly of North Carolina do enact :*

Chapter 353, private laws 1891 (amending charter of Charlotte) amended.  
 Provision authorizing aldermen to refuse to take property condemned for streets, &c., repealed.  
 Provision authorizing appeal in condemnation proceedings repealed.

SECTION 1. That subdivision six (6) of section two, of chapter three hundred and fifty-three of the private laws of one thousand eight hundred and ninety-one be and the same is hereby amended by striking out all of said subdivision after the word “alderman” in line twelve of said section.

SEC. 2. That subdivision eight (8) of section two of said chapter be amended by striking out all of said subdivision after the word “case” in line seven of said subdivision.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

#### CHAPTER 237.

**An act to amend the charter of the Wilkesboro Land Company, and to change its name.**

*The General Assembly of North Carolina do enact :*

Chapter 136, private laws 1891, amended.

SECTION 1. That chapter one hundred and thirty-six of the private laws of one thousand eight hundred and ninety-one, entitled an act to incorporate New Wilkesboro Land Company, and ratified the

twenty-eighth day of February, one thousand eight hundred and ninety-one, be amended by striking out the words "New Wilkesboro Land Company" whenever they may occur in said chapter and inserting in lieu thereof the words "The State Company;" by striking out in the sixth line of section one after the word "for" and before the word "years" the word "thirty" and insert in lieu thereof the words "ninety-nine;" by striking out in the eighth (8th) line of section eight, beginning with the word "provided" after the word "subscriber" and ending with the word "subscription" in the eleventh line of section eight, including the words "provided" and "subscription" and all intervening words in section eight; by striking out in the eighty-second line of section sixteen, beginning with the word "provided" after the word "conferred" and ending with the word "company" in the eighty-fourth line of section sixteen, including the words "provided" and "company" and all intervening words in said section and inserting in lieu thereof the following: "Said corporation shall have power and authority, under such rules and regulations as may be embodied in a contract between it and the board of commissioners of the town of North Wilkesboro or any other town in this state, to construct, establish and maintain in or near said town or towns a system of water-works for the purpose of supplying said town or towns, its or their inhabitants, and such other persons who may reside in the vicinity thereof, with water for any and all purposes, and to charge and collect such rates for the use and privilege as it may be agreed upon. That said corporation shall at all times have power and authority to build, construct, maintain and repair, lay and remove all necessary pipes, mains, conduits, stand-pipes, tanks, reservoirs, hydrants, fixtures and appurtenances in, upon, through, over and under any and all streets, alleys, roads, lanes, avenues, sidewalks and bridges in said town or towns or its or their vicinities; but said corporation shall at its own expense repair and restore all streets, alleys, bridges, roads, sidewalks and avenues and as nearly as practicable leave them in as good condition as they were before used for said purposes; and if for the purposes aforesaid, or either of them, it shall be deemed necessary for the said corporation to use the land of any person or corporation and an agreement cannot be made between the said corporation and the owner of the land or the person entitled to the beneficiary interest therein, the officers, agents and servants of said corporation may enter said lands for the purposes aforesaid, and said corporation may have the same condemned for its use in the manner provided for condemnation of lands in chapter forty-nine, volume one of The Code of North Carolina. Any person who shall wilfully throw or place anything that might impure rain or flowing water running to or in the direction of a pond, reservoir or other receptacle for water, or obstruct or impure any main, conduit, pipe, hydrant, fire-plug, spring, reservoir, aque-

Name changed.

Corporate existence.

Provision requiring certain conditions to be expressed on face of stock certificate repealed.

Provision limiting powers as to telegraph lines, &c., to land of company repealed.

Corporate powers as to water-works, &c.

Condemnation of land.

Misdemeanor to pollute water, &c.

duct, pump, machinery, building, or shall unlawfully and wilfully openly interfere with any fire-plug or hydrant belonging to said corporation or its patrons shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not more than thirty days.”

Organization.

SEC. 2. That the corporators or a majority of them named in chapter one hundred and thirty-six may organize under provisions of said act at any time within two years from the ratification of this act.

Conflicting laws repealed.

SEC. 3. That all laws or parts of laws in conflict with the powers and privileges conveyed in the charter of this corporation are hereby repealed.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

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#### CHAPTER 238.

##### An act to amend the charter of the town of Kenley.

*The General Assembly of North Carolina do enact :*

Commissioners authorized to increase tax levy.

SECTION 1. That the board of commissioners of the town of Kenley be and the same is hereby empowered to increase the levy for town taxation to thirty-three and one-third cents on every hundred dollars worth of property and one dollar upon each taxable poll.

SEC. 2. That this act shall be in force from and after May 10, 1893. Ratified the 4th day of March, A. D. 1893.

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#### CHAPTER 239.

##### An act to amend the charter of the town of Reidsville.

*The General Assembly of North Carolina do enact :*

Chapter 30, private laws 1891, amended. Authority given commissioners to issue certain bonds repealed.

SECTION 1. That section ten, chapter thirty, private laws of eighteen hundred and ninety-one, giving to the board of commissioners of the town of Reidsville the power to issue bonds to the amount of one hundred thousand dollars, to be known as rail construction and equipment bonds, is hereby repealed.



SEC. 2. That the board of commissioners of the town of Reidsville shall at the next regular election cause an election to be held as to whether or not the board of commissioners shall consist of five or seven members; if the majority of the votes cast shall be for five (5) members, then the five names receiving the highest number of votes shall be declared elected; if the majority of votes cast shall be for seven members, then the seven names receiving the highest number of votes cast shall be declared elected.

Election on question of number of commissioners.

SEC. 3. That sections ten and fifteen of chapter fifty-eight, acts of eighteen hundred and eighty-seven, be repealed and the following be substituted in lieu thereof: "That the mayor shall be the chief executive officer of the town and as such is invested with all powers of a justice of the peace, and as such shall have sole and exclusive jurisdiction to try, hear and determine all violations of law, both state and municipal, that may be committed within the corporate limits of said town; and all fines, forfeitures, penalties and costs for violation of the town ordinances shall be paid to the town treasurer for the use and benefit of said town, and that all fines, forfeitures, penalties and costs for violation of the state laws shall be paid to the county treasurer for the use and benefit of the county, and that the mayor shall further be a special court within the corporate limits of the town to execute the by-laws, rules and regulations made by the commissioners to 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 court or mayor trying the same, such offender may be imprisoned not more than thirty days in the common jail of the county. If the accused is dissatisfied with the judgment of the mayor or court he may appeal in like manner as is prescribed for appeals from judgments of a justice of the peace."

Chapter 58, private laws 1887, amended. Criminal jurisdiction of mayor.

Right of appeal.

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

Conflicting laws repealed.

SEC. 5. That this act shall be in force from and after its ratification, Ratified the 4th day of March, A. D. 1893.

CHAPTER 240.

An act to incorporate Sparta Lodge, number four hundred and twenty-three, of Ancient, Free and Accepted Masons.

*The General Assembly of North Carolina do enact:*

SECTION 1. That J. I. Thompson, J. M. Wagoner and others, officers and members of Sparta Lodge, number four hundred and twenty-three, Ancient, Free and Accepted Masons, located in the county of

Incorporators.

Alleghany in the state of North Carolina be and they are hereby incorporated into a body politic and corporate under the name and title of "Sparta Lodge, number four hundred and twenty-three, Ancient, Free and Accepted Masons."

**Corporate name.** of "Sparta Lodge, number four hundred and twenty-three, Ancient, Free and Accepted Masons."

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

**By-laws.** SEC. 3. That the said corporation shall have power to pass all necessary by-laws and regulations for its own government, not inconsistent with the constitution and laws of this state or the United States.

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

Ratified the 4th day of March, A. D. 1893.

#### CHAPTER 241.

### An act to incorporate the Houston Narcotic Cure Company of North Carolina.

*The General Assembly of North Carolina do enact:*

**Incorporators.** SECTION 1. That John D. Brevard, Joseph E. Treadway, J. H. Tucker and J. D. Murphy and W. V. Powell, their associates, successors and assigns, are hereby created and declared a body politic and corporate under the name and style of "The Houston Narcotic Cure Company of North Carolina," and under that name may sue and be sued, plead and be impleaded, prosecute and defend actions and special proceedings in all courts of the land; contract and be contracted with, and adopt and use a common seal which may be altered at pleasure, and shall have a corporate existence for ninety-nine years.

**Corporate name.**

**Corporate powers.**

**Corporate existence.**

**Capital stock.** SEC. 2. That the capital stock of the said company shall be twenty-five thousand dollars, divided into shares of one hundred dollars each, with liberty and authority to increase said stock from time to time by order of a majority of the directors to an amount not to exceed five hundred thousand dollars.

**Organization.** SEC. 3. That whenever the sum of five thousand dollars shall have been subscribed and that five per centum of that amount paid in it shall be the duty of said corporation to call a meeting of said stockholders, and at said meeting said stockholders shall elect a board of

five directors. The term of office of the directors shall be one year. Directors.  
 The stockholders shall meet annually on the first Monday of January of each year. The board of directors elected upon the organization of the company shall hold office until the first Monday of the next ensuing January, or until their successors are elected and qualified. Each share of stock represented in the person of the stockholder or by proxy shall be entitled to one vote at all the meetings of the stockholders. Stock-vote.

SEC. 4. The directors shall elect one of their number president, and then the president and board of directors shall elect such officers as are provided for by the by-laws of the company, who shall hold office for such length of time as the said by-laws may determine. Officers.

SEC. 5. That it shall be the duty of the president and directors to make a report semi-annually to the stockholders, on the first days of July and January, on the state of the company. Semi-annual reports of president and directors.

SEC. 6. That said company shall have power to increase the number of directors at any time, and in all meetings of stockholders the vote shall be by person or by proxy. Number of directors.

SEC. 7. That said corporation shall have the power to make by-laws for the government of the said company, and to require bonds from its officers for the faithful performance of their duties, payable to the said corporation, said by laws to prescribe the mode of the transfer of stock on the books of the company; to prescribe the mode and name of the officers who shall execute in the name of the said corporation all deeds and conveyances, mortgages, bonds, promissory notes and other contracts by the company. By-laws. Bonds.

SEC. 8. That said corporation shall have power to purchase, lease or otherwise acquire any real or personal property, and take title thereto in the name of the company; to sell, convey, improve, manage, develop, lease, mortgage, dispose of and otherwise deal with all or any parts of the property of the company; to loan money, to make, endorse, accept and execute promissory notes and other negotiable instruments; to raise money in such manner as the company may see fit; to issue mortgage bonds upon any or all of the company's property; to employ medical directors and establish institutes and hospitals for the treatment of the liquor habit, morphine habit and tobacco habit, and other diseases; to appoint agents and other employees and fix their compensation, and to do all things needful and necessary to carry into effect the foregoing powers. Execution of deeds, &c. Corporate powers.

SEC. 9. That the corporators and stockholders of said company, and their associates, successors and assigns, shall not be individually or personally liable or responsible for the debts, contracts, engagements or torts of the said corporation; and no stockholder shall be liable for more than he subscribes for. Non-liability of stockholders for corporate debts.

SEC. 10. That all laws or clauses of laws inconsistent with this act be and the same are hereby repealed.

SEC. 11. That this act shall be in force on and after its ratification.  
Ratified the 4th day of March, A. D. 1893.

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CHAPTER 242.

An act to incorporate the Bessemer City Cotton Mills Company.

*The General Assembly of North Carolina do enact :*

Incorporators.

SECTION 1. That J. A. Smith, J. A. Pinchbeck, B. L. Duke, R. C. G. Love and F. H. Cumnock, their associates, successors and assigns, be and are hereby created a body politic and corporate under the name and style of the Bessemer City Cotton Mills Company, with a capital stock of two hundred thousand dollars, divided into shares of one hundred dollars (\$100) each, with liberty and authority to a majority of the stockholders to increase said capital stock at any time or from time to time to any amount not exceeding in the aggregate two million dollars.

Corporate name.  
Capital stock.

Corporate powers.

SEC. 2. That as said corporation they shall have perpetual succession, a common seal, which they may break or alter at pleasure. They may in their corporate name sue and be sued, prosecute and defend actions and special proceedings in all courts of the land. They may erect cotton mills, buy machinery and operate same for the handling of cotton and the manufacture of cotton goods or woolen goods in all its branches. May buy land and erect buildings thereon and sell or lease or rent same, provided they shall not own at any one time more than three thousand acres of land. May operate their mills by steam, electricity or water-power; may build dams for the purpose of controlling any water-power they may own; may build railroads, tramroad and dirt-road to connect their mills or water-power sites with any railroad convenient to their properties; they may lay off any portion of their land into town lots, sell or lease same; they may, for the convenience of the community in which they reside, establish and operate a banking business subject to the general laws governing banking institutions: *Provided, however,* that the capital stock of said bank shall not exceed one hundred thousand dollars; they may lease, rent or sell any portion of their water-power, electric or steam-power connected with their business; they may buy or sell cotton in its raw, manufactured or partially manufactured state; they may borrow money, execute notes, bonds or other evi-

Proviso.

Proviso.

dences of debt, and may secure the same by mortgage or trust deed of their property, effects, franchises, or otherwise; may issue bonds and make same payable at any time or place in this country or Europe, bearing such rate of interest as may be agreed upon, not exceeding eight per centum; may issue preferred stock, and do any and every act necessary to be done for successfully carrying on either act shall be contrary to the laws of the state or United States. Proviso.

SEC. 3. That said corporation shall make such by-laws, rules and regulations as the stockholders may desire in any annual or special meeting assembled. The stockholders at their annual, adjourned or special meetings shall elect a board of directors of not less than five nor more than ten, who, when so elected, shall have charge of the affairs and business of the company of every description, shall enforce the rules and by-laws of the company adopted by the stockholders. A majority of the capital stock of said company shall be represented at any election of a board of directors, and a majority of the stock so represented shall be necessary to elect. The board of directors shall elect one of their number president, and shall elect or appoint all the agents or officers of the company, prescribe their duties, compensation and terms of office. The board of directors may call special meetings of the stockholders at any time they may think the interest of the company demands it, giving thirty days written notice stating the object of such meeting. By-laws.  
Directors.  
Quorum.  
Officers.  
Special meetings.

SEC. 4. That no notice or publication whatever of first meeting of said corporation shall be given or required: *Provided*, all the corporators named herein waive in writing such notice and fix a time and place for such meeting. No notice of first meeting necessary.  
Proviso.

SEC. 5. The principal office of the company shall be at Bessemer City, North Carolina. The company may have branch offices or branch warehouses at any other point in the state or in the United States or Europe which the board of directors from time to time may decide to be the most convenient and for the interest of the company. Officers.

SEC. 6. That the corporators and stockholders of said company, their associates, successors and assigns, shall not be individually or personally liable or responsible for the debts, contracts, obligations or engagement or torts of said corporation, and no stockholder shall be liable to pay for more stock than he subscribes for, and all stock shall be full paid and non-assessable. The stock may be subscribed for and payment made at such times and in such amounts as the board of directors may hereafter determine. Non-liability of stockholders for corporate debts.  
Subscriptions, how paid.

SEC. 7. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

## CHAPTER 243.

**An act to incorporate the town of Black Mountain in Buncombe county.**

*The General Assembly of North Carolina do enact:*

- Incorporated. SECTION 1. That the town of Black Mountain in the county of Buncombe be and the same is hereby incorporated by the name and style of "The Town of Black Mountain," and it shall be subject to all the provisions of the law now existing in reference to incorporated towns.
- Corporate name. SECTION 2. That the incorporate limits of the said town shall be as follows: One mile north and south, east and west from the center of the Western North Carolina Railroad depot in said town.
- Corporate limits. SECTION 3. That the officers of said town shall consist of a mayor, three commissioners and a town constable, and the following-named persons shall fill said offices until the first Monday in May one thousand eight hundred and ninety-three, viz.: Mayor, T. K. Brown; commissioners—P. Briggs, J. M. Stepp, S. F. Daugherty; and the mayor and commissioners shall have power to appoint a constable.
- Officers. SECTION 4. There shall be an election for officers mentioned in this act on the first Monday in May, eighteen hundred and ninety-three, and every year thereafter under the same restrictions that county and state elections are held. All male citizens over twenty-one years of age who have resided in the state twelve months and ninety days in said corporation previous to the day of election shall be entitled to vote in said election.
- Temporary officers. SECTION 5. The said commissioners shall have and exercise all corporate powers and duties as are conferred upon commissioners of incorporated towns under The Code, and in addition thereto they shall have power to pass by-laws, rules and regulations for the government of the town, not inconsistent with the laws of the state or the United States, and to impose fines and penalties for the violation of the town ordinances and collect the same, and that said chapter shall be applicable in every respect to said town, and they shall have power to levy a tax not exceeding sixty-six and two-thirds cents on every hundred dollars worth of property and two dollars on every poll.
- Election. SECTION 6. That all fines collected for the violation of any town ordinance shall go to the town treasury for the benefit of the town.
- Electors. SECTION 7. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.
- Corporate powers. SECTION 7. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.
- Taxation.
- Fines payable into town treasury.

## CHAPTER 244.

## An act to incorporate Chowan and Aulander Railroad Company.

*The General Assembly of North Carolina do enact :*

- SECTION 1. That William N. Camp, Paul D. Camp, Benjamin F. Camp, Robert J. Camp, James L. Camp, George Cowper, W. P. Taylor and C. W. Mitchell, and their associates and successors, be and they are a body politic and corporate by the name "Chowan and Aulander Railroad Company," for the purpose of acquiring and owning timber and lands in the state of North Carolina and conducting a general lumber business in all its departments and branches, especially owning and purchasing timber and lands, and of cutting, preparing for market and manufacturing pine, oak, gum, cypress, juniper and other kind of timber for home and foreign markets; and by that name and style the said company shall have perpetual succession and all other powers and privileges of a corporation aggregate at common law, not inconsistent with the general laws of the state, and shall also have the power of acquiring rights-of-way as provided in chapter forty-nine, the first volume of The Code.
- INCORPORATORS.
- CORPORATE NAME.
- CORPORATE PURPOSES.
- CORPORATE POWERS.
- SEC. 2. That said company may build and construct and operate the line of a railroad from some point at or on the Chowan river near the town of Harrellsville, North Carolina, to some point at or near Aulander, Bertie county, North Carolina, and may build and construct branch roads or tracks from any points on the main line, not exceeding ten miles in length, to be operated by steam or otherwise.
- AUTHORIZED TO BUILD, &c., RAILROAD.
- TERMINI.
- BRANCH ROADS.
- SEC. 3. The capital stock of the said company shall not be less than thirty thousand dollars, divided into shares of one hundred dollars each, and the capital stock may be increased to two hundred thousand dollars by the stockholders at a meeting called for that purpose, and the said company is hereby authorized to subscribe to and hold stock in any other incorporated company.
- CAPITAL STOCK.
- MAY SUBSCRIBE FOR STOCK IN OTHER COMPANIES.
- SEC. 4. That said company may acquire and hold real estate in this state, not to exceed at any time twenty-five thousand acres.
- MAY HOLD REAL ESTATE.
- LIMITATION.
- By-laws, &c.
- SEC. 5. That said company shall have authority to make from time to time such by-laws and regulations as it may deem necessary for the proper management of its affairs, fix the number of its directors and elect a president and such other officers as may be considered necessary by the stockholders. It shall hold its annual meetings in the town of Winton, Hertford county, or at such other place as may be agreed upon by a majority of its directors. The president shall be elected by the stockholders and shall be *ex officio* a member and chairman of the board of directors. The directors, not exceeding five, shall also be elected by the stockholders at their annual meetings. All vacancies shall be filled as provided in the by-laws. A treasurer
- ANNUAL MEETINGS.
- PRESIDENT.
- DIRECTORS.
- VACANCIES.

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|---------------------------|---|
| Treasurer and secretary.  | and secretary shall be elected by the directors, and one person may be president and treasurer or treasurer and secretary, but no person shall be both president and secretary. All officers shall be elected for the term of one year and until their successors shall be elected and qualified. The president shall be entitled to vote at all meetings, and each stockholder present in person or by proxy shall be entitled to one vote for each share of stock held. |
| Term of office.           |   |
| Voting.                   |   |
| May issue mortgage bonds. | SEC. 6. The said company shall have the right to issue bonds for the purpose of borrowing money, and to secure the payment thereof by deed in trust or other lien upon its real estate and personal property, not exceeding in amount the paid-up capital of the company.   |
| May acquire property.     | SEC. 7. The said company shall have the right to purchase and acquire property, both real and personal, from any person or persons or associations or corporations chartered under the laws of this state.  |
| Transportation powers.    | SEC. 8. That the said company shall have the right to carry passengers and transport freight over and along said road and branches at reasonable rates, and shall have the right to connect the said road or any branch or branches thereof with any railroad or other transportation company that may have heretofore or may hereafter be chartered by this state and to interchange traffic upon reciprocal terms.  |
|                           | SEC. 9. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.   |

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CHAPTER 245.

**An act to incorporate the Southern Trust and Guarantee Company.**

*The General Assembly of North Carolina do enact :*

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| Incorporators.                | SECTION 1. That Ashley Horne, J. S. Carr, Charles H. Belvin, B. S. Jerman, R. B. Raney and William H. S. Burgwyn, their present and future associates and successors, are hereby constituted and declared to be a body politic and corporate by the name and style of "The Southern Trust and Guarantee Company," and as such shall have succession for the term of ninety-nine years; and by that name may sue and be sued, appear, prosecute and defend in any court or place whatsoever, and may make contracts, buy, hold, possess and convey real estate and personal property, and have and use a common seal and may break and renew the same at will, and may make, establish and put in execution such by-laws, rules and regulations, not contrary to the laws of North Carolina or of the United States, as may be necessary for the regulation and management of its affairs, and do all such acts and things as may be necessary to carry into effect |
| Corporate name and existence. |  |
| Corporate powers.             |  |



the provisions of this act, and shall have all the powers, rights, and privileges granted to any bank or banking institution under the general law of the state of North Carolina.

SEC. 2. The corporate powers of the company shall be vested in a board of directors to be elected by the stockholders annually, who shall hold their office for one year and until their successors have been appointed. Said board of directors shall consist of as many stockholders as the by-laws provide, but not less than five. A majority of the board shall constitute a quorum to do business. The said board shall have each and every power necessary to carry out the business of this company and to enable it to exercise all the powers and franchises of the corporation. It may appoint an executive committee from their number, consisting of not less than three, having like power when the board is not in session, and shall have power to make all by-laws and prescribe such regulations for the transaction of its business as it shall deem necessary, not inconsistent with the laws of this state and of the United States, and may amend, alter, suspend or add to the same at pleasure subject to a like restriction.

SEC. 3. The capital stock of said corporation shall not be less than fifty thousand dollars nor more than two million of dollars, to be divided into shares of fifty dollars each; and when not less than the minimum amount of stock has been subscribed the stockholders may elect a president, vice-president, a secretary and treasurer, and such other officers as it may deem expedient, and not less than five directors, which officers shall serve for one year, and thereafter until their successors are elected. Election of officers of the company shall be by ballot, unless the same be dispensed with, and a plurality of votes shall elect. At meetings of stockholders each stockholder shall be entitled to one vote in person or by proxy fix [for] each share of the capital stock of the company held by him and transferred to him on the books of the company not less than thirty days immediately preceding such election.

SEC. 4. The capital stock of said company may be invested in bonds, notes or other evidences of debt secured by deed of trust or mortgage upon real or personal property, or otherwise, safely secured, or in securities or bonds of the United States or the bonds of the state of North Carolina or the bonds of any incorporated city or town or county in this state, or in real estate, as in the discretion of the board of directors shall seem best. If any subscriber shall fail to pay his stock or any part thereof as the same is required of him, the entire residue of his stock shall be deemed to be due, and may be recovered in the name of the corporation either by motion to the court of the county where the delinquent may reside upon giving him ten days notice of the motion or by ordinary civil action, or the entire stock of such delinquent may be sold by order of the board of directors for cash at

Directors.

Quorum.

Powers.

Capital stock.

Organization.

Stock-vote.

Investment of capital stock.

Remedy against subscriber failing to pay.

the office of said company, after advertisement of such sale for ten days in some newspaper published in said town; and if at such sale the price should not be sufficient to discharge the amount unpaid, with all costs of such sale, the subscriber shall be liable for the deficiency in a civil action.

Corporate powers as trustee, &c.

SEC. 5. The said company shall have power to receive money in trust and accumulate the same at legal rate of interest, and to allow interest not exceeding the legal rate; to accept and execute trusts of every description as fully as a natural person could which may be committed to said company by any person or persons whatsoever, or by any corporation, or by order or decree or authority of any court of record, upon such terms as may be agreed upon, provided or declared in regard thereto; to act as agent for the purpose of issuing, registering or countersigning certificates of stock, bonds, or other evidences of debt of any state, corporation, association, municipality or public authority on such terms as may be agreed upon; to lease and rent real estate and collect rents from the same; to accept from and execute trusts for married women in respect of their separate property or estate, and to act as agent for them in the management, sale and disposition of their properties.

Corporate powers as guardian, administrator, &c.

SEC. 6. That in all cases where an application may be made to any court having jurisdiction to appoint a curator, guardian of an infant, committee of an idiot or insane person, administrator of any person dying testate or intestate, trustee or receiver such court shall have power to appoint said company as such curator, guardian, committee, administrator, trustee or receiver upon the like application that any person might be so appointed; and it shall be lawful for any person by deed, will or any other writing to appoint said company a trustee, executor, guardian, assignee or receiver; and as such executor, guardian of an infant, committee of an idiot or insane person, administrator, trustee, executor, assignee or receiver said company may lawfully act, and as such shall be subject to all the obligations and liabilities of natural persons acting in like capacities, and subject to be removed like natural persons.

Deposits by fiduciaries.

SEC. 7. That it shall be lawful for any individual, executor, administrator, guardian, committee, receiver, assignee, trustee, public officer or other person having the custody of any bonds, stocks, securities, moneys or other valuables to deposit the same for safe keeping with said company: *Provided*, that the deposit shall not exonerate such individual from liability.

Proviso.

Court may make orders, require accounts, &c.

SEC. 8. That every court wherein said company shall be appointed or shall be allowed to qualify as guardian, committee, executor, administrator, trustee or receiver, or in which it is made the depository of moneys or other valuables, shall have power to make all orders and compel obedience thereto and require said company to render all accounts which such court might lawfully make or require

if such company was a natural person; and the court, if it deem necessary, may from time to time appoint suitable persons to investigate the affairs and management of said company, or the court may, if it deem necessary, examine the officers of said company under oath or affirmation as to the security aforesaid.

SEC. 9. That said company is authorized to invest moneys received in trust or deposit, loan or otherwise, and to take, have and hold estate, real, personal or mixed, obtained with the money aforesaid or with funds belonging to said company, and to sell, grant, mortgage or otherwise encumber, lease or dispose of the same, and to that end may execute all deeds or other instruments concerning the same; to deal in exchange foreign or domestic, securities, mortgages, bonds, certificates of indebtedness, stocks of incorporated companies, notes, loans, bonds of the United States or of any city, county, or of any incorporated company or individual.

Corporate powers.

SEC. 10. That any officer or employee of said company who shall apply any of the deposits of any kind of said company to his own use or to the use of any person or persons not entitled thereto shall be deemed guilty of embezzlement, and upon conviction shall be punished by imprisonment in the penitentiary for a term of not less than one nor more than five years, and shall be responsible in any suit at law for injury, loss, expense or damages incurred by reason of its prosecution or in consequence of said act, either to the company or to any party aggrieved, damaged or injured thereby.

Officer, &c., mis-applying funds, guilty of embezzlement.

Civil action for damages.

SEC. 11. 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 the security or protection of any person, persons, corporation, municipality or other organization whatsoever, conditioned for the doing of or not doing of any such bond, recognizance, obligation, stipulation or undertaking specified, any and all heads of departments, public officers, state, county, town or municipal, and any and all boards, courts, judges and municipalities now and hereafter required or permitted to accept or approve 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 bond, recognizance, obligation, stipulation or undertaking and approve the same whenever the same is executed or the conditions thereof are guaranteed by said company.

Corporate powers as surety, guarantor, &c.

SEC. 12. Whenever any such bond, recognizance, obligation, stipulation or undertaking is so required or permitted to be made, given, tendered or filed with one surety or with two or more sureties the execution of the same, or the guaranteeing the performance of the conditions thereof, shall be sufficient when executed or guaranteed by said company, and any and all heads of departments, courts, judges,

Acceptance of guaranty, &c.

boards and municipalities, and any and all public officers, state, county, town or municipal, whose duty it may be, or shall hereafter be, to accept or approve the sufficiency of any such bond, recognizance, obligation, stipulation or undertaking may accept and approve the same when executed or guaranteed by said company; and said company is hereby vested with full power and authority to execute or guarantee such bonds, recognizances, stipulations, obligations or undertaking, whether given under the laws of this state or of the United States, or of any state or county.

Execution, &c.  
of bonds, &c.

Corporate powers  
as guarantor.

SEC. 13. That said company shall have power to guarantee, endorse and secure the payment and punctual performance and collection of notes, debts, bills of exchange, contracts, bonds, accounts, 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, partnerships, cities, counties, municipalities, *et cetera*, in this state on such terms or commissions as may be agreed upon or established by said company and the parties dealing therewith.

Corporate powers  
as to storage,  
deposits, &c.

SEC. 14. That said company may receive upon storage, deposit or otherwise merchandise, moneys, specie, plate, stocks, promissory notes, certificates and evidences of debts, contracts and all other personal properties whatsoever; take charge and custody of real and personal estates and securities, and advance money thereupon on such terms as may be established by said company; and in all cases in which public officers of municipal or private corporations are authorized to deposit moneys, stocks, bonds or evidences of debt, such deposits by such officers or corporations may be made with said company, and said company may be appointed and is hereby authorized to act as redemption agent for any bank or banking association created or existing under the laws of this state.

Sale of property  
pledged.

SEC. 15. That it shall be lawful for the said company to sell at public auction all property or securities of what kind soever mentioned or specified in any contract or agreement between the company and the other party or parties after the maturity of an obligation under said contract or agreement upon giving ten days notice by advertisement of the time and place of sale in some newspaper published in the county where said company is carrying on its business, and to reimburse itself out of the proceeds of such sale for the money due it with interest, storage, costs and charges, and to indemnify itself for any loss it may have sustained by the nonfulfilment of such contract, or by reason of any misrepresentation, fraud or concealment.

May execute, &c.,  
papers, &c.

SEC. 16. That said company is authorized to make, execute and issue in the transaction of its business all papers, receipts, certificates, vouchers, bonds and contracts which shall bear the impress or stamp of the seal of the company, and shall be signed by the president or vice-president and countersigned by the secretary or cashier.

SEC. 17. The stockholders of said company shall be individually liable, equally and ratably, and not one for another, for all contracts, debts, bonds, recognizances, obligations, stipulations and undertakings of said company to the extent of the amount of their stock at the par value thereof, in addition to the amount invested in such shares.

Liability of stockholders for corporate debts.

SEC. 18. The principal office for the transaction of the business of the company shall be in the state of North Carolina, but the business of the company may be transacted by means of agencies, branches, or otherwise, throughout the state of North Carolina and elsewhere in the United States, and the said company shall exist for ninety-nine years.

Principal office.

Agencies.

SEC. 19. Whenever by any general banking law of the state, state banks shall be allowed to issue notes to pass as currency or money, this company shall have power to issue such notes in the same proportion and upon the same terms and conditions as provided for other state banks in said general law.

Corporate powers as bank of issue.

SEC. 20. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

#### CHAPTER 246.

An act to authorize the city of Greensboro to issue bonds for school purposes.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of aldermen of the city of Greensboro is hereby authorized and empowered to issue to an amount not exceeding nine thousand dollars bonds in the name of the city of Greensboro in such denominations and form as said board of aldermen may determine.

Aldermen authorized to issue bonds not exceeding \$9,000.

SEC. 2. The said bonds shall be made payable at such place and time as shall be determined by said board of aldermen, but the time of payment shall be fixed at not less than twenty years nor more than thirty years.

Time and place of payment.

SEC. 3. The said bonds shall bear interest at no greater rate than six per centum per annum and the interest shall be made payable annually or semi-annually as the board of aldermen may prescribe, and said bonds shall in no case be sold or otherwise disposed of for less than their par value, and the money arising from the sale thereof

Interest.

Not to be sold for less than par.

Proceeds, how applied.

shall be used for building and improving school-houses and lots whereon they are located, and for no other purpose.

Election to be held on question of issuing bonds.

SEC. 4. That said bonds shall not be issued until authorized by a majority of the qualified voters of said city at a public election to be held at such time as the board of aldermen shall appoint; at which election those favoring the issue of said bonds shall vote "Issue," and those opposing it shall vote "No issue;" and it shall be the duty of the board of aldermen to give notice of the time, place and purpose of such election for twenty days in some newspaper published in the city of Greensboro.

Ballots.

Notice of election.

Bonds to be issued on vote of majority of qualified voters.

SEC. 5. If a majority of the qualified voters of said city shall vote to issue said bonds, then the said board of aldermen shall issue the same, and they shall be signed by the mayor, attested by the city treasurer and sealed with the corporate seal of the city; and said bonds and their coupons shall be exempt from city taxation until after they become due, and the coupons thereon shall be receivable in payment of city taxes.

Exempt from city taxation. Coupons receivable for city taxes.

Special tax.

SEC. 6. That for the purpose of paying said coupons as the same become due it shall be the duty of the board of aldermen and they are hereby empowered so to do to levy and collect a sufficient special tax each and every year upon all subjects of taxation which may be now or hereafter embraced in the subjects of taxation under the charter of the city, which taxes so collected shall be used for no other purpose; and it shall be the duty of the city treasurer, as said coupons are paid off and taken up, to cancel the same, and he shall report not less than twice a year to the board of aldermen the number and amount of the coupons so cancelled.

Cancellation of coupons.

Election on question of donation of \$11,000 to A. & M. College for Colored Race.

SEC. 7. That the city of Greensboro may, subject to a vote of the majority of the qualified voters therein, donate the sum of eleven thousand dollars (\$11,000) to the trustees of the Agricultural and Mechanical College for the Colored Race; and for that purpose may issue its bonds to the aggregate amount of eleven thousand dollars (\$11,000), in such form and denomination or denominations as the board of aldermen may determine.

Bonds.

Time and place of payment.

SEC. 8. The said bonds shall be made payable at such place and time as shall be determined by said board of aldermen, but the time of payment shall be fixed at not less than twenty years nor more than thirty years.

Interest.

SEC. 9. The bonds shall bear interest at no greater rate than six per centum per annum, and the interest shall be made payable annually or semi-annually, as the board of aldermen may prescribe.

Issuance of bonds.

SEC. 10. The said bonds shall be issued and signed with the corporate seal of the city as prescribed for the school bonds in section five of this act, and said bonds and their coupons shall be exempt from city taxation until after they become due, and the coupons thereon shall be receivable in payment of city taxes.

Exempt from city taxation. Coupons receivable for city taxes.

SEC. 11. That for the purpose of paying said coupons as the same become due and for cancellation of the same the board of aldermen shall be governed by section six of this act and shall have all the powers conferred in said section, and the machinery provided in said section six is hereby adopted for the purpose of carrying this section into effect.

SEC. 12. That the board of aldermen shall, on or before the first Monday in May, eighteen hundred and ninety-three, submit to the qualified voters of said city the question of said donation, at which election those in favor of donation shall vote a ballot with the word "Donation" written or printed thereon, and those opposed thereto shall vote a ballot with the words "Against donation" written or printed thereon.

SEC. 13. That if at said election a majority of the qualified voters of said city of Greensboro shall vote in favor of said donation, the mayor and board of aldermen shall immediately cause said bonds to the aggregate amount of eleven thousand dollars (\$11,000) to be issued and delivered to the board of trustees of said Agricultural and Mechanical College for the Colored Race. The proceeds of said bonds shall be applied by the said board, as far as may be necessary, to paying the notes given by the citizens of Greensboro to secure the location of said college.

SEC. 14. That all acts and parts of acts inconsistent herewith are hereby repealed.

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

Ratified the 4th day of March, A. D. 1893.

#### CHAPTER 247.

#### An act to incorporate The Asheville Trust, Guarantee and Collecting Association.

*The General Assembly of North Carolina do enact :*

SECTION 1. That C. D. Blanton, Josephus Blanton, May Marcus, J. G. Merriman, D. C. Waddell and E. H. Fulenwider, and their associates, successors and assigns, be and they are hereby created and constituted a body politic and corporate under the name, style and title of "The Asheville Trust, Guarantee and Collecting Association," and by that name may have succession and shall be able and capable in law to have and use a common seal, and the same break, alter and

renew at pleasure, to sue and be sued, to plead and be impleaded, and are hereby made able and capable in law to have, purchase, receive, take, hold, enjoy, possess and retain to them and their successors lands, rents, tenements, hereditaments, stocks, goods, chattels and effects of whatever kind, nature or quality, whether real, personal or mixed, by gift, grant, demise, bargain and sale, devise, bequest, legacy, testament, loan, deposit or advance, or by any other mode of conveyance or transfer whatever, and the same to give, grant, bargain, sell, devise, convey, assure, transfer, alien, pay, release and dispose of for the whole or any less estate or property than they have in the same, and also to improve and augment the same in such manner and form as the said association by its by-laws and regulations shall direct, and shall and may apply the rents, issues, income, interest and profit of such estate and the moneys arising from the sale, alienation, disposal or employment thereof to the use, ends and purposes of their creation and institution according to the rules, regulations and orders of said association as fully and effectually as any natural person or body politic or corporate within this state can or may do or perform. The said association shall have power to make, ordain, establish and put in execution such by-laws, ordinances and regulations as shall to it hereafter seem meet and proper or convenient for the government of such corporation, not being contrary to the constitution and the 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.

Corporate powers.

SEC. 2. That said corporation shall have the right to receive and pay out lawful currency of the country, deal in exchange, gold and silver coin, stocks, bonds and other securities; to loan money, to receive deposits from any and all persons, firms, associations and corporations, including apprentices, minors and *femes covert*, or other persons on such terms, 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 lawful rates of interest, and may take and receive said interest at the time of making said loan or otherwise free from all other control, contract or liability whatever; to invest in the stocks, bonds or other securities of this or any other state or territory or of the United States or of any corporation organized under the laws of this or any other state or territory or of the United States, and to take such real, personal or mixed property upon such terms, trusts and conditions for the security and payment of money loaned, advanced or expended as may be considered safe, expedient and beneficial; to elect such officers as they see fit and prescribe their duties, compensation and terms of service; that said corporation shall be and is hereby authorized and empowered to receive and keep on



deposit all such valuables, gold, silver and paper money, bullion, precious metals, plate, certificates of stock, bonds, notes, evidences of debt, deeds, muniments of title or any other valuable paper of any kind, or any other article or thing whatsoever which may be left or deposited for safe keeping with said association, and shall be entitled to charge, demand and receive such commission or compensation therefor as may be agreed upon, and for the complete preservation and safe keeping thereof may construct, erect and purchase such fire and burglar proof buildings, vaults, iron or composition safes, or other means as may 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 association, and also to invest such capital or funds as may be deposited with said association for that purpose from time to time in such stocks, bonds and securities as may be regarded advantageous and desirable; they shall have power to receive and hold on deposit and in trust and as security estate, real, personal and mixed, including notes, bonds, obligations of states, municipalities, corporations, companies and individuals, and the same to purchase, collect, adjust, settle, sell and dispose of, and upon such terms as may be agreed upon between them and the parties contracting with them; they shall have the power to negotiate loans, and act as agents for loans or the payment, transmission and collection of money, and also to act as brokers, agents and attorneys, and as managers of every kind of property; to act as trustees or agents for the holders or in relation to any obligation, debentures, bonds or debenture stock of any state or corporation; to act as agent for the purpose of issuing, registering or countersigning the certificates of stock, bonds or other evidences of indebtedness of any corporation, association, municipality, state or public authority on such terms as may be agreed upon; to undertake and execute the office of trustee, executor, administrator, assignee, receiver or liquidator, and to undertake and to execute all kinds of trusts, both public and private, and to perform and carry out the various kinds of business incidental to and connected therewith; 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; to purchase, take on lease, hire or otherwise acquire any lands, buildings, rights, privileges and real and personal property of every kind; to erect, construct, enlarge, alter and maintain any buildings necessary or convenient for the business of the corporation; to guarantee owners of real estate and mortgages from loss by reason of defective titles, liens and incumbrances, and to make, execute and perfect such contracts, agreements and other instruments as may be required therefor; to conduct a general banking business, and to receive money on deposit, discount bonds, notes and bills of exchange; to lend money

Corporate powers.

on real or personal property, to make advances on warehouse receipts, bills of lading, certificates of stock and other negotiable instruments, and to use its funds and property in any manner incident to the business of banking not contrary to the laws of the state or of the United States; to guarantee the payment of principal or interest of notes, bonds, bills of exchange, acceptances, checks or other securities or other evidences of debt, including the obligations of such corporations and individuals as may have secured their payment by deed of trust made by this corporation, and to charge and to receive for any guaranty such compensation as may be agreed upon by the parties, and may take and receive lawful interest, and may receive the said interest at the time of making the said transaction or at any other time; to make reports concerning the commercial and financial standing of firms, corporations and persons, and to make such charges for so doing as they may determine upon.

Capital stock.

SEC. 3. That the capital stock of the said corporation shall be twenty-five thousand dollars, divided into one thousand shares of twenty-five dollars each, which said capital stock may be increased at any time or from time to time by the vote of a majority of the stockholders to any sum not exceeding five hundred thousand dollars, and the number of said shares of stock shall increase in like manner as [and] said stock and said shares shall be forever non-assessable; when five thousand dollars of the said capital stock is subscribed, the corporators named herein or a majority of them or their assigns shall be deemed and held ready and capable to organize.

Non-assessable.  
Organization

SEC. 4. The corporators and stockholders of said corporation, and their successors and assigns, shall not be individually or personally liable or responsible for any of the debts, liabilities, obligations, engagements, contracts or torts of the said association.

Non-liability of  
stockholders for  
corporate debts.

Offices.

SEC. 5. That the principal office or place of business of said corporation shall be at Asheville, North Carolina, with the privilege of establishing such branch or branches at whatever place or places may be deemed necessary and desirable for the carrying out the purposes for which this corporation is chartered.

Corporate exist-  
ence.

SEC. 6. That said corporation shall exist and be in force and effect with all the powers hereinbefore conferred for the term of sixty years from and after the ratification of this act.

Ratified the 4th day of March, A. D. 1893.

## CHAPTER 248.

## An act to authorize the town of Morehead City to issue bonds.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the commissioners of the town of Morehead City be and the same are hereby authorized to issue coupon bonds of the town of Morehead City, not to exceed ten thousand dollars (\$10,000), and in denominations of not less than fifty dollars, bearing interest from date of bonds at a rate not exceeding the legal rate, and payable annually on the first day of January of each year until the said bonds are paid. That the said bonds shall be made payable at a time to be fixed by said commissioners and named therein, not to be less than three nor more than twenty years from date thereof. The said bonds and their coupons shall be numbered, and the bonds shall be signed by the mayor and countersigned by the clerk of the board of commissioners of said Morehead City, and a record shall be kept of said bonds, showing the number and amount and to whom sold.

Commissioners authorized to issue bonds not exceeding \$10,000.

SEC. 2. That the said bonds shall not be sold for less than their face value, and the mayor of said town shall not deliver said bonds or any of them to the purchaser thereof until the purchase-money shall be paid to the treasurer of said town, and his receipt to the purchaser produced before the mayor as evidence of such payment; and the treasurer of said town shall receive all such money paid in the purchase of bonds in his official capacity as treasurer of said town; and he shall be liable to account for and to pay over the same as is provided for in the charter of said town relating to the treasurer of said town of Morehead City; and it shall be the duty of the board of commissioners of the said town of Morehead City 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 as may be required.

Bonds not to be sold for less than par, When to be delivered.

Liability of treasurer.

Duty of commissioners as to bond of treasurer.

SEC. 3. That the treasurer of the town of Morehead City shall keep separate from all other moneys coming into his hands the money arising as proceeds from sale of said bonds, and the same shall be expended by the commissioners of the town of Morehead City in building a market-house and town hall, and otherwise improving the said town as they may think proper: *Provided, however,* this act shall be submitted to the qualified voters of said town of Morehead City for their ratification or rejection at an election to be held in said town at the same time and place of holding the election for mayor and commissioners of said town. The said election shall be advertised by the mayor of Morehead City for thirty days prior to the day of elec-

Proceeds of bonds to be kept separate, &c.

How expended.

Election to be held on question of ratifying act.

tion in some newspaper published in said town, or by posting notice at the court-house and three other public places in Carteret county. The election shall be held under the supervision of the registrars and judges of the election, and the returns made as is provided for making returns of election of mayor and commissioners of said town. Those who are in favor of issuing said bonds shall vote a written or printed ticket with the words "For bonds" thereon; and those who are opposed shall vote a written or printed ticket with the words "Against bonds" thereon. The result [returns] of said election shall be made to the commissioners of said Morehead City, who shall verify the result of said election and cause the same to be recorded in the minutes of their meeting. If a majority of the votes cast be for bonds, then the commissioners of said town shall proceed to issue and sell the bonds and apply the proceeds as directed.

Election, how held.

Ballots.

Bonds to be issued on majority vote.

Special tax.

Collection, &c.

SEC. 4. 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 or sooner, if deemed advisable, the commissioners of the town of Morehead City may levy a special tax of not more than thirty-three cents on the hundred dollars worth of real and personal property in the town, and one dollar on the poll. And it shall be the duty of said commissioners to make the necessary arrangements and orders for the collection, safe keeping and proper application of the money raised by virtue of this act.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

#### CHAPTER 249.

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

*The General Assembly of North Carolina do enact:*

SECTION 1. That section four of chapter two hundred and seventy-seven, private laws of eighteen hundred and ninety-one, be amended by striking out in line five the words "one hundred thousand dollars" and insert in lieu thereof the words "two hundred and fifty thousand dollars."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

Chapter 277, private laws 1891 (incorporating Union Cotton Mills) amended. Capital stock.

## CHAPTER 250.

## An act to amend the charter of Elizabeth City.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of commissioners for the said town be and are hereby authorized and directed to issue bonds not to exceed the sum of fifty thousand dollars (\$50,000), which shall not be made payable in less than ten years, and shall not run longer than fifty years from the date of their issue.

Commissioners authorized and directed to issue bonds not exceeding \$50,000.

SEC. 2. That said bonds shall be coupon bonds of the denomination of one hundred dollars (\$100) each, and shall bear interest from the date of their issue at the rate of six per centum per annum, and can be issued in one or more series for such amounts as shall be designated by the said board of town commissioners and voted upon by the qualified electors of the said town. They shall be signed by the mayor and countersigned by the treasurer and sealed by the corporate seal of the said town.

Description of bonds.

How executed.

SEC. 3. That the coupons of the said bonds shall be receivable in payment of taxes due the town of Elizabeth City and the same shall be expressed upon the face of the said coupons.

Coupons receivable for town taxes.

SEC. 4. That said bonds shall be sold at not less than their par value and the proceeds of their sale shall be applied to the following purposes, and no other, to-wit: The payment of the debt of said town existing at the time of the passage of this act; defraying the expense of providing for a good and suitable drainage by pipe system; the establishment of a sufficient water-supply, and macadamizing, paving and grading and otherwise improving the streets of said town.

Not to be sold for less than par. Proceeds, how applied.

SEC. 5. That said bonds shall from time to time as they are needed by the board as established and named in this section be placed in the hands of the following-named persons, to-wit: D. B. Bradford, C. C. Allen, D. S. Kramer, George M. Scott, J. F. Snell, C. H. Robinson, F. F. Cohoon, who shall constitute the board of street commissioners for said town, and they shall have the right alone to sell said bonds as provided in section four, and in case of a vacancy or vacancies in said board of street commissioners the town commissioners in joint session with said board of street commissioners shall fill the same. The compensation to the said board of street commissioners shall not exceed the sum paid the said commissioners for the said town.

Sale of bonds.

Board of street commissioners alone to sell.

Compensation.

SEC. 6. The said board of street commissioners shall semi-annually and oftener when called upon by the board of commissioners render to the board of commissioners for the said town a full and accurate account of all bonds placed in their hands and sold by them, and all money expended by them as provided for in this act.

Semi-annual account by street commissioners.

Special tax.

SEC. 8. That for the purpose of paying the interest which shall accrue on said bonds, and of accumulating a fund for the principal of the said bonds as they shall mature, and for the payment of the same at maturity, the said board of commissioners for the said town shall have power annually to levy and collect, in the manner and at the time prescribed for the collection of the general town taxes, an *ad valorem* special tax not exceeding twenty-five cents on the one hundred dollars of the assessed valuation of all real and personal property in the said town, and also on all taxable polls not exceeding seventy-five cents, and said taxes shall be used for purposes mentioned in this act, and no other.

Collection of tax.

SEC. 9. That said special taxes shall be collected by the town tax collector under the same rules and regulations as are prescribed for the collection of the general town taxes and shall be paid to the treasurer of the town, who shall give a bond in a sum double the amount of the said special taxes with good and sufficient securities conditioned for the faithful and honest management and disbursement of the said special taxes. The treasurer shall renew his bond annually before the said street commissioners when called upon by them so to do. Said treasurer's bond shall be registered in the office of register of deeds of Pasquotank county. The said treasurer shall keep an account of the receipts and disbursements of the said special tax money in a separate book to be kept for that purpose, and he shall annually publish a statement showing the balance and condition of the special tax funds in his hands.

Payable to town treasurer.  
Bond.

Registration of bond.  
Treasurer to keep account.

Annual statement to be published.

Street commissioners may let out work, &c.

SEC. 10. That the board of street commissioners may let out the work as they are herein authorized to do by contract to the lowest responsible bidder, or otherwise, or they may employ such aid as they shall require and have the work done.

Election on question of issuing bonds.

SEC. 11. That a poll shall be opened at such time or times as may be appointed by the commissioners of the said town at the usual polling places in the said town, when and where all qualified voters residing within the corporate limits of the said town shall be entitled to vote. All persons who shall be in favor of issuing the bonds or any one or more series which shall have been specified in the call for an election by the said town commissioners may vote on a written or printed ticket "For bonds," and all persons who shall be opposed to the issuing of said bonds may vote on a written or printed ticket "Against bonds," and if a majority of all the qualified voters shall vote "For bonds," then the provisions of this act shall take effect and be in force from and after the date of said election; and if a majority of all the qualified voters shall not vote "For bonds," then no bonds of the series then voted upon shall be issued. The judges for holding said poll shall be appointed by the board of commissioners for said town. There shall be three judges for each ward. They shall hold said poll and make returns under their hands and seals on

Ballots.

Act to take effect on vote of majority of qualified voters.

Judges of election.

the day following the election to the board of commissioners for said town, and said board shall declare the result. A registrar for each ward shall be appointed by the board of town commissioners and they shall open the registration books in their respective wards thirty days before the day of election, and all persons not theretofore registered who are duly qualified may then register as provided in the general election law. The town commissioners shall have power to call elections to vote upon the issuing of one or more series of bonds to be designated as series A, B, C, D, in such sums as they in their discretion may designate in their call, provided the mayor of said town shall give thirty days notice of holding said election.

Registrars.

Registration.

Election on question of issuing one or more series of bonds.

SEC. 12. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

## CHAPTER 251.

### An act to incorporate the town of Falkland in Pitt county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the town of Falkland in the county of Pitt be and the same is hereby incorporated by the name and style of "The Town of Falkland," and shall be subject to all the provisions of chapter sixty-two, volume two of The Code.

Incorporated.

Corporate name.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at an oak on the north side of the Tarboro road running northwest about three hundred yards to a dead pine; thence southeast about five hundred yards to a dead poplar in branch; thence about three hundred yards to a green pine; thence about two hundred yards to a green pine in James Cobb's field; thence about six hundred yards to a post-oak on Greenville road; thence south through Mrs. S. E. Mayo's field, about two hundred yards to B. R. King's fence; thence about four hundred yards to a pine stump on south side of Farmville road; thence to a branch, running about twenty-five yards up creek; thence about three hundred yards to a gum tree; thence west about three hundred and fifty yards to a twin pine tree; thence about two hundred yards to a gum tree on Wilson road; thence about four hundred yards northwest to a large pine in corner of Jordan farm; thence north about four hundred yards to the beginning.

Corporate limits.

SEC. 3. That the officers of said corporation shall consist of a mayor and three commissioners and one constable, and the following-named persons shall fill said office until the first Monday in May, one thousand eight hundred and ninety-three, or until their successors are

Officers.

Temporary officers.

elected and qualified, viz., J. H. Smith, mayor; J. L. Fountain, J. C. Cook and J. A. Cobb, commissioners; and Wiley Pearce, constable.

Election.

SEC. 4. That there shall be an election for officers mentioned in this act on the first Monday in May, one thousand eight hundred and ninety-three, and annually thereafter, as is required by the general laws regulating elections in cities and towns in North Carolina.

Duty of officers to qualify, &c.

SEC. 5. That it shall be the duty of the persons appointed to office by this act to meet and take the oath prescribed by law for such officers before some justice of the peace of said county within thirty days from the passage of this act, and enter upon the discharge of their respective duties; and the constable, before entering into his office, shall be required to execute a bond in the sum of two hundred dollars, to be approved by the commissioners.

Bond of constable.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

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#### CHAPTER 252.

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

*The General Assembly of North Carolina do enact :*

Chapter 224, private laws 1889, amended.  
Section prohibiting manufacture and sale of liquor within corporate limits repealed.

SECTION 1. That section six of chapter two hundred and twenty-four, laws of one thousand eight hundred and eighty-nine, entitled "An act to incorporate the town of Earl, Cleveland county," be stricken out.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

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#### CHAPTER 253.

An act to incorporate the Stoneville Collegiate Institute.

*The General Assembly of North Carolina do enact :*

Incorporators.

SECTION 1. That N. S. Smith and those who hereafter may be associated with him be incorporated for educational purposes under the name and style of the "Stoneville Collegiate Institute," in the town of Stoneville, Rockingham county, and as such may have all the

Corporate name.



powers of trustees of like institutions; may sue and be sued, may plead and be impleaded. Corporate powers.

SEC. 2. That the said corporation may have a common seal, and may have power to pass all needful rules and regulations for its own government, not inconsistent with the constitution and laws of this state and the United States. Corporate seal. By-laws.

SEC. 3. That the said trustees shall have power to hold and acquire real estate, not to exceed in value the sum of five thousand dollars, and may issue certificates of stock to that amount in shares of twenty-five dollars each. Powers of trustees.

SEC. 4. That under this act of incorporation power shall be conferred upon said Stoneville Collegiate Institute to confer degrees, issue diplomas and award certificates of proficiency. Power to confer degrees, &c.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

CHAPTER 254.

An act incorporating the First Colored Baptist Church of Rocky Mount, North Carolina.

*The General Assembly of North Carolina do enact :*

SECTION 1. That Lawrence Sharrel, C. E. Spicer, W. H. Harris, Simon Hicks, John Joyner, H. M. Parker, Lee Thorpe, of the First Colored Baptist Church in Rocky Mount township, Nash county, North Carolina, and their successors in office, be and are hereby incorporated under the name and style of the "First Colored Baptist Church of Rocky Mount, North Carolina," and by their [this] name may sue and be sued, may contract and be contracted with, and do all acts necessary to advance its material interest conformable with the general laws giving corporations. Incorporators. Corporate name. Corporate powers.

SEC. 2. That the incorporate limits of said church shall be forty yards in every direction from said church so as to form a complete circle as a radius from the church. Corporate limits.

SEC. 3. That said church shall have the power to mortgage its real property or to execute liens and incumbrances thereon whenever a majority of the trustees aforesaid or their duly appointed successors in office shall deem it necessary to advance its interest in any way. Authorized to mortgage property.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

## CHAPTER 255.

**An act to allow the Raleigh Cotton Shipping and Warehouse Company further time to organize.***The General Assembly of North Carolina do enact :*

Chapter 161, private laws 1891, amended.

SECTION 1. That the private act of the general assembly of North Carolina, chapter one hundred and sixty one, laws of eighteen hundred and ninety-one, entitled "An act to incorporate the Raleigh Cotton Shipping and Warehouse Company," be and the same is hereby amended so as to allow the incorporators in said act named further time, until the second Tuesday of March, eighteen hundred and ninety-five, to open books and receive subscriptions for stock, and to organize the Raleigh Cotton Shipping and Warehouse Company.

Time extended for organization.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

## CHAPTER 256.

**An act to incorporate the Konetoga Hotel Company.***The General Assembly of North Carolina do enact :*

Incorporators.

SECTION 1. That W. F. Camp, J. H. Pearson, Emil Friscarel, J. G. Russell, S. T. Pearson, W. C. Erwin and John Tull, their associates and successors, be and they are hereby declared a body politic and corporate for the term of sixty years under the name and style of "The Konetoga Hotel Company," and under that name and style may contract and be contracted with, sue and be sued, plead and be impleaded in any of the courts of the state, and may adopt and use a common seal which they may alter at pleasure.

Corporate existence.  
Corporate name.  
Corporate powers.

Capital stock.

SEC. 2. The capital stock of said corporation shall be one hundred thousand dollars, divided into shares of one hundred dollars each, with privilege of increasing the same to an amount not exceeding three hundred thousand dollars, and of commencing business when twenty-five thousand dollars shall be subscribed to said capital stock. The stockholders of said corporation shall not be individually liable for its debts, obligations, contracts or torts.

Non-liability of stockholder for corporate debts.  
Organization.

SEC. 3. That whenever the sum of twenty-five thousand dollars shall be subscribed to the capital stock of said corporation the incorporators, or a majority of them, shall call a meeting of the sub-

scribers and elect a board of directors, and said directors shall elect a president and secretary and treasurer and such other officers as they may see fit, prescribe their duties and fix their compensation.

SEC. 4. That said corporation shall have power to purchase, hold, lease, convey, sell and mortgage real and personal property, to accept real or personal property in exchange for shares of its capital stock; to erect, operate and maintain hotels in the county of Burke on the High Peak or elsewhere in the South mountains or in the Esseolah mountains, and also at some point on or near the Catawba river in said county outside the present corporate limits of the town of Morganton and within less than two miles of the court-house, to furnish to the guests of said hotels spirituous, vinous or malt beverages in unbroken packages to be used only on said hotel premises and outside the corporate limits of said town: *Provided*, nothing herein contained shall be deemed to exempt said corporation from the payment of any license tax imposed by law. Said corporation shall moreover have power to erect and maintain livery and feed-stables, to build, operate and maintain all such roads, bridges, drives, telegraph and telephone lines and electric light or gas plants as may be necessary for the improvement of its property in the county of Burke; to borrow money, issue promissory notes, coupon bonds, or other evidences of indebtedness and secure the payment of the same by executing a mortgage on any or all of its real or personal property.

Corporate powers.

Proviso.

SEC. 5. All laws and clauses of laws in conflict herewith are hereby repealed in so far only as they affect the powers and privileges herein granted.

Conflicting laws repealed.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

## CHAPTER 257.

### An act to incorporate the Bank of Smithfield.

*The General Assembly of North Carolina do enact :*

SECTION 1. That W. M. Sanders, C. V. Johnson, E. W. Pou, L. R. Waddell, W. L. Fuller, J. T. Barham, T. R. Hood, E. J. Holt, B. R. Jones, J. D. Parrish and M. C. Winston, their present and future associates, successors and assigns, are hereby declared to be a body politic and corporate by the name and style of "The Bank of Smithfield," and shall so continue for a period of thirty years, with capacity to take, hold and convey real and personal estate, with the rights,

Incorporators.

Corporate name and existence.

- Corporate powers. powers and privileges incident or belonging to corporations set forth or referred to in the first, second and third sections of chapter sixteen of volume one of The Code, entitled "Corporations."
- Capital stock. SEC. 2. The capital stock of said bank shall not be less than ten thousand dollars, in shares of one hundred dollars and fifty dollars each, or either and both, or fractions thereof, and such capital stock may be increased from time to time as said corporation may elect to a sum not exceeding five hundred thousand dollars.
- Books of subscription. SEC. 3. The corporators named in the first section, or a majority of them, are hereby empowered to open books of subscription to the capital stock of said bank at such time and place and for such period or periods as they shall determine.
- Organization. SEC. 4. Whenever ten thousand dollars is paid up the said corporators or a majority of them may call a meeting of the stockholders in the town of Smithfield at such place as may be designated by advertisement in a weekly paper for thirty days; and if at such meeting the stockholders who are present have a majority of the votes (if not another meeting shall be called), they may proceed to adopt such by-laws and regulations for the government of the bank as they please, not inconsistent with the laws of the state, and may elect such number of directors as they may deem necessary, to serve for one year and until their successors shall be chosen, or for such term as they may prescribe.
- Directors. SEC. 5. The directors shall elect one of their number to be president, and shall appoint a cashier and such other officers and clerks as may be provided for by the by-laws of said corporation, to serve at the discretion of the directors during the continuance in office of said directors, and the directors shall prescribe their duties and may take from them bonds with security for the faithful discharge of their duty, and may fix their compensation.
- Officers, &c. SEC. 6. The said board of directors may adopt and use a seal, and break and alter the same at pleasure; may prescribe the manner of paying for stock and transferring the same; may regulate the method of conducting the business of said bank; may do a general banking business and exercise all the powers, rights and privileges conferred by the laws of the state on banks and corporations, especially those set forth in chapter four, volume two of The Code; may lend money at such rates of interest as may be agreed upon, subject to general laws of the state as to the rate; may discount, buy and sell notes, drafts and all other securities or evidences of debt; may loan money on mortgages of real and personal property, or both, or upon liens upon crops, planted or unplanted; may buy, build or lease a banking house or houses, and may sell and exchange the same at pleasure; may negotiate loans on mortgages of real and personal estate at a rate of interest not exceeding the legal rate, and may charge and receive from the lender or borrower, or either of them, a reasonable
- Powers of directors.

commission therefor, and they shall direct when dividends of profit shall be made and declared.

SEC. 7. That if any subscriber shall fail to pay for his stock or 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 Smithfield, after advertisement of such sale for thirty days in some newspaper published in said town, and the proceeds of such sale may be applied to the payment of the balance of the unpaid subscription, and if the proceeds shall not be sufficient to discharge the amount of the unpaid subscription, with all costs of such sale, the subscriber shall be liable for the deficiency in a civil action.

Remedy against subscriber failing to pay.

SEC. 8. That said corporation shall have the power to own, maintain or lease warehouses and carry on the business of warehousemen and forwarders; to receive on storage or deposit all kinds of produce, merchandise or other personal property; to make advances in money on merchandise and produce, and to carry on and transact all kinds of business usually transacted by warehousemen; also to advance money and take legal liens for all such advances, and to collect and receive interest and commissions, compensation for storage and all labor and expenses incident thereto. All advances made by said corporation on property received for storage or deposit and compensation for all charges and expenses thereon shall be a preferred lien on said property, which shall be satisfied and paid for before said corporation can be required to deliver such property.

Corporate powers as warehousemen, &c.

Preferred lien for advances.

SEC. 9. That when married women, minors or apprentices deposit money or other things of value in said bank or its branches, either generally or specifically, to their own credit, they or any of them may draw the same on their check or order and be bound thereby, and such married woman, minor or apprentice shall be bound by such individual check or order, and the said check or order shall be a valid and sufficient release to said corporation against such married woman, minor or apprentice and all other persons whatsoever.

Deposits by married women, &c.

SEC. 10. That said corporation shall have the right to act as agent, factor, assignee or trustee for any state, county, township, town or other municipality or corporation, company or individual, on such terms as to compensation and commission as may be agreed on in registering, selling, countersigning, collecting, acquiring, holding, dealing and disposing of on account of any state, county, township, town, municipality, corporation, company or individual, any bonds, certificates of stock, notes, or any description of property, real or personal, or for indorsing or guaranteeing the payment of said bonds, certificates of stock, notes, etc.; and generally for managing such business, and for doing any or all of the matters and things author-

Corporate powers as agent, &c.

ized by this charter, said corporation may charge such premiums, commissions or rate of compensation as may be agreed upon.

Savings bank department.

SEC. 11. The bank is authorized to organize in connection with its general banking business a department for savings and do a savings bank business for the convenience of small depositors, and to make such regulations in regard thereto, not inconsistent with the laws of the state, as will enable said bank to receive small deposits in the savings department, and to give certificates or other evidence of deposit, and to pay such interest as may be agreed on: *Provided*, the same does not exceed the legal rate of interest, and to regulate the time of payment and notice of demand.

Non-liability of stockholders for corporate debts.

SEC. 12. No stockholder shall be in anywise individually liable or responsible for any debts, obligations, contracts or engagements of said bank, except that the president and directors of said corporation being stockholders shall be liable for fraud as prescribed in section six hundred and eighty-six, chapter sixteen of volume one of The Code of North Carolina.

Liability for fraud.

Location.  
Branches.

SEC. 13. That the said bank shall be located at Smithfield, North Carolina; but branches or agencies of the bank may be established at such times and places as the stockholders may designate in this state, and such branches or agencies may be moved at any time, and shall be subject to such rules and regulations as may be prescribed by the president and directors of the bank: *Provided*, the sum of twenty-five dollars each for all branches or agencies established as aforesaid shall be paid to the state treasurer before such branch or agency is established.

Stock-vote.

SEC. 14. That each stockholder shall be entitled in all meetings of stockholders to cast one vote for each share of stock of the par value of fifty dollars, and two votes for each share of stock of par value of one hundred dollars held by him or her.

Corporate powers as bank of issue.

SEC. 15. The said corporation shall have all such powers and rights to issue circulating notes as currency as any act hereafter ratified shall confer upon similar banks in this state, and upon the same terms and conditions applicable to other banks.

No forfeiture for non-user.  
Proviso.

SEC. 16. The powers and privileges granted herein shall not be deemed forfeited by non-user: *Provided*, the corporation is organized within five years from the date of ratification of this act.

SEC. 17. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

## CHAPTER 258.

**An act to ratify the purchase of the property of the Cheraw and Salisbury Railroad Company by the Cheraw and Darlington Railroad Company, and to incorporate the Cheraw and Darlington Railroad Company in North Carolina.**

WHEREAS, The Cheraw and Darlington Railroad Company, a corporation created by the laws of the state of South Carolina, has by virtue of the authority given by the general laws of that state become the purchaser of the railroad and other property of the Cheraw and Salisbury Railroad Company which lies partly in this state and partly in South Carolina, and the said Cheraw and Darlington Railroad Company by virtue of the provisions of section two thousand and five of The Code of North Carolina has by such purchase become a corporation of this state: now, therefore,

Preamble.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the purchase by the said Cheraw and Darlington Railroad Company of that portion of the road-bed and other property of the Cheraw and Salisbury Railroad Company which lies in the state of North Carolina is hereby ratified and approved.

Purchase of part of Cheraw and Salisbury road in this state ratified.

SEC. 2. That the Cheraw and Darlington Railroad Company, a corporation created by an act of the general assembly of the state of South Carolina, ratified on the nineteenth day of December in the year eighteen hundred and forty-nine, is hereby created a body politic and corporate in the state of North Carolina, under and by the aforesaid name of "The Cheraw and Darlington Railroad Company," and the said company is hereby given all the general powers and is made subject to all the general restrictions granted and imposed by the laws of this state upon railroad companies.

Cheraw & Darlington R. R. Co. (incorporated in South Carolina) incorporated.

Corporate name.  
Corporate powers.

SEC. 3. The Cheraw and Darlington Railroad Company is hereby authorized and empowered to maintain and operate the railroad which formerly belonged to the Cheraw and Salisbury Railroad Company in this state between the South Carolina state line and the town of Wadesboro in this state.

Authorized to operate Cheraw & Salisbury railroad.

SEC. 4. The powers given by this act to the Cheraw and Darlington Railroad Company are granted upon the express condition that the property of the Cheraw and Darlington Railroad Company in this state shall always be liable to taxation under the constitution and laws of this state, and that the said company shall be subject to the tariffs, rules and regulations prescribed by the board of railroad commissioners.

Liability to taxation and to jurisdiction of Railroad Commissioners.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

## CHAPTER 259.

An act to amend the charter of the town of Morganton, North Carolina.

*The General Assembly of North Carolina do enact :*

Commissioners authorized to assume obligation of \$3,000.

SECTION 1. That the commissioners of the town of Morganton be and they are hereby authorized to assume an obligation amounting to three thousand dollars and interest on said sum from the ninth day of December, anno Domini eighteen hundred and ninety-two, the same having been incurred by said town in performance of its agreement to donate certain lands to the North Carolina school for its deaf and dumb, and to issue scrip or other evidences of such indebtedness for the same as may be agreed on, bearing interest semi-annually, and to become due at such time or times and to be payable in such manner as said commissioners shall designate.

How incurred.

Election on question of issuing bonds, &c.

SEC. 2. That when a majority of the commissioners of said town shall propose to issue said scrip or bonds for the purpose aforesaid, as provided in section one, they shall order an election to be held, on a notice of thirty days published in a newspaper published in said town or posted at four public places in said town, to determine whether the amount in said scrip or bonds at the rate fixed by their order, and maturing at the time specified in the order of said commissioners, shall be issued for the purpose specified in said order; and if at an election held according to said notice a majority of the voters of said town shall deposit a ballot with the words "For assumption" printed or written thereon, then the mayor and commissioners shall issue the said scrip or bonds according to the terms of said order. If at such an election a majority of said voters shall deposit a ballot on which is printed or written the words "Against assumption," then said scrip or bonds shall not be issued.

Bonds or scrip to be issued on majority vote.

Election, how held.

SEC. 3. That the election ordered under the preceding sections shall be held under the laws and regulations provided for the election of members of the general assembly, except that the mayor and commissioners shall have the power to order a new registration of voters for such election, to appoint a registrar and judges of such election, and compare the vote and adjudge and declare the result of the election and make a record of the same; and the town constable may also serve notices on the registrar and judges of election.

New registration.

Chapter 120, private laws 1885, amended.

Exception to limitation of fines.

SEC. 4. That the private laws of eighteen hundred and eighty-five, chapter one hundred and twenty, section eleven, be amended by adding at the end thereof the following words, "except in cases of a violation of the laws regulating the sale and delivery of spirituous liquors and intoxicating beverages in said town."

Chapter 56, private laws 1889, amended.

SEC. 5. That the private laws of eighteen hundred and eighty-nine, chapter fifty-six, section one, be amended by striking out after the



word "exceeding" and before the word "the" in line six of said section the words "in the aggregate" and inserting in lieu thereof the words "at any one time."

SEC. 6. That the private laws of eighteen hundred and eighty-five, chapter one hundred and twenty, section thirty-four, be amended by striking out in line five of said section the words and figures "four-fifths ( $\frac{4}{5}$ )" and inserting in lieu thereof the following, "two-thirds ( $\frac{2}{3}$ )."

SEC. 7. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

Authorized to issue bonds for street improvement, &c., not exceeding \$5,000 at any one time, if sanctioned by popular vote. Chapter 120, private laws 1885, amended. Appropriations for necessary expenses by concurring vote of two-thirds of commissioners.

CHAPTER 260.

An act to authorize the trustees of the Methodist Episcopal Church South, of Edenton, North Carolina, to mortgage the property of said church.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the trustees of the "Methodist Episcopal Church South," located in the town of Edenton, North Carolina, are authorized to borrow money for the purpose of building and furnishing a new church in said town in such amounts and on such terms as they see fit.

Authorized to borrow money.

SEC. 2. That to secure the same the said trustees or a majority of them may convey by mortgage or deed of trust any or all the property of said church.

Authorized to mortgage property.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

CHAPTER 261.

An act to amend the charter of the city of Asheville.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section eight of chapter one hundred and thirty-five of the private laws enacted by the general assembly of North Carolina at its session of one thousand eight hundred and ninety-one, entitled "An act to amend the charter of the city of Asheville," be and the same is hereby amended by striking out the words "and for

Chapter 135, private laws 1891, amended.

Street railroads not required to pave streets outside of rails.

eighteen inches upon the outside of each rail" in line seven of section eight, also the same words in lines eleven and twelve of said section and wherever else they may occur in said chapter one hundred and thirty-five.

Lien of city for paving.

SEC. 2. That the cost of any paving done by the city of Asheville between the tracks of any street railway in said city shall be a first lien upon the road-bed, franchises, etc., of any such street railway.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

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CHAPTER 262.

**An act to incorporate Clyde Lodge, number four hundred and fifty-three, Ancient, Free and Accepted Masons.**

*The General Assembly of North Carolina do enact:*

Incorporators.

SECTION 1. That J. L. Morgan, M. C. Compton, H. C. Shook, B. B. Jones, H. N. Wells and Rufus Pendland, and other officers and members of Clyde Lodge, number four hundred and fifty three, Ancient, Free and Accepted Masons, located in the town of Clyde, county of Haywood, and state of North Carolina, be and they are hereby incorporated into a body politic and corporate under the name and title of "Clyde Lodge, Free and Accepted Masons."

Corporate name.

Corporate powers.

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

By-laws.

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

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

## CHAPTER 263.

An act supplemental to an act to amend the charter of the town of Monroe in Union county, to authorize said town to issue bonds, and for other purposes.

*The General Assembly of North Carolina do enact :*

SECTION 1. That an act entitled an act to amend the charter of the town of Monroe in Union county, to authorize said town to issue bonds, and for other purposes, ratified on the ninth day of February, eighteen hundred and ninety-three, be and the same is hereby amended by striking out the word "issue" in line six of section ten of said act and inserting in lieu thereof the word "use."

Chapter 48, *ante*, amended.

Use of excess of taxes levied to pay interest on bonds for sinking fund.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

## CHAPTER 264.

An act to amend the charter of the town of Randleman.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter two hundred and thirty-seven of the laws of one thousand eight hundred and ninety-one be amended as follows:

Chapter 237, private laws 1891, amended.

*First*, By adding to section eighteen (18) the following words "and the mayor shall [have] power to adjudge that persons committed to prison for failure to pay fine and cost shall work upon the streets or other public works of the town under guard until the fine and costs are worked out at such reasonable rates for labor as may be fixed by ordinance of the board of commissioners."

Offenders may be adjudged to work on streets, &c.

*Second*, By inserting in section twenty-one before the word "provided" the words "and he shall have all the powers and authority conferred upon mayors by chapter sixty-two (62) of volume two (2) of The Code of North Carolina."

Powers of mayor

*Third*, By adding to section twenty-four (24) the following words, "and all other powers conferred in chapter sixty-two (62) of volume two (2) of The Code of North Carolina, or commissioners of incorporated towns and cities."

Powers of commissioners.

*Fourth*, By adding to section twenty-seven (27) the words "for sport."

May prohibit firing of guns, &c., for sport.

License taxes.

*Fifth*, By adding to section thirty-one (31) the words, "or drays, street carriages, omnibuses, and upon every profession, trade or calling and upon the right to sell fresh meats within the corporation."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

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CHAPTER 265.

An act to incorporate the town of "South Wadesboro" in Anson county.

*The General Assembly of North Carolina do enact:*

Incorporated.

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

Corporate name.

Corporate limits.

SEC. 2. That the corporate limits of said town shall be coextensive and commensurate with the lands described in deeds of conveyance as follows, to-wit: From Fred. Hargrave and others to the Wadesboro Cotton Mills Company, registered in Anson county, deed book twenty-seven, pages six hundred and thirteen, etc.; from A. G. Bruner and wife to same grantee, registered in county deed book number twenty-eight, pages four hundred and seven, etc., and from Isaac H. Horton and wife to same grantee, registered in said county, deed book number twenty-nine, page fifty-four, etc., the whole covering by estimation forty and two-fifths acres.

Officers.

Temporary officers.

Powers.

Taxation.

SEC. 3. That the officers of said town shall consist of a mayor, three commissioners and a constable, and until their successors are elected and qualified said officers shall be William L. Steele, mayor; E. F. McQuaig, James Sinclair and William Marquard, commissioners, and M. H. Hildreth, constable; said officers to have all of the rights, powers and duties conferred on like officers by The Code, chapter sixty-two: *Provided, nevertheless*, that the taxes levied by said town shall never exceed five cents on the hundred dollars of property and fifteen cents on the poll in said town subject to taxation.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

## CHAPTER 266.

**An act to extend the corporate limits of the town of Four Oaks.***The General Assembly of North Carolina do enact :*

SECTION 1. That chapter one hundred and eighty-five of the private laws of eighteen hundred and eighty-nine, entitled "An act to incorporate the town of Four Oaks, in Johnston county," be and the same is hereby amended by striking out in the second section of said act all after the first line to and including the last line of said section two, and inserting in lieu of the said words the following, to-wit: Beginning at a light-wood stake, W. E. Strickland's corner in Right Strickland's line, about sixty yards north-west of the colored church, and run thence east eleven hundred and sixty-six and two-thirds yards to a post-oak; thence south nine hundred and thirty-three and one-third yards to a stake; thence west eleven hundred and sixty-six and two-thirds yards to a water-oak; thence north nine hundred and thirty-three and one-third yards to the beginning, and the said lines shall be the boundary lines of the said town.

Chapter 185, private laws 1889, amended.

Corporate limits.

SEC. 2. That no other section of said act of incorporation is changed by this act, and this act shall be in force from and after its ratification.

Ratified the 4th day of March, A. D. 1893.

## CHAPTER 267.

**An act to amend chapter one hundred and eleven, private laws of one thousand eight hundred and eighty-three.***The General Assembly of North Carolina do enact :*

SECTION 1. That section twenty (20), chapter one hundred and eleven (111), private laws of one thousand eight hundred and eighty-three (1883), be amended by inserting after the word "officers" in line five of said section the words "except said marshal or marshals," and by inserting after the word "aldermen" in line seven (7) of said section the words "the said marshal or marshals holding their offices during their good behavior all of which officers shall be," so that the amended portion of said section from the beginning of said section down to the word "duties" in line eight (8) of said section shall read as follows: "That the aldermen at the first meeting after their election shall appoint a clerk and treasurer, who may be one of their own number; also a collector of taxes who may be one of the marshals provided for; and shall appoint one or more marshals, all of which

Chapter 111, private laws 1883 (amending charter of Asheville), amended.

Term of office of certain officers.

|  |  |
|--|--|
| Marshals to hold during good behavior. | officers, except said marshal or marshals, shall respectively hold their offices during the official terms of the aldermen, the said marshal or marshals holding their offices during their good behavior; all of which officers shall be subject, however, to be removed at any time for misbehavior or neglect of duties, or for other good causes, such as inability to perform the duties of said position." |
| Removal.                               |  |
| Conflicting laws repealed.             | SEC. 2. That all laws and parts of laws in conflict with this act are hereby repealed.   |
|  | SEC. 3. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.  |

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CHAPTER 268.

**An act to incorporate "The Benevolent Religious Burying Society."**

*The General Assembly of North Carolina do enact :*

|                                |  |
|--------------------------------|--|
| Incorporated.                  | SECTION 1. That Matthew Kittrell, Lucas Ringold, John Ward, Henry Brown, Cæsar Randolph, Benjamin Price, Absalom Randolph, Aaron Evans, Blount Stocks, William Smith, Benjamin Daney and James Evans are hereby incorporated under the name and style of |
| Corporate name.                | "The Benevolent Religious Burying Society."  |
| Corporate objects.             | SEC. 2. The business of the society is that of material aid to those who may become members of the society, aid for the sick and burying of the dead.  |
| To operate only in this state. | SEC. 3. The society is established only for operation in the state of North Carolina and any counties therein.   |
| Corporate existence, &c.       | SEC. 4. The society shall exist for thirty years, and be kept up by a succession of members who may be admitted under such laws and regulations as may be adopted by the society under the corporate powers granted them by the laws of the state.       |
|                                | SEC. 5. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.  |

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CHAPTER 269.

**An act to incorporate the Hassell Lumber Company.**

*The General Assembly of North Carolina do enact :*

|                |   |
|----------------|---|
| Incorporators. | SECTION 1. That Richard Lamb, W. C. Hassell, J. H. Davis, and their associates, successors and assigns, be and they are hereby declared to be a body corporate and politic by the name of the "Has- |
|----------------|---|

sell Lumber Company," and by that name and style are hereby invested with all the rights, powers and privileges conferred, and made subject to all the rules, regulations and restrictions imposed by The Code of North Carolina and all general rules applicable to such corporations as are not inconsistent with the provisions of this act. Corporate name.  
Corporate powers.

SEC. 2. The capital stock of said company shall not be less than seven thousand dollars, but the company shall have the privilege of increasing the same from time to time to an amount not exceeding twenty-five thousand dollars; and shall have power to issue stock to the amount of the capital, and issue bonds, to be secured by deed or deeds of trust upon all property, franchises and improvements of the company. The said stock to be divided into shares of one hundred dollars each, and at all meetings of the stockholders each share to be entitled to one vote, which may be given by the holders thereof or by proxy. Capital stock.  
Stock-vote.

SEC. 3. The officers shall be a president, secretary and treasurer, who shall be elected annually by stockholders. Officers.

SEC. 4. The said company is hereby authorized to own and control and otherwise deal in mills, kilns, timber, timber lands, timber options, and rough and dressed lumber, and manufactured articles of wood, and in all the products of the forest. Corporate powers.

SEC. 5. That the principal place of business shall be at Plymouth, North Carolina. Place of business.

SEC. 6. That the duration of this company be thirty years.

SEC. 7. The said company by the acceptance of this charter hereby agrees to pay all taxes, dues and demands due the state that may be hereafter assessed against it, in lawful money of the United States and not in coupons. Corporate existence.  
Taxation.

SEC. 8. This act shall be in force from its passage.

Ratified the 6th day of March, A. D. 1893.

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#### CHAPTER 270.

#### An act to supplement an act entitled an act to incorporate "The Peoples Bank of Kinston."

*The General Assembly of North Carolina do enact:*

SECTION 1. That the word "Peoples" be stricken out wherever it may appear in said act, ratified the fourteenth day of February, one thousand eight hundred and ninety-three, and the word "Lenoir" substituted therefor. Chapter 75, ante,  
amended.  
Name changed.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

## CHAPTER 271.

An act to amend chapter ten (10), private laws of eighteen hundred and seventy-nine, and thereby change the name of the Charlotte Home and Hospital to Saint Peter's Home and Hospital.

*The General Assembly of North Carolina do enact :*

Chapter 10, private laws 1879, amended.  
Name changed.

SECTION 1. That chapter ten of the private laws of eighteen hundred and seventy-nine be and the same is hereby amended by striking out in section one the words "Charlotte Home and Hospital" and inserting in lieu thereof the words "Saint Peter's Home and Hospital."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

## CHAPTER 272.

An act to incorporate Pleasant Hill Lodge, number one hundred and sixty-eight (168), Ancient, Free and Accepted Masons.

*The General Assembly of North Carolina do enact :*

Incorporators.

SECTION 1. That J. B. West, senior, T. M. Robertson, A. J. Patterson, D. M. Hollady, Manliff Overman and A. M. Euliss, and others, officers and members of Pleasant Hill Lodge, number one hundred and sixty-eight, Ancient, Free and Accepted Masons, located in the town of Liberty, county of Randolph, state of North Carolina, be and they are hereby created a body politic and corporate under the name and title of "Pleasant Hill Lodge, number one hundred and sixty-eight, Ancient, Free and Accepted Masons."

Corporate name.

Corporate powers.

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

By-laws.

SEC. 3. That the said corporation shall have power to pass all necessary by-laws and regulations for its government consistent with the laws of this state and the United States.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.



## CHAPTER 273.

## An act to amend the charter of the city of Hickory.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section nineteen, chapter two hundred and thirty-eight of the laws of one thousand eight hundred and eighty-nine be amended by adding at the end thereof the following: *Provided, however,* that the question of licensing the sale of spirituous liquors within the limits of said city shall be decided by a direct vote of the qualified voters thereof, and the board of aldermen shall at each annual election for mayor and aldermen provide a separate box in which the qualified voters of said city may cast their ballots for "License" or "No license;" and if a majority of the votes so cast shall be in favor of "License" then the elected board of aldermen shall issue to applicants complying with the requirements of the general law license to sell spirituous liquors by wholesale and retail within the limits of said city, and the tax upon each license shall be seven hundred and fifty dollars. But if a majority of the votes cast in said annual election shall favor "No license," then any license issued by the elected board of aldermen for sale of spirituous, malt or vinous liquors within the limits of said city shall be null and void. *It is futher provided,* that in case there should be a tie of votes in the election for "License" or "No license," then the issuing of such license shall be optionary with the said board of aldermen.

Chapter 238, private laws 1889, amended.  
Election on question of licensing sale of spirituous liquor.

Ballots.

Tie vote.

SEC. 2. That this act shall go into effect on and after the first day of May in the year eighteen hundred and ninety-four.

When act to take effect.

Ratified the 6th day of March, A. D. 1893.

## CHAPTER 274.

## An act to incorporate the town of Catawba in Catawba county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Catawba, in the county of Catawba, be and the same is hereby incorporated by the name and style of the "Town of Catawba," and shall be subject to all the provisions of law of chapter sixty-two of The Code or other existing laws in reference to incorporated towns.

Incorporated.  
Corporate name.

- Corporate limits.** SEC. 2. That the corporate limits of said town shall be one-half mile east, west, north and south from the store now occupied by J. D. Little.
- Officers.** SEC. 3. That the officers of said corporation shall consist of a mayor and four commissioners and a marshal, and the following-named persons shall fill said offices until the first Monday in May, anno Domini one thousand eight hundred and ninety-three, viz.: Mayor, J. H. Pitts; commissioners—A. H. Houston, L. H. Lawrence, J. D. Little and E. R. Bost; marshal, Avery M. Cobb.
- Temporary officers.**
- Election.** SEC. 4. There shall be an election held for the offices mentioned in this act on the first Monday in May, one thousand eight hundred and ninety-three, and each succeeding year thereafter, under the same laws and restrictions that county and state elections are held, and all legal voters within said corporation who have resided in the state twelve months and within the corporate limits ninety days previous to the day of election shall be entitled to vote at said election.
- Electors.**
- By-laws** SEC. 5. That said commissioners shall have power to pass all by-laws, rules and regulations for the good government of the town not inconsistent with the laws of the state or the United States, and shall have power to 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 real and personal, to impose fines and penalties and collect the same. They shall also have power to appoint a clerk, treasurer or other officers if they deem it necessary, and shall fix the pay of the officers of said town.
- Taxation.**
- Fines, &c.**
- Officers.** SEC. 6. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

## CHAPTER 275.

An act to incorporate the town of Arlington in Currituck county.

*The General Assembly of North Carolina do enact :*

- Incorporated.** SECTION 1. That the town of Arlington in Currituck county be and the same is hereby incorporated by the name of Arlington, and it shall be subject to all the provisions of law now existing in reference to incorporated towns.
- Corporate name.**
- Corporate limits.** SEC. 2. That the corporate limits of said town shall be as follows: Beginning at a stone in the line between Alma Midgett and Henry Welsted, northwest corner; thence eastwardly across the main road to the line dividing the lands of said Midgett and Edgar O'Neal; thence with said line seven chains from the main road to stone number two,

northeast corner; thence southwardly across the A. and C. canal to stone number three, southeast corner, to the line dividing the lands of Daniel Crane and the Forbes heirs; thence westwardly across the main road three chains to stone number four; thence northwardly across said A. and C. canal to the first station.

SEC. 3. That the officers of said town shall consist of a mayor, three commissioners and a town constable. Officers.

SEC. 4. There shall be an election for the officers mentioned in this act on the first Monday in May, one thousand eight hundred and ninety-three, and annually thereafter, and until said election and until their successors are duly elected and qualified the following shall be the officers of said town: T. P. Hall, mayor; A. B. Midgett, Edgar O'Neal and Jesse J. Spry, commissioners; and W. B. Tatem, constable. Election. Temporary officers.

SEC. 5. For the good government of the town the said officers and their successors in office shall have all the powers, rights and privileges, and shall be governed by all the rules, regulations and restrictions conferred upon and to which mayors and commissioners of incorporated towns are subject by chapter sixty-two of The Code. Powers of officers.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

## CHAPTER 276.

### An act to incorporate the Catawba Toll-Bridge Railway Company.

*The General Assembly of North Carolina do enact:*

SECTION 1. That John L. Lyerly, Abel A. Shuford, Joseph G. Hall, John N. Bohannon, Frank Whiting and Joseph D. Elliott, of the county of Catawba, and G. P. Suttlemyre, A. L. Ramseur and G. W. F. Harper, of the county of Caldwell, or any three of them, and such other persons as may be associated with them, and their successors or assigns, are hereby created a body politic and corporate by the name of "Catawba Toll-Bridge Railway Company," under which name it shall have perpetual succession and a common seal; may sue and be sued, plead and be impleaded, and enjoy all the rights, privileges and advantages of other like corporations under existing laws, besides those hereinafter enumerated. Incorporators. Corporate name. Corporate powers.

SEC. 2. That said company is hereby authorized to construct, equip and operate a railroad of any gauge it may choose from some point on the Chester and Lenoir Railroad at or near the track of the Catawba Lumber Company on the Catawba river in the county of Burke, Authorized to build railroad. Location.

down said river to or near the Catawba toll-bridge in the county of Catawba, not exceeding two and one-half miles in length, with the usual power to cross any other railroad track over, under or at grade.

SEC. 3. That said company shall have authority to lease or sell to any other railroad company and to consolidate with any other company as its board of directors shall so decide, this company still to be known under the name of the Catawba Bridge Railway Company, and shall be authorized to work any unified arrangement for operating the two companies under one management, if no lease or sale of this company, property and franchise is not made.

SEC. 4. The capital stock of said company shall be fifty thousand dollars, divided into shares of fifty dollars each, and the persons aforesaid, or any three of them, are hereby appointed commissioners to open books of subscription and receive subscriptions to the capital stock of the company at such times and places as they may appoint; and when ten per centum of such subscriptions be paid in then the stockholders may organize said company by the election of a board of directors to consist of not less than seven, and the directors shall elect one of their own body as president of said board and of said company. Such election shall be held at such time and place as may be agreed upon by a majority of the stock represented, the said president and directors to serve one year and until their successors shall be elected and qualified unless vacancies shall sooner occur by death, resignation or removal, in either of which latter cases the said board or a majority of them may fill such vacancies until the next regular election. A majority of said board shall constitute a quorum for the transaction of business. A regular annual meeting of the stockholders of said company shall be held at such time in each year and at such place as the said board may appoint, of which due notice shall be given, at which annual meeting a new board of directors shall be elected for the ensuing year. A quorum of stockholders shall consist of the holders of a majority of the stock of said company. The president and directors shall appoint a secretary and treasurer and such other officers and agents as shall be prescribed by the by-laws, rules and regulations from time to time as may be required properly to conduct the affairs of the company.

SEC. 5. The board of directors may also borrow money at a rate of interest not exceeding eight per centum per annum, and issue bonds therefor, and execute and deliver mortgages and deeds of trust upon the franchises and the property of the company to secure the payment of said bonds.

SEC. 6. Certificates of stock shall be issued to the subscribers under the direction of the board of directors, and shall be signed by the president and secretary of said company and authenticated by its seal, and shall be recorded in a book to be kept for the purpose, and all sales or transfers of stock in said company shall be duly recorded

Authorized to lease, consolidate, &c.

Capital stock.

Books of subscription.

Organization.

Election of directors, &c.

Vacancies.

Quorum.

Annual meetings.

Quorum of stockholders.

Secretary, &c.

Authorized to borrow money on mortgage.

Certificates of stock.

in such book. Said stock shall be held and considered as personal property.

SEC. 7. For the purpose of obtaining rights-of-way and depot stations for said railway the company is authorized to acquire by voluntary sale by the owners of such lands along its line as it may need; and if it cannot obtain such land by negotiation and agreement with the owners thereof, then it shall have the right to acquire a title to the same by process of condemnation in the manner prescribed in chapter ninety-nine of The Code of North Carolina: *Provided*, that such condemnation shall not exceed one hundred feet in width along the line of said railway, and one acre for each depot station.

Authorized to acquire land.

Condemnation of land. Proviso.

SEC. 8. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

#### CHAPTER 277.

#### An act to confirm the powers of "The Edgecombe Homestead and Loan Association," and to confer banking privileges.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all of the powers heretofore conferred on "The Edgecombe Homestead and Loan Association" by act incorporating the same before the clerk of the superior court of Edgecombe county be and the same are hereby fully confirmed, and the said corporation is empowered to increase its capital stock from time to time, as its board of directors may determine, to any number of shares, not exceeding ten thousand.

Charter obtained before clerk confirmed.

Increase of capital stock.

SEC. 2. That the said corporation may at any time by a majority vote of the stockholders enter upon and conduct a general banking business, thirty days notice first to be given said stockholders of the meeting called to determine upon the prosecution of said banking business, and thereupon said corporation shall have, possess and enjoy all the rights, privileges and powers usually incident and necessary to a general banking business, including the right and power to receive deposits, to borrow money and make loans and discounts, to acquire and hold any and every species of property, to lend and invest in or upon the security of mortgages, pledges, deeds or otherwise, lands, tenements, hereditaments, personal property or interest therein of every description, situate anywhere, the same to sell and dispose of in anywise, and on all loans to charge interest not exceeding the legal rate.

May conduct banking business.

- Corporate powers as bank of issue. \* SEC. 3. That said corporation on complying with such rules, regulations and requirements as are or may be prescribed by law with regard to the issue and circulation of money by state banks, shall have, enjoy and exercise all such privileges and powers as may be allowed by law.
- Change of name. SEC. 4. That in the event said corporation enter upon the banking business the board of directors thereof shall have the power to adopt another name for said corporation, and to adopt and declare all needful and proper rules and regulations for carrying on said banking business not inconsistent with the laws of this state.
- By-laws.
- Lien on stock. SEC. 5. That said corporation shall have a first lien on all stock of any person therein for all arrearages on said stocks, fines, dues and interest imposed or accrued thereon according to any rules or regulations prescribed by the directors; and if any subscriber shall fail to pay his stock, or any part thereof as the same is required by the rules and regulations of said association, including interest in case of loan and such fines as may be imposed for such default for four consecutive weeks, then the entire stock of such subscriber, together with such securities as may be given said association in case of a loan, may be sold for cash at the banking house of said corporation, after giving twenty days notice of same by written notice to such subscriber, and by posting notice thereof at some conspicuous place in said banking house.
- Remedy against subscriber failing to pay. SEC. 6. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

## CHAPTER 278.

## An act to amend the charter of Trinity College.

*The General Assembly of North Carolina do enact :*

Chapter 6, private laws 1891, amended.

Vacancies in board of trustees, how declared filled.

Trustees elected by graduates subject to approval by Conference, &c.

SECTION 1. That the charter of Trinity College, chapter six, private acts of eighteen hundred and ninety-one, be amended by adding to section three thereof the following: The board of trustees shall have power at any annual or any regularly called meeting at which a majority of the board shall be present to declare any place on the board vacant and proceed to fill the same until the next annual conference in which the appointee shall reside, when the vacancy shall be filled for the unoccupied term in the manner hereinbefore provided. All trustees elected by the graduates of said college shall be elected subject to approval and confirmation by the conference in which such

trustees shall respectively reside, and if not approved the graduates shall proceed to fill the vacancy under by-laws provided therefor.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

### CHAPTER 279.

An act to incorporate "The Commercial and Savings Bank" of Goldsboro, North Carolina.

*The General Assembly of North Carolina do enact :*

SECTION 1. That A. F. Page, W. F. Kornegay, Ed. B. Barbee, H. L. Miller, B. S. Jerman, their associates, successors and assigns, are hereby constituted and declared a body politic and corporate by the name and style of "The Commercial and Savings Bank," and shall continue for a term of sixty years, if accepted by the stockholders within five years of the date of its ratification, with capacity to take, hold and convey real and personal estate, with all of the powers, rights and privileges granted any bank or banking institution incident to or belonging to corporations, banks or banking institutions, as set forth or referred to in the general laws of North Carolina.

SEC. 2. The capital stock of said corporation shall not be less than fifteen thousand dollars (\$15,000), but may be increased from time to time by the stockholders as may be agreed upon to a sum not exceeding two hundred thousand dollars (\$200,000), divided into shares of one hundred dollars (\$100) each.

SEC. 3. The corporators named in the first section of this act or a majority of them are hereby empowered to open books of subscription to the capital stock of said bank at such time and place, and for such period or periods as shall be determined.

SEC. 4. Whenever fifteen hundred dollars or over shall have been subscribed the before-named corporators, or a majority of them, shall call a meeting of the subscribers to said stock at such time and place and on such notice as they deem sufficient, and such subscribers shall elect from among their number such directors and officers as they may deem proper, who shall hold office for one year and until their successors are appointed; said directors shall have authority to fill all vacancies that may occur in their own body and in any office or position of the bank until the next annual meeting of the stockholders.

The corporation shall do a general banking business in all of its forms and branches, and take interest or discount in advance as may be agreed upon, not in the excess of the legal rate. The corporation

may receive on deposit moneys held in trust from executors, administrators, guardians and others, and may issue certificates of deposit bearing such legal rate of interest as may be agreed upon between the parties; executors, administrators, guardians and others making such deposits are hereby authorized and empowered to accept certificates: *Provided*, that nothing in this section shall be construed as releasing any executor, administrator, guardian or any other person who has the custody of any trust fund from liability under their bond or bonds.

Proviso.

Savings bank department.

SEC. 5. The corporation shall have authority to establish a savings bank department and operate same and receive deposits of sums of money of one dollar (\$1.00) and upwards and pay the same with interest as may be agreed upon by the depositors.

Deposits by minors, &c.

SEC. 6. When any deposits shall be made by any person being a minor or *feme covert* the said corporation may, at its discretion, pay to such minor or *feme covert*, and such payment shall be to all intents and purposes valid in law to fully discharge the said corporation from any and all liability on account thereof.

Corporate powers.

SEC. 7. This corporation shall have all the rights, powers and privileges conferred upon the Citizens Trust Company in chapter thirty-eight, laws of North Carolina of eighteen hundred and eighty-three, not inconsistent with this act.

Non-liability of stockholders for corporate debts.

SEC. 8. The stockholders in this corporation shall not be individually liable for any debts or liabilities of this corporation.

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

Ratified the 6th day of March, A. D. 1893.

## CHAPTER 280.

### An act to incorporate the "Carolina Pyrites Company."

*The General Assembly of North Carolina do enact:*

Incorporators.

SECTION 1. That E. B. Springs, Frederick Oliver, D. A. Tompkins, John Oliver, Thomas Oliver, George Oliver and William Oliver, and such other persons as are now or may hereafter be associated with them, and their successors, be and they are hereby created and made a body politic and corporate under the name and style of the "Carolina Pyrites Company," and by such name they are hereby made capable in law to carry on and conduct the business of mining from the ground any ores, minerals or metals, to manufacture the same into any shape or shapes and prepare the same or the manufactured product for home or foreign market; to erect such mills, buildings, machine-shops, stores, dwellings and houses and other works or struc-

Corporate name.

Corporate powers.



tures, as may be requisite or necessary to carry on such kinds or branches of industry as this act may provide for; to acquire and own mines and mining lands and rights of entrance to and outlets from the same; to lay out, construct and operate such roads, tramroads or railroads as may be necessary or convenient for the transportation of the product of their mines or for the transaction of their business, the said roads or railroads to extend from the lands of said company to any point on the line of any railroad or watercourse. The said company hereby incorporated may operate the said roads, tramroads or railroads, charging tolls for the transportation of freight and passengers according to such rate as may be fixed by any law or regulation of this state.

SEC. 2. The said company may carry on and conduct any mercantile or manufacturing business which is not forbidden by the laws of this state, and subject to all rules, laws and regulations governing the said business, and may acquire by gift or purchase any real or personal property and sell, mortgage or lease the same, and have all the rights and privileges incident to the ownership or control thereof.

Corporate powers.

SEC. 3. That the said company, by its corporate name, may sue and be sued, plead and be impleaded in the courts of this state; make and use a corporate seal, and change or alter the same at will or pleasure, and may make, alter or amend such by-laws, rules or regulations as may be deemed proper and which are not repugnant to the laws of this state.

Corporate powers.

SEC. 4. That the capital stock of said company shall be twenty-five thousand dollars, but the same may be increased by the stockholders from time to time as they may determine, and in such amounts as they may deem best to an amount not exceeding five hundred thousand dollars; that the said stock may be divided into any number of shares, that the par value of which shall be one hundred dollars, and certificates shall be issued for the shares in such manner as the directors may prescribe, or as may be provided in the by-laws of the company. Said stock shall be deemed personal property and shall be transferable on the books of the company. In all meetings of the corporation each share of stock shall be entitled to one vote.

Capital stock.

The stockholders are not to be individually liable for the debts or liabilities of the company. Books of subscription may be opened by any three of the corporators at such time and place as they may agree upon.

Stock-vote.

Non-liability of stockholders.

That the corporators, or a majority of them, acting in person or by proxy, after the sum of five thousand dollars has been subscribed, may call a meeting of the subscribers to the stock for the purpose of completing the organization of the company upon such notice to them as they may deem proper. That at such meeting the stockholders

Books of subscription.

Organization

(or subscribers to the stock of the company) may elect a board of directors consisting of such number as they may deem best, and said

Directors.

Officers.

board of directors shall elect a president and such other officers of the company as may seem to them to be necessary.

Authorized to borrow money on mortgage.

SEC. 5. That said company may borrow such sums of money from time to time as may be necessary for its purposes, and for such loans may issue its bonds or promissory notes, bearing interest at a rate to be fixed by the directors and not exceeding the rate allowed by law; and may sell, exchange or hypothecate said bonds or notes on such terms as it may deem advisable; and to secure the said bonds, notes or other obligations of the said company it may execute deeds of trust or mortgage upon its property and franchises or any part or portion thereof, which mortgages or deeds of trust shall be valid and sufficient in law, if duly probated under the laws of this state and registered in any one of the counties where the property of the company or any part thereof is situated.

Registration of mortgage.

Stockholders meetings, &c.

SEC. 6. That the said company may provide and direct in its by-laws how the meetings of the stockholders shall be held and how its officers shall be elected and its servants and agents appointed, and also how the business and affairs of the company shall be managed and conducted.

Where business may be conducted.

SEC. 7. That the said company may establish and carry on or conduct its business or any branch thereof in the county of Gaston or in any other county of this state.

Corporate powers.

SEC. 8. That the said company shall have the right to contract and of being contracted with, and shall also have all the rights and powers usually possessed by corporations under the laws of this state.

Condemnation of land.

SEC. 9. That for the purpose of locating and constructing its road or roads, as hereinbefore provided, the said company shall have the power and right to acquire land and other property or privileges, as provided by chapter forty-nine of The Code; and shall have all the rights, powers and privileges granted in said chapter to railroad corporations, and shall be subject to all the provisions of the said chapter, and except such as are inconsistent with the provisions of this act.

Corporate existence.

Change of name.

SEC. 10. That the said company or corporation shall exist for sixty years, and may change its corporate name and use any other selected and authorized by resolution of its stockholders, which change of name shall be advertised in some newspaper published in the county wherein the said company may have its principal office or place of business.

May subscribe to stock of other companies, &c.

SEC. 11. That the said company is hereby authorized to subscribe to the capital stock of any other corporation or company, and any other corporation or company is authorized to subscribe to its capital stock.

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

Ratified the 6th day of March, A. D. 1893

## CHAPTER 281.

An act to amend the charter of the town of Lexington, North Carolina.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section fifty-five (55) of the private acts of eighteen hundred and eighty-three be and the same is hereby amended as follows: That section six be stricken out and the following substituted in lieu thereof: That the mayor, before entering upon the duties of said office, shall take the oath before the clerk of the superior court of Davidson county that he will well, truly, faithfully and impartially perform the duties of his office for the town according to the best of his skill, ability and judgment.

Chapter 55, private laws 1883 (amending charter of Lexington) amended.  
Oath of mayor.

Section 6a. That each commissioner, before entering upon the duties of said office, shall take before the mayor or some justice of the peace the oath prescribed by law. The mayor and commissioners shall hold their office respectively until the next succeeding election, and until their successors are elected and installed; and they shall have and exercise all the rights powers and duties now prescribed by law and herein conferred.

Oath of commissioners.

Term of office of mayor and commissioners.

Powers.

SEC. 2. That section fifteen (15) be amended by adding thereto the following:

Sec. 15 amended.

Section 15a. That the board of commissioners shall have power to appoint a police force, to consist of a chief of police and such number of policemen as the good government of the town may require, who shall hold their offices 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 commissioners may prescribe for the faithful discharge of the duties imposed by law and the ordinances of the town, and to faithfully account for all moneys that may come into their hands from fines, penalties, &c. The chief of police and each member of the force shall have all the rights, powers, authorities and duties vested in sheriffs and constables of the county by law, and conferred upon the town constables by the charter of the town of Lexington and chapter sixty-two (62) of the Revised Code relating to towns and cities in the discharge of their duties. They shall execute all processes directed to them by the mayor or others, and in the execution thereof shall have the same powers which sheriffs and constables have. The chief and members of the police force shall take an oath before the mayor for the faithful performance of the duties required by law and ordinances. The policemen shall have power to take bail for appearance of defendants or other persons charged with violations of town ordinances in the manner and to the extent that such power is vested in sheriffs, and in case any person or persons shall not appear, the mayor may issue a *scire facias*

Police force.

Bonds.

Powers.

Oath.

Power to take bail.

|   |   |
|---|---|
| Judgment.                                     | and enter judgment final against the defending party and his sureties. The chief of police shall have the power to rearrest upon the same warrant a defendant or party who has been convicted and turned loose upon the statement that he will pay fine and costs, upon failure to pay the same, or in case of an escape.   |
| Rearrests.                                    |   |
| Fees of policemen.                            | Section 15b. 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 the same as that of sheriffs for like service.  |
| Compensation.                                 | The commissioners shall pass ordinances for the government and direction of the police and fix their compensation. In times of exigency the mayor may appoint temporary additional policemen for such time as shall appear to be necessary, who shall take the same oath and be subject to the same control as regular policemen.   |
| Special police.                               |   |
| Suspension of policemen.                      | Section 15c. The mayor may at any time, upon charges preferred or upon finding said chief or any member of said police force guilty of misconduct, suspend such member from service until the board of commissioners shall convene and take action in the matter; and upon hearing the proofs in the case the board may discharge or restore such member, and the pay of such member so suspended shall cease from the time of suspension to the time of his restoration to service.  |
| Trial.  |   |
| Sections 17 and 18 stricken out.              | SEC. 3. That sections seventeen and eighteen be stricken out and instead thereof insert the following:  |
| Property and polls to be listed for taxation. | Section 17. That the mayor, on or before the third Wednesday in May of each and every year, shall make advertisement in some newspaper and by posting notices at three public places in the town notifying all persons residing in the town of Lexington who are liable for poll-tax or who own or have control of taxable property in the town on the first day of June to return to the town clerk on or before the last day of June a list of their taxable property in said town; said list shall state the age of the man, number of lots or parts of lots and all other property now taxable or that may hereafter be made taxable by the laws of the state or ordinances of the town, and the list so returned to the town clerk shall be sworn to before him, and he is hereby authorized to administer the following oath: "I, -----, do solemnly swear that the tax return made out and signed by me contains a full and accurate list of the number of lots owned by me, all bonds, and a full and accurate list of all the property subject to taxation by the laws of the state and ordinances of the town according to my best knowledge, information and belief: so help me, God." And from the returns so made the town clerk shall, within thirty days after the expiration of the time for taking said list, make out in a book kept for that purpose an alphabetical list of the persons and owners of property who have so made their returns in the same manner as tax lists are made out by law for the collector of state and county taxes. And the said clerk shall copy in said book the assessment on file in the register of deeds office of all property within the |
| Oath.   |   |
| Clerk to make tax list.                       |   |

town limits, which assessment may be revised, corrected or amended by the board of commissioners.

Section 17a. That the town clerk shall furnish to the mayor a list of all taxable polls and the names of owners of taxable property in said town not returned for taxation in the manner and within the time aforesaid; and any such person who has so failed shall for such failure pay double the tax on any such subject for which he is liable to be taxed. The board of commissioners shall have all the power given to the board of county commissioners to revise the tax list; and shall, as near as may be made, make the tax list correspond with the tax list of the county of Davidson on all subjects embraced in both lists.

Unlisted polls and property.

Double tax.

Revision of tax list.

Section 18. That as soon as the clerk shall have furnished the assessment roll as provided, and the same shall [have] been approved by the board, the commissioners shall proceed to levy the taxes on all real and personal estate within the corporate limits of said town, also upon all moneys on hand, solvent credits and upon all the polls and other subjects of taxation taxed by the ordinances of the town or by the general assembly for public purposes, not exceeding twenty-five (25) cents on the hundred dollars valuation of property and seventy-five (75) cents on the poll, and the said board shall have power to levy and collect, as other taxes, a commutation upon all persons residing within the corporate limits of Lexington who may be liable to work on the public roads in lieu of requiring of them such personal service on the roads and streets.

Levy of taxes.

Limitation of tax.

Commutation tax on persons liable to road duty.

Section 18a. That as soon as the board of commissioners shall have levied the taxes, and the books are completed and endorsed by the mayor, he shall place them in the hands of the collector for collection, who shall complete the same on or before the first day of November next ensuing, and shall pay the moneys to the treasurer on or before the second Monday in November; and the collector shall receive such per centum on the amount collected [as] may be determined by the board of commissioners: *Provided*, the commissioners may extend the time for collecting and paying over said tax; but on the first day of November there shall be a penalty of one per centum added to the amount of all taxes due, and an additional one per centum on the first day of each month thereafter shall be added until the same be paid.

Collection of taxes.

Moneys payable to treasurer.

Compensation of tax collector. Extension of time.

Penalty.

SEC. 4. That section nineteen be amended by striking out all of said section after the word "and" in the sixth line and inserting the following, "in some newspaper published in the town or county of Davidson, if the property be personalty and for the space of thirty days, if the property be realty, without judgment or execution."

Sec. 19 amended.

Collection by distress and sale; advertisement.

Section 19a. 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 same on the first day of November, and there is no other visible estate liable to distress and sale known to the collector but such lot

Sale of land for taxes.

- or lands belonging to the person in whose name it is listed, he shall report the fact to the commissioners with a description of the real estate, and thereupon the commissioners shall direct the same to be sold at the court-house door in Davidson county by the collector after advertising as directed herein, which he shall do. And the collector shall divide the said land into as many parts as may be convenient for such purpose; he may employ a surveyor, and shall sell as many parts thereof as may be required to pay said taxes and all expenses attendant thereon. If the same cannot be conveniently divided the collector shall sell the whole; and if no person will pay the whole of said taxes and expenses for the whole land the same shall be struck off to the town, and if not redeemed as hereinafter provided shall belong to said town in fee, and the collector shall execute a deed therefor.
- Land to be divided, &c. Section 19*b*. That the collector shall return an account of his proceedings to the commissioners, specifying the portions into which the land was divided and the purchaser or purchasers thereof and the price of each, which shall be entered in the book of proceedings of the board; and if there shall be a surplus, after paying said taxes and expenses of advertising and selling the same, it shall be paid into the town treasury subject to the demands of the owner.
- Sale of whole. Section 19*c*. That 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 the taxes and expenses, and the treasurer shall refund to him without interest the proceeds, less double the amount of taxes.
- Purchase by town. Section 19*d*. 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 assignees, and the recitals in such conveyance or in any other conveyance of lands sold for taxes due the town that the taxes were due, or any other matter required to be true or done before the sale, shall be *prima facie* evidence that the same was true and done.
- Collector to make return, &c. Section 19*e*. 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.
- Surplus. SEC. 5. That section twenty be amended by inserting after the word "cattle" in the second line of said section the words "goats, hogs, geese," and after the word "sheep" insert "or other animals."
- Redemption of land sold for taxes. SEC. 6. That after section twenty-two at the end thereof insert the following: In addition to the subjects listed for taxation the commissioners may levy a tax on the following, the amount of which tax when fixed shall be collected by the tax collector immediately, and if the same be not paid on demand it may be recovered by suit, or the
- Conveyance to purchaser.
- Land of infants, &c.
- Sec. 20 amended. Certain animals running at large may be declared a nuisance, &c.
- Sec. 22 amended.
- Additional license taxes.

article on which the tax is imposed, or any other property of the owner, may be forthwith distrained and sold to satisfy said tax:

- (1). Upon all itinerant merchants or peddlers selling or offering to sell in the town, a tax not exceeding fifty dollars per year, except such only as sell books, charts or maps, and productions of the growth or manufacture of this state, when proven by the applicant to be such domestic production, not exempting venders of medicines by whomsoever manufactured. Peddlers, &c.
- (2). On all keepers of eating-houses or restaurants, fish or meat stands, or market, or bread stand, or fruiterers, a tax not exceeding fifteen dollars per year. Restaurants, &c.
- (3). On every dray, wagon, carriage, buggy or other vehicle used in the town for the conveyance of persons, freight or goods for hire, a tax not exceeding ten dollars. Drays, &c.
- (4). That every express company, telegraph or telephone company, itinerant dealer in lightning-rods and stoves shall pay a license tax not exceeding twenty dollars. Express companies, &c.
- (5). Upon persons soliciting orders for photographs or pictures, selling jewelry or any other article having a prize given therewith, each dancing-school, or any itinerant person taking or enlarging a likeness of the human face on order or otherwise, itinerant traders, shall pay a license tax not exceeding ten dollars per year. Itinerant photographers, &c.
- (6). Upon all encroachments on the streets by porches, piazzas allowed by the commissioners, a tax not exceeding one dollar per foot per year. Encroachments on streets.
- (7). Upon every company of circus-riders or performers, by whatsoever name called, who shall exhibit within the town or within one mile of the limits thereof a license tax not exceeding fifty dollars for each performance or separate exhibition, and upon every side-show connected therewith a tax not exceeding ten dollars, the tax to be paid before exhibition, and if not paid the tax to be doubled. Circuses, &c.
- (8). Upon every person or company exhibiting within the town, or within one mile thereof, stage or theatrical plays, slight-of-hand performances, rope-dancing, tumbling, wire-dancing, or menageries, a tax not exceeding twenty dollars for every performance or exhibition of not more than twelve hours, the tax to be paid before exhibiting or the same shall be doubled. Theatres, &c.
- (9). Upon each show or exhibition of any kind not mentioned, or concert for reward (except for religious purposes or interest), within the town or within one mile thereof, a tax not exceeding ten dollars for each performance. Concerts, &c.
- SEC. 7. That section twenty-four be amended by adding to the end thereof the following: The fine imposed for violation of any ordinance against retailing without license, or other offences, shall accrue to the town, notwithstanding the said offence shall also be triable before the superior court and punishable by said court, and the com-

Sec. 24 amended.  
Fines, &c., payable to town.

missioners shall have power to adopt ordinances making the fines recovered for violation of any town ordinance payable to said town.

Sec. 25 amended.

Certain buildings may be declared a nuisance.

Abatement. Proviso.

Expenses.

Abatement of nuisances.

Proviso.

Sec. 26 amended.

Prevention of contagious diseases, &c.

SEC. 8. That section twenty-five be amended by adding thereto the following: The board of commissioners may declare any public or private building, or any framework, smoke-stack, windmill or structure of any kind in the corporation to be a nuisance, and have it abated by removal or otherwise, as they may direct: *Provided*, that upon inspection such building or structure is found to be dangerous or hazardous in any way to life or property. The expense of removing or otherwise abating such nuisance shall attach to the property and be a lien thereon, and collectible as other taxes.

Section 25a. That the board of commissioners shall have the power and it shall be their duty to prohibit all trades, occupations or acts which are a nuisance from being carried on in said town; and the power and authority of said board of commissioners for the abatement and removal of nuisances shall extend one mile beyond the limits of the town. They shall have power, and it shall be their duty to cause all ponds, sunken lots and other places in which water stands and stagnates to be drained and filled up and to recover from the owner or occupier the expenses, which expense shall be a lien on the lot, which lien may be enforced as liens for taxes: *Provided*, the owner or occupier of said lots, after ten days notice, shall neglect or refuse to remove or abate said nuisance. They shall have authority to cause all nuisances arising from any cause within and for one mile without the town limits to be removed or abated, and for removing or abating any such nuisance, the person permitting or causing or creating the same shall pay the expenses as above required and enforced.

SEC. 9. That section twenty-six be and the same is hereby amended by adding to the end thereof the following:

Section 26a. That the commissioners may take such measures as they may deem effectual to prevent the entrance into the town or the spreading therein of any contagious or infectious disease; may stop, detain and examine for that purpose every person 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 the health of the town, to be removed to the hospital if the town has one; if not where the mayor may direct; may remove from the town or destroy any furniture or other article which shall be suspected of being tainted or infected with contagious or infectious diseases, or of which there shall be reasonable cause to apprehend that they may pass into such a state as to generate and propagate disease; may abate by any reasonable means all nuisances which may be injurious to public health.



Section 26*b*. 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 expenses of the removal, support, nursing and medical attendance, burial expenses also in case of death.

Recovery of hospital expenses.

Section 26*c*. That if any person shall attempt by force or by threat of violence to prevent the removal to the hospital, or the place selected by the mayor as aforesaid, of any person ordered to be carried there, the person so offending shall forfeit and pay to the town fifty dollars, and be deemed guilty of a misdemeanor.

Penalty for attempt to prevent removal to hospital, &c.

Section 26*d*. That all persons owning lots in the town of Lexington, North Carolina, which front on streets and sidewalks that may be macadamized, graded, paved and otherwise improved by the mayor and commissioners of said town shall pay respectively one-half of the expenses of grading, paving or otherwise improving said sidewalks which shall be adjoining and immediately in front of said lots respectively; that the board of commissioners of said town shall levy a tax on each and every of said persons owning said lots, which shall be equal to one-half of said amount of such expenses respectively, and the same shall be a lien on said lots respectively; and the town tax collector shall collect said taxes in the manner and at the time provided by law for the collection of other town taxes, and the said money shall be applied to the payment of said expenses respectively and to no other.

Liability of abutting landowners for street improvements.

Levy of tax.

Lien.

Collection.

Application of money.

SEC. 10. That section twenty-nine shall be amended by adding to the end thereof the following: They may also provide for the establishing, 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 town the mayor, or in his absence, a majority of the commissioners who may be present, may order the blowing up or pulling down or destroying of any house or houses deemed necessary to stop the progress of the fire, and no person shall be held liable civilly or criminally for acting in such case in obedience to such orders. They shall have power to establish fire limits within the town. They may prohibit wooden buildings from being removed from without into said fire limits, or from being removed from one place to another within the same, under such penalties as the board may establish.

Sec. 29 amended.

Fire companies.

Destruction of buildings to prevent fire, &c.

Fire limits.

SEC. 11. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Conflicting laws repealed.

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

Ratified the 6th day of March, A. D. 1893.

## CHAPTER 282.

**An act to incorporate the Elizabeth City Colored Normal and Industrial Institute at Elizabeth City, Pasquotank county.**

*The General Assembly of North Carolina do enact :*

- Name changed. SECTION 1. That the name of the institution known at present as the "Elizabeth City Colored Normal School" be and the same is hereby changed and shall be hereafter known as the "Elizabeth City Colored Normal and Industrial Institute," and that Emanuel M. Davis,
- Body politic. W. C. Butler, L. C. Brothers, Jordan Close, Edward Morrell, John H. Converse, W. P. Hentzey, E. W. Clark, D. Holliday, Charles H. Marshall, Rowland Hazzard, Andrew Cowstock, Albert A. Pope, William H. Allen, William Lee Church, Joseph Sawyer, Martin Brimmer, H. L. Pickman, Nathan Appleton, Charles J. Pickford, J. N. Smith, James Phillips, junior, C. T. Christenson, William T. Wardwell and G. A. Mebane, and their associates and successors in office, be and they are hereby created and constituted a body politic
- Corporate name. and corporate by the name and style of "Trustees of the Elizabeth City Colored Normal and Industrial Institute," an institution of learning situated at Elizabeth City in the county of Pasquotank and state of North Carolina, and as such and by said name of institution as aforesaid shall be capable in law and in equity to sue and to be sued, to plead and to be impleaded, to use a common seal, and to make such by-laws and regulations and rules as they the said trustees and their successors may deem best, not inconsistent with the laws of the United States or the state of North Carolina.
- Corporate powers. SEC. 2. That said trustees and their successors are and shall be authorized to appoint a president, a vice-president, a treasurer, a recording secretary, a general superintendent and such other officers and teachers as may in their judgment be necessary to serve the purposes and to carry into effect the objects of said institution.
- Officers. SEC. 3. That said trustees and their successors shall have and hold all estate, property and funds now belonging to said institution, and shall have and hold all property, funds, money, donations, legacies and devises which may hereafter be granted, given, conveyed, bequeathed and devised to said institution in trust for the use and support of the said institution: *Provided*, such property shall not exceed in value two hundred thousand dollars.
- Property to be held in trust. SEC. 4. That the said trustees shall have power to appoint an executive committee, to consist of ten members including the president, vice-president, treasurer, recording secretary and superintendent, a majority of whom shall constitute a quorum and shall have full power to transact any business for the said institution.
- Proviso.
- Executive committee.

SEC. 5. That the said executive committee shall have power after the first two years next ensuing after the adoption of this act, to elect the trustees for said institution and to fill all vacancies that may occur in the same. Executive committee to elect trustees after two years.

SEC. 6. That all acts or parts of acts contrary to this act are hereby repealed. Conflicting laws repealed.

SEC. 7. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 283.

An act to incorporate the Louisburg Savings Bank.

*The General Assembly of North Carolina do enact :*

SECTION 1. That C. M. Cook, R. T. Gray, J. P. Timberlake, J. S. Barrow, H. C. Kearney, E. W. Timberlake, T. J. Simmons, J. H. Simmons and F. N. Egerton, and their associates, successors and assigns, be and they are hereby created a body politic and corporate under name and style of "Louisburg Savings Bank," and by such name may acquire, hold and convey real and personal property, sue and be sued, plead and be impleaded in any of the courts of the state, and have a continual succession for ninety-nine years, and a common seal for the purposes indicated in the title. Incorporators.  
Corporate name.  
Corporate powers.

SEC. 2. That the capital stock of said corporation shall not be less than ten thousand dollars, which may be increased from time to time to a sum not exceeding one hundred thousand dollars, in shares of twenty-five dollars each, payable in such manner and at such time as the board of directors may prescribe. Said corporation may, however, commence the business of banking when three thousand dollars of the capital stock aforesaid has been paid in. The stockholders shall not be individually liable for the debts of the corporation. Capital stock.  
When to commence business.  
Non-liability of stockholders.

SEC. 3. That the persons first named in section one of this act shall be and remain directors of this corporation until their successors are chosen: *Provided*, that no person shall be a director in said corporation without having first subscribed and taken at least ten shares of said stock. Directors.  
Proviso.

SEC. 4. It shall be the duty of the board of directors to prescribe rules, regulations and by-laws for the government thereof, to choose officers, fix salaries, fill vacancies, and generally do and perform such duties as the rules, regulations and by-laws of this corporation shall prescribe, when the same shall have been duly ratified by a majority in number and value of the stockholders voting thereon in person or by proxy. Duties of directors.

Office.

SEC. 5. The office or banking house of this corporation shall be located in the town of Louisburg, state of North Carolina.

Corporate powers.

SEC. 6. That this corporation shall have power to receive and pay out the lawful currency of the country, deal in exchange, gold and silver coin, stocks, bonds, notes and other securities; to loan money or receive deposits of money or other property or evidences of debt from corporations, minors, apprentices, *femes covert* or other persons on such terms and time and manner of collection and payment as may be agreed upon between the parties, and for use and loan of money may charge a rate not exceeding that prescribed by the laws of North Carolina, and may take and receive said interest at the time of making said loan, free from all other control, contract or liability whatsoever; to invest in the stocks, bonds or other securities of this or any other state or of the United States, or of any corporation under the laws thereof, and to take such real or personal property conditioned in such form for the payment of the principal and interest of money loaned or advanced or expended as may be deemed most safe, expedient and beneficial.

Corporate powers as guarantor.

SEC. 7. That this corporation shall have power and authority to guarantee the payment of principal and interest of notes, bonds, bills of exchange and other securities or evidences of debt, including the obligations of such corporations and individuals as may have secured their payment by deed of trust made to this corporation for such special purpose, and to receive for any guarantee such compensation as the parties may agree upon.

Corporate powers as bank of issue.

SEC. 8. That said corporation shall have power and authority to issue money or currency or other circulating medium in such manner and under such rules and regulations as may be prescribed hereafter by the laws of North Carolina and of the United States.

SEC. 9. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

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CHAPTER 284.

An act to authorize the Wilmington and Weldon Railroad Company to consolidate with any other railroad company with which it may connect directly or indirectly.

*The General Assembly of North Carolina do enact:*

Authorized to consolidate with other company.

SECTION 1. That authority is hereby given to the Wilmington and Weldon Railroad Company to consolidate with any other railroad company with which it may connect either directly or indirectly,

that may be organized under the laws of this state or of any adjoining state, which may have the power under the laws of this or such other state to consolidate with other companies, and any company organized under the laws of this state shall have the right to consolidate with the Wilmington and Weldon Railroad Company, and such consolidation may be made between the Wilmington and Weldon Railroad Company and any other such company upon such terms and conditions as may be agreed upon by a majority of the stockholders of each corporation entitled to vote at all stockholders meetings:

*Provided*, that nothing herein contained shall be construed to exempt said railroad company or any road with which it may be consolidated from any taxes imposed by any general law of the state upon railroad property or franchises, and if said railroad company shall consolidate with any other road whose property or franchises are now exempt from taxation, such exemption shall cease and such property and franchises of any and all such companies as may be consolidated under the provisions of this act shall be subject to taxation in like manner as the property and franchises of companies which are subject to taxation under the laws of this state: "*Provided*, that this act shall not have the effect of ousting the jurisdiction of the courts of this state over causes of action arising within the state."

Other company may consolidate with W. & W. R. Co.

No exemption from taxation.

Jurisdiction of state courts not ousted.

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

Ratified the 6th day of March, A. D. 1893.

## CHAPTER 285.

### An act to incorporate Peterson Academy.

*The General Assembly of North Carolina do enact:*

SECTION 1. That James J. Britt, A. Z. McCurry, D. M. Horton, D. F. Young, J. W. Bryant, R. W. Peterson, J. W. Benton and M. P. McCurry, their successors, associates and assigns, are hereby declared to be a body corporate and politic under the name and style of "The Peterson Academy," and as such may sue and be sued, plead and be impleaded, and generally to have all the powers and privileges of corporations of similar character. In such capacity they may establish and maintain in Yancey county an institution of learning in which shall be taught such studies of an advanced character as are usually taught in high schools and academies, and such pupils as have been found proficient in their studies may, upon completing the course of study prescribed, have conferred upon them by the Peterson

Incorporators.

Corporate name.

Corporate powers.

Academy certificates of proficiency in the various studies or courses of study taught in such academy.

By-laws.

SEC. 2. That the trustees of Peterson Academy may make such by-laws for the conduct and better government of the institution as they may deem best: *Provided*, that the same be not inconsistent with the laws of the land.

Proviso.

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

Ratified the 6th day of March, A. D. 1893.

#### CHAPTER 286.

An act to amend chapter twenty-one of the private laws of eighteen hundred and eighty-seven, and chapter three hundred and twenty-nine of the private laws of eighteen hundred and ninety-one.

*The General Assembly of North Carolina do enact:*

Wilmington Street Railway Co. authorized to produce and sell gas, &c.

SECTION 1. That in addition to the right given to the Wilmington Street Railway Company to use electricity as a motive power and to sell electric current for the production of arc and incandescent lights conferred by chapter twenty-one of the private laws of eighteen hundred and eighty-seven and chapter three hundred and twenty-nine of the private laws of eighteen hundred and ninety-one, the said the Wilmington Street Railway Company is hereby empowered to produce and sell gas for lighting purposes and also as a motive power, and such other purposes as may be found profitable or desirable, and for such sale and distribution the said company is permitted to erect mains, pipes and underground conduits and conductors through and under the streets of Wilmington and vicinity, under such rules and regulations as the board of aldermen of said city may prescribe.

Increase of capital stock.

SEC. 2. That the said the Wilmington Street Railway Company shall have power in its discretion to increase its capital stock to a sum not exceeding one million dollars, and shall have authority to purchase and consolidate with any existing gas or electric light company upon such terms as may be mutually agreed upon, and in its corporate name to hold the same; and shall have power to borrow money and issue bonds or other securities, and secure the same by mortgage or deed of trust upon the combined railway, electric lighting and power, and gas property and franchises, or upon any or all of said interests, as said company may deem best.

Consolidation with other company.

May borrow money on mortgage, &c.

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

Ratified the 6th day of March, A. D. 1893.

## CHAPTER 287.

## An act to incorporate the "Wocoon Game Preserve Company."

*The General Assembly of North Carolina do enact :*

SECTION 1. That Iredell Means, Wm. H. Green, Thos. W. Strange, William A. Williams, Walker W. Vick, E. S. Tennent and F. W. Coolbaugh be and they are constituted a body politic and corporate under the name of the "Wocoon Game Preserve Company," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, create by-laws and regulations for its own management, adopt a common seal, which it may alter or break at any time, and enjoy all the franchises and privileges incident to business corporations in the State.

Incorporators.

Corporate name.

Corporate powers.

SEC. 2. That the corporate stock of said company shall be fifty thousand dollars (\$50,000), to be divided into shares of one hundred dollars each (\$100), with power to increase the same to a sum not exceeding three hundred thousand dollars (\$300,000), by consent of the stockholders owning two-thirds of the stock issued at the time of the increase.

Capital stock.

SEC. 3. That whenever five thousand dollars (\$5,000) shall have been subscribed to the capital stock it shall be the duty of the incorporators, or any three of them, to call a general meeting of the stockholders, and at such meeting the stockholders present, if representing a majority of the stock subscribed, may proceed to organize said company and adopt such by-laws, rules and regulations as they may determine upon, and elect such officers as may be provided for in the by-laws then adopted.

Organization.

By-laws.

Officers.

SEC. 4. The said corporation shall have full power to buy, lease, exchange, hold, own, sell and convey real and personal property with all rights and privileges therewith; that section --, volume -- of The Code is hereby repealed in so far as it conflicts with this act, and that said corporation may own, hold and enjoy any quantity of public lands which it may purchase from the State or its agents, and such quantity or quantities of land which it may purchase, lease or acquire otherwise than from the State to any amount not exceeding ten thousand acres; to improve and turn to account any land or other property acquired by or in which the company is interested; to sell, mortgage, lease or otherwise dispose of the property of the company upon such terms as it may elect, and to issue bonds or sell its stock for the purpose of promoting its business: *Provided*, that no bonds shall be issued except upon the affirmative vote of two-thirds of the stock in force; and to take subscriptions for shares of the capital stock either in money, personal services actually rendered to said corporation, real estate or personal property; and shall have full power to utilize any of its land in the cultivation of all farm products, the

Corporate powers.

Proviso.

preservation of all kinds of game, the raising of all kinds of stock, either for the purpose of marketing or selling the same, or for the pleasure and enjoyment in hunting or otherwise of the members of the corporation.

Corporate powers.

SEC. 5. The said corporation shall have the right to engage in the business of planting, cultivating, buying and selling vegetables and fruit products, oysters, clams and all kinds of shell and migratory fish, and to carry on in all its branches the business of packing, pickling, preserving, marketing and canning the same, and to catch and fish for any or all kinds of shell and migratory fish in any of the waters of the state for any or all objects and purposes of its incorporation; and may hold and enjoy, either by lease, purchase or gift, and utilize in the planting, cultivation and sale of oysters and other shell-fish, all such oyster area or private garden as it may acquire by purchase or otherwise according to the laws regulating the acquisition of oyster bottom or oyster ground; and may transplant to its private oyster gardens or area from the natural oyster and shell-fish beds of the state oysters and other shell-fish for cultivation: *Provided*, such cultivation and removal shall be done in accordance with the general and special laws of the state regulating the transplanting and cultivation of shell-fish.

Proviso.

Corporate powers.

SEC. 6. Said corporation may construct, build and maintain in promotion of its interest factories, machinery, buildings, railways and tramways upon its own property or upon any property it may acquire the right so to do, and purchase or lease boats or vessels of any kind for freighting or transportation upon water.

Place of business.

SEC. 7. That the principal place of business of said corporation shall be in New Hanover county, but the same may be changed at the pleasure of the corporation, and until finally located the meetings and business of said corporation may be held in the city of Wilmington, North Carolina.

Liability of stockholders.

SEC. 8. That the stockholders of said corporation shall not be individually liable for the debts, contracts and obligation of said company in excess of the amount of stock owned and paid for by them.

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

Ratified the 6th day of March, A. D. 1893.

#### CHAPTER 288.

**An act to incorporate the Board of Education of the Buncombe County Missionary Baptist Association.**

*The General Assembly of North Carolina do enact :*

Incorporators.

SECTION 1. That Jason Asheworth, J. A. Brookshire, T. C. Morgan, T. J. Reed, F. P. Ingle, G. W. Purefoy, J. H. Tucker, A. J. Justice, J. R. Starns, A. E. Brown, Judson Morgan, J. L. White, J. Q. Adams,



D. B. Nelson and J. H. Sams, trustees, and their successors, be and they are hereby declared to be a body politic and corporate for the purpose of establishing schools and furthering education within the bounds of the Buncombe County Missionary Baptist Association under the name and style of "The Board of Education of the Buncombe County Missionary Baptist Association," and by that name and style they shall exist for a period of sixty years; and shall be capable in law to take, receive, hold and purchase all manner of lands, tenements, rents and annuities and other hereditaments, and all moneys, goods and chattels, and solvent credits, stocks, bonds, and other things of value which at any time may be donated, devised, bequeathed, granted, sold, or otherwise conveyed to the said corporation.

Corporate name.

Corporate existence and powers.

SEC. 2. That the said corporation shall be capable in their corporate name to sue and be sued, appear, prosecute and defend to final judgment and execution in any court or elsewhere; to have a common seal, if they so choose, which they may alter at pleasure; to elect in such manner as they shall determine to be proper all necessary officers and fix their compensation and define their duties and obligations; to make by-laws and regulations consistent with the laws of the state for their own government and for the due and orderly conducting of their affairs and the management of their property.

Corporate powers.

SEC. 3. That of the trustees named in section one of this act the first five named shall hold their office for the term of one year, the second five for two years, and the third five for three years, but their successors shall hold their office for three years, subject, however, to removal by a majority of the board for inefficiency or neglect of duty. Any trustee who refuses to act or shall fail to attend the meetings of the board continuously for the space of two years, the membership of said trustee shall be considered vacant. All vacancies occurring in the board by death, removal, removal from the association, resignation, expiration of term, or otherwise, shall be filled by election at the next annual session of the association upon recommendation of the board of trustees and approval of the committee to nominate board of the said association.

Term of office of trustees.

Vacancies.

SEC. 4. That the said board shall have power to remove any one of their number for improper conduct, of which they shall be the sole judges: *Provided*, the accused shall have ten days notice of the charges preferred against him: *Provided further*, that a majority of two-thirds of the number present shall be necessary to effect such removal, and at such trial a majority of the whole board shall be present.

Removal of trustees.

Proviso.

Proviso.

SEC. 5. That such members of the Missionary Baptist Church as may be chosen shall have right to serve on said board.

Who eligible as trustees.

SEC. 6. That the officers of said board shall consist of a president, vice-president, secretary and treasurer, and such other officers as may

Officers.

be necessary for the management of the work of the board, whose duties shall be such as are defined and designated by the board for its government and work.

Annual meet-  
ings, &c. SEC. 7. The said board shall fix the time and place of its annual meeting, but the president may call a meeting at such time and place as he may think best for the transaction of such business as may be necessary at the time.

Quorum. SEC. 8. That five members shall constitute a quorum for the trans-  
action of business.

Election of prin-  
cipals, profes-  
sors, &c. SEC. 9. That the said board of trustees shall have the exclusive right  
to elect principals and presidents of such schools and colleges as they  
may establish, and to elect such professors and tutors and other offi-  
cers as they shall deem qualified and necessary for the proper man-  
agement of said schools and colleges, and may remove them for mis-  
behavior, inability or neglect of duty or other cause which shall be  
deemed advisable to said trustees; and shall fill all vacancies occur-  
ing in the faculties of said school or colleges: *Provided*, they may  
delegate the power to so elect such professors, tutors, teachers and  
officers and to fill such vacancies to the president or principal of said  
schools and colleges.

Removal.  
Vacancies.  
Proviso. SEC. 10. That the president or principal of such colleges or high  
schools and the professors or teachers and officers shall constitute the  
faculty thereof, and with the advice and consent of the educational  
board shall have power to grant certificates of merit and proficiency  
in any of the branches taught therein.

Faculty.  
Certificates. SEC. 11. The said trustees and their successors so elected shall con-  
stitute "The Board of Education of the Buncombe County Missionary  
Baptist Association," and are to remain under its control and direc-  
tion.

Trustees to con-  
stitute board of  
education, &c. SEC. 12. That the said board are hereby empowered to receive  
donations and to hold property both real and personal for educational  
purposes; to establish high schools, colleges, industrial and other  
schools of learning at such times and places within the bounds of said  
association as they may deem expedient, and to procure charters for  
the same, and to take all legal and other action for the furtherance  
of education within the said association. The said board shall report  
their acts and recommendations to the meetings of the annual asso-  
ciation for ratification and approval. The said board shall have no  
power to purchase property and to contract debts or pledge its credit  
or the credit of the association without the authority and consent of  
a two-thirds vote of the association in its annual meeting; but with  
the consent of the association so obtained, the said board may  
exchange, sell, convey or lease any of its property, real or personal,  
pledge its faith and credit, borrow money for the necessary expenses  
of its schools and colleges or for the purpose of making improvements  
in its property or advancing the cause of education within said associa-

Powers of board.

tion, to execute notes for sums borrowed and to secure the same by mortgage or deed of trust.

SEC. 13. That the trustees of said board shall not be individually liable for the debts of said corporation. Non-liability of trustees, &c.

SEC. 14. That all laws and clauses of laws in conflict with this act are hereby repealed so far as the said corporation is concerned and no further. Conflicting laws repealed.

SEC. 15. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

#### CHAPTER 289.

#### An act to incorporate the "Mutual Mercantile Company."

*The General Assembly of North Carolina do enact:*

SECTION 1. That J. P. Allison, W. L. Hill and A. B. Young and such other persons as they may associate with them, and their successors and assigns, are hereby created and constituted a body politic and corporate by the name and title of "Mutual Mercantile Company," and under that name and style may sue and be sued, implead and be impleaded, contract and be contracted with, adopt and use a common seal, and enjoy all the rights and privileges, powers and immunities usually pertaining to corporations. Incorporators.  
Corporate name.  
Corporate powers.

SEC. 2. That the capital stock of said corporation shall be fifty thousand dollars (\$50,000), divided into five hundred shares of the par value of one hundred dollars each, with the privilege of increasing said capital stock from time to time to any sum not exceeding in the aggregate five hundred thousand dollars (\$500,000). Capital stock.

SEC. 3. That said corporation is hereby authorized and empowered to conduct and carry on the mercantile business in all its branches, and may buy, sell and deal in goods, wares and merchandise of every description. Corporate powers.

SEC. 4. That said corporation shall have power to lease, purchase, hold, sell and convey real estate and personal property of every kind and description necessary for its business, and shall have the power to borrow money and issue bonds or other evidences of indebtedness for the same. Corporate powers.

SEC. 5. That said corporation shall be managed by a board of five directors to be elected by the stockholders, two of whom shall be the president and treasurer. Directors.

SEC. 6. The officers of said corporation shall consist of a president, a vice-president, a secretary and a treasurer, to be elected by the Officers.

board of directors, but the said board of directors may elect one person to fill the offices of secretary and treasurer.

## By-laws.

SEC. 7. That the said stockholders of said corporation may make all such by-laws, rules and regulations for the conduct and management of the corporation and its business as they may deem necessary or expedient and not inconsistent with the laws of the state.

Corporate existence.  
When stock certificate to be issued.  
No assessment.

SEC. 8. That the duration of said corporation shall be thirty years.

SEC. 9. That no certificate of stock shall be issued unless the par value thereof has been paid, and when any certificate shall have been issued for one or more shares, no assessment shall thereafter be made upon such share or shares.

## Offices.

SEC. 10. That said corporation shall have its principal office and place of business at Charlotte, North Carolina, with the privilege of establishing branch offices and places of business at its will and pleasure within the state of North Carolina.

Stockholders meetings.

SEC. 11. That the stockholders of said company shall meet annually, and at said meeting each stockholder may be represented in person or by proxy, and shall be entitled to cast one vote for each share of stock held by him.

## Stock-vote.

Books of subscription.

SEC. 12. That the corporators hereinbefore named shall have power to open books of subscription at any time after the ratification of this act, and shall have the power to call the first meeting of the stockholders at such time and place as they may determine after the stock shall have been subscribed.

## Organization.

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

Ratified the 6th day of March, A. D. 1893.

## CHAPTER 290.

An act to incorporate Mount Pleasant Academy in Wake county, state of North Carolina.

*The General Assembly of North Carolina do enact:*

Incorporators.

SECTION 1. That G. W. Ray, J. L. Pough, J. R. Ray, W. C. Rogers, J. D. R. Allan and J. D. Broadwell, and their associates and successors, are hereby incorporated a body politic for educational purposes under the name and style of "Trustees of Mount Pleasant Academy" in the county of Wake, state of North Carolina, and as such may have all the powers of the like institutions and may sue and be sued, plead and be impleaded. Said corporation shall have corporate existence for a period of fifty years.

Corporate name.

Corporate powers.

SEC. 2. That said corporation may purchase and hold such property, real and personal, as they may deem necessary for the purposes above named and may convey the same at pleasure. Corporate powers.

SEC. 3. That the said Mount Pleasant Academy is hereby empowered to grant such certificates of proficiency and merit as may be deemed advisable. May grant certificates, &c.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

## CHAPTER 291.

An act to change the name of the "C. E. Graham Manufacturing Company" to "Asheville Cotton Mills."

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter four hundred and twenty-five, laws eighteen hundred and eighty-seven, be amended by striking out the words "The C. E. Graham Manufacturing Company" whenever they may appear and insert in lieu thereof the words "Asheville Cotton Mills," and that said manufacturing company be hereafter known as "Asheville Cotton Mills." Chapter 425, laws 1887, amended.  
Name changed.

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

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

## CHAPTER 292.

An act to re-enact chapter four hundred and eighty-two of the laws of eighteen hundred and ninety-one, and to extend the time for the operation of same.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter four hundred and eighty-two of the laws of eighteen hundred and ninety-one be and the same is hereby re-enacted. Chapter 482, laws 1891 (incorporating the Cape Fear and Northern Railway Co.) re-enacted.

SEC. 2. That the work on said railroad shall be commenced within two years from the ratification of this act. When work to be commenced.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

## CHAPTER 293.

**An act to allow the city of Asheville to issue additional sewer bonds.***The General Assembly of North Carolina do enact :*

Mayor and aldermen authorized to issue \$25,000 additional sewer bonds.

SECTION 1. That the mayor and board of aldermen of the city of Asheville have leave, authority and power to issue twenty-five thousand dollars of sewer bonds of same series and tenor in addition to those already issued, upon the same conditions as the sewer bonds were issued under an act to amend the charter of the city of Asheville, ratified February twenty-eighth, eighteen hundred and ninety-one.

Election on question of issuing bonds.

SEC. 2. That the mayor and board of aldermen shall submit the question of approval or non-approval as to the twenty-five thousand dollars of sewer bonds herein provided for at the next general election for officers of said city.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

## CHAPTER 294.

**An act relating to the sale of spirituous liquors within the limits of Killquick, Edgecombe county.***The General Assembly of North Carolina do enact :*

Chapter 47 ante (repealing chapter 52, private laws 1883, incorporating town of Killquick) not to affect subsisting retail liquor licenses.

SECTION 1. That the act enacted at the present session of the general assembly repealing the charter of the town of Killquick in Edgecombe county shall not have the effect to forbid or prevent those who are at present engaged in the sale of spirituous liquors within the former limits of said town from continuing their said business until the expiration of the licenses heretofore granted, and no longer.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

## CHAPTER 295.

An act to amend the charter of the town of Ayden in Pitt county.

*The General Assembly of North Carolina do enact :*

- SECTION 1. That if any person who shall be elected mayor shall refuse to be qualified, or there is a vacancy in the office after election and qualification by reason of resignation or otherwise, or if the mayor be temporarily absent from town, or be unable to discharge the duties of his office from sickness or otherwise, the commissioners shall choose one of their number to act as mayor *pro tempore*, or to fill the unexpired term, and likewise in case of a commissioner refusing to qualify, or in case of resignation or inability to act, the remaining commissioners shall elect some suitable person within the limits of said town to fill the vacancy. Mayor *pro tem.* Vacancy in board of commissioners.
- SEC. 2. That any person elected mayor, commissioner for said town who shall refuse to qualify and act as such shall forfeit and pay to the use of said town the sum of twenty dollars. Penalty for refusal to qualify as mayor or commissioner.
- SEC. 3. That the mayor, as a peace officer, shall have within the corporate limits all the powers and authority of a justice of the peace, and as a judicial officer within the same all the power, jurisdiction and authority necessary to issue processes upon and to hear and determine all cases arising upon the ordinances of the board of commissioners; to impose penalties upon any adjudged violation 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 Pitt county upon giving bond with security for his or her appearance at the next term thereof: *Provided further*, that the county of Pitt shall not pay any fees for any person committed to the county jail by said mayor. Criminal jurisdiction of mayor. Right of appeal.
- SEC. 4. That the mayor shall preside at all meetings of the town commissioners, but shall not be entitled to vote except in case of a 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 rendered by a justice of the peace, and may be executed and enforced against the parties in the courts of Pitt county or elsewhere, and by the same means and manner as if the same had been rendered by a justice of the peace of Pitt county. County not liable for certain jail fees. Duties of mayor.
- SEC. 5. That every violation of a town ordinance shall be a misdemeanor, and shall be punished by a fine of not more than fifty dollars or imprisoned not more than thirty days, or both. Force of judgments. Violation of town ordinance a misdemeanor.

Imprisonment  
for fines.

SEC. 6. 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 be hereafter provided by law.

Fines payable  
into town treasury.

SEC. 7. That all fines collected under the provisions of the foregoing act for violations of town ordinances shall go to the use of the town.

Fees of mayor.

SEC. 8. That the mayor shall be entitled to the same fees as a justice of the peace in like cases, and such additional salary to be allowed by the commissioners, if they see fit, not to exceed one hundred dollars.

Salary.

Board of com-  
missioners.

SEC. 9. That the commissioners shall form one board, and a majority of them shall be competent to perform all the duties prescribed for commissioners, unless otherwise provided. Within five days after their election they shall convene for the transaction of business, and shall fix their stated days for meeting during the year, which shall be as often as once a month during the same. Special meetings of the commissioners may be held on the call of the mayor or a majority of the commissioners, and of every such meeting those not joining in the call shall be notified verbally or in writing.

Ordinances, &c.

SEC. 10. That the commissioners shall have the power to make and provide for the execution of such ordinances, by-laws, rules and regulations for the good government of the town as they may deem necessary: *Provided*, the same be not inconsistent with the laws of the land.

Proviso.

Powers and  
duties of com-  
missioners.

SEC. 11. 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 prohibit any indecent exposure of person, by imposing such fines and imprisonments in all cases within the jurisdiction of justices of the peace as they shall deem adequate.

Abatement of  
nuisances.

SEC. 12. That the commissioners may require the abatement and removal of all nuisances, and shall have power to pull down any old house, barn or other building in said town when the same may be considered dangerous from fire or other causes to the safety of the person or property of other citizens: *Provided, however*, that before such removal the owner of such property shall be notified in writing by the clerk of the board of such action and allowed one month for repairing or removing of such building. That all damage may be agreed upon between the mayor and the party whose property is removed under this section; and in case they cannot agree each shall

Proviso.



select a disinterested person, and if they cannot agree they may select a third person, and the decision of two of these shall be final except an appeal is filed within ten days.

SEC. 13. That the commissioners shall have power to prevent dogs, hogs, horses and other animals from running at large in the town, and the town constable may, by order of the mayor, seize and detain such animals until such fines and costs as may be imposed for such violation may be paid by the owner, and if not paid may sell the same at public auction in said town after giving three days notice in three public places therein, and apply the proceeds to said costs and fines and pay the surplus to the owner of the stock.

Prevention of live-stock from running at large.

SEC. 14. That the commissioners may prohibit the firing of any gun, pistol, firecracker, gunpowder or other dangerous combustibles in the streets, public grounds or elsewhere in said town.

Firing of guns, &c., may be prohibited.

SEC. 15. 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 shall be allowed such compensation as is allowed to the keeper of the common jail of Pitt county: *Provided*, that no prisoner or offender shall be confined in said guard-house more than twelve hours without first having his case heard and determined before the mayor.

Guard-house.

Allowance to constable for feeding prisoners.  
Proviso.

SEC. 16. 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 by them deemed necessary, and they shall have the power at any time to widen, enlarge, change, extend, narrow or 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 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 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 such property and assess the damages, after which they shall return a report of their proceedings, findings and so forth, into the office of the mayor, there to be filed. Before proceeding to view said premises and assess said damages the parties so summoned shall take an oath before the mayor or a justice of the peace to make a fair, just and impartial discharge of the duties of appraiser and assessor. If the party damaged or claiming damages refuses to select two appraisers as above provided, the report of the three summoned in behalf of the town shall be final: *Provided*, that if either the commissioners or the opposite party be dissatisfied with the report of the appraisers, then they may appeal to the superior court of Pitt county, and in that case

Streets.

Condemnation of land.

Right of appeal.

the report of the valuation and the proceedings therein shall be sent in by said appraisers to said court there to be determined.

## Taxation.

SEC. 17. That in order to raise a fund for the expense incident to the proper government of the town the commissioners may annually levy and collect the following taxes, namely:

## Ad valorem tax.

(1). On all real and personal property within the corporate limits, including money on hand, and upon all other subjects taxed by the general assembly *ad valorem*, a tax not exceeding fifty cents on every hundred dollars value.

## Poll-tax.

(2). On all taxable polls not exceeding one dollar and fifty cents each, who may be a resident of the town on the first day of June of each year.

## Merchants.

(3). On every hundred dollars value of goods, wares and merchandise purchased for resale by any merchant trading in the town, the same to be returned to the mayor in the same manner as in purchases returned to the register of deeds for the county, a tax not exceeding ten cents.

## Peddlers.

(4). Upon all itinerant merchants or peddlers offering to vend in the town a license tax not exceeding twenty dollars a year, and not more than one person shall peddle under a single license.

Billiard tables,  
&c.

(5). Upon every billiard-table, bowling-alley, or alleys of like kind, bowling-saloon, bagatelle-table, pool-table, kept for hire or in a house where liquor is sold, or a house used in connection therewith, or used or connected with a restaurant, a license tax not exceeding ten dollars.

## Liquor dealers.

(6). Upon every dealer in spirituous, vinous or malt liquors in quantities less than five gallons a license tax not to exceed fifty dollars, and in quantities of more than five gallons a license tax not to exceed seventy-five dollars.

## Circuses, &amp;c.

(7). Upon every company of circus-riders or performers by whatever name called who shall exhibit within the town, a license tax not to exceed twenty-five dollars for each day or part of a day; and upon every side-show connected therewith, a license tax not exceeding ten dollars.

## Theatres, &amp;c.

(8). Upon every theatrical company, sleight-of-hand performance, rope-walking, tumbling, menagerie, a tax not exceeding ten dollars for each day.

## Shows, &amp;c.

(9). Upon every show or exhibition of any kind or concert for reward, a tax not to exceed ten dollars for each day.

## Dogs.

(10). Upon every dog a tax not to exceed two dollars.

## Traders, &amp;c.

(11). Upon every merchant, trader of whatever kind or character, bill-poster, street-huckster, photographer, or any occupation not hereinbefore enumerated, a tax not to exceed ten dollars.

Collection of  
taxes.

SEC. 18. That all taxes due the town shall be collected by the town tax collector in the same manner as sheriffs are allowed to collect taxes, and the same shall be due on the first Monday in July in each

and every year, but the tax collector shall have no power to enforce collection before the first day of August next ensuing.

SEC. 19. That the said board of commissioners shall at their first meeting in each year elect a town clerk, a tax collector and treasurer: *Provided*, that the said commissioners may elect the clerk or constable as tax collector, and they may also elect one of their number as treasurer if they choose.

Election of tax collector and treasurer.

Proviso.

SEC. 20. That the town clerk shall keep a correct record of all the proceedings of the board of commissioners and perform such other duties as may be prescribed by the commissioners. For his services he shall be allowed such sum as the commissioners shall deem just, not exceeding fifty dollars per annum.

Duties of clerk.

SEC. 21. That the tax collector shall collect all taxes that may be levied by the commissioners and pay the same over to the treasurer, and shall make such reports and settlements as may be required by the board of commissioners: *Provided, however*, that before entering upon the discharge of his duties he 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. For collecting such taxes he shall receive such compensation as is allowed by law to sheriffs for like services.

Duties of tax collector.

Bond.

Compensation.

SEC. 22. That the treasurer shall receive all moneys due the town and pay them out only upon the order of the commissioners, signed by the mayor and countersigned by the clerk. For his services he shall receive two and one-half per cent. commission on his receipts and disbursements. Before entering upon the discharge of the duties of his office he shall execute to the commissioners a good and sufficient bond, payable to the State of North Carolina, in an amount to be fixed and approved by said commissioners.

Duties of treasurer.

Compensation.

Bond.

SEC. 23. That it shall be the duty of the constable to see that the laws, ordinances and orders of the commissioners are enforced, and to report all breaches thereof to the mayor, to preserve the peace of the town by suppressing disturbances and apprehending offenders, and for that purpose he shall have all power and authority vested in sheriffs and county constables; and he shall have the same fees on all processes and precepts executed and returned by him as allowed by law to sheriffs on like processes and precepts, and also such other compensation as the commissioners may allow. He shall, before entering upon the discharge of the duties of his office, execute to the commissioners a good and sufficient bond to be approved by them, payable to the state of North Carolina, in the sum of three hundred dollars. He shall, at the end of every month, pay over to the town treasurer all fines, penalties and forfeitures collected by him and report the same to the commissioners under oath. He may arrest

Duties of constable.

Powers.

Fees.

Compensation.

Bond.

Monthly settlements.

- Arrests. parties offending against the town ordinances and endeavoring to make their escape within the limits of the town without a warrant.
- When ordinances to take effect. SEC. 24. That no ordinance passed by the commissioners shall be in force until the same has been advertised at three public places in said town for a period of ten days.
- SEC. 25. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

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CHAPTER 296.

An act to amend the charter of the Glendon and Gulf Mining and Manufacturing Company.

*The General Assembly of North Carolina do enact :*

Chapter 106, private laws 1891, amended.

Authorized to lease, &c., to Durham & Charlotte R. R. Co., &c.

SECTION 1. That the act to incorporate the Glendon and Gulf Mining and Manufacturing Company, private laws of eighteen hundred and ninety-one, chapter one hundred and six, be amended by adding thereto an additional section as follows: "Section 11. That the said company is hereby empowered to lease, sell or convey its railroad right-of-way and franchises to construct and operate a railroad to the Durham and Charlotte Railroad Company, retaining and reserving all other property rights and franchises which it holds and possesses under and by virtue of its charter."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

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CHAPTER 297.

An act to incorporate the Trustees of the Bellwood Institute, Cleveland county.

*The General Assembly of North Carolina do enact :*

- Incorporators. SECTION 1. That L. J. Hoyle, Melvin P. Gautt, J. B. Ivey, John Nowlin, A. G. Gautt and their successors in office be and they are hereby declared a body corporate and politic under the name and
- Corporate name. style of "The Trustees of Bellwood Institute," with the privileges of a common seal, to be altered at pleasure; and with power to sue and

be sued, implead and be impleaded, contract and be contracted with, acquire and hold by lease, donation or purchase such real and personal property as may in their judgment be deemed necessary for the equipment and maintenance of said institution, and make such rules, regulations and by-laws for the government and perpetuation of their corporate body as may be necessary, and shall enjoy all the privileges usually exercised by similar corporations.

Corporate powers.

SEC. 2. That the individual property of the trustees shall not be liable for the debts of said corporation.

Non-liability of trustees for corporate debts.

SEC. 3. That the manufacture and sale of all spirituous liquors is forever prohibited within three miles of said institution.

Manufacture and sale of spirituous liquors prohibited within three miles.

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

Ratified the 6th day of March, A. D. 1893.

#### CHAPTER 298.

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

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter three hundred and fourteen of the private laws of one thousand eight hundred and ninety-one be and the same is hereby re-enacted, and the corporation thereby chartered is allowed two years from and after March ninth, one thousand eight hundred and ninety-three, to organize.

Chapter 314, private laws 1891 (incorporating the United Mining and Manufacturing Co.) re-enacted. Time allowed for organization.

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

Ratified the 6th day of March, A. D. 1893.

#### CHAPTER 299.

An act to incorporate the Mercantile Banking and Trust Company.

*The General Assembly of North Carolina do enact :*

SECTION 1. That D. Y. Cooper, James H. Lassiter, J. F. Harris, T. M. Pittman, Owen Davis, A. J. Harris and W. B. Shaw, their associates and successors, are hereby created a body politic and incorporate by the name of "The Mercantile Banking and Trust Com-

Incorporators.

Corporate name. pany," and as such shall be entitled to all the rights, powers and  
 Corporate pow- privileges conferred upon corporations by chapter sixteen of The  
 ers. Code entitled "Corporations," so far as the same are applicable and  
 not inconsistent with this act.

Capital stock. SEC. 2. The capital stock of the corporation shall be divided into  
 shares of one hundred dollars each, and the powers herein conferred  
 may be exercised when twenty-five thousand dollars of the capital  
 stock shall be subscribed. Subscriptions may thereafter be received  
 and stock issued at the pleasure of the corporation to an amount not  
 exceeding one million dollars.

Corporate pow- SEC. 3. The said corporation shall have the right to do a general  
 ers. banking business, to receive deposits, make loans and discounts, buy  
 and sell exchange, and to lend its own or its depositors' funds; to  
 obtain loans for any person, firm or corporation, and to do all things  
 necessary towards mediating between borrower and lender, either  
 with or without guarantee, and to charge for such service such com-  
 mission as may be agreed upon between the borrower and said com-  
 pany; to lend and borrow money on its own account, and to give or  
 receive such security as may be lawful and expedient, and generally  
 to do and perform any other act or thing authorized by law to be  
 done and performed.

Corporate pow- SEC. 4. The corporation shall have power to receive money in trust  
 ers as trustee. and accumulate the same at such legal rate of interest as may be  
 obtained or agreed upon, or to allow interest not exceeding the legal  
 rate; to accept and execute trusts and fiduciary engagements of every  
 description, as fully as a natural person could which may be commit-  
 ted to it by any person or corporation, or by any order, decree or  
 authority of any court upon such terms as may be agreed upon or  
 provided therefor; to act as agent for the purpose of issuing, register-  
 ing or countersigning certificates of stock and bonds, or other evi-  
 dence of debt of any person, state, corporation, association, muni-  
 cipality or public authority on such terms as may be agreed upon; to  
 sell, lease and rent real estate; to accept from and execute trusts for  
 married women in respect of their separate property or estate, and to  
 act as agent for them in the management, sale and disposition of  
 their properties.

Corporate pow- SEC. 5. That in all cases where an application may be made to any  
 ers as guardian, court or other public authority having jurisdiction to appoint a cura-  
 administrator, trustee, commis-  
 &c. sioners, receiver, fiduciary or agent of any character, such court shall  
 have power to appoint such corporation upon the like application,  
 terms and conditions that any natural person might be so appointed,  
 and it shall be lawful for any person by deed, will or other writing to  
 appoint said corporation a trustee, executor, guardian, assignee, fidu-  
 ciary or agent of any character, and as such it shall be subject to all

the obligations and liabilities and vested with all the authority and power of natural persons acting in like capacity.

SEC. 6. That it shall be lawful for any individual, executor, administrator, collector, guardian, committee, commissioner, receiver, assignee, trustee, public officer, fiduciary or other person having the custody of any bonds, stocks, securities, moneys or other valuables to deposit the same for investment or safe keeping with said corporation: *Provided*, nothing in this act shall be construed as releasing from liability on his bond or the sureties thereon such executor, administrator, collector, guardian, committee, commissioners, receiver, assignee, trustee, public officer or fiduciary when any bonds, stocks, securities, moneys or other valuables so deposited shall be lost, destroyed or misapplied while on deposit with said corporation or the same shall depreciate in value during such time on account of the performance or non-performance of some act of said corporation.

Deposits by  
fiduciaries.

Proviso.

SEC. 7. That such corporation is authorized to invest money received in trust or deposit by loan or otherwise, and to take, have and hold real, personal and mixed estate obtained with such moneys or with its own funds; and to sell, grant, mortgage or otherwise encumber and dispose of the same, and to that end may execute all deeds or other instruments respecting the same; to deal in exchange, securities, mortgages, lands, certificates of indebtedness, stocks of incorporated companies, notes, loans and bonds.

Corporate powers  
as to invest-  
ments, &c.

SEC. 8. That such corporation may insure the fidelity of persons holding public offices or places of trust or responsibility, or of any corporation, company, person or persons whatsoever; to endorse for and become surety for the faithful performance of any trust, duty, contract, agreement, bond or undertaking required or permitted by law, and in every such case it shall be lawful for the corporation to stipulate and provide for indemnity from the parties for whom it shall so become responsible, and to enforce any bond, contract, agreement, pledge or security made or given for that purpose.

Corporate powers  
as surety, &c.

SEC. 9. That such corporation shall have power to guarantee, endorse and secure the payment or punctual performance, and enforce and make collection of any debt, evidence of debt, chose in action, contract, certificate of value of property, the title to property, and any liability fixed or contingent of any person, corporation or municipality on such terms or commissions as may be agreed upon or established by said company.

Corporate powers  
as guarantor,  
&c.

SEC. 10. That such corporation may receive upon storage, deposit or otherwise merchandise, specie, plate, stocks, certificates and evidences of debt, contracts and other personal property or thing of value; take charge and custody of real and personal estate and securities, and advance money thereon on such terms, not exceeding legal rate of interest, as it may establish or approve; that in all cases in which public officers of municipal or private corporations are author-

Corporate powers  
as warehouse-  
man, &c.

ized to deposit money, stocks, bonds or evidences of debt, such deposits by such officers or corporations may be made with this corporation, but nothing herein shall be construed as releasing such public officers or officers of municipal or private corporations on their bonds from any liability imposed by law.

No loans to officers, &c., of corporation.

SEC. 11. That no loan shall be made directly or indirectly to any officer or employee of said corporation, and on any violation of this provision every person making or consenting thereto directly or indirectly, or receiving the same, shall be liable to the corporation for the amount so loaned, and in addition thereto shall be guilty of a crime and punished as for larceny.

Penalty.

Liability of capital stock for trust funds, &c.

SEC. 12. That whenever the said company shall be appointed to any place of trust, or is appointed to or undertakes any fiduciary employment, or whenever deposits of money or valuables of any kind shall be made with such corporation, the capital stock and its property and assets shall be taken and considered as security required by law for the faithful performance of its duties and shall be liable therefor, and no other security shall be required from it on the execution of the bond or undertaking required of any natural person acting in such capacity: *Provided, however*, that no court shall be required to accept such bond or undertaking if on examination of the officers and affairs of the corporation or otherwise the court shall become satisfied that the property and effects of such company are not sufficient security for such bond or undertaking. And in case of a dissolution of said corporation the debts, obligations or money due from it in its fiduciary capacity shall have preference: *Provided*, nothing in this act shall be construed to release or relieve any clerk of the superior court or other clerk or officer from any liability or duty imposed by law in respect of the care and faithfulness now required to be observed in making such appointments.

Proviso.

Sale of property pledged, &c.

SEC. 13. That it shall be lawful for said corporation to sell by public auction or private sale, in its discretion, all property or choses in action mentioned or specified in any contract or agreement with it after ten days shall have elapsed from the time of maturity of an obligation under such contract or agreement; or immediately upon the discovery of any fraud, misrepresentation or concealment which might jeopardize the rights of the corporation or its security sale may be made upon five days public notice. Out of the proceeds of sales it may reimburse itself the money due, with interest, storage, costs and charges, expenses of sale, and indemnify itself for any loss or expense it may have sustained or incurred by or on account of such misrepresentation, fraud or concealment, or the non-fulfillment of such contract.

Consolidation with other company.

SEC. 14. That said corporation and any banking institution, trust or fidelity company in this state may consolidate and unite under this charter upon such terms as may be agreed, provided the capital stock



shall not be thereby increased beyond the limit prescribed by this act, and in no such consolidation shall this corporation become responsible for or chargeable with or on account of any liability of such bank, banking institution, trust or fidelity company, except such as may be specifically agreed upon and assumed upon such consolidation. But before any such consolidation shall be made, this corporation shall repay and restore to all executors, administrators, guardians and other persons acting in a fiduciary capacity all moneys and things deposited by them in such capacity with said corporation; and there shall also be made with the proper court or officer a settlement by all executors, administrators, guardians and other persons acting in a fiduciary capacity, whose bonds are guaranteed by, or upon which said corporation may in any way be liable, and a like settlement by said corporation in all cases when it may be acting in a fiduciary capacity, before such consolidation shall be made.

SEC. 15. That the chief office of the corporation shall be located in North Carolina, together with such branch offices and agencies as may be deemed desirable for the purpose of the corporation, but correspondents may be located in such places outside the state as may be convenient for the conduct of its non-resident business. Offices.

SEC. 16. That the books and affairs of said corporation shall be subject to examination by the state bank examiner to the same extent state banks are now subject thereto, and semi-annually reports of the condition of the corporation shall be made to the state treasurer and duplicates thereof shall be filed with the clerk of the superior court of Vance county; and no further report or public showing shall be required of said corporation except such as may be required by any court upon question being raised as to the sufficiency of any bond or undertaking to which it may be principal or surety: *Provided*, that such additional reports shall be made to the state treasurer as may be required to satisfy him of the solvency of the corporation. Any person wilfully making a false or fraudulent report under the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court. Examination by state bank examiner. Reports to state treasurer. Proviso. Penalty for false, &c., report.

SEC. 17. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

#### CHAPTER 300.

An act to incorporate the Harriman, Franklin and South Atlantic Railroad Company, to confer certain powers, and for other purposes.

*The General Assembly of North Carolina do enact :*

SECTION 1. That A. M. Stoner, J. Johnston, John A. Deal, N. E. Littlefield, R. F. Jarrett, John C. Wright, W. T. Potts, E. C. Cun- Incorporators.

|                                     |  |
|-------------------------------------|--|
| Corporate name.                     | ningham and E. H. Franks, of Macon county, North Carolina, and all persons that shall be stockholders, and their successors and assigns, be and they hereby are created a body politic and corporate under the name of the "Harriman, Franklin and South Atlantic Railroad Company," with power under said name to sue and be sued, plead and be   |
| Corporate powers.                   | impleaded in the courts of law and equity in this state; to have and use a corporate seal; to make by-laws; to buy, hold, use, sell and enjoy all such real and personal property as may be necessary to and will advance the interest of said company, together with such other powers as are herein conferred, as well as those which by the laws of this state are conferred generally on corporations.   |
| Authorized to build, &c., railroad. | SEC. 2. That said company be and it is hereby authorized and empowered to survey, lay out, construct and equip, maintain and operate a railroad in this state, connected with and being a continuation of a railroad leading from Harriman, Tennessee, so as to run near or through Chillowhee Gap at or near the Tennessee state line, and through Swain county and Macon county via Franklin, and from thence through Rabun Gap, Rabun county, Georgia, to or near Anderson, South Carolina, and from thence to some point on the Atlantic coast as may appear to the interest of the company, with the privilege of building such branch roads as may appear to be advisable, the object and purpose of which is to carry freight and passengers: <i>Provided</i> , that no branch shall exceed thirty miles in length.   |
| Route.                              |  |
| Branch roads.                       |  |
| Proviso.                            |  |
| Corporate powers.                   | SEC. 3. That for the purpose of constructing, maintaining and operating said lines of railroad said company is hereby empowered—<br><i>First.</i> To cause such examinations and surveys to be made as shall be necessary to the selection of the most advantageous route, and for such purpose are hereby empowered by its officers and agents, servants and employees, to enter upon the land and waters of any person for that purpose.<br><i>Second.</i> 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 accommodation of its road, which shall be used for that purpose only.<br><i>Third.</i> To purchase, hold and use all such real estate and other property as may be necessary for the construction and maintenance of its road or stations, wharves, docks and terminal facilities, and all other accommodations necessary to accomplish the objects of its incorporation, and to sell, lease or buy any land necessary for its use.<br><i>Fourth.</i> To lay out its road, not exceeding two hundred feet (200) in width, and to construct the same; and for the purpose of cutting any embankments and for obtaining gravel or other material may take as much land as may be necessary for the proper construction, operation and security of said road, or to cut down any trees that may be in danger of falling on the track or obstructing the right-of-way. |

*Fifth.* To construct its road across, along or upon any stream of water, watercourse, street, highway, canal, which the route of the road shall intersect or touch.

*Sixth.* To cross, intersect or join or unite its road with any other railroad heretofore or hereafter to be constructed at any point on its route or upon the grounds of any other railroad company, with the necessary turnouts, side-tracks and switches, and other conveniences necessary in the construction of its road, and may run over any part of any other railway's right-of-way necessary or proper to reach its freight depot in any city, town or village, or to reach any other point of its right-of-way, otherwise inaccessible, through or near which its road may run.

*Seventh.* To take and convey persons and property over their road by use of steam or animals or any mechanical power, and to receive compensation therefor, and to do all things incident to railroad business.

*Eighth.* To erect and maintain convenient buildings, wharves, docks, stations, fixtures and machinery, whether within or without a city, town or village, for the accommodation and use of their passenger and freight business.

*Ninth.* To regulate the terms and manner in which passengers and freight shall be transported, and the compensation to be paid therefor, subject to any laws of this state upon the subject.

*Tenth.* To borrow such sum or sums of money at such rates of interest not contrary to law, and upon such terms as said company or its board of directors shall authorize or agree upon and may deem necessary or expedient, and may execute one or more trust deeds or mortgages, or both, if occasion may require, on its road, branches, or both, in process of construction by said company for the amount or amounts borrowed or owing by said company as its board of directors shall deem expedient; said company may make deed or mortgage for transferring their railroad track or tracks, depots, grounds, rights, privileges, franchises, immunities, machine-houses, rolling stock, furniture, tools, implements, appendages and appurtenances used in construction, with its road, in any manner then belonging to said company or which shall thereafter belong to it, as security for any bonds' debts or sums of money as may be secured by said trust deeds or mortgages as they shall think proper.

SEC. 4. In the event said company does not procure from the owner or owners thereof by contract, lease or purchase the title to the land or right-of-way or other property necessary or proper for the construction or connections of said road and its branches or extensions, or its depots, wharves, docks and other necessary terminal facilities, necessary or proper for it to reach its freight or passenger depot in any city, town or village in this state, or for the purpose of reaching some other inaccessible point of its right-of-way as herein before provided, it shall be lawful for such corporation to construct its railroad

Condemnation of  
land.

or branches over any lands belonging to other persons, or over such rights-of-way or tracks of railroads as aforesaid, upon paying or tendering the owner or owners of, or to his or her or its legally authorized representative, just and reasonable compensation of or for the right-of-way, which compensation, when not agreed upon otherwise, shall be assessed and determined in the following manner, to-wit: And said company shall have all the rights and privileges for the condemnation of lands for the right-of-way and other purposes as are conferred by the general laws of this state relating to railroad corporations: *Provided*, that not more than one hundred feet of land on each side of the center of the road shall be condemned for right-of-way, and only necessary lands for station houses, depots, etc., shall be condemned.

Proviso.

Capital stock.

SEC. 5. That the capital stock of said company shall be one million dollars, with the right to increase the same from time to time to any amount required for the purpose aforesaid by a two-third's vote of the stockholders at an annual meeting, or at a meeting called by the directors for that purpose, not exceeding two million dollars. Notice must be served on them in person or by mail, post-paid, directed to them at the post-office nearest their place of business twenty days prior to said meeting; that said company may organize when fifty thousand dollars of said stock shall be subscribed and paid in.

Books of subscription.

SEC. 6. That the board of directors, which shall not consist of less than five nor more than thirteen members, at the option of the corporation, are hereby authorized to open books of subscription at such time and place in or out of the state as they may deem proper, and subscription to the capital stock of said company may be made in the shape of a general contract or promissory notes of such form as the directors may decide, and certificates of stock shall be issued on the basis of one share for every one hundred dollars so paid. All such

Certificates of stock.

Payment of subscriptions.

Remedy against subscriber failing to pay.

stock so subscribed shall be payable in such installments as may be agreed upon or determined by the board of directors; and if any stockholder shall neglect or refuse to pay any installment when it becomes due if required by the directors, said board may declare his stock forfeited as well as all previous payments thereon to the benefit and use of the company; but before declaring it forfeited said stockholder shall have served on him a notice in writing in person or by depositing said notice in the post-office, postage paid, directed to him at the post-office nearest his place of abode, stating that he is required to make such payment within sixty days from date of said notice at such time and place as is therein named; said notice shall be served or mailed sixty days prior to the day on which such payment is required to be made. That all such subscriptions may be paid in real estate or other property, or money, or both, as agreed upon by the subscriber and the directors, either before or after subscribing, and in case any kind of property is received as payment of subscription

Subscriptions, how paid.

- the directors shall have the right to sell, hold, lease or otherwise dispose of it to the best interests of the company; that said board of directors shall elect one of their number president, and may appoint such other officers, agents and employees as they may deem necessary and proper to carry on the business of said company. Said board of directors shall manage the affairs of the company for the first year and until others are elected, and fill all vacancies that may occur between the annual elections, and that all future boards of this company shall be elected by the stockholders at their annual meetings, which time and place shall be determined by the by-laws of the company. And in all meetings of the stockholders each stockholder shall be entitled to as many votes as the shares owned by him or her. All elections shall be by ballot, cast in person or by proxy duly given in writing. The directors shall have power to adopt a corporate seal, make by-laws and regulations, and declare dividends, but the stockholders shall have power to regulate and limit the powers of the board and modify and change the by-laws.
- SEC. 7. That the stock in said company shall only be transferable on the books of the company under regulations to be prescribed by the by-laws, but no share shall be transferred until the sum of one hundred dollars has been paid thereon to the company.
- SEC. 8. That the stockholders in said railroad company shall in their private capacity be bound to any creditor of the company for the amount of stock subscribed for by him or her until such subscription is fully paid up, or to an amount equal to his unpaid subscription, and not otherwise.
- SEC. 9. That the principal office of said road shall be in Franklin, Macon county, North Carolina.
- SEC. 10. That chapter two hundred and fourteen (214) of the laws of one thousand eight hundred and ninety-one (1891) be and the same is hereby amended by striking out in line seven (7) of said chapter the word "three" and inserting in lieu thereof the word "four."
- SEC. 11. That this act of incorporation shall be in force from and after its ratification.
- Ratified the 6th day of March, A. D. 1893.
- Officers.  
Directors to manage company, &c.  
Election of directors.  
Stock-vote.  
Powers of directors.  
Transfer of stock.  
Liability of stockholders.  
Principal office.  
Chapter 214, laws 1891, amended. Subscriptions to railroad companies by Macon and Swain counties not to be made unless work begun in four years.

## CHAPTER 301.

## An act to amend the charter of the town of Asheboro in Randolph county.

*The General Assembly of North Carolina do enact :*

- SECTION 1. That all after the word "viz.:" in second line of section two of chapter seventy-nine, private laws of eighteen hundred and eighty-three, be stricken out and the following inserted as the corpo-
- Chapter 79, private laws 1883, amended.

Corporate limits. rate limits of said town of Asheboro: Beginning at a telegraph pole marked "C" on the west side of railroad about fifteen poles north of the Wallace old field; thence along the west side of railroad, crossing Salisbury road at the corner of the Trav Smith lot, passing through Fisher's fields and by the northeast corner of the Tom Bell house, crossing Cedar Fork at a ford at a beach marked "C" and to a pine north of John Rich's house; thence east crossing the Uwharrie road at a pine marked "C" south of the colored parsonage, crossing Winn meadow at tan-vats and crossing the plank road south of the Hahn house at a pine marked "C," crossing the Cox road about fifty yards south of Henry Rich's, passing north of Lindsay McDowel's to a pine near the road east of his house; thence north passing through J. S. Frie's old field, crossing the old road at the ford at the old brickyard up the branch to Buffalo ford road, running west of Sam Gray's through Frank Hearn's field, crossing the Franklinsville road at the east corner of Joe Lytle's field at a big rock marked "C," and continuing north to a maple on the bank of a branch near the corner of the Worth field, called the Jarrell place; thence west north of Atlas Baldwin's, north of Charlie Vuncannon's, crossing plank road at a white oak marked "C" at the intersection of the old dirt road with plank road north of Louisa Presnell's to the beginning.

Number of commissioners increased to five.

SEC. 2. That section three of said chapter seventy-nine of the private laws of eighteen hundred and eighty-three be amended by striking out the word "three" in line two of said section and inserting the word "five" in lieu thereof: *Provided*, that this amendment shall work no change in the officers of said town until after the next regular election of officers of said town.

Proviso.

Powers of commissioners over markets and streets.

SEC. 3. That the commissioners of said town shall have power to regulate the manner in which provisions and other articles shall be sold and exhibited for sale in the streets and markets of said town, and to regulate the manner in which the streets and markets of said town may be used and kept.

Commissioners may levy taxes for street, &c., improvement.

SEC. 4. That the board of commissioners of said town have the power to levy and collect taxes for working, grading, macadamizing and paving the streets and sidewalks, and make such other improvements thereon as the public convenience may require, and said commissioners shall have the power to hire a competent supervisor for making such improvements on the streets and sidewalks of said town.

Election on question of establishing school, and improving streets.

SEC. 5. That the board of commissioners of said town shall, on the first Monday in May next, submit to the qualified voters within the town limits, as hereinbefore set forth, the questions of establishing public schools in said town and working and improving the streets thereof exclusively by taxation, and shall give four weeks notice in some newspaper published in said town.

Election, how held.

SEC. 6. That said election shall be held by the inspectors and judges appointed by said board of commissioners to hold the election for

town officers as provided in chapter sixty-two of The Code, and the qualified voters as aforesaid shall vote at said election tickets on which shall be written or printed "For amendment" or "Against amendment," and said votes shall be canvassed in the same manner provided for canvassing the votes for mayor and other officers.

SEC. 7. That if a majority of the votes cast at said election shall be in favor of establishing said public schools and working and improving the streets exclusively by taxation, then it shall be the duty of the board of commissioners of said town at their first regular meeting, and annually thereafter, to appoint five school committeemen, who shall hold their office for the term of one year and until their successors are duly appointed and qualified. Said committeemen shall have the care and direction in all things pertaining to the establishment, control and management of said public schools, and shall be a body corporate under the name of the "School Committeemen of Asheboro," with power to sue and to be sued, to plead and be impleaded for all the purposes of this act. And it shall be the duty of said board of commissioners of said town and their successors to levy annually a special tax not exceeding thirty-three and one-third cents on the hundred dollars valuation of all taxable property, both real and personal, of said town, and upon the poll not exceeding one dollar, and the same shall be collected annually as other taxes are collected.

SEC. 8. That said taxes shall be paid over by the tax collector of said town after deducting a commission of two and one-half per centum for the collection of the same to the treasurer of said town, which officers shall give sufficient bonds—the former for the collection and the latter for the safe keeping and proper disbursement of said special taxes and all other funds that may come into his hands for the use of said public schools. The said treasurer shall keep said funds separate and apart from all other moneys, and shall pay out the same only upon the warrant or order for the use of said public schools, signed by a majority of said board of school commissioners and countersigned by the mayor of said town.

SEC. 9. That all public school funds derived from the state and said county for the use and benefit of the public school districts of said town shall be paid to said town treasurer by the treasurer of said county of Randolph for the use and benefit of said public schools.

SEC. 10. That it shall be the duty of said board of school commissioners to establish a public school for white children and one for the colored children of said town, and apportion the funds derived from said special taxes or from any other source between said schools for white and colored children so as to equalize the school facilities between the two races.

SEC. 11. That it shall be the duty of said board of commissioners to make annually a full and complete report of the operations of said

Ballots.

On affirmative vote, commissioners to appoint school committeemen.

Duties of school committee.

Incorporated.

Corporate name and powers.

Special tax.

Collection.

Taxes to be paid to treasurer.

Bonds of collector and treasurer.

Fund to be kept separate, &amp;c.

Public school funds payable to treasurer.

Apportionment of funds between white and colored schools.

Annual report by commissioners.

schools, together with such reports as are required by the general law from school commissioners, to the mayor and commissioners of said town and publish the same in some newspaper published in Randolph county.

Conflicting laws repealed.

SEC. 12. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

SEC. 13. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

#### CHAPTER 302.

#### An act to amend chapter two hundred and ninety-one of the private laws of one thousand eight hundred and ninety-one.

*The General Assembly of North Carolina do enact :*

Chapter 291, private laws 1891, amended.

SECTION 1. That section one, chapter two hundred and ninety-one of the private laws of one thousand eight hundred and ninety-one be amended by striking out the words "The Electro-Typograph Company" and "Electro-Typograph Machines" wherever the same shall occur in said section, and inserting in lieu thereof the words "The Cade Typewriter Company" and "Type Writer," respectively.

Name changed.

Corporate powers.

SEC. 2. That said corporation shall have power to lease, purchase, hold, sell and convey real estate, and to borrow money, and to issue bonds or other evidences of indebtedness so created, and to secure the payment of same by mortgage upon its property and effects or otherwise; and it may make such bonds or other evidences of its indebtedness convertible and provide for their conversion into the capital stock of said corporation at such rate and upon such terms as to said corporation may seem best.

Organization.

SEC. 3. That whenever ten thousand dollars shall have been subscribed to the capital stock of said company and twenty-five hundred shall have been paid in in cash, the said corporators shall have power to organize, elect officers and transact business.

Within what time to organize.

SEC. 4. That said corporation shall have until March seventh, eighteen hundred and ninety-five, to open books and receive subscriptions for stock and to organize the said company.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.



## CHAPTER 303.

**An act to incorporate East Bend Lodge, number one hundred and thirty-seven, of Independent Order of Odd Fellows.***The General Assembly of North Carolina do enact :*

SECTION 1. That W. K. Kelly, J. C. Baker, W. N. Horn, J. H. Sills, F. B. Benbow, J. A. Martin, J. M. Whittington, Wm. Vogler, W. D. Steele, S. A. Martin, J. W. Brown, J. H. Kirkman, T. A. Smitherman, Dr. J. M. Mathews, W. C. Taylor, J. W. Miller, R. M. Poindexter, W. J. Poindexter, E. D. Stanford, J. W. Reece, Rev. J. H. Patterson and E. M. Vogler, W. E. Benbow, J. A. Jones, H. W. Stanford, junior, T. H. Martin and T. R. Johnson, and their associates and successors in office, be and they are hereby created and constituted a body politic and corporate, to be known by the name and style and title of "East Bend Lodge, number one hundred and thirty-seven (137), of the Independent Order of Odd Fellows," and as such and by such name shall be capable in law and in equity to sue and be sued, to plead and beimpleaded, to use a common seal, to make such by-laws, rules and regulations for the transaction of business and the government of the craft as they may desire, not inconsistent with the constitution and laws of the state, or of the United States; and of purchasing, leasing, holding, granting and receiving in its corporate name property, real, personal and mixed.

Incorporators.

Corporate name.

Corporate powers.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

## CHAPTER 304.

**An act to allow the Raleigh Bank further time to organize.***The General Assembly of North Carolina do enact :*

SECTION 1. That the private act of the general assembly of North Carolina, chapter fifty-nine, ratified March second, eighteen hundred and eighty-five, entitled "An act to incorporate the Raleigh Bank;" and the private act of the general assembly of North Carolina, chapter one hundred and thirty, amendatory thereof, ratified the seventh day of March, eighteen hundred and eighty-seven, entitled "An act to allow further time to the Raleigh Bank to organize;" and the private act of the general assembly of North Carolina, chapter one hundred and forty-seven, entitled "An act to allow further time to Ral-

Chapter 59, private laws 1885, chapter 130, private laws 1887, and chapter 147, laws 1891, amended.

Time allowed for organization.

eight Bank to organize," passed third day of March, eighteen hundred and nine-one," amendatory of all said acts, be and the same are hereby amended so as to allow the incorporators in said acts named further time, until the second Tuesday of March, eighteen hundred and ninety-five, to open books and receive subscriptions for stock and to organize the Raleigh Bank in said acts named.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

### CHAPTER 305.

#### An act to incorporate the Charlotte Medical College.

*The General Assembly of North Carolina do enact :*

Incorporators.

SECTION 1. That Hillary M. Wilder, William H. Wearn, A. L. Petree and such others as may be associated with them, their successors and assigns, are hereby constituted and declared to be a body politic and corporate under the name and style of the "Charlotte Medical College." That it shall have a corporate existence, and as such exercise the powers herein granted in perpetuity as a body politic; and by that name may sue and be sued, plead and be impleaded in every court of this state, and may have and use a common seal, and shall be capable of purchasing, holding, leasing and conveying real estate and personal property; and the said corporation shall have and enjoy all the rights and immunities which corporate bodies may lawfully exercise, and may make all necessary by-laws and regulations for its government not inconsistent with the laws of the United States and the state of North Carolina.

Corporate name.

Corporate powers.

Authorized to establish medical college.

SEC. 2. That the said Charlotte Medical College is hereby authorized to establish a medical college in the city of Charlotte, North Carolina, on such principles and under such rules and regulations and with such professors as may be best calculated to perpetuate the same and promote the improvement of its pupils in the several branches of the science of medicine and surgery.

Quorum.

Organization.

SEC. 3. That a majority of the incorporators, and their associates and assigns, shall constitute a quorum for the transaction of business, and any three of the incorporators or their associates are empowered to call a meeting or meetings in the city of Charlotte, North Carolina, at any time that they may think proper for the purpose of establishing such by-laws, rules and regulations as are necessary to carry out the true intent and meaning of this act.

SEC. 4. That the members and officers, under such rules and regulations as may be established by the by-laws of said Charlotte Medical College, may dissect unclaimed human bodies, and human bodies brought into Mecklenburg county for the purpose of being dissected, and human bodies where consent is given, and shall also have the right to dissect any animal or bird.

Authorized to dissect human bodies, &c.

SEC. 5. That the members and officers aforesaid may vivisect the lower order of animals for the purpose of teaching physiology and anatomy and experimenting in the science of medicine and surgery, due regard being always had to avoid making the operation uselessly cruel.

Authorized to vivisect animals.

SEC. 6. That said college may give certificates of proficiency for one and two years study in the science of medicine and surgery.

May give certificates, &c.

SEC. 7. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

#### CHAPTER 306.

##### An act to locate a public street in the town of Wilkesboro.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of town commissioners of the town of Wilkesboro are hereby authorized to lay off, locate and establish a public street in the town of Wilkesboro, not less than sixteen feet wide, commencing at the southeast approach of the iron bridge across the Yadkin river between Wilkesboro and North Wilkesboro; thence down the bank of said river the most practicable way to Garrett Vine's saw and lumber-mills.

Commissioners authorized to establish street.

Location.

SEC. 2. That said street shall be located under the law providing for the location of streets and rights-of-way as provided in the charter of said town.

Street, how located.

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

Conflicting laws repealed.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

## CHAPTER 307.

## An act to incorporate "The Catawba Electric Power Company" of Gaston county, North Carolina.

*The General Assembly of North Carolina do enact :*

Incorporators.

SECTION 1. That C. A. Coffin, J. H. Cutler, D. W. Butler, of Boston, Massachusetts, and J. H. McAden, of Charlotte, North Carolina, together with all other persons and corporations who shall be associated with them and become stockholders in the corporation hereby incorporated, their successors and assigns, be and they are hereby created and constituted a body politic and corporate by and under the name and title of "The Catawba Electric Power Company," by which name the said corporation may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court whatsoever all suits and actions; may contract and be contracted with, and shall have all the privileges hereby specially granted, and such others as may be necessary to the full exercise and enjoyment of the same.

Corporate name.

Corporate powers.

Corporate powers.

SEC. 2. That the said corporation shall enjoy all the rights, privileges, liberties, immunities, franchises and powers conferred upon and pertaining to other corporate bodies and not forbidden by the laws of the United States and of North Carolina.

Corporate seal.

SEC. 3. That the said corporation shall have the right to and may make and use a common seal and alter the same at pleasure.

Corporate powers.

SEC. 4. That said corporation is hereby authorized and empowered to conduct, transact and carry on in all its branches the manufacture and sale of cotton goods and woollen goods, either or both, of all descriptions whatsoever; also any kind and all goods, wares and merchandise of any and every kind made out of and from cotton, wool, jute, hemp, flax, leather, iron, wood or other material. And said corporation may buy and sell and deal in all goods, wares and merchandise at its will and pleasure; and may erect, maintain, own, lease and operate and cause to be operated flouring-mills, grist-mills, saw-mills, and all other kind of mill buildings, machine and workshops, stores, dwellings and other business premises, and may maintain them as may be necessary to carry on its business.

Corporate powers.

SEC. 5. The said corporation, its successors and assigns, is hereby authorized and empowered to buy, own, lease, deal in or otherwise acquire lands, tenements and hereditaments, and all manner of real and personal property, including cotton-mills, factories, houses, water-powers, minerals, rights, roads, bridges, tramways, and any other kinds of property whatsoever, to such an extent as it may seem proper, and as fully as citizens of the state may do, and may sell and convey or lease the same to other persons or corporations; and said corporation is authorized to pay for such real estate and personal

property as it may purchase or otherwise acquire with and by its capital stock; and may issue bonds and execute mortgages to secure the payment thereof. It may also subscribe to the capital stock of any other corporation.

Corporate powers.

SEC. 6. That said corporation shall have the right, power and authority to build, erect and maintain any dam or dams across the channel of the Catawba river in the counties of Gaston and Mecklenburg in the state of North Carolina for the purpose of utilizing water-power, and may also build, construct, maintain and operate canals, bridges, aqueducts, conduits, water-ways, waste-ways, wells and reservoirs as shall be needful for its mills, factories, water systems, power-plants or other works, and for any purpose found necessary or expedient; and to construct and maintain and operate, either above or under ground, suitable wires, conductors or rods for the purpose of conducting or transmitting electricity to any city or town in the state for the purpose of lighting such city or town, or for other purposes for which electricity is used; also pipes, canals, roads, bridges or electrical conductors and necessary stations; the said corporation, when unable to purchase at an agreed price, may enter upon and condemn private property for right-of-way and for necessary plants and stations by paying a reasonable price therefor, and in case such price cannot be agreed upon the said corporation or the owner of the property used or occupied may file a petition before the clerk of the superior court of the county where the land is situated, praying for the appointment of a jury to determine whether or not such land is necessary to carry out the purpose of the company and assess the damages accruing to such landowner and upon ten days notice to the opposite party the said clerk shall appoint a jury, consisting of three discreet persons, to assess such damages. The jury shall, within thirty days, make such assessment and report the same to the clerk; said report shall remain open for exception for ten days after the expiration of the thirty days, and if no exceptions thereto be filed the same shall be confirmed and judgment rendered in accordance therewith, and in all cases such judgment or confirmation shall vest in said corporation a title in fee to the property condemned. In case exceptions are filed to any report the clerk shall pass upon the same with right of appeal by either party to the superior court, to be heard by the court in term-time: *Provided*, that all proceedings for damages shall be commenced by the landowner within two years after occupancy by the corporation and not afterward: *And further provided*, that the privileges of this section shall be applicable to the territory adjacent to the Catawba rivers and their territories.

Condemnation of land.

Right of appeal.  
Proviso.

Proviso.

SEC. 7. That said corporation shall likewise have the right, power and authority to lay out, build, construct, maintain and equip with suitable rolling or other stock and operate such roads, whether rail, tram, plank or turnpike, and to erect, establish, maintain and operate

Corporate powers.

such telegraph and telephone line 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.

Capital stock, Organization. Issuance of stock. Transfer of stock. Subscriptions, how made. Increase of capital stock.

SEC. 8. That the capital stock of said corporation shall not be less than five hundred thousand dollars, but the said corporation shall have authority to organize and transact business whenever twenty-five thousand dollars of its capital stock shall have been subscribed and five per centum thereof paid, either in money or in property, which said corporation is authorized to hold. That said corporation may issue stock, both common and preferred, with such regulation as to the issue thereof as may be prescribed by a majority of the stockholders. The certificates for shares of stock shall be issued only when the same are paid for, and shall not thereafter be liable to assessment for any purpose whatsoever. The shares of stock shall be deemed personal property, and be transferable upon the books of the said company in the method provided by the by-laws made in their behalf, but no share shall be transferable until all previous calls thereon shall have been fully paid in, or until declared forfeited for nonpayment of calls thereon, and the directors may refuse the entries of transfers of any share into the books wherein any call has been made which has not been paid in. Shares of stock may be issued and granted for money or in payment for lands, minerals, materials, services, labor, work, building, easements, machinery, ways, rights or other real and personal property, and upon such rates and terms as the said corporation by its board of directors may deem proper. The capital stock of the corporation may be increased from time to time to an amount not exceeding one million of dollars by the consent of a majority of the stockholders.

Non-liability of stockholders for corporate debts, &c.

SEC. 9. That the directors, corporators and stockholders of said corporation, their successors and assigns, shall not be individually or personally liable or responsible for the acts, debts, liabilities, contracts, engagements, defaults, commissions or torts of the corporation, or for any claim, payment, loss, injury, transaction, matter or thing whatsoever related to or connected with the company, and no stockholder shall be liable to pay for more stock than he subscribed for.

Place of business. SEC. 10. That the principal place of business of said corporation shall be in Gaston county, North Carolina, but said corporation may hold its annual or other meeting at such other place as the board of directors may designate.

Taxation. SEC. 11. That all the property of the corporation shall be liable to an *ad valorem* tax, including shares of stock belonging to its stockholder, and said property, including such shares of stock, shall be listed and given in by the proper officers of the corporation and assessed for taxation in the county where the real estate or plant may

be situated and shall not be liable for taxation elsewhere, and in case said corporation establishes manufacturing plants in more than one county, the amount of stock shall be listed by the proper officers of the corporation pro rata, estimated according to the value of such plant or plants in the respective counties.

SEC. 12. The affairs of said corporation shall be managed by a president or vice-president and a board of directors, and the persons named in the first section of this act are hereby constituted provisional directors of the corporation, of whom a majority shall constitute a quorum; and they shall hold office as such directors under the provisions of this act, and shall have the power forthwith to open stock-books and procure subscriptions of stock in said corporation; and as soon as shares to the amount of twenty-five thousand dollars of the capital stock of the corporation shall have been subscribed, any one or more of the provisional directors may call a meeting of the subscribers at Charlotte, North Carolina, for the purpose of organizing the corporation, electing directors, etc., giving at least five days notice in writing to the subscribers of the time and place and purpose of the meeting. At such meeting the shareholders may choose not more than seven nor less than three persons from among the shareholders as directors of the corporation, three of whom shall always constitute a quorum. The directors shall annually be elected by ballot at a regular meeting of the stockholders, and shall act under such by-laws and regulations as the corporation may from time to time adopt, and shall hold their office until their successors are elected; thereafter the regular meeting of the stockholders for the election of directors and other general purposes shall be held once in each and every year at such place and on such day and upon such notice as the by-laws may direct. All vacancies in the board of directors or in any office of the company shall be filled by the directors of the company. The capital stock of said corporation shall be divided into shares of one hundred dollars each; and at all meetings of the stockholders every stockholder shall be entitled to as many votes as he owns shares in the corporation, to be cast in person or by proxy; and at all meetings a majority of the stock subscribed represented in person or by proxy shall constitute a quorum. The stockholders of the corporation shall have full power to make all necessary by-laws, rules and regulations not forbidden by law for the government of the affairs of the corporation, for meeting calls upon stock subscribed and for the enforcement of such calls by forfeiture of stock or otherwise.

SEC. 13. That the board of directors at their first meeting, and annually thereafter, shall elect from among their number a president and one or more vice-presidents. They shall also elect a secretary and treasurer and shall have the right to designate his salary and term of office and may require of him a satisfactory bond. A failure to elect

President and directors.

Organization.

Directors.

Vacancies.

Shares of stock.

Stock-vote.

Quorum.

By-laws.

Officers.

Salaries.

Bonds.

Charter not forfeited by failure to elect directors.

Copy of by-law *prima facie* evidence, &c.

directors at the proper time shall not have the effect to dissolve the corporation.

SEC. 14. A [copy of any by-law or regulation of the corporation under its corporate seal and purporting to be signed by the president or vice-president shall be received as *prima facie* evidence for and against the corporation in any judicial proceeding.

SEC. 15. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

#### CHAPTER 308.

#### An act to incorporate Bethel Lodge, Order of Love and Charity, of Perquimans county.

*The General Assembly of North Carolina do enact :*

Incorporators.

SECTION 1. That the present officers of Bethel Lodge, Order of Love and Charity, of Perquimans county, and their successors in office, be and they are hereby incorporated a body politic under the name and style of "Bethel Lodge, Order of Love and Charity, of Perquimans county."

Corporate name.

Officers.

SEC. 2. The officers of said corporation shall consist of a president, a secretary, a chaplain and a degree master.

Corporate powers.

SEC. 3. The name of said corporation shall be the Bethel Relief and Burial Association, and shall have power to sue and be sued, contract and be contracted with, buy and sell, and such other powers as are granted such associations chartered under the laws of this state.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

#### CHAPTER 309.

#### An act to incorporate the Wilmington Fair Association at Wilmington, North Carolina.

*The General Assembly of North Carolina do enact :*

Incorporators.

SECTION 1. That E. S. Latimer, O. A. Wiggins, Isaac Bates, John H. Barnard, John Daniels, Edward Daniels, B. R. Moore, M. W. Merrell, R. H. McKoy, Brook Empie, Berry Gleaves, Seymour W. Merrell, C. Barnes Southerland, Joseph H. Watters, John D. Bellamy, Jr.,



John J. Fowler, Fred. Kidder, R. M. Emmerson, Albert Gore, H. G. Smallbones, A. D. Brown, Joseph Merritt, T. C. James, J. H. Sharp, W. H. Barnard, A. J. Howell, Jr., E. G. Jones, R. C. Orrell, all of the city of Wilmington and state of North Carolina, together with such persons as shall be associated with them, their successors and assigns, be and they are hereby created a body politic and corporate by the name and title of the "Wilmington Fair Association," and under that title may sue and be sued and be impleaded in any courts of this state, and be contracted with and adopt and use a common seal, which they may establish and alter at their pleasure; shall exist for a term of sixty years, and shall enjoy all the rights and privileges, powers, immunities, liberties and franchises pertaining to corporations under the general laws of the state.

Corporate name.  
Corporate powers.

SEC. 2. That the capital stock of said company shall be ten thousand dollars (\$10,000), with the privilege of increasing it to an amount not exceeding fifty thousand dollars (\$50,000), to be divided into shares of ten dollars (\$10) per share par value.

Capital stock.

SEC. 3. That as soon as two thousand [dollars] (2,000) shall have been subscribed to the capital stock, the said incorporators and subscribers shall meet and perfect the organization by the election of nine directors; the said board shall elect from among their number a president and also a vice-president, the term of office of the said board and the said offices of president and vice-president shall be for one year, and until their successors are duly elected. The said board shall elect such other officers as they may deem necessary and shall prescribe their terms of office and compensation.

Organization.

SEC. 4. That said stockholders, at their first or any subsequent meeting, may fix the place and location of their principal office anywhere in the county of New Hanover.

Principal office,

SEC. 5. That said company shall have power: (1) to buy, lease, exchange, own, sell and convey real and personal property, with all the rights and privileges connected therewith; to issue bonds and secure the same by a mortgage or deed of trust on its property; (2) to encourage the mechanical arts, and to stimulate improvements in agriculture and in the breeding and raising of live stock by offering as prizes money, medals, certificates, etc., which prizes may be raised in whole or part by the subscription of individuals who may share in the benefits; (3) to make and pass all necessary by-laws for its government.

Corporate powers.

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.

Ratified the 6th day of March, A. D. 1893.

## CHAPTER 310.

An act to incorporate the Thomasville, Yadkin and Pee Dee River Mining, Manufacturing, Railway, Electric Light and Power Company.

*The General Assembly of North Carolina do enact :*

Incorporators.

SECTION 1. That P. C. Thomas and H. C. Thomas, of Thomasville, North Carolina; John P. R. Polk, of Wilmington, Delaware; N. Allen Stockton, of Montgomery county, Pennsylvania, and Robert Polk, of New York City, New York, together with all other persons and corporations who shall be associated with them and become stockholders in the incorporation hereby incorporated, their successors and assigns, be and they are hereby created and constituted a body politic and corporate by and under the name and title of "Thomasville, Yadkin and Pee Dee River Mining, Manufacturing, Railway, Electric Light and Power Company," by which name the said corporation may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court whatsoever all suits and actions, may contract and be contracted with, and shall have all the privileges hereby specifically granted, and such others as may be necessary to the full exercise and enjoyment of the same.

Corporate name.

Corporate powers.

Corporate powers.

Corporate seal.

Corporate powers.

SEC. 2. That the said corporation shall enjoy all the rights, privileges, liberties, immunities, franchises and powers usually conferred upon corporate bodies and not forbidden by the laws of the United States and of North Carolina.

SEC. 3. That said corporation shall have the right to and may make and use a common seal and alter the same at pleasure.

SEC. 4. That the said corporation shall have the right, power and authority to build, erect and maintain any dam or dams across the Yadkin or Pee Dee rivers, or their tributaries, not navigable at any point or points south of the Richmond and Danville Railroad bridge, for the purpose of utilizing the water-power; to maintain and operate, construct, equip and conduct one or more factories at one or more places for making electricity, etc., which factory or factories shall be operated by water-power, steam or other power, and may apply the same to all manufacturing purposes, or may furnish such power to others for the said purpose of manufacturing or any other purpose for which power may be needed; and they may engage in the manufacture, by steam, water-power, or any other power, of any article or material under the same rights and privileges accorded to any other manufacturing corporation in this state.

Corporate powers.

Proviso.

SEC. 5. It may buy, sell and convey real and personal property and issue in payment therefor in part or in whole any part of the capital stock of the company: *Provided*, that said company may not hold at any one time more than one hundred thousand acres of land. The

said company may divide any part of their land into town lots suitable for business or residence sites, sell or lease the same; erect mining plants, factories or houses thereon, sell or lease the same on the installment plan or otherwise, taking mortgages for deferred payments or loaning money on the same; they may purchase the mineral rights in other lands than those owned in fee by the company or stock of other corporations; and may do any and every other act necessary to be done for the successful carrying on of their business.

SEC. 6. They shall have the power to further develop the resources of the said lands by building, mining or otherwise; to aid, encourage and promote immigration into the property or properties of the company; to deal with, manufacture and render saleable the timber found on said property; to subscribe to the capital stock of any and all enterprises which may be projected in this state; to construct mills, workshops, hotels, dwellings or other lawful buildings; to buy, manufacture and sell all kinds of goods, chattels and effects acquired by the company; to seek mines for the purpose of mining minerals; to build and operate rail, tram, turnpike or other roads, and to that end may build bridges, dams and culverts across streams and depressions; to establish and maintain telephone and telegraph lines, canals, aqueducts, reservoirs, streets, gas-works, electric-light and power-works, sewers, and any other works that may be necessary and convenient for the corporation; and to further each and all of these ends this corporation has conferred upon it the powers, rights, privileges and immunities conferred upon railroad companies and telegraph companies by chapter forty-nine of The Code of North Carolina, entitled "Railroads and Telegraph Companies;" and whenever it may be necessary for the purpose of constructing their roads, canals and dams to enter upon any lands to which they may not have the right of possession, and if unable to agree with the owners thereof for the compensation therefor the mode of procedure to secure the condemnation of such land shall be as prescribed by law.

SEC. 7. They shall have the power to manufacture, produce, lease and sell light, heat and power made from or by the use of gas, electricity, coal-oil, steam, water or any other product or material, or a combination of any product or material, for any or all of said purposes; and said company shall have the power to erect, maintain and operate such plant or plants and appliances as may be necessary to manufacture and distribute for sale or use, light, heat and power from the sources above named, and to do any and all things that may be necessary for the proper conduct of said business; and also to lease, purchase, hold, sell and convey patents relating to or in any way identified with the said business.

SEC. 8. That the capital stock of said corporation shall not be less than forty thousand dollars, but the said corporation shall have authority to organize and transact business whenever twenty thou-

Corporate powers.

Corporate powers.

Capital stock.

Organization.

- Issuance of stock. sand dollars of the capital stock shall have been subscribed and five per centum thereof paid either in money or in such property as said corporation is authorized to hold. That the said corporation may issue stock, both common and preferred, with such regulation as to the issue and payment therefor as may be prescribed by a majority of the stockholders. The certificates for the shares of stock shall be issued only when the same are paid for, and shall not thereafter be
- Transfer of stock. liable to assessment for any purpose whatsoever. The share of stock shall be deemed personal property and be transferable upon the books of the said company, or otherwise, in the method provided by the by-laws made in their behalf; but no share shall be transferable until all previous calls thereon shall have been fully paid in, or until declared forfeited for non-payment of calls thereon; and the directors may refuse the entries of transfers of any share into the books whereon any call has been made which has not been paid in. Shares
- Subscriptions, how made. of stock may be issued and granted for money or in payment for lands, minerals, materials, services, labor, work, buildings, easements, machinery, wages, rights, franchises, and any real and personal property, and upon such rates and terms as the said corporation by its board of directors may deem proper. The capital stock of the corporation may be increased from time to time to an amount not exceeding five million dollars by the consent of a majority of the stockholders: *Provided*, that an increase in the capital stock of the company shall be agreed upon by not less than two-thirds of the entire stock in any general or special meeting of the stockholders.
- Increase of capital stock. SEC. 9. That the main line of railroad may extend from Thomasville, in Davidson county to Wadesboro in Anson county, or to Hamlet, in Richmond county, with branch roads not exceeding forty miles in length from any point on the main line.
- Location of railroad. SEC. 10. Each shareholder, until the amount of his stock has been paid up, shall be individually liable to the creditors of the company to an amount equal to that not paid up thereon; but shall not be liable to an action therefor by any creditor before an execution against the company has been returned unsatisfied in whole or in part, and the amount due on such execution shall be subject to the provisions of the next section, the amount recoverable with cost against such shareholder; any shareholder may plead by way of defence in whole or in part any set-off which he could set up against the company.
- Liability of stockholders. SEC. 11. The shareholders of the company, as such, shall not be held responsible for any act, default or liability of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever related to or connected with the company beyond the unpaid amount of their respective shares in the capital stock thereof.
- Liability of stockholders.

SEC. 12. The company is hereby authorized to issue bonds, under the seal of the company, signed by the president or other presiding officer and countersigned by its secretary or treasurer, and such bonds may be made payable at such times and in such manner and at such places in the United States or Great Britain, and bearing such rates of interest, as the directors may think proper; and the directors shall have power to issue, sell or pledge all or any of such bonds at the best price and upon the best terms and conditions which at the time they are able to obtain, for the purpose of raising money for the price of any bonds [lands,] or the erection of any works, or for other purposes of the company. The company may secure the said bonds by mortgage deed upon the whole or part of their real or personal property acquired and to be acquired, and in the said deed the company may grant to the holders of such bonds or to the trustee or trustees named in the deed all the powers and remedies granted in this act in respect of the said bonds, and all other powers and remedies granted by this act not inconsistent with this act.

Authorized to issue mortgage bonds, &c.

SEC. 13. The persons named in the first section of this act are hereby constituted provisional directors of the company, of whom three shall be a quorum, and shall hold office as such until the first election of directors under this act, and shall have power forthwith to open stockholders books and procure subscriptions for stock in the said company.

Provisional directors.

Books of subscription.

SEC. 14. When and as soon as the shares to the amount of forty thousand dollars in the capital stock of the company shall have been subscribed, this company shall be organized by one of the resident corporators giving twenty days notice in writing to the other corporators to meet in the town of Thomasville, North Carolina, for that purpose, and a majority of the corporators shall constitute a quorum for the transaction of business.

Organization.

Quorum.

SEC. 15. The shareholders in general meeting assembled may choose not more than nine nor less than three persons to be directors of the company, of whom three shall be a quorum.

Directors.

SEC. 16. That thereafter the annual general meeting of the shareholders of the company, for election of directors and other general purposes, shall be held at such place and on such day and upon such notices as may be provided for by the by-laws of the company.

Stockholders meetings.

SEC. 17. That at all general meetings of the company every stockholder shall be entitled to as many votes as he owns shares in the company, and may vote in person or by proxy. Election of directors shall be by ballot: vacancies occurring in the board of directors may be filled by the board from among the qualified shareholders of the company. The directors shall from time to time elect from among themselves a president and vice-president of the company and such other officers as may be necessary.

Stock-vote.

Vacancies.

Officers.

- Special meetings. SEC. 18. The shareholders representing one-fourth of the stock of the company shall at all times have the right to call a special meeting thereof for the transaction of any business specified in writing, giving two days notice stating the object of such meeting.
- Powers of directors. SEC. 19. That the directors of the company shall have full power to make all by-laws, not contrary to law or to this act, for the regulation of the affairs of the company, for the establishment of a head office and branch offices, for making calls upon stock subscribed; they shall have full power to manage the affairs of the company, make or cause to be made for the company any description of contract which the company by law may enter into.
- When stock transferable. SEC. 20. That no share shall be transferable until all previous calls thereon have been fully paid in.
- Directors may refuse to allow transfer, &c. SEC. 21. That the directors may refuse to allow the entry into any such book of transfer of stock whereon any call has been made which has not been paid in.
- Non-liability of company as to trusts, dividends, &c. SEC. 22. That the company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any share, and the receipt of the shareholder in whose name the same stands in the books of the company shall be a valid and binding discharge of the company for any dividend or money payable in respect of such share, whether or not notice of such trust has been given to the company, and the company shall not be bound to see to the application of the money paid upon such receipt.
- Liability of estates in hands of executors, &c. SEC. 23. That no person holding stock in the company as an executor, administrator, tutor, curator, guardian or trustee shall be personally subject to liability as a shareholder, but the estates and funds in the hands of such person shall be liable in like manner and to the same extent as the testator or intestate or minor ward or the person interested in such trust fund would be if living and competent to act and holding such stock in his own name, and no person holding such stock as collateral security shall be personally subject to such liability, but the person pledging such stock shall be considered as holding the same and shall be liable as a shareholder accordingly.
- Representation of pledged stock. SEC. 24. That every person who pledges his stock may nevertheless represent the same at all meetings of the company and may vote said stock as if it had not been pledged.
- Call for subscriptions. SEC. 25. That the directors of the company may call in and demand from the shareholders thereof respectively all sums of money by them subscribed at such times and places and in such payments or installments as the by-laws of the company require or allow, and interest shall accrue and fall due at the legal rate for the time being upon the amount of any unpaid call from the day appointed for the payment of such call.
- SEC. 26. That the company may enforce the payment of all calls

and interest thereon by action in any court of competent jurisdiction in the same manner as any other debt. Enforcement of calls.

SEC. 27. That if after such demand or notice as the by-laws of the company may prescribe or allow, any call made upon any share or shares is not paid within such time as prescribed in such call, then the directors may in their discretion advertise said shareholder's stock, giving thirty days notice by advertising in one or more newspapers published in the county in which the chief office of the company is located in North Carolina, and sell the same and apply the proceeds thereof or so much as is necessary to pay said unpaid portion of said stock, and the residue, if any, shall be turned over to said shareholder, his administrators or assigns. Remedy against subscriber failing to pay.

SEC. 28. The directors of the company shall not declare or pay any dividends when the company is insolvent. No dividends when company is insolvent.

SEC. 29. Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or endorsed, and every promissory note and check made, drawn or endorsed in behalf of the company by any agent, officer or servant of the company in general accordance with his powers as such under the by-laws of the company shall be binding upon the company, and in no case shall it be necessary to have the seal of the company affixed to any such contract, agreement, bargain, bill of exchange, promissory note or check, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any by-law or special vote or order, nor shall the parties so acting as agent, officer or servant of the company be thereby subjected individually to any liability whatsoever to any third party therefor. Liability of company for acts of agents, &c.

SEC. 30. All laws or clauses of laws in conflict with this act are hereby declared inoperative as regards it. Conflicting laws inoperative.

SEC. 31. This charter shall take effect and be in force from and after its ratification.

Ratified the 6th day of March, A. D. 1893.

## CHAPTER 311.

### An act to incorporate the Gordon Manufacturing Company.

*The General Assembly of North Carolina do enact:*

SECTION 1. That J. Gordon Hackett and Richard N. Hackett, Incorporators, together with all other persons and corporations as shall be associated with them and become stockholders in the corporation hereby incorporated, their successors and assigns, be and they are hereby constituted a body politic and corporate by and under the name and title

Corporate name. of "The Gordon Manufacturing Company," by which name the said  
 Corporate pow- incorporation may sue and be sued, plead and be impleaded, appear,  
 ers. prosecute and defend in any court of law or equity whatsoever, and  
 in all suits or actions; contract and be contracted with, and shall have  
 the privileges and rights hereby specially granted, and such as may  
 be necessary to the full exercise and enjoyment of the same: The  
 said corporation shall also have perpetual succession and enjoy all  
 the rights and privileges, liberties and immunities, franchises and  
 powers conferred upon and pertaining to other corporate bodies and  
 not forbidden by the laws of the United States and of North Carolina.

Corporate seal. SEC. 2. That said corporation shall have the right to and may make  
 and use a common seal and alter the same at pleasure.

Corporate pow- SEC. 3. That said corporation is hereby authorized and empowered  
 ers. to contract, transact and carry on in all its branches the manufacture  
 and sale of cotton and woollen goods, either or both, of all descrip-  
 tions whatsoever; also any and all goods, wares and merchandise of  
 every kind and sort made of and from jute, hemp, flax and leather,  
 or any other material whatsoever; to spin, dye, weave, print, bleach  
 and finish, manufacture and sell all kinds of cloths, prints, warps,  
 yarns, and all goods, wares and merchandise of every kind, sort and  
 description made of wool or cotton, or of which wool, cotton or other  
 fibrous articles may form a part, and any other articles of like nature  
 and kind whatsoever. And said corporation may buy and sell and  
 deal in goods, wares and merchandise of every kind and description  
 at its will and pleasure; and may erect, own and operate, or cause to  
 be run and operated flour-mills, grist-mills, saw-mills, all kinds of  
 mill buildings, machine and work-shops, stores, dwellings, and other  
 business premises, and may maintain them as may be requisite or  
 necessary to carry on its business. Said corporation is hereby author-  
 ized to carry on tanning, carry on and to manufacture and repair  
 agricultural and mechanical tools and implements, wagons, and all  
 other things whatsoever may seem fit out of iron, wood, or other  
 material or thing, or the combination of any or all other materials or  
 things; and to buy, manufacture and sell and deal in any or all of  
 the matters or things herein mentioned, alluded to or intended, and  
 all kinds of property, and to engage in any species of manufacturing  
 enterprise.

Corporate pow- SEC. 4. That said corporation, its successors and assigns, is hereby  
 ers. authorized and empowered to take by purchase or other operation of  
 law, to hold, own, lease or otherwise acquire; and to sell and convey,  
 mortgage and lease lands and tenements and hereditaments, and all  
 manner of real and personal property, including cotton-mills and  
 factory houses, water-power, mineral rights, roads, tramways, or any  
 other kind of property whatsoever, to such an extent as it shall seem  
 proper and as full as citizens of the state can or may do. And said  
 corporation is hereby authorized to pay for such real and personal



property as it may purchase or otherwise acquire with and by its capital stock.

SEC. 5. That said corporation shall have the right, power and authority to lay out, build, construct and equip with rolling and other stock and to operate such roads, whether tram, plank or turnpike, and also canals, aqueducts, waste-ways, mills, watercourses, bridges or other ways of transportation of its property or trade, and to construct such dams and obstructions in and across Reddie's river and such reservoirs as shall be needful for the supply of water for its mills, factories and other works, or for any purpose found necessary: *Provided*, that in so doing the vested rights of no other persons are not interfered with in any unreasonable manner; and said corporation shall have the power to erect and establish and maintain such telegraph and telephone lines and apparatus as may be necessary; and shall also have the power to erect and operate street-car lines in and between the towns of North Wilkesboro and Wilkesboro, and shall likewise have the right, power, charter and franchise hereby to charge such tolls, fees and compensations as is reasonable for the use, service or travel over such telegraph or telephone lines, roads or bridges and car lines; and may also have the right to establish water-works and mains for the towns of North Wilkesboro and Wilkesboro; also may have the right to establish and maintain an electric light plant to be used in said town and in the factories and buildings belonging to said corporation, or may rent or lease the power to operate street-car lines, water-works or electric lights to any other company; and when any land or right-of-way shall be required by said corporation for constructing any turnpike roads, tramways, cart-way, canals, bridges, telegraph and telephone lines, street-car lines, electric lights and water-mains, wells, dams, obstructions and reservoirs, and for want of an agreement as to the value thereof or for other causes the same cannot be purchased from the owners, the same may be taken and condemned and the value thereof ascertained in the manner prescribed by the laws of the state in chapter forty-nine of The Code, entitled "Railroads and Telegraphs": *Provided*, that the powers, privileges and rights conferred by this charter shall not apply to any land or street or alley within the corporate limits of North Wilkesboro, except land owned in fee simple by the said Gordon Manufacturing Company.

SEC. 6. The stockholders at a regular general meeting, or at a meeting called for that purpose after a notice of at least ten days given each stockholder by circular or advertisement in some newspaper published in Wilkes county, state of North Carolina, by resolution may authorize money to be borrowed by the corporation for the purpose of aiding the conduct of its business, and shall prescribe how much and how the same shall be borrowed and how secured.

Corporate powers.

Proviso.

Condemnation of land.

Proviso.

Authorized to borrow money.

- Capital stock.** SEC. 7. The capital stock of said corporation shall be such a total sum as the stockholders at a general meeting may determine, and shall be divided into shares of one hundred dollars (\$100) each: *Provided*, that such capital stock shall not be less than twenty-five thousand dollars (\$25,000) nor exceed one million dollars (\$1,000,000), and said corporation shall have the authority to organize and transact business whenever twenty-five thousand dollars (\$25,000) of its capital stock is subscribed for and paid up in any kind of property herein-after mentioned, or when property to the amount of twenty-five thousand (\$25,000) shall have been purchased for the purposes of said corporation. The certificates for the shares of stock shall be issued only when fully paid for, and shall not thereafter be liable to assessments for any purpose whatsoever. The shares of stock shall be deemed personal property and be transferable upon the books of said corporation in the method provided in and by law made in that behalf, and such certificates of shares of stock may be issued and granted for money or in payment of lands, materials, services, labor, work, buildings, machinery, easements, ways, and all other kinds of real and personal property, and at such a rate, upon such terms as said corporation by its board of directors may deem fit and best and may agree upon. The capital stock may be increased from time to time to such an amount as may be deemed proper until the limit of one million of dollars is reached, and may also be retired or decreased as the stockholders may deem proper.
- Proviso.**
- Organization.**
- Issuance of stock.**
- Not liable to assessment.**
- Transfer of stock.**
- Subscriptions, how made.**
- Increase of capital stock.**
- Non-liability of stockholders for corporate debts.** SEC. 8. That the directors, corporators and stockholders of said corporation, their successors and assigns, shall not be individually or personally liable for the acts, debts, liabilities, contracts, engagements, defaults, omissions, or torts of the corporation, or for any claims, payment, loss or injury, transaction, matter or thing whatsoever relating to or connected with the company, and no stockholder shall be liable for the payment of more stock than he has subscribed for.
- Place of business.** SEC. 9 That the principal place of business shall be situated at the Gordon Mills on Reddie's river in the county of Wilkes, state of North Carolina, with post-office for the present at North Wilkesboro; but said corporation shall have the right to hold its annual or other meetings at such other places in North Carolina as may be deemed most convenient by the stockholders of said corporation.
- Officers.** SEC. 10. The affairs of the said corporaton shall be managed by a president, vice-president and secretary, who may also act as treasurer, said officers to be elected by the stockholders; and shall have power forthwith to open stock books and procure subscription of stock in the said corporation, when and as soon as shares to the amount of twenty-five thousand dollars (\$25,000) in the capital stock of the corporation have been subscribed. When and as soon as twenty-five thousand dollars (\$25,000) in the capital stock of said corporation have
- Books of subscription.**
- Organization.**

been subscribed, the shareholders may proceed to call a general meeting for the purpose of organizing the said corporation, electing directors, etc., giving at least ten days previous notice by circulars to the subscribers of stock of time and place and purpose of said meeting. At such general meeting the shareholders may choose not more than seven or less than three persons who shall act as directors, one of whom must be a citizen and resident of the state of North Carolina, and a majority of whom shall be and constitute a quorum. The directors shall be elected annually by ballot at a regular meeting of the stockholders, and shall act under such by-laws and regulations as the corporation may from time to time adopt, and shall hold office until their successors are elected. No person shall be a director of the corporation unless he or she is the owner and holder in his or her own right of at least five shares in the stock of the corporation. Thereafter the regular general meeting of the stockholders of the corporation for the transaction of business, election of directors and other general purposes, shall be held once in each and every year at such a place and on such a day and upon such notice as may be provided for in the by-laws of the corporation. At all meetings of the stockholders of the corporation every stockholder shall be entitled to as many votes as he or she owns shares in the corporation, and may constitute another shareholder his or her proxy to vote for him or her by an instrument of writing to that effect. At all meetings of the stockholders a majority of the stock subscribed for and paid in shall be necessary to constitute a quorum for the transaction of business and election of directors. The stockholders of the corporation shall have full power to make all by-laws and rules and regulations for their own government and for the transaction of business: *Provided*, that said by-laws, rules and regulations shall not be in conflict with the constitutional laws of this state or of the United States. For the adoption and amendment of by-laws and regulations a two-thirds vote of the capital stock which has been subscribed for and paid in will be required, but the number of shares to constitute a quorum for any purpose may be changed at any regular general meeting of the stockholders after notice given by resolution of the previous regular general meeting. The president or stockholders owning and holding at least a fourth part of the capital stock of the corporation shall at all times have the right to call meetings for general or special purposes, to be specified in a written requisition to that effect, and upon giving twenty days notice to each stockholder by circular or by twenty days advertisement in some newspaper published in Wilkes county of the time and place of holding said meeting.

SEC. 11. The board of directors shall hold their meeting in such manner and at such times as the by-laws may direct, and shall have full power to administer the affairs of the corporation and to make or cause to be made for the corporation any description of contract

Directors.

Quorum.

Stockholders meetings.

Stock-vote.

Quorum.

By-laws.

Proviso.

Special meetings.

Powers of directors.

- Officers. which the corporation may by law enter into and which is not otherwise provided for in this act. They shall annually elect from among themselves a president, vice-president and secretary who may also be treasurer, and they shall also name all other officers and agents of the corporation, and shall prescribe their duties, compensation and terms of service. Vacancies occurring in the board of directors may be filled for the unexpired remainder of the term by the board from among the qualified stockholders of the corporation. If at any time an election of directors is not made or does not take effect at the proper time the corporation shall not be held to be thereby dissolved, but such election may take place at any general meeting called for that purpose, and the retiring directors shall continue in office until their successors are appointed.
- Vacancies.
- Corporation not dissolved by failure to elect directors.
- Bonds of officers. SEC. 12. The board of directors of the corporation may require of any of the officers thereof such bonds, conditioned for the faithful discharge of their duties and payable to the corporation, as by said board of directors may be deemed advisable, and may sue upon the same for any breach thereof.
- Removal of president and directors. SEC. 13. The stockholders in any meeting called in pursuance to the provisions of this act may remove the president or any or all of the directors or officers of the corporation, in case the interest of the corporation demands such removal.
- Dividends. SEC. 14. The directors of the corporation shall not declare or pay any dividend when the corporation is insolvent, or any dividend the payment of which renders the corporation insolvent or diminishes the capital stock thereof.
- Transfer of stock. SEC. 15. No transfer of stock, unless made by sale under execution, shall be valid for any purpose whatsoever save only as exhibiting the rights of the parties thereto towards each other, and as rendering the transferer liable *ad interim* jointly and severally with the transferee to the corporation until the entry thereof has been duly made in such book or books as the directors shall provide for that purpose. The corporation shall not be bound to see to the execution of any trust, whether expressed, or implied, or constructive, in any respect of any share, and the receipt of the shareholder in whose name the same stands in the books of the corporation shall be a valid and binding discharge to the corporation for any dividend or money payable in respect of such share whether or not notice of such trust has been given to the corporation, and the corporation shall not be bound to see to the application of the money paid upon such receipt. Every executor, administrator, tutor, curator, guardian or trustee shall represent the stock in his hands at all meetings of the corporation, and may vote accordingly as a shareholder, and every person who pledges his stock may nevertheless represent the same at all such meetings and may vote accordingly as a shareholder. The capital stock may be transferred in such manner and form as may be provided by the
- Corporation not bound to execute trusts in respect to stock, &c.
- Stock representation by fiduciaries.
- Transfer of stock.

by-laws, and shall be evidenced by certificates to be issued in accordance with the said by-laws; and when any stockholder shall have transferred his stock in this corporation in the manner above provided for he shall cease to be a member and stockholder in the corporation, and the purchaser of said stock shall be entitled to all the rights and privileges and be subject to all liabilities of the former owner of said stock as a stockholder.

SEC. 16. That this corporation may change its name and adopt any other which the board of directors may select, at any time after giving six months publication in some newspaper published in Wilkes county, and under that name enjoy all the powers herein conferred upon the above-named incorporation. Change of name.

SEC. 17. That said corporation shall have five years time in which to begin to run and operate all or any of the works herein mentioned, turnpikes, tramways, water-mains, street car lines, electric lights, telephone lines, etc. Within what time work to begin, &c.

SEC. 18. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

## CHAPTER 312.

### An act to incorporate the Tarboro Street Railway Company.

*The General Assembly of North Carolina do enact :*

SECTION 1. That W. S. Clark, T. H. Gatlin, George Howard, junior, Paul Jones, John L. Bridgers, Julian M. Baker, M. L. Hussay, C. B. Mehegan, H. Morris and George B. Wright, and their associates and successors, be and they are hereby created a body politic and corporate under the name and style of "The Tarboro Street Railway Company," and by that name may sue and be sued, plead and be impleaded, and be capable of purchasing, holding, buying, selling, leasing and conveying real and personal property, with all the rights and powers to corporations in chapter forty-nine of volume one of The Code of North Carolina, or as are granted to any and all street railway companies in this state, and in particular that of condemning, using and appropriating lands for railway purposes, and as such corporation they may have a common seal, which they [may] break or alter at pleasure. Incorporators.  
Corporate name.  
Corporate powers.

SEC. 2. That the capital stock of said company shall be ten thousand dollars, with liberty to increase the same at any time or from time to time to any sum not to exceed one hundred thousand dollars, Capital stock.

May borrow money, &c.

as a majority of the stockholders may determine; and the said company shall have the right to borrow money, to make, dispose of and negotiate its promissory notes, drafts or bonds, and to mortgage its property, franchises and effects to secure their payment.

Authorized to construct street railways, &c., in Tarboro.

SEC. 3. The said company is hereby authorized to make, construct and equip, maintain, conduct and operate lines of street railways with one or more tracks and all necessary side tracks and switches, turnouts and branches, using such motive power on said lines as the [board] of directors may select, with liberty to change the same in whole or in part at any time, through, along and over and under the streets of the town of Tarboro and to points within the vicinity of said town, and to erect such depots, stables, offices, engine-houses, sheds, shops, and other necessary buildings as the board of directors may desire; and to demand and receive such sums of money for the carriage of passengers as the board of directors may think proper, and such compensation for the transportation of freight and parcels, if the directors shall see fit to carry the same, as they may fix, and to alter said rates at pleasure; and shall have the power and authority to eject from any cars, carriages or coaches of said railroad any person or persons who do not pay their fare upon demand by the conductor or other person in charge of said car, carriage or coach, or who do not pay according to the rules and regulations of said company.

By-laws.

SEC. 4. That the board of directors of said company may make any and all by-laws, rules and regulations for the government of said company as they may think proper, and elect such officers and employees as they may think necessary, and fix their terms and salaries: *Provided*, the same be not inconsistent with the constitution and laws of this state and the United States.

Officers, &c.

Proviso.

Misdemeanor to injure, &c., railway, &c.

SEC. 5. That any person who shall deface, injure, destroy, remove or obstruct said railway or any part thereof, or any of the cars, trains, coaches or carriages thereof, or any of the fixtures, property or machinery thereof, or its structures or appliances thereof of any kind shall be guilty of a misdemeanor, and fined or imprisoned within the discretion of the superior court.

Misdemeanor to throw, &c., stones, &c., at cars, &c.

SEC. 6. That any person or persons who shall cast, throw, shoot, propel, or project, or in anywise put in motion any stone, rock, shot, pellet or other missile of any kind or nature at, against, or into any car, carriage, coach or train upon said railroad, whether the same be in motion or at rest, with intent to injure any such car, carriage, coach or train, or any person or persons therein or thereon, or any horse or other animal attached thereto or connected therewith, shall be guilty of a misdemeanor, and fined or imprisoned within the discretion of the superior court.

Powers of conductors, &c.

SEC. 7. The conductors, drivers and other agents and servants of said company, while in the active service of said company or in the

discharge of any duty connected therewith, are hereby vested with the same power, authority and privilege which belong to similar officers and agents of railroad companies in 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 person.

Non-liability of company.

SEC. 8. That said company shall be deemed fully authorized to organize immediately upon the ratification of this act, and a majority of the corporators may meet at any time thereafter and elect such officers as they deem necessary, and proceed to open books of subscription: *Provided*, that there shall be [a] board of directors to consist of not less than three stockholders of the company; they may issue stocks, bonds and other securities through such officers or agents as they may designate; obtain subscriptions, enter into contracts for the construction and furnishing of their line or lines, and for the building or leasing of houses, stables, offices and shops and all such other property, real or personal, as may be necessary. And said company shall have power to do any and all other things not specially prohibited by the laws of this state, and the stockholders therein shall not be personally liable for any of the debts, obligations, engagements or contracts of said company; and the said company shall have the exclusive right for thirty years from the granting of this charter to construct and operate lines of street railway through, in, over and under the streets and thoroughfares of the town of Tarboro: *Provided*, that at least five thousand dollars of stock shall have [been] subscribed and three thousand dollars paid in, and work commenced on some one of said lines within two years from the passage of this act.

Organization

Proviso.

Additional corporate powers.

Non-liability of stockholders for corporate debts.

Exclusive rights.

Proviso.

SEC. 9. All laws or clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 10. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

#### CHAPTER 313.

### An act to amend the charter of the North Carolina Home Insurance Company.

*The General Assembly of North Carolina do enact:*

SECTION 1. That subsection three of section one, chapter ninety (90) of the acts of eighteen hundred [and] seventy-four and seventy-five

Chapter 90, private laws 1874-75, amended.

Remedy against stockholders failing to pay assessment on stock vote, &c.

(1874 and 1875), amending the charter of The North Carolina Home Insurance Company, be amended by adding the following after the word "assessment" at end of said subsection: "Or the directors may proceed to sell said stock at public or private sale after thirty (30) days notice to the delinquent stockholder, and apply the proceeds to the balance due on said note; the surplus, if any, to be paid to said stockholder or his personal representatives."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

#### CHAPTER 314.

#### An act to incorporate the "Carolina Light, Water and Sanitary Construction Company."

*The General Assembly of North Carolina do enact:*

Incorporators.

SECTION 1. That H. A. Burr, Iredell Meares, William H. Green, Thomas D. Meares and W. A. Williams, their associates and successors, be, and they are constituted a body politic and corporate under the name of the "Carolina Light, Water and Sanitary Construction Company," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, create by-laws and regulations for its own management; adopt a common seal which it may alter or break at any time, own real estate for the purposes of its business, and enjoy all franchises and privileges incident to business corporations of the state.

Corporate name.

Corporate powers.

Capital stock.

SEC. 2. That the corporate stock of said company shall be one hundred and fifty thousand dollars (\$150,000), divided into shares of one hundred dollars each, with power to increase the same to a sum not exceeding five hundred thousand dollars (\$500,000) by consent of the stockholders owning two-thirds of the stock at the time of increasing the same.

Organization.

SEC. 3. That whenever ten thousand dollars (\$10,000) shall have been subscribed to the capital stock it shall be the duty of the incorporators, or any three of them, to call a general meeting of the stockholders, and at such meeting the stockholders present, if representing a majority of the stock subscribed, may proceed to organize the company and adopt such by-laws, rules and regulations as they may determine upon, and elect such officers as may be provided for in the by-laws then adopted.

Corporate powers.

SEC. 4. Said corporation shall have full power to engage in the manufacture, purchase and sale of all kinds of piping, wire, ma-



chinery, electrical apparatus, material and fixtures used in and incident to the construction, operation and maintenance of gas-works, public water-supplies, electric lighting plants and sewerage of cities and towns, and to engage in the business of constructing, repairing, furnishing and plumbing of gas, water, electric or sewerage attachments in public or private buildings, and in all lines of trade connected therewith. Said corporation shall have the power to build, construct and operate and maintain in any village, town, city or incorporated municipality in the state, subject to the consent given, or contract or regulations agreed to by and between said corporation and the corporate authorities of such village, city, town or municipality, a system or systems of public sewerage, water-supply, gas or electric lights, and to lay, build, construct, maintain, repair, tap and remove all necessary pipes, sewers, mains, conductors, stand-pipes, hydrants, fixtures and appurtenances in, upon and through and over all roads, streets, avenues, lanes, alleys and bridges within the said contracting village, city, town or municipality and its vicinity: *Provided, however*, that the said corporation shall at its own proper cost and expense repair, replace and restore all streets, roads and avenues under, over or through which it may lay, build or construct said sewers, pipes and conductors so as to have them in as good condition as they were before; and to erect and build a reservoir or reservoirs of any area or capacity, ditches or dams, motive power, engines, gas receivers, flushing apparatus, water-tanks, hydrants, buildings and machinery and appurtenances, and other things necessary to be done in the construction, operation or maintenance of either of the said designated systems of sewerage, lighting or water-supply intended for the use and convenience of the citizens of any village, city, town or municipality who may grant the franchise or privilege or consent to the said corporation constructing, operating and maintaining either of the systems of sewerage, gas or electric lighting or water-supply as hereinafter provided.

SEC. 5. That any city, town, village or incorporated municipality in the state desiring to provide itself with a system of sewerage, water and gas supply, or electric lighting, may and any such incorporated municipality is by this act authorized and empowered to grant by contract to said corporation the exclusive privilege and franchise to build, construct, operate and maintain in its corporate limits, including the extension thereof from time to time, either one or all of the designated systems of sewerage, water, gas or electric lighting, under such supervision, regulations, terms, and upon conditions that may be agreed to by and between said corporation and such contracting village, town, city or incorporated municipality.

SEC. 6. Said corporation, whenever it shall operate and maintain any system of sewerage, gas or electric lighting or water-works in any village, city, town or municipality on its own account, under

Municipal corporations authorized to grant company exclusive privileges in regard to sewerage, water, &c.

May charge compensation for sewerage, water, &c.

authority first had from the corporate authorities of any such village, town, city or municipality, as herein provided, shall have the right to charge all persons or corporations using or supplied thereby such compensation for entering or using such sewer, or for lights or water supplied, or other labor and material furnished, as it may consider proper unless the rates therefor shall have been fixed and agreed to by and between said corporation and the contracting town, city, village or other municipality.

Condemnation of land.

SEC. 7. That whenever any lands in or in the vicinity of any city, town, village or municipality which may have consented, authorized or contracted with said corporation to construct, operate or maintain either or all of the said systems of sewerage, water-supply, gas or electric lights shall be necessary or desirable in the erection, establishment or enlarging either of the same, whether for reservoirs, buildings, machinery, ditches, dams, laying of pipes, or in furtherance of any of the purposes of this act, whether situated in the corporate limits of said contracting municipality, or between the sources of said water-supply and said municipality, or said municipality, the sewerage outlet, the said corporation, its agents or employees and the officers thereof may enter on the land of any person or persons or corporations; and in the case an agreement cannot be made between the corporation and the owner of the land said corporation may have the same condemned to its own use in the manner now provided by law for the condemnation of lands for railroads or other public uses: *Provided always*, that damages that may occur by reason of the condemnation of land shall be paid by said corporation, and it shall at all times have a right to enter upon said land for the purposes of repairing, improving or replacing mains, sewers, pipes, ditches, etc.

Proviso.

May hold real and personal property.

SEC. 8. Said corporation shall have the power to hold, purchase, lease and convey and enjoy any and all real and personal property which it may acquire by purchase or otherwise in connection with its business.

Certificates of stock.

SEC. 9. Said corporation shall have the power to issue certificates of stock in such form and under such regulation as it may prescribe; to issue bonds of any denomination, bearing such rate of interest and payable at such times and upon such terms as its stockholders may by resolution declare; and in order to secure the payment of the principle and interest thereof the stockholders may authorize the president and secretary of the corporation to execute in the name of the corporation a deed of trust or mortgage to any person or corporation named by them of any or all or any part of its real and personal property, franchises, rights and privileges owned by the said corporation, embracing all present property designated in said authority and such as may be afterwards acquired in connection therewith.

Mortgage bonds.

Injury, &c., to property a misdemeanor.

SEC. 10. That any person who shall wantonly, maliciously or negligently interfere [with] or injure any reservoir, engine, pump, hydrant,

pipe, fire-plug, sewer, electric wire, or other property of said company necessary or used in connection with any of its water, light, or sewerage systems, or shall place in the water used by the company any poisonous or unwholesome materials calculated to make distasteful or unwholesome said water shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, at the discretion of the court.

SEC. 11. That any plumber or other person who shall tap a main, sewer, wire, service-pipe, and conduct water, gas, electricity or sewerage into or from a house or any other place without a permit from the company shall be guilty of a misdemeanor and may be fined not exceeding fifty dollars (\$50) or imprisoned not exceeding thirty days. That any person who shall use the water [of] said company for any purpose without a permit from the company, or use its sewers, gas or electric lights or wires without such permit, or wilfully open any of its sewers, or injure the same in any manner, and let out or waste the water therein shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars (\$50) and imprisoned not less than thirty days, or both, in the discretion of the court.

Misdemeanor to tap pipe, &c., without permit.

Misdemeanor to use water, &c., without permit.

SEC. 12. That the stockholders shall not be individually liable for any of the contracts, obligations or indebtedness of said company in excess of the amount of stock held and actually paid for by them.

Liability of stockholders.

SEC. 13. Said corporation shall have the power to purchase, lease, hold and enjoy the system or systems of gas, water, lighting or sewerage belonging to any other corporation under such terms and conditions as it may be able to acquire the same, together with all franchises, privileges and rights of the vendor corporation, and to unite and combine the same with its own system; that it may operate in any municipality in order that it may maintain a uniform public service; and said corporation may purchase all private sewers, lights, water-supply belonging to individuals, or lease and hold the same under such terms as it may make with the vendor, and to unite and combine the same with its own established system.

May purchase systems of gas, &c., from other companies, &c.

SEC. 14. That the principal place of business shall be in Wilmington, North Carolina, but the same [may] be changed to any other place in the state at the option of the said corporation upon a vote of the majority of its stockholders.

Place of business.

SEC. 15. That this act shall be in force from and after its ratification.

Ratified the 6th day of March, A. D. 1893.

## CHAPTER 315.

**An act to incorporate the town of Elon College in Alamance county.***The General Assembly of North Carolina do enact :*

Incorporated.

SECTION 1. That the town of Elon College in the county of Alamance and state of North Carolina be and the same is hereby incorporated by the name and style of "Elon College," 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 the amendments thereto.

Corporate name.

Corporate limits.

SEC. 2. That the corporate limits of said town shall embrace all the town included in the following boundaries: Beginning at a stake in the northwest corner of the college campus in the edge of Haggard avenue and Williamson avenue; running thence with the east side of the Ossipee road one hundred and seventy-five yards to a stake in W. P. Huffine's yard; thence east eight hundred and seventy-five yards to a stake; thence south five hundred and sixty-five yards to a stake; thence west twelve hundred and sixty yards to a stake; thence north six hundred yards to a stake; thence east four hundred and fifty yards to the beginning.

Jurisdiction of mayor, &c., to extend two miles.  
Officers.

SEC. 3. That the jurisdiction of the mayor of said town and the officers thereof for the purpose of police regulations shall extend in every direction two miles from the corporate limits. The officers shall be a mayor and five commissioners and a town constable and such other police officers as the mayor and commissioners may appoint.

Temporary officers.

SEC. 4. That until the time of the first regular election and the qualification of the officers elected, the government of said town shall be vested in the following persons to-wit: S. A. Holloman, mayor; Peter Hughes, W. S. Tate, John E. Long, Dr. W. G. Herndon and Thomas Stroud, commissioners.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

## CHAPTER 316.

**An act to promote education in the town of Williamston, Martin county.***The General Assembly of North Carolina do enact :*

Election on question of issuing bonds.

SECTION 1. That the commissioners of the town of Williamston are hereby authorized and directed to submit to a vote of the qualified voters of said town, at an election to be held therein on the first Monday of June, eighteen hundred and ninety-three, the question of issu-

ing bonds for the purpose hereinafter expressed; and at such election, to be held and conducted under the rules and regulations as now provided for holding elections therein, the qualified voters of said town shall vote tickets on which shall be written or printed the words "For bonds" or "Against bonds."

Election, how held.

Ballots.

SEC. 2. That if at said election a majority of the qualified voters of said town shall vote for said bonds it shall be the duty of the commissioners of said town to issue the bonds of said town to an amount not exceeding the sum of twelve hundred dollars (\$1,200); and the interest not exceeding eight per centum (8), and one-tenth of the principal of said bonds shall be paid annually at such time and place as each bond may specify.

Bonds to be issued on vote of majority of qualified voters, not exceeding \$1,200.

SEC. 3. That with said bonds or the proceeds of the sale thereof, to be made at not less than par value, the commissioners of said town shall pay off and discharge the debt owing by the trustees of the Williamston Academy; and upon such payment the trustees of said academy, and their successors in office, shall hold the said academy, its grounds and furniture in trust for the said town; and that the public school for white children in the school district in which the town of Williamston is situated shall be held in said academy, and when the public school is not being so held therein the trustees may have a school held and maintained therein as heretofore.

Bonds not to be sold for less than par,

Proceeds used to pay debt owing by Williamston Academy. Academy property to be held in trust for town.

Public school for whites to be held in academy.

SEC. 4. That any balance arising from the bonds issued under this act the said commissioners are authorized and empowered to apply in enlarging, improving or building a school-house for the colored children in the school district for colored children in which Williamston is situated, in any manner that may be agreed on between said commissioners and the school committee of said district.

Balance of proceeds of bonds, how applied.

SEC. 5. That for the purpose of paying said bonds, the commissioners of said town are hereby authorized and required at the time of levying other town taxes to levy annually a special tax sufficient in amount to pay the interest upon said bonds and one-tenth of the principal thereof, and the costs and charges incident to said tax.

Special tax.

SEC. 6. Said taxes shall be collected as other taxes for said town and paid over to the treasurer thereof and shall be kept separate from other taxes.

Collection of tax, &c.

SEC. 7. The said commissioners shall require of the officer collecting said taxes and of the treasurer of said town suitable and proper bonds for the protection of said taxes and the proceeds of said bonds from loss and to insure their proper payment and application.

Bonds.

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

Ratified the 6th day of March, A. D. 1893.

## CHAPTER 317.

## An act to incorporate the Lumberton and Lumber River Railroad Company.

*The General Assembly of North Carolina do enact :*

Incorporators.

SECTION 1. That B. Godwin, W. W. McDiarmid, A. H. McLeod, E. K. Proctor, Jr., R. D. Caldwell, C. B. Townsend, J. H. McNeil, J. H. Morrison, T. A. Norment, T. A. McNeil, J. T. Prevatt, R. Vampill, Dr. J. D. McMillan, W. F. French, W. S. Norment, A. W. McLean, L. H. Caldwell, N. T. Millsaps, T. F. Toon, Frank Gough, Alfred Rowland and N. A. McLean, their associates, successors and assigns, be and they are hereby constituted a body politic and corporate under

Corporate name.

the name of "The Lumberton and Lumber River Railroad Company," and under that name and style they and their successors and assigns shall have succession for ninety-nine years; and shall have power in their corporate name to sue and be sued, appear, prosecute and defend to final judgment and execution in any courts of competent jurisdiction in this state or elsewhere; shall have a common seal which they may use and alter at pleasure, and they and their successors and assigns, under the same corporate name and style, shall have power to purchase, hold and convey any lands, tenements, goods and chattels whatsoever necessary or expedient to the purpose and object of this corporation; they shall have power to make such by-laws and regulations for their own government and for the due and orderly conducting of their affairs and the management of their property as may be deemed necessary: *Provided*, the same shall not be inconsistent with the laws and constitution of this state or the United States.

Corporate powers.

Proviso.

Authorized to build railroad.

Terminals.

May build part of road.

Capital stock.

Subscriptions, how paid.

SEC. 2. That the said company be and it is hereby authorized and empowered to lay out, construct, equip, maintain and operate a railway in this state, with one or more tracks, from Lumberton, in the county of Robeson, said state, to any point in said county on the line of the Wilson and Florence Railroad, and also through the counties of Robeson and Columbus to the town of Hub in said county of Columbus; and the said company may, in its discretion, construct and operate any part of its road before the whole thereof shall be completed, and may establish such gauge for said road as it may think proper.

SEC. 3. That the capital stock of said company shall be twenty thousand dollars, with the privilege and power of increasing the same to one hundred and fifty thousand dollars, divided into shares of fifty dollars each. The capital stock shall be raised by subscriptions on the part of individuals, municipal or other corporations, and such subscriptions may be paid in money, labor, land, materials, bonds or

other securities and in any way that may be agreed upon by the company and its subscribers.

SEC. 4. That the corporators herein named, or a majority of the same, may cause books of subscription to the capital stock of the company to be opened at such times and places as may be appointed by said corporators; and said corporators, or a majority of the same, at any time after the sum of five thousand dollars (\$5,000) has been subscribed to the capital stock of said company and ten per centum (10 per centum) thereof has been paid, shall be authorized and empowered to call together the subscribers to the capital stock of said company for the purpose of completing the organization thereof in accordance with the provisions of this act.

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

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

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

SEC. 8. That the town of Lumberton is authorized and empowered to make such subscription to the capital stock of said company in such amount as may be settled upon in the manner hereinafter prescribed: *Provided*, no subscription shall be valid until the same shall have been ratified by a majority of the qualified voters of said town.

SEC. 9. That the boards of commissioners of the aforesaid counties through which said railway will pass are respectively authorized,

Books of subscription.

Organization

Directors.

Officers.

Vacancies.  
Stock-vote.

Meetings.

Stock certificates.

Subscriptions by townships.

Proviso.

Subscription by town of Lumberton.

Proviso.

Election in townships on question of subscription.

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|  | empowered and required, upon the written petition of fifty of the qualified voters of any township through which said railway will pass in either of said counties, specifying the amount of subscription proposed to be made to the capital stock of said company by said township, and praying that the question of "Subscription" or "No subscription" be submitted to the qualified voters of said township, to have submitted to the qualified voters of such township the election of making a subscription to the capital stock of said company, and the election shall authorize a subscription to the capital stock of said company; and 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."  |
| Ballots.   |   |
| Election, when ordered, &c.  | Such election may be ordered at any regular meeting of the board of county commissioners to which petition is made, and shall be held at such time, not less than sixty days from the date of ordering the same, and at such place in said township as the said board of county commissioners may order, and notice thereof shall be given for four weeks immediately preceding the holding of the same by publication in some newspaper published in said county and also by posting the same at the door of the court-house in said county. The returns of such election shall be made to the board of county commissioners of the county in which such election is held at their next regular meeting after said election shall have been held and said returns shall be canvassed by said board, and except as herein modified said election shall be held as provided for the election of members of the general assembly.   |
| Notice.  | And if a majority of all the qualified voters of said township be for subscription, then the chairman of the board of county commissioners shall subscribe the amount so authorized by said township to the capital stock of said company.  |
| Returns.   | SEC. 10. That the board of commissioners of the town of Lumberton are authorized, empowered and required, upon the written petition of twenty-five of the qualified voters of said town, specifying the amount of subscription proposed to be made to the capital stock of said company by said town, and praying that the question of "Subscription" or "No Subscription" be submitted to the qualified voters of said town, to have submitted to the qualified voters of said town the election of making a subscription to the capital stock of the said company, be, at which election those in favor of a subscription to the capital stock of said company shall deposit a written or printed ballot with the words "For subscription" on it, and those opposed to such subscription shall deposit a ballot on which shall be written or printed "Against subscription." Such election may be ordered at any regular meeting of the board of commissioners of said town, and shall be held at the court-house in said town not less than thirty days from the date of ordering the same, and on such day thereafter as the com- |
| Election, how held. Subscription to be made on vote of majority of qualified voters. |   |
| Election in town of Lumberton on question of subscription.                           |   |
| Ballots.   |   |
| Election, when ordered, &c.  |   |



missioners of said town may order, and notice thereof shall be given by publication in the "Robesonian" newspaper and by posting the same at the door of the court-house in said town for four successive weeks preceding said election. The returns of such election shall, within ten days after the same shall have been held, be made to the board of commissioners of said town who shall canvass the same, and on the day of return declare the result at the door of the court-house in said town, and except as the same is herein modified the said election shall be held in the manner provided for the election of mayor and commissioners of said town. If a majority of the qualified voters of said town shall vote for subscription, then he shall, for said town, subscribe the amount so voted to the capital stock of said road.

Notice.

Returns.

Election, how held. Subscription to be made on vote of majority of qualified voters.

SEC. 11. That in payment of any subscription that may be made by any of said townships the board of commissioners of the county in which such township is situated shall issue coupon bonds, bearing interest at the rate of six per centum (6 per centum), payable on the first day of January in each year by the treasurer of the county in which such township is situated, for the full sum subscribed by said townships, to be paid by the tax-payers thereof. Said bonds shall express on their face by what authority and for what purpose they were issued. They and the coupons shall be signed by the chairman of the board of county commissioners in which said township is situated and countersigned by the clerk of the superior court of said county. Said bonds shall be sealed with the seal of office of said clerk, and shall be payable twenty years from date of issue, and may be redeemed at any time after the expiration of one year from the date of their issue.

Commissioners to issue bonds for township subscription.

SEC. 12. That to provide for the payment of the interest on said bonds and for their redemption at maturity the board of commissioners in which is situated the township on account of which said bonds have been issued shall, in addition to other taxes, compute and levy upon the proper subjects of taxation in such township a sufficient tax to pay the interest on said bonds and to create a sinking fund for the purpose of paying off and discharging the principal thereof when it shall become due. The amount so levied to create a sinking fund to pay the principal of said debt shall be annually invested by the said board of commissioners as the same may be paid in to the county treasurer in such solvent securities as may be approved by said board, and shall be set apart by said board for the purpose of paying off and discharging the subscription of said township when the sum secured by the bonds shall become due. The taxes herein provided for shall be collected by the sheriff of the county in which is situated the township making such subscription under the same rules and regulations as are provided for the collection of other taxes, and he and his sureties shall be liable to the same penalties and subject to the same reme-

Special tax in townships.

Collection of tax.

dies as are now provided by law for the faithful collection and paying over of the state and county taxes.

Town commissioners to issue bonds for subscription by Lumberton.

SEC. 13. That in payment of any subscription that may be made by the town of Lumberton the board of commissioners of the said town shall issue coupon bonds, bearing interest at the rate of six per centum (6 per centum) per annum, payable on the first day of January in each year by the town clerk and treasurer of said town, for the full sum subscribed by said town, to be paid by the taxpayers thereof. Said bonds shall express on their face by what authority and for what purpose they were issued. They and the coupons shall be signed by the mayor of said town and countersigned by the town clerk and treasurer of said town, and shall be sealed with the official seal of said board of commissioners of said town, and may be redeemed at any time after one year from the date of their issue. Said bonds shall mature twenty years from date of issue.

Special tax in Lumberton.

SEC. 14. That to provide for the payment of the interest on said bonds and for their redemption at maturity the board of commissioners of said town shall, in addition to other taxes, compute and levy upon the proper subjects of taxation in such town a sufficient tax to pay the interest on said bonds and to create a sinking fund for the purpose of paying off and discharging the principal thereof when it shall become due: *Provided, however,* that the total of taxes levied by said town shall not exceed the amount levied for state and county purposes upon the same objects of taxation. The amount so levied to create a sinking fund shall be set apart by the commissioners of said town and shall be invested by them in such solvent securities as meet their approval, the principal of said sinking fund and all interest accruing thereon to be kept for the redemption of said bonds at maturity or at such other time or times after one year from date of issuing same as the said commissioners of said town may determine upon as hereinafter provided. The taxes hereinbefore provided for shall be collected by the constable of said town under the same rules and regulations as are provided for the collection of other taxes of said town, and he shall be liable to the same penalties and subject to the same remedies as are now provided by law for the faithful collection and paying over of the other taxes of said town.

Proviso.

Collection of tax.

Condemnation of land.

SEC. 15. That said company shall have the right to have land condemned for right-of-way and for necessary warehouses and other buildings according to existing laws; and shall have full power and authority to sell or lease its road-bed, property and franchise to any other corporation or person, and to purchase or lease and hold the bonds or stock of any other railway in the state, or to consolidate with any connecting line of railway.

Authorized to borrow money on mortgage.

SEC. 16. That said company shall have the right to borrow money, and to make, to issue, negotiate and sell its bonds in such sums and to such amount, not exceeding two thousand five hundred dollars

(\$2,500) 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 eight per centum (8 per centum) per annum, and shall be payable at such times and places as the board of directors may determine; and said company shall have power to cause the payment of the same, principal and interest, to be secured by one or more mortgages or deeds of trust on its property, estate, rights and franchise, including its road-bed, superstructures and real estate, 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. 17. That all laws in conflict with this act are hereby repealed. Conflicting laws repealed.

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

Ratified the 6th day of March, A. D. 1893.

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CHAPTER 318.

An act to incorporate the town of Biltmore.

*The General Assembly of North Carolina do enact :*

SECTION 1. The inhabitants of the territory hereinafter described Incorporators.  
 composing the existing settlement known as Biltmore in Buncombe county, and those who may hereafter reside within such boundaries, are hereby incorporated as a town under the name and style of "Biltmore," and are hereby invested with all the rights, powers, Corporate name.  
 privileges and immunities and are made subject to all the provisions Corporate powers.  
 of chapter sixty-two of The Code of North Carolina so far as the same are not inconsistent with the provisions of this act.

SEC. 2. The boundaries of this town shall be as follows: Corporate limits.  
 Beginning at the south side of the Swannanoa river (near Biltmore station on the Western Carolina Railroad) where the same intersects the Hendersonville road, and running thence eastwardly up and along the southerly side of said river to a pine at the line of land of T. J. Reed; thence southerly along the line of land of said T. J. Reed to the northerly side of the Hickorynut Gap road; thence westwardly along the northerly side of said road to a locust at the corner of land of Samuel H. Reed; thence southerly and westerly along the line of land of Samuel H. Reed to the middle of the said Hendersonville road; thence due west fifteen hundred feet; thence due north to the southerly side of the Swannanoa river, and thence up and along the southerly side of said river to the point or place of beginning.

Officers.

SEC. 3. The officers of said town shall consist of a mayor and three commissioners, a marshal and a treasurer, the two latter to be elected by the said commissioners. Until a mayor and commissioners shall be elected as hereinafter provided and qualified to act, O. B. Wheeler, junior, shall fill the office of mayor; J. T. Roberts, Daniel C. Champ-lain and M. E. Erwin the offices of commissioners of said town.

Temporary] officers.

Election.

SEC. 4. There shall be an election held for the offices of mayor and commissioners on the first Monday in May in the year one thousand eight hundred and ninety-three, and each succeeding year, under the regulations prescribed in chapter sixty-two of The Code of North Carolina.

Powers of officers.

SEC. 5. The officers of said town above provided for shall have all the privileges, powers and rights conferred upon such officers respectively by chapter sixty-two of The Code of North Carolina, except as herein provided (and no electric or street railway shall have power to use or appropriate any public highway or any part of such highway in said town, or to pass through said town or any part thereof, whether upon a highway or not, nor to condemn any land or rights in said town for the use of any such railway, without first obtaining the consent thereto in writing of the mayor and board of commissioners of said town.)

Prohibition as to electric and street railways, &amp;c.

License to sell liquor, how granted.

SEC. 6. No license to sell spirituous or fermented liquors or any intoxicating beverages within the limits of said town shall be granted by any public authority or officer or officers, unless the consent thereto, in writing, of said mayor and commissioners shall be first had and obtained, and any license granted in violation of this section shall be absolutely void.

Conflicting laws repealed.

SEC. 7. Any act or acts or part or parts of any act or acts inconsistent with any of the provisions of this act are to that extent hereby repealed.

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

Ratified the 6th day of March, A. D. 1893.

## CHAPTER 319.

## An act to charter The Bank of Kernersville.

*The General Assembly of North Carolina do enact :*

Bank estab-lished. Capital stock.

SECTION 1. That The Bank of Kernersville shall be established in the town of Kernersville, the capital stock of which shall not exceed one hundred thousand dollars, divided into shares of twenty-five dollars each, and that for the purpose of receiving subscription for said

stock, books shall be opened at any time after the ratification of this act and remain open for the space of sixty days at Kernersville, under the superintendence of the following persons or a majority of them, to-wit: Tyre Glenn, J. C. Roberts, J. M. Greenfield, L. F. Davis, W. H. Leak, W. A. Lowry, B. A. Brown, J. N. Leak and J. M. Guyer, and such other places under the superintendence of such other persons as said commissioners may direct.

Books of subscription.

SEC. 2. That one share of stock shall be paid in gold or silver or their equivalent to the commissioners above named at the time of subscribing; that another shall be paid thirty days thereafter; that another shall be paid in thirty days, and another shall be paid within thirty days, and another in sixty days, and that the remainder shall be paid as the president and directors hereafter provided to be elected may direct; and if any subscriber shall fail to pay any installment at the time stipulated he shall pay interest thereon at the rate of eight per centum per annum, and his stock shall be forfeited and may be sold by the bank and the proceeds applied to the payment of the aforesaid deficient installment, and he shall be held responsible for the same at the option of the bank, and the balance, if any, of such sale to be paid over to said subscriber: *Provided*, that no dividend shall be declared until the whole amount of stock subscribed shall be paid in gold or silver or their equivalent.

Subscriptions, how paid.

Remedy against subscriber failing to pay.

Proviso.

SEC. 3. Then when five hundred shares are subscribed and the sum of ten thousand dollars is actually paid to the commissioners, the subscribers to the said bank, their successors and assigns, shall be and are hereby created a body politic in law and in fact by the name and style of "The Bank of Kernersville," and shall continue until the first day of January, one thousand nine hundred and twenty-three, and by the name and style aforesaid they shall be and are hereby made able and capable in law to have, purchase, receive, possess, enjoy and retain to themselves and successors lands, tenements, rents, hereditaments, goods, chattels and effects, and the same to grant, devise, alien and dispose of, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in courts of record or any other place whatever; and also to make, have and use a common seal and cancelling stamps, and the same to break, alter or renew at their pleasure; and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall seem necessary, proper and convenient for the government of said corporation, and for the making whereof general meetings of the stockholders may be called in the manner hereafter specified; and generally to do and execute all acts, matters and things which a corporation and body politic in law may or can lawfully execute, and be subject to the rules, regulations, restrictions and provisions hereafter prescribed and declared.

When incorporated.

Corporate name.

Corporate powers.

**Organization.**

SEC. 4. That as soon as five hundred shares shall be taken in the stock of said bank and ten thousand dollars paid to the commissioners who keep the books, notice shall be given in one or more newspapers published in the county of Forsyth, and a meeting of the subscribers, to be held ten days at least after the date of notice, shall be called. If at this meeting those persons who are present have a majority of the votes, if not, another meeting shall be called, they shall proceed to the election of seven directors who shall take charge of the books and money in the hands of the commissioners and immediately pursue the usual means to put the bank in operation. The said directors shall remain in office one year from the day of their election or until their successors be appointed; and it shall be the duty of the directors as soon as the bank has been organized and commenced business to fix the day in each year at which the meeting of the stockholders of the bank shall be held in the town of Kernersville for the purpose of electing directors, inquiring into the affairs of the institution and making such regulations as may be deemed fit and necessary.

**Directors.****Constitution of  
corporation.**

SEC. 5. The following rules, regulations and provisions shall form and be the fundamental articles of the constitution and corporation: A meeting of the stockholders cannot be held unless those who have a majority of the whole number of votes be present, and every act shall require the sanction of the majority of the votes which may be present; and if at any time it shall become necessary to increase or diminish the capital stock of the bank, it shall be the duty of the president to sell all the old certificates of stock surrendered and destroyed and new certificates issued in their places, and the said new certificates of stock shall be sealed and voted on at all meetings thereafter, as prescribed by the by-laws of the corporation passed by the stockholders at general meeting. No president, cashier, agent or clerk of the bank shall be permitted to vote for another, and none but stockholders who are citizens of the state shall be eligible as directors; and the directors, when appointed, shall choose one of their number (which shall always be seven) to be president of the bank, and shall manage the institution as shall seem best to them, unless otherwise directed by the stockholders, but compensation to the president and directors shall be granted at the pleasure of the stockholders. Not less than three directors, of whom the president shall always be one, shall constitute a board for the transaction of business, except in the case of absence or sickness of the president, when he may by writing nominate any other director to supply his place. A number of stockholders, not less than ten, who together shall be the owners of a majority of the capital stock, shall have power at any time to call a general meeting of the stockholders for purposes relative to the institution, giving at least twenty days notice in one or more newspapers, and specifying the object or objects of such meeting. The directors shall annually elect such officers as

may be deemed necessary to perform the business of the bank, and may remove them or either of them at pleasure. These officers shall be required to give bond, with two or more sureties, in sums not less than five thousand dollars, with a condition of good behavior and faithful performance of duty. The cashier shall keep a book to contain the proceedings of the board of directors, the names of those present, the day and date of each meeting, and shall record the yeas and nays on any question when asked for by a director. This book shall be evidence in courts of justice against said bank; and on entering on discharge of his duties the cashier shall take the following oath (or affirmation) before some justice of the peace, by whom it shall be deposited in the office of the clerk of the superior court of the county of Forsyth, to-wit: "I, A. B., do solemnly swear (or affirm, as the case may be), to keep a just and true record, without alteration in or erasure, of the transactions of the board of directors of 'The Bank of Kernersville,' in a book to be kept by me for that purpose." The said corporation shall purchase and hold only such lands, tenements, rents and hereditaments as shall be required for the convenient transaction of its business, or shall have been "bona fide" mortgaged to it to secure a debt previously contracted in the course of its dealings, or purchased at sale upon judgments which shall have been obtained for such debts. The bank shall, in no instance, discount note or notes, the payment of which shall be guaranteed or secured by a mortgage given on land or personal property of any kind whatever. The said corporation shall neither directly or indirectly trade in anything except bills of exchange, promissory notes and bonds, expressing on the face of them to be negotiable and payable at said bank, gold or silver bullion, or goods which shall be the produce of the lands, mint certificates, the public debt of the United States: *Provided*, the investments in such stocks shall not exceed one-third of the capital stock of the bank; neither shall the said corporation take more than the rate allowed by law for or upon its loans and discounts, which interest may be taken in advance at the time of discount. The total amount of debts which the said corporation shall at one time owe shall not exceed twice the amount of stock actually paid in over and above the sum actually deposited in the bank for safe keeping. If a vacancy in the directors shall occur by death, resignation or otherwise, the remaining directors shall fill such vacancy until the succeeding annual meeting of the stockholders. The mode of transferring stock shall be regulated by the by-laws of the corporation and regulated by provisions of the same. The officers of the treasury department of the state shall be furnished once in twelve months with a statement of the amount of capital stock of said corporation and the debts due the same, of the money deposited therein and the cash on hand, and shall have a right to inspect such general accounts in the books of the bank as shall relate to the same statement: *Pro-*

Proviso.

*vided*, that this shall not be construed to a right of inspecting the account of any private individual with the bank except of the directors. The bills, obligations and letters of credit, under the seal of said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereon, under the hand or hands of such person or persons, and of his, her or their assignees, and so as absolutely to transfer and vest the property therein in each and every assignee or assignees successively, and to enable such assignee or assignees to bring and maintain an action thereupon in his, her or their name or names; and bills, checks, drafts, orders or other evidences of debt issued by order of said corporation or cashier promising the payment of money to any person or persons, his, her or their order, not under the seal of the said corporation, shall be binding and obligatory on the same, and in the like manner and with the like force and effect as upon any private person or persons; that is to say, those which shall be payable to any person or persons, his, her or their order, shall be assignable by endorsement in like manner and with like effect as foreign bills of exchange are now.

Interest on protested checks, &c.

SEC. 6. And if any person or persons holding any check, draft or certificate for money deposited with the bank for safe keeping, and shall present the same for payment, and payment shall be refused and go to protest, such checks, draft or certificate for money deposited shall draw interest from the date of protest at the rate allowed by law, and the said bank shall pay the same, any law to the contrary notwithstanding, and the holder of any of these evidences of debt, if not paid on demand, may bring an action of assumpsit against one or all of the directors.

Books of subscription kept open.

SEC. 7. That the directors shall be allowed to keep open the subscription books until the whole of the stock shall be taken.

Dividends.

SEC. 8. That the directors of the bank may declare dividends of the profits thereof as often as they may deem expedient, and if at any time more than the real profits are divided, the directors assenting thereto shall be responsible in their private capacities to creditors who have claims against the said institution.

Liability of directors.

SEC. 9. That the president of the bank shall in the first weeks in January and June of each and every year transmit to the treasurer of the state a full statement of the condition of the bank, exhibiting the amount of capital, debts due to other banks and what banks, amounts of deposits, and all other particulars necessary to explain the debt side of the account; also specie on hand, notes of other banks and what banks, bills of exchange, debtor bonds, and notes discounted, specifying in one column items due, the amount from stockholders, and in another the amount due from directors, not, however, using any persons name in either case, and the real estate owned by the bank, which said statement shall be published in a newspaper published in the county of Forsyth.

Semi-annual reports to state treasurer.



SEC. 10. That if any president, cashier, clerk or other officer of the aforesaid bank shall knowingly, willingly, and with intent to deceive, make or cause to be made or contrive at making any false returns, statement or exhibit of the condition of the bank, either to the treasurer of the state or board of directors, or to the stockholders, or to any other person or persons that may be authorized by the legislature or by the stockholders to receive the same, such president, directors, cashier or other officer, and all persons aiding or abetting in such deception or false return, shall be liable to be indicted for a misdemeanor in the superior courts and upon conviction shall be fined at the discretion of the court and imprisoned not exceeding one year.

Penalty for false returns by officer.

SEC. 11. That if any director, president, cashier, clerk or other officer of the aforesaid bank shall knowingly and wilfully and with intent to deceive, make, or cause to be made, any certificate of the capital stock of the bank and issue the same to any person or persons who are not subscribers to the capital stock of the bank who have not paid up their subscription as provided in a previous section of this charter, shall be liable to be indicted for a misdemeanor in the superior courts of this state, and upon conviction shall be fined at the discretion of the court and imprisoned not exceeding three years.

Penalty for issuing false certificate of stock.

SEC. 12. That the stockholders of said bank shall have power to increase the capital stock to two hundred thousand dollars whenever in their opinion the wants of the community may require it.

Increase of capital stock.

SEC. 13. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

## CHAPTER 320.

### An act to amend the charter of the town of Huntersville.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter forty-six (46) of the laws of one thousand eight hundred and eighty-five be and the same is hereby amended as follows:

Chapter 46, private laws 1885, amended.

*First*, By striking out all of section two of said act and substituting therefor the following: The corporate limits of the town of Huntersville shall be one square mile, beginning one-half mile due north of the A., T. and O. Railroad crossing near R. H. W. Barker's store-house and running thence one-half mile due west; thence one mile due south; thence one mile due east; thence one mile due north; thence one-half mile due west to the beginning corner.

Corporate limits.

- Bond of treasurer and constable. *Second*, By inserting after the word "and" and before the word "shall" in line twelve, section seven, the words "treasurer and town constable."
- Imprisonment in county jail. *Third*, By striking out the word "court" in line nineteen, section eight, and substituting therefor the word "county."
- Taxation. *Fourth*, By striking out of line eight of section seventeen the words "thirty-three and one-third" and substituting therefor the word "fifty," also the words seventy-five cents" in line nine of said section and substituting therefor the words "one dollar."
- Sale of land for taxes. *Fifth*. By striking out of section nineteen all after the word "personal" in line six thereof and adding the following thereto: And when the tax due on any lot or other lands located in the corporate limits of said town shall remain unpaid on the first day of January in each year, and there is no other visible estate owned by the person in whose name such lot or land is listed and located within the corporate limits of said town and liable to distress and sale, the town constable or other person intrusted with the collecting of the taxes shall immediately report the fact to the town commissioners, together with a particular description of such real estate, who shall transfer said report to the sheriff, tax collector, or other person intrusted with the collecting of the state and county taxes for the county of Mecklenburg, which officer shall proceed to advertise and sell such lots or land, at the same time and in the same manner and under the same rules and regulations as are provided for the sale of lands for taxes due to the state and county. And the purchaser of any such lands sold as herein provided shall be entitled to the same rights and acquire the same interest therein as he would have done had said lands been sold for state and county taxes, and the delinquent taxpayer shall be subject to the same rules and regulations as in cases of sales of lands for taxes due the state and county.
- Rights of purchaser.
- Rights of taxpayer.
- License taxes. *Sixth*. By adding to section seventeen the following: That said board of commissioners of the town of Huntersville shall have the power to levy and cause to be collected annually the following taxes: On every bowling-alley, billiard-table and taker-likeness, a tax not exceeding fifty dollars; on every company of circus-riders, stage or theatrical performers, sleight-of-hand performance, rope- or wire-dancer, jugglers, exhibition of natural or artificial curiosities, a tax not exceeding fifty dollars; on each company exhibiting animals, twenty-five dollars; on singers or minstrels, twenty-five dollars; on all other performances and lectures for reward, and on all shows not included in the above a tax not exceeding twenty-five dollars, to be levied and collected for each days performance; itinerant peddler, two dollars for each day. Amend by striking out in section twenty-two and line two thereof the words "any billiard-table, ten-pin alley or."
- Lawful to erect, &c., billiard-table and ten-pin alley.

SEC. 2. That the town commissioners for the town of Huntersville shall have the right to allow and pay the mayor of said town a salary of not more than fifty dollars per annum. Salary of mayor.

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

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

### CHAPTER 321.

#### An act to incorporate the town of Everetts, Martin county, North Carolina.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the town of Everetts in Martin county be and the same is hereby incorporated by the name and style of "Everetts," and shall be subjected to all the provisions of law now existing in reference to incorporated towns. Incorporated.  
Corporate name

SEC. 2. That the limits of said town shall be as follows: Beginning at the first culvert on Albemarle and Raleigh Railroad east of Everetts, thence north three hundred and forty yards to a stake, a corner; then a western course parallel with said railroad to Martin County Lumber Company's railroad; then across said railroad twenty feet; then a southern course parallel with said company's railroad a hundred and sixty yards, a corner; thence west parallel with Albemarle and Raleigh Railroad one hundred and seventy yards to a stake, a corner; thence south one hundred and eighty yards to Albemarle and Raleigh Railroad; thence south across said railroad twenty yards to a stake, a corner; thence east parallel with said railroad . . . . yards to G. A. Bailey's lot, a corner; thence south four hundred and fifty yards to a stake, a corner; thence east parallel with Albemarle and Raleigh Railroad eleven hundred yards to a stake, a corner; thence north four hundred and fifty yards to the beginning. Corporate limits.

SEC. 3. That the officers of said town shall consist of a mayor, three commissioners and one constable and such other police officers as the commissioners may provide for by an ordinance for that purpose, and the commissioners shall have power to elect or appoint a secretary and treasurer. Officers.

SEC. 4. That there shall be an election held for the officers mentioned in this act on the first Monday in May, one thousand eight hundred and ninety-three, and every succeeding year thereafter, under the same restrictions that county and state elections are held, and all Election.

**Electors.**

male citizens residing within said corporate limits who have been in the state twelve months and ninety days within the corporate limits previous to the day of the election shall be entitled to vote at said election.

**Temporary officers.**

SEC. 5. That until their successors are elected as provided for in this act the following-named persons shall fill said offices: Mayor, S. F. Everetts; commissioners—L. B. Winn, W. H. Stewart and T. H. Bailey; constable, J. E. Rogers.

Chapter 70, private laws 1891 (incorporating town of Everetts) repealed.

SEC. 6. That chapter seventy private laws of eighteen hundred and ninety-one, be and the same is hereby repealed.

SEC. 7. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

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 CHAPTER 322.

**An act to incorporate Jewel Hill Academy in Madison county.**

*The General Assembly of North Carolina do enact :*

**Incorporators.**

SECTION 1. That D. P. Miles, A. J. McDevitt, Jacob M. Ramsey, George W. Gahagan, B. F. Gahagan, C. A. Clarke and J. N. Ramsey, and their successors in office, trustees of Jewel Hill Academy, in the county of Madison, are hereby declared duly incorporated as a body politic with all the rights belonging to such corporation by law.

**Corporate powers.**

SEC. 2. That no liquors, wines or malt liquors shall be manufactured or sold within two miles of said academy in any direction.

Manufacture and sale of liquors prohibited within two miles.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

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 CHAPTER 323.

**An act to incorporate the Virginia and North Carolina Railroad Company.**

*The General Assembly of North Carolina do enact :*

**Incorporators.**

SECTION 1. That John L. Roper, Wilson Godfrey, E. C. Vosburg, Howard N. Johnson, J. W. Branning, S. Q. Collins, R. S. Cohn, George W. Roper, and such other persons as may become associated with them as stockholders, and their successors, are hereby constituted a body politic and corporate for the term of ninety years under

the name and style of the "Virginia and North Carolina 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 or mixed, and of holding or leasing and selling the same as the interest of the company may require, and may make and exercise all such by-laws and regulations for its government as shall be deemed necessary or expedient for that purpose.

Corporate existence.  
Corporate name.  
Corporate powers.

SEC. 2. That the said company is authorized to construct, maintain and operate a railroad of one or more tracks for the transportation of passengers and freight from some point on the Virginia and North Carolina line in the counties of Currituck or Camden or Gates to some point in the South Carolina and North Carolina line in the counties of Robeson, Columbus or Brunswick by such route as it may select: *Provided*, said road shall not cross the Chowan river at a point below the town of Winton in Hertford county. The said company may operate said railroad by steam or other motive power; and may construct, maintain, and in like manner operate lateral and branch railroads in any direction from the main railroad, not more than thirty miles in length; and may own and operate, in connection with said railroad or any of its branches, steamboats and other means of transportation by water for passengers and freight; and shall have the right to cross any navigable stream subject to the rights of navigation; and shall have the right to cross at grade or over or under, and to unite its railways with any railroad now built or hereafter to be built within the state; and to build the necessary turnouts, sidings, switches and other conveniences in furtherance of the objects of its construction.

Authorized to build railroad.

Termini.

Proviso.

Corporate powers.

SEC. 3. The said company shall have the exclusive right to transport passengers and freight over said railroad and its branches and collect fares and charges for transporting the same, and to transport all manner of goods as express and collect all charges for the same; and to transport the United States mail and to collect all charges for transporting the same. The said company may purchase or hold stock in any other railroad or navigation company, and may buy or lease the same or may connect with other railroads and contract for the transportation of freight and passengers over their lines, and may use any part of its railroad before the whole may be completed, and may collect for transportation on said part.

Exclusive rights of transportation.

May purchase stock in other companies, &c.

SEC. 4. The capital stock of said company shall be two hundred thousand dollars (\$200,000), with power to increase the same to ten thousand dollars (\$10,000) per mile of road completed, in shares of one hundred dollars (\$100) each, and shall be raised by subscription by individuals, by municipal or other corporations, and the subscriptions may be paid in money, labor, land, materials, stocks, bonds or other securities, or in any way that may be agreed between the company

Capital stock.

Subscriptions, how made.

and the subscribers, and the company may receive donations of any kind of property or labor.

Organization.

SEC. 5. That whenever the amount of twenty-five thousand dollars (\$25,000) shall have been subscribed to the capital stock the said corporation or a majority of them may, when they deem proper, at any place in or out of the state, call together the subscribers of said shares of stock and complete the organization of said company and elect a board of directors and such other officers in such manner as said stockholders may determine.

May borrow money on mortgage.

SEC. 6. The said company shall have power to borrow money upon bonds of the company and to issue and negotiate such bonds in amount not exceeding twelve thousand dollars (\$12,000) per mile of road constructed, including equipment, and secure the same by mortgage, deed of trust or other legal assurance upon all its property, franchises or any part thereof.

May lease, consolidate, &c.

SEC. 7. The said company may lease or assign their franchises or their right of transportation to any other railroad company or companies, or may consolidate its capital stock, estate, real, personal and mixed, franchises and privileges with any other railway company or companies; and the consolidation may be effected by the directors in such manner and on such terms and under such name as the stockholders may determine, and such other companies may consolidate with this company on the same terms.

Condemnation of land.

SEC. 8. Whenever any land is required for the construction of this road or any of its branches for right-of-way, warehouses, water-stations, turn-outs, workshops or for other buildings or purposes, and the company and the owners are unable to agree as to the value of the same, the company may enter upon it in the prosecution of its work, and the party may have the value ascertained as follows: By application, in writing, to the superior court clerk of the county where the land lies, who, when said application is made, shall order the sheriff of said county, in writing, to summon three or five disinterested freeholders to meet on the premises in three days, who, after being duly sworn, shall assess the damage to the owner caused by the said railroad, taking into consideration any special benefit or damage to said land. Said referees shall report in writing to the clerk in ten days thereafter, who shall record the same and file all papers in the cause in his office. This proceeding shall generally be conducted as other special proceedings, and either party may appeal to the superior court. Upon the payment of the amount thus assessed to the owner, or its deposit in the said clerk's office, the title to the land described in the report shall vest in said company. The way so condemned may be fifty feet wide on each side of center of roadway if the company desires, and the land for the other purposes may be as much as is necessary therefor.

Width of right-of-way.

SEC. 9. That upon the presentation of a petition in writing, signed by at least one-fourth of the freeholders, to the board of commissioners of any county requesting said commissioners to submit to the qualified voters of the county or township where said petitioners may reside a proposition to subscribe a definite sum, named in said petition, to the capital stock of said Virginia and North Carolina Railroad Company, the board of commissioners, within thirty days, shall order an election to be held at the various polling places of said county or township, and submit to the qualified voters thereof the question of subscribing to the capital stock of said railroad company the amount specified in said petition; at which election those in favor of said subscription shall vote "For subscription," and those opposed thereto shall vote "Against subscription," and the election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as are provided for the election of county officers by the general election laws of the state of North Carolina.

Election in counties and townships on question of subscription.

Ballots.  
Election, how held.

SEC. 10. That if a majority of the qualified voters vote for subscription, to provide for the payment of said subscriptions the board of commissioners of any county voting said subscription or wherein is located any township voting for subscription shall issue coupon bonds to the amount of subscription so authorized, and the bonds shall upon their face indicate on account of what county or township they are issued, and said bonds shall be in denominations of not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1,000) each, and shall run for twenty years and bear interest at the rate of six per centum (6) per annum, payable semi-annually at some suitable depository designated by the board of commissioners issuing said bonds.

Subscription to be made in bonds on vote of majority of qualified voters.

SEC. 11. That the county authorities legally empowered to levy taxes in any county voting for said subscription, or in which there is a township voting for subscription, for the payment of which bonds have been issued as provided for in this act shall, in addition to the other taxes levied upon such county or township in whose behalf said bonds were issued, annually compute and levy at the time of levying other taxes a sufficient tax upon the property and polls of said county or township to regularly and promptly pay the interest on the bonds of said county or township issued in behalf of said subscription, and at the same time said authority shall compute and levy a tax on the property and polls of said county or township equal to one-twentieth of said bonds for a sinking fund to provide for the retiring of said bonds at maturity, and the taxes levied as above shall be annually collected as other taxes are collected, and paid over by the sheriff or other authorized collecting officer to the county treasurer or such other officer as the county commissioners issuing said bonds may designate, which officer shall give a good and sufficient bond for the safe keeping and proper disbursement of said taxes; and

Special tax to pay interest.

Special tax for sinking fund.

Collection.  
Payable to treasurer, &c.

Bond.

Taxes to be kept separate, &c.

the taxes levied and collected for these purposes shall be kept sacred and distinct from each other and all other taxes, and each shall be used only for the purpose for which it was levied and collected. The sinking fund shall be used yearly in purchasing the identical bonds to pay the principal for which it was levied and collected if possible, but if it is impracticable to annually invest said sinking fund in the purchase of said bonds for the payment of which it was created, the same shall be invested as may be directed by the board of commissioners issuing said bonds; and the taxes for the sinking fund for the payment of the principal of said bonds shall be levied and collected no longer than is necessary to create a fund sufficient to pay the principal of said bonds.

Sinking fund, how used.

How long taxes to be collected.

Transfer of county and township stock.

SEC. 12. That any board of county commissioners issuing bonds under this act are authorized and empowered to transfer the stock subscribed by their county or townships therein to Virginia and North Carolina Railroad Company, or any other corporation or person for the completion of said railroad.

Stockholders meetings.

SEC. 13. That the general meetings of the company may be held annually, and at its first general meeting and each annual meeting 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 are chosen and qualified. 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 said board, shall select a vice-president, treasurer and secretary, who shall hold office for one year or more and until their successors are chosen and qualified. At all meetings of stockholders a majority of stock subscribed shall be represented in person or by proxy, verified in such manner as shall be prescribed in the by-laws of the company, and each share of stock shall be entitled to one vote on all questions. The directors may fill all vacancies that may occur from any cause in their board, except that the vice-president shall fill the vacancy in the office of president, and be president until a president is elected by the stockholders. At all meetings of the stockholders a majority of stock shall constitute a quorum for transaction of all business. By-laws for the company may be passed at its first general meeting, or as early thereafter as practicable, but the by-laws at any meeting after the first may be changed, amended or repealed and additional by-laws made. The directors may hold meetings in the city of Norfolk, Virginia, when they think it more convenient.

President and directors.

Officers.

Quorum.

Stock-vote.

Vacancies.

Quorum.

By-laws.

Meetings of directors in Norfolk.

SEC. 14. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.



## CHAPTER 324.

## An act to incorporate The Hyde Park Club.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the following-named persons: Thomas W. Strange, James Sprunt, M. Cronly, junior, J. P. Sawyer, J. M. Campbell, George S. Powell, R. Muser, their associates, successors and assigns, are hereby constituted and declared to be a body corporate and politic under the name of "The Hyde Park Club," and by that name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, defend and be defended in all courts of law or equity; and may make and have a common seal, and also have, in addition to the privileges and rights herein specially granted, those properly incident to such a corporation.

Incorporators.

Corporate name.

Corporate powers.

SEC. 2. That said corporation shall have the power to sell and convey or mortgage or lease any or all of its property, real or personal, from time to time, and may issue bonds for any sum not exceeding the amount of its capital, stock secured by mortgage upon its property, real or personal, or any part thereof, and may give the bondholders the privileges of membership if it shall desire to do so.

Corporate powers.

SEC. 3. The object of said corporation shall be the preservation, importation, breeding and propagation of all game animals, birds and fish; the affording of facilities for hunting, shooting and fishing on the grounds thereof by the members or by persons licensed by said corporation; supplying the spawn of fish, and selling such surplus game, animals or birds or fish as may be killed, caught or taken on said property, cultivating forests, and providing its stockholders with an agreeable resort, with a respectable hotel, cottage houses, and anything necessary or proper for their accommodation.

Corporate objects.

SEC. 4. That the stockholders of said corporation shall have power to make rules and regulations for the government of said corporation and the transaction of its business; they shall have power to elect in such manner as a majority of the stockholders may prescribe such officers as they may deem necessary, prescribing their duties, compensation and term of service; and in general said stockholders may make such by-laws and regulations for the conduct and government of said corporation and its business as to them may seem best, delegating to the directors of said corporation, who may be elected by said stockholders, such power and authority as they may think calculated to carry out the purposes and designs of the corporation: *Provided*, that no by-laws shall be in conflict with any of the laws of this state.

Powers of stockholders.

Provido.

SEC. 5. The corporation may issue licenses to any persons to hunt, fish, shoot or take game, or to be or to go upon its property or any

Licenses to hunt, fish, &amp;c.

part thereof at such prices and for such times and under such regulations as may be prescribed by the by-laws.

May make its own game laws.

SEC. 6. The corporation may make its own game laws through its board of directors, and may add to, repeal or change the same from time to time; such game laws shall be applicable only to the land actually owned or leased by the said corporation or to the territory over which they have obtained the rights to shoot, fish and hunt.

Stock of expelled member.

SEC. 7. If any member shall, by reason of his infraction of the by-laws, be expelled from the corporation, his stock shall become the property of the corporation and may be disposed of for its best interest as the directors may think proper.

SEC. 8. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

## CHAPTER 325.

### An act to incorporate Union Home School.

Preamble.

WHEREAS, It is promotive of the best development of a state that educational institutions be fostered, in which the youth can be prepared for those stations that nature has best suited them, in order that they may become thinking, intelligent and efficient operatives in the country's working force :

*The General Assembly of North Carolina do enact :*

Incorporators.

SECTION 1. That John E. Kelly, and those who may be associated with him for the purpose of carrying on a classical, manual and industrial school, or a school of art, science and industry with a military organization at Union Home School, Moore county, North Carolina, their associates, successors and assigns, be and they are hereby created a body politic and corporate under the name and title of the "Union Home School Company," with all privileges hereby specially granted, together with all the rights, powers and privileges conferred on corporations by chapter sixteen, volume one of The Code.

Corporate name.

Corporate powers.

May hold and convey real estate, &c.

SEC. 2. That said corporation is authorized and empowered to purchase and hold such real estate, machinery, appliances, apparatus, etc., as they may deem necessary for the purpose above named, and may convey the same at pleasure, and its property shall be free from taxation.

By-laws.

SEC. 3. That said corporation may enact and prescribe such rules and regulations for its own government and that of said school and for the promotion of order and good morals therein as may be ratified

by a majority in value of the stockholders in general meeting, and as are not inconsistent with the laws of North Carolina or the United States, and may grant diplomas and issue such other certificates of merit or proficiency as they may deem advisable.

May grant diplomas, &c.

SEC. 4. That the duration of said corporation shall not be less than twenty years nor more than thirty years; the capital stock not to be less than twenty thousand dollars (\$20,000), nor more than two hundred thousand dollars (\$200,000), composed of shares of such denominations and payable at such times and in such way as said corporation may prescribe.

Corporate existence, Capital stock.

SEC. 5. That said corporation shall have power to borrow money and issue bonds, certificates of loan or other evidences of indebtedness in such denominations, payable at such times and places, and at such rate as they may deem proper, and to secure the same by mortgage on its property or otherwise.

May borrow money on mortgage, &c.

SEC. 6. Said corporation shall have the right to buy and sell all matter or materials and products made, constructed, built, raised, grown or manufactured which may come within the object, scope or design of said school to prepare individuals for such pursuits in life as may be indicated to be best by each ones natural ability, and to this end have power and authority to construct, equip with rolling or other stock and operate a turnpike, tramway, railroad, telegraph or telephone line between said school premises and any railroad in Moore county, and have all the powers to condemn lands and do all other things for the accomplishment of this purpose conferred on corporations by chapter forty-nine of The Code.

Corporate powers.

SEC. 7. It shall be unlawful for any person to set up or continue any gaming or billiard-table or any device whatever for playing any game of chance or hazard by whatever name called, or to exhibit any sleight-of-hand, theatrical or equestrian performances, dramatic recitations, rope- or wire-dancing or other itinerant natural or artificial curiosities, or to sell, give or transmit to a pupil of said school any spirituous or malt liquors, without the written permission of the principal or superintendent of said school. Any person violating this section shall be guilty of a misdemeanor, and shall forfeit the sum of two hundred dollars (\$200) to any person who may sue for the same, one-half to the use of the person suing and the other half to the use of said school.

Unlawful to set up gaming table, sell liquor to pupil, &c., without permission of principal, &c.

Penalty.

SEC. 8. When any stockholder shall be indebted to the company, no transfer of his stock shall be valid against said company while such indebtedness exists, and the company shall have a lien on his stock to the full amount of such indebtedness and the interest thereon.

Lien on stock.

SEC. 9. The private property of the stockholders of this corporation shall not be liable for the debts of the corporation.

Non-liability of stockholders for corporate debts.

SEC. 10. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

## CHAPTER 326.

An act to re-enact chapter two hundred and forty-six of the laws of eighteen hundred and ninety-one, and to extend the time for the organization of the said corporation authorized thereby.

*The General Assembly of North Carolina do enact :*

Chapter 246, private laws 1891, re-enacted.

SECTION 1. That chapter two hundred and forty-six of the laws of eighteen hundred and ninety-one, which authorized the incorporation of "The Holly Springs Land and Improvement Company," be and is hereby re-enacted.

Time allowed for organization.

SEC. 2. That two years from the date hereof shall be allowed to said incorporators for purposes of organization.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

## CHAPTER 327.

An act to incorporate "The Thomasville Banking and Trust Company."

*The General Assembly of North Carolina do enact :*

Incorporators.

SECTION 1. That R. W. Thomas, J. A. Leach, C. A. Julian, F. H. Stith, T. J. Finch, E. W. Cates, F. S. Lambeth and G. A. Thompson, and their associates, successors and assigns, are hereby created a body politic and corporate under the name and style of "The Thomasville Banking and Trust Company," and by such name may sue and be sued, plead and be impleaded in any of the courts of the state, and have and use a common seal and continued succession for the period of thirty years for the purpose of conducting a general banking business.

Corporate name.

Corporate powers.

Corporate existence.

Corporate powers.

SEC. 2. That for the said purpose the company is hereby vested with all the powers, franchises and privileges conferred by the general assembly of this state contained in act incorporating the "High Point Loan and Trust Company," ratified the . . . . day of February, eighteen hundred and ninety-three, and the rights and powers conferred in chapter sixteen, volume one of The Code.

Capital stock.

SEC. 3. That the capital stock of this company shall be twenty-five thousand dollars, with power to increase the same from time to time, and the stock shall be divided into such number of shares and of such

value as may be deemed expedient. The terms of subscription and payment for the stock shall be regulated by the company, but business shall not begin until the sum of ten thousand dollars has been actually paid in.

Terms of subscription.

Organization.

SEC. 4. That the said company may adopt by-laws, rules and regulations for its government not inconsistent with the constitution and laws of the United States and this state, and alter and change the same at pleasure. The principal office or place of business shall be at Thomasville, North Carolina, but branch offices may be established elsewhere within the state.

By-laws.

Offices.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 328.

An act supplemental, amendatory to and to be a part of an act entitled "An act to amend the charter of the American Home Mineral and Timber Land Company."

*The General Assembly of North Carolina do enact :*

SECTION 1. Amend by adding at the end of the first section the following: That the said corporation, the American Home Mineral and Timber Land Company, shall have the right and is hereby empowered to construct dams across the Yadkin river in this state for manufacturing and other purposes; and for the protection of said dam or dams, it shall be unlawful for any person, firm or corporation to willfully place near or put in the Yadkin river in this state above such dam or dams any log or logs or other material that might float down said river and damage said dam or dams; and any person, firm or corporation who shall violate the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not more than thirty days.

Chapter 186, *ante*, amended.

May construct dams across Yadkin river.

Misdemeanor to put logs, &c., in river.

SEC. 2. All laws, clauses or parts of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

## CHAPTER 329.

## An act to incorporate The Bank of Commerce.

*The General Assembly of North Carolina do enact:*

- Incorporators. SECTION 1. That Frank H. Stedman, Napoleon B. Rankin and John D. Bellamy, Jr., their present and future associates, successors and assigns, are hereby declared to be a body politic and corporate under the name and style of "The Bank of Commerce," and shall so continue for the period of sixty years, with capacity to take, hold and convey real and personal estate; to sue and be sued, and with all the powers, rights and privileges granted to any bank or banking institution, or belonging to corporations set forth or referred to in the first, second and third sections, or any other sections contained in chapter sixteen, volume one of The Code, entitled "Corporations," or chapter four, volume two of The Code, entitled "Banks."
- Corporate name.
- Corporate powers.
- Capital stock. SEC. 2. The capital stock of said bank shall be forty-nine thousand nine hundred and ninety dollars, and may be issued in shares of one hundred dollars each, and in such parts of a share as may be necessary and the said corporators or directors may elect. The stockholders of said corporation shall have power by a vote of a majority of the stock, each share having one vote, to increase its capital stock from time to time to a sum not exceeding one million dollars. The office and place of business of the said bank corporation shall be Wilmington or Southport, North Carolina, and its officers shall consist of a president, vice-president, cashier and a board of not less than five nor more than nine directors, exclusive of the president and vice-president, who shall be *ex officio* members of the said board. The said directors may, if they see proper, elect a teller who, together with the cashier and president, shall be required to give bonds, with approved security, for the faithful performance of their respective duties. The stockholders shall meet annually, and at such other times as the directors may designate, and shall elect the president, vice-president and directors and fix the terms of their offices and the compensation of the president. In case of a failure by the stockholders to elect a president or vice-president, or in case of a vacancy, the directors, by a majority vote, may appoint said officers.
- Place of business.
- Officers.
- Directors.
- Bonds of teller and cashier.
- Stockholders meetings, &c.
- Books of subscription. SEC. 3. The corporators named in the first section, or a majority of them, are hereby empowered to open books of subscription to the capital stock of said bank at such time and place and for such a period of time as they shall determine. The subscriptions to the capital of said bank heretofore made in contemplation of the passage of this act shall be valid and binding in law and collected by suit, or otherwise, in the manner provided by law and herein prescribed.

SEC. 4. Whenever twenty thousand dollars are paid up the said Organization, corporators, or a majority of them, may call a meeting of the stockholders in the city of Wilmington or the city of Southport, and the stockholders shall proceed to adopt such by-laws and regulations for the government of said bank (not inconsistent with the laws of the state), and may elect such number of directors as may be necessary, to serve for one year and until their successors shall be chosen or for such term as they may prescribe.

SEC. 5. The directors shall appoint a cashier and such other officers and clerks as may be provided for by the by laws of said corporation, to serve at the discretion of the directors; the directors shall prescribe their duties and may take from them bonds with security for the faithful discharge of their duties, if they see proper, and shall fix their compensation. Officers and clerks.

SEC. 6. The said board of directors may adopt and use a seal and break and alter the same at pleasure; may prescribe the manner of paying for stock and transferring the same; may regulate the method of conducting the business of said bank; may do a general banking business and exercise all the powers, rights and privileges conferred by the public laws of this state on banks and corporations, especially those set forth in chapter four, volume two of The Code; may lend money at such rates of interest as may be agreed upon; may discount, buy and sell notes, drafts and all other securities or evidences of debt; may loan money on mortgages of real and personal property; may buy, build or lease a banking house and sell or exchange the same at pleasure; may negotiate loans on mortgages on real or personal estate, or both; and they shall direct when dividends or profit shall be made and declared: *Provided*, said bank shall not charge or discount at a greater rate of interest than is allowed by law. Powers of directors.

SEC. 7. That if any subscriber shall fail to pay for his stock hereafter or heretofore subscribed, or any part thereof as the same may be required of him, the same or part thereof remaining unpaid may be recovered in the name of the corporation by any ordinary civil action, or the entire stock of such delinquent may be sold by order of the directors for cash at the banking house of said corporation after three months notice of such sale in writing to the said delinquent and after two weeks advertisement published in some newspaper in said town, and the proceeds of such sale may be applied to the payment of the balance of the unpaid subscription; and if the proceeds shall not be sufficient to discharge the amount of the unpaid subscription, with all costs of sale, the balance may be recovered by civil action as hereinbefore provided. Remedy against subscriber failing to pay.

SEC. 8. That said corporation shall have the power to own, maintain or lease warehouses and carry on the business of warehousemen and forwarders in case the said corporation by stock vote shall so determine; to receive on storage or deposit all kinds of produce, mer- Corporate powers as warehousemen.

chandise or other personal property; to make advances in money or merchandise or produce, and to carry on and transact all kinds of business usually transacted by warehousemen; also to advance money and take legal liens for all such advances, and collect and receive interest and commissions, compensation for storage and all labors and expenses incident thereto. All advances made by said corporation on property received for storage or deposit and compensation for all charges and expenses thereon shall be a preferred lien on said property, which shall be satisfied and paid before said corporation can be required to deliver said property.

Deposits by married women, &c.

SEC. 9. That when married women, minors or apprentices deposit money or anything of value in said bank or its branches, either generally or specifically, to their own credit, they or any of them may draw the same on their check or order and be bound thereby; and such married women, minors or apprentices shall be bound by such individual check or order, and the same shall be a valid release to said corporation against such married women, minors or apprentices and all other persons whatsoever.

Corporate powers as agent, trustee, &c.

SEC. 10. That said corporation shall have the right to act as agent, factor or trustee for any state, county, township, town or other municipality or corporation, company or individual, on such terms as to compensation and commission as may be agreed on, in registering, selling, countersigning, collecting, acquiring, holding, dealing and disposing of on account of any state, county, township, town, municipality, corporation, company or individual any bond, certificate of stock, notes or any description of property, real or personal, or for endorsing or guaranteeing the payment of said bonds, certificates of stock, notes, etc., and generally for managing such business; and for doing any of the matters and things authorized by this charter the said corporation may charge such premium, commission or rate of compensation as may be agreed upon.

Savings bank department.

SEC. 11. The bank is authorized to organize in connection with its general banking business a department for savings and do a savings bank business for the convenience of small depositors, and make such regulations in regard thereto in case the stockholders of the said bank shall so vote; in which case the said bank may receive deposits in the savings department and give certificates therefor, and to pay such interest as its directors may authorize, not exceeding the legal rate of interest, and also to regulate the time of payment and notice of demand.

Non-liability of stockholders for corporate debts.

SEC. 12. No stockholder shall be in anywise liable or responsible for any debts, obligations, contracts or engagements of said bank, but nothing herein shall exempt from liability on account of fraud, as provided by chapter sixteen, section six hundred and eighty-six of The Code.



SEC. 13. That the said bank shall be located at Wilmington or Southport, North Carolina, but branches or agencies of the bank may be established at such times and places as the stockholders may designate, and such branches or agencies may be removed at any time, and shall be subject to such rules and regulations as may be prescribed by the president and directors of the bank: *Provided*, the sum of twenty-five dollars for each branch established shall be paid to the state treasurer.

Location of bank.  
Branch banks.

Proviso.

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

Stock-vote.

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

Transfer of stock.

Lien on stock.

SEC. 16. That said corporation shall have power to receive money in trust that may be committed to it by any court, corporation, company, person or persons, and it shall have power to accept any grant, assignment, transfer, devise or bequest, and to hold any real or personal estate or trust created in accordance with the laws of this state, and then to execute the same on such terms as may be established or agreed upon by its board of directors; and said corporation is hereby fully authorized and empowered to act as trustee or assignee, and to receive any deposit of funds in litigation in the various courts in this state and pay them for such interest as may be agreed upon, not exceeding the lawful rate. In case its stockholders shall so elect, it shall have power and authority to receive for safe keeping on deposit all moneys, bonds, stocks, diamonds and silver-plate and other valuables and collect reasonable compensation for the same, which charge shall be a lien on such deposit until paid; and generally to do and carry on the business of a safe deposit and trust company.

Corporate powers as trustee.

SEC. 17. The tax upon the capital stock and shares of this bank shall be paid by the said bank as other property in this state to the full amount paid in thereon, less the value of its taxable property and all untaxable bonds, which shall be deducted from the amount paid in on the capital stock.

Taxation.

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

Forfeiture of charter.

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

Ratified the 6th day of March, A. D. 1893.

## CHAPTER 330.

## An act to incorporate Hopewell Academy.

*The General Assembly of North Carolina do enact :*

- Incorporators. SECTION 1. That W. M. Ward, W. H. Applewhite, J. H. Applewhite, B. J. Thompson and John A. Lane, of Wilson county, their associates and successors, are hereby declared and constituted a body politic and corporate for educational purposes under the name and style of "Hopewell Academy," an institution of learning situated at Moyton, Wilson county, North Carolina, and by that name may have perpetual succession, may sue and be sued, plead and be impleaded, contract and be contracted with, to have and to hold the buildings, grounds and all appurtenances belonging thereto situate in Wilson county which is now vested in trustees by virtue of a deed from John Stanton; the said trustees to have the authority to make such by-laws and regulations and rules for the government of said institution as they and their successors may deem best.
- Corporate name. SEC. 2. That the liabilities of said institution shall affect the property of the institution only, and not the private credit and property of the trustees as individuals.
- Corporate powers. SEC. 3. That said trustees and their successors shall be authorized to appoint and elect such officers and teachers as they may deem best to serve the interest of said institution.
- Non-liability of trustees. SEC. 4. That this act shall be in force from and after its ratification.
- Officers, &c. Ratified the 6th day of March, A. D. 1893.

## CHAPTER 331.

## An act to incorporate the Metropolitan Trust Company of Wilmington, North Carolina.

*The General Assembly of North Carolina do enact :*

- Incorporators. SECTION 1. That Robert H. Lane, Johnson Bowens, David Jones, Isham Quick, A. J. Byrd, Joseph E. Sampson, John Holloway, Daniel Howard, John E. Taylor, John C. Dancy and James B. Dudley, and their present and future associates, successors and assigns, be and are hereby declared a body politic and corporate in fact and in law by the name and style of "The Metropolitan Trust Company of Wilmington, North Carolina," and may exercise and enjoy all the privi-
- Corporate name.

leges, franchises and immunities incident to a corporation; may sue and be sued, plead and be impleaded, complain and defend in all courts of this state, and shall have a corporate existence for a period of thirty years. Corporate powers.

SEC. 2. That the said corporation may establish three departments, namely: a building and loan association department, a savings bank department and a life insurance department; the whole to be under the control and general management of a board of directors of not less than nine nor more than fifteen directors, who shall be stockholders, each owning as near as practicable an equal interest in each and all of the departments said corporation may have established. Departments.  
Directors.

SEC. 3. That the capital stock shall be three hundred thousand dollars, to be equally divided among the departments as follows: One hundred thousand dollars for the building and loan association department, in shares of one hundred dollars each; one hundred thousand dollars for the savings bank department, in shares of ten or fifty dollars each, as may be determined by the board of directors; and one hundred thousand dollars for the life insurance department, the face value to be determined in the manner above described for determining the face value of shares in the banking department. Capital stock.

SEC. 4. That the corporators in the first section named, and such as they may associate with themselves for that purpose to the number of fifteen, may serve as directors until their successors are elected as hereinafter provided. They shall be empowered within thirty days from the passage of this act to solicit subscriptions to the capital stock of the building and loan association department; and when ten thousand dollars to the said capital stock shall have been subscribed in accordance with such regulations as the said board of directors may have prescribed, after due notice through post-office or otherwise, shall submit to a majority of said subscribers called for that purpose rules and regulations governing the management of this department. The capital stock shall be paid in and the management of the department shall be conducted in accordance with such regulations and by-laws as may receive the approval of a majority of the subscribers represented at the meetings referred to; and this department shall be empowered to collect dues, fines, interest, hold and sell real estate as fully and as well as any building and loan association chartered in accordance with chapter seven, volume second of The Code. Organization,  
&c., of building  
and loan associa-  
tion department.

SEC. 5. That the board of directors may open books and receive subscriptions to the capital stock of the banking department at any time; and when one hundred shares shall have been subscribed and such subscription fee thereon paid as may be required by the board of directors, after due notice to each subscriber in manner hereinbefore described, the said board of directors shall submit to a majority of said subscribers for their approval rules and regulations for the government of this department, in accordance with the general laws Organization,  
&c., of savings  
bank depart-  
ment.

of the state for savings banks; and a majority of said subscribers shall be and is hereby fully empowered to adopt and take to themselves such regulations and powers as may be deemed by them expedient for the proper management of this department, not inconsistent with the laws of the United States or of this state.

Organization,  
&c., of life in-  
surance depart-  
ment.

SEC. 6. Whenever it may be deemed expedient by the board of directors of the said corporation they may open books and receive subscriptions to the capital stock of the life insurance department; and the regulations of this department shall be adopted in a manner similar to the manner prescribed for the other departments.

Annual meet-  
ings.

SEC. 7. The annual meetings of each department shall be separate.

Proviso.

A majority of stock in each department shall constitute a quorum, and each stockholder shall be entitled to one vote for each share held by him in said department: *Provided*, all the requirements made upon such share shall have been complied with in accordance with the regulations of said department. A stockholder in one department shall be entitled to no privileges in another department in which he holds no shares. A stockholder may give his proxy in writing only to a stockholder of the same department. The directors shall be elected at a joint meeting of all the departments that may be in operation; upon which vote each stockholder shall be entitled to as many votes as he has shares in the corporation: *Provided*, he has met all the requirements made by the several departments upon said shares.

Rights of stock-  
holders.

Election of direc-  
tors.

Proviso.

Books of sub-  
scription.

SEC. 8. The board of directors may re-open books and solicit subscription to stock in any department at any time by them deemed expedient.

Remedy against  
subscriber failing  
to pay.

SEC. 9. That if after such demand or notice as the by-laws of a department may prescribe, any installment or assessment due upon any share or shares is not paid within such time as by such by-laws may be limited and payable, with such fines or interest as may be charged, the said shares shall be forfeited in the manner prescribed by said by-laws and shall become the property of the department wherein such forfeiture may have occurred.

Branch offices.

SEC. 10. The board of directors may establish branch offices or agencies at such times and places as they may think proper, but the principal office shall be located at Wilmington.

Non-liability of  
stockholders.

SEC. 11. That the corporators and stockholders of said corporation shall not be individually or personally liable for the debts, liabilities, contracts or engagements of the corporation.

Powers of direc-  
tors.

SEC. 12. That the directors of said corporation may adopt and use a common seal and alter the same at pleasure; may make such by-laws for the government of the corporation as they may deem proper; may make and appoint all necessary officers and agents, fix their compensations and take security for the faithful performance of their duties; may prescribe the manner of paying for stock and manner of transfer. The said corporation shall have a lien of the stock for debt due

Lien on stock.

it by stockholders before and in preference to other creditors of the same dignity.

SEC. 13. That said corporation shall have power to make loans of money on the notes or bonds of any person, persons or corporations, secured by mortgages or deeds of trust on real or personal property, such mortgages or deeds of trust to be executed to said corporation or to any one of its departments, and may include in the face of any note or bond payable to said corporation or department interest at the rate of not exceeding the lawful rate for the full period agreed upon, and allow and require such note or bond with the interest so added to be payable in as many equal weekly or monthly installments as there shall be weeks or months between the date of said loan and the end of the period agreed upon for the full payment of such note or bond; and upon failure in the payments, as prescribed by regulations of the corporation, at its option the board of directors may foreclose said mortgage or deed of trust and the whole of the unpaid balance shall be collected by said corporation or its assigns. At any foreclosure sale of property mortgaged to it the corporation may purchase the same to protect itself from loss.

Corporate powers as to loans, &c.

Purchase at foreclosure sale.

SEC. 14. That said corporation shall have power to insure life at such rates as may be established by the board of directors; to raise and borrow money either upon its own note or by transfer, assignment or negotiation of its assets.

Corporate powers as to insuring lives, &c.

SEC. 15. That said corporation or any of its departments shall have power to buy, hold, improve, lease and sell real estate.

May hold, &c., real estate.

SEC. 16. That each department shall have all the rights, privileges and powers herein granted to this corporation that are necessary for the proper conduct and management of its affairs under such name and style as the stockholders of said department and the board of directors of this corporation may select: *Provided*, said name, immediately after its selection, shall be published in some daily paper of the city of Wilmington for a period of ten days.

General corporate powers.

Proviso.

SEC. 17. That the assets and liabilities of each department shall be kept separate and distinct from those of other departments, and that the said liabilities and assets of one department shall in nowise affect the assets and liabilities of another department.

Assets, &c., of each department to be kept separate, &c.

SEC. 18. That all laws and clauses of laws in conflict with the provisions of this act be and the same are hereby repealed.

Conflicting laws repealed.

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

Ratified the 6th day of March, A. D. 1893.

## CHAPTER 332.

An act to amend chapter one hundred and forty-six of the acts of the general assembly, session eighteen hundred and ninety-one, page one hundred and thirty-two.

*The General Assembly of North Carolina do enact :*

Chapter 146, laws  
1891, amended.

SECTION 1. That the act of the general assembly of North Carolina, chapter one hundred and forty-six, passed the twentieth day of February, eighteen hundred and ninety-one, entitled "An act to incorporate the Wilmington and Southern Railway Company," be and the same is hereby amended so as to allow the incorporators named in said act further time, until the twentieth day of February, eighteen hundred and ninety-five, to open books and receive subscriptions for stock and to organize the "Wilmington and Southern Railway Company" in said act named; and that in line three, section four of said act, page one hundred and thirty-three, the words "to two hundred thousand" be and the same are hereby changed and amended, and the words "up to seven hundred and fifty thousand" substituted in their place.

Time allowed to  
organize.

Increase of capi-  
tal stock.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

## CHAPTER 333.

An act incorporating the "Carolina Charity Association."

*The General Assembly of North Carolina do enact :*

Corporate objects.

SECTION 1. That for the purpose of establishing and maintaining an association in North Carolina, the aim of which is to secure the concurrent and harmonious action of the different charities in the state, to found and maintain a home or homes for indigent, dependent, invalid or infirm persons; to encourage thrift, self-dependence and industry through friendly intercourse, advice and sympathy, and to aid the poor to help themselves; to raise the needy above the need of relief, prevent begging and imposition, and to diminish pauperism; to aid in the diffusion of knowledge on subjects connected with the relief of the poor, William F. Beasley, of Oxford, and all others who may become associated with him, are hereby created a body politic and corporate under the name and style of the "Carolina Charity Association."

Incorporators.

Corporate name.

- SEC. 2. That said association may sue and be sued, plead and be impleaded; may have a corporate seal, and make all necessary by-laws for its government not inconsistent with law. Corporate powers.
- SEC. 3. That said association may acquire title to and hold land and other property free from taxation for the purpose of establishing and maintaining a home or homes for infirm, indigent or invalid persons. Exemption from taxation.
- SEC. 4. That said association may receive donations from any source, and confer on any similar organization the right to operate under its charter. Donations.  
May transfer charter rights.
- SEC. 5. That said association may employ any means or proper devices to add to its revenues, it being understood that it will not and shall not resort to any lottery to effect such purpose. May employ any means, &c., to add to revenues.  
Exception.
- SEC. 6. That the board of commissioners of any county in the state are hereby authorized to send any indigent or orphaned persons to any home aided or established by the "Carolina Charity Association," and to pay for the support of the person sent what it would cost to support said person in the county home from which said person was sent. County commissioners may send indigent persons, &c.  
Expenses.
- SEC. 7. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

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CHAPTER 334.

An act to charter Trap Hill Institute.

*The General Assembly of North Carolina do enact:*

- SECTION 1. That J. S. Holbrook, J. S. Kirby, J. A. McClean, W. F. Byrd, William Sparks, T. C. Deborde, D. J. Roberts, C. Blevens, C. F. Fields, E. M. Gwyn, J. W. Myers, F. Brewer, I. W. Landreth, Joshua Spicer, E. Blevens and J. F. Gentry, their associates and successors, be and they are hereby created a joint stock company, a body politic and corporate for the purpose of maintaining a school of high grade at Trap Hill, in Wilkes county, North Carolina, for the mental and moral training of the children of the white race of both sexes under the name and style of "Trap Hill Institute," and in that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire, hold and convey in their corporate capacity property, real and personal, and exercise all acts in relation thereto or incident to the ownership of real and personal property and for the promotion of education. Incorporators.  
Corporate name.  
Corporate powers.
- SEC. 2. That the officers of said corporation shall consist of a president, vice president, treasurer, secretary and five directors, three of Officers.

- Quorum. whom shall constitute a quorum for the transaction of business, and all of whom shall be elected by the trustees every two years.
- By-laws. SEC. 3. That at the first regular meeting of the trustees they shall have power to make such by-laws, not inconsistent with the laws of the state, as shall be deemed necessary to promote the object of the corporation and from time to time make such changes as they may deem best.
- Special meetings. SEC. 4. That the president of said corporation shall have the power to call a meeting of the trustees whenever he may deem proper.
- Non-liability of trustees. SEC. 5. That the trustees shall not be individually liable for any indebtedness or liability of said corporation.
- Call of first meeting. SEC. 6. That J. S. Holbrook, one of said trustees, is hereby authorized to call the first meeting of the trustees.
- When property to revert to stockholders, &c. SEC. 7. *Provided, nevertheless,* that in the event the property of said corporation shall be abandoned or cease to be used for school purposes for the term of five years, then in that event the same shall revert to the original stockholders, and they shall have the right to dispose of the same either at a public or private sale or by petition for partition, and the proceeds of said sale shall be divided among the said stockholders according to their respective stocks or interest.
- Faculty may grant certificates. SEC. 8. That the faculty of said institution, by the advice and with the consent of the directors thereof, shall have power to grant certificates of merit or other evidences of scholarship or merit or proficiency in any of the departments of said school.
- SEC. 9. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

## CHAPTER 335.

## An act to authorize the collection of arrears of taxes due Fayetteville, North Carolina.

*The General Assembly of North Carolina do enact :*

Tax collector allowed until June 1, 1894, to collect arrears for certain years.

SECTION 1. That the tax collector for Fayetteville be allowed until the first day of June, anno Domini eighteen hundred and ninety-four, to collect all arrears of taxes due Fayetteville for the years eighteen hundred and eighty-nine, eighteen hundred and ninety, eighteen hundred and ninety-one and eighteen hundred and ninety-two, under the rules and regulations, rights and powers as are prescribed by law for the collection of taxes by sheriffs and tax collectors; and in all cases where taxable property has not been listed for said years it shall



be the duty of the tax collector to place the same on the lists, to collect the tax for the years that it has so escaped taxation, and make report to the commissioners and account for the same accordingly.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

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CHAPTER 336.

An act to incorporate Saint James Parish, Wilmington, North Carolina.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the present wardens and vestry of Saint James Parish in the city of Wilmington, and their successors as they may from time to time be appointed or elected in accordance with the constitution and canons of the Episcopal Church in North Carolina, shall be and are hereby declared to be a body corporate, to be known by the name and style of "The Wardens and Vestry of Saint James Parish," and by that name shall have perpetual succession, be able and capable in law to sue and be sued, plead and be impleaded in the courts of this state and elsewhere, to have and use a common seal; and shall have all the powers incident or belonging to religious corporations and societies under the laws of the state.

Incorporators.

Corporate name.

Corporate powers.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

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CHAPTER 337.

An act to incorporate the New South Air-Line.

*The General Assembly of North Carolina do enact :*

SECTION 1. That Richard Lamb, G. Hoyt, Geo. McNeal, J. H. Ireland, Williamson Rapalje, W. C. Hassell, J. T. Winfield, Henry E. Knox, and their associates, successors and assigns, be and they are hereby declared to be a body corporate and politic by the name of the New South Air-Line, and by that name and style are hereby invested with all the rights, powers and privileges conferred, and made subject to all the rules, regulations and restrictions imposed by The Code of

Incorporators.

Corporate name.

Corporate powers.

North Carolina, and all general rules applicable to such corporations as are not inconsistent with the provisions of this act.

**Capital stock.**

SEC. 2. The capital stock of said company shall not be less than five thousand dollars, but the company shall have the privilege of increasing the same from time to time to an amount not exceeding fifteen thousand dollars per mile for all lines built, bought or leased; and shall have power to issue stock to the amount of the capital, and issue

**Mortgage bonds.**

bonds to be secured by deed or deeds of trust upon all property, franchises and improvements of the company, including the tracks and rolling stock, if at any time it shall see fit to do so, the said stock to be divided into shares of one hundred dollars each; and at all meet-

**Stock-vote.**

ings of the stockholders each share be entitled to one vote, which may be given by the holders thereof or by proxy. When one hundred

**Organization.**

shares shall have been subscribed under the direction of any three of the corporators hereinbefore named, the subscribers shall assemble in Newbern, Washington or Plymouth, North Carolina, upon the call of the corporators, or a majority of the same, to organize the company under this act, to elect a president and board of directors, whose term of office shall be one year. Subsequent elections of president shall be made by the board of directors, and of the board of directors by the stockholders.

**Salaries, &c.**

SEC. 3. The board of directors shall fix the salary of the president and all officers of the company and the maximum amount of stock to be subscribed for by any person. All other officers not herein otherwise provided for shall be elected by the directors.

**Election of officers.  
Authorized to build railroad.  
Termini.**

SEC. 4. The said company is hereby authorized to construct and operate a railroad from the city of Newbern to any point or points on the Albemarle Sound, Roanoke and Chowan rivers, and from thence, if it shall so desire, to the Virginia state line.

**Branch roads.**

SEC. 5. The said company is hereby authorized to construct and operate lateral branches not exceeding twenty miles in length, and to cross any creek between the city of Newbern and the Virginia state line: *Provided*, the navigation of same is not interfered with.

**Proviso.**

**Consolidation with other road,  
lease, &c.**

SEC. 6. It shall be lawful for said company to consolidate with any other railroad company heretofore incorporated or hereafter to be incorporated in or out of the state of North Carolina whose line of road connects or will connect either physically or by ferry with the railroad hereby authorized to be constructed; and it shall be lawful for the company hereby incorporated to lease or sell its works, property and franchises to any other such company; and it shall be lawful for said company to lease or purchase the works, property and franchises of any other railroad company heretofore incorporated or hereafter to be incorporated in or out of the state of North Carolina whose line of railroad connects or will connect either physically or by ferry with the railroad hereby authorized to be constructed; and any railroad company heretofore incorporated or hereafter to be incor-

porated in the state of North Carolina is hereby authorized to consolidate with the said New South Air-Line, or to sell or lease its works, property and franchises to said New South Air-Line, or to purchase or lease the works, property and franchises of the said New South Air-Line: *Provided*, that no consolidation of the corporation hereby created with any corporation chartered by another state, or any lease or sale thereof, shall operate to prevent such consolidated company from being a corporation of this state, or in any manner to impair the jurisdiction of the courts of this state in respect of the property and franchises so leased or purchased. Proviso.

SEC. 7. The said company is also authorized to construct wharves, docks, warehouses, elevators and so forth suitable for the accommodation of steamboats and vessels, and for the convenience of shipping, transporting and storing all kinds of merchandise and property; and the company may conduct a general dock, wharf, warehouse, steamboat and lighterage business. It may transport passengers and freight, and may construct, purchase or hire steamboats and other means of transportation requisite for its business. It may receive on storage all kinds of merchandise, and may charge and collect compensation for storage, wharfage and lighterage and for all labor incident thereto at such rates and upon such terms as may be agreed upon between it and its customers, and for any advances made by it on merchandise and for all its charges the company shall have a preferred lien on such merchandise. And it shall be lawful for corporations or persons to enter into contracts with the New South Air-Line for the use, hire, operation or lease from said company of its wharves, docks, elevators, steamboats, vessels, railways, siding and other terminal facilities, or any part or parts thereof, upon such terms as may be agreed upon. And it shall be lawful for said New South Air-Line to arrange with any railroad entering the cities of Newbern and other shipping ports, or having a terminus in Newbern or other shipping ports, for the use of any of their terminal facilities or any part or parts thereof upon such terms as may be agreed upon. Corporate powers.

SEC. 8. To furnish a basis for raising capital it shall be lawful for said company or its successor to receive grants and subscriptions in land at a fair valuation, and materials, upon such terms as may be agreed upon with the board of directors; and it may exchange its stock or bonds therefor and may hold or sell the same at pleasure. Subscriptions, how made, &c.

SEC. 9. The said company by the acceptance of this charter hereby agrees to pay all taxes, dues and demands due the state that may be hereafter assessed against it in lawful money of the United States, and not in coupons. Taxation.

SEC. 10. The road shall be commenced within two years and be completed in seven years from the passage of this act. When work to be begun and completed.

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

Ratified the 6th day of March, A. D. 1893.

## CHAPTER 338.

## An act to incorporate the Supreme Lodge, Knights of Harmony.

## Preamble.

WHEREAS, Certain persons, citizens of North Carolina, have associated themselves together to promote benevolence, morality and industry in said state and the United States—

*The General Assembly of North Carolina do enact :*

## Incorporators.

SECTION 1. John S. Manix, Joseph K. Willis, William B. Boyd, Thomas H. Davis, Samuel R. Ball, H. H. Tooker, John B. Hall, W. H. Bishop, John T. Lincoln and Jesse Quigley, their associates and successors, are hereby made a corporation by the name of "The Supreme Lodge, Knights of Harmony," and by said name and title shall exist for a period of thirty years, and be capable in law of suing and being sued, pleading and being impleaded, and of purchasing, leasing, holding, granting and receiving in its corporate name property, real and personal and mixed, with all the powers and privileges and subject to all the duties and liabilities in such cases made and provided by law.

## Corporate name.

## Corporate existence and powers.

## May institute lodges.

## Corporate objects.

SEC. 2. Such incorporators may institute grand and subordinate lodges as it may see fit under such law, rules and regulations as the corporation may enact, not in conflict with the laws of this state or the United States. The objects of the corporation shall be to unite for mutual benefit all acceptable white persons of every profession, business and occupations; to give all possible moral and material aid in its power to its members and those depending on its members; to promote benevolence and charity by establishing a benefit fund from which on the satisfactory evidence of the death of a member of the corporation who has complied with its lawful requirements a sum not exceeding two thousand dollars shall be paid to the family or as the member may direct; to provide for a fund to be used for the decent burial of deceased members and to ameliorate the condition of humanity in every possible manner.

## Corporate seal.

SEC. 3. The said supreme lodge shall have a common seal for the making and delivering of all legal acts and proceedings, the same to alter or break at pleasure.

## Annual meetings of supreme lodge.

SEC. 4. The said supreme lodge shall hold its annual meetings in the city of Newbern, North Carolina, at such time as it may select.

## Non-liability of members for corporate debts.

SEC. 5. The private property of members of the corporation shall be exempt from the corporation's debts.

## Officers.

SEC. 6. The said supreme lodge shall provide for the election of such officers as it may deem necessary to transact the business of the corporation and to further its objects, who shall hold office until their successors are duly elected and qualified and installed into office.

SEC. 7. The said supreme lodge shall have power to collect, create, hold and disburse the funds for the purposes of the corporation as set forth, under such regulations as it may deem necessary to adopt; and said funds shall be exempt from execution and shall under no circumstances be liable to seizure or appropriation by any legal or equitable process for any debt or debts of its living or deceased members; and said funds shall be exempt from the laws, rules and regulations governing insurance companies in this state as are similar corporations now by law.

Collection and disbursement of funds.

Exemptions.

SEC. 8. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

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#### CHAPTER 339.

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

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter three hundred and sixty of the private laws of one thousand eight hundred and ninety-one be and the same is hereby amended by striking out in lines eight and nine of section one the word "Cumberland."

Chapter 360, private laws 1891 (authorizing Fayetteville Independent Light Infantry Co. to hold armory free from tax) amended. Act made applicable to Cumberland county.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

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#### CHAPTER 340.

An act to incorporate the Vestry of Grace Church in the town of Weldon, North Carolina.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the following-named vestrymen of Grace church, in the town of Weldon, to-wit, A. R. Zollicoffer, T. H. Chavasse, J. E. Shields, P. E. Lynn, W. W. Hall, and such other persons as may be appointed from time to time to succeed them or to fill vacancies in the vestry of said church, be and they are hereby created a body politic and corporate for thirty years under the corporate name of

Incorporators.

Corporate name. "The Vestry of Grace Church at Weldon," with the power and right to acquire and hold in fee or for a less estate by donations, devise or purchase, real estate not at any one time exceeding in value the sum of ten thousand dollars, and also to acquire by gift, bequest or purchase personal estate not exceeding in value at any one time ten thousand dollars.

May hold real and personal estate not exceeding certain amounts.

SEC. 2. That said corporation shall have the power and authority to sell and convey any of its property, real or personal, and also have the right to borrow money, and in order to secure the payment of same may execute mortgages and deeds of trust of any or all of its property.

Deeds, how executed.

SEC. 3. That all deeds of conveyance of the said real estate shall be made in the name of said corporation, and executed by the junior and senior wardens of said vestry under their hands and seals for and in behalf of said vestry. But no deed of conveyance or sale, mortgage or deed of trust of any of its property, real or personal, shall be made unless the same shall be authorized by a resolution of said vestry, adopted by a majority thereof and entered upon its proceedings.

Vestry to authorize conveyances.

Powers of vestry. SEC. 4. That said vestry shall have the right to adopt such by-laws and regulations as may be necessary to carry into effect the objects of the charter and to administer the affairs of said church.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

#### CHAPTER 341.

#### An act to incorporate Flat Creek public school near Dula's springs in Buncombe county.

*The General Assembly of North Carolina do enact:*

Incorporators. SECTION 1. That Thomas M. Dula, James A. Whitehead, William Penland, Robert Garrison and J. H. Roberts, and all other persons who may be associated with them, and their successors, for the purpose of advancing the cause of education among the white race, are hereby constituted a body politic under the name and style of "Flat Creek Robbins School," near Dula's springs.

Corporate name.

Corporate powers. SEC. 2. That the said corporation shall have power to make a constitution and such rules and regulations as its members may deem proper to carry out the purpose of its incorporation; to sue and be sued, to plead and be impleaded in any court in the state; to contract,

purchase, hold and convey in their corporate capacity property, real and personal, and enjoy all other privileges belonging to such corporations.

SEC. 3. That it shall be unlawful for any person or persons to sell or give away in any manner intoxicating liquors within two miles of said school. Unlawful to sell, &c., liquor within two miles.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

### CHAPTER 342.

#### An act to incorporate the town of Vaughans in Warren county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the town of Vaughans in the county of Warren be and the same is hereby incorporated by the name and style of "The Town of Vaughans," and it shall be subject to all the provisions of law now existing in reference to incorporated towns. Incorporated.  
Corporate name.

SEC. 2. That the corporate limits of said town be as follows: Beginning at the depot of the Raleigh and Gaston Railroad as a center; and running thence four straight lines north, east, south and west respectively, each line five hundred yards long, and the corporate limits of said town be confined within a square included within four lines running at right-angles to said lines and extending each way till they intersect each other respectively. Corporate limits.

SEC. 3. That the officers of said incorporation shall consist of a mayor, four commissioners and a constable, and the following-named persons shall fill the offices of mayor and commissioners: For mayor, W. B. Faulcon; commissioners—A. L. Pope, T. C. Williams, C. J. Tucker and C. B. Vaughan; and that there shall be an election for the above-named officers on the first Monday in May, one thousand eight hundred and ninety-three. Officers.  
Temporary officers.

SEC. 4. That there shall be held an election for officers mentioned in this act on the first Monday in May, one thousand eight hundred and ninety-three, and each succeeding year thereafter, under the same restrictions that county and state elections are held; and all citizens within said corporation who have resided in the state twelve months and within the corporate limits ninety days previous to the day of election shall be entitled to vote at said election. Election.  
Electors.

SEC. 5. That the commissioners of said town shall have the power to grant any person or persons the privilege to sell malt or spirituous liquors upon the payment of state, county and town tax, and all laws License to sell liquor.

and clauses of laws in conflict with any part of this act shall be repealed.

By-laws.

SEC. 6. That the said commissioners shall have the power to pass all by-laws, rules and regulations for the good government of the town not inconsistent with the laws of the state and United States, and levy and collect a tax on all subjects of state taxation not to exceed one dollar on the poll and thirty-three and one-third cents on the hundred dollars valuation of property, both real and personal, and impose fines and penalties and to collect same.

Taxation.

Fines, &c.

SEC. 7. That this act shall take effect from and after its ratification. Ratified the 6th day of March, A. D. 1893.

#### CHAPTER 343.

#### An act to incorporate "The Farmer's Mutual Fire Insurance Association of North Carolina."

*The General Assembly of North Carolina do enact :*

Incorporators.

SECTION 1. That J. S. C. Carpenter, R. T. Mockbee, W. O. Guy, O. Barber, and all other persons who may become members thereof, be and they are hereby constituted a body politic and corporate under the name of "The Farmer's Mutual Fire Insurance Association of North Carolina," for a period of thirty years, and under that name shall have all the powers, privileges and franchises incident to such corporations under the laws of the state of North Carolina.

Corporate name.  
Corporate existence and powers.

Corporate powers.

SEC. 2. That said corporation shall have the right to mutually insure the respective dwelling-houses, barns and other property of its members in the state of North Carolina against loss by fire, wind or lightning, upon such terms and under such conditions as may be fixed by the by-laws of said corporation. It may sue or be sued in any court in this state and may have and use a common seal.

By-laws.

SEC. 3. That the said corporation may make by-laws fixing the number of its board of directors and other officers and defining the duties and powers of the directors and officers; also making rules and regulations governing the corporation and the conduct of its business, not inconsistent with the laws of the United States and of the state of North Carolina.

Liability of members for losses, &c.

SEC. 4. That every member of said corporation shall be and is hereby bound to pay his or their portion of all losses and expenses accruing to said corporation.



SEC. 5. Every member of said corporation shall be liable as herein provided until all outstanding losses shall have been paid and until the owner thereof shall have withdrawn his insurance in the manner prescribed by the by-laws of said corporation. Extent of liability of members.

SEC. 6. That the aggregate amount of insurance by said corporation in any one county shall not exceed one million dollars. Aggregate insurance in one county.

SEC. 6½. That the principal office of said company shall be at Raleigh, in the state of North Carolina, but it may have branch offices anywhere in the United States that it sees fit. Officers.

SEC. 7. That this act shall go into effect and continue in force from and after its ratification.

Ratified the 6th day of March, A. D. 1893.

#### CHAPTER 344.

#### An act to incorporate the New South Air-Line.

*The General Assembly of North Carolina do enact:*

SECTION 1. That Richard Lamb, G. Hoyt, Geo. McNeal, John H. Ireland, Williamson Rapalje, W. C. Hassell, J. T. Winfield, Henry E. Knox, and their associates, successors and assigns, be and they are hereby declared to be a body corporate and politic by the name of the New South Air-Line, and by that name and style are hereby invested with all the rights, powers and privileges conferred, and made subject to all the rules, regulations and restrictions imposed by The Code of North Carolina, and all general rules applicable to such corporations as are not inconsistent with the provisions of this act. Incorporators.  
Corporate name.  
Corporate powers.

SEC. 2. The capital stock of said company shall not be less than five thousand dollars, but the company shall have the privilege of increasing the same from time to time to an amount not exceeding fifteen thousand dollars per mile for all lines built, bought or leased; and shall have the power to issue stock to the amount of the capital, and issue bonds to be secured by deed or deeds of trust upon all property, franchises and improvements of the company, including the tracks and rolling stock, if at any time it shall see fit to do so, the said stock to be divided into shares of one hundred dollars each; and at all meetings of the stockholders each share be entitled to one vote, which may be given by the holders thereof or by proxy. When one hundred shares shall have been subscribed under the direction of any three of the corporators hereinbefore named, the subscribers shall assemble in Newbern, Washington or Plymouth, North Carolina, upon the call of Capital stock.  
Mortgage bonds.  
Stock-vote.  
Organization.

the incorporators, or a majority of the same, to organize the company under this act, to elect a president and board of directors, whose term of office shall be one year. Subsequent elections of president shall be made by the board of directors, and of the board of directors by the stockholders.

Salaries, &c.

SEC. 3. The board of directors shall fix the salary of the president and all officers of the company and the maximum amount of stock to be subscribed for by any person. All other officers not herein otherwise provided for shall be elected by the directors.

Authorized to build railroad.

SEC. 4. The said company is hereby authorized to construct and operate a railroad from the city of Newbern to any point or points on the Albemarle Sound, and Roanoke and Chowan rivers, and from thence, if it shall so desire, to the Virginia state line.

Termini.

Branch roads.

SEC. 5. The said company is hereby authorized to construct and operate lateral branches not exceeding twenty miles in length, and to cross any creek or stream between the city of Newbern and the Virginia state line: *Provided*, the navigation of same is not interfered with.

Proviso.

Consolidation with other road, lease, &c.

SEC. 6. It shall be lawful for said company to consolidate with any other railroad company heretofore incorporated or hereafter to be incorporated in or out of the state of North Carolina whose line of road connects or will connect either physically or by ferry with the railroad hereby authorized to be constructed; and it shall be lawful for the company hereby incorporated to lease or sell its works, property and franchises to any other such company; and it shall be lawful for said company to lease or purchase the works, property and franchises of any other railroad company heretofore incorporated or hereafter to be incorporated in or out of the state of North Carolina whose line of railroad connects or will connect either physically or by ferry with the railroad hereby authorized to be constructed; and any railroad company heretofore incorporated or hereafter to be incorporated in the state of North Carolina is hereby authorized to consolidate with the said New South Air-Line, or to sell or lease its works, property and franchises to said New South Air-Line, or to purchase or to lease the works, property and franchises of the said New South Air-Line: *Provided*, that no consolidation of the corporation hereby created with any corporation chartered by another state, or any lease or sale thereof, shall operate to prevent such consolidated company from being a corporation of this state, or in any manner to impair the jurisdiction of the courts of this state in respect of the property and franchises so leased or purchased.

Proviso.

Corporate powers.

SEC. 7. The said company is also authorized to construct wharves, docks, warehouses, elevators and so forth suitable for the accommodation of steamboats and vessels, and for the convenience of shipping, transporting and storing all kinds of merchandise and property; and the company may conduct a general dock, wharf, warehouse, steamboat and lighterage business. It may transport passengers and freight,

and may construct, purchase or hire steamboats and other means of transportation requisite for its business. It may receive on storage all kinds of merchandise, and may charge and collect compensation for storage, wharfage and lighterage and for all labor incident thereto at such rates and upon such terms as may be agreed upon between it and its customers, and for any advances made by it on merchandise and for all its charges the company shall have a preferred lien on such merchandise. And it shall be lawful for corporations or persons to enter into contracts with the New South Air-Line for the use, hire, operation or lease from said company of its wharves, docks, elevators, steamboats, vessels, railways, sidings and other terminal facilities, or any part or parts thereof, upon such terms as may be agreed upon. And it shall be lawful for said New South Air-Line to arrange with any railroad entering the cities of Newbern and other shipping ports, or having a terminus in Newbern or other shipping ports, for the use of any of their terminal facilities or any part or parts thereof upon such terms as may be agreed upon.

SEC. 8. To furnish a basis for raising capital it shall be lawful for said company or its successor to receive grants and subscriptions in land at a fair valuation, and materials, upon such terms as may be agreed upon with the board of directors; and it may exchange its stock or bonds therefor and may hold or sell the same at pleasure.

Subscriptions,  
how made, &c.

SEC. 9. The road shall be commenced within three years and be completed in seven years from the passage of this act.

When work to be  
begun and com-  
pleted.

SEC. 11. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 345.

An act to amend the charter of the Atlanta, Asheville and Baltimore Railroad Company.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the charter of the Atlanta, Asheville and Baltimore Railroad Company be amended so as to allow any city, town, township or county to purchase the mortgage bonds of said company instead of subscribing to the capital stock of said company: *Provided*, the petition asking a submission of the proposition to the qualified voters shall set forth that fact, and the election to be held under said petition shall in all respects conform to the law now provided for subscribing to the capital stock of said company.

Chapter 70, laws  
1887, chapter 227,  
laws 1889, and  
chapter 292, laws  
1891, amended.  
Cities, &c.,  
allowed to pur-  
chase mortgage  
bonds.  
Election on ques-  
tion of purchase.

Surrender of  
stock by stock-  
holders.

SEC. 2. That section five of chapter two hundred and ninety-two of the laws of eighteen hundred and ninety-one be amended as follows: Strike out "within sixty days from the ratification of this act" in lines five and six of said section and insert instead thereof "any time between this and the first day of August, eighteen hundred and ninety-three." Also strike out "one hundred thousand dollars" in line sixteen of said section and insert instead thereof "twenty-five thousand dollars."

Reorganization  
on subscription  
of \$25,000.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

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CHAPTER 346.

An act to extend the time for organizing The Murphy Banking Company, chapter three hundred and two, private laws eighteen hundred and ninety-one.

*The General Assembly of North Carolina do enact :*

Time for organi-  
zation extended.

SECTION 1. That the time for organizing "The Murphy Banking Company," chapter three hundred and two, private laws of eighteen hundred and ninety-one, be and the same are 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. Ratified the 6th day of March, A. D. 1893.

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CHAPTER 347.

An act to incorporate the Duck Creek Syndicate.

*The General Assembly of North Carolina do enact :*

Incorporators.

SECTION 1. That R. W. Ward, L. O. Fonvielle, John H. Ireland, Williamson Rapalje, junior, Earl A. Gillespie, Richard Lamb, and their associates, successors and assignees, be and they are hereby declared to be a body corporate and politic by the name of the "Duck Creek Syndicate," and by that name and style are hereby invested with all the rights, powers and privileges conferred, and made subject to all the rules, regulations and restrictions imposed by The Code of North Carolina and all general laws applicable to such corporations as are not inconsistent with the provisions of this act.

Corporate name.

Corporate pow-  
ers.

SEC. 2. The capital stock of said company shall not be less than fifteen thousand dollars, but the company shall have the privilege of increasing the same from time to time to an amount not exceeding one hundred thousand dollars, and shall have power to issue stock to the amount of the capital, the said stock to be divided into shares of one hundred dollars each; and at all meetings of the stockholders each share shall be entitled to one vote, which may be given by the holders thereof or by proxy. Capital stock.  
Stock-vote.

SEC. 3. The officers shall be a president, secretary and treasurer, who, with two other stockholders, shall be elected annually by stockholders and shall constitute a board of directors. Officers.

SEC. 4. The said syndicate is hereby authorized to buy and control and otherwise operate farms, timber-lands, oyster-gardens, steam-boats, pleasure-yachts, and to build, lease, or otherwise operate wharves, warehouses, cottages and hotels; to own and deal in timber, and timber options, and products of the forest; to own and operate mills and machines for the manufacture and manipulation of products of the forest, and for packing, canning, and otherwise preparing fruits, vegetables, fish and oysters; to own not to exceed three hundred acres of oyster-gardens, the same to be bought from citizens of North Carolina; to plant and otherwise deal in oysters in shell, opened or canned; to own and to operate fisheries. Corporate powers.

SEC. 5. The said syndicate by the acceptance of this charter hereby agrees to pay all taxes, dues and demands due the state that may be hereafter assessed against it in lawful money of the United States, and not in coupons; and to have bought within one year from the passage of this bill at least one thousand acres of farming, timber and oyster-lands; to build a wharf, warehouse and commodious dwelling, and to have planted at least seven thousand bushels of oysters. Location.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

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#### CHAPTER 348.

#### An act to incorporate "The Young Men's Christian Association of Winston, North Carolina."

*The General Assembly of North Carolina do enact:*

SECTION 1. That J. M. Rogers, J. F. McCuiston, R. B. Glenn, C. J. Watkins, J. W. Hanes, T. L. Vaughn, R. D. Brown, J. E. Coles, T. J. Brown, F. B. Eflied, W. S. Clary, E. E. Gray, R. H. Jones, J. B. Whitaker, Jr., and W. J. Conrad, and their associates and succes- Incorporators.

- sors, be and they are hereby made, constituted and declared a corporation and a body politic and corporate under the name and style of "The Young Men's Christian Association of Winston, North Carolina," and by that name and style they shall have a common seal, and shall be capable in law to sue and be sued, plead and be impleaded in all the courts of this state.
- Corporate name.** "The Young Men's Christian Association of Winston, North Carolina," and by that name and style they shall have a common seal, and shall be capable in law to sue and be sued, plead and be impleaded in all the courts of this state.
- Corporate powers.** SEC. 2. That said association shall have power and be capable in law to lease, purchase, take and receive by deed, gift or devise and hold in fee simple or other less estate all manner of lands, rents, annuities and other hereditaments not to exceed one hundred thousand dollars; and shall further be able to take, receive and possess all moneys, books, goods and chattels which have been or which may hereafter be given, sold, released, bequeathed or in any way transferred by any person or persons to said association or to any one for its use.
- Corporate objects.** SEC. 3. That all such lands, tenements, rents, annuities and other hereditaments, moneys, books, goods and chattels of whatsoever kind, nature or quality, the said association shall hold, possess and use for the improvement of the spiritual, mental, social and physical condition of young men in such manner and by such means as said association shall adopt and provide by by-laws, ordinances and regulations.
- May sell, &c., real estate.** SEC. 4. That said association shall be able and capable in law, by and with the consent of the board of directors hereby created, to bargain, sell, grant, convey, mortgage and encumber to any other person or persons all such lands, tenements, rents, annuities and other hereditaments which it now owns or may hereafter acquire for the uses and benefit of said association; but said land and real estate shall not be liable for any future debt or obligation of said association, unless the same shall have been contracted with the approval of said board of directors. Said board of directors shall be composed of ... members, each of whom shall be a member of one of the Protestant evangelical denominations, but not more than three shall be members of any one denomination, and the president of this association for the time shall be one of such directors. J. F. McCuisten, R. B. Glenn, C. J. Watkins, J. W. Hanes, J. L. Vaughan, R. D. Brown, J. E. Coles, T. J. Brown, F. B. Eñed, W. S. Clary, E. E. Gray, R. H. Jones, J. B. Whitaker, Jr., and W. J. Conrad, together with said president, are hereby created such board of directors, and whenever a vacancy shall occur by death or otherwise in said board of directors the same shall be filled by a majority vote of those remaining.
- Liability for debts.** SEC. 4. That said association shall be able and capable in law, by and with the consent of the board of directors hereby created, to bargain, sell, grant, convey, mortgage and encumber to any other person or persons all such lands, tenements, rents, annuities and other hereditaments which it now owns or may hereafter acquire for the uses and benefit of said association; but said land and real estate shall not be liable for any future debt or obligation of said association, unless the same shall have been contracted with the approval of said board of directors. Said board of directors shall be composed of ... members, each of whom shall be a member of one of the Protestant evangelical denominations, but not more than three shall be members of any one denomination, and the president of this association for the time shall be one of such directors. J. F. McCuisten, R. B. Glenn, C. J. Watkins, J. W. Hanes, J. L. Vaughan, R. D. Brown, J. E. Coles, T. J. Brown, F. B. Eñed, W. S. Clary, E. E. Gray, R. H. Jones, J. B. Whitaker, Jr., and W. J. Conrad, together with said president, are hereby created such board of directors, and whenever a vacancy shall occur by death or otherwise in said board of directors the same shall be filled by a majority vote of those remaining.
- Directors.** SEC. 4. That said association shall be able and capable in law, by and with the consent of the board of directors hereby created, to bargain, sell, grant, convey, mortgage and encumber to any other person or persons all such lands, tenements, rents, annuities and other hereditaments which it now owns or may hereafter acquire for the uses and benefit of said association; but said land and real estate shall not be liable for any future debt or obligation of said association, unless the same shall have been contracted with the approval of said board of directors. Said board of directors shall be composed of ... members, each of whom shall be a member of one of the Protestant evangelical denominations, but not more than three shall be members of any one denomination, and the president of this association for the time shall be one of such directors. J. F. McCuisten, R. B. Glenn, C. J. Watkins, J. W. Hanes, J. L. Vaughan, R. D. Brown, J. E. Coles, T. J. Brown, F. B. Eñed, W. S. Clary, E. E. Gray, R. H. Jones, J. B. Whitaker, Jr., and W. J. Conrad, together with said president, are hereby created such board of directors, and whenever a vacancy shall occur by death or otherwise in said board of directors the same shall be filled by a majority vote of those remaining.
- President.** SEC. 4. That said association shall be able and capable in law, by and with the consent of the board of directors hereby created, to bargain, sell, grant, convey, mortgage and encumber to any other person or persons all such lands, tenements, rents, annuities and other hereditaments which it now owns or may hereafter acquire for the uses and benefit of said association; but said land and real estate shall not be liable for any future debt or obligation of said association, unless the same shall have been contracted with the approval of said board of directors. Said board of directors shall be composed of ... members, each of whom shall be a member of one of the Protestant evangelical denominations, but not more than three shall be members of any one denomination, and the president of this association for the time shall be one of such directors. J. F. McCuisten, R. B. Glenn, C. J. Watkins, J. W. Hanes, J. L. Vaughan, R. D. Brown, J. E. Coles, T. J. Brown, F. B. Eñed, W. S. Clary, E. E. Gray, R. H. Jones, J. B. Whitaker, Jr., and W. J. Conrad, together with said president, are hereby created such board of directors, and whenever a vacancy shall occur by death or otherwise in said board of directors the same shall be filled by a majority vote of those remaining.
- Board of directors.** SEC. 4. That said association shall be able and capable in law, by and with the consent of the board of directors hereby created, to bargain, sell, grant, convey, mortgage and encumber to any other person or persons all such lands, tenements, rents, annuities and other hereditaments which it now owns or may hereafter acquire for the uses and benefit of said association; but said land and real estate shall not be liable for any future debt or obligation of said association, unless the same shall have been contracted with the approval of said board of directors. Said board of directors shall be composed of ... members, each of whom shall be a member of one of the Protestant evangelical denominations, but not more than three shall be members of any one denomination, and the president of this association for the time shall be one of such directors. J. F. McCuisten, R. B. Glenn, C. J. Watkins, J. W. Hanes, J. L. Vaughan, R. D. Brown, J. E. Coles, T. J. Brown, F. B. Eñed, W. S. Clary, E. E. Gray, R. H. Jones, J. B. Whitaker, Jr., and W. J. Conrad, together with said president, are hereby created such board of directors, and whenever a vacancy shall occur by death or otherwise in said board of directors the same shall be filled by a majority vote of those remaining.
- Constitution, &c.** SEC. 5. That said association is hereby authorized and empowered to make, ordain and establish a constitution, by-laws, ordinances and regulations for the government of said association, its members and business affairs; they shall have power to elect in such manner as they may decide such persons as they may desire to be members of
- Members.** SEC. 5. That said association is hereby authorized and empowered to make, ordain and establish a constitution, by-laws, ordinances and regulations for the government of said association, its members and business affairs; they shall have power to elect in such manner as they may decide such persons as they may desire to be members of

said association and prescribe the requirements for membership; they may elect such officers as they deem necessary, prescribe their duties, compensation, term of office and service and the methods by which said officers shall be succeeded by others; and in general said corporation shall have power to make and adopt such by-laws, regulations and ordinances for the government of said association and the preservation of order and good morals therein and for the proper conduct and management of its members and officers and its business affairs as they may deem necessary and expedient and best calculated to carry out the objects of said association: *Provided*, the same be not repugnant to the constitution and laws of the state or of the United States.

Officers.

By-laws.

Proviso.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

#### CHAPTER 349.

An act to incorporate the Onslow Land and Improvement Company.

*The General Assembly of North Carolina do enact :*

SECTION 1. That R. W. Ward, S. B. Taylor, Thomas E. Gilman, L. L. Alexander, Natt Atkinson, E. Porter, W. W. Miller, W. T. Dortch, Bruce Williams, J. D. Bellamy, junior, Richard S. Daniels, B. L. Banks, E. B. Harget, Julian A. Mattock and Thomas McGwin, and their associates, successors and assigns, be and they are hereby created and constituted a body politic and corporate under the name and style of the "Onslow Land and Improvement Company," and shall be able and capable in law to have and use a common seal, and the same alter and renew at pleasure; to sue and be sued, to plead and be impleaded; and are hereby made capable and able in law to have, purchase, receive, take, hold, possess, enjoy, manage and retain to them and their successors lands, tenements, hereditaments, stocks, goods, chattels and effects of whatever kind, nature or quality, whether real, personal or mixed, by gift, grant, demise, bargain or sale, devise, bequest, testament, legacy, loan, deposit or advance, or by any other mode of transfer or conveyance whatsoever, and the same to give, grant, bargain, sell, devise, convey, assure, transfer, alien, pay, release and dispose of for the whole or any less estate or property than they have in the same, and also to improve and augment the same in such manner and form as the said company by its by-laws and regulations shall direct; and shall and may apply the rents, issues, incomes, interest and profits of such estate, and the

Incorporators.

Corporate name.

Corporate powers.

money arising from the sale, alienation, disposal or employment thereof to the use, ends and purposes of their creation, according to the rules, regulations and orders of the company, as fully and effectually as any natural person or body politic or corporation within this state can or may do or perform. The said company shall have power to make, ordain, establish and put in execution such by-laws, ordinances and regulations as shall to it hereafter seem meet or convenient for its government, not being contrary to the laws of this state; and to do and execute all and singular such acts, matters and things which to the said corporation shall or may appertain and be necessary for the purposes thereof.

Capital stock.

SEC. 2. The capital stock of said corporation shall be one hundred and fifty thousand dollars, which shall be divided into one thousand five hundred shares of one hundred dollars each, which said capital stock may be increased at any time by the vote of a majority of the stockholders to any sum not exceeding three hundred thousand dollars.

Books of subscription.

SEC. 3. That for the purpose of creating the capital stock of said company, the persons named in the first section of this act or any three of them may open books of subscription at such places and time as they may deem expedient, and under such rules as they may prescribe.

Organization.

SEC. 4. When the sum of seventy-five thousand dollars shall have been subscribed to the capital stock of said company in lands, money, bonds or personal property a general meeting of the stockholders shall be called by the persons opening the books of subscription after due notice of such general meeting; a majority of the stock subscribed being present, or represented either in person or by proxy, shall have power to appoint a board of seven directors and such other officers as they may desire, and to do and perform all other acts and things necessary for their organization as a company, and to carry into effect the objects of this charter and to continue its operations under the provisions thereof.

Non-liability of stockholders for corporate debts.

SEC. 5. The corporators and stockholders of said company and their successors and assigns shall not be individually or personally responsible for any of the debts, obligations, contracts or torts of the company, and the shares shall be forever non-assessable.

Place of business.

SEC. 6. The principal place of business of this corporation shall be at Jacksonville in Onslow county, North Carolina, with power for a majority of the board of directors to change the same or have other places of business in this state as the interest of the stockholders may require.

SEC. 7. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.



## CHAPTER 350.

## An act to charter The Bank of Maxton.

*The General Assembly of North Carolina do enact :*

SECTION 1. That J. C. McCaskill, J. W. Carter, A. J. McKimmon, R. W. Livermore, M. McRae, John Leach, J. F. L. Armfield and T. B. Pace, and their associates, successors and assigns, be and they are hereby created and constituted a body politic and corporate under the name, style and title of "The Bank of Maxton," and by that name shall have succession for sixty years and shall be able and capable in law to have and use a common seal and the same break, alter and renew at pleasure; to sue and be sued, to plead and be impleaded, and are hereby made able and capable in law to have, purchase, receive, take, hold and possess and enjoy and retain to them and their successors, land, rents, tenements and hereditaments, stock, goods, chattels and effects of whatever kind, nature or quality, whether real, personal or mixed, by grant, gift, demise, bargain and sale, devise, bequest, testament, legacy or loan, deposit or advance, or by any other mode of conveyance or transfer whatever, and the same to give, grant, bargain, sell, devise, convey, assure, transfer, alien, pay, release and dispose of for the whole or any less estate or property than they have in the same; and also to improve and augment the same in any manner and form as the said "Bank of Maxton" by its by-laws and regulations shall direct, and shall and may apply the rents, issues and incomes, interest and profits of such estate, and the moneys arising from the sale, alienation, disposal or employment thereof to the uses, ends and purposes of their creation and institution according to the rules, regulations and orders of the company as fully and effectually as any natural person or body politic or corporate within this state can or may do or perform. The said Bank of Maxton shall have power to make, ordain, establish and put in execution such by-laws, ordinances and regulations as shall to it hereafter seem meet or convenient for the government of such corporation, not being contrary to the constitution and the laws of this state or of the United States, and generally to do and execute all and singular such acts and 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 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,

Incorporators.

Corporate name.

Corporate existence.

Corporate powers.

Corporate powers.

or as may be agreed on by the parties; and for the use and loan of money may charge not exceeding eight per centum per annum, and may take and receive said interest at the time of making said loan or otherwise 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 state or any other state or the United States; and to take such real, personal or mixed property upon such terms, trusts and conditions for the security and payment of money loaned, advanced or expended as may be considered safe, expedient and beneficial; to elect such officers as they see fit and prescribe their duties, compensation and terms of service.

Corporate powers.

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

Corporate powers as trustee.

SEC. 4. That said bank shall also have power and authority to accept and execute trusts of any and every description which may be committed or transferred to them with their consent by any person or persons whomsoever, corporations, or by any court in this or any other state or territory or of the United States, and for its services as such said corporation shall receive such usual and customary fees, emoluments and charges as are allowed individuals in like capacities and like cases.

Deposits by 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 valuables whatever,

shall be and is hereby authorized and empowered to deposit the same generally or specially with said bank: *Provided*, that nothing in this section shall be construed to release executors, administrators, guardians, receivers or other trustees or public officers from all their liability under their official bonds. Proviso.

SEC. 6. That the capital stock of said bank shall be fifteen thousand dollars (\$15,000), which said capital stock may be increased from time to time by a majority of the stockholders to any sum not exceeding sixty thousand dollars (\$60,000). The corporators and stockholders of said corporation and their successors and assigns shall not be individually or personally liable or responsible for any of the debts, liabilities, obligations, engagements, contracts or torts of the bank, and the shares shall forever be unassessable. When five thousand dollars of the capital stock is subscribed, the corporators named herein or a majority of them or their assigns shall be deemed and held ready and capable to organize, which they shall do by electing a board of directors to consist of not less than seven nor more than fifteen, who shall serve for one year or until their successors are elected and qualified, unless it is otherwise provided in and by the by-laws adopted at said meeting, and these directors so chosen shall proceed to elect a president whose term shall expire at the expiration of the term of said directors, unless the by-laws otherwise provide; and said board of directors shall elect at such time as they see fit a first vice-president and a second vice-president, a secretary and a treasurer and such other officers as they think necessary, and increase or diminish the number of said officers at pleasure. And no person shall be elected director, president or vice-president unless he is a stockholder in said corporation, and the directors shall require of the secretary and treasurer and all subordinate officers such bonds and securities for the honest and faithful discharge of their duties as they may order, and may require such bonds of the president and vice-president if they see fit to do so. Capital stock.  
Non-liability of stockholders for corporate debts.  
Organization.  
Bonds of secretary, &c.

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

SEC. 8. Whenever any real estate or personal property upon which the bank may have a lien of any kind shall be exposed to sale under the authority of law, the president of the bank may purchase the same for and on the behalf of the bank, and such purchase, though Purchase of property on which bank has lien.

made at a sale by the bank as trustee, shall be valid and binding upon all parties having or claiming an interest therein.

Interest.

SEC. 9. That nothing in this act shall be construed so as to allow this bank to charge a greater rate of interest than is allowed by the laws of this state.

SEC. 10. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

### CHAPTER 351.

#### An act to incorporate the Yadkin Railway and Lumber Company.

*The General Assembly of North Carolina do enact:*

Incorporators.

SECTION 1. That Hugh Gwyn, J. M. Bernhart, S. F. Harper and such other persons as become associated with them as stockholders, and their successors, be and they are hereby declared to be a body politic and corporate under the name of the "Yadkin Railway and Lumber Company," and when organized as hereinafter provided said corporation may have and use a common seal, may contract and be contracted with, may sue and be sued, plead and be impleaded in all the courts of the state; by and under its corporate name shall be capable of acquiring, holding, leasing and conveying any property real, personal or mixed, and make and exercise such by-laws and regulations for its government as shall be deemed necessary and expedient, not inconsistent with the laws of the land.

Corporate name.

Corporate powers.

Authorized to build railroad.

SEC. 2. That said corporation is hereby empowered and authorized to build, construct, maintain and operate a railroad or any part thereof, with all necessary side tracks and turn-outs, of such gauge as may be determined upon by said corporation, to connect with the Richmond and Danville or other system of railroad at or near Lenoir, North Carolina, to Boone, North Carolina, with the privilege of building and operating a branch line to the Richmond and Danville Railroad near Wilkesboro, North Carolina, and other branch lines not to exceed twenty miles in length.

Location.

Branch line.

Corporate powers.

SEC. 3. That said corporation shall have the power to transact and carry on a general business in manufacturing and dealing in all kinds of lumber and timber and all articles made of wood; to mine and mill all kinds of ores and minerals and dispose of the same; to erect, construct, maintain, run and lease mills, factories, shops, stores, houses, buildings and machinery of all kinds; to purchase and sell general merchandise; to construct, operate and maintain such railways, tramways, roadways and waterways as may be necessary to

the conduct of said business, and to do whatsoever else may be incident to the business mentioned in sections two, three and four of this act, and to carry freights and passengers.

SEC. 4. That said corporation shall have the right to use the Yadkin river and its tributaries in Caldwell county and Elk creek as a means of transportation and of maintaining booms and dams, except that part of Buffalo creek from the Green Rock above Patterson Mill to the mouth of said creek; and when they shall have expended one thousand dollars in improving the floating capacity of any one of said streams and in constructing a boom they shall have the right to charge such boomage or toll as may be fixed by the officers of said company for such logs and lumber as may be floated on the stream or streams thus improved and caught in the booms: *Provided*, that the charge for boomage shall in no case exceed two dollars per thousand feet: *Provided further*, that the work of improvement shall be commenced on said streams within two years from ratification of this act.

Authorized to use Yadkin river, &c., for transportation purposes, &c.

Proviso.

SEC. 5. That the capital stock of said company shall not exceed one million dollars in shares of one hundred dollars each. Said stock may be subscribed to be paid for in money, lands, labor, material, stock, securities, bonds, or in any other way agreed upon by the subscribers and said company, and may be made by cities, townships, counties, corporations and individuals.

Capital stock. Subscriptions, how made.

SEC. 6. That the aforementioned corporators, or a majority of them, or their successors or assigns, shall cause books of subscription to the capital stock of said company to be opened at such time and place as they may deem fit; within six months after the date of the ratification of this act, and after the sum of twenty thousand dollars has been subscribed to the capital stock of said company and five per centum thereof paid in, said corporators shall have power to call said subscribers together for the purpose of completing the organization of said company.

Books of subscription.

Organization.

SEC. 7. That said stockholders shall hold a meeting to organize the said company, at which meeting they shall elect seven or more directors, who shall hold office for one year and until their successors shall be elected. In all stockholders meetings it shall be necessary that a majority of the stock be represented in person or by proxy. That said corporation shall have the power to make such by-laws for their government as they may deem proper. The board of directors shall elect one of their number president of said company, and shall elect such other officers as may be provided for in their by-laws, and shall fill all vacancies.

Directors.

Quorum of stockholders.

By-laws.

Officers.

SEC. 8. That said corporation shall have the right to take by donation and hold lands for its right-of-way, depots, grounds, station-houses, tramways and cartways.

Donations.

SEC. 9. That said company shall have the right to mortgage said road or any part of the same, and to issue mortgage bonds upon the

May issue mortgage bonds.

same, and to borrow money for the purpose of constructing and operating said railroad or any of its branches, and for other purposes connected with the business of said company.

Corporate existence. SEC. 10. That said company, when organized in accordance with this chapter, shall for a period of fifty years have all the rights, privileges and powers which appertain to it as a corporation under the laws of North Carolina.

Place of business. SEC. 11. The principal place of business of this company shall be in Caldwell county.

SEC. 12. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

#### CHAPTER 352.

#### An act to incorporate "The Keystone Mining and Manufacturing Company."

*The General Assembly of North Carolina do enact :*

Incorporators. SECTION 1. That Edmond W. Lyon, of Davidson county, North Carolina, and H. D. Gamble and W. Dewees Ward, of Pittsborough, Pennsylvania, and their associates, successors and assigns, are hereby created a body corporate under the name and style of "The Keystone Mining and Manufacturing Company," for the purpose of conducting in any or all of its branches the business of mining, smelting, manufacturing and developing and improving lands and water-powers, and to that end the said company is hereby vested with all the rights, powers, privileges and franchises conferred by the general assembly of this state in an act to incorporate "The Yadkin Mining, Smelting, Manufacturing and Land Improvement Company," ratified the ninth day of March, anno Domini, one thousand eight hundred and ninety-one (1891).

Corporate name.

Corporate powers.

Capital stock. SEC. 2. The capital stock of said company shall be one million dollars, with power to increase the same from time to time, and shall be divided into such number of shares and of such value as may be deemed expedient: *Provided nevertheless*, that all stock issued shall be full paid and free from assessment, and no shareholder shall be personally or individually liable for any of the acts of said company.

Proviso.

Non-liability of stockholders.

Officers. The said company may choose its own officers, whose term of office shall be one year. The principal office of the company shall be at Raleigh, North Carolina, but branch offices may be established elsewhere.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

## CHAPTER 353.

An act to enable the Methodist church in Edenton, North Carolina, to borrow money.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the trustees of the Methodist Episcopal Church (South) at Edenton, North Carolina, are authorized to borrow money for the purpose of building and furnishing a new church building in said town in such amount and on such terms as they see fit. Trustees may borrow money.

SEC. 2. That to secure the same the said trustees, or a majority of them, may convey by mortgage or deed of trust any or all of the property of said church. Mortgage.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

## CHAPTER 354.

An act to amend the charter of the town of Shelby.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section forty of the laws of eighteen hundred and seventy-four and eighteen hundred and seventy-five be amended as follows. Add after the last word in said section the following: "That out of the funds arising from any license tax on bar-rooms in the town of Shelby the sum of seven hundred and fifty dollars shall be applied to the maintenance of the white and colored graded schools in said town: *Provided*, only one such license for a bar-room shall be issued; but if two or more licenses for bar-rooms in said town shall be issued, then the sum of eleven hundred dollars arising from such funds shall be applied to the maintenance of said schools: *Provided*, that the balance of said funds, or if the said graded schools shall no longer be kept up then the whole of said funds, shall be applied to such public uses of said town of Shelby as the commissioners of said town may direct." Chapter 57, private laws 1874-'75, amended. Liquor license taxes applied to support of school.

SEC. 2. This act to be in full force and effect from day of ratification. Proviso.

Ratified the 6th day of March, A. D. 1893. Proviso.

## CHAPTER 355.

## An act to incorporate Marble Spring Lodge, number [439], A., F. and A. M., in Cherokee county.

*The General Assembly of North Carolina do enact :*

- Incorporators. SECTION 1. That G. A. Kincade, A. B. Smith, D. S. Pruitt, J. A. Kinsey, Z. T. Barton, A. C. Barton, and J. L. Bettis, their associates and successors, be and they are hereby created a body politic under the name and style of "Marble Springs Lodge, number [439], Free and Accepted Masons," at Marble Spring, Cherokee county, for the purpose of purchasing and holding property, and for the transaction of business connected with said lodge and fraternity, and as such shall have all the rights and immunities of trustees of similar institutions; that the said incorporators herein named may plead and be impleaded, sue and be sued in any of the courts of the state.
- Corporate name. SEC. 2. That said incorporators shall be entitled to all the rights and privileges conferred upon corporations under chapter sixty-two, volume two of The Code of North Carolina.
- Corporate powers. SEC. 3. That the corporate limits of and boundaries of said incorporation shall extend a distance of one mile in every direction from the hall of said lodge.
- Corporate powers. SEC. 4. That it shall be unlawful for any person to sell in any way spirituous liquors within the corporate limits of said lodge, and that any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction may be fined not less than five nor more than fifty dollars, and imprisoned not less than five nor more than thirty days.
- Corporate limits. SEC. 5. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.
- Misdemeanor to sell spirituous liquor within one mile.

## CHAPTER 356.

## An act to amend chapter three hundred and one of the laws of the year eighteen hundred and ninety-one.

*The General Assembly of North Carolina do enact :*

- Chapter 301, laws 1891 (amending charter of Greensboro, Roxboro & Eastern R. R. Co.) amended. SECTION 1. That section four of chapter three hundred and one of the laws of the year eighteen hundred and ninety-one be amended by adding thereto the following: "And the said company is also empowered to build, equip and operate branch roads from any point on



its main line east of Greensboro to any point it may select on the Branch roads.  
 boundary line of Virginia, South Carolina, Georgia or Tennessee:  
*Provided, however,* that nothing in this section shall operate to con- Proviso.  
 fer upon said company the power to build lines of road parallel to any  
 railroad in which the state of North Carolina owns stock."

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

Ratified the 6th day of March, A. D. 1893.

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CHAPTER 357.

An act to incorporate Mount Pleasant Lodge, number one hundred  
 and fifty-seven, of Ancient, Free and Accepted Masons.

*The General Assembly of North Carolina do enact :*

SECTION 1. That G. C. Bledsoe, E. G. Penny and E. P. Hester and Incorporators.  
 others, officers and members of Mount Pleasant Lodge, number one  
 hundred and fifty-seven, Ancient, Free and Accepted Masons, located  
 in the county of Wake, in the state of North Carolina, be and they  
 are hereby incorporated into a body politic and corporate under the  
 name and title of "Mount Pleasant Lodge, number one hundred and Corporate name.  
 fifty-seven, Ancient, Free and Accepted Masons."

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

SEC. 3. That the said corporation shall have power to pass all nec- By-laws.  
 essary by-laws and regulations for its own government which may  
 not be inconsistent with the constitution and laws of this state or the  
 United States.

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

Ratified the 6th day of March, A. D. 1893.

## CHAPTER 358.

An act to repeal chapter one hundred and thirty-two, laws of eighteen hundred and seventy-three and eighteen hundred and seventy-four, ratified February sixteenth, eighteen hundred and seventy-four, incorporating the town of Vandemere.

*The General Assembly of North Carolina do enact :*

Chapter 132, private laws 1873-'74, repealed.

SECTION 1. That chapter one hundred and thirty-two of the laws of eighteen hundred and seventy-three and eighteen hundred and seventy-four, ratified February sixteenth, eighteen hundred and seventy-four, incorporating the town of Vandemere, be repealed.

Streets made public roads.

SEC. 2. That the streets of said town are hereby made public roads subject to the general laws and to be attached by the supervisors of public roads to the roads to which these streets most conveniently belong.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

## CHAPTER 359.

An act to incorporate Greensboro Ice and Coal Company.

*The General Assembly of North Carolina do enact :*

Incorporators.

SECTION 1. That William A. French, George R. French, William E. North, Brazillia G. North, their associates, successors and assigns, are hereby created a body politic and corporate under the name of "The Greensborough Ice and Coal Company," and as such they shall have a corporate existence for ninety-nine years; be capable in their corporate name to sue and be sued; to elect in such manner as they shall determine to be proper all necessary officers, and to fix their compensation and define their duties and obligations; and to make by-laws and regulations consistent with the laws of the state for their own government, and for the due and orderly conducting of their affairs and the management of their property.

Corporate name and existence.

Corporate powers.

Place of business.

SEC. 2. That said corporation shall have their principal place of business in the city of Wilmington in this state and such other places in this state as the board of directors may from time to time decide upon, and shall have power to manufacture and sell ice; to purchase and sell coal and other fuel, to deal in all kinds of grain, seeds, pro-

Corporate powers.

visions, fresh and cured meats, and other kindred products; to acquire and hold real estate for the purposes of their business and convey the same.

SEC. 3. That the said company shall have the right to borrow money, to make, dispose of and negotiate its promissory notes, drafts or bonds, and to mortgage its property, franchises and effects to secure their payment.

May borrow money on mortgage.

SEC. 4. That the said company shall have the right to lease its property and franchises to any person or corporation, and may acquire the property and franchises of or an interest in any other corporation by purchase, lease, subscription to or purchases of its capital stock or otherwise.

May lease property, &c.

SEC. 5. The capital stock of said corporation shall be twenty thousand dollars, with the privilege of increasing the same from time to time to any sum not exceeding two hundred and fifty thousand dollars, to be divided in shares of one hundred dollars each.

Capital stock.

SEC. 6. The stockholders of said corporation shall not be individually liable for the debts of the corporation.

Non-liability of stockholders for corporate debts.

SEC. 7. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

## CHAPTER 360.

### An act to incorporate the Trustees of the Sylvanus Erwin Normal Institution.

*The General Assembly of North Carolina do enact :*

SECTION 1. That J. A. Anthony, J. A. Blake, F. M. Miller, M. C. Beam, W. A. Goode, S. S. Mauney, L. W. Hoyle, junior, D. Hoyle Elliott, J. N. London, J. T. Gardner, Charles P. Goode, Andrew Putnam and S. L. Dellinger, and their successors, be and they are hereby declared to be a body politic and corporate to be known by the name of the "Trustees of the Sylvanus Erwin Normal Institute," and by that name shall have succession and continuance for the term of ninety and nine years.

Incorporators.

Corporate name.  
Corporate existence.

SEC. 2. That said corporation may have and use a common seal; may sue and be sued, plead and be impleaded; may take by gift or otherwise, lease, hold, sell and convey real and personal property, not to exceed one hundred thousand dollars; may make by-laws, may elect members to fill vacancies; may elect officers of the corporation, and do all other acts necessary for the support, control and good government beneficial to the said institution of learning.

Corporate powers.

Faculty may confer diplomas, &c.

SEC. 3. That the faculty of said school, together with the trustees, may confer such diplomas and marks of literary distinction as in their opinion may promote the object of the corporation.

Manufacture, &c. of liquors, prohibited within two miles.

SEC. 4. That the manufacture and sale of all spirituous, vinous and malt liquors shall be prohibited within two miles of said institution.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

### CHAPTER 361.

**An act to amend and re-enact chapter one hundred and fifty-four, laws of eighteen hundred and eighty-three, and subsequent amendments thereto, and amend chapter four hundred and sixty-seven, laws of eighteen hundred and eighty-nine.**

Preamble.

WHEREAS, Chapter one hundred and fifty-four, laws of eighteen hundred and eighty-three, as amended by chapter four hundred and sixty-seven, laws of eighteen hundred and eighty-nine, and chapter two hundred and thirty-four, laws of eighteen hundred and ninety-one, authorize its incorporators to locate, survey and build a railroad from Thomasville to Hamlet or Wadesboro, North Carolina, and to be known as "The Thomasville, Silver Valley and Pee Dee Railroad Company"; and whereas, the said company was duly organized and have completed preliminary surveys of the said route; now therefore,

*The General Assembly of North Carolina do enact :*

Chapter 154, laws 1883, amended.

SECTION 1. That section one of chapter one hundred and fifty-four, laws of eighteen hundred and eighty-three be amended by inserting the word "and" after the word "Valley" in line four.

Name.

Chapter 467, laws 1889, amended.

SEC. 2. That chapter four hundred sixty-seven, section one, laws of eighteen hundred and eighty-nine, be amended as follows: After the word "also" in line twenty-three add "to Winston," and after the word "county" in same section and line insert "or through the counties of Surry, Stokes, Guilford, Randolph, Montgomery, Richmond, Stanly, Anson or Union, or any other counties, that will enable the said corporation to extend their line northward to the Virginia state line, southward to the South Carolina state line."

Location of road.

Authorized to build telegraph lines.

SEC. 3. That this company shall have the authority to build, equip and operate in its corporate name one or more telegraph lines and to exercise and enjoy all the rights, powers and privileges in respect thereto and in the operation thereof conferred upon corporations

generally under the laws of North Carolina, and expressly such as are conferred by the sections of the forty-ninth chapter of The Code of North Carolina relating to telegraph companies. Corporate powers.

SEC. 4. That chapter one hundred and fifty-four, laws of eighteen hundred and eighty-three, chapter four hundred and sixty-seven, laws of eighteen hundred and eighty-nine, and chapter two hundred and thirty-four, laws of eighteen hundred and ninety-one, be and the same are hereby re-enacted. Chapter 154, laws 1883, and chapter 467, laws 1889, re-enacted.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

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CHAPTER 362.

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

*The General Assembly of North Carolina do enact :*

SECTION 1. That section seven of chapter one hundred and thirteen, private laws of eighteen hundred and eighty-nine, be amended by striking out in line five the words "two years" and insert in lieu thereof the words "one year." Chapter 113, private laws 1889 (amending charter of town of Newton) amended.

SEC. 2. That hereafter the election for mayor, commissioners and town constable for the town of Newton shall be held annually on the first Monday in May as now provided by law. Term of office of mayor and commissioners one year. Annual elections.

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

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

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CHAPTER 363.

An act to incorporate the town of Advance in Davie county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the town of Advance in the county of Davie be and the same is hereby incorporated by the name and style of "The Town of Advance," and shall be subject to all the provisions of chapter sixty-two, volume two (2) of The Code. Incorporated. Corporate name.

- Corporate limits. SEC. 2. That the corporate limits of said town shall be as follows: Beginning at John B. Shutts' dwelling-house; thence east to Jacob Shutts' dwelling-house; thence northeast to Smithdeal's saw-mill; thence north to Piney Grove Church (colored) on public road leading to W. A. Bailey's ferry; thence northwest to spring on E. E. Vogler's lot; thence to the seventeen-mile-post on railroad; thence southwest to U. H. Orrell's dwelling-house; thence southwest to D. H. Williams' dwelling-house; thence south to Henry Orrell's; thence southeast to the beginning at John B. Shutts' dwelling-house. All the above-named dwellings to be included in the corporate limits of said town.
- Officers. SEC. 3. That the officers of said corporation shall consist of a mayor and three commissioners and one constable, and the following-named persons shall fill said offices until the first Monday in May, one thousand eight hundred and ninety-three, or until their successors are elected and qualified, viz.: A. C. Wood, mayor; J. W. Jones, G. H. Lippard and G. H. C. Shutt, commissioners; and F. F. Poindexter, constable.
- Temporary officers.
- Election. SEC. 4. That there shall be an election for officers mentioned in this act on the first Monday in May, one thousand eight hundred and ninety-three, and annually thereafter, as is required by the general laws regulating elections in cities and towns in North Carolina.
- Duty of officers to qualify. SEC. 5. That it shall be the duty of the persons appointed to office by this act to meet and take the oath prescribed by law for such officers before some justice of the peace of said county or other person qualified to administer an oath within thirty days from the passage of this act and enter upon the discharge of their respective duties; and the constable, before entering into his office, shall be required to execute a bond in the sum of two hundred dollars, to be approved by the commissioners.
- Bond of constable. SEC. 6. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

#### CHAPTER 364.

#### An act to confirm and enlarge the powers of The Wilmington Lumber Company.

*The General Assembly of North Carolina do enact :*

Charter obtained before clerk validated.

SECTION 1. That the plan or act of incorporation made and granted before and by the clerk of the superior court of New Hanover county on the nineteenth day of November, eighteen hundred and ninety-two, chartering The Wilmington Lumber Company is hereby confirmed, except in the manner hereinafter amended, to-wit: That said

corporation is hereby invested with power to take by gift, grant, devise, or otherwise, and to have and hold in fee simple or for a term of years any real or personal estate situate in the state of North Carolina; and the said corporation is hereby fully authorized to purchase and hold in fee simple any number of acres of land not exceeding in value at the time of purchase one hundred thousand dollars, which value is hereby fixed at the amount paid for said land by this corporation.

Additional corporate powers.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

#### CHAPTER 365.

An act to amend the act of the general assembly of North Carolina, passed at its session in eighteen hundred and eighty-nine, chapter two hundred and seventy-two, granting powers and franchises to the Suffolk and Carolina Railway Company.

WHEREAS, By an act of the general assembly of this state, entitled "An act to grant certain additional powers to the Suffolk and Carolina Railroad Company, and to effect its consolidation with the Edenton and Norfolk Railway company, and to increase its capital stock," said Suffolk and Carolina Railway Company was authorized to construct its line of railway southward from Edenton, and it is now desired to have the further power to construct said line of railway from Montrose, on the Chowan river, southward; therefore,

Preamble.

*The General Assembly of North Carolina do enact :*

SECTION 1. The said Suffolk and Carolina Railway Company is further authorized to construct and operate a line or lines of railway from a point at or near Montrose on the Chowan river southward via Windsor in Bertie county to or towards any point on the south boundary line of this state, and to lease or consolidate with any other railway, now or hereafter to be constructed and operated by virtue of a charter under the laws of this state, which may connect or interchange traffic with said Suffolk and Carolina Railway Company in the general line of its proposed route, whether said connection be on land or maintained by the assistance and operation of steamboats or other vessels upon the water.

Authorized to build railroad.

Termini.

Lease, &c., consolidation.

SEC. 2. That said Suffolk and Carolina Railway Company may build its railroad by such route as may be deemed most advantageous and expedient, and shall have the right to cross any navigable stream

Route.

Crossing streams.

Proviso.

on its route: *Provided*, and subject, however, to the laws of the United States and the laws of the state of North Carolina governing the navigation of the navigable streams of this state.

Election in townships in Bertie county on question of subscription.

SEC. 3. That upon the presentation to the board of commissioners of Bertie county of a petition in writing, signed by at least one-fourth of the freeholders of any township in said county of Bertie in the state of North Carolina, requesting said commissioners to submit to the qualified voters of such township or townships in said Bertie county, where said petitioners may reside, a proposition to subscribe a definite sum, named in said petition, to the capital stock of said Suffolk and Carolina Railway Company, the board of commissioners, within thirty days, shall order an election to be held at the polling places of said township or townships, after legal advertisement, and submit to the qualified voters thereof the question of subscribing to the capital stock of said railway company the amount specified in said petition; at which election those in favor of said subscription shall vote "For subscription," and those opposed thereto shall vote "Against subscription;" and the election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as are provided for the election of county officers by the general election laws of North Carolina.

Ballots.

Election, how held.

County commissioners to issue township bonds.

SEC. 4. That to provide for the payment of said subscription or subscriptions, the board of commissioners of Bertie county wherein is located any township voting for subscription shall issue coupon bonds to the amount of the subscription so authorized, and the bonds shall upon their face indicate on account of what township they are issued, and said bonds shall be in denominations of not less than one hundred dollars and not more than one thousand dollars each, and shall run for fifteen years and bear interest at the rate of five per centum per annum, payable semi-annually at some suitable depository designated by the board of commissioners of Bertie county.

Special tax to pay interest on bonds.

SEC. 5. That the authorities of the county of Bertie legally empowered to levy taxes in the township or townships voting for said subscription for the payment of which bonds have been issued as provided for in this act, shall in addition with the other taxes levied upon such township or townships in whose behalf said bonds were issued annually compute and levy at the time of levying other taxes a sufficient tax upon the property and polls of said township or townships to regularly and promptly pay the interest on the bonds of such townships issued in behalf of said subscription; and at the same time said authorities shall compute and levy a tax on the property and polls of such townships equal to one-fifteenth of said bonds for a sinking fund to provide for the retiring of said bonds at maturity, and the taxes levied as above shall be annually collected as other taxes are collected, and paid over by the sheriff or other authorized collecting officer to the county treasurer of Bertie county; and the taxes levied for these

Special tax for sinking fund.

Collection of taxes. Payable to treasurer.



purposes shall be kept distinct from all other taxes and shall be used only for the purpose for which it was levied and collected, and said taxes shall be accounted for as other special taxes, and the board of commissioners may require such bond as may be necessary from the county treasurer for the safe keeping and proper disbursement of said taxes. The sinking fund shall be used yearly in purchasing the identical bonds to pay the principal for which it was levied and collected, if possible, but if it is impracticable to annually invest said sinking fund in the purchase of said bonds for the payment of which it was created, the same shall be invested as may be directed by the board of commissioners of Bertie county; and the taxes for the sinking fund for the payment of the principal of said bonds shall be levied and collected no longer than is necessary to create a fund sufficient to pay off the principal of the said bonds.

To be kept separate, &c.

Bond of treasurer.

Sinking fund, how used, &c.

When collection of taxes for sinking fund to cease.

SEC. 6. When any township shall subscribe its bonds to the capital stock of said railway company, the county taxes which shall be levied and collected upon the property and franchise of said railway company in said township shall be applied in payment of the interest on said bonds to the amount of said interest as long as the same shall accrue, and the excess of said taxes, if any, shall be applied to general county purposes; that when the said interest shall cease to accrue by reason of the payment of the said bonds then said taxes shall be applied to general county purposes.

Taxes on corporate property in township to be applied to payment of interest on township bonds.

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

Ratified the 6th day of March, A. D. 1893.

## CHAPTER 366.

An act to amend the charter of the town of Lumberton, North Carolina, private laws one thousand eight hundred and eighty-three, chapter eighty-nine.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter eighty-nine, private laws of one thousand eight hundred and eighty-three, be and the same is hereby amended by adding the following: "That the town of Lumberton is hereby authorized and empowered to create a debt for public improvements, grading and paving streets and sidewalks, water-works, fire-engines, lighting the streets and buildings, purchasing land for a cemetery, and the erection of necessary buildings and improvements thereon, and other public improvements, to an amount not exceeding ten thousand dollars, and may issue bonds to that amount for any and

Chapter 89, private laws 1883, amended.

Authorized to create bonded debt for public improvements not exceeding \$10,000.

all of said purposes in the name of the "Town of Lumberton," in such denomination and form and payable [at] such place and time, not exceeding twenty 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.

Election on question of issuing bonds.

SEC. 2. That no bonds for any of the aforesaid purposes shall be issued until approved by a majority of the qualified voters of said town, after thirty days notice at the court-house door, at an election to be held under the same rules and regulations as are now provided by the charter for elections in said town; such notice shall set forth the object for which bonds are to be issued, the amount of the same, the rate of interest, the time when they mature, and the rate of tax to be levied to pay the principal and interest on the bonds. The qualified voters approving the issue of such bonds and the levy and collection of the taxes to pay the same shall deposit in a ballot-box a written or printed ballot with the word "Approved" thereon; and those disapproving the same shall deposit a like ballot with the word "Disapproved" thereon. If at such election a majority of such voters shall vote "Approved," then the mayor and board of commissioners of the said town shall issue the bonds provided for in such notice, and shall levy and cause to be collected the taxes therein named and authorized by this act. At such election, upon the proper notice being given as above set out, the question of issuing bonds for more than one purpose within the meaning of this act may be voted on in separate boxes, under the same rules and regulations as above set out; but in such a case the ballot 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 two-thirds of the qualified voters of said town, be presented to the mayor and commissioners thereof, setting forth the matters above required in the notice of election.

Notice.

Ballots.

Bonds to be issued on majority vote.

Special tax.

Separate boxes for vote on issuing bonds for several purposes.

Ballots.

Proviso.

Bonds, how executed.

Not to be sold for less than par.

Special tax.

SEC. 3. That said bonds shall be issued under the signature of the mayor of 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.

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-two of chapter eighty-nine, private laws of eighteen hundred and eighty-three, which taxes so

collected shall at all times be kept separate and distinct and used only for the purpose above set forth: *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 insure 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 sixty-six and two-third cents on every hundred dollars valuation and a poll-tax not exceeding two dollars with which to pay both the ordinary expenses of said town and the special taxes herein provided for.

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 and 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.

SEC. 6. That the clerk and treasurer of said town shall keep a record in which shall be entered 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 taxpayer of said town.

SEC. 7. That in the event the said town should purchase lands for a cemetery, either within or without the corporate limits thereof, the commissioners thereof shall have power to pass all such rules and regulations as they may deem necessary for the proper government thereof, and it shall be a misdemeanor, punishable as in the charter of said town provided, to violate the provisions of any ordinance relating thereto.

SEC. 8. That no person shall have the right in any proceeding before the mayor of said town to remove the same to any other court for trial, as provided for removal of causes from one justice of the peace to another in section nine hundred and seven of The Code, but in all

Investment of surplus.

Bond of clerk and treasurer.

Rate of taxation.

Exemption from town taxation.

Coupons receivable for town taxes.

When interest to cease.

Clerk and treasurer to keep record, &amp;c.

Rules, &amp;c., concerning cemetery.

Misdemeanor.

Causes before mayor not removable.

Right of appeal. cases parties shall have the right of appeal to the superior court of Robeson county.

Commissioners to survey and mark location of land conveyed by John Willis, lots, public squares, streets, &c.

SEC. 9. That the mayor and board of commissioners of said town are hereby authorized to appoint a commission, consisting of three persons, two of whom shall be practical surveyors, for the purpose of locating, identifying and substantially marking the original corners and lines of the tract of land conveyed by John Willis to William Tatham, Henry Lightfoot, Jacob Rhodes, Elias Barnes and Sampson Bridgers by deed dated August the fourteenth, seventeen hundred and eighty-seven, and recorded in the office of the register of deeds of Robeson county, North Carolina, in book A, page sixty, and for the further purpose of locating and making the corners of the lots and public square and the lines of the streets laid out on said tract of land according to a map thereof dated May the fifth, seventeen hundred and eighty seven, and signed by Jacob Rhodes, which is the original and official map of the town of Lumberton, as will fully appear by reference to the proceedings of the court of pleas and quarter sessions of Robeson county, North Carolina, under date of May the fifth, seventeen hundred and eighty-seven, and August the sixteenth, seventeen hundred and eighty-seven.

Duties of commission.

SEC. 10. That it shall be the duty of said commission to make a survey of said tract of land conveyed by Willis to William Tatham and others as aforesaid, and of the lots, streets and public square laid down on said map, and to substantially mark all the original corners and lines of said tract of land, and to locate and mark the corners of the lots and public square, and the lines of the streets as laid down on said map; and to make an accurate map of their survey, including on said map the lots, streets, public square and other memoranda which appears on the aforesaid map; and when completed to file the same under their signature, with the mayor and board of commissioners of the town of Lumberton at a regular meeting thereof.

Duty of mayor and commissioners.

That it shall be the duty of said mayor and board of commissioners to carefully examine the said map so filed with them, and if the same be approved by them to endorse their approval thereof on the face of said map under their signature, and to cause the town clerk and treasurer of said town to attest the same and attach thereto the official seal of said town. It shall thereupon be the duty of the said clerk and treasurer to copy said map and all that appears thereon in a book to be provided for that purpose; and said map and the said

Duty of clerk and treasurer.

book shall thereafter be in the custody of the said clerk and treasurer. That the map so filed and approved shall be by the town clerk and treasurer of said town produced before the clerk of the superior court of Robeson county, and he upon acknowledgment of the said commission of their signatures to said map or upon due proof thereof shall order the same to be recorded in the office of the register of deeds of Robeson county. That said map, together with the probate

Registration of map.

and other matters appearing thereon, shall thereupon be by said register of deeds copied in the book for the registration of deeds and his certificate of registration recorded on the back of said map.

SEC. 11. That the said map and the recorded copies thereof as herein provided shall thereafter be the official map of the part of the town of Lumberton covered thereby; and the said map and the records thereof, and the lines, corners and boundaries established and marked by the said commission shall thereafter in all matters or disputes concerning the same be received in all courts as *prima facie* evidence of the true location of the original corners and lines of said tract of land conveyed by John Willis to William Tatham and others, and of the true location of the original and present corners and lines of the lots and public square and the lines of the streets laid down on the original map of said town, dated May the fifth, seventeen hundred and eighty-seven, and signed by Jacob Rhodes.

Map, &c., to be *prima facie* evidence, &c.

SEC. 12. That said mayor and commissioners are further authorized to employ the same commissioner to survey and make a map of all other lots and streets not on the first-named map but which are now in the corporate limits of said town. And the said survey and map shall likewise be subject to all the provisions of sections nine, ten and eleven above, and in all respects received, taken and acted upon as is provided for the other survey and map to be by said commission made and filed, except that it shall not be received as *prima facie* evidence of any matter relating to the part of Lumberton not covered by the map dated May the fifth, seventeen hundred and eighty-seven, and signed by Jacob Rhodes: *Provided*, that should such a survey and map as in this section provided for be ordered, then the whole map shall be made together and so recorded in the records of said town and in the office of the register of deeds of Robeson county, North Carolina.

Commission to survey, &c., other lots, &c.

Map subject to former provisions.

Exception.

Proviso.

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

Ratified the 6th day of March, A. D. 1893.

## CHAPTER 367.

An act to amend the charter of the town of Edenton.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the limits of the town of Edenton be extended so as to include the land beginning at the intersection of Freemason street and Lisle's branch; thence up said Lisle's branch to the bridge in the Virginia road; thence east along the Virginia road to M. Makely's line; thence south along Makely's line to the southern bound-

Corporate limits extended.

dary of said Makely's land; thence east along said Makely's line to the point of intersection between this and an extended line of the eastern boundary of the town of Edenton.

Territory assigned to certain wards.

SEC. 2. That all the territory included within the boundaries mentioned in section one of this act west of Broad street, not included in first (1) and third (3) wards of said town, shall be included in and become a part of the fifth (5) ward of said town, and that the territory within the boundaries mentioned in section one thereof east of Broad street not included in second (2) and fourth (4) wards shall be included in and become a part of the fifth (5) ward of said town of Edenton.

Chapter 82, private laws 1891, amended.

Councilmen to elect treasurer.

SEC. 3. That after the word "mayor" in line nine and before the word "from" in line ten of section three of chapter eighty-two, private laws of one thousand eight hundred and ninety-one, the words "and treasurer" be inserted.

Conflicting laws repealed.

SEC. 4. That all laws in conflict with this act are hereby repealed.

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

Ratified the 6th day of March, A. D. 1893.

## CHAPTER 368.

An act to consolidate and revise the charter of the town of Elkin.

*The General Assembly of North Carolina do enact :*

Incorporated.

SECTION 1. That the inhabitants of the town of Elkin shall be and continue as they heretofore have been a body politic and corporate. And in the name of the board of commissioners of Elkin shall have the right to contract and be contracted with, to sue and be sued, to plead and be impleaded, to purchase and to hold and convey real or personal property.

Corporate name and powers.

Corporate limits.

SEC. 2. That the corporate limits of the town of Elkin shall be as follows: Beginning at a point on the Yadkin river where A. Chatham's and W. R. Bryan's lands join, running with their original line a little west of north to W. R. Bryan's northwest corner in A. Chatham's line; thence in a west direction passing north of T. L. Gwyn's residence, crossing the creek at the bridge above J. W. Motsinger's to the Elk Spear road so as to include William Gilliam; thence with said road to E. W. Gwyn's line; thence with E. W. Gwyn's line to the Yadkin river; thence down said river to the beginning, being about one mile square.

SEC. 3. That there shall annually on the first Monday in May in each year be elected a mayor and five commissioners, who shall hold office until their successors are qualified; all to be elected by the qualified voters of the town. Election of mayor and commissioners.

SEC. 4. That any qualified elector in this state shall be eligible as mayor or commissioners: *Provided*, he shall have resided in the corporation twelve months next preceding the day of election. Who eligible as mayor and commissioners.

SEC. 5. That all persons entitled to a vote in the county of Surry for members of the general assembly and who shall have been *bona fide* residents of the town of Elkin ninety days next preceding the election, shall be entitled to vote for mayor and commissioners or at any election held therein for municipal purposes. Electors.

SEC. 6. That the mayor, immediately after the election and before entering upon the duties of his office, shall, before a justice of the peace, take the following oath: "I, A. B., do solemnly swear (or affirm) that I will diligently endeavor to perform faithfully and truly, according to my best skill and ability, all of the duties of the office of mayor of the town of Elkin while I continue therein, and will cause to be executed, as far as in my power, all the laws, ordinances and regulations made for the government of the town, and in discharge of my duties I will do equal justice in all cases whatsoever." Oath of mayor.

SEC. 7. That each commissioner, before entering upon the duties of his office, shall take before the mayor or some justice of the peace an oath that he will truly and impartially perform the duties of a commissioner for the town, according to the best of his skill, ability and judgment. Oath of commissioner.

SEC. 8. That the board of commissioners shall have authority to fill any vacancy in the board that may occur during their term of office, and also appoint all officers which they may deem necessary for the efficient administration of the regulations, ordinances and by-laws of the town, and shall prescribe terms of office. The board of commissioners shall be further authorized to appoint one of their number a mayor *pro tempore* to act as mayor in case of absence of the mayor or his inability to perform the duties of his office. Powers of board of commissioners. Mayor *pro tem*.

SEC. 9. That the mayor of said town is hereby constituted an inferior court, and as such shall within the corporate limits of the town have all the power, jurisdiction and authority of a justice of the peace to preserve and keep the peace, to issue process, to hear and determine all causes of action which may arise upon the ordinances and regulations of the town to enforce penalties by issuing execution upon any adjudged violation thereof and to execute the by-laws, rules and regulations made by the commissioners. The mayor shall further be a special court within the corporate limits of the town to arrest and try all persons who are charged with a misdemeanor for violating any ordinance of the town; and if the accused be found guilty he shall be fined, at the discretion of the court or mayor, not Criminal jurisdiction of mayor.

exceeding the amount specified in the ordinance or ordinances so violated, or at the discretion of the mayor or court trying the same such offender may be imprisoned not more than thirty days in the common jail of the county. If the accused is 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.

Right of appeal.

Mayor's precepts.

SEC. 10. That the mayor may issue his precepts to the town constable, who may execute the same anywhere in Surry county, or to such other officers to whom a justice of the peace may direct his precepts. An endorsement by the mayor of the names of the witnesses upon a summons or warrant shall be authority for the officer to execute the same. The mayor shall keep a faithful minute of the precepts issued by him and of all his judicial proceedings.

Mayor to keep record.

Persons failing to pay tax, fine, &c., liable to work on streets, &c.

SEC. 11. That the board of commissioners shall have authority to put to and keep at work on the streets of the town any person or persons who may fail to pay any tax, fine, penalty or forfeiture which may be imposed on any person or persons for violation of any ordinance, by-law or regulation of said town; and the commissioners shall have authority by their ordinances and by-laws to confine and control and manage such persons until the said 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 adopt.

Commitment to county jail.

SEC. 12. That any town constable, policeman, watchman or town officer arresting any person or persons for violation of any of the ordinances of the town shall have the right to commit such person or persons to the lock-up or the common jail of the county for as early trial as practicable.

Streets.

SEC. 13. That the commissioners shall have power to lay out and open any new street or streets within the corporate limits of the town whenever by them deemed necessary, and shall have power at any time to widen, enlarge, change or extend or discontinue any street or streets or any part thereof within the corporate limits of the town,

Condemnation of land.

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 damages then the matter shall be referred to arbitrators, each party choosing one, who shall be a freeholder and a citizen of the town; and in case the owner of the land shall refuse to choose such arbitrator then the mayor shall in his stead select one for him, and in case the two chosen as aforesaid cannot agree they shall select an umpire, whose duty it shall be to examine the land condemned and to ascertain the damages sustained and the benefits accruing to the owner in consequence of the change, and the award of the arbitrators shall be conclusive of the rights of the



parties and shall vest in the commissioners the right to use the land for the purposes specified; and all damages agreed upon by the commissioners or awarded by the arbitrators shall be paid as other town liabilities by taxation, provided that either party may appeal to the superior court as now provided by law. Right of appeal.

SEC. 14. That the board of commissioners of the town of Elkin shall have power, not oftener than annually, to impose, levy and collect a tax upon all real and personal estate within the corporate limits of said town, and also upon all money on hand, solvent credits, and upon all polls and all other subjects of taxation taxed by the general assembly for public purposes. And the said board shall have power to levy and collect a commutation tax upon all persons residing within the corporate limits of Elkin who may be liable to work on the public roads in lieu of requiring of them such personal services on the roads and streets. Taxation.  
Commutation tax for road duty.

SEC. 15. That in addition to subjects liable to taxation for state purposes the commissioners shall have power to levy and collect a specific or license tax on the following subjects, to-wit: all itinerant auctioneers, merchants or peddlers vending or offering to vend in the town, each express company, each telegraph office, each photograph artist and person taking likenesses of the human face, dealer in patent rights, each sewing-machine company or agent, each life and fire insurance agent, commission merchant and commercial broker, each distiller of fruit or grain, each livery-stable keeper, every non-resident truckster or trader or agent of such who buys produce on the streets for sale in other markets, each rectifier and compounder of spirituous liquors, each gift enterprise and lottery, each dray and each omnibus. License taxes.

SEC. 16. That the commissioners shall have power to declare all horses, cattle, dogs and sheep running at large within corporate limits of the town a nuisance, and the commissioners may at their option impose a fine upon the owner or owners of said animals running at large, or may treat the same as a nuisance and have it abated. Animals running at large.

SEC. 17. That no person shall erect, put up, keep, use or maintain any billiard-table, any ten-pin alley, or any gaming table or place, by whatever place [name] known or called, at which games of chance, hazard or skill shall be played within the corporate limits of Elkin without first having paid the tax and obtained license therefor as herein required. Unlawful to erect billiard-table, &c., without paying tax.

SEC. 18. That the commissioners may require and compel the abatement and removal of all nuisances within the town at the expense of the person causing the same or the owner or the tenant of the ground, wherever the same may be; they may also prevent the establishment of and may regulate, if allowed to be established, any slaughter-house or place for the exercise within the town of any offensive or unhealthy trade or occupation. Abatement of nuisances.

Sidewalks.

SEC. 19. That the board of commissioners shall have the power to require owner or owners of lots on such streets as they may direct, to construct and keep in proper repair the sidewalks in front and on all sidewalks adjoining said lots in such manner as may be prescribed by said commissioners, and in case of failure of said lot owners so to do after thirty days notice then the said commissioners shall have the authority to do it at the expense of said lot owners, which shall be a lien and charge upon said lot: *Provided*, the commissioners shall require the same to be done with earth, gravel or sand.

Lien.

Powers of commissioners.

SEC. 20. That the board of commissioners shall have power to provide water; take all proper means to prevent and extinguish fires; to make regulations to cause due observance of the Sabbath; appoint and regulate town watchers; suppress and remove nuisances; preserve the health of the town from contagious and infectious diseases; to control and regulate the keeping of powder within the town; to regulate the speed of driving and riding on the public streets, and to keep and require to be kept the sidewalks clear of all obstructions; to cut and remove all limbs, branches and parts of trees or shrubbery extending upon or overhanging the sidewalks or streets at the expense of the owner of the adjacent lots who may refuse to do the same on five days notice from the mayor of the town.

Fire companies.

Destruction of buildings to stop fire.

SEC. 21. That the commissioners may provide for the organization, equipment and government of fire companies, and in all cases of fire a majority of such commissioners as shall be present may, if they deem it necessary to stop the progress of the fire, cause any house to be blown up or pulled down, for which they shall not be responsible to any one for damages.

Corporate powers.

SEC. 22. That the town of Elkin is hereby vested with all the powers, rights, privileges and immunities enumerated in chapter sixty-two, volume two of The Code, entitled "Towns and Cities," not inconsistent with any of the provisions of this act.

Creation of corporate debt.

SEC. 23. That for the purpose of maintaining and improving the prosperity of the town a corporation debt may be created under the following limitations, to-wit: The whole interest-bearing debt shall never exceed at any one time a sum to pay the interest on which and to provide a sinking fund shall require a tax of more than thirty-five cents on the hundred dollars of assessed property and of the amount represented by the poll of the town; and the lands [bonds] and other evidence of the interest-bearing debts of the corporation shall not be subscribed or paid into any work or sold for less than par or the amount expressed on the face.

Election upon question of creating debt.

SEC. 24. Whenever citizens of the town representing in town property and polls, or by either, thirty-three and a third per centum of the debt they propose to have created by the corporation shall present a written petition to the commissioners of the town specifying their object, the said commissioners shall immediately order an elec

tion for the purpose and give thirty days notice thereof in the town papers and at the court-house door, plainly naming the purpose of said election, and shall cause a vote to be taken as other town elections are held; and if a majority of the registered voters of the town shall vote in favor of said appropriation it shall be binding upon the corporation under the above limitations, and bonds signed by the mayor and by the town secretary, if there be one, and if not by the mayor alone, shall be issued in such sums as the above-named petitioners shall require, and bearing not more than eight per centum interest per annum, payable not oftener than twice a year: *Provided*, that no interest-bearing debt shall run for a longer term than forty years nor a shorter term than five years.

Notice.

Bonds to be issued on majority vote.

Proviso.

SEC. 25. That the lands [bonds] and evidences of the debt so created shall be invested for the object expressed in the notices of the vote, under such regulations as the aforesaid [commissioners] shall require subject to the limitations in section twenty-three, and the investment shall belong to the corporation and all the dividends therein shall be paid to the town treasurer on the order of the mayor, countersigned by the town secretary if there be one, and a separate and itemized account thereof shall be kept by said secretary and reported with his other reports, and the said dividends shall be first used in the payment of the interest on the debt created by this investment and the surplus retained and invested by the town commissioners as a sinking fund to pay the principal of said debt.

Investment of proceeds of bonds.

Dividends.

SEC. 26. The investment of the corporation so made shall not be liable to town taxes and may be sold by the commissioners at their par value or more but not for less, and the proceeds applied to payment of the debt created for it.

Exemption from town taxes. Sale of bonds. Application of proceeds.

SEC. 27. The funds and evidences of debts created and held by citizens or corporate companies of the town shall not be liable to assessment and taxation for town purposes.

Freedom from assessment and town taxation.

SEC. 28. The town commissioners may provide a sinking fund for the payment, when due, of all the interest-bearing debt of the town of the amount of ten thousand dollars or more, for which fund and its proceeds the town treasurer shall give an approved bond, and of which he shall render a distinct and itemized annual account, but the taxes levied for such purposes, when added to those for the interest upon the whole interest-bearing debt of the corporation, shall not exceed the limitations of section [23].

Sinking fund.

Bond of treasurer. Limitation of tax.

SEC. 29. In case any proposition for the creation of a corporate debt shall fail to be ratified by a vote of the citizens, it shall be competent to hold other elections on the same conditions for larger or smaller sums for said purposes: *Provided*, that there shall not be an election ordered more than once in twelve months.

Subsequent elections.

Proviso.

SEC. 30. That all laws and clauses of laws coming in conflict with this act be and the same are hereby repealed: *Provided*, that nothing

Conflicting laws repealed. Proviso.

in this act shall be construed to conflict with the incorporation of the Elkin Methodist Church, chapter two hundred and thirty-four, section eleven of the acts of eighteen hundred and eighty-one.

SEC. 31. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

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CHAPTER 369.

An act to amend the following sections of an act to incorporate the Bank of Madison in the county of Rockingham, chapter ninety-three, session eighteen hundred and eighty-nine.

*The General Assembly of North Carolina do enact :*

Chapter 93, private laws 1889, amended.  
Incorporators.

Corporate name.

Corporate powers.

Place of business.

Capital stock.

Books of subscription.

Organization.

Directors.

Duties, &c.

SECTION 1. Amend section first to read: John M. Galloway, Joseph M. Vaughn, J. P. Lewis, R. L. Lewis, and their associates and successors, are hereby constituted and declared a body politic and corporate by the name and style of the "Bank of Madison," and by such name may sue and be sued, plead and be impleaded in any of the courts of this state, and have all the powers, rights and privileges granted to any bank or banking institution incident to or belonging to corporations as provided in the general banking laws of this state.

Amend section two to read: That the office and place of business shall be in the town of Madison in the county of Rockingham, North Carolina, and the capital stock of said corporation shall not exceed the sum of fifty thousand dollars, divided into shares of twenty-five dollars each, and the corporation[tors] in first-named section, or any five of them, are hereby empowered to cause the books to be opened at such time or times, at such place and for such periods as they may determine, and by such persons as they may name as commissioners for the purpose of receiving subscriptions to said stock.

Amend section third to read: That whenever two hundred shares of stock shall have been subscribed and the sum of two thousand five hundred dollars on said subscription paid in to said commissioners, they shall call a meeting of the subscribers to said stock at such time and place and upon such notice as they may deem sufficient, when such stockholders, a majority of the stock subscribed being represented, shall elect five directors; a majority of stock voting for shall elect a candidate; said directors shall take charge of the books and the money in the hands of the commissioners and enter upon the discharge of their duties as directors of said bank, shall hold office for one year and until their successors are duly elected and assume office

and shall elect one of their number to be president of said bank during their continuance in office. President.

Amend section nine to read: That the president and directors of said bank shall direct when, to whom and in what manner dividends of the profit may be made, and shall be allowed to open the subscription books from time to time at their discretion until the whole of the stock is taken, but in no case shall the stock be increased to exceed five thousand dollars before first obtaining the unanimous consent of all the stockholders; they may call meetings extraordinary of the stockholders whenever they think proper, and shall call annual and other regular meetings of the stockholders in such manner and upon such notice as may be prescribed in their by-laws; and a number of stockholders, not less than three, holding not less than one-fifth of the capital stock subscribed, may call a meeting on giving thirty days notice thereof, printed in some newspaper published at Madison, North Carolina, or the town nearest thereto having in it a newspaper; at all meetings stockholders may be represented by proxy, and each share of stock shall be entitled to one vote; no provision of this act shall be altered or amended without the unanimous consent of all the stockholders. Dividends.  
Increase of capital stock.  
Stockholders meetings.  
Stock-vote.  
Amendments.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

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CHAPTER 370.

**An act to incorporate the trustees of the Baptist State Convention of North Carolina.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That C. Durham, C. M. Cooke, W. H. Pace, T. H. Briggs and L. R. Mills, heretofore selected as trustees of the Baptist State Convention of North Carolina, and such other persons as said convention may hereafter select as trustees, not exceeding nine, and their successors to be selected by said convention, be and they are hereby created a body corporate under the name and style of the "Trustees of the Baptist State Convention of North Carolina," and by that name may sue and be sued, plead and be impleaded in all the courts; and as such may purchase, hold and convey real and personal property, and such property when held for the purposes of said convention for promotion of the gospel shall be free from all taxation. The said corporation shall have power to make and use a common seal, and also such by-laws and rules as it may deem necessary. Incorporators.  
Corporate name.  
Corporate powers.  
Exemption from taxation.  
Corporate seal.  
By-laws.

Corporate powers.

SEC. 2. That the said corporation is hereby invested with all the rights, powers and privileges allowed religious societies by the laws of the state.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

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CHAPTER 371.

**An act to incorporate the Madison, Reidsville and Haw River Valley Railroad Company.**

*The General Assembly of North Carolina do enact:*

Incorporators.

SECTION 1. That Col. J. M. Galloway of Madison, P. B. Johnston of Wentworth, S. H. Boyd and H. R. Scott of Reidsville, Capt. James N. Williamson, John Q. Tant, Junius H. Hardin, Walter L. Holt, J. W. Menifer and W. E. White of Alamance county, and Col. W. T. Sutherlin of Danville, Virginia, and such other persons as they associate with them, are hereby declared a body politic and corporate, with perpetual succession, under the name and style of the "Haw River Valley Railroad Company," and in that name may sue and be sued in any court in this state, and shall be competent to purchase or acquire by gift, devise or otherwise such real and personal property as shall be necessary for carrying out the intent and object of this charter; and in addition thereto shall have power and authority to acquire, hold, own, operate or lease any quarries, mines, coal-beds, lumber-yards or furnaces in any of the counties through any part of which its road or branches may extend or pass, and to build branch roads from any part of its main line not exceeding twenty-five miles in extent.

Corporate name.  
Corporate powers.

SEC. 2. That said company, upon organization as herein provided for, shall have power to construct, maintain and operate a railroad and telegraph line from the town of Madison in Rockingham county in North Carolina and through the said county via Wentworth and Reidsville, and to enter Alamance county in the northwestern part via Osseper, Altamahaw, Glencoe, Carolina and Big Falls cotton factories or as near to those places as it is practicable; thence via Burlington and Graham; thence to some point on the Raleigh and Augusta Air-Line, at such point as the said company may select.

Authorized to build railroad and telegraph. Route.

Capital stock.

SEC. 3. That the capital stock of said Haw River Valley Railway shall not exceed two million dollars, to be divided into shares of one hundred dollars each. Each share subscribed shall be entitled to one

Stock-vote.

vote in all meetings of the stockholders of said company, and fifteen thousand dollars shall be the minimum subscription on which said company may be organized. Organization.

SEC. 4. For the purpose of raising the capital stock of said company it shall be lawful to open books in any county in which the line of the said road will run, under the direction of the following commissioners, viz.: Walter L. Holt, Burlington, North Carolina, and S. H. Boyd, Reidsville, North Carolina, at such place and under the direction of such other persons as a majority of the commissioners above named may deem proper, for receiving subscriptions to the capital stock of said company. Books of subscription.  
Commissioners.

SEC. 5. The commissioners above named and all other persons who may hereafter be organized as aforesaid to open books for reception [subscription], shall open the same at any time after the ratification of this act, first giving twenty days notice thereof of the time and place in one or more newspapers published in North Carolina; and the said books when so opened shall so remain as long as the commissioners above named shall deem necessary and direct. When books to be opened.

SEC. 6. That whenever the sum of fifteen thousand dollars shall have been subscribed in the manner and form aforesaid and five per centum thereof shall have been paid in to the said commissioners, the subscribers, their executors, administrators and assignees, together with persons named as corporators in the act, shall be authorized to organize said company with all the rights, powers and privileges heretofore enumerated, and shall have the right to have and use a corporate seal, which they may change as often as necessary. Organization.  
Corporate seal.

SEC. 7. That it shall be the duty of the commissioners named in this act for receiving subscription as aforesaid, or a majority of them, so soon as the sum of fifteen thousand dollars have been subscribed in manner aforesaid to give public notice thereof, and at the same time to call a general meeting of the stockholders, giving at least ten days notice of the time and place of such meeting; and at such meeting, a majority of the stockholders being represented by person or by proxy, shall proceed to elect nine directors out of the number of stockholders, and the said directors shall have power to perform all the duties necessary for the government of the corporation and the transaction of its business; and the persons so elected shall serve such period, not exceeding one year, as the stockholders may direct; and at each meeting the stockholders shall fix on the time and place or places where the next subsequent election of directors shall be held; and said stockholders meeting shall take place annually, and such election of directors shall thenceforth be annually made. But if the day of annual election of directors should under any circumstances pass without an election the corporation shall not thereby be dissolved, but the directors formally elected shall continue in office until a new election is held. Notice of meeting for organization.  
Quorum.  
Directors.  
Corporation not dissolved by failure to elect directors.

Election of directors.

SEC. 8. That the selection of such directors shall be by ballot, each stockholder having as many votes as he has shares of the stock of the company, and the persons receiving the greater number of votes polled shall be considered duly elected directors, and at all elections and upon all votes taken at any meeting of the stockholders upon any by-laws or any affairs of the company, each share of the stock shall be entitled to one vote, to be represented either in person or by proxy, and the proxies may be verified as the by-laws of the company prescribe.

Stock-vote.

Vacancies.

SEC. 9. That the board of directors may fill any vacancies which may occur in it during the period for which it has been elected. The president of the company and one or more vice-presidents thereof may be annually elected by the directors from among their number in such manner as the regulations of the company shall prescribe, and shall hold the offices until their successors are elected. The secretary and treasurer shall be elected by the directors and may be one and the same person. In the absence of the president or secretary at any meeting of the board of directors, they may appoint a president or secretary *pro tempore* to fill his place, except when a vice-president shall act and preside.

Election of president, &c.

Secretary and treasurer.  
President *pro tem.*, &c.

Certificates of stock.  
Transfer.

SEC. 10. That the company shall issue certificates of stock to its members, and said stock may be transferred in such manner and form as may be directed by the by-laws of the company.

May use part of road.

SEC. 11. That the company shall have the power to use any section or portion of the road before the whole of the same shall be completed and to charge for transportation of passengers and freight thereon.

Crossings.

SEC. 12. That the said company shall have the right when necessary to construct their railroad across any public road or other railroad or alongside of any public road: *Provided*, that said company shall not obstruct any public road without constructing another equally as good and as the one taken by the company and shall be accepted by the board of county commissioners.

Proviso.

Condemnation of land.

SEC. 13. That whenever for any cause the said railroad company cannot agree with the owner of the land over which their road shall go for the purchase of land for way, the said company may file a petition before the clerk of the superior court of the county wherein the land lies specifying the object for which the land is desired with a description thereof. The clerk of the superior court shall thereupon appoint five disinterested freeholders, who shall be summoned by the sheriff to meet on the premises at a time not more than ten days from the time of appointment and assess the damage for the land taken. In assessing the appraisers shall take into consideration the actual value of the land, together with any special damage likely to accrue to the owner, and likewise shall consider any special benefit the owner may derive from the location of the road. If the condemna-



tion shall only extend to the right-of-way, the said appraisers shall make their report to the clerk of the superior court within two days from the time of this meeting on the premises. Said reports shall be recorded in the office of register of deeds after the approval by the clerk and payment of damages assessed, and shall have all the force and operation of a deed. Either party may appeal to the superior court in term from the approval or disapproval of the clerk. The cause shall then be proceeded with in accordance with other appeals and shall stand for trial at the term to which the appeal is taken. The appeal must be proved within ten days from the approval or disapproval of the clerk.

Right of appeal.

SEC. 14. That the right of said company to condemn and take land under this act shall be limited to the space of fifty feet on each side of their road-beds along the main track and its branches, measuring from the center of the same; and in all cases when the land for the right-of-way has been condemned and taken, the owner shall petition the sheriff for the assessment of damages within two years from condemnation and occupation, and not after, except in case of legal disability, and in such cases within two years from the removal of such disability.

Width of right-of-way.

Petition for damages, when to be filed.

SEC. 15. That the said company shall have the exclusive right of conveyance and transportation of persons, goods, merchandise and produce over said road at just and reasonable charges: *Provided*, that said company shall not discriminate against towns and cities in the matter of transportation rates in the state of North Carolina.

Exclusive rights of transportation.

Proviso.

SEC. 16. That the board of directors may from time to time declare dividends of profits among the stockholders when the affairs of the company admit.

Dividends.

SEC. 17. That it shall be lawful for any county, city or township, through or near which the said road may run, to subscribe for and hold stock in said company, or in any section thereof in case any section be built alone, whenever such subscription shall be authorized under the provisions of this act by the majority of all qualified voters of such county, township, city or town. It shall also be lawful for any railroad or other corporation to subscribe for and hold stock in said company.

Subscriptions by counties, cities and townships.

SEC. 18. That it shall be lawful for the Haw River Valley Railroad Company chartered by this act to issue coupon bonds in such denomination and running such time, not exceeding thirty years, and bearing interest at such rate, and payable at such times and places as the board of directors may direct, to be sold or hypothecated by the directors of the said company, and to secure the payment of the same the said company may execute a mortgage to such person or persons as the company may select on all the real and personal estate of the company, together with all their franchises and privileges. Or in case that the road be divided and built in sections, which the company

May issue mortgage bonds.

- Mortgage on separate sections. is authorized to do, such mortgages may be given on separate sections in such manner as the company may direct; and it is hereby provided that the registration of mortgages provided to be executed in this section may be made in the county of Alamance, and upon such registration in Alamance county it shall be a lien upon the property and franchise conveyed in such mortgage as fully and completely as if the same were registered in each and every county through which the road passes or any part thereof.
- Registration.
- When work to be begun and completed. SEC. 19. That the work on the said road may be commenced within one year and prosecuted without unnecessary delay and completed in four years.
- Election in counties upon question of subscription. SEC. 20. That in case any county through or near which the said road is located desires to subscribe for stock in said company, it shall be the duty of the board of commissioners of such county, upon the petition of not less than fifty freeholders and resident taxpayers of the county to provide for the submission of the question of subscription to the qualified voters of such county; and in case the same is adopted by said voters, then the bonds shall be issued and taxes to pay the same shall be levied as prescribed by the general laws as contained in chapter forty-nine of The Code of North Carolina.
- Bonds to be issued and taxes levied on majority vote.
- Election in townships, cities and towns on question of subscription. SEC. 21. That upon the presentation of a petition by at least twenty resident taxpayers of any township, city or town through or near which said road may run or shall have been located in any county along the line thereof to the board of commissioners of any county wherein such township, city or town is situated, requesting said commissioners to submit to the vote of the qualified voters of their respective townships, city or town, as the case may be, a proposition to subscribe a definite sum named in said petition to the capital stock of the Haw River Valley Railroad Company, it shall be the duty of said board of commissioners, within sixty days, to order an election to be held at the various polling places in the township, city or town so petitioning, and submit to the qualified voters thereof the question of subscribing to the capital stock of said company the amount specified in the petition; at which election those in favor of such subscription shall vote "Subscription," and those opposed shall vote "No subscription." The said election shall be held, registrar, poll-holders and judges appointed, the registration of votes taken as may be provided for by law for general elections of members of the general assembly in townships and as provided by law for the election of commissioners or aldermen in cities and towns, except that in all such elections the poll-holders shall make return within three days after the election of the votes cast to the board of county commissioners of the county, who shall on the third day after the election canvass the returns, declare the result and cause the same to be entered on their minutes.
- Ballots.
- Election, how held, &c.
- Returns.

SEC. 22. That in case any township, city or town shall by majority vote of all the qualified voters therein direct a subscription as provided in this act, then the chairman of the board of commissioners shall, within sixty days after said vote is taken, ascertained, subscribe the amount authorized by the vote of said township, city or town in stock to said company, to be paid in the bonds of such township, city or town at their face value, and said bonds shall not be sold for less than par by said railroad company.

County commissioners to make subscription for townships, &c.

Payable in bonds.  
Not to be sold for less than par.

SEC. 23. To provide for the payment of said subscription made as provided for in this act, the board of commissioners of the county in which is situated any township, city or town making such subscription shall issue coupon bonds to the amount of the subscription so authorized, and said bonds shall upon their face value so indicate on account of what township, city or town they are issued. Said bonds shall be in the denominations of not less than fifty nor more than one thousand dollars and shall run for not exceeding thirty years, and bear interest not exceeding six per centum per annum, payable semi-annually, and payable at such time and place as the board of county commissioners may direct.

County commissioners to issue bonds, &c.

SEC. 24. To provide for the payment of said bonds issued under the authority of this act the board of commissioners of any county wherein the township, city or town issuing the same may be situated shall, in addition to the other taxes that may be annually levied upon the polls and property of such township, city or town, annually compute and levy at the time of levying the general taxes upon the property and polls of said township, city or town a sufficient tax to regularly and promptly pay the interest on said bonds as it falls due and to provide a sinking fund to pay off the principal of the same as the bonds may mature, which taxes shall be collected by the sheriff of the county if the taxes be levied upon the subjects of taxation in a township to pay the bonds, and by the tax collector of a city or town to pay city or town bonds, and by those officers promptly applied to the payment of interest and principal as provided for in this act; and such collectors shall enter into bond before the county commissioners, with sufficient securities conditioned for the faithful performance of their duties under the provisions of this act.

Special tax.

Collection.

Bonds of collectors.

SEC. 25. That the stockholders in said company, whether private citizens or other corporations, public, private, municipal, shall be personally liable for the debts of said company to the amount only of the stock in said company held by them respectively.

Liability of stockholders.

SEC. 26. That this act shall be in force from and after its ratification.  
Ratified the 6th day of March, A. D. 1893.

## CHAPTER 372.

## An act to incorporate La Fayette Military School.

*The General Assembly of North Carolina do enact :*

- Incorporators.** SECTION 1. That J. W. Yerex, A. A. McKethan, R. M. Nimocks, S. C. Rankin, A. B. Williams, R. M. Millan, W. S. Cook, H. W. Lilly, E. J. Lilly and B. E. Sedberry, and such other persons as they may associate with them, be and they are hereby made a corporation for educational purposes under the name of "La Fayette Military School"; and as such may purchase, take, have and hold real estate, and when desirable may dispose of real estate and property in same manner and to same extent as provided in the general law in regard to corporations; and they shall have all the rights and powers as provided by law for corporations.
- Corporate name.**
- Corporate powers.**
- Corporate existence.** SECTION 2. They shall have succession for thirty years and may provide for the election of trustees and such other officers, professors, teachers and managers as may be deemed best in carrying out the purposes of the corporation.
- Election of trustees, teachers, &c.**
- By-laws.** SECTION 3. The La Fayette Military School as hereby incorporated shall have the right and power to provide and to authorize the trustees or other officers to provide all rules, regulations, by-laws and agreements needful and requisite for the establishment and maintenance of a school as contemplated, and for the government of the same and for carrying into effect the purposes of this institution.
- SECTION 4. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

## CHAPTER 373.

## An act to incorporate the Trustees of Salem Methodist Church on Flat creek in the county of Buncombe.

*The General Assembly of North Carolina do enact :*

- Incorporators.** SECTION 1. That Charley Chambers, H. C. Blackstock Isaac Holcombe, A. E. Clarke and W. R. Chambers and their successors shall be and are hereby declared a body politic and corporate in deed and in law by the name and style of the "Trustees of Salem Methodist Church" on Flat creek in the county of Buncombe, and the said corporation shall have power to sue and be sued; to hold real and personal property, and to be governed by the laws and regulations in the
- Corporate name.**
- Corporate powers.**

election of their successors in office and other matters as are in force by the Methodist Episcopal Church (South.)

SEC. 2. That it shall not be lawful for any person to sell or give or dispose of spirituous liquors except for medical purposes at or within two miles of the said Salem Methodist Church, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for each offence be fined not more than fifty dollars or imprisoned not exceeding thirty days.

Misdemeanor to sell, &c., spirituous liquors within two miles.

SEC. 3. That it shall be a misdemeanor for anyone to exhibit themselves drunk in the limits of this corporation, or for any person [to] use loud or profane language or loud or indecent language, or quarrel in an angry manner in the hearing of those assembled within the limits of this corporation for worship, and for every such offence, on conviction, the offender shall be fined not more than fifty dollars or imprisoned more than thirty days.

Certain offences a misdemeanor.

SEC. 4. That this act shall take effect from and after its ratification. Ratified the 6th day of March, A. D. 1893.

#### CHAPTER 374.

An act to extend time for the construction of the Biltmore and Asheville Street Railway.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter one hundred and twenty-six (126) of the private laws of eighteen hundred and ninety-one be so amended as to extend the time for construction of their road for two years from date of ratification of this act.

Chapter 126, private laws 1891, (incorporating the Biltmore and Asheville Street Railroad) amended. Time allowed for construction of road.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

#### CHAPTER 375.

An act to incorporate the Saints' Ark.

*The General Assembly of North Carolina do enact :*

SECTION 1. That James E. Howell, of Oxford, North Carolina; Charles F. Jones, of New York, and Jacob A. Williford, of Henderson, North Carolina, be and they are hereby declared to be a body corporate under the name and style of the "Saints' Ark."

Incorporators.

Corporate name.

May own property not exceeding \$50,000.

Corporate purposes.

Property, how held.

To revert to donors if corporation ceases to exist.

Corporate powers.

SEC. 2. That said corporation shall have the right and power to own and acquire by deed or will, by purchase or by gift, real and personal estate to the amount of fifty thousand dollars.

SEC. 3. The business of said corporation shall be to assist and aid the poor and afflicted colored people of this state, by which class is meant such as are afflicted with bodily infirmity or old age or are unable to provide a living for themselves. To this end said corporation may erect suitable buildings in any place they may select, may fully equip the same, and may receive inmates therein of the colored race under such rules and regulations as the by-laws of said corporation shall direct.

SEC. 4. All moneys, stocks, bonds, real estate, or any other thing of value which shall be given to said corporation by any person or persons shall be securely held by said corporation and used only in the way and for the purpose designated by the donor, and should said corporation cease to exist and operate under the charter for a period of twelve consecutive months all such property shall revert to the donors who shall have full power and authority to sue for and recover the same should the officer having said property in charge fail on demand to deliver the said property to the donor thereof.

SEC. 5. That this corporation shall have all the power and exercise all the privileges conveyed in chapter sixteen, volume one of The Code of North Carolina and the amendments thereto.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

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#### CHAPTER 376.

An act to amend [chapter] twenty, section five, private laws of one thousand eight hundred and seventy-three and seventy-four.

*The General Assembly of North Carolina do enact :*

Chapter 20, private laws 1873-'74, (incorporating town of Bethel, Pitt county) amended.  
Taxation of personal property.

SECTION 1. That chapter twenty, section five of the private laws of one thousand eight hundred and seventy-three and seventy-four be amended as follows: Insert after the word "estate" in line four the words "and personal property."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

## CHAPTER 377.

An act to incorporate the town of Bessemer City in Gaston county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the town of Bessemer City in the county of Gas- Incorporated.  
ton be and the same is hereby incorporated by the name and style of  
"Bessemer City." And it shall be subject to all the provisions of law Corporate name.  
now existing in reference to incorporated towns.

SEC. 2. That the corporate limits of said town shall be as follows: Corporate limits.  
Two miles and a half long, and one mile and a quarter wide, located  
as follows: The present passenger depot of the Atlanta and Charlotte  
division of the Richmond and Danville Railroad at Bessemer City,  
North Carolina, to be taken as the center. And the corporate limits  
shall be determined as follows: The line shall be run easterly from  
the said depot towards Charlotte, along the track of said road one  
and one-quarter miles; and westerly with said track towards Atlanta  
one mile and a quarter; and from the terminus of each of these lines,  
lines shall be run at right-angles each way from railroad track three-  
quarters of a mile; and then parallel said railroad from corner to  
corner, making the corporate limits two miles and a quarter long,  
with railroad as the center, and one mile and a half wide; and that  
the area included in such limits shall be under the corporate authority  
of said town.

SEC. 3. The officers of said town shall consist of a mayor, a mar- Officers.  
shal, a treasurer and five commissioners. The following persons shall  
be officers of said town until the next regular election under the laws,  
viz.: J. A. Pinchback, mayor; M. T. Wilson, marshal; S. L. Lenhart,  
C. E. Whiting, J. T. Smith, B. F. Hand and J. A. Smith, commis- Temporary  
sioners. The mayor shall be chairman of the board of commissioners officers.  
and shall have power to fill any vacancy occurring in the board, said  
appointment to last until the first regular election thereafter. The  
annual election of officers shall take place on the second Tuesday in Election.  
January in each year.

SEC. 4. That license shall not be granted to any one to sell spirit- License to sell  
uous or malt liquors or intoxicating drinks of any kind within the liquor not to be  
corporate limits of said town without the permission of the town granted without  
commissioners. permission of  
commissioners.

SEC. 5. That said commissioners shall have authority and power By-laws.  
to pass all lawful by-laws and regulations for the government of the  
town, and prescribe the fines to be imposed by the mayor for the vio- Fines.  
lation of town ordinances, and to collect the same for the use of the  
town, to prescribe the compensation to be received by the mayor and Salaries.  
other officers of the town. They may levy license and taxes on the Taxation.  
business and property of the town: *Provided*, that said taxes shall

not exceed twenty-five cents on the hundred dollars valuation of property and seventy-five cents on the poll, state and county valuation to be taken as a basis of valuation.

Special police.

SEC. 6. The mayor shall have the authority to appoint special police whenever he thinks the interest and safety of the town demands it.

Officers to qualify.

SEC. 7. The officers appointed by this act shall qualify before some justice of the peace within ninety days after its ratification.

SEC. 8. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

#### CHAPTER 378.

### An act to amend the charter of The People's Perpetual Building and Loan Association of Wilmington, North Carolina.

*The General Assembly of North Carolina do enact :*

Charter obtained before clerk amended.

SECTION 1. That the charter of the People's Perpetual Building and Loan Association of Wilmington, North Carolina—said association having been incorporated before the clerk of the superior court of New Hanover county on the sixteenth (16) day of September, anno Domini one thousand eight hundred and eighty-nine (1889) under the general building and loan association law as provided in chapter seven (7), volume second (2d) of The Code of North Carolina—be and the same is hereby amended, as follows:

Subscribing members incorporated as a bank.

SEC. 2. That such members of the said association who may subscribe to the banking department of the said association, with their associates in that department, their successors and assigns, are hereby constituted and declared to be a body politic and corporate by the name and style of the "Banking Department of the People's Perpetual Building and Loan Association"; and by such name may sue and be sued, plead and be impleaded in any of the courts of this state, and shall have a common seal and continued succession for the period of thirty (30) years.

Corporate name.

Corporate powers.

Corporate powers as savings bank.

SEC. 3. That they shall be fully invested with all the powers and privileges usually incident to savings banks, and may receive deposits in very small sums, the limit to be fixed by the board of directors; may pay out of their net earnings, or at fixed rates according as may be agreed between the directors and its depositors, and the board of directors are hereby fully authorized to make all needful laws and regulations for conducting and carrying into effect the savings bank feature of this corporation. That the capital stock of this department of the said association shall not be less than five thousand dollars, but may be increased from time to time to five hundred thousand dollars.

Capital stock.



SEC. 4. That this association may likewise arrange and conduct a life and fire insurance company under the laws of the state of North Carolina and a land investment company.

Corporate powers as life and fire insurance company.

SEC. 5. That the financial interests of one department shall in no wise be affected by liability of the other, but shall be distinct and have independent corporate powers and liabilities.

Liabilities of separate departments.

SEC. 6. That each stockholder when present at an annual meeting or at special meetings shall be entitled to have in each department one vote for each share of stock.

Stock-vote.

SEC. 7. That each department shall be governed by a board of fifteen directors elected annually, and that all offices shall be filled by the vote of the majority of the board of directors, appointing them for one year; but they may be removed from office at any time by a majority of the board of directors. That the directors shall hold their office until their successors are elected.

Directors.  
Officers.

Removals.

SEC. 8. That the building association shall be empowered to make loans at any point within the state of North Carolina.

Loans by building association department.

SEC. 9. That the stockholders shall not be individually liable for the debts of this corporation.

Non-liability of stockholders.

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

Ratified the 6th day of March, A. D. 1893.

## CHAPTER 379.

### An act to incorporate the Western Carolina Iron Company.

*The General Assembly of North Carolina do enact:*

SECTION 1. That J. A. Smith, J. A. Pinchbeck, W. D. Rice, their associates, successors and assigns, be and are hereby created a body politic and corporate under the name and style of the "Western Carolina Iron Company," with a capital stock of two hundred and fifty thousand dollars, divided into shares of one hundred dollars each, with liberty and authority to a majority of the stockholders to increase said capital stock at any time, or from time to time, to any amount not exceeding in the aggregate one million dollars.

Incorporators.

Corporate name.  
Capital stock.

SEC. 2. That as said corporation they shall have perpetual succession, a common seal, which they may break or alter at pleasure. They may in their corporate name sue and be sued, prosecute and defend actions and special proceedings in all courts of the land; they may buy, lease, exchange, hold, sell and convey real and personal property; may buy the minerals and mineral rights in lands other

Corporate powers.

than those held in fee; may buy coal and coke; may buy bonds, stocks or the property in whole or in part of other corporations; may buy land, provided that they may not own in fee at any one time more than fifty thousand acres; may lay off any portion of their land at any time into town lots and sell same as they deem best; may erect mining plants, iron-works, blast furnaces, sulphur or acid-works, lime-kilns, and any other industries or branches of business that may be necessary to develop and manufacture and sell the minerals, lime, timber and stone of every description beneath the surface or on the surface of any or all of their lands held in fee or leased, or minerals in lands held in fee, or minerals in lands in which they own the mineral and mining privileges; and they may issue in whole or part payment for any of their purchases any part of the capital stock of their company, and may sell their said capital stock or any part of it for less than par if they think it to their interest to do so. They may build a line or lines of railroad, electric, steam or horse-power, to connect their minerals or timber with any other line of railroad: *Provided*, no connection shall be made with any railroad in this state claiming exemption from taxation. May buy rights-of-way for said lines of roads, or have said rights-of-way condemned by law, same as other railroads. They may borrow money, execute notes, bonds or other evidences of debt; may secure the same by mortgage or trust deed of their property, effects, franchises or otherwise; may issue bonds and make same payable at any time or place in this country or Europe, bearing such rate of interest as may be agreed on and printed, lithographed or engraved on face of said bonds: *Provided*, said rate of interest shall not conflict with the laws of the state.

Proviso.

By-laws.

Directors.

Election of directors.

President, &c.

Special meetings.

No notice of first meeting required.  
Proviso.

SEC. 3. That said corporation shall make such by-laws, rules and regulations as the stockholders may desire in any annual or special meeting assembled. The stockholders, at their annual or special meeting, shall elect a board of directors of not less than five nor more than ten, who when so elected shall have charge of the affairs and business of the company of every description, and shall enforce the rules and by-laws of the company. A majority of the capital stock shall be represented at any election of a board of directors, and a majority of the stock so represented shall be necessary to elect. The board of directors shall elect one of their number president, and shall elect or appoint all the agents or officers of the company, prescribe their duties, compensation and terms of service. The board of directors may call special meetings of the stockholders at any time they think the interest of the company demands it, giving thirty days written notice stating the object of such meeting.

SEC. 4. That no notice or publication whatever of first meeting of said corporation shall be given or required: *Provided*, all the corporators named herein waive in writing such notice and fix a time and place of such meeting.

SEC. 5. The principal office of the company shall be some point in the state of North Carolina, to be determined by the stockholders at their first regular meeting. Principal office.

SEC. 6. That the corporators and stockholders of said company, and their associates, successors and assigns, shall not be individually or personally liable or responsible for the debts, contracts, obligations or engagements or torts of said corporation; and no stockholder shall be liable to pay for more stock than he subscribes for, and all stock shall be full paid and non-assessable. Non-liability of stockholders, &c.

SEC. 7. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

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CHAPTER 380.

An act to incorporate Murfreesboro Methodist College in Hertford county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That John F. Crowell, John N. Cole, S. D. Adams, F. L. Reid, R. B. John, J. M. Wynes, Uriah Vaughan, L. C. Lawrence, senior, B. B. Winborne and R. P. Troy, and their successors and associates, be and are hereby declared to be a body politic and corporate for the purpose of conducting, under the auspices of the North Carolina Conference Methodist Episcopal Church (South), a college for the education of girls and women in the town of Murfreesboro in Hertford county, to be known as "The Trustees of Murfreesboro Methodist College"; and by this name and style shall have perpetual succession and a common seal, and shall be able in law to sue and be sued, plead and be impleaded in all the courts of this state; shall take, receive and possess all moneys, goods, chattels and bonds which may be given them, and shall apply the same to the wish of the donors to the purpose herein declared; and they shall have power by purchase or otherwise to take, demand, hold and possess rents, 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 and college to be known and styled as "Murfreesboro Methodist College"; and they may purchase for the purpose aforesaid such chattels and real estate as they may deem necessary, and may dispose of the same in promoting learning and virtue in the aforesaid school at Murfreesboro, in Hertford county. Incorporators.  
Corporate name.  
Corporate powers.

SEC. 2. That in the event of the death, resignation, refusal to act, then the remaining trustees shall have power to fill the vacancies thereby created. All elections of trustees to fill vacancies shall be vacancies.

- Election of trustees. subject to approval at the first session thereafter of the North Carolina Conference of the Methodist Episcopal Church (South).
- Removal of trustee. SEC. 3. That if any one of the trustees shall fail to attend the meetings of the said trustees continuously for a term of two years, the other trustees, or a majority of them, at a regular meeting may declare his seat vacant, and proceed to fill the vacancy as in case of death, resignation or refusal to act.
- Executive committee. SEC. 4. That said trustees shall have power to appoint a local executive committee to perform such duties as may be designated by said trustees.
- Officers, teachers, &c. SEC. 5. 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 and said college as they shall deem qualified to discharge the duties of the several offices, and may remove the same for misbehavior, inability or neglect of duty; they shall also have power to make all necessary rules and regulations, not inconsistent with the laws of this state, for the government of said college.
- Meetings of trustees. SEC. 6. That said trustees shall hold meetings from time to time as often as necessity may require, and six trustees shall constitute a quorum for the transaction of business.
- Quorum.
- By-laws. SEC. 7. That said trustees shall have power to make all needful and necessary by-laws for their own government, and by a vote of two-thirds of said trustees at a regular meeting may increase the number of said trustees not to exceed thirty in all, and by a majority vote appoint the additional trustees, and when so appointed they shall have the same power and be subject to the same duties as if named in this act.
- Increase of number of trustees.
- Faculty may grant diplomas, &c. SEC. 8. That the faculty of said "Murfreesboro Methodist College," by the advice and with the consent of said trustees, shall have power to grant certificates of merit [and] diplomas upon the published courses of instruction, and to confer the baccalaureate degrees upon graduates on courses of study equivalent to the requirement for same degrees in Trinity College, Durham, North Carolina, but under no circumstances to confer honorary degrees.
- Exemption from taxation. SEC. 9. That the lands and the property belonging to the said trustees for the benefit of said college shall be and the same are hereby exempted from all kinds of public taxation.
- May borrow money on mortgage, &c. SEC. 11. That said trustees may execute mortgages or deeds of trust on their property to secure the purchase-money, or to raise money for the purpose of properly conducting said college, and the said mortgage or deed of trust shall be executed in the name of said trustees, which shall be affixed by the president of the said trustees and countersigned by the secretary, who shall affix the corporate seal of said trustees.
- Execution of mortgage, &c.

SEC. 12. That the stockholders of the "Wesleyan Female College of Murfreesboro," in Hertford county, a corporation under the laws of North Carolina, may, by a vote of a majority of the stock represented in any legally organized meeting of said stockholders, sell and convey the real and personal property of said corporation to the trustees of Murfreesboro Methodist College, and a conveyance and sale of said property in pursuance of a resolution passed by such a majority of said stock shall be valid and binding.

Stockholders of "Wesleyan Female College" may sell property to trustees of this company.

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

Conflicting laws repealed.

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

Ratified the 6th day of March, A. D. 1893.

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#### CHAPTER 381.

An act supplemental to "An act to amend the charter of the Lower Creek and Linville Valley Transportation Company," being chapter five hundred and sixty-four of the laws of eighteen hundred and ninety-one, passed at this session of the general assembly.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the par value of the stock of the Caldwell and Northern Railroad Company, formerly the Lower Creek and Linville Valley Transportation Company, shall be one hundred dollars per share.

Par value of shares of stock.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

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#### CHAPTER 382.

An act to incorporate "The Wilmington Sewerage Company."

*The General Assembly of North Carolina do enact:*

SECTION 1. That R. M. McIntyre, S. H. Fishblate, Geo. D. Parsley, Martin Newman, William L. Smith and John D. Dellamy, junior, their associates, successors and assigns, be and the same are hereby created a body politic and corporate, under the name of "The Wilmington Sewerage Company," and by that name shall have succession and a common seal; have power to sue and be sued, plead and

Incorporators.

Corporate name.

Corporate powers.

be impleaded; may acquire, hold and convey real and personal estate; may contract and be contracted with, adopt by-laws and alter the same at pleasure, and shall have all the rights and privileges conferred upon corporations by chapter sixteen of The Code, entitled "Corporation."

Authorized to establish sewerage system in Wilmington.

SEC. 2. That said corporation shall have power to establish a system of sewerage in, under and through the streets and public lanes, roads and alleys of the city of Wilmington, and lay all such necessary pipes, conduits and mains as may be deemed requisite to carry out the provisions hereof, under such rules and regulations as may be prescribed by the board of aldermen of said city, and shall have authority to charge for the use of said sewers such reasonable sums as the board of directors may from time to time adopt, and enforce the collection of such charges by severing the connection of said defaulting user with the main sewer; or in lieu thereof, if said company may decide best, shall have and enforce a lien on the lot and premises of said user having the connection with the said sewer for the said sewer charges.

Wilful injury, &c., to sewer, &c., a misdemeanor.

SEC. 3. That any person who shall wilfully or wantonly cut, break, enter, injure, damage or destroy any sewer-pipe, main, trap, valve, hydrant, or any of the appliances connected therewith, laid in or under any of the streets or alleys of the city of Wilmington or the vicinity thereof without the consent of the said company or its officers or agents shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court.

Capital stock.

SEC. 4. That the capital stock of said company shall be five thousand dollars, but the same may be increased from time to time to a sum not exceeding one million dollars, divided into shares of the par value of fifty dollars each; but the said company may begin business when the sum of twenty-five hundred dollars shall have been subscribed for and the same actually paid in in cash money or its equivalent in property.

When to begin business.

Corporate existence.

SEC. 5. That said corporation shall have an existence for a term of sixty years.

Directors.

SEC. 6. That the affairs of the company shall be governed by a board of five directors elected by the stockholders at an annual meeting, who shall hold office for such term as the by-laws may prescribe, and said board shall hold over always until their successors are duly elected, but the stockholders at any annual meeting may increase the number of directors from time to time as they may think best.

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

Ratified the 6th day of March, A. D. 1893.

## CHAPTER 383.

## An act to incorporate the Trustees of Centerville Male and Female Academy in Pitt county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That Jesse P. Quinerly, Samuel Wilson, Lewis B. Cox, John B. Kilpatrick, James M. Wooten, Edward A. Johnson and Joshua L. Tucker, their associates and successors, are hereby created a body politic and corporate under the name and style of "The Trustees of Centerville Male and Female Academy," and in that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire and hold in their corporate capacity property, real and personal, such as may be necessary and suitable for maintaining a school of high grade at the place where said academy is situated in Swift Creek township in said county, with power to make all needful rules, by-laws, regulations for their own government and that of said academy; and under that name and style shall have continued succession for the period of ninety-nine years.

Incorporators.

Corporate name.

Corporate powers.

Corporate existence.

Vacancies.

SEC. 2. That in case of vacancy in said board of trustees such vacancy shall be filled by appointment by the remaining members thereof.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

## CHAPTER 384.

## An act to incorporate the Statesville Savings Bank.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter one hundred and seventy-six, private laws of one thousand eight hundred and ninety-one, ratified third day of March, one thousand eight hundred and ninety-one, be and the same is hereby amended so as to confer upon the incorporators named in the aforesaid act or upon any three of them, and their associates, all of the powers, rights, authority and obligations as set forth in chapter one hundred and four, laws of one thousand eight hundred and eighty-nine, ratified sixth day of March, one thousand eight hundred and eighty-nine, and entitled "An act to incorporate the Charlotte Savings Bank," except that the company organized under this act

Chapter 176, private laws 1891 (incorporating the Statesville Development Co.) amended. Corporate powers of a savings bank conferred.

|                 |   |
|-----------------|---|
| Location.       | shall be located at Statesville, North Carolina, and operate under the  |
| Corporate name. | name of "The Statesville Savings Bank"; and may begin with a  |
| Capital stock.  | capital [of] not less than five thousand dollars (\$5,000). The other powers, rights and obligations are as fully conferred as if set forth at large.   |
| Effect of act.  | SEC. 2. This amendment shall not have the effect to change the business of the company organized under the said laws of one thousand eight hundred and ninety-one, chapter one hundred and seventy-six. |
|                 | SEC. 3. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.   |

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CHAPTER 385.

An act to incorporate the Atlantic, Yanceyville and Reidsville Railroad Company.

*The General Assembly of North Carolina do enact :*

|                   |   |
|-------------------|---|
| Incorporators.    | SECTION 1. That Robert Harris, Frank Penn, and J. R. Webster, of Reidsville, North Carolina; J. W. Corbett, T. J. Florence, A. M. Gunn, G. G. Baily, W. N. Harrelson, A. E. Henderson, of Caswell county, North Carolina, and such other persons and corporations as they may associate with them, and their successors and assigns, shall be and they are hereby constituted and ordained a body corporate and politic   |
| Corporate name.   | by the name of the "Atlantic, Yanceyville and Reidsville Railroad Company"; and by that name shall have all power, privileges and franchises necessary and proper to locate, construct, maintain and operate a railroad from some point on the Atlantic and Danville Railroad, through Yanceyville, North Carolina, to Reidsville, North Carolina, or any part of said proposed line.   |
| Corporate powers. | SEC. 2. The capital stock of said company shall not be less than fifty thousand dollars nor more than one million dollars, to be divided into shares of fifty dollars each; and whenever fifty shares shall have been subscribed to and five per centum paid in, the subscribers, under the direction of any five of the incorporators herein named, may organize the said company by electing a president and board of directors, and by electing or providing for the appointment of such other officers as may be necessary for the control and management of the business and affairs of said company, and therefor they shall have and exercise all the powers and privileges of a corporation under their charter and the laws of this state: <i>Provided, however,</i> that unless |
| Termini.          |   |
| Capital stock.    |   |
| Organization.     |   |
| Corporate powers. |   |
| Proviso.          |   |



the said company shall, within two years from and after the date of the passage of this [act] actually commence to locate, concluding said railroad or some part thereof, this charter shall be forfeited.

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

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

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

SEC. 6. It shall be lawful for any county, township, city or town through or near which said railroad may run to subscribe for and hold stock in said company, or any section thereof in case any section be built alone. Whenever such subscription shall be authorized under the provisions of this act by a majority of all the qualified votes of such county, township, city or town, and any township through which or near which said railroad passes so voting said subscription, shall be constituted a corporation with full power to subscribe to said capital stock as provided in this act and to assume and contract indebtedness for the purpose of payment of said subscription; and shall have authority through the board of county commissioners of the county in which such township is situated, as authorized by this act, to issue bonds of such township and to provide for the levy and collection of taxes on property and polls to pay the accruing interest on said bonds and the principal when the same falls due. Subscriptions by counties, townships, cities and towns.  
Incorporated.  
Issuance of bonds.  
Taxes.

SEC. 7. That in case any county or town through or near which said road is located desires to subscribe for stock in said company, it shall be the duty of the board of commissioners of said county, upon the petition of not less than twenty-five freeholders and resident taxpayers of the county, to provide for the submission of the question of Election in counties, &c., on question of subscription.

subscription to the qualified vote of such county, and in case the same is adopted by said voters then the bonds shall issue and taxes to pay the same shall be levied as is prescribed by the general laws as are contained in chapter forty-nine of The Code of North Carolina.

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

SEC. 8. That upon the presentation of a petition signed by, at court, twenty-five resident taxpayers of any township, city or town through or near which said road shall have been located to the board of county commissioners in which such township, city or town is situated, requesting such commissioners to submit to the vote of the qualified voters of this township, city or town, as the case may be, a proposition to subscribe a definite sum named in the petition to the capital stock of the Atlantic, Yanceyville and Reidsville Railroad Company, it shall be the duty of such board of commissioners within sixty days to order an election to be held at the various voting places in the township, city or town so petitioning, and submit to the qualified voters thereof the question of subscribing to the capital stock of said company the amount specified in the petition, at which election those in favor of such subscription shall vote "Railroad," and opposed shall vote "No railroad." In townships said elections shall be held, registrars, poll-holders and judges appointed, and the registration of votes taken in the manner provided by law for election of members of the general assembly, and in cities and towns as provided by law for the election of commissioners or aldermen, except that in all said elections the poll-holders shall make return within three days after the election of the votes cast to the board of county commissioners of the county who shall, on the third day after the election, canvass the returns, declare the result and cause the same to be entered on their minutes.

Ballots.

Election, how held, &c.

Returns.

How subscription to be made.

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

Bonds to be issued, &c.

SEC. 10. To provide for the payment of such subscription made as provided in this act the board of county commissioners in case of township subscription, and the board of town commissioners or aldermen in case of city or town subscription, shall issue coupon bonds to the amount of the subscription so authorized, and the said bonds shall upon their face indicate on account of which township, city or town they are issued and the conditions upon which they are issued; said bonds shall be in denominations of not less than fifty nor more than five hundred dollars, and bear interest not exceeding six per

centum per year, payable annually or semi-annually at such time and place as may be then directed; such township bonds so authorized to be issued to be signed by the chairman of the board of the county commissioners and countersigned by the register of deeds of the county; and such town or city bonds so authorized to be issued to be signed by the mayor or chairman of the board of town commissioners or aldermen of the town, and countersigned by the treasurer of the town provided there be such treasurer.

SEC. 11. To provide for the payment of said township bonds issued under the authority of this act the board of county commissioners of any county wherever a township issuing the same may be situated, and to provide for the payment of said town or city bonds issued under the authority of this act, the board of commissioners or aldermen of such city or town issuing the same shall, in addition to the other taxes that annually may be levied upon the property and polls of such township, city or town, annually compute and levy at the time of levying the general taxes, or at any other regular meeting, upon the property and polls of said township, city or town a sufficient tax to regularly and promptly pay the interest on said bonds as it falls due and to provide a sinking fund to pay off the principal of the same as the bonds may mature, which taxes shall be collected by the sheriff of the county or by a tax collector, to be annually appointed for the purpose by the board of county commissioners of the county in which such township is situated if the taxes be levied upon the subjects of taxation in the township to pay the township bonds, and by the tax collector of a city or town to pay city or town bonds, and duly applied according to the payment of the interest and principal of the bonds provided for in this act, under the same rules and regulations and subject to the same penalties as are now applicable to sheriffs and other officers in the collection and disbursements of state and county taxes.

SEC. 12. That the stockholders in said company, whether private or other corporations, shall be liable for the debts of said company to the amount only of the unpaid stock in said company held by them respectively.

SEC. 13. The said company is hereby authorized to subscribe to the capital stock of any connecting railroad company which is not a parallel or competing line, or to mining, manufacturing or real estate company situated on their own lines.

SEC. 14. The said company shall have the power to construct, maintain, equip and operate such branch roads as the board of directors may determine to construct, maintain and operate, running from some point on its main line in any direction: *Provided, however,* that no such branch road shall exceed thirty miles in length.

SEC. 15. The board of directors heretofore provided for shall consist of not less than five or more than nine, who shall be elected by

Special taxes.

Collection of tax.

Liability of stockholders.

May subscribe to stock of connecting road.

Branch roads.

Proviso.

Directors.

Vacancies. the stockholders at their annual meetings to be held on such days as the stockholders in their first meeting may direct, and shall continue in office for the term of one year from and after their election and until their successors are elected and accept the duties of their offices, and in case of death, resignation or incapacity of the president during the term of office, then the board of directors shall elect one of their number to fill the unexpired term, and also to elect a member of their board, as heretofore provided for, to fill the vacancy occasioned by the election of the president.

May borrow money on mortgage. SEC. 16. The said company may from time to time borrow such sums of money as may be necessary for its purposes, and to secure such loans may issue its bonds bearing interest at a rate not exceeding six per centum per annum, and may sell, hypothecate and exchange said bonds on such terms as its president and board of directors may deem advisable, and may secure said bonds and the interest thereon by deeds of trust and mortgage conveying its property and franchises in whole or in part: *Provided, however,* that a lien of not more than forty thousand dollars per mile of single track on the main line and branches shall be created under the authority of this section; and said company may and is hereby authorized to consolidate its line with that of any other connecting railroad company whenever and upon such terms as a majority of its stockholders shall approve, and to this end full power and authority is hereby granted to such connecting road for that purpose: *Provided,* this road shall always remain a North Carolina corporation, so far as the rights of suing and being sued is concerned.

Proviso.

Consolidation.

Proviso.

Shares personal property. Transfer of stock. SEC. 17. The shares of the company shall be deemed personal property, and as such assignable and transferable on the books of said company under such rules and regulations as may be fixed and prescribed by the board of directors, with the approval of a majority of the stockholders, who shall have power from time to time to increase the capital stock of said company so that it shall not exceed one million dollars as aforesaid.

Increase of capital stock.

SEC. 19. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

#### CHAPTER 386.

An act to incorporate the Southport Naval Marine Academy.

*The General Assembly of North Carolina do enact :*

Incorporators. SECTION 1. That Dr. D. W. Bullock, H. H. Dougherty, John D. Bellamy, junior, and those who may be associated with them, be incor-

porated into a company under the name and style of the "Southport Naval Marine Academy," with the reserve rights, powers, privileges and duties of such corporations for the purpose of carrying on a school and naval marine academy. Corporate name.  
Corporate powers.

SEC. 2. That the governor shall be empowered to grant a commission to the superintendent of the aforesaid Naval Marine and Classical School: *Provided*, the rank so conferred shall be no higher than that of lieutenant, and that the governor be empowered to grant commissions to such other officers of said school as may be recommended by superintendent: *Provided*, that the rank so conferred shall be no higher than that of third lieutenant, and only such officers shall be recommended by the superintendent as are essential to the efficiency of said school. Governor to commission superintendent.  
Proviso.  
Commissions to other officers.  
Proviso.

SEC. 3. That officers commissioned as herein provided shall take rank according to the date of the commission with officers in the line of the North Carolina state naval marine. Rank of officers.

SEC. 4. And said corporation may sue and be sued, plead and be impleaded, contract and be contracted with, acquire and hold property, both real and personal, in their corporate capacity such as may be necessary for maintaining of high grade. Corporate powers.

SEC. 5. That this act may be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

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#### CHAPTER 387.

An act to consolidate and revise the charter of the town of Wilson.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the inhabitants of the town of Wilson shall be and continue as they heretofore have been a body politic and corporate, and in the name of the board of commissioners of Wilson or by the agents duly authorized by said board 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; and shall have all the powers, rights and privileges necessary or belonging to or usually appertaining to municipal corporations. Incorporated.  
Corporate name.  
Corporate powers.

SEC. 2. The corporate limits of said town shall be as follows: Beginning at a stone on the south side of Tarboro road one thousand one hundred and fifty-eight feet west of center line of South street and six hundred and seventy-two feet west of center line of a proposed street; thence forty-eight degrees thirty minutes west seventy-

Corporate limits.

two feet to a stone on north side of Tarboro road; thence north twenty-nine degrees thirty minutes west one thousand four hundred and ninety feet to a stone on north side of Park street; thence along north side Park street north sixty degrees thirty minutes east eight hundred and seventy-eight feet to a stone on north side of Park street; thence north thirty degrees west two thousand six hundred and fifty feet to a stone on the south side of Ransom street, if same were extended without change of direction; thence north sixty-eight degrees thirty minutes east and falling in with south line of Ransom street one thousand six hundred and forty feet to a stone on south line of Ransom street and near the east line of Nash street; thence north fifty-nine degrees thirty minutes east one thousand seven hundred and ten feet to a stone; thence south forty degrees east one thousand one hundred and five feet to a stone on north side of Lucas road; thence south thirty-six degrees thirty minutes east one thousand four hundred and sixty-five feet to a stone at southeast corner of Hill and Cemetery streets, if Hill street were extended; thence in direction and with east line of Cemetery street south thirty-seven degrees east two thousand eight hundred and ten feet to a stone on south side of Pender street; thence south sixty-four degrees east four hundred and twenty feet to a stone; thence south twenty-six degrees west parallel to Pender street two thousand seven hundred and twenty-seven feet to a stone; thence north sixty-four degrees west four hundred and twenty feet to a stone on east side of Barnes street; thence south twenty-eight degrees thirty minutes west one hundred and seventy-five feet to a stone in garden; thence north eighty degrees thirty minutes west nine hundred and fifteen feet to a stone on Wilmington and Weldon Railroad right-of-way; thence south twenty-five degrees thirty minutes north on Wilmington and Weldon Railroad right-of-way seven hundred and twenty-five feet; thence north thirty-eight degrees west two thousand three hundred and forty feet to a stone in Finch's back-yard, near northwest corner of kitchen; thence south sixty-eight degrees west one thousand fifty-seven feet to a stone in field; thence north thirteen degrees west three hundred feet to point of beginning.

Divided into wards.

SEC. 3. The town of Wilson shall be divided into five wards denominated, first, second, third, fourth and fifth wards.

First ward.

The first ward shall embrace all the territory within the corporate limits of the town west of Taylor's lane, Barnes street and Broad street.

Second ward.

The second ward shall include all the territory between Taylor's lane, Barnes street, Broad street and Nash street.

Third ward.

The third ward shall include all the territory between Nash and Green streets, if Green street was extended at right angles with Bragg street to corporation line.

The fourth ward shall include all the territory between Green street and an extension of Green street at Bragg street to the corporation line, and Vance street and extension to corporation line. Fourth ward.

The fifth ward shall include all territory north of Vance street. Fifth ward.

SEC. 4. There shall on the first Monday in May, one thousand eight hundred and ninety-three, and on the first Monday in May every year thereafter, be elected five commissioners for said town, who shall take their seats on the first Monday in June, and continue in office until their successors have fully organized. Such commissioners shall be residents of the ward for which they are chosen, and shall be elected by the qualified voters of such ward, and must have resided in the state twelve months and in the ward ninety days next preceding the day of election. Election of commissioners.

SEC. 5. That the present board of commissioners for the town of Wilson and their successors in office each year shall appoint in each ward of said town one registrar and two judges of election; said registrar and judges of election shall each be a qualified voter in the ward in which he is appointed, and shall give ten days public notice of a registration of voters in and for said ward, specifying time and place and names of registrars. Registrars and judges of election.

SEC. 6. That the registrar shall be furnished by the said board of commissioners with registration books, and it shall be his duty, after being qualified to perform the functions of his office fairly, impartially and according to law, to revise the existing registration books of said town in such manner that said book shall show an accurate list of electors previously registered in said town and still residing therein, without requiring such electors to be registered anew; and such registrar shall also every day, between the hours of ten o'clock a. m. and four o'clock p. m. (Sunday excepted), from and including the last Monday in March up to ten days previous to the election, keep open the books for the registration of any electors residing within the corporate limits and entitled to registration whose names have never before been registered in said town or do not appear in the revised lists; and he shall register in said books all names of persons not so registered who may apply for registration, keeping the names of the white voters separate and apart from those of the colored voters, and also their names, ages, place of birth and places of residence; and any person offering may be required to take and subscribe an oath that he has resided in the state of North Carolina twelve months and in the town of Wilson and in the ward for which he offers to register ninety days next preceding the day of election, and that his place of residence is at . . . in such ward, and that he is twenty-one years of age. If any person shall wilfully swear falsely in taking such oath, he shall be guilty of perjury and punished as in like cases of perjury. The board of commissioners, upon thirty days notice, may direct that there shall be an entirely new registration of Registration of voters.

Oath of elector.

Perjury.

New registration.

voters whenever they may deem it necessary for a fair election or for the interest of the town.

Close of registration.

SEC. 7. The registration books shall be closed ten days before the day of election, and after the same are closed no person shall be allowed to register unless he became of age after the said registration books are closed, when he shall be allowed to register on the day of election.

Election, how conducted, &c.

SEC. 8. That after they have been duly sworn by the mayor or justice of the peace to conduct the election fairly, impartially and according to law, it shall be the duty of said registrar and the two judges of election to open the polls at seven o'clock in the morning and keep them open until sunset of the same day, to receive and deposit the ballots in boxes provided for that purpose, to administer oaths, to decide all questions of voting, to count the ballots and declare the result, and have all power of officers appointed under chapter sixteen, volume two of The Code and amendments thereto.

Judge failing to appear, &c.

SEC. 9. If any judge of election or registrar shall fail to be present on the day of election his place shall be filled by the registrar or mayor at once. Ballots shall be on white paper and without device.

Ballots.

Canvass of votes.

SEC. 10. That at the close of the election the votes shall be counted by the judges; and such persons voted for as commissioners having the largest number of votes shall be declared elected commissioners, and said commissioners shall be notified of their election by the said judges.

Notice of election.

Oath of commissioner.

SEC. 11. That each commissioner, before entering upon the duties of his office, shall take before the mayor or some justice of the peace an oath that he will truly and impartially perform the duties of commissioner for the time according to the best of his skill, ability and judgment.

Vacancies.

SEC. 12. The board of commissioners shall have authority to fill any vacancy in the board that may occur during their term of office, and also to appoint all officers which they may deem necessary for the efficient administration of the regulations, ordinances and by-laws of the town, and shall prescribe their term of office, said term not to exceed the term of said commissioner.

Officers.

Commissioners to elect mayor and other officers.

SEC. 13. After the board of commissioners have organized they shall proceed to the election of mayor, secretary, treasurer, tax collector, constable, and as many policemen as they may deem necessary for the efficient administering of the ordinances, regulations and by-laws of the town, who shall hold their office during the term of the board of commissioners appointing the same, subject to be removed at any time for misconduct: *Provided*, the board can at any time [what]ever after the appointment reduce the number or entirely discontinue the whole of the police.

Terms of office.

Proviso.

Criminal jurisdiction of mayor.

SEC. 14. That the mayor of the town of Wilson is hereby constituted a special court, with all the jurisdiction and powers in criminal



offences occurring within the limits of said town which are or hereafter may be given to justices of the peace. He shall preserve and keep the peace, and may cause, upon proper proceedings, to be arrested persons charged or convicted of crimes in other counties or states who may be found in the town limits and bound and imprisoned to appear at the proper tribunal to answer for their offences. He shall also have jurisdiction to issue process, and exclusive original jurisdiction to hear and determine all misdemeanors consisting of a violation of the ordinances and regulations of the said town; to hear and determine all causes of actions; to recover fines and penalties for a violation of the ordinances and regulations of said town, and to enforce penalties by issuing executions upon any adjudged violations thereof; to execute the laws and rules made by the commissioners, 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 laws: *Provided, nevertheless,* that he shall not have jurisdiction of causes of any nature or amount other than of such whereof a justice of the peace may take cognizance, unless specially allowed by this act: *Provided further,* that whenever any person or persons who shall be arrested on a warrant issued by the mayor shall take oath that said person or persons cannot obtain justice before the mayor, it shall be the duty of the mayor to remove the entire cause before some justice of the peace residing within the corporate limits of the town of Wilson for trial, and the said justice of the peace shall have all the powers for this purpose and [that] are vested in the mayor by this charter and the laws of the state; and all fines and imprisonment imposed by the justice of the peace shall be in accordance with this chapter and the ordinances passed thereunder, and all fines imposed shall be paid to the treasurer of the town within five days after the same shall have been paid to the justice of the peace, and any failure to pay over fines thus collected shall be a misdemeanor, and on conviction shall be fined and imprisoned at the discretion of the superior court: *Provided,* that no case shall be removed more than once.

Proviso.

Proviso.

Fines payable to treasurer.

Failure to pay over a misdemeanor.

Proviso.

SEC. 15. 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 Wilson. That whenever a defendant or witness or other person shall be adjudged to be imprisoned by the said court, it shall be competent for the said court to sentence such persons to imprisonment in the county jail for a term not exceeding thirty days, and to adjudge also that such persons work during the period of their confinement on the public streets, or on the public works of the town, or on the public works or public roads of the county of Wilson.

Proceedings before mayor.

Right of appeal.

Imprisonment in county jail.

Work on streets, &c.

- Mayor's precepts. SEC. 16. That the mayor may issue his precepts, processes and warrants to the chief of police of the town, and to such other officers to whom a justice of the peace may issue his precepts, and the same may be served by the police officers of the town or other officer authorized to serve process anywhere in the county of Wilson.
- Ordinances, &c. SEC. 17. That the commissioners when convened shall have power to make and provide for the execution thereof such ordinances, by-laws, rules and regulations for the better government of the town as they may deem necessary: *Provided*, the same be allowed by the provisions of this act and are consistent with the constitution and laws of the state.
- Proviso. SEC. 18. That the tax collector whose election is hereby provided for shall, before acting, execute a bond payable to the town of Wilson in such sum as the commissioners shall determine, and said tax collector shall be vested with the same power and authority in the collection of taxes that sheriffs have and [be] subject to the same fines and penalties for failure and neglect of duty.
- Bond of tax collector. SEC. 19. That if any person liable to taxes on subjects directed to be listed shall fail to pay them within the time prescribed for collection the collector shall forthwith proceed to collect the same by distress and sale, after public advertisement for the space of ten days in some newspaper published in the town or county if the property sold be personalty, and of thirty days if the property be realty.
- Powers. SEC. 20. That when taxes due on any lot or other land (which is hereby declared to be a lien on the same) shall remain unpaid on the first day of January, and there is no other visible estate but such lot or land of the person in whose name it is listed liable to distress and sale known to the collector, he shall report the fact to the commissioners, together with a particular description of the real estate, and thereupon the commissioners shall direct the same to be sold at the court-house door in Wilson county by the collector, after advertising thirty days in some newspaper published in the town or county, which the collector shall cause to be so published. And the collector shall divide the 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 said taxes and expenses for the whole land the same shall be struck off to the town, and if not redeemed as hereinafter provided shall belong to said town in fee; and if said collector shall desire to divide said land into parts he is authorized to employ a surveyor for that purpose.
- Penalties. SEC. 21. The collector shall return an account of his proceedings to the commissioners, specifying the portions into which the land was divided and the purchaser or purchasers thereof, and the price of each, which shall be entered in the book of proceedings of the board,
- Collection of taxes by distress and sale.
- Sale of land for taxes.
- Purchase by town.
- Employment of surveyor.
- Tax collector to make returns of sale.

and if there shall be a surplus, after paying said taxes and expenses of advertising, surveying and selling same, it shall be paid into the town treasury subject to the demand of the owner.

Disposition of surplus.

SEC. 22. The owner of any land sold under the provisions of this charter, or any person acting for such owner, may redeem the same within one year after the sale by paying to the purchaser the sum paid by him and twenty-five per cent. on the amount of taxes and expenses, and the treasurer shall refund to him without interest the proceeds less double the amount of taxes.

Redemption of land sold for taxes.

SEC. 23. That if the estate sold as aforesaid shall not be redeemed within the time specified, the corporation shall convey the same in fee to the purchaser or his assigns, and the recitals in such conveyance, or in any other conveyance of land sold for taxes due the town, that the taxes were due, or of any other matter required to be true or done before the sale, shall be *prima facie* evidence that the same was true and done.

Conveyance to purchaser.

*Prima facie* evidence.

SEC. 24. That the real estate of infants or persons *non compos mentis* shall not be sold for tax, and when the same shall be owned by such in common with other persons free of such disability the sale shall be made as provided in The Code.

Land of infants, &c.

SEC. 25. That the board of commissioners shall have power to grade, macadamize and pave the streets and sidewalks, and to lay out, change and open new streets or widen or straighten those already open, and make such improvements thereon as the public convenience may require; also to lay out, regulate and establish parks for the use of the town; to regulate and protect public grounds and protect the shade trees of the town; that whenever any land or right-of-way shall be required for the purpose of opening new streets or widening those already open, or for other objects allowed by this charter, and for want of agreement as to the value thereof the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by three freeholders of the town, to be chosen by the commissioners, who shall each receive a per diem of two dollars per day, and who may be required by the board to serve under a penalty of fifty dollars each; and in making said valuation said freeholders, after being duly sworn by the mayor or a justice of the peace of the county, shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land or right-of-way being surrendered, also any special benefit or advantage such owner may receive from the opening of such street or other improvement, and shall state the value and amount of each, and the excess of loss or damage over and above the advantages shall form the measure of valuation of said land or right-of-way: *Provided, nevertheless*, that if any person over whose land the said street may pass, or improvement be erected, or the commissioners, be dissatisfied with the valuation then made, then and in that case either party may

Streets, sidewalks, &c.

Condemnation of land.

Right of appeal.

- Land to vest in town. have an appeal to the next superior court of Wilson county to be held thereafter; and the said freeholders shall return to the court to which appeal is taken their valuation with the proceedings thereon; and the land so valued by the freeholders shall vest in the town so long as it may be used for the purposes of the same, as soon as the valuation may be paid or lodged in the hands of the clerk of the superior court (in case of its refusal by the owner of the land or if the town is dissatisfied with the valuation): *Provided, however*, that such appeal shall not hinder or delay the commissioners opening, widening or altering such street or erecting such improvement: *And provided further*, that in case of the discontinuance of the use of the land and its reversion to the owner the town shall have the right to remove any improvement under its authority erected.
- Proviso.
- Proviso.
- Board of equalization. SEC. 26. That in the month of May, one thousand eight hundred and ninety-three, and annually thereafter, the board of commissioners shall appoint three discreet and proper persons among the electors of the town of Wilson to be constituted and be styled "The Board of Equalization of the town of Wilson," and the persons so appointed shall continue in office for one year and until their successors are duly appointed and qualified.
- Oath of members of board of equalization. SEC. 27. Before entering on their duties the members of said board shall take and subscribe an oath before the mayor or some justice of the peace, the oath prescribed in section four, article six of the constitution of the state, and cause the same to be filed in the office of the clerk of the town.
- Chairman of board. Powers. SEC. 28. Said board shall elect from their members 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.
- Removal. SEC. 29. Any member of the board of equalization may be removed from office at any time for misbehavior or neglect in office. The board of commissioners shall fill all vacancies occurring in the board of equalization.
- Vacancies.
- Board to be separate from county and township boards. SEC. 30. That the board of equalization shall be separate and independent from the township and county board of equalization, and shall have the exclusive right to equalize the valuation of property within the corporate limits of said town, and said board shall have the power given to the board of commissioners of a county to revise the tax lists.
- Exclusive rights. Proviso.
- Board to equalize valuation of property, &c. SEC. 31. Said board shall carefully examine the tax lists of the town and shall equalize the valuation of all property within the town limits, so that each tract or lot of land, or article of personal property and all other subjects of taxation shall be entered on the tax lists of the town at its true value in money; and they shall have the power to increase, modify, add to and change the tax lists as made out so that the valuation of similar property throughout the town shall be as

near uniform as possible, and in doing so they shall observe the following rules, and shall have the following powers: Rules and powers.

(1). They shall, after notifying the owner or agent, raise the valuation of such tracts or lots of real property, or articles of personal property and all other subjects taxed by the charter as in their opinion have been returned below their true value, to such price or sum as they may believe to be the true value thereof. Increase of valuation.

(2). They may reduce the valuation of such tracts and lots of real property or articles of personal property and other subjects taxed by the charter as in their opinion have been returned above their value as compared with the average valuation of real and personal property of said [town]. 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. Reduction of valuation.

(3). Whenever said board of equalization shall have reasonable grounds 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 in the tax list. May require true value of property, &c.

(4). In performing the duties required of them the said boards shall have power to subpoena, require the presence of and examine witnesses and parties who list or fail to list, and send for and require to be brought before them and examine records, books, papers and 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. May subpoena witnesses, &c.

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

SEC. 32. If any person who is required to list property for taxation shall refuse to answer any question respecting the property required to be listed by him either before the clerk or said board of equalization, or shall refuse to fill out and swear to his returns, whether principal, agent, trustee, accounting officer or otherwise, he shall be guilty of a misdemeanor, and on conviction liable to be punished by a fine not exceeding fifty dollars or imprisoned not exceeding thirty days; and it shall be the duty of the clerk and the chairman of said board to have the offender prosecuted. Powers. Refusal to answer question a misdemeanor, &c.

SEC. 33. 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, namely: Duty of clerk and chairman to prosecute. Taxation.

(1). On all real and personal property within the corporate limits, including money on hand, solvent credits, investments in bonds, Ad valorem tax.

stocks and all other subjects taxed by the general assembly *ad valorem*, except incomes, a tax not exceeding one dollar and fifty cents on every hundred dollars value.

- Polls. (2). On all taxable polls a tax not exceeding three dollars a poll, who may be residents in the city on the first day of June of each year, or may have been so resident within sixty days next preceding that day.
- Purchase tax. (3). On every hundred dollars value of goods, wares and merchandise purchased for re-sale by any merchant trading in the town within one year next preceding the first day of June of the year in which the same is listed, a tax not exceeding twenty-five cents.
- Omnibuses, &c. (4). Upon every omnibus used for the carriage of persons for hire, a license tax not exceeding fifteen dollars a year; and upon every hack, carriage or other vehicle, including express wagons used for the carriage of persons or baggage for hire, and upon every dray used for the transportation of freight or other articles for hire, a license tax not exceeding twelve dollars a year, and a discrimination may be made between one and two-horse vehicles.
- Dogs. (5). Upon all dogs kept in the town, and which may be so kept on the first day of June, a tax not exceeding five dollars: *Provided, however*, that a discrimination within this limit may be made on the different species and sexes of dogs.
- Proviso. (6). Upon all encroachments on the streets by porches, piazzas, allowed by the aldermen, a tax not exceeding one dollar per square.
- Encroachments on street. (7). Upon every express company and upon every telegraph or telephone company doing business in the city, a tax not exceeding one per centum of its gross receipts in the city, to be given in upon oath by the managing agent of such company annually at the line [time] when other taxes are listed, and under the same penalty as that prescribed in the law of the state.
- Express, &c., companies.
- Shares of stock. (8). Upon all shares of stock issued by any certificates of shares of stocks in every banking or other association located within the corporate limits, a tax not exceeding one dollar and fifty cents on every hundred dollars value, subject to exemptions allowed by law, and the restriction that taxation of such shares shall not be at a greater valuation than is assessed upon any other moneyed capital in the hands of individual citizens: *Provided*, the property of such bank or association otherwise taxed by said town, and its property exempt from taxation, be deducted from the aggregate amount of such bank or association's capital stock.
- Proviso.
- Poles. (9). Upon all poles erected on the streets or sidewalks, or erected within the corporate limits, a tax not to exceed five dollars on each pole.
- Railroad property. SEC. 34. That all office buildings, warehouses, storehouses and also all real and personal property located within the corporate limits of the town and belonging to any railroad company shall be listed for

purposes of taxation by the principal officers or agents of such companies with the clerk in the manner provided by law for the listing and valuation of real and personal property; all road-beds, rights-of-way and superstructure thereon, main and side tracks, depot buildings and depot grounds, rolling-stock and personal property necessary for the construction, repairs and successful operation of any railroad company, when any portion of road-bed, right-of-way or other property is within the corporate limits of said town, shall be taxed as other real and personal property under the rules, regulations and methods as may now or hereafter be provided by the general assembly of North Carolina for ascertaining the listing and valuation thereof.

SEC. 35. That for the purpose of paying off, taking up and cancelling the coupons and bonds issued by said town as the same shall become due, the commissioners may create a sinking fund, and for that purpose the board of commissioners are hereby empowered to levy and collect a sufficient special tax each year upon all subjects of taxation which may be now or hereafter embraced in the subjects of taxation under this charter or the laws of North Carolina, which taxes so collected shall at all times be kept separate and distinct: *Provided, nevertheless*, that the rate of taxation shall not at any time exceed one-tenth of one per centum upon all subjects of taxation as herein provided, and a poll-tax not exceeding three dollars.

Special tax to pay bonded indebtedness.

Proviso.

SEC. 36. The board of commissioners shall annually elect a commissioner of the sinking fund, to hold his office until his successor is qualified. He shall give bond, payable to the town of Wilson, in such sum as may be required by the board of commissioners with at least two sureties, to be approved by the board. The sureties shall make oath that they are worth in real and personal property over and above liabilities and exemptions allowed by law at least the amount of the penalty of the bond. The bond shall annually be renewed during the month of June, and the penalty shall from time to time be increased according to the probable amount of the funds in the hands of the commissioner during the succeeding year. The tax collector shall pay the whole of the special taxes collected for the purpose of paying the principal and interest of the bonds issued by the town, [under provisions] of chapter number one hundred and sixty-seven, private acts eighteen hundred and eighty-nine, for the construction of water-works and electric lights, to the commissioner who shall give receipts for said payment, and pay the interest on said bonds issued under said act 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.

Commissioner of sinking fund.

Bond.

Tax collector to pay special taxes to commissioner.

Commissioner to pay interest on bonds.  
To demand special taxes from collector.  
Town authorized to create debt for public improvements.

SEC. 37. That the town of Wilson is hereby authorized and empowered to create a debt for public improvements, grading, macadamizing and paving streets, water-works, sewerage, etc., and other public purposes, to an amount not exceeding seven per centum of valuation

Issuance of bonds.

of real and personal property, and for that purpose may issue bonds in the name of the town of Wilson in such denomination and form and payable at such place and time, but running not less than twenty nor more than fifty years, and bearing interest at no greater rate than six per centum per annum and payable annually, as said board of commissioners may determine.

Election on question of issuing bonds.

SEC. 38. That none of said bonds shall be issued until approved by a majority of the qualified voters of said town at a public election to be held at such time or times and under such regulations as the board of commissioners may prescribe, at which election those favoring the issue of bonds shall vote "Issue," and those opposing it shall vote "No issue."

Bonds not to be sold for less than par.

SEC. 39. That said bonds shall in no case be sold, hypothecated or otherwise disposed of for a less sum than their par value, and the money arising from the sale of said bonds shall be used for such public improvements in the town of Wilson as is indicated by the election aforesaid.

Proceeds, how applied.

Commissioners may require landowner to pave one-half of streets and sidewalks, &c.

SEC. 40. The board of commissioners of the town of Wilson shall have the power to require every owner of real estate in the town of Wilson to pave one-half of the street or streets and sidewalks in front of his or her land in such manner and with such material as the street committee of said board may direct, and to enforce such requirement by fines and penalties, and upon failure of such owner to do such paving the town of Wilson may have the same done, and the costs thereof may be assessed upon the property of such delinquent and added to the taxes against him or her and collected in the same manner that other taxes or assessments are collected; or judgment may be taken by the town of Wilson before the mayor or any justice of the peace, or in the superior court of Wilson county for the costs of such paving, and when docketed in the superior court of Wilson county, such judgment shall have the same lien as is possessed by other judgments docketed in said superior court and be enforced in like manner.

Penalties.

On failure, town may pave. Recovery of expenses.

Additional subjects of taxation.

SEC. 41. That in addition to the subjects listed for taxation the commissioners may levy a tax on the following subjects, the amount of which tax, when fixed, shall be collected by the 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: First—Upon all itinerant merchants or peddlers offering to vend in the town a license-tax, not exceeding fifty-dollars a year, except such only as sell books, charts or maps, or wares of their own manufacture, but not excepting vendors of medicines by whomsoever manufactured. Not more than one person shall peddle under a single license. The following businesses and professions, a tax not to exceed sixty dollars per year, except those

Collection.

Peddlers, &c.

Certain businesses and professions.



specifically designated: Auctioneers, butchers, bagatelle, two dollars per month; bar-rooms, not to exceed five hundred dollars, payable one-half on January first and one-half July first; billard-tables, boarding-houses, bowling-alley, brick-yards, brokers, bottling, barber shop, carriage shops, plow shops, foundry, sash, door and blind factory, tin shops, chiropodists, circuses, draymen, dentists, fishmongers, ice dealers, itinerant horse drovers, lawyers, livery and sale stables, menageries, itinerant opticians, parades, peddlers, photographers, planing mills, pool tables, skating rinks; wholesale liquor dealers shall pay a license-tax not to exceed one hundred dollars per year; horse trading (other than licensed stables) as a business, cotton factories, ginners, shooting-galleries, eating-saloons and restaurants, oil companies, opera-house, organ and piano tuners and repairers, undertakers, hotels, job printing offices, merry-go-rounds.

SEC. 42. Every merchant, jeweler, grocer, druggist or other dealer who shall buy and sell goods, wares and merchandise of whatever name or description, shall, in addition to his *ad valorem* tax on his stock, pay as a license one-fourth of one per centum on the total amount of purchases in or out of the state for cash or on credit, whether such persons herein mentioned purchased as principal or through an agent, broker or commission merchant. Purchase tax.

SEC. 43. That no party shall be allowed to erect any building in a line of a projected street, and any person so offending shall be subject to a fine of fifty dollars or thirty days imprisonment, and such building shall be adjudged to be condemned without cost to the town, and the owner shall be entitled to no damages for the removal of such building. Penalty for erecting building on line of projected street.

SEC. 44. That all lands that are now owned or may hereafter be acquired for public purposes by said town shall be considered within the corporate limits of said town, and subject to all the rules and police regulations of said town. Lands owned for public purposes to be within corporate limits.

SEC. 45. The chief of police and other police officers of said town, upon a proper warrant from the mayor attested by the corporation seal, shall have power to serve same and make arrests of and hold the persons charged with any criminal offence therein anywhere in the state of North Carolina. Service of process by policemen, &c., outside of town.

SEC. 46. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

STATE OF NORTH CAROLINA,  
OFFICE SECRETARY OF STATE,  
Raleigh, June 13, 1893.

I, OCTAVIUS COKE, Secretary of State, hereby certify that the foregoing are true copies of the original private acts on file in this office.

OCTAVIUS COKE,  
*Secretary of State.*



# INDEX TO THE PRIVATE LAWS.

SESSION 1893.

## A.

|   | PAGE.    |
|---|----------|
| ABERDEEN:   |          |
| Act to incorporate,                                     | 347      |
| ABERDEEN AND ROCKFISH RAILROAD COMPANY:                 |          |
| Charter amended,  | 19       |
| ABERDEEN AND WEST END RAILROAD COMPANY:                 |          |
| Charter amended; may construct branch roads,            | 193      |
| ABERDEEN FORWARDING COMPANY:                            |          |
| Moore County Railroad Company may consolidate with,     | 44       |
| ADVANCE:  |          |
| Charter amended,  | 551      |
| AHOSKIE:  |          |
| Hertford county; act to incorporate,                    | 3        |
| AID AND LOAN ASSOCIATION OF LITTLETON FEMALE COLLEGE:   |          |
| Act to incorporate,                                     | 265      |
| AMERICAN HOME MINERAL AND TIMBER LAND COMPANY:          |          |
| Charter amended,  | 301, 511 |
| AMHERST ACADEMY:  |          |
| Burke county; act to incorporate,                       | 257      |
| ANDREWS' HIGH SCHOOL:                                   |          |
| Cherokee county; act to incorporate,                    | 283      |
| ARLINGTON:  |          |
| Act to incorporate,                                     | 412      |
| ASHBORO:  |          |
| Charter amended,  | 455      |
| ASHEVILLE:  |          |
| Authorized to issue bonds for street improvement,       | 192      |
| Charter amended,  | 211      |
| Charter amended; pavement by street railways,           | 403      |
| Charter amended; term of office of certain officers,    | 407      |
| Issue of additional sewer bonds authorized,             | 440      |
| ASHEVILLE COTTON MILLS:                                 |          |
| Name of C. E. Graham Manufacturing Company changed to,  | 439      |
| ASHEVILLE TOBACCO WORKS AND CIGARETTE COMPANY:          |          |
| Act to incorporate,                                     | 302      |
| ASHEVILLE TRUST, GUARANTEE AND COLLECTING ASSOCIATION:  |          |
| Act to incorporate,                                     | 385      |
| ASHLER LODGE, NUMBER 451, A. F. and A. M.:              |          |
| Located in Watauga county; act to incorporate,          | 12       |
| ASSOCIATION OF EX-CONFEDERATE SOLDIERS OF BEAUFORT CO.: |          |
| Authorized to dispose of certain real estate,           | 143      |
| ATLANTA, ASHEVILLE AND BALTIMORE RAILROAD COMPANY:      |          |
| Charter amended,  | 533      |

|  | PAGE.    |
|--|----------|
| ATLANTIC AND NORTH CAROLINA RAILROAD COMPANY:  |          |
| Charter amended,   | 303      |
| ATLANTIC AND OHIO RAILROAD COMPANY:  |          |
| Act to incorporate,  | 159      |
| ATLANTIC, YANCEYVILLE AND REIDSVILLE RAILROAD COMPANY:                                     |          |
| Act to incorporate,  | 586      |
| AYDEN:   |          |
| Pitt county; charter amended,  | 441      |
| B.   |          |
| BANK OF COMMERCE:  |          |
| Located at Fayetteville; name changed to Bank of Cumberland,                               | 81       |
| BANK OF COMMERCE:  |          |
| Of Wilmington; act to incorporate,   | 512      |
| BANK OF CUMBERLAND:  |          |
| Name of Bank of Commerce changed to,   | 81       |
| BANK OF HENDERSON:   |          |
| Charter amended; directors,  | 258      |
| BANK OF KERNERSVILLE:  |          |
| Act to incorporate,  | 494      |
| BANK OF LAURINBURG:  |          |
| Act to incorporate,  | 173      |
| BANK OF LEXINGTON:   |          |
| Act to incorporate,  | 154      |
| BANK OF LOUISBURG:   |          |
| Act to incorporate,  | 281      |
| BANK OF MADISON:   |          |
| Charter amended,   | 143      |
| Charter amended,   | 556      |
| BANK OF MAXTON:  |          |
| Charter amended,   | 539      |
| BANK OF SMITHFIELD:  |          |
| Act to incorporate,  | 397      |
| BANK OF WASHINGTON:  |          |
| Act to incorporate,  | 4        |
| Act supplemental to foregoing,   | 9        |
| BANK OF WAYNESVILLE:   |          |
| Act to incorporate,  | 90       |
| BANK OF WELDON:  |          |
| Act to incorporate,  | 131      |
| BANKS AND TRUST COMPANIES:   |          |
| [The following banks and trust companies were incorporated or had their charters amended.] |          |
| Bank of Commerce (Fayetteville),   | 81       |
| Bank of Commerce (Wilmington),   | 512      |
| Bank of Cumberland,  | 81       |
| Bank of Henderson,   | 258      |
| Bank of Kernersville,  | 494      |
| Bank of Laurinburg,  | 173      |
| Bank of Lexington,   | 154      |
| Bank of Louisburg,   | 281      |
| Bank of Madison,   | 143, 556 |
| Bank of Maxton,  | 539      |
| Bank of Smithfield,  | 397      |
| Bank of Washington,  | 4-9      |

| BANKS AND TRUST COMPANIES—CONTINUED.                                     | PAGE.   |
|--|---------|
| Bank of Waynesville,   | 90      |
| Bank of Weldon,  | 131     |
| Beaufort County Bank,  | 30      |
| Branch Banking Company,  | 42      |
| Carolina Real Estate and Investment Company,                             | 92      |
| ↙ Citizens Savings Bank of Wilmington,                                   | 176     |
| Commercial and Savings Bank of Goldsboro,                                | 417     |
| Commercial Bank of Rutherfordton,  | 203     |
| Commercial Bank of Shelby,   | 316     |
| Co-operative Bank of North Carolina,                                     | 87      |
| Exchange Bank of Winston,  | 309     |
| ✓ Lenoir Bank of Kinston,  | 409     |
| Loan and Savings Bank of Charlotte,                                      | 205     |
| Louisburg Savings Bank,  | 429     |
| Mercantile Banking and Trust Company,                                    | 447     |
| ? Metropolitan Trust Company of Wilmington,                              | 516     |
| Murphy Banking Company,  | 531     |
| North Carolina Savings Bank and Trust Company,                           | 317     |
| Parrish Warehouse Bank,  | 80      |
| Peoples Bank of Asheville,   | 86      |
| Peoples Bank of Kinston,   | 95, 409 |
| Raleigh Bank,  | 459     |
| State Bank of Wilson,  | 42      |
| Statesville Savings Bank,  | 585     |
| Southern Trust and Guaranty Company,                                     | 378     |
| Thomasville Banking and Trust Company,                                   | 510     |
| Wilkes County Bank,  | 195     |
| Wilmington Homestead and Loan Association,                               | 78      |
| <br>BAPTIST MISSIONARY AND EDUCATIONAL CONVENTION FOR COL-<br>ORED RACE: |         |
| Act to incorporate,  | 94      |
| <br>BAPTIST STATE CONVENTION OF NORTH CAROLINA:                          |         |
| Act to incorporate,  | 567     |
| <br>BEAUFORT COUNTY BANK:  |         |
| Act to incorporate,  | 30      |
| <br>BELLWOOD INSTITUTE:  |         |
| Trustees of incorporated,  | 446     |
| <br>BENEVOLENT RELIGIOUS BURYING SOCIETY:                                |         |
| Act to incorporate,  | 408     |
| <br>BENEVOLENT SOCIETIES. (See CORPORATIONS.)                            |         |
| <br>BENSON:  |         |
| Charter amended,   | 128     |
| <br>BESSEMER CITY:   |         |
| Act to incorporate,  | 577     |
| <br>BESSEMER CITY COTTON MILL COMPANY:                                   |         |
| Act to incorporate,  | 374     |
| <br>BETHEL:  |         |
| Charter amended,   | 576     |
| <br>BETHEL LODGE, ORDER OF LOVE AND CHARITY:                             |         |
| Act to incorporate,  | 466     |
| <br>BIG FALLS COTTON MILLS:  |         |
| Charter confirmed, amended and enlarged,                                 | 337     |
| <br>BILTMORE:  |         |
| Act to incorporate,  | 493     |

|  | PAGE. |
|--|-------|
| BILTMORE AND ASHEVILLE STREET RAILWAY COMPANY:       |       |
| Time for construction extended,                      | 575   |
| BLACK MOUNTAIN:                                      |       |
| Act to incorporate,                                  | 376   |
| BLOWING ROCK AND LENOIR RAILWAY AND IMPROVEMENT CO.: |       |
| Act to incorporate,                                  | 199   |
| BOONE AND BLOWING ROCK TURNPIKE COMPANY:             |       |
| Act to incorporate,                                  | 45    |
| BOSTIC:  |       |
| Act to incorporate,                                  | 367   |
| BRANCH BANKING COMPANY:                              |       |
| Name of the State Bank of Wilson changed to,         | 42    |
| BREVARD:   |       |
| Charter amended; corporate limits,                   | 9     |
| BREVARD STATION:                                     |       |
| Name changed to Stanley Creek,                       | 85    |
| BRYSON CITY:   |       |
| Charter amended; condemnation of land,               | 295   |
| BUNCOMBE COUNTY MISSIONARY BAPTIST ASSOCIATION:      |       |
| Board of Education of, incorporated,                 | 434   |
| BURLINGTON:  |       |
| Charter amended,                                     | 64    |
| BURLINGTON AND SOUTHWESTERN RAILROAD COMPANY:        |       |
| Act to incorporate,                                  | 21    |
| BUTTERS LUMBER COMPANY:                              |       |
| Charter amended and consolidated,                    | 165   |

## C.

|  |     |
|--|-----|
| CABARRUS COTTON MILL:  |     |
| Act to incorporate,  | 49  |
| Act supplemental to foregoing,   | 108 |
| CADE TYPEWRITER COMPANY:   |     |
| Name of Electro-Typograph Company changed to,                              | 458 |
| CALDWELL AND NORTHERN RAILROAD COMPANY:                                    |     |
| Name of Lower Creek and Linville Valley Transportation Company changed to, | 150 |
| CAMP-GROUNDS. (See CHURCHES AND CAMP-GROUNDS.)                             |     |
| CANTON:  |     |
| Name of Pigeon river changed to,   | 54  |
| CAPE FEAR HARBOR AND COAL COMPANY:   |     |
| Act to incorporate,  | 60  |
| CAPE FEAR AND NORTHERN RAILROAD COMPANY:                                   |     |
| Time to commence work extended,  | 439 |
| CAPE FEAR AND RALEIGH RAILROAD COMPANY:                                    |     |
| Act to incorporate,  | 358 |
| CAPE FEAR AND YADKIN VALLEY RAILROAD COMPANY:                              |     |
| Charter extended,  | 3   |
| Charter amended,   | 180 |
| CAROLINA AND VIRGINIA RAILROAD COMPANY:                                    |     |
| Charter amended; when work to be commenced and completed,                  | 185 |
| CAROLINA BUFF AND BROWNSTONE COMPANY:                                      |     |
| Act to incorporate,  | 101 |

|   | PAGE.    |
|---|----------|
| CAROLINA CHARITY ASSOCIATION:   |          |
| Act to incorporate,   | 520      |
| CAROLINA LIGHT, WATER AND SANITARY CONSTRUCTION CO.:  |          |
| Act to incorporate,   | 482      |
| CAROLINA MANUFACTURING COMPANY:   |          |
| Act to incorporate,   | 217      |
| CAROLINA PYRITES COMPANY:   |          |
| Act to incorporate,   | 418      |
| CAROLINA REAL ESTATE AND INVESTMENT COMPANY:  |          |
| Act to incorporate,   | 92       |
| CARR ACADEMY:   |          |
| Located at Norwood, Stanly county: act to incorporate,  | 51       |
| CARTERET LODGE:   |          |
| Charter amended,  | 203      |
| CARTHAGE AND WESTERN RAILROAD COMPANY:  |          |
| Act to incorporate,   | 128      |
| CATAWBA:  |          |
| Act to incorporate,   | 411      |
| CATAWBA ELECTRIC POWER COMPANY:   |          |
| Act to incorporate,   | 462      |
| CATAWBA TOLL-BRIDGE RAILWAY COMPANY:  |          |
| Act to incorporate,   | 413      |
| C. E. GRAHAM MANUFACTURING COMPANY:   |          |
| Name changed to Asheville Cotton Mills,   | 439      |
| CENTERVILLE MALE AND FEMALE ACADEMY:  |          |
| Act to incorporate,   | 585      |
| CHARLOTTE:  |          |
| Charter amended,  | 368      |
| CHARLOTTE HOME AND HOSPITAL:  |          |
| Name changed to Saint Peter's Home and Hospital,  | 410      |
| CHARLOTTE MEDICAL COLLEGE:  |          |
| Act to incorporate,   | 460      |
| CHARLOTTE, TROY AND SANFORD RAILROAD COMPANY:   |          |
| Act to incorporate,   | 326      |
| CHERAW AND DARLINGTON RAILROAD COMPANY:   |          |
| Incorporated in North Carolina: purchase of property of Cheraw and Salisbury Railroad Company by, ratified, | 401      |
| CHERAW AND SALISBURY RAILROAD COMPANY:  |          |
| Purchase of, by Cheraw and Darlington Railroad Company, ratified,   | 401      |
| CHOWAN AND AULANDER RAILROAD COMPANY:   |          |
| Act to incorporate,   | 377      |
| CHURCHES AND CAMP-GROUNDS:  |          |
| [The following churches and camp-grounds were incorporated or had their charters amended.]                  |          |
| Baptist Missionary Educational Convention,  | 94       |
| Baptist State Convention,   | 567      |
| Buncombe County Missionary Baptist Association,   | 434      |
| First Baptist Church of Winston,  | 334      |
| First Colored Baptist Church of Rocky Mount,  | 395      |
| Grace Church (Weldon),  | 527      |
| Methodist Episcopal Church of Edenton,  | 403, 545 |
| North Carolina Annual Conference of M. P. Church,   | 297      |
| Saint James Parish (Wilmington),  | 523      |
| Saints' Ark,  | 575      |

## CHURCHES AND CAMP-GROUNDS—CONTINUED.

PAGE.

|                             |  |     |
|-----------------------------|--|-----|
| Salem Church,               |  |     |
| Salem Methodist Church,     |  | 574 |
| Turkey Creek Camp-ground,   |  | 103 |
| Vestibule Church (colored), |  | 348 |
| Winston Baptist Church,     |  | 334 |

## CITIES AND TOWNS:

[The following cities and towns were incorporated or had their charters amended.]

|                  | PAGE.                   |                    |              |
|------------------|-------------------------|--------------------|--------------|
| Aberdeen,        | 347                     | Kenley,            | 370          |
| Advance,         | 551                     | Killquick,         | 56, 440      |
| Ahoskie,         | 3                       | Kinston,           | 170          |
| Arlington,       | 412                     | Lewiston,          | 217          |
| Ashboro,         | 455                     | Lexington,         | 421          |
| Asheville,       | 192, 211, 403, 407, 440 | Liberty,           | 142          |
| Ayden,           | 441                     | Littleton,         | 266          |
| Benson,          | 128                     | Lumberton,         | 555          |
| Bethel,          | 576                     | Mars Hill,         | 17           |
| Bessemer City,   | 577                     | Monroe,            | 12, 56, 405  |
| Biltmore,        | 493                     | Montford,          | 106          |
| Black Mountain,  | 376                     | Morehead City,     | 389          |
| Bostic,          | 367                     | Morganton,         | 402          |
| Brevard,         | 9                       | Mount Airy,        | 13           |
| Brevard Station, | 85                      | Murfreesboro,      | 17           |
| Bryson City,     | 295                     | Murphy,            | 202          |
| Burlington,      | 64                      | Nashville,         | 15           |
| Canton,          | 54                      | Newton,            | 551          |
| Catawba,         | 411                     | New London,        | 193          |
| Charlotte,       | 368                     | North Wilkesboro,  | 59           |
| Claremont,       | 11                      | Old Fort,          | 112          |
| Clinton,         | 339                     | Parmele,           | 73           |
| Dillsboro,       | 296                     | Pendleton,         | 103          |
| Dunn,            | 315                     | Pigeon River,      | 54           |
| Durham,          | 74                      | Pikeville,         | 216          |
| Earl,            | 394                     | Plateau,           | 144          |
| Edenton,         | 105, 559                | Portia,            | 4            |
| Elizabeth City,  | 391                     | Raleigh,           | 107, 186     |
| Elon College,    | 486                     | Randieman,         | 405          |
| Elkin,           | 560                     | Reidsville,        | 370          |
| Everetts,        | 501                     | Ridgeway,          | 266          |
| Falkland,        | 393                     | Robinsville,       | 184          |
| Fallston,        | 38                      | Rocky Mount,       | 35           |
| Fayetteville,    | 231, 366, 522           | Rocky Mount Mills, | 44           |
| Four Oaks,       | 407                     | Salisbury,         | 1, 60, 115   |
| Gatesville,      | 188                     | Shelby,            | 82, 107, 545 |
| Gibsonville,     | 367                     | South Wadesboro,   | 406          |
| Goldsboro,       | 146                     | Sparta,            | 255          |
| Greensboro,      | 290, 383                | Stanley Creek,     | 85           |
| Greenville,      | 307                     | Statesville,       | 191, 353     |
| Grimesland,      | 349                     | Thomasville,       | 170          |
| Hampton,         | 63                      | Vandemere,         | 548          |
| Hickory,         | 411                     | Vaughans,          | 529          |
| Hilma,           | 183                     | Waco,              | 34           |
| Hot Springs,     | 284                     | Wadesboro,         | 341          |
| Huntersville,    | 499                     | Washington,        | 307, 340     |
| Inanda,          | 40                      | Waxhaw,            | 28           |
| Jamestown,       | 342                     | Waynesville,       | 243          |
| Keeverville,     | 144                     | West Tarboro,      | 183          |
| Kelford,         | 33                      |                    |              |



## CITIES AND TOWNS—CONTINUED.

|  | PAGE.    |             | PAGE.    |
|--|----------|-------------|----------|
| Whiteville,  | 116      | Wilmington, | 62       |
| Whittier,  | 185      | Wilson,     | 591      |
| Wilkesboro,  | 333, 461 | Windsor,    | 363      |
| Williamston,   | 486      | Winston,    | 221, 292 |
| CITIZENS SAVINGS BANK OF WILMINGTON:   |          |             |          |
| Act to incorporate,  |          |             | 176      |
| CLAREMONT:   |          |             |          |
| Catawba county; act to incorporate,  |          |             | 11       |
| CLINTON:   |          |             |          |
| Charter amended,   |          |             | 339      |
| CLYDE LODGE, NUMBER 453, A., F. AND A. M.:   |          |             |          |
| Act to incorporate,  |          |             | 404      |
| COLUMBIA, CHARLOTTE AND WINSTON RAILROAD COMPANY:  |          |             |          |
| Act to incorporate,  |          |             | 330      |
| COLUMBUS LAND AND IMPROVEMENT COMPANY:   |          |             |          |
| Act to incorporate,  |          |             | 148      |
| COMMERCIAL AND SAVINGS BANK OF GOLDSBORO:  |          |             |          |
| Act to incorporate,  |          |             | 417      |
| COMMERCIAL BANK OF RUTHERFORDTON:  |          |             |          |
| Act to incorporate,  |          |             | 203      |
| COMMERCIAL BANK OF SHELBY:   |          |             |          |
| Time for organization extended,  |          |             | 316      |
| COMMERCIAL SECURITY COMPANY:   |          |             |          |
| Name changed to the Southern Finishing and Warehouse Company,  |          |             | 54       |
| CONCORD SOUTHERN RAILROAD COMPANY:   |          |             |          |
| Charter amended,   |          |             | 190      |
| CONFEDERATE MONUMENT:  |          |             |          |
| Act to incorporate North Carolina Monumental Association,  |          |             | 208      |
| CO-OPERATIVE BANK OF NORTH CAROLINA:   |          |             |          |
| Act to incorporate,  |          |             | 87       |
| CORPORATIONS (including lodges, mining and manufacturing corporations,<br>land companies and miscellaneous.) [See also BANKS AND TRUST COM-<br>PANIES, CHURCHES AND CAMP GROUNDS, CITIES AND TOWNS, AND RAIL-<br>ROADS.] |          |             |          |
| Aberdeen Forwarding Company,   |          |             | 44       |
| Aid and Loan Association of Littleton Female College,  |          |             | 265      |
| American Home Mineral and Timber Land Company,   |          | 301,        | 511      |
| Asheville Cotton Mills,  |          |             | 439      |
| Asheville Tobacco Works and Cigarette Company,   |          |             | 302      |
| Asheville Trust, Guarantee and Collecting Association,   |          |             | 385      |
| Ashler Lodge, No. 451, A., F. and A. M.,   |          |             | 12       |
| Association of ex-Confederate Soldiers of Beaufort county,   |          |             | 143      |
| Baptist Missionary and Educational Convention,   |          |             | 94       |
| Baptist State Convention,  |          |             | 567      |
| Benevolent Religious Burying Society,  |          |             | 408      |
| Bessemer City Cotton Mill Company,   |          |             | 374      |
| Bethel Lodge, Order of Love and Charity,   |          |             | 466      |
| Biltmore and Asheville Street Railway Company,   |          |             | 575      |
| Big Falls Cotton Mills,  |          |             | 337      |
| Boone and Blowing Rock Turnpike Company,   |          |             | 45       |
| Butters Lumber Company,  |          |             | 165      |
| Cabarrus Cotton Mill,  |          | 49,         | 108      |
| Cade Typewriter Company,   |          |             | 458      |
| Cape Fear Harbor and Coal Company,   |          |             | 60       |
| Carolina Buff and Brownstone Company,  |          |             | 101      |

## CORPORATIONS—CONTINUED.

|  | PAGE.         |
|--|---------------|
| Carolina Charity Association,                                  | 520           |
| Carolina Light, Water and Sanitary Construction Company,       | 482           |
| Carolina Manufacturing Company,                                | 217           |
| Carolina Pyrites Company,                                      | 418           |
| Carolina Real Estate and Investment Company,                   | 92            |
| Carteret Lodge,  | 203           |
| Catawba Electric Power Company,                                | 462           |
| C. E. Graham Manufacturing Company,                            | 439           |
| Charlotte Home and Hospital,                                   | 410           |
| Clyde Lodge, No. 453, A., F. and A. M.,                        | 404           |
| Columbus Land and Improvement Company,                         | 148           |
| Commercial Security Company,                                   | 54            |
| Credit Foncier Company,  | 364           |
| Cumberland Lodge, No. 5, K. of P.,                             | 304           |
| Duck Creek Syndicate,  | 531           |
| East Bend Lodge, No. 137, I. O. O. F.,                         | 459           |
| Eastern Carolina Land, Improvement and Banking Company,        | 261           |
| Eastern Carolina Piscatorial Association,                      | 242           |
| Edgecombe Homestead and Loan Association,                      | 415           |
| Electro-Typograph Company,                                     | 458           |
| Enterprise Mills,  | 117           |
| Falls Manufacturing Company,                                   | 308           |
| Farmers Mutual Fire Insurance Association of North Carolina,   | 530           |
| Farmers' State Alliance of North Carolina,                     | 193           |
| Fayetteville Light Infantry,                                   | 527           |
| General Construction and Guaranty Company,                     | 52            |
| Glendon and Gulf Mining and Manufacturing Company,             | 111, 357, 446 |
| Gordon Manufacturing Company,                                  | 473           |
| Granite City Land and Improvement Company,                     | 220           |
| Greensboro Ice and Coal Company,                               | 548           |
| Guilford Battle-ground Company,                                | 18            |
| Harper Fabric Company,   | 311           |
| Hassell Lumber Company,  | 408           |
| Hatcher Lodge, No. 310, A., F. and A. M.,                      | 33            |
| Haywood Council, No. 817, R. A.,                               | 55            |
| Henderson Storage Company,                                     | 138           |
| High Point Loan and Trust Company,                             | 276           |
| Hinshaw and Medearis Company,                                  | 66            |
| Holly Springs Land and Improvement Company,                    | 510           |
| Houston Narcotic Cure Company,                                 | 372           |
| Hyde Park Club,  | 507           |
| Jones Mica Company,  | 104           |
| Keystone Mining and Manufacturing Company,                     | 544           |
| Konotoga Hotel Company,  | 396           |
| Lower Creek and Linville Valley Transportation Company,        | 150           |
| Marble Spring Lodge, No. 439, A., F. and A. M.,                | 546           |
| Monitor Company,   | 254           |
| Mountain View Road Company,                                    | 354           |
| Mount Pleasant Lodge, No. 157, A., F. and A. M.,               | 547           |
| Mount Pleasant Manufacturing Company,                          | 299           |
| Mutual Mercantile Company,                                     | 437           |
| Newbern Steam Ferry Company,                                   | 258           |
| New York and Wilmington Land, Improvement and Banking Company, | 326           |
| North Carolina Electric Power Company,                         | 63            |
| North Carolina Home Insurance Company,                         | 431           |
| North Carolina Investment Company,                             | 241           |
| North Carolina Lumber Company,                                 | 70            |
| North Carolina Monumental Association,                         | 208           |
| North Carolina State Company,                                  | 127           |
| North Carolina State Insurance Company,                        | 109           |

## CORPORATIONS—CONTINUED.

|  | PAGE.   |
|--|---------|
| North State Brownstone Company,  | 124     |
| Onslow Land and Improvement Company,   | 537     |
| Patterson Lodge, No. 307, A., F. and A. M.,  | 2       |
| Piedmont Toll-bridge Company,  | 168     |
| Peoples Perpetual Building and Loan Association of Wilmington,   | 578     |
| Pleasant Hill Lodge, No. 168, A., F. and A. M.,  | 410     |
| Raleigh Cotton Shipping and Warehouse Company,   | 396     |
| Randolph Manufacturing Company,  | 16      |
| Roaring Gap Summer Resort Company,   | 243     |
| Saint James Parish of Wilmington,  | 523     |
| Saint Peter's Home and Hospital,   | 410     |
| Saints' Ark,   | 575     |
| Southern Finishing and Warehouse Company,  | 54      |
| Southern Metallurgical and Mining Company,   | 312     |
| Southern Trust and Guarantee Company,  | 378     |
| Southern Red and Brownstone Company,   | 25      |
| Southern Woman's Christian Temperance Union Assembly,  | 346     |
| Sparta Lodge, No. 423, A., F. and A. M.,   | 371     |
| Spray Investment Company,  | 335     |
| State Company,   | 368     |
| Stone's Bay Oyster Company,  | 304     |
| Supreme Lodge, Knights of Harmony,   | 526     |
| Tarboro Street Railway Company,  | 479     |
| Thomasville, Yadkin and Pee Dee Mining, Manufacturing, Railway, Elec-<br>tric Light and Power Company, | 468     |
| Trinity College Park,  | 56      |
| True Friends Benevolent Association of Tarboro,  | 344     |
| Union Cotton Mills,  | 390     |
| United Mining and Manufacturing Company,   | 447     |
| Virginia Dare Lodge, No. 3, I. O. O. F.,   | 343     |
| Wachovia Loan and Trust Company,   | 286     |
| Watauga Boom and Lumber Company,   | 352     |
| Watson-Daniels Land Company,   | 80      |
| Waynesville Library Association,   | 8       |
| Western Carolina Iron Company,   | 579     |
| Wilkesboro Land Company,   | 368     |
| Wilkins River Water-power, Manufacturing, Land and Improvement<br>Company,                             | 98      |
| Willard Bag and Manufacturing Company,   | 10      |
| William L. Saunders Historical Society,  | 189     |
| Wilmington and West Indies Navigation Company,   | 285     |
| Wilmington Fair Association,   | 466     |
| Wilmington Homestead and Loan Association,   | 78      |
| Wilmington Light Infantry,   | 39, 316 |
| Wilmington Lumber Company,   | 552     |
| Wilmington Sewerage Company,   | 583     |
| Wilmington Street Railway Company,   | 432     |
| Winston Water-works Company,   | 292     |
| Waccoon Game Preserve Company,   | 433     |
| Women's Christian Temperance Union Southern Assembly and School of<br>Method,                          | 346     |
| Yadkin Falls Bridge Company,   | 324     |
| Young Men's Christian Association of Raleigh, N. C.,   | 350     |
| Young Men's Christian Association of Winston,  | 535     |
| <b>CREDIT FONCIER COMPANY:</b>   |         |
| Act to incorporate,  | 364     |
| <b>CULLOWHEE HIGH SCHOOL:</b>  |         |
| Charter amended,   | 172     |

|   |  |          |
|---|--|----------|
| CUMBERLAND, BANK OF:  |  | PAGE.    |
| Name of Bank of Commerce changed to,                            |  | 81       |
| CUMBERLAND LODGE, NUMBER 5, K. OF P.:                           |  |          |
| May issue bonds,  |  | 304      |
| D.  |  |          |
| DAVIS SCHOOL:   |  |          |
| Name changed to Davis Military School,                          |  | 295      |
| DAVIS MILITARY SCHOOL:  |  |          |
| Name of Davis School changed to,                                |  | 295      |
| DILLSBORO:  |  |          |
| Jackson county; charter amended; taxes,                         |  | 296      |
| DUCK CREEK SYNDICATE:   |  |          |
| Act to incorporate,   |  | 531      |
| DUNN:   |  |          |
| Charter amended,  |  | 315      |
| DURHAM:   |  |          |
| Charter amended,  |  | 74       |
| DURHAM AND CHARLOTTE RAILROAD COMPANY:                          |  |          |
| Act to incorporate,   |  | 245      |
| May lease, etc., Glendon and Gulf Mining and Manufacturing Co., |  | 357      |
| Glendon and Gulf Mining and Manufacturing Company may lease to, |  | 446      |
| E.  |  |          |
| EARL:   |  |          |
| Cleveland county; charter amended; sale of liquor permitted,    |  | 394      |
| EAST BEND LODGE, NUMBER 137, I. O. O. F.:                       |  |          |
| Act to incorporate,   |  | 459      |
| EASTERN CAROLINA LAND, IMPROVEMENT AND BANKING CO.:             |  |          |
| Time for organization extended,                                 |  | 261      |
| EASTERN CAROLINA PISCATORIAL ASSOCIATION:                       |  |          |
| Charter amended,  |  | 242      |
| EDENTON:  |  |          |
| Election on question of building a market-house,                |  | 105      |
| Charter amended,  |  | 559      |
| EDENTON M. E. CHURCH:   |  |          |
| May mortgage property to borrow money,                          |  | 403, 545 |
| EDGEcombe HOMESTEAD AND LOAN ASSOCIATION:                       |  |          |
| Charter confirmed; banking powers conferred,                    |  | 415      |
| ELECTRO-TYPOGRAPH COMPANY:                                      |  |          |
| Name changed to Cade Typewriter Company,                        |  | 458      |
| ELIZABETH AND PASQUOTANK RAILROAD COMPANY:                      |  |          |
| Act to incorporate,   |  | 321      |
| ELIZABETH CITY:   |  |          |
| Charter amended,  |  | 391      |
| ELIZABETH CITY NORMAL AND INDUSTRIAL INSTITUTE:                 |  |          |
| Act to incorporate,   |  | 428      |
| ELON COLLEGE:   |  |          |
| Act to incorporate,   |  | 486      |
| ELKIN:  |  |          |
| Charter amended,  |  | 560      |
| ENTERPRISE MILLS:   |  |          |
| Act to incorporate,   |  | 117      |

|   | PAGE. |
|---|-------|
| EVERETTS:   |       |
| Act to incorporate,   | 501   |
| EXCHANGE BANK OF WINSTON:   |       |
| Act to incorporate,   | 309   |
| F.  |       |
| FALKLAND:   |       |
| Act to incorporate,   | 393   |
| FALLS MANUFACTURING COMPANY:  |       |
| Charter amended; capital stock; may build railroads, etc.,                                    | 308   |
| FALLSTON:   |       |
| Cleveland county; act to incorporate,   | 38    |
| FARMERS MUTUAL FIRE INSURANCE ASSOCIATION OF NORTH CAROLINA:                                  |       |
| Act to incorporate,   | 530   |
| FARMERS' STATE ALLIANCE OF NORTH CAROLINA:  |       |
| Charter amended,  | 193   |
| FAYETTEVILLE:   |       |
| Act to incorporate,   | 231   |
| Commissioners may permit Wilmington and Weldon Railroad to encroach on street to build depot, | 366   |
| To authorize collection of taxes,   | 522   |
| FAYETTEVILLE LIGHT INFANTRY:  |       |
| Act in regard to holding armory free of taxation,   | 527   |
| FIRST BAPTIST CHURCH OF WINSTON:  |       |
| Name of Winston Baptist Church changed to,  | 334   |
| FIRST COLORED BAPTIST CHURCH OF ROCKY MOUNT:  |       |
| Act to incorporate,   | 395   |
| FOUR OAKS:  |       |
| Corporate limits extended,  | 407   |
| FLAT CREEK PUBLIC SCHOOL:   |       |
| Act to incorporate.   | 528   |
| G.  |       |
| GATESVILLE:   |       |
| Charter revived,  | 188   |
| GENERAL CONSTRUCTION AND GUARANTY COMPANY:  |       |
| Act to incorporate,   | 52    |
| GEORGE, D. S. AND MARY E.:  |       |
| Marriage of, validated,   | 59    |
| GIBSONVILLE:  |       |
| Charter amended; corporate limits,  | 367   |
| GLENDON AND GULF MINING AND MANUFACTURING COMPANY:  |       |
| Charter amended,  | 111   |
| Charter amended; may lease, etc., to Durham and Charlotte Railroad Company,                   | 357   |
| May lease to Durham and Charlotte,  | 446   |
| GOLDSBORO:  |       |
| Charter amended,  | 146   |
| GORDON MANUFACTURING COMPANY:   |       |
| Act to incorporate,   | 473   |
| GRACE CHURCH:   |       |
| Weldon; act to incorporate vestry of,   | 527   |
| GRANITE CITY LAND AND IMPROVEMENT COMPANY:  |       |
| Charter amended,  | 220   |

|   | PAGE. |
|---|-------|
| GREENSBORO:   |       |
| Charter amended,                                    | 290   |
| May issue bonds for school purposes,                | 383   |
| GREENSBORO AND NORFOLK MIDLAND RAILROAD COMPANY:    |       |
| Charter amended,                                    | 546   |
| GREENSBORO ICE AND COAL COMPANY:                    |       |
| Act to incorporate,                                 | 548   |
| GREENSBORO, ROXBORO AND EASTERN RAILROAD COMPANY:   |       |
| Charter amended,                                    | 546   |
| GREENVILLE:   |       |
| Act authorizing issue of bonds repealed,            | 307   |
| GRIMESLAND:   |       |
| Act to incorporate,                                 | 349   |
| GUILFORD BATTLE-GROUND COMPANY:                     |       |
| Charter amended; directors increased,               | 18    |
| H.  |       |
| HAMPTON:  |       |
| Rutherford county; act to incorporate,              | 63    |
| HARPER FABRIC COMPANY:                              |       |
| Charter amended,                                    | 311   |
| HARRIMAN, FRANKLIN AND SOUTH ATLANTIC RAILROAD CO : |       |
| Act to incorporate,                                 | 451   |
| HASSELL LUMBER COMPANY:                             |       |
| Act to incorporate,                                 | 408   |
| HATCHER LODGE, NUMBER 310, A., F. AND A. M.:        |       |
| Act to incorporate,                                 | 33    |
| HAYWOOD COUNCIL, NUMBER 817, R. A.:                 |       |
| Act to incorporate,                                 | 55    |
| HENDERSON, BANK OF:                                 |       |
| Charter amended,                                    | 258   |
| HENDERSON STORAGE COMPANY:                          |       |
| Act to incorporate,                                 | 138   |
| HICKORY:  |       |
| Election on sale of liquor,                         | 411   |
| HIGH POINT LOAN AND TRUST COMPANY:                  |       |
| Act to incorporate,                                 | 276   |
| HILMA:  |       |
| Edgecombe county; act to incorporate,               | 183   |
| HINSHAW AND MEDEARIS COMPANY:                       |       |
| Act to incorporate,                                 | 66    |
| HOLLY SPRINGS LAND AND IMPROVEMENT COMPANY:         |       |
| Further time allowed to organize,                   | 510   |
| HOPEWELL ACADEMY:                                   |       |
| Act to incorporate,                                 | 516   |
| HOT SPRINGS:  |       |
| Charter amended,                                    | 284   |
| HOUSTON NARCOTIC CURE COMPANY:                      |       |
| Act to incorporate,                                 | 372   |
| HUNTERSVILLE:                                       |       |
| Charter amended,                                    | 499   |
| HUSBAND AND WIFE:                                   |       |
| Marriage of D. S. and Mary E. George validated,     | 59    |
| HYDE PARK CLUB:                                     |       |
| Act to incorporate,                                 | 507   |

## I.

|                                      |    |
|--------------------------------------|----|
| INANDA:                              |    |
| Buncombe county; act to incorporate, | 40 |
| INSURANCE COMPANIES.                 |    |
| (See CORPORATIONS.)                  |    |

## J.

|   |     |
|---|-----|
| JAMESTOWN:  |     |
| Charter repealed,   | 342 |
| JAMESVILLE AND WASHINGTON RAILROAD COMPANY:                 |     |
| May sell Plymouth, Washington and Kinston Railroad Company, | 256 |
| JEWELL HILL ACADEMY:  |     |
| Act to incorporate,   | 502 |
| JAMES MICA COMPANY:   |     |
| Act to incorporate,   | 104 |
| JUDSON COLLEGE COMPANY:                                     |     |
| Act to incorporate,   | 94  |

## K.

|  |     |
|--|-----|
| KEEEVERSVILLE:                         |     |
| Name changed to Plateau,               | 144 |
| KELFORD:                               |     |
| Bertie county; act to incorporate,     | 33  |
| KENLEY:                                |     |
| May increase tax levy,                 | 370 |
| KERNERSVILLE, BANK OF:                 |     |
| Act to incorporate,                    | 494 |
| KEYSTONE MINING AND MANUFACTURING CO.: |     |
| Act to incorporate,                    | 544 |
| KILLQUICK:                             |     |
| Charter repealed,                      | 56  |
| In regard to sale of liquor in,        | 440 |
| KINSTON:                               |     |
| Charter amended; corporate limits,     | 170 |
| KONETOGA HOTEL COMPANY:                |     |
| Act to incorporate,                    | 396 |

## L.

|   |     |
|---|-----|
| LAFAYETTE MILITARY SCHOOL:                  |     |
| Act to incorporate,                         | 574 |
| LAND AND IMPROVEMENT COMPANIES.             |     |
| (See CORPORATIONS.)                         |     |
| LAURINBURG, BANK OF:                        |     |
| Act to incorporate,                         | 173 |
| LENOIR BANK OF KINSTON:                     |     |
| Name of Peoples Bank of Kinston changed to, | 409 |
| LEWISTON:                                   |     |
| Charter amended; corporate limits,          | 217 |
| LEXINGTON:                                  |     |
| Act to amend charter,                       | 421 |
| LEXINGTON, BANK OF:                         |     |
| Act to incorporate,                         | 154 |
| LIBERTY:                                    |     |
| Randolph county; charter amended,           | 142 |

|   | PAGE.    |
|---|----------|
| LINDLEY TRAINING SCHOOL:  |          |
| Act to incorporate,   | 345      |
| LITTLETON:  |          |
| Charter amended,  | 266      |
| LOUISBURG, BANK OF:   |          |
| Act to incorporate,   | 281      |
| LOAN AND SAVINGS BANK OF CHARLOTTE:   |          |
| Act to incorporate,   | 205      |
| LODGES. (See CORPORATIONS.)   |          |
| LOUISBURG SAVINGS BANK:   |          |
| Act to incorporate,   | 429      |
| LOWER CREEK AND LINVILLE VALLEY TRANSPORTATION CO :                           |          |
| Charter amended; name changed to Caldwell and Northern Railroad Com-<br>pany, | 150, 583 |
| LUMBERTON:  |          |
| Charter amended,  | 555      |
| LUMBERTON AND LUMBER RIVER RAILROAD COMPANY:                                  |          |
| Act to incorporate,   | 488      |
| M.  |          |
| MADISON, BANK OF:   |          |
| Charter amended,  | 143      |
| MADISON, REIDSVILLE AND HAW RIVER VALLEY RAILROAD CO.:                        |          |
| Act to incorporate,   | 568      |
| MANUFACTURING COMPANIES. (See CORPORATIONS.)                                  |          |
| MARS HILL:  |          |
| Madison county; act to incorporate,   | 17       |
| MARS HILL COLLEGE:  |          |
| Charter amended,  | 157      |
| MARBLE SPRING LODGE, NUMBER 439, A., F. AND A. M.:                            |          |
| Act to incorporate,   | 546      |
| MARRIAGE:   |          |
| Of D. S. and Mary E. George validated,  | 59       |
| MAXTON AND NORTHWESTERN RAILROAD COMPANY:                                     |          |
| Charter amended,  | 147      |
| MAXTON, BANK OF:  |          |
| Charter amended,  | 539      |
| MERCANTILE BANKING AND TRUST COMPANY:   |          |
| Act to incorporate,   | 447      |
| METHODIST EPISCOPAL CHURCH OF EDENTON:  |          |
| Authorized to mortgage property,  | 403, 545 |
| METROPOLITAN TRUST COMPANY OF WILMINGTON:                                     |          |
| Act to incorporate,   | 516      |
| MINING COMPANIES. (See CORPORATIONS.)   |          |
| MONITOR COMPANY:  |          |
| Act to incorporate:   | 254      |
| MONROE:   |          |
| Union county; omnibus prohibitory law not to affect,                          | 12       |
| Union county; charter amended; may issue bonds,                               | 56       |
| Union county; act supplemental to foregoing,                                  | 405      |
| MONTFORD:   |          |
| Act to incorporate,   | 106      |



|  | PAGE. |
|--|-------|
| MOORE COUNTY RAILROAD COMPANY:                                     |       |
| Charter amended; may consolidate with Aberdeen Forwarding Company, | 43    |
| Act supplemental; shares,  | 254   |
| MOREHEAD CITY:   |       |
| May issue bonds,   | 389   |
| MORGANTON:   |       |
| Charter amended,   | 402   |
| MOUNTAIN VIEW ROAD COMPANY:  |       |
| Act to incorporate,  | 354   |
| MOUNT AIRY:  |       |
| Charter amended,   | 13    |
| MOUNT PLEASANT ACADEMY:  |       |
| Wake county; act to incorporate,                                   | 438   |
| MOUNT PLEASANT LODGE, No. 157, A., F. AND A. M.:                   |       |
| Act to incorporate,  | 547   |
| MOUNT PLEASANT MANUFACTURING COMPANY:                              |       |
| Act to incorporate,  | 299   |
| MURFREESBORO:  |       |
| Hertford county; charter amended,                                  | 17    |
| MURFREESBORO METHODIST COLLEGE:                                    |       |
| Act to incorporate,  | 581   |
| MURPHY:  |       |
| Charter amended,   | 202   |
| MURPHY BANKING COMPANY:  |       |
| Time for organization extended,                                    | 531   |
| MUTUAL MERCANTILE COMPANY:   |       |
| Act to incorporate,  | 437   |

## N.

|  |          |
|--|----------|
| NASHVILLE:   |          |
| Charter amended,   | 15       |
| NEUSE AND SWANSBORO RAILROAD COMPANY:                              |          |
| Act to incorporate,  | 250      |
| NEWBERN STEAM FERRY COMPANY:                                       |          |
| Act to incorporate,  | 258      |
| NEW LONDON:  |          |
| Corporate limits reduced,  | 193      |
| NEW SOUTH AIR-LINE RAILROAD COMPANY:                               |          |
| Act to incorporate,  | 523, 531 |
| NEWTON:  |          |
| Charter amended,   | 551      |
| NEW YORK AND WILMINGTON LAND IMPROVEMENT AND BANK-<br>ING COMPANY: |          |
| Granted further time to organize,                                  | 326      |
| NORTH CAROLINA ANNUAL CONFERENCE OF M. P. CHURCH:                  |          |
| Trustees of, incorporated,   | 297      |
| NORTH CAROLINA ELECTRIC POWER COMPANY:                             |          |
| Charter amended,   | 63       |
| NORTH CAROLINA HOME INSURANCE COMPANY:                             |          |
| Charter amended,   | 481      |
| NORTH CAROLINA INVESTMENT COMPANY:                                 |          |
| Act to incorporate,  | 241      |
| NORTH CAROLINA LUMBER COMPANY:                                     |          |
| Declared a duly incorporated company; charter amended,             | 70       |

|   | PAGE. |
|---|-------|
| NORTH CAROLINA MONUMENTAL ASSOCIATION:                              |       |
| Act to incorporate,   | 208   |
| NORTH CAROLINA SAVINGS BANK AND TRUST COMPANY:                      |       |
| Act to incorporate,   | 317   |
| NORTH CAROLINA STATE COMPANY:                                       |       |
| Allowed further time to authorize,                                  | 127   |
| NORTH CAROLINA STATE INSURANCE COMPANY:                             |       |
| Act to incorporate,   | 109   |
| NORTH STATE BROWNSTONE COMPANY:                                     |       |
| Act to incorporate,   | 124   |
| NORTH WILKESBORO:   |       |
| Charter amended,  | 59    |
| NORWOOD AND ROCKINGHAM RAILROAD COMPANY:                            |       |
| Charter amended; time to commence work extended,                    | 351   |
| O.  |       |
| OLD FORT:   |       |
| Charter amended,  | 112   |
| ON SLOW LAND AND IMPROVEMENT COMPANY:                               |       |
| Act to incorporate,   | 537   |
| P.  |       |
| PARMELE:  |       |
| Act to incorporate,   | 73    |
| PARRISH WAREHOUSE BANK:   |       |
| Charter re-enacted,   | 80    |
| PATTERSON LODGE, NUMBER 307, A., F. AND A. M.:                      |       |
| Located in Cabarrus county; act to incorporate,                     | 2     |
| PENDLETON:  |       |
| Act to incorporate,   | 103   |
| PEOPLES BANK OF ASHEVILLE:  |       |
| Charter amended,  | 86    |
| PEOPLES BANK OF KINSTON:  |       |
| Act to incorporate,   | 95    |
| Name changed to Lenoir Bank of Kinston,                             | 409   |
| PEOPLES PERPETUAL BUILDING AND LOAN ASSOCIATION OF WIL-<br>MINGTON: |       |
| Charter amended,  | 578   |
| PETERSBURG RAILROAD COMPANY:  |       |
| Charter amended,  | 218   |
| PETERSON ACADEMY:   |       |
| Act to incorporate,   | 431   |
| PIEDMONT TOLL-BRIDGE COMPANY:                                       |       |
| Act to incorporate,   | 168   |
| PIGEON RIVER:   |       |
| Name changed to Canton,   | 54    |
| PIKEVILLE:  |       |
| Charter amended,  | 216   |
| PLATEAU:  |       |
| Name of Keeverville changed to,                                     | 144   |
| PLEASANT HILL LODGE, NUMBER 168, A., F. AND A. M.:                  |       |
| Act to incorporate,   | 410   |
| PLYMOUTH, WASHINGTON AND KINSTON RAILROAD COMPANY:                  |       |
| Jamesville and Washington Railroad Company may sell,                | 256   |

|   |       |
|---|-------|
| POLK COUNTY RAILROAD COMPANY:                               | PAGE. |
| Charter amended,  | 261   |
| PORTIA:   |       |
| McDowell county; charter repealed,                          | 4     |
| PROHIBITION. (See name of CHURCH OR MUNICIPAL CORPORATION.) |       |

## R.

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| RAILROAD AND STEAMBOAT COMPANIES: [The following companies were incorporated or had their charters amended:] |               |
| Aberdeen and Rockfish Railroad Company,  | 19            |
| Aberdeen and West End Railroad Company,  | 192           |
| Aberdeen Forwarding Company,   | 44            |
| Atlanta, Asheville and Baltimore Railroad Company,   | 533           |
| Atlantic and North Carolina Railroad Company,  | 303           |
| Atlantic and Ohio Railroad Company,  | 159           |
| Atlantic, Yanceyville and Reidsville Railroad Company,   | 586           |
| Blowing Rock and Lenoir Railway and Improvement Company,   | 199           |
| Burlington and Southwestern Railroad Company,  | 21            |
| Caldwell and Northern Railroad Company,  | 150           |
| Cape Fear and Northern Railroad Company,   | 439           |
| Cape Fear and Raleigh Railroad Company,  | 358           |
| Cape Fear and Yadkin Valley Railroad Company,  | 3, 180        |
| Catawba Toll-bridge Railroad Company,  | 413           |
| Carolina and Virginia Railroad Company,  | 185           |
| Carolina Buff and Brownstone Company,  | 101           |
| Carthage and Western Railroad Company,   | 128           |
| Charlotte, Troy and Sanford Railroad Company,  | 326           |
| Cheraw and Darlington Railroad Company,  | 401           |
| Cheraw and Salisbury Railroad Company,   | 401           |
| Cheraw and Aulander Railroad Company,  | 377           |
| Columbia, Charlotte and Winston Railroad Company,  | 330           |
| Concord Southern Railroad Company,   | 190           |
| Durham and Charlotte Railroad Company,   | 245, 357, 446 |
| Elizabeth and Pasquotank Railway Company,  | 321           |
| Glendon and Gulf Mining and Manufacturing Company,   | 111, 357, 446 |
| Greensboro and Norfolk Midland Railroad Company,   | 546           |
| Greensboro, Roxboro and Eastern Railroad Company,  | 546           |
| Harriman, Franklin and South Atlantic Railroad Company,  | 451           |
| Jamesville and Washington Railroad Company,  | 256           |
| Lower Creek and Linville Valley Transportation Company,  | 150, 583      |
| Lumberton and Lumber River Railroad Company,   | 488           |
| Madison, Reidsville and Haw River Valley Railroad Company,   | 568           |
| Maxton and Northwestern Railroad Company,  | 147           |
| Moore County Railroad Company,   | 43, 254       |
| Neuse and Swansboro Railroad Company,  | 250           |
| New South Air-Line Railroad Company,   | 523, 531      |
| Norwood and Rockingham Railroad Company,   | 351           |
| Petersburg Railroad Company,   | 218           |
| Plymouth Washington and Kinston Railroad Company,  | 256           |
| Polk County Railroad Company,  | 261           |
| Raleigh and Western Railway Company,   | 36            |
| Roanoke and Southern Railway Company,  | 171           |
| Roanoke, Norfolk and Baltimore Steamboat Company,  | 14            |
| Rutherford and Polk County Railroad Company,   | 287           |
| Shelby, Glen Alpine Springs and Cranberry Railroad Company,  | 127           |
| Southeastern North Carolina Railroad Company,  | 145           |
| Suffolk and Carolina Railroad Company,   | 553           |
| Thomasville, Silver Valley and Pee Dee Railroad Company,   | 550           |
| Virginia and North Carolina Railroad Company,  | 502           |

|   | PAGE.         |
|---|---------------|
| RAILROAD AND STEAMBOAT COMPANIES—CONTINUED.           |               |
| Western North Carolina and Atlantic Railroad Company, | 223           |
| Wilmington and Southern Railroad Company,             | 520           |
| Wilmington and Weldon Railroad Company,               | 135, 366, 430 |
| Winston-Salem and Charleston Railroad Company,        | 120           |
| Yadkin Railway and Lumber Company,                    | 542           |
| Yadkin Railroad Company,                              | 15            |
| RALEIGH:  |               |
| Charter amended; limits extended,                     | 107           |
| Authorized to issue bonds for public improvements,    | 186           |
| RALEIGH BANK:   |               |
| Allowed further time to organize,                     | 459           |
| RALEIGH COTTON SHIPPING AND WAREHOUSE CO.:            |               |
| Time for organization extended,                       | 396           |
| RALEIGH AND WESTERN RAILWAY COMPANY:                  |               |
| Charter amended,                                      | 36            |
| RANDLEMAN:  |               |
| Charter amended,                                      | 405           |
| RANDOLPH MANUFACTURING COMPANY:                       |               |
| Charter amended,                                      | 16            |
| REIDSVILLE:   |               |
| Charter amended,                                      | 370           |
| RIDGEWAY:   |               |
| Law permitting sale, &c., of vinous liquors repealed, | 266           |
| ROANOKE AND SOUTHERN RAILWAY CO.:                     |               |
| Charter amended,                                      | 171           |
| Stockholders may sell, &c., road, &c.,                | 171           |
| ROANOKE, NORFOLK AND BALTIMORE STEAMBOAT CO.,         |               |
| Charter amended,                                      | 14            |
| ROARING GAP SUMMER RESORT COMPANY:                    |               |
| Charter amended,                                      | 243           |
| ROBINSVILLE:  |               |
| Graham county; act to incorporate,                    | 184           |
| ROCKY MOUNT FIRST COLORED BAPTIST CHURCH:             |               |
| Act to incorporate,                                   | 395           |
| ROCKY MOUNT:  |               |
| Charter amended,                                      | 35            |
| ROCKY MOUNT MILLS:                                    |               |
| Nash county; act to incorporate,                      | 44            |
| RUTHERFORD AND POLK COUNTY RAILROAD COMPANY:          |               |
| Act to incorporate,                                   | 287           |
| RUTHERFORD COLLEGE:                                   |               |
| Burke county, act to amend charter; trustees,         | 351           |
| S.  |               |
| SAINT AUGUSTINE NORMAL AND INDUSTRIAL INSTITUTE:      |               |
| Charter extended,                                     | 117           |
| SAINT JAMES PARISH, WILMINGTON:                       |               |
| Act to incorporate,                                   | 523           |
| SAINT PETER'S HOME AND HOSPITAL:                      |               |
| Name of Charlotte Home and Hospital changed to,       | 410           |
| SAINTS' ARK:  |               |
| Act to incorporate,                                   | 575           |
| SALEM METHODIST CHURCH:                               |               |
| Act to incorporate,                                   | 574           |

|   | PAGE.  |
|---|--------|
| SALISBURY:  |        |
| Charter amended; may issue bonds,   | 1, 115 |
| Street bonds; where payable,  | 60     |
| Charter amended; retail liquor license tax,   | 60     |
| SCHOOLS, SEMINARIES AND COLLEGES:   |        |
| [The following schools, seminaries and colleges were incorporated or had their charters amended:] |        |
| Aid and Loan Association of Littleton Female College,   | 265    |
| Amherst Academy,  | 257    |
| Andrews High School,  | 283    |
| Bellwood Institute,   | 446    |
| Carr Academy,   | 51     |
| Centerville Male and Female Academy,  | 585    |
| Charlotte Medical College,  | 460    |
| Culowhee High School,   | 172    |
| Davis Military School,  | 295    |
| Davis School,   | 295    |
| Elizabeth City Normal and Industrial Institute,   | 428    |
| Flat Creek Public School,   | 528    |
| Hopewell Academy,   | 516    |
| Jewell Hill Academy,  | 502    |
| Judson College Company,   | 94     |
| LaFayette Military School,  | 574    |
| Lindley Training School,  | 345    |
| Mars Hill College,  | 157    |
| Mount Pleasant Academy,   | 438    |
| Murfreesboro Methodist College,   | 581    |
| Peterson Academy,   | 431    |
| Rutherford College,   | 351    |
| Saint Augustine Normal School and Industrial Institute,   | 117    |
| Siloam Male and Female Academy,   | 48     |
| Southport Naval Marine Academy,   | 590    |
| Stoneville Collegiate Institute,  | 394    |
| Sylvanus Erwin Normal Institute,  | 549    |
| Thompson Orphanage and Training Institute,  | 334    |
| Trap Hill Institute,  | 521    |
| Trinity College,  | 416    |
| Tuckasegee High School,   | 182    |
| Union Home School,  | 508    |
| Wadeville Academy,  | 76     |
| Washburne Male and Female Seminary of Beaufort,   | 342    |
| Wilkesboro High School,   | 333    |
| Williamston Academy,  | 486    |
| SHELBY:   |        |
| Election on question of prohibition,  | 82     |
| Charter amended,  | 107    |
| Charter amended; liquor license taxes, how applied,   | 545    |
| SHELBY, GLEN ALPINE SPRINGS AND CRANBERRY RAILROAD CO.:   |        |
| Charter extended and corrected,   | 127    |
| SILOAM MALE AND FEMALE ACADEMY:   |        |
| Act to incorporate,   | 48     |
| SMITHFIELD, BANK OF:  |        |
| Act to incorporate,   | 397    |
| SOUTHEASTERN NORTH CAROLINA RAILROAD COMPANY:   |        |
| Charter amended,  | 145    |
| SOUTHERN FINISHING AND WAREHOUSE COMPANY:   |        |
| Name of Commercial Security Company changed to,   | 54     |

|  | PAGE. |
|--|-------|
| SOUTHERN METALLURGICAL AND MINING CO.:   |       |
| Act to incorporate,  | 312   |
| SOUTHERN RED AND BROWNSTONE COMPANY:   |       |
| Act to declare a duly incorporated company and to amend its charter,                       | 25    |
| SOUTHERN TRUST AND GUARANTY COMPANY:   |       |
| Act to incorporate,  | 378   |
| SOUTHERN WOMAN'S CHRISTIAN TEMPERANCE UNION ASSEMBLY:                                      |       |
| Name changed to Woman's Christian Temperance Union Southern Assembly and School of Method, | 346   |
| SOUTHPORT NAVAL MARINE ACADEMY:  |       |
| Act to incorporate,  | 590   |
| SOUTH WADESBORO:   |       |
| Act to incorporate,  | 406   |
| SPARTA:  |       |
| Charter re-enacted and amended,  | 255   |
| SPARTA LODGE, NUMBER 423, A., F. AND A. M.:  |       |
| Act to incorporate,  | 371   |
| SPRAY INVESTMENT COMPANY:  |       |
| Act to incorporate,  | 385   |
| STANLEY CREEK:   |       |
| Name of Brevard Station changed to,  | 85    |
| STATE BANK OF WILSON:  |       |
| Name changed to Branch Banking Company,  | 42    |
| STATE COMPANY:   |       |
| Name of Wilkesboro Land Company changed to,  | 368   |
| STATESVILLE:   |       |
| Charter amended; corporate limits,   | 191   |
| Charter amended: may establish sinking fund,   | 353   |
| STATESVILLE SAVINGS BANK:  |       |
| Act to incorporate,  | 585   |
| STEAMBOAT COMPANIES.   |       |
| (See RAILROAD AND STEAMBOAT COMPANIES.)  |       |
| STONE'S BAY OYSTER COMPANY:  |       |
| Act to incorporate,  | 304   |
| STONEVILLE COLLEGIATE INSTITUTE:   |       |
| Act to incorporate,  | 394   |
| STREET RAILWAY:  |       |
| (See CORPORATIONS.)  |       |
| SUFFOLK AND CAROLINA RAILROAD COMPANY:   |       |
| Charter amended,   | 553   |
| SUPREME LODGE, KNIGHTS OF HARMONY:   |       |
| Act to incorporate,  | 526   |
| SYLVANUS ERWIN NORMAL INSTITUTE:   |       |
| Act to incorporate,  | 549   |

## T.

|  |     |
|--|-----|
| TARBORO STREET RAILWAY COMPANY:        |     |
| Act to incorporate,                    | 479 |
| THOMASVILLE:                           |     |
| Corporate limits changed,              | 170 |
| THOMASVILLE BANKING AND TRUST COMPANY: |     |
| Act to incorporate,                    | 510 |

|  |       |
|--|-------|
| THOMASVILLE, SILVER VALLEY AND PEE DEE RAILROAD CO.:   | PAGE. |
| Charter amended,   | 550   |
| THOMASVILLE, YADKIN AND PEE DEE MINING, MANUFACTURING,<br>RAILWAY, ELECTRIC LIGHT AND POWER COMPANY: | 468   |
| THOMPSON ORPHANAGE AND TRAINING INSTITUTE:   |       |
| Charter amended,   | 334   |
| TRAP HILL INSTITUTE:   |       |
| Act to incorporate,  | 521   |
| TRINITY COLLEGE:   |       |
| Charter amended; trustees,   | 416   |
| TRINITY COLLEGE PARK:  |       |
| Charter amended,   | 56    |
| TRUE FRIENDS BENEVOLENT ASSOCIATION OF TARBORO:  |       |
| Act to incorporate,  | 344   |
| TUCKASEEGEE HIGH SCHOOL:   |       |
| Jackson county; act to incorporate,  | 182   |
| TURKEY CREEK CAMP-GROUND:  |       |
| Act to incorporate,  | 103   |
| TURNPIKE COMPANIES. (See CORPORATIONS.)  |       |

## U.

|  |     |
|--|-----|
| UNION COTTON MILLS:                      |     |
| Charter amended; capital stock,          | 390 |
| UNION HOME SCHOOL:                       |     |
| Act to incorporate,                      | 508 |
| UNITED MINING AND MANUFACTURING COMPANY: |     |
| Granted additional time to organize,     | 447 |

## V.

|   |     |
|---|-----|
| VANDEMERE:                                    |     |
| Charter amended; streets,                     | 548 |
| VAUGHANS:                                     |     |
| Act to incorporate,                           | 529 |
| VESTIBULE CHURCH (COLORED):                   |     |
| Cleveland county; act to incorporate,         | 348 |
| VIRGINIA AND NORTH CAROLINA RAILROAD COMPANY: |     |
| Act to incorporate,                           | 502 |
| VIRGINIA DARE LODGE, NUMBER 3, I. O. O. F.:   |     |
| Act to incorporate,                           | 343 |

## W.

|   |     |
|---|-----|
| WACHOVIA LOAN AND TRUST COMPANY:                            |     |
| Charter amended; directors; capital stock,                  | 286 |
| WACO:   |     |
| Cleveland county; act to incorporate,                       | 38  |
| WADESBOROUGH:   |     |
| Charter amended; compensation of commissioners,             | 341 |
| WADEVILLE ACADEMY:  |     |
| Act to incorporate,   | 76  |
| WASHBURN MALE AND FEMALE SEMINARY OF BEAUFORT:              |     |
| Charter validated and extended,                             | 342 |
| WASHINGTON:   |     |
| Commissioners may permit railroad to cross certain streets, | 307 |
| Authorized to build market-house and issue bonds,           | 340 |

|  | PAGE. |
|--|-------|
| WASHINGTON, BANK OF:   |       |
| Act to incorporate,  | 4     |
| Act supplemental to foregoing,   | 9     |
| WATAUGA BOOM AND LUMBER COMPANY:   |       |
| Act to incorporate,  | 352   |
| WATSON-DANIELS LAND COMPANY:   |       |
| Act to incorporate,  | 80    |
| WAXHAW:  |       |
| Union county; charter amended,   | 28    |
| WAYNESVILLE:   |       |
| Charter amended,   | 243   |
| WAYNESVILLE, BANK OF:  |       |
| Act to incorporate,  | 90    |
| WAYNESVILLE LIBRARY ASSOCIATION:   |       |
| Charter amended,   | 8     |
| WELDON, BANK OF:   |       |
| Act to incorporate,  | 131   |
| WESTERN CAROLINA IRON COMPANY:   |       |
| Act to incorporate,  | 579   |
| WESTERN NORTH CAROLINA AND ATLANTA RAILROAD COMPANY:                       |       |
| Act to incorporate,  | 223   |
| WEST TARBORO:  |       |
| Incorporated as Hilma,   | 183   |
| WHITEVILLE:  |       |
| Columbus county; charter amended,  | 116   |
| WHITTIER:  |       |
| Charter amended; corporate limits,   | 185   |
| WILKESBORO:  |       |
| May make appropriations for bridge and for high school,                    | 333   |
| To locate a public street in,  | 461   |
| WILKESBORO HIGH SCHOOL:  |       |
| Appropriation for by Wilkesboro,   | 333   |
| WILKES COUNTY BANK:  |       |
| Act to incorporate,  | 195   |
| WILKESBORO LAND COMPANY:   |       |
| Name changed to State Company,   | 368   |
| WILKINS RIVER WATER-POWER, MANUFACTURING, LAND AND<br>IMPROVEMENT COMPANY: |       |
| Act to incorporate,  | 98    |
| WILLARD BAG AND MANUFACTURING COMPANY:                                     |       |
| Act to incorporate,  | 11    |
| WILLIAM L. SAUNDERS HISTORICAL SOCIETY:                                    |       |
| Act to incorporate,  | 189   |
| WILLIAMSTON:   |       |
| Election on question of issuing bonds authorized,                          | 486   |
| WILLIAMSTON ACADEMY:   |       |
| Williamston may issue bonds to pay debt of,                                | 486   |
| WILMINGTON:  |       |
| Wood inspectors provided for,  | 62    |
| WILMINGTON AND SOUTHERN RAILROAD COMPANY:                                  |       |
| Charter amended,   | 520   |
| WILMINGTON AND WELDON RAILROAD COMPANY:                                    |       |
| Charter amended; taxation,   | 135   |
| Permitted to encroach on Hillsboro street in Fayetteville to build depot,  | 366   |
| May consolidate with other companies,                                      | 430   |



|  | PAGE. |
|--|-------|
| WILMINGTON AND WEST INDIES NAVIGATION COMPANY:                                 |       |
| Act to incorporate,  | 285   |
| WILMINGTON, BANK OF COMMERCE OF:   |       |
| Act to incorporate,  | 512   |
| WILMINGTON FAIR ASSOCIATION:   |       |
| Act to incorporate,  | 466   |
| WILMINGTON HOMESTEAD AND LOAN ASSOCIATION:                                     |       |
| Charter confirmed and enlarged; banking powers conferred,                      | 78    |
| WILMINGTON LIGHT INFANTRY:   |       |
| Authorized to issue bonds,   | 39    |
| Act supplemental to foregoing,   | 316   |
| WILMINGTON LUMBER COMPANY:   |       |
| Charter confirmed and enlarged,  | 552   |
| WILMINGTON SEWERAGE COMPANY:   |       |
| Act to incorporate,  | 583   |
| WILMINGTON STREET RAILWAY COMPANY:   |       |
| Charter amended; may produce and sell gas,                                     | 432   |
| WILSON:  |       |
| Charter amended,   | 591   |
| WINDSOR:   |       |
| Corporate limits extended,   | 363   |
| WINSTON:   |       |
| Charter amended,   | 221   |
| May own and control Winston Water-Works,                                       | 292   |
| WINSTON BAPTIST CHURCH:  |       |
| Name changed to First Baptist Church of Winston,                               | 334   |
| WINSTON-SALEM AND CHARLESTON RAILROAD COMPANY:                                 |       |
| Act to incorporate,  | 120   |
| WINSTON WATER-WORKS COMPANY:   |       |
| Winston may own and control,   | 292   |
| WACCOON GAME PRESERVE COMPANY:   |       |
| Act to incorporate,  | 433   |
| WOMEN'S CHRISTIAN TEMPERANCE UNION, SOUTHERN ASSEMBLY<br>AND SCHOOL OF METHOD: |       |
| Name of Southern Woman's Christian Temperance Union Assembly<br>changed to,    | 346   |
| WOOD INSPECTORS:   |       |
| Provided for Wilmington,   | 62    |
| Y.   |       |
| YADKIN FALLS BRIDGE COMPANY:   |       |
| Act to incorporate,  | 324   |
| YADKIN RAILROAD AND LUMBER COMPANY:  |       |
| Act to incorporate,  | 542   |
| YADKIN RAILROAD COMPANY:   |       |
| Charter amended,   | 15    |
| YOUNG MEN'S CHRISTIAN ASSOCIATION OF RALEIGH, N. C.:                           |       |
| Act to incorporate,  | 350   |
| YOUNG MEN'S CHRISTIAN ASSOCIATION OF WINSTON:                                  |       |
| Act to incorporate,  | 535   |













