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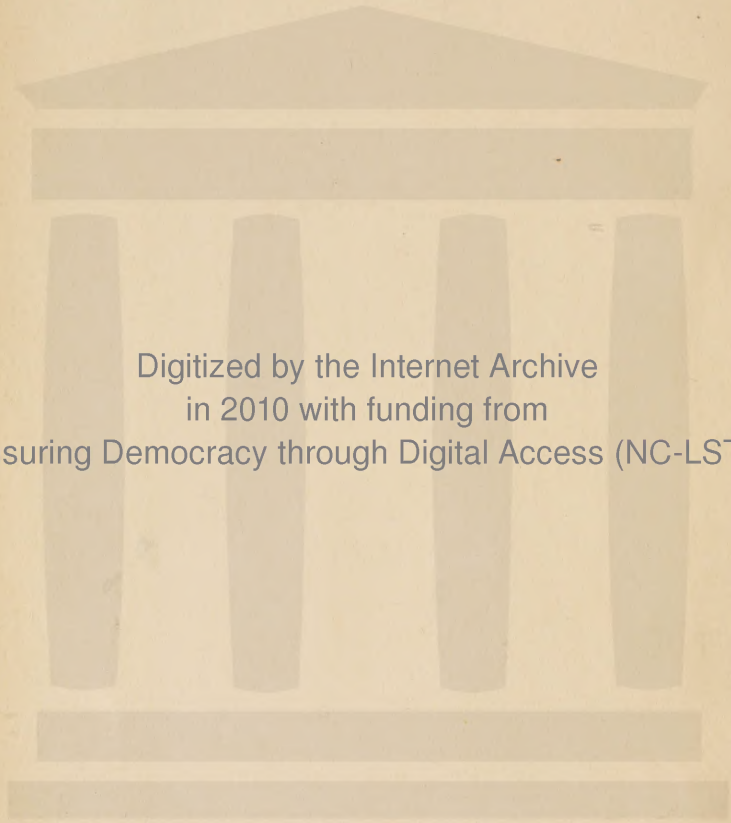

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PRIVATE LAWS

OF THE

STATE OF NORTH CAROLINA

PASSED BY THE

GENERAL ASSEMBLY

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AT ITS

SESSION OF 1895,

BEGUN AND HELD IN THE CITY OF RALEIGH

ON

WEDNESDAY, THE NINTH DAY OF JANUARY, A. D. 1895.

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OF THE

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PRIVATE LAWS

OF THE

STATE OF NORTH CAROLINA,

SESSION OF 1895.

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CHAPTER 1.

An act to amend the charter of the town of Mount Airy, North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter fourteen of the laws of North Carolina, eighteen hundred and ninety-three, Private Acts, amending the charter of the town of Mount Airy, down to the word "for" in section two in line nine, be and the same is hereby repealed; that the mayor and town commissioners hold their office until the regular election as provided for by law prior to the passage of the above-named act, eighteen hundred and ninety-three, amending the charter of the town of Mount Airy, North Carolina.

Chapter 14, private laws of 1893, amending charter of Mount Airy, amended.

Mayor and town commissioners to hold office till regular election.

SEC. 2. That the commissioners of the town of Mount Airy be and they are hereby required to establish two wards in and for the town of Mount Airy nearly equal in voting strength, and they shall be established on or before January first, A. D. eighteen hundred and ninety-six, in each of which wards there shall be established a voting precinct which, after January first, eighteen hundred and ninety-six, shall be used exclusively by voters of said town in all elections in general and municipal.

Commissioners required to establish two wards equal in voting strength, and a voting precinct in each ward before January 1, 1896. Said precincts must be used in all elections.

SEC. 3. All laws and parts of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

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

Ratified this the 29th day of January, A. D. 1895.

CHAPTER 2.

An act to amend the charter of the town of Mount Airy, North Carolina, and to establish a system of graded schools therein.

The General Assembly of North Carolina do enact:

SECTION 1. That section forty-six of chapter three hundred and four of the private laws of one thousand eight hundred and ninety-one (1891), be amended as follows: That after the word "ordinance," in line three, strike out all down to the word "submitting," in line four.

Section 46, chapter 304, private laws of 1891, amended. Ordinance need be passed at one meeting only.

Said law further amended by adding after section 48.

SEC. 2. That after section forty-eight of chapter three hundred and four of the private laws of one thousand eight hundred and ninety-one (1891) add the following:

Commissioners authorized to submit on May 1, 1895, the question of annual taxation for schools of Mount Airy.

SEC. 3. That the board of commissioners of the town of Mount Airy shall and they are hereby authorized to submit to the qualified voters of said town under such rules and regulations, on the first Monday in May, one thousand eight hundred and ninety-five (1895), as the said commissioners may prescribe, whether a tax shall be annually levied therein for the support of the schools in said town, provided for by this act: *Provided*, that the money necessary to be expended in the purchase of lands in the town of Mount Airy and the erection thereon of suitable buildings and improvements and furnishing the same with necessary equipments and furniture for the accommodation of the public schools of the town of Mount Airy, shall only be raised by issuing the bonds of the town as hereinafter provided for. At the election held under the provisions of this act those who favor the levying of such annual tax and issuing the bonds hereinafter provided for, shall vote on written or printed ballots, without device, the words "For school and bonds;" and those who are opposed to the levying of such annual tax, and the issuing of such bonds as hereinafter provided for, shall vote on written or printed ballots, without device, the words, "Against school and bonds." The penalties for illegal and fraudulent voting in this election shall be the same as in election for members of the General Assembly. The commissioners shall give thirty days' notice of the time of holding said election in a newspaper published in the town.

Proviso as to means of raising money for said schools.

Details of election on school subscription.

Said tax to be levied if a majority of the qualified voters vote in favor of it.

Tax to be levied and collected as other town taxes.

Said tax not to exceed fifty cents on the $100 of property, and one dollar and fifty cents on the poll.

Said taxes to be expended exclusively for school purposes. Commissioners may establish one or more graded schools.

SEC. 4. The inspectors of said election shall, on the day following, certify the number of votes cast and counted for and against "School and bonds" to the commissioners of said town, who shall proceed to declare at once the result of the election, and if a majority of the qualified voters shall vote in favor of such annual tax and the issuing of such bonds the annual tax shall be levied and collected by the town authorities under the same rules and regulations under which other town taxes are levied and collected, and the tax collector shall be subject to the same liabilities for the collection and disbursement of said tax as he is or may be for other town taxes: *Provided*, the special annual taxes so levied shall not exceed fifty cents on the one hundred dollars valuation of property and one dollar and fifty cents on the poll. The annual taxes levied and collected under the provisions of this act shall be applied exclusively to the support and maintenance of the public schools in the town of Mount Airy. The issuing of bonds and the collection of taxes to pay them shall be regulated as hereinafter provided. The school committee whose appointment is hereinafter provided for may establish one or more graded schools in the town of Mount Airy, and all the taxes levied and collected under this act shall not be appropriated or expended for any other purpose.

Mount Airy to constitute a school district for both races.

Sec. 5. For the purposes and benefits of this act the town of Mount Airy shall be and constitute a public school district for both white and colored.

Election and number of school committee.

Sec. 6. If this act shall be ratified at the election authorized to be held under it the school committee of the town of Mount Airy shall consist of five members, to be elected by the commissioners of the town of Mount Airy at their next regular meeting held after the election provided for in this act. The said school committee shall be composed of citizens of Mount Airy and freeholders therein, and shall be divided by the commissioners at the time of their election into three classes of one member of the first class and two members of the other two classes. The term of office of the first class shall expire at the end of one year from the date of his election, and the term of office of the second class shall expire at the end of two years from the date of their election, and the term of office of the third class shall expire at the end of three years from the date of their election. Whenever the term of office of any class shall expire as above provided, his or their successors shall be elected for a term of three years by the said commissioners. Whenever any vacancy occurs in said committee, except by expiration of term of office, the vacancy for the unexpired term of the member or members shall be filled by the said committee.

Qualifications of committeemen.

Terms of office.

Vacancies to be filled by committee.

Powers and duties of school committee.

Sec. 7. That the school committee provided for by this act shall have entire and exclusive control of the public school interests and property of the town of Mount Airy; shall prescribe rules and regulations for their own government not inconsistent with the provisions of this act; shall employ and fix the compensation of officers and teachers of the public school or graded public school annually, subject to removal by the said committee; shall make an accurate census of the school population of the town as required by the general school law of the State, and do all other acts that may be just and lawful to conduct and manage the public school interests in said town: *Provided*, all the children resident in the town of Mount Airy between the ages of six and twenty-one years shall be admitted into the said school free of tuition charges: *Provided*, persons living beyond the limits of the corporation may attend the schools from their home or as boarders on the payment of tuition fees to be fixed by the school committee.

Proviso. All children between the ages of 6 and 21 years must be admitted

Proviso. Persons outside of corporation to pay tuition.

Superintendent may be elected. His duties.

Sec. 8. The school committee created by this act may elect annually a superintendent for the schools established under this act, who shall be the principal of the graded school for whites if the same shall be established. The said superintendent shall [examine] all applicants for teachers' positions in said school, and issue certificates to the same, and shall do and perform such other duties as may be prescribed by the said school committee.

Application of public school funds.

Sec. 9. The moneys which shall from time to time be apportioned under the general school law of the state to the public school districts or portions of districts embraced in the corporation limits of the town; and any moneys to which the said district or portion of district may be entitled by reason of any special tax, gift, grant, apportionment or otherwise, shall be received by the treasurer of the town of Mount Airy, who shall be *ex officio* treasurer of said school committee, and whose receipt for such moneys shall constitute a sufficient voucher of such payment in the hands of any person paying the same, and the said treasurer shall report monthly to the said school committee his receipts and disbursements, with all vouchers for the same. The moneys received as aforesaid shall be held by the treasurer as a separate fund to be disposed of under the direction of the aforesaid school committee, whose warrants, signed by the chairman, and countersigned by the secretary of said committee, shall be the only valid voucher in the hands of the said treasurer for the disbursement of said moneys in any settlement required of him by the law. The said treasurer shall furnish annually to the board of commissioners a statement in writing of his receipts and disbursements of the school money, properly and duly audited and approved by the chairman and secretary of the school committee. *Provided*, the accounts, books and vouchers of the said treasurer shall be open for the inspection of the said school committee at any time.

Treasurer of said town to be treasurer for said committee.

Treasurer to furnish annual report to commissioners.

Proviso.

Bond of treasurer.

Sec. 10. The bond now required of the treasurer of the town, to protect public funds of the town in his hands, shall be an amount sufficient to include double the amount received under this act, independent of the amount to secure other funds, which may come into his hands. The said treasurer shall receive as compensation a commission of two per centum on the funds received from the taxes levied and collected under this act and disbursed.

Compensation.

Apportionment between the white and colored

Sec. 11. The school committee provided by this act shall apportion the money raised or received for educational purposes in the town of Mount Airy as shall be just to the white and colored races, without discrimination in favor of or to the prejudice of either race, due regard being paid to the cost of keeping up and maintaining the public schools of both races.

Annual report to be made by school committee.

Sec. 12. That the said committee shall make to the board of commissioners annually, at such time as is required under the school law of the state, a report containing an accurate census of the school population of the town, showing the work done and money expended under their direction in the town of Mount Airy on account of public schools therein; a copy of which report shall be forwarded to the superintendent of public instruction in the state, and a copy to the superintendent of public instruction in the county of Surry. The beginning and ending of the school year shall be fixed by the committee.

Committee to be a body corporate. Name of corporation. Corporate powers.

Sec. 13. The school committee hereby created shall be a body corporate by the name and style of "The School Committee of the Town of Mount Airy," and by that name shall be capable of receiving gifts and grants, of purchasing and holding real and personal estate; of selling, mortgaging and transferring the same for school purposes; of prosecuting and defending suits for or against the corporation hereby created. Conveyance to said school shall be to them and their successors in office; and all deeds, mortgages and other agreements affecting real estate shall be deemed sufficiently executed when signed by the chairman and secretary thereof and the seal of the corporation affixed thereto. The corporation shall have a corporate seal, which it may break or change at pleasure.

Corporate seal.

Commissioners may issue bonds not to exceed $15,000.

Sec. 14. That the commissioners of the town of Mount Airy be and the same are hereby authorized to issue coupon bonds of the town of Mount Airy not to exceed in amount the sum of fifteen thousand dollars ($15,000) and in denominations of not less than one hundred dollars nor more than one thousand dollars, bearing interest from date of bonds at a rate not to exceed six per centum (6 per cent.) per annum and payable semi-annually on the first day of January and the first day of July of each year until said bonds are paid; that the said bonds shall be made payable at a time to be fixed by the said commissioners and named therein, not to be less than twenty years nor more than thirty from the date thereof: *Provided, however,* that the said board of commissioners may divide the said bonds into classes as they may determine and have them mature at different convenient dates between the limits aforesaid. It is further enacted that the said bonds and their coupons shall be numbered and the bonds shall be signed by the mayor of the town of Mount Airy and countersigned by the clerk of the board of commissioners of the said town and have the corporate seal of the said town affixed thereto, and the coupons thereto attached shall be signed by the mayor of said town; that a record shall be kept of the said bonds showing the numbers and denominations thereof and to whom sold; the dates of issuing thereof and when the same will mature and interest-bearing rate thereof; the amount received from sale of same, and the date of paying the proceeds into the treasury of said town, and such other data in relation to the same as said board of commissioners may direct to be kept.

Particulars as to said bonds.

Proviso.

Bonds, how signed.

Record of said bonds to be kept.

Bonds not to be sold for less than face value, and not to be delivered till paid for.

Sec. 15. That the bonds hereby authorized to be issued shall not be sold for less than their face value, and the mayor of the said town shall not deliver said bonds or any of them to the purchaser thereof until the purchase-money thereof shall be paid to the treasurer of the said town and his receipt to the purchaser produced for the money as evidence of such payment; and the treasurer of the said town shall receive all such moneys paid in the purchase of bonds in his official capacity as treasurer of said town, and he and the sureties on

Town treasurer to receive all money for said bonds.

his official bond shall be liable therefor and pay over the same as is provided in this act, or as may be otherwise provided by the laws relating to the treasurer of the town of Mount Airy; and it shall be

Bond of treasurer for this purpose.

the duty of the board of commissioners of the said town to see to it that the bond of said treasurer shall at all times be sufficient in amount and with satisfactory sureties to provide against any loss of money arising from the sale of said bonds, and to that end may at any time require said treasurer to renew his official bond in such sum and with such sureties as they may require, and in default thereof remove him from his office as treasurer.

Funds from sale of bonds to be kept separate.

Sec. 16. That the treasurer of the town of Mount Airy shall keep separate from all other public moneys coming into his hands the moneys arising as proceeds from the sale of said bonds, and the same shall be expended by the school committee of the town of Mount Airy in the purchase of lands in the town of Mount Airy, and the erection thereon of suitable buildings and improvements, and furnishing the same with necessary equipments and furniture for the accommodation of the public schools of the town of Mount Airy: *Provided, however*, this question shall be submitted to the qualified voters of the town of Mount Airy for their ratification or rejection, at an election to be held on the first Monday in May, eighteen hundred and ninety-five, as heretofore provided for in section three of this act. The said election shall be advertised by the said board of commissioners of the town for thirty days prior to the day of election, in a newspaper published in the town, and said election shall be held under the supervision of inspectors and poll holders or judges of election appointed by the said board of commissioners; and the result of said election shall be made and certified as in section four of this act provided. At said election, those who are in favor of issuing the said bonds shall vote on written or printed ballots, without device, the words: "For school and bonds," as provided in section third of this act; those who are opposed to issuing bonds shall vote on written or printed ballots, without device, the words, "Against school and bonds," as provided for in section third of this act, and the result of the election shall be ascertained and declared, as provided for in section four of this act. If at said election the ballots cast "For school and bonds" shall be a majority of all the votes cast, and also a majority of all the qualified voters of the said town; then said board of commissioners shall proceed at once to issue and sell said bonds or so many thereof as may be necessary, in the judgment and discretion of said school committee of the town of Mount Airy for the purposes aforesaid.

Proviso.

Time and method of election.

Ballots.

Bonds to be issued if majority of qualified voters vote for them.

Tax for interest of bonds and a sinking fund.

Sec 17. In order to pay interest on said bonds, and to create a sinking fund to pay the principal of said bonds at maturity, the commissioners of the town shall levy and collect a special tax of not exceeding fifteen cents on every one hundred dollars worth of taxable prop-

erty in said town, and not exceeding forty-five cents on each taxable poll, and the money paid into the said town treasury received from taxes under this section shall be appropriated for the payment of the said bonds and coupons, and for no other purpose whatsoever: *Provided*, all moneys remaining in the treasury belonging to said fund after all the above said bonds and coupons shall have been redeemed, may then be transferred, by order of the said school committee, to the general school fund of the said town.

Tax not to exceed 15 cents on the $100 of property, and 45 cents on the poll.

Proviso.

SEC. 18. That if, at the election provided for in this act, a majority of the qualified voters of said town shall not vote "For school and bonds," then the commissioners are hereby authorized to submit the said question to the qualified voters of the said town on the first Monday in May, eighteen hundred and ninety-six (1896), under the same rules and regulations as are herein prescribed for the election to be held on the first Monday in May, eighteen hundred and ninety-five (1895).

Election may be held under same regulation in 1896, if majority vote against this proposition in 1895.

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

Conflicting laws repealed.

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

Ratified this the .. day of February, A. D. 1895.

CHAPTER 3.

An act to legalize the marriage of A. J. Prevatt and Mary A. Prevatt.

WHEREAS, A. J. Prevatt and Mary A. Prevatt, of the county of Robinson, being within the prohibited degrees, but ignorant thereof, were on March tenth (10th), one thousand eight hundred and ninety (1890), under license issued by the register of deeds of said county, married by a justice of the peace, and since that time have continued to live together as husband and wife; therefore,

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That the said marriage be and the same is hereby declared lawful.

Said marriage declared lawful.

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

Ratified this the 29th day of January, A. D. 1895.

CHAPTER 4.

An act to incorporate the Bank of Edenton.

The General Assembly of North Carolina do enact:

Body corporate.

SECTION 1. That M. H. Dixon, Wm. O. Elliott, E. L. Woodard, C. W. Rea, J. G. Wood, Frank Wood, Wm. R. Capehart, W. D. Pruden, A. T. Bush, John M. Forehand, Julien Wood, their associates, successors and assigns, are hereby created a corporation under the name of the Bank of Edenton, for the period of sixty years, with full power to sue and be sued in any court of the state, to acquire, own and convey real and personal property, and to adopt and use a common seal, which may be altered when deemed expedient.

Corporate name. Corporate powers.

Capital stock.

SEC. 2. The capital stock of the corporation shall not be less than twenty-five thousand dollars, divided into shares of one hundred dollars each, which may be increased from time to time by the vote of a majority of said stock to one hundred thousand dollars. The bank may commence business as soon as twenty-five thousand dollars of stock is subscribed and one-half thereof paid in.

Place of business.

SEC. 3. The principal office and banking-house of the corporation shall be located in Edenton, North Carolina, but branches thereof may be established in other places by a vote of two-thirds of the stock when deemed expedient and beneficial.

Board of directors.

SEC. 4. The affairs of the bank shall be managed by a board of directors, consisting of not less than seven nor more than nine, as the stockholders may decide, which board shall be elected at the annual meeting of the stockholders, to be held on the second Thursday of each January, beginning with January, eighteen hundred and ninety-six, and hold their offices for one year and until their successors are elected and qualified. The directors shall hold meetings as often as the by-laws of the company shall require, and a majority of them shall constitute a quorum for the transaction of all business.

Directors to elect president and other officers.

SEC. 5. The board of directors shall meet as soon after their election as practicable and elect from among themselves a president and vice-president of the bank, who shall hold their office for one year and until their successors are duly elected. The said board shall also elect, not from among themselves, a cashier and such other officers and employees as the board may deem best to hold office during the pleasure of the board. The cashier shall be required by the directors to give bond, to be fixed by them, and they may require bonds of any other officers or employees selected as aforesaid.

Cashier must give bond.

Corporate powers.

SEC. 6. The said corporation shall have all powers, rights, privileges and immunities granted to any banking institution under the laws of North Carolina, especially by chapter four, volume two, entitled "Banks;" shall also have power to receive and pay out money, to deal in mercantile paper, to receive deposits of money and other valuables, may discount, buy and sell notes, drafts and all

other securities and evidences of debt; may loan money upon mortgages of real or personal estate or other security, and charge for money loaned by it such rate of interest as may be agreed upon, not exceeding the rate allowed by law, which interest it may take and receive at the time of making such loan.

Deposits by married women, minors, &c.

Sec. 7. That when married women, minors or apprentices shall deposit money or other thing of value in said bank or any of its branches, generally or specially, to their own credit, the same may be withdrawn on their check, draft or other order, and they and all other persons shall be bound by such check, draft or order, and the same shall be an absolute release and discharge of said bank from liability for the same.

Corporate powers.

Sec. 8. That any real estate held by the said corporation at any time may be duly conveyed by a deed signed by the president and cashier with its seal affixed to the same. The said corporation may buy any real or personal property sold by it or anyone for it under mortgage, deeds of trust or other assurances for debts due it, when necessary for its protection in its judgment.

May organize a savings bank.

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

Remedy against subscriber failing to pay.

Sec. 10. In the event any subscriber to the stock of this corporation shall fail to pay for his stock, or any part of it, hereafter or heretofore subscribed, the amount so due on said stock may be recovered by the directors by civil action ; or the directors may sell such stock at public biddings at the banking-house of the corporation, after giving thirty days' public notice of such sale and like notice to the holders of such defaulting stock, and the amount realized at such sale shall be applied to the payment of the cost of such sale, the amounts remaining due and unpaid for such stock and interest on same, and any balance to the owner of said stock. If the amount realized be not sufficient to pay the balance due, then such balance may be recovered by civil action of the subscriber for the same.

Certain acts done before passage of this act validated

Sec. 11. Subscriptions already made or which may be made to the stock of the Bank of Edenton, the election of directors, officers and employees heretofore had and other acts done or which may be done, before the granting of this charter, for and in the name of said bank, not inconsistent with said charter, are hereby expressly ratified, confirmed and made valid and binding in all respects as if they had been done after the charter is granted.

Postponed meetings.

Sec. 12. If for any cause, any annual or other meeting of the directors shall not be held as provided herein, or being held, any duty

required to be done at such meeting be not then done, such omitted meeting may be subsequently held and such duties subsequently performed.

Transfer of stock.

SEC. 13. No stock held in this corporation shall be transferred except on the books of the corporation in person or by written power of attorney, and no stock shall be transferred at all by anyone indebted in any way to said corporation till said indebtedness has been fully paid, without the consent of a majority of the directors in meeting expressed, and all stock shall be liable for all debts due by such stockholders and shall be affected with a lien for such indebtedness.

Forfeiture for non-user in two years.

SEC. 14. The immunities, powers and privileges herein granted shall be forfeited if not used in two years.

SEC. 15. This act shall be enforced from and after its ratification.

Ratified this the 29th day of January, A. D. 1895.

CHAPTER 5.

An act to incorporate the Swain Lumber and Boom Company.

The General Assembly of North Carolina do enact:

Body politic.

SECTION 1. That E. G. Coffin, F. M. Macdonald, H. M. Gee and F. S. Paddock, and their associates and successors, are hereby constituted a body politic and corporate under the name and style of

Corporate name.

the "Swain Lumber and Boom Company," and as such may sue and

Corporate powers.

be sued, plead and be impleaded in any of the courts of the State,

Organization.

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.

Capital stock.

SEC. 2. That the capital stock of said company shall be fifty thousand dollars with power of stockholders to increase to one hundred thousand dollars when they think necessary, and shall be divided into shares of one hundred dollars each.

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.

May construct tramways.

SEC. 4. That the said company shall have full power to erect and operate tramways or railways, using any motive power it sees fit, for the transporting of logs or lumber from any point in Swain

Condemn land.

county, and shall have power to condemn land under the provisions of law in reference to railroads in chapter forty-nine of the first vol-

ume of The Code. They shall also have power to erect splash-dams in any or all of the creeks or watercourses flowing into the Tuckaseegee river in Swain county, and may build and erect booms for the collection of logs in said river at any point between Whittier, North Carolina, and the mouth of said river, and after they have spent the sum of three thousand dollars in building splash-dams and removing obstructions in said river or creeks they shall have the right to take such toll or boomage as may be fixed by the officers of said company, not exceeding two dollars per thousand feet, and they shall have a lien on said logs until the said toll or boomage is paid. They shall have power to condemn abutting lands for the purpose of constructing said dams and booms under the provisions of law in reference to railroads contained in chapter forty-nine of the first volume of The Code. 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.

May erect splash-dams and booms.

Collect toll.

Lien on logs for boomage.

Condemn land for said dams and booms.

May consolidate with other company.

SEC. 5. That said company shall have power to take by purchase, lease or other operation of law, any lands, tenements and hereditaments in the state of North Carolina to such an amount as to them shall seem proper, and to hold and convey same in fee simple, as provided in section six hundred and eighty-five of The Code and its amendments. They shall have power to sell, grant and convey, improve, manage, develop, lease, mortgage, dispose of, or otherwise deal with, any part or all of the property of said company, in such manner as the said company may see fit.

Corporate powers.

SEC. 6. The principal place of business of said company shall be in Bryson City, North Carolina.

Place of business.

SEC. 7. That all the rights, privileges, powers and immunities given to corporations in chapter sixteen of The Code, and the amendments thereto, not inconsistent with this act, are hereby specially reserved to said company.

Corporate powers given by chapter 16 of Code, reserved.

SEC. 8. The stockholders of said company shall not be liable in their individual capacity for the debts of said company.

Liability of stockholders.

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

Ratified this the 29th day of January, A. D. 1895.

CHAPTER 6.

An act to amend the charter of the Piedmont Bank of Greensboro, North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That section three (3) of chapter one hundred and sixteen of the private laws of eighteen hundred and eighty-five, entitled "An act to incorporate the Piedmont Bank of Greensboro, North

Chapter 116, laws of 1885, amended, relative to Piedmont bank.

Carolina," be amended by adding to the end of said section the following words, to-wit: At any annual meeting thereafter, or adjourned meeting thereof, the stockholders may elect any number of directors they may determine, being not less than three nor more than twelve, who shall hold their offices until the next annual meeting of the stockholders, and until their successors are chosen. The board of directors shall fill all vacancies occurring in the board for the remainder of the term; and may elect a vice-president and such other officers as they may deem necessary.

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

Ratified this the 29th day of January, A. D. 1895.

CHAPTER 7.

An act to amend chapter two hundred and eighty-three of the Private Laws of North Carolina, session of eighteen hundred and ninety-three, it being "an act to incorporate the Louisburg Savings Bank."

The General Assembly of North Carolina do enact:

Chapter 283, private laws 1893, amended. Title of act changed.

SECTION 1. Strike out the title of said act and insert in lieu thereof the following: "An act to incorporate the Farmers and Merchants Bank of Louisburg."

Section 1 of said law struck out. New incorporators substituted.

SEC. 2. Strike out all of Section 1 and insert in lieu thereof the following: That William Bailey, J. S. Barrow, A. B. Hawkins, C. M. Cook, W. T. Huges, J. B. Thomas, W. J. Byerly, and their associates, successors and assigns, be and they are hereby created a

Corporate name changed.

body politic under the name and style of The Farmers and Merchants Bank of Louisburg, and by such name may acquire, hold and convey real and personal property, borrow and lend money, make contracts in respect thereto, 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 purpose indicated in the title.

Section 2 of said law struck out. Capital stock.

SEC. 3. Strike out all of Section 2 and insert in lieu thereof the following: That the capital stock of said corporation shall not be less than fifteen thousand dollars, which may be increased from time to time to a sum not exceeding one hundred thousand dollars, in shares of fifty dollars each, which are to be paid in such manner as the

When to commence business.

directors may prescribe. Said corporation may, however, commence business when ten thousand dollars of the capital stock shall have been paid in. The stockholders shall not be individually liable for

Non-liability of stockholders.

the debts of the corporation.

Section 3 of said law struck out. Corporators may solicit subscriptions.

SEC. 4. Strike out all of Section 3 and insert the following: That any of the above-named corporators may solicit and receive subscriptions to the capital stock, and the first five named shall be and remain

directors of this corporation until their successors are appointed. The stockholders shall have power to increase the number of directors to seven: *Provided*, no person shall be a director in the corporation without having subscribed and taken at least five shares of said stock. Directors. Proviso.

SEC. 5. Strike out all of Section 4 and insert in lieu thereof the following: It shall be the duty of the board of directors to prescribe rules, regulations and by-laws for the government of the corporation, to provide for the offices, choose the officers, fix salaries, fill vacancies among their own number, 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 of stockholders, according to value, voting thereon, either in person or by proxy. The above-named directors shall call a meeting of the stockholders within sixty days after the corporation shall have commenced doing business for the purpose of adopting rules, regulations and by-laws for the government of the corporation, including the naming of the offices of the corporation which are to be filled by the board of directors, and ten days' notice of the meeting shall be given by publication in one or more newspapers published in the county of Franklin, and until such meeting of the stockholders the officers of this corporation shall consist of a president, a cashier and a teller, to be selected by the above-named corporators, who shall also fix the salaries until said meeting of the stockholders. Section 4 struck out. Duties of directors. Meeting. Temporary officers and salaries

SEC. 6. That Sections 5, 6, 7 and 8 are hereby re-enacted. Sections 5, 6, 7 and 8 re-enacted.

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

Ratified this the 31st day of January, A. D. 1895.

CHAPTER 8.

An act to incorporate the trustees of Watts Hospital.

The General Assembly of North Carolina do enact:

SECTION 1. That George W. Watts, W. W. Fuller, E. J. Parrish, B. N. Duke, John L. Markham, L. A. Carr, W. L. Wall, Leo. D. Heartt, M. A. Angier, John C. Kilgo, Dr. A. G. Carr, S. T. Morgan, and their successors, be and they are hereby created a body politic and corporate under the name and style of "Trustees of Watts Hospital," by which name they may contract and be contracted with, sue and be sued, have perpetual succession, and a common seal which they may break or alter at pleasure. As such corporation they may establish, conduct and maintain a hospital in the county of Durham for the training of nurses and for the reception and treatment of persons who may need medical or surgical attendance during temporary Corporators. Body politic. Corporate name. Corporate powers.

sickness or injury, under such rules and restrictions as they may from time to time establish.

Corporate powers.

Sec. 2. That said corporation may acquire, receive, take, sell and dispose of real and personal estate, without restriction as to quantity or value thereof, which may from time to time be given, granted, bequeathed, devised or sold to it and accepted by it for the purposes and uses of said hospital: *Provided always*, that both the principal and income thereof shall be appropriated, and the property held, according to the terms of the donation, devise or bequest.

Term of office of trustees.

Sec. 3. That the persons named in the first section of this act shall hold office as such trustees until the first day of December, eighteen hundred and ninety-five, and thereafter until their successors are elected or appointed as hereinafter provided; that during the month

Election of trustees.

of October, in the year eighteen hundred and ninety-five and each year thereafter twelve trustees, to serve one year from the first day of December next ensuing after their election or appointment, shall

By whom elected or appointed.

be elected or appointed as follows, to-wit: four (4) by George W. Watts during his life, and after his death by his wife and eldest daughter, or the survivor of them, and after the death of both of them by his nearest blood relation who is above seventeen years of age; one by each of the following bodies or associations in the town of Durham, to-wit: the Presbyterian Church, the Methodist Episcopal Church South, the Missionary Baptist Church, the Protestant Episcopal Church, the board of commissioners or aldermen, the Watts Hospital Association and the Academy of Medicine, Trinity

Proviso.

College, Durham county: *Provided*, that if any of said bodies or nominors shall fail during said month of October in any year to make the appointments or elections which it or they are entitled to make, the trustees then in office shall make the election to which such failing body or nominor was entitled. Said trustees shall annually elect from their number, at their first meeting in December of each

Officers.

year, a president, secretary and treasurer, and such other officers as

Vacancies in trustees, how filled.

they shall deem fit. Whenever a trustee shall die, resign, refuse to act or become incompetent to discharge the duties of his trust, a successor shall be elected or appointed by the body or nominor by which

Proviso.

he was elected or appointed for the remainder of his term: *Provided, however*, that if such body or nominor shall fail for thirty days after notice of such vacancy to fill the same, it shall be filled by the remaining trustees.

Contracts and deeds, how made.

Sec. 4. That all contracts or deeds of said corporation shall be made in the name of the same, and be signed by such officers thereof as may now by law execute deeds of other corporations within the

Trustees not liable.

State; that no trustee shall be personally or individually liable for any of the debts, obligations, contracts, engagements, torts, acts or omissions of the corporation.

SEC. 5. That said trustees shall have power and shall make all such rules, regulations, by-laws and ordinances as they deem necessary or useful for the conduct and maintenance of said hospital and the management of its affairs, and may alter, amend or repeal the same at pleasure, by the vote of the majority of the trustees. They especially have power to provide and enforce regulations for the selection, admission, treatment and dismissal of patients, but no person shall be discharged or refused admission and attendance because of inability to pay; they may provide for the duties and services of all officers, committees and attendants. Powers of trustees

Admission of patients.

SEC. 6. That any number of persons may associate themselves together under the name and style of "The Watts Hospital Association" for the purpose of aiding in the maintenance of said hospital, and may collect from each member of said association annual dues not exceeding five dollars, which shall regularly be paid to the treasurer of the trustees herein incorporated. Said hospital association shall have an annual meeting in Durham on the second Monday in October in each year, at which time it shall elect one trustee, as above provided, by a majority vote of the members of the said hospital association who are present at such meeting. "Watts Hospital Association."

Dues.

Meeting of said association.

SEC. 7. That the town of Durham is hereby authorized to annually, or oftener, donate money to said trustees in aid of said hospital. Town of Durham may contribute.

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

Ratified this the 2d day of February, A. D. 1895.

CHAPTER 9.

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

The General Assembly of North Carolina do enact:

SECTION 1. That section five of chapter two hundred and sixty-three, Private Laws of eighteen hundred and ninety-one, be and the same is hereby repealed, and the following substituted therefor: Section 5. Said park and the entire population resident thereon shall in any official enumeration be included as part of the population of the city of Durham, so far as the provisions of this section of this act shall not be inconsistent with the government of the college as hereinafter defined. Section 5, chapter 263, private laws of 1891, repealed.

Trinity Park to be enumerated as part of city of Durham.

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

Ratified this the 2d day of February, A. D. 1895.

CHAPTER 10.

An act for the relief of W. J. Sutton, late sheriff of Bladen county.

Preamble.

WHEREAS, The board of commissioners of Bladen county, in settling with William J. Sutton, late sheriff of Bladen county, the taxes due the county of Bladen for general purposes, charged and collected from the said sheriff two (2) per centum per month, in addition to the taxes, on all moneys kept in his hands after the first Monday in February in each year, the aggregate amount of money paid by him as such penalty being nineteen hundred and ninety-seven dollars, the same having been paid by him, during his continuance in office as

Preamble continued.

sheriff, under protest; and whereas, the said William J. Sutton truly accounted for and paid each year while he was in office all taxes and moneys which came into his hands by virtue of his office, and at the expiration of his term of office as such sheriff was not indebted to

Preamble continued.

Bladen county in any amount; and whereas, the aforesaid penalty was imposed and collected from him each year before the time limited by law in which the commissioners had the right to exercise their discretion in imposing said penalty; therefore,

The General Assembly of North Carolina do enact:

Treasurer of Bladen county authorized to pay W. J. Sutton $1,997 and interest from 1882.

SECTION 1. That the treasurer of Bladen county be and he is hereby authorized, empowered and directed to pay to the said William J. Sutton the sum of nineteen hundred and ninety-seven dollars, with interest on the same from February the first, eighteen hundred and eighty-two, out of any money in the treasury of Bladen county not otherwise appropriated.

Commissioners may borrow money or issue bonds.

SEC. 2. That if there should not be a sufficiency of money in the treasury to pay said sum of money and interest and liquidate the said claim of the said William J. Sutton, it shall become the duty of the board of commissioners of Bladen county at once to provide a fund for the payment thereof, and in order to provide said sum for such payment they are hereby authorized and empowered either to

Form of bonds.

borrow the money or to issue bonds bearing six (6 per centum) per centum interest, payable annually, to run ten (10) years, said bonds to be of the denomination of fifty ($50) dollars or one hundred ($100) dollars each.

Commissioners may levy a tax.

SEC. 3. And the said board of commissioners of Bladen county are hereby authorized and directed to levy a special tax of three (3 per centum) per centum on the one hundred dollars valuation of the real and personal property and polls (observing the equation as provided by the Constitution) that is subject to taxation in said county to pay the interest on said bonds and the principal of the same at maturity.

Conflicting laws repealed.

SEC. 4. All laws and clauses of laws in conflict herewith are hereby repealed.

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

Ratified this the 2d day of February, A. D. 1895.

CHAPTER 11.

An act to incorporate the Southern Stock Mutual Insurance Company of Greensboro, North Carolina.

The General Assembly of North Carolina do enact:

Section 1. That J. W. Scott, J. Van Lindley, L. M. Scott, J. M. Worth, Edwin Shaver, Lawrence S. Holt, J. S. Carr, Samuel McD. Tate, J. S. Spencer, William E. Holt, E. D. Latta, L. Banks Holt, D. G. Worth, D. McRae, F. J. Murdoch, James P. Sawyer, E. P. Wharton, and A. W. McAllister, and all persons who may hereafter be associated with them in the name and style of the Southern Stock Mutual Insurance Company, are hereby constituted a body politic and corporate, to have perpetual succession, and by that name to sue and be sued, appear, prosecute and defend in any courts or elsewhere, and may have and use a common seal, which they may alter at pleasure; to elect in such manner as they shall determine to be proper such officers as they may deem necessary, and may purchase and hold such real estate as may be deemed necessary to effect the objects of this company, and may sell and convey the same at pleasure; and may make, establish, and put in execution by-laws consistent with the laws of this state, for their own government and for the due and orderly conducting of their affairs and the management of their property, and may do and execute all such acts and things as may be necessary to carry into effect the provisions of this act. Corporators. Corporate name. Body politic. Corporate powers. Seal. Officers. Corporate powers. By-laws. Corporate powers.

Sec. 2. That the affairs of this company shall be governed and managed by a board of directors, to consist of not more than twenty in number, and not less than seven, as may be regulated by the by-laws of the company, and the said by-laws shall designate the number of such board to constitute a quorum. Directors.

Sec. 3. That the board of directors shall have full power to invest all moneys coming into the possession of the company in real or personal estate, bonds, mortgages, gold, silver, stocks or securities of any description, and have power to sell and convey the same, or to change the character of investments from time to time as the interests of the company may require. Powers of directors.

Sec. 4. That if there be an overplus left after paying all losses and expenses for any year, an amount up to ten per centum of the gross premiums for such year shall be set aside to accumulate as a reserve fund; and if the sum left after paying losses and expenses for any year is less than ten per centum of the gross premiums, the deficit shall be made up to the reserve from the profits of any succeeding year or years. That any residue that may be left at the end of any year shall be distributed among the policy holders in such manner as the by-laws may determine, reserving such part of premiums as may be unearned. Reserve fund. Disposition of residue.

May do a general insurance business.

SEC. 5. That this company may issue policies of insurance, duly signed by its president and secretary, against loss or damage by fire or any other insurance whatsoever that the directors may deem proper, and this company is hereby vested with all the powers that any insurance company has or may have to transact business in this state, and they may charge such premiums as may be agreed upon by this company and the parties insured.

Policies secured.

SEC. 6. That the policies issued by the company shall be secured and guaranteed by the individual bonds of such persons as the board of directors may accept, which bonds shall amount in the aggregate to not less than one hundred thousand dollars.

Solvency of guarantors.

That no person shall be accepted as guarantor until he shall have been found, after due enquiry and investigation by the board of directors, to be worth, over and above his debts and liabilities and exemptions, at least five times the amount of his bond. That the

Liability of guarantors.

guarantors shall be liable upon their several bonds to any policy holder who may suffer a loss and have a valid claim against this company, which he may enforce in any court of the state by a suit against the guarantors, in which all of them shall be named as defendants, the said claim being first established against the company.

Liability not to exceed guarantee bond.

The amount of the liability of each guarantor shall be determined by the proportion which his bond bears to the whole amount of solvent guarantee bonds held by the company, but in no case can it exceed the amount of his guarantee bond.

Liability to determine, when.

That the several liability of each guarantor shall continue until he shall have paid the full amount of the same; or until the reserve fund shall amount to $100,000, at which time all liability of the guarantors shall cease and forever determine.

Income from reserve fund, how divided.

That the income from the reserve fund may be divided at any time and in such manner as the by-laws may direct amongst the guarantors and their legal representatives and the persons to whom they shall assign their rights as such guarantors, and in case this charter at any time be surrendered or annulled, or the affairs of this company wound up by the consent of the majority of its policy holders, the reserve

Reserve fund, how divided and when.

fund shall, after all debts and liabilities of the company shall have been fully paid and provided for, belong to and be the property of and be divided amongst the said guarantors and their legal representatives and assigns.

Disposition of reserve fund in excess of certain sums.

That if at any time a reserve fund shall accumulate in excess of one hundred thousand dollars, such excess may, in the discretion of the board of directors, be divided amongst the guarantors, their legal representatives and assigns, in the proportion of their respective interests. If at any time it shall be necessary to draw upon the

Replacement of reserve fund.

reserve in the payment of losses such amount shall be replaced to the reserve out of the net premiums of the company after paying losses

and expenses and after setting aside the annual ten per centum for the reserve; and in the event that the reserve shall be exhausted in the payment of losses, and in the judgment of the board of directors it shall become necessary to call on the guarantors to raise money for the payment of said losses, the said guarantors may appoint from their number a committee who shall be empowered to endorse for the said company for an amount not exceeding the liability of the guarantors on their guarantee bonds, the said endorsers and the remaining guarantors to be severally liable on the said endorsement, each one to the amount of his guarantee, and no further. But the said company shall, out of the first available assets thereafter received by it satisfy and take up any outstanding notes endorsed by the said guarantors or their committee, or in the event that any payments are made by the said guarantors on their guarantee bonds, except as hereinafter provided in section ten, the said company shall, out of the first available assets thereafter received by it, return to the said guarantors the amounts severally paid by them. The liability of any guarantor shall not at any time exceed the amount named in his guarantee bond, and when that amount shall have been paid by him, either at one time or at different times, his liability shall cease and determine until he shall have been reimbursed in whole or in part by the company or by his co-guarantors, when it shall be renewed and revived for the difference between the amount of his guarantee bond and the net amount of the advancement paid by him and not repaid to him.

Procedure if reserve exhausted.

Committee may be appointed to endorse for guarantors.

Liability of guarantors.

Notes so endorsed to be taken up, when.

Liability of guarantor.

Sec. 7. That if any guarantor shall at any time be legally required in writing by the proper authority to pay any amount for which he shall have become liable upon his guarantee; or if any guarantor shall die, and his personal representatives be at any time in like manner and by like authority required to pay any amount for which the deceased guarantor or his estate shall have become liable upon the guarantee bond; and shall fail to pay the same for the space of ninety days, the interest of such guarantor or of his personal representative and estate in the assets of the said company, and his certificate therefor shall, *ipso facto*, be forfeited to the company; but such forfeiture shall not relieve such guarantor, or his estate, or his personal representative from any liability that has accrued and may thereafter accrue upon said bond until another bond, accepted by the board of directors, shall be substituted in its place, or until the notice by the personal representative, next hereinafter provided for, shall have been served, and payment of all liability is made as provided by law. If any guarantor shall die, his personal representative may, at his option, serve a written notice upon the president of the company, within ninety days after his qualification as such representative, and pay to the company all liabilities that may have arisen upon said bond up to the time of making said payment; and he shall thereupon be relieved from further liability upon said bond; and all rights and interests as

Certificate forfeited, when.

Forfeiture not to relieve liability of guarantor.

Right of personal representative.

guarantor of the said deceased guarantor, and his estate shall be forfeited to the company. In either of the above cases the directors may, in their discretion and upon such terms as they may deem proper, procure other guarantors possessing the legal qualifications; and should such other guarantors be not procured, the remaining guarantors and their assigns shall succeed *pro rata* to all the rights of such living or deceased guarantor. But nothing in this section shall be construed to affect the interest of any living or deceased guarantor so long as his liability shall remain contingent and no demand shall have been legally made upon him or his estate to pay any amount on account of his guarantee bond. That in order to carry into effect this section, the certificates representing the several interests of the guarantors shall be deposited with such person or corporation as the directors may select, endorsed by them to him or it, to there remain until the guarantors shall be relieved of all liability upon their bonds, either by the accumulation of the reserve to the amount of one hundred thousand dollars or as hereinbefore provided.

Directors to procure guarantors in case of vacancy.

Certificates to be deposited.

Guarantor may assign.

SEC. 8. That any guarantor may, at any time, after first satisfying any liability which may have risen upon his guarantee bond, relieve himself from further responsibility by substituting another guarantor in his place, and may thereupon assign his interest in the company, the said substituted guarantor to possess the legal qualifications and to give bond as provided in section six of this charter, and both to be subject to the approval of the board of directors.

Liability of policy holder.

Liability of guarantor.

SEC. 9. That no policy holder shall in any event be liable to pay more than the premium on his policy or policies, and that no guarantor shall be responsible for any sum beyond the amount named in his guarantee bond.

Guarantor may deposit amount of guarantee bond.

Investment of said deposit.

SEC. 10. That any guarantor of the said company shall have the option, if he so elects, to deposit with the said company as his guarantee the amount of his guarantee bonds in cash in lieu of the said bond, the said deposit to relieve him from all further liabilities. The directors shall invest the said deposit in some safe security and pay over to the said depositor the income from the said investment as it is collected, the said deposit to be held in trust for the protection of policy holders and to be subject to the same conditions and requirements as the guarantee bonds of other guarantors, and when a reserve has accumulated to the amount of one hundred thousand dollars ($100,000) the said guarantee deposit shall be returned to the said depositing guarantor, his legal representatives and assigns.

Deposit, when returned.

Meeting.

Directors.

Election.

Annual meeting.

SEC. 11. That the persons named herein as incorporators shall, as soon as practicable after the granting of this charter, meet and elect a board of directors, who shall hold office for one year and until their successors are elected, and a board of directors shall be elected by the guarantors and their associates each year thereafter at their annual meeting.

SEC. 12. That the directors shall, at their first meeting, issue certificates to the guarantors and their assigns, which shall represent their respective interests as provided for in section six (6). Directors to issue certificates.

SEC. 13. That at annual and other meetings of the company the guarantors and their assigns shall be allowed one vote upon each one hundred dollars ($100) of the amount of the certificates held by them respectively. Certificate vote.

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

Ratified this the 2d day of February, A. D. 1895.

CHAPTER 12.

An act to repeal chapter one hundred and thirty-seven of the Private Laws of eighteen hundred and ninety-three.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and thirty-seven of the Private Laws of eighteen hundred and ninety-three, entitled "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,'" be and is hereby repealed. Chapter 137, private laws 1893, repealed.

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

Ratified this the 22d day of January, A. D. 1896.

CHAPTER 13.

An act to incorporate the "Wampum Cotton Mills" of New Hanover county.

The General Assembly of North Carolina do enact:

SECTION 1. That James H. Chadbourn, jr., C. W. Worth, W. A. Riach, Walker Taylor, W. H. Chadbourn, Samuel Bear, jr., George D. Parsley, John S. Armstrong, John D. Bellamy, jr., M. W. Jacobi, and M. W. Divine, their associates, successors and assigns, are hereby created a body politic and corporate under the name of "Wampum Cotton Mills," with all the privileges and rights hereby specially granted, and also those conferred upon other corporate bodies by the laws of this state. Corporators. Body politic. Corporate name. Corporate powers.

SEC. 2. That the amount of the capital stock of said corporation shall be one thousand shares, with liberty to increase the same to an amount not exceeding five thousand shares, as the stockholders may from time to time, by a majority vote, determine, which said stock Capital stock.

Proviso. shall be divided into shares of one hundred dollars each: *Provided, however*, that said corporation shall have full power and authority to organize when one hundred shares shall have been subscribed for. The said stock shall be paid for in installments of fifty cents per share each week until the full sum of one hundred dollars per share has been paid, which said payment shall be made under and in pursuance of such rules and by-laws and under such penalties and forfeitures as the board of directors, to be elected as hereinafter provided, may Proviso. require and direct: *Provided, however*, that each and every stockholder shall have the right, option and privilege of paying the sum of one hundred dollars per share in cash for said stock immediately upon the issuance of the same. All stock, when paid for in full, shall be liable for no further assessments of any kind whatsoever.

Corporate powers. Sec. 3. That said corporation is hereby authorized and empowered to conduct, transact and carry on in all its branches the manufacture of cotton goods of all kinds, the making and finishing warps, yarns and all fabrics of cotton, wool or any other material, or to engage in any species of manufacturing enterprise.

Corporate existence. Sec. 4. That the existence of said corporation shall be ninety-nine Place of business. years, and the chief place of business New Hanover county, with the Branches. rights and privilege of organizing, building and operating other factories and business in any other place and locality in North Carolina.

Corporate powers. Sec. 5. That said corporation shall have power to sue and be sued, to purchase, lease, hold, sell and convey real estate, and borrow money and issue bonds or other evidences of any indebtedness so created, and to secure the payment of the same by mortgage of its property, franchises and effects, or otherwise; and it may make such bonds or other evidences of its indebtedness convertible into capital stock of said corporation at such rates of interest and upon such terms as to said Proviso. corporation may seem best, and as may be agreed upon: *Provided*, that the rate of interest shall not exceed eight per cent.

Directors. Sec. 6. That said corporation, after notifying all stockholders, shall meet and organize, and elect, not exceeding eleven of their number, Officers. as a board of directors, to serve for the term of one year, which said board shall elect from their number a president and vice-president, to serve for a like term of one year or until their successors shall be elected.

By-laws. Sec. 7. That the board of directors shall have full power to appoint such officers as they may deem necessary, prescribe their duties and determine their compensation; to make all the necessary laws and regulations they may deem requisite and necessary to enforce and regulate the payments of the installments upon the stock, prescribe penalties for non-payment of said installments and for the forfeiture of said stock; and to make all the laws and regulations necessary for the conduct of the business of the said corporation in all its branches, not inconsistent with the laws of this state and the United States.

SEC. 8. That said corporation may have a common seal, which they may break and alter at pleasure. Seal.

SEC. 9. That said corporation may be dissolved at such time and in such manner as the stockholders may determine, and all its works, property and debts due to it shall be subject to the debts due by it, and then to distribute among the stockholders according to their respective interests. Dissolution.

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

Ratified this the 5th day of February, A. D. 1895.

CHAPTER 14.

An act to authorize the treasurer of Haywood county to pay certain teachers.

The General Assembly of North Carolina do enact:

SECTION 1. That the treasurer of Haywood county be and is hereby authorized to pay, out of any moneys in his hands due school district number fifty-eight (58), Esther Rogers for services rendered as teacher of white race for said district in the year eighteen hundred and ninety-three (1893), the sum of eleven dollars ($11). Also, pay George J. Owen the sum of fifty-six dollars ($56) out of the public school fund due district number eleven (11), for white race, for services as teacher in the year eighteen hundred and ninety-three (1893), in said district. Treasurer of Haywood county to pay Esther Rogers $11, and George J. Owen $56.

SEC. 2. That these claims shall be paid only upon the order of the school committee of said districts, countersigned by the county superintendent of public instruction. Order to be signed by school committee and county superintendent

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

Ratified this the 5th day of February, A. D. 1895.

CHAPTER 15.

An act to amend chapter three hundred and forty-three of the acts of the general assembly of one thousand eight hundred and ninety-three, incorporating "The Farmers Mutual Fire Insurance Association of North Carolina."

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and forty-three of the acts of the general assembly of North Carolina, ratified on the sixth (6) day of March, eighteen hundred and ninety-three, entitled "An act to incorporate the Farmers Mutual Fire Insurance Association of Chapter 343 private laws 1893, amended.

Liability limited to loss happening in branch to which member belongs.

North Carolina," be amended as follows: Between the word "of" and the word "said" in line one of section four of said act, insert the words "any branch of," and between the word "said" and the word "incorporation" in the third and last line of said section four, insert the words "branch of said."

Branches established.

SEC. 2. Add to the said act the following sections:

Section 8. That the insurance business of said association shall be conducted by and through branches thereof, which said branches shall consist of fifty or more persons, who having applied for membership, shall be organized in the manner set out in the by-laws of said association.

Territory of said branches.

Section 9. That the territorial limits of any branch of said association shall not comprise more than two nor less than one county.

Membership.

Section 10. That membership in said association shall be acquired only through some regularly organized branch thereof.

Liability of members, &c.

Section 11. That all losses accruing to the association shall be paid by a *pro rata* assessment of all the members of the branch of the association in which the said losses may accrue, according to the amount of insurance held by said member; and no member of the association shall be liable for any loss accruing outside of the branch of which he is a member.

Annual assessment.

Section 12. That said association may annually assess and collect from each and every member of the association without regard to the different branches thereof, for the payment of contingent expenses, a sum not exceeding one-tenth of one per centum upon the amount of the insurance held by said member.

Directors.

Section 13. That from and after the first day of January, eighteen hundred and ninety-eight, the board of directors of said association shall consist of one member from each branch of said association, elected by a majority of the members of said branch; and until the said directors have been elected, the incorporators named in the original act shall be and constitute the board of directors for said association.

Resignation.

Section 14. That any member of any branch of this association may, after thirty days written notice to the president of the association, resign his membership; and from the date of his resignation, shall in no way be liable as such for any losses which may thereafter occur.

Subject to general fire insurance law.

Section 15. That said association shall be subject to all the restrictions and requirements of the law pertaining to fire insurance not inconsistent with chapter three hundred and forty-three, acts of eighteen hundred and ninety-three, as amended by this act.

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

Ratified this the 5th day of February, A. D. 1895.

CHAPTER 16.

An act for the relief of the clerk of the superior court of New Hanover county.

The General Assembly of North Carolina do enact:

SECTION 1. That John D. Taylor, clerk superior court of New Hanover county, is hereby authorized to be absent from his office for sixty days, at such times as it may be necessary to enable him to submit to surgical treatment.

Leave of absence granted John D. Taylor, clerk of New Hanover county for 60 days.

SEC. 2. That during the absence of the said clerk he shall leave his office in charge of a competent deputy, which deputy, during such absence of his principal, shall be invested with full judicial power to take proof or acknowledgment of all deeds and other instruments required to be probated and registered and to order the same to registration to the same extent that the clerk might do were he present in person, and all such probate and registration thereunder shall be valid.

Deputy.

Powers of said deputy.

SEC. 3. The clerk shall appoint in writing his said deputy and shall record the same in his order and decree book and enter upon record of his office the day of his departure and the day of his return; and the deputy clerk, in all certificates of probate and in all orders of registration, shall recite in such certificate and order that the same is done by virtue of this act of the General Assembly, which certificate and recital shall, in all cases, be spread upon registry wherein such deed or other instrument is recorded.

Deputy to be appointed in writing and writing recorded.

This act to be recited in all certificates and orders.

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

Ratified this the 6th day of February, A. D. 1895.

CHAPTER 17.

An act to extend the charter of the Harriman, Franklin and South Atlantic Railroad Company.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred of the private laws of the session of the General Assembly of eighteen hundred and ninety-three, entitled "An act to incorporate the Harriman, Franklin and South Atlantic Railroad Company," be and the same is hereby re-enacted and extended, with all rights, powers and privileges conferred by said chapter.

Chapter 300, private laws 1893, re-enacted and extended.

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

Ratified this the 9th day of February, A. D. 1895.

CHAPTER 18.

An act to incorporate the Girls' Training School, Franklinton, North Carolina.

The General Assembly of North Carolina do enact:

Incorporators.

SECTION 1. That Marcellus Joyner, A. G. Fuller, T. O. Fuller, of Franklin county, and T. H. Burwell, of Vance county, their associates and successors, are hereby constituted and declared a body politic and corporate for educational purposes, under the name and style of the "Girls' Training School," an institution of learning, situated in Franklinton, in the county of Franklin and State of North Carolina, and by that name may have perpetual succession, may sue and be sued, plead and be impleaded, contract and be contracted with; to have and to hold the buildings, grounds, and all appurtenances belonging thereto, situated in the town of Franklinton, and which is now vested in said parties above named as trustees by virtue of a deed to them and their successors, from Adam Tredwell, by F. S. Spruill, attorney, with power, of date of October, one thousand eight hundred and ninety-four, and registered in the Registrar's office, in Franklin county, in book ninety-nine (99), page seventy-five (75), by purchase, donation, or otherwise real, personal, or mixed property, for the purpose of maintaining and carrying on a school of high grade, as well as of elementary learning, for the colored race, in said town of Franklinton, and to make such laws and regulations and rules for the government of said institution as they and their successors may deem best.

Body politic.

Corporate name.

Corporate powers.

Property held in trust.

Purpose of said corporation.

By-laws.

Trustees.
Power of trustees.

SEC. 2. That said institution above incorporated shall be managed by said board of trustees or their successors, with full power to rent, lease, mortgage or sell any real or personal property for the purpose of maintaining said institution, discharging indebtedness or reinvesting the same for a like purpose: *Provided*, that said board of trustees may from time to time be increased or diminished, ranging in numbers from four to eleven, by a majority vote of the trustees.

Proviso.

Officers.

SEC. 3. The officers of said institution shall be a president, secretary and treasurer, whose duties shall be such as usually devolve upon such officers in similar bodies, or such as shall be hereafter defined by said trustees, and that they shall be elected from their own number by said trustees.

Trustees not liable.

SEC. 4. 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.

Exempt from taxation.

SEC. 5. That the property of the institution, as long as used for educational or religious purposes, shall be entirely exempt from taxation.

SEC. 6. That said trustees and their successors shall have full power to appoint and elect such officers and teachers as they may deem best to serve the interest of the institution. Trustees to elect officers and teachers.

SEC. 7. That said trustees shall have power to appoint an executive committee, to consist of the president, secretary and treasurer, and one other member of the board of trustees, making four persons, a majority of whom shall constitute a quorum, and shall have full power to transact business for the institution; and may grant such honors and distinctions as are usually conferred by such institutions. Executive committee. Honors and distinctions may be granted.

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

Ratified this the 13th day of February, A. D. 1895.

CHAPTER 19.

An act to amend an act entitled "An act to incorporate the town of Biltmore."

The General Assembly of North Carolina do enact:

SECTION 1. That section three of chapter three hundred and eighteen of the private laws of eighteen hundred and ninety-three, entitled "An act to incorporate the town of Biltmore," is hereby amended to read as follows: "Section three. The officers of said town shall consist of a mayor, three commissioners, a constable and a treasurer, the latter two to be appointed by said commissioners, who shall also have power to appoint such policemen as they may deem proper. Until a mayor and commissioners shall be elected as hereinafter provided and shall be qualified to act, the present acting mayor and commissioners shall respectively continue to be the mayor and commissioners of said town." Section 3, chapter 318, private laws 1893, amended. Constable instead of a marshal. Power to appoint policemen.

SEC. 2. That section four of said act is hereby amended so as to read as follows; "Section four. There shall be an election held for the offices of mayor and commissioners on the first Monday of May in each year under the regulations prescribed in chapter sixty-two of The Code of North Carolina, except that the inspectors of election, who shall be three in number, shall be appointed by the commissioners of said town." Section 4 of said act amended. Inspectors of elections to be three, and to be appointed by commissioners of said town.

SEC. 3. That section five of said act is hereby amended by adding at the end thereof the following provision: "This section shall apply to all electric or street railways whether now incorporated under a general law or by special act or hereafter to be incorporated. The Section 5 of said act amended. Prohibition to apply to all electric street railways.

Commissioners empowered to open new highways and to discontinue highways.

said town commissioners shall have full power to open new highways in said town and to discontinue the same or any existing highway therein."

Said act as amended re-enacted.

SEC. 4. That the said act as hereby amended is hereby re-enacted.

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

Ratified this the 13th day of February, A. D. 1895.

CHAPTER 20.

An act to allow the trustees of Why Not Academy, in Randolph county, to make a title to said academy lot.

Preamble.

WHEREAS, Why Not Academy was deeded to five trustees, to-wit: J. N. Spencer, M. A. Cogle, T. W. Lawrence, J. F. Chisholm and E. E. McNeill; and whereas said trustees have sold said property, "Why Not Academy," to J. P. Burroughs for the purpose of carrying on a high school in said academy; therefore,

The General Assembly of North Carolina do enact:

Trustees of Why Not Academy empowered to make a certain deed.

SECTION 1. That J. H. Spencer, M. A. Cogle, T. W. Lawrence, J. F. Chisholm and E. E. McNeill, trustees of said academy, be allowed to make title to the same to said J. P. Burroughs.

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

Ratified this 13th day of February, A. D. 1895.

CHAPTER 21.

An act to allow Trinity Land Company to own and hold land in excess of three hundred acres.

The General Assembly of North Carolina do enact:

Trinity Land Company empowered to hold in fee as much as 10,000 acres of land.

SECTION 1. That Trinity Land Company, a corporation formed under the general law, before the clerk of the superior court of Durham county, be and is hereby authorized and allowed to own and hold in fee land in this state to any amount not exceeding ten thousand acres.

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

Ratified this 13th day of February, A. D. 1895.

CHAPTER 22.

An act to incorporate "David Lodge, number one hundred and eighteen, (118) Independent Order of Odd Fellows."

The General Assembly of North Carolina do enact:

SECTION 1. That the officers of "David Lodge, number one hundred and eighteen (118), Independent Order of Odd Fellows," at Yadkinville, Yadkin County, North Carolina, to wit: J. M. Phillips, N. G., C. F. Donegan, V. G., T. R. Hardin, treasurer, inside guardian and members of said order, and their successors in office, shall be and they are hereby incorporated and made a body politic, or corporate, under the name, style, and title of "David Lodge, number one hundred and eighteen (118), Independent Order of Odd Fellows," in the town of Yadkinville, Yadkin County, North Carolina; and by that name may have succession, a common seal, sue and be sued, plead and be impleaded in any of the courts of the State, contract, be contracted with, acquire, hold and dispose of personal property and real estate, as may be required for the convenient transaction of business, and have all such powers as are necessary for corporations to transact business. Incorporators. Body politic. Corporate name. Corporate powers.

SEC. 2. That said corporation having passed all necessary by-laws and regulations necessary for the government of said lodge, and the same not being inconsistent with the Constitution of North Carolina and its laws, or the Constitution of the United States, are declared valid, with right to change, modify or enact new by-laws or regulations as often as necessary in their opinion, the same being in conformity to the laws and Constitution of North Carolina, and the Constitution of the United States. By-laws.

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

Ratified this the 13th day of February, A. D. 1895.

CHAPTER 23.

An act to amend charter of the Murfreesboro Railroad Company by extending its main line through Bertie county without town, township or county aid.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and sixty-five (365) of the laws of one thousand eight hundred and eighty-seven (1887) be so amended as to authorize and empower the "Murfreesboro Railroad Company" to extend the main line of its road from its present termi- Chapter 365, laws of 1887, amended, empowering Murfreesboro R. R. Company to extend its road.

nus in the town of Murfreesboro, in Hertford county, to some point on the Chowan river or Albemarle sound in Bertie county.

No aid by town, township or county authorized.

SEC. 2. That no town, township or county shall be authorized to contribute to or aid in the building of the extension of said railroad.

Section 14 and succeeding sections to 33 repealed.

SEC. 3. That section fourteen and all succeeding sections of said chapter down to section thirty-three be and they are hereby repealed.

SEC. 4. This act to take effect from and after its ratification.

Ratified this the 13th day of February, A. D. 1895.

CHAPTER 24.

An act to incorporate "Murfreesboro High School," Hertford county.

The General Assembly of North Carolina do enact:

Incorporators.

SECTION 1. That H. Vaughan, Thomas H. Nicholson, Lloyd J. Laurence, Charles T. Vaughan, J. A. Boyette, David A. Day and B. B. Winborne, their associates and successors, are hereby created a

Body politic.

body politic and corporate, under the name and style of "Murfreesboro High School," and in that name may sue and be sued, plead and

Corporate name. Corporate powers.

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 in the town of Murfreesboro, Hertford county, in this state, with power to

By laws.

make all necessary rules, by-laws, regulations for their own government and that of said school; and under that name and style

Succession for 99 years.

shall have continued succession for the period of ninety-nine years.

Vacancy in board of corporators, how filled.

SEC. 2. That in case of vacancy in said board of corporators, such vacancy shall be filled by appointment by the remaining members thereof.

Powers of said board of corporators.

SEC. 3. That said board of corporators shall have power to prescribe a course of study for said school, and to change the same at any time deemed proper.

Powers of corporators.

SEC. 4. That said corporators 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 said Murfreesboro High School.

Corporators to elect teachers, &c.

SEC. 5. That said corporators shall have power to elect a principal teacher in said high school, and such other teachers as may be necessary to carry on said school.

Corporators not liable.

SEC. 6. That the said corporators shall not be individually liable for the debts of this corporation.

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

Ratified this the 13th day of February, A. D. 1895.

CHAPTER 25.

An act to incorporate the town of Leggett in Edgecombe county.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Leggett in the county of Edgecombe be and the same is hereby incorporated under the name of "Leggett," and the limits of said town shall be as follows: Beginning at Boon's old stand, thence with the public road that leads to Lawrence's in an easterly direction three hundred (300) yards; thence in a northerly direction across the lands of Lawrence Fountain thirteen hundred (1,300) yards; thence in a westerly direction, crossing the Tarboro and Enfield and Tarboro and Whitaker's roads so as to take in the Leggett residence, and extending across the road in front of said residence one hundred and fifty (150) yards; thence in a southerly direction so as to run fifty (50) yards back of the Presbyterian church to a stake opposite the road that leads to Lawrence; thence in an easterly direction to the beginning. Incorporated. Corporate name. Corporate limits.

SEC. 2. That the officers of said town shall be a mayor and three commissioners and a constable, to be elected in accordance with the general laws regulating the elections of cities and towns for officers thereof. Officers. Election.

SEC. 3. That until the next election according to law, and until their successors shall be elected or appointed, the officers of said town shall be as follows: for mayor, Theodore Fountain; for commissioners, James Stamper, William Atkins and Charles Fountain; and for constable, W. J. Evans. Temporary officers.

SEC. 4. That the said mayor and officers thereof shall be governed by and shall have and exercise all the jurisdictions, rights and powers conferred under the law, as contained in chapter sixty-two of The Code. Powers of officers.

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

Ratified this the 15th day of February, A. D. 1895.

CHAPTER 26.

An act to incorporate the Burlington Banking Company.

The General Assembly of North Carolina do enact:

SECTION 1. That J. A. Davidson, C. A. Bray, J. C. Staley, J. W. Gates, B. M. Gates, J. S. Thompson, J. W. Page, R. M. Morrow, A. B. Bray, and their associates, successors and assigns, be and they are hereby created a body politic and corporate under the name and Incorporators. Body politic.

Corporate name. style of The Burlington Banking Company, and by such name may acquire, hold and convey real and personal property, sue and be

Corporate powers. sued, plead and be impleaded in any of the courts of the state,

Corporate existence. and have a continued succession for thirty years, and a common seal for the purpose indicated in this act.

Capital stock. Sec. 2. That the capital stock of said corporation shall be not less than ten thousand dollars, which may be increased from time to time to a sum not exceeding one hundred thousand dollars in shares of one hundred dollars each. Said corporation may commence business when five thousand dollars shall have been paid in. Each stockholder

Liability of stockholders. shall be individual[ly] liable for the debts of the bank to an amount not to exceed the amount of the capital stock owned by him (or her).

Board of directors. Sec. 3. That the affairs of the corporation shall be governed by a board of not more than nine nor less than five directors, who shall

Officers. be elected annually by the stockholders. The directors so elected shall choose from their own number a president and a vice-presi-

Powers of board. dent, who shall serve for one year and until their successors shall have been elected. A majority of the board shall have power to fill vacancies in its body until the next succeeding annual meeting, to

By-laws make rules, regulations and by-laws for the government of said corporation and for the conduct of its business, also to appoint its officers and fix their salaries.

Principal office. Sec. 4. That the principal office or banking house of the corporation shall be located in the city of Burlington, North Carolina, and

Branches. branches thereof may be opened and established in such other places as may be deemed expedient or beneficial.

Corporate powers. Sec. 5. That the corporation shall have all the powers, rights, and privileges, and immunities granted to any bank or banking institution by the laws of North Carolina, and especially those granted in chapter four, volume two of The Code of North Carolina, entitled "Banks," and shall have the power to receive and pay out the lawful currency of the country; to deal in mercantile paper, exchange, gold and silver coins, stocks, bonds, notes and other securites; to buy and sell real and personal property; to lend money on real or personal security; to receive deposits; and for the use and loan of money may charge a

Interest. rate of interest per annum as high as may be allowed by the laws of the state; and may take and receive said interest at the time of making said loan free from all other control or liability whatsoever.

Deposits by married women, &c. When married women or minors shall deposit money or other property in the bank to their own credit, or in their own name, they may withdraw the same on their own individual check and be bound

Deeds of corporation. thereby. Deeds of real estate shall be made by the president

May buy at its own sale. and vice-president under the seal of the corporation. When the bank shall cause to be sold any of the property of any of its debtors on which it has a lien to secure a debt, or when such property shall be sold for its benefit, the bank may bid for and purchase any and

all such property, and its title thereto when so acquired shall be valid and binding in all respects: *Provided*, that nothing in this act contained shall operate or be so construed as to delay or impair the mortgagor's equity of redemption. Proviso.

SEC. 6. That the stock held by any one shall be transferred only on the books of said corporation, either in person or by attorney, and no stockholder shall transfer his stock, except by the consent of the directors of said corporation, if he is indebted to the corporation as principal, security or otherwise, until such indebtedness is paid off or discharged. Transfer of stock.

SEC. 7. This corporation is invested with the powers and privileges incident to savings banks; may receive deposits in very small sums, the limits to be fixed by its board of directors, and may pay interest thereon by way of dividends out of the net earnings, or as fixed according as may be agreed on between the bank and its depositors; and the board of directors are hereby fully authorized to make all needful by-laws and regulations for conducting and carrying into effect the savings bank feature of this corporation. Savings bank. By laws.

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

Ratified this the 15th day of February, A. D. 1895.

CHAPTER 27.

An act to extend time for beginning work on Cape Fear and Northern Railroad Company.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and ninety-two (292) of the pr ivatelaws of eighteen hundred and ninety-three (1893), re-enacting and extending chapter four hundred and eighty-two (482) of the laws of eighteen hundred and ninety-one (1891), be and is hereby re-enacted. Chapter 292, private laws of 1893, re-enacted.

SEC. 2. That the time for beginning work on this railroad shall be extended two years from the ratification of this act. Time for beginning work on the Cape Fear and Northern Railroad extended two years.

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

Ratified this the 15th day of February, A. D. 1895.

CHAPTER 28.

An act to incorporate the town of South Biltmore.

The General Assembly of North Carolina do enact:

Incorporated.

SECTION 1. That the inhabitants residing within "Reed's Addition" to the town of Biltmore in the county of Buncombe and State of North Carolina, and those living within the limits hereinafter prescribed, are hereby incorporated as a town under the name and style of "South Biltmore," with all the rights, powers, privileges and immunities, and subject to all the provisions of chapter sixty-two of the second volume of The Code of North Carolina and all laws amendatory thereof.

Corporate name. Corporate powers.

Corporate limits.

SEC. 2. That the limits of the said town shall be as follows: Beginning at a point in the western margin of the Buncombe turnpike road that leads from Asheville, North Carolina, to the town of Hendersonville, North Carolina, where the southerly, east and west line of the town of "Biltmore," North Carolina, crosses said margin of said road; and thence running in a southerly direction with the western margin of said road to the northerly line of the land of J. M. Campbell; thence with that line in an easterly direction to the line of the land belonging to Thomas J. Reed; thence with the line of the said Reed in a northerly direction to the southeast corner of the town of "Biltmore," North Carolina; thence with the line of said town in a westerly, then in a southerly, and then a westerly direction to the point or place of the beginning.

Officers.

SEC. 3. That the officers of said town shall consist of a mayor and three commissioners, a marshal and a treasurer, the two last named to be elected by the commissioners. The following named persons shall fill the offices of mayor and commissioners until their successors are elected and qualified: mayor, J. R. Cline; commissioners, Dr. A. S. Whitaker, George W. Davis, and W. C. Bradford; marshal, J. Henry Reed; and treasurer, James M. Brookshire.

Temporary officers.

Election.

SEC. 4. That there shall be an election held for mayor and commissioners of said town on the first Monday of May, one thousand eight hundred and ninety-six (1896), and each succeeding year thereafter, under the regulations and restrictions printed in chapter sixty-two of the second volume of The Code of North Carolina, and all citizens of said corporation who shall have resided twelve months within the state, and ninety days within the corporate limits immediately preceding said election, and who are not incapacitated by law, shall be entitled to vote at said election.

Qualifications of electors.

Powers of commissioners.

SEC. 5. That said commissioners shall have generally all the rights, powers and privileges conferred upon incorporate towns by chapter sixty-two of the second volume of The Code of North Carolina; shall

have power to elect all necessary officers and agents, and to fix their compensation; shall have power to pass and enforce all necessary by-laws and ordinances for the government of said town, not inconsistent with the laws of this state or the United States; shall have power to levy a tax on all objects of state taxation, so long as the same shall be kept within the limits of the Constitution of North Carolina, and all laws amendatory thereof. Shall have power to impose fines for the violation of town ordinances, and collect the same for the use of the town, and also shall have power to require bonds from their officers and agents for the faithful performance of their duties.

Powers of mayor.

Sec. 6. The mayor of said town shall have all the rights, powers, privileges and jurisdiction conferred by this act and by chapter sixty-two of the second volume of The Code of North Carolina, and shall receive such compensation for his services as may be fixed by the commissioners.

Compensation.

When temporary officers to qualify

Sec. 7. That it shall be the duty of the officers hereby appointed in this act to go before some justice of the peace of Buncombe county, within thirty days from its ratification, and take the oath of office prescribed for such officers and enter upon the discharge of their duties.

Sec. 8. That this act shall be in full force and effect from and after the date of its ratification.

Ratified this the 15th day of February, A. D. 1895.

CHAPTER 29.

An act to incorporate the Inter-Montane Railroad Company.

The General Assembly of North Carolina do enact:

Body politic.

Section 1. That a company may be formed as hereinafter directed, and when so formed shall be a body politic and corporate, under the name and style of "Inter-Montane Railroad Company," for the term of ninety-nine (99) years, with the usual powers of succession and renewal.

Corporate name.

Corporate existence.

Capital stock.

Sec. 2. The capital stock of said corporation shall be thirty thousand dollars ($30,000), but the stockholders may, from time to time, at any regular or called meeting, increase the capital stock to an amount not exceeding five hundred thousand dollars, and said capital stock shall be divided into shares of one hundred dollars ($100) each.

Corporate powers.

Sec. 3. The said corporation, under its said corporate name and style, shall have power to buy, hire, lease, or by mortgage or any other lawful means acquire from other corporations or persons, or sell, hire, lease, mortgage, or in any other lawful manner dispose of

real or personal property, or any interest therein; and may contract and be contracted with, sue and be sued, plead and be impleaded, have a common seal, which may be changed at the pleasure of the stockholders, and shall have all such other rights, privileges, powers and immunities as other corporations of like nature in the state may enjoy. And said corporation shall have the power to purchase and operate, or to build, equip and operate a railroad from the public square in the city of Asheville to or near Pearson's bridge in the county of Buncombe, and to purchase, or build and equip and operate a railroad or railroads anywhere in the county of Buncombe, or any part thereof, as well in the cities and towns of said county as in the other parts of said county, and to run cars upon the track of the same, by animal, steam, electric or other power, in any of the streets or alleys of said cities and towns, or in the public roads of the county of Buncombe, or over any lands in said city, towns or county, having first obtained permission from the proper authorities of the several cities and towns for such use of the streets and alleys belonging to said cities and towns; and of the board of commissioners of said county, or such other body as may from time to time succeed to the powers of said board of commissioners, over the public roads of said county, for such use of the public roads of said county; and having first obtained the permission of the owners of the lands over which their line or lines of railroad may run, to construct such railroad over such land, or in cases in which such permission is not obtained, after having condemned and obtained the right-of-way over such land, in the manner prescribed in chapter forty-nine (49) of The Code of North Carolina. And the said corporation shall have power to acquire by purchase, lease, hire, mortgage or any other lawful means, from any other corporation or person, any railroad or part of a railroad, or any rights, privileges or franchises of any railroad company and any railroad equipments, and shall have power to dispose of by sale, hire, lease, mortgage or any other lawful means, to any other corporation or person, any railroad or part of railroad, or any railroad equipments, or any rights, privileges or franchises it may by any means have acquired; and to construct, lease, purchase and operate an electric light and power plant, and to construct and operate manufactories of wool and textile fabrics, and to exercise in regard thereto all the powers above granted; and to contract debts and issue bonds secured by mortgage or trust deed upon any or all of its railroads, equipments, franchises and other property; and shall have power to transfer passengers and freight over its line or lines, and to charge such tolls, fares and rates as the said company may deem proper, subject to such general laws as the General Assembly may from time to time enact for the restraint and government of such corporations as to the charges for the transfer of freight and passengers. And the said company shall have all the power of con-

Route of said road.

Use of streets and public roads.

Condemnation of land.

May buy, &c., other railroads and equipments or sell same.

Electric light and power plant. Factories for wool, &c.

Issue bonds.

Freight and passengers.

demning rights-of-way, and all other powers and privileges given to railroad companies by chapter forty-nine of The Code of North Carolina, and the acts of the General Assembly amendatory thereof; and such powers, rights and privileges shall be asserted, used, exercised and regulated under the provisions of and in the manner prescribed by said chapter and acts amendatory thereof: *Provided*, that said company shall not be empowered, under the provisions of this act, to lay out, construct, operate or own any railroad or electric or tramroad of any kind whatsoever, through territory bounded on the west by the French Broad river, on the north by the Swannanoa river, on the east by the westerly line of the Hendersonville road, and on the south by a line running due east from the Long Shoals bridge, nor to use steam power upon any railroad which may be constructed or operated under the provisions of this act, along or upon any highway, except to cross the same. Proviso.

SEC. 4. Haywood Parker shall, within ten days after the ratification of this act, open books of subscription to the capital stock of said company; or, in case of his death, or refusal or failure to act, within the time prescribed, such books of subscription shall be opened by such person as the clerk of the superior court of Buncombe county may appoint for the purpose, within ten days after the date of such appointment. And said company may organize and enter upon the enjoyment of the rights and privileges hereby granted, whenever *bona fide* solvent subscriptions have been made to three-fifths of the capital stock, but all subscriptions to such stock shall be voidable at the election of the board of directors of said company, which are not paid in full within five days from the date of such subscription. Books of subscription to be opened. To organize when three-fifths of capital stock subscribed.

SEC. 5. The business and affairs of said corporation shall be managed and controlled by a board of directors, elected by the stockholders, and a president to be chosen by the stockholders from the members of the board of directors, and such other officers, agents and employees as the stockholders or board of directors may authorize to act for the company. The stockholders shall have power at any regular or called meeting to adopt, alter or amend by-laws for the government of the company, its officers, agents and employees, not inconsistent with the laws of the state; and the times of regular meetings of the stockholders and the manner of calling a meeting shall be prescribed by the by-laws, but the first meeting of the stockholders may be called by any one of the subscribers to the capital stock at any time after three-fifths of the capital stock has been subscribed, upon three days' notice to all of the said subscribers of the time and place of such meeting, or without notice by consent of all the subscribers. No stockholder shall be liable to the creditors of the company to an amount greater than the amount due and unpaid on the stock held by him. Directors. By-laws. Meeting. Liability of stockholders.

Board of aldermen of Asheville may grant said company right to use track of any other company already using any street.

SEC. 6. In order to prevent the inconvenience of more than one railroad track upon any one street in the city of Asheville, in case it should become necessary, or in the opinion of the board of aldermen of said city to the interest of the public for said company to run its cars over any street or square of said city occupied by any other railroad company having a track thereon, the said board of aldermen shall have discretionary power to require the railroad company so occupying said street or streets to permit the cars of the company hereby incorporated to run over the track or tracks of the company so occupying said streets, upon such terms as to compensation, and upon such schedules as to the said board of aldermen may seem just; and either party may appeal to the superior court from the decision of the said board of aldermen as to said compensation, and as to the schedule to be used, upon giving notice of such appeal within twenty days of the time when such compensation or schedule is fixed by said board; and either party may appeal from the superior to the supreme court as prescribed in civil actions; and the rates of compensation and the schedule may be changed by said board of aldermen as often as in the opinion of said board of aldermen justice to either party may require such change: *Provided*, that either party may appeal from the decision of said board of aldermen, whenever such change may be made, upon the like notice and in like manner as above provided.

Compensation and schedule.

Appeal.

Proviso.

Proviso.

SEC. 7. *Provided*, that if the company hereby incorporated shall not own or control within ninety days from the ratification of this act as much as two miles of railroad within the limits of Buncombe county, graded, ironed and ready for the cars, this act shall be void, and all the rights and privileges herein granted shall be forfeited.

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

Ratified this the 15th day of February, A. D. 1895.

CHAPTER 30.

An act to amend the charter of the Fayetteville Compress and Storage Company, chapter one hundred and ninety-nine of the Private Acts of one thousand eight hundred and ninety-one.

The General Assembly of North Carolina do enact:

Section 5, chapter 199, private laws 1891, amended so that sale may be advertised in a Wilmington paper.

SECTION 1. That the words "or Wilmington" be inserted after the word Fayetteville, in the seventeenth (17th) line of the fifth (5th) section of said chapter.

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

Ratified this 16th day of February, A. D. 1895.

CHAPTER 31.

An act to amend chapter one hundred and one of the private laws of eighteen hundred and ninety-one, in reference to the corporate limits of the town of Hub.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and one (101) of the Private Laws of eighteen hundred and ninety-one (1891) be amended by striking out the whole of section six (6) of such act, and inserting in lieu thereof the following: "That the corporate limits of the said town shall extend one mile (1) from Butters' mills in all distances." Chapter 101, private laws 1891, as to charter of town of Hub amended. Corporate limits changed.

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

Ratified this the 16th day of February, A. D. 1895.

CHAPTER 32.

An act to incorporate the town of Guilford College.

The General Assembly of North Carolina do enact:

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

SEC. 2. That until the election of mayor and commissioners, to be held on the first Monday in May, eighteen hundred and ninety-five (1895), L. Lynden Hobbs shall be the mayor, and George N. White, Cornelius S. Knight, Walter W. Haveland shall be the commissioners of said town of Guilford College. Election. Temporary officers.

SEC. 3. That the corporate limits of said town shall be two thousand feet square, Founders Hall being the center thereof. Corporate limits.

SEC. 4. This act shall be in force from the day of its ratification.

Ratified this the 16th day of February, A. D. 1895.

CHAPTER 33.

An act to repeal chapter ninety-eight of private laws of one thousand eight hundred and eighty-seven.

The General Assembly of North Carolina do enact:

Chapter 98, private laws 1887, incorporating Whittier, Swain county, repealed.

SECTION 1. That chapter ninety-eight (98) of the private laws of one thousand eight hundred and eighty-seven (1887) be and the same is hereby repealed.

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

Ratified this the 16th day of February, A. D. 1895.

CHAPTER 34.

An act to amend the charter of the town of Jamesville, Martin county, North Carolina.

The General Assembly of North Carolina do enact:

Section 2, chapter 158, private laws 1891, as to charter of Jamesville, amended.

Corporate limits changed.

SECTION 1. That section two (2), chapter one hundred and fifty-eight (158), laws of one thousand eight hundred and ninety-one (1891), be stricken out and the following inserted in lieu thereof: "That the corporate limits of said town shall be as follows; Beginning on Roanoke river, opposite the Government milepost, just below the Washington and Jamesville railroad wharf, and at a point where the Washington and Jamesville railroad and Mrs. Susan E. Jones' line strike the river, and running directly south with said line till it strikes the Washington and Jamesville railroad at the county road; thence, still running south with said railroad to a corner; thence directly west, striking St. Andrews street at a junction of the old county road; thence straight on in a west course to a point opposite the head of Newtown street; thence directly north to said street, and with said street to the Mill road, and thence down said road to Roanoke river, running a little northwest course, going around the hill, thence directly east down said Roanoke river to the beginning."

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

Ratified this the 16th day of February, A. D. 1895.

CHAPTER 35.

An act to incorporate the Southern Manufacturers Mutual Fire Insurance Company.

The General Assembly of North Carolina do enact:

Incorporators. Section 1. D. A. Tompkins, R. M. Miller, jr., and Stuart W. Cramer, and their associates, successors and assigns, are hereby constituted a body politic and corporate by the name of "The Southern Manufacturers Mutual Fire Insurance Company," for fire insurance purposes, with all the powers and privileges, and subject to all the duties and liabilities set forth in chapter 29 of The Code of North Carolina, and all acts in amendment thereof and in addition thereto.

Body politic.

Corporate name.

Corporate powers.

Annual meeting. Sec. 2. There shall be an annual meeting of the members of said company in the city of Charlotte, at such time and place as may be designated in the by-laws, for the choice of officers and the transaction of such other business as may properly come before them, and all officers once elected may hold their offices respectively till others are elected in their stead.

Officers to hold office till successors elected.

All persons insured to be members. Sec. 3. All persons who shall become insured in said company shall be members thereof during the time of the existence of their policies and no longer; and each person having insurance in said company shall be entitled to one vote, and if his insurance shall amount to more than ten thousand dollars he shall be entitled to one vote for every ten thousand dollars for him insured, but no member shall be entitled to more than five votes.

Votes of members.

When to begin business. Sec. 4. When the sum subscribed to be insured by the associates shall amount to three hundred thousand dollars, the said corporation may insure against damage by fire or by lightning, on manufacturing and other property, and in case losses shall be sustained for a greater amount than the existing funds of said corporation, the directors may assess the policy holders for such sums as may be necessary to pay the losses: *Provided, however*, that no policy holder shall be liable for more than five times the amount of premium by him paid.

Policy holders to be insured. Proviso.

Corporate powers. Sec. 5. Said company may, as mutual insurers, insure any description of property against the loss or damage by fire or by lightning, and may classify their risks, making the insured in one class not responsible for any losses accruing in the other classes, but no insurance shall be effected in any class until application has been made for insurance in such class on property amounting to at least fifty thousand dollars.

Classification of risks.

Dividends. Sec. 6. The net earnings of the company shall be distributed in dividends upon all policies as they mature: *Provided, however*, that the directors may at any time in their discretion retain as a

Proviso.

reserved fund one-half of said net earnings in excess of twenty per centum of the original premium received upon all policies at such time maturing, until such reserved fund shall amount to three hundred thousand dollars.

Executive committee.

SEC. 7. The board of directors of said company are authorized to delegate to an executive committee, to be by them appointed of their own number, such of their own powers as may be deemed expedient for the prompt and advantageous management of their business.

Place of business.

SEC. 8. Said corporation shall have a counting-room, or place of business, in said city of Charlotte.

SEC. 9. This act shall take effect from and after its passage.

Ratified this the 16th day of February, A. D. 1895.

CHAPTER 36.

An act to incorporate Steele's Mills, in the county of Richmond.

The General Assembly of North Carolina do enact:

Incorporators.

SECTION 1. That Robert L. Steele, Thomas W. Steele, Jr., Thomas W. Steele, Robert L. Steele, Jr., Walter F. L. Steele, William H. Steele, and Stephen W. Steele, their associates, successors and assigns

Body corporate.

shall be, and are hereby declared a body corporate and politic for

Corporate name.

the term of ninety-nine years, by the name and style of "Steele's

Corporate powers.

Mills," for the purpose of erecting and using mills and machinery for the manufacturing of cotton, wool and other textile fabrics, to grind grain and gin cotton, on Hitchcock's creek, near the town of Rockingham, in the county of Richmond, and by said corporate name may sue and be sued, plead and be impleaded, defend and be defended, answer and be answered in any of the courts of this State, may have and use a common seal, alterable and removable at their

By-laws.

pleasure; may establish such by-laws, rules and regulations for the government of said corporation as they may deem proper, not inconsistent with the law of the land; may purchase and hold real estate

Corporate powers.

for the uses of said corporation, may buy and sell goods, wares, and merchandise, may acquire and hold personal property and effects, to whatever extent may be necessary and convenient for the purposes of their organization; and generally shall have authority to do all acts and things for properly and conveniently carrying on the business for which they are established which other corporate bodies have of like character, not inconsistent with or contrary to the constitution and laws of this state or of the United States.

Capital stock.

SEC. 2. The capital stock of said corporation shall not exceed the sum of five hundred thousand dollars, and shall be divided into shares of one hundred dollars each; and when the sum of twenty-five thous-

and dollars of said amount shall be subscribed and twenty per centum thereof shall be paid to the person or persons authorized by the corporation herein named to receive the same, the said corporators, their associates, successors and assigns shall be and are hereby declared to be a body corporate and politic, with all the rights and liabilities herein conferred and imposed for the business hereby authorized, with only corporate liabilities for the space and term of ninety-nine years.

Liability of incorporators. Corporate existence.

Sec. 3. That as soon as the sum of twenty-five thousand dollars shall have been subscribed, and the percentage thereon paid as aforesaid, the corporators herein named shall have full power and authority to open books of subscription for the capital stock of said company at Rockingham and elsewhere under the superintendence of such person as they may elect, and shall prescribe the installments by which and the times when such subscriptions shall be paid; and all persons subscribing to the same and refusing to pay according to said terms, shall be liable at the suit of said corporation in an action of debt in any court of competent jurisdiction.

Subscription of capital stock.

Subscribers refusing to pay may be sued.

Sec. 4. That as soon as the sum of twenty-five thousand dollars shall have been subscribed as aforesaid, it shall be the duty of the corporators hereinbefore named to call a meeting of the subscribers thereof at Rockingham in the county of Richmond, giving twenty days' notice thereof in some newspaper of general circulation in the state, and at said meeting, if a majority of the shares subscribed are represented, either in person or by attorney, the subscribers so present shall proceed to elect a board of directors, not less than five nor more than seven in number, who shall manage the affairs of the corporation for one year from the date of their election and until their successors shall be chosen, and said board of directors shall as early as practicable elect one of their number president and appoint such other officers, agents and employees as in their judgment the necessities of the corporation shall require, and shall have power to do all other acts and things for the ordering and management of the affairs of said corporation incident to the position auxiliary to the purposes for which the corporation is created, subject always to laws of the land.

First meeting.

Directors.

Officers.

Power of directors.

Sec. 5. That compensation to the president and directors shall be fixed by the stockholders, and to the other officers and employees by the board of directors, and the said board shall have authority to take bonds from certain officers having in charge the finances of the corporation, and bring suit upon the breach thereof.

Compensation of officers.

Bonds of officers.

Sec. 6. That the annual meeting of the stockholders shall be held at such times and places as the stockholders may direct, and at such meetings and at all other meetings called by the board of directors or by one-fifth in interest of the stockholders, each stockholder shall be entitled to one vote for every share held by him.

Annual meeting.

Stock vote.

Corporate powers.

Sec. 7. That said corporation shall have authority to construct dams, buildings, walls and all other works necessary for the purposes for which they are established, and may purchase, make and use all machinery, tools, implements and fixtures necessary and convenient for such ends, and may use any motive power which may be deemed conducive to the interest of the corporation.

Motive power.

Power of directors.

Sec. 8. That the board of directors shall have authority to keep open their books of subscription until the whole of the capital stock shall be subscribed, and may prescribe the terms upon which new stockholders may be admitted, and may determine upon the rate of interest which shall be allowed upon advanced payment, so its rate shall not exceed that allowed by law.

Interest upon advanced payment.

May borrow money.

Sec. 9. That said corporation shall have power to borrow money for the purposes of their business to an amount not exceeding one hundred thousand dollars, at such rate of interest as may be agreed upon, not exceeding that allowed by law, and to issue bonds or other evidences of any indebtedness so created, and secure the payment of the same by mortgage of its property and effects, or otherwise, and may make any 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.

Issue bonds.

Directors to lay off tract for buildings, &c.

Sec. 10. That to aid the said corporation in the protection of their property, the peace and quiet of their community and the advancement of their interests, the board of directors to be elected by the stockholders shall have power, as early as practicable after their election, to lay off by metes and bounds, under the direction of a competent surveyor, a tract of land out of their real estate sufficient to embrace the buildings for machinery, motive power and the dwellings of their officers and employees, and appoint from among the inhabitants thereof five discreet persons who are qualified voters of the state as commissioners for the management and regulation of the police of said place, who, with the president of the corporation, or the superintendent, as the board of directors may designate, shall have all the municipal powers now granted by the laws of the state, and be subject to all the duties and liabilities of the same for one year from the date of their appointment and until their successors are chosen; and at the expiration of said time, or within one week thereafter, an election shall be held under the superintendence of the sheriff of the county of Richmond, and according to the laws of the state, for five persons to succeed those first appointed, to be chosen by the qualified voters within said limits out of their number, and the persons thus elected, and their successors duly chosen annually thereafter, shall succeed to all the powers and liabilities of commissioners first appointed, and the president or superintendent, as the board of directors of the corporation may designate, shall be invested with all

Certain persons invested with municipal powers.

Election.

President or superintendent to be a magistrate.

the powers and subject to all the liabilities of a presiding magistrate by the general laws of the state.

Sec. 11. That this act shall take effect and be in force from and after its ratification.

Ratified this the 18th day of February, A. D. 1895.

CHAPTER 37.

An act to incorporate the Union Society.

The General Assembly of North Carolina do enact:

Section 1. That A. S. Birdsall, R. H. Smith, J. T. Wyche, J. C. Jones and F. R. Freeman, citizens of Wake county, North Carolina, their associates and successors, are hereby incorporated a body politic and corporate. Incorporators. Body politic.

Sec. 2. The name of said corporation shall be the "Union Society," and the principal or central office thereof shall be in the city of Raleigh, North Carolina; but the corporators may extend the work of said corporation to other counties in the state and to other states; for this purpose, branch societies may be established of male or female members, all of which shall be under the general supervision and control of the principal society at Raleigh; said principal society at Raleigh, and the branch societies, shall once in each year elect three delegates each, who shall meet in the city of Raleigh at such time as shall have been designated by the principal society, which delegates when assembled, shall constitute the supreme or governing board of the Union Society in all its branches. The said Union Society shall be for benevolent and charitable purposes only, a closer union of citizens, that the members thereof may by contributions, taxation of each other, by dues and initiation fees, protect each other and themselves from the hardships of poverty, oppression and misfortune while living, provide for themselves decent burial when dead, and for the protection and assistance of those they leave of their families—widows or widowers. Corporate name. Principal office. Branches. Branches to elect delegates. Said delegates to constitute the supreme governing board. Purposes of said society.

Sec. 3. There shall be no share or stocks in said "Union Society," and said society shall not purchase or hold any property, except such as may be purchased with the funds arising from initiation fees, monthly dues, donations and subscriptions. No stock. Property to be purchased only with dues, &c.

Sec. 4. That the officers of said "Union Society" and branch societies shall be a president, vice-president, secretary, financial secretary and treasurer, the treasurer to give bond and security for the faithful performance of his duties, and the safe-keeping of the funds in his hands; all of which officers shall be elected annually. Officers. Treasurer to give bond.

By-laws.

Corporate powers.

Sec. 5. That the Union Society hereby incorporated may adopt a constitution and by-laws for the government thereof, and the same shall, from time to time, be changed by the supreme or governing board thereof, as may be provided in said constitution; said society shall have all the powers and privileges given to benevolent societies incorporated under the general laws of North Carolina, sue and be sued, and do all and every act requisite and necessary for the purpose of carrying out the objects for which the same is incorporated.

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

Ratified this the 18th day of February, A. D. 1895.

CHAPTER 38.

An act to amend chapter one hundred and thirty-eight of the laws of one thousand eight hundred and eighty-three, incorporating the town of Harrellsville, in Hertford county.

The General Assembly of North Carolina do enact:

Section 2, chapter 138, private laws 1883, as to charter of Harrellsville, amended, reducing number of commissioners to three.

How vacancy on board filled.

Section 1. That section two of chapter one hundred and thirty-eight (138) of the laws of one thousand eight hundred and eighty-three (1883) be amended by striking out the word "five" in line five, and inserting the word "three" in lieu thereof, and by adding to said section the following: "That when the number of the acting commissioners of said town are reduced to less than a majority of the board by death, resignation, removal or otherwise, then any one of the acting commissioners may order the election provided for in said section, and appoint such officers as the law requires for holding said election, and to receive from said election officers their returns of said election, to declare the result of the election and make a record of the same in the records of said town."

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

Ratified this the 18th day of February, A. D. 1895.

CHAPTER 39.

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

The General Assembly of North Carolina do enact:

Divided into four wards.

Boundaries of said wards.

Section 1. That the town of Edenton shall be divided in four wards, as follows: that portion of said town embraced in the following boundaries, to-wit: Beginning at the south end of Broad street, thence north along said street to Gale street; thence west along said Gale street to the creek at the foot of said street; thence southwardly

along the line of said town to Broad street, the first station, shall constitute and be known as the First ward. That portion of said town of Edenton embraced within the following boundaries, to-wit: Beginning at the foot of Broad street, running north along said street to Gale street; thence east along said Gale street to the ropewalk tract of land; thence southwardly along the line of said ropewalk tract of land and the line of the town of Edenton to Queen Ann's creek; thence westwardly along the line of the said creek and Edenton bay to the first station at the foot of Broad street, shall constitute and be known as the Second ward. That portion of the town of Edenton embraced within the following boundaries, to-wit: Beginning at the southwest of Gale and Broad streets at the northwest corner of Second ward; thence running east along said street, the northern boundary of Second ward, to the ropewalk tract of land; thence northwardly along the line of the said ropewalk tract of land and the line of the town of Edenton to Broad street; thence down Broad street to the first station at the corner of Broad and Gale streets, the first station, shall constitute and be known as the Third ward. And all that portion of said town of Edenton lying north of the First ward, and west of the Third ward, beginning at the intersection of the First, Second and Third wards on Broad street; thence west to the creek at the foot of Gale street; and thence northwardly along the western line of said town to the public road; thence eastwardly along said road to Broad street; thence southwardly along Broad street to the first station, shall constitute and be known as the Fourth ward. Boundaries.

Sec. 2. That the municipal affairs of the town shall be controlled by a mayor and four councilmen, who shall be known as the board of councilmen of Edenton, and who shall be elected as follows: The First ward shall elect one councilman, the Second ward shall elect one councilman, and the Third ward shall elect one councilman, and the Fourth ward shall elect one councilman. The councilmen so elected shall, at their first meeting, elect a mayor from among the citizens of the town of Edenton, exclusive of themselves, who shall qualify within one week after his election. Officers. Each ward to elect one councilman. Councilmen to elect mayor.

Sec. 3. That the mayor and councilmen shall hold their offices for two years from the day of their qualification, and until their successors are elected and qualified, and the said board shall fill by appointment all vacancies in said board from among the voters of the said wards, when any such vacancy shall occur during their term of office. Term of office. Vacancies.

Sec. 4. That said councilmen shall be qualified before any justice of the peace, or other officer authorized to administer oaths, upon the first Monday after their election, and their term of office shall begin on that day. Commencement of term of office.

Mayor *pro tempore* to be elected.

SEC. 5. That the board of councilmen shall, as soon as practicable after their qualification, elect some citizen of the town of Edenton, who shall be a qualified voter thereof, as mayor *pro tempore*, in the event that the mayor, from sickness, absence, or any other cause, shall be unable to serve, who, when so acting, shall have the same powers and duties as the mayor.

Time of elections.

SEC. 6. That the election for councilmen and other officers of the town of Edenton shall be held on the first Monday in May, one thousand eight hundred and ninety-five (1895), and every two years thereafter, at Ray's opera-house in the first ward, at the courthouse in the Second ward, at Old Love and Charity Hall in the Third ward, and at the store of Thaddeus Ryan, on corner of Iredell's lot, or at some other convenient place in the said wards, to be selected by the board of councilmen, by the judges appointed by the board of councilmen, who shall be men of good character.

Voting places.

Qualifications of electors.

SEC. 7. That at the election herein provided for, no one shall be qualified to vote unless he has resided in the state twelve months, and in the ward in which he offers to vote for ninety days immediately preceding each election, and the judges for the several wards shall certify the number of votes for each officer voted for, to the mayor of the said town, on the day after the election, and he shall declare the result.

Mayor to declare result.

Councilmen to appoint registrars.

SEC. 8. That the board of councilmen shall, twenty (20) days before such election, appoint registrars of voters for each voting place, and cause written notice of such election to be posted in each ward of said town; and the said registrars so appointed shall transfer all the names of the qualified voters of each ward from the old registration books, which are known to be legally entitled to registration, to a new registration book for each ward, to be supplied by the present board of councilmen, and shall, for the said period of twenty days, keep said books open, at some convenient place, for the registration of all such persons not embraced among those persons whose names have been directed to be transcribed as above required, and who may be legally entitled to vote.

New registration.

Conflicting laws repealed.

SEC. 9. That all laws and parts of laws in conflict with this act are hereby repealed.

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

Ratified this the 18th day of February, A. D. 1895.

CHAPTER 40.

An act to incorporate the Garysburg High School Company.

The General Assembly of North Carolina do enact:

SECTION 1. That R. J. Walden, N. F. Roberts, William C. Coats, W. H. Haithcock and S. G. Newsome, of Northampton; J. W. Wood, of Edgecombe county, and R. S. Perry, of Franklin county, their associates and successors, hereby constituted and declared a body politic and corporate, for educational and religious purposes, under the style of the "Garysburg High School Company," 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 all property donated to, or purchased by said company, buildings, grounds, appurtenances thereto, situated near the town of Garysburg, Northampton county, North Carolina, for the purpose of maintaining and carrying on a school of high grade for the colored race. Incorporators. Body politic. Corporate name. Corporate powers.

SEC. 2. That the officers of said company shall consist of a president, treasurer and secretary, who shall be elected by the members of the company, whose duties shall be such as devolve upon such officers in similar bodies, or such as shall hereafter be defined by said company. Officers.

SEC. 3. That said company shall appoint its own board of trustees, who shall have full power to rent, lease or sell any real or personal property belonging to said company jointly, for the purpose of maintaining said school, discharging indebtedness or reinvesting the proceeds for like purposes, unless such property was sold or donated under restriction: *Provided*, that said board of trustees may, from time to time, be increased or diminished to not less than three members. Trustees. Powers of trustees.

SEC. 4. That said board of trustees shall have thirty (30) years succession, and they are hereby invested with power to fill all vacancies caused by death, removal or otherwise; and to do all other acts necessary for the maintenance and advancement of said school, to confer such literary and honorary diplomas as are usually conferred in high schools, to grant such other marks and distinctions as are common to such institutions. Corporate existence. Vacancies. Diplomas.

SEC. 5. That it shall be unlawful for any person to sell spirituous liquors within one mile of the Garysburg High School. Unlawful to sell spirituous liquors in one mile of said school.

SEC. 6. That all property acquired, either by purchase, donations, or otherwise, employed, shall, as long as it is used for religious or educational purposes, be exempt from all taxes, whether on the part of the State, county or municipal authorities. Exempt from taxation.

SEC. 7. That any person who may attend said school as a pupil or teacher, and who may reside in any other State, township, or road Pupils and teachers from other road districts

exempt from working roads while in attendance.

district than the one in which said school is situated, shall be exempt from working the public roads while in attendance upon said school.

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

Ratified this the 18th day of February, A. D. 1895.

CHAPTER 41.

An act to incorporate Friedens Evangelical Lutheran church in Guilford county, North Carolina.

The General Assembly of North Carolina do enact:

Incorporated.

Section 1. That Friedens Evangelical Lutheran church of Guilford county, North Carolina, organized Anno Domini seventeen hundred and ninety-three, is hereby created a body politic and corporate under the name and style of Friedens Evangelical Lutheran church of Guilford county, North Carolina, with power to receive, purchase, and hold real and personal estate not to exceed ten thousand dollars; and may sue and be sued, plead and be impleaded, contract and be contracted with; may have a common seal, and perpetual succession, and have all such rights and privileges and powers as Lutheran usage requires and the constitution and laws of the state of North Carolina allow.

Corporate name.

Corporate powers.

By-laws.

Sec. 2. The said corporation may adopt such rules, regulations, constitution or by-laws as may be deemed necessary or proper for the government and management of the same, not inconsistent with the laws of the state or United States.

Conflicting laws repealed.

Sec. 3. That all laws and clauses of laws in conflict herewith are hereby repealed.

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

Ratified this the 18th day of February, A. D. 1895.

CHAPTER 42.

An act to amend the charter of Southern Pines in Moore county.

The General Assembly of North Carolina do enact:

Section 5, chapter 159, private laws 1887, incorporating Southern Pines, struck out so as to take certain powers from commissioners of said town.

Section 1. That chapter one hundred and fifty-nine (159) of the private laws of eighteen hundred and eighty-seven be amended by striking out all of section five of said chapter.

Sec. 2. That chapter two hundred and seventy-four (274) of the private laws of eighteen hundred and ninety-one be amended as follows: In line eleven of section one, strike out the words "to the

intersection of" and insert "to McDade creek so-called, thence as McDade creek to Hale street, thence as Hale street, to Illinois avenue, thence as Illinois avenue to the Pee Dee road." Chapter 274 private laws 1891, amended. Corporate limits changed.

SEC. 3. In line two of section twenty-two, strike out the words "only sworn to." Section 22 of said private laws 1891, amended.

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

Ratified this the 19th day of February, A. D. 1895.

CHAPTER 43.

An act to extend time for organization of the Holly Springs Land and Improvement Company.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and twenty-six (326) of the private laws of eighteen hundred and ninety-three (1893), re-enacting and extending the act of chapter two hundred and forty-six of the private laws of eighteen hundred and ninety-one (1891), be and is hereby re-enacted. Chapter 326, private laws 1893, as to the Holly Springs Land and Improvement Company, re-enacted.

SEC. 2. That two years from the enactment hereof be allowed for the organization of said incorporation. Two years from this enactment allowed to organization of said company.

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

Ratified this the 19th day of February, A. D. 1895.

CHAPTER 44.

An act to incorporate the town of Boonville, in Yadkin county.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Boonville in Yadkin county be and the same is hereby incorporated by the name and style of the town of "Boonville," and it shall be subject to all the provisions of law now existing in regard to incorporated towns. Incorporated. Corporate name. Corporate restrictions.

SEC. 2. The corporate limits of said town shall be as follows: Beginning at a white oak in front of J. H. Fleming's dwelling-house, at the cross street, one-half mile in every direction from said white oak. Corporate limits.

SEC. 3. That the officers of said town shall consist of mayor, marshal and five commissioners, and the following-named persons shall fill said offices till the first Monday in May, one thousand eight hundred and ninety-five (1895), viz.: Mayor, J. M. Jones; commissioners, M. L. Woodhouse, J. D. Hays, M. M. Crumel, S. H. Wilmoth and E. D. Peck; and for marshal, John Mock. Officers. Temporary officers.

SEC. 4. There shall be an election held for officers mentioned in Elections.

this act on the first Monday in May, one thousand eight hundred and ninety-five (1895), and each succeeding year thereafter, under the same protection that State and county elections are held; and all citizens who have lived in the State twelve months, and in the town ninety days, prior to said election shall be allowed to vote and shall be eligible to any of the town offices.

Qualifications of electors.

By-laws.

SEC. 5. That the said commissioners shall have power to form 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 fifty cents on the poll and fifteen cents on the hundred dollars' worth of property, both real and personal, and to impose fines and penalties and collect the same.

Taxation.

Intoxicating liquors not to be sold except by act of commissioners.

SEC. 6. That there shall be sold no intoxicating liquors of any kind within the corporate limits, except by the act of the commissioners.

Election officers.

SEC. 7. The said board of commissioners shall appoint a registrar thirty days preceding each election and three judges of election. The said registrar shall register all voters within the corporate limits and hold said election in the same manner as elections are held for members of the general assembly.

Collection of taxes.

SEC. 8. That the commissioners shall have power to collect all taxes by levy and sale of property. Taxes shall in no case be allowed to run over one year.

Taxation.

SEC. 9. The commissioners shall have power to levy sufficient tax to keep up the public interests of the town.

Streets.

SEC. 10. That the commissioners shall have power to open, from time to time, all new streets as they may deem necessary, it being for the public good, and shall have power to condemn any land or lands they may deem necessary for the general welfare of the people of said town, first giving the owner or owners five days' notice.

Condemnation of land.

Oath of officers.

SEC. 11. All elected officers shall take the usual oath of office before entering on the duties of the office.

Power and duty of mayor.

SEC. 12. That the mayor shall be the chief executive officer and shall have the same jurisdiction as magistrates, and shall have the power to enforce all laws by fines and imprisonments; and he shall keep a minute of all precepts by him issued, and all judicial proceedings held before him, and shall have for his services the same fees allowed a justice of the peace.

Vacancies in office, how filled.

SEC. 13. That the commissioners may fill all vacancies in any of the offices in said town. That in case of sickness or absence of the mayor, the commissioners may elect a mayor *pro tempore*, who shall act in place of the mayor during his sickness or absence.

Mayor *pro tem.*

Unpaid fines to be worked out on streets.

SEC. 14. That the mayor shall have power to cause all persons failing to pay their fines, to work it out on the streets; the commissioners adopting the price.

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

Ratified this the 19th day of February, 1895.

CHAPTER 45.

An act to repeal the charter of the "Brunswick Bridge and Ferry Company."

The General Assembly of North Carolina do enact:

Section 1. That chapter ninety-seven of the private laws of one thousand eight hundred and seventy-three (1873) and seventy-four ('74), being an act entitled "An act to incorporate the Brunswick Bridge and Ferry Company," be and the same is hereby amended so that it shall be unlawful for said ferry company to charge on the things herein named a higher rate of toll than that specified in this act, to-wit: The rates of toll over the ferry and the Brunswick river bridge each, shall be on every vehicle or conveyance of every sort and description on wheels, not to exceed four cents for each wheel, and for each person in the vehicle; for every horse, mule, ox or other animal, if attached to and engaged in drawing a vehicle or conveyance of any sort, the same as for a wheel, to-wit, four cents each. Any person purchasing tickets for the passage of any of the things mentioned in this act, over said ferry, shall be entitled to purchase them at the rate of two and one-half cents for each person, wheel or animal, instead of four cents: *Provided*, he purchase as many as five dollars worth of tickets at one time.

Chapter 97, private laws 1873 and 1874, amended.

Rates of toll.

Proviso.

Sec. 2. That the following shall constitute a new section to the said chapter ninety-seven (97) of the private laws of one thousand eight hundred and seventy-three (1873) and seventy-four ('74), and shall be section sixteen (16) thereof, to-wit: The said company shall, within one year from the passage of this act, cause to be erected along one side of its causeway on Eagle's island, from the Cape Fear river to the Brunswick river, a footway for persons crossing said ferry on foot, said footway to be of such height as to place it above high-water mark, and passable at all times, and so constructed as to afford places, at a distance of not exceeding seventy-five yards apart, for passengers going in opposite directions to pass each other with ease. Any person who shall remove, cut or in any way injure, or cause the same to be done, any part of the structure of said footway shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars, or imprisoned not more than thirty days, and such person may be tried for such offence either in Brunswick county or New Hanover county, wherever on said causeway the offence may be committed.

Said act amended by adding this thereto as section 16.

Footway to be erected.

Damaging said footway a misdemeanor.

Penalty.

Sec. 3. That the following shall constitute a new section of said chapter ninety-seven (97) of the private laws of one thousand eight hundred and seventy-three (1873) and seventy-four ('74), and shall be section seventeen (17) thereof, to wit: The said company shall within

Said act amended by adding this thereto as section 17.

one year from the passage of this act, cause to be erected at its bridge over Brunswick river, a crib or fender, the same to be erected in such a manner and so filled in with a sufficient quantity of rock that it shall protect the said bridge from the danger of being swept away by floods and driftwood passing through the said Brunswick river.

Crib or fender for protection of said bridge to be erected.

SEC. 4. That chapter three hundred and thirty-six (336) of the private acts of one thousand eight hundred and ninety-one (1891), being an act entitled an act to amend chapter ninety-seven, private laws of one thousand eight hundred and seventy-three (1873) and seventy-four ('74), be and the same is hereby repealed.

Chapter 336, private laws 1891, amending said act, repealed.

SEC. 5. That section sixteen (16) of the said chapter ninety-seven (97) of the private laws of one thousand eight hundred and seventy-three (1873) and seventy-four ('74), be and the same is hereby made section eighteen (18) of that act.

Section 16, of said act 1873 and 1874 made section 18 of that act.

SEC. 6. That upon the failure of the corporation to comply with this act and the provisions of chapter ninety-seven (97), laws of one thousand eight hundred and seventy-three (1873), and one thousand eight hundred and seventy-four (1874), and the charter of said corporation as contained in the act entitled "An act to incorporate the Brunswick Bridge and Ferry Company," and said act itself, are hereby repealed.

Said chapter 97, of laws of 1873 and 1874, incorporating said company, to be repealed upon failure to comply with this act.

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

Ratified this the 19th day of February, A. D. 1895.

CHAPTER 46.

An act to amend chapter sixty-seven of the private laws of eighteen hundred and ninety-three, regulating the liquor traffic in Shelby, Cleveland county.

The General Assembly of North Carolina do enact:

SECTION 1. That section eight of chapter sixty-seven (67) of the private laws of one thousand eight hundred and ninety-three (1893) be amended by striking out all after the word "and," in line eleven of said section, down to and including the word "direct," in line fifteen, and insert the following words: "If the commissioners shall grant license to only one person to sell intoxicating liquors at one place, the party obtaining the license shall pay to the treasurer of the town of Shelby one thousand dollars for the privilege of carrying on such business in said town, said tax to be paid in advance and before such license shall be issued by said board of commissioners; and of said one thousand dollars the commissioners shall direct

Section 8, chapter 67, private laws 1893, amended.

Amount of license tax, if license granted to one person.

and require the treasurer to pay over to the graded school fund eight hundred dollars. But if license should be granted to two persons to sell intoxicating liquors, at two places, each of these two persons shall pay to the treasurer seven hundred and fifty ($750) dollars for said license, in advance, and before the license is granted; and of the fifteen hundred dollars so paid, the commissioners shall direct and require the treasurer to pay over to the graded school fund twelve hundred dollars; and if the commissioners shall grant license to three or more persons to sell intoxicating liquors in said town, the three or more persons shall pay to the treasurer six hundred dollars each for said license, in advance, and before said license is granted; and of the eighteen hundred dollars and upwards that may be paid for license, the commissioners shall direct and require the treasurer to pay over to the graded school fund five-sixths of the same.

Disposition of said tax.
Amount of license tax, if license granted to two persons.
Disposition of said tax.
Amount of license tax, if license granted to three or more persons.
Disposition of said tax.

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

Ratified this the 19th day of February, A. D. 1895.

CHAPTER 47.

An act to incorporate "The Retreat," at Charlotte, North Carolina.

The General Assembly of North Carolina do enact:

Section 1. That Dr. Joseph Graham, Dr. R. L. Gibbon, D. A. Tompkins, Thomas M. Holt, James P. Sawyer, and Samuel McD. Tate, and their associates, successors and assigns, are hereby created and constituted a body corporate under the name and style of "The Retreat," for the cure and treatment of invalids afflicted with nervous diseases, and such insane persons and inebriates as may commit themselves, or be committed to their charge and custody, and by that name may sue and be sued, prosecute and defend actions in all the courts of this state; may contract and be contracted with; may have and use a common seal, and may enjoy the privileges and powers necessary and incident to the proper management of a hospital of such a character. They may also purchase, hold, sell, mortgage, bond or convey real or personal property and any right or interest therein necessary to carry out the purposes of this act. The principal office of this corporation shall be in the city of Charlotte, North Carolina.

Incorporators.
Body corporate.
Corporate name.
Corporate powers.
Principal office.

Sec. 2. That the capital stock of this company shall be fifty thousand dollars in shares of one hundred dollars each, but it may be increased to a sum not exceeding a sum of five hundred thousand dollars whenever the trustees hereinafter provided for may deem it expedient, and in order to get the requisite amount of stock, the

Capital stock.

persons named in the first section, or any two of them, may open books of subscription at such times and places as they think best.

General meeting.

Sec. 3. When eight thousand dollars of stock shall have been subscribed, and three thousand dollars paid in, it shall be the duty of the persons before named to call a general meeting of the subscribers,

Trustees.

who shall elect a board of trustees, to consist of such number, not less than five, as they may determine, and such board of trustees shall elect one of their number president, whereupon the company shall be considered fully organized, and said stockholders may provide in said meeting for the appointment of such officers and agents as the company may require, fix the salaries, tenures, duties and

Officers.

times of election or appointment of such officers and agents, and the votes to which stockholders will be entitled in general meeting, whether by scale or otherwise, and to make all needful rules and

By-laws.

regulations for the government of an institution such as is provided for by the terms of this act.

Liability of stockholders.

Sec. 4. That the individual property of the trustees before provided for and that of stockholders shall not be liable for any debt of the corporation hereby created.

Bequests, &c., may be received.

Sec. 5. The board of trustees may receive by bequest, devise or gift property for the use of The Retreat. They may set apart beds, apartments or wards for the charitable treatment of the indigent, to be supported from the general fund of the corporation or the income from such bequests, devises or gifts; and may contract with the

May contract with any county for care of insane, &c.
Proviso.

proper authorities of any county in this state for the care and maintenance of indigent insane persons or inebriates: *Provided*, that such county authorities shall observe substantially the same course of procedure in commitments to The Retreat as is now required in commitments to state institutions for the insane.

Subject to inspection by board of public charities.
Annual reports.

Sec. 6. The institution hereby incorporated shall at all times be open to the inspection and examination of the board of public charities, who shall have an advisory supervision of the same, and reports, giving in detail the workings of the retreat, its admissions, cures, discharges, detentions, deaths, and any other information required by said board of public charities, shall be made by the board of trustees or its officers to the board of public charities annually.

Lunatics and inebriates may be sent to said "Retreat" upon their wish or wish of guardian or next friend.

Sec. 7. Whenever any person duly adjudged to be a lunatic or inebriate by the laws of the state, if of capable mind to signify such preference, shall in writing declare his or her wish to be placed in The Retreat instead of being sent to any asylum or hospital established by the state (or in case such person be incapable of making such declaration, then the same may be made by his guardian or next friend), it shall be lawful to recommend the commitment of such person to

Section 2273 *et seq.* of Code to apply in such cases.

said Retreat under the provisions of section two thousand two hundred and seventy-three of The Code; and the provisions of sections two thousand two hundred and seventy-four, two thousand two hun-

dred and seventy-five, two thousand two hundred and seventy-six and two thousand two hundred and seventy-seven shall in such cases apply and be enforced as if the removal was made to an institution without the state.

Insane persons, &c., from other states; how received.

Sec. 8. Any insane person or inebriate from another state may be admitted into The Retreat upon presenting proofs of compliance with the provisions of the statutes of such state in the matter of commitment of lunatics, or, in the absence of these, upon the certificate of two reputable and registered physicians of this state.

Persons may commit themselves.

Sec. 9. Any person may voluntarily commit him or herself to The Retreat under such forms as the board of trustees may prescribe, and it shall be lawful for said board of trustees, or any officer of theirs, to require and exact a good bond of indemnity from any person committed to the retreat, or who voluntarily commits himself, conditioned to hold the board of trustees, their officers, agents and employees harmless against suits for damages for the detention of such persons so committed, or who commit themselves.

Bonds may be required for indemnity against damage suits.

Rights, &c., pertaining to charitable institutions of the state to be enjoyed by said "Retreat."

Sec. 10. The object of the institution hereby incorporated being manifestly benevolent, it is declared that all the rights, liabilities and exemptions pertaining to the charitable institutions of the state, as now administered, shall pertain to and be enjoyed by the retreat, so far as the same can be construed to apply.

Training school for nurses.

Sec. 11. The board of trustees of The Retreat may, in their discretion, open and conduct a training school for nurses in connection with their other work, and may grant certificates and diplomas for approved skill and merit to such persons in said school as may be deemed worthy of them. If at any time it may seem expedient to the board of trustees of The Retreat to establish other or branch hospitals for the treatment of the class of persons hereinbefore mentioned, at eligible points near the seacoast, or in the mountain regions of this state, it shall be lawful so to do, under the powers granted by this chapter, and all the rights, privileges, immunities and exemptions, together with duties and requirements, provided for in the previous sections of this chapter, shall be enjoyed by and pertain to such other or branch institutions, in as full a manner as if conferred in direct terms.

Branch hospitals.

Sec. 12. This act shall be in force from and after its ratification.

Ratified this the 19th day of February, A. D. 1895.

CHAPTER 48.

An act to amend an act to incorporate the town of Springhope in the county of Nash.

The General Assembly of North Carolina do enact:

Section 2, chapter 55, private laws 1889, incorporating town of Springhope, amended.

SECTION 1. That section two of chapter fifty-five of the private laws of North Carolina of one thousand eight hundred and eighty-nine, be and the same is hereby amended so as to include the cemetery of said town of Springhope, by adding to said section the following: "Beginning at a point where the corporation line crosses the right-of-way of

Corporate limits.

the Nashville branch of the Wilmington and Weldon Railroad on the northeast side of said town; then running eastward with said right-of-way to the corner of the cemetery lot; thence with its line north sixty and one-half degrees (60½°) east, one hundred and fifty-six (156) feet; thence south, eighteen degrees east, six hundred and seventeen (617) feet; thence continue the same course to the corporation line; thence north forty-two and one-half (42½°) degrees west to the beginning."

SEC. 2. That section two of said chapter be and the same is hereby amended by adding after the word commissioners in line second the words "and a constable."

Conflicting laws repealed.

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

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

Ratified this the 19th day of February, A. D. 1895.

CHAPTER 49.

An act to incorporate the town of Burnsville in Yancey county.

The General Assembly of North Carolina do enact:

Incorporated.

SECTION 1. That the town of Burnsville in the county of Yancey be and the same is hereby incorporated by the name and style of

Corporate provision applicable.

Burnsville, and it shall be subject to all of 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: One-half mile east, west, north and south from the south door of the courthouse, in the town of Burnsville, and shall run with the four cardinal points of the compass.

Officers.

SEC. 3. That the officers of said town shall consist of mayor, three aldermen, a marshal and a treasurer, and the following-named persons shall fill said offices until the first Monday in May, one thousand

eight hundred and ninety-five, viz.: Mayor, L. H. Smith; aldermen, Jas. J. Britt, T. F. Roland and W. M. Austin; marshal, John L. Williams; treasurer, W. A. Elliot. Temporary officers.

SEC. 4. That there shall be an election held for officers mentioned in this act on the first Monday in May, one thousand eight hundred and ninety-five, and each succeeding year thereafter, under the same rules and regulations that county and state elections are held, and all residents of said incorporation who are qualified to vote for county officers shall be entitled to vote in said election. Election. Electors.

SEC. 5. Should a vacancy occur in any of the above-named offices, in any way, the mayor, aldermen and treasurer, or a majority of them, shall fill such vacancy. Vacancies in office.

SEC. 6. That the aldermen of said incorporation shall have power to pass all by-laws, rules and regulations for the good government of the said town, not inconsistent with the laws of the state and United States, and levy and collect a tax on all taxable property in said incorporation, not to exceed one-half of the state tax, and impose fines for the violations of the town ordinances, or to imprison the parties convicted, not exceeding thirty days. By-laws. Taxation.

SEC. 7. That the tax so levied shall be collected by the marshal and paid over to the treasurer, and the fines to be collected and paid over to the treasurer, and paid out by the order of the mayor and a majority of the aldermen. Collection and disposition of tax

SEC. 8. That the marshal and treasurer shall each be required to give a bond, payable to the state of North Carolina, in the sum of two hundred dollars, to be approved by the mayor and aldermen. Bonds given by marshal and treasurer.

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

Ratified this the 19th day of February, A. D. 1895.

CHAPTER 50.

An act to incorporate the bank of Granville.

The General Assembly of North Carolina do enact:

SECTION 1. That E. T. White, J. M. Currier, F. W. Hancock, J. H. Bullock, W. B. Ballou, W. G. Mitchell, B. S. Royster, Fielding Knott, J. G. Hall, J. S. Brown. G. B. Royster, J. B. Owen, W. L. Mitchell, John Meadows, and their associates, successors and assigns, are hereby constituted, created and declared a body politic and corporate by the name and style of the "Bank of Granville," with its principal and general place of business at Oxford, 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 Incorporators. Body politic. Corporate name. Corporate powers.

years, and that it shall have every and singular the powers, rights, privileges, benefits and immunities granted to any bank or banking institution by the private or public laws of North Carolina, heretofore enacted.

Capital stock.

Sec. 2. That the capital stock of said corporation shall not be less than fifteen thousand dollars, divided into shares of one hundred dollars each, and the same may be increased from time to time as said corporation may elect, not to exceed one hundred thousand dollars.

Books of subscription.

Sec. 3. That the corporators named in section one, or any three of them, are hereby empowered to open books of subscription to the capital stock of said corporation, at such time or times, at such places, and for such periods as they may determine, and a majority of the stockholders may, at any time in their discretion, cause the books of subscription to reopen until the capital stock as herein limited is wholly taken.

Organization.

Sec. 4. Whenever fifteen thousand dollars shall be subscribed and fully paid into the capital stock of said corporation, the corporators above named, or any three of them, may call a meeting of the subscribers to said stock at such time and place as may be designated, after giving sufficient notice; and such stockholders may elect a

Directors.

board of directors to consist of such number as they may deem proper, who shall hold office for one year or until their successors are elected. Such board of directors shall have power to fill all vacancies occurring in their body until the next general meeting of the stockholders for the election of directors thereafter, and said direc-

Officers.

tors may elect a president, vice-president, attorney, cashier, teller, bookkeeper, and all such other officers as may be deemed necessary to the conduct of the business; all of which said officers shall serve at the discretion of said directors, and during their continuance in

Officer's bonds.

office; and said directors may require bonds with approved security from all officers and employees for the faithful discharge of their duties, and shall fix the compensation of such officers and employees:

Proviso.

Provided, no one shall be elected director who is not *bona fide* owner of five shares of the capital stock of said corporation.

Corporate powers.

Sec. 5. The president and directors of said corporation may adopt and use a common seal, and alter the same at their pleasure; they shall have and exercise all such powers and authority as may be necessary for governing the affairs of the corporation, consistent with

By-laws.

such by-laws as the stockholders may adopt; they may, in conformity with the by-laws of said bank, regulate the terms and rates upon which loans are made, and discounts received and deposits taken, and when dividends of the earnings and the amount of the same shall be made and declared, and fill all vacancies occurring among the officers of said corporation; they may at such times and upon such notice as may be deemed proper call meetings of the stockhold-

Stock vote.

ers, and in all such meetings the stockholders may be represented by written proxy, and each share of stock shall be entitled to one 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 rights, powers and authority, and under such restrictions as may be imposed by the laws of this state and of the United States as to circulation by state banks; deal in exchange, gold and silver coin, current and uncurrent paper, public and other securities; do a general banking business, and exercise all the powers, rights and privileges conferred by the laws of the state on banks, especially those set forth in chapter four of the second volume of The Code of North Carolina, and to aid planters, miners, 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 liens in writing on the crops to be raised, or on any article or articles in existence or to be produced, and having the said liens recorded, as is prescribed by statute; may make loans upon mortgages or deeds in trust of real and personal property, with full powers of sale in case of default in the provisions of the same, and in case of failure of purchasers at such sales, said property may be purchased by said bank, and the title thereto may be valid and binding in all respects; may negotiate loans on mortgages or deeds in trust of real and personal property at a rate of interest not exceeding the legal rate, and may charge and receive from the lender or borrower, or either of them, a reasonable commission for its services in this respect.

Corporate powers.

Corporate powers.

May buy at own sale.

Commission for services.

Sec. 7. That said bank shall have power to receive in storage or warehouse any tobacco, cotton, wheat, corn, oats or any other article of produce, trade or manufacture, as a pledge for the repayment of any and all money loaned or advanced thereon, and may make reasonable charges for storing the same; and upon failure to repay the amount so advanced at the time agreed upon, said property may be sold in the same manner as property under chattel mortgages, and all advances made, or money loaned by said bank on property thus received or deposited, and compensation for all charges and expenses thereon, shall be a preferred lien on said property, which shall be fully paid and satisfied before said bank can be required to deliver or surrender said property.

May receive tobacco, &c., in storage and make advances upon same.

Charges, &c., a lien on said property.

Sec. 8. That said bank may discount notes and other evidences of debt, buy or sell and otherwise deal in commercial paper of every kind and description; may loan money to and receive deposits thereof from any and all persons, including corporations, *femes covert*, minors and apprentices, upon such terms as may be agreed upon, and may charge such rate of interest as is allowed by law, and may take and receive such interest at the time of making the loan or receiving the discount, or at any other time agreed upon; may invest in stocks, bonds or other securities, of this or any other state, the United States, or any corporation, public or private, of this or any state in the Union,

Corporate powers.

Issue bonds.

and may issue its own bonds in such denominations and in such manner as it may see fit.

Deposits by minors, &c.

Sec. 9. That when *femes covert*, minors or apprentices deposit money or other thing 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 individual check or order, and be bound thereby, and such individual check or order shall be a valid and sufficient release to said bank against such *feme covert*, minor or apprentice and all other persons whomsoever.

Corporate powers.

Sec. 10. That said bank may purchase and hold property, real, personal or mixed for its own use, and for other purposes, and may sell and convey the same at pleasure and use the proceeds thereof, as it may deem best.

Procedure upon failure of subscriber to pay for stock.

Sec. 11. That if any subscriber shall fail to pay for his stock, or any part thereof, as the same is required of him, the entire balance upon said stock shall become due and payable, and the same may be recovered by said bank, in the name of the corporation, by an ordinary civil action, brought either in the county of the principal office of said corporation, or of the residence of such delinquent subscriber, or the entire stock of such delinquent may be sold by order of the board of directors, for cash, at public auction, at the banking-house of said corporation, in the town of Oxford, after giving twenty days' notice of such sale in some newspaper published in said town, or by posters at three or more public places therein; and if the proceeds of such sale shall not be sufficient to discharge the balance due, together with all the costs and expenses of making such sale, the delinquent shall be liable for the amount still deficient; and if any subscriber shall assign his stock before full payment thereof, he, and all subsequent assignees, shall be jointly and severally liable therefor, and such subscription shall be a promissory note, and the assignees of the same, endorsers, payable to said corporation.

May receive on deposit valuables, &c.

Sec. 12. That said bank may receive on deposit valuables of gold, silver, plate, jewels, certificates of stock, evidences of debt, bonds, title papers, and all other things of value that may be left on deposit for safe-keeping, and it shall be entitled to charge and receive such commissions or compensation for such deposits as may be agreed upon; and said bank may accept and exercise trust of any and every description, which, by its consent, may be conferred upon it by any person or persons, bodies politic or corporate, public or private; may act as executor, administrator, collector, guardian, trustee or assignee, and shall be clothed with the same powers, and be under the same restrictions as individuals acting in the same capacity; and for doing any or all of such things, said bank may charge and receive such premiums, rates of compensation or commissions as may be agreed upon and allowed by law.

May act as trustee, &c.

Sec. 13. That the stockholders of said bank shall not be in anywise individually liable or responsible for any debt, obligation, contract, agreement, or engagement of said bank. Liability of stockholders.

Sec. 14. That the principal office and place of business of said bank shall be at Oxford, North Carolina, but the stockholders may establish branches or agencies at such times and places as they may designate, and such branches or agencies may be removed at any time, and shall be under the control and management of the president and directors and be subject to all the rules and regulations as prescribed by them, and by the stockholders of said bank: *Provided*, that twenty-five dollars shall be paid to the state treasurer for all such branches or agencies before the same are established, and his receipt for said sum shall be sufficient authority to establish such branch or agency under this act. Principal office. Branches. Proviso.

Sec. 15. That said bank may organize and operate 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 rules and regulations for its conduct, not inconsistent with the state laws, as will enable said bank to receive small deposits in this department and give certificates of deposit therefor, and pay such interest as may be agreed upon, not to exceed the legal rate; and to regulate and prescribe the time and manner of payment and notice of demand; that said savings department shall in nowise be considered separate and distinct from said bank, and it shall be under the control and management of the directors and officers of said bank; and said bank shall in all respects be liable for all deposits in its savings department as to its general depositors and creditors. Savings bank.

Sec. 16. The capital stock of said bank shall be taxed as other property in this State to the full amount paid in thereon, less the value of its taxable property, and all nontaxable bonds and property exempt from taxation, which shall be deducted from the amount paid in on the capital stock, said taxation to apply to and include state, county and municipal. Taxation.

Sec. 17. That all laws and clauses of laws in conflict herewith are hereby repealed. Conflicting laws repealed.

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

Ratified this the 19th day of February, A. D. 1895.

CHAPTER 51.

An act to declare valid a deed of trust executed by Trinity College.

The General Assembly of North Carolina do enact:

Trustees of Trinity College empowered to authorize the execution of a certain deed of trust.

SECTION 1. That the trustees of Trinity College in this state had authority to authorize the execution, by the president and secretary of Trinity College, and the president of the board of trustees of Trinity College, and under the seal of said Trinity College, of the deed of trust to the Mercantile Trust and Safe Deposit Company of Baltimore, Maryland, dated June twenty-fourth, one thousand eight hundred and ninety-three, to secure bonds of said college to the amount of forty thousand dollars, which is registered in Durham county.

Said deed of trust declared valid.

SEC. 2. That said deed of trust, executed as recited in the foregoing section, is hereby declared to be in all respects valid and binding, and to have conveyed for the purposes therein expressed the estate and property therein mentioned.

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

Ratified this the 21st day of February, A. D. 1895.

CHAPTER 52.

An act to authorize the clerk of the superior court of Durham county to appoint a corporation guardian of the infant children of Mrs. Mary E. Lyon, deceased, without bond.

The General Assembly of North Carolina do enact:

Clerk of Durham county empowered to appoint a corporation as guardian for infant children of Mary E. Lyon.

SECTION 1. That the clerk of the superior court of Durham county is hereby authorized and empowered, notwithstanding any provisions of the general law, to appoint as guardian of the estate of the infant children of Mrs. Mary E. Lyon, deceased, any corporation of this or any other state, which, under its charter, is authorized to act as guardian or other trustee, or to guarantee fidelity of persons holding places of public or private trust, or to guarantee the performance of contracts, or to execute and guarantee bonds and undertakings: *Provided*, after inquiry he believes said corporation to be solvent.

Proviso.

No bond to be required.

SEC. 2. That the corporation appointed guardian, as provided in the first section of this act, shall not be required to execute any bond or undertaking as such guardian, except its own obligation, without sureties, which is hereby declared to be sufficient and in all respects a full and complete compliance with the law. And the executors of

Mrs. Mary E. Lyon, deceased, are hereby authorized and directed to pay and deliver to such guardian, when qualified, all money and properties in their hands belonging to said minor children of Mrs. Mary E. Lyon, deceased, and the receipt of such guardian shall be in full satisfaction of the liabilities of said executors to said children.

Certain sections of Code, &c., not to apply to this estate.

SEC. 3. That sections one thousand five hundred and seventy-three, one thousand five hundred and seventy-four, and subsection six (6) of section one thousand five hundred and eighty-three of The Code, and chapter three hundred of the public laws of eighteen hundred and ninety-three shall not apply to this estate and to this case.

Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws inconsistent with this act are hereby repealed, and this act shall be in force from and after its ratification.

Ratified this the 21st day of February, A. D. 1895.

CHAPTER 53.

An act to incorporate the town of Margaretsville in Northampton county.

The General Assembly of North Carolina do enact:

Incorporated.

SECTION 1. That the town of Margaretsville in the county of Northampton be and the same is hereby incorporated by the name and style of "Margaretsville," 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 birch tree at the northeast corner of W. P. Vick's milldam, thence a northeasterly course across Cypress swamp to a forked sweetgum on L. B. Woodard's land; thence northeast about three hundred yards to a poplar tree about fifty yards east of the house now occupied by W. J. Woodard on J. B. Goode's land; thence west to a gum on W. U. Stephenson's land about twenty yards south of Margaretsville spring; thence northeast across the Seaboard and Roanoke Railroad to a chopped apple tree on L. D. Guy's land; thence north to the hill through which the Meherrin Valley Railroad was cut; thence a westerly direction along the meanderings of the foot of said hill to W. P. Vick's line; thence south along W. P. Vick's line, Mary F. Grady's line, W. U. Stephenson's line, and S. E. Long's line to the high-water mark of W. P. Vick's mill-pond; thence easterly along said high-water mark to the beginning.

Officers.

SEC. 3. That the officers of said incorporated town shall consist of a mayor, three commissioners and a marshal, and the following named persons shall fill said offices until the first Monday in May,

Temporary officers.

one thousand eight hundred and ninety-six (1896), viz.: Mayor, John G. Stancell; commissioners, A. B. Spivey, James B. Goode and Jordan Edwards; marshal, L. B. Woodard.

Election.

SEC. 4. There shall be an election held for officers mentioned in this act on the first Monday in May, one thousand eight hundred and ninety-six (1896), and each succeeding year thereafter, under the same restrictions, rules and regulations as are now or may hereafter be provided for the election of town officers, and the officers hereinbefore mentioned shall hold their said offices until their successors are elected and qualified.

By-laws.

SEC. 5. That the said commissioners and their successors in office 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 of North Carolina and the United States, and levy and collect

Taxation.

a tax on all subjects of state taxation, not to exceed one dollar on the poll, and thirty-three and one-third cents on the hundred dollars valuation of property, both real and personal, and to impose fines and penalties, and to collect the same.

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

Ratified this the 21st day of February, A. D. 1895.

CHAPTER 54.

An act to incorporate the "Carolina Mutual Fire Insurance Company" of Charlotte, North Carolina.

The General Assembly of North Carolina do enact:

Incorporators.

SECTION 1. That M. P. Pegram, P. M. Brown, D. W. Oates, E. B. Springs, J. W. Miller, S. Wittkowski, Heriot Clarkson, A. C. Summerville, E. M. Andrews, R. H. Jordan, W. S. Alexander, C. Furber Jones, C. M. Carson, and all other persons who may become stockholders or policy holders thereof, be and they are hereby constituted a body politic and corporate under the name and style of the

Body politic.

Corporate name.

"Carolina Mutual Fire Insurance Company," for a period of ninety-nine years, and under that name shall have all the powers, privileges and franchises incident to such corporations under the laws of

Corporate powers.

Capital stock.

North Carolina. That said corporation shall have a capital stock of fifty thousand dollars, divided into five hundred shares of one hundred dollars each, with the privilege of increasing it to any sum not exceeding one million dollars, as a majority of the directors may from time to time determine. Said stock to be paid in such way and manner as the board of directors may determine.

Sec. 2. That said corporation shall have the right to insure the respective buildings, furniture, stock of goods and other property of its members and others, against loss by fire, lightning and water, to any amount not exceeding the cash value of the property insured, but not exceeding ten thousand dollars on any one building and contents; but no policy of insurance shall be issued until twenty thousand dollars ($20,000) of stock is subscribed and five thousand dollars ($5,000) in cash paid in. And said corporation may sue and be sued in any court, and may have and use a common seal, and shall be entitled to own real and personal property to any amount that may be thought useful for the purposes of the incorporation, and may buy and sell the same. Corporate powers.

Corporate powers.

Sec. 3. That there shall be annual meetings of the stockholders and of the policy holders of said corporation for the election of a board of directors of at least nine members, one-third of whom shall, after the first year, be policy holders who are not stockholders of said corporation. That at the stockholders' meeting each stockholder shall be allowed one vote for each share of stock he owns, and a majority of the stock shall constitute a quorum for the transaction of business, with the right of voting by proxy. That at the policy holders' meeting each policy holder having a policy for one year or longer shall be allowed one vote, and if his policy exceeds one thousand dollars ($1,000) an additional vote for each additional thousand dollars ($1,000); and twenty-five votes shall constitute a quorum for the transaction of business, with the right of voting by proxy. That the stockholders shall after the first year elect two-thirds of the members of the board of directors, and the policy holders one-third. That the board of directors so elected may choose such officers and for such length of time as they may by a majority of voters determine; shall have the power to make such by-laws, rules and regulations as may be thought necessary, not contrary to the laws of the state; and may establish their home and branch offices at such places as they may think best, and that five directors shall constitute a quorum for the transaction of business. Directors.

Stock vote.

Policy holders to vote.

By-laws.

Branches.

Sec. 4. That the board of directors shall pay annually out of the profits of the business, first, a dividend of not more than ten per centum on the capital stock of said corporation, or a semi-annual dividend of not more than five per centum, which shall be cumulative; then they shall pay to the policy holders a *pro rata* dividend of not more than fifty per centum of the balance of the profits of the business, till the assets of the corporation shall have become one hundred thousand dollars ($100,000), after which the directors may, at their discretion, return the entire balance of the profits to the policy holders. That the reserve and assets of the company shall be invested in safe securities, and in such securities as the directors may direct; and the board of directors shall have full authority and discretion of Dividends.

Investment of assets, &c.

doing all things necessary for the purposes of conducting a successful fire insurance business.

Assessment of policy holders.

SEC. 5. That in case losses shall be sustained for an amount greater than the existing funds of said corporation, the directors shall assess the policy holders for such *pro rata* sums as may be necessary to pay the losses: *Provided, however*, that no policy holder shall be liable for a greater sum than the amount of premium paid by him on policies then in force.

Proviso.

Stockholders and policyholders not individually liable.

SEC. 6. No stockholder or policy holder shall be individually liable for the debts of the corporation.

Conflicting laws repealed.

SEC. 7. That all laws and parts of laws operating against this act be and are hereby repealed.

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

Ratified this the 21st day of February, A. D. 1895.

CHAPTER 55.

An act to incorporate the "Cedar Lumber and Shingle Company."

The General Assembly of North Carolina do enact:

Incorporators.

SECTION 1. That John Fox, J. C. O'Brien, F. H. Busbee, C. C. Pool, James A. Briggs, and all persons who shall become stockholders in the corporation hereby created, are hereby constituted a body politic and corporate under the name and style of the "Cedar Lumber and Shingle Company," and by that name shall have a perpetual succession and a common seal; may sue and be sued, may purchase, hold, lease, sell and convey real estate and personal property; may borrow money and execute notes and issue bonds, and secure the same by execution of a mortgage upon its real and personal property and franchises, or any part thereof; may contract and be contracted with; may lease the property and franchises of other similar corporations, and may make a lease of its own property and franchises, or any part thereof, the rights of its stockholders being fully protected; and in general may do such things as may be necessary to carry into effect the powers herein granted.

Body politic.

Corporate name.

Corporate powers.

Subscription books.

SEC. 2. The persons named in the first section shall have the right to open books of subscription at any point or points in North Carolina, and in the city of New York, and the subscribers to the stock, and the persons named in the first section, or a majority of them, or proxies for a majority of them, may meet and complete the organization of said corporation upon due notice to the subscribers to the stock and to the corporators named in section one, either in the town of Elizabeth City or in the city of Raleigh, as the corporators shall determine. Subscriptions to the stock shall be made in money, land,

or personal property suitable for the purposes of the corporation; and upon subscriptions being made to the amount of fifty thousand dollars the corporators may meet and organize by the election of directors. The number of directors shall be fixed by the stockholders, at not less than five, nor more than twelve, and the directors shall elect the president and other officers, either from their number or otherwise. They shall fix the number and the duties of the officers and prescribe their salaries; adopt and amend by-laws, and in general shall have, use and enjoy all the privileges of other corporations of this state, not inconsistent with the laws of the state of North Carolina.

Organization.
Directors.
Officers.
By-laws

Sec. 3. Said corporation is hereby authorized and empowered to carry on the manufacture and sale of lumber, shingles and all other articles of wood; to engage in the manufacture of textile fabrics; to erect mills, machinery, wharves, storehouses and all buildings necessary or profitable in the conduct of their business; to buy, sell and raise cattle and other live stock; to raise crops, to establish fisheries, and to deal in goods, wares and merchandise of every kind and description; to construct workshops, dwellings, and other business structures on the lands or property of the company; to own and operate steam and sailing vessels to transport products of the company to market, and to carry freight and passengers at such rates as they may fix upon, subject to the laws of the state; to own tug boats to haul logs, or for hire; to establish and maintain telegraph and telephone lines, if necessary.

Corporate powers.

Sec. 4. Said corporation is hereby authorized to build a railroad and tramroads, not over fifty miles in length, to connect its mill or mills with other railroads or water transportation, and may construct branches in this state not exceeding twenty miles in length. Where lands or right-of-way shall be required for the purposes named in this section, the same may be taken and condemned, and the value thereof ascertained in the manner prescribed by the chapter on Railroads in The Code. If such railroad, telegraph or telephone lines shall be built, the corporation shall have the right to charge and collect such toll and compensation for the use thereof as are reasonable and just under control of the laws of North Carolina and the commission established to regulate rates.

Railroad and tramroads.
Condemnation of land.
Toll, &c.

Sec. 5. The capital stock of said company shall be one hundred thousand dollars ($100,000), divided into shares of one hundred ($100) each; but the same may be increased by the vote of stockholders to any sum not exceeding five hundred thousand dollars ($500,000).

Capital stock.

Sec. 6. The principal place of business of said corporation shall be in Elizabeth City, Pasquotank county, North Carolina, but the same may be changed by the stockholders; and the said company shall have, keep and maintain at its principal place of business in this state an office and agent upon whom all process may be served,

Place of business.
Service of process upon agent.

and the service upon such agent shall have the same effect as if made upon the president or any other officer of said corporation. The place of the meetings of the stockholders and directors of said company may be fixed at any place most convenient, as shall be provided by the by-laws of said company. The company may establish branch offices in New York or elsewhere at its pleasure.

Branches.

Corporate existence.

SEC. 7. The corporate rights hereby granted shall exist for ninety years.

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

Ratified this the 21st day of February, A. D. 1895.

CHAPTER 56.

An act to repeal section seventeen of chapter twelve of private laws of one thousand eight hundred and eighty-three, being an act to incorporate the town of Germantown, in Stokes county, North Carolina.

The General Assembly of North Carolina do enact:

Section 17, chapter 12, private laws 1883, incorporating Germantown, Stokes county, repealed.

SECTION 1. That section seventeen (17) of chapter twelve (12) of the private laws of eighteen hundred and eighty-three, being an act to incorporate the town of Germantown, in Stokes county, North Carolina, be and the same is hereby repealed.

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

Ratified this 21st day of February, A. D., 1895.

CHAPTER 57.

An act to change the time for the election of municipal officers in Windsor, Bertie county.

The General Assembly of North Carolina do enact:

Time of municipal election in Windsor changed

SECTION 1. That the time for the regular election for municipal officers in the town of Windsor, Bertie county, North Carolina, shall be the first Tuesday in May in each year.

Conflicting laws repealed.

SEC. 2. That all laws or parts of laws in conflict with this act are hereby repealed so far as they relate to Windsor, Bertie county.

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

Ratified this the 23d day of February, A. D. 1895.

CHAPTER 58.

An act to incorporate the North Wilkesboro Academical and Industrial Institute.

The General Assembly of North Carolina do enact:

Section 1. That I. B. Turnbull, E. W. Smith, A. J. McKelway, R. F. Campbell, C. A. Munroe, C. G. Vardell, J. M. Rose, jr., H. S. Smith, J. M. Rogers, Geo. W. Watts, W. D. Martan, C. E. Graham, and their associates and successors, be and they are hereby created and constituted a body politic and corporate under the name and style of "The North Wilkesboro Academical and Industrial Institute," for the purpose of erecting, owning, operating and conducting at or near Wilkesboro an academical, industrial and manual training school for colored people, with power to receive and hold, sell and dispose of any real or personal property to the amount of fifty thousand dollars, which may be given, granted, sold, devised or bequeathed it, and with power to elect such officers as it desires and prescribe their terms and duties, and to make all such rules, regulations, by-laws and ordinances as to it seems necessary or desirable: *Provided*, they are not inconsistent with this act or the laws of the land. Incorporators. Body politic. Corporate name. Corporate powers. By-laws. Proviso.

Sec. 2. That said corporation shall be governed by a board of trustees not less than six nor more than eighteen in number, which said board of trustees shall be composed of the persons named in the first section of this act, to hold office as follows, to wit: the four first named for three years from January first, eighteen hundred and ninety-five; the four second named for two years from January first, eighteen hundred and ninety-five; the four last named for one year from January first, eighteen hundred and ninety-five; that upon the expiration of the term of any of the present or subsequent trustees their successors shall be elected by the other trustees for three years from the expiration of the terms of their predecessors, so that all trustees, after the first board, shall serve three years, and yet the terms of one-third of them expire each year. Upon the death, resignation or refusal to act of any person elected trustee, the other trustees shall elect the successor of such failing trustee for the balance of his term. Trustees. Terms of office of trustees. Election of trustees.

Sec. 3. That said board of trustees shall have power to employ a superintendent or head-master of said school and such aids, assistants and employees as they think necessary, to prescribe courses of study and work, provide and furnish farms and workshops for the manual training of pupils and the support of the school, to grant diplomas and certificates to graduates of any department, to charge and collect compensation and fees for the tuition, board and charges of pupils, and for the use of tools and shops. Powers of trustees.

Trustees not individually liable.

SEC. 4. That said trustees and their associates and successors shall not be individually or personally liable or responsible for any debts, contracts, engagements, obligations, torts or taxes of the corporation; that five (5) members of the board of trustees shall constitute a quorum until they see fit to provide otherwise in the by-laws, which they are hereby given authority to do; said corporation may sell any of the products of its farms or shops.

May sell farm products.

Unlawful to sell spirituous, &c., liquor in one mile of said school.

SEC. 5. That it shall be unlawful for any person to sell or give away any vinous, spirituous or malt liquors on any land owned or occupied by said corporation or within one mile of said school. Any person violating this section shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court.

Misdemeanor.

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

Ratified this the 23d day of February, A. D. 1895.

CHAPTER 59.

An act to amend chapter one hundred and twenty of the private laws of one thousand eight hundred and ninety-three relating to the Cullowhee Normal School.

The General Assembly of North Carolina do enact:

Chapter 120, private laws 1893, amended so as to have a board of local managers of said school.

SECTION 1. That section one of chapter one hundred and twenty of the private laws of eighteen hundred and ninety-three (1893) be amended by adding in line nine after the word "state," "and David Coward, John T. Wike, A. J. Long, sr., Zebulon Watson and D. D. Davies, as a board of local managers." Just after the word "superintendent," the words "and board of local managers." After the word "superintendent," in line eleven, insert the words "and board of local managers."

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

Ratified this the 23d day of February, A. D. 1895.

CHAPTER 60.

An act to confer upon the Atlantic and Danville Railway Company certain privileges and to subject it to certain rules and regulations.

The General Assembly of North Carolina do enact:

Atlantic and Danville Railroad authorized to operate, &c., in this State.

SECTION 1. That the "Atlantic and Danville Railway Company," which is a corporation of the state of Virginia, organized in the year eighteen hundred and ninety-four (1894), under the laws of that state, and now existing and doing business, be and the same is hereby

authorized and empowered to acquire, own and maintain and operate with steam or other power a line or lines of railroad, together with the necessary right or rights-of-way, stations, depots, station-houses, switches, side tracks, telegraph lines and all other appurtenances and incidents of railroad, through the counties of Granville, Person and Caswell in the State of North Carolina, according to the present location of what is popularly known as the Atlantic and Danville Railway Company, or as the same may be from time to time altered by said company; and that said company, in respect to the portion of this property in North Carolina, shall have and is hereby invested with all the rights and privileges which it has under its charter granted by the state of Virginia, in so far as they are not contrary to the laws of this state, together with all the general rights and privileges, and subject to all the general rules and restrictions of a railroad corporation of this state: *Provided, however*, that as to the portion of the said property in the state of North Carolina, the said company shall be subject to the jurisdiction of this state as to suits by and against it in causes of action arising in this state, and as to the regulation and government of such portion of its railroad property as is located in this state, in the same manner and to the same extent as if it were a corporation of this state.

Invested with rights and privileges, &c.

Subject to rules and restrictions, &c.

Proviso.

SEC. 2. That the "Atlantic and Danville Railway Company" shall have the right to sell, mortgage or encumber by deed of trust or otherwise its property, rights and franchises in this state, or any part thereof, in the same manner and to the same extent that it is or may be permitted to do so by the laws of the state of Virginia: *Provided, however*, that any purchaser or alienee thereof shall take the same subject to the same legal restrictions as are imposed upon the "Atlantic and Danville Railway Company" by the first section of this act.

Right to sell, &c.

Proviso.

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

Ratified this the 25th day of February, A. D. 1895.

CHAPTER 61.

An act for the relief of Lawson Reynolds, a disabled Confederate soldier.

The General Assembly of North Carolina do enact:

SECTION 1. That Lawson Reynolds of Gaston county, who is totally disabled by wounds received while in the Confederate service at the battle of Seven Pines, be allowed to receive the pension allowed to those persons who were totally disabled while in the Confederate service, under section three thousand four hundred and seventy-seven

Lawson Reynolds granted a pension, &c.

(3477), three thousand four hundred and seventy-eight (3478), and three thousand four hundred and seventy-nine (3479) of The Code, and the laws amendatory thereof.

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

Ratified this the 25th day of February, A. D. 1895.

CHAPTER 62.

An act to incorporate "Bertie Academy" in the county of Bertie and state of North Carolina.

The General Assembly of North Carolina do enact:

Incorporators. Section 1. That Rev. Luke Pierce, Rev. M. W. D. Norman, T. H. Wilson, A. Robbins, Henry Houston, Samuel Haggard, P. S. Sanderlin, Washington Allen and T. C. Bond and their associates and successors, be and the same are hereby created a body politic and corporate, under the name and style of "Bertie Academy," in the township of Windsor, county of Bertie and state of North Carolina, for the education of colored people, and as such they shall have all the corporate powers, rights and immunities of trustees of similar academies in North Carolina. The said trustees and their successors may plead and be impleaded, sue and be sued, and acquire and hold such real and personal property as may be necessary and suitable to maintain said academy.

Body politic.

Corporate name.

Corporate powers.

Trustees.

Vacancies in board of trustees. Sec. 2. That all vacancies occurring in said board of trustees from whatever causes shall be filled by appointment of the remaining members thereof.

By-laws. Sec. 3. That said board of trustees shall have the power to make all such by-laws and prescribe such rules and regulations as may be deemed necessary for the government of the said academy. They shall have power to appoint a president, and such professors and tutors for said academy as they shall think proper. Said president and professors shall constitute the faculty of the academy, by and with the consent of the trustees shall have power to confer all such degrees as are usually conferred in academies of a like character.

Officers.

Degrees.

Exemption from taxation. Sec. 4. That the grounds and other property belonging to said academy for the benefit of said academy shall be and the same are hereby exempted from all taxation so long as they are used for the purposes of the academy.

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

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

Ratified this the 25th day of February, A. D. 1895.

CHAPTER 63.

An act for the relief of Samuel P. Austin, a disabled ex-confederate soldier.

The General Assembly of North Carolina do enact:

SECTION 1. That Samuel P. Austin of Alexander county, an ex-confederate soldier of company K, seventh (7th) regiment North Carolina volunteers, be and he is hereby placed upon the pension rolls of the state of the third grade, under chapter one hundred and ninety-eight of the laws of eighteen hundred and eighty-nine: *Provided*, that he shall be required annually to prove his incapacity for manual labor. Samuel P. Austin to be placed upon pension rolls, &c. Proviso.

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

Ratified this the 25th day of February, A. D. 1895.

CHAPTER 64.

An act to incorporate the Columbus Draining Company.

The General Assembly of North Carolina do enact:

SECTION 1. That B. F. Camp, J. A. Brown, J. A. Maultsby, D. J. Lewis, J. C. Williamson, their associates, successors and assigns, are hereby created a body politic and corporate, by and under the name and style of "The Columbus Draining 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, of constructing and operating canals and turnpike roads 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 as provided in chapter sixteen of The Code, entitled "Corporations." Incorporators. Body politic. Corporate name. General corporate powers.

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. Principal office and annual meeting shall be at Whiteville, N. C. Organization. Principal office at Whiteville, N. C.

Capital stock.

Sec. 3. That the capital stock of said corporation shall be such an amount as shall be fixed by the corporators herein named, not exceeding two hundred thousand dollars, at its organization; and the capital stock may be increased from time to time by vote of the stockholders, in the manner to be provided by the by-laws of the corporation, not to exceed ultimately one million dollars. Said capital stock may be divided into classes by the by-laws of the corporation, which said by-laws shall prescribe the amount or par value of the shares of the several classes and the manner of paying for the same and the transfer thereof; and each share shall entitle the holder to one vote in all meetings of the stockholders and all elections by them held.

Annual meeting.

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.

Proviso.

Issue of stock.

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.

Stockholders not personally liable.

Corporate powers.

Sec. 6. That the said corporation shall have full power and authority to take by gift, grant, devise or otherwise, and to have and to hold in fee simple or for term of years any real or personal estate situate in the state of North Carolina; to acquire lands and other property in said state not exceeding in value one million 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; to issue bonds or other evidences of debt of the corporation 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 the property lies shall constitute a lien on such property; to develop, drain, improve and turn to account any land or other property acquired by, or in which said 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 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

May issue bonds.

Corporate powers continued.

rolling stock, and other stocks, and operate tram, canals, 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; shall have power and authority to widen, deepen, change, straighten, extend or construct a canal or canals as to said corporation may seem best for the purpose of navigation with any and all kinds of boats, crafts or rafts, and for the purpose of drainage, the White Marsh swamp from where it empties into the Waccamaw river to the public road leading across Red Hill swamp in Welches creek township in the county of Columbus; to widen, deepen, change, straighten, extend or construct canals for the purposes above mentioned, as to said corporation may seem best, Sales' swamp from where it empties into said White Marsh swamp to the public road leading by Pinelog in said county; and is also empowered and hereby fully authorized to widen, deepen, change, straighten or extend the said Waccamaw river, or any part thereof from its head at Lake Waccamaw in said county to Pineway ferry in said county of Columbus, so as to make it more suitable for navigation or drainage; and the said corporation is also hereby authorized and fully empowered to ditch or canal all or any part of the said White Marsh swamp and any of its tributaries, and all other swamps or bays in said county of Columbus which they may deem necessary or fit, of such depth, width and length as they may think best, which ditches or canals they may at any time alter, enlarge, diminish or close up; and is hereby invested with the powers contained in sections sixteen hundred ninety-eight, sixteen hundred ninety-nine, seventeen hundred, seventeen hundred one, seventeen hundred two, seventeen hundred three, seventeen hundred four, seventeen hundred five, seventeen hundred six, seventeen hundred eight of The Code of North Carolina; and is hereby authorized and empowered to construct a canal for navigation with all kinds of boats, crafts or rafts from or near said Pineway ferry in said county Columbus to Little river, as said corporation may think best.

Condemnation of land.

Corporate powers continued.

Corporate powers continued.

Sec. 7. That said corporation shall have power to collect reasonable tolls on all persons, animals and merchandise of whatever kind the same may be, transported over any of the streams or canals so improved and opened up to navigation by said corporation.

Tolls.

Sec. 8. That said corporation shall have power to establish and construct turnpike roads across the said White Marsh swamp at such places as to them may seem most fit and proper, and connect the same with the public roads on either side of the said White Marsh swamp, and when said turnpike roads, or any one of them, shall be

Corporate powers continued.

reasonably well constructed so as to be in a safe passable condition for persons, vehicles and animals, the said corporation may erect on any or all of said turnpike roads gates at such places as they may desire, and collect such tolls as said corporation may fix, not to exceed the following rates: for hogs and cattle each three cents, loose horses five cents, single horseman twenty cents, one-horse wagon twenty-five cents, two-horse wagon forty cents, three-horse wagon sixty cents, four, five or six-horse wagon seventy-five cents, one-horse buggy forty cents, two-horse buggy fifty cents, two-horse carriage or other vehicles not herein mentioned, drawn by two or more horses, seventy-five cents: *Provided*, that said corporation shall at all times keep said road or roads in good condition.

Proviso.

Fifty feet on each side of canal to be presumed to be granted to said company, &c.

SEC. 9. That in the absence of any contract with the owner or owners of the land through which any of the said canals may be dug or made, it shall be presumed that the same, together with a space of fifty feet on each side of any and all said canals, measuring from the edge thereof, has been granted to said corporation, and unless the person or persons claiming said lands shall apply for damages to be assessed for same within two years from the completion of said canal or canals over said land, the said owner, and any and every one claiming under him, shall be forever barred from claiming said land or damages therefor, and the title to the same shall vest absolutely in said corporation in fee simple forever.

Damages to be applied for within two years or owner of land barred.

Misdemeanor to obstruct said canal, &c.

SEC. 10. That if any person shall obstruct any of said canals or other works of said corporation by cutting trees into or across the same, or in any other manner whatsoever, 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.

Corporate existence.

SEC. 11. That said corporation is hereby granted all the privileges contained in this charter, to them and their associates and successors for thirty years, and all laws and clauses of laws in conflict with this act are hereby repealed in so far as they affect this corporation and no farther.

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

Ratified this the 26th day of February, A. D. 1895.

CHAPTER 65.

An act to incorporate the Wake Banking and Security Company.

The General Assembly of North Carolina do enact:

Incorporators.

SECTION 1. That C. G. Latta, John C. Drewry, Van B. Moore, Frank T. Ward, N. W. West, C. B. Hart, P. H. Hughes, Charles E. Johnson, Charles H. Belvin and Robert C. Strong, or any three of them, and their successors, associates and assigns, are hereby constituted a body

corporate by the name of the "Wake Banking and Security Company," by which name said corporation shall have all franchises, rights and privileges incident to a corporation. Body corporate. Corporate name. General corporate powers.

SEC. 2. The corporators above named, or any three of them, may open books of subscription, and after ten thousand dollars have been subscribed, the subscribers may meet upon ten days' notice given by any three of the incorporators, and if a majority of said subscribers be present in person or by proxy they may elect a president and a board of five or more directors and such other officers as they may deem necessary, and said president and directors shall designate the par value or values of the shares of stock, make by-laws and manage the affairs of the company for one year, or until their successors are elected. The company shall have authority to transact business whenever one-half of the shares subscribed shall have been paid for: *Provided*, said one-half shall not be less than the sum of five thousand dollars. The capital stock may be increased by a majority vote of stockholders after ten days' notice, from time to time, to an amount not to exceed one million dollars; and increase may be from the earnings of the corporation. A majority of the directors may at any and all times have the authority to use any bank or banks of the city of Raleigh as a depository for any property; and if such bank is reasonably considered by them to be solvent and in good condition, they shall not be held responsible for any loss which might thereby occur in any manner. If any of the said directors should fail or refuse to act for any reason, the vacancy caused thereby shall be filled by the said board of directors. No person shall be eligible as a director who has not lawfully subscribed for five hundred dollars of stock according to the provisions of this act. At all stockholders meetings each share of stock shall be entitled to one vote, either in person or by proxy, and if shares for different amounts are issued, then each larger share shall entitle the owner to a proportionate number of votes according to its par value. Books of subscription. Organization. Directors. Officers. By-laws. Capital stock. Depository. Vacancy in directors, how filled. Stock vote.

SEC. 3. The corporation hereby created shall have power to make contracts; to have and use a common seal; to sue and be sued in any court as fully as natural persons; to buy, hold, possess and convey real, personal and mixed property; to make by-laws for the regulation and management of the business of the company; to do all lawful acts and things, and exercise all lawful powers and privileges which a corporate body may do. Corporate powers.

SEC. 4. That said company shall have power to borrow money in such amounts and at such rate of interest and payable at such times and places as the board of directors may determine, and issue its notes, certificates or registered or coupon bonds, under its corporate seal; it may receive on deposit on open account or on certificates of deposit and pay interest thereon or not. It may receive on deposit for safe keeping, gold, silver, paper money, bullion, precious metals, Corporate powers. May issue bonds. May receive gold, &c., on deposit.

jewels, plate, certificates of stock, evidences of indebtedness, deeds or muniments of title, or other valuables of any kind, and charge commission or compensation therefor, and for such compensation as may be agreed upon may guarantee titles to real estate or other property. It may subscribe to the capital stock of other joint stock companies, and may hold and vote the same.

Corporate powers.
Loan money, &c.

SEC. 5. The company may loan money on mortgage or deed of trust conveying real or personal property, or on other security, and may, at its option, take in payment for such loans, real or personal property, or it may have real or personal property consigned to it to sell to effect said payment, and it may charge a reasonable commission therefor; may buy real estate, lease, rent, mortgage and convey the same in trust or otherwise; may buy and sell stocks, bonds and other security; may discount bills of exchange, foreign or domestic, promissory notes or other negotiable papers. In case any borrower from said company fails or neglects to meet his obligation, it may exact and collect, besides the sum due and interest, reasonable costs, charges, commissions and expenses.

Corporate powers.
May act as agent or trustee, &c.

SEC. 6. The said company may act as the agent of or trustee for any state, county, municipality, body politic or corporate, or for any person or persons, and in such capacity may receive and disburse money and negotiate, sell, transfer, register and countersign certificates of stock, bonds or other evidences of indebtedness, and perform any other acts as such agent or trustee which any natural person might do or perform.

May act as surety, &c.

SEC. 7. That said company shall have power to become surety on the bond of any state, county, city or town official, or on the bond of any administrator, guardian, trustee, corporation or natural person, or on undertakings of all kinds in any court of justice, as fully as a natural person by the signature and justification of any of its executive officers authorized by the rules and regulations of the company to do so.

May act as executor, &c.

SEC. 8. The said company shall have power to act as executor, administrator, guardian, trustee, receiver or depository, and to take, accept and execute any and all such trusts and powers of whatever nature and description as may be conferred upon or entrusted or committed to it by any person or persons, or by any corporation, by agreement, grant, assignment, transfer, devise, bequest or otherwise, or by order of any court of record; and to receive, take, hold, manage and convey any property or estate, real or personal, which may be the subject of any such trust, and for compensation shall have such commission as may be fixed by law or may be agreed on. All of the property mentioned in this section which may be the subject of any such trust shall not in any manner be used or considered as a part of the assets of this corporation, but as the private property of the *cestui que* trust. In lieu of the bond required by law to be given

Trust property not to be deemed assets of said corporation.

by an administrator, guardian, trustee, receiver or other fiduciary, and before assuming any such trust under order of any court, the said company shall file in the office of the clerk of the superior court of Wake county an undertaking or bond with sufficient security, either personal or bonds of the state of North Carolina or of the United States, or of any county or city of the state of North Carolina, or any other security satisfactory to the court or officer authorized to accept the same, the said bond or undertaking conditioned as now required by law. But should it be made to appear to said court or clerk that the said company is solvent and safe, then the qualification of said company as hereinafter set forth in this section shall be deemed a sufficient undertaking, and the property of said company shall be liable for the faithful performance of its duties so imposed. And the superior court of Wake county or clerk thereof, whenever it shall be made satisfactory to appear by sworn testimony that it is necessary in order to secure the faithful performance of all of said trusts, may require the said undertaking and security to be enlarged sufficiently to secure the faithful performance of the same. A copy of such bond or undertaking duly certified under the seal of the superior court of Wake county, and if secured by the bonds of the state or United States, or of any county or city, or other security as aforesaid, a statement thereof so certified shall be evidence in all the courts of North Carolina, and the superior court wherein the said company shall have been appointed guardian, executor, administrator, receiver, trustee, fiduciary or depository, shall have the power to make orders respecting such trusts and to require the said company to render all accounts which said courts may lawfully make or require if such trustee were a natural person, and in accepting any of the trusts or powers hereunder the said corporation may qualify by any of its executive officers authorized by the rules and regulations of the company to do so.

How said corporation to give bond when acting in a fiduciary capacity.

Superior courts to make order as to such trusts, &c.

How corporation to qualify.

SEC. 9. The said company shall have discretionary power to invest the funds received by it in trust in the bonds of the United States, or of any state, or in bonds duly authorized to be issued by any county or incorporated city, or other securities, or in real and personal securities, and, unless otherwise specified in writing, for all such funds the company shall be liable in the same manner as a natural person would be.

How trust funds may be invested.

SEC. 10. That said company may conduct warehouses and depots for the storage of personal property, and the certificates or receipts issued therefor shall be negotiable by delivery, entitling the holder to the property mentioned in said certificates or receipts, without regard to the depositor of the property, and the said company shall exercise ordinary care in the custody and protection of property stored with it and may charge a reasonable compensation for all such services.

Storage warehouses, &c.

Banking laws to be exercised, &c.

SEC. 11. That all general banking laws made or that are hereafter made by the general assembly of North Carolina may be exercised by this corporation, provided they do not restrict or destroy in any manner the powers, rights or privileges herein granted.

Rights, &c., not forfeited by non-user. Proviso.

SEC. 12. That all the rights, powers or privileges as set forth in this act shall not be deemed forfeited by non-user: *Provided*, the corporation is organized within five years from the date of the ratification of this act.

Liability of stockholders.

SEC. 13. 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.

Conflicting laws repealed.

SEC. 14. That all laws and clauses of laws in conflict with this act are hereby repealed.

Branches.

Principal office in Raleigh.

SEC. 15. That said company may establish offices and agencies or transact business at such places as it may deem proper, but the principal office shall be in Raleigh, Wake county, North Carolina.

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

Ratified this the 26th day of February, A. D. 1895.

CHAPTER 66.

An act to place the name of John W. Queen of Macon county on the pension roll.

The General Assembly of North Carolina do enact:

John W. Queen placed on pension roll upon examination, &c.

SECTION 1. That the name of John W. Queen, of Macon county, be placed upon the pension roll of the state if upon examination by the county board of pensions of said county his injuries received in the late war between the states are deemed by said board sufficient to entitle him to draw a pension.

To be graded according to his injuries.

SEC. 2. If upon examination by said board the wounds and injuries received by said Queen as aforesaid shall be deemed sufficient to entitle him to a pension, his name shall be placed on the roll as aforesaid and he shall be graded according to his injuries.

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

Ratified this 28th day of February, A. D. 1895.

CHAPTER 67.

An act to pay D. H. Hamilton, administrator, forty dollars ($40) on account of two certificates for attendance given to I. R. Strayhorn, solicitor of fifth judicial district, by clerk of Orange superior court.

The General Assembly of North Carolina do enact:

D. H. Hamilton to be paid $40 in payment of certificates of attendance, &c.

Section 1. That the auditor be authorized and directed to issue a warrant to D. H. Hamilton, administrator of Isaac R. Strayhorn, for forty dollars ($40), in payment of certificates of attendance of the said Isaac R. Strayhorn, solicitor of fifth judicial district at November Term, eighteen hundred and eighty-eight (1888), and at March Term, eighteen hundred and ninety, of Orange superior court, given by the clerk of said superior court, attested by official seal and found by said administrator in examination of the papers and effects of said Isaac R. Strayhorn, deceased.

Treasurer authorized to pay warrant.

Sec. 2. That the treasurer be authorized and directed to pay said warrant out of any money in the treasury.

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

Ratified this the 28th day of February, A. D. 1895.

CHAPTER 68.

An act to extend the corporate limits of the town of Snow Hill in Greene county.

The General Assembly of North Carolina do enact:

Corporate limits of Snow Hill, Greene county, extended.

Section 1. That the corporate limits of the town of Snow Hill in the county of Greene be and they are hereby enlarged and extended by adding to and including within the same the tract or parcel of land lying contiguous thereto known as the "Oakview Farm" of W. J. Jordan, described as follows: Beginning at a stake on the Snow Hill and Goldsboro public road at the upper boundary of said town of Snow Hill; runs thence north thirteen degrees east to Harper's corner; thence east eleven (11) chains to a stake; thence southeastwardly to the present boundary line of said town; thence along said line to the beginning, containing twelve and a half (12½) acres.

Sec. 2. That this act take effect and be in force from and after its ratification.

Ratified this the 28th day of February, A. D. 1895.

CHAPTER 69.

An act to amend chapter ninety-four (94) of the private laws of eighteen hundred and ninety-three.

The General Assembly of North Carolina do enact:

Chapter 94, private laws 1893, incorporating the North State Brownstone Company, amended so as to add certain persons to the incorporators. Act re-enacted.

SECTION 1. That section one (1) of said act be amended by inserting after the word "that" the name of John Gatling, Albert P. Massey, T. H. McNeill, George C. Graves, and J. B. Broadfoot.

SEC. 2. That said act be re-enacted.

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

Ratified this the 28th day of February, A. D. 1895.

CHAPTER 70.

An act to amend an act incorporating the North Carolina Slate Company.

The General Assembly of North Carolina do enact:

Chapter 96, private laws 1893, incorporating N. C. Slate Company amended.

SECTION 1. That the private acts of the general assembly of North Carolina, chapter ninety-six, laws of one thousand eight hundred and ninety-three (1893), entitled "An act to allow the North Carolina Slate Company further time to organize," be and the same is bereby amended so that it shall read "slate" instead of "state" in the caption, and "slate" instead of "state" in third and seventh lines, and in line six strike out "ninety-six" and insert "ninety-seven" of the first section.

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

Ratified this the 28th day of February, A. D. 1895.

CHAPTER 71.

An act to amend and re-enact the charter of the State Company.

The General Assembly of North Carolina do enact:

Chapter 136, private laws 1891, incorporating New Wilksboro Land Company, and chapter 237, private laws 1893, as to same, amended.

SECTION 1. That chapter one hundred and thirty-six of the private laws of eighteen hundred and ninety-one entitled "An act to incorporate New Wilksboro Land Company," and ratified the twenty-eighth day of February, eighteen hundred and ninety-one, and the private laws of eighteen hundred and ninety-three amendatory thereof, ratified the fourth day of March, eighteen hundred and ninety-three, entitled "An act to amend the charter of the New

Wilkesboro Land Company and to change its name," be and the same are hereby amended so as to allow the incorporators in said acts named further time until the second Monday in March, eighteen hundred and ninety-seven, to open books and receive subscriptions for stock and to organize "The State Company" in said acts named, and its organization within said time shall have all the rights and privileges granted in said acts, and all of the said acts above referred to are hereby re-enacted, except as herein amended. Time for organization extended.

SEC. 2. That chapter one hundred and thirty-six of the private laws of eighteen hundred and ninety-one entitled "An act to incorporate the New Wilksboro Land Company," be amended by striking out in the first line of section three after the word "of" and before the word "thousand" the word "twenty" and inserting in lieu thereof the word "two." Section 3, chapter 136, private laws 1891, amended. May organize when $2,000 of capital stock subscribed.

SEC. 3. That the president and treasurer of said corporation may be one and the same person, and the said president and treasurer may appoint and discharge secretaries of said company, and may hold his office until his successor is elected and installed, and a failure to elect officers shall not forfeit the charter of said company. Consolidation of certain offices, &c.

SEC. 4. That all laws and parts of laws in conflict herewith are hereby repealed. Conflicting laws repealed.

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

Ratified this the 28th day of February, A. D. 1895.

CHAPTER 72.

An act to amend chapter forty-two (42) of the private laws of one thousand eight hundred and ninety-three (1893), and chapter forty-three (43), acts of eighteen hundred and seventy-six (1876) and eighteen hundred and seventy-seven (1877).

The General Assembly of North Carolina do enact:

SECTION 1. That section one (1), chapter forty-two (42) of the private laws of eighteen hundred and eighty-three (1883) shall be and the same is hereby repealed and the following inserted in lieu thereof, viz.: "Section one (1), that the corporate powers and authority granted to the town of Beaufort shall be vested in and exercised by a mayor and five commissioners. No person shall be eligible as mayor or commissioner unless he shall be eligible as a member of the legislature of the state, and shall have resided within the town ninety (90) days next preceding the election, and every commissioner elected by the people shall be a resident of the ward for which he shall be chosen ninety (90) days next preceding the day of election." Charter of Beaufort amended. Section 7, chapter 42, private laws 1893, amended. Officers to be a mayor and five commissioners. Qualification of mayor and commissioners.

Section 2 of said law repealed.

Sec. 2. That section two (2) of chapter forty-two (42) of the private laws of eighteen hundred and eighty-three (1883), shall be and the same is hereby repealed, and the following inserted in lieu thereof, viz.: "That one commissioner shall be elected by the qualified voters of each ward respectively for each of the five wards of said town, who, within five days after his election, shall convene and qualify before some justice of the peace."

One commissioner for each of five wards.

Mayor to be elected by popular vote.

Sec. 3. That the mayor shall be elected by the qualified voters of the town of Beaufort.

Section 3 of said law repealed.

Sec. 4. That section three (3) of said chapter forty-two (42) of the acts of eighteen hundred and eighty-three (1883) shall be and the same is hereby repealed and the following inserted in lieu thereof, viz.: Section three (3), if any vacancy shall occur in the board of commissioners by any commissioner failing to qualify in the time prescribed by law, or after qualifying shall fail to serve, or occurring from any cause, the commissioners-elect who have qualified shall fill the vacancy so occurring, and such persons only shall be chosen as are heretofore declared to be eligible.

Vacancies in commissioners.

Section 7, chapter 43 private laws 1876 and 1877, repealed.

Sec. 5. That section seven (7) of chapter forty-three (43) of the laws of eighteen hundred and seventy-six (1876) and eighteen hundred and seventy-seven (1877) shall be and the same is hereby repealed, and the following inserted in lieu thereof, viz.: The town of Beaufort shall be divided into five wards, as follows: All that part of the town which lies west of Orange street shall constitute the First (1st) ward; that part which lies between Orange and Craven streets shall constitute the Second ward; that part which lies between Craven and Pollock streets shall constitute the Third (3) ward; that part which lies between Pollock and Live Oak streets shall constitute the Fourth (4) ward; that part which lies east of Live Oak street shall constitute the Fifth (5) ward. Each of said wards shall elect one commissioner respectively, who shall be a resident of said ward.

Divided into five wards.

Boundaries.

Election of mayor.

Sec. 6. That the mayor shall be voted for in one box at the same time and place that an election is held for commissioners, and the person receiving the highest number of votes shall be duly declared elected, as now provided by law

Elections to be held at town hall.

Sec. 7. That the election for mayor and five commissioners shall be held at the town hall in the town of Beaufort, and that the commissioners may, in case of fire or other good cause, designate some other convenient place for holding said election in place of said town hall; that there shall be a separate box for the votes for mayor and five separate boxes, one for each ward, for the votes for commissioners; that the voters of each ward shall vote for commissioners for their own ward only in the box provided for that purpose, and for mayor in the box provided for that purpose.

Ballot boxes.

Vacancy in office of mayor.

Sec. 8. The mayor elected shall duly qualify before some justice of the peace within five days after his election, and in case he shall fail

to qualify, or there shall be a vacancy from any cause, said vacancy shall be filled by the commissioners. The mayor shall preside at all meetings, and in case of a tie shall give the casting vote on all questions which may come before said board. Duties of mayor.

SEC. 9. That all laws and clauses of laws in conflict with this act shall be and the same is hereby repealed. Conflicting laws repealed.

SEC. 10. That this act shall go into effect and all of its provisions be fully carried out at the next general election in the town of Beaufort on the first Monday in May, anno domini one thousand eight hundred and ninety-five, and that said wards laid off in this act shall be the wards for said election. When act to go into effect.

Ratified this the 2d day of March, A. D. 1895.

CHAPTER 73.

An act to incorporate Cedar Rock Academy.

The General Assembly of North Carolina do enact:

SECTION 1. That J. A. Coppedge, R. R. Boone, W. G. Collins, J. W. Sledge and W. A. Parish, their associates and successors, are hereby created a body politic and corporate under the [name] and style of the "Cedar Rock Academy 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 name and capacity such real and personal property as may be necessary and suitable for maintaining a school of high grade for boys and girls at "The Cedar Rock Academy," or elsewhere in Franklin county that they may desire, with power to borrow money on the said property and convey the same by mortgage or deed absolutely as may seem best and most expedient by the above-named company, also with power to make all needful rules and regulations and by-laws for their own government and for the government of said school. Incorporators. Body politic. Corporate name. Corporate powers. By-laws.

SEC. 2. That said "Cedar Rock Academy Company" may at their option increase their number by choosing others, not to exceed fifteen, and may likewise fill all vacancies occurring therein and may have all the corporate powers of trustees of like associations and institutions. Increase of trustees, &c.

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

Ratified this the 2d day of March, A. D. 1895.

CHAPTER 74.

An act to incorporate The Tarboro Collegiate Institute of Tarboro, North Carolina.

The General Assembly of North Carolina do enact:

Incorporators.

SECTION 1. That Mary Whitehurst, and such other persons as she may wish to associate with her, and their successors, are incorporated a body politic for educational purposes under the name of "The Tarboro Collegiate Institute," with all the rights, powers, privileges and duties of such corporations.

Body politic.
Corporate name.
General corporate powers.

Certificates, diplomas, &c.

SEC. 2. That they shall have power to grant certificates of merit, diplomas, or other evidences of merit or proficiency in any of the departments of science and language, either classical or English.

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

Ratified this 2d day of March, A. D. 1895.

CHAPTER 75.

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, charter of Kinston, amended.
Sections 2 and 3 of said act repealed.
Corporate limits of Kinston changed.

SECTION 1. That the charter of the town of Kinston, Lenoir county, be amended as follows: That sections two and three, chapter thirty-three, private laws of eighteen hundred and eighty-five, be and the same are hereby repealed, and the following substituted therefor: That the corporate limits of said town of Kinston shall hereafter be comprised within the following boundaries, viz.: Beginning on Neuse river bank on A. Mitchell's land, running north twenty east to a tree on the east side of the Kinston and Snow Hill road, near where the Goldsboro road comes into said Kinston and Snow Hill road, then south eighty-seven and a-half east one hundred and sixty-four poles to a stake just over the Wilmington and Weldon railroad, then south five and a-half west sixty-three poles to a ditch twenty feet from the said Wilmington and Weldon railroad, then south thirty-six east to Tower Hill road, then south thirteen west to a telegraph pole on the Atlantic and North Carolina railroad, then the same course to the canal in R. B. West's field, then with said canal to the old road leading from said town of Kinston to the iron bridge across Neuse river, then north fifteen east to a maple near the Stubbs house, then north fifteen west to Neuse river, then up said river to the beginning.

Sec. 2. That the said town of Kinston be and the same is hereby divided into three wards, denominated the First, Second and Third. Divided into three wards. The First ward is bounded as follows: Beginning at Neuse river bank on A. Mitchell's land and runs with the western boundary line of said town north twenty east to a tree on the east side of the Kinston and Snow Hill road, near where the Goldsboro road comes into said Kinston and Snow Hill road, referred to in section one of this act; then with the northern boundary line of said town to the center of Queen street in said boundary line; then south down the center of said Queen street to the center of Bright street; then east with the center of said Bright street to the center of Independent street; then south with the center of said Independent street to the canal in R. B. West's field, the southern boundary line of said town; then west up said canal to the old road leading from said town to the iron bridge across Neuse river; then north fifteen east to a maple near the Stubbs house; then north fifteen west to Neuse river; then with said river to the beginning. First ward. The Second ward is bounded as follows: Beginning in the center of Queen street, corner of ward number one in the northern boundary line of said town, and runs eastwardly with said boundary line to the center of Independent street in said boundary line; then south down the center of said Independent street to the center of Bright street, corner of ward number one; then west up the center of said Bright street to the center of said Queen street; then north up said Queen street to the beginning. Second ward. The Third ward is bounded as follows: Beginning in the center of Independent street, corner of ward number two in the northern boundary line of said town, and runs eastwardly with said boundary line to a stake just across the Wilmington and Weldon railroad; then with the eastern boundary line of said town to the canal in R. B. West's field; then westwardly with said canal, the southern boundary line of said town, to the center of said Independent street in said southern boundary line; then north up the center of said Independent street to the beginning. Third ward.

Sec. 3. That in lines eleven and twelve, section four of said chapter, strike out the words "not exceeding in value one hundred thousand dollars." Section 4 amended. May hold property to any amount

Sec. 4. That in line five, section five of said chapter, strike out the word "one" and insert the word "two;" in line six of said section, strike out the word "two" and insert the word "one;" in said line six of said section strike out the word "one" and insert the word "two;" and in line seven of said section strike out the words "the fourth ward shall elect one commissioner." Second ward to elect one commissioner and others two each.

Sec. 5. That in line one, section eighteen of said chapter, after the word "elect" add the words "a mayor and," and in line six of said section after the word "for" add the words "a mayor and." In case of failure to hold election at proper time, mayor to be elected by popular vote after notice.

Sec. 6. That in line twenty-one, section nineteen of said chapter

Sections 19, 20 and 35 of said act amended. Penalties changed.

strike out the word "thirty" and insert the word "ten;" in line five, section twenty of said chapter, strike out the word "fifty" and insert the word "twenty;" in line seven of said section twenty strike out the word "thirty" and insert the word "ten," and in line nine, section thirty-five of said chapter, strike out the word "fifty" and add the word "twenty," and in line ten of said section thirty-five strike out the word "thirty" and insert the word "ten."

Section 51 repealed. Separate graveyards for white and colored.

Sec. 7. That section fifty-one of said chapter be and the same is hereby repealed, and the following substituted therefor: That they may provide graveyards—at least one for the white race and one for the colored race—in or near the corporate limits and regulate the same, and may appoint and pay keepers: a white keeper for that of the white race, and a colored keeper for that of the colored race, and compel the keeping and returning bills of mortality, and they may prohibit interments within the town.

Chapter 117, private laws of 1893, amending said act of 1885, repealed.

Sec. 8. That chapter one hundred and seventeen, private laws of eighteen hundred and ninety-three, entitled an act to amend the charter of the town of Kinston, Lenoir county, chapter thirty-three, private laws of eighteen hundred and eighty-five be and the same is hereby repealed.

Conflicting laws repealed.

Sec. 9. That all laws and clauses of laws coming in conflict with this act shall be and the same are hereby repealed.

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

Ratified this the 2d day of March, A. D. 1895.

CHAPTER 76.

An act for the relief of Thomas T. Combs and Wilson S. Davenport, of Tyrrell county.

Preamble.

Whereas, Thomas T. Combs and Wilson S. Davenport, of the county of Tyrrell, who were enlisted men in company A, thirty-second (32) North Carolina regiment, and who, from wounds and exposure, have become unable to do manual labor; therefore,

The General Assembly of North Carolina do enact:

Thos. T. Combs and Wilson S. Davenport put upon pension roll.

Section 1. That Thomas T. Combs and William S. Davenport, of Tyrrell county, be placed on the pension roll in class two.

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

Ratified this 2d day of March, A. D. 1895.

CHAPTER 77.

An act for the relief of John J. Sizemore.

The General Assembly of North Carolina do enact:

SECTION 1. That John J. Sizemore, of Buncombe county, a blind and helpless Confederate soldier, be placed on the roll of first-class pensioners. John J. Sizemore placed on pension roll.

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

Ratified this the 2d day of March, A. D. 1895.

CHAPTER 78.

An act to incorporate Wilmington Lodge, number three hundred and nineteen (319), Ancient Free and Accepted Masons, in the city of Wilmington, North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That the master, wardens and members who at present are or in future may be of Wilmington Lodge, number three hundred and nineteen (319), of Free and Accepted Masons, located in the city of Wilmington, in the county of New Hanover, are hereby constituted and declared to be a body corporate under the name and title of "Wilmington Lodge, number three hundred and nineteen (319), Ancient Free and Accepted Masons," and by such name shall have perpetual succession, and may have a common seal, may sue and be sued, plead and be impleaded, acquire, hold and transfer property, and pass all such necessary by-laws and regulations as shall not be inconsistent with the constitution and laws of this state or the constitution of the United States. Incorporators. Body corporate. Corporate name. Corporate powers.

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

Ratified this 2d day of March, A. D. 1895.

CHAPTER 79.

An act to amend and extend the time of organizing the Wilkes county bank and to change its name.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and thirty-eight (138) of the private laws of one thousand eight hundred and ninety-three (1893), entitled an act to incorporate the Wilkes County Bank, and ratified the twenty-eighth day of February, one thousand eight hundred and ninety-three (1893), be amended by striking out the words "Wilkes Chapter 138, private laws 1893, charter of Wilkes county bank, amended.

Name changed to Drummer's Deposit bank.

County Bank" wherever or whenever they may occur in said chapter, and inserting in lieu thereof the words "Drummer's Deposit Bank;" by adding to section six (6) of said chapter the following: Said bank shall have power to own, construct and operate safe deposit boxes for the safe-keeping of valuable papers and sundry articles, to receive such papers and articles and to charge for the safe-keeping of the same; and that if the incorporators of said bank should decide to organize and establish said bank in some other town in North Carolina instead of North Wilkesboro, Wilkes county, it shall be lawful for them to do so, and it shall also be lawful for them to strike out the words "North Wilkesboro, Wilkes county," whenever they may occur in said chapter, and insert in lieu thereof the name of whatever town and county they may adopt in this state for their bank.

Safe deposit boxes, &c.

May change location of bank,

Time for organization extended.

SEC. 2. That the time of organizing the said bank is hereby extended for two years, and upon its organization within said time it shall have all rights and privileges granted in said act of one thousand eight hundred and ninety-three (1893).

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

Ratified this the 2d day of March, A. D. 1895.

CHAPTER 80.

An act to allow Dr. Jas. H. Henderson, of Charlotte, North Carolina, to act as guardian of Margaret E. Henderson without giving bond.

The General Assembly of North Carolina do enact:

Dr. J. H. Henderson, of Charlotte, allowed to act as guardian of Margaret Henderson without giving bond.

SECTION 1. That Dr. Jas. H. Henderson, of Charlotte, North Carolina, be allowed to act as guardian of Margaret E. Henderson without being required to give bond as directed by section fifteen hundred and seventy-four (1574) of The Code.

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

Ratified this the 2d day of March, A. D. 1895.

CHAPTER 81.

An act to incorporate the Bingham School.

The General Assembly of North Carolina do enact:

Incorporators.

Incorporated.

Corporate name.

Corporate powers.

SECTION 1. That Robert Bingham, and those who may be associated with him, be incorporated into a company under the name and style of "The Bingham School," with the usual rights, powers, privileges and duties of such corporations, for the purpose of carrying on a military and classical academy, and this corporation shall have power to confer such degrees and marks of honor as are usually conferred by literary institutions.

SEC. 2. That the governor shall be empowered to grant a commission to the superintendent of the aforesaid military and classical school: *Provided*, the rank so conferred shall be no higher than that of Colonel; and that the governor be empowered to grant commissions to such other officers of the said school as may be recommended by the superintendent: *Provided*, the rank so conferred shall be no higher than that of captain, and only such officers shall be recommended by the superintendent as are essential to the efficiency of said school. Commissions. Proviso.

SEC. 3. That the Governor shall be empowered to grant commissions by brevet in not exceeding the grade of captain to the three most distinguished students in military science graduated each year from Bingham School: *Provided*, that commissions by brevet given under this act shall carry with them no authority except under an assignment to duty by order of the governor of North Carolina. Commissions by brevet. Proviso.

SEC. 4. *Be it further enacted*, that officers commissioned as herein provided shall take rank according to date of commission with officers in the state guard of North Carolina. Officers so commissioned to rank with officers of state guard.

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

Ratified this 2d day of March, A. D. 1895.

CHAPTER 82.

An act to incorporate Plantagenet Commandery, number one (1), Knights Templar, in the city of Wilmington, North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That the eminent commander, generalissimo, captain general and members who at present are or in the future may be of Plantagenet Commandery, number one (1), Knights Templar, located in the city of Wilmington, North Carolina, in the county of New Hanover, are hereby constituted and declared to be a body corporate under the name and title of "Plantagenet Commandery, number one (1), Knights Templar," and by such name shall have perpetual succession, and may have a common seal, may sue and be sued, plead and be impleaded, acquire, hold and transfer property, and pass all such necessary by-laws and regulations as shall not be inconsistent with the constitution and laws of this state or the constitution of the United States. Incorporators. Body corporate. Corporate name. Corporate powers.

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

Ratified this the 2d day of March, A. D. 1895.

CHAPTER 83.

An act for the relief of Mary Mayes of Caswell county.

The General Assembly of North Carolina do enact:

County treasurer of Caswell to pay Mary Mayes $30.

Section 1. That the county treasurer of Caswell county be and is hereby directed to pay out of the school funds of district number fourteen, school district, county of Caswell, the sum of thirty dollars to Mary Mayes for teaching school in the said district.

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

Ratified this the 2d day of March, A. D. 1895.

CHAPTER 84.

An act to incorporate Bethel Methodist Episcopal Church, Alamance county.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That James M. Rice, J. M. Garrison, S. R. Story, Geo. A. Garrison, E. J. Brooks, W. H. Evans and A. W. Wilson, and their

Body corporate.

successors in office, be and the same are hereby incorporated under

Corporate name.

the name and style of "Trustees of Bethel Methodist Episcopal Church," in Morton township, Alamance county, and by that name

Corporate powers.

may sue and be sued, plead and be impleaded, and shall have all powers of like institutions.

Officers.

Sec. 2. That said trustees may meet at their pleasure and elect one of their number chairman and one secretary and treasurer, and said trustees shall fill all vacancies by a majority vote at any meeting of said trustees.

Incorporate limits.

Sec. 3. That the incorporate limits shall be one and a-half miles (1½) in every direction from said church so as to form a complete circle or a radius from said church.

Selling liquor within incorporate limits prohibited.

Sec. 4. That it shall be unlawful for any person or persons to sell, directly or indirectly, spirituous or intoxicating liquors within the limits of said incorporation, and any person or persons violating the

Misdemeanor.

provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty ($50) dollars, or imprisoned not more than thirty (30) days.

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

Ratified this the 2d day of March, A. D. 1895.

CHAPTER 85.

An act to repeal the present charter of Elizabeth City and recharter the city.

The General Assembly of North Carolina do enact:

Charter of Elizabeth City and amendments thereto repealed.

SECTION 1. That the charter of Elizabeth City, and all amendments thereof, be and the same are hereby repealed, and all offices created thereby, are hereby abolished, and all officers of the city shall cease to exercise the duties of their offices, except as provided in section forty-nine of this act.

Corporate limits.

SEC. 2. The corporate limits of Elizabeth City shall be bounded as follows: Beginning on Pasquotank river, at the mouth of Knobb's creek, following the several courses of said creek westerly to a bend in said creek nearest Road street; thence in a direct line to Road street; thence in a southerly direction down Road street, east side, to a point opposite the dividing line of the lands of M. N. Sawyer and Gregory & Skinner, west side of said Road street; thence across Road street west to said point; thence westerly along said line to the Norfolk and Southern Railroad track; thence down said track, thence down said track in a southwesterly direction to the present extreme westerly limits of the city; thence southerly along the present city limits to the projected extension of Church street; thence down the said projected extension of Church street to the present city limits at Daughty lane; thence in a southerly course down said present city limits (at Daughty lane), following a direct course, east side of said Daughty lane, to a point on Body road; thence in an easterly direction from said point in a direct line to the dividing line between the properties of Elisha Overton and Alexander Wadsworth on Pear Tree road; thence in a northeasterly direction down Pear Tree road, west side, to Road street; thence in an easterly direction from Road street, north side, down the road in front of Hollywood Cemetery to Martin street, extended; thence following this road in its several courses, north side, to the road extension of Factory avenue; thence from said road east to a point opposite Butler's lane, at its intersection with Park street; thence following Butler's lane, west side, in a northerly direction to the Pasquotank river; thence taking the several courses of Pasquotank river up to Knobb's creek, the place of beginning.

Divided into five wards.

SEC. 3. The town of Elizabeth City shall be divided into five wards known respectively as the First, Second, Third, Fourth, and Fifth wards.

First ward.

The First ward shall be bounded as follows: Beginning on Pasquotank river at the mouth of Knobb's creek, following the several courses of said creek westerly to a bend in said creek nearest Road street; thence in a direct line to said Road street; thence in a southerly direction down Road street, east side, to a point opposite

the dividing line between the properties of M. N. Sawyer and Gregory & Skinner, on west side of said Road street; thence across said street to said dividing line; thence up said line westerly to the Norfolk and Southern Railroad track; thence down said track in a southerly course to Parsonage street; thence down Parsonage street to Poplar street; thence in a northerly direction on Poplar street to Cypress street; thence in an easterly direction down Cypress street crossing Road street to the lane between First and Second avenues; thence in a southerly direction down said lane to Pleasant street; thence in an easterly direction down Pleasant street to Poindexter street; thence in a southerly course on Poindexter street to Pearl street; thence in an easterly course down Pearl street to the Pasquotank river; thence in a northerly course up Pasquotank river to Knobb's creek, the place of beginning.

Second ward.

The Second ward shall be bounded as follows: Beginning on Pasquotank river at the foot of Pearl street, thence in a westerly direction up Pearl street to Poindexter street; thence in a northeasterly direction up Poindexter street to Pleasant street; thence in a westerly direction up Pleasant street to the lane between First and Second avenues; thence in a northeasterly course up said lane to Cypress street; thence in a westerly course up Cypress street to a point opposite Poplar street; thence in a southerly direction from said point down Poplar street to Parsonage street; thence following Parsonage street to the track of the Norfolk and Southern railroad; thence in a southwesterly course along said track to the present city limits on said track; thence a due course down said present city limits to the westerly projection of Church street; thence in an easterly course down said projection of Church street, and Church street to Cobb street; thence in a northerly course up Cobb street to Main street; thence in an easterly course down Main street to Road street; thence in a southerly course down Road street to Canal bridge across Tiber creek; thence in an easterly direction down its several courses to the Pasquotank river; thence in a northerly course up Pasquotank river to the foot of Pearl street, the place of beginning.

Third ward.

The Third ward shall be bounded as follows: Beginning at Canal bridge across Tiber creek on Road street; thence in a northerly direction up Road street to Main street; thence in a westerly direction up Main street to Cobb street; thence in a southerly direction down Cobb street to Church street; thence in a westerly course up Church street to Daughty lane (the present city limits); thence in a southerly course down said present city limits to a point opposite Speed street; thence in an easterly course direct to Speed street; thence down Speed street to Road street; thence in a northerly course up Road street to the Canal bridge across Tiber creek, the place of beginning.

Fourth ward.

The Fourth ward shall be bounded as follows: Beginning at Canal bridge across Tiber creek on Road street; thence in an easterly direction down the several courses of said creek to Martin street, extended; thence in a

southerly direction down said Martin street, extended, to the road in front of Hollywood cemetery; thence in a westerly direction to Road street, northside; thence in a southerly course from Road street along the west side of Pear Tree road to the dividing line between the properties of Alexander Wadsworth and Elisha Overton, on said Pear Tree road; thence in a westerly course from said dividing line to a point on Body road on a line with the present city limits, on Daughty lane; thence in a northerly course to the present city limits; thence along said present city limits in a northerly course to a point opposite Speed street; thence in an easterly course down Speed street from said point to Road street; thence in a northerly course down Road street to Canal bridge across Tiber creek, the place of beginning. The Fifth ward shall be bounded as follows: Beginning at the mouth of Tiber creek on Pasquotank river; thence in a westerly course along the several courses of said creek to Martin street, extended; thence in a southerly course down Martin street, extended, to the road in front of Hollywood cemetery; thence in an easterly course down said road, north side, to Harrington's bridge; thence in a southeasterly course from north side of said bridge along said road, north side, to the southeast corner of J. L. Sawyer's property; thence in an easterly direction to a point opposite the intersection of Butler's lane and Park street; thence in a northerly direction from said point down Butler's lane, west side, to the Pasquotank river; thence in a westerly course along said Pasquotank river to the mouth of Tiber creek, the place of beginning. Fifth ward.

Sec. 4. The first election for commissioners under this act shall be held on the second Monday in May, eighteen hundred and ninety-five, and shall be called and notice thereof given by the sheriff of Pasquotank county not later than the first Monday in April, eighteen hundred and ninety-five. He shall order an entire new registration of voters, shall appoint one registrar and two poll-holders in each ward, who shall be qualified voters in the ward in which they are appointed. He shall also designate the polling places in each ward and provide boxes for the ballots. First election. New registration, &c.

Sec. 5. The next or second election shall be held on the second Monday in May, eighteen hundred and ninety-seven, and succeeding elections biennially thereafter. These elections shall be ordered by the board of town commissioners, and notice thereof given at least four weeks preceding the same, and they shall appoint the registrars and poll-holders and designate the polling places and provide ballot boxes as named in section four hereof. Elections.

Sec. 6. Every male person of the age of twenty-one years who is qualified to vote for representative in the legislature of North Carolina, and who has resided in the corporation ninety days, and in the ward in which he offers to vote for fifteen days immediately preceding the election, shall be a qualified voter in said ward. Qualifications of electors.

Registration.

Sec. 7. The registrars in their respective wards shall open their books for the purpose of registering such persons as apply for registration at least fifteen days prior to the ensuing election, and keep the same open until twelve o'clock M., of the Saturday preceding the election.

All persons who take oath to be registered.
Oath of electors.

Sec. 8. The said registrars shall register all such persons as make application, and take oath to be administered by said registrar as follows: "I do solemnly swear (or affirm) that I will support the constitution of North Carolina and of the United States; that I am twenty-one years of age, and have lived in North Carolina for one year, in the corporation of Elizabeth City ninety days, and in the ward fifteen days: so help me God."

Registrar to be sworn.

Sec. 9. Before entering upon the discharge of his duties each registrar shall make oath before some one authorized by the laws of North Carolina to administer oaths, that he will faithfully and impartially perform the duties of his office. A certificate of the administering of said oath shall be made in the registration book by the party administering the same, with the date of administration.

Certificate of oath to be made in the registration book.

Registration books open to inspection.
Challenges.
Notice of challenge in writing must be served upon the person challenged.
No challenges on day of election.

Sec. 10. The registrars and poll-holders shall meet at the polling places in their respective wards on the Saturday before the election to hear and determine challenges that may be made of any person registered in said ward. But before they proceed to determine the right of any person to vote they shall require proof of notice to the party challenged. Said notice must be in writing. It may be signed by any voter in the ward, but must be served by the constable or any officer of the county authorized to execute civil process. No challenge shall be considered on the day of election.

Name of person not entitled to vote to be erased, &c.

Sec. 11. Whenever it is decided that a party registered is not entitled to vote the registrar shall erase his name from the book, writing opposite the date of the erasure and the cause thereof. In case the poll-holders cannot decide, the registrars shall.

When polls to be opened and closed.
Manner of voting.

Sec. 12. On the morning of the election the registrars and poll-holders of each ward shall meet at the polling places of their respective wards, and after being duly sworn shall proceed to open the polls at sunrise and receive the votes, depositing the same in the box prepared for that purpose. The polls shall be closed at sunset.

Names of voters to be checked off by registrar and pollholders to keep list.
May appoint a recorder of votes.

Sec. 13. The registrar shall check off the name of each man as he votes, and the poll-holders shall keep a list of those who vote, and to enable them to do so they may appoint a recorder of the votes. In case they cannot agree upon the recorder the registrars shall appoint.

How boxes to be opened and the ballots counted.

Sec. 14. Immediately after the closing of the polls the poll-holders and registrars shall proceed to count the votes cast in the presence of such voters as may desire to attend, and make three certificates thereof; one to the clerk of the board of commissioners; one to the sheriff of Pasquotank county, and one to the commissioners elect; said certificates shall state the number of votes cast for each candi-

Certificates, to whom sent.

date, the ward in which they were cast, the date of the election, and be signed by at least two of the poll-holders, or by the registrar and one of the poll-holders. By whom certificate signed.

Sec. 15. Should there be more votes in the box than the recorder's list shows to have been cast, and the poll-holders shall be of the opinion that the excess was placed there fraudulently and the result of the election is thereby affected, they shall certify such to the commissioners elect at their first meeting, who shall declare the election in said ward void and proceed to fill the vacancy. But should the excess appear to the poll holders to be accidental they shall select some child who cannot read to draw said excess from the box, one vote at a time. Should two or more votes be folded together the poll-holders shall reject them. The ballots shall contain the name of only one person, printed or written, on white or colored paper, with or without device. Effect of fraudulent excess of votes. Accidental excess Two or more ballots folded together to be rejected. Ballots.

Sec. 16. The certificates to the clerk, the books of registration and the lists kept by the recorders shall be filed with the clerk of the board of commissioners within three days after the election, and the clerk shall notify the commissioners-elect of their election within five days thereafter. Certificates, &c., to be filed with clerk of board of commissioners. Clerk to notify person elected.

Sec. 17. Should the board of commissioners or the clerk fail to perform the duties imposed upon them in any of the preceding sections within five days from the time the same ought have been done, the sheriff of Pasquotank county is hereby directed and empowered to make the appointments and perform the acts imposed upon said commissioners and clerk, and each and every one of them shall be deemed guilty of a misdemeanor and imprisoned or fined or both, in the discretion of the court. Upon failure of commissioners or clerk to act, sheriff of Pasquotank to perform said duties. Misdemeanor.

Sec. 18. On the first Monday in June the commissioners-elect, after having taken and subscribed an oath or affirmation before some justice of the peace for said county to support the constitution of the United States, the constitution of North Carolina, and to perform faithfully the duties of their offices (which oath or affirmation shall be entered upon the minutes of the corporation, subscribed as aforesaid and attested by some justice), shall take their seats and continue in office until their successors have been elected and qualified. They shall organize by appointing one of their number chairman, and shall first proceed to fill vacancies caused by death or failure to elect in any ward, whether by virtue of a tie or on a certificate of fraud. Commissioners elect, when and how to qualify. Organization. Vacancies filled.

Sec. 19. After the said board has organized they shall proceed to the election of a mayor, clerk, treasurer, constable, city attorney, street commissioner, two fire commissioners, and five policemen, who shall hold office during the term of the board of commissioners appointing same, subject to be removed at any time for misconduct: *Provided*, that the board can at any time, even after their appoint- Commissioners to elect mayor and other officers. Proviso.

ment, reduce the number or entirely discontinue the whole of the police.

Powers of said commissioners. Ordinances.

Sec. 20. The board of commissioners of Elizabeth City shall have power to make and provide for the execution thereof of such ordinances for the government of the city as they may deem necessary, not inconsistent with the laws of the land, and they shall have power, by all needful ordinances, to secure order, health, quiet and safety within the city limits and for one mile beyond; to establish one or more markets, and to require the sale of such articles therein as they may deem proper; to take all necessary means to prevent and extinguish fires; to make regulations for the observance of the Sabbath; to appoint town watches; suppress and remove nuisances; to control and regulate the keeping of powder within the town; to regulate the speed of riding and driving on the public streets; to keep, or require to be kept, the sidewalks clear of all obstructions; to cut and remove all limbs, branches and parts of trees or shrubbery extending upon or overhanging the sidewalks or streets at the expense of the owners of the adjacent lots who may refuse to do the same on five days' notice from the mayor of the town; and regulate building and building material within specified limits.

May fill vacancies and appoint necessary officers.

Sec. 21. The board of commissioners shall have power to fill any vacancies in the board that may occur during their term of office, and also to appoint all officers that 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.

Infectious and contagious diseases.

Sec. 22. The board of commissioners may take such means as they deem effectual to prevent the entrance into the town of any contagious or infectious disease; may stop, detain and examine for that purpose every train, conveyance or vehicle coming from places believed to be infected with such disease; may establish and regulate hospitals within the town or within three miles thereof; may cause any person in the town suspected to be infected with such diseases, and whose stay may endanger health, to be removed to the hospitals; may remove from the town or destroy any furniture or other articles which may be suspected of being tainted or infected with contagious or infectious disease, or which there shall be reasonable cause to apprehend that they may pass into such a state as to generate disease. With the view of preserving the health of the city a port physician may be appointed when deemed necessary.

Port physician.

Judgment against person removed to hospital for nursing, &c.

In case of death, judgment for burial expenses, &c.

Sec. 23. That in case any person be removed to the hospital the board of commissioners may obtain before the mayor or any justice of the peace a judgment against such person for the expense of his or her removal, support, nursing and medical attendance, and in case of death against his or her legal representative, and in that event burial expenses also, if the city incurs that expense.

Streets.

Sec. 24. 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, change or extend or discontinue any street or streets, or any part thereof, within the corporate limits of the town, and shall have full power and authority to condemn, appropriate or use any land or lands necessary for any of the purposes named in this section, upon making a reasonable compensation to the owner or owners thereof. But in case the owners of the land and the commissioners cannot agree upon the price the said commissioners shall appoint five disinterested freeholders, residents of Elizabeth City, who shall assess the land to be condemned and make report to the commissioners. If the commissioners accept the report they shall pay or tender to the said landowner the amount assessed in legal tender of this country, and thereupon the title shall become vested in said commissioners and their successors. If the landowner shall think the amount assessed is below the actual value of the land taken, nothing herein shall be construed to deprive him of his right of appeal or suit *de novo* for damages against the corporation for the value of the land taken.

Condemnation of land.

Appeal in condemnation cases.

Sec. 25. The board of commissioners of the city shall have power annually to impose, levy and collect a tax for general corporation purposes, not exceeding fifty cents on the one hundred dollars assessed valuation, as made and accepted by the county commissioners of Pasquotank county, upon all real and personal estate within the corporate limits of said city, and may levy a tax equal to the state tax upon all other subjects of taxation taxed by the general assembly for public purposes.

Taxation.

Sec. 26. 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 electric light company; each express company; each telegraph office; each broker or banker's office; dealer in patent rights; commission merchants and commercial brokers; each distiller of fruit or grain; each livery-stable keeper; every non-resident huckster or trader, or agent of such, who buys produce for sale in other markets; each rectifier and compounder of spirituous liquors; each gift enterprise or lottery; each dray; each omnibus; each circus; each travelling theatrical company; each person or company making any exhibit or show for compensation; each billiard table or pool table; each ten-pin alley used by the public.

License taxes.

Sec 27. That no person shall retail or sell any spirituous liquors, wine, cordial, ale, porter, lager beer, or any other spirituous, vinous, or malt liquors by a less measure or in less quantities than three gallons within the corporate limits without first having obtained a license therefor from the board of commissioners.

Sale of liquors.

Live stock running at large in town, &c.

Sec. 28. That the commissioners shall have power to declare all horses, cattle, dogs, and sheep running at large within the corporate limits of the town a nuisance and sell the same; and the commissioners may, at their option, impose a fine of fifty dollars upon the owner or owners of said animals running at large, or may treat the same as a nuisance and have it abated in such a way as seems to said commissioners best: *Provided*, nothing mentioned herein shall be construed to prevent the commissioners issuing a license permitting his dogs or cattle going at large upon said streets.

Proviso.

Nuisances.

Sec. 29. That the commissioners may require and compel the abatement and removal of all nuisances within the town at the expense of the person causing the same, or the owner or tenant of the ground, wherever the same may be. They may also prevent the establishment of, and regulate, if allowed to be established, any slaughter-house or place, or the exercise within the town of any offensive or unhealthy business, trade or employment.

Slaughter-houses.

Special tax for fire department.

Sec. 30. In addition to the tax hereinbefore permitted to be levied on real and personal property within the corporate limits of the city, the commissioners are hereby empowered to levy a tax not to exceed seven cents on the one hundred dollars assessed valuation of said real and personal property, for the purpose of defraying the necessary expenses of keeping the fire engine and extinguishing apparatus in good condition and repair, and of defraying the expense of the fire department. The fire commissioners shall have control of the fire department, but shall have no authority to disburse the funds without the approval of the board of commissioners; they shall take receipted bills for money expended, and file the same with the clerk of the board of commissioners at the end of each year, with a report of their expenses, of the fires extinguished, estimated amount saved, labors and general services of the fire department, the loss of property estimated, and such other statements as may be deemed proper.

Report of fire commissioners.

Power and duties of fire commissioners.

Sec. 31. One of said fire commissioners shall be present at each fire and have control of the engine, and if he deem it necessary to check the progress of any fire, he may cause any house or houses to be pulled down or blown up, and shall not be liable to any person for the damages caused thereby. But should neither fire commissioner be present, the mayor, or if he be absent, a member of the board of town commissioners present at the fire shall be vested with the powers herein conferred on the fire commissioners.

Engine to be at each fire.

Appropriation to fire department.

Sec. 32. The fire commissioners shall use their best endeavors to have the engine at each fire, and for that purpose they may use such means and aid as they deem best. And the town commissioners are hereby authorized and permitted to make appropriations from the amount collected from the special tax mentioned in section thirty, to be disbursed and used as they direct: *Provided*, the appropriation shall never exceed the amount in the hands of the fire commissioners.

Proviso.

Sec. 33. The town commissioners shall allow the fire commissioners a sum for their services, not exceeding twenty-five dollars per annum, together with their actual necessary expenses, to be paid out of the special tax mentioned in section thirty. Compensation of fire commissioners.

Sec. 34. The board of commissioners shall have the 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 or fine, penalty or forfeiture, which may be imposed on such person or persons for violation of any ordinance, by-law or regulation of said town, and the said commissioners shall have authority by their ordinances and by-laws to confine, control and manage such persons until the said fines and penalties or forfeitures, together with cost thereof, shall be fully paid and satisfied, under such rates for labor and board as the commissioners may adopt. Persons failing to pay taxes, &c., to be worked on streets, &c.

Sec. 35. The mayor shall preside at the meetings of the board of commissioners but shall have no vote except in case of a tie. Mayor to vote only in case of a tie.

Sec. 36. It shall be the duty of the mayor to communicate in writing, whenever it shall be deemed expedient, a general statement of the situation and condition of the town, in relation to its government and improvement; second, to recommend to the adoption of the board of commissioners all such measures connected with the police, security, health and cleanliness of the town, as he may deem expedient; third, to be vigilant and active in causing the laws and ordinances for the government of the town to be duly executed and enforced; fourth, to keep a faithful minute of all precepts issued by him and of all his judicial proceedings, and to report in writing at every regular monthly meeting of the board of commissioners the total amount of costs and fines that may have been imposed by him in all his judicial proceedings for the violation of town ordinances during the previous month. Duties of mayor.

Sec. 37. Whenever there shall be a vacancy of the office of mayor, and when the mayor shall be absent from town, or be prevented by sickness, or any other cause, from attending to the duties of his office, the board of commissioners may appoint one of their number to act as mayor, who shall possess all the rights and powers of mayor during the continuance of such vacancy, absence or disability. Vacancy in office of mayor. Mayor *pro tem.*

Sec. 38. 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 powers, jurisdiction and authority of a justice of the peace, to preserve and keep the peace, to issue process, to hear and determine all causes of action which may arise upon ordinances and regulations of the town, to enforce penalties by issuing executions upon adjudged violations thereof, and to execute the by-laws, rules and regulations made by the commissioners. The mayor shall further be a special court within the corporate limits of the town, to arrest and try all persons who are charged with a misdemeanor for violating Mayor constituted an inferior court. Powers and duties as such. Special court.

Penalty for violation of ordinance.

any ordinance of the town; and if the accused be found guilty he shall be fined, at the discretion of the mayor or court, not exceeding the amount specified in the ordinance or ordinances so violated; or at the discretion of the mayor or court trying the same, such offender may be imprisoned not more than thirty days in the common county jail. If the accused is dissatisfied with the judgment of the mayor

Appeal.

or court, he may appeal in a like manner as prescribed for appeal from judgments of a justice of the peace.

Execution of mayor's precepts.

Sec. 39. That the mayor may issue his precepts to the town constable, who may execute the same anywhere in Pasquotank county, or such other officers to whom a justice of the peace may direct his precepts. An endorsement by the mayor of the name and 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.

Compensation of mayor.

Sec. 40. The mayor shall be paid a salary from the general funds of the town, not exceeding two hundred dollars per annum, to be fixed by the board of commissioners at their first meeting. In the

Fees.

trial of criminal matters, the mayor shall be allowed the same fees as are allowed to justices of the peace.

Treasurer to give bond.

Sec. 41. The treasurer shall give bond, payable to the corporation of Elizabeth City, in a sum to be fixed by the board of commissioners, with sureties to be approved by said board. For his services he

Compensation.

shall be paid a sum not exceeding two hundred dollars per annum, to be fixed by the board of town commissioners at their first meeting.

Duties.

He shall disburse no funds except on order signed by the clerk of the board of commissioners, and countersigned by the mayor. He shall make report of the funds coming into his hands at the end of his term, and for failure to do so, he shall be fined two hundred and twenty-five dollars, to be recovered by suit in the superior court, for which his bond shall be responsible.

Duties of clerk.

Sec. 42. The clerk shall keep a faithful record of all the proceedings of the board of commissioners; he shall keep and file all papers presented to the board of commissioners, all reports made to same, and all bonds; he shall also keep an order book with stub; the orders shall be consecutively numbered, and shall state on the face for what the order is issued; he shall not deliver the order to the payee until countersigned by the mayor; he shall sign all licenses granted by the board and collect the money therefor; he shall settle with the treasurer at the end of each month. On failure to settle at the said times

To give bond.

he shall be fined for each failure the sum of ten dollars; he shall give bond, payable to the corporation of Elizabeth City, and with security, to be approved by the board, in a sum to be fixed by them. His com-

Compensation.

pensation shall be fixed by the board, not to exceed two hundred dollars per annum.

Sec. 43. The board of commissioners shall appoint a fit and proper

person, who shall be a qualified voter of the town, to the office of town constable, who shall give bond, with approved sureties, in a penal sum to be fixed by the board and payable to the corporation of Elizabeth City, with conditions that he will diligently perform all the duties imposed upon him by virtue of his office and faithfully pay to the treasurer all sums of money collected or recovered by him, to and for the use of the town, and shall hold the office during the term of the board appointing him, subject to be removed at any time for misconduct. The constable shall *ex officio* be chief of police and wear a regular uniform to be adopted by the commissioners. His compensation shall be fixed by the board, not to exceed five hundred dollars per annum.

Town constable.

To give bond.

Conditions of bond.

Ex officio chief of police.

Compensation.

Sec. 44. It shall be the duty of the town constable to pay over to the town treasurer all the money that may be collected by him, to and for the use of the town, at least once every month, and shall communicate to the board of commissioners at their regular monthly meetings, in writing, a full statement of all costs, fines, taxes, fees collected, and the disposition made of same.

Duties of constable.

Sec. 45. It shall be the duty of said constable and the police to preserve the peace by suppression of disturbances and the apprehension of all offenders, and the constable or any policeman shall have the power to summon as many persons as he may deem necessary to assist in the performance of the above duties.

Constable and police to suppress disturbances, &c.

Sec. 46. The street commissioner shall be vested with the power of a policeman, and it shall be his duty to keep in repair all the streets, bridges, wells, pumps, drains, ditches, canals, sidewalks, crossings, etcetera, within the town boundary, and the board of commissioners shall direct all labor due the city from all sources to be at his disposal, and the constable shall notify as many persons as said commissioners may need from time to time from a list to be furnished him by said commissioners. The board of commissioners to furnish such material and tools, horses and carts, etcetera, as they may deem necessary, on requisition made by the commissioner. But said commissioner shall be liable to be removed from office at any time during his term, on charges preferred, by a majority vote of the board of commissioners; and shall have such compensation as the board may direct, but shall be paid only for the time actually employed.

Street commissioners. His duties and powers

Compensation.

Sec. 47. That all suits on bonds given by any officer under this charter shall be in the name of the corporation of Elizabeth City, and moneys collected from said bonds shall be paid to the treasurer of the town. That all suits and actions by or against said corporation of Elizabeth City, and by the name of the "corporation of Elizabeth City;" the said corporation is hereby incorporated a body politic with power to sue and defend, hold property, and do all other works which a corporation can do.

Suits by and against said city.

Corporate name. Body politic. Corporate powers.

Work upon streets, &c.

SEC. 48. All ablebodied male persons residing within the corporate limits, between the ages of twenty-one and forty-five years, shall be liable to contribute or work upon the streets or public improvements of the corporation for two days in each year, or to pay the sum of seventy-five cents per day, and any person, after being duly notified by the mayor, and refusing to work or contribute for work, shall be fined not exceeding five dollars.

Terms of present officers. Not surrendering offices at time specified a misdemeanor.

SEC. 49. The term of office of the present officers of the corporation of Elizabeth City shall expire on the first Monday in June, eighteen hundred and ninety-five; and any officer who shall hold or attempt to hold his office after said first Monday, or who shall exercise or attempt to exercise the duties of any office of said corporation, or who shall refuse to surrender said office, together with all papers, property or insignia of office on said first Monday shall be guilty of a misdemeanor and fined five hundred dollars and imprisoned for six months.

Penalty.

Conflicting laws repealed.

SEC. 50. All acts in conflict with this charter are hereby repealed.

SEC. 51. This act shall take effect from and after its ratification.

Ratified this the 5th day of March, A. D. 1895.

CHAPTER 86.

An act to amend the charter of the town of Greenville, Pitt county, North Carolina.

The General Assembly of North Carolina do enact:

Chapter 85, private laws 1885, as to charter of Greenville, amended.

SECTION 1. That chapter eighty-five (85) of the private acts of eighteen hundred and eighty-five (1885), entitled an act to extend the corporate limits and to amend the charter of the town of Greenville, be and the same is hereby amended, as follows:

First ward.

SEC. 2. That the portion of said town embraced in the following boundaries: Beginning on Pitt street at the bridge across Tar river and running south with said street to the corner of Second street; thence with Second street east to the corner of Washington street; thence with Washington street south to the corner of Fourth street; thence with Fourth street east to the corner of Cotanch street; thence south with Cotanch street and the public road to the corporate boundaries; all east and north of this line shall constitute and be known as the first ward.

Second ward.

SEC. 3. That portion of said town embraced in the following boundaries: Beginning at the corner of Second and Washington streets and running south with Washington street to the corner of Fourth street; thence with Fourth street east to the corner of Evans street;

thence with Evans street south to the corner of Fifth street; thence with Fifth street and Tarboro road west to the corporate boundaries; thence northwardly with the corporate boundaries to Tar river; thence east with said river to the bridge and Pitt street; thence with Pitt street south to the corner of Second street; thence with Second street east to the corner of Washington street to the beginning, shall constitute and be known as the second ward.

Third ward.

Sec. 4. That portion of said town embraced in the following boundaries: Beginning at what is known as Five Points in said town at the corner of Evans and Fifth streets and running a southwesterly course with Dickinson avenue and the public road to the corporate boundaries; thence northwardly with said corporate boundaries to the line of Second ward, as herein constituted; thence east with the line of Second ward and Fifth street to the corner of Evans and Fifth streets to the beginning, shall constitute and be known as the Third ward.

Fourth ward.

Sec. 5. That portion of said town embraced in the following boundaries: Beginning at the corner of Evans and Fifth streets, at what is known as Five Points in said town, running a southwardly course with Dickinson avenue to the corporate boundaries; thence with said corporate boundaries a southeasterly course to the boundary line of the First ward, as herein constituted; thence with the boundary line of First ward and Cotanch street to the corner of Fourth street; thence west with Fourth street to the corner of Evans street; thence south with Evans street to the corner of Evans and Fifth streets to the beginning, shall constitute and be known as the Fourth ward.

Officers.

Sec. 6. That the municipal affairs of said town shall be controlled by a mayor and six councilmen who shall be known as the board of councilmen of Greenville. The first and third wards shall each elect two councilmen, and the second and fourth wards shall each elect one councilman, who shall hold their office one year or until their successors are qualified. The said councilmen shall be elected at one election, to be held on the first Monday in May, one thousand eight hundred and ninety-five (1895), and on the same day annually thereafter. In case of vacancies occurring in said board of councilmen from any cause the said board shall fill the same by an election among themselves. For the purpose of the election to be held on the first Monday in May, one thousand eight hundred and ninety-five (1895), in the several wards as herein constituted, there shall be a new registration of all the electors in each of said wards, and the following persons are hereby appointed registrars in their several wards, to wit: First ward, C. C. Forbes; second ward, W. H. Smith; third ward, Jas. L. Langley; fourth ward, W. L. Brown; whose duties shall be to conduct said registration and election as prescribed by the general election laws of the state, except that fifteen days' residence in said ward preceding the day of election shall constitute and be sufficient residence for

First and third wards to elect two councilmen each, and second and fourth wards one each.

Elections.

Vacancies.

New registration.

Registrars.

Qualifications of electors.

any elector in said ward. If for any cause any registrar herein appointed in either of the several wards shall refuse or neglect to qualify and leave, the board of councilmen shall appoint some competent person to serve in his stead. It shall be the duty of the board of councilmen at their first meeting in March, eighteen hundred and ninety-five (1895), to appoint two inspectors of election for each ward, as herein constituted, to conduct in their respective wards an election on the first Monday in May, one thousand eight hundred and ninety-five (1895), who shall be of different political parties, and in all future elections the board of councilmen, annually at their first meeting in March, shall appoint registrars and inspectors for the several wards as herein constituted, who shall be governed as above prescribed.

Vacancy in registrar, how filled.

Inspectors of election to be appointed.

Special tax.

SEC. 7. That for the health and improvement of said town the board of councilmen, at their last meeting in April, one thousand eight hundred and ninety-five (1895), one thousand eight hundred and ninety-six (1896), one thousand eight hundred and ninety-seven (1897), one thousand eight hundred and ninety-eight (1898), one thousand eight hundred and ninety-nine (1899), shall annually levy a special tax on all real and personal and mixed property in said town, not exempt under the laws of the state, at the rate of eight and one-third ($8\frac{1}{3}$) cents on the one hundred dollars, and a poll-tax on each male between the ages of twenty-one and fifty years, twenty-five cents, and the proceeds arising therefrom shall constitute a special fund, which shall be expended by the board of councilmen annually in tileing and better drainage of said town, water supply and street improvements, in the order named herein.

Limitation of special tax.

Purpose of special tax.

Conflicting laws repealed.

SEC. 8. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

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

Ratified this the 5th day of March, A. D. 1895.

CHAPTER 87.

An act to incorporate the Portsmouth Lumber Manufacturing Company.

The General Assembly of North Carolina do enact:

Incorporators.

Body corporate.

Corporate name.

General corporate powers.

SECTION 1. That R. N. Masgrave, John E Emmerson, P. S. Vaughan, Arthur Emmerson and O. Emmerson Smith, together with their associates and successors, be and they are hereby created and constituted a body corporate under the name of "The Portsmouth Lumber Manufacturing Company," with all the rights and privileges and subject to all regulations and restrictions now existing and applicable to such corporations under the laws of this state.

Sec. 2. That said corporation may acquire and own timber and lands in this state, and may conduct a general lumber business in all its branches; it may maintain saw-mills, planing mills and dry kiln; and may acquire, hold, and sell all kinds of machinery and patent rights for the promotion of manufacturing of all kinds; it may do a general wharfage and warehouse business, and issue negotiable warehouse receipts; it may acquire, hold, and dispose of steamboats and other boats for the purpose of its business. Corporate powers. Factories. Steamboats.

Sec. 3. That said corporation may build and construct and operate a railroad from some point on the Virginia line in the county of Hertford to some point on the Roanoke river in the county of Northampton or Bertie, and for this purpose it shall have the power of acquiring rights-of-way as provided in chapter forty-nine of the first volume of The Code of North Carolina, and it may build and construct branch roads or tracks from any point of its main line to be operated by steam or otherwise. Railroad. Right-of-way.

Sec. 4. That the capital stock of said company shall not be less than twenty-five thousand dollars, nor more than one hundred thousand dollars, to be divided into shares of one hundred dollars each. Capital stock.

Sec. 5. That the principal office of the said company may be kept in the city of Portsmouth, in the state of Virginia, and it may establish branch offices at such points in this state as it may deem necessary. Principal office. Branches.

Sec. 6. That said corporation shall have the right to issue bonds for the purpose of borrowing money, and to secure the payment thereof by deed in trust or otherwise upon its real estate and personal property, or such part thereof as it may deem expedient. Issue bonds.

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

Ratified this the 5th day of March, A. D. 1895.

CHAPTER 88.

An act to incorporate the Salisbury Loan and Trust Company.

The General Assembly of North Carolina do enact:

Section 1. That W. L. Klutz, F. J. Murdock, Theo. F. Klutz, Lee S. Overman, W. Smithdeal, O. D. Davis, J. Sam'l McCubbins, Jr., N. B. Candless, W. A. Smith and D. N. Bennett, 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 Salisbury Loan and Trust Company," and shall so continue for a period of sixty (60) years; and as such be capable in their corporate name to sue and be sued, appear, prosecute and defend to final judgment and execu- Incorporators. Body corporate. Corporate name. Corporate existence.

General corporate powers.
Officers.
By laws.

tion 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 of the United States, for due and orderly conduct and government of themselves and management of the affairs, business and property of the said company, and alter the same as they may provide in said by-laws; to determine the manner of calling and conducting all meetings, the number of 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 corporations of similar character and purpose by force of the common or statutory laws of the state.

Capital stock.

Sec. 2. The capital stock of said Loan and Trust Company shall not be less than ten thousand dollars ($10,000), divided into shares of the par value of one hundred dollars ($100), with power in said corporation to increase the same from time to time to an amount not exceeding five hundred thousand dollars ($500,000), divided into shares of the par value as above.

Corporate powers.
Buy, &c., property of all kinds.

Sec. 3. That said Loan and Trust Company shall have power to buy, take, acquire, hold and own all kinds of real, mixed and personal estates and properties in the name and right of the said trust company; and as owner thereof, or in trust for said company or for others, and convey and incumber the same or any part thereof as natural persons can or are authorized to do under the laws of this state, and to and with the same effect; and it shall be competent for the said Loan and Trust Company to convey or incumber real estate or any interest therein, by a deed executed in the name of said company, by its president or chief officer, with the corporate seal affixed thereto, as well as the modes now exercised by other corporations, and the same may be admitted to probate and registration on the acknowledgment of the said president or other chief officer signing the same, or proof by any subscribing witness thereto, as in case of natural persons before the proper officers.

Corporate powers.
Receive money in trust.
May act, &c., trustee or agent, &c.

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 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.

May act as curator, guardian, &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, 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 and property to be the only security on its bonds.

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.

Depository for bonds, stocks, &c.

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.

Court to make orders concerning said corporation in certain cases.

Sec. 8. That every court wherein said company shall be appointed, or shall be allowed to qualify as guardian, committee, executor, administrator, trustee, or receiver, or in which

it is made the depository of moneys or other valuables, shall have power to make all orders and compel obedience thereto, and require said company to render all accounts, which said courts might lawfully make or require, if such company were a natural person.

May invest money deposited.

Sec. 9. That said company is authorized to invest moneys received in trust on deposit, loan, or otherwise, and to take, have, and hold estates, real, personal, and mixed, obtained with the moneys aforesaid, or with funds belonging to said company, and to sell, grant, mortgage, or otherwise incumber, lease or dispose of the same, and to that end may execute all deeds, or other instruments, concerning the same, as hereinbefore provided; to subscribe for and take stock in any other incorporated companies; to borrow and lend money, and give or take notes therefor, as the case may be; discount, buy, and sell notes, bonds, drafts, and other securities, or evidences of debt; to lend money at such rates of interest as may be agreed upon, subject to the general laws of the state as to the rate, with privilege to charge and retain same in advance, and secure the repayment thereof by mortgages, or deeds in trust, made directly to said company, or to others in trust for it, on all kinds of property; to act as agent for others in borrowing and lending money, charging such compensation therefor, by way of commissions, as may be agreed upon by said company and the party for whom it is acting; to deal in exchange, foreign or domestic securities, mortgages, 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.

May subscribe for stock, &c.

Corporate powers.

Corporate powers.

Sec. 10. That said company shall have power to guarantee, endorse, and secure the payment and punctual performance and collection of notes, debts, bills of exchange, contracts, bonds, accounts, claims, rents, annuities, mortgages, choses in action, evidences of debt, certificates of property of value, checks, and the title to property, indebtedness of companies, partnerchips, 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. Storage, &c.

Sec. 11. That said company may receive upon storage, 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 deposit 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. Proviso.

Sec. 12. That, as to all property held by said company as security, it shall be lawful for the said company to sell at public auction, or private sale, in its discretion, all property of what kind soever, mentioned or specified in any contract or agreement between the company and other parties, real estate excepted, after ten days shall have elapsed from the time of maturity of 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 posted at the court-house door in Salisbury, North Carolina, and three other public places in Rowan county; and to re-imburse itself out of the proceeds of such sales for the money due it, with interest, storage, cost, and other charges of all kinds, and to indemnify itself for any loss it may have sustained by the non-fulfillment of such contract, or by reason of said misrepresentations, fraud, or concealment. Sale of property held as security.

Sec. 13. That the said company is authorized to make, execute and issue, in the transaction of its business, all papers, receipts, certificates, vouchers, obligations and contracts, and the same shall be binding if signed for, and in behalf of, the company by the president or other chief officer thereof, except for sale or transfer of real estate, which is hereinbefore provided for, unless otherwise provided for in the by-laws. Corporate powers.

Sec. 14. 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, in their own name, or on their own check or order, and they and all other persons be bound thereby; and such collection, settlement, draft, checks, or order, shall be a valid and sufficient release and discharge to said company. Deposits by married women, &c.

Sec. 15. That said Loan and Trust Company is hereby authorized and empowered, at any time hereafter, by a resolution of the stockholders, and a full compliance with the laws of this state relative thereto, in force at the time of the adoption of Savings bank.

such resolution, to organize, in connection with its general business, a department for savings, and do a savings bank business, for the convenience of small depositors, and to make such regulations in regard thereto as will enable said company to receive small deposits in the savings department, and to give certificates, or other 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. 16. That said Loan and Trust Company shall have its chief office at Salisbury, Rowan county, North Carolina, with

Branches.

branch offices at such other places as the stockholders may fix upon at any time.

Organization.

Sec. 17. Whenever ten thousand dollars ($10,000) of the capital stock of the said company is *bona fide* subscribed for, and ready to be paid in, then, by agreement, signed by said corporators and subscribers, a meeting for the purpose of organization of the company may be held, at such time and place as the said corporators and subscribers may agree upon, or after stock has been subscribed as above; then a majority of said corporators and subscribers may give notice, in some newspaper published in the town of Salisbury, North Carolina, for the space of ten days, that there will be a meeting of the said corporators and subscribers, for the purpose of organization, at a time and place therein named in said town; and if, at a meeting called, as herein provided for, there shall be present such persons as have subscribed for a majority of said stock (if not, then another meeting shall be called, in one of the foregoing ways), they, the said corporators and subscribers, may proceed to an exercise of all the powers and privileges, etc., herein granted.

Corporators and stockholders not liable individually.

Sec. 18. The corporators and stockholders of said corporation, and their successors and assigns, shall not be individually or personally liable, or responsible, for any of the debts, liabilities, obligations, engagements, contracts, or torts of the said association.

Corporate existence.

Sec. 19. That said corporation shall exist, and be in force and effect, with all the powers hereinbefore conferred, for the term of sixty (60) years, from and after the ratification of this act.

Ratified the 5th day of March, A. D. 1895.

CHAPTER 89.

An act to declare The Raleigh Water Company a duly incorporated company, and to ratify, confirm, amend, and enlarge its charter.

Whereas, The Raleigh Water Company has heretofore, to-wit, on the twelfth day of November, Anno Domini one thousand eight hundred and eighty-six, been duly incorporated before the clerk of the superior court for Wake county, North Carolina, under the general laws of said state, and its 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, Preamble.

The General Assembly of North Carolina do enact:

Section 1. That said incorporation, before the clerk of the superior court for Wake county, on the twelfth day of November, Anno Domini one thousand eight hundred and eighty-six, and the charter granted on said day by said clerk to said The Raleigh Water Company, the organization of the company, the election of officers, adoption of by-laws, subscriptions for and transfer of stock, and all conveyances heretofore made to said company, or any person for it, and all contracts heretofore made with, and all the rights, powers, privileges and franchises heretofore granted to the National Water Works Construction Company, of Dayton, Ohio, or said The Raleigh Water Company, or both of them, or any person or persons for either, or both of them, by the city of Raleigh, North Carolina, and the assignment and transfer heretofore made to said The Raleigh Water Company, or to any person or persons for it, by said construction company, or by any person or persons for it, of all its rights, privileges and franchises under its contract with said city of Raleigh, and all contracts heretofore made by said construction company with said water company, or with any person or persons for said water company, and the agreements and contracts, now existing between said city of Raleigh and said The Raleigh Water Company, are hereby declared valid, and are hereby ratified and confirmed; and the said corporation now known as The Raleigh Water Company shall continue to exist as a body politic and corporate, under the name and style of "The Raleigh Water Company," and shall have, use, and enjoy all the rights, powers, privileges and franchises heretofore granted to it in the charter issued to it by Former incorporation, organization and acts of company ratified.

Incorporated.

Corporate name.

Corporate powers.

the clerk of the superior court for Wake county, North Carolina, as fully, and to all intents and purposes, as if said charter had been granted by the general assembly of North Carolina; and also all the rights, powers, privileges and franchises granted to corporations by the sixteenth chapter of The Code of North Carolina, and the laws amendatory thereof; and all the rights, powers, privileges and franchises now held, used and enjoyed by it, and also the rights, powers, privileges and franchises specified in this act.

Corporators.

Sec. 2. That Julius Lewis, W. G. Upchurch, N. W. West, E. B. Englehard, W. R. Tucker, A. A. Thompson, and F. H. Briggs, of the city of Raleigh, North Carolina; A. E. Boardman, of the city of Baltimore, Maryland; J. Sterling Price, of the city of Houston, Texas, and the other present stockholders in the said The Raleigh Water Coupany, their associates, successors, and assigns, shall continue to be a body-politic and corporate for the term of thirty years from the twelfth day of November, one thousand eight hundred and eighty-six, under the name and style of "The Raleigh Water Company," and by that name and style shall be capable of suing and being sued, of pleading and being impleaded, of contracting and being contracted with, of having and using a corporate seal, and of altering and changing the same at pleasure, of making and adopting such by-laws and regulations as may be deemed by it expedient or necessary for the purposes of its incorporation, not inconsistent with the laws of this state, and of altering, amending, and repealing the same.

Body politic.
Duration of charter.
Corporate name.
Corporate powers.

May acquire in any way and hold water courses, &c., &c.

Sec. 3. That said water company may acquire by gift, devise, or otherwise, purchase, hold and lease water courses, water powers, water rights, wells, aqueducts, canals, waterways, easements, lands, and all other property, whether real, personal or mixed, which they may deem proper or necessary for their corporate purposes, and may sell, lease, and convey lands and all other property, whether real, personal, or mixed.

Certificates of stock, Form, &c.

Sec. 4. That said water company may issue certificates of stock, in such form and subject to such regulations, as it may from time to time prescribe, and shall have power and authority to incur indebtedness, borrow money, make, issue, negotiate and dispose of its promissory notes, bills, and bonds, with coupons for interest attached, or other evidences of debt to such an amount, and on such time, as the board of directors may prescribe, and secure the same by mortgage, or pledge, of any or all of its property, real and personal, franchises, rights, privileges, or incomes, or in such other manner as the board of directors may prescribe.

Borrow money and mortgage property.

Sec. 5. That said water company may purchase and hold the stock in other corporations, and may acquire, lease, purchase, hold, use, and operate the property, things, franchises, privileges, and rights of any other person, or corporation; that it may consolidate with any other corporation, or enter into any other contract with other corporations, whereby its efficiency and usefulness may be promoted and increased, or its works extended to meet the wants of its customers. That any other person, or corporation (including the city of Raleigh, acting by and through its board of aldermen), may purchase and hold the stock in said water company, or may acquire, lease, purchase, hold, use, and operate the property, things, franchises, and rights of said water company. That said water company may purchase all private sewers, and water supplies, belonging to individuals, or lease and hold the same, under such terms as it may make with the vendor, and unite and combine the same with its own established system.

May be stockholder in other corporations.
May acquire property of other persons, &c.
May consolidate or contract with other corporations.
City of Raleigh and other corporations may be stockholders.
Private water supplies may be purchased, &c.

Sec. 6. That the principal place of business of said water company shall be, as now and heretofore, to-wit: in Raleigh township, Wake county, North Carolina; but branch places of business may be established and located when and where the said corporation may deem proper, and as may be necessary and advantageous for the business of the said corporation.

Principal place of business.
Branch office, &c.

Sec. 7. The title of the principal officers of said water company shall be, as now and as heretofore, to wit: president, vice-president, secretary and treasurer, to be elected by the directors. There shall be elected a board of directors, consisting of five members. The officers and directors shall be elected annually, and act under such by-laws and regulations as the corporation may, from time to time, adopt, and shall serve until their successors are elected and qualified; but in no wise shall the existence of the company be affected, or be dissolved, by reason of a failure to elect officers.

Officers.
How elected.
Directors.
Elections annual.
Powers and duties of officers and directors.
Failure to elect officers not to affect company.

Sec. 8. The capital stock of said water company shall be, as now and as heretofore, to wit: one hundred thousand dollars ($100,000), divided into one thousand shares (1,000) of the par value of one hundred dollars ($100) each, but the capital stock of said corporation, may, from time to time, be increased by a majority-in-interest vote of the stockholders, at a regular general meeting of the stockholders, held pursuant to the by-laws, or at a special meeting called for that purpose, to an amount not exceeding two hundred thousand dollars ($200,000), divided into two thousand shares (2,000), of the par value of one hundred dollars ($100) each. That the subscriptions to the shares of such capital stock may be paid for in cash, or the board of

Capital stock.
Shares, par value.
Increase.
Subscriptions, how paid.

directors may authorize such real or personal property, work, services or labor to be taken in payment as it may deem suitable for the purposes of the corporation, and may direct how, by whom, and at what values the same shall be accepted, and such subscriptions shall be paid in such installments as said board of directors shall prescribe. The shares of stock in said water company shall be deemed personal property, and shall be transferable upon the books of said company in the method prescribed in any by-law made in that behalf. In all meetings of the stockholders, each stockholder shall be entitled to cast one vote for each and every share of stock held by such stockholder, and said stock may be voted in person or by proxy.

Stock to be deemed personal property.

Transfer of stock.

Stock vote.

No individual liability.

Sec. 9. That neither the corporators, stockholders, nor directors in said water company shall be liable for any debt, contract, omission, obligation, loss, damage, tort, liability, responsibility, claim, or demand of or on said corporation, beyond the assets of said corporation, nor shall they be individually or personally liable by reason thereof.

May erect and operate telegraph and telephone lines.

Tolls, fees, &c.

Sec. 10. That said water company shall have the right to erect, establish, maintain, and operate such telegraph and telephone lines and apparatus as it may deem suitable for the proper conduct of its business, and shall have the right, power, charter, and franchise to charge such tolls, fees, and compensation as is reasonable for the use or service of such telegraph and telephone line as it may erect and construct.

May supply water to the city of Raleigh, and inhabitants of said city and vicinity.

Construct and operate water works, &c.

May fix water rates, &c.

Rules, regulations, &c.

Sec. 11. That said water company shall have the right, power and authority to obtain and supply to the city of Raleigh, and its vicinity, and to the inhabitants of said city, and its vicinity, water for public, domestic, manufacturing, and other purposes; and shall have power and authority to construct, establish, maintain, and operate, in or near said city a system of water-works for the purpose of supplying said city and its vicinity, and the inhabitants of said city, and its vicinity, for any and all public and private uses and purposes, for which it may be desired, and to charge, demand, and collect such rates or prices for the use and privilege of water as it may establish; to provide for the collection of such rates or prices, and to make, ordain, establish, and enforce rules and regulations, not inconsistent with the law, for the regulation and government of its dealings with consumers of water, and generally to conduct, transact and carry on, in all its branches, the business of obtaining and supplying water for any and all purposes to said city and its vicinity, and the inhabitants of said city and its vicinity. That for said purposes, the said water company shall have the right to build, erect, establish and

May build dams, ponds, canals, &c.

maintain dams, canals, water-courses, waste-ways, sand-pits, obstructions in and across streams, canals, etc., also wells, aqueducts and ponds, reservoirs of sufficient area and capacity to furnish an adequate supply of water to meet the fullest demands, and to build, erect, and own engines, rams, or other machinery, fixtures and appurtenances necessary, or advantageous, to the supply or distribution of water; to build, erect, maintain, and use such buildings, or other structures, as may be necessary, or advantageous, to such supply and distribution; to lay pipes, mains, conductors, or aqueducts; to buy, own, and hold such real and personal estate as may be necessary in connection with or advantageous to the objects and purposes for which said corporation was organized, and to grant and receive, in its corporate capacity and name, for the purpose of carrying on, enlarging, or reducing its business, property, both real and personal; to build, construct, maintain, repair, tap, lay, and remove all necessary pipes, mains, conduits, sand-pits, stand-pipes, hydrants, fixtures, and other structures and devices, requisite for the service of water, in, upon, through, over, and under any and all streets, roads, lanes, avenues, alleys, sidewalks, public grounds, and bridges in said town, or its vicinity; but said corporation shall, at its own expense, repair and restore all streets, alleys, bridges, roads, lanes, sidewalks, public grounds, and avenues used by it, and, as nearly as practicable, leave them in as good condition as they were before used for said purposes; and for the purpose of erecting and establishing the same, whether reservoir, machinery, ditches, dams, laying of pipes, mains, or conductors, or tapping the same, building aqueducts, or the protection of its water supply from contamination, or for any other of the purposes of its incorporation and business, the maintainance, improvement, enlargement of its works, plant, reservoir, or any other thing necessary to be done in furtherance of the objects of such incorporation, the said water company, its agents, or employees, and the officers thereof, may enter upon the lands of any person, or persons, or corporation, and in case an agreement cannot be made between said water company and the owners of the land, or the person entitled to the beneficial interest therein, as to the terms upon which said pipes, etc., may be laid through such land, or as to the terms upon which the said land may be purchased or used by said water company, then, and in that event, the said water company may have said land condemned to its use, and acquire title to the same in the manner and by the special proceeding following:

Obstruct streams.

May own machinery.

Erect buildings, &c.

Lay pipes, mains, &c.

Own and hold real and personal estate.

May lay and remove pipes, &c., over and under all streets, and roads, &c.

Must not injure streets, &c.

May enter upon lands of any person, &c., &c.

May condemn land.

It may present to the clerk of the superior court of the county

Proceedings in condemnation.

in which is situate the real estate, the title to which, or the right to use which, it desires to acquire, its petition praying for the appointment of commissioners of appraisal; if such real estate is situated in two counties, said petition may be filed in either, at the option of said water company; such petition shall be signed and verified according to the rules and practice of the superior court, and must contain a description of the real estate, the title to, or the right to use which, the said water company desires to acquire; and it must, in effect, state that the said water company is duly incorporated, and that such real estate is in good faith desired for the purposes of said company, and that it has been unable to agree with the owner for the purchase of or the right to use the same. The petition must also state the names and residences, so far as the same can, by reasonable diligence, be ascertained, of the parties who own, or claim to own, such real estate, and if any such parties are infants, their ages, or as near as may be, must be stated, and if any such persons are idiots or lunatics, or unknown, that fact must be stated, together with such other allegations of heirs and incumbrances on said real estate as the company may see fit to make; a copy of such petition shall be served with the summons, issued by the clerk, on all persons whose interests in such real estate are to be affected by the proceedings, at least ten days prior to the hearing of the same by said court. The clerk shall issue a summons containing a statement of the time and place, when and where said petition shall be heard.

What petition to contain.

Petition must further state, &c.

That all said proceedings shall be conducted according to subdivisions one, two, three, four, five, six and seven, of section nineteen hundred and forty-four of The Code of North Carolina, and sections nineteen hundred and forty-five, nineteen hundred and forty-six, nineteen hundred and forty-seven, nineteen hundred and forty-eight, nineteen hundred and forty-nine, nineteen hundred and fifty, and nineteen hundred and fifty-one of said Code, and the laws amendatory thereof, as near as may be, and said subdivisions and said sections of said Code, and the amendments thereto, shall apply to said water company and its proceedings as fully as if incorporated herein at length, as far as the same may be made applicable to a water company: *Provided, always*, that said corporation, The Raleigh Water Company, shall pay all damages that may accrue or be incurred, as may be adjudged by reason of the condemnation of land; and it shall, at all times, have a right to enter upon said lands, lay their pipes therein, or build their reservoirs, aqueducts, or other buildings thereon,

Proceedings, how conducted.

Proviso. Damages to be paid, &c.

Rights and powers in regard to land condemned.

to make all necessary excavations and embankments, and to hold the lands so condemned to the use and benefit of said water company, and in all things have the same power over it as though they owned the fee simple therein, and at all times have the right to enter upon the land through or upon which their pipes have been laid, or other property constructed for the purpose of inspecting, repairing, improving, cleaning out, replacing or removing the same, and laying down new pipes, or constructing other property: *Provided*, that in case of the discontinuance of the use of the land condemned, the said water company shall have the right to remove any improvements under its authority erected or constructed thereon.

Proviso. May remove improvements from land condemned if use discontinued.

That said water company shall have the right to enter into the stores, hotels and dwellings, or other premises, where said water-works, fixtures, pipes, &c., or other property are located, for the purpose of inspecting, repairing, removing, or replacing the same.

May enter stores, hotels, dwellings, &c., to inspect, repair, &c., fixtures, &c.

Sec. 12. That the written consent of any owners or proprietors of any lands, through or upon which it may be necessary to lay pipes, or which it may be required to build a reservoir, aqueduct, building or other property, showing his or her or their agreement to the same, shall be valid and effectual to give the same power and authority over the land as if the same had been conveyed by deed of bargain and sale, or condemned upon petition, as aforesaid.

What rights conferred by license in writing obtained from owner of land to enter, &c., &c.

Sec. 13. That the said water company shall have the right, power, and authority to continue to maintain and operate the system of water-works heretofore constructed, and now maintained and operated by it, and in the same manner as it is now maintained and operated, or in such other manner as it may deem best.

May continue to operate system of water-works already constructed.

Sec. 14. That said water company is hereby authorized and empowered to contract with any and all persons, private and corporate, to supply the same with water, for drinking, fire, and other purposes, and to make contracts with said parties in reference to the same. That the said water company may make such contracts for furnishing the city of Raleigh and its inhabitants with water, as the board of alderman of said city may approve, and may contract with the inhabitants of the vicinity of said city to supply them with water, on such terms as may be agreed on, and may make and establish a schedule of prices for water supply, and pledge the same for the loan of money, and generally to do all other matters and things necessary to the proper and successful transaction of the business for which it is organized.

May contract to supply persons and corporations with water.

May contract to supply city of Raleigh.

And other persons may make rates.

Pledge the contracts.

Contract between the water company and city of Raleigh ratified.

Sec. 15. That the agreement now existing between said The Raleigh Water Company and the city of Raleigh is hereby ratified and confirmed, and the board of alderman of said city are hereby authorized and empowered, at any time, to enter into contract with said water company for supplying said city with water, for fire and other town purposes, and are hereby authorized and empowered to make all proper and needful rules and regulations for the protection and preservation from any and all impurities, the sources, conduits and sand-pits of said water supply.

May make new contracts with city.

Board of aldermen commissioned to make rules and regulations to preserve water supply from impurities.

Injury to mains, machinery, &c., &c., unlawful.

Sec. 16. That it shall be unlawful for any person, or corporation, to wilfully, maliciously, or negligently tap, remove, obstruct, interfere with, injure, deface, defile, corrupt, make impure, or destroy any main, conduit pipe, sand-pit, conductor of water, hydrant, fire-plug, tank, stand-pipe, reservoir, fixture, ditch, aqueduct, pump, spring, well, or other source of water supply of said water company, or any machinery, structure, building, or other property of said water company, necessary or used in obtaining a supply of or distributing water, or to open, use, interfere or tamper with any fire-plug or hydrant belonging to said water company, or its patrons, or appertaining to the works of said water company, or other property of said water company, necessary or used in obtaining, supplying, or distributing water, or to interfere with or obstruct the operation of its works. That it shall be unlawful for any plumber, or other person, to tap a main or service pipe and conduct the water into or from a house, or any other place, without a permit from said water company, or to use the water of said water company, for any purpose, without a permit from said water company, or to open a hydrant, or any water-plug, of said water company, and let out and waste the water therein. That it shall be unlawful for any person, or corporation, to cast, throw, place, or deposit in any of the filters, mains, pipes, sand-pits, aqueducts, tanks, reservoirs, wells, races, ponds, stand-pipes, or other receptacles of water, or any source of supply of water, connecting with the works of said water company, or in the water used by said water company, any putrid, poisonous, or unwholesome substance, material, matter, or thing, whereby the water of said water company may be rendered impure, unwholesome, distasteful, or unfit for domestic uses. That it shall be unlawful for any person, or corporation, to place, deposit, or discharge into any well, spring, river, creek, or stream, used as a source of water supply by said water company, or into the tributaries thereof, or upon the ground drained thereby, any carcass of any

Tampering with fire plugs, &c.

Plumbers to have permit from company before tapping main or service pipe.

Contamination of water supply, &c., &c., unlawful.

Unlawful to contaminate any stream used as a source of water supply.

dead animal, or any sewerage, drainage, refuse, filthy poisonous, or polluting substance, matter, or thing, by which the water used by said water company shall be rendered, or may become liable to be rendered, impure, unwholsome, distasteful, contaminated, or otherwise unfit for domestic purposes.

Unlawful to throw dead bodies of animals, &c., &c., on land adjacent to water supply.

That it shall be unlawful for any person or corporation to put, throw, or place the dead body of any animal, or any other putrid or infectious matter, upon the lands adjacent to the water supply of said water company, whereby its water may be made impure, unwholesome, distasteful, or unfit for domestic purposes, or 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 used by said water company. That it shall be unlawful for any person, or corporation, to erect, establish or maintain, upon said rivers, creeks, or streams, or any tributary thereof, or upon the bank or water-shed thereof, any slaughter-house, butcher-pen, tannery, tan-yard, dye-house, or stock-yard, in which stock are penned for fattening or slaughter, or any other establishment, contrivance or works, the effects of which, in its or their operations or use, shall be deleterious to the waters of such supply; and any such slaughter-house, butcher-pen, tannery, tan-yard, dye-house, stock-yard, establishment, contrivance, or works, is hereby declared to be a public nuisance; that any such slaughter-house, butcher-pen, tannery, tan-yard, dye-house, stock-yard, establishment, contrivance, or works, that may be now located as aforesaid, shall be removed within three months from the passage of this act, and after the expiration of that time, the same are hereby declared to be public nuisances.

Slaughter houses, tanneries, &c., prohibited on streams used as sources of water supply.

Slaughter houses, dye houses, &c., now erected declared public nuisances.

Shall be removed in three months from passage of this act.

Penalty for failure to remove.

Sec. 17. That any person, or corporation, violating any of the provisions of the preceding section shall, for every such offence be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not exceeding fifty dollars, or imprisoned not more than thirty days, or both, at the discretion of the court; and the person or persons, or corporation, so offending, shall also forfeit and pay to said water company, to be sued for and recovered in a civil action, any and all damages sustained by said water company by reason thereof; and should the person committing such injury be a minor, his father, if he has one, shall be liable for said damages.

Penalty for violation of provisions of act.

Liability for damages in a civic suit by water company.

Father of minor liable for damage.

Sec. 18. That every obstruction to the laying of the pipes of the said water company shall be deemed a public nuisance, and be abated as such by any officer, agent, or servant of the said water company, and the person or persons causing such

Obstruction of pipes a public nuisance.

Punishment.

obstruction may be indicted and punished as for erecting a public nuisance.

This act not to deprive the company of any rights it now has.

Sec. 19. That this act shall not be construed as depriving said water company of any right, power, or privilege which it now has or enjoys, or of abridging the same; and said water company

Powers, &c.

shall have power and authority to do all things requisite and necessary to accomplish the ends and purposes for which it is formed, not contrary to the laws of this state, or of the United States of America.

Conflicting laws repealed.

Sec. 20. That all laws in conflict with any of the provisions of this act are hereby repealed.

Sec. 21. That this act shall be deemed and taken to be a public act.

Sec. 22. That this act shall be in force and effect from and after its ratification.

Ratified the 6th day of March, A. D. 1895.

CHAPTER 90.

An act to incorporate Carolina Christian College.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That Moses T. Maye, Jesse Cannon, Caleb Cannon, J. R. Tingle, R. W. Smith, I. L. Chestnut, and C. W. Howard, trustees, and their successors, be, and they are hereby, declared

Body politic.

to be a body politic and corporate, for the purpose of providing for the primary and higher education of males and females, under

Corporate name.

the name and style of Carolina Christian College, and by that name and style they shall have perpetual succession, and shall

Corporate powers.

be capable in law to take, receive, hold and purchase lands tenements, and hereditaments of any value, which may be granted, sold, devised, or otherwise conveyed to said corporation, and shall also be capable in law to take, receive, and possess all moneys, goods and chattels of any value and to any amount that may be given, sold, or bequeathed to and for the use of said corporation.

Corporate powers.

Sec. 2. That the said corporation shall be capable in law to bargain, sell, and convey any and all lands, tenements, hereditaments and personal property, held and owned by the corporation, when the grant, devise or other conveyances does not otherwise provide.

By-laws.

Sec. 3. That the said corporation shall have power to make and establish such by-laws, rules, and regulations for the government of said college as to them may seem proper and necessary,

and as are not in conflict with the constitution and laws of this state and the United States: *Provided*, the said corporation shall be under the jurisdiction, control, and direction of the North Carolina Christian missionary convention. Proviso.

Sec. 4. That the said corporation may sue and be sued, plead and be impleaded, in all the courts, and shall have power to make and use a common seal, and to alter the same at pleasure. Corporate powers.

Sec. 5. That the board of trustees of said college shall consist of seven members, and that the trustees named in section one of this act shall be divided into three classes, and the first three named shall hold their office until the annual convention of the North Carolina missionary convention in the year one thousand eight hundred and ninety-five, and the next two until said annual convention in the year one thousand eight hundred and ninety-six, and the last two named until said convention in the year one thousand eight hundred and ninety-seven, and the successors of each class shall hold their office for three years, and shall be elected by the North Carolina Christian missionary convention. The said North Carolina Christian missionary convention shall have power and authority to increase or diminish the number of trustees of said college, to fix or change their terms of office, and, from time to time, to rearrange or classify them as may be deemed advisable. Any vacancy that may occur in said board of trustees from death, resignation, or failure to accept office shall be filled by the said trustees, whose appointee shall hold office until the next meeting of said convention, when a successor shall be elected for the unexpired term. Trustees.

Sec. 6. That the said trustees shall have power to appoint their own president, secretary and treasurer, for such time as they may deem proper, and to elect such professors, tutors, and other officers of the aforesaid college, as they shall deem qualified to discharge the duties of their several offices and positions; may fix their terms of office, and may remove them for misbehavior, inability, neglect of duty, or other cause, which shall be deemed advisable to said board of trustees, and do any and all things and acts usually given and intrusted to literary institutions. Powers of trustees.

Sec. 7. That the said trustees shall hold their meetings from time to time, as often as may be necessary, and a majority of the board of trustees shall constitute a quorum for the transaction of business, and that said board of trustees shall make a report, at least annually, to the said North Carolina Christian missionary convention. Meeting of trustees, &c.

Sec. 8. That the faculty of said college, with the advice and Degrees, &c.

consent of the board of trustees, shall have power to confer all such degrees and marks of distinction, as are usually conferred by colleges and universities.

Exempt from taxation.

Sec. 9. That the property, real and personal, belonging to and held by said corporation, shall be exempt from taxation.

Location.

Sec. 10. That the said "Carolina Christain College" shall be located in or near the town of Ayden, county of Pitt, state of North Carolina.

Property belonging to said college to be transferred to said corporation.

Sec. 11. That the property, real and personal, belonging to Carolina Christain College, prior the passage of this act, shall, if the said North Carolina Christain missionary convention shall so direct, be conveyed to the corporation created by this act, and all the property of said corporation shall be, and continue under, the control and direction of said North Carolina Christain missionary convention.

Sec. 12. This act shall be in force from and after its ratification.

Ratified the 6th day of March, A. D. 1895.

CHAPTER 91.

An act for the relief of Abraham B. Cook, of New Hanover county.

The General Assembly of North Carolina do enact:

Abraham B. Cook, of New Hanover, empowered to dispose of, &c., his real estate, &c., without consent of his wife.

Section 1. That Abraham Benjamin Cook, of the county of New Hanover, because of his wife, Eliza Ann Cook, being permanently insane and *non compos mentis*, be, and on and after the passage of this act is, empowered, authorized, and enabled to dispose of, sell, mortgage, alien, and convey any and all of his real estate, wherever situated, without the assent and joinder of said wife in such his deed, or deeds, or mortgages, selling, mortgaging, or alienating or conveying any of the same: *Provided, however*, that before selling, mortgaging, or alienating any of his said real estate, the said A. B. Cook shall apply to the clerk of the superior court of New Hanover county, or to his successor or successors in office, to unite and join with him in the execution of said deed, or deeds; and it is hereby made the duty of the said clerk of the said county, to unite and join in the execution of any deed, or deeds, executed by the said A. B. Cook, upon application to him as aforesaid, and the said clerk, or his successor in office, is hereby empowered and appointed a commissioner for the said purpose, but it shall be the duty of the said clerk, before his joining or executing any

Proviso.

deed or deeds, as aforesaid, to collect, secure, and retain from the proceeds of any of the said property sold by him, with the said A. B. Cook aliened and conveyed, such a sum as would be equivalent to the dower and one-third interest of the said Eliza Ann Cook, computed for her expected life, according to the annuity table provided for in The Code, and to invest and secure, or cause to be invested and secured, the said sum for the benefit of the said Eliza Ann Cook, in like manner, and under like responsibility, as by law he is required to secure, invest, and protect moneys intrusted to his official care; and any or all deed, or deeds, executed by the said Abraham B. Cook, and the said clerk of the superior court for said county, pursuant to this statute, mortgaging or conveying any of the lands or real estate belonging to the said A. B. Cook, when executed and recorded in other respects, as provided by general statutes for the execution and record of deeds of conveyance, shall be as effectual in law to pass the title to all homestead or dower interest in the lands of the said A. B. Cook, to which his wife, the said Eliza Ann Cook, may be entitled in law or equity, as fully as if she were capable, and in fact joined in and assented to the execution thereof; and any deed, or deeds, executed as herein provided, shall pass the title of the property conveyed as fully as if executed by the said A. B. Cook and his wife, Eliza Ann Cook, their heirs, executors, or any person claiming by or under them, and the purchaser or vender therein named, his heirs, executors or assigns, of the fact that this statute has been fully complied with in all respects in the execution and delivery of the said deed, or deeds.

Conflicting laws repealed as to said Cook and wife.

Sec. 2. That all laws, or clauses of laws, contained in The Code and statutes of this state, inconsistent with the provisions of this act be, and the same are hereby, repealed, in so far as they may operate upon the said Abraham Benjamin Cook and his wife, Eliza Ann Cook.

Sec. 3. That this act shall be in force from the date of its ratification.

Ratified the 6th day of March, A. D. 1895.

CHAPTER 92.

An act to incorporate the Tennessee River Improvement Company.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That R. N. Archer, W. Ketcham, W. C. Hizer, H. A. Johnston, and their associates and successors, are hereby

Body politic. Corporate name. General corporate powers.

created and constituted a body politic and corporate, under the name and style of Tennessee River Improvement Company, and as such may sue and be sued, plead and be impleaded, and shall be subject to all the laws of North Carolina relating to corporations that are not inconsistent with this act. That the said company may elect such officers and enact such by-laws as may be necessary for the government and operation of said company and the management of its affairs, and may have a common seal, and alter and amend the same at pleasure.

Business of said company.

Sec. 2. That the business of said company shall be for the purpose of engaging in and carrying on the business of running, driving, booming and rafting logs, timber, lumber, and other floatables, on the Little Tennessee river, within this state, as well as upon the Cheoah river, within this state, and the tributaries thereof: *Provided*, this act shall not be construed to authorize or allow said company to build dams and booms on streams where other companies have been authorized to operate by this general assembly, or in any way interfere with such other company or companies, except with the consent of such other company or companies first had and obtained.

Proviso.

Capital stock.

Sec. 3. That the capital stock of said company shall not exceed two hundred thousand dollars, and subscriptions to the same may be made by individuals, partnerships, corporations, railroad companies, counties, cities, and towns, in money, credits, labor, materials, machinery, timber, or lands. Such corporation shall, by its corporate name, have power to acquire, use and hold, all such real and personal estate by lease or purchase as shall be necessary for the purpose of carrying on the business of such corporation, with the full right of selling and disposing thereof, according to the laws of North Carolina. They shall have power and the right to build dams, and operate the same, to run logs, timber, or other floating material through said dams and streams, as well as the right to flood such streams; also the right to dam the rivers, creeks and streams mentioned in the first section of this act of incorporation; also the right to improve such rivers, creeks and streams, by removing rocks, building side dams, or otherwise, to keep logs or other floatables in the channels thereof; also the right to operate the dams at will, and to charge not to exceed the sum of one dollar per thousand feet for all logs, timber, or other floatables that are floated, run, or driven by or through the dam or dams, or by or through the improved portion of the river channel, so improved by such corporation; and such corporation shall have power and the right, in any of the streams mentioned in section first of this act of incorporation, to construct, use and

Corporate powers.

maintain all necessary booms for the business of such corporation: *Provided, always*, that they shall first have obtained from the owner or owners of the shores along which, or in front of which, they desire to construct such boom or booms, either by lease or purchase, their permission to erect or maintain such boom or booms in front of his or their land: *And provided, further*, that such boom or booms shall, so far as practicable, be so constructed and used as to allow the free passage of boats, vessels, rafts, logs, timber, lumber and other floatables along such waters. They shall have power to carry on the business of driving, booming, rafting, running, assorting and delivery of logs, timber, lumber, or other floatables, or either of them, as they may, from time to time, determine, and shall have power to make all necessary contracts for such driving, booming, rafting, running, assorting, and delivering; and for the running, driving and booming, rafting, assorting and delivery of such logs, lumber, timber, and other floatables, whether done under contract or otherwise, the said corporation shall have a right to charge and collect such uniform and reasonable sum, not exceeding one dollar per thousand feet, to be collected as is hereinafter provided; and such corporation shall have a lien upon the logs, timber, or other floatables, driven, boomed, rafted or run, and be entitled to retain possession thereof, or so much thereof as may be necessary to satisfy the same, and all expenses for taking care thereof, until the same shall be determined, satisfied, and paid, in the manner hereinafter prescribed; and whenever any such logs, timber, lumber or other floatables shall be delivered by such corporation to any other party, firm, or corporation, such lien shall remain a lien upon such logs, timber, lumber, or other floatables, for the benefit of said corporation, until the same shall have reached its proper destination; and said first corporation shall be deemed not to have lost its lien on the said logs, timber, lumber, or other floatables, and shall have power to take and retain possession of the same, in common with any other party having a subsequently acquired lien thereon, or so much of the same as may be necessary to satisfy the amount of such boomage and charges for rafting or running, until the same shall be determined, satisfied, and paid, in the manner hereinafter prescribed; and all charges for running, driving, booming, towing, or rafting saw-logs, or lumber, by such corporation, shall be by the thousand feet, board measure.

Proviso.

Proviso.

Corporate powers.

Charges for boomage, &c.

Lien upon logs, &c.

Sec. 4. The stock of such corporation shall be deemed personal property, and shall be transferred only on the books of the company, in such manner as the by-laws of the corporation

Stock deemed personal.

Corporation to have lien upon stock, &c.

shall prescribe; and such corporation shall, at all times, have a lien upon the stock or property of its members, invested therein, for all debts due from them to such corporation, which may be enforced by advertisement and sale in the manner herein provided for selling delinquent stock, and all purchasers at such sale shall be entitled to the rights of stockholders.

Procedure to enforce lien for boomage, &c., when owner is unknown or non-resident.

Sec. 5. If the owner of such logs, timber, lumber, or other floatables, mentioned in section three of this act of incorporation, cannot be ascertained, or is without the jurisdiction of the court, the proceeding to ascertain and determine the amount of such lien may be against the property, and commenced by filing the petition of said corporation claiming such lien in the proper court, which shall contain a statement of the nature and amount of the claim, and a description of the property seized, and that the owner of such property is unknown, and is without the jurisdiction of the court, and praying for a judgment against such property for the amount of such claim, which petition shall be verified by the oath of the president of such corporation filing the same, or its agent or attorney. The plaintiff shall thereupon, and before any trial shall be had, or judgment rendered in such proceeding, cause a notice to be published, once a week for six successive weeks, in some newspaper printed and circulated in such county, or if none is printed and circulated in such county, then in such other newspaper published in this state as such court shall direct; which notice shall state the title of the court, the name of the plaintiff, the name of the owner of the property taken, if known, the nature and amount of the claim, and a description of the property upon which the lien is sought to be enforced. The owner of such property shall have the right to appear and defend in such proceeding at any time before judgment, upon such terms as the court shall direct; and in case of his appearance, an issue shall thereupon be formed, as in actions of *assumpsit*, and all subsequent proceedings in such case shall be in accordance with the practice of such court in actions of *assumpsit*. If the owner shall fail to appear in such proceeding, the court may proceed, *ex parte*, to hear, try, and determine the facts alleged in such petition, and render such judgment thereon as justice may require. If judgment shall be rendered in favor of such plaintiff, the court shall thereupon order the property covered by such lien, or so much thereof as may be necessary, to be sold to satisfy the amount of such judgment, with costs.

Sec. 6. If any person or persons, firm or corporation, shall put,

or cause to be put, into any river, creek or stream, improved by said corporation and covered by these articles of incorporation, or shall have in any such creek, river or stream any logs, lumber or timber, for any purpose, and shall not make adequate provision, and put on sufficient force for driving or running the same, or for breaking jams of such logs, timber or lumber in or upon such river, creek or stream, at the head of or along the side of such boom, or shall, for want of adequate provision, or want of sufficient force, allow such logs, timber, or lumber to jam or accumulate at the head of such boom or booms, or along the side thereof, thereby obstructing said river, creek or stream, it shall be lawful for such corporation, at the head of or along the side of whose boom such jam or accumulation of logs, timber or lumber shall form, to cause such jams to be broken, and such logs, timber or lumber to be driven, boomed, rafted or run at the expense of the person or persons owning such logs, timber or lumber; and such owner shall be liable to such corporation for the breaking of such jam, and the driving, booming, rafting and running of said logs, timber or lumber, and the costs and expenses thereof, and such corporation shall have a lien upon such logs, timber and lumber for breaking such jam, and for driving, booming, rafting and running of said logs, timber and lumber, and the costs and expenses thereof; and such corporation shall have a lien upon such logs, timber and lumber for breaking such jam, and for driving, booming, rafting or running such logs, timber and lumber, and the costs and expenses thereof, and shall be entitled to take and retain possession of such logs, timber or lumber, or so much thereof as may be necessary, to satisfy the amount of such charges for breaking such jam, and for driving, booming, rafting and running of said logs, timber or lumber, and expenses and costs thereon, until the same shall be satisfied and paid; and such corporation shall proceed to collect such charges, costs and expenses, in the same manner, in all respects, as provided in section five of this act of incorporation.

Jams.

Authorized to break jams to drive logs, &c., and charge for same.

Lien of corporation.

Sec. 7. That the individuals composing this company shall not be individually responsible for the debts and liabilities of the said company.

Stockholder not liable individually.

Sec. 8. The first meeting of this corporation shall be called by a notice, signed by any one or more of the persons named in this act of incorporation, setting forth time, place and purposes of the meeting; and such notice, ten days at least before the meeting, shall be mailed or deliverad to each member, or published in some newspaper printed nearest to the proposed place of meeting. At such first meeting it shall be competent

Organization.

for said corporation, by their by-laws, to prescribe rules and regulations for future meetings.

Corporate existence.

Sec. 9. This act shall be in force from and after its ratification for a term of thirty years.

Ratified the 6th day of March, A. D. 1895.

CHAPTER 93.

An act to incorporate "The Congdon-Broaddus Tramway Company."

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That D. Congdon, J. F. Congdon, B. F. Broaddus, and such other persons as may hereafter be associated with them, their successors and assigns, are hereby created and

Body politic.

constituted a body politic and corporate, under the name of

Corporate name.

"The Congdon-Broaddus Tramway Company," and by such

Corporate powers.

name may sue and be sued, plead and be impleaded, may adopt a common seal, and alter the same at pleasure, and pass and enact such by-laws, not inconsistent with the constitution and laws of this state and of the United States, as they may deem necessary for the government of this body.

Books of subscription.

Sec. 2. That the corporation may open books of subscription, and receive subscriptions to the capital stock of the company in labor, material, money or property, real or personal, as may be agreed upon by the said incorporation, and so soon as twenty-

Organization.

five per centum of the capital stock shall be so subscribed, a meeting shall be called by the incorporators, at such time and upon such notice as the incorporators shall deem proper, and the subscribers at such meeting shall have the power to organize said company by the election of a president and board of directors, secretary and treasurer, and such other officers as they may see proper, and adopt such rules and regulations for the conduct of the affairs of the corporation as they may deem expedient.

Capital stock.

Sec. 3. The capital stock of said company shall be fifteen thousand dollars ($15,000), which may be increased, from time to time, to an amount not exceeding fifty thousand dollars ($50,000). That said capital stock shall be divided into shares of the denomination of one hundred dollars ($100) each.

Corporate powers.

Sec. 4. That said company shall have the right to acquire and hold real estate and personal property by gift, purchase, devise, or otherwise, in fee, and may transfer, assign, and convey the same as fully, in all respects, as the same may be acquired and conveyed by an individual.

Sec. 5. That said corporation shall have the right to construct, own, maintain, and operate, by steam or otherwise, one or more lines of tramroad, tramway, or log-roads, not to exceed twenty miles in length of each main line, in each of the counties of Pamlico, Craven and Jones, with the right to build, own, maintain, and operate switches, lateral or branch lines, not to exceed ten miles in length each, in each of said counties. Said company may acquire right of way, or other such property, or interest therein, for the construction, maintainance and operation of said roads. The same may be condemned for such purposes, pursuant to chapter forty-nine (49), of The Code of North Carolina, and the statutes amendatory thereto, relating to the condemnation of land for railroads in the state. And for the purposes for which said company is incorporated, may condemn, or otherwise acquire, lands fronting upon rivers, streams, and other water ways along the line of its said route, and the routes of its various lateral branches, and may use the water fronting the same for the purpose of logging and ponding such logs and timber as may be transported over said road: *Provided*, the same shall not obstruct the free navigation of said river; and may likewise condemn all such land as may be necessary for the use and occupation of all necessary buildings to be used in connection with said road; and all rights of way, or other lands, condemned by said company, shall be vested in fee in said company, its successors or assigns: *Provided*, that no right of way so condemned shall exceed twenty-five feet in width.

Corporate powers.

Condemnation of land.

Proviso.

Proviso.

Sec. 6. Said company may operate its roads and branches by steam, or otherwise, and may transport over the same all logs, lumber and timber in the prosecution of its business, and for such purposes only shall be constituted a common carrier, and as such may charge and receive reasonable tolls and charges for the transportation of such logs and timber as it may have the capacity of carrying and transporting along its said route.

Corporation powers.

Common carrier.

Sec. 7. The stockholders of the company shall not be individually liable for any of its debts, torts or liabilities.

Stockholders not liable individually.

Sec. 8. Said corporation shall continue for thirty (30) years.

Corporate existence.

Sec. 9. The principal office of said company, and place of holding its annual meetings, shall be in Newbern, North Carolina.

Principal office.

Sec. 10 All laws in conflict with the provisions 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 6th day of March, A. D. 1895.

CHAPTER 94.

An act to amend the charter of the Charlotte Street Railway Company.

The General Assembly of North Carolina do enact:

Chapter 32, private laws 1893, (charter of Charlotte Street R. R. Co.), amended.

Section 1. That section three (3), of chapter thirty-two (32), of the laws of one thousand eight hundred and eighty-three (1883), be amended by adding thereto the following: The said company is also authorized and empowered to manufacture, produce, lease and sell light, heat and power made from or by the use of gas, electricity, or any other material, and said company shall have power to erect, maintain and operate such a plant, or plants, and appliances as may be necessary to manufacture and distribute, for sale or use, light, heat and power, and to do any and all things that may be necessary for the proper conduct of its business; and also to lease, purchase, hold, sell and convey such real or personal estate as the said company may deem necessary for the proper promotion of its business.

Authorized to manufacture light, &c.

Said law amended.

Name changed.

Sec. 2. That the corporation created by the aforesaid act of one thousand eight hundred and eighty-three (1883) shall be hereafter known as "The Charlotte Electric Railway, Light and Power Company."

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

Ratified the 6th day of March, A. D. 1895.

CHAPTER 95.

An act to incorporate The Carolina Savings Bank, ratified the 9th day of March, A. D. 1891, (chapter 311, laws 1891).

The General Assembly of North Carolina do enact:

Chapter 311, private laws, (charter Carolina Savings Bank), amended.

Section 1. That an act of the general assembly of North Carolina, entitled "an act to incorporate The Carolin Savings Bank," ratified on the ninth day of March, one thousand eight hundred and ninety-one, being chapter three hundred and eleven, of the laws of one thousand eight hundred and ninety-one, be, and the same is hereby, amended by striking out of section one of said act the words, "The Carolina Savings Bank," and inserting in lieu thereof the words, "Carolina Exchange Bank."

Name changed.

Rights and powers.

Sec. 2. That the "Carolina Exchange Bank," in this act incorporated, shall have all the rights and powers, and be subject

to all the duties and obligations, granted to, or imposed upon, "The Carolina Savings Bank," by the above entitled act of March the ninth, one thousand eight hundred and ninety-one.

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

Ratified the 6th day of March, A. D. 1895.

CHAPTER 96.

An act to incorporate The Roanoke Railway and Bridge Company.

The General Assembly of North Carolina do enact:

Section 1. That T. L. Enry, J. C. Simmons, J. J. Daniel, and W. A. Pierce, of North Carolina; W. J. Doyle, of Baltimore, Maryland, and such persons as are now or that may hereafter be associated with them, their successors and assigns, are hereby created a body politic and corporate, to have perpetual succession, under and by the name of "The Roanoke Railway and Bridge Company," and by such name may sue and be sued, and shall have all the general powers, and be subject to all the general restrictions, given or imposed by the laws of this state to or upon railroad and other corporations. Incorporated. Body politic. Corporate name. General corporate powers.

Sec. 2. That said company shall have the right to construct, maintain, and operate a railroad from any point in the county of Halifax, in this state, within five miles of the Roanoke river, to any point in the county of Northampton, in this state, within five miles of the said river, over any line or route that may be selected to pass through, or within five miles above or below the property of the "Great Falls Water-Power Manufacturing and Improvement Company"; and may build and construct a bridge across the Roanoke river, on the line adopted as aforesaid, for the use of said road: *Provided*, that the said bridge shall be so constructed as not to impede the navigation of said river at that point: *And provided, further*, that in the construction of said bridge and railroad, if it shall be necessary to cross the canal of the Roanoke and Navigation Water-Power Company, or to touch the works of said company, that said bridge and railroad shall be so constructed as to pass over said canal without weakening or impairing the banks of said canal, or disturbing, in any manner, the use of said property, without the consent of said navigation and water-power company. Corporate powers. Proviso.

Capital stock.

Sec. 3. The capital stock of said company shall be not less than twenty-five thousand dollars ($25,000), but may be increased from time to time by the stockholders of said company to any amount or amounts, not to exceed, however, the sum of five hundred thousand dollars ($500,000), and shall be divided into shares of one hundred dollars ($100) each.

Books of subscription.

Sec. 4. The incorporators named in the first section of this act, any two of whom may act, are hereby made and appointed commissioners to open the books of subscription in the town of Weldon, North Carolina, upon such notice as to them may seem proper, and to receive subscriptions to the capital stock of said company. Each subscriber shall be required to pay to said commissioners, at the time of subscription, the sum of five dollars ($5) on each share subscribed for, and the balance due on the said stock shall be paid at such times, and in such manner, as the board of directors of said company shall call for the same. As soon as the said sum of twenty-five thousand dollars ($25,000) has been subscribed, and the first installment on the same shall have been paid, then the said commissioners shall call a meeting of such subscribers, by such notice as to them may seem proper, and at such meeting the said company may be duly

Organization.

organized by the election of a president and a board of directors, which shall consist of not less than three, nor more than

Directors.

five members, to hold office until their successors are duly elected; and the board thus elected shall have power to

Officers.

elect a secretary and treasurer, and such other officers and agents as it may deem necessary for the proper management and transaction of the company's business, and may prescribe their duties and fix their compensation. As soon as the treasurer shall have been elected, as aforesaid, the said commissioners shall forthwith pay over to him the balance remaining in their hands from the installments paid in by the subscribers, as aforesaid, after deducting any costs or expenses that may have been incurred by them preliminary to the organization of said company. At the first and all subsequent meetings of the subscribers, or stockholders, each person shall be entitled to

Stock vote.

one vote for each share of stock standing in his, her, or its name.

Corporation authorized to subscribe to stock.

Sec. 5. Any corporation organized under the laws of this or any other state, may subscribe to, and own, the stock of said company; and the said company shall have the right to charge and collect tolls for the use of said bridge by any other railroad

Corporate powers.

company, or may enter into any traffic or other agreements for the use of the said bridge by any other railroad company, as may be agreed upon from time to time; or the said

company shall have the power to consolidate with any other railroad company, organized under the laws of this state, either by contract or consolidation, or the sale or lease of its property, rights and franchises to such other company, on such terms as may be agreed upon: *Provided*, the same is approved by a two-thirds vote of the stockholders of the company hereby incorporated. Proviso.

Sec. 6. The said company shall have the right to acquire such real estate as may be necessary for its purposes, including a right of way for the railroad, and such as may be necessary for said bridge, by purchase or gift or by condemnation, in the manner prescribed by the general laws of this state. Corporate powers. Condemnation of land.

Sec. 7. The said company shall have the right to issue its bonds, either coupon or registered, in any amount not to exceed in all the sum of three hundred thousand dollars ($300,000) and to secure the payment of the same by one or more mortgages, conveying the whole or any part of its property, real, personal or mixed, and all of its rights, powers, franchises and privileges, on such terms and conditions, and to such trustee or trustees as to the board of directors may seem proper. Bonds.

Sec. 8. The stockholders of said company may, at any meeting, make such by-laws for the management of its affairs and for the election of such officers as to them may be deemed expedient. By-laws.

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

Ratified the 6th day of March, A. D. 1895.

CHAPTER 97.

An act to incorporate the town of Belmont, in Gaston county.

The General Assembly of North Carolina do enact:

Section 1. That the town of Belmont, in the county of Gaston, be and the same is hereby incorporated by the name and style of the town of "Belmont," and it shall have the benefit of, and be subject to all the provisions of law now existing in reference to incorporated towns, as set forth in chapter sixty-two (62) volume two (2) of The Code of North Carolina, not inconsistent with this act. Incorporated. Corporate name. Corporate powers.

Sec. 2. That the corporate limits of said town shall be as follows: One-fourth mile north and south, east and west, from the point where public road now crosses railroad in said town. Corporate limits.

Officers.

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

Temporary officers.

Sec. 4. That until their successors are elected and qualified, the following persons shall be the officers of said town, viz.: mayor, W. B. Puett; commissioners, R. L. Stowe, C. A. Fate, and J. W. Armstrong; and constable, B. H. Fate.

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

Ratified the 6th day of March, A. D. 1895.

CHAPTER 98.

An act to amend the charter of the Wilmington & Southern Railroad Company.

The General Assembly of North Carolina do enact:

Amends chap. 146, laws of 1891.

Section 1. That chapter one hundred and forty-six (146) of the laws of one thousand eight hundred and ninety-one (1891) be amended by adding at the end of section four (4) the following: "And the said company shall have the power to

Corporate powers. Borrow money and issue bonds, &c.

borrow money to such an amount as it may deem necessary, and, for any loan, to issue bonds or debentures of the company, bearing interest, at such rate per annum not inconsistent with law, as the company may determine; and, to secure the payment of such loan or loans, the said company may execute one

Execute mortgages, &c.

or more mortgages, or deeds of trust, on the whole or any part of its property, real, personal, or mixed, its charter rights, franchises, and incomes; and the company shall have the right

Sell or lease road.

to sell or lease its road, with all its franchises, or any part or parcel thereof, and shall have the power to contract with individuals, firms, and corporations, or either, for the construction, operation, and equipment of said road.

Time of organization extended two years.

Sec. 2. That the time for organizing the said Wilmington & Southern Railway Company, and for the construction of the same, be, and the same is hereby, extended for two (2) years from the ratification of this act.

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

Ratified the 6th day of March, A. D. 1895.

CHAPTER 99.

An act to change and fix the corporate limits of the town of Ahoskie, in Hertford county.

The General Assembly of North Carolina do enact:

Section 1. That section two (2) of chapter four (4) of the private acts of the laws of one thousand eight hundred and ninety-three (1893), be, and the same is hereby, repealed, and the following inserted in lieu thereof: The corporate limits of the said town shall be as follows, namely: Beginning at a stob on the Norfolk & Carolina railroad, two hundred and twenty (220) yards south of the county road, known as the St. John's road; thence westerly four hundred (400) yards, at right angles with said railroad; thence northerly eight hundred and twenty (820) yards, parallel with said railroad; thence easterly, at right angles with said railroad eight hundred and forty (840) yards; thence southerly, parallel with said railroad, three hundred and sixty (360) yards; thence easterly, at right angles with said railroad, two hundred and sixty (260) yards; thence southerly, parallel with said railroad, four hundred and sixty (460) yards; thence westerly, six hundred (600) yards, to the first station.

Repeals sec. 2, chap. 4, private laws 1893.

Corporate limits defined.

Sec. 2. This act to take effect from and after its ratification.

Ratified the 6th day of March, A. D. 1895.

CHAPTER 100.

An act to authorize the trustees of Sailsbury Cross-Roads Academy, in Randolph county, to sell and make title.

The General Assembly of North Carolina do enact:

Section 1. That John S. Lawrence, Emsly Lowdermilk, E. F. Cagle, William Richardson, William Casady, trustees, be, and the same are hereby, empowered and authorized to sell and make title to Sailsbury Cross-Roads Academy, in Randolph county.

Authority to make title to Sailsbury Cross Roads Academy.

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

Ratified the 6th day of March, A. D. 1895.

CHAPTER 101.

An act to be entitled an act to amend an act entitled "an act to incorporate the Charlotte Gas-Light Company," ratified on the 16th day of February, 1855.

The General Assembly of North Carolina do enact:

Amends charter of the Charlotte Gas-Light Co.

Section 1. That an act of the general assembly of North Carolina, entitled "an act to incorporate the Charlotte Gas-Light Company," ratified on the sixteenth day of February, one thousand eight hundred and fifty-five, be, and the same is hereby, amended by inserting, in the eighteenth line of the sixth section thereof, before the word "provided," the words, "or through, upon, over, or under any and all public highways leading from or into the city of Charlotte," and by adding after the word "squares," in the said eighteenth line, the words, "or highways."

Extends powers, &c.

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

Ratified the 6th day of March, A. D. 1895.

CHAPTER 102.

An act to protect the citizens of Ocracoke from the firing of fire-arms around the Ocracoke Hotel.

The General Assembly of North Carolina do enact:

Unlawful to shoot any fire-arms in one-half mile of Ocracoke Hotel.

Section 1. That it shall be unlawful for any person whatever to fire or shoot any character of fire-arms within one half mile of Ocracoke Hotel, in the county of Hyde, during the period from the first of July to the first of October.

Penalty.

Sec. 2. That any person violating this law shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than one ($1) dollar, nor more than five ($5) dollars, or, in the discretion of the court, imprisoned not more than ten (10) days.

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

Ratified the 8th day of March, A. D. 1895.

CHAPTER 103.

An act to amend the charter of Old Fort.

The General Assembly of North Carolina do enact:

Section. 1. That the corporate limits of Old Fort be changed to the following boundary lines: West side boundary to be a due north and south line, drawn through Mill creek at the breast of the D. C. Salisbury mill-dam site, and extending to a point one-half mile north of railway track, and southward to the intersection of a line drawn parallel to, and one-fourth of a mile south of the Southern Railway tract, as it stands at depot and water tank. Northside boundary to be a line drawn from north end of west side line to a point seven hundred feet due north of northeast corner of Old Fort cemetery; thence south to the northeast corner of said cemetery; thence with said cemetery line south to Butcher's branch; thence with Butcher's branch to J. C. Fincher's line; thence east with Fincher's line to Golay's line; thence southerly with said fence and Golay's line to main street; thence southerly, on same degrees, to a point seven hundred feet south of railway track; thence westerly on a parallel with railway track, as the rails stand at Butcher's branch, to the intersection of a line drawn parallel to, and one-fourth of a mile south of the railway track, as the rails stand at depot and water tank; then westerly with this line to south end of west side boundary line.

Corporate limits changed and defined.

Boundaries continued.

Sec. 2. These lines shall constitute the jurisdiction of the board of aldermen.

Jurisdiction of board of aldermen.

Sec. 3. The election of mayor and aldermen to be annually on or at first of May, under usual regulations governing such elections.

Mayor and aldermen to be elected annually on May 1st.

Sec. 4. All sections or parts of acts in conflict with these amendments are hereby repealed.

All inconsistent acts repealed.

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

Ratified the 8th day of March, A. D. 1895.

CHAPTER 104.

An act to restore to the people of Morganton the right to elect their own mayor.

The General Assembly of North Carolina do enact:

Section 1. That section two (2) of chapter one hundred and seven (107), of the private acts of one thousand eight hundred

Sec. 2, chap. 107, private laws 1891, repealed.

Mayor of Morganton to be elected first Monday in May of each year by the people.

and ninety-one (1891) be, and the same is hereby, repealed, and the mayor of Morganton shall be elected as provided in chapter one hundred and twenty (120) of the private laws of one thousand eight hundred and eighty-five (1885).

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

Ratified the 8th day of March, A. D. 1895.

CHAPTER 105.

An act to incorporate "Orient Lodge," number three hundred and ninety-five (395), "Ancient, Free and Accepted Masons," in the city of Wilmington, county of New Hanover.

The General Assembly of North Carolina do enact:

Incorporated.

Section 1. That the master, wardens and members, who at present are, or in future may be, of Orient Lodge, number three hundred and ninety-five (395), of Free and Accepted Masons, located in the city of Wilmington, in the county of New Hanover, are hereby constituted and declared to be a body corporate, under the name and title of "Orient Lodge," and by such name shall have perpetual succession, and may have a common seal, may sue and be sued, plead and be impleaded, acquire, hold and transfer property, and pass all such necessary by-laws and regulations, as shall not be inconsistent with the constitution and laws of this state, or the constitution of the United States.

Corporate name.

Corporate powers.

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

Ratified the 8th day of March, A. D. 1895.

CHAPTER 106.

An act to prohibit the felling of trees in Snow creek or its tributaries, in Iredell county, North Carolina.

The General Assembly of North Carolina do enact:

Felling trees on Snow creek in Iredell county unlawful.

Section. 1. That it shall be unlawful for any person or persons to fell any tree or trees in Snow creek, or its tributaries, from its mouth, where it enters South river, in Iredell county, North Carolina, to Tiller's mills, in Alexander county, North Carolina, and allow the same to remain for a period longer than five days.

Unlawful to place logs or timbers in channel or on banks.

Sec. 2. That it shall be unlawful for any person or persons to place any logs or timbers in the channel, or upon the banks of said Snow creek, or tributaries, and allow the same to remain for a period longer than three days.

Owners of land to remove obstructions.

Sec. 3. Whenever any obstruction or obstructions are found in said stream or streams, the person or persons upon whose land the obstructions are so found, upon receiving a written notice of the same, shall cause them to be removed within ten days from the receipt of said notice.

Proviso.

Shall not prohibit felling trees for building and repairing bridges, mill-dams, machinery, &c.

Sec. 4. Nothing contained in this act shall be so construed as to prohibit the free and full use of timbers and materials for the purpose of building bridges and erecting foot-ways at any and all regular crossings, neither shall it be so construed as to prohibit the building of mill-dams, or dams for machinery, or the free and full use of material for the building and repairing the same, neither shall it be so construed as to prohibit the free and full use of timber and materials for the purposes of building, repairing and operating mills and machinery.

Penalty for violation.

Sec. 5. That any person or persons violating the provisions as contained in sections one, two and three of this act, shall be guilty of a misdemeanor, and, on conviction before a justice of the peace, shall be fined not more than fifty ($50), nor less than three ($3) dollars, or imprisoned not exceeding thirty days, in the discretion of the court.

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

Ratified the 8th day of March, A. D. 1895.

CHAPTER 107.

An act supplemental and to be a part of an act entitled an act to amend the charter of the town of Mount Airy, North Carolina.

The General Assembly of North Carolina do enact:

Charter of Mt. Airy amended.

Town to be divided in four wards of nearly equal voting strength.

One commissioner to be elected in each ward.

When wards to be established.

Voting precincts.

Section 1. That the act entitled an act to amend the charter of the town of Mount Airy, North Carolina, be amended so that the commissioners of the said town of Mount Airy shall be required to establish four wards, of nearly equal voting strength, instead of two wards, and in each of which wards there shall be elected one town commissioner, and one town commissioner shall be voted for and elected by all of the wards by a popular vote. Said wards shall be established on or before January first, one thousand eight hundred and ninety-six (1896), in each of which wards there shall be established voting

precincts, which, after January the first, one thousand eight hundred and ninety-six (1896), shall be used exclusively by the voters of the said town in all elections, general and municipal.

Mayor to be elected by popular vote.

Sec. 2. That the mayor of the town of Mount Airy shall be elected by the popular vote of the citizens, same as commissioners of said town.

Chap. 304, private laws 1891, amended. Allowed to charge $50 per month license tax.

Sec. 3. That chapter three hundred and four (304) of the laws of North Carolina of eighteen hundred and ninety-one (1891), amending the charter of the town of Mount Airy, North Carolina, be amended as follows: in line twenty-nine, strike out the words "per annum," and insert in lieu thereof the words "per month."

Local option election to be held.

Sec. 4. That the commissioners of the town of Mount Airy shall provide a box at the next election, in which the citizens may vote for or against the sale of spirituous and malt liquors in the town of Mount Airy. Those in favor of sale, shall vote "license"; those opposed, shall vote "no license." If a majority vote for license, the mayor and commissioners shall issue same, under regulations and laws provided for the issuing of license to sell spirituous and malt liquors in the town of Mount Airy, North Carolina.

Conflicting laws repealed.

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

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

Ratified the 8th day of March, A. D. 1895.

CHAPTER 108.

An act for the relief of John C. McLauchlin, clerk of the superior court of Anson county.

The General Assembly of North Carolina do enact:

Board of Commissioners of Anson county empowered to credit John C. McLauchlin with $22.75 lost by failure of Bank of New Hanover at Wadesboro.

Section 1. That the board of commissioners of Anson county be, and they are hereby, empowered to allow John C. McLauchlin, clerk of superior court of Anson county, credit on his settlement with them, for the amount he had on deposit with the bank of New Hanover at Wadesboro, on the nineteenth (19) day of June, one thousand eight hundred and ninety-three (1893), which came into his hands as part of the costs of quarters and food for the jury in the case tried in said county, on the civil docket, at the spring term, one thousand eight hundred and ninety-three (1893). Said amount is twenty-two dollars and seventy-five cents ($22.75).

Allowed credit for money in his hands as receiver of infants and lunatics lost by failure of Bank of New Hanover at Wadesboro.

Sec. 2. That the said John C. McLauchlin be allowed, in his settlement as receiver of the estates of infants and lunatics without guardians appointed by the superior court, credit for such sums as he had on deposit to his credit, as such receiver, in the bank of New Hanover, at Wadesboro, North Carolina, when said bank closed its doors and quit business as such, on the nineteenth (19) day of June, one thousand eight hundred and ninety-three (1893).

Allowed credit for other moneys lost by failure of said bank.

Sec. 3. That whenever, by the terms of any law, the said John C. McLauchlin, clerk as aforesaid, shall have had in his hands any moneys, which are to be accounted for by him with the board of commissioners of said county, or with the successors of said board in office, or with the treasurer of the board of education, by reason of the fact that said amounts of money have remained unclaimed by the real owner, or any owner, then said board of commissioners, or their successors in office, or the treasurer of the board of education, is hereby empowered and authorized to allow him credit in his settlement of such sums for so much of said moneys as he may have had to his credit with said bank of New Hanover, at Wadesboro, on the nineteenth day of June, one thousand eight hundred and ninety-three (1893), when it stopped business: *Provided*, that in any settlement under this act, he shall account for any cash dividends already received by him thereon, and shall afterwards account for any cash dividends as he shall thereafter receive on the same.

Proviso. Dividends received to be accounted for by him.

Construction of act.

Sec. 4. This act shall be taken notice of as a public act, and the provisions of it shall be literally construed to effectuate the relief sought to be given by it.

Authorized to compromise claims in certain cases.

Sec. 5. That John C. McLauchlin, clerk of the superior court of Anson county, is hereby authorized and empowered, in settling his liabilities with any person or persons, on account of sums of money which he may have had on deposit in said bank for or on account of such person or persons, on the nineteenth day of June, one thousand eight hundred and ninety-three (1893), to compromise the same and settle with them on such terms as may be agreed between such person and said clerk.

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

Ratified the 8th day of March, A. D. 1895.

CHAPTER 109.

An act for the relief of the Roanoke Colony Memorial Association.

Preamble.

Whereas, The Roanoke Colony Memorial Association was organized and incorporated, under the general laws of the state, before the clerk of the superior court of Chowan county, for the purpose of preserving the history of the first settlement of this continent, on Roanoke island, in Dare county, and to reclaim and permanently make the historic site of Old Fort Raleigh; therefore,

The General Assembly of North Carolina do enact:

Property exempted from state and county taxes.

Section 1. That the property of Roanoke Colony Memorial Association, a corporation under the laws of this state, be, and the same is hereby, exempt from all county and state taxation.

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

Ratified the 9th day of March, A. D. 1895.

CHAPTER 110.

An act to amend and continue in force an act to incorporate the Fayetteville Land and Improvement Company (limited).

The General Assembly of North Carolina do enact:

Chap. 245, private laws 1891, (Fayetteville Land and Improvement Company charter), amended.

Names of incorporators changed.

Section 1. That an act to incorporate the Fayetteville Land and Improvement Company (limited), ratified the sixth day of March, eighteen hundred and ninety-one, private acts of eighteen hundred and ninety-one, chapter two hundred and forty-five, page twelve hundred and six, be amended by striking out all of first section down to and including "McGill," and inserting as follows, viz: "that R. M. Nimocks, W. G. Le Duc and U. W. Broadfoot."

Time of existence changed from 30 to 50 years.

Sec. 2. That section ten of said act be amended by striking out "thirty," in line two, and inserting "fifty."

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

Ratified the 8th day of March, A. D. 1895.

CHAPTER 111.

An act to incorporate the New Berne Gas-Light Company.

The General Assembly of North Carolina do enact:

Section 1. That S. W. Smallwood, L. F. Smallwood, and M. S. Smallwood, their associates and successors, be, and they are hereby, created a body politic and corporate, under the style and name of "The New Berne Gas-Light Company," and by that name may sue and be sued, plead and be impleaded, and be capable of purchasing, holding, buying, selling, leasing, building, erecting and establishing gas plants in the state of North Carolina, or out of the state, for the purpose of manufacturing and selling both gas for fuel and light, and to do all and every other thing necessary and incident in the carrying on and conduct of its business. Incorporators. Body politic. Name. Corporate powers.

Sec. 2. That the capital stock of said company shall be fifty thousand dollars ($50,000), with liberty to increase the same at any time, or from time to time, to any sum not exceeding five hundred thousand dollars ($500,000), as a majority of the stockholders may determine, said capital stock to be divided into shares of the par value of one hundred dollars ($100) each. And the said company shall have the right to borrow money, to make, dispose of and negotiate its promissory notes, drafts or bonds, and to mortgage its property, or any part thereof, franchises and effects, to secure their payment. That its principal place of business shall be New Berne, North Carolina. Capital stock. Increase of capital stock. Shares. Borrow money and mortgage property. Place of business.

Sec. 3. 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 do not conflict with this special enactment; that any stockholder of said company shall be eligible to the position of director; that the said board of directors shall have all the powers and rights incident and necessary to carry out the purpose of this charter; that the principal officers of the company shall be president, secretary and treasurer, and that any of the board of directors, or stockholders, are eligible to these positions. By-laws. Officers and employees. Proviso. Directors. Powers and duties of directors. Officers.

Sec. 4. That the board of directors shall be elected at the annual meeting of the stockholders, which annual meeting shall be provided for by the by-laws of the company; and said directors shall hold their offices for the term of one year, or until their successors are elected. Directors, when and how elected. Term of office.

Power to mortgage any part of its property to secure a debt and exempt the remainder, &c.

Sec. 5. That the company shall have rights and powers, if at any time it buys, builds, erects, or owns any gas plant; that it may mortgage to secure bonds, or such other evidences of indebtedness as it may see fit to create and float upon said plant, to secure the same, the separate and distinct plant in the town, city or village, as may be described in the said mortgage, which said plant shall be exclusively held liable for the payment of the debt of whatever nature or form, as described in the said mortgage, and that the other part of said company's property shall be responsible for the said debt.

No stockholder individually liable for debts, &c.

Sec. 6. That the stockholders of this company shall not be individually liable for any of its debts, contracts, or obligations of any kind whatsoever.

Authorized to obtain franchises in any town or city in any state.

Sec. 7. That this company shall have the right and the power to obtain franchises of any kind and description, for the purpose of erecting and establishing, owning, leasing, building or buying gas plants in any town, village or city, in any state wherever the proper town officers shall see fit to grant said franchise to said company; that this company shall have the right to acquire, by purchase or otherwise, any gas plant that is now in existence, or that may become in existence hereafter, or the stockholders of this company may deem best, and as they may elect.

Authorized to acquire other gas plants.

Powers in charter of "New Berne Gas-Light Co." ratified Jan. 8, 1859, given this company.

Sec. 8. That the act of the general assembly of North Carolina, as ratified on the eighth (8) day of January, one thousand eight hundred and fifty-nine (1859), and all acts amendatory thereto, so far as they do not conflict with this act, that all the powers and privileges granted therein to the "New Berne Gas-Light Company," are hereby re-enacted and made part of this charter, and all benefits therein are devolved upon that company.

Sec. 9. That this act shall be in full force and effect for the period of thirty (30) years from and after its ratification.

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

Ratified the 8th day of March, A. D. 1895.

Duration of corporate existence.

CHAPTER 112.

An act to incorporate the "Masonic Temple Corporation," of the city of Wilmington, North Carolina.

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That John C. Stone, M. C. S. Noble, R. H. Grant, M. S. Willard, Walter E. Slorus, and all persons who may here-

after be associated with them, their successors and assigns, are hereby created a body politic and corporate, by the name and style of the "Masonic Temple Corporation," with all the rights, powers and privileges granted to corporations by the sixteenth (16) chapter of volume one (1), The Code, entitled, "corporations," and as such shall have perpetual succession and a common seal. Body politic, corporate name. Powers, &c.

Sec. 2. The capital stock of said corporation shall be one thousand dollars ($1,000), divided into shares of twenty-five dollars ($25) each, and said corporation shall have power to increase its capital stock from time to time, to a sum not exceeding fifty thousand dollars ($50,000) in shares of like amount; but no such increase shall, at any time, be made unless authorized by a majority in the interest of the stockholders. Each share of stock shall be entitled to one vote in all meetings of the stockholders. Capital stock. Shares. Increase. How made. Stock vote.

Sec. 3. The purpose for which said corporation is constituted is to erect, establish and maintain a building for the use, benefit and occupancy of the several orders of Masonry, situated within the Masonic jurisdiction of the city of Wilmington, North Carolina. Purpose, &c.

Sec. 4. Saint John's lodge, number one (1), Wilmington lodge, number three hundred and nineteen (319), Orient lodge, number three hundred and ninety-five (395), Concord chapter, number one (1), and Plantagenet commandery, number one (1), Masonic bodies, located in the said city of Wilmington, North Carolina, shall have the right and authority to subscribe for and hold the capital stock of said corporation, and to become stockholders therein, and each of said bodies shall have power to appoint some member to represent it at all meetings of the stockholders of said corporation, and exercise in its behalf all rights, powers and privileges of stockholders therein, as if said representative were himself a stockholder, and said representative may be changed by the body so appointing him at its pleasure. Subscribers to stock. May appoint representatives.

Sec. 5. It shall be lawful for the said corporation to borrow money, to make, negotiate and dispose of its promissory notes, drafts or bonds given for money borrowed, or given in liquidation of any debt due or owing from said corporation, or made for the purpose of raising money, and to secure the payment of any such obligation or obligations, by a mortgage or pledge of any or all its property and franchises: *Provided*, said obligations shall not have interest in excess of the legal rate. May borrow money and mortgage property.

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

Ratified the 8th day of March, A. D. 1895.

CHAPTER 113.

An act to prevent the manufacture and sale of intoxicating liquors within two (2) miles of Davis' school-house and Bethel Baptist church, both in Stanly county.

The General Assembly of North Carolina do enact:

No intoxicating liquor to be used within two miles of Davis school-house or Bethel church.

Section 1. That no intoxicating liquors shall be manufactured or sold within two miles of Davis' school-house, or Bethel church (colored), both in Stanly county, North Carolina.

Penalty for violation.

Sec. 2. That any person who shall violate the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined or imprisoned at the discretion of the court.

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

Ratified the 8th day of March, A. D. 1895.

CHAPTER 114.

An act to prohibit the sale of intoxicating or spirituous liquors within two miles of Stony Hill Church, in Stanly county.

The General Assembly of North Carolina do enact:

Manufacture or sale in two miles of Stony Hill Methodist church prohibited.

Section 1. That it shall be unlawful for any person to manufacture or sell any malt, spirituous, or intoxicating liquors within two (2) miles of Stony Hill Methodist Episcopal church, in Stanly county.

Penalty for violation.

Sec. 2. That any person who shall violate the provisions of this act shall be guilty of a misdemeanor, and fined or imprisoned at the discretion of the court.

Sec. 3. That this act shall be in full force and effect from and after its ratification.

Ratified the 8th day of March, A. D. 1895.

CHAPTER 115.

An act granting a pension to Joseph W. Blum, of Cabarrus county.

Preamble.

Whereas, Joseph W. Blum, of Cabarrus county, who was a member of company A, 52nd North Carolina troops, in the war between the states, was severely wounded at the battle of Gettysburg, Pennsylvania, by reason of which wounds he is

now unable to do manual labor, and is in destitute circumstances; therefore,

The General Assembly of North Carolina do enact:

Section 1. That Joseph W. Blum, of Cabarrus county, be, and he is hereby, made a pensioner of the third grade, under chapter one hundred and ninety-eight (198), laws of eighteen hundred and eighty-nine (1889). J. W. Blum made pensioner of third class.

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

Ratified the 8th day of March, A. D. 1895.

CHAPTER 116.

An act to amend chapter three hundred and sixty-two (362) of the laws of one thousand eight hundred and eighty-nine (1889), in regard to M. P. Church.

The General Assembly of North Carolina do enact:

Section 1. That section five (5) of chapter two hundred and sixty-two (262) of the laws of one thousand eight hundred and eigthy-nine (1889) be amended by striking out, in the last line of said section, the words "M. E. Church," and insert in lieu thereof the words "M. P. Church." Sec. 5, Chap. 262, laws 1889, amended.

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 8th day of March, A. D. 1895.

CHAPTER 117.

An act to amend the charter of the town of Chapel Hill, Orange county.

The General Assembly of North Carolina do enact:

Section 1. That the charter of the town of Chapel Hill, in Orange county, North Carolina, be, and the same is hereby, amended as follows: That in lieu of electing the mayor of said town by the vote of the board of commissioners, that on the first Monday in May, eighteen hundred and ninety-five (1895), and in each succeeding year thereafter, there shall be an election held for mayor and board of commissioners, in like manner as prescribed in section three thousand seven hundred and ninety-four of The Code, for the election of such officers. Charter of Chapel Hill amended. Mayor and commissioners to be elected by the people annually. How election held.

Conflicting laws repealed.

Sec. 2. Be it further enacted, that all acts, or clauses of acts, in conflict with this act be, and the same are hereby, repealed and made void.

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

Ratified the 6th day of March, A. D. 1895.

CHAPTER 118.

An act to incorporate the "Rockingham County Fair Association."

The General Assembly of North Carolina do enact:

Corporators.

Body politic.

Corporate name.

Corporate powers.

Hold, buy, &c., land.

Borrow money and secure payment.

Section 1. That A. H. Galloway, A. M. Whitsitt, William Fillman, and such other persons as may be associated with them, are hereby made a body politic and corporate, with perpetual succession, to be known by the name and style of the "Rockingham County Fair Association," with power to purchase and own real and personal property, to have a corporate seal, to sue and be sued in any and all courts, and to do any and all other things which belong to bodies politic and corporate, with power to hold, sell, lease, mortgage, or otherwise convey and dispose of any real and personal property, to borrow money, and to issue bonds or promissory notes, or other evidences of indebtedness, and to secure the same by mortgage, or otherwise, that may be deemed best to make advances of money or other things, on such terms and on such rates of interest, not exceeding six per centum per annum, and on such security, real or personal, as may be agreed on, and with all rights, powers and privileges incident to or belonging to corporations.

Capital stock.

Increase.

Shares.

Stock vote.

By-laws, &c.

Sec. 2. The capital stock of said corporation shall be thirty-five thousand dollars ($35,000), which may be increased at any time by a majority vote of the stockholders to fifty thousand dollars ($50,000), and the capital stock is to be divided into shares of ten dollars ($10) each, and at all meetings of the stockholders of said corporation, each share of stock shall entitle the owner of the same to one vote, either in person or by proxy.

Sec. 3. The stockholders of said corporation will make all such rules, by-laws and regulations as may be considered necessary for the well ordering and conducting the business of said corporation; they may prescribe the number of the directors and the number and character of the officers of said corporation, the manner of their election, the amount of their compensation,

Directors, &c.
Officers.
Election.
Compensation, &c.

the terms of their respective offices, the manner in which any director or officer may be removed, and the mode of supplying any vacancy, existing from any cause whatever, either among the officers or directors of said corporation, and shall have power to enjoy all and every privilege incidental and belonging to corporate bodies, according to the laws of this state. Terms, &c. Removal. Vacancy.

Sec. 4. Said corporation shall have the right to lease to parties any portion of its grounds or buildings, and to grant to the person so leasing such grounds or buildings, during the time it is holding public fair, races, or any exhibition, the privilege of selling such commodities, produce, or other things whatsoever, as the officers of said corporation may deem proper to be sold on the premises of the corporation, and to conduct any business or exhibition, as the officers of said corporation may deem proper to be carried on, and to grant to any person that they may deem proper the sole right to vend fruit, or other things, for the comfort or pleasure of the attendants upon such public fairs, races, or exhibitions: *Provided*, that if any of said business, trade or exhibitions, as may be authorized by said corporation, at any of its public exhibitions, as aforesaid, shall now or hereafter be taxed by the state of North Carolina, it shall be lawful for, and the duty of, the officer or officers of the state who are, or hereafter may be, vested with authority to grant license or privilege of conducting such business, trade or exhibitions, to grant a license or privilege to the person or persons who may be authorized by said corporation, to conduct on its premises such business, trade or exhibitions, upon such person or persons paying to such officer or officers, or the person who is required to collect the same, a license fee that bears the same proportion to the license privilege per year for such trade, business, or exhibition, that the number of days said public exhibition continues in any one year bears to the full years: *Provided, further*, that the said corporation shall not be responsible for the acts, engagements, contracts, omissions or torts of any person leasing any parts of said grounds or buildings, or for the privilege of conducting of any such business, trade or exhibition aforesaid. May lease its grounds. Corporate powers. Proviso. License. Proviso.

Sec. 5. That the officers of said corporation shall have the power to appoint such members of special police as to them seem necessary, and who shall have sole and exclusive jurisdiction to enforce the rules of said corporation during such public exhibitions as said corporation may hold. Such special police shall be paid by said corporation, and during said exhibitions have said jurisdiction, with all the power of constables, to preserve order and enforce the rules of the corpora- May appoint special police. Authority of police.

tion, upon the grounds whereon said exhibition may be held, or within two hundred yards of same, and to make arrests for breaches of the peace or violations of the laws of the state.

No individual liability.

Sec. 6. No stockholder shall be individually liable or responsible for any debts or engagements, contract or obligation, omission, or tort of or demand on said corporation, and the shares of stock of the corporation, when the par value has been paid, shall forever be non-assessable.

Conflicting laws repealed.

Sec. 7. That all laws, and clauses of laws, in conflict with this act are hereby repealed.

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

Ratified the 6th day of March, A. D. 1895.

CHAPTER 119.

An act to allow citizens of the different townships in Cleveland county to vote upon the question of manufacturing spirituous liquors therein.

The General Assembly of North Carolina do enact:

Board of commissioners to order elecction in certain townships on petition of 1-5 the qualified voters.

Section 1. It shall be the duty of the board of commissioners of Cleveland county, upon petition of one-fifth of the qualified voters of either of the following townships in said county, to-wit: numbers one (1), two (2), three (3), four (4), five (5), six (6), seven (7), eight (8), nine (9), ten (10), and eleven (11), to order an election in the townships from which such petition is presented, to be held on the first Monday of May, of any year, to ascertain whether or not spirituous liquors may be manufactured in such township or townships. The petition shall set forth the length of time it is proposed to prohibit the manufacture of spirituous liquors, and notice thereof shall be posted at the court-house door, and three public places in the townships in which such election is proposed to be held, at least thirty days prior to the election: *Provided*, that at the same election, in each township, the voters shall be allowed to vote on "license," or "no license," and if "license" carry, then the county commissioners shall issue license to any person applying for same, after receiving from said person or persons the license fees for state and county now provided for by law.

What petition to contain.

Notice, how given.

Proviso.

"License" or "no license" to be voted on at same time.

Election, how held.

Sec. 2. Such election, when so ordered, shall be held, and returns made, under the same rules and regulations as prescribed for holding elections for members of the general assem-

bly, so far as the same may be applicable, except as herein modified.

Qualification of voters.

Sec. 3. Any person allowed to vote in such township for members of the general assembly, shall have the right to vote at such election, and every such voter who favors the prohibition of the manufacture of spirituous liquors in such townships, shall vote a ticket on which shall be written or printed the word "prohibition," and every such voter who favors such manufacture shall vote a ticket on which shall be written or printed the words "no prohibition."

Ballots.

Returns how made.

Sec. 4. That the returns of said election shall be made to the board of commissioners of Cleveland county, at regular meeting next after such election, and the result thereof shall be declared by said board of commissioners.

When made.

If majority vote "prohibition" unlawful to manufacture spirituous liquor.

Sec. 5. If a majority of the votes cast at any such election shall have written or printed on them the word "prohibition," then it shall be unlawful for any person to manufacture spirituous liquors in the township or townships in which such election is held, for the period mentioned in the petition; and any person manufacturing spirituous liquors in such townships during the period mentioned in the petition shall be guilty of a misdemeanor, and, upon conviction, shall be fined not more than thirty dollars ($30), or imprisoned not more than thirty days: *Provided*, that each day such person manufacturing such spirituous liquors shall be a separate offense.

Penalty, &c.

Proviso. Each day's violation a separate offense.

This act not to affect provisions of chap. 32 of *The Code*.

Sec. 6. That nothing herein contained, and no election held under this act, shall affect the provisions of chapter thirty-two (32) of The Code, and the members thereunder.

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

Ratified the 6th day of March, A. D. 1895.

CHAPTER 120.

An act to amend the charter of the town of East Bend, Yadkin county.

The General Assembly of North Carolina do enact:

Chap. 144, laws of 1887, amended.

Section 1. That an act entitled "an act to incorporate the town of East Bend, in the county of Yadkin," ratified the seventh day of March, eighteen hundred and eighty-seven, chapter one hundred and forty-four, acts of eighteen hundred and eighty-seven, be, and the same is hereby, amended by adding to the fifth section thereof the following: And the said

Power to lay out new streets and widen old ones.

commissioners shall be, and are hereby, invested with full power to lay out and open new streets, and to widen those already open, as in their judgment the public convenience may require.

May condemn land, &c.

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 land-owner or owners and said commissioners cannot agree upon the price which the land-owner or owners will take and convey said land to the town, the same may

How condemned.

be taken at a valuation to be made by three freeholders of said town, to be chosen as follows: The commissioners shall select one (1) and the owner or owners of the land one (1), within three days after notice, in writing, to the land-owner or owners, from the commissioners of their selection, and the two (2) freeholders thus selected shall select the third man, and these persons, thus

How damages assessed.

selected, shall assess the damages, if there be any, within five days after the notice from the commissioners to the land-owner or owners above mentioned. And if the owner or owners of the land fail to select a man within three days, as aforesaid, then the commissioners shall select two men, and the two men thus

Umpire.

selected shall select the third, and the three thus selected shall assess the damages to the land within the time aforesaid.

Assessors sworn.

The said freeholders, when so chosen, shall first be duly sworn by the mayor, or a justice of the peace, and shall view the

Value of condemned land, how arrived at.

premises or 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

Report of assessors.

such streets, and shall ascertain and report to the commissioners, in writing, under their hands and seals, what amount or sum shall be paid to the land-owner or owners, which report, on being confirmed and spread upon the minutes of said town,

Effect of report.

shall have the force and effect of a judgment in favor of said land-owner or owners against said town, and shall pass the title of said land to the said town of East Bend.

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

Ratified the 9th day of March, A. D. 1895.

CHAPTER 121.

An act to amend the charter of the city of Wilmington.

The General Assembly of North Carolina do enact:

Police board created.

Section 1. That there is hereby created a board, to consist of five qualified electors of the city of Wilmington, to be known as the "police board" of the city of Wilmington, the said board

to consist of William H. Chadbourn, John B. Melton, Silas P. Wright, John E. Taylor, and Frederick B. Rice. The terms of office of the members of said board shall begin when the term of mayor and the aldermen of the city shall begin in eighteen hundred and ninety-five (1895), or as soon thereafter as the members of the police board shall qualify, by taking the oath of office, and shall continue for two (2) years, or until their successors shall qualify. In case of a vacancy by death, resignation or otherwise, the remaining members of the board shall have power to fill the vacancy.

Members of board.

Terms of office.

Board to fill vacancy.

Sec. 2. The members of the said police board shall serve without compensation, except that they shall be entitled to one dollar a day for each day that they may be in session, but this compensation shall not exceed eight dollars for each member for any one (1) month. The chief of police, the chief of fire department, the city clerk and treasurer, the city attorney, the city physician, the harbor master, the clerks of the various markets, the policemen, and all persons employed in working the streets or employed for any personal service, shall be appointed and employed by the police board. Policemen and street hands may be removed at the pleasure of the police board, but shall not be removed by any other authority. The chief of police and the city attorney shall hold their offices for two (2) years, and shall not be removed except for official misconduct, and then only by the concurring action of the mayor and aldermen and the police board, both of which bodies, before removal, shall give a reasonable hearing to the accused, and in case of removal, enter their findings and reasons on their minutes. The mayor and board of aldermen shall have no right to remove any one appointed or employed by the police board. The street work of the city may be let out by contract, with the concurrence of the police board.

Compensation.

Officers appointed by board.

Removals.

Term of office of chief of police and city attorney.

How removed.

Accused to be heard and findings, &c., entered on minutes.

Mayor and board of aldermen no power of removal.

Street work, &c., how contracted for.

Sec. 3. The salary of the mayor shall be fixed by the concurring action of the board of aldermen and of police board, and shall not exceed one thousand dollars a year.

Mayor's salary, how fixed.

Sec. 4. The chairman of the police board shall act as commissioner of the sinking fund, and his compensation in this behalf shall not exceed two hundred dollars per year.

Commissioner of sinking fund.

Compensation.

Sec. 5. All expenses of the board of audit and finance, excluding stationery and lights, and including clerk hire and compensation of its chairman and members, shall not exceed one thousand dollars per annum. All work of a permanent nature upon streets, such as paving, grading or "claying" or placing shells upon the same, shall be advertised in like man-

Expenses of board of audit and finance limited.

Permanent street work to be let to lowest bidder.

ner as is now done for material, and the same shall be awarded to the lowest responsible bidder.

Salary of chief of police and city attorney.

Sec. 6. The chief of police shall have a salary to be fixed by the police board, not to exceed twelve hundred dollars a year, and the city attorney shall have a salary to be fixed by the police board, not to exceed three hundred dollars a year; but he shall be entitled to reasonable compensation in addition for services rendered to the city in actual litigation, or in matters extraordinary.

Medical quarantine officers, &c., employed by board.

Sec. 7. The police board shall employ some suitable physician, who shall act as medical quarantine officer for the port of Wilmington, and who shall perform all the duties required of each physician, by the act of the special session of one thousand eight hundred and sixty-eight, public laws, chapter thirty-three, page forty-six, and who shall perform all other such duties of quran-a tine physician as may be prescribed by the lawful quarantine ordinances and quarantine regulations of the city of Wilmington; and the authority granted to the governor by said act of the assembly to designate such a physician, is hereby repealed; and it shall not be lawful for the public treasurer to pay out to any person acting under the designation or employment of the governor, any sum whatever, except for such services as shall be rendered before the designation or employment of a quarantine physician by the police board, as herein provided.

Act allowing governor to appoint repealed.

Public treasurer prohibited from paying. Governor's appointee.

Chap, 33, public laws, special session 1868, to remain in force, except as altered by sec. 7 of this act.

Sec. 8. The act of the general assembly aforesaid, being chapter thirty-three, page forty-six, of the public laws of the special session of one thousand eight hundred and sixty-eight, shall remain, and continue in full force and effect, except as altered by section seven (7) of this act. That the persons who may be in office as mayor and alderman of the said city of Wilmington on the twenty-eighth (28th) day of March, Anno Domino one thousand eight hundred and ninety-five, shall continue in office until the regular election, to be held on the fourth Thursday in March, Anno Domino one thousand eight hundred and ninety-seven, and until their successors, then to be elected, shall be duly qualified.

Mayor and aldermen designated.

Salaries and fees of city officers, how fixed.

Sec. 9. That all salaries and fees of all city officers and employees, except the salary of the clerk of the board of audit and finance, shall be fixed by the concurrent action of the board of alderman and the police board, unless otherwise provided for by this act.

Conflicting laws repealed.

Sec. 10. All laws, and clauses of laws, inconsistent with this act are hereby repealed.

Sec. 11. This act shall be in force from and after its ratification.

Ratified the 9th day of March, A. D. 1895.

CHAPTER 122.

An act to incorporate the "Carolina Military Institute."

The General Assembly of North Carolina do enact:

Section 1. That D. J. Barton, superintendent, T. W. Telgham and S. T. Beckwith, and their successors in office, be constituted a body politic and corporate, by the name of the "Carolina Military Institute," for educational purposes, with all the powers, rights and privileges conferred upon corporations. Corporators. Corporate name. Corporate powers, &c.

Sec. 2. That said corporation is hereby authorized and empowered to buy and sell land for the purpose of carrying on and conducting a school for white children, in such a manner as the stockholders, in their discretion, may deem best. May buy and sell land, &c.

Sec. 3. That a majority of the stock represented shall constitute a quorum for the transaction of business, after due notice upon all stockholders. Quorum.

Sec. 4. That under this act of incorporation the power shall be conferred upon the said "Carolina Military Institute" to grant diplomas, or issue such other certificates of merit as the corps of teachers shall deem advisable. May grant diplomas, &c.

Sec. 5. That the governor shall be empowered to grant a commission to the superintendent of the aforesaid military institute: *Provided*, that the rank so conferred shall be no higher than that of "colonel," and that the governor shall be empowered to grant commissions to such other officers of the said school as may be recommended by the superintendent: *Provided*, that the rank so conferred shall be no higher than that of "major," and only such officers shall be recommended by the superintendent as are essential to the efficiency of the said school. Governor empowered to grant commission as colonel to superintendent. And to commission other officers. Proviso.

Sec. 6. That officers commissioned, as herein provided, shall take rank, according to the date of commission, with officers in the line of the "North Carolina State Guard." Rank of officers.

Sec. 7. That the adjutant-general shall furnish the said "Carolina Military Institute" with a number of rifles, not to exceed fifty (50), from the quota available by the "State Guard," that have not been actually assigned to some military company in the state, upon requisition of the superintendent of the said school, and upon such security as will insure the state against loss. Adjutant-general to furnish rifles.

That the said rifles, thus furnished the "Carolina Military Institute," shall at all times be subject to the order of the adjutant-general for the purpose of the "State Guard," and shall be subject to inspection by the proper officers thereof; Rifles subject to order of adjutant-general. Inspection.

and if, upon inspection, the said arms shall be found not to be in proper condition, upon recommendation of the proper officers said arms shall be withdrawn by the adjutant-general, and the "Carolina Military Institute" shall not be entitled to a further loan.

Arms withdrawn, when.

Loan for three years &c.

Sec. 8. That the loan of rifles, herein provided for, shall not be for a period to exceed three (3) years.

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

Ratified the 9th day of March, A. D. 1895.

CHAPTER 123.

An act to regulate the payment of the special fund raised under chapter one hundred (100), section seven (7), private laws of eighteen hundred and ninety-three (1893).

Preamble.

Whereas, There remains in the state treasury the sum of nineteen hundred and twenty-seven dollars and thirty-six cents ($1,927.36), which was paid therein under section seven (7) of chapter one hundred (100), of the private laws of the general assembly of eighteen hundred and ninety-three (1893), for the benefit of the attorneys employed by the state in the litigation with "The Wilmington & Weldon Railroad Company," over its claim to exemption from taxation; whereas, the said section fails to state the name of said attorneys, to-wit: Robert O. Burton and S. G. Ryan, to whom said fund belongs, as the only attorneys employed by the state;

The General Assembly of North Carolina do enact:

Public treasurer directed to pay to R. O. Burton and S. G. Ryan.

Section 1. That the public treasurer of the state of North Carolina be, and he is hereby, authorized and directed to pay to Robert O. Burton and S. G. Ryan, each one-half of said sum, namely: to Robert O. Burton, nine hundred and sixty-three dollars and sixty-eight cents ($963.68); to S. G. Ryan, nine hundred and sixty-three dollars and sixty eight cents ($963.68), out of the said special fund, or, if the said special fund has been covered into the general fund of the treasury, out of only moneys in the treasury not otherwise appropriated.

Auditor to draw warrant.

Sec. 2. That the auditor of the state be, and he is hereby authorized and directed to draw his warrant upon the said treasurer, in favor of each of said attorneys, for the amount directed to be paid him in the first section of this act.

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

Ratified the 9th day of March, A. D. 1895.

CHAPTER 124.

An act to incorporate the Consolidated Pine Fibre Company.

The General Assembly of North Carolina do enact:

Section 1. That William Latimer, H. G. Latimer, and E. S. Latimer, of Wilmington, North Carolina; William H. Castle, Burritt H. Sawyer, of Philadelphia, Pennsylvania, and Julian H. Chisholm, of Baltimore, Maryland, their associates, successors and assigns, be, and the same are hereby, created a body politic and corporate in law and in fact for the uses, purposes and intents of this act, under the name and style of "Consolidated Pine Fibre Company," and under that name and style may sue and be sued, plead and be impleaded, in any court of record, contract and be contracted with, have and use a common seal, alterable and renewable at their pleasure, have perpetual succession, take, own and possess by gift, grant, devise, purchase, settlement, or by any and all other lawful methods; possess and acquire lands in such sized tracts, greater or less, as may be desired for the purposes of the corporation, within the state of North Carolina and elsewhere; also personal property, rights, franchises and choses in action, and retain any or all of same, construct canals, locks, dams, mills, stores, warehouses, and all other works and structures desired for the purposes of the corporation, within the state of North Carolina and elsewhere, including houses and other buildings for the use, convenience or habitation of its employees, or lease or otherwise. Corporation. Body politic. Name. Corporate powers.

Sec. 2. The said corporation is authorized and empowered to manufacture, buy, sell, and deal in fibres, yarns, fabrics, oils, and all other articles of commerce, which may be separately, or in combination with other substances, made from the leaves or needles and other parts of the pine tree, or may be made from any other vegetable, animal, or mineral substances; and to acquire, own, possess, use, sell, pledge, assign, or otherwise dispose of patents and patent rights, under the laws of the United States and all other countries, and to license other corporations and individuals to use the same. Business of corporation.

Sec. 3. The persons named in the act, or their legal representatives, or a majority of them, may receive subscriptions to the capital stock of this corporation, or appoint, in writing, some person or persons so to receive subscriptions, and the person or persons receiving such subscriptions may give certificates of subscription, and also give receipts for payment upon subscriptions, but no certificates of stock in the said Subscriptions to capital stock.

corporation shall be issued until after the organization of the corporation.

Capital stock.

Sec. 4. The capital stock of the said corporation shall be one thousand ($1,000) dollars, with power to increase the same, from time to time, by vote of the stockholders of the corporation, to an amount not exceeding one million ($1,000,000) dollars, and the capital stock shall be divided into shares of the par value of one hundred ($100) dollars each; and of the said capital stock, such an amount may be common stock, and such an amount may be preferred stock, as a majority of all the stockholders may, from time to time, determine; and the preferred stock shall be entitled to receive dividends at the rate of seven (7) per centum per annum out of the earnings of any year, only that the corporation may have net earnings applicable to dividend, to be paid semi-annually, before any dividends whatever shall be declared on the common stock, and after payment of seven (7) per centum upon the common stock, then to a *pro rata* share of any excess of the net earnings beyond seven (7) per centum, upon all the stock, both common and preferred, then outstanding. Neither the stockholders nor the directors of this corporation shall be individually liable for any contracts, indebtedness or liability of any kind whatsoever of the said corporation. The stock of this corporation shall be owned, held and deemed in law and equity as personal estate.

May be increased.

Par value of shares.

Common and preferred stock.

Dividends.

Stockholders not individually liable for debts, &c.

Stock to be personal property.

Subscriptions may be paid in cash or other property.

Sec. 5. The corporation may receive cash, labor, material, bonds, stock, real or personal property, patents, patent rights and any other property, rights or privileges, in payment of subscriptions to the capital stock, at such valuations and at such prices as may be agreed upon before organization between a majority of the corporators and the subscribers, but after organization between the directors and the subscribers, and may make such subscriptions payable in such manner or amounts, and at such times, as may be agreed upon with the subscribers; and whenever ten shares shall have been subscribed to, the subscribers, under the direction of such of the incorporators as themselves shall be subscribers, may organize the said corporation by adopting by-laws, and electing a board of nine (9) directors; and thereupon the said corporation shall have and exercise all the powers and functions of a corporation, under this charter and the laws of this state.

Manner and time of payment.

May organize when ten shares are subscribed.

Organization.

Sec. 6. It shall be lawful for the said corporation to subscribe to and hold shares in the capital stock of other corporations, and to subscribe to, guarantee or hold the bonds of other corporations. And it shall be lawful for the said corporation to borrow money, and to issue and sell its bonds, from time to

May own stock in other corporations, &c., &c.

May borrow money and mortgage its property, &c.

time, for such sums, and on such terms, as its board of directors may deem expedient and proper, for any of the purposes of the corporation, and may secure the payment of the said bonds by mortgages or deeds of trust upon all or any portion of its property, real or personal, and mixed, its contracts and privileges, its patents and patent rights, and its charter right and franchises, including its franchise to be a corporation; and it may, as the business of the corporation shall require, sell, lease, convey or otherwise dispose of the said property.

Vote of stock.

Sec. 7. Every stockholder in the corporation shall, at all meetings or elections, be entitled to one vote for every share of stock registered in his name; and the stockholders of the said corporation may enact such by-laws, rules and regulations for the management of the affairs of the corporation, as they may deem proper and expedient, and may from time to time amend the same.

By-laws.

Board of directors.

Sec. 8. The board of directors shall be stockholders of the said corporation, and, after the expiration of the term of office of the board first elected, shall consist of such number as the stockholders may, in the by-laws of the corporation, determine. The board of directors shall be elected at the stockholders' annual meeting, to be held on such days as the by-laws of the corporation may direct, and shall continue in office for the term of one year from and after the date of their election, and until their successors are elected and accept the duties of the office; and they shall appoint one of their number president, and in case of the death, resignation, or incapacity, of any member of the board of directors, during his term of office, the said board shall elect his successor for the unexpired term.

How and when elected.

Term of office.

President.

Vacancy.

Establish agencies, &. Principal office.

Sec. 9. The board of directors may establish offices and agencies at such places as they may deem proper, but the principal office of the corporation shall be located at Wilmington, in the State of North Carolina.

Dividends.

Sec. 10. That the board of directors have power hereby to declare dividends upon the shares of stock in this corporation, in such amounts, at such times, and in scrip, certificates of stock, or in cash, as, to their discretion and judgment, may seem proper and fit.

Stockholders' meetings, &c.

Sec. 11. The president may call a meeting of the stockholders whenever, in his judgment, the business of this corporation may require it. At all meetings of the stockholders, a majority of all the shares outstanding, either in person or by proxy, shall be necessary to a quorum for the transaction of business. Each stockholder shall be entitled to one vote for each share of stock

Quorum.

Vote.

owned by him, and may vote in person or by proxy. All proxies shall be in writing.

Contracts how made.

Sec. 12. This corporation, through its board of directors, may make contracts, become bound by instruments, security or agreements in writing, signed by the president, or other person duly authorized by him, and one of the directors; and the said board may authorize the president, in general terms, at any time, to bind this corporation, or make any contract, agreement, instrument or stipulation, touching its affairs, without meeting for such purpose. But the legal estate and title in the lands, tenements and hereditaments, owned or claimed by said corporation, shall pass to the purchaser, mortgagee, trustee, or other contracting party, only by written instrument, or conveyance, duly executed and acknowledged, according to the laws of the State of North Carolina: *Provided*, that no mortgage or alienation of the real estate or franchise of the corporation shall be made without the consent of the stockholders.

How property conveyed.

Proviso.

Duration.

Sec. 13. This corporation shall exist, and be in full force and effect, with each and all the powers, rights and privileges herein and hereby granted, for and during the term of ninety-nine (99) years from and after the passage of this act.

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

Ratified the 9th day of March, A. D. 1895.

CHAPTER 125.

An act to provide for the election of township tax collectors for the county of Nash.

The General Assembly of North Carolina do enact:

Tax collector to be elected for each township in Nash county.

Section 1. That at the next general election there shall be elected, in the county of Nash, one tax collector for each township in said county, by the voters of the county at large, under the same rules and regulations as are now provided by law for the election of members of the general assembly.

How elected.

Duties, &c.

Sec. 2. That the tax collectors, elected under the provisions of this act, shall collect the taxes for their respective townships levied upon the poll and the *ad valorem* taxes levied upon property.

Bond, &c.

Sec. 3. That the said township collectors shall enter into bond, to be approved by the board of county commissioners of said county, in double the amount of taxes levied in their respective townships, all special taxes excepted, for the year

eighteen hundred and ninety five (1895), and such collectors shall be clothed with the same powers, perform the same duties and be subject to the same penalties as general county tax collectors, appointed under the provisions of existing law. To have same powers, duties, &c., as general tax collectors, &c.

Sec. 4. That for their services the collectors aforesaid shall receive two and one-half per centum for collecting, and two and one-half per centum for paying over to county treasurer, and shall settle with county treasurer every ninety days all moneys he has collected and is due the county. Compensation. Settle with county treasurer every ninety days.

Sec. 5. That said township tax collectors shall settle with and pay over to the county treasurer all moneys due the state, collected by them, who shall settle with and pay over to the state treasurer, and for such services the said county treasurer shall receive two and one-half per centum on the amount paid him by said township tax collectors that is due the state: *Provided*, that before the county treasurer shall be authorized to receive the taxes due the state, he shall enter into bond, to be approved by the county commissioners of the said county of Nash, in double the amount of taxes due the state, levied in said county in the year one thousand eight hundred and ninety-five. Said taxes, as referred to, shall be construed to mean poll and *ad valorem* property tax only. How state taxes settled. Compensation of county treasurer. Proviso. Bond, &c.

Sec. 6. That if the office of county treasurer in said county of Nash is or should be abolished, the county commissioners shall appoint a receiver, who shall enter into bond according to the provisions of this act as referred to the office of county treasurer. Receiver, when appointed. Bond, &c.

Sec. 7. All acts or parts of acts in conflict with this act are hereby repealed. Conflicting laws repealed.

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

Ratified the 9th day of March, A. D. 1895.

CHAPTER 126.

An act to autherize the secretary of state to furnish Stanley and other counties certain supreme court reports.

Whereas, The set of supreme court reports of North Carolina, belonging to the counties of Stanley, Mitchell, Franklin and Sampson, is deficient in number; the first (1) to the sixty-third (63) velumes inclusive, and then from the sixty-third (63) to the seventy-fifth (75) inclusive, are unbound, and have become so badly worn and broken from constant use as to be almost worthless; now therefore, Preamble.

The General Assembly of North Carolina do enact:

Secretary of state to furnish to Stanley, Mitchell, Franklin and Sampson counties certain supreme court reports.

Section 1. That the secretary of state is hereby instructed and directed to furnish Stanley, Mitchell, Franklin and Sampson counties such of the reports of the supreme court of North Carolina, from volume one (1) to volume seventy-five (75) inclusive, as may now be on hand and can be spared from the public use, the others not now furnished shall be furnished when a reprint is made.

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

Ratified the 9th day of March, A. D. 1895.

CHAPTER 127.

An act to amend chapter eighty-three (83), laws of eighteen hundred and ninety-one (1891), entitled an act to amend the charter of the town of Weldon, North Carolina.

The General Assembly of North Carolina do enact:

Sec. 2, chap. 83, laws of 1891, stricken out.

Corporate limits.

Boundaries.

Section 1. That section two, of chapter eighty-three, laws of eignteen hundred and ninety-one, be stricken out, and that said section shall read as follows, to wit: that the corporate limits of the town of Weldon, North Carolina, shall be as follows: commencing where the waste-way that passed under the old foundry from the canal of the Roanoke Navigation and Water Power Company empties into Roanoke river; thence along the bed of said waste-way, in a south-western direction, to a point adjacent to a break in the old embankment of the Petersburg railroad company; thence in a straight line, in a southern direction, until it strikes the bluff, east of the town of Weldon; thence along the base of said bluff until the waters of Long Bayou are reached; thence along said Bayou, in a south-western direction, until the junction of the waters of a small branch, which flows from a spring near, and west of the brick-yard of The Weldon Brick and Land Improvement Company are reached; thence along the waters of said branch, in a western direction, to the land of The Wilmington and Weldon Railroad Company; thence in a straight line, in a northern direction, across the said Wilmington and Weldon railroad to the corner of the land belonging to Mrs. Emma J. Emry, and known as the "Model Farm"; thence along the line of that land so designated, to the line of the land of Mrs. H. T. Patton; thence along her said line, in a north-eastern direction, to Roanoke river; thence down the said river, at the low water mark on the

southern bank thereof, in a south-eastern direction, to the point of beginning, where the waste-way of the Roanoke Navigation and Water Power Company above referred to, empties into Roanoke river.

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

Ratified the 9th day of March, A. D. 1895.

CHAPTER 128.

An act to provide for working the public roads of Stokes county by taxation, and for other purposes.

The General Assembly of North Carolina do enact:

Section 1. That the county commissioners and justices of the peace of Stokes county be, and they are hereby, authorized and directed to levy a special tax, on the first Monday in June, one thousand eight hundred and ninety-five (1895), and annually thereafter, of not less than ten cents nor more than twenty cents *ad valorem* on each one hundred dollars' worth of property, and not less than thirty nor more than sixty cents on each poll, for road and bridge purposes, to be faithfully applied as hereinafter required; and the amount of taxes raised each year, under the provisions of this act, shall be in addition to the ordinary levy for county purposes, and shall be kept by the treasurer of said county separate and distinct from all other moneys in his hands, and shall be held and deemed a special tax, and paid out for the grading, working and keeping in repair the public roads of Stokes county, and for the building and repairing of bridges in said county.

Commissioners of Stokes county authorized to levy special tax for road and bridge purposes.

Tax limit.

Application of taxes.

To be kept separate from other taxes.

Sec. 2. That all roads that have been laid out, appointed or established by virtue of any act of assembly, or any order of court having jurisdiction, are hereby declared public roads.

All roads declared public roads.

Sec. 3. That the county commissioners of said county may order the laying out, re-grading, and constructing of new roads, or may cause those already laid out and constructed to be re-graded; and if, in the judgment of the commissioners, the service of an engineer, or surveyor, are necessary, they may employ one at a reasonable compensation, and pay him out of the road funds of the county; and such re-locating or changing of roads shall be made in the manner now provided by law for laying out new roads or highways: *Provided*, that it shall be the duty of the county commissioners first to endeavor to agree with the owner of the land (through which any new road shall

New road may be laid out, &c.

Engineers, &c., may be employed.

Proviso.

run, or may be laid out,) on the amount of damage, and, in case of such agreement, then to pay the amount of damage so agreed upon out of the road fund of the county.

Supervisor of roads, &c. Vacancy.

Sec. 4. That the justices of the peace for each township shall, on or before the first Monday in June, one thousand eight hundred and ninety-five (1895), and annually thereafter, elect one supervisor for their township, and whenever any vacancy shall occur in the office of supervisor the magistrates in that township shall at once elect some competent and suitable person to fill the vacancy; the township supervisor shall execute a bond, with good and sufficient sureties, in a sum not less than two hundred dollars, justified in the manner required by law for the justification of official bonds, conditioned for the faithful discharge of the duties enjoined upon him by this act, and also take and subscribe an oath that he will honestly and faithfully perform all the duties imposed upon him by the provisions of this act, as supervisor of public roads in his township; said supervisor shall receive for his services such compensation as may be prescribed by the board of county commissioners, to be paid out of the public road fund, and said supervisor shall be under the control and direction of the county commissioners: *Provided*, that said supervisor, for sufficient cause, may be removed by the board of county commsssioners upon ten days' notice.

Bond.

Oath.

Compensation.

Proviso.

Removal.

How road fund expended.

Sec. 5. The road fund, realized under the provisions of this act, shall be expended in constructing and keeping in repair the public roads in the county, and, whenever necessary, in building and keeping in repair the public bridges, and shall be expended in each township, as near as may be, in proportion to the amount paid by each township: *Provided*, that the county commissioners shall have discretionary power to make an appropriation out of the road fund for putting in repairs or constructing a road in any place in any public road requiring more than ordinary expenditures of money.

Proviso.

Contracts, &c., in regard to roads.

Sec. 6. The board of commissioners, with the township supervisor, are authorized to make any and all contracts relative to the improvement of any road or part of road that they may deem necessary to make, with the tax money arising under this act, taking care that the money should be mainly placed on those roads or parts of roads, most essential to public convenience and necessity. They are further authorized to let the contract to construct or improve such roads, or parts of roads, to the lowest responsible bidder, and if the contractor shall faithfully comply with his contract, the commissioners shall pay him by drawing their order on the county treasurer, and the treas-

To be let to lowest bidder.

Payment.

urer shall pay the same. They are also authorized, if deemed best, to let to the lowest responsible bidder the public roads in sections, not exceeding four miles, to be built, repaired and kept in good condition, for one year from the time named in the contract, and the amounts of the several lowest bids shall be paid quarterly, out of the road fund, upon the order of the commissioners: *Provided*, that the township supervisors shall first personally inspect said sections of roads, report that the contractor has fully complied with the terms of the contract, and recommend the payment of the quarterly installments. Proviso. Inspectors, &c.

Sec. 7. The chairman of the board of county commissioners, and the township supervisors, shall give twenty days' notice, by posters or otherwise, therein naming the time and place for letting the contracts to the lowest bidder, as provided for in the previous section, and they shall furnish full plans and specifications of the work to be done under the contract. Advertising for bids, &c.

Sec. 8. Before any bidder shall receive any contract under this act, he shall file with the chairman of the board of county commissioners, within twenty days after the letting of the contract, a good and sufficient bond, duly justified, to be approved by said board of commissioners, in a sum not less than double the amount of the bid, payable to the county of Stokes, respectively, and conditioned for the faithful performance of said contract, and should such contractor fail to comply fully with his contract, it shall be the duty of the commissioners to notify such contractor of his neglect, and should he fail, for the space of twenty days, to construct, repair or keep in good condition, according to contract, said road or part of road, said board of commissioners and township supervisors shall let out said road to other contractors, after twenty days' notice, as hereinbefore provided, and the board of commissioners shall bring suit to the next term of superior court of Stokes county, for the penalty of said bonds, and should any private person suffer damage in person or property, by reason of such neglect, he shall also bring his action upon said bond for the amount of said injury. Contrator to execute bond, &c. Amount of bond. Non-compliance of contract. Rights of private persons.

Sec. 9. Whenever any of the public roads in said county are not let to contract, as provided for in siction six (6) of this act, it shall be the duty of the commissioners to have them worked, repaired and kept in good condition by hired labor, at such wages as may be fixed by the board, and by the insolvents of said county, as proveded for hereinafter in this act; said work shall be done under the superintendence and direction of the township supervisors; it shall be the duty of each township supervisor to personally inspect, quarterly, all roads of his How roads not let to contract to be kept up, &c. Supervisors, &c. Inspectors,

township, to note their condition, to keep accurate account of the number and names of hands worked each day, how many days worked, upon what road, and what kind of work, and shall make a quarterly report of same, signed and sworn to before some person authorized to administer oaths, to the board of county commissioners. Any supervisor who makes a false report, or fails to make said quarterly report, or neglects to perform any other duty imposed upon him by this act, may be removed, and shall be guilty of a misdemeanor, and, upon conviction, fined or imprisoned, in the discretion of the court. He shall also be liable, on his bond, to a civil action for damages.

Supervisors making false reports, &c.

Penalty.

Insolvents liable to road duty.

Sec. 10. All able-bodied male persons, who may be returned insolvent by the sheriff, shall be liable to road duty, and required to work on the public roads of Stokes county; but no such person shall be required to work for a longer time than will be necessary to pay the amount of his taxes, at fifty cents per day. It shall be the duty of the county commissioners, immediately after settling with the sheriff, to make out and furnish to the supervisors of each township, a list of the insolvents of each township, giving their names, and the amount of the taxes for which they are in default.

Proviso.

County commissioners to make out list of insolvents.

Supervisors to keep list of insolvents.

Sec. 11. It shall be the duty of the supervisor in each township to make out a list of all such insolvents furnished him by the commissioners, and record their names, and the amount of their taxes in a book to be kept for that purpose, and in case any such insolvents remove from their townships before they have worked out the required time, the supervisor shall ascertain the township of their residence, and furnish their names, and the amount of their taxes to the road supervisor of such township.

Removal of insolvents.

When and how insolvents to be worked.

Sec. 12. That the supervisor may work the farms named in section ten (10), at the same time that he works the road, by hired labor, or may work them alone, whenever there may be a sufficient number to do the required work, on any roads or parts of roads; in letting out the roads to contractors, the county commissioners shall always reserve and set apart sufficient portions of the roads, upon which the persons would, in section ten (10), be employed and required to work.

Commissioners to provide work for insolvents.

Supervisor to summon insolvents to work.

Sec. 13. The supervisor of roads, at such times as he may deem proper, shall summons the parties liable to road duty, under section ten (10) of this act, to work on the public roads, and he may work them continuously on the public roads until they have worked out the amount of their taxes, at fifty cents (50) per day, and the supervisor shall give to each person a

Give receipts for time worked.

receipt for the time worked by him. The notice, or summons, shall be at least two (2) days before the day named for the work, and shall state the hour and place for the meeting of the hands, and what implement the hand shall bring with him; every person liable to work on the roads, who has been so summoned, shall appear at the time and place named, and with the implement directed, and shall work on the road under the direction of the township supervisor until discharged by him: *Provided*, that ten hours shall constitute a day's work, and no hand shall be required to work for a less time than seven hours, nor a longer time than ten hours in any one day: *Provided, further*, that any person, who shall be so summoned, may furnish one able-bodied hand as a substitute, with the implements directed, and he shall be held to have complied with this act.

What summons to state and when served.

Persons summoned to appear, &c.

Proviso.

Ten hours a day's work.

Proviso.

Substitute may be furnished.

Sec. 14. Any person liable to work on the road under this act, who shall fail to attend and work as hereinbefore provided, when summoned so to do, shall be guilty of a misdemeanor, and, upon conviction, fined not less than two nor more than ten dollars, or imprisoned not exceeding five days, or both, in the discretion of the court; and it shall be the duty of the supervisors to apply to a justice of the peace in his township for a warrant for the arrest of such persons as fail to attend and work as aforesaid.

Penalty for person summoned failing to attend and work.

Sec. 15. The commissioners, in order to effectuate the purpose of this act, are authorized to purchase all necessary tools, to be deposited with and safely kept by the township supervisor, and to purchase blasting material whenever deemed necessary, to be used only when roads are worked by hired labor, insolvents and convicts.

Commissioners to purchase tools, &c.

Sec. 16. No person shall be liable to work on the public roads in Stokes county, except those made liable by sections ten and seventeen of this act.

Who liable to work.

Sec. 17. The county commissioners shall have power to work the county convicts on the public roads in said county, and to that end may hire guards at reasonable compensation, out of road fund, to guard the prisoners and superintend their work on the roads.

Commissioners may work county convicts.

Guards.

Sec. 18. The chapter of The Code entitled "roads, ferries and bridges," be amended by striking out the words, "board of supervisors," whenever they occur, and inserting in lieu thereof the words "township supervisors," and by striking out the word, "overseer" whenever it occurs in said chapter, and inserting in lieu thereof the word "supervisor," and that the provisions of said chapter not inconsistent with this act, are hereby declared to be in force in Stokes county, and that the provisions of said

Chap. of *The Code* entitled "Roads" amended.

Conflicting provisions of *The Code* repealed.

chapter fifty (50) of The Code, which are inconsistent with this act, or which are rendered useless by this act, are hereby repealed as to Stokes county.

Timber, gravel, &c., on adjoining lands to be used.

Ditches, &c.

Sec. 19. For the construction of public roads, all timbers on adjoining lands, except useful and ornamental groves, and all rock or stone, gravel, earth, except from growing crops or improvements, shall be available; necessary ditches shall be cut in and through any adjoining lands to secure proper drainage.

Obstructing roads, &c., a misdemeanor.

Penalty.

Sec. 20. All persons wilfully placing obstructions in public road or in a drainage ditch of the same, or in any way injuring or destroying a public road or bridge in Stokes county, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not more than fifty dollars or imprisoned for not more than thirty days, or both.

Accounts, &c., for labor, how audited and paid.

Sec. 21. All accounts for service or labor upon public roads or bridges under this act must first be verified, presented to the township supervisor, approved by him, and presented to the county commissioners for their examination and approval; whereupon the said board of commissioners shall issue their order upon the county treasurer for the payment of the same out of the public road fund.

Election to be held on adoption or rejection of this act.

When held.

Registrars, &c., appointed.

Registration.

Qualification of voters.

Judges of election appointed. Qualification of judges.

Election held.

Rules, &c., governing election.

Sec. 22 To provide for carrying into effect the provisions of this act, the county commissioners of Stokes county, at their regular meeting in April, one thousand eight hundred and ninety-five, shall order an election to be opened and held in said county at the several voting precincts on the third Saturday in May, one thousand eight hundred and ninety-five, and at said April meeting shall appoint registrars for the several precincts in the county. The registrars, immediately after notification of their appointment, shall give notice at three or more places in their townships, that the books are open for all qualified voters to register, and said books shall be open at least thirty (30) days before the election. Electors shall possess the qualifications now fixed by law. The commissioners, at their regular meeting in May next, shall appoint two (2) judges of opposite views on the proposition for each precinct, who shall, with the registrar, open the polls on said third Saturday in May, at eight (8) o'clock A. M., and keep them open until four (4) o'clock P. M., when they shall be closed and the votes immediately counted. In section two thousand six hundred and seventy-eight (2678) of The Code, all after the word "counties," in line seven (7), shall apply to this election, except in last line of said section, the words "political party" shall be stricken out, and the words "opinions in the proposition" inserted in lieu thereof. The judges and registrar shall appoint one of their

number to carry the returns to Danbury on Monday, May twentieth (20th), when and where the votes shall be canvassed in the presence of the chairman of the board of county commissioners, the sheriff and register of deeds, and the result declared by the sheriff at the court house door, and the vote registered by the register of deeds, and the abstract of the votes filed with the clerk of the superior court. The registrars and judges may receive such compensation for their services as the commissioners may allow. Those voting for the adoption of this act shall vote a printed or written ticket, with the words on it, "For road law," and those voting against the adoption of this act shall vote a printed or written ticket with the words on it, "Against road law." If the majority of votes cast shall be for road law, then this act shall constitute the road law of Stokes county; and if the majority of the votes cast shall be against road law, then this act shall be null and void, and chapter fifty (50) of The Code shall be, and remain, the law in said county.

Returns, canvassed and result declared.

Vote to be recorded.

Compensation of registrars and judges.

Ballots.

Result of election.

Sec. 23. On or before the first of April, one thousand eight hundred and ninety-five, the secretary of state shall have three hundred (300) copies of this act printed, and send them to the register of deeds of Stokes county for distribution: *Provided*, the road law now in force in Stokes county shall continue in full force and effect until one-half of the first levy of taxes for roads under this act shall be collected.

Secretary of state to have three hundred copies of this act printed and sent to Stokes county. Proviso.

Sec. 24. That this act shall be in force from and after its ratification.

Ratified the 11th day of March, A. D. 1895.

CHAPTER 129.

An act for the relief of John W. Thompson, receiver.

The General Assembly of North Carolina do enact:

Section 1. That the public treasurer of North Carolina be and he is hereby authorized and directed to pay to John W. Thompson, receiver, out of any moneys in the state treasury not otherwise appropriated, the sum of five hundred and two dollars and eighty-six cents with interest on five hundred and two dollars and eighty-six cents from the twenty-second day of October, eighteen hundred and ninety-four (1894), and fifteen dollars and twenty-five cents ($15.25), it being the amount of a

Public treasurer directed to pay Jno. W. Thompson, receiver, the amount of a judgment recovered against the directors of the state penitentiary.

judgment of Wake superior court against the board of directors of the state penitentiary in favor of said receiver.

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

Ratified the 9th day of March, A. D. 1895.

CHAPTER 130.

An act to amend the charter of the Reliance Engine Company, number one, of the city of New Berne.

The General Assembly of North Carolina do enact:

Charter amended. Gives privileges and immunities of "New Berne Fire Engine Co." and "Atlantic Hook & Ladder Company."

Section 1. That all the privileges and immunities conferred by any act or acts of the legislature, upon the members of the New Berne Fire Engine Company, number one, of the city of New Berne, and the Atlantic Hook and Ladder Company, of the city of New Berne, be and the same are hereby conferred upon and granted to the members of the Reliance Engine Company, number one, of the city of New Berne.

Conflicting laws repealed.

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

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

Ratified the 9th day of March, A. D. 1895.

CHAPTER 131.

An act to amend an act passsed by the General Assembly at its present session, entitled an act to levy a special tax to build a bridge across Tuckaseegee river in Jackson county.

The General Assembly of North Carolina do enact:

"An act to levy a special tax to build a bridge over Tuckaseegee river in Jackson county," passed at this session, amended.

Commissioners empowered to construct an iron bridge over Cullowhee Creek, and to levy a special tax.

Section 1. That an act passed by the general assembly, at its present session, entitled an act to levy a special tax to build a bridge across Tuckaseegee river in Jackson county, is hereby amended by adding at the end of the first section thereof the words, "and said board of county commissioners are also empowered and required to cause to be constructed, at or near the mouth of Cullowhee creek, and at or near the site of a wooden bridge now standing, an iron bridge furnishing a tract for a single vehicle, for the building of which said commissioners are authorized to appropriate not exceeding the sum of two thou-

sand dollars ($2,000), of the fund arising from the levy hereinafter provided for, in equal annual installments each year for two years, or the tax may be levied and collected, and the residue of said tax of six thousand dollars, or so much thereof as may be necessary for the construction of said bridge, to be built between the mouth of Savannah creek and the mouth of Scotts' creek, as aforesaid.

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

Ratified the 9th day of March, A. D. 1895.

CHAPTER 132.

An act for the relief of J. Rowan Rogers, ex-sheriff of Wake county.

Whereas, J. Rowan Rodgers had deposited to his credit, as sheriff of wake county, in the State National Bank, of Raleigh, on the twenty-sixth (26) day of March, A. D. one thousand eight hundred and eighty-eight (1888), when the said bank failed, the sum of sixteen hundred dollars, belonging to the state of North Carolina; whereas, he had fully accounted for and paid over to the State the whole of said sum of money so deposited; whereas, the affairs of said bank have been fully settled and closed by the receiver of said bank, the said Rogers receiving fifty-three per centum of said sum only, leaving the ballance forty-seven per centum, or seven hundred and fifty-two dollars ($752), a total loss to said Rogers, now therefore, Preamble.

The General Assembly of North Carolina do enact:

Section 1. That the treasurer of the state pay to said J. Rowan Rodgers the sum of seven hundred and fifty-two dollars ($752). Public treasurer directed to pay J. Rowan Rogers $752.00.

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

Ratified the 9th day of March, A. D. 1895.

CHAPTER 133.

An act to incorporate the Norfolk & Camden Railroad Company.

The General Assembly of North Carolina do enact:

Section 1. That O. Emerson Smith, R. N. Musgrave, Arthur Emerson, J. C. Emerson and T. J. Pope, and such other per- Corporators.

sons as they may associate with them, and their successors and assigns, be, and they are hereby, created a body politic and corporate, for the term of fifty years, under the name, style and title of the Norfolk & Camden Railroad Company, and by that name may have succession and a common seal, may sue and be sued, plead and be impleaded, and shall have all the rights and privileges conferred upon corporations by chapter sixteen of The Code, entitled "corporations."

Body politic.
Duration.
Corporate name.
Privileges, &c.

Powers, &c.

Sec. 2. That said corporation may buy and hold such land as may be necessary for the purposes of its business, not exceeding ten thousand acres; may purchase standing timber or lumber, and may sell and convey the same; may construct, own and operate saw mills, planing mills and all kinds of wood-working machinery and appliances; may construct, own and operate roads of any kind, including tramways and railways, and the necessary machinery therefor, from the boundary line between the states of North Carolina and Virginia, in Camden county, in this state, to some point on the Pasquotank river, in Pasquotank county, or from said state line to some point on the Chowan river, in Gates or Chowan county, and shall have all the rights and powers for the condemnation of a right of way over the lands of others, fifty feet wide, or as given in chapter of Code as "railroads and telegraphs," and the acts amendatory thereof.

Termini, &c.
May condemn land.

Capital stock.
Increase.

Sec. 3. That the capital stock of said corporation shall not be less than twenty-five thousand dollars, and may be increased from time to time, by a vote of the stockholders, to a sum not to exceed one hundred thousand dollars. The shares shall be of the par value of one hundred dollars, and real and personal property may be received in payment of capital stock, at such valuation as may be agreed on between the subscriber and the said corporation; the stockholders shall not be individually liable for the debts or liabilities of the corporation.

Par value of shares.
Subscriptions, how payable.
Stockholders not individually liable, &c.

Books of subscription.

Sec. 4. That the persons named in section one, or a majority of them, shall have power to open books of subscription to the capital stock, and when the same shall be subscribed and paid in money or property, to an amount not less than twenty-five thousand dollars, may call a meeting of the stockholders and organize the company. Until the election of directors, the persons named in section one shall be the directors of the company. All vacancies shall be filled by the board of directors. The principal office of the company, and the place of holding the meetings, shall be determined by the stockholders, and may be held in Portsmouth, in the state of Virginia.

May organize when $25,000 is subscribed and paid in.
Directors.
Corporators to be directors until election of directors by stockholders.
Vacancies.
Principal office.
Meetings, &c.

Sec. 5. This act to be in force from and after its ratification.

Ratified the 9th day of March, A. D. 1895.

CHAPTER 134.

An act to authorize the city of Fayetteville to establish and operate a system of electric lights and motive power.

The General Assembly of North Carolina do enact:

Town of Fayetteville authorized to operate electric light plant, &c.

Section 1. That the city of Fayetteville be, and is hereby, authorized and empowered to purchase, hold, erect and establish all necessary land, works and machinery, wherewith to furnish electric lights and motive power for the use of the city and its citizens, and for persons living in the suburbs.

May issue bonds, &c.

Price.

Amount.

Denominations.

Period to run.

Rate of interest.

Sec. 2. For the foregoing purposes, it shall be lawful for the said city of Fayetteville to issue and sell, at a price not less than par, the coupon bonds of said city, to the amount of ten thousand dollars ($10,000), said bonds to be in denominations of one hundred dollars ($100) and five hundred dollars ($500), and to run for a period of thirty (30) years from the issue of the same, and to bear interest at the rate of six per centum per annum, payable semi-annually, on the first days of June and December of each year after their issue.

Execution of bonds.

Sec. 3. Said coupon bonds shall be signed by the mayor and secretary of the city of Fayetteville, and it shall be the duty of the said secretary to keep an accurate account of the same.

Coupons receivable for taxes, &c.

Sec. 4. The coupons of said bonds shall be receivable by the tax collector and treasurer of the city of Fayetteville in payment of loans, and all dues to the city.

Authorized to supply lights to private parties.

Sec. 5. That it shall be lawful for the said city of Fayetteville, in addition to lighting the streets and public buildings of the city, to provide lights and motive power for private use, at such rentals as may be agreed upon, and the receipts arising from such rents shall be specifically kept by the treasurer of said city, and shall be applied to the payment of the interest on said bonds as the coupons may fall due, and to the further purpose of creating a sinking fund of three hundred dollars ($300) per annum, which sinking fund of three hundred dollars ($300) it shall be the duty of the authorities of said city to lay aside annually from any funds in the treasury, and any surplus from said rentals in excess of the amount sufficient to pay the interest on said bonds; and the sinking fund above provided for, shall be applied to the payment of the operating expenses of the plant, and any deficiency in the amount necessary for the payment of either interest, the sinking fund, or the operating expenses of said system of electric lights and motive power, shall be paid from the current tax receipts of said city, and

Application of rentals, &c.

Sinking fund.

Application of sinking fund, &c.

shall be charged as necessary light expenses. Should their be any excess from private rentals over the amount necessary to pay said interest, the sinking fund and operating expenses, such excess shall be used for the payment of ordinary expenses and liabilities of the city.

Fiduciaries authorized to invest funds in bonds, &c.

Sec. 6. All administrators, executors and guardians, and other persons acting in a fiduciary capacity, are hereby authorized and empowered to invest the funds entrusted to them in said bonds.

Conflicting laws repealed.

Sec. 7. All laws, and parts of laws, in conflict with this act are hereby repealed.

Election to be held, &c.

Notice.

Sec. 8. It shall be the duty of the mayor of the city of Fayetteville, within twenty days after the ratification of this act, to publish this act in full for a period of thirty days, in some newspaper published in the city of Fayetteville, and at the same time, and in the same newspaper, to give notice of an election to be held at the market-house, in said city, on a day to be specified in said advertisement, for the purpose of approving or disapproving this act by a popular vote.

Registrars of election, &c.

Registration of votes, &c.

Notices, &c.

Sec. 9. The board of aldermen of the city of Fayetteville shall appoint a registrar of voters for said city of Fayetteville, who shall register such citizens of said city as are not at present registered, and who would be entitled to vote at this election; and shall cause such publication and notices to be given as are provided by section seven (7) of chapter one hundred and fifty-three (153) of the private laws of one thousand eight hundred and ninety-three (1893).

Registration oath, &c.

Sec. 10. The duties of the registrar, so to be appointed, the registration and the oath of electors shall be as provided by section eight (8), nine (9) and ten (10) of chapter one hundred and fifty-three (153) of said private laws of one thousand eight hundred and ninety-three (1893).

Judges of election, &c.

Qualifications.

How questions as to registration determined.

Sec. 11. The board of aldermen of said city shall appoint two judges of election to hold said election, and the duties and powers and qualifications of said judges of election shall be the same as are provided by said chapter one hundred and fifty-three (153) of the private laws of one thousand eight hundred and ninety-three; and all matters and questions as to the election herein provided for, shall be determined according to the provisions of chapter one hundred and fifty-three (153) of the private laws of one thousand eight hundred and ninety-three (1893), section seven (7) to fourteen (14), inclusive of both.

Ballots, &c.

Sec. 12. The ballots to be used at the election herein provided for, shall be upon white paper and without device, and shall contain the words "bonds," or "no bonds."

Sec. 13. This act shall be in full force and effect from and after its ratification by a majority of the qualified voters of the city of Fayetteville voting "bonds." When act to be in force.

Ratified the 9th day of March, A. D. 1895.

CHAPTER 135.

An act to authorize the town of Elizabeth City to issue bonds and levy a special tax.

The General Assembly of North Carolina do enact:

Section 1. That the question of issuing bonds of said town, in an amount not exceeding the sum of ten thousand dollars ($10,000), to be expended as hereinafter provided, is hereby authorized to be submitted to the qualified voters of said town. Elizabeth City authorized to issue bonds. Amount of issue.

Sec. 2. That an election for this purpose shall be called and held at the same time, and in the same manner, as is now provided for the first election of commissioners for said town. Those in favor of issuing the bonds, shall vote a ticket having thereon the word "bonds," and those opposed shall vote a ticket having thereon the words "against bonds." Election to be held. Time and manner of holding. Ballots.

Sec. 3. That the poll-holders and registrars of election, on the day after the same is held, shall count in their respective wards, and make an abstract of the votes cast, and file the same with the board of commissioners of Elizabeth City at their first regular meeting after their election, as is now provided by act of this assembly, at which time the said board shall examine the returns made to them as aforesaid, and decide the result of election. If it shall appear that the majority of the qualified voters of the town shall have voted in favor of the bonds, then said board of commissioners shall cause the same to be prepared and issued. Said bonds shall be signed by the mayor of said town, and countersigned by the clerk. The interest on said bonds shall be at the rate of six per centum per annum, payable semi-annually, represented by coupons attached, lettered and numbered, corresponding to the bonds of which they represent the interest. Duties of poll-holders, &c. How bonds to be issued, &c. How signed, &c. Rate of interest. How payable.

Sec. 4. That in order to meet the payment of said bonds, and the accruing interest thereon, the said board of commissioners are hereby authorized and empowered to levy and collect, each year, a special tax, not exceeding ten cents on the one hundred dollars ($100) of assessed valuation of all property, both real, personal, choses in action and solvent credits, within the corporate limits of said town. Special tax authorized. Tax limit.

Negotiation of bonds, &c.

Sec. 5. That said bonds, when issued, shall be placed in the hands of the town treasurer, and shall be negotiated to the best advantage, under the direction of the said town commissioners, and the proceeds thereof shall be paid over to the town treasurer,

Application of proceeds, &c.

and used under the direction of said town commissioners, for the following purposes, and no other, to-wit: to cut out, widen and deepen, log up and put in order, both Tiber creek and the southern branch of Poindexter creek, in said town, and to pay for lands condemned and used, for opening and putting in order streets along the sides of both of said creeks, in such manner and to such extent as may seem best to said board of commissioners.

Bond of town treasurer to be increased.

Sec. 6. That said town commissioners shall have the power to cause the treasurer to increase his bond, before the proceeds

Amount of increase.

from the sales of said bonds shall go into his hands, in such sum as they may deem advisable, not to be less than ten thousand ($10,000) dollars nor more than twenty thousand ($20,000) dollars.

Denomination of bonds.

Sec. 7. That said bonds shall be of the denomination of one hundred ($100) dollars each, and shall bear interest from the date of their issue. None of said bonds shall mature in less than

How long to run.

ten (10) years, nor run longer than twenty-five (25) years from the date of their issue.

Conflicting laws repealed.

Sec. 8. That all laws in conflict with this act be, and the same are hereby, repealed.

Sec. 9. That this act shall be in force from and after the date of its ratification.

Ratified the 9th day of March, A. D. 1895.

CHAPTER 136.

An act to perfect the organization of the Raleigh Electric Company.

The General Assembly of North Carolina do enact:

Raleigh Electric Company as grantor, &c., of Raleigh Street Railway Company, invested with all rights, &c., of said latter company.

Section 1. That the Raleigh Electric Company, a corporation organized under and by virtue of sections six hundred and ninety-seven and six hundred and ninety-eight of The Code, and the grantee in a deed executed the fifth day of July, one thousand eight hundred and ninety-four, by R. T. Gray, commissioner appointed by a decree of the circuit court of the United States of America for the eastern district of North Carolina, to sell the property, rights and franchises of the Raleigh Street Railway Company, and to make title to the same, is hereby

declared to be a lawfully organized corporation, succeeding to, and legally possessed of all the rights, powers, privileges and franchises which were owned and possessed by the former corporation, The Raleigh Street Railway Company, on and prior to the day of said sale, to-wit: the second day of May, one thousand eight hundred and ninety-four.

Mortgage and bonds of Raleigh Electric Company declared valid.

Sec. 2. That the mortgage or deed of trust heretofore executed by the said The Raleigh Electric Company, dates the first day of December, one thousand eight hundred and ninety-four, and the bonds intended to be secured thereby are hereby declared to be valid and binding upon said corporation in all respects.

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

Ratified the 9th day of March, A. D. 1895.

CHAPTER 137.

An act to extend the time for organizing the "Carolina Manufacturing Company."

The General Assembly of North Carolina do enact:

Time for organizing Carolina Manufacturing Company extended two years.

Section 1. That the time for organizing the corporation known as the "Carolina Manufacturing Company," under an act entitled "an act to incorporate the Carolina Manufacturing Company," ratified the first day of March, one thousand eight hundred and ninety-three (1893), 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. This act shall be in force from and after its ratification.

Ratified the 9th day of March, A. D. 1895.

CHAPTER 138.

An act to extend the time for organizing the North Carolina Investment Company.

The General Assembly of North Carolina do enact:

Time for organizing North Carolina Improvement Company extended two years.

Section 1. That the time for organizing the corporation known as the "North Carolina Investment Company," under an act entitled an act to incorporate the "North Carolina Investment Company," ratified the first day of March, one thousand eight hundred and ninety-three (1893), is hereby

for extended 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 9th day of March, A. D. 1895.

CHAPTER 139.

An act to establish a public road in Pelham township, in Caswell county.

The General Assembly of North Carolina do enact:

"Danville road" declared a public road.

Section 1. That so much of the road known as the Danville road, leading from Mayfield, in Rockingham county, to Danville, Virginia, as runs through the county of Caswell, be, and the same is hereby, declared a public road.

Overseer to be appointed.

Sec. 2. That the board of supervisors of said Pelham township are hereby authorized and required, at their next regular meeting, to appoint an overseer for said section of road, and designate the hands to work thereon, and it shall be the duty of the overseer so appointed and hands so designated to keep in repair said road, under existing road laws.

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

Ratified the 9th day of March, A. D. 1895.

CHAPTER 140.

An act for the relief of R. W. S. Pegram and W. P. Horton, of Wilkes county.

The General Assembly of North Carolina do enact:

R. W. S. Pegram and W. P. Horton allowed to register as physicians.

Section 1. That said R. W. S. Pegram and W. P. Horton, physicians of Wilkes county, be and are hereby permitted to register, as required by chapter one hundred and eighty-one (181), laws of eighteen hundred and eighty-nine (1889), as amended by chapter four hundred and twenty (420), laws of eighteen hundred and ninety-one (1891): *Provided*, this act shall not relieve said R. W. S. Pegram and W. P. Horton from standing examinations before the state medical board of examiners, as other physicians.

Proviso.

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

Ratified the 9th day of March, A. D. 1895.

CHAPTER 141.

An act to repeal chapter 60, local laws of 1856-'7.

Whereas, A charter of incorporation was issued to certain parties therein named, all citizens of the state of Ohio; and that whereas, no meeting of said incorporators has been held under said law, nor organization had thereundor, nor other act of user under said charter; and whereas, over thirty-eight years have elapsed since the said charter; and whereas, there are parties who are now making efforts to take benefit under said charter, to the great injury of many of the poorer classes of citizens, in the counties of Cherokee, Macon, Jackson, Swain, Graham and Clay, if permitted to do so; therefore, Preamble.

The General Assembly of North Carolina do enact:

Section 1. That the said law, chapter sixty, laws of one thousand eight hundred and fifty-six (1856), one thousand eight hundred and fifty-seven (1857), be and the same is hereby repealed. This act shall have no force to impair any contract now existing under the laws of North Carolina. Charter of "Tuckaseegee Mining Company" repealed.

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

Ratified the 9th day of March, A. D. 1895.

CHAPTER 142.

An act to enable school district number thirteen (13), in Martin county, to build a school-house.

The General Assembly of North Carolina do enact:

Section 1. That the public school committee, in district number thirteen (13) at Everetts, Martin county, be and are hereby, empowered and authorized to contract a debt, in the name of said committee, to an amount not to exceed two hundred dollars ($200), to run for a term of three (3) years, bearing interest at six per centum per annum, for the sole purpose of erecting a suitable public school-house for the white race, and for suitable furniture for the same. School committee of District No. 13 authorized to contract debt to build school-house.

Sec. 2. That the said school committee, and their successors in office, shall apply a sufficient amount of the school funds annually allotted to their school district, for the purpose of meeting the indebtedness provided for in the first section of this act. How debt to be paid.

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

Ratified the 9th day of March, A. D. 1895.

CHAPTER 143.

An act to incorporate the "Bank of Tarboro."

The General Assembly of North Carolina do enact:

Corporators.

Section 1. That Thomas H. Gatlin, John F. Shackelford, G. M. T. Fauntain, John A. Davis, W. E. Fauntain, Reuben Foster, R. H. Speight, B. J. Keech, John L. Bridgers, J. W. Jones, J. J. Pittman, their associates, successors and assigns, are hereby constituted and declared to be a body politic and corporate, by the name and style of "Bank of Tarboro," with its principal place of business at Tarboro, North Carolina, and by that name may sue and be sued, plead and be impleaded, and shall have continual succession for ninety 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.

Body politic.
Corporate name.
Principal place of business.
Corporate powers.
Duration.
Corporate powers.

Capital stock.

Sec. 2. That 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 desire, to a sum not exceeding two hundred and fifty thousand dollars.

Increase.

Subscriptions to stock, how and when opened.

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

Books, &c., opened.

Organization.

Sec. 4. That whenever twenty-five thousand dollars, or more, shall have been subscribed to the capital stock of said bank, and the sum of ten thousand (10,000) dollars be paid, the beforenamed 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 (not less than five nor more than nine)

Directors.

as they may deem best, who shall hold office for one year, and until their successors are elected; 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. The president and vice-president shall be *ex officio* members of the board of directors.

Officers.

Vacancies, how filled.

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 rates of discount as may be agreed on, take such interest and discount in advance, but no greater rate of interest shall be taken than is allowed by law.

Corporate powers.

Rate of interest.

Sec. 6. That said corporation may receive and pay out the lawful currency of the country, discount promissory notes, bills of exchange, domestic and foreign, deal in exchange, gold, silver and other coins, bullion, uncurrent paper, public and other securities, including the bonds and other securities of the United States, this state, and other states 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 mortgage on real or personal property, on crop lien, on crops planted or to be planted, to secure the same as may be agreed upon; may purchase and hold such real and personal property as may be necessary for conducting its business, or may rent and lease the same as it may deem best, and also may purchase and hold such real and personal property as may be conveyed to secure debts and liabilities to said corporation, or in which said corporation may be interested, or which may be sold under execution, mortgage or other lien, or by order of any court, to satisfy any debt or liability to said corporation, and may sell and convey the same at pleasure; may receive deposits of money and other property from corporations, minors without guardians, *feme coverts*, guardians, executors, administrators, traders or other persons, upon such terms and times and manner of payment and collection as may be agreed upon; and when any deposit shall be made by any minor, or *feme 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

Corporate powers.

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 liability on account thereof; may negotiate loans or mortgages on real or personal property, or on personal security, or without any security, save the borrower's note, at a rate of interest not exceeding the legal rate, and may charge and receive from the lenders or borrowers, or either of them, a commission therefor, to be agreed upon by said corporation and the party paying the same; may execute, or cause to be executed, official and private or individual bonds for such officers, individuals, persons, partnerships, associations and corporations, as may be required to give bond, and charge and receive for same such compensation as may be agreed upon by said corporation and the party or parties paying same; may 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, disposing of an 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 bond, certificate of stocks, 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. And said corporation shall have powers to receive money in trust, and to accept and execute any trust that may be committed to it by any court, corporation, company, partnership, person or persons; and it shall have powers to accept any grant, assignment, transfer, devise or bequest, and to hold any real or personal estate or trust created in accordance with the laws of this state, and then to execute the same on such terms as may be established or agreed upon by its board of directors. Said 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 moneys, bonds, stocks, diamonds, silver plate and other valuables, and collect such charges for the same as may be agreed upon, 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.

Sec. 7. That the stockholders, at their first meeting, and

before electing directors, shall proceed to adopt such by-laws and regulations for the government of said bank (not inconsistent with the laws of the state), as they may deem proper. By-laws.

Sec. 8. 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 stockholders when they deem it proper, giving ten days' notice; and any number of stockholders, holding one-fourth of the captal stock paid up, may call a special meeting, giving ten days' notice of such meeting, in a newspaper published in Tarboro, North Carolina. At all meetings each share of stock shall be entitled to one vote: *Provided*, all assessments on said stock has been paid, otherwise said stock shall not be entitled to vote, and any stockholder or stockholders not present, may be represented by proxy, the proxy being a stockholder. Powers of president and directors.

Sec. 9. That if any subscriber shall fail to pay for his stock, or any part thereof, as the same is required of him, the entire residue of his stock shall be deemed to be due, and may be recovered in the name of the bank by a civil action; the entire stock of such delinquent may be sold by order of the directors for cash, after advertisement of such sale for twenty days, in some newspaper published in Tarboro, North Carolina, and if at such sale the price paid shall not be sufficient to pay and discharge the amount unpaid and cost of sale, the residue may be recovered in a civil action against the subscriber; if the proceeds of said sale shall be more than sufficient to pay balance due on said stock and cost of said sale, the surplus, after paying the said balance due on said stock and cost as aforesaid, shall be paid to said stockholder or his assigns. May compel payment of stock subscriptions. Proceedings, &c.

Sec. 10. That the stock held by any one shall be transferred only on the books of said corporation, either in person or by power of attorney. No stockholder shall transfer his stock if he is indebted to the corporation, as principal or security, unless such indebtedness is paid off and discharged, except a majority of the directors consent to the said transfer; and for all such indebtedness the said corporation shall have a lien superior to all other liens upon the stock of said stockholder. Transfer of stock.

Sec. 11. That said corporation shall have authority to establish and operate a savings bank department, 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, not exceeding the legal rate; deposits may be received from married women, minors without guardians, and apprentices, and Authorized to open savings bank. Powers, &c.

the same may be paid out on their receipt, order or check, unless restrained by order of court, 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.

No individual liability.

Except for fraud.

Sec. 12. That no stockholders 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.

Principal place of business.

Branches, &c.

Sec. 13. That said bank shall be located at Tarboro, 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 removsd at any time, and be subject to such rules and regulations as may be prescribed by the president and directors of the bank.

Taxes, how paid.

Sec. 14. That 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.

Financial statement to be published.

Sec. 15. That 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.

Warehouse privileges, &c.

Liens.

Interest, &c.

Sale of stored property, &c.

Sec. 16. 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 commission, 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 before said corporation can be required to deliver said property; and should any property stored with said corporation remain until the charges and expenses shall amount to sixty per

centum of the value, in the judgment of the president and directors of said corporation, they are expressly authorized and empowered to sell the same, first notifying the owner, if he can be found, ten days before said intended sale, and if the owner cannot be found, they shall advertise said sale for ten days, in some newspaper published in the county of Edgecombe, North Carolina, and out of the proceeds pay all costs of sale and all charges and expenses due said corporation; the overplus paid over to owner, or held to be paid over on his demand.

Sec. 17. That said corporation shall have all such powers and rights to issue circulating notes as currency as any act of the legislature of North Carolina, hereafter ratified, shall confer upon similar banks in the state, and upon the same terms and conditions applicable to other banks. May issue circulating notes, &c.

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

Ratified the 9th day of March, A. D. 1895.

CHAPTER 144.

An act to incorporate various churches in Mitchell county.

The General Assembly of North Carolina do enact:

Section 1. That it shall be unlawful for any person to sell, give away, or buy any subterfuge, dispose of any spirituous, vinous or malt liquors, wine, or boiled cider, at or within two miles of Fork Mountain Baptist church, Bethlehem Methodist Episcopal church, Cub Creek Baptist church near Loafers' Glory, the Methodist Episcopal church in Loafers' Glory, Mitchell county; and any person violating the provisions of this act shall be guilty of a misdemeanor, and, upon conviction, shall be fined or imprisoned, or both, at the discretion of the court. Unlawful to dispense any spirituous liquors near certain churches in Mitchell county. Penalty.

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

Ratified the 9th day of March, A. D. 1895.

CHAPTER 145.

An act to change the dividing line between Pitt and Greene counties.

The General Assembly of North Carolina do enact:

Section 1. That the dividing line between the counties of Greene and Pitt be changed, so that the line shall be as follows: Dividing line between Pitt and Greene counties changed.

Dividing line. beginning in the old county line of Greene and Pitt, in the mouth of Middle swamp, then down the various courses of Sandy run to little Contentnea creek; then down the said little Proviso. Contentnea creek to the old line: *Provided*, that Pitt county shall continue to keep up Adam's bridge.

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

Ratified the 9th day of March, A. D. 1895.

CHAPTER 146.

An act to incorporate the Western North Carolina Christian Conference.

The General Assembly of North Carolina do enact:

Corporators. Section 1. That J. W. Patton, J. N. Newman, and J. A. Turrentine, their associates and successors, be, and they are Body politic. hereby made, constituted and declared a body corporate under Corporate name. the name of the "Western North Carolina Christian Conference," and by that name they shall have perpetual succession Corporate powers. and a common seal, and shall be capable in law to sue and be sued, plead and be impleaded in all the courts of this state.

Corporate powers. Sec. 2. That said corporation shall have power to lease, purchase, take and receive, by gift or devise, and hold in fee simple all manner of lands, tenements, rents, annuities and other hereditaments, and shall further be able in law to take, receive and possess all moneys, books, goods and charters which may be given, sold or bequeathed to or for the use of the said corporation; may contest and be contested with, and may hold and dispose of any property that it may acquire for the benefit of said association, in such manner and by such ways and means as said corporation shall adopt and provide by by-laws, rules, regulations and ordinances.

By-laws. Sec. 3. That said corporation shall have power to pass all necessary by-laws and regulations for its own government, which may not be inconsistent with the constitutions of this state and of the United States, and enforce them.

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

Ratified the 9th day of March, A. D. 1895.

CHAPTER 147.

An act for the relief of James E. Barrow, a one-legged ex-Confederate soldier, of the county of Forsyth.

Whereas, James E. Barrow is a one-legged ex-Confederate soldier, and in consequence of the ownership of a small tract of land is not entitled to a pension: therefore, Preamble.

The General Assembly of North Carolina do enact:

Section 1. That the sum of seventy-five dollars is hereby appropriated, out of any moneys in the state treasury, to purchase an artificial leg for said James E. Barrow, and that the state auditor is hereby instructed to draw his warrant on the state treasurer for said amount, and forward same to said James E. Barrow. $75 appropriated to buy an artificial leg for James E. Barrow.

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

Ratified the 8th day of March, A. D. 1895.

CHAPTER 148.

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

The General Assembly of North Carolina do enact:

Section 1. That for the purpose of paying for an iron bridge, now in process of construction over Hiawassee river, in Murphy, Cherokee county, and for building the approaches and abutments to the same, the board of county commissioners of Cherokee county, with the concurrence of the justices of the peace for Cherokee county, shall levy a special tax, not to exceed fifteen cents on the one hundred dollars' worth of property, and forty-five cents on each poll, observing the equation between the poll and property as provided by the constitution of the state of North Carolina. Commissioners of Cherokee authorized to levy a special tax to build a bridge over Hiawassee River. Tax limit.

Sec. 2. Said taxes shall be levied and collected for the term of three years, beginning June, one thousand eight hundred and ninety-five (1895). How taxes levied and collected.

Sec. 3. Said taxes shall be levied and collected, as all other taxes in said county, from the real and personal property and polls therein, and paid over to the treasurer of Cherokee county, and by him disbursed on proper order from said board of county commissioners. On what property levied, &c. Payment and disbursement.

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

Ratified the 8th day of March, A. D. 1895.

CHAPTER 149.

An act to amend an act to amend and consolidate the acts incorporating the town of Rockingham.

The General Assembly of North Carolina do enact:

Section 1. That section forty-six, chapter one hundred and one of the private laws of one thousand eight hundred and eighty-seven, be, and the same is hereby, amended by adding after the word "resident," in line four, and before the word "therein" in line five thereof, the words "or who owns real estate."

Sec. 2. That all laws, or 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 11th day of March, A. D. 1895.

CHAPTER 150.

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

The General Assembly of North Carolina do enact:

Commissioners authorized to levy a special tax in Currituck to build a court house.

Section 1. That the board of commissioners of Currituck county be, and they are hereby, authorized and empowered, by and with the consent of a majority of the justices of the peace of said county, at their regular meetings on the first Monday in June, eighteen hundred and ninety-five (1895), eighteen hundred and ninety-six (1896), eighteen hundred and ninety-seven (1897), eighteen hundred and ninety-eight (1898), eighteen hundred and ninety-nine (1899), to levy a special tax upon the taxable property and polls of said county, for the purpose of building a new or repairing the old court-house, as they may decide, to pay the deficiency in county general tax.

Amount of tax, &c.

Sec. 2. That the amount of taxes to be levied under this act shall be determined by the said board of county commissioners and justices of the peace, but shall not exceed twenty cents (20) on the one hundred dollars ($100) worth of property, and sixty (60) cents on the poll. The said county commissioners and justices of the peace shall observe the constitutional equation between the property and poll in making said levy.

Collection, &c., of tax.

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

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

Ratified the 11th day of March, A. D. 1895.

CHAPTER 151.

An act to extend the corporate limits of Grifton and to amend the charter of the same.

The General Assembly of North Carolina do enact:

Corporate limits of Grifton extended.

Section 1. That the corporate limits of the town of Grifton be, and the same are hereby, enlarged and extended, so as to be included and embraced in the following boundaries, to-wit:

Boundaries.

Beginning at a stake near the public road leading from Kinston, and runs south fifty-five and one-fourth degrees east one hundred and four-fifths poles to a stake; thence north eighty degrees east one hundred and fifty-four and three-fifths poles to a stake; thence a straight line to and across Moccasian river, nineteen and one-fifth poles to a stake near the river bank; thence north thirty-four degrees east seventy-six and four-fifth poles to a stake; thence north forty-five and seven-eighths degrees west one hundred and seventy-two poles to a stake; thence south forty-four and one-eight degrees west two hundred and thirty-five and two-fifths poles to the beginning; the same being according to a survey and map of said town, made by Patrick Muthewa, March the fifteenth, eighteen hundred and ninety-three.

Officers of the town.

Sec. 2. That the municipal affairs of said town shall be controlled by the mayor and the commissioners; that the said three commissioners shall be known as the board of commissioners of Grifton; and that said town commissioners shall be

Election of commissioners.

elected at an election on the first Monday in May, eighteen hundred and ninety-five (1895), and on the same day every year thereafter. In case of vacancies occurring on said board of commissioners, from any cause, the said board shall fill the same by an election among themselves.

Commissioners to elect mayor.

Sec. 3. That the three commissioners so to be elected shall, at their first meeting, elect from outside of their members a

Mayor's term of office and duties.

mayor, who shall hold his office for one year, and shall preside at the meetings of the board of commissioners, but shall not be entitled to vote except in case of a tie, when he shall give the

deciding vote. In the absence of the mayor, the board of commissioners shall elect one of their own members mayor *protempore*, who shall be allowed to vote as a commissioner, and also the casting vote in case of a tie.

Mayor pro tempore.

Treasurer.

Clerk and policemen.

Term of treasurer.

Bond &c., of treasurer.

Duties of treasurer.

Sec. 4. That the board of commissioners so to be elected, shall elect from their number, at their first meeting, a treasurer; also elect from outside of their members a clerk and one or more policemen. The term of the treasurer shall be one year, or until his successor is elected and qualified, and before entering upon the duties of his office shall execute and deliver to the board of commissioners a satisfactory bond, in a sum to be fixed by the board, which shall not be more than double the amount of taxes due said town for the preceding year. He shall receive all the money belonging to the town, or which ought to be paid or delivered to him, and he shall keep the same safely for the use of the town. He shall disburse the funds according to such orders as may be duly drawn on him by the board of commissioners, which orders shall be signed by the clerk of said board.

Duties of clerk.

Sec. 5. The clerk shall keep regular and fair minutes of the proceedings of the board, preserve all books and papers committed to his care, and deliver them to his successors, and perform such other duties as may be prescribed by the board of commissioners.

Duties of policemen.

Sec. 6. That it shall be the duty of the policemen to see that the laws, ordinances, and orders of the board are enforced, and report all breaches thereof to the mayor, to preserve the peace and good order of the town by suppressing disturbance and apprehending offenders; and for these purposes, and all others, he shall have all the powers and authorities vested in sheriffs and constables. He shall execute all precepts lawfully directed to him, and in the execution thereof shall have the same power and authority that sheriffs and constables have. He shall have the same fees on all processes executed and returned by him that are allowed to sheriffs in like cases, and such other compensation as the board of commissioners may allow.

Salaries of officers to be fixed by commissioners.

Mayor's salary.

Sec. 7. That the board of commissioners shall have the power to fix salaries of all officers elected by them; that of mayor shall not be more than one hundred dollars per annum.

Qualification of voters.

Sec. 8. That at the election herein provided for, no one shall be allowed to vote unless he has resided in the state for twelve months, in the county ninety days, and in the town for fifteen days next preceding the day of election.

How elections to be held and conducted.

Sec. 9. That the board of town commissioners now in office, and their successors in office, shall, annually, at their last meet-

ing in March, appoint one registrar and two inspectors of election, one of which shall be of a different political party, who shall conduct an election on the first Monday in May, eighteen hundred and ninety-five (1895), and annually thereafter, under the general election laws of the state, and as herein above prescribed. Elections annual.

Sec. 10. The board of commissioners of said town shall have full power to levy all taxes, and to prescribe the manner in which the taxes levied for the said town shall be listed and collected, the same not to be inconsistent with the laws of this state. How taxes levied and collected.

Sec. 11. That among the powers hereby conferred on the board of commissioners, they shall have power to provide water supply, to dig, construct and keep in repair wells and pumps, provide for repairing and cleaning and draining the streets, regulate the market, take all proper means to prevent and extinguish fires, make regulation to cause the due observance of Sunday, suppress and remove nuisances, preserve the health of the town from contagious and infectious diseases, appoint policemen and appoint their duties. Powers, &c., of commissioners.

Sec. 12. That the board of commissioners shall have power to make and provide for the execution thereof such ordinances, by-laws, rules and regulations for the better government of said town as they may deem necessary and consistent with the laws of the state.

Sec. 13. The town officers, policemen or watchmen, arresting any person for violating any ordinance of said town, may confine the same in the town prison until such person can be brought before the mayor, or other court having jurisdiction, for trial; but said person may give bail, in the same manner as bail is given to sheriffs, for his or their appearance before the mayor or other court. Persons arrested to be confined in town prison. Bail, &c.

Sec. 14. The mayor shall be a special court within the corporate limits, with full power and authority of a justice of the peace and a judicial officer, with all the power, jurisdiction and authority of a justice of the peace. Mayor a special court. Jurisdiction.

Sec. 15. That any violation of such ordinances as may be enacted by the board of commissioners of said town, shall be a misdemeanor, punishable by a fine not to exceed fifty dollars or imprisonment in the county jail or town prison not to exceed thirty days, with power to compel violators to work on the streets of said town in the meantime; and if any person liable or ordered to work on said streets, shall wilfully refuse or neglect to work, after being duly summoned by the officer or policeman, shall be guilty of a misdemeanor, and, upon convic- Violation of town ordinance a misdemeanor. Penalties.

tion, shall be fined not less than two nor more than ten dollars, and in default of payment of fine and cost, shall be confined in the town prison, not to exceed twenty days, and in the meantime compelled to work on the streets of said town.

Commissioners empowered to open and extend streets.

And condemn land.

Proviso.

Further proviso.

Sec. 16. The board of commissioners of said town shall have power to open up new streets, and to extend the present ones, whenever they may deem it necessary for the public convenience, and shall have full power and authority to condemn any land necessary for that purpose: *Provided, however*, that no land shall be condemned for any such purpose where such condemnation will interfere with the buildings, front yard, or cartilage of any objecting thereto: *And provided, further*, that just and reasonable compensation be paid to the person or persons injured before work is commenced on the same; any person or persons, whose lands are sought to be condemned, as herein set forth, who may be dissatisfied with the damage assessed, may appeal from the order of condemnation, or the report of the freeholders, to the next term of the superior court by giving bond in the sum of one hundred dollars.

Appeal, &c., from order of condemnation and report of freeholders.

All streets, &c., made in town, public streets.

Sec. 17. That all public roads lying within the corporate limits of said town, and all streets, as now consituted, constructed and used, are hereby declared, made and construed public streets of said town.

Conflicting laws repealed.

Sec. 18. That all laws, and clauses of laws, in conflict with this act are hereby repealed.

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

Ratified the 11th day of March, A. D. 1895.

CHAPTER 152.

An act to amend the charter of the city of New Berne.

The General Assembly of North Carolina do enact:

Section 1. That the private laws of eighteen hundred and seventy-nine (1879), chapter forty-two (42), be amended as follows:

Number of councilmen reduced from 8 to 5.

Sec. 2. (1.) Strike out in line three (3), section one (1), the word "eight," and insert the word "five."

Councilmen at large abolished.

(2.) Strike out all after the word "peace," in line five (5), section two (2), down to and including the word "peace," in line eighteen (18).

Mayor's election.

(3.) Strike out the word "whereupon," in line eighteen (18), section two (2).

(4.) Strike out the words "proceed to," in line nineteen (19), section two (2), and insert after the word "elect" and before the word "from," in said line, the words "biennially at their first meeting in May." Mayor to be elected biennially by councilmen.

(5.) Add to the end of section two (2), the following words: "that the first election of mayor, under the provisions of this act, shall be held in May, eighteen hundred and ninety-five, (1895), and that the mayor so elected shall be required to devote his entire time and attention to the discharge of his duties, and shall hold his office for two years, and until his successor is elected and qualified." When first election for mayor. Duties, &c. Term of office.

(6.) Strike out all between the word "mayor," in line seven (7), and the word "shall," in line eight (8), section three (3). Election of mayor in case of vacancy in council.

(7.) Strike out the word "month," in line four (4), section ten (10), and insert the word "week." City marshal to pay over moneys annually.

(8.) Strike out the words "three policemen," in line three (3), section seventeen (17), and insert in lieu thereof the words "as many policemen as the board of councilmen may deem necessary." Sec. 17 amended as to number of policemen.

(9.) Strike out all in section twenty-seven (27) after the word "city," in line four (4). Sec. 27 in regard to costs, &c., amended.

(10.) Strike out the words "four hundred," in line three (3), section twenty-eight (28), and insert in lieu thereof the words "six hundred." Mayor's salary $600.00.

(11.) Strike out all between the word "dollars," in line four (4), and the word "the," in line five (5), section twenty-eight (28). Sec. 28 in regard to clerk's fees amended.

(12.) Strike out the words "twenty-five," in line five (5), section twenty-eight (28), and insert the word "sixty," and strike out all in said section after the word "month," in line six (6), down to and including the words "the city," in line eight (8). Sec. 28 in regard to city marshal's fees, &c., amended.

(13.) Strike out the word "two," in line eight (8), section twenty-eight (28), and insert in lieu thereof the word "three." City attorney's salary.

(14.) Strike out the word "thirty," in line ten (10), section twenty-eight (28), and insert in lieu thereof the words "thirty-five." Policemen's salary.

(15.) Strike out all of section twenty-nine (29), after the word "city," in line four (4). Appropriating of money, &c.

(16.) Strike out all of section thirty-two (32) after the word "property," in line six (6), and insert in lieu thereof the following: "on all dealers in spirituous, vinous and malt liquors a tax not exceeding three hundred dollars per annum, and on any and all persons following any trade or profession, occupation or calling (except carpenters, blacksmiths and other manual laborers), and on banks or bankers, express, telegraph and insurance companies, a tax not to exceed fifty dollars per Amendment in regard to license taxes, &c., for liquor dealers. Trades, professions, &c. Banks, &c.

Proviso.

annum: *Provided*, the total amount collected from any person or firm, except dealers in spirituous, vinous and malt liquors, shall not exceed fifty dollars per annum; the amount of this tax, which is to be paid by any person for the privileges herein

Councilmen to fix certain license taxes.

enumerated, to be fixed and regulated by the mayor and board of councilmen within the limits herein prescribed, and all subjects now allowed to be taxed by the act of April sixth (6), eighteen hundred and seventy-one (1871), the amount named in said act, and not inconsistent with this section.

Auditing committee abolished.

Sec. 3. That chapter sixty-one (61), of the private laws of one thousand eight hundred and seventy-four, and one thousand eight hundred and seventy-five, is hereby repealed.

Mayor and council authorized to establish and operate electric light plant.

Sec. 4. That the mayor and city council of the city of New Berne are hereby authorized and empowered, in their discretion, to buy, maintain and operate an electric plant for the purpose of furnishing light to the inhabitants of said city, and they are authorized and empowered to charge therefor such prices as they shall deem fair and reasonable.

Authorized to issue bonds to provide for payment, &c.

Sec. 5. That if such mayor and city council shall conclude to buy any electric plant for the purpose aforesaid, they are hereby authorized and empowered to issue for that purpose city bonds of the denomination of one hundred dollars each, payable in

Description of bonds, &c.

not less than twenty nor more than thirty years, bearing interest at six (6) per centum, payable semi-annually, which said bonds may be either issued directly in payment, or sold and the pro-

Proviso.

ceeds so applied: *Provided*, nothing herein contained shall prevent the authorities from anticipating the payment of any of said bonds by agreement with the holders thereof.

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

Ratified the 11th day of March, A. D. 1895.

CHAPTER 153.

An act to amend chapter one hundred and thirty-four, laws of eighteen hundred and eighty-five, entitled "an act relalating to roads and highways"

The General Assembly of North Carolina do enact:

Chap. 134, laws 1885, in regard to "Roads and Highways," amended.

Section 1. That the second section of said act be amended by inserting in the eighth line, after the word "chairman," the following: "they may also elect three of their number to con-

Road committee to be elected.

stitute a road committee, whose duties and authority shall be prescribed by the board," and by inserting in the last line of

said section, after the word "duty," the words "of the chairman of the board to report to the solicitor, and." Reports, &c.

Sec. 2. That section four of said act be amended by striking out the word "sixteen," in the first line, and inserting the word "forty," and by inserting after the word "required," in the fourth line, the words "who shall be paid for their services one dollar per day by the board of trustees." Road bed to be forty feet wide. Jurors to open new roads to be paid one dollar per day.

Sec. 3. That section five of said act be amended by striking out the word "four," in the sixth and twelfth lines, and inserting the word "two" in each of said lines; and by striking out the word "two," in the eleventh line, as amended by chapter seventy-four (74), acts of one thousand eight hundred and eighty-nine (1889), and inserting the word "one"; and also by striking out all of said section after the word "labor," in the twelfth line, and inserting the following: "The supervisor shall report to the road committee, at such times as they may direct, the amount so received by him, and the same shall be expended upon the roads of the district, as said committee may direct; the supervisor shall render an account of such expenditures to the road committee on demand." Road duty reduced from four to two days per year. One dollar to be accepted in lieu of two days' labor. Appropriation of moneys received in lieu of labor, &c. Supervisor's accounts, &c.

Sec. 4. That section six (6) of said act be amended by striking out, in line sixteen (16), the word "four" (4), and inserting the "two," and by striking out the twenty-second line of said section, and the words "the township trustees" in the twenty-third line of said section, and inserting the following: "under the direction of the road committee, and shall account for said expenditures upon demands of said committee." Liability for failure to work, &c. One dollar instead of three, as in act, &c. "Road committee" substituted for "township trustees."

Sec. 5. That section fourteen of said act be amended by adding to said section the following: "He shall also erect and keep up, on roads running out of the city of Charlotte, mile-posts at such places as the road committee may designate. Mile-posts to be erected, &c.

Sec. 6. That the nineteenth section of said act be stricken out. Sec. 19 in regard to discharging road tax by labor stricken out.

Sec. 7. This act shall apply only to Charlotte township, in Mecklenburg county, and shall be in force from and after its ratification. And to apply to Charlotte township only.

Ratified the 11th day of March, A. D. 1895.

CHAPTER 154.

An act to incorporate the town of Worthville, North Carolina.

The General Assembly of North Carolina do enact:

Town of Worthville incorporated. Body politic. Corporate name. Corporate powers.

Section 1. That the town of Worthville, in the county of Randolph, be, and the same is hereby, incorporated into a body politic and corporate, under the name and style of town of Worthville, and under this name may acquire and hold, for the purpose of its government, welfare and improvement, by purchase, gift, devise or otherwise, any real estate or personal property, in the same manner and to the same extent that private persons may or can, and shall have the right to contract or be contracted with, sue and be sued, plead and be impleaded, and hold and convey real or personal property.

Corporate limits.

Sec. 2. That the corporate limits of said town shall be one-half mile in all directions from the mill building of the Worth Manufacturing Company, in said town.

Officers. Election of mayor and commissioners. Elections annual. Term of office. Other officers appointed, &c.

Sec. 3. That the officers of said town shall consist of a mayor, five commissioners, a constable, treasurer and clerk; that the mayor and five commissioners shall be elected on the first Monday in May, in the year eighteen hundred and ninety-five, and annually thereafter, who shall hold their offices until their successors are qualified; and all other officers created by this act shall be appointed by the town commissioners for a term not extending beyond the term of office for which said commissioners are elected.

Names of officers created by this act. Qualifications, &c.

Sec. 4. That James S. McAlister, H. D. Scarboro, H. L. Jackson, James E. Johnson and R. W. Giles are hereby constituted and appointed a board of commissioners, and Hal. M. Worth is hereby constituted and appointed mayor; J. O. Arnold, treasurer; Lee Kimry, clerk, and William E. Johnson, constable, of said town; who, upon their taking the oath of office, shall have full power to exercise and perform such duties as are hereinafter prescribed by the provisions of this act, until their successors shall be duly elected and qualified.

Oath of officers.

Sec. 5. That all officers herein provided for, before entering upon their duties as such officers, shall take an oath before some justsce of the peace of said county, or other officer authorized to administer oaths, to faithfully and impartially discharge the duties of their offices; and the treasurer and constable, or chief of police, before entering upon their duties, shall also file a bond with the board of commissioners, payable to the town of Worthville, in such sum as the commissioners may determine: *Provided*, the same shall not be less than five hundred

Treasurer and constable, &c., to file bonds, &c. Amount of bonds, &c. Proviso.

dollars, conditioned upon the faithful performance of the duties of their office.

Elections, &c., how held and conducted.

Sec. 6. That the board of commissioners of said town, each year, at least forty days' prior to the first Monday in May, shall appoint a registrar, who shall give ten days notice at three public places in said town, of the registration of voters of said town, specifying time and place, and shall be furnished with registration books at the expense of the town; and it shall be the duty of the registrar to open the books at the time and place mentioned, which shall be at least twenty days before the election, and to register therein all persons applying for registration, who are ascertained to be entitled to registration under the general election laws of the state, and at the time of the appointment of the said registrar, the board of commissioners shall appoint two judges of election, who, with the registrar, shall open the polls and superintend and conduct the same on the day of election, which shall be held at the mayor's office in said town, and shall be conducted in accordance with the general laws of the state, regulating the election of members of the general assembly, not inconsistent with this act; and returns of said election shall be made as provided in section thirty-seven hundred and eighty-eight (3788), chapter sixty-two (62), of The Code.

Notice, &c.

Registration.

Judges of election, &c.

Elections.

Returns of election, how made.

When mayor and commissioners to qualify.

Sec. 7. That on Thursday succeeding the day of election, the mayor and commissioners shall qualify by taking the oath as prescribed by law, and when organized shall have all the duties, rights, powers and privileges prescribed in chapter sixty-two (62) of The Code, not inconsistent with the provisions of this act.

Powers, &c., of officers.

Powers, &c., of board of commissioners.

Sec. 8. That among the powers conferred upon the said board of commissioners, they may provide for and have opened streets through said town, provide for the working, repairing and cleaning said streets, regulate the markets, take all proper means to prevent and extinguish fires, regulate the town police force, suppress and remove all nuisances, pass ordinances for the regulation of the peace and order of the town, and for the carrying out of the provisions of this act, and may appoint such officers as the board of commissionerss may deem necessary for the same, and the board of commissioners may fix and prescribe the pay of all officers, either elected or appointed.

Mayor constituted inferior court, with powers, jurisdiction, &c., of a justice of the peace.

Sec. 9. That the mayor of said town is hereby constituted an inferior court, with like powers of a justice of the peace in all criminal cases, according to the general law, regulating towns and cities, contained in volume two (2), chapter sixty-two (62), of The Code, and the general laws, regulating the duties of

justices of the peace in criminal cases, and to execute the by-laws, rules, ordinances and regulations made by the board of commissioners.

Mayor to preside at meetings of commissioners. Vote of mayor.

Sec. 10. That the mayor, when present, shall preside at all meetings of the board of commissioners, and shall vote only when there is a tie; and at their first meeting after organization, the commissioners shall appoint one of their number a chairman *pro tempore*, who shall, in the absence of the mayor, preside at the meetings and perform all the duties of mayor.

Chairman pro tempore of board. Duties, &c.

Quorum of board.

Sec. 11. That a majority of the commissioners shall constitute a quorum for the transaction of all business. Within five days after the election, they shall convene for the transaction of business, and then shall fix monthly meetings for board; and called meetings of said board may be held on the call of the mayor, and a majority of the commissioners may adopt by-laws enforcing the attendance of the members of the board.

Organization.

Meetings, &c.

Special meetings.

By-laws.

Orders on treasurer to be signed by mayor and clerk. Orders to be filed by treasurer.

Sec. 12. That all orders drawn on the treasurer by the clerk on the order of the commissioners, shall be signed by the mayor and countersigned by the clerk, and the treasurer shall file all such orders as his vouchers, and at the expiration of the term of the office of treasurer, he shall deliver to his successors all moneys, securities or other property entrusted to him for safe keeping or otherwise.

Taxes, &c.

Sec. 13. That the commissioners of said town may provide for the listing, levying and collection of a tax upon property and polls in said town, in accordance with the general laws regulating towns and cities.

Commissioners may lay out streets, &c.

Sec. 14. That the board of commissioners of said town shall have power to lay out and open any streets within the corporate limits of said town, whenever they may deem it necessary,

Widen, &c., streets.

and have power at any time to widen, enlarge, change, extend or discontinue any street or streets, or any part thereof, within the corporate limits of said town, and shall have full

May condemn land.

power and authority to condemn, appropriate or use any land or lands, necessary for any of the purposes named in this

Compensation.

section, upon making a reasonable compensation to the owner or owners thereof; but in case the owner of the land and the

Damages, &c.

commissioners cannot agree as to the damages, the matter shall be referred to arbitrators, each party choosing one, who shall

Proceedings on condemnation.

be a freeholder in and a citizen of said town; and in case the owner of the land shall refuse to choose said arbitrator, then the sheriff of the county shall, in his stead, select one for him; and in case the two chosen as aforesaid cannot agree, they shall select a third man, whose duty it shall be to examine the lands condemned and ascertain the damages sustained and the bene-

fits accruing to the owner in consequence of the change; and the award shall be conclusive of the rights of the parties, and shall vest in the commissioners the right to use the land for the purpose specified, and all damages agreed upon or awarded shall be paid, as other town liabilities, by taxation: *Provided*, that either party may appeal as provided by law.

Award of arbitrators' conclusion.

Proviso.

Sec. 15. That the board of commissioners shall have full power and authority to levy and collect a tax upon the real and personal property and polls of the said town, for the purpose of raising the money to pay any and all such sums as may be required to be paid under the preceding section and all other sections of this act.

Commissioners empowered to levy taxes, &c.

Sec. 16. That no intoxicating liquors shall be manufactured or sold within the corporate limits, or within one and one-half miles of the corporate limits of said town.

Sale of intoxicating liquors prohibited, &c.

Sec. 17. That the commissioners of said town may levy and collect license or privilege tax on such things as the state and county may levy a license tax upon, and upon all itinerant merchants, peddlers and auctioneers, who shall sell, or offer for sale, within the limits of said town.

License and privilege taxes.

Sec. 18. That the town of Worthville is hereby vested with all the powers, rights, privileges, and immunities enumerated in chapter sixty-two (62) of The Code, volume two (2), and elsewhere in The Code, as amended by subsequent acts of the general assembly, not inconsistent with any provisions of this act.

Invested with all powers, &c., contained in chap. 62, vol. II., of *The Code*, and amendments, &c.

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

Ratified the 11th day of March, A. D. 1895.

CHAPTER 155.

An act to incorporate "The Guardian Security, Trust and Deposit Company," of Wilmington, North Carolina.

The General Assembly of North Carolina do enact:

Section 1. That G. Z. French, John S. Armstrong, Charles F. Borden, William Calder, W. H. Chadbourn, Gabriel Holmes, Hugh MacRae, James H. Chadbourn, Jr., C. W. Yates, J. G. L. Geischen, James H. Chadbourn, George R. French and William Gilchrist, their associates, successors and assigns, are hereby constituted and declared a body politic and corporate, by the

Incorporators.

Body politic.

Corporate name. the name and style of "The Guardian Security, Trust and Deposit Company," of Wilmington, North Carolina, with its Principal place of business. principal place of business in the city of Wilmington; and by that name may sue and be sued, plead and be impleaded, in any Corporate powers. court of the state, and have a continual succession for the term Duration. of ninety years, with all the rights, powers and privileges of corporations and banks under the general laws of the state.

Capital stock. Sec. 2. The capital stock of said corporation shall not be less Shares. than twenty-five thousand dollars, in shares of twenty-five dol- Increase. lars each, and such capital stock may be increased, from time to time, as said corporation may elect, to a sum not exceeding five hundred thousand dollars.

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

Organization. Sec. 4. Whenever twenty-five thousand dollars shall be subcribed, and one-half paid into the capital stock of said corporation, the above named corporators, or a majority of them, shall call a meeting of the subscribers to said stock, at such time and place, and on such notice as they may deem sufficient to organize said corporation; and such stockholders shall elect such directors as they may think proper, who shall hold office for one year, and until their successors shall be chosen; and said directors shall elect a president to serve during their continuance in office. The remaining one-half of subscribed capi- When capital stock to be paid in. tal shall be paid within six months after the company begins business.

Corporate powers. Sec. 5. The president and directors of said corporation may adopt and use a common seal, and alter the same at pleasure; may make and appoint all necessary officers and agents, and fix their compensation; shall exercise and have all such powers and authority as may be necessary for governing the affairs of said corporation, and shall prescribe the rules for the conduct of said corporation consistent with the by-laws established by the stockholders; may do a general banking business, and exercise all powers, rights, and privileges conferred by the public laws of this state on banks and corporation, especially those set forth in chapter four, volume two, of The Code; may loan money at such rates of interest as may be agreed upon; may discount, buy and sell notes, drafts and all other securities or

evidences of debt; may loan money on mortgages, or personal property; may negotiate loans on mortgages, on real or personal estate, or both, provided said company shall not charge or discount at a greater rate of interest than is allowed by law. Holders may be represented by proxy, and each share shall be entitled to one vote.

Proviso. Rate of interest.

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.

May buy, hold and sell real and personal property.

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.

Minors and *feme covert* may deposit and draw out money.

And give receipts, &c.

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 day's 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.

Subscriber failing to pay for stock, &c.

How amount due recovered.

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.

Subscriber and assigns liable for amount of subscription.

Subscription a "promissory note," &c.

Sec. 10. That said company may receive and pay out all lawful currency, with full power of circulating currency of its own issue under all the rights and privileges and under such

May receive, pay out and issue currency, &c.

Restrictions.

restrictions as may be imposed by the laws of this state or the laws of the United States as to currency of state banks.

May act as trustee.

Sec. 11. *And be it further enacted*, That the said corporation be, and is hereby, authorized to accept and execute as fully as a natural person, trusts of any and every description which may be committed or transferred to it, with its consent, by any person or persons whomsoever, bodies corporate or public, or by any court in the state of North Carolina, or in any one of the United States, or by the courts of the United States, and to accept the office and appointment of executors or administrators of any kind or nature, whenever such office or appointment is conferred or made by any person or persons, or by any orphans' court or other court, either of this state or any one of the United States; and that in all cases where applications shall be made to any court of this state for the appointment of any receiver, trustee, administrator, executor, assignee, guardian of any minors or committee of a lunatic, it shall and may be lawful for such court to appoint the said corporation, with its assent, such receiver, trustee, administrator, assignee, guardian or committee, and the accounts of said corporation as such receiver, administrator, executor, assignee, guardian or committee, shall be regularly settled before the court making such appointment; and upon such settlement and adjustment, all proper, legal and customary charges, costs, and expenses shall be allowed to said corporation for its care and management of the trusts and estates aforesaid, in accordance with the practice of the court so appointing in the case of natural persons when so appointed; and the said corporation, as such receiver, trustee, administrator, executor, assignee, guardian or committee, shall be subject to all lawful orders or decrees made by the said conrt.

Executor or administrator.

Fiduciary accounts, how settled.

Compensation.

May receive deposits of valuables, &c., as a "Safe Deposit Company."

Sec. 12. *And be it further enacted*, That the said corporation shall be, and is hereby, authorized and empowered to receive and keep on deposit all such valuables as gold, silver or paper money, bullion, precious metals, jewels, plate, certificates of stock or evidences of indebtedness, deeds or muniments of title or other valuable papers of any kind, or any other article or thing whatsoever which may be left or deposited for safe keeping with said corporation; and it may and shall be lawful for any of the courts of this state, into which moneys, stocks, bonds or other property may be paid or deposited by agreement of parties, order, judgment or decree of said court, to order and direct the same to be deposited with said corporporation; and it shall be entitled to charge such commission or compensation therefor as may be agreed upon; and, for the complete preser-

Compensation.

vation and safe keeping thereof, may construct, erect, purchase or lease such fire and burglar-proof buildings, vaults, iron and composition safes or other buildings or means which may be or become necessary, and generally to transact and perform all the business relating to such deposit and safe keeping or preservation of all such articles or valuables as may be deposited with it.

May buy or erect fire-proof, &c., buildings, vaults, &c.

Sec. 13. *And be it further enacted*, That when any court shall appoint the said corporation a receiver, trustee, administrator, executor, assignee, guardian or committee, or shall order the deposit of money, or other valuables of any kind, with said corporation, the capital stock, as paid in, shall be taken and considered as the security required by law for the faithful performance of its duties: *Provided*, the said court shall not deem it necessary to require further security, and shall be absolutely liable in case of any default whatever; the court, if it deem necessary, may, from time to time, appoint suitable persons to investigate the affairs and management of said corporation, who shall report to such court the manner in which such investments are made, and the security afforded to those by or for whom its engagements are held, and the expenses of such investigations shall be defrayed by said corporation; or the court may, if it deem necessary, examine the officers of said corporation under oath or affirmation, as to the security aforesaid.

Deposit of capital stock as security.

Proviso.

Court may appoint examiner, &c.

Report as to investments of trust funds, &c.

Examiner's expenses, &c., to be paid by corporation.

Officers may be examined under oath.

Sec. 14. *And be it further enacted*, That in case of the dissolution of said corporation, the debts due from the corporation as receiver, trustee, administrator, executor, assignee, guardian or committee, or depository of money under order of court, shall have a preference in the distribution, of the assets of said corporation.

In case of dissolution of corporation, fiduciary debts to have preference in distribution of assets.

Sec. 15. *And be it further enacted*, That any executor, administrator or other trustee, or public officer having the control of any bonds, stocks, security, moneys or other valuables belonging to others, shall be, and is hereby, authorized to deposit the same for safe keeping with said corporation; that in all cases in which public officers, municipal or private corporations, authorized to deposit money, stocks, bonds or evidences of debt, such deposits, by such officers or corporations, may be made with said corporation.

Fiduciaries, &c., authorized to, deposit bonds, &c., with this corporation.

Public officers, &c., may deposit, &c.

Sec. 16. *And be it further enacted*, That the said corporation shall have power to receive and hold on deposit, and in trust and as security, estates, real, personal and mixed, including money, notes, bonds and obligations of states, companies, corporations and individuals, and the same to purchase, collect and adjust, settle, sell and dispose of, and upon such terms as

Estates, &c., may be held on deposit and in trust, &c.

May buy and sell bonds, stocks and other property.

may be agreed upon between it and the parties contracting with it.

May act as bondsmen for fiduciaries, public officers, &c.

Sec. 17. *And be it further enacted*, That the said corporation shall be, and is hereby, authorized and empowered to insure the fidelity of persons holding places of trust or responsibility of any state, corporation, company, person or persons whatsoever, to endorse and become security for the faithful performance of any trust, office, duty, contract or agreement, and to supersede any judgment or become surety upon any bond for appeal from any order, judgment or decree of any court of record or justice of the peace; and it is further authorized to become sole surety in all cases, where by law two or more sureties are required, for the faithful performance of any trust of office, and it shall and may be lawful for any court to approve said corporation as sole surety in all such cases; and in every such case the capital stock of said corporation shall be taken and considered as sufficient security therefor; but in all such cases the affairs and effects of said corporation shall be subject to an examination, if the court should deem it necessary; and the said court may examine, under oath, the officers of said corporation in relation to the affairs, property and effects of said corporation; and it shall be lawful for said corporation to stipulate and provide for indemnity from the parties aforesaid, for whom it shall so become responsible, and to enforce any bond, contract, agreement, pledge or other security made or given for that purpose.

May give appeal and supersedeas bonds, &c.

Authorized to be sole security in cases where more than one is required by law.

Capital stock sufficient security.

Examination, &c., of company's affairs.

Officers may be examined under oath.

Indemnity, &c.

May guarantee payment and collection of notes, &c., &c.

Sec. 18. *And be it further enacted*, That said corporation shall have power to guarantee, endorse and secure the payment and punctual performance and collection of notes, debts, bills of exchange, contracts, bonds, rents, accounts, claims, annuities, mortgages, choses in action, evidences of debt, certificates of property or value, checks and the titles to property, real and personal, indebtedness of companies, partnerships, loans of states, cities, counties, municipalities, on such terms or commissions as may be agreed upon or established by said corporation and the parties dealing therewith; to act as the fiscal or transfer agent of any state, municipality, body politic or corporation, and in such capacity to receive and disburse money, and transfer, register and countersign certificates of stock, bonds or other evidences of indebtedness.

Compensation.

May act as fiscal agent, &c.

Warehouse and storage privileges, &c.

Sec. 19. *And be it further enacted*, That the said corporation may receive upon storage, deposit or otherwise, merchandise, specie, plate, stocks, promissory notes, certificates and evidences of debt, contracts and all other personal properties whatsoever; take charge and custody of real and personal

estates and securities, and advance money thereupon, on such terms as may be established or approved by said corporation.

May invest money deposited, lent, &c.

Sec. 20. *And be it further enacted*, That said corporation be, and it is hereby, authorized, and shall have discretionary powers to invest, at its pleasure, moneys received on deposit, loaned or otherwise: *Provided*, that said corporation, in the investment of funds held by it as trustee, administrator, executor, assignee, guardian or committee, shall be subject to the laws of this state, and the rules of courts now existing or hereafter passed, governing investments of such funds by natural persons, when so acting as such trustee, administrator, executor, assignee, guardian or committee; that it is authorized to take, have, hold and enjoy all such estate, real, personal and mixed, as may be obtained with the moneys aforesaid; and also with any, every and all other funds that may come into its possession in course of its business dealings, and the same may sell, grant, lease, mortgage and dispose of, in its discretion and at its will and pleasure, and execute, acknowledge and deliver all deeds and legal papers and any instruments concerning the same; to deal in exchange, foreign and domestic, and in every and all description of properties, personal effects, securities, mortgages, lands, certificates of indebtedness, stocks of incorporated companies, notes, loans or bonds of the United States, or of any city, county or municipality, or of any incorporated company or individual.

Proviso.

May hold all property, &c., bought with money deposited, &c.

May execute deeds, &c.

Deal in foreign and domestic exchange and all kinds of property.

By-laws, &c.

Sec. 21. *And be it further enacted*, That said corporation shall have power and authority to provide rules, regulations, by-laws or otherwise for and determine all matters of arbitrament or award referred or submitted to it by order of any court, or agreement of parties in interest whatsoever, upon such terms as may be agreed upon, provided or established by said courts or said parties.

Act as arbitrator, &c.

Stockholders not individually liable, &c.

Sec. 22. That the stockholders of said company or bank, their successors and assigns, shall not be in any wise liable or responsible for any debts, obligations, contracts or torts of said company or bank beyond the amount subscribed by each stockholder.

May do "savings bank" business.

Sec. 23. The company is authorized to organize a department for savings, and do a savings bank business for the convenience of small depositors, and make such regulations in regard thereto as the stockholders may think proper; in which the said company may receive deposits in the savings department, and give books or certificates therefor, and to pay such interest as its directors may authorize, not exceeding the legal rate of interest, and also to regulate the time of payment and notice of demand.

Conflicting laws repealed.

Sec. 24. All laws, and clauses of laws, in conflict with this act are hereby repealed.

Sec. 25. That this act shall be in force from and after its ratification.

Ratified the 11th day of March, A. D. 1895.

CHAPTER 156.

An act to incorporate the town of Elizabethtown, in Bladen county.

The General Assembly of North Carolina do enact:

Incorporated.

Section 1. That the town of Elizabethtown, in the county of Bladen, be, and the same is hereby, incorporated, by the

Corporate name.

name and style of the town of Elizabethtown, and shall be

Corporate powers, &c.

subject to all the provisions contained in chapter sixty-two (62) of volume two (2) of The Code not inconsistent with this act.

Corporate limits.

Sec. 2. The corporate limits of said town shall be as follows:

Boundaries, &c.

Beginning at the upper corner of said town, on the Cape Fear river, and runs thence with the upper line of said town south twenty (20) west to the beginning corner of said town; thence a direct line to a stake on the Bladenboro road just beyond the Mount Zion colored church, the corner of the parsonage lot nearest to Bladenboro; thence south seventy (70) east to the line of the J. L. McMillan farm, the lower line of M. D. McLeod's farm; thence with said line in the direction of the Cape Fear river, as the upper line of said McMillan farm were in one thousand eight hundred and eighty-nine (1889), to a stake on the Cape Fear river, the upper corner of the stock-law territory; thence up the Cape Fear river to the beginning.

Officers.

Sec. 3. That the officers of said corporation shall consist of a mayor, three commissioners and a marshal, and the following named persons shall fill said offices until the first day of May, one thousand eight hundred and ninety-five (1895), or until

Mayor, commissioners, &c., named.

their successors are elected, viz.: mayor, C. C. Lyon; commissioners, R. L. White, L. M. Smith and Newton Robinson; and marshal, Bruce McGill.

Election of officers, how and when held, &c.

Sec. 4. That there shall be an election for officers mentioned in this act on the first Monday in May, Anno Domini one thousand eight hundred and ninety-five (1895), and each succeeding year thereafter, under the same regulations that county and state elections are held; and all citizens residing in the corporate limits of said town, who have been residents of the state for twelve months, shall have the right to vote at all such elections.

Sec. 5. That officers provided for by this act shall qualify within ten days, before a justice of the peace or the clerk of the superior court, and all officers hereafter elected shall qualify in like manner. Qualification of officers.

Sec. 6. That the commissioners shall have power to make all necessary by-laws and pass ordinances, not in conflict with the laws of the state. Powers of commissioners.

Sec. 7. That all fines collected shall be paid into the treasury of the town for the benefit thereof. Fines, &c., paid into treasury.

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

Ratified the 11th day of March, A. D. 1895.

CHAPTER 157.

An act to incorporate the Currituck & Camden Railroad Company.

The General Assembly of North Carolina do enact:

Section 1. That E. B. Freeman, A. W. Willey, W. W. Tunise, S. M. Loyd and J. T. Tunise, their associates, successors and assigns, be, and they are hereby, constituted and created a body politic and corporate, under the name of "The Currituck & Camden Railroad Company," and by that name shall have perpetual succession and a common seal, may sue and be sued, and shall have power to make by-laws, to buy, hold, use and sell real estate, to appoint all necessary officers and prescribe their powers and duties, and in general to have and exercise all other powers, privileges, franchises and rights granted to railroad companies by chapter forty-nine, volume one, of The Code, or common to other similar corporations, not inconsistent with the laws of the state. Incorporators. Body politic. Corporate name. Corporate powers.

Sec. 2. That said company be, and it is hereby, authorized and empowered to survey, lay out, construct, equip, maintain and operate, by steam or other motive power, a railroad with one or more tracks, from suitable points to be fixed by said company, in a tract of timber land, lying in Camden county, in the vicinity of Snowden, between the Norfolk Southern railroad and the Pasquotank river, to some suitable point on the said Pasquotank river, and also from said beginning point to some suitable point on Tull's creek, in Currituck county, as said company may determine. Said company is also em- Corporate powers. Termini.

Branch roads, &c.

powered to build and operate branch roads under the provisions of this act, not exceeding ten miles in length.

Capital stock.

Sec. 3. That the capital stock of said Currituck & Camden Railroad Company shall not be less than twenty thousand dollars, and not more than three hundred thousand dollars, and shall

Shares.

be divided into shares of one hundred dollars each, for which

Transfer of stock.

certificates may be issued; and said stock shall be transferable, as the by-laws of said company may prescribe. The corporators named in this act, or any of them, may open books and

Books of subscription.

receive subscriptions at such place or places as they may deem expedient, and when ten per centum of the capital stock shall

Organization, &c.

be paid in, the subscribers may proceed to organize the said

Directors, &c.

campany by the election of a board of directors, not less than five in number, who shall hold their offices for one year, and

Number of directors, &c.

until their successors are elected and qualified. The number of directors may be increased or diminished at any general

Proviso.

meeting of the stockholders: *Provided*, that the number shall

Directors to elect officers, &c.

not be reduced below three. Said directors shall elect a president, vice-president, secretary, and treasurer, and such other officers and agents as they may deem best, who shall hold their

Term of office.

offices for such time as said board of directors may prescribe.

By-laws.

The said stockholders may provide for the conduct and management of said company by such by-laws, rules and regulations as they may deem fit and proper, not inconsistent with the laws of this state and of the United States. Each stock-

Stock vote.

holder shall be entitled, in all meetings of the company, to one vote for each share of stock owned by him, and no stockholder

No individual liability.

shall be individually liable for the debts or liabilities of said company in any greater sum than the amount owing by him upon any unpaid subscription for stock.

Annual meetings, &c.

Sec. 4. The meetings of stockholders shall be held annually, at such time and place as may be determined by them, and at

President's report.

all annual meetings the president shall render to the stockholders an account of the affairs of the company. Special

Special meetings.

meetings of stockholders may be held as prescribed by the by-

Directors to be elected annually.

laws of the company. Directors shall be elected annually, and

Vacancies, how filled.

in case of vacancies occurring in the office of director, the same may be filled by the board of directors until the next meeting of stockholders.

President and directors authorized to contract debts, borrow money, execute mortgages, &c.

Sec. 5. The president and directors of said company shall have power to make such expenditures, and contract such debts, as may be necessary for the construction and operation of said railroad and the conduct of its business. And said president and directors are authorized to borrow money to such extent, and in such manner (not inconsistent with the laws of the state

as may be authorized by the stockholders of said company, and to issue therefor such bonds, or other evidence of debt, in such manner and form as said president and directors may determine, and to secure the same by such mortgages, or deeds of trust, on its property, income and franchises of said company, as they may deem expedient.

Given all privileges of sections 1943 to 1951, inclusive, of *The Code*.

Sec. 6. That said company shall enjoy all the rights and privileges, and be subject to the provisions of chapter forty-nine of volume one of The Code, from section one thousand nine hundred and forty-three to one thousand nine hundred and fifty-one, both inclusive, in respect to the acquisition of real estate by condemnation for the location and construction of said railroad, for right of way, and for stations, warehouses, water stations, workshops, and other buildings and improvements.

Condemnation of land, &c.

May build or use part of road, &c.

Sec. 7. That said company shall be authorized to construct, equip and use any part of said railroad before the whole is complete.

May consolidate, &c., with any other road.

Sec. 8. That said company may, with the consent of the stockholders, be consolidated with and form one and the same body corporate with any other company having, or which may hereafter obtain, a charter for a railroad in North Carolina, under such corporate name as may be mutually agreed upon.

Granted five years to organize and construct road.

Sec. 9. That the said company shall have five years within which to perfect the organization of said company, and to construct said railroad.

Not to be exempt from taxation.

Sec. 10. That nothing in this act shall be construed to exempt the said company from taxation.

Sec. 11. This act shall be in force from and after its ratification.

Ratified the 11th day of March, A. D. 1895.

CHAPTER 158.

An act to amend the charter of the town of Morganton, and to provide for submitting the question of license for the sale of liquors to the voters of said town.

The General Assembly of North Carolina do enact:

Local option election to be held on first Monday in May, 1895.

Section 1. That the board of commissioners of Morganton are hereby authorized and directed to provide for an election, to be held in said town on the first Monday in May, eighteen hundred and ninety-five (1895), by the qualified voters of said

town, on the question of license or no license for the sale of spirituous liquors in said town; said election to be held under the rules and regulations, and in the manner provided for elections in said town, in chapter one hundred and twenty (120) of the private acts of eighteen hundred and eighty-five (1885), and the result shall be ascertained and declared as provided for other elections in section forty-nine (49) of said chapter. At said election voters who are in favor of licensing the sale of liquors as provided in this act shall cast a ballot on which shall be written or printed the word "license," and voters opposed to such license shall cast a ballot on which shall be written or printed the words "no license."

Rules and regulations.

Result ascertained and declared.

Ballots.

Other elections to be ordered by board of commissioners on petition of one-third of its qualified voters &c.

Sec. 2. It shall be the duty of the board of commissioners of the town of Morganton thereafter, upon petition of one-third of all the qualified and registered voters of the town asking the same; to order an election on the first Monday in May of any year thereafter, in like manner, on the question of license or no license: *Provided*, no such election shall be held oftener than once in two years from and after the first Monday in May, eighteen hundred and ninety-five (1895).

Proviso.

Effect of election, &c.

Sec. 3. If at said election on the first Monday in May, eighteen hundred and ninety-five (1895), or any such subsequent election, as herein provided, a majority of the votes cast shall have written or printed upon them the word "license," then spirituous, vinous and malt liquors may be sold within the corporate limits of Morganton only in the manner and under the regulations hereinafter provided; and in that event it shall be the duty of the commissioners of said town, and the commissioners of the county of Burke (and their duty shall be construed to be mandatory and obligatory,) to grant license to all persons who shall prove a good moral character, and present to the commissioners of Morganton a petition signed by one-third of the qualified voters of the town, recommending them as suitable persons to sell liquors in said town, and who shall fully comply with all the provisions of this act.

When license to be granted, &c.

Conditions, &c.

Amount of license tax.

Sec. 4. The amount of license tax in said town shall be fixed and determined by the board of commissioners of the town of Morganton by a majority vote of the members of the board, subject to the following limitations: if only one application is made and one license granted, the maximum amount of tax to the town for such exclusive privilege of selling liquors shall not exceed three thousand dollars ($3,000) per annum, and in no event shall the minimum tax to said town be less than one thousand dollars ($1,000); but if two or more valid applications are made, and license granted by the said commissioners, the

If one applicant.

If two or more applicants.

maximum tax charged shall not exceed fifteen hundred dollars ($1,500) to each; and if at any time one licence shall have been granted by said commissioners for such exclusive privilege of selling liquors at a higher tax per annum than fifteen hundred dollars ($1,500), and other license or licenses are issued thereafter, at the end of the first quarter of the first license, after the granting of such other license or licenses, the commissioners of said town shall have the power, in their discretion, to so remit the said tax charged for said first license granted, from and after said quarter, and during the continuance of such other licence or licenses, as to prorate the same, or any part thereof, between such license while in force.

License taxes to be refunded, when.

Sec. 5. No license shall be issued, and no licenses if issued, shall be valid unless and until the payment of the license tax for the current period of three months shall have been made in advance in actual cash; and the license, when granted by the board, shall be signed by the mayor and secretary or clerk by order of the board at a regular meeting of the same.

License not to be issued unless three months paid for in advance, cash.

License signed, &c.

Sec. 6. No license shall be issued by the said board of commissioners to sell liquors within the corporate limits of said town elsewhere than fronting on the business parts of Union or Sterling streets, or in connection with any hotel that may be erected in said town at a cost exceeding five thousand dollars ($5,000). And no bar-room so licensed shall have, keep or open any back or side entrance-way to the same whatsoever.

Restrictions as to location, &c., of bar rooms.

Sec. 7. The commissioners of said town shall have the power, and it shall be their duty, which shall be deemed mandatory, to revoke any license granted by virtue of this act upon conviction before the mayor, as hereinafter provided, of any licensed person, his clerk, barkeeper, agent or servant, of any one of the following offences, to-wit: keeping open the bar room or selling liquor, wine or beer on Sunday, or selling, giving or furnishing liquor to a minor or minors, or a habitual drunkard, or failing to close his bar-room by eleven (11) o'clock at night, or opening, or keeping the same open for the sale of liquors before six (6) o'clock in the morning; or opening the same on a day when any election whatsoever is held in the town, or having, making or keeping a back or side entrance to his bar-room, or refusing admission to his bar-room to any officer of the town in the discharge of his official duty, or allowing any disturbance, loud cursing or swearing, gambling or disorderly conduct in such bar-room; and when said license is so revoked, all moneys paid thereon shall be forfeited to said town, and the party whose license is thus revoked shall be debarred and ineligible to appointment or license thereafter as a barkeeper in said

Revocation of license, &c.

Offenses for which license revoked.

Penalty for violation of foregoing conditions, &c.

Commissioners authorized to make all other necessary rules, regulations, &c.

town. And said commissioners of said town are hereby fully authorized and empowered to make and establish all such further regulations and ordinances controlling and regulating the running of bar-rooms licensed under this act, as they may deem fit: *Provided*, the same are not in conflict with the provisions of this act.

Proviso.

Selling liquor without license.

Sec. 8. That it shall be unlawful for any person not so licensed to sell or offer to sell, within the corporate limits of the town of Morganton, any whiskey, brandy, spirituous or malt liquors, wine or intoxicating beverage whatsoever, except in an unbroken package of not less than three gallons, and it shall be unlawful for any person as agent, or under the pretence of being an agent of any other person, to deliver to any person within the corporate limits of said town any spirituous or malt liquors, or intoxicating beverage of any kind whatsoever, except in an unbroken package or packages, of not less than three gallons, for any consideration whatsoever, whether such consideration pass directly to such person purposing to act as such agent, or through such person to some other person, and any person violating the provisions of this section, which shall be in immediate force upon the ratification of this act, shall be guilty of a misdemeanor and upon conviction before the mayor shall be fined not less than fifty dollars ($50) nor more than three hundred dollars ($300), or imprisoned not to exceed ninety (90) days or both, for each offense.

License not required to sell in unbroken packages of three gallons or more. Unlawful for any one to deliver any liquors in corporate limits except in unbroken packages of not less than three gallons.

Penalty for violation.

Liquor not to be sold Sunday. Or on any day when an election is held.

Sec. 9. It shall be unlawful for any licensed person or proprietor of a bar-room obtaining a license under the provisions of this act, his barkeeper, clerk, agent, manager or servant, to keep open a bar-room, or sell liquors, or wines or beer on Sunday, or upon a day upon which any election whatsoever is held in said town, or to sell, give or furnish liquors, wine or beer to a minor or minors, or to any habitual drunkard, or to fail to close his bar-room by eleven o'clock at night, or open the same for sale of liquors, wine or beer before six in the morning, or to have, make or keep any back or side entrance-way to his bar-room, or to refuse admission to any officer of the town to his bar-room when demanded in the discharge of his official duty, or to allow any disturbance, loud cursing or swearing, or gaming or disorderly conduct in his bar-room, or for any such barkeeper to run, or attempt to run, his bar-room without having paid the current three months license tax in advance in cash, and every person so offending shall be guilty of a misdemeanor and, upon conviction before the mayor shall be fined not less than fifty dollars ($50) nor more than three hundred dollars ($300), or imprisoned not over ninety days, or both.

Or given, sold, &c., to minors or habitual drunkards. Bars to close at 11 p. m. and not to be opened before 6 a. m. Back and side doors prohibited. Officers to be admitted, &c. Loud talking, swearing, &c., unlawful.

Non-payment of tax, &c.

Penalty for violation.

Mayor's jurisdiction, &c.

Sec. 10. That the mayor of Morganton shall be constituted a special court, with full jurisdiction to try and punish the offences created in the two preceding sections of this act, and he is hereby constituted such a special court, with full power and jurisdiction as such special court, to try all violations of the preceding sections, and of the offences created by this act, committed within the corporate limits of said town, and to impose the punishments prescribed in this act: *Provided*, in all prosecutions under this act, the defendant shall have the right to demand a jury trial, as provided in chapter twenty-two (22), volume one (1), of The Code, for the trial of petty misdemeanors, and upon such demand and payment in advance of the fees of jurors, the mayor shall order the marshal to summon a jury of twelve freeholders to try the issue of fact in said cause before said mayor.

Proviso. Defendant may demand jury.

Defendants adjudged to be imprisoned, and may be worked on streets, &c.

Sec. 11. That whenever a defendant shall be adjudged to be imprisoned by the mayor of Morganton for a violation of any law or ordinance of which he has, or shall be given jurisdiction, he is hereby fully empowered and authorized to adjudge also that the said defendant shall work, during the term of his imprisonment, on the streets or other public works of the town, under the supervision of the street committee, town marshal or constable, and in like manner, whenever a judgment shall be entered against a defendant by the mayor of Morganton for a fine, and the same is unpaid, the mayor is hereby fully authorized and empowered also to order that such defendant shall work on the streets or public works of the town until, at a rate of wages to be fixed by the board of commissioners of the town, not exceeding one dollar ($1.00) per day nor less than twenty-five cents per day, such defendant shall have worked out the full amount of the fine and cost of prosecution and jail and board fees. And to carry out the provisions of this section, the board of commissioners are hereby authorized to establish a chain-gang and work such convicts, with ball and chain, on the streets and on public works of the town.

Defendants may be worked on streets, &c., on non-payment of fines imposed.

Chain-gang, &c.

Election as to issuing bonds, &c.

When ordered.

Notice.

Rate of interest

Time to run.

Sec. 12. That the board of commissioners of Morganton, by a majority vote of the members of said board, at any time after the first Monday in May, eighteen hundred and ninety-five (1895), on a petition of one-third of the qualified voters of said town, shall have power to call an election, giving thirty days' notice of the same in a newspaper published in said town, and posting notice at four public places in said town, and submit the question of issuing bonds of the town, bearing a rate of interest not exceeding six (6) per centum per annum, and running not less than five nor more than thirty years from date

Amount of issue. Object, &c.

of issue, and not exceeding in amount the sum of thirty thousand ($30,000) dollars for the purpose of establishing a plant and water-works for said town, to be owned by the town, to the qualified voters of said town, and if at such election, so called and held, a majority of the qualified and registered voters of the town shall cast a ballot on which shall be written or printed "for bonds and water-works," the said board of commissioners shall have power, and are hereby authorized, at any time after said election, or from time to time thereafter, to issue such bonds for said purpose alone, and not exceeding thirty thousand ($30,000) dollars.

Effect of elections, &c. Condition of issue, &c.

Conflicting laws repealed. Proviso. Construction.

Sec. 13. That all laws, or parts of laws, in conflict with this act are repealed; but this act shall not be construed to repeal any statute forbidding the sale or delivery of spirituous, vinous, or malt liquors outside of the corporate limits of the town of Morganton, and within two miles of the court-house in said town, or to affect offences already committed, or be construed to relieve offenders from punishment therefor, but all such offenses shall be tried and punished according to the law as it existed before the provisions of this act, or any of them shall go into effect, and subject to said provisions.

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

Ratified the 9th day of March, A. D. 1895.

CHAPTER 159.

An act supplemental to an act entitled "an act to repeal the charter of the Brunswick Bridge and Ferry Company."

The General Assembly of North Carolina do enact:

Title of act amended, &c.

Section 1. That the title of an act entitled "an act to repeal the charter of the Brunswick Bridge and Ferry Company," ratified at this session of the general assembly, be amended by striking out the word "repeal," and inserting the word "amend."

Footway to be constructed from city of Wilmington to D. L. Russell's rice fields.

Sec. 2. That so much of said act as refers to the constructing of a foot-way along the causeway be amended by requiring said foot-way to be constructed from the limits of the city of Wilmington, to the banks around the rice-fields of D. L. Russell.

Company authorized to

Sec. 3. That there shall be added to said act the following: "The company may, instead of building a foot-way, raise the

causeway, or road, so that it shall be above spring or full-moon tides. If the company elects to raise the road, rather than to build the foot-way, the work must be done and completed within twelve months from the time this act goes into effect.

raise road, &c., instead of building a foot-way. Must be above spring tide. Must be completed in twelve months.

Sec. 4. That the act above mentioned, to which this act is supplemental, shall take effect from the first day of July, one thousand eight hundred and ninety-five (1895).

When act to take effect.

Sec. 5. That section six of said act be amended so as to read as follows: "If the corporation shall fail to carry out the provisions of this act, its charter shall be repealed."

On failure to carry out provisions of act charter repealed.

Ratified the 11th day of March, A. D. 1895.

CHAPTER 160.

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

The General Assembly of North Carolina do enact:

Section 1. That section two (2), of chapter fifty-two (52), of the laws of eighteen hundred and seventy-six (1876), eighteen hundred and seventy-seven (1877), be amended by striking out the word "east," in the third line of said section, and inserting after the word "west," in said line, the words, "and three-fourths of a mile east," so as to move the eastern boundary line of said town one-fourth of a mile east of the present location.

Sec. 2, chap. 52, laws of 1876-7 amended by extending corporate limits of Gastonia.

Sec. 2. That it shall be the duty of the board of commissioners to declare at what place or places elections shall be held in said town, and they shall give due notice of the establishment of said voting places, by publication in some newspaper, published in said town, for four weeks before the election, or by posting such notice at three or more public places in said town. They shall appoint inspectors for each polling place, as established by them, and at the close of the poll the inspectors shall meet and declare the result, and make and sign a certificate thereof, and deliver the same to the secretary of the board, who shall immediately transmit one copy thereof to the register of deeds for said county.

Board of commissioners to designate voting places, &c. Notice, &c.

Inspectors of election.

Result of election declared. Certificate of inspectors of election.

Sec. 3. That the taxes levied on real and personal property in said town, for general municipal purposes, shall not exceed seventy-five cents on the one hundred dollars ($100), and the poll tax shall not exceed two dollars and twenty-five cents ($2.25).

Tax limit.

Sec. 4. That if the board of commissioners shall find that the welfare of the town requires the establishment of a system of water-works and sewerage, they shall so declare by ordi-

Commissioners to pass ordinances if they deem it advisable, to establish water supplies.

What ordinance to contain. Amount to be expended.

nance, in which shall be set forth the amount to be expended for that purpose, which shall not exceed thirty-five thousand dollars ($35,000), and shall also provide for the holding of an

Election to be held as to issuing bonds. When election to be held. Notice.

election to ascertain the will of the people as to issuing bonds for that purpose. The election shall be held not less than thirty days after the adoption of said ordinance, and of it due notice shall be given, as provided in this act for other elections, and

Rules and regulations.

it shall be held under such rules and regulations as are prescribed by law for other municipal elections. Those in favor of issuing bonds for water-works and sewerage, as set forth in the

Ballots.

ordinance, shall vote a ticket on which shall be the words "for water-works," and those not in favor of issuing said bonds will vote a ticket on which shall be the words "against water-works." The inspectors of the election shall meet as soon as

Inspector to declare result.

the poll is closed, and shall declare the result, and make and

And certify it to secretary of board of commissioners. Record, &c. Effect of election.

sign a certificate thereof, and deliver the same to the secretary of the board of commissioners, who shall record it in the minute book of said board. If a majority of the qualified voters of the town shall have voted in favor of water-works, the board of

Bonds, &c., to be issued. Amounts, &c. Time to run.

commissioners may issue coupon bonds of said town for an amount not exceeding the amount designated in the ordinance, maturing in not more than thirty years, bearing interest not

Rate of interest.

exceeding six (6) per centum, in such denominations, and pay-

When payable.

able at such place, as the board may fix, and may sell the said bonds for not less than par. The proceeds of the sale of said

Application of proceeds, &c.

bonds shall be expended under the direction of the board in the erection or purchase of water-works for said town, and the laying of sewers therein, as the board may deem necessary. The

Board may appoint all agents, &c., to manage water works.

board of commissioners shall have power to appoint such agents as may be needed to manage said water-works, to regulate the charges for water, and generally to do all that may be necessary for the maintenance and preservation of said works. If

May condemn land, &c.

any land or right of way is required in the construction of said works, and the laying of said sewer, and the same cannot be purchased at a price which the board consider fair and reasonable, the said land and right of way may be condemned and taken for water-works and sewerage purposes, as is provided in this act for the condemning and taking of land for street purposes. And it shall be the duty of the board of commissioners

Taxes to be levied and collected to pay interest and principal on bonds.

to levy and collect taxes to pay the interest on said bonds, and to provide for the payment of the principal thereof at maturity.

Streets to be kept in good order, &c.

Sec. 5. That it shall be the duty of the said board of commissioners to keep the streets of said town in good order, and they shall have power, and it shall be their duty, to cause the said

streets to be drained, and they shall have further power to have them graded and paved, and to cause all accumulations of dirt and refuse to be removed from them, and they shall have power to lay out and open any new street or widen those already made, and make improvements as the public convenience may require; and if the owners of property affected by the said streets so opened or widened shall claim damages, it may be lawful for said commissioners to file their petitions before the clerk of the superior court of said county, praying said court to appoint five commissioners, who shall be disinterested freeholders, residents in said town, who shall estimate the damages sustained by such citizens. In the assessment of damages they shall take into consideration the benefit which accrues and the enhanced valuation of such property to the owner, and ascertain the sum which shall be paid to the owner of the property aforesaid, and report the same to the said court under their seals, which said report, on being confirmed by the court, shall be enrolled on the records of said court and registered in the register's office of the county of Gaston, and said confirmation shall have the effect of a judgment of court against said board of commissioners in their corporate capacity of the land over which said street, as opened, moved or widened, as above prescribed, may pass. They shall have further power to cause the sidewalks to be curbed and paved or repaired when deemed necessary, and to recover from the owner or occupier of lots on which curbing or paving shall be made, one-half of the expense of the work, which expense shall be a lien on the lot: *Provided, always*, that the owner, before whose lot such curbing and paving shall have been ordered, shall have thirty days' notice, in writing, of such order of said board.

May lay out and open new streets, &c.

Proceedings in condemnation, &c.

Commissioners to assess damages.

Report of commissioners.

Effect of report when confirmed.

May have sidewalks curbed, &c.

Proviso.

Sec. 6. That said board of commissioners shall have power by ordinances to prohibit all persons from any place or places wherein infectious or contagious disease is believed to exist, or to have existed, from entering the town of Gastonia, and all goods and chattels from being brought from said place or places into said town, and to fix a penalty for the breach of any of the ordinances established by them on the subject; they shall also have power to take such other precautionary measures to prevent the introduction and spreading of all infectious or contagious diseases in said town as they may deem expedient.

Powers of commissioners in regard to contagious diseases, &c.

Sec. 7. The board of commissioners may purchase and hold such land as, in their judgment, may be needed for municipal purposes, and shall have authority to sell all land belonging to the town which in their opinion is not required for their purposes.

Board may hold, &c., all land needed for municipal purposes, &c.

Public schools.

Special tax may be levied, &c. School commissioners.

Election to be held, &c. Time.

Notice, &c.

Ballots.

Inspector to count vote and declare result, and certify to clerk of board of commissioners.

Effect of election.

Collection of tax.

Town treasurer ex officio secretary and treasurer of board of school commissioners.

Mayor to be president of board.

Organization of board.

Terms of office.

School commissioners to be elected, &c.

Board of school commissioners created a corporation.

Corporate powers.

Proviso.

Separate schools for white and black.

School district.

Sec. 8. If the board of commissioners shall deem it advisable to establish and maintain public schools in said town, they shall so declare by an ordinance duly adopted, in which shall be set out the maximum rate of taxation which, in their opinion, shall be levied for that purpose, and also the number of school commissioners who shall be elected. The ordinance shall fix a day, not earlier than thirty days after its adoption, when an election shall be held to ascertain the will of the people of the town upon the subject, and it shall be published for four weeks before said election in some newspaper published in said town. At said election those in favor of levying the tax shall vote a ticket on which shall be the words, "for graded schools," and those opposed to levying the tax shall vote a ticket on which shall be the words "against graded schools." The inspectors shall meet as soon as the polls are closed and shall declare the result, and certify the same to the secretary of the board, who shall record the same. If a majority of the qualified voters of the town shall vote in favor of said school, it shall be the duty of the board of commissioners to levy and collect annually for the use of said school a tax, the rate of which shall be fixed by the school commissioners, not however to exceed the rate mentioned in the aforesaid ordinance. This tax shall be collected as other town taxes, and shall be paid to the treasurer of said town, who shall be *ex officio* secretary and treasurer of the board of school commissioners. The mayor shall be the president of such board. Within ten days after their election the board shall meet and organize; they shall hold office until the next regular municipal election, and until their successors are qualified. At the said regular election school commissioners shall be elected under the same rules and regulations as may be provided for the election of commissioners of the town. The board of school commissioners of the town of Gastonia, as herein provided for, shall be a corporation, and shall have power to acquire and hold all such personal and real property as may be needed for the schools to be maintained and established by them under the provisions of this act. They shall employ teachers, fix their pay, and make all rules and regulations for the government of said schools: *Provided, however*, that the said board must establish and maintain separate schools for the children of the white race, and for the children of the colored race. It shall be the duty of the school commissioners of the county of Gaston, as soon as the schools herein provided for are established, to lay off, as one of the school districts of said county, all that part of said county which is within the limits of the said town of Gastonia, to be known as Gastonia school

district; and all moneys apportioned to said district under the provisions of the school laws of the state shall be paid by the county treasurer to the treasurer of the board of school commissioners of said town, to be by them expended in the maintenance of said schools: *Provided*, that the privilege of attending is granted to all children who would be entitled to attend the public schools of the state. Proviso.

Sec. 9. If the board of commissioners shall declare in the ordinance mentioned in section nine (9) of this act, that it is expedient that the town shall provide houses for said schools, they shall set forth in said ordinance the amount which, in their opinion, the town should expend in the purchase of lots and the erection of buildings for that purpose, not to exceed, however, ten thousand dollars ($10,000). If, after the adoption of an ordinance containing such declarations, and due publication thereof, a majority of the qualified voters of the town shall vote "for graded schools," at the election held under the provisions of section nine (9) of this act, it shall be lawful for the board of commissioners to issue and sell, for not less than par, coupon bonds of the town, bearing interest at not more than six (6) per centum per annum, to be known as "Gastonia school bonds," to be payable not more than thirty years after date, at such places as the commissioners may designate. The interest on said bonds shall be paid semi-annually, at the places designated for the payment of the principal, and there shall be levied annually taxes to pay said interest: *Provided, however*, that the taxes levied in said town for all municipal purposes shall not exceed one dollar ($1) on the one hundred dollars' ($100) worth of property, and the bonded debt of said town shall not exceed thirty-five thousand dollars ($35,000).

Amount to be expended in building houses, &c., to be fixed by board of commissioners.

Limitation, &c.

If result of election in favor of "graded schools," board to issue bonds, &c.

Price at which to be sold.

Rate of interest.

Time to run.

When payable.

Interest payable semi-annually.

Taxes levied to pay interest.

Proviso.

Tax limit.

Limit of bonded debt.

Sec. 10. With the proceeds of the sale of the bonds issued under the provisions of the last section, the commissioners of the town shall provide suitable buildings for the school established under this act, and proper furniture for the same. The title to said property shall be taken in the name of the town of Gastonia, but it shall be under the management and control of the school commissioners, who may make all such rules and regulations as may be proper for its safety, and to prevent intruders from coming thereon.

Application of proceeds of bonds.

Title of school property to be in the town.

Management, &c., of schools.

Rules, &c.

Sec. 11. This act shall be in force from and after its ratification.

Ratified the 11th day of March, A. D. 1895.

CHAPTER 161.

An act to amend the charter of the city of Winston, North Carolina.

The General Assembly of North Carolina do enact:

Chapter 307, private laws 1891 (as to charter of Winston), amended.

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, one thousand eight hundred and ninety-one, chapter three hundred and seven, private laws of one thousand eight hundred and ninety-one, be amended as follows: Strike out section five of said act, and in lieu thereof insert the following: "For the convenience of voters, said city of Winston is hereby

Divided into five wards.

divided into five wards, to be known and designated as wards number one, two, three, four and five, and the following are declared to be the boundary lines of said wards:

First ward.

The first ward shall begin at the centre line of Chestnut street where it intersects with First street, and runs northwardly in the centre line of Chestnut street to the centre line of Fourth street; thence westwardly in the centre line of Fourth street to the corporation line; then southwardly with the corporation line to the southwest corner of the corporation; then east with the corporation line to First street; then with said First street to the beginning.

Second ward.

The second ward shall begin at the centre line of Chestnut street, where it intersects with First street; then with the corporation line to the southeast corner of the corporation; then northwardly with the corporation line to a point directly east of the centre line of Seventh street; then westwardly in the centre line of Seventh street to the centre line of Chestnut street; then southwardly in the centre line of Chestnut street to the beginning.

Third ward.

The third ward shall begin at the centre line of Fourth street, where it intersects with the centre line of Chestnut street, and runs northwardly in the centre line of Chestnut street to the centre line of Seventh street; then westwardly in the centre line of Seventh street to the point where it now terminates; then directly west to the corporation line; then in a southwardly direction with the corporation line to the centre line of Fourth street; then eastwardly in the centre line of Fourth street to the beginning.

Fourth ward.

The fourth ward shall begin at the centre line of Chestnut or Hoover street, where it intersects with the centre line of Seventh street; then northwardly in the centre line of Chestnut or Hoover street to the centre line of Liberty street; then

northwardly in the centre line of Liberty street to the centre line of Depot street; then in the centre line of Depot street to the corporation line; then eastwardly with the corporation line to the northeast corner of the corporation; then southwardly with the corporation line to the northeast corner of the second ward; then west to the centre line of Seventh street: then westwardly in the centre line of Seventh street to the beginning.

Fifth ward.

The fifth ward shall begin at the centre line of Seventh street, where it intersects with the centre line of Chestnut or Hoover street; then westwardly in the centre line of Seventh street to where it terminates; then directly west with the line of the third ward to the corporation line; then in a northwardly direction with the corporation line to the northwest corner of the corporation; then eastwardly with the corporation line to the centre line of Depot street; then southwardly in the centre line of Depot street to the centre line of Liberty street; then southwardly in the centre line of Liberty street to the centre line of Chestnut or Hoover street; then southwardly in the centre line of Chestnut or Hoover street to the beginning.

Mayor and three aldermen for each ward to be elected at large.

Sec. 2. That section six be stricken out, and insert the following in lieu thereof: "There shall on the first Monday in May, one thousand eight hundred and ninety-six (1896), and on the first Monday in May biennially thereafter, be elected a mayor and fifteen aldermen by the voters of the city of Winston, who shall hold their offices until their successors are elected and qualified. Three aldermen shall be from the first ward, three from the second, three from the third, three from the fourth, and three from the fifth; such aldermen shall be residents of the wards from which they are chosen, but shall be elected by the qualified voters of the city at large, and the present mayor and board of aldermen shall hold their offices until their successors are elected and qualified.

Aldermen to reside in ward which chosen.

Election of officers. How appointed.

Sec. 3. Strike out section seven, and insert the following: The board of aldermen of the city of Winston shall select, at their first regular meeting in March, one thousand eight hundred and ninety-six (1896), and biennially thereafter; and if they fail or refuse to do so by the third Monday in March, the clerk of the superior court of Forsyth county shall be authorized to carry out the purposes of this section by appointing the judges and registrars to be named in this section, upon application made to him by any elector or electors of the wards, two judges, of different political faith, from and for each of the several wards of Winston, to open the polls and superintend the same, for the municipal election to be held on the first Monday

Challenges, when heard.

in May next succeeding, and to sit, together with the registrar, on the Wednesday before the election on the first Monday in May next succeeding, to determine the right of all persons challenged, and continue their court from day to day, if necessary, until the Saturday following, to hear and determine all such challenges, and if there should remain any name challenged and not tried, such challenged person shall be allowed to vote.

Registrars.

They shall select a registrar of voters from and for each of the five wards of Winston, and shall have the chief of police to serve notice upon such judges and registrars within five days after their appointment, and make publication thereof at the court-house door; they shall arrange a voting precinct in each of the wards convenient for the voters therein, and shall give ten days' notice where such voting places are located before the election, and they shall be so arranged that the voters may see the ballots placed in the boxes. If any judge or registrar refuses to serve, he shall at once notify the mayor that he cannot serve and the mayor shall at once appoint some other person to serve, of the same political faith of the person refusing to serve, and shall serve notice upon such person or persons in the same form and manner as prescribed above.

Mayor to fill vacancies in elective offices.

Clerk of Forsyth superior court to appoint upon failure of mayor so to do.

In the event that the mayor of the city does not appoint any one to fill a vacancy, it shall be the duty of the clerk of the superior court of Forsyth county to fill such vacancy, upon application made to him.

Sec. 4. Strike out section eight and insert the following in lieu thereof: Said registrars shall be furnished by said board of aldermen with registration books, and it shall be the duty of said registrars to keep their books open from seven o'clock A. M. until sundown fifteen days preceding the second Saturday before the election on the first Monday in May, at such places in their respective wards as shall be public and convenient to the voters, and to register therein the names of all persons applying for registration and entitled to register and vote in the ward for which such registrar has been appointed, keeping the names of the white voters separate and apart from the colored voters.

When registration books open.

Registration.

Persons offering to register must be sworn.

Any person offering to register shall be required to take the following oath or affirmation: that he is or will be twenty-one years of age on or before the day of election, and has been a resident of the state of North Carolina twelve months, of the county of Forsyth ninety days, and of the ward of the city of Winston thirty days preceding the election in which he proposes to vote, and has not been convicted of any crime which, by the laws of North Carolina, disqualifies him from voting. Said registrars shall keep their

books open for the inspection of any elector, and any elector may challenge the right of any voter to cast his ballot by filing with the registrar an affidavit, setting forth his reasons for challenge, and said registrar shall mark "challenge" opposite the name of the person challenged, and shall at once summon all the parties interested to appear before the judges of election of his ward on Wednesday before the succeeding election, between the hours of nine A. M. and five o'clock P. M., to determine such voter's right to cast his ballot. If the judges cannot agree the registrar may decide, and if such challenge be sustained the name must be erased from the book. That justice may be done, the registrar is empowered to summon any witnesses that may be material, and shall make known in the summons to the party challenged the true cause for which he is challenged, and the burden of proof shall lie upon the party challenging to show that the party challenged is not entitled to vote. All challenges shall be made before the books close on the second Saturday at sundown preceding the election on the first Monday in May. The registrars shall give notice ten days before they open their books, naming the place and time of opening and closing the books; such notice shall be posted in six conspicuous places in each ward; the board of aldermen may order a new registration or revision of the books by giving thirty days' notice of such new registration or revision before the day the registrars are appointed, and shall allow such compensation to the registrars for their services as they may see proper, and shall order a new registration of voters for the election to be held on the first Monday in May, one thousand eight hundred and ninety-six. Any registrar who shall refuse to swear or hear any witness whose testimony is material in the determination of any voter's right of franchise, or shall abuse his trust as an officer, shall be guilty of a misdemeanor, and, upon conviction, fined one hundred dollars, or imprisoned for sixty days. Any person who may become a qualified voter after the books close, and on or before the day of election, shall be allowed to register when he becomes so entitled.

Challenge.

Witnesses may be summoned.

Burden of proof.

May be a new registration.

Failure of duty upon part of registrar a misdemeanor.

Sec. 5. That section nine be, and the same is hereby, repealed.

Section 9 of said law repealed.

Sec. 6. That section ten be, and the same is hereby, repealed.

Section 10 of said law repealed.

Sec. 7. That section eleven be, and the same is hereby, repealed.

Section 11 of said law repealed.

Sec. 8. That section twelve be, and the same is hereby, repealed.

Section 12 of said law repealed.

Section 13 of said law amended.

Sec. 9. That section thirteen be amended by adding after the word "months," in line two, the following words: "of the county of Forsyth, ninety days." Strike out in line three the word "ninety," and insert the word "thirty" in lieu thereof.

Qualification of electors.

Strike out the following words in lines four, five and six: "a residence of the city shall be construed to be permanent citizenship thereof, and not a temporary residence."

No challenges on election day.

Strike out the following words in lines nine, ten and eleven: "and any one offering to vote may be challenged at the polls, and if the judges of election shall sustain the challenge, his ballot shall not be received."

To include mayor.

Insert the words "mayor and" between the word "the" and the word "aldermen," in line twelve.

Section 17 amended. Time for qualification of aldermen changed, &c.

Sec. 10. That section seventeen be amended by striking out the word "Tuesday," in line one, and inserting the word "Monday" in lieu thereof. Insert the words "mayor and" between the word "the" and the word "aldermen," in line two.

Section 18, as to duties of aldermen, repealed.

Sec. 11. That section eighteen be, and the same is hereby, repealed.

Section 19 amended.

Sec. 12. That section nineteen be amended by adding the following words: "and any officer of the police force who shall influence or delay a voter in casting his ballot shall be suspended from the police force."

Section 22 repealed.

Sec. 13. That section twenty-two be, and the same is hereby, repealed.

Section 59 (as to time of adding penalty) amended.

Sec. 14. That section fifty-nine of chapter three hundred and seven (307), private laws of eighteen hundred and ninety-one (1891), be amended as follows: in line ten strike out the word "first" and insert in lieu thereof the word "fifteenth."

Section 2, chapter 150, private laws 1893 (making city ordinance operative within one mile), repealed.

Sec. 15. That section two, chapter one hundred and fifty-one (151), of the private laws of one thousand eight hundred and ninety-three (1893), be, and the same is hereby, repealed.

Conflicting laws repealed.

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

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

Ratified the 5th day of March, A. D. 1895.

CHAPTER 162.

An act to incorporate The Hall Tramroad Company.

The General Assembly of North Carolina do enact:

Section 1. That for the purpose of constructing, maintaining and operating tramroads in the counties of Moore and Montgomery (as now organized, or as may at any time hereafter

be organized), and leading to and from any point on the Aberdeen and West End railroad, in the counties of Moore and Montgomery, for the transportation of passengers and freight. Thomas M. Holt, John L. Hall and J. C. Hall, and such other persons as may become associated with them, are hereby made and constituted a body politic and corporate, under the name and style of "The Hall Tramroad 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 buy, sell and hold such real and personal estate as it shall deem proper for carrying on the business hereinafter mentioned; may make contracts, establish by-laws for its government, and shall have, use and enjoy all the rights, powers and privileges which by law belong to such corporations in the state. Incorporators. Body politic. Corporate name. Corporate powers.

Sec. 2. That the said company is hereby authorized to make, construct, equip, maintain and operate lines of tramway, with one or more tracks, and all necessary branches, turnouts, switchings and sidings, using such motive power as may be determined upon by board of directors, from any point on the Aberdeen and West End railroad, in the counties of Moore and Montgomery, through, along, over and across any portion of the said counties of Moore and Montgomery, to any point or points in said counties, and erect such depots, stables, offices, shops and other buildings, structures, fixtures and appliances as are necessary and proper for conducting the business of said tramroad company, and to demand and receive such sum or sums of money for the carriage of passengers and freight as the directors may think proper, not to exceed five cents per mile for passengers, and not exceeding one cent per mile for each one hundred pounds of freight, by the tram-car load, and for parcels such compensation as may be reasonable. Corporate powers.

Sec. 3. That the capital stock of the company shall be ten thousand dollars, divided into one hundred shares of one hundred dollars each, and may, from time to time, be increased to any amount not exceeding twenty-five thousand dollars, whenever a majority of the stockholders in value shall determine. Said capital stock may be divided into preferred and common shares in such proportions, and with such privileges, qualities and characteristics as a majority of the stockholders in value may determine. Capital stock.

Sec. 4. That the said company shall have power to contract debts and borrow money for the legitimate purposes of the corporation, to make and issue notes, bonds and other evidences Corporate powers.

of indebtedness, for any obligation incurred in the conduct of its business, and execute a mortgage, or mortgages, or deed in trust upon, or conveying its property, franchises and income to secure the payment of such indebtedness.

Corporate powers.

Sec. 5. That the said company shall have the right to lease its road and franchises to any person or corporation, and may acquire the property and franchises of or an interest in any other corporation, by purchase, lease, subscription to or purchase of its capital stock, or otherwise.

Sec. 6. That whenever any land may be required for the purpose of constructing, equipping, maintaining and operating the said line or lines of tramway, or for constructing, maintaining, equipping and operating the said line or lines of tramway, or for constructing, maintaining, equipping and operating all necessary branches, switches, turnouts and sidings, and the erection and maintaining of the necessary stables, depots, offices, shops and other buildings, structures, fixtures and appliances, proper for conducting the business of said tramroad company, it shall have the power to have the same

Condemnation of land.

assessed and condemned for its purposes, in the manner prescribed in The Code of North Carolina, chapter forty-nine (49), of volume one, section one thousand nine hundred and forty-three (1943), and the sections following.

Officers.

Sec. 7. That the officers of said corporation shall consist of a president, secretary, and treasurer, whose duties shall be prescribed by the by-laws of said company, and to be elected at their first meeting as herein provided, and that the president, secretary, and treasurer shall constitute the board of directors of said corporation, and that upon the election of said officers

Organization.

the said company shall be deemed to be fully organized, and may obtain subscriptions, issue stocks, bonds and other evidences of indebtedness, and begin the operation of such tramways as they may have already erected, and may enter into contract for the construction of said tramways, depots and buildings, and do any and all other lawful things necessary and proper to carry out the purposes of the company.

Corporate existence.

Sec. 8. That said company shall have the right, for a term of thirty years, to conduct, maintain and operate the line or lines of tramway in the counties of Moore and Montgomery, as hereinbefore designated.

Misdemeanor to remove, &c., any property of said company.

Sec. 9. That any person who shall remove, obstruct, injure, deface or destroy any part of the property of said company, or in any manner interfere with its operation, shall be deemed guilty of a misdemeanor, and fined or imprisoned, in the discretion of the court.

Sec. 10. That the stockholders of said company shall not be individually liable for any of its debts or engagements. Stockholders not individually liable.

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

Ratified the 5th day of March, A. D. 1895.

CHAPTER 163.

An act to amend the charter of the Bank of Fayetteville.

The General Assembly of North Carolina do enact:

Section 1. That section two (2) of chapter one hundred and seventy-nine (179) of the private acts of one thousand eight hundred and eighty-seven (1887), entitled an act to incorporate the "Bank of Fayetteville," at Fayetteville, North Carolina, ratified the twenty-sixth (26) day of February, one thousand eight hundred and eighty-seven (1887), be amended by adding thereto the following words: "*Provided*, the stockholders in general meeting assembled, or special meeting called for the purpose, may, from time to time, either reduce or increase the capital stock, by a three-fourths vote, within the limits of two hundred thousand ($200,000) minimum, and five hundred thousand dollars ($500,000) maximum, upon such terms and in such manner as they may prescribe." Chapter 179, private laws 1887 (charter of Bank of Fayetteville) amended. Proviso.

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

Ratified the 5th day of March, A. D. 1895.

CHAPTER 164.

An act to place the name of Louis Grady, of Kinston, Lenoir county, North Carolina, private in the First North Carolina Cavalry, Company I, Ninth Regiment, in the late civil war, on the pension roll.

The General Assembly of North Carolina do enact:

Section 1. That the name of Louis Grady, of Kinston, Lenoir county, North Carolina, private in the first North Carolina cavalry, company I, ninth regiment, in the late civil war, is hereby directed to be placed on the pension roll of the state, at full pay. Louis Grady placed on pension roll.

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

Ratified the 5th day of March, A. D. 1895.

CHAPTER 165.

An act to incorporate Whiteside Valley Baptist Church, in Rutherford county.

The General Assembly of North Carolina do enact:

Incorporated.

Section 1. That "Whiteside Valley Baptist Church," of Rutherford county, be, and the same is hereby, incorporated by the

Corporate name.

name and style of "Whiteside Valley Church."

Corporate limits.

Sec. 2. That the corporate limits of said church shall extend two miles in each direction, and it shall be unlawful for any person to manufacture, sell or dispose of any spirituous liquors within said distance; and any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, at the discretion of the court.

Unlawful to sell, &c., liquor within two miles of said church. Misdemeanor.

Commissioners.

Sec. 3. That the present pastor and deacons be constituted commissioners of said church, and shall have all powers conferred on like corporations, not inconsistent with the constitution of North Carolina and the United States.

Corporate powers.

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

Ratified the 5th day of March, A. D. 1895.

CHAPTER 166.

An act to amend chapter 211, laws of 1889, relating to charter of the Eastern Band of Cherokee Indians.

The General Assembly of North Carolina do enact:

Chapter 211, private laws 1889 (charter of Eastern Band of Cherokee Indians), amended.

That an act passed and ratified by the general assembly of North Carolina, private laws of eighteen hundred and eighty-nine (1889), chapter two hundred and eleven (211), entitled "an act incorporating the Eastern Band of Cherokee Indians, and for other purposes," be, and is hereby, amended by adding thereto the following sections, to-wit:

Officers.

Section 1. That the officers of said corporation shall consist of a principal chief, assistant (or vice) chief, and, for the present, sixteen (16) members of council, as follows:

From Lellow Hill settlement,	in	Swain	county....	3 members.
" Big Cove	"	"	"	3 "
" Birdtown	"	Swain and Jackson,		2 "
" Nantahala	"	Swain	county,....	1 "
" Wolftown	"	Jackson	"	3 "
" Paint Town	"	"	"	2 "
" Cheoah	"	Graham	"	2 "

Also, a secretary, treasurer, interpreter, doorkeeper, messenger, marshal of the nation, and other officers, as hereinafter provided.

Election of officers.

Sec. 2. That the principal chief, assistant (or vice) chief, and members of council shall be elected to their respective offices by the male members of the Eastern Band of Cherokee Indians, who have attained the age of eighteen (18) years; and all other officers are to be appointed by the council, as hereinafter provided; that the term of duration of the office of principal and assistant chief shall be four (4) years, and that of members of council two (2) years, and all officers elected by the council shall hold until the first annual or grand council held after the election for members of council, and all officers of said corporation shall hold until their successors are duly qualified.

Terms of office.

Time of election of chief, &c.

Sec. 3. That the election for principal chief and assistant (or vice) chief shall be held on the first Thursday in September next, and each four years thereafter, under such rules and regulations as may be prescribed by the council.

Time of election of members of council.

Sec. 4. That the election for members of council shall be held on the first Thursday in September, eighteen hundred and ninety-five (1895), and each two years thereafter, under the same rules and regulations as are prescribed by the council for the election of principal and assistant chief.

Judges of election.

Sec. 5. That the council shall, sixty (60) days preceding the election held for members of council, appoint two (2) judges for every Indian town and settlement that is entitled to a member of council, who shall hold the elections for such town and settlement, and shall certify the result of the same, under such rules and regulations as may be prescribed by the council to the next succeeding annual or grand council: *Provided, however*, that the candidates for principal and assistant chief, who shall have received a majority or plurality of the votes cast by the nation shall be declared by the said annual council to be the duly elected principal and assistant chief for the term of four (4) years; and the members of council who shall be certified by the said judges of election to be elected for that town or settlement, shall be the duly elected members for the same, and shall hold their offices for the term of two (2) years.

Proviso

Executive council.

Sec. 6. There shall also be an executive council, which shall consist of the principal chief, assistant (or vice) chief and their associates, who shall be appointed by the principal chief, and confirmed by the council, who shall receive the same compensation as is hereafter provided for members of council.

Compensation of officers.

Sec. 7. That the principal chief shall receive as a compensation for his services such sum as may be fixed by the council,

not to exceed the sum of two hundred and fifty dollars ($250) per annum, and the assistant chief such sum as may be fixed by the council, not to exceed the sum of one hundred and twenty-five dollars ($125) per annum, and they shall receive such traveling expenses as may be authorized or approved by the council. And the members of the council shall receive as compensation for their services the sum of two dollars ($2) per day for such time as they may be necessarily in session. And all other officers shall receive as compensation for their services such sums as may be provided by the council.

Number of councilmen.

Sec. 8. That hereafter there shall be elected from each town or settlement of one hundred (100) souls, two (2) members of council, and one (1) extra member in excess of two hundred (200) souls, and for less than one hundred (100), still one (1) member. In default of an election being held in any town or settlement entitled to a member of council, the people may send a delegate to the councils, and petition through him and make known their wants; but such delegates shall have no vote in the council.

Seat of government.

Sec. 9. That the seat of government of the Eastern Band of Cherokee Indians shall be at Cherokee Council Grounds, Swain county, North Carolina, until changed by the council.

Annual council.

Sec. 10. That there shall be an annual or grand council held on the first Monday in October of each and every year, and, in cases of emergency, the principal chief can call a special council, but no business can be transacted in either annual or special council unless a quorum of the members shall be present, which shall consist of a majority of the members of council elected at the last preceding election.

Organization of council.

Sec. 11. The annual council shall be called to order by the assistant chief, and a chairman, vice-chairman and clerk be elected, who shall receive as a salary for their services such sums as may be fixed by the council, and shall hold their offices until the next annual council. In the absence, or through neglect, of the assistant chief to organize the grand council, any member of the executive committee may organize the same; and after an organization is effected, the chairman shall call special councils to order and preside over the same or, in his absence, the vice-chairman. But the chairman shall have no vote, except in cases of a tie vote, when he shall vote yea or nay on all matters.

How acts of council ratified.

Sec. 12. That all acts of council, resolutions, etc., shall be signed by the chairman and clerk, and countersigned by the chief and vice-chief, and certified to by the secretary, and that the agent appointed by the president of the United States and confirmed by the senate, to supervise the schools of the Eastern

Agent of U. S. made *ex officio* secretary of this corporation.

Band of Cherokee Indians, shall be, and is hereby, made *ex officio*, by virtue of his office, secretary of this corporation, with the custody of the books and papers appertaining to the same in all respects.

Veto of chief.

Sec. 13. That the chief shall have the power to veto all acts, resolutions, etc., of council, but his veto shall not prevail against a two-thirds (⅔rds) vote of the council.

Duties of chief.

Sec. 14. That the principal chief shall, from time to time, give information as to the state of affairs of the Band, and recommend such measures as he may think expedient; and he shall also make an effort to see that the rules and regulations of the council be faithfully executed; and shall visit the different towns and settlements at least once in two (2) years.

Successor in case of death of chief, &c.

Sec. 15. That in case of death, resignation or disability of the principal chief, the assistant (or vice) chief shall become the principal chief until removal of disability, or his successor be elected; or in case of death, resignation or disability of assistant (or vice) chief, the council may elect until removal of disability, or his successor be elected.

Special election upon death of councilman.

Sec. 16. That in case of death, resignation or disability of any member of council, a new member shall be elected by such town or settlement, under such rules and regulations as may be prescribed by the council.

Qualification of officers.

Sec. 17. No person shall be eligible to the office of principal or assistant chief under the age of thirty-five (35) years, and who is not at least one-fourth (¼) Eastern Cherokee blood; nor shall any person be eligible to hold the office of member of council under twenty-one (21) years of age, and who is not at least one-sixteenth Eastern Cherokee blood.

Disqualification for office.

Sec. 18. No person shall ever be eligible to any office or appointment of honor, profit or trust who shall have aided, abetted, counselled or encouraged any person or persons guilty of defrauding the Eastern Band of Cherokee Indians, or who may hereafter aid or abet, counsel or encourage any pretended agents or attorneys in defrauding the Eastern Band of Cherokee Indians. Neither shall any person be eligible to such office, etc., that has been convicted of a felony, or who denies the existence of a God, or a future state of rewards and punishments. Free exercise of religious worship, and manner of serving God, shall be forever enjoyed, but not construed as to excuse acts of licentiousness, inconsistent with the peace and safety of the Band.

Religious freedom, &c.

Chief to take oath.

Sec. 19. That the principal chief, before entering upon the duties of his office, shall take the following oath before some officer authorized to administer oaths:

Oath of chief.

"I do solemnly swear (or affirm) that I will faithfully execute the duties of principal chief of the Eastern Band of Cherokees, and will, to the best of my ability, preserve, protect and defend the constitution and laws made for their government."

Council to take oath.

And the council, before entering upon their duties, shall take the following oath before some officer authorized to administer oaths, to-wit:

Oath of council.

"I, A. B., do solemnly swear (or affirm) that I have not obtained my election or appointment as a member of this council by bribery, or any undue or unlawful means or frauds; that I will support the constitution and laws of the state of North Carolina, and that in all measures which may come before me I will so conduct myself as in my judgment shall appear most conducive to the interest and prosperity of the Eastern Band of Cherokees."

Other officers to take oath.

And all other officers of said corporation shall take such oaths as prescribed by the council.

How money paid out.

Sec. 20. No money shall be paid out, except upon the warrant of the principal chief, authorized by an act of council, and treasurer of said corporation shall give a bond for the faithful performance of his duties as such treasurer in double the sum of money that passes through his hands, and shall render a statement of all moneys received and disbursed by him at each annual council, and oftener if required to do so by the principal chief.

Treasurer to give bond.

Impeachment.

Sec. 21. That any officer of the Eastern Band of Cherokee Indians who has violated his oath of office, or has been guilty of any offence making him ineligible to hold said office, may be impeached by a two-thirds (⅔) vote of the council.

Power of council.

Sec. 22. That the council of the Eastern Band of Cherokee Indians shall direct the management and control of all property, either real or personal, belonging to the Band as a corporation; but no person shall be entitled to the enjoyment of any lands belonging to the Eastern Band of Cherokee Indians as a corporation, or any profits accruing therefrom, or any moneys which may belong to said Band as a corporation, unless such person be of at least one-sixteenth (1-16) of eastern Cherokee blood, and in case that any money derived from any source whatever, belonging to Eastern Band of Cherokee Indians, shall be distributed among the members thereof, the same shall be divided *per capita* among the members entitled thereto.

Qualification of person holding lands of this corporation.

Money to be divided per capita.

By-laws.

Sec. 23. That the said Eastern Band of Cherokee Indians is hereby fully authorized and empowered to adopt by-laws and rules for the general government of said corporation, governing

the management of all real and personal property held by the Eastern Band of Cherokee Indians as a corporation, and direct and assign among the members thereof homes in the Qualla Boundary and other land held by them as a corporation, and is hereby vested with full power to enforce obedience to such by-laws and regulations as may be enacted by the council through the marshal of the nation.

Exempted from poll tax in certain counties.

Sec. 24. That as the county authorities of Jackson, Swain, Graham and Cherokee counties make no provision for the support of the poor, nor provide free schools for the children of the Eastern Band of Cherokee Indians, the male members of said Band in said counties shall be exempt from the payment of any poll tax, or if said poll tax shall be collected, the same shall be paid over by the proper officers of said counties to the council of the Eastern Band of Cherokee Indians, to be used by said Band for educational purposes.

Certain decrees ratified.

Sec. 25. That a decree which the attorney-general of the United States caused to be entered on October fifteenth, one thousand eight hundred and ninety-four (1894), in the circuit court of the United States for the Western District of North Carolina in the two suits, respectively, the Eastern Band of Cherokee Indians *vs.* William H. Thames *et al.*, and the United States *vs.* William H. Thames *et al.*, by which the title to the Qualla Boundary of land was vested in the Eastern Band of Cherokee Indians in fee as a corporation, as created by the act of assembly of the state as aforesaid, be, and is hereby, ratified and confirmed, and that said Indians, as such corporation, are also authorized to hold title to the several tracts of land conveyed in what is known as the "Ribbald deed," executed August fourteenth, eighteen hundred and eighty (1880), by William Johnston *et al.*, to the commissioner of Indian affairs, as trustee for the Eastern Band of Cherokee Indians; and that section seven hundred and one (701), chapter sixteen (16), of The Code, entitled "corporations," so far as the same applies to this act, be, and the same is hereby, repealed.

"Ribbald" deed confirmed, &c.

Sec. 701, chap. 16 of *Code* repealed as to this act.

Former by-laws and acts, &c., ratified and validated.

Sec. 26. That the organization had and the by-laws passed by the Eastern Band of Cherokee Indians on December thirteenth (13), eighteen hundred and eighty-nine (1889), in pursuance to the act of incorporation aforesaid, be, and is hereby, ratified and confirmed. And all acts and resolutions of council, and contracts made by the said council in pursuance to said organization, not inconsistent with the constitution and laws of North Carolina, is hereby validated.

Council authorized to convey all interests of this corporation in

Sec. 27. The council of the Eastern Band of Cherokee Indians, organized under this act, are hereby fully empowered to convey

certain lands in Graham and Cherokee counties, &c.

all interests whatsoever to the Cherokee Indians residing in Graham and Cherokee counties, that the said Eastern Band Cherokees have in all the lands of the said Eastern Band Cherokees, situated, lying and being in the counties of Graham and Cherokee, North Carolina, upon the said Cherokee Indians residing in Graham and Cherokee counties conveying to the Eastern Band Cherokees, all interests whatsoever that the said Cherokee Indians residing in Cherokee and Graham counties may have in the lands known as the Qualla Boundary, in Jackson and Swain counties, North Carolina. In the execution of

Father or mother to represent family in certain deeds.

which deeds the father or mother of such Cherokee residents of Graham and Cherokee counties, if living, shall represent the family; and the children of such father and mother precluded from afterwards claiming any interests whatever in the common property, either real or personal, held as a corporation or as common property.

How deeds executed.

All deeds executed by the Eastern Band of Cherokees, shall be under the corporate seal, and acknowledged as deeds of corporate bodies are acknowledged under the laws of this state.

Certain contracts validated.

All contracts, including the contract made with D. L. Boyd for the sale of the timber in the Qualla Boundary, in Jackson and Swain counties, in North Carolina, the contract made with H. G. Ewart for professional services rendered the said Eastern Band, North Carolina Cherokees, and all other contracts, leases, agreements, etc., hitherto made by the Eastern Band, North Carolina Cherokees, whether made under a corporate seal or not, are hereby fully validated and legalized, as if the same had been so made under a corporate seal.

Sec. 27. This act shall take effect from and after its ratification.

Ratified the 8th day of March, A. D. 1895.

CHAPTER 167.

An act to incorporate the Atlantic, Yanceyville & Reidsville Railroad Company, chapter three hundred and eighty, private laws, ratified the sixth day of March, eigtheen hundred and ninety-three.

The General Assembly of North Carolina do enact:

Chapter 380, private laws 1893 (charter of Atlantic, &c., R. R.) amended.

Section 1. That the proviso in section two (2) of said act, be so amended as to read: *Provided, however*, that unless the said company shall, within two years from and after the passage of

this act, actually commence to locate and construct said road, or some part thereof, this charter shall be forfeited.

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

Ratified the 8th day of March, A. D. 1895.

CHAPTER 168.

An act to amend the charter of the town of Albemarle, in Stanly county, North Carolina.

The General Assembly of North Carolina do enact:

Section 1. That the inhabitants of the town of Albemarle shall be, and continue as they have been, a body corporate, and shall bear the name and style of the town of "Albemarle," and shall have power to purchase and hold real estate for the benefit of the town, and that said town shall have the power to sue and be sued, to plead and be impleaded, as any other corporation, and that said town shall be subject to the general laws of the state in relation to corporations of like kind, not inconsistent with this act. Body corporate. Corporate name. Corporate powers.

Sec. 2. The corporate limits of said town shall extend from the centre of the public square in said town one-fourth of a mile running with the compass bearings west; thence north with the compass bearings of Second street five-eighths of a mile; thence east with the compass bearings of North street one mile; thence south with the compass bearings of Fourth street one mile; thence west with the compass bearings of South street one mile; thence north with the compass bearings of Second street three-eighths of a mile. Corporate limits.

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

Sec. 4. That all resident citizens, who are qualified voters of this state within said corporation, that have resided in the county for ninety days, and in the town for thirty days next preceding any election held in said town, shall be entitled to vote, and all citizens who have resided in the incorporation for six months shall be eligible to hold office in said corporation. Qualification of electors.

Sec. 5. That it shall be the duty of the mayor of said town to take the oath of office prescribed by law within five days after his election, and that the commissioners elected at any election for said town shall meet and organize within five days Mayor and commissioners to qualify.

next after their election, and they shall take the oath of office that they, as a body, will faithfully and impartially perform the duties of commissioners to the best of their knowledge and the ability for ensuing term.

Bond of constables.

Sec. 6. That the constable elected at any election for said town shall enter into a bond, payable to the town of "Albemarle," or to the state of North Carolina, the amount of which shall be fixed by the board of commissioners.

Taxation.

Sec. 7. That the commissioners of said town shall have power to levy a tax for each year, not to exceed one dollar and twenty cents on the poll and forty cents on the one hundred dollars' valuation of property, said valuation to be the same that is placed thereon to raise revenue for state and county purposes, and that all taxes shall be levied according to article five (5), section three (3), of the constitution of the state.

Streets.

Sec. 8. That the board of commissioners of said town shall have power to grade, macadamize and pave the streets and sidewalks, and to lay out, change and open new streets or widen those already opened, and to make such improvements thereon as the public convenience may require, and that the board shall be the sole judges of the improvements required. The board may condemn any land for public use, under the same rules and regulations as are hereafter provided for the laying out of public streets in this act.

Condemnation of land.

Condemnation proceedings.

Sec. 9. That when any land or right of way be required for the purpose of opening new streets or for other objects allowed by this charter, and for want of agreement as to the compensation therefor, the same may be taken at a valuation to be made by three freeholders of the town, to be chosen by the board of commissioners; and in making said valuation said freeholders, after being duly sworn by the mayor, shall at once proceed to condemn said lands, and take into consideration the loss or damage which may accrue to the owners in consequence of the lands or right of way being surrendered; also any benefit or advantage such owner may receive from the opening or widening such streets or other improvements, and ascertain the sum which shall be paid to the owner of said property, and report the same to the board of commissioners, under their hands and seals, which, on being confirmed by the board and spread upon their minutes, shall have the effect of a judgment against said board of commissioners, and shall pass the title to the board of commissioners, in their corporate capacity, of the lands so taken, and the lands may at once be comdemned and used by said town for the purpose intended: *Provided*, that if any person over whose land the said street may pass or improve-

Proviso.

ments be created, or the commissioners be dissatisfied with the valuation thus made, then in that case either party may have an appeal to the next term of the superior court: *Provided, however*, that such appeal shall not hinder or delay the commissioners from opening or widening such streets or creating such improvements. Proviso.

Sec. 10. That all freeholders appointed to assess damages shall receive one dollar per day each for their services, and any freeholdor who shall refuse to take the oath prescribed, and to act according to law, after having been duly appointed by the board, and after having been notified, in writing, by the constable, shall be deemed guilty of a misdemeanor, and fined twenty dollars for each offence, by the mayor. Compensation of assessors. Refusal to act a misdemeanor.

Sec. 11. That all taxes levied by the commissioners of said town shall be due and collectable at any time after the first day of October in each year, and that the commissioners may expend all moneys collected, either by fines or taxes, as they may deem best for the interest of the town. Collection and disbursement of taxes, &c.

Sec. 12. That the mayor shall have the same jurisdiction as a justice of the peace in all criminal actions within the incorporate limits. That all fines collected by him in criminal actions, under the laws of this state, shall be paid into the town treasury. Jurisdiction of a justice given mayor.

Sec. 13. That all officers elected at any election in the town of Albermarle shall hold office for the term of two years, and until their successors are elected and qualified. That in the absence of any officer from the town, or during sickness of any of the officers, the commissioners may appoint a man to fill the office during his absence or during his inability, and no longer. If the absence be caused by resignation, the board may appoint an officer to fill the unexpired term. Term of office. Officers pro tem.

Sec. 14. That the commissioners shall, at their first meeting after being qualified, elect for the ensuing term a secretary and treasurer, and that the treasurer shall enter into a bond, payable to the town of Albemarle or to the state, the amount of which shall be fixed by the board, and that said bond shall be recorded in the office of register of deeds for Stanly county, as other bonds for county officers. Secretary and treasurer. Bond.

Sec. 15. That the constable elected shall enter into a bond payable to the state of North Carolina, the amount of which shall be fixed by the board of commissioners, and that the board shall appoint the constable or some other competent person as tax collector for said town, and he shall collect all taxes for said town, under the same laws and regulations as are prescribed for the sheriff of the county. Bond of constable. Tax collector.

Fire company.

Sec. 16. That the commissioners may provide for the establishment and equipment of a fire company for said town.

Sanitary committee.

Sec. 17. That the commissioners of said town shall constitute a sanitary committee, and that all orders made by them for the preservation of the health of the citizens of the town shall be put into effect by the constable. Any person who shall fail to comply with any order made by the board, after having been notified in writing by the constable, shall be deemed guilty of a misdemeanor by the mayor for each and every offence.

Tax lists, &c.

Sec. 18. That all tax-lists or books which have or may herel after be placed into the hands of the town tax collector, shall be subject at all times to the control of the authorities imposing said tax, and subject to correction, and shall be open for inspection by the public.

Town prisoner committed to county jail, &c.

Sec. 19. That if any person shall be arrested by any constable or other officer of the town at night, he shall be carried to the county jail, and the keeper thereof shall receive said prisoner into the jail without a commitment, and him safely keep until the morning at nine o'clock; then he shall have a hearing before the mayor, as in other actions.

Offenders within corporate limits to be arrested without warrant.

Sec. 20. That if any person shall be found violating the laws of this state, or any of the town ordinances, by the constable or other officer appointed to act as such within the incorporate limits, he shall forthwith arrest the offender without a warrant, and carry him before the mayor to answer the charge, and be dealt with according to law.

Proceedings of mayor's court.

Sec. 21. That all proceedings in the mayor's court shall be the same as are now or hereafter shall be prescribed for courts of justice of the peace, and in all cases there shall be a right of appeal to the superior court of Stanly county. That whenever a defendant or witness, or other person, shall be adjudged to be imprisoned by said court, it shall be competent for the said court to sentence such person to imprisonment in the county jail for a term not exceeding thirty days, and to adjudge also that such person work during the period of his confinement on the streets or on the public works of the town.

Non-attendance of commissioners.

Sec. 22. That if any commissioner shal fail to attend a regular meeting of the board of commissioners, or special meeting of which he shall have had notice, unless permitted by such cause as shall be satisfactory to the board, he shall forfeit and pay for the use of the town one dollar for each and every offence, and it shall be the duty of the mayor to enforce such forfeiture, as in all other criminal actions.

Compensation of mayor and commissioners.

Sec. 23. That the commissioners shall allow the mayor such a salary as they may see fit and proper, and that they may

allow themselves a reasonable compensation for their time spent in attending meetings of the board.

Sec. 24. That the commissioners shall have power to tax all circuses, shows, liquor dealers, theatres, artificial curiosities, and exhibits for money or reward, as they may see fit and proper, not inconsistent with the laws of the state. Taxation of circuses, &c.

Sec. 25. That the commissioners now in office shall hold office until the next regular election on the first Monday in May, eighteen hundred and ninety-five (1895), and until their successors are elected and qualified, at which election there shall be five commissioners elected. Terms of present commissioners.

Sec. 26. That the board of commissioners shall have power to enact any ordinance or ordinances, and to pass all laws and regulations, not incorporated in this charter, they may deem necessary for the better government of the town, not inconsistent with the general laws of the state. Ordinances.

Sec. 27. That all laws, and clauses of laws, heretofore enacted inconsistent with the charter of "Albemarle," and all other laws conflicting with this act, are this day repealed, and this charter substituted. Conflicting laws repealed.

Sec. 28. That this act shall be in force from and after its ratification.

Ratified the 8th day of March, A. D. 1895.

CHAPTER 169.

An act to incorporate the Morganton & Shelby Railroad Company.

The General Assembly of North Carolina do enact:

Section 1. That upon the compliance with the provisions of this act, H. F. Shenck and W. D. Lackey, of Cleveland county; George W. Brown, of London, England; W. F. Camp, M. F. Scaife and J. R. Ervin, of Burke county, be created a body politic and corporate, under the name and style of "The Morganton & Shelby Railroad Company," and shall have a corporate existence in perpetuity, and shall have the right to sue and be sued, to have a common seal, and to make by-laws for the government of said company not inconsistent with the laws of this state or of the United States. Incorporators. Body politic. Corporate name. General corporate powers. By-laws.

Sec. 2. That the capital stock of said company shall be three hundred and fifty thousand dollars ($350,000), to be divided into shares of fifty dollars ($50) each, with the right, after said com- Capital stock.

pany shall have been organized, to increase the sum to one million dollars ($1,000,000).

Corporate powers.

Sec. 3. That said company shall have the right to construct, maintain and operate, by such route as may be deemed most advantageous and expedient, a line of railway from any point on the Carolina Central railroad at or between the town of Shelby and the town of Lincolnton to Elk Park, in the county of Mitchell, or down the Watauga river from a point where said line may intersect the valley of said river to the Tennessee line, and shall have power to construct double or single tracks; to adopt any gauge that may be deemed best; to use either electricity or steam as motive power; to condemn and hold during the corporate existence of the company all lands within fifty (50) feet of the centre track of said company on either side, and to purchase and to hold such other tracts of land as may be needed to conduct the business of the company or to increase the amount of freights shipped over its road.

Railroad route.

Condemnation of land.

Condemnation proceedings.

Sec. 4. That upon the location and construction of any part of the lines herein described, if no agreement with the owners of land through which the road shall be constructed shall have been made by the company, the land on either side of the centre of the track for a distance of fifty (50) feet shall be vested in said company, and the proceedings for the condemnation of said land, and for the recovery by the owners for the value thereof, shall be the same as prescribed in the acts of the general assembly of North Carolina incorporating the North Carolina Railroad Company and the Western North Carolina Railroad Company; 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 common benefit and advantage the owner may receive from the existence of the railroad, and shall state particularly the amount of each, and the excess of loss and damage over and above said advantage and benefit shall form the measure of valuation of the right of way.

Books of subscription.

Sec. 5. The incorporators herein named, or a majority of them, are hereby appointed commissioners, and are authorized to open books for subscription to the capital stock of said company at any time after the ratification of this act, and before the organization of the company, and upon a subscription of fifty thousand dollars ($50,000), and the payment of five per centum of said amount, the said commissioners, or any three of them, shall be empowered, after publishing a notice of such meeting for one month in two or more newspapers published in the counties of Cleveland and Burke, to call a meeting of the

subscribers to the capital stock of said company, and to complete the organization of said company. Organization.

Sec. 6. That the stockholders of said company, either by proxy or in person, verified by the seal of the clerk of a court of record, shall have the right by vote of a majority of the stock subscribed, and upon which five per centum of the amount has been paid, to elect a president, five directors, and a treasurer of said company, and to make by-laws providing for the appointment or election of such other officers as they may deem necessary to manage the business of the company. Officers.

Sec. 7. That the said company shall have the right to cross and grade over or under, intersect, join or unite its railway or railroad with any railroad, or consolidate with and assume the corporate name of any railroad company that has been already organized, or that hereafter may be organized, or to sell or lease any part, or the whole of its line or lines, to any other railroad company; and if a portion, or the whole of its line or lines, shall be sold to any other company, then the company purchasing shall take the line so purchased, with all the franchise herein granted as appurtenant, and may manage said line under its own corporate name. Corporate powers.

Sec. 8. That said company shall have the power to issue bonds of the company, not exceeding fifteen thousand dollars ($15,000) per mile, and to secure the payment of said bonds shall have power to execute a mortgage deed upon the property and franchise of the company, and any mortgage deed so issued and registered in the counties of Burke and Cleveland shall constitute a lien upon the franchise of the company and other property of the company, wherever situated, as effectual and valid as if said mortgage deed was registered in every county in which said company may hold property, or in every county in which the said road shall pass. Bonds. Mortgage deed. Necessary to register only in Burke and Cleveland counties.

Sec. 9. That the said company shall have the power to take subscriptions of shares to its capital stock, either in money, labor, or cross-ties at their value. Subscription to stock.

Sec. 10. That upon the presentation of a petition, in writing, signed by at least thirty (30) of the qualified tax payers, 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 reside a proposition to subscribe a definite sum, named in said petition, to the capital stock of said Morganton & Shelby Railroad Company, it shall be the duty of said board of commissioners, within sixty (60), days to order an election to be held at the various polling places of said county Election as to county subscription, &c.

or township, and to submit to the qualified voters thereof the question of subscribing to the capital stock of said company the amount specified in said petition; at which election those in favor of said subscription shall vote "for subscription", and those opposed thereto shall vote "against subscription"; and the election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as are provided for the election of county officers by the general election laws of this state.

Ballots.

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

Sec. 11. That if a majority of the qualified voters of any county or township shall vote for said subscription, the board of commissioners of said county thus voting, or wherein is located the township thus voting shall, within twenty (20) days after the ascertainment of the result of said vote, subscribe on behalf and in the name of said county or township to the capital stock of the Morganton & Shelby Railroad Company the amount specified in the petition or petitions on which said election was ordered; and any township may at said election vote for a separate and distinct township subscription, in addition to the county subscription, at the same time it votes for the latter subscription.

Issuance of bonds.

Sec. 12. That, to provide for the payment of said subscription, the board of commissioners of the county voting said subscription, or wherein is located any township voting such subscription, shall issue coupon bonds to the amount of the subscription so authorized, and the bonds shall, upon their face, indicate on account of what county or township they are issued, and said bonds shall be in denominations of not less than one hundred dollars ($100), and not more than one thousand ($1,000) dollars, and shall run for twenty-five (25) years, and bear interest at the rate of five per centum per annum, payable semi-annually.

Special tax.

Sec. 13. That the county authorities legally empowered to levy taxes in any county voting for said subscription, or in which is a township voting for subscription for payment of which bonds have been issued as provided for in this act, shall, in addition to the other taxes levied upon said county or township in whose behalf said bonds were issued, annually compute and levy at the time of levying other taxes a sufficient tax upon the property and polls of said county or township to regularly and promptly pay the interest on the bonds of said county or township issued in behalf of said subscription, and at the same time said authorities shall compute and levy a tax on the property and polls of said county or township, equal to one-twenty-fifth (1-25) of said bonds, for a sinking fund to

pay the principal of said bonds; and the taxes for the payment of the principal and the interest aforesaid shall be annually collected as other taxes are collected, and paid over by the sheriff, or other collecting officer, to the county treasrer, 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 off the principal of said bonds. Sinking fund.

Sec. 14. That said company shall have the right to purchase and hold land at any point on its line, or in any of the counties through which its lines may pass, and erect hotels or other buildings on said lands, and to purchase, hold and develop any mineral lands or water powers in either of said counties, and to hold shares of stock in any corporation organized for the purpose of mining, or developing such water powers. Purchase lands, &c.

Sec. 15. That if work is not begun and prosecuted with reasonable diligence within five (5) years from the ratification of this act, then this charter is to become void, otherwise to remain in full force and effect. Charter void for non-use.

Sec. 16. That this act shall take effect from and after its ratification.

Ratified the 8th day of March, A. D. 1895.

CHAPTER 170.

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

The General Assembly of North Carolina do enact:

Section 1. That at the annual election next ensuing for mayor and commissioners of the town of Concord, and annually thereafter, there shall be elected two commissioners in each of Two commissioners in each of four wards.

the four wards of said town by the qualified voters of their respective wards.

Fees abolished. Sec. 2. That the mayor and policemen of said town shall not be allowed fees in any suit or case for which said mayor has issued a warrant, and in which judgment has been rendered by said mayor, or by any other court of jurisdiction.

Fines and costs. Sec. 3. That the said mayor shall turn into the treasury of said town all fines and costs accruing in said suits or cases.

Salary of mayor. Sec. 4. That the commissioners of said town may pay to said mayor an annual salary not exceeding four hundred dollars ($400).

Agricultural lands exempt from taxation. Sec. 5. That the commissioners of said town shall not make any assessment for municipal taxation on any lands within the corporate limits of said town, used exclusively for agricultural purposes, unless said lands shall be laid off into building lots, and as such offered for sale.

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

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

Ratified the 8th day of March, A. D. 1895.

CHAPTER 171.

An act to incorporate the town of Pembroke, in the county of Robeson.

The General Assembly of North Carolina do enact:

Incorporated. Section 1. That the town of Pembroke, in the county of Robeson, be, and the same is hereby, incorporated by the name

Corporate name. and style of the town of "Pembroke," and it shall be subject to all the provisions of law now existing, and have all the

Corporate powers. rights and privileges provided in reference to incorporated towns.

Corporate limits. Sec. 2. That the corporate limits of said town shall be as follows: one-half mile east, west, north and south from the intersection of the Wilson Short-cut railroad (a branch of the Atlantic Coast Line) and the Carolina Central railroad, and shall run with the four cardinal points of the compass.

Elections. Sec. 3. That an election shall be held on the first Monday in May, one thousand eight hundred and ninety-five (1895), and annually thereafter in each successive year, for mayor, three

commissioners and a marshal for said town; and any person residing within said corporate limits, and qualified to vote for members of the general assembly, may vote at said election. Qualifications of electors.

Sec. 4. That the mayor, commissioners and marshal shall form a council, and make, publish and enforce ordinances for the government and police regulations of said town, not inconsistent with the laws of North Carolina or of the United States. Council. Duties of council.

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

Ratified the 8th day of March, A. D. 1895.

CHAPTER 172.

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

The General Assembly of North Carolina do enact:

Section 1. That the corporate limits of said town, as chartered by the general assembly of North Carolina, at its session of 1838–1839, be, and are hereby, extended one-half mile in each and every direction, forming a circle with a diameter of two miles. Acts 1838 and 1839 (charter of Mocksville), amended. Limits extended.

Sec. 2. That it shall be lawful for the mayor of Mocksville, if he has a good reason to believe that any one has knowledge of the playing, within the corporate limits of Mocksville, any games prohibited by a law of the state, or the ordinances of the town, or that any one has knowledge of the unlawful sale of spirituous liquors within said town, to issue a summons in writing, commanding such a person to appear before him and give evidence, on oath, what he may know of such gaming or unlawful sale of spirituous liquors and, if such information makes a case of probable guilt, the mayor may issue a warrant for the arrest of the party implicated. Power of mayor as to gaming and unlawful liquor selling.

Sec. 3. That, in time of exigency, the mayor may appoint temporary additional policemen for such time as may appear necessary, not exceeding one week, who shall take the same oath, be subject to the same control, and have the same power as regular policemen. Extra policemen.

Sec. 4. That the town of Mocksville is hereby vested with all the powers, rights, privileges and immunities enumerated in chapter sixty-two of volume second of The Code of North Carolina, and its amendments, entitled "Towns and Cities," not inconsistent with any of the provisions of this act. Corporate powers.

Conflicting laws repealed.

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

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

Ratified the 8th day of March, A. D. 1895.

CHAPTER 173.

An act to fund the floating debt of the city of Wilmington.

Preamble.

Whereas, The city of Wilmington has a floating indebtedness amounting to the sum of fifty thousand dollars, which has accumulated upon said city in the course of the last four years; and, whereas, it is inconvenient to the said city and burdensome to its taxpayers to carry for any longer time so large a floating debt; therefore,

The General Assembly of North Carolina do enact:

Bonds to be issued to fund floating debt of Wilmington.

Section 1. That for the purpose of bonding the floating debt above referred to, the mayor and board of aldermen of said city of Wilmington, by and with the sanction and approval of the board of audit and finance of said city, be, and they are hereby, authorized and empowered to issue coupon bonds, bearing interest at a rate of not exceeding six per cent. per annum, payable semi-annually, to the amount of fifty thousand dollars, and in denominations of not less than one hundred dollars, and not more than one thousand dollars, which said bonds shall run for the times specified as follows: five thousand dollars of said bonds shall run for the period of one year from their date of issue, and shall then mature, and the remainder of said bonds shall run for such lengths of time—that five thousand dollars thereof shall mature at the end of each year following the maturity of the first five thousand, until the entire amount shall have matured at the end of the tenth year from their date of issue, and all of said bonds shall bear date of the first day of January, one thousand eight hundred and ninety-five.

Form of bonds.

When payable.

Where payable.

Said bonds shall be made payable at the office of the clerk and treasurer of said city, or elsewhere, as the said board of aldermen and board of audit and finance shall determine, and shall not be valid unless signed by the mayor of said city and by the chairman of said board of audit and finance, and countersigned by the clerk and treasurer of said city.

How signed.

Bonds not to be sold for less than par value.

Sec. 2. The said bonds shall not be sold nor exchanged for less than their par value, and the coupons from and after maturity

shall be receivable in payment of any and all taxes or other indebtedness due to the said city. Coupons receivable for city taxes, &c.

Sec. 3. At the option of the holders, the said bonds shall be registered by the clerk and treasurer of said city, and after such registration shall be transferable only by endorsement. May be registered.

Sec. 4. That any officer or employee of said city who shall apply the proceeds of any bond or bonds issued under this act, or exchange any such bond in any other manner or for any other purpose than is provided for in this act, or shall issue or have issued any more of said bonds than are necessary for the specific purpose of this act, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than two hundred dollars, or be imprisoned not less than two months, or both, at the discretion of the court. Officers, &c., misapplying, &c., said bonds, guilty of a misdemeanor.

Sec. 5. That the corporate authorities of said city annually levy a tax upon the property of the citizens of said city and upon the polls to provide for the payment of the interest that may accrue upon said bonds, and in like manner to provide for the payment of the principal of said bonds at maturity. Special tax for said bonds.

Sec. 6. That whenever any of the bonds issued in pursuance of this act shall be paid, the bonds so paid shall be burned by the chairman of the board of audit and finance, in the presence of the said board. Bonds paid. How destroyed.

Sec. 7. All executors, administrators, guardians, trustees and other persons acting in a fiduciary capacity, are hereby authorized to invest their trust funds in the bonds issued by virtue of this act. Fiduciaries authorized to buy said bonds.

Sec. 8. That all laws, and clauses of laws, inconsistent with the purposes of this act are hereby repealed. Conflicting laws repealed.

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

Ratified the 5th day of March, A. D. 1895.

CHAPTER 174.

An act to incorporate "Warwick High School," in Chowan county, North Carolina.

The General Assembly of North Carolina do enact:

Section 1. That Daniel Hobbs, A. J. Ward, K. F. Ward, A. F. Roundtree, D. C. Ward, Elbert Windslow, R. H. Blanchard, George W. Jordan, N. O. Ward, M. L. Brinkley, Isaac Bynum, Incorporators.

John F. Berryman's heirs, A. S. Perry, Jacob T. Spivey, Elijah Bunch's heirs, and George F. Griffin and their successors, shall be, and they are hereby, constituted and declared a body politic, to be known as the board of trustees of "Warwick High School," said school being situated near the town of Gliden, Chowan county, North Carolina.

Body politic.

Corporate name.

Corporate powers.

Sec. 2. That said corporation shall have all the powers usual to corporations of this kind, among them the right to acquire, by purchase or gift, real and personal property, for the use and benefit of said school; may, from time to time, elect such officers for said school as they shall deem necessary and proper; may have a common seal, shall have the power to sue, and be subject to suit in the courts of this state or of the United States.

Limitations as to real estate.

Sec. 3. That said board of trustees, or their successors, shall not be allowed to acquire more than five acres of land for the purpose and use of said school.

Teachers.

Sec. 4. That the teachers employed by said board shall be employed for one or more years, in the judgment of said board,

Proviso.

and with the sanction and approval of the president, treasurer and secretary of the institution, shall be removed or discharged for misconduct, incompetency or other cause sufficient for removal, in the discretion of a majority of said board.

Vacancies in trustees.

Sec. 5. That vacancies occurring in said board of trustees by death, resignation or otherwise, the remaining members of said board shall fill.

Number of trustees.

Sec. 6. That the number of trustees composing said board shall be never more than twenty nor less than four.

Corporate existence.

Sec. 7. That the period of incorporation of said institution shall extend to twenty-five years from the date of the passage of this act.

Certain acts within limits of said school misdemeanors.

Sec. 8. That it shall be a misdemeanor, punishable, upon conviction, by fine or imprisonment, or both, within the discretion of the court, for any person or persons to exhibit himself or themselves as drunk or intoxicated, or who shall be found cursing or swearing within the limits or bounds of said school, or who shall, in any wise, disturb or deface any property belonging thereto.

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

Ratified the 5th day of March, A. D. 1895.

CHAPTER 175.

An act to incorporate "The Cora Manufacturing Company."

The General Assembly of North Carolina do enact:

Section 1. That Thomas M. Holt, senior; Charles T. Holt, Cora M. Laird, Louise M. Haywood, Ella M. Wright, Thomas M. Holt, junior, and B. S. Robertson, together with all other such corporators as will 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 Cora Manufacturing Company," by which name said corporation may sue and be sued, plead and be impleaded; appear, prosecute and defend in any court of law or equity whatsoever, and in all suits and actions may 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 exist for a term of sixty years, 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.

Incorporators. Body politic. Corporate name. General 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 pleasure.

Seal.

Sec. 3. That said corporation is hereby authorized and empowered to conduct, transact and carry on in all its branches, the manufacture and sale of cotton goods and woolen goods, either or both, of all descriptions whatsoever; also any and all goods, wares and merchandise of any and every kind and sort made out of jute, hemp, flax and leather, or any other material whatever; 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 out 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, 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 busi-

Corporate powers.

ness. And said corporation is hereby authorized to carry on the business of tanning and currying; to gin cotton, and to manufacture and repair agricultural and mechanical tools and implements, wagons, and any and all other things whatever 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 enterprises.

Corporate powers.

Sec. 4. The said corporation, its successors or assigns, is hereby authorized and empowered to take, by purchase or other operation of law, to mold, own, lease, acquire, to sell and convey, mortgage and lease lands, tenements and hereditaments, and all manner of real and personal property, including cotton mills and factories, houses, water power, canals, aqueducts, waste ways, wells, water courses, bridges or other ways, mineral rights, roads, tramways or any other kind of property whatsoever, to such an amount as it shall seem proper, and as fully as citizens of this state can or may do, and as is not contrary to law. 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.

May pay for purchases with 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 and other stock, and to operate such roads, whether tram, plank or turnpike, and also such canals, aqueducts, waste ways, wells, water courses, bridges or other ways, for the transportation of its property and trade, and construct such dams and obstructions in and across Haw river, and such reservoirs as shall be needful to the supply of water for its mills, manufactures and other works, or for any purpose found necessary: *Provided*, that in so doing the vested rights of any other person or corporation are not interfered with in any material or unreasonable manner. And the 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 compensations 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.

Proviso.

Corporate powers.

May borrow money.

Sec. 6. The stockholders may, at a regular general meeting, or at a meeting called for that purpose, after a notice of at least ten (10) days given each stockholder, by circular or advertise-

ment, in some newspaper published in Alamance county, state of North Carolina, by resolution, 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 for such a total sum, and be divided into such number of shares, and of such amount for each share, as a majority of the stockholders in general meeting may determine: *Provided*, that such capital stock shall be not less than thirty thousand dollars ($30,000), or exceed two hundred thousand dollars ($200,000), and that said corporation shall have authority to organize and transact business whenever thirty thousand dollars of its capital stock is subscribed for and paid up, in any kind of property in this section hereafter mentioned, or when property to the value of thirty thousand dollars ($30,000) shall have been purchased for the purposes of said corporation; that said corporation may issue stock, both common and preferred, with such regulations as to such stock as may be prescribed by a majority of the stockholders; the certificates for shares of stock shall be issued only when fully paid for, and shall not thereafter be liable for assessments for any purposes whatsoever; the shares of stock shall be deemed personal property, and be transferable on the books of said corporation to the method provided 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 lands, materials, services, labor, work, buildings, machinery, casements, ways, and all other kinds of real and personal property, and at such rate and upon such terms, as the said corporation may, by its board of directors, 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 thousand dollars is reached, and may also be retired or decreased; but, if it shall at first be determined by a majority of the shareholders to issue less than two hundred thousand dollars of stock, the issue of stock shall not be increased from the amount at first determined upon without the consent of a majority of the shareholders, to be given at any general, annual or other meetings, at such other places in North Carolina as may be deemed most convenient by the stockholders of said corporation.

Organization.

Stock.

Non-assessable, &c.

Stock increased.

Places of meeting.

Stockholders not individually liable.

Sec. 8. That the directors, corporators and stockholders of said corporation, their successors and assigns, shall not be individually or personally liable or responsible for the accounts, debts, liabilities, contracts, engagements, defaults, omissions,

or torts of the corporation, or for any claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the corporation, and no stockholder shall be liable for more stock than he subscribed for.

Place of business.

Sec. 9. That the principal place of business of said corporation shall be Haw River, in the county of Alamance, state of North Carolina; 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.

May hold meetings at other places.

Directors.

Sec. 10. The affairs of said corporation shall be managed by a president, and in his absence a vice-president, and a board of directors. The persons named in the first section of this act are hereby constituted provisional directors of the corporation, of whom a majority 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 said corporation. When and so soon as shares to the amount of thirty 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 Haw River, North Carolina, for the purpose of organizing the corporation, electing the directors, etc., giving at least ten (10) days' previous notice, by circular, to the subscribers of stock, of the time and place and purpose of said meeting. At such general meeting the stockholders may choose not more than seven nor less than three persons to be directors of the corporation, 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 annually elected by ballot at a regular general 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 meetings 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 place and on such 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

Organization.

Directors.

Annual meeting.

Stock vote.

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 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 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 at 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' notice by advertisement in some newspaper published in Alamance county, of the time and place of holding said meeting.

By-laws.

Proviso.

Called meetings.

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 and to make, or cause to be made, for the corporation, any description of contract which the corporation by-laws may enter into, and which is not otherwise provided for in this act. They shall annually elect from among themselves a president, and vice-president, and a secretary, who may also be treasurer; and they shall also name all other officers thereof, and shall prescribe their duties, compensation and term 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 held, 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 of the corporation called for that purpose, and the retiring directors shall continue in office until their successors are appointed.

Powers of directors.

Officers.

Vacancies.

Failure to elect directors not to dissolve corporation.

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 duty, and payable to the corporation,

Bonds of officers.

as said board of directors may deem advisable, and may sue upon the same for any breach thereof.

Removal of officers.

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 dividends when the corporation is insolvent, or any dividend, the payment of which renders the corporation insolvent or diminishes the capital stock thereof.

Effect of transfer of stock.

Sec. 15. No transfer of stock, unless by sale under execution, shall be valid for any purpose whatever, save only as exhibiting the rights of the parties thereto towards each other, and as rendering the transferee liable *ad interim*, jointly and severally with the transferor, to the corporation and its creditors, until the entry has been duly made in such book or books as the directors may 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 respect of any share, and the receipt of the shareholders, in whose name the same stands on the books of the corporation, shall be a valid and binding discharge to the company for any dividend or money payable in respect to 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 its hands at all meetings of the corporation, and may vote accordingly as a shareholder. The capital stock may be transferred in such manner and form as may be provided by the 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 or her stock in this corporation, he or she shall cease to be a member or any stockholder of the corporation, and the purchaser of said stock shall be entitled to all the rights and privileges and be subject to all the liabilities of the former owner of said stock as a stockholder.

Corporation not held to execution of any trust, &c.

Executor, &c., to represent stock, &c.

Transfer of stock.

Change of name.

Sec. 16. That this corporation may change its name and adopt any other which the board of directors may select, at any time after six months' publication of the purpose to do so in some newspaper published in Alamance county, and under that name enjoy all the powers herein conferred upon the above named corporation.

Public act.

By-laws.

Sec. 17. This act shall be deemed and taken as a public act, and a copy of any by-law of the corporation under its seal

and purporting to be signed by the president or vice-president of the corporation shall be received as *prima facie* evidence of such by-law, in all courts of law or equity in North Carolina. Evidence.

Sec. 18. This act shall be in force from and after its ratification.

Ratified the 8th day of March, A. D. 1895.

CHAPTER 176.

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

The General Assembly of North Carolina do enact:

Section 1. That the inhabitants of the town of Sanford shall be as, and continue as they have been, a body politic and corporate, and henceforth the corporation shall bear the name and style of "The town of Sanford," and under such name and style is hereby invested with all the property and rights of property which now belong to the corporation, or possessed by it under any other corporate name or names heretofore used; and by this name may acquire and hold, for the purpose of its government, welfare and improvement, all such estate as may be devised, bequeathed or conveyed to it; and may, from time to time, as it shall be deemed advisable by the proper authorities of the corporation, invest, sell or dispose of the same, and under this name may sue and be sued, plead and be impleaded, answer and be answered in any court of this state, and shall have the power to contract and be contracted with, purchase and convey real estate and personal estate, have and use a common seal, and shall have all the rights and privileges necessary, or belonging to, or usually appertaining to, municipal corporations. Incorporation continued. Corporate name. Corporate powers.

Sec. 2. That the corporate limits of said town shall be as follows: The boundary line of the northern limits shall be at its nearest point to the grade-crossing of the Raleigh and Augusta Air Line railroad and the Cape Fear and Yadkin Valley railroad, one mile north therefrom, and shall run from this point east and west each way one half mile; thence, at the east terminus of the east half mile aforesaid, running south one mile; thence west one mile; thence north one mile to the western terminus of the western half mile aforesaid. Corporate limits.

Sec. 3. The officers of said town shall consist of a mayor and a board of five commissioners, who shall be elected annually, Officers. Annual election.

on the first Monday in May, by the qualified voters of said town, which said officers shall hold their respective offices for one year, or until their successors are elected and qualified: *Provided*, that the present mayor and commissioners shall hold their respective offices until their successors are elected and qualified.

Proviso.

Qualification of electors.

Sec. 4. Any person who is a duly qualified elector of the state of North Carolina, and who shall have resided in said town ninety days next preceding the election, shall be a duly qualified elector, and be entitled to vote at any municipal election of said town.

Eligibility to office.

Sec. 5. No person except a duly qualified elector of said town shall be eligible as mayor or commissioner of said town.

Election officers.

Sec. 6. It shall be the duty of the commissioners of said town, annually on the second Monday in March, to appoint a registrar and three judges of election, who shall be qualified electors of said town, and who shall, within ten days thereafter, be notified of their appointment by some policeman of said town. The registrar so appointed shall, immediately after being notified as aforesaid, give notice at five public places in said town of his appointment as such, and of the time and place of registration. He shall be furnished with a registration book by the commissioners of said town, and it shall be his duty to revise the existing registration book of said town in such manner that it will show accurately a list of the electors previously registered and still residing in said town, without requiring such electors to be registered anew. He shall also, between the hours of sunrise and sunset on each day, Sundays excepted, for thirty days next preceding each election, keep open said book for registration of any electors residing in said town entitled to register, whose names do not appear on the revised list: *Provided*, that the commissioners of said town may, if they think proper, order an entire new registration before any election held in said town, by giving thirty days' notice thereof at five public places in said town. *Provided, further*, that no person who is candidate for mayor or commissioner shall be a registrar or judge of election in said election.

Duties of registrar.

Oath of election officers.

Sec. 7. The registrar and judges of election, before entering upon discharge of any of their duties, shall take the oath prescribed by article six, section four, of the constitution of the state of North Carolina, before some justice of the peace of Moore county, or some notary public, or the mayor of said town, and in case of the absence of one of inspectors, his place shall be forthwith supplied by the registrar. And in case of the failure

Vacancy.

or inability of the registrar to perform his duties, the mayor can appoint some eligible person to fill such vacancy.

Challenges.

Sec. 8. It shall be the duty of the registrar and judges of election to attend the polling place in said town the Saturday preceding the election, from the hour of two p. m. till the hour of five p. m., when and where the said book shall be opened to the inspection of the electors of said town, and any of the electors shall be allowed to object to the name of any person appearing in the registration book. In case of such objection the registrar shall enter upon his book, opposite the name of the person so objected to, the word "challenged", and this will be due notice to the person so objected to, and the registrar shall appoint a time and place, on the day of election, when he, together with the judges of election, shall hear and determine such objection: *Provided*, that nothing in this section shall be construed to prohibit the right of any elector to challenge or object to the name of any person registering, or offering to register, at any other time than above specified. If any person challenged or objected to shall be found to be not duly qualified, as provided in this charter, his name shall be erased from the registration book, and he shall not be allowed to vote in any municipal election of said town.

Proviso.

Election, how conducted.

Sec. 9. That on the day of election the inspectors shall give due attendance at the time and place of election, shall be judges of election at the polls, receive the votes and conduct the election in like manner, and during the same hours of the day, as election for the members of the general assembly. The voter shall designate on his ballot the person for whom he votes as mayor and the persons for whom he votes as commissioners.

Result.

Sec. 10. At the close of the election the votes shall be counted by the inspectors, and such person voted for as mayor having the largest number of votes shall be duly declared elected as mayor, and such persons voted for as commissioners receiving the largest number of votes shall be declared elected as commissioners, and the mayor and commissioners shall be notified of their election within three days from the day of election.

Tie vote.

Sec. 11. If, among the number voted for either as mayor or commissioner, two or more may have an equal number of votes, and either would be duly elected but for the equal number of votes; or if on any question voted on, both sides of the same shall have an equal number of votes, and either would be duly carried under the election but for the equal number of votes, the inspectors shall immediately determine, by lot, the election between them, in the presence of any elector or electors as may choose to be present.

Poll and registration lists to be kept.

Sec. 12. That the inspectors shall certify and subscribe the poll and registration lists, and return them to the clerk of the board of commissioners of said town, who shall keep them among the archives of the town.

Sec. 13. That the mayor, immediately after being notified of the election as aforesaid, and before entering upon the discharge of his duties as mayor, shall, before some justice of the peace for Moore county, or before the mayor of said town, 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 Sanford, while I continue therein; and I will cause to be executed, as far as in my power lies, all the laws, ordinances and regulations made for the government of the town, and in the discharge of my duties I will do equal justice in all cases whatsoever.

Oath of mayor.

Oath of commissioners.

Sec. 14. That each commissioner shall, before entering upon the discharge of his duties as commissioner of the town, take, before some justice of the peace of the county of Moore, or the mayor of said town, an oath or affirmation that he will discharge his duties as commissioner of said town truly and impartially, according to his best skill and ability.

Mayor *pro tem.*

Sec. 15. That if any person elected as mayor shall refuse to be qualified, or there is any vacancy in the office after the election and qualification, or if the mayor be absent from the town, or be unable to discharge the duties of the office, the commissioners shall choose from their own number, or some other eligible person, mayor for the time, or unexpired portion of the time, or during such absence or disability, as the case may be; and on like occasion, and in like manner, the commissioners may choose another commissioner to supply the place of such as may refuse to act, or are absent, or unable, and all vacancies which may occur, and such person shall be chosen as have heretofore been declared eligible: *Provided*, the commissioners shall not be required to fill the place if such commissioner is temporarily absent.

Vacancies in commissioners.

Penalty for refusal to accept office.

Sec. 16. That any person elected mayor or commissioner who shall refuse to be qualified and act as such, shall forfeit and pay for the equal use of the town, and of him who shall sue therefor, the sum of twenty-five dollars.

Penalty for commissioners failing to give notice of election, &c.

Sec. 17. That if the commissioners shall fail to give notice of the election, or to hold and declare the same in the manner herein described, each of them as shall be in default, shall forfeit and pay to the equal use of the town and of him who shall sue therefor, the sum of one hundred dollars.

Sec. 18. That the mayor of the town of Sanford is hereby constituted a special court with all the jurisdiction and power in criminal offenses occurring within the limits of said town which are, or hereafter may be, given to justices of the peace. He shall preserve and keep the peace, and may cause, upon proper proceedings, to be arrested, persons charged or convicted of crime in other counties or states, who may be found in the town limits, and bound or imprisoned to appear at the proper tribunal to answer for their offenses. He shall also have jurisdiction to issue process, and original jurisdiction to have and determine all misdemeanors consisting of a violation of the ordinances and regulations of the said town; to hear and determine all causes of action, 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 violation thereof; to execute the laws and rules and regulations made by the board of 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 there has been a violation of law: *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 have been arrested on a warrant issued by the mayor, shall make oath that said person or persons cannot obtain entire justice before the mayor, it shall be the duty of the mayor to remove the entire cause before some justice of the peace residing in said town for trial, and the said justice of the peace shall have all the powers for this purpose as are vested in the mayor of said town by this charter and by the laws of the state; and all fines and imprisonment by the justice of the peace shall be in accordance with this charter and the ordinances passed thereunder; and all fines imposed shall be paid to the treasurer of the town within five days after the same shall have been paid to the justice of the peace, and any failure to pay the fines over, thus collected, shall be a misdemeanor, and, on conviction, shall be fined or imprisoned at the discretion of the superior court: *Provided*, that no case shall be removed more than once.

Mayor to be a special court. Jurisdiction.

Proviso.

Proviso.

Proviso.

Sec. 19. That all the proceeding in the mayor's court shall be the same as are now, or hereafter shall be, prescribed for courts of justices of the peace, and in all cases there shall be a right of appeal to the superior court of the county of Moore. That whenever a defendant or witness, or other person, shall be

Practice in mayor's court.

Penalties.

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 town prison, or to adjudge that such persons shall be confined at work on the streets, or other public works of said town, for a period not exceeding thirty days, and he shall have the power and authority to put, keep at work on the streets and other works of the town, all persons who violate the law or ordinances of the said town and shall fail to pay the fines and costs imposed therefor, until such fine and cost is paid in full, at such rates for labor as the commissioners may fix and adopt.

Process, service of, &c.

Sec. 20. That the mayor may issue his precepts, processes and warrants to the chief of police of said town, and to such other officers to whom a justice of the peace may issue his precepts, and the same may be served by the police officers of the town, or other officer authorized to serve process anywhere in the county of Moore.

Minutes to be kept.

Sec. 21. That the mayor shall keep a true minute of the precepts issued by him, and 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 of Moore county, and may be executed and enforced against the parties, in said 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 said county.

Judgments.

Mayor's office, &c.

Sec. 22. That the mayor shall keep his office at some convenient point in the town; he shall keep the seal of the town, and perform such duties as shall, from time to time, be prescribed; and he shall receive such compensation and fees as may be allowed by this act, and by the ordinances of the corporation.

Compensation.

To vote in case of tie.

Sec. 23. That the mayor, when present, shall preside at all meetings of the board of commissioners of said town, and when there is any division upon any question, or in the appointment of officers by the board, he shall determine the matter by his vote. He shall vote in no other case.

Commissioners.

Sec. 24. That the commissioners shall form one board, and a majority of them shall be competent to perform all the duties required of said commissioners. Within five days after their election they shall convene for the transaction of business, and shall fix a stated date to convene, which shall be as often as once in each calendar month. The special meeting of the board shall be upon the call of the mayor or call of a majority of the commissioners, and of every such meeting, when called by the mayor, all the commissioners, and when called by a majority of the commissioners, such as have not joined in the call, shall

Meetings.

Special meetings.

be notified in writing, and such notice shall be filed in the records of the town and made a part of the same.

Penalty for not attending meeting.

Sec. 25. That if any commissioner shall fail to attend the meeting of the board, or special meetings of the board, when he has been notified as provided for in this charter, he shall forfeit and pay to the use of the town the sum of one dollar, unless he can render to the board a satisfactory excuse for such absence. It shall be the duty of the mayor to enforce such forfeiture.

Debts.

Sec. 26. The board of commissioners, except as hereinafter provided, shall not contract any debt of any kind unless the money is in the town treasury for its payment, except for the necessary expenses of the town government.

Powers of commissioners.

How money borrowed.

Sec. 27. That among the powers hereby conferred on the board of commissioners they may borrow money only by the consent of the majority of the qualified registered voters of the town, which consent shall be obtained by a vote of such voters, after giving thirty days' notice prior to the regular election of the town for the election of officers, as above provided for, at which time those who favor the proposition to borrow money shall vote "Approved", and those who do not favor the proposition shall vote "Not approved." They may also provide lights and water for the town, or for manufacturing purposes, whenever they deem the same expedient and necessary; provide for the repairing and clearing of the streets, regulate the market, take all proper means to prevent and extinguish fires, make regulation to cause the due observance of the Sabbath, to restrict and suppress bawdy and other disorderly houses, to restrict prostitutes and other disorderly persons, to punish riding or driving within the limits of the town at a greater speed than six miles an hour, and whatever else they may deem to be for the best interest of the moral and material prosperity and welfare of the town; and the commissioners of said town are hereby authorized and empowered to submit to the duly qualified voters of said town the question of issuing bonds in an amount not exceeding one thousand dollars, of the par value of one hundred dollars each, for the purpose of supplying said town with water for manufacturing purposes, and if a majority of said voters vote for the issuing of said bonds, then said commissioners may issue and sell the same, and levy an annual tax, not exceeding five cents on the poll and ten cents on the one hundred dollars' worth of property for the purpose of paying the said bonds and the interest thereon. Said bonds shall run for ten years, and bear coupons

Lights, &c.

Municipal bonds

Special tax.

representing the interest on the same, which shall be paid annually at the office of the town treasurer.

Clerk, treasurer and tax collector.

Sec. 28. The commissioners, at their first meeting, shall appoint a clerk, a treasurer and a tax collector, who shall hold their respective offices during the term of said commissioners, subject, however, to be removed at any time for misbehavior or neglect in office, and others to be appointed in their stead.

Oath.

Before acting, each of said officers shall take an oath of office to faithfully discharge the duties of their office, and shall execute a bond, payable to the town of Sanford, in such sum as the commissioners shall determine.

Duties of clerk.

Sec. 29. That the clerk shall keep the records of the town, and shall keep a regular and fair minute of the proceedings of the board of commissioners, and perform such other duties incident to his office which may be prescribed by the board of commissioners.

Duties of treasurer.

Sec. 30. That the treasurer shall make out, annually, a fair transcript of the receipts and disbursements on account of the town, for the general inspection of the public, and cause the same to be posted at some public place in the town, at the end of each fiscal year; and for his failure to comply with this requirement he shall forfeit and pay, for the equal use of the town and who shall sue therefor, the sum of one hundred dollars.

Duties of treasurer.

Sec. 31. That the treasurer shall call on all persons who may have in their hands any moneys or securities belonging to the town, which ought to be paid or delivered into treasury of the town, and to safely keep the same for the use of the town; to disburse the funds according to such orders as may be drawn on him in the manner herein specified; he shall keep, in a book provided for that purpose, a fair and correct account of all moneys received and disbursed by him, and shall submit said account to the board of commissioners whenever required by them to do so; on the expiration of his term of office he shall deliver to his successor all the moneys, securities and other properties of the town delivered to his keeping, and during his term of office he shall perform all the duties lawfully imposed upon him as town treasurer.

Orders, how drawn, &c.

Sec. 32. That all orders drawn on the treasurer shall be signed by the mayor and countersigned by the clerk of the town, and all orders shall state for what purpose the money is applied, and treasurer shall state for what purpose, in his accounts, the order was drawn, and also the sources whence are derived the moneys, securities and other property received by him.

Sec. 3. The tax collectors herein provided for shall have the

same power and authority in the collection of town taxes as sheriffs have in the collection of state and county tax, and shall be subject to the same fines and penalties for failure or neglect of duty. He shall be charged with the sums appearing by the tax lists as due for town taxes. He shall be credited in settlements, as sheriffs are credited, with amounts in suit by appeal, all poll tax and personal property tax certified by the clerk of the board of county commissioners, on order of said commissioners, to be insolvent and uncollectable. He shall at no time retain in his hands over one hundred dollars for a longer time than four days, under a penalty of twenty per cent. per month to the town upon all sums so unlawfully retained. The board of commissioners shall, at their regular meeting in April, appoint one or more of their number to be present and assist at the accounting and settlement between the tax collector and treasurer of the town, and to also audit and settle the accounts of the clerk and the treasurer of the town. The accounts so audited shall be reported to the board of commissioners, and when approved by them shall be recorded in the minute book of said board, and shall be *prima facie* evidence of their correctness, and impeachable only for fraud or specified error. It shall be the duty of the board of commissioners to remove any tax collector who shall fail to settle and fully pay up the taxes by law due from him, and he shall not be eligible to re-election to said office.

Duties, &c., of tax collector.

Insolvents.

Committee to audit accounts.

Removal of tax collector.

Sec. 34. The board of commissioners shall appoint a police force, to consist of a chief of police and such other number of policemen as the board may deem necessary to uphold the good government of the town. Such appointees shall give a justified bond in such sum as the board of commissioners may order for the faithful performance of their duties imposed by law and the ordinances of the town, and to faithfully account for moneys that may come into their hands from fines, forfeitures and penalties, etc. The chief of police and other policemen shall hold their office during the term of the board of commissioners appointing them, and until their successors shall be qualified, unless they are removed as hereinafter provided. The chief and members of the police force shall take an oath before the mayor for the faithful performance of their duties. They shall have all the powers and authority of sheriffs and constables for the preservation of the peace of the town by suppressing disturbances and apprehending offenders. They shall execute all processes directed to them by the mayor, or other lawful authority, and in the execution thereof shall have the powers that sheriffs and constables have. That said

Police.

Bonds of police.

Oath of police.

Powers and duties.

police force shall each have the right to take bail for the appearance of defendants, and other persons charged with violations of the town ordinances, in the manner and to the extent that such power is vested in sheriffs, and in case such person or persons shall not appear, the mayor may issue a *sci. fa.* and enter judgment final against the defaulting party and his sureties. That the policemen shall have the power to re-arrest, on the same warrant, a defendant or party who has been convicted and turned loose on the statement that he will pay the fine and cost imposed, upon failure to pay the same, or upon an escape.

Compensation of police.

Sec. 35. The policemen shall be entitled to and shall receive the fees arising from the execution of all precepts issued by the mayor, or other lawful authority, which may be the same as that received by the sheriffs for like service. Whenever, in the opinion of the mayor, the peace and security of the town requires more policemen than the commissioners have appointed, the mayor shall have the right to appoint special policemen, who shall serve not more than one week, and who shall be under the same rules, regulations and laws governing the other policemen of the town.

Special police.

Suspension or removal of police.

Sec. 36. The mayor at any time, upon charges being preferred, or upon finding said chief or any member of said police force guilty of misconduct, or incompetent, shall have power to suspend such member from the service until the board of commissioners shall convene and take action in the matter, and upon hearing the proofs in the case may discharge or restore such member, and the pay of such member may, in the discretion of the board, cease from the time of his suspension to the time of his restoration to service. Any violation of the regulations, or orders of any superior, shall be good and sufficient cause for dismissal, and the mayor shall suspend the chief, or any member of the police force, for drunkenness while on duty.

Badges, &c.

Sec. 37. The board of commissioners shall require the entire police force to wear badges, and they may also require them 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 deemed necessary to preserve the good order and peace of the town and secure the inhabitants from personal violence, and their property from loss or injury.

Powers of police.

Action against bonds of officers.

Sec. 38. That for any breach of his official bond by the town clerk, chief of police, or any policeman, tax collector, or other officer required to give an official bond, such officer shall be liable in an action on the same in the name of the town at

the suit of the town, or any person aggrieved by such breach; and the same may be put in suit without assignment, from time to time, until the whole penalty be recovered.

Imprisonment of offenders.

Sec. 39. That the police force may imprison in the town prison any person taken up in the night time by the said policemen, without a mittamus, and keep them in said prison until morning, when the offender shall be brought before the mayor, or some magistrate residing in said town, to be lawfully dealt with, and the costs of such imprisonment shall be taxed in the bill of costs in said action.

Town attorney.

Sec. 40. The board of commissioners may appoint a town attorney and fix his fees for representing the town in actions to enforce the rules, regulations and ordinances of said town, and such fees may be taxed in the bill of costs, and collected as other costs, also fix his compensation for other services in behalf of the town.

Taxation.

Sec. 41. That in order to raise a fund for the ordinary expenses of the government of the town the board of commissioners may annually levy and collect the following taxes, viz: First, on all real and personal property within the corporate limits, including money on hand, solvent credits, and upon all other subjects of taxation taxed by the general assembly *ad valorem*, a tax not exceeding fifty cents on every hundred dollars' value. Second, on all taxable polls a tax not exceeding one dollar and fifty cents a poll, who may be residents in the town on the first day of June of each year; also the same amount of tax and the same subjects of taxation as set forth in schedule B of the laws of one thousand eight hundred and ninety-three, chapter two hundred and ninety-four.

Taxation.

Listing taxes.

Sec. 42. That the clerk of the town, on the second Monday in May of each year, shall make advertisement, by posting notices at five public places in the town, notifying all persons residing in said town who own or have control of taxable property in the town on the first Monday in June of each year, to return to him, on or before the last day of June, a list of their taxable property in said town. Said list shall state the number of lots, or part of lots, and all other property now taxable by the laws of the state and ordinances of said town, and the said list so returned shall be sworn to before the clerk of the town, and he is authorized to administer the following oath or affirmation: "I, ..., do solemnly swear (or affirm) that the tax return made by me contains a full and accurate description of the real property owned by me in said town, a full and accurate list of the personal property owned by me in said town, and of all other property owned by me in said town subject to taxation by the

What list to contain.

Oath of taxpayers.

laws of the state and the ordinances of the town, according to my best knowledge, information and belief: So help me God." And from the returns so made the clerk of the town shall, within thirty days from the expiration of the time to take such lists, make out, in a book kept for that purpose, an alphabetical list of the persons and owners who have so made their returns, in the same manner as tax lists are made out by law for the collection of state taxes. And the said clerk shall copy in said book the assessment, on file in the register of deeds' office for Moore county, of all property within the town limits, which assessement may be revised, corrected or amended by the board of commissioners of said town.

Tax list.

Tax list revised, &c.

Sec. 43. That the clerk of the town shall, within thirty days from the return of the tax-lists, make out to the best of his knowledge and belief, by comparing his book with the returns made to the register of deeds of Moore county of the lists of assessments made by the county assessors, and by diligent inquiry from other sources, a list of all taxable polls and owners of taxable property in said town, who shall have failed to return a list in the manner and within the time aforesaid; and any such person who has so failed, for such failure shall pay double the tax assessed on any subject from 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, except to alter valuations of real estate, and shall, as near as may be, make the town tax-list correspond with the tax-list given into the county by the citizens of Sanford upon all subjects embraced in both lists.

Persons failing to list to pay double tax.

Town and county tax lists to agree, &c.

Sec. 44. That all persons who shall be liable for a poll tax to said town, and shall wilfully fail to give themselves in, and all persons who own property, and who shall wilfully fail to list it within the time allowed by law, as aforesaid, shall be deemed guilty of a misdemeanor to the same extent as for a failure to list state and county taxes, and, upon conviction therefor before the mayor or some justice of the peace, shall be fined twenty-five dollars, or imprisoned not more than ten days. It shall be the duty of the tax collector to prosecute the offenders against this section.

Failure to list, a misdemeanor.

Sec. 45. That as soon as the clerk of the town shall have furnished the assessment roll as provided, and the same shall have been revised by the board of town commissioners, the board of town commissioners shall proceed to levy the taxes on such subjects of taxation as provided for in this charter, and shall place the same in the hands of the tax collector for collection, who shall proceed forthwith in the collection, and shall complete

Levy and collection of tax.

the same on or before the first day of November next ensuing, and shall pay the moneys, as they are collected, into the town treasury; and the collector shall receive for his compensation not exceeding five per centum on the amount collected. Compensation of tax collector.

Sec. 46. That if any person liable for taxes on any subject directed to be listed shall fail to pay the same within the time prescribed by law for the collection, the collector shall forthwith proceed to collect the taxes due by distress and sale, after public advertisement for the space of ten days, if the property to be sold be personalty, and of thirty days if the property be realty. Taxes collected by distress and sale.

Sec. 47. That when the taxes due on any other land or lot (which is hereby declared to be a lien on such land) shall remain unpaid on the first day of November in each year, and there shall be no other visible estate but such land of the person in whose name it is listed liable to distress and sale known to the collector, he shall report the fact to the board of town commissioners, together with as full and accurate description as possible of said land, and thereupon the board of town commissioners shall direct the same to be sold at public auction at the office of the mayor of said town, by the tax collector of said town, after advertising the said land for thirty days in some newspaper published in said town and by posting a copy of said advertisement at the court-house door of Moore county, which the collector shall do. And the said collector shall divide the said land into as many parts as may be convenient (for such purpose he is authorized to employ a competent surveyor), and shall sell as many parts thereof as may be required to pay said taxes and all the expenses attendant thereon. If the same cannot be conveniently divided the said collector shall sell the whole; and if no person will pay the whole of the taxes and attendant expenses for the whole land, the same shall be struck off to the town; and if not redeemed, as hereinafter provided, shall belong to the said town in fee. Sale of real estate for taxes. Town may buy.

Sec. 48. That the said tax collector shall return an account of his proceeding to the board of town commissioners, specifying the portions into which the land was divided, and the purchaser or purchasers thereof, and the prices of each, which shall be entered on the book of the proceedings of said board of commissioners, and if there shall be a surplus after paying said taxes and expenses it shall be paid into the town treasury, subject to the demand of the proper owner. Report of sale.

Sec. 49. The owner of any land sold under the provisions of this charter and amendments, or any person acting for such owner, may redeem the same within one year after the sale of Redemption of land sold.

the same, by paying to the purchaser the sum paid by him and twenty-five per centum on the amount of taxes and expenses, and the treasurer shall refund to him, without interest, the proceeds, less double the amount of taxes.

Land not redeemed conveyed to purchaser.

Sec. 50. That if the real estate sold as aforesaid shall not be redeemed within the time specified, the corporation shall convey the same in fee to the purchaser or his assigns, and the recitals in such conveyance, or in any other conveyance of land sold for taxes due the town, that the taxes were due the town, that the taxes were due and unpaid, or of any other matter required to be true or done before such sale could be made, shall be *prima facie* evidence that the same was true and done.

License taxes.

Sec. 51. That in addition to the subjects listed for taxation, the board of commissioners of said town may levy taxes as provided for in sub-section three of section 41 of this charter, which shall be a license tax, and shall be collected by the said tax collector, when fixed by said board of commissioners, and if the same be not paid when demanded the same may be recovered on suit, or the articles upon which the tax is imposed or other property of the owner may be forthwith distrained and sold to satisfy the same.

Revenue of town.

Sec. 52. That all moneys arising from taxes, donations or other sources, shall be paid into the town treasury, and no appropriation thereof shall be made but by a majority of all the board of town commissioners.

Subjects of taxation.

Sec. 53. That the taxes for town purposes shall be levied on all real and personal estate, trades, license and other subjects of taxation, as provided for in section three, article five of the state constitution.

Streets.

Sec. 54. That the board of town commissioners shall have the power to repair, grade, macadamize and build the streets and sidewalks, and to lay out, change and open new streets, or widen those already opened, and make such improvements thereon as the public interest and convenience may require;

Parks.

also to lay out, regulate and establish public parks for the use of the town, to regulate and protect public grounds, and protect the shade trees of the town. That when any land, or right of way shall be required for the purpose of opening any new streets, or for widening those already opened, or for other objects allowed by this charter, and for want of agreement as to the compensation therefor, and the same cannot be purchased at a reasonable price 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 board of commissioners, said freeholders not to be related to the party whose property is to be valued; and in

Condemnation proceedings.

making such valuation said freeholders, after being duly sworn by the mayor of the town to make a true and just and fair valuation, shall take into consideration the loss or damage which may accrue to the owner in consequence of the land, or right of way being surrendered, also any advantage such owner may derive from the opening or widening such street, or other improvements, and ascertain the sum which shall be paid to the owner, or owners, of said property, and report the same to the board of commissioners of the town under their hands and seals, which report, on being confirmed by the board of town commissioners and spread on their minutes, shall have the effect of a judgment against said town, and shall pass the title of said land to said town, and the land may at once be condemned and used by the town for the purposes intended: *Provided*, that if any person over whose land the said street may pass, or improvement may be erected, or the board of commissioners be dissatisfied with the valuation thus made, then and in that case either party may appeal to the next superior court of Moore county: *Provided, further*, that such appeal shall not hinder or delay the board of town commissioners opening or widening such streets or creating such improvement.

Damages. Report. Proviso. Proviso.

Sec. 55. That it shall be lawful for the said board of commissioners to have work done on the country roads leading into the town, and appropriate money from the town treasury, not otherwise appropriated, to pay for such work and improvements.

Country roads.

Sec. 56. That all persons subject to road duty under the laws of the state, shall be subject to like amount of work on the streets, and other public improvements of the town.

Streets worked.

Sec. 57. That no mayor or commission of said 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.

Officers not to contract with town.

Sec. 58. The board of commissioners of said town shall have the power, and it shall be their duty, to prohibit all trades and occupations which are a nuisance from being carried on in the town. They shall have the power, and it shall be their duty, to cause all ponds, sunken lots and other places in which water stands and stagnates to be drained and filled up, and to recover from the owner the expenses, or the occupier, which expenses shall be a lien on the land, and enforced as lien for taxes, as provided for in this charter: *Provided*, the owner or occupier of said land, after ten days' notice, fails or neglects to remedy, remove or abate such nuisance: *Provided, further*, that the said commissioners shall have the channel of Little Buffalo

Nuisances. Proviso. Proviso.

creek straightened and cut out through the town. The said board of commissioners shall prescribe how hogs and dogs shall be kept in the town, and shall cause all alleys, lots, cellars, privies, sties and all other places of like character, to be examined once a week from the first day of May in each year until the first day of November in each year, and from the first day of November until the first day of May, once every two weeks, by a policeman who shall be detailed for service. It shall be their duty, on sworn complaint, to cause, by their order, the said policeman to clean, or cause to be cleaned, said places, and cause the abatement of such nuisance, and for theremoving or abatement such nuisance, the person creating the same shall pay the expenses, as above required. The board of commissioners shall regulate the storage of commercial fertilizers, so that the same shall not be offensive to the inhabitants of the town.

Hogs and dogs.

Stables, &c, Inspection by police.

Fertilizers.

Contagious diseases.

Sec. 59. That said board of commissioners shall have the power, and shall 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 disease and whose stay may endanger the health of the town, and make such regulations for the care of such persons as shall be effectual to prevent the spread of such disease; and 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 disease, or of which there shall be reasonable cause to apprehend that they may pass into such a state as to generate and propagate disease; may abate, by reasonable means, all nuisance which may be injurious to the public health.

Fire crackers, &c.

Sec. 60. The said board of commissioners shall have the power to make ordinances to prohibit or control the firing of fire-arms, fire-crackers, torpedoes and other explosive material, and govern the sale of the same in the town. They shall also make such rules and regulations as shall tend to prevent fires.

Penalties incurred by minors recoverable from parents, &c.

Sec. 61. That all penalties incurred by any minor for the breach of any of the provisions of this act, or any ordinance passed in pursuance thereof, shall be recovered from the parent, guardian or master (if the minor be an apprentice) of such minors.

How penalties recovered.

Sec. 62. That all penalties imposed by law relating to the town or this act, by any ordinance of the town, unless otherwise provided, shall be recovered in the name of the town of Sanford before the mayor or any tribunal having jurisdiction thereof.

Fines, &c., to belong to town.

Sec. 63. That all fines and penalties imposed by, and collected under, the judgment of the mayor of Sanford, sitting as a justice of the peace, shall belong to and remain to the exclusive benefit of the town of Sanford.

Tax lists.

Sec. 64. All tax lists which have or may hereafter be placed in the hands of the tax collector shall at all times be subject to the control of the authorities imposing the tax, and subject to be corrected at any time, or altered by them, and shall be open to the inspection of the public, and upon the demand of the authorities imposing the tax, or their successors in office, shall be surrendered to the authorities for such inspection or correction; and any tax collector who shall fail or refuse to surrender his list upon such demand shall be guilty of a misdemeanor, and, upon conviction therefor, shall be fined not more than five hundred dollars or imprisoned not more than four years.

Correction.

Inspection.

Misdemeanor.

Officers failing to turn over property, &c., to successors, guilty of misdemeanor.

Sec. 65. That any officer, mayor, commissioner, clerk, treasurer or tax collector who shall, on demand, fail to turn over to his successor in office the property, books, money, seals or other effects of said town shall be guilty of a misdemeanor, and, upon conviction therefor, shall be subject to the penalties imposed in the preceding section.

Factories may be exempt from taxation.

Sec. 66. That the board of town commissioners shall have the power to exempt from taxation such manufacturing establishments in the town of Sanford as they may think is for the material prosperity of said town.

Violation of ordinance a misdemeanor.

Sec. 67. That any person or persons violating any ordinance of the town of Sanford shall be deemed guilty of a misdemeanor.

Sec. 68. This act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1895.

CHAPTER 177.

An act to establish graded schools in the town of Washington, North Carolina.

The General Assembly of North Carolina do enact:

Corporate limits created a graded school district.

Section 1. That all the territory embraced within the corporate limits of the town of Washington, Beaufort county, shall be, and is hereby, constituted "the Washington graded school district for white and colored children."

Question of special tax levy for graded school to be submitted to voters.

Sec. 2. That the commissioners of the town of Washington, Beaufort county, are hereby required to submit to the qualified voters of said town, at the next election to be held in May for the municipal officers of the said town, the question "whether an annual tax shall be levied for the support of the graded schools in said town."

Ballots.

Sec. 3. That at the elections held under the provisions of this act those favoring the levying of such tax shall vote a written or printed ballot, without device, with the words "for schools" upon it, and those opposed to the levying of such tax shall vote a written or printed ballot with the words "against schools" upon it.

Majority for tax, it shall be levied.

Sec. 4. That if a majority of the qualified voters, voting, shall vote at said election in favor of levying such tax, it shall be the duty of the board of commissioners of said town, and their successors, to levy, annually, a special tax not less than sixteen and two-third cents nor exceeding twenty cents on the hundred dollars' valuation of all the taxable property of said town, and upon the poll not less than fifty cents nor exceeding sixty cents; and said taxes shall be due and collected annually by the town tax collector as, and at the time, other town taxes are due and collected.

Tax limitation.

Taxes to be paid over to town treasurer.

Sec. 5. That said taxes shall be paid over by the said tax collector of the said town to the treasurer of said town, which officers shall give bonds, the former for collection and the latter for the safe keeping and proper distribution of said special taxes and other funds that may come into his hands for the use of said graded schools, and said treasurer shall keep said school funds separate and apart from all other moneys, and shall pay out the same only upon a warrant signed by the chairman and secretary of the board of trustees of the graded schools of said town.

Bonds of tax collector and treasurer.

School funds to be kept separate from other funds. How paid out.

Board of trustees.

Sec. 6. That J. G. Bragaw, C. M. Brown, S. T. Nicholson, E. W. Ayers, W. Z. Morton, Sr., W. B. Morton, John B. Sparrow, John A. Burgess and W. J. Crumpler be, and they are hereby, constituted a "board of trustees" for the graded schools of the said town; that said board shall have power to fill all vacancies in said board, employ teachers, and do all such acts as may be necessary to carry on said graded schools.

Vacancies.

White and colored separate schools.

Sec. 7. That it shall be the duty of said board to establish a graded school for the white children and one for the colored children of said town, and to appropriate the funds derived from said special taxes and all sources for said graded schools for white and colored children so as to equalize school facilities between the two races.

Distribution of funds.

Application of school funds.

Sec. 8. That the public school money which may, from time to time, be collected and apportioned under the general school law, for general school purposes for the children of said town, shall be applied to keeping up said graded schools, under the order and direction of said board of trustees of said graded schools.

Public school property to be vested in "Board of Trustees, &c."

Sec. 9. That the property, both real and personal, of the public schools of said town shall become the property of the said graded schools, and shall be vested in said board of trustees, and their successors, in trust for said graded schools: *Provided*, that in the event of the discontinuance of said graded schools, all of the property thereto belonging shall revert to, and become the property of, said public schools of said town: *Provided, further*, that the said property belonging to, or used for, the graded school for white children shall revert to the public school of said town for white children, and said property belonging to, or used for, the graded school for colored children shall revert to the public school for the colored children of said town.

Proviso.

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 11th day of March, A. D. 1895.

CHAPTER 178.

An act to repeal chapter five hundred and twenty-seven, acts eighteen hundred and ninety-three, establishing graded schools in the town of Rocky Mount.

The General Assembly of North Carolina do enact:

Chap. 527, acts of 1893, repealed.

Section 1. That chapter five hundred and twenty-seven of the public laws of eighteen hundred and ninety-three, an act to establish graded schools in the town of Rocky Mount, counties of Nash and Edgecombe, be, and the same is hereby repealed.

Disposition of graded school property.

Sec. 2. That the treasurer of said graded schools, after discharging existing contracts made by the board of trustees, shall pay over the funds in his hands to the county treasurers of Nash and Edgecombe, the said treasurers being allowed, however,

to retain two and a half per centum commission on receipts as a compensation for his services.

Application of Nash county part.

Sec. 3. That the county treasurer of Nash shall, of the money paid to him as aforesaid, hold, to the use of school children of the white race in the territory in Nash county described in said act of assembly, all money that was paid to the school treasurer for them, less the aforesaid commissions and the amount paid out on contracts for their benefit; and to the use of school children of the colored race in said territory, all the money that was paid to the said school treasurer for them, less the aforesaid commissions and the amounts paid out on contract for their benefit; and the provisions of this section shall also apply *mutatis mutandis* to the county treasurer of Edgecombe.

And Edgecombe's part.

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

Ratified the 11th day of March, A. D. 1895.

CHAPTER 179.

An act to incorporate Cherokee Lodge, number one hundred and forty-six (146), Ancient, Free and Accepted Masons, and West Gate chapter, number fifty-five (55), Royal Arch Masons, in the town of Murphy, Cherokee county.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That F. P. Axley, worshipful master; S. W. Davidson, Jr., senior warden; and Robert Haigler, junior warden, of Cherokee lodge, number one hundred and forty-six (146), Ancient, Free and Accepted Masons; and A. W. Axley, high priest; M. C. King, king; A. K. Dickey, scribe; and other members of "West Gate" Royal Arch chapter of Royal Arch Masons, both located in the town of Murphy, county of Cherokee, and state of North Carolina, be, and they are hereby, incorporated into a body politic and corporate, under the name and title of "Masonic Brotherhood."

Corporate name.

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 benefit of said association or brotherhood, or its members, and widows and orphans of its members,

and may have such other rights and privileges as are incident to such corporation.

By-laws.

Sec. 3. That the said corporation shall have the 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.

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 11th day of March, A. D. 1895.

CHAPTER 180.

An act to repeal an act authorizing the mayor of the town of Morganton to sell a part of the court-house square belonging to the county of Burke.

The General Assembly of North Carolina do enact:

Sec. 62, chap. 120, private laws 1885, repealed.

Section 1. That section sixty-two, of chapter one hundred and twenty (120), of the private acts of eighteen hundred and eighty-five (1885) be, and the same is hereby, repealed.

Court-house square declared the property of Burke county.

Sec. 2. That said part of the court-house square described in said section sixty-two (62), of chapter one hundred and twenty (120), of acts of eighteen hundred and eighty-five (1885), is hereby declared to be, together with the balance of said square, the property of the county of Burke, and dedicated to public use.

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

Ratified the 11th day of March, A. D. 1895.

CHAPTER 181.

An act to amend the charter of the Currituck and Camden railroad company.

The General Assembly of North Carolina do enact:

Crossing other roads.

Section 1. That the charter of the Currituck and Camden railroad company be amended by adding the following section: "Section 12. That if this road shall cross any standard guage road at grade it shall be required, at its own cost, to provide,

erect, maintain and operate such safety appliances at such grade-crossing as shall be approved by senior company."

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

Ratified the 11th day of March, A. D. 1895.

CHAPTER 181.

An act to incorporate the New Hanover Agricultural, Live Stock and Poultry Association.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That John Barry, Isaac B. Rhodes, Fred. B. Rice, Herbert McClammy, John H. Wattus, Elijah Hewlet, L. R. Mason, Joseph T. Keer and John D. Bellamy, Jr., be, and are hereby, incorporated into a body politic and corporate, under the name of the New Hanover Agricultural, Live Stock and Poultry Association, and by that name shall have a common seal, may sue and be sued, plead and be impleaded, contract and be contracted with, shall have perpetual succession, and shall enjoy all the rights, privileges, powers, immunities and franchises pertaining to corporations of like nature and those conferred upon corporations by the general laws of this state.

Body politic.

Corporate name.

Corporate powers.

Capital stock.

Sec. 2. That the capital stock of this association shall not be less than one thousand dollars, and may be increased from time to time, as the stockholders may determine, to any amount not exceeding fifty thousand dollars, which shall be divided into shares of twenty-five dollars each, but the said corporation shall be capable of organizing and going into effect when at least one thousand dollars of the capital stock shall have been subscribed for, and ten per cent. thereof paid in in actual cash.

Organization.

Real estate.

Sec. 3. That the said corporation shall have authority and power to acquire by purchase, gift, lease, or otherwise, a tract of land anywhere in the county of New Hanover, not exceeding three hundred acres, for the purpose of the said corporation.

Fairs and exhibits.

Sec. 4. That the objects of the said corporation shall be the holding of fairs, exhibits and displays of all agricultural products, and of competitive exhibits and displays of live stock, poultry and game, and of fancy work, needle work and such other articles of domestic manufacture either by hand or machine in such manner as shall give encouragement to the production of all such articles.

Sec. 5. That said corporation may pass all necessary rules, regulations and provisions as it may deem necessary for the awarding of prizes for the best exhibits of all such products, live stock, poultry and other articles, mention speed and endurance of any such exhibits, and for the purpose of carrying out the provisions of this section the provisions of chapter twelve, volume two, of The Code of North Carolina shall not apply to this corporation or any of its members. Rules and regulations. Chap. 12, vol. 2, of *The Code*, as to "Cruelty to Animals," not to apply.

Sec. 6. That the said fairs and exhibits shall be held at some convenient place in the county of New Hanover. Where fairs held.

Sec. 7. That all gambling shall be prohibited within the grounds of the said association, and no vinous, malt or intoxicating liquors shall be sold within the territory extending from the limits of the ground of the association three hundred yards each way from the outside thereof. Gambling, intoxicating liquors.

Sec. 8. That the said corporation shall be managed by a board of at least five directors, who shall be elected at the first meeting of the stockholders, and they shall hold office until their successors are duly elected, and shall have authority to appoint and select all the officers of the said association. Directors.

Sec. 9. This act shall take effect from and after its ratification, and all laws, or clauses of laws, in conflict therewith are hereby repealed. Conflicting laws repealed.

Ratified the 11th day of March, A. D. 1895.

CHAPTER 182.

An act to place Andrew McIntosh, a crippled Confederate soldier, of Yancey county, on the pension list.

Whereas, Andrew McIntosh, a crippled Confederate soldier, of Yancey county, is totally incompetent to perform manual labor in the ordinary avocation of life, and is poor and helpless, Preamble.

The General Assembly of North Carolina do enact:

Section 1. That the name of Andrew McIntosh, of Yancey county, be placed on the pension roll in third class. Made third-class pensioner.

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

Ratified the 11th day of March, A. D. 1895.

CHAPTER 183.

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

The General Assembly of North Carolina do enact:

Section 60, chapter 33, private laws 1885 (charter of Kinston), amended.

Poll tax $1.80.

General tax 60 cents on the $100.

Bonds for fire engine, &c,

Section 1. That the word "fifty," in line six, subdivision one of section sixty and chapter thirty-three of the private acts of the general assembly of North Carolina, of eighteen hundred and eighty-five, be stricken out, and the word "eighty" be inserted in lieu thereof. That the word "thirty," in line five of subdivision two of said section and chapter be stricken out, and the word "sixty" inserted in lieu thereof.

Sec. 2. That the following be added to subdivision three of said section and chapter: "That the board of commissioners of said town of Kinston is authorized and empowered to borrow money, and execute a bond or bonds therefor, not to exceed four thousand dollars, with which to purchase a fire engine and equipment for the use and protection of said town."

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

Ratified the 11th day of March, A. D. 1895.

CHAPTER 184.

An act to incorporate the South Side Manufacturing Company.

The General Assembly of North Carolina do enact:

Incorporators.

Body politic.

Corporate name.

Corporate powers.

Section 1. That J. W. Fries, C. A. Reynolds, H. E. Fries, John F. Reynolds, C. H. Fogle and J. P. Bodenhamer, together with all other persons or corporations as shall be associated with them and become stockholders in the corporation hereby incorporated, their successors or assigns, be, and they are hereby, created and constituted a body politic and corporate by and under the name and title of "The South Side Manufacturing Company," by which name the said corporation may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of law or equity, whatsoever, and in all suits and actions; may 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 exist for a term of sixty years, 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.

Seal.

Sec. 2. That said incorporation shall have right to, and may make and use, a common seal, and alter the same at pleasure.

Corporate powers.

Sec. 3. That said corporation is hereby authorized and empowered to conduct, transact and carry on, in all its branches, the manufacture and sale of cotton goods and woolen goods, either or both, of all description whatsoever, also any and all goods, wares and merchandise of any and every kind made of jute, hemp, flax, and leather, or any other material whatever; to spin, dye, weave, print, bleach or finish, manufacture and sell all kinds of cloths, prints, warps, yarns, and all goods, wares and merchandise of every kind, sort and description made out 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 or operated, 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.

Corporate powers.

Sec. 4. The said corporation, its successors or assigns, is hereby authorized and empowered to take by purchase or other operation of law, to hold on lease, or otherwise acquire, and to sell and convey, mortgage and lease lands, tenements, hereditaments and all manner of real and personal property, including cotton mills and factories, houses, water-powers, canals, aqueducts, water-ways, wells, water-courses, bridges or other ways, water-pipe, roads, tramways, or other kind of property whatsoever, to such an amount as to it shall seem proper, and as fully as citizens of this state can or may do, and as is not contrary to law. And said corporation is hereby authorized to pay for such real or personal property as it may purchase, or otherwise acquire, with or 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 and other stock, or 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 branches or streams as shall be needful to supply water for its mills, manufactories and other works, or for other purposes found necessary: *Pro-*

vided, 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 and apparatus as may be necessary; and it 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.

May borrow money.

Sec. 6. The stockholders may, at a regular general meeting or at a meeting called for that purpose, after a notice of at least ten (10) days' given each stockholder by circular or advertisement in some newspaper published in Forsyth county, state of North Carolina, by resolution, 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 for such a sum, and be divided into such number of shares, and of such amount for each share, as a majority of the stockholders, in general meeting, may determine: *Provided*, that such capital stock shall not be less than twenty-five thousand dollars ($25,000), or exceed two hundred thousand dollars ($200,000), and that said corporation shall have authority to organize and transact business whenever twenty-five thousand dollars ($25,000) shall have been subscribed and ten per cent. thereof paid in cash, or any kind of property in this section hereinafter mentioned, or when property to the value of said ten per cent. shall have been purchased for the purposes of said corporation. That said corporation may issue stock, both common and preferred, with such regulations as to such stock as may be prescribed by a majority of the stockholders. The certificates of shares of stock shall be issued only when fully 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 said corporation in the method provided in any by-laws made in that behalf, and such certificates of shares of stock may be so issued and granted for money, or in payments for lands, materials, services, labor, building, machinery, ways, easements and all 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

Proviso.

Increase of capital stock.

hundred thousand dollars is reached, and may also be retired or decreased; but if it shall first be determined by a majority of the stockholders to issue less than two hundred thousand dollars of stock, the issue of stock shall not be increased from the amount at first determined upon, without the consent of a majority of the stockholders, to be given at any general meeting or at any special meeting, called as in this act provided for, for the purpose of considering any proposed increase in such capital stock; and such increase of the capital stock shall not be made except for the purpose of providing a working capital; and in case of such increase, no stock shall be sold for less than the par value thereof.

Stockholders not individually liable.

Sec. 8. That the directors, corporators and stockholders of said corporation, their successors and assigns, shall not be individually or personally liable or responsible for the accounts, debts, liabilities, contracts, engagements, defaults, omissions or torts of the corporation, or for any claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the corporation; and no other stockholder shall be liable to pay for more stock than he subscribed for.

Place of business.

Sec. 9. That the principal place of business of said corporation shall be at or near Salem, in the county of Forsyth, in the state of North Carolina, 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 corporation shall be managed by a president, and in his absence by a vice-president, and a board of directors. The persons named in the first section of this act are hereby constituted provisional directors of the corporation, of whom a majority 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-book and procure subscription of stock in the said corporation. When and so soon as shares to the amount of twenty-five thousand dollars ($25,000) in the capital stock of the corporation have been subscribed, and ten per centum thereof paid in, as provided in section seven, any one of the provisional directors shall call a general meeting of the subscribers to the said capital stock, at Salem, North Carolina, for the purpose of organizing the corporation, electing directors, etc., giving at least ten (10) days' previous notice, by circular, to the subscribers of stock, of the time and place and purpose of said meeting. At such general meeting the stockholders may choose not more than seven or less than three persons to be directors of the corporation, a majority of

Books of subscription.

Organization.

whom shall be and constitute a quorum, and shall consist of three citizens and residents of the state of North Carolina. The directors shall, annually, be elected by ballot at a regular general 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 (5) shares in the stock of the corporation. Thereafter the regular meetings 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 place and on such 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, rules and regulations for their own government and for the transaction of business: *Provided*, that said by-laws, rules and regulations not be in conflict with the constitution and laws of this state or 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 at the previous regular general meeting. The president, or stockholder 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 Forsyth county, of the time and place of holding said meeting.

By-laws.

Meetings.

Stock vote.

Quorum.

Proviso.

Special meetings.

Meeting of directors.

Duties.

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 and to make, or cause to be made, for the corporation, any description of contract which the corporation by law may enter into, and which is not otherwise provided for in this act.

They shall annually elect from any themselves a president, and vice-president, and a secretary, either of whom may also be treasurer; and they shall also name all other officers thereof, and shall prescribe their duties, compensation and term of office. 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 held, 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 of the corporation called for that purpose, and the retiring directors shall continue in office until their successors are appointed. Vacancies.

Sec. 12. The board of directors may require of any of the officers of the corporation such bonds, conditioned for the faithful discharge of their duty and payable to the corporation, as by said board of directors may be deemed advisable, and may recover upon same for any breach thereof. Bonds of officers.

Sec. 13. The stockholders, in any meeting called in pursuance of 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. Removal of officers.

Sec. 14. The directors of the corporation shall not declare nor pay any dividends, when such dividend would render the corporation insolvent or diminish its capital stock. Dividends.

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 transferee liable *ad interim*, jointly and severally with the transferor, to the corporation and its creditors, until the entry has been duly made in such book or books as the directors may 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 respect of any share, and the receipt of the shareholders in whose name the same stands on the books of the corporation shall be a valid and binding discharge to the company of any dividend or money payable in respect to such share, whether or not notice of such trust has been given to the corporation, and the corporation shall not be bound to see the application of the money paid on 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 stockholder. The capital stock may be transferred in such manner and form as may be provided by the by-laws, and shall Transfer of stock. Transfer of capital stock.

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 he shall cease to be a member of and stockholder in the corporation, and the purchaser of said stock shall be entitled to all the rights and privileges and be subject to all the liabilities of the former owner of said stock as a stockholder.

Change of name.

Sec 16. That this corporation may change its name, and adopt any other which the board of directors may select, at any time after six months' publication of the purpose so to do in some newspaper published in Forsyth county, and under that name enjoy all the powers herein conferred upon the above named corporation.

Deemed a public act.

Sec. 17. This act shall be deemed and taken as a public act, and a copy of any by-law of the corporation, under its seal, and purporting to be signed by the president or vice-president of the corporation, shall be received as *prima facie* evidence of such by-law in all courts of law or equity in North Carolina.

Sec. 18. This act shall be in force from and after its ratification.

Ratified the 11th day of March, A. D. 1895.

CHAPTER 185.

An act to incorporate the bank of Lumberton, at Lumberton, North Carolina.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That R. D. Caldwell, W. W. Carlyle, J. H. McNeill, T. A. McNeill, N. A. McLean, George B. McLeod, J. A. McAllister, Ira L. Pope, C. B. Townsend, W. F. French, W. S. Norment, Alfred Rowland, E. K. Proctor, Jr., Frank Gough, W. W. McDearmid, W. D. Striplin, R. M. Norment, A. W. McLean, A. M. McLean, W. I. Linkhan, John H. Morrison and others, their present and future associates, successors and assigns, are hereby declared to be a body politic and corporate by the name and style of "Bank of Lumberton", situated at Lumberton, 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 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

Body politic.

Corporate name.

Corporate existence.

Corporate powers.

other sections contained in chapter sixteen, volume one of The Code, entitled "Corporations," or chapter four, volume two of The Code, entitled "Banks."

Capital stock. Sec. 2. The capital stock of said bank shall be twenty-five thousand dollars, and may be issued in shares of fifty dollars each, and such parts of a share as may be necessary and the 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 Lumberton, North Carolina, and its officers shall consist of a president, vice-president, cashier, and a board of not less than five or more than nine directors, exclusive of the president and vice-president, who shall 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 officers.

Meetings.

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 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.

Organization. Sec. 4. Whenever ten thousand dollars are paid up, the said corporators, or a majority of them, may call a meeting of the stockholders in the town of Lumberton, 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.

Officers. Sec. 5. The directors shall appoint a cashier and such other officers and clerks as may be provided for by the by-laws of said corporation, to serve at the discretion of the directors; the directors shall prescribe their duties, and shall take from them

Bonds.

bonds, with security, for the faithful discharge of their duties, and shall fix their compensations.

Seal.

Corporate powers.

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:

Proviso.

Provided, said bank shall not charge or discount at a greater rate of interest than is allowed by law.

Stock not paid for.

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

How collected.

remaining unpaid, may be recovered in the name of the corporation by an ordinary civil action, or the entire stock of such

Stock may be sold.

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.

Warehouses.

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 compensa-

Advances.

tion 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. Lien for advances.

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 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. Deposit of married women, &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 land, certificate of stock, notes or any description of property real or personal, or for endorsing 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. Act as agents, &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. Savings bank.

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. Stockholders not individually liable.

Sec. 13. That the said bank shall be located at Lumberton, 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 Location. Branches.

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.

Stock vote.

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

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. No stockholder shall transfer his stock if he is indebted to the corporation, as principal or security, unless such indebtedness is paid off and discharged, except a majority of the directors consent to the said transfer; and for all such indebtedness the said corporation shall have a lien superior to all other liens upon the stock of said stockholder.

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.

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.

Forfeiture for non-use.

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

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

Ratified the 11th day of March, A. D. 1895.

CHAPTER 186.

An act to incorporate the Sanford, Lillington & Eastern Railroad.

The General Assembly of North Carolina do enact:

Section 1. That J. D. Boushall, B. T. Jerman, J. H. Wissler, George C. Heck, John A. Green, W. W. Lobdell and George G. Lobdell, and their associates, successors and assigns, be, and they are hereby, constituted and created a body politic and corporate under the name of the Sanford, Lillington & Eastern Railroad, and as such may sue and be sued, plead and be impleaded in the courts of the state, and shall have the powers herein granted in perpetuity. Said company shall have power and authority to make by-laws, to buy, hold, use, sell, mortgage or otherwise transfer all such real and personal estate as may be necessary to, and will advance the interest of, said company; to elect or appoint all necessary officers and prescribe their powers and duties, and to have and use a common seal, which it may change at pleasure, and to have and exercise all and every other power, privilege, franchise and right common or necessary to similar corporations and not inconsistent with the laws of this state or the provisions of this act.

Incorporators. Body politic. Corporate name. Corporate powers. By-laws. Real estate.

Sec. 2. That said company be, and is hereby, authorized and empowered to survey, lay out, construct and equip, maintain and operate, by steam or other motive power, a railroad with one or more tracks from Sanford, in Moore county, or some other point on the line of the Cape Fear & Yadkin Valley Railway, or some point on the line of the Seaboard Air Line Railroad, to Lillington, in Harnett county, or may extend the same east or west by such route or routes as the president and directors may determine. Said company may also build and operate branch roads, tram, etc., not exceeding ten miles each in length.

Construct, &c., railroads. Location. Branch roads.

Sec. 3. That for the purpose of surveying, constructing, maintaining and operating said lines of railroad, said company is hereby empowered: 1st. To cause such examination and surveys to be made as shall be necessary to the selection of the most advantageous route or routes, and for such purpose its officers and agents, servants and employees may enter upon the land or water of any person. 2d. To take and hold such voluntary grants of real estate, or other property, as may be made to it to aid in the construction, maintenance and operation of its road. 3d. To purchase, hold and use all such real estate and other property as may be necessary for the construction and main-

Corporate powers. Surveys. Voluntary grants. Purchase real estate.

tenance of its roads or stations, and all other accommodations necessary to accomplish the objects of its incorporation, and to lease or buy land necessary for its use. 4th. To lay out its road not exceeding two hundred feet in width, and to construct the same; and for the purpose of cutting any embankments, and for obtaining gravel and other materials, may take as much land as may be necessary for the proper construction, operation and security of the roads, or to cut down any trees that may be in danger of getting on the track or obstructing the right of way. 5th. To construct its road across, along or upon any stream of water, water-courses, streets, highway, canal, which the route of the road shall intersect or touch. 6th. 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 ground of any other railroad company, with the necessary turnouts, sidings and switches and other conveniences necessary in the constructions 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. 7th. To take and convey persons or property over their road by use of steam or any mechanical power, and to receive compensation therefor, and to do all things incident to railroad business. 8th. 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 passengers and freight business. 9th. To regulate the time and manner in which passengers and freight shall be transported, and the compensation to be paid therefor, subject to any laws of this state upon the subject. 10th. To borrow such sum or sums of money, at such rates of interest not contrary to law, and upon such terms as said company or its board of directors shall agree upon and may deem necessary or expedient, and may execute one or more trust-deeds or mortgages, or both, if occasion may require, on its roads, branches, or both, in process of construction by said company, for the amount or amounts borrowed or owing by said company, as its board of directors shall deem expedient. Said company may make deed or mortgage for transferring their railroad track or tracks, depots, grounds, rights, privileges, franchises, immunities, machine-houses, rolling stock, furniture, tools, implements, appendages and appurtenances used in connection with its roads 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

Lay out road and take land.

May construct road across streams, &c.

Cross other roads, &c.

To convey, &c., motive power.

Buildings, &c.

Passengers and freight.

Borrow money.

Trust-deeds.

be secured by said trust-deeds or mortgages, as they shall think proper.

Capital stock.

Sec. 4. That the capital stock of said company shall be fifty thousand dollars, and the same may be increased, from time to time, as a majority of the stockkolders may determine, up to one hundred thousand dollars. The stock of said company shall be in shares of one hundred dollars each, for which, when fully paid for, certificates shall be issued, which shall be non-assessable, and each share shall entitle the holder to one vote, and the stockholders shall not be individually liable for the debts of the corporation. Books of subscription shall be opened by the corporators, or a majority of them, at such time, or times, place or places, and under such rules and regulations as they, or a majority of them, may precribe. Said corporators, or a majority of them, acting in person or by proxy, after the sum of five thousand dollars shall have been subscribed, shall call a meeting of the subscribers to the said capital stock for the purpose of completing the organization of the company, and at such meeting the said subscribers to the capital stock shall elect a board of directors, consisting of not less than three nor more than seven members, who shall immediately elect one of their number president of the company.

Stock vote.

Stockholders not individually liable.

Organization

Subscriptions, how paid.

Sec. 5. That subscriptions to the capital stock of said company may be made in money, land, labor or material, or in bonds, stocks or other valuable credits, in such manner and on such terms as may be agreed upon by the president and directors of said company, and if any subscriber shall neglect or refuse to pay any installment when it becomes due, if required by the directors, said board may declare his stock forfeited, as well as all previous payments thereon, to the benefit and use of said company; but before so declaring it forfeited said stockholder shall have served upon him a notice in writing, in person or by depositing said notice in the postoffice, postage paid, directed to him at the postoffice nearest his usual place of abode, stating that he is required to make such payment within sixty days from the date of said notice, at such time and place as is therein named: said notice shall be served or mailed sixty days prior to the day on which payment is required to be made.

Stock not paid for.

Forfeiture of stock.

Notice.

Consolidation with other corporations.

Sec. 6. That said company is hereby authorized and empowered to merge and consolidate its capital stock, estate, real, personal and mixed, franchises, rights, privileges and property, with those of any other railroad company or companies chartered by and organized under the laws of this or any other state or states, whenever a majority of the stockholders of the company hereby chartered shall so desire, when the two or more railroads

so to be merged and consolidated shall and may form a continuous line of railroad with each other or by means of intervening road or roads; and said consolidation may be effected by its directors in such manner, and on such terms and conditions, and under such name and style, as a majority of the stockholders may determine or approve.

Other corporations may buy stock.

Sec. 7. That it shall and may be lawful for any railroad or transportation company, created by the laws of this or any other state, from time to time, to subscribe for, purchase or hold the stock and bonds, or either, of the company incorporated by this act, or to guarantee or endorse such bonds or stock, or either of them; and it shall and may be lawful for any railroad or transportation company or companies to purchase, use or lease the road, property or franchises of the said company hereby incorporated, for such time and upon such terms as may be agreed upon.

Annual meeting of stockholders.

Sec. 8. That meetings of stockholders shall be held annually, at such time and place, either in this or another state, as may be determined by them, and at all such annual meetings the president and directors shall render to the stockholders an account of the affairs of the company.

Officers.

Sec. 9. That the president and board of directors of said company shall have the power of appointing a vice-president, treasurer and such other officers and agents as may be necessary for conducting the construction and management of its railroad. The directors shall be elected by the stockholders annually, and shall remain in office one year, or until their successors are elected, and in case of vacancies occurring by death or resignation in the office of director, the same may be filled by the directors until the next meeting of the stockholders.

Directors.

Powers of president, &c.

Sec. 10. The president and directors of said company, under authority from the stockholders, shall have power to make such expenditures, and contract such debts, as may be necessary for the construction and operation of its railroad and business.

May borrow money.

And authority is hereby given to the said company to borrow money to such extent and in such manner as may be authorized by its stockholders, and to pay thereon such rates of interest as may be deemed advisable, and to issue therefor such bonds, either coupons or registered, or other evidences of debt, in such manner and of such form as may be determined by the president and directors, and to secure such loans, both as to principal and interest, by such mortgages or deeds of trust on the whole of the property, income, or franchise of the company, either or any part thereof.

Sec. 11. That said company shall enjoy all the benefits and be subject to the provisions of sections 1943 to 1951, both inclusive, of chapter 49, volume 1 of The Code of North Carolina, in respect to the acquisition of land by condemnation. Condemnation of land.

Sec. 12. That it shall and may be lawful for any county, township, city or town, in or through which the said railroad may be located, or which is interested in its construction, to subscribe to the capital stock of such company such sum or sums, in bonds or money, as a majority of their qualified voters may authorize the county commissioners of such county or the municipal authorities of such town to subscribe. Subscription to stock by counties, &c., authorized.

Sec. 13. That for the purpose of determining the amount of such subscription, it shall be the duty of the county commissioners of any county, or the municipal authorities of any town, interested in the construction of the said road, upon a written application of one-fourth of the qualified voters of said county, township or town, specifying an amount therein to be subscribed, in money or bonds, to submit to the qualified electors of such county, townhip 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 town, shall have the power to order an election, specifying the time, place and purpose of the election, and to provide for holding the same according to law, at which said election the ballots shall have written or printed thereon, either the word "subscription" or "no subscription;" the said county commissioners, by resolution of their board, and the said municipal authorities of said 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 three weeks immediately prior thereto, in one or more of the county newspapers. Elections.

Sec. 14. That in case a majority of the qualified voters shall have voted for "subscription," then the chairman of the board of county commissioners, in all cases of county or township elections, shall be authorized and required to subscribe to the capital stock of said company, in behalf of said county or township, the sum which may have been fixed and named in the resolution of said board, published as aforesaid, which subscription, if in bonds, shall be in bonds bearing a rate of interest not exceeding seven per cent., with interest payable semi-annually; if in money, shall be in such annual installments as shall have been named in the petition and in the resolution of said board; and all tax levies for the purpose of raising funds to pay said bonds or coupons, or said sums of Majority of qualified voters must vote to subscribe.

Subscriptions, how paid, &c.

money subscribed, shall be made upon the polls and taxable property in such counties or townships; and if a majority of the qualified voters in any town election shall vote for subscription, the proper corporate authorities of such town are authorized and required to subscribe, in behalf of such town, in like manner and to like extent as the county commissioners are herein required in all cases of county and township subscriptions.

Sec. 15. That to provide for the interest on said bonds, and their redemption at or before maturity, the board of county commissioners aforesaid, or the municipal authorities of any town, shall, in addition to other taxes, each year compute and levy on all property and polls of any such county, township or town as may make a subscription of bonds to the said company, preserving the constitutional equation, a sufficient tax to pay such interest, and to provide a sinking fund for the payment of the principal of the bonds so subscribed at maturity, which tax shall annually be collected as other taxes, and paid to the county treasurer, or other officer of said county or town authorized by law to perform the duties of treasurer or commissioner of sinking fund, and by him invested in said bonds, which shall be cancelled by the county commissioners or the municipal authorities of the town, as the case may be; but in case said treasurer, or other officer, shall be unable to invest the sinking fund herein provided for in said bonds at or below their par value, he shall invest the same in such solvent bonds or securities as may be selected and approved by the board of county commissioners aforesaid, or proper authorities of said town.

Special tax to pay interest, &c.

Sec. 16. That for the payment of any money subscriptions voted under this act, the county commissioners of the respective counties shall levy a tax upon the polls and taxable property of such counties or townships sufficient to pay such subscriptions on each installment as it may become due, which tax shall be levied and assessed by the county commissioners, and be collected in the same manner in which other state and county taxes are collected. The corporate authorities of any town so subscribing shall, in like manner, levy and assess a tax upon the polls and taxable property of said town sufficient to pay such subscription on each installment as it becomes due, to be collected as other municipal taxes are collected, at the first annual collection of taxes next after such subscription, and annually thereafter, until all the installments are paid. All moneys collected on account of any subscription in money, under this act, shall, as soon after collection as possible, be

Special tax to pay subscriptions.

turned over by the county treasurer, or town treasurer, as aforesaid, to the treasurer of said company or its legally authorized agents, if any.

Townships incorporated for this purpose.

Sec. 17. That for the purpose of this act all the townships in counties along the line of railroad, or which are interested in its construction, as herein provided for, shall be, and they are hereby, declared to be bodies politic and corporate, and vested with the necessary powers to carry out the provisions of this act, and shall have all the rights and be subjected to all the liabilities in respect to any rights or causes of action growing out of the provisions of this act. The county commissioners of the respective counties are declared to be corporate agents of the townships so incorporated and situate within the limits of the said counties respectively.

Delegation to represent counties, &c., at meetings.

Sec. 18. That in all conventions of stockholders of said company, such counties, townships or towns as may subscribe to the capital stock shall be represented by one or more delegates, to be appointed for such purposes by the corporate authorities of such towns, or the county commissioners of the respective counties or township in such counties.

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

Ratified the 11th day of March, A. D. 1895.

CHAPTER 187.

An act to allow the board of commissioners of the town of Kinston to issue bonds for the purpose of supplying water and electric plant.

The General Assembly of North Carolina do enact:

Commissioners of Kinston authorized to issue bonds. Amount of bonds.

Section 1. That the board of commissioners of the town of Kinston be, and they are hereby, authorized and empowered to issue bonds of said town in a sum not to exceed forty thousand dollars, in such denominations, and in such form as, to the said commissioners, may seem best, and to sell the same at not less than their par value; said bonds to run for thirty years, and to bear interest at a rate not to exceed six per centum per annum.

Term of bonds.

Application of proceeds.

Sec. 2. That the proceeds of the sale of said bonds shall be applied by the said commissioners in the purchase and erection of an electric plant and water supply in and for said town of Kinston.

Water and lights supplied to individuals.

Sec. 3. That said commissioners be, and they hereby are, authorized to make such regulations as they may deem advisable for supplying lights and water to individuals and corporations.

Submitted to qualified voters.

Sec. 4. That this act shall not take effect until it shall have been first submitted to a vote of the qualified electors of said town, and the issue of said bonds shall have been approved by a majority of said voters.

Majority of qualified voters to approve.

Ratified the 11th day of March, A. D. 1895.

CHAPTER 188.

An act to incorporate the Farmers and Merchants Bank of Bryson City, North Carolina.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That William Johnson Cocke, E. Everett, K. Collins, their present and future associates and successors, are

Body politic.

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

Corporate name.

porate by the name and style of the Farmers and Merchants Bank of Bryson City, North Carolina, and shall so continue for

Corporate existence.

the term of sixty years, with capacity to take, hold, sell and

Corporate powers.

convey real and personal estate, and with all the powers, rights and privileges granted to corporations and banks by this or any preceding legislature of this state, together with the rights, powers and privileges incident or belonging to corporations, as set forth or referred to in the first, second and third sections of chapter sixteen of The Code, entitled "corporations."

Capital stock.

Sec. 2. The capital stock of said corporation shall not be less than fifteen thousand dollars, in shares of twenty-five dollars

Increase.

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.

Place of business.

Sec. 3. That the office and place of business of said bank corporation shall be in the town of Bryson City, North Carolina, and the corporators named in the first section of this act, or a majority of them, are hereby authorized and empowered to

Books of subscription.

cause books of subscription to its capital stock to be opened at such time or times, at such places, and for such periods as they shall determine, and the stockholders at any general meeting called after the due organization of said bank may, at their discretion, from time to time reopen books of subscription to said capital stock until the same be wholly taken.

Organization.

Sec. 4. That when fifteen thousand dollars shall be paid in to the capital stock of said bank, the above named corporators, or a majority of them, shall call a meeting of the subscribers of said stock at such time and place, and on such notice, as they may deem sufficient, and such stockholders, a majority of the stock being represented, shall elect such number of directors as they may deem proper, who shall hold office for one year and until their successors shall be elected and installed, and said directors shall choose a president and a vice-president to serve during their continuance in office.

Directors.

Seal.

Sec. 5. That the president and directors of said bank may adopt, use, make, and at pleasure alter, a common seal; may make and appoint all necessary officers and agents, and, subject to the approval of the stockholders, fix their compensation and take security for the stock and transfer thereof; may do a general banking business on such terms and rate of discount as may be agreed on, not to exceed the legal rate to be prescribed by the laws of this state, and in general have all the privileges conferred on banks and corporations by the general laws of this state.

General banking business.

Lien on stock.

Sec. 6. That the said bank shall have a lien on the stock subscribed for and unpaid by stockholders before and in preference to other creditors of the same dignity, and shall have a lien on the stock for debts due it by the stockholders before and in preference to other creditors, except for taxes, and shall pay such taxes as may be imposed by the revenue laws of this state.

Liability of stockholders.

Sec. 7. That each stockholder shall be liable to depositors and creditors of said bank to the extent of amount of their stock therein in such shares, at the par value thereof, in addition to the amount invested at the time the deposit was made or debt contracted: *Provided*, that all liability so incurred shall be borne by the stockholders *pro rata*.

Corporate powers.

Sec. 8. That the said banking corporation may receive and pay out lawful currency of the country, deal in exchange, gold and silver coin, bullion, in current paper, and public and other securities; may purchase and hold such real and personal estate and property as may be conveyed to secure debts to the bank, or may be sold under execution to satisfy any debt due said bank, and may sell and convey the same; may purchase and hold real estate for the transaction of business, and at pleasure sell or exhange the same, and may discount notes or other evidences of debt, to lend money on such terms as may be agreed on, not inconsistent with the laws of the state. It may receive or deposit money on terms to be agreed on between the officers and depositors.

Real estate.

Stock not paid for.

Sec. 9. If any subscriber shall fail to pay his stock, or any part thereof, as the same is required of him, the entire remainder of his stock shall be deemed to be due, and may be recovered in the name of the bank by civil action, or the entire stock may be sold, by order of the directors, for cash, at the banking house in Bryson City, North Carolina, after advertisement of sale for twenty days in a newspaper published in said town of Bryson City, 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.

How collected.

Sale of stock.

Assignees of stock liable.

Sec. 10. 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 civil action; and in every case of a delinquency in a subscriber, or others, the subscription shall be deemed a promissory note, payable to the bank, as well in respect to the remedy covering the same as in the distribution of the assets of any deceased subscriber.

Deposits of minors, &c.

Sec. 11. That when any deposit shall be made by any person, being a 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 said corporation from any and all liability on account thereof.

Powers of president, &c. Directors.

Sec. 12. That the president and directors of said bank shall be capable of exercising all such powers and authority as may be necessary for the better governing the affairs of said corporation, shall have power to prescribe rules for the government of said bank, and, subject to the approval of the stockholders, make all necessary by-laws and regulations to that end. They

Meetings.

shall call such annual meetings of the stockholders as may be fixed by the by-laws, and such other meetings as they may deem necessary. At all meetings the stockholders may be represented in person or by proxy (the proxy being a stockholder),

Stock vote.

each share being entitled to one vote. A majority of all the stock shall be necessary to constitute a quorum for the transaction of business, and a majority of the stock represented at any meeting of the stockholders shall be required to decide, and shall decide, all questions properly coming before such

Vacancies.

meeting. The directors shall have authority to fill all vacancies which may occur in their own body or in any of the officers or agents of the corporation, and no person not a stockholder shall be eligible to election as a director.

Loans and mortgages.

Sec. 13. That said corporation shall have power to make loans upon mortgages of real estate and personal property, with

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

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

Ratified the 11th day of March, A. D. 1895.

CHAPTER 189.

An act to amend chapter three hundred and seventy-seven, private laws of one thousand eight hundred and ninety-three, incorporating Bessemer City, in Gaston county.

The General Assembly of North Carolina do enact:

Section 1. That the words "three quarters," in lines ten and eleven of section second of chapter three hundred and seventy-seven (377), private laws of eighteen hundred and ninety-three (1893), be stricken out and the words "five-eighths" inserted in lieu thereof.

Chapter 377, private laws 1893, (charter of Bessemer City), amended. Corporate limits.

Sec. 2. That the words "second Tuesday in January", section third of said act, shall be stricken out and the words "first Monday in May" inserted in lieu thereof, so as to make the annual election for mayor, marshal, treasurer and commissioners, or other town officers of Bessemer City, occur on the first Monday in May of each year, instead of on the second Tuesday in January as is now provided by the said act incorporating said city.

Time for election changed.

Sec. 3. This act shall take effect immediately upon its ratification.

Ratified the 11th day of March, A. D. 1895.

CHAPTER 190.

An act to incorporate the Carolina and Northwestern Railway Company.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That James A. Martin, Dr. W. B. Council, F. P. Moore, J. M. Bernhart, S. L. Patterson, H. C. Coffey, A. N. Shuford, A. Y. Sigmon, T. M. Huffham, W. T. Weaver, R. S. Reinhardt, S. F. Harper, B. F. Grigg and J. D. Moore, and their associates and successors be, and are hereby, constituted a

Body politic. Corporate name.

body politic and corporate by the name and style of the "Carolina and Northwestern Railway Company," and by that name

Corporate powers. By-laws.

may sue and be sued, plead and be impleaded in any court of law or equity in this state or the United States; may make by-laws, not inconsistent with the laws of this state and the United States, and appoint all necessary officers and prescribe their duty, and may accept, purchase, hold and convey any property, either real or personal, necessary for the purposes hereinafter mentioned; and may make contracts, and have and use a com-

Seal.

mon seal, and do all other lawful acts properly incident to and connected with said corporation and necessary for the control and transaction of its business.

Construct a railway.

Sec. 2. That said company be, and is hereby, authorized and empowered to construct, maintain and operate a railway or

Location.

railroad, either standard or narrow gauge, from a point on the South Carolina state line, in Gaston county, through said county and through the counties of Lincoln, Catawba, Caldwell and Watauga, to a point on the state line of Tennessee in said last named county. And that said company be, and is hereby, authorized and empowered to acquire and become the owner

May buy, &c., other roads.

and possessor, either by purchase or by consolidation by means of contract, of any railroad now built and operated, or projected, along any part of the aforesaid route of said company, and such railroad or railroads, when so acquired by purchase or consolidation, shall become part and parcel of the said Carolina and Northwestern Railway Company.

Capital stock.

Sec. 3. That the capital stock of said company shall be two hundred thousand ($200,000) dollars, in shares of fifty ($50)

Increase.

dollars each, with the privilege of increasing the capital stock to such an amount as may be found necessary to carry out the intention and purpose of this act, not to exceed one million

Proviso.

($1,000,000) dollars: *Provided*, that when the sum of ten thousand ($10,000) dollars shall have been subscribed to the capital

Organization.

stock of said company, as hereinafter directed, the said corpo-

rators, or a majority of them, shall, within a reasonable time thereafter, appoint a time and place for the meeting of said stockholders, of which fourteen days' notice shall be given in some newspaper selected by them; and at said time and place the said stockholders may proceed to the organization of said company by the election of a president and seven directors, who shall hold their offices for one year, and until their successors are selected, and said first board of directors may, in their by-laws, prescribe the time and manner of holding their subsequent annual elections for president and directors, subject to the approval of the stockholders at their ensuing annual meeting.

President. Directors.

Sec. 4. That for the purpose of raising the capital stock of said company, it shall be lawful to open books for private subscription at such times and places, and under the direction of such persons, as the said corporators, or a majority of them, may appoint, and that said subscriptions to the capital stock may be made in money, lands, bonds, labor, material, and the stock of any railroad corporation lying within the route of said company, at such rates as may be agreed upon by said company. And the said railway company shall have power to mortgage its property and franchises, and to issue bonds on such terms and conditions, and for such uses and purposes of said corporation, as said company may deem necessary.

Books of subscription.

Subscriptions, how made.

Mortgage property.

Sec. 5. That in addition to the provisions contained in the previous section for private subscriptions, it shall be lawful for any county, township, city or town, interested in the construction of said railway, to subscribe to its capital stock such sum as a majority of their voters may authorize the county commissioners or the proper authorities of such city or town to subscribe, which subscriptions shall be made in six (6) per centum bonds, payable in such installments and at such times as the county commissioners, or the proper authorities of such city or town, may determine, and as hereinafter provided, and said bonds shall be of the denomination of one hundred ($100) dollars each, and shall be received by said company at par.

Subscription by counties, &c.

Sec. 6. That for the purpose of determining the amount of said subscriptions it shall be the duty of the county commissioners of the counties of Gaston, Lincoln, Caldwell, Catawba and Watauga, or either of them, upon the written application or petition of three hundred voters in any of the said counties, or of fifty (50) voters in any township in any of said counties, specifying the amount to be subscribed therein, to submit to the qualified voters of such county or township the question of "subscription" or "no subscription" to the capital stock of said railway company; and they shall have power to order an elec-

Elections.

Petition.

tion specifying the time, place and purpose of said election, and to appoint three judges of election at each election precinct in said county or township, who shall, without compensation, hold and conduct said election; at which election the ballot shall have written or printed thereon either the word "subscription" or "no subscription," the said county commissioners having first, by resolution of their board, fixed the amount proposed to be subscribed and the terms and conditions of said subscription, in accordance with the petition submitted to them, and given notice of said election, in a newspaper published in the county in which the same is to be held, for forty days previous to said election. And the proper corporate authorities of any city or town in any of the said counties through which said railway passes, upon a like petition of fifty voters in such city or town, shall, in like manner, and after like notice, submit the question of "subscription" or "no subscription" to the capital stock of said company, to the qualified electors in said city or town, and declare the result as hereinafter directed in the cases of county or township election.

Ballots.

Notice.

Returns of election.

Sec. 7. It shall be the duty of judges of election to make returns, and to meet at their respective court-houses or council chambers, as the case may be, and count the votes and declare the result, as in other elections, which result shall be certified in writing by the chairman of each board of judges or canvassers of election to the chairman of the board of county commissioners, or to the city or town council, as the case may be.

Majority of ballots cast to authorize subscription.

Sec. 8. If a majority of the ballots cast at such election shall be "for subscription," then the chairman of the board of county commissioners, in all cases of county or township election, shall be authorized and required to subscribe to the capital stock of said company, in behalf of said county or township, the sum which may have been fixed and named in the resolution of said board and notice of election and published as aforesaid, which subscription shall be made in six (6) per cent. bonds as aforesaid, with interest payable annually; and if a majority of the ballots cast in any city or town election, as herein prescribed, shall be for subscription, in like manner the proper authorities of such city or town are authorized and required to subscribe, in behalf of such city or town, as hereinbefore provided.

Subscription, how made.

Special tax to pay interest.

Sec. 9. That for the payment of the interest on said bonds, and to provide a fund to pay or retire the principal thereof, according to the terms and conditions of said subscription, the said county commissioners and the said proper authorities of said city or town, as the case may be, are hereby authorized and

empowered to levy and assess, annually, upon the taxable property of such county, township, city or town, a tax of such per centum as may be necessary to pay the interest on said bonds and to pay or retire the principal thereof as aforesaid, which shall be known and styled in the tax-books as "railway tax," and shall be collected and paid out to the holders of said coupons or bonds, by the same officers and under the same regulations as are now provided by law for the collection of taxes and the disbursement of the public funds in the said county, township, city or town, respectively, so subscribing.

Collection of special tax.

Sec. 10. That said railway company shall have every right, privilege and power necessary for the purpose of acquiring, by condemnation proceeding or otherwise, such land or right of way as it may need for the location and construction of said railway, or for the erection and location of depots, station-houses, warehouses and other necessary establishments, or for extending or altering the same, as is given to any other railway company in this state; and the said railway company shall have the benefit of every process or proceeding, and every right and power, and shall be subject to all the restrictions provided and imposed in the general railroad law of this state.

Condemnation of land.

Sec. 11. That said railway company, upon its organization as hereinbefore provided, may begin the construction and operation of its railway at any one or more points along its said route, according as its president and board of directors may determine.

When construction to begin.

Sec. 12. That this act shall be a public act, and shall take effect on and after its passage: *Provided*, that this charter shall cease and determine unless said railway shall be commenced within a period of five years from the first of March, eighteen hundred and ninety-five (1895).

Deemed a public act.

Forfeiture for non-use.

Sec. 13. This act shall be in force from and after its ratification.

Ratified the 11th day of March, A. D. 1895.

CHAPTER 191.

An act to amend the charter of the city of Statesville.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and thirty-three (133) of the private laws of eighteen hundred and ninety-three (1893), the same being "an act to amend the charter of the city of Statesville," be amended as follows: Strike out all after the

Chap. 133, private laws 1893 (as to charter of Statesville), amended.

Corporate limits.

words "Tennessee and Ohio railroad," in the thirteenth (13th) line of section one of said act, and insert in lieu thereof, "thence northeast side of the Atlantic, Tennessee and Ohio railroad, one hundred and twenty-eight (128) poles, to a stake on the east side of said railroad where Durham avenue of the Statesville Development Company intersects said railroad; thence, with the north side of Durham avenue, ninety-two (92) poles, to a stake in the present corporation line, on the north side of Fourth street of the Development Company's property."

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

Ratified the 11th day of March, A. D. 1895.

CHAPTER 192.

An act to amend chapter forty-eight (48) of the private laws eighteen hundred and seventy-six and eighteen hundred and seventy-seven.

Whereas, by reason of deaths and removals, the Wentworth male academy is without a quorum of trustees; now, therefore,

The General Assembly of North Carolina do enact:

Chap. 48, private laws 1876-7 (charter of Wentworth male academy).

Section 1. That section one, chapter forty-eight (48), of the private laws of one thousand eight hundred and seventy-six and seven (1876-7), be, and the same is hereby, amended, by striking out the names in lines one, two and three thereof, and inserting in lieu thereof the following: A. J. Whitemore, Samuel Ellington, Thos. S. Malloy, R. D. Reid, John G. Mitchell, Thomas E. Morphis and J. A. Hancock.

New incorporators.

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 11th day of March, A. D. 1895.

CHAPTER 193.

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

The General Assembly of North Carolina do enact:

Chapter 361, private laws 1893, (as to Thomasville, Silver Valley & Pee Dee R. R.), re-enacted.

Section 1. That chapter three hundred and sixty-one, private laws of eighteen hundred and ninety-three, ratified the sixth day of March, A. D. 1893, with the several amendments referred to therein, be, and the same are hereby, re-enacted.

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

Ratified the 11th day of March, A. D. 1895.

CHAPTER 194.

An act to change the name of "The Great Falls Water Power, Manufacturing and Improvement Company" to "Roanoke Rapids Power Company."

The General Assembly of North Carolina do enact:

Chapter 2, private laws 1891, amended.

Section 1. That chapter two, private laws of eighteen hundred and ninety-one, be amended by striking out the words, "The Great Falls Water Power, Manufacturing and Improvement Company," wherever they occur in said chapter, and in their place insert the words "Roanoke Rapids Power Company;" and that the said, "The Great Falls Water Power, Manufacturing and Improvement Company" be hereafter as "Roanoke Rapids Power Company."

Name changed.

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 11th day of March, A. D. 1895.

CHAPTER 195.

An act for the relief of G. E. Petty, for services rendered as teacher of public school district number thirty-eight (38), white race, Robeson county.

Preamble.

Whereas, A public school has been taught in district number thirty-eight (38), white race, in the county of Robeson; and,

Whereas, The superintendent of public instruction in Robeson county has refused to sign his approval to an order, given by the school committee of said district, for the payment of one hundred dollars ($100.00) to the teacher, G. E. Petty, employed in said district, upon the ground that the school was taught before said teacher, G. E. Petty, was examined by said superintendent of public instruction of Robeson; and,

Whereas, A first grade certificate was granted said teacher, G. E. Petty, December thirteenth, eighteen hundred and ninety-four, before the expiration of said school; and,

Whereas, Great injustice is done to the said G. E. Petty, and the people of said school; therefore,

The General Assembly of North Carolina do enact:

G. E. Petty to be paid $100.

Section 1. That the treasurer of Robeson county be, and he is hereby, directed to pay the order given said teacher, G. E. Petty, by the school committee of the aforesaid district number thirty-eight for one hundred dollars ($100.00). That this money shall be paid out of the money due district number thirty-eight, notwithstanding the fact that said order has not been approved by said superintendent of public instruction of Robeson county.

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

Ratified the 11th day of March, A. D. 1895.

CHAPTER 196.

An act to incorporate French Broad Railway Company.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That John H. Seed, Albert B. Schofield, G. M. Roberts, W. W. Rollins, P. A. Cummings, George S. Powell, C. E. Graham, J. S. Rhodes, George W. Wilson, Charles A. Draper, William I. Henley and J. E. Rankin, their successors and

Body politic.

assigns, be, and they are hereby, created a body politic and

Corporate name.

corporate, by the name and style of French Broad Railway Company, and as such shall exist and have succession for

ninety-nine years, and be capable, in their corporate name, to sue and be sued, appear, prosecute and defend to final judgment and execution, in any courts, or elsewhere; to have a common seal, which they may alter at pleasure; to elect, in such manner as they shall determine to be proper, all necessary officers, and 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; and, *Provided, further*, that nothing in this act contained shall authorize the location or construction of any railroad upon any land on the east bank of the French Broad river for the distance of one mile eastwardly from the said river, from a point on the east bank opposite the mouth of Bent Creek to the mouth of Swannanoa river.

Corporate existence.
Corporate powers.
Officers.
By-laws.
Proviso.

Sec. 2. That this company be, and it is hereby, authorized to construct, maintain and operate a railway from a connection with the track of the Asheville and Spartanburg railroad, at or near either Fletcher, in Henderson county, or Arden, in Buncombe county, North Carolina, by way of Brevard, in Transylvania county, and thence in a southerly direction to any practicable crossing of the Blue Ridge mountains on the South Carolina state line; and authority is also hereby granted for a further extension of said railway from a point at or near the city of Asheville, passing through Buncombe, Madison, Yancey and Mitchell counties, or either of said counties, to the Tennessee state line, or to a connection with any existing line in said state: *Provided*, that if said company shall prefer, its starting point in the direction of South Carolina may be from the city of Asheville, or any other point in Buncombe county, on either the said Asheville and Spartanburg railroad, or the Western North Carolina railroad, now called the Southern Railway.

Construct, &c., railway.
Location.
Proviso.

Sec. 3. That the capital stock of said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each, with the privilege of increasing the same, under such regulations as the by-laws may prescribe, to such an amount as may be found necessary to carry out the purposes of this act; and the corporators named in this act, at any time after the ratification thereof, may open books of subscription, at such times and places as a majority of them shall deem proper, and receive subscriptions to the capital stock of this company; and the same may be made in money, bonds, land, material or work, at such rates as may be agreed upon with said company: *Provided*, that when the sum of ten thousand dollars shall have been subscribed to the capital stock of said

Capital stock.
Books of subscription.
Proviso.

company, the said corporators, or a majority of them, shall, at any time thereafter, appoint a time and place for a meeting of the stockholders, at which said stockholders may proceed to the organization of said company by the election of a president, and board of directors consisting of not less than five nor more than nine, who shall hold their office for one year, or until their successors are elected and qualified.

Counties, &c., may subscribe.

Sec. 4. That in addition to the provisions contained in the preceding section for private subscriptions, it shall and may be lawful for any city, town or township, interested in the construction of said road, to subscribe to its capital stock such sum as a majority of the qualified voters thereof may authorize the county commisssioners or proper corporate authorities of such city or town to subscribe, which subscription shall be made in coupon bonds, bearing such rate of interest, not exceeding six per centum per annum, as may be named in the subscription, to be received by said company at not less than par, and to run for such times, not exceeding thirty years, and to be of such denominations, as may be fixed by the authorities subscribing the same.

Bonds.

Elections.

Sec. 5. That for the purpose of determining such subscriptions, the board of county commissioners of each of the counties through which the line of said railway company may run, upon a written application of one-fifth of the qualified voters in said township or townships proposing to make such subscriptions, specifying the amount to be subscribed, shall submit to the qualified electors of such township or townships in their respective counties, as the case may be, the question of "subscription" or "no subscription" to the capital stock of said company; and they shall order an election to be held by the sheriff in said townships proposing to subscribe, specifying the purpose thereof, under the same laws and regulations as are prescribed for the election of members of the general assembly; at which election the ballots shall have written or printed thereon the words "subscription" or "no subscription", the said board of county commissioners having first, by resolution, fixed the amount proposed to be subscribed, according to the request of the petitions submitted to them, notice of which resolution shall be given by the chairman of the board, in one or more of the newspapers published in the county for which he shall act, or, if there be no newspaper published in the county, in some newspaper published in the state, for forty days next previous to the election; and the proper corporate authorities of any city or town, or of any counties, upon the written petition of a like proportion of their qualified electors,

Notice.

shall, in like manner and with like notice, submit the question to the qualified electors in said city or town, and declare the result, as herein directed.

Returns.

Sec. 6. That upon such election being held, the judges thereof shall make returns and meet at their respective court-houses, as the case may be, and count the votes and declare the result of the election, which result, in the townships respectively voting, shall be certified in writing by the judges of election to the chairman of the board of commissioners, or to the city and town authorities, as the case may be.

When counties, &c., to subscribe.

Sec. 7. In case the majority of the ballots cast shall have written or printed thereon "subscription," then the chairman of the board of county commissioners in all cases of township elections, and the corporate authorities of any city or town, in case of elections in cities or towns, shall be authorized and required to subscribe to the capital stock of said company in behalf of such township, city or town, respectively, the sum which may have been fixed and named in the resolution of said board, or other corporate authority, published as aforesaid, which subscription shall be made in bonds, as aforesaid, with interest payable semi-annually: *Provided*, that a majority of the qualified voters in such city, town or township shall have voted in favor of such subscription. But in all subscriptions made under the direction of a township election, as authorized by this act, it shall be so expressed in the bonds and coupons issued in payment of such subscription, under the provisions of section four of this act; and all tax levies for the purpose of raising funds to pay said bonds or coupons shall be made upon taxable property and polls in such township; and if a majority of the ballots cast in any city or town election shall be for "subscription," the proper corporate authority of such city or town is authorized and required to subscribe in behalf of such city or town, in like manner and to like extent as the county commissioners, as herein required in all cases of township subscriptions. And any county through which said road may run shall have power, through its board of commissioners, to subscribe stock to this company for the purpose of aiding in the completion of its road, upon the terms and conditions, and in the manner, prescribed in sections nineteen hundred and ninety-seven, nineteen hundred and ninety-eight and nineteen hundred and ninety-nine of volume one of The Code of North Carolina.

Proviso.

Majority of qualified voters must favor subscription.

Special tax to pay interest, &c.

Sec. 8. That for the payment of the interest on such bonds, the corporate authorities of any city or town so subscribing, as aforesaid, and the county commissioners of any county in which

a township has subscribed, as aforesaid, shall levy an annual tax upon the taxable property and polls of such city, town or township, sufficient to pay the said interest, which said tax shall be collected in the manner in which other city, town or county taxes are collected in any city, town or county, and the treasurer of any such city or town, or other officer having the disbursement of taxes in such corporations, and the county treasurer of any such county, is hereby authorized to pay all coupons of bonds, issued under this act, falling due in the year when said taxes are collected, from the proceeds of said taxes, upon presentation to him of such coupons.

Real estate.

Sec. 9. That at any time after its organization, said company may purchase or receive title to any land, houses, tenements or rights of way, or other property necessary for the construction of its line or lines, or any of its offices, stations or works; but in case the same cannot be purchased from the owner or owners thereof, it shall have the same powers to condemn all such lands, belonging to individuals or corporations, as may be needed for said purposes, as were granted to and conferred upon the North Carolina Railroad Company by their act of incorporation, and shall proceed to condemn said lands in the same manner, and to the same extent, under the like rules, restrictions and conditions as are prescribed in the charter of such company; and in the absence of any contract, or contracts, in relation to lands through which said road may pass, it shall be presumed that the land over which said road may be constructed, together with fifty feet on each side thereof, has been granted by the owner, or owners, to the company, and the said company shall have good right and title thereto, and shall have, hold and enjoy the same as long as it shall be used for the purposes of said road, unless the owner, or owners, shall apply for an assessment of the value thereof, as hereinbefore directed, two years next after that part of said road has been surveyed and determined on as the location of the line of said road; and in case the owner, or owners, within two years from the time aforesaid, shall not make such application, he, she or they shall be forever barred from recovering the same, or having an assessment or compensation therefor.

Condemnation.

Subscriptions heretofore authorized by certain townships declared binding, &c.

Sec. 10. That, whereas, it is understood that one or more townships in Transylvania and Henderson counties, and Transylvania county itself, recently held an election, by which the proper authorities thereof were authorized to subscribe a certain sum of money to such railroad company as might first construct a road through or into the township or townships, or county aforesaid, or to certain points named therein; now,

therefore, it shall be lawful for the board of commissioners of said counties, respectively, in their discretion, under authority of any election held, as aforesaid, in said counties, or in any township, or townships thereof, to subscribe the amount authorized by said counties or townships, respectively, to the company chartered by this act, and such subscription shall be to all intents and purposes as lawful and binding as if the proposition to subscribe stock to this company had been originally submitted, instead of the submission in the terms on which the same was voted by said township or townships and county aforesaid.

May borrow money.

Sec. 11. That this company shall have power to borrow money, and to secure the same by issuing mortgage bonds on franchises and property, or such other forms of security as it may deem advisable, under such rules and regulations as may be prescribed by the by-laws.

How secured.

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

Ratified the 9th day of March, A. D. 1895.

CHAPTER 197.

An act to incorporate the town of Peachland, in Anson county.

The General Assembly of North Carolina do enact:

Incorporated.

Section 1. That the town of Peachland, in Anson county, be, and the same is hereby, incorporated by the name and style of Peachland, and shall have and be entitled to all the rights and privileges, and be subject to the restrictions and liabilities as is now provided by law for incorporated towns and cities in this state.

Corporate name.

Corporate powers.

Corporate limits.

Sec. 2. That the corporate limits of said town shall be as follows: Beginning at a stake at the northeast corner of the Carolina and Central depot in said town, and extending one-half mile in each direction, north, south, east and west, so as to form a square.

First election.

Annual election.

Sec. 3. That an election for mayor and five commissioners for said town shall be held on the first Monday in May, one thousand eight hundred and ninety-five, and annually thereafter, under the same rules and regulations prescribed by law for holding municipal elections in this state.

Officers.

Sec. 4. That the officers of said corporation shall consist of a mayor and five commissioners, and the following persons shall fill said offices until the first Monday in May, one thousand eight hundred and ninety-five, and until their successors are elected and qualified, viz.: mayor, Vernon Allen; commissioners, C. B. Moore, Dr. D. C. Gathins, W. H. Biddle, D. A. Maness and W. H. Griffin, who shall take the oath of office, within thirty days after the ratification of this act, before some justice of the peace of Anson county, or other officer qualified to administer oaths.

Temporary officers.

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

Ratified the 9th day of March, A. D. 1895.

CHAPTER 198.

An act for the relief of Kirby R. Pope, a disabled Confederate soldier, of Anson county.

The General Assembly of North Carolina do enact:

2nd class pensioner.

Section 1. That Kirby R. Pope, a disabled Confederate soldier, of Anson county, be placed on the pension roll as a second class pensioner.

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

Ratified the 9th day of March, A. D. 1895.

CHAPTER 199.

An act to incorporate the Southport and Western railroad company.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That W. Aug. Ray, F. B. Ullery, Eben Brewer, J. P. Neal, Chas. P. Mattocks, James B. Peabody, Daniel T. Helm, James B. Wayman, George A. Philbrick, S. H. Stevens, H. H. Tebbetts, C. C. Roberts, H. H. McDuffie, A. Morrill, N. B. Stevens, Enoch B. Stevens, William H. Pyke, W. G. Curtis, J. J. Adkins, M. C. Guthrie, W. A. Rourk, Samuel P. Swain, William Weeks, A. E. Stevens, J. A. Pullan, David Ward, Valentine Smith, Wilson McKeithan, John H. Mints, W. S. Milliken, S. K.

Mints, George K. Andrews, John B. Gause, William S. Stone, and such other persons as may become associated with them as stockholders, and their successors, be created a body politic and corporate under the name of "The Southport and Western Railroad Company," and shall have the right to sue and be sued, to have a common seal, to purchase or acquire, for the necessary purposes of the company, by gift or devise, estate, real, personal or mixed, and to hold, lease or sell the same as the interest of said company may require; and shall make and exercise all such by-laws and regulations for its government as may be necessary or expedient for that purpose, not inconsistent with the constitution of the state or with the United States, and shall have all the rights and enjoy all the privileges and immunities possessed and enjoyed by any other railroad company under the laws of North Carolina: *Provided*, that this section shall not be construed to exempt the property of said corporation from being taxed.

Body politic.

Corporate name.

Corporate powers.

Sec. 2. That said company shall have power to construct, operate and maintain a railroad or railroads of one or more tracks, of any gauge whatsoever, from some point in or near the city of Southport, and on the Cape Fear river, in Brunswick county, through any of the counties of this state, to the boundary line between the states of North and South Carolina.

Construct, &c., railroads.

Location.

Sec. 3. That the capital stock of said company shall be five hundred thousand ($500,000) dollars, divided into shares of the par value of one hundred ($100) dollars each, which may be increased at any time, by a two-third vote of the shares of stock then issued, to such an amount as will not exceed twelve thousand ($12,000) dollars per mile for each mile of its constructed railroad track. That not exceeding one-half of the capital stock of said company may be preferred stock, issued under such regulations, and upon such terms, as may be provided, with dividends, to be first paid to said stock out of the earnings of said railroad, of six per centum per annum.

Capital stock.

Increase.

Preferred stock.

Sec. 4. That books of subscription may be opened by said corporators or by the directors, at such times and places, and under such rules and regulations, as a majority may determine, and the said corporators, or a majority of them, may, at any time after the sum of ten thousand ($10,000) dollars has been subscribed to the capital stock of said railroad company, and five per centum cash paid thereon, have power to call together the subscribers to said shares of stock, for the purpose of completing the organization of said company.

Books of subscription.

Organization.

Sec. 5. That the president shall, under the direction of the board of directors, issue certificates of stock to the stockholders,

Stock, how issued, &c.

which shall be transferable in such manner as may be prescribed by the by-laws of the company.

May borrow money.

Sec. 6. That the said company shall be authorized to borrow money for the construction and operation of said railroad, and for the purpose of this act, and to issue coupon or regular bonds for the amount so borrowed, and to mortgage said road, and the other property of said company, to secure the payment of said bonds, principal and interest.

Corporate powers as to other roads.

Sec. 7. That the said railroad company shall have the power to cross the tracks of other railroads, and to connect with any railroad now or hereafter chartered, and to lay down and to use tracks through any town or city, by and with the consent of the corporate authorities of said town or city, upon such terms as they may prescribe.

Branch roads.

Sec. 8. That the said railroad company shall have power to build branches to the main stem, in any direction, not exceeding fifty miles in length, and may build, purchase and hold, charter or connect with such ocean steamers or vessels, river steamers, vessels or boats, as may be desired to run and use from or to the terminal point, or on any water course, in connection with the road to be constructed by this company.

Counties, &c., authorized to subscribe, &c.

Sec. 9. That any county, city, town or township, through any portion of which said railroad may pass, or along or near its line, or at any terminal point thereof, or at or near the line of its extensions, its branches, lateral or connecting roads, or at their terminal points, may make a donation to the said company, in money or its equivalent in real or personal property, or a subscription to its capital stock: *Provided*, that after notice given and an election held, as hereinafter provided, a majority of the qualified voters of the county, city, town or township, wherein the election is held, shall vote for the donation, or subscription, which shall be submitted to their vote for acceptance or rejection.

Elections as to subscriptions.

Sec. 10. That upon the written application of one-fifth of the qualified voters, asking from any county, city, town or township, any contribution, donation or subscription to its capital stock, said application stating the amount of donation or subscription asked, the terms and conditions of the same, the county commissioners of such county, or proper authorities of such city, town or township, shall appoint a day, and order an election to be held thereon, in such county, township, city or town, in the manner prescribed by law for holding other elections, at which said election, the legally qualified voters shall be entitled to vote for or against such subscription or donation. Said election to be held at the usual voting places, after thirty

days' notice, specifying the amount of subscription or donation to be voted for, and to what company it is proposed to donate or subscribe, which notice shall be printed in some newspaper, if any there be published in said county, city, town or township, and by posting the same in three or more conspicuous places therein; such election shall be held by persons appointed in the manner that persons are appointed for holding other elections in said county, township, city or town, and the returns thereof shall be made and the results declared and certified as prescribed by law in such other elections; and such results so certified shall be filed with the register of deeds in such county, city or town, and shall be taken as evidence of the, in any court in the state. Notice of election. How held, &c.

Sec. 11. That if the result of said election shall show that the majority of the qualified voters of said county, township, city or town favor said donation or subscription to the capital stock of said railroad to the amount voted for in such election, then the said county commissioners, or the proper authorities of said city or town, shall immediately make such subscription to the capital stock of said railroad, payable in cash, or the bonds authorized to be issued under this act, as may be agreed upon; and appoint a board of trustees, consisting of not less than three resident taxpayers of the county, township, city or town so voting, who shall issue the bonds of said county, township, city or town to the amount so voted for at said election, in such sums and denominations, and running for such length of time, as may be determined on by said county commissioners or proper authorities of said city, town, county or township, bearing interest at the rate of six per centum per annum, said interest to be payable semi-annually, and evidenced by coupons on said bonds; and said trustees shall deliver said bonds so issued, or pay in cash, as may be agreed, to said "Southport and Western Railroad Company," upon receiving therefor, for the use and benefit of said county, township, city, or town, proper certificates of stock in said "Southport and Western Railroad Company" to the amount of subscription so voted as aforesaid. Majority of qualified voters. Bonds.

Sec. 12. That to provide for the interest on said bonds, and their redemption at maturity, the county commissioners or proper authorities of any county, city, town or township shall, in addition to other taxes, each year compute and levy on all property and polls of any such county, township, city or town, a sufficient tax to pay such interest, and after ten years a tax sufficient to provide each year for the interest on said subscription bonds, and a sum equal to one-twentieth of the principal thereof for a sinking fund; the sum levied and collected for said sinking fund to be paid over to the county treasurer, or other officer of said Special tax to pay interest, &c. Increase of tax to pay bonds. Sinking fund.

county, city or town, authorized by law to perform the duties of treasurer or commissioner of sinking fund, and by him invested in said bonds, and the amount of interest maturing on such bonds shall be collected and likewise invested; all said bonds when purchased, also all interest on coupons attached, shall be stamped "Sinking Fund" on face of same; but in case said treasurer, or other officer, shall be unable to invest the sinking funds, herein provided for, in said bonds at or below their par value, he shall invest the same in such solvent bonds or securities as may be selected and approved by the board of county commissioners aforesaid, or proper authorities of any city or town.

Sinking fund.

Money, how invested.

Disposition of taxes.

Sec. 13. That all taxes which shall be levied upon and collected from said railroad company by any county, city, town or township under the general revenue acts, as from other citizens and property, upon any real or personal property belonging to said corporation, and situated within said county, city, town or township, shall be set aside as a distinct fund and applied exclusively by the proper authorities thereof, if said county, city, town or township shall have subscribed to the capital stock of said company and issued bonds in payment therefor, to the liquidation and payment of the interest accruing on said bonds issued on account of such subscription, so long as said bonds shall be outstanding and remaining unpaid. If the said tax so levied upon said company should be insufficient to pay the interest upon the said subscription bonds, then the difference shall be paid out of the tax to be levied and collected and provided in section twelve of this act; but if in any year the tax paid by said company should be more than the sum required to pay the said interest for that year, then the surplus may be applied to the general purposes of said county, city, town or township.

If tax insufficient.

May connect with other roads.

Sec. 14. That the said company, after it shall have been organized, shall have the power to connect with any railroad company that has been already organized, or that may hereafter be organized, or to sell or lease any part or the whole of its main line, or branches thereof, to any other railroad company, and if a portion, or the whole, of either of said lines shall be sold to any other company, then the company purchasing shall take the line so purchased, with all the franchises therein granted as appurtenant, and manage the said line under its own corporate name.

Freight and passengers.

Sec. 15. That the said company shall have exclusive right to carry and transport freight and passengers over and along said road, and upon vessels and boats run in connection with the

same, at such rates as said company shall prescribe, subject to such general laws regulating the same as the general assembly may, from time to time, establish.

Condemnation of land.

Sec. 16. That whenever any land is required for the construction of said road, or any of its branches or portions of the same, for right of way, passenger stations, freight houses, water-tanks, sidings, workshops, warehouses, dock or pier, or for other purposes, and the company and owners cannot agree, or for any cause it is impracticable to fix the consideration to be paid therefor, the said railroad company may have the same condemned to its use, as is provided in The Code and general statutes of the state for the condemnation of lands for railroad and public purposes.

Title to public lands within 50 feet of said road to be vested in said company.

Sec. 17. That the title to all lands, not heretofore granted by the state to any person, and lying within fifty feet of the central line of the right of way of said main road, or of any of said branches, shall rest in said company, when and so soon as the line of said road or branch is definitely located on and through said land, and any grant of said land thereafter, so long as it may be occupied by said road or branch, shall be void.

Telegraph and telephone lines.

Sec. 18. That the said company is empowered to construct and operate a telegraph or telephone line upon any part of its route.

Forfeiture for non-use.

Sec. 19. That if work is not begun within two years from the ratification of this act, then this charter is to become void, otherwise to remain in full force and effect for a period of ninety-nine (99) years.

Corporate existence.

Conflicting laws repealed.

Sec. 20. That all laws, and clauses of laws, in conflict with this act are hereby repealed.

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

Ratified the 9th day of March, A. D. 1895.

CHAPTER 200.

An act to incorporate the Sapona Mills.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That Iredell Meares, Walter McRae, W. A. Williams, E. S. Tennent, Walter L. Hobb, Thomas Meares, their associates and successors, be, and they are, constituted a body politic and corporate under the name of the "Sapona Cotton Mills," and by that name may sue and be sued, plead and be impleaded, con-

Body politic.
Corporate name.
Corporate powers.

By-laws. Seal.

tract 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 purpose of its business, and enjoy all franchises and privileges incident to business corporations of this state.

Capital stock. Increase.

Sec. 2. That the capital stock of said company shall be three hundred thousand dollars ($300,000), divided into shares of one hundred dollars ($100) 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 five thousand ($5,000) dollars shall have been subscribed to the capital stock, it shall be the duty of the incorporators, or any 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 adopted.

Operate, &c., mills.

Sec. 4. Said corporation shall have the power to contract, operate and maintain mills for the manufacture of all kinds of yarns and cloths, bleached and unbleached, dyed and undyed, and all the products of cotton, hemp or wools, to build and operate dye-houses, machine-shops, and merchandise stores for buying and selling all kinds of merchandise; and do, or cause to be done, all things advantageous and incidental to the conduct and operation of the business of manufacturing, buying and selling of cotton, wool or hemp, or other material which may enter into the manufacture of threads, yarns, carpets and cloths, of whatsoever kind and description.

Real estate.

Sec. 5. Said corporation shall have power to hold, purchase, mortgage, lease and convey any and all real or personal property, which it may acquire by purchase, or otherwise, in connection with its business, or for other purposes.

Certificates of stock. Bonds.

Sec. 6. Said corporation shall have power to issue certificates of stock, in such form and under such regulations 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 principal 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

Deeds of trust to secure bonds.

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 said corporation, embrac-

ing all the present property designated in said authority, and such as may be afterwards acquired in connection therewith.

Contracts.

Sec. 7. That said corporation shall have the power to contract with any person or corporation for material or labor, or for other service, or for the purchase of lands, in the construction, operation and maintenance of its manufacturing plant or plants, or business; and to pay therefor in its stocks or bonds, at such prices therefor as the contracting parties may agree upon; and the directors of said corporation may, in their discretion, by and with the consent of a majority of the then existing stockholders, voting by shares, contract with any individual or corporation, build, construct and complete its manufacturing plant or plants, and to pay therefor by an issue of its stocks and bonds, either or both, and if by bonds, to secure the same as hereinbefore authorized.

Stockholders not individually liable.

Sec. 8. 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.

Place of business.

Sec. 9. That the principal place of business of said corporation shall be Wilmington, North Carolina, but the same may be changed by any other place in this state, by and with the consent of two-thirds of the stockholders thereof, voting by shares at the time the place of business shall be changed.

Corporate existence.

Sec. 10. That the period of time for which the said corporation may exist shall be sixty (60) years.

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

Ratified the 9th day of March, A. D. 1895.

CHAPTER 201.

An act to incorporate the Blue Ridge Conference of the Methodist Episcopal church.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That Randolf S. Foster, W. Q. A. Graham, Adolphus Graybeal, J. S. Burnett and J. H. Gillespie, their associates, successors and assigns, are hereby declared a body politic and corporate, under the name and style of the "Blue Ridge Conference of the Methodist Episcopal Church of the state of North Carolina," and under that name, style and title, they shall have power to sue and be sued, shall have a corpor-

Name of.

Corporate powers.

ate seal, and have all other rights, powers, privileges and powers incident to corporations, as conferred by the laws of North Carolina.

Election of officers.

Terms of office and duties.

Object of corporation.

Sec. 2. That, immediately upon the passage of this act, said corporation shall organize by electing such officers as they may deem fit, prescribe their terms of office and duties, establish such rules and by-laws for the regulation of said corporation as they deem best, and having for their object the promotion of the cause of religion.

Ratification.

Sec. 3. This act shall be in force from its ratification.

Ratified the 11th day of March, A. D. 1895.

CHAPTER 202.

An act to incorporate the town of South Gaston, Halifax county, North Carolina.

The General Assembly of North Carolina do enact:

Name of town.

Where situated.

Privileges and powers.

Section 1. That the town of South Gaston, lying on the south side of Roanoke river, in Halifax county, in Littleton township, about midway between Weldon and Littleton, being twelve miles from the former place, is hereby incorporated, to be known as "South Gaston," with the privileges and powers granted to towns in chapter sixty-two (62), volume two, of The Code of North Carolina, "The government of towns."

Boundaries.

Sec. 2. That the boundaries of said town be as follows: with the ferry-landing as the starting point, to include a radius of half a mile, the adjacent land-owners having given their permission.

Officers.

Sec. 3. That the officers be as follows: for mayor, Ashley Wilkins; commissioners, Granville Mays, J. D. Stanley, William Baker, Luther R. Christer and John Shehorne.

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

Ratified the 11th day of March, A. D. 1895.

CHAPTER 203.

An act to repeal chapter one hundred and thirty-five of the private laws of eighteen hundred and ninety-one.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and thirty-five of the private laws of eighteen hundred and ninety-one, in so far as the same relates to bonds of the city of Asheville, be, and the same is, except as to the bonds heretofore duly issued and sold under the provisions thereof, and as to all work and things done and all rights and liens acquired thereunder, hereby repealed; and no bonds thereby provided for, which have not already been duly sold as therein allowed, shall be issued or sold; but all such bonds which have been prepared and not so sold, with all coupons upon the same, shall be destroyed by the board of aldermen of said city, immediately upon the ratification of this act. Chap. 135, private laws 1891, repealed. To what extent. What excepted.

Sec. 2. All liens for street or sidewalk assessments acquired under the provisions of said act shall be enforced, and all such assessments shall be paid and collected as in said act provided, except that the same shall be paid and collected in twenty equal annual installments from and after the date from which the installments of such assessments, in said act provided for, are herein directed to run; but this shall not prohibit any person from paying any part of any such installment in full, at any time before its maturity; and in case of any failure to pay any installment of any such assessment, as herein provided, for thirty days after such installment becomes due, the entire assessment of which such installment is a part, shall at once mature and become due, and its collection shall be enforced as in said act provided. What liens in force. How satisfied. Installments may be paid before maturity. Any installment not paid.

Sec. 3. All laws, and parts of laws, in conflict with this act are hereby repealed. Conflicting laws repealed.

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

Ratified the 11th day of March, A. D. 1895.

CHAPTER 204.

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

The General Assembly of North Carolina do enact:

Section 1. That the charter of the town of Durham, as contained in chapter one hundred and ten (110), private laws of one thousand eight hundred and seventy-four and seventy-five Charter, act 1874-5, &c., amended.

Amendment.

(1874–5), and acts amendatory thereto, be, and the same is hereby, amended as follows, namely: by striking out in line eleven (11), section one (1), of said chapter one hundred and ten (110), the words "three hundred", and insert in lieu thereof the words "five hundred."

Sec. 11, private acts 1874–5, chap. 110, amended, by chap. 101, acts 1885, stricken out.

Substitute for.

Election.

Officers.

Term of office.

How elected.

Sec. 2. That section eleven (11), private acts of one thousand eight hundred and seventy-four and five (1874–5), chapter one hundred and ten (110), as amended by chapter one hundred and one (101), private acts of one thousand eight hundred and eighty-five (1885), be stricken out, and the following inserted in lien thereof: "That there shall, on the first Monday in May, one thousand eight hundred and ninety-five (1895), and on the first Monday in May biennially thereafter, be elected a mayor, a chief of police, a tax collector and seven (7) aldermen for said town, who shall hold their offices until their successors are qualified; the mayor, chief of police, tax collector and aldermen, to be elected by the qualified voters of the whole town."

"One" stricken out.

"Two" substituted.

Sec. 3. That in section six (6), of chapter one hundred and fifty-four (154), private acts of one thousand eight hundred and eighty-nine (1889), the word "year", in line seven (7), be stricken out and the words "term of two years" be inserted in lieu thereof, and in line ten of the same section strike out the word "year", and substitute therefor the words "term of two years."

"Commissioner" stricken out.

"Alderman" substituted.

Sec. 4. That wherever, in said charter, the words "commissioner" or "commissioners" occur, the same are hereby stricken out, and the words "alderman" or "aldermen" inserted in their stead.

"First Tuesday in May" stricken out.

"Of any year when an election is held" substituted.

In line 2, chap. 110, insert "of any year when an election ought regularly to be held."

Sec. 5. That in line three, of section twenty-four (24), chapter one hundred and ten (110), private acts of one thousand eight hundred and seventy-four and seventy-five (1874–75), after the words "first Tuesday in May" there be added the words "of any year when an election ought regularly to be held"; and that in line two, section twenty-five (25), of the said chapter one hundred and ten (110), there be inserted between the words "Monday in May" and "the electors" the words "of any year when an election ought regularly to be held."

If mayor absent, aldermen designate one of their own number to act in his stead.

Authority of mayor *pro tem.*

Sec. 6. That in the absence of the mayor from court on account of sickness, or any other cause, it shall be the duty of the board of aldermen to designate one of their own number to hold, *pro tempore*, the mayor's court of said town, and the said mayor *pro tempore* is hereby invested with all the power and authority conferred upon the mayor, by the charter of said town, to try and determine all actions arising within the jurisdiction of said mayor.

Sec. 35, chap. 110, private acts of

Sec. 7. That section thirty-five, chapter one hundred and

ten (110), private acts of one thousand eight hundred and seventy-four and seventy-five (1874-75), be stricken out, and the following inserted in lieu thereof: "That the board of aldermen shall, at their first meeting after election, appoint a clerk, a treasurer and a collector of taxes, who shall respectively hold their offices during the term of the aldermen, and until their successors are qualified, subject to be removed at any time, however, and others appointed in their stead, for misbehavior or neglect of the duties of their said offices; and at such time and meeting the aldermen shall elect a chief of the fire department, a chief of police, and one or more policemen or constables, who shall hold office during good behavior, and until removed for causes satisfactory to the board of aldermen. Before acting, each of said officers shall be sworn to the faithfull discharge of his duty, and shall execute bond, with justified securities, payable to the town of Durham, in such sum as the aldermen shall determine, conditioned for the faithful performance of the duties of said offices.

1874-5, stricken out.

Inserted in lieu.

Time of appointment.

Officers appointed.

Term of officers.

Cause of removal.

Chief fire department.

Other officers.

Terms of officers.

Officers sworn.

Execute bond.

In what sum.

Sec. 8. That section three, chapter sixty-one (61), private acts of one thousand eight hundred and ninety-three (1893), be, and the same is hereby, stricken out.

Sec. 3, chap. 61, private acts 1893, stricken out.

Sec. 9. That in section two, chapter sixty-one (61), private laws of one thousand eight hundred and ninety-three (1893), after sub-section twenty-one (21) there be added sub-section twenty-two (22), as follows: "Upon every horse-drover, selling horses at public auction, a tax not exceeding fifty dollars a month.

Addition to sec. 2, chap. 61, private laws 1893.

Sec. 10. That on and after May the fifteenth, one thousand eight hundred and ninety-five, no person shall hold more than one office in the municipal government, and a member of the school committee of the town of Durham is hereby declared to be an officer of the town for the purposes of this section.

Person entitled to hold one office.

Sec. 11. That no person shall have the right, in any proceeding before the mayor, to remove the same to any other court for trial, as is provided for the removal of causes from one justice of the peace to another in section nine hundred and seven of The Code; but in all cases parties shall have the right of appeal, as herein provided.

Removal of causes from mayor forbidden.

Appeal allowed.

Sec. 12. That the tax collector, whose election is herein provided for, shall be vested with the same power and authority in the collection of taxes that sheriffs have, and subject to the fines and penalties for failure, or for failure or neglect of duty, by this act imposed. He shall be charged with the sum appearing by the tax lists as due for town taxes. He shall be credited in settlement, as sheriffs are credited, with amounts in suit by

Tax collector has power of sheriff.

Subject to same fines and penalties.

Sums collector charged with.

With what credited.

List of insolvents to be spread on town minutes.

Forbids collector to retain more than $300.00 at one time.
Penalty for violation.
Time of settlement with collector.
Two aldermen to be present at collector's settlement.
Account reported.
Recorded.

Report, how impeachable.

Time when collector must settle.

Penalty.

Action to be brought in Durham superior court on bond.

Misdemeanor, when.

Fine or imprisonment.
Term of imprisonment.
Death of collector.
Sureties collect.

Same powers as collector.

Time allowed sureties to collect taxes.

appeal, all poll taxes and taxes on personal property certified by the clerk of the board of aldermen of the town, by order of the board of aldermen, to be insolvent and uncollectable, an itemized list of said amounts to be spread upon the minutes of the town. He shall, at no time, retain in his hands over three hundred dollars for a longer time than seven days, under a penalty of ten per centum per month to the town upon all sums so unlawfully retained. The board of aldermen, at the meeting in January of each year, shall appoint two or more of their number to be present and assist at the accounting and settlement, between the tax collector and the treasurer, of the taxes for the preceding year. The account so audited shall be reported to the board of aldermen, and, when approved by them, shall be recorded in the minute book of said board, and shall be *prima facie* evidence of their correctness, and impeachable only for fraud or specified error. In case the tax collector of the town of Durham shall fail, neglect or refuse to account with the town treasurer, or assistant committee as herein required, or to pay what may be rightfully found due on such account, on or before the fifteenth (15) of February of the next succeeding year after the taxes are levied, he shall forfeit and pay to the state, for the use of the town of Durham, a penalty of five hundred dollars. It shall be the duty of the mayor, upon the neglect, failure or refusal of said tax collector to account as aforesaid, to cause an action to be brought in the superior court of the county of Durham on the bond of the said tax collector, against him and his sureties, to recover the amount owing by him and the penalty aforesaid; if the tax collector shall fraudulently and corruptly fail to account as aforesaid, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine in the discretion of the court, or be imprisoned not less than three months nor more than twelve months. If any tax collector shall die during the time appointed for collecting taxes, then his sureties may collect them; and for that purpose shall have all the power and means for collecting the same from the taxpayers as the tax collector would have had, and shall be subject to all the remedies for collection and settlement of taxes, on their bonds, or otherwise, as might have been had against the tax collector if he had lived. The tax collector (and in case of his death the sureties) shall have six months, and no longer, from the day prescribed for his settlement of town taxes, February the fifteenth (15), as aforesaid, to finish the collection of all taxes, but the extension of time for collection shall not extend his time of settlement of town taxes as aforesaid. Said tax collector, before receiving the

tax list from the town clerk, shall give a bond, payable to the town of Durham, with justified securities, in such amount as the aldermen may determine, the amount of said bond not to be less than ten thousand dollars, nor more than double the amount of taxes for the preceding year. For his services said tax collector shall receive such compensation as the aldermen may fix, not to exceed one and one-half (1½) per centum of the taxes collected.

Collector gives bond before receiving list.

Pay of collector.

Sec. 13. That every owner of a lot, or person having as great an interest therein as a lease for three years, which shall front any street on which a sidewalk has been established, shall improve, curb, or repair, or pave, in such manner as the aldermen may direct, such sidewalk as far as it may extend along such lot, the expense of the same to be divided equally between the town and the owner or lessee of such lot; and on failure of said owner or lessee to do so within twenty days after notice by the chief of police to said owner or lessee, or if he be a non-resident of the county of Durham, to his agent, or if such non-resident have no agent in said county, or if personal notice cannot be served upon such owner or lessee or agent, then after publication of said notice by the chief of police for thirty days in some newspaper published in the town of Durham, calling on such owner or lessee to make such repairs, the aldermen may cause the same to be repaired, either with brick, stone, asphalt, cement, or gravel, at their discretion, and the expense shall be divided equally between such owner or lessee and the town; said repairs to be done under the directions of the street committee; said one-half of the expenses of such repairs shall be a lien upon the lot, and bear interest from the date of the completion of the said repairs, and if the same is not paid within six months, such lot may be sold to pay said expenses and costs, under the same rules, regulations, restrictions, rights of redemption and savings as are prescribed in said charter for the sale of land for unpaid taxes.

Owner of lot (or lessee for 3 years) facing street, required to improve sidewalk.

Expense for improvement to be divided.

Failure to improve after 20 days notice.

City may improve.

Expense.

How work done.

One-half expense a lien on lot.

If not paid in six months land to be sold under rules for unpaid taxes.

Sec. 14. That to section fifty-eight (58), private acts of one thousand eight hundred and seventy-four and seventy-five (1874-75), be added the following: They may purchase, for the use of the citizens of the town, one or more tracts of land, in or out of the municipality, to be used as a public park, and they may regulate and improve the same. They may also repair, or pave, or improve that part of West Main street which is outside the corporate limits, but between the same and Trinity Park.

Sec. 58, private acts 1874-5, amended.

West Main street improved.

Sec. 15. That section fourteen, chapter one hundred and ten, private acts one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, be stricken out

Sec. 14, chap. 110, private act, stricken out.

Substitute.

and the following inserted in lieu thereof: That the candidates for mayor, chief of police, and tax collector, shall be voted for in one box, on one ballot, written or printed, and the candidates for aldermen in another box, on one ballot, written or printed.

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

Ratified the 11th day of March, A. D. 1895.

CHAPTER 205.

An act to incorporate the United Baptist Institute.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That W. E. White, chairman; J. L. Gwaltney, secretary; J. A. White, Isaac Oxford, Isaac Russell, J. L. Davis, J. Walter Watts, L. P. Gwaltney, J. B. Pool, R. Z. Linney, Hosea Christopher, W. W. Geyder, E. C. Sloan, H. J. Burke, John G. Harrington, trustees, and their associates and successors, be, and they are hereby, declared to be a body politic and corporate

Purposes.

in law for educational purposes, under the name and style of the

Name.

United Baptist Institute, an institution of learning situated at

Where located.

the town of Taylorsville, in the county of Alexander, and state of North Carolina, and by that name may plead and be

Powers and duties.

impleaded, contract and be contracted with, to have and to hold the buildings and grounds, and all appurtenances thereto belonging, situated in said town of Taylorsville, and the title to which is now vested in said parties, as trustees, by virtue of a deed from James James to the trustees of the United Baptist Institute, of date of the thirteenth day of September, one thousand eight hundred and fifty-four (1854), and registered in the office of the register of deeds of Alexander county, in book

What property may hold.

"A," on page two hundred and twenty-one (221); to acquire by purchase, donation, or otherwise, real, personal and mixed pro-

For what purpose.

perty, for the purpose of maintaining and carrying on a school of high grade for the white race upon the premises aforesaid, and to make such by-laws and regulations, and rules of government for said institution, as they and their successors may deem best: *Provided*, that the institution may also be known as Taylorsville Collegiate Institute.

Power of faculty.

Sec. 2. That the faculty of said United Baptist Institute, by the advice and 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 same degrees in Wake Forest College.

Sec. 3. 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. Lands exempt from taxation.

Sec. 4. That it shall be unlawful for any person or persons, by sale, gift or otherwise, to deliver to any student of said institution any spirituous, vinous or malt liquors, in any quantity whatever, without the oral or written consent of the principal of such institution, or of some one authorized by him to give such permission. Unlawful to sell or give to students liquors without consent.

Sec. 5. That any one violating the provisions of the preceding section shall be guilty of a misdemeanor, and, upon conviction, shall be fined or imprisoned, or both, at the discretion of the court. Misdemeanor.

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

Ratified the 11th day of March, A. D. 1895.

CHAPTER 206.

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

The General Assembly of North Carolina do enact:

Section 1. That the inhabitants of the town of Warrenton 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 Board of Commissioners of Warrenton, 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 governments, welfare and improvements, all such estate as may be devised, bequeathed or conveyed to it, not exceeding in value one 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. Name. Property and rights. May hold property. Value of.

Sec. 2. That the corporate bondaries of the town of Warrenton shall be as follows: Beginning at a stone, on the north side of Franklin street, continued west (now Louisburg road) three-tenths of a mile from west side of Main street; thence north twenty-one and three-fourth degrees east five and three-fourth chains to a stone, on the north side of a new street or road, two Corporate limits.

hundred and twenty-six yards west of the Warrenton railroad; thence south eighty-nine and one-half degrees east twenty-eight chains, thirty links to a stone, on R. B. Boyd's land; thence south four and three-fourth degrees west ninety-four and one-half chains to a stone, seven chains, eighteen links south of the old southeast corner of the town, on Isaac Alston's land; thence north eighty-seven and one-fourth degrees west forty-four chains to a stone, six chains west of the southern extension of Main street, or the old Kemp Plummer road; thence north four and three-fourth degrees east forty-two and one-fourth chains to beginning. The area contained in this boundary is three hundred and eighty acres.

Number of acres.

Time of election.

By whom elected.

Officers.

Sec. 3. There shall annually, on the first Monday in May in each year, be elected, by the qualified voters of said town, a mayor and seven commissioners, who shall hold their offices until their successors shall have qualified.

Qualification of officers.

Sec. 4. That no person shall be entitled to vote for mayor or commissioners, nor shall any person be eligible as mayor or commissioners, or other officers, unless he shall be an elector of the state of North Carolina, and shall have resided, next preceding the day of his election, ninety days within the corporation.

Mayor appoints registrar 30 days before 1st Monday in May each year.

Registration book to be open 20 days.

Notice of registrar.

Place of registration books designated.

Sec. 5. That the mayor shall, thirty days before the first Monday in May, in each year, appoint a suitable person to act as registrar within the corporation of said town, and the registration books shall be open at least twenty days. The constable shall notify said person of his appointment, and said registrar shall at once post a notice, at the court-house door, of his appointment, and shall designate the place where he will keep the registration books, and the time after which the books will be closed, and when and for what the election will be held.

Commissioners name place of election.

Sec. 6. That in all elections the polls shall be opened at any place in the corporation that may be designated by the board of commissioners.

Registration books furnished poll-holders.

Who allowed to vote.

Time of closing registration.

Sec. 7. That the book of registration of the voters of the town shall be furnished the poll-holders, and no person shall be allowed to vote unless his name be found thereon.

Sec. 8. That the registration shall be closed five days before the election, and after the closing of the same no person shall be allowed to register; however, the registar is authorized and empowered, before said book shall be closed, to register therein all persons who, not then being of the age of twenty-one years but otherwise qualified to register, may arrive at the age of twenty-one years on or before the day of election.

Persons under age when books closed may register if of age at election.

Sec. 9. Any person offering to register may be required to take

and subscribe an oath that he is a citizen of the state of North Carolina, and has resided in the town of Warrenton ninety days next preceding that date, or is otherwise entitled to register; and if any person shall willfully swear falsely in such affidavit, he shall be guilty of a misdemeanor, and, on conviction, shall be sentenced to pay a fine of one hundred dollars, or be imprisoned thirty days in the county jail. Oath to be taken by one who offers to register. Form of oath. Swearing falsely, Misdemeanor. Penalty.

Sec. 10. That within twenty-four hours after the close of the registration for each election, the registration books shall be deposited in the office of the mayor of the town, and be opened for the inspection of the citizens. Deposit of registration books.

Sec. 11. It shall be lawful to challenge the rights of any person to vote, either on the day of the election when he offers to vote, or on the day of registration when he offers to register; and if it shall appear to the judges of election, or a majority thereof, or to the registering officer, that such person is disqualified, he shall be excluded from registering, or, if registered, from voting. Challenge. When. Who excluded from voting.

Sec. 12. That for the purpose of electing said officers, the commissioners shall, at least twenty days before the election, appoint two inspectors, who shall be qualified voters; and the inspectors, before they proceed to act, shall be sworn by the mayor, or a justice of the peace, to conduct the election fairly and impartially, and according to law; and in case of the absence of any inspector, his place shall forthwith be supplied by the inspectors. Inspectors, when appointed. Qualification of. Oath of.

Sec. 13. That on the day of the election the inspectors shall give due attendance at the time and place, shall be judges of the polls, receive the votes, and conduct the election in like manner, and during the same hours of the day, as elections for members of the general assembly. Inspectors to attend elections. Manner and time of attendance.

Sec. 14. The candidates for mayor and commissioners shall be voted for in same box and on same ballot, written or printed. Manner of voting.

Sec. 15. That at the close of the election the votes shall be counted by the inspectors, and such person voted for as mayor having the largest number of votes shall be declared duly elected mayor, and such persons voted for as commissioners having the largest number of votes shall be declared duly elected commissioners, and the mayor and commissioners shall be notified of their election by the inspectors. Inspectors to count the votes. Largest number elects. Notification of election.

Sec. 16. That if among the persons voted for as mayor, there shall be an equal number of votes between any two or more having the largest number, the commissioners-elect shall proceed, within five days after their qualification, to select a Tie vote. Commissioners elect in five days.

mayor of such persons; and if among the persons voted for as commissioners, there shall be a like tie, the remaining commissioners, within five days after their qualification, shall select of such, the person or persons to be commissioners.

Poll lists. Where kept.

Sec. 17. That the inspectors shall certify and subscribe two poll lists, and return one of them to the clerk of the board, and one to the register of deeds of the county for safe keeping.

Election proclaimed.

The result of the election shall be proclaimed by the inspectors at the court-house door.

Oath of mayor.

Sec. 18. That the mayor, immediately after his election, and before entering on the duties of his office, shall take the following oath: "I, A. B., do solemnly swear that I will diligently endeavor to perform faithfully and truly, according to my best skill, judgment and ability, all the duties of the office of mayor of the town of Warrenton, while I continue therein, and will cause to be executed, as far as in my power lies, all the laws, ordinances and regulations made for the government of the town; and, in the discharge of my duties, I will do equal justice to all cases whatsoever.

Oath of commissioners.

Sec. 19. That each commissioner, before entering on the duties of the 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 of the town according to the best of his skill, ability and judgment.

Term of officers.

Sec. 20. That the mayor and commissioners shall hold their offices, respectively, until the next succeeding election, and until their respective successors are qualified.

Failure of mayor to qualify. Commissioners elect.

Sec. 21. That if any person chosen mayor shall refuse to be qualified, or there is any vacancy in the office after election and qualification, the commissioners shall choose some qualified person mayor for the term, or the unexpired portion of the term, as the case may be; and on like occasion and in like manner the commissioners shall choose other commissioners to supply the place of such as shall refuse to act, and all vacancies which may occur; and such persons only shall be chosen as are heretofore declared to be eligible.

Vacancies among commissioners.

Penalty of officers for failure to act.

Sec. 22. That any person elected mayor or commissioner who shall refuse to be qualified and act as such, shall forfeit and pay, to the equal use of the town and of him who will sue therefor, twenty-five dollars.

Mayor constituted a superior court. Jurisdiction.

Sec. 23. 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 to determine all cases of action which may

arise upon the ordinances and regulations of the town; to enforce penalties by issuing executions upon any adjudged violation therefor, and to execute the by-laws, rules and regulations made by the commissioners. The mayor shall further be a special court, within the corporate limits of the town, to arrest and try all persons who are charged with a misdemeanor for violating any ordinance of the town, and if the accused be found guilty he shall be fined, at the discretion of the court or mayor, not exceeding the amount specified in the ordinance or ordinances so violated; or, at the discretion of the mayor, or courts 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.

Precepts, to whom issued.

Sec. 24. That the mayor may issue his precepts to the town constable, who may execute the same anywhere in Warren county, or to such other officers to whom a justice of the peace may direct his precepts. All endorsement, by the mayor, of the names of the witnesses upon a summons or warrant shall be authority for the officers to execute the same.

Minutes to be kept by mayor.

Sec. 25. That the mayor shall keep a faithful minute of the precepts issued by him, and of all his judicial proceedings. The judgments rendered by him shall have all the force, virtue and validity of judgments rendered by a single justice of the peace, and may be executed and enforced against the parties, in the county of Warren 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 Warren.

Effect of judgments.

Mayor's office.

Sec. 26. That the mayor shall keep his office in some convenient part of the town. He shall perform such duties as shall, from time to time, be prescribed, and, when present, shall preside at all meetings of the board of commissioners, and when there is an equal division upon any question, or in the election of officers by the board, he shall determine the matter by his vote. He shall vote in no other case, and if he shall be absent the board may appoint one of their number *pro tempore* to exercise the duties of the mayor.

President of board.

Deciding vote.

Mayor pro tem.

Majority of commissioners may act.

Sec. 27. That the commissioners shall form one board, and a majority of them shall be competent to perform all the duties prescribed for the commissioners, unless otherwise provided. Within five days after their election they shall convene for the transaction of business and shall then fix stated days of meeting for the year, which shall be as often at least as once in every calendar month. The special meetings of the commissioners

How meetings arranged.

Once a month.

Special meetings.

may also be held on the call of the mayor or a majority of the commissioners, and of every such meeting, when called by the mayor, all the commissioners, and when called by a majority of the commissioners, such as shall not join in the call shall be notified in writing.

Notification of meetings.

Power of commissioners.

Sec. 28. 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 be consistent with the law of the land.

Proviso.

Vacancies in board, how filled.

Sec. 29. That the board of commissioners shall have authority to fill any vacancy in the board that may occur during their term of office, and also to appoint all officers which they may deem necessary for the efficient administration of the regulations, 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 tem*, to act as mayor in case of the absence of the mayor or his inability to perform the duties of his office.

Necessary officers.

Terms of officers prescribed.

Mayor *pro tem*.

May borrow money by consent of a majority of voters.

Sec. 30. That among the powers hereby conferred on the board of commissioners, they may borrow money, only by the consent of a majority of the qualified registered voters, which consent shall be obtained by a vote of the citizens of the corporation, after thirty days public notice, at which time those who consent to the same shall vote "approved," and those who do not consent shall vote "not approved;" they shall provide water, provide for repairing and cleaning the streets, regulate the market, take all proper means to prevent and extinguish fires, make regulations to cause the due observance of Sunday, appoint and regulate town watches, suppress and remove nuisances, preserve the health of the town from contagious or infectious diseases, appoint constables to execute such precepts as the mayor and other persons may lawfully issue to them, to preserve the peace and order and execute the ordinances of the town, and shall appoint and provide for the pay and prescribe the duties of all such other officers as may be deemed necessary. They shall have the right to regulate the charge for the carriage of persons, baggage and freight by omnibus or other vehicles, and to issue license to omnibuses, hacks, drays or other vehicles used for transportation of persons or things for hire.

Notice.

Manner of voting.

Duties of commissioners.

Hack fare.

Carrying freight.

Expenses of town.

Sec. 31. That in order to raise a fund for the expenses incident to the government of said town, the commissioners may annually levy and collect the following taxes, namely:

(1.) On real and personal estate in the town, a tax not exceeding fifty cents on every hundred dollars' value. Taxes, real and personal estate.

(2.) On all taxable polls, a tax equal to the present constitutional limit, who may be resident in the town on the first day of June of each year, or may have been so resident within sixty days next preceding that day. Polls.

(3.) On every hundred dollars' value of goods, wares, merchandise, purchased for retail 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 ten cents. Purchase tax.

(4.) Upon warehouses, a tax not exceeding ten dollars per year. Warehouses.

(5.) Upon leaf dealers, a tax not exceeding five dollars per year. Leaf dealers.

(6.) Upon each commission merchant and auctioneer, a tax not exceeding five dollars per year. Commission merchant and auctioneer.

(7.) Upon all dogs kept in the town, and which may be so kept on the first day of June, a tax not exceeding one dollar. Dogs.

Sec. 32. 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, and the articles upon which the tax is imposed, or any other property of the owner, may be forthwith distrained and sold to satisfy the same, namely: Tax collected by chief of police. Manner of collection.

(1.) Upon all itinerant merchants or peddlers, vending or offering to vend in the town, a tax not exceeding twenty-five dollars a year, except only such as sell books, charts, maps, pictures and paintings, and such as sell only goods, wares and merchandise, and productions of the growth or manufacture of this state. Itinerant merchants. Exception.

(2.) Upon every billiard table or bowling alley, except those used in private families, or other games allowed by law, used or kept in town, a tax not exceeding fifty dollars a year, nor less than fifteen dollars a year. Billiard table and bowling alley. Exception.

(3.) Upon every victualing house, or restaurant, established, used or kept in the town, a tax not exceeding fifty dollars a year. Restaurants.

(4.) Upon every permission of the board of commissioners to retail spirituous liquors, a tax not exceeding one hundred and fifty dollars, nor less than twenty-five dollars, per year; and it shall be unlawful to sell any spirituous liquors in the town of Warrenton between the hours of eleven o'clock Saturday night and one o'clock Sunday night. Liquor dealers. Unlawful to sell liquors between 12 o'clock Saturday night and one o'clock Sunday night.

(5.) Upon every company of circus riders who shall exhibit within the town, or within one mile thereof, a tax not exceed- Circus riders.

ing twenty-five dollars for each separate exhibition, the tax to be paid before the exhibition, and if not, to be doubled.

Theatrical plays, &c.

(6.) Upon every person, or company, exhibiting in the town, or within one mile thereof, stage or theatrical plays, sleight-of-hand performances, rope dancing, tumbling, wire dancing, or menageries, a tax not exceeding ten dollars for every twelve hours allowed for exhibition, the tax to be paid before exhibiting, or the same to be doubled.

Artificial curiosities. Exception.

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

Show of any other kind.

(8.) Upon each show, or exhibition of any other kind, and on each concert, for reward, and on every strolling musician, a tax not to exceed five dollars, to be paid before exhibition, or the same shall be doubled, excepting for charitable and benevolent purposes, or to aid in any public improvement in the town.

Tax paid before exhibition, or doubled. Exception.

Animals at large.

(9.) Upon every goat, hog or cow running at large in the corporation, a tax of one dollar.

Corporations.

(10.) Upon every express company, and upon every telegraph company doing business in said town, a tax not exceeding one per centum of its gross receipts in said town; to be given in by the managing agent of such company, annually, upon oath, at the time when other taxes are listed, and under the same penalties as those prescribed by the law of the state.

Bank.

(11.) Upon all banks, as banking institutions of any kind, the same tax as at present levied by the state; upon each lawyer, doctor or physician, upon each butcher, doing business in said town, an annual tax not exceeding five dollars.

Itinerant physicians, &c.

(12.) Upon each itinerant physician, optician, vender of patent medicines, or other itinerant, selling, or offering to sell, any commodities of any description, not enumerated or excluded in article one, of section thirty-two, a tax not exceeding fifty dollars a year.

Animals at large.

(13.) Upon each horse, mule or bull running at large within the corporate limits, a tax not exceeding ten dollars.

Powers, &c., enumerated in chapter 62, *The Code*.

(14.) That the town of Warrenton is hereby vested with all the rights, powers, privileges and immunities enumerated in chapter sixty-two of The Code of North Carolina, entitled "towns," not inconsistent herewith.

Tax list. When examined and by whom. Insolvents.

Sec. 33. That on the first day of December of each year the board of commissioners shall examine the tax list, make out a list of insolvents, which list the clerk to the board will at once copy and post at the court-house door. Any person, whose name is not so returned as insolvent, who shall fail to pay his

taxes on or before January first shall be guilty of a misdemeanor, and, upon conviction, pay the sum of five dollars and cost, or, in default, be imprisoned five days in the common jail. To carry out the provisions of this section, the mayor shall notify each person, whose name is so returned as not insolvent, at least twenty days prior to the first day of January, of the fact that his taxes are due and unpaid, and that the board of commissioners recognize him as solvent, and that unless said taxes are paid before January first, that the provisions of this section will be enforced; unless said notice is given, the delinquent shall not be liable to indictment under this section.

Misdemeanor not to pay taxes.
Penalty.
Notification to delinquents.
Taxes unpaid January 1.
Delinquent not liable to indictment unless notice be given.

Sec. 34. It shall be the duty of the mayor to take the list of taxable property and polls for said town on or before the first Monday in July, in each year, having previously advertised the time and place of so doing at the court-house door in Warrenton, and at three other public places in said town, for at least ten days; and after taking said list, he is to deliver it to the town clerk and treasurer, on or before the first day of September of each year; and it shall be the duty of all persons required to list taxables in said town to attend, before the mayor at his office in said town, at the time appointed by him for taking said list, and to return before him, on oath, a statement of real estate, polls or other property that they are required to pay taxes on, and all of said lists are to refer to the first day of June preceding.

Duty of mayor as to tax list.
Time of taking.
Advertisement.
Tax list to be given to town clerk and treasurer.
When given.
Duties of taxpayers.
Return of taxables on oath.
Lists referable to 1st June preceding.

Sec. 35. That as soon as the tax list can be completed, and not later than the first day of August, the board shall proceed to lay the tax on such subjects of taxation as they shall determine, and shall place the tax list in the hands of the tax collector for collection, who shall proceed forthwith in the collection, and shall complete the same before the first day of December next ensuing, and shall pay the moneys, as they are collected, to the treasurer, and the tax collector for his compensation shall receive not more than five nor less than three per centum on the amount collected, as the board of commissioners shall determine. 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.

When tax list taken.
Duty of board.
Subjects of taxation.
When taxes to be collected.
To be paid to treasurer.
Pay of collector.
Penalty.

Sec. 36. That if any person liable to taxes on subjects directed to be listed, shall fail to pay them within the time prescribed for collection, the collector shall proceed forthwith to collect the same by distress and sale, after public advertisement, for the space of ten days, in some newspaper published in the town,

Unpaid taxes.
How collected.
Advertisement.

or at three public places if the property be personalty, and of twenty days if the property be realty.

Unpaid tax on land.

Sec. 37. That when the tax due on any lot or other land (which is hereby declared to be a lien on the same) shall remain unpaid on the first day of October, and there is no other visible estate but such lot or land of the person in whose name it is listed, liable to distress and sale, known to the collector, he shall report the fact to the commissioners, together with a particular description of the real estate; and thereupon the commissioners shall direct the same to be sold at court-house door by the collector, after advertising for twenty days in some newspaper published in the town, or in three public places, which the collector shall divide the said land into as many parts as may be convenient (for which purpose he is authorized to employ a surveyor), and shall sell as many thereof as may be required to pay said taxes, and all expenses attendant thereon. If the same cannot be conveniently divided, the collector shall sell the whole; and if no person will pay the whole of the taxes and expenses for the whole land, the same shall be struck off to the town, and if not redeemed, as hereinafter provided, shall belong to said town in fee.

Collector reports to commissioners.

Report.

Land sold.

Advertisement.

Division of land.

Whole or part sold.

Persons failing to buy, town to purchase.

Collector reports division, &c., to commissioners.

Sec. 38. That the collector shall return all accounts of his proceedings to the commissioners, specifying the portions into which the land has been divided, and the purchaser or purchasers thereof, and the prices of each, which shall be entered on the book of the proceedings of the commissioners, and if there shall be a surplus after paying said taxes, the same shall be paid into the town treasury subject to the demand of the owner.

Record.

Surplus for land.

Redemption of land sold for taxes.

Time.

Terms.

Double taxes.

Sec. 39. That the owner of any land sold under the provisions of this charter, his heirs, executors and administrators, or any person acting for them, may redeem the same within one year after the sale, by paying to the purchaser the sum paid by him, and twenty-five per centum on the amount of taxes and expenses; and the treasurer shall refund to him, without interest, the proceeds, less double the amount of taxes.

Unredeemed land.

Recitals in deed.

Prima facie evidence.

Sec. 40. That if the real estate sold, as aforesaid, shall not be redeemed within the time specified, the corporation shall convey the same in full to the purchaser or his assigns, and the recital of such conveyance, or in any other conveyance of land sold for taxes due the town, that the taxes were due, as 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.

Sec. 41. That it shall be the duty of the clerk, annually, to

make out and post at the court-house door a fair transcript of the receipts and disbursements on account of the town, for the general inspection of the citizens, which transcript shall be so posted at least ten days before the first Monday in May, each year. Any board failing to cause said transcript to be so posted shall be guilty of a misdemeanor, and punished by a fine of fifty dollars, to be used for the benefit of the town.

Transcript of receipts and disbursements to be posted by clerk. When posted. Misdemeanor for board to fail to cause transcript to be posted. Penalty.

Sec. 42. That when any land or right of way shall be required by said town of Warrenton for the purpose of opening new streets, or for other objects allowed by its charter, and, for want of agreement as to the value thereof, the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five freeholders of the town, to be chosen by the commissioners; and in making said valuation said freeholders, after being duly sworn by the mayor, or a justice of the peace for the county, or a clerk of the court of record, 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, also any special benefit or advantage such owner may receive from the opening of such street or other improvements, and shall state the value and amount of each; and the excess of loss or damage over and above the advantages shall form the measure of valuation of said land or right of way: *Provided*, nevertheless, that if any person, over whose lands the said street may pass or improvement be erected, or the commissioners, be dissatisfied with the valuation thus made, then, and in that case, either party may have an appeal to the next superior court of Warren county to be held thereafter; and the said freeholders shall return to the court to which the appeal is taken, their valuation, with the proceedings thereon; and the land so valued by the freeholders shall vest in the town, so long as it may be used for the purposes of the same, as soon as the valuation may be paid or lodged in the the hands of the clerk of the superior court (in case of its refusal by the owners of the land): *Provided, however*, that such appeal shall not hinder or delay the commissioners opening such street or erecting such improvements; and, *Provided, further*, that in case of the discontinuance of the use of the land and its revert to the owner, the town shall have the right to remove any improvement needed its authority erected.

New streets. Land assessed by five freeholders. Oath of assessors. Damage and benefit to owner. Value and amount of each given. Measure of valuation. Proviso. Appeal. Valuation to be returned to court. Valued land vests in town. Proviso. Reversion to owner. Town may remove improvements.

Sec. 43. That no cellar shall be built under any sidewalk in the town, or entrance established on the sidewalk to any cellar, whereby the free passage of persons may be delayed, hindered, or interrupted, and every offender herein shall forfeit and pay

Unlawful to build cellar under sidewalk. Penalty.

to the town twenty-five dollars for every day the same may remain.

Owners and lessees of land to improve sidewalks.

Sec. 44. That every owner of a lot, or person having as great an interest therein as a lease for three years, which shall front any street on which a sidewalk has been established, shall improve, in such manner as the commissioners may direct, such sidewalk as far as it may extend along such lot; and on failure to do so within twenty days after notice by the constable to said owner, or, if he be a non-resident of the county of Warren, to his agent, or if such non-resident has no agent in said county, then, after advertising for twenty days on such lot and at the court-house door, calling on the owner to make such repairs, the commissioners may cause the same to be repaired, either with brick, stone or gravel, at their discretion, and the expense shall be paid by the person in fault; said expense shall be a lien upon said lot, and if not paid within six months after completion of the repairs, such lot may be sold, or enough of the same to pay such expense and cost, under the same rules, regulations and restrictions, rights of redemption and savings, as are prescribed in said charter for the sale of land for unpaid taxes.

Notice.

Repairs made by town a lien on property.

Unpaid for 6 months may be sold.

Rules for sale.

Mayor and other officers forbidden to be contractors.

Sec. 45. That no mayor or commissioners, or other officers of the town, shall directly or indirectly become a contractor for work to be done for said town.

Nuisances abated.

Expense.

Sec. 46. 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 whereon the same may be; may also prevent the establishment within the town, and may regulate the same if allowed to be established, any slaughter house or place, or the exercise within the town of any offensive or unhealthy trade, business or employment.

Slaughter houses.

Riding or driving more than 6 miles an hour.

Sec. 47. That they may prohibit and prevent, by penalties, the riding or driving of horses, or other animals, at a speed greater than six miles per hour within the town; and, also, the firing of guns, pistols, crackers, gunpowder, or other explosive, combustible or dangerous materials, in the streets, public grounds, or elsewhere within the town.

Firing of guns, &c.

Market.

Sec. 48. That the commissioners may establish and regulate the market, and prescribe at what time and place within the corporation marketable articles shall be sold; in what manner, whether by weight or measure, may be sold grain, meal, flour (if not packed in barrels), fodder, hay, oats in straw; may erect scales to weigh the same, appoint a weighmaster, and fix his fees, and direct by whom they shall be paid; appoint a keeper

Produce, &c.

of the market, prescribe his duties and fees, and shall also have power to prevent forestalling regrating.

Cemeteries. Keeper.

Sec. 49. That they may provide graveyards, in or near the town, and regulate the same; may appoint and pay a keeper, and compel the keeping and returning bills of mortality; and they may prohibit interments within the town.

Fire companies.

Sec. 50. That they may provide for the establishment, organization, equipments and government of fire companies; and in all cases of fire, a majority of such of the commissioners as shall be present, may, if they deem it necessary to stop the progress of the fire, cause any house to be blown up or pulled down; for which they shall not be responsible to any one in damages.

Houses to be blown up.

Town divided into five districts. Manner of building may be prescribed. Purpose.

Sec. 51. That they may divide the said town into five districts, with such boundaries as they may determine, within which they may prescribe, by general rules or special permits, the kinds of buildings which may be erected, so as to provide against accidents by fire, and may prohibit the erection of wooden buildings within the same. They may also provide for the inspection of all buildings now erected, or hereafter to be erected, and condemn such as are unsafe, or dangerous to life or limb, by reason either of their defective construction or dilapidation, and they may notify the owner, or owners, to remove or repair such as are condemned, within thirty days; and if the owner, or owners, shall refuse to remove or repair the same, or shall neglect so to do, for the space of thirty days, the commissioners shall have power to remove the same, and the owner, or owners, shall be liable for all such loss as may be incurred by the commissioners, and the commissioners shall not be responsible for damages.

Condemnation of houses.

Notice to owners.

Refusal for thirty days. Commissioners may remove.

Penalties recoverable in the name of town.

Sec. 52. That all penalties imposed by law relating to the town, or by this act, or by any ordinance of the town, unless otherwise provided, shall be recoverable in the name of the town of Warrenton, before the mayor, or any tribunal having jurisdiction thereof.

Limit of penalty by commissioners.

Sec. 53. That the commissioners shall not have power to impose, for any offense, a larger penalty than fifty dollars, unless the same be expressly authorized; and from any judgment of the mayor, for any penalty which is imposed or allowed to be imposed by this act, or for other cause of action herein allowed, the party dissatisfied may appeal, in like manner and under the same rules and regulations as are prescribed for appeals from the judgments of a justice of the peace.

Dissatisfaction of party, appeal permitted.

Fees of mayor.

Sec. 54. That the mayor shall be entitled to the same fees as justices of the peace; for the use of the town seal for other than

town purposes, twenty-five cents; for every certificate for other than town purposes, fifty cents.

Imprisonment in jail of county or in town lock-up.

Sec. 55. That every imprisonment or commitment, by virtue of this charter, shall be in the public jail of the county. The mayor may, however, if he thinks proper, order the commitment to the town lock-up.

Power to sell town property.

Purchase money.

Title to be made by mayor.

Sec. 56. That the mayor and a majority of the commissioners shall have power at all times to sell at public outcry, after thirty days' notice, to the highest bidder, any property, real or personal, belonging to the town, and apply the means as they may think best. The mayor is authorized to make title to any property sold under this section.

Unpaid fines and penalties may be worked out.

Sec. 57. That in all cases where judgment may be entered against any person or persons for fines or penalties, according to the laws and ordinances of any incorporated town, and the person or persons against whom the same is adjudged refuses or is unable to pay such judgment, it may and shall be lawful for the mayor, before whom such judgment is entered, to order and require such person or persons so convicted to work on the streets or other public work until, at fair rates of wages, such person or persons shall have worked out the full amount of judgment and cost of prosecution.

Officers failing to turn over to successors official effects subject to fine and imprisonment.

Sec. 58. The mayor and commissioners, tax collector, and all other officers of the town who shall, on demand, fail to turn over to their successors in office the property, books, moneys, seals or effects of the town, shall be deemed guilty of a misdemeanor, and, upon conviction before the superior court of Warren county, shall be imprisoned for not more than two years, and fined not exceeding five hundred dollars, at the discretion of the court.

Tax lists subject to control of authorities.

Sec. 59. All tax lists which have been, or may hereafter be, placed in the hands of the tax collector, shall be at all times subject to the control of the authorities imposing the tax, or their successors in office, shall be surrendered to the authorities for such inspection or correction, and if the tax collector fail or refuse to surrender his list upon such demand, he shall be deemed guilty of a misdemeanor, and, upon conviction, be subject to the penalties imposed by the preceding section.

Misdemeanor not to surrender for inspection.

Contrary laws repealed.

Sec. 90. That all laws, and parts of laws, in conflict herewith are hereby repealed.

Sec. 61. This act shall be in force from and after its ratification.

Ratified the 11th day of March, A. D. 1895.

CHAPTER 207.

An act to incorporate the town of Swansboro, in the county of Onslow.

The General Assembly of North Carolina do enact:

Name. Section 1. That the town of Swansboro, in the county of Onslow, be, and the same is hereby, incorporated under the name and style of Swansboro, and in that name, by its commissioners, may sue and be sued, and plead and be impleaded, contract and be contracted with, and may acquire and hold real and personal property for the use of the town, and may convey the same as the commissioners deem best.

May hold property.

Corporate boundaries. Sec. 2. That the corporate boundaries of said town shall be as follows: Beginning at a point on White Oak river, at the mouth of a creek or branch that runs from frog pond to bank into said White Oak river; thence up said creek or branch to frog pond; thence in a straight line to Deer Island creek; thence with said creek to White Oak river; thence with the waters of said river to the beginning.

Officers. Sec. 3. That the officers of said town shall consist of a mayor and four commissioners, who shall be elected annually on the second Monday in May by the qualified voters of said town, which said officers shall hold their respective offices for one year, or until their successors are elected and qualified; and until the election, which shall be held on the second Monday in May, one thousand eight hundred and ninety-five, J. T. Bertly shall fill the office of mayor, and John A. Pittman, W. Noah Dennis, Mert W. Heady and George Bell shall act as town commissioners of said town.

Election.

Term of office.

Date of election.

Other officers. Sec. 4. That the mayor and commissioners shall, at their first regular meeting, appoint a secretary and treasurer, a marshal, and any other officers they may think necessary, who shall receive such compensation for their services as the board may determine.

Eligibility of officers. Sec. 5. That no person except a duly qualified elector of said town shall be eligible as mayor or commissioner of said town.

Who may be voters. Sec. 6. That any person who is a qualified elector of the state of North Carolina, and shall have resided in the town ninety days next preceding the election, shall be a qualified voter, and shall be entitled to vote at any municipal election in said town: *Provided*, he shall have complied with the registration laws.

Sec. 7. That the election of mayor and commissioners, and all

Elections, where to be held.

other elections ordered by the commissioners of said town, shall be held at such place as shall be designated by the commissioners.

Separate boxes for mayor and commissioners.

Sec. 8. That the candidates for mayor and commissioners shall be voted for in separate boxes, on a separate ballot, printed or written, on white paper without any device.

Registrar and judges of election.

Sec. 9. That it shall be the duty of the commissioners of said town, on the first Wednesday after the first Monday in March in each year, to appoint a registrar and three judges of election, who shall be qualified voters of said town, and who, within five days thereafter, shall be notified of their appointment by the marshal of said town. The registrar so appointed shall immediately make publication, at three public places in said town, of his appointment as registrar. He shall be furnished with a registration book by the commissioners of said town. He shall also, between the hours of sunrise and sunset, on each day, Sundays excepted, for thirty days preceding each election, keep open said books for the registration of any electors residing in said town entitled to register, whose names have never before been registered in said town, or do not appear on the revised lists; but the commissioners of said town may, if they think proper, upon giving thirty days' notice at four public places in said town, require an entirely new registration of voters before any election held therein.

Notification of appointments.

Register's book.

Books to be open for 30 days.

New registration.

Registrars and judges of election sworn.

Sec. 10. That the registrar and judges of election, before entering upon the discharge of their duties, shall be sworn by the mayor or a justice of the peace to conduct the election fairly and impartially and according to law.

Registration books to be open for inspection.

Sec. 11. That on Saturday before the second Monday in May in each year the registration books shall be open for the inspection of the citizens of the town, and it shall be lawful for any elector to challenge the right of any person to register or vote, and the judges of election shall decide the right of such person to register or vote.

Votes counted.

Election declared.

In case of tie vote judges of election decide.

Sec. 12. That at the close of the election the votes shall be counted by the judges of election, and such person or persons having the largest number of votes shall be duly declared elected; but in case there shall be a tie between two or more persons for any office, then the judges of election shall decide which one shall be declared elected; and the said judges of election shall certify the names of the persons elected, to the town clerk and treasurer.

Elections certified.

Officers notified of election.

Sec. 13. That immediately after each election it shall be the duty of the town clerk and treasurer to notify, in writing, the mayor and commissioners-elect of their election.

Oath to be taken.

Sec. 14. That the mayor and commissioners shall, within three days after having been notified by the town clerk and treasurer, before some justice of the peace in Onslow county, or other person authorized to administer oaths, take an oath that they will faithfully and impartially discharge the duties imposed on them by law.

Penalty for refusal to qualify.

To what paid.

Sec. 15. That any person elected mayor or commissioner who shall refuse to qualify and act as such, shall forfeit and pay the sum of twenty-five dollars, one half to the person suing for the same and the other half to the use of said town; said sum shall be recovered in a civil action before a justice of the peace of Onslow county in the name of the state of North Carolina.

Quorum.

Sec. 16. That the majority of said commissioners shall constitute a quorum for the transaction of business.

Power and duties of mayor.

Mayor absent.

Sec. 17. That the mayor, when present, shall preside at all meetings of the commissioners; he shall also have power to call meetings when he shall deem it necessary, and may vote only in case of a tie. In the absence or sickness of the mayor, the commissioners of said town shall elect one of their own number to act as mayor *pro tempore* who shall, while acting as such, have the authority and power conveyed by this charter on the mayor of said town.

Vacancies to be filled by board.

Sec. 18. If, for any cause, there should be a vacancy in the office of mayor or commissioner of said town the board of commissioners thereof shall be, and are hereby, empowered to fill said vacancy or vacancies, and their appointee or appointees shall hold office until the next regular election herein provided for, or until their successors shall be elected and qualified.

Town officers, except mayor, give bond.

Sec. 19. That all officers of said town, except the mayor, who may be entrusted with the funds of the town, shall be required to enter into a bond payable to the commissioners of the town of Swansboro, and that said bond or bonds shall be in such sum as the commissioners of said town may require.

Ordinances.

Duty of commissioners.

Sec. 20. That the board of commissioners of said town, a majority being present, shall have power to pass and make such ordinances for the better government of the town and for the protection of the health and property of its citizens as they may deem expedient and proper; and they shall provide for and secure the peace, good order and tranquility of the town against disturbances, quarrels, loud, profane or obscene language, trespasses or other breaches of the peace, by imposing fines and terms of imprisonment, as are within the jurisdiction of a justice of the peace, as they shall deem expedient and sufficient to prevent the same.

Nuisances.

Sec. 21. That the commissioners of said town may pass laws for abating and preventing nuisances of any kind therein.

Misdemeanor to violate ordinances.

Sec. 22. That any person or persons violating any ordinance, or ordinances, of said town shall be guilty of a misdemeanor, and punished, upon conviction thereof before the mayor of said town, by fine not exceeding fifty dollars, or imprisonment not exceeding thirty days.

When fine not paid offender may be required to work on streets.

Sec. 23. That in all cases when the offender has been convicted, or adjudged guilty of an offense for a violation of any of the ordinances of the town, and a fine has been imposed by the mayor on such offender for said violation, the mayor, at the time of entering judgment against said offender, may order that any failure to pay such fine such offender shall be put to work on the streets of said town for a term to be fixed by the mayor, not exceeding two days, when said offender shall be discharged.

Mayor's authority.

Sec. 24. That the mayor of said town shall have the power to hear and determine all charges or indictments against any person or persons for the violation of the ordinances of said town, and, in addition thereto, shall have all the power, jurisdiction and authority of a justice of the peace over all crimes and criminal offenses committed within the corporate limits of the town.

Town marshal.

Sec. 25. That the town marshal, or policeman of said town, shall have authority to preserve the peace within the corporate limits of said town, and shall have the same authority in criminal matters, and be entitled to the same fees, that a sheriff has in the county: *Provided*, this shall not prevent the town commissioners paying the marshal or policeman of said town a salary, when and for such a length of time as the commissioners may think necessary.

Precepts of mayor to be executed anywhere in Onslow county.

Sec. 26. That the mayor may issue precepts to the town marshal of said town, or policeman, who shall have authority to execute the same anywhere in Onslow county, or to any other officer to whom a justice of the peace may direct his precepts; and the indorsements of the names of the witnesses on the precept shall be authority for the officer to subpœna the witnesses whose names are so indorsed, and the mayor shall keep a correct minute of all precepts by him issued, and of all his judicial proceedings.

Offenders, punishment of.

Sec. 27. That the board of commissioners shall have power and authority to put and keep at work on the streets all persons who violate the law or ordinances of said town and fail to pay the fine imposed therefor, until such fine and cost is paid, at such rates for labor as the commissioners may fix and adopt.

Constables,

Sec. 28. That the town constable, police, watchman or other

town officers may arrest any person without any precept, if they are caught by said officer within the corporate limits violating the law or ordinances of said town, and shall carry such person or persons before the mayor, and as soon as practicable, and procure a warrant; and if for any reason the person so arrested cannot be tried at once the officer may commit such person to the lock-up, or common jail of the county, for as early a trial as practicable. police, &c., authorized to arrest without precept in certain cases.

Sec. 29. That the commissioners shall have power to lay out and open and name any new street or streets within the corporate limits of the town, wherever by them deemed necessary, and shall have power at any and all times to widen, enlarge, change, extend or discontinue any street or streets, or any part thereof, within the corporate limits of the town, and shall have full power and authority to condemn, appropriate, or use any land necessary for any of the purposes named in this section, upon making reasonable compensation to the owner or owners thereof, upon notice of five days to the owner or owners that such condemnation will be made; and if at the time of making the order of condemnation the owner or owners and the commissioners cannot agree as to the damages, then in that event the commissioners shall choose one arbitrator and the owner of the land another, who shall be arbitrators, and settle the matter of damages; and in case the two so chosen shall fail to agree, said arbitrators shall choose a third man; and if the land-owner shall neglect or refuse to select one of the arbitrators, then the one selected by the commissioners shall act alone, and in either case it shall be the duty of the arbitrator or arbitrators so chosen, to examine the land condemned and ascertain the damages sustained, and the benefits accruing to the owner of the land in consequence of the changes, and the awards of the arbitrator or 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 the arbitrator or arbitrators shall be freeholders, and be residents of said town; and, *Provided, further*, that either party may appeal to the superior court as provided by law. New streets. Appropriate lands. Compensation for land. Disagreement as to value. Arbitration. Damages and benefits to be considered.

Sec. 30. That the commissioners may provide graveyard in or near the town, and regulate the same, and they may prohibit interments in the town. Cemeteries.

Sec. 31. That the commissioners of any town may take such measures as they may deem requisite, or pass such ordinances or regulations as they may think necessary to prevent the entrance

Contagious diseases.

into or spreading within the limits of said town, of any contagious or infectious disease or diseases, and may take any action necessary, in their opinion, to preserve the public health of said town.

Markets.

Sec. 32. That the commissioners of said town may establish a market or markets and regulate the same, and prescribe at what place or places within the corporate limits of said town shall be sold marketable things, and in what manner. by weight or by measure.

Taxes.

Subjects of taxation.

Property and poll taxes.

Sec. 33. That the board of commissioners of said town shall have power annually to levy and cause to be collected, taxes for necessary town purposes on all real property, all moneys, credits, interests in bonds, stocks, joint stock companies and all other personal property, and on the taxable polls within the limits of said town: *Provided, however*, that the taxes levied by them shall not exceed, in any one year, twenty-five cents on the one hundred dollars' valuation of all real and personal property, and seventy-five cents on each taxable poll.

Privilege tax.

Animals.

Peddlers.
Shows.

Sec. 34. That the commissioners of said town shall have the power to annually levy, and cause to be collected, for the necessary expenses of the town, such privilege tax as may seem to them fair and equitable on all professions, callings, trades, and on every other business carried on in said town, and on all dogs, sheep, cattle, hogs, goats, owned or kept in said town; and on every itinerant trader or peddler, and on every person or persons, company or companies, who may exhibit, lecture, sing, play, act or perform, or on anything for which they charge any fee, pay, or receive any reward whatsoever, within the limits of said town; and the commissioners of said town may prescribe when the privilege tax herein provided for shall be due and payable.

Taxes, except privilege, payable October 1.

Sec. 35. That all taxes levied by said town commissioners, except the privilege or license tax, shall be due and payable on the first day of October in the year in which they are levied.

Duty of treasurer and town clerk to make list of taxable property.

Sec. 36. That it shall be the duty of the town clerk and treasurer of said town to make a full and complete list of all the taxable property, and all the polls subject to taxation in said town, and place said list, or a copy thereof, in the hands of the person authorized to collect the town taxes of said town, on or before the second Monday of August, in each year. Such tax list, or a copy thereof, certified by the town clerk and treasurer, when placed in the hands of the person authorized to collect said town taxes, shall have the force and effect of an execution.

Tax collector.

Sec. 37. That the marshal of said town shall be *ex officio* tax collector of said town.

Insolvents.

Sec. 38. That on the first Monday in January, in each year, the commissioners of said town shall examine the tax list, and cause a list of the insolvents to be posted in two public places in said town.

Annual account of receipts and disbursements.

Sec. 39. That it shall be the duty of the town clerk and treasurer to make out annually an itemized account of the receipts and disbursements on account of the town, for the inspection of the citizens of said town, and said itemized account shall be posted for ten days before each annual election, in two or more public places in said town; and any board of commissioners of said town failing to have said account transcribed and posted, as above directed, shall be guilty of a misdemeanor, and be punished by a fine of twenty-five dollars on each commissioner.

Account to be posted.

Failure to post a misdemeanor.

Fire companies.

Sec. 40. That the commissioners of said town may provide for the establishment, organization, equipment and government of fire companies.

Sidewalks.

Sec. 41. That said commissioners shall have power to construct and repair sidewalks on any of the streets of said town.

Failure of officers to turn over property to successors a misdemeanor.

Sec. 42. That the mayor and commissioners, marshal, and all other officers of the town who shall, on demand, fail to turn over to their successors in office the property, books, moneys, or effects of the town, shall be deemed guilty of a misdemeanor, and, upon conviction before the superior court of Onslow county, shall be fined not exceeding five hundred dollars, or imprisoned not more than twelve months.

Money paid to treasurer.

Sec. 43. That all moneys received or collected by any officer of the town of Swansboro, either as a fine, penalty, forfeiture, or taxes collected, shall be paid over to the treasurer of said town, and by him paid out only upon the written order of the town commissioners, and said commissioners may require all officers to settle and exhibit their accounts as often as said commissioners may think necessary.

Paid by treasurer on written order of commissioners.

Removal from office.

Sec. 44. That any officer who fails to comply with the above section, after demand made upon him, may be removed by said commissioners from office.

Invested with powers, &c., in chap. 62, *The Code*.

Sec. 45. That the town of Swansboro is hereby vested with all the powers, rights, privileges and immunities granted in chapter sixty-two of The Code of North Carolina, entitled "towns and cities," not inconsistent with any of the provisions of this act.

Town commissioners' powers in tax matters the same as county commissioners.

Sec. 46. That the town commissioners shall have the same power over the levying, collecting and settling of taxes of said town, as the commissioners of the county have over the taxes of the county.

Property and polls ascertained.

Sec. 47. That the valuation of the property subject to taxation, and the taxable polls in said town, shall be ascertained by assessors, or otherwise, as the commissioners of said town may think best.

Tax collector authorized to collect taxes.

Sec. 48. That the tax collector, or other officer, in case there is no town marshal, who shall be authorized by the town commissioners to collect the tax of the town, is hereby given as full power and authority to sell property, and in all things to act as the sheriff of the county acts in collecting the state and county taxes, and all persons purchasing property at a sale for taxes in said town by the tax collector shall get the same title as if said property was sold at a sheriff's sale for state and county taxes.

Title of collector's sale passes as at sheriff's.

Town clerk and treasurer to post ordinances.

Sec. 49. That it shall be the duty of the town clerk and treasurer to post all ordinances adopted by the board of commissioners of said town at three public places in said town for five days, and all ordinances shall go into effect from and after the expiration of five days from the time they shall have been posted.

Conflicting laws repealed.

Sec. 50. That all laws, and clauses of laws, in conflict with this act are hereby repealed.

Sec. 51. That this act shall be in force from and after its ratification.

Ratified the 11th day of March, A. D. 1895.

CHAPTER 208.

An act to incorporate the "Carolina Railroad and Lumber Company."

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That W. Edwin Peregoy, J. Wilcox Jenkins, W. H. Treworgy, Albert Gerger and Joseph L. White, and such persons as may be associated with them, their successors and assigns, be, and they are hereby, created a body politic and corporate, under the name and style of "Carolina Railroad and Lumber Company," which shall have perpetual succession, and shall have the right to sue and be sued, plead and be impleaded in the courts of the state, to contract and be contracted with; shall have the power to adopt common seal, and to change the same at will; and shall be capable of taking, by purchase, gift or devise, or in any other way, real and personal estate, and of holding, leasing, conveying, or in any other manner dealing with the same, for any of the purposes hereinafter enumerated;

Name of company.

May acquire real and personal property.

and the said corporation shall have and enjoy all rights and immunities which corporate bodies may lawfully exercise, and may make all necessary by-laws and regulations for its government, not inconsistent with the laws of the United States, or of the state of North Carolina. Corporate rights.

Sec. 2. The capital stock of said corporation shall be three hundred thousand ($300,000) dollars, in shares of one hundred ($100) dollars each, with the power to said company to increase the capital stock at any time, not exceeding ten thousand ($10,000) dollars per mile for every mile of road completed; the said stock may be created by subscriptions on the part of individuals, counties, townships, cities, towns, or other corporations, and said subscriptions may be paid in money, labor, land, materials, stocks, bonds, or other securities, or in any other way that may be agreed upon between the company and the subscribers; and the company may receive donations of any kind of property or of labor. Capital stock. Shares. Increased capital. Creation of stock. Subscriptions, how paid.

Sec. 3. That said incorporators shall have the power to open books of subscription, in person, or by agent duly appointed by a majority of them, at such place, or places, as they may determine, and to keep the same open for such time and under such rules and regulations as may be deemed necessary or expedient; that whenever the sum of twenty-five thousand ($25,000) dollars shall have been subscribed to the capital stock of said company, the corporators named in section one (1) of this act, may, when they deem proper, after twenty days' notice to the subscribers, call together the subscribers of said shares of stock, at any place in or out of the state; and said subscribers shall then complete the organization of said company by electing a board of directors, and such officers as they may see fit; and at such meeting, and at all other meetings of the stockholders of said company, each share of stock shall be entitled to one vote, which may be cast by the owner of said share, or by his proxy; and the said directors shall thereupon proceed to elect one of their number president, and to elect such other officers as the by-laws of said company may prescribe; and may do and perform all other acts necessary to complete the organization of said company, and to carry into effect the objects of this charter, in accordance with the direction of the stockholders. Books of subscription. When company may begin business. Election of directors. Each share of stock entitled to a vote. In person or by proxy. Officers of company.

Sec. 4. The said company shall have, and it is hereby given, the right and power to locate, construct, equip, maintain and operate a railroad, or any part thereof, with one or more tracks, either narrow or standard gauge, from some point in or near the city of Wilmington, in the county of New Hanover, at or near some point on "Northeast Cape Fear" river, to some point on May construct and operate a railroad. Termini.

that portion of the Virginia and North Carolina line that lies between where the eastern line of the county of Northampton and the western line of the county of Warren intersects the said Virginia and North Carolina line, by such route as it may select; and it may also construct, maintain and operate such lateral and branch lines as may be necessary or advantageous to the extension, completion and successful operation of said railroad; and for these purposes it shall have the power to construct dams, culverts, trestles and bridges over or across streams, savannas and depressions; and it shall have the right to cross any navigable stream, or canal, on its route: *Provided*, a draw, sufficient for the navigation of such stream or canal, be placed in its bridges over the same; it shall have the right to cross at grade, or over, or under, to intersect, join or unite its railway with any other railway, now constructed or that may hereafter be constructed in this state, upon the grounds of such other companies, at any point in its route; and to build the necessary turnouts, sidings, switches and other conveniences, in furtherance of the objects of its construction; and may, in making any intersection or connection with another road, have all the rights, powers and privileges conferred upon railroads by chapter forty-nine, volume one, of The Code of North Carolina, and it may operate said railroad and branches by steam, or any other power; the said company may own and operate, in connection with the said railroad, or any of its branches, ferries and ferry boats, steamboats, and other means of transportation by water, for passengers and freight.

Branch roads.

May cross navigable streams.

Proviso.

Turnouts, &c.

Powers conferred by chap. 49, vol. 1, *The Code*.

May use steam or other power.

Ferries.

Sec. 5. That it shall be lawful for any officer, agent, surveyor, engineer or employee of said company to enter at all times upon all lands or waters for the purpose of exploring, leveling or doing anything necessary or proper to be done for laying out the said railroad and locating the same, and for the purpose of erecting all necessary works and buildings required in this behalf, paying for all injury to private property; whenever any land is required in the construction of its road, or any of its branch lines, for rights of way, warehouses, depots, water stations, turnouts, work shops, or for other buildings or purposes, and when the company and owner of the land shall be unable to agree on the value thereof, the company may, in the prosecution of its work, enter upon said land, and either party may have the value of the land, thus occupied or needed, ascertained and determined in the following manner: application may be made by either party, in writing, to the clerk of the superior court in the county where the land lies, setting forth the location and a minute description of the same, and the clerk shall

Location of lines.

Damages.

Warehouses, &c.

Manner of determining value of land taken.

thereupon issue his order, in writing, to the sheriff of said county, commanding him to summon three disinterested freeholders of the said county, who, after being duly sworn, shall meet on the premises at some agreed time, within three days from the time of being summoned, and assess the damages to the owner of said land, and shall, in estimating said damage, take into consideration any benefit to the owner from the construction of the road; said freeholders shall make report in writing to the said clerk in ten days from the time of meeting, and said report shall be recorded by the clerk, and he shall file all papers in the cause in his office. Upon the payment to the owner, or to the clerk for him, of the amount so assessed, the title to the land described in the petition shall vest in said company: *Provided*, that either party may have the right to appeal from such findings of the freeholders to the superior court of said county, which appeal shall be governed by the law relating to appeals from the clerk. The way so condemned shall not exceed one hundred feet in width for the right of way, except in case of deep cuts or high embankments when it may exceed that width, and for other purposes no more than may be actually necessary therefor.

Damages and benefits to be considered in finding value of land taken.

Papers to be filed in clerk's office.

Title to vest in company.

Appeal.

Width of land condemned.

Sec. 6. That the said company shall have power to issue, to negotiate and sell, its bonds, either coupon or registered, for the construction or management of its road or branches, to any amount that may be necessary, not to exceed thirty thousand ($30,000) dollars per mile for its road-bed, and to secure the payment of both principal and interest of the same by one or more mortgages or deeds of trust, conveying its franchises, road-bed, right of way, and any or all other property of every kind owned by said company, on such terms and conditions as may be deemed proper.

May issue and sell bonds.

Not to exceed $30,000 per mile.

Mortgages.

Sec. 7. That said company shall have the exclusive right to carry and transport passengers and freight over and along said road and its branches, and upon all ferry-boats, steamers, vessels and boats running in connection with said road and its branches, at such rates as said company shall prescribe, subject to said general laws regulating the same as the general assembly may, from time to time, establish; and it shall have the right to transport all manner of goods, as expressed, and to make and collect all charges for the same; and to transport the United States mail, and to make and collect all charges for the same. The said company may purchase or hold stock in any other railroad, navigation or transportation company, and may buy or lease the same, or may connect with and contract with the same for the transportation of passengers and freight of all kinds over the lines of such companies, and it may use and

Exclusive right of company.

Mail.

Stock in other railroads.

Transportation by other roads.

operate any part of its road or branches before the whole may be completed, and may collect fares and charges for transportation over said part.

May buy or lease other railroads in the state or elsewhere.

Sec. 8. That the said company may acquire, by purchase or lease, the railroad, franchises and property of any other railroad now constructed, or that may hereafter be constructed, in this state or elsewhere. In case of purchase, the railroad, franchises and property so purchased shall be held, owned and enjoyed by this company as though said purchased road had been originally constructed under this charter, and it shall be entitled to all the property, franchises, privileges and immunities belonging to or pertaining to the road so purchased; or the company created by this act may consolidate its franchises and property with any road or transportation line, under such name as shall be agreed upon; or the company created under this act may sell, assign or lease its property and franchises, or any part thereof, to any other such road or transportation line, and the road or transportation line so purchasing this road shall hold, own and enjoy all the property and franchises so purchased as though they had been originally held and constructed by the railroad so purchasing; and the road so purchasing shall be entitled to all the property, franchises and privileges and immunities belonging to or pertaining to the road created by this act. Any of the powers and transactions conferred and authorized by this section may be exercised and effected, by the directors of the companies concerned, in such manner and on such terms as the stockholders of each company may determine.

Such purchases to be held as this road.

Consolidation of roads.

Road may be sold, leased or assigned.

Purchasing or leasing road, may hold as if it were original property.

How sales or transfers may be made.

May hold land not necessary for right of way, &c., not to exceed in value $1,000,000.

Sec. 9. That said company is hereby fully empowered to take, by purchase or otherwise, and to hold in fee simple, or any other manner, any number of acres of land besides what may be necessary for the right of way, depots, warehouses, shops and other necessary buildings, not exceeding in value, at any time, the sum of one million dollars ($1,000,000): *Provided*, that the value of the lands is to be fixed by the price paid for the same, and increase in value by improvements made by said corporation, or otherwise, not to be considered in ascertaining the value of the lands: *Provided, further*, that this act shall not be construed to have any effect upon the valuation of said lands for taxation.

Proviso.

Further proviso.

May subscribe to stock of other corporations.

Sec. 10. That said company may subscribe to the capital stock of any other corporation now in existence or hereafter projected, in this state or elsewhere, and hold shares in same; it may buy, sell, own, hold and deal in real estate, standing trees, lumber, lumbermen's materials and supplies, and in all other goods, wares and merchandise of any and all kinds; it

May deal in real estate, &c.

may build, equip and operate saw-mills, planing-mills, stone-mills, shingle-mills, drykilns, hotels, boarding houses, and all other buildings, mills, machinery and apparatus necessary and convenient for the conduct of any part of its business set forth in this act. May build and operate saw mills, &c.

Sec. 11. That the board of directors of the penitentiary may, on application of the president of said company, approved by the governor, turn over to said company convicts, not otherwise appropriated, not to exceed one hundred and fifty in number, to be worked in the construction of said road, or any of its branches; the said convicts to be guarded and superintended by the authorities of the penitentiary, and to be hired to said company as provided by section thirty-four hundred and thirty-three (3433) of The Code of North Carolina, and amendments thereto. Convicts may be used.

Sec. 12. That any county, township, city or town, along or near the line of said road or any of its branches, or at any terminal point of said road or any of its branches, may subscribe to the capital stock of said company in the following manner: upon the presentation, in writing, signed by at least one-fourth of the freeholders in said county, townships, city or town, to the board of commissioners of said county, or to the proper authorities of said city or town, requesting them to submit to the qualified voters of the county, townships, city or town where said petitioners may reside, a proposition to subscribe a definite sum, named in said petition, to the capital stock of said company, the board of commissioners of said county, or proper authorities of said city or town, shall, within thirty days, order an election to be held in such county, township, city or town, and submit to the qualified voters therein the question of subscribing to the capital stock of said company the amount specified in said petition; at which election all those qualified to vote who are in favor of such subscription, shall vote a ballot on which shall be written or printed the words "for subscription," and those opposed to such subscription shall vote a ballot on which shall be written or printed the words "against subscription;" and the election for this purpose shall be conducted in the same manner, and subject to the same rules and regulations as are provided for the election of county officers by the general election laws of the state of North Carolina; such election shall be held after thirty days' notice thereof shall have been given, specifying the amount of proposed subscription, posted at the court-house door of said county, city or town, and at every polling place of said county, township, town or city, and the returns thereof shall be made to the board of Subscriptions to stock of counties, &c. Manner of subscription.

commissioners of said county, or proper authorities of said city or town.

Majority vote for subscription.

Sec. 13. That if a majority of the qualified voters vote for subscription, then the board of commissioners of said county, or proper authorities of said city or town, shall immediately make such subscription, and may pay for the same in cash, or may issue coupon bonds to the amount of said subscription in order to pay the same, and the bonds shall, upon their face, indicate on account of what county, or township, or city, or town they are issued. They shall be in denominations of not less than one hundred dollars ($100), and not more than one thousand dollars ($1,000) each, and shall run for twenty years and bear interest at the rate of six per cent. per annum, payable semi-annually, at a suitable depository to be designated by such commissioners or municipal authorities.

Subscriptions may be in cash or coupons.

Value of bonds.

Term of bonds. Interest.

Subscriptions by counties, &c.

Taxes to be levied.

Tax on property and polls.

One-twentieth of bonds to be levied for sinking fund.

Taxes so levied to be kept separate.

Use of sinking fund.

Sec. 14. That the county authorities in any county voting for subscription, or in which there is a township voting for a subscription, or the proper authorities in a city or town voting for subscription, who are legally empowered to levy taxes in order to provide for the payment of the bonds authorized to be issued by the preceding section, shall compute and levy each year, at the time of levying other taxes, a sufficient tax upon the property and polls in such county, township, city or town to regulate and promptly pay the interest on the bonds issued on account of such county, township, city or town; and at the same time the said authorities shall compute and levy a tax on the property and polls of such county, township, city or town, equal to one-twentieth part of the bonds so issued, which tax shall constitute a sinking fund to provide for the payment of said bonds at maturity. The taxes levied as above shall be annually collected as other taxes are collected, and shall be paid by the collecting officer of such county, city or town, to the treasurer thereof, or to such other officer as may be designated by the proper authorities, which officer shall give a good and sufficient bond for the safe keeping and proper disbursement of said taxes; and the taxes levied and collected for these purposes shall be kept sacred and distinct from each other, and from all other taxes, and each shall be used for the purpose for which it was levied and collected, and for no other. If possible, the sinking fund thus raised shall be annually applied to the purchase of the identical bonds to pay the principal for which it was levied and collected; 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 of said county,

or by the proper authorities of such city or town issuing said bonds. The taxes for the sinking fund to pay the principal of said bonds shall be levied no longer than is necessary to create a fund sufficient to pay the principal of said bonds.

Bonds subscribed may be transferred to road for purpose of construction.

Sec. 15. That the board of commissioners of any county, or proper authorities of any city or town issuing bonds under this act, are authorized and empowered to transfer the stock subscribed by their county, or township, or municipality, to the Carolina Railroad and Lumber Company, or to any corporation or person for the completion of said railroad.

Annual meeting of stockholders.

Sec. 16. That the general meetings of the stockholders of said company may be held annually, and at their first general meeting, and at each annual meeting thereafter, shall elect a board of directors of not less than five nor more than ten members of said company, who shall hold office for one year, and until their successors are chosen and qualified. At the first meeting after their election, said board of directors shall elect one of their members president, and one vice-president, and shall also elect a secretary, and treasurer, all of whom shall hold office for one year, and until their successors are chosen and qualified. At all meetings of stockholders a majority of the stock subscribed shall constitute a quorum, and said stock may be represented in person or by proxy, verified in such manner as shall be prescribed by the by-laws of the company. The directors may fill any vacancy that may occur in their board or in any office, except that the vice-president shall fill any vacancy in the office of president, and shall be president until a president is elected by the stockholders; by-laws for the company may be passed at the first general meeting of stockholders, or as early thereafter as may be practicable; but any by-laws may be changed, amended or repealed, and additional by-laws made at any meeting after the first. The directors may hold meetings outside of the state when they deem it more convenient.

Directors.

Officers.

Term of officers.

Quorum.

Directors fill all offices except president.

By-laws.

Directors may meet out of state.

No individual liability.

Sec. 17. That the stockholders in said company, whether private citizens, or other corporations, public, private or municipal, shall not be individually liable for the debts or liabilities of the company.

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

Ratified the 11th day of March, A. D. 1895.

CHAPTER 209.

An act to incorporate the South Atlantic Life and Endowment Company of North Carolina.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That George Allen, B. L. Jerman, W. S. Primrose, William E. Asheley, J. N. Holding, Julian S. Carr, Geo. W. Watts, Leo D. Heartt, W. L. London, George S. Bradshaw, W. H. S. Burgwyn, C. M. Brown, A. T. Brenizer, M. S. Willard, John Tull, F. Stikeleather, Charles T. Rawls, Dr. W. R. Capehart, H. M. Worth, Charles M. Ives, C. E. Foy, W. E. Borden, their associates, successors and assigns, be, and they are hereby,

Name of.

a body politic and corporate, under the name and style of "The South Atlantic Life and Endowment Company of North Carolina," for the purpose of carrying on the business of insurance on lives, and to make all and every insurance appertaining thereto, or connected therewith; to cause themselves to be reinsured, to grant endowments, to grant, purchase or dispose of annuities, and to contract for reversionary payments; and shall or may have perpetual succession, and shall be capable in law of contracting and being contracted with, of suing and being sued, pleading and being impleaded, either in law or equity, in all the courts of record in this state or elsewhere. They and their successors may and shall have a common seal, and may change the same at their will and pleasure; and may, from time

By-laws.

to time, make and establish such by-laws, ordinances and regulations, the same not being inconsistent with the laws of the state and the United States, as may appear to them necessary or expedient for the management of said corporation, its business and affairs, and may, from time to time, alter, amend or repeal the same, or any of them.

Capital stock.

Sec. 2. *And be it further enacted*, that the capital stock of said company shall be one hundred thousand dollars ($100,000),

Value of shares.

divided in shares of one hundred dollars ($100) each, with privi-

Capital stock may be increased.

lege to increase the same, from time to time, by a vote of the stockholders at any annual or special meeting; *And provided*, that the same shall not exceed five hundred thousand dollars ($500,000); and should the capital stock at any time be increased, the stockholders, at the time of such increase, shall be entitled to a *pro rata* share of such increase upon the payment of the par value of the same.

When company shall be organized.

Sec. 3. When the majority of the said capital stock of one hundred thousand dollars ($100,000) is subscribed, the company shall be organized, by George Allen and his associates, subscri-

bers to the capital stock; then the said stockholders shall proceed to the election of a board of directors, to be not less than seven (7), and the said directors shall, at their first meeting, elect from their own number a president, a vice-president, a secretary, a treasurer, all of whom shall serve for one year, or until their successors are elected and qualified. In case of vacancy from any cause, the remaining directors may fill said vacancies until a meeting of the stockholders. The stockholders also may elect such number of additional vice-presidents, located in various portions of the state or United States, as may seem for the best interests of the corporation.

Directors.

Officers.

Vacancies.

How filled.

Vice-presidents may be elected in various localities.

Sec. 4. The capital stock subscribed shall be payable by each subscriber at such time or times, and in such proportions, as it may be arranged for by the president and directors of the company; and if any such subscriber shall fail to pay the sum so called for upon the shares held by him, for the period of sixty days after being so called for or due, then, upon twenty days' notice, his shares shall be sold to the highest bidder, or by agreement may be sold at private sale, and his interest in the corporation shall cease. From the results of the said sale shall be paid such fines and penalties as may have been imposed in the by-laws.

Capital stock, when payable.

If unpaid in 60 days.

Shares to be sold.

Fines, &c., paid for on sale.

Sec. 5. The affairs of the company shall be managed by the president and directors, five of whom shall constitute a quorum. They shall appoint such officers and clerks as they may find necessary to conduct the business of the company, and to allow them suitable compensation therefor, all of whom shall hold their places during the pleasure of the board. The said board of directors shall allow the president and other officers a reasonable compensation for their services.

Company, how managed.

Pay of officers

Sec. 6. The board of directors shall elect two of their number who, together with the president, treasurer and secretary, shall constitute an executive and finance committee. When the board is not in session the executive and finance committee may exercise all the power vested in the company, except such as shall be otherwise provided for by the board of directors, or by the by-laws, ordinances or regulations of the company; a majority of whom may constitute a quorum to do business.

Executive and finance committee.

Powers of.

Quorum.

Sec. 7. Any policy issued by the South Atlantic Life and Endowment Company of North Carolina, on the life of any person, expressed to be for the benefit of any married woman, whether the same be effected originally by herself, or her husband, or by any other person, or whether the premiums thereafter be paid by herself or her husband, or any other person as aforesaid, shall inure for her sole and separate use and benefit,

Policy of married women.

For whose benefit.

and that of her husband's children, if any, as may be expressed in said policy, and shall be held by her free from the control or claim of her husband or his creditors, or of the person effecting the same and his creditors.

Power to buy and sell real estate.

Sec. 8. That it shall be lawful for said corporation to purchase, hold and convey real estate as follows:

1st. Such as shall be requisite for its immediate accommodation in the convenient transaction of its business;

2d. Such as shall have been mortgaged to it, in good faith, by way of security for loan previously contracted, or for money due; or,

3d. Such as shall have been purchased at value upon judgments, decree or mortgage, obtained or made for such debts; or,

4th. Such as shall have been conveyed to it in ratification of debts previously contracted in the course of the dealings.

And it shall also be lawful for said company to improve, exchange for the property, real or personal, or otherwise use or dispose of said real estate, or any part or parcel thereof; and

What real estate required to be sold.

all such real estate as shall not be necessary for the accommodation of said company in the convenient transaction of the business, shall be sold and disposed of within fifteen years after the said company shall have acquired title to the same, and it shall not be lawful for the said company to hold such real estate for a longer period than the above mentioned.

Sec. 9. That the president and treasurer, under the supervision of the executive and finance committee, shall have power

Capital stock, premium, &c., invested.

to invest the capital stock, premiums, accumulated profits or surplus, and other income and assets of the corporation in such manner as they may deem best for the best interests of the company: *Provided*, that if loans or investments are made on

Value of real estate on which loans made.

real estate securities, that the amount secured shall not exceed three-fourths of the estimated value of such estate.

Checks, drafts, policies, &c., to be signed by president or vice-president and another officer.

Sec. 10. All checks, drafts, policies or contracts of the company shall be signed by the president, and in his absence, by the vice-president, and such other officers as the board of directors may empower.

Annual election of directors.

Sec. 11. The directors of the company shall be elected annually by the stockholders of the company at their annual meeting on the fourth Monday in January; and they shall elect

To be stockholders. Officers.

from their number, at the first meeting of the board after their election, a president, vice-president, secretary, and treasurer;

Executive and finance committee.

also such other officers as may be provided for, and shall appoint the executive and finance committee. All elections of

Each share of stock entitled to one vote.

directors shall be by ballot, and every stockholder shall be entitled to one vote for each share of stock held by him; but

no person shall be eligible as a director who is not a stockholder to the extent of ten (10) shares. The stockholders shall also elect an auditing committee, who shall examine the accounts and books of the company, and make a report at each annual meeting of the company, and oftener if necessary.

Auditing committee.

Sec. 12. The principal office of the company shall be in Raleigh, or in such place in North Carolina as the majority of the stockholders shall deem most advisable, and the annual meeting shall be held in the office of the company, twenty days' previous notice of the same having been given by advertisement in one or more newspapers published in the city of Raleigh, or in the city in which the chief office is located.

Principal office in Raleigh.

Annual meetings on 20 days' notice.

Sec. 13. That the directors shall have power to declare such dividends of the profits of the company as they may deem proper, which said dividends shall be apportioned between the stockholders and such classes of policy-holders, or such individual policy-holders of a class, in such manner and in such proportions as the directors may, by contract, entitle to share in such dividends: *Provided*, that no dividends shall be declared when the capital stock would be impaired thereby.

Dividends declared.

Classes of policy-holders.

Proviso.

Sec. 14. All policies of insurance, and other contracts made by the company, signed by the president, or the officer temporarily acting in his place, and countersigned by officers as the board may empower, shall be obligatory on the said company, and have the same effect as if attested by a corporate seal.

Policies and contracts signed by president, and countersigned, to have same effect as attested by corporate seal.

Sec. 15. The stockholders may, in general meeting, prescribe the number of directors by a by-law, to take effect at the next annual meeting: *Provided*, that the number prescribed shall not be less than seven.

Directors prescribed.

Not less than seven.

Sec. 16. Every stockholder not in debt to the company may, at his pleasure, in person or by his attorney, assign his stock on the books of the company, or any part thereof, not being less than one share; but no stockholder who is indebted to the company, shall assign or make transfer of his stock, or receive a dividend, until such debt is paid or secured to the satisfaction of the board of directors.

Stock, how transferred.

Sec. 17. The individual stockholders of this company shall not be personally liable for any loss or damage, beyond the amount of stock subscribed respectively by them and any profits accruing therefrom and undivided.

No individual liability.

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

Ratified the 11th day of March, A. D. 1895.

CHAPTER 210.

An act to incorporate the Southport Terminal and Improvement Company.

The General Assembly of North Carolina do enact:

Incorporators.

Name.

Powers and duties.

Section 1. That F. B. Ullery, Alfred E. Stephens, W. H. Pike, William Weeks, A. Pullan, Eben Brewer and Thomas B. Maiston, and such other persons as may be associated with them, be created a body politic by the name and style of the "Southport Terminal and Improvement Company", of Southport, North Carolina, and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, have and use a common seal; purchase, hold, lease and convey real and personal estate; and said company may make by-laws and regulations, for its government, not inconsistent with the laws of the state and United States, and shall have and enjoy all the privileges, rights and immunities which corporate bodies may lawfully exercise.

Capital stock.

May be increased.

Sec. 2. That the capital stock of said corporation shall be one hundred thousand dollars, which may be increased to any sum not exceeding one million of dollars, as said corporation may, by a majority of its stockholders, voting by shares, from time to time determine, and may be created by subscription on the part of individuals or corporations, in shares of one hundred dollars each, which may be made in money, bonds or lands.

Books of subscription to be opened.

Sec. 3. That for the purpose of creating capital of said company, any three of the corporators above named may open books of subscription to such capital stock, at such places as they may determine, and keep the same open for such time as they may deem expedient, under such rules and regulations as a majority of all the corporators may prescribe.

General meeting of stockholders.

Sec. 4. That when the sum of ten thousand dollars shall have been subscribed to the capital stock of said company, it shall be the duty of the corporators above named (any three may act for the purpose) to call a general meeting of the stockholders of said company, of which meeting ten days' notice shall be given to each stockholder, specifying the time and place of said meeting. At said meeting, if a majority of the stock subscribed shall be represented, in person or by proxy, the stockholders shall proceed to elect a board of directors, and such other officers as the by-laws may prescribe, and may do and perform all other acts necessary to the complete organization of said company.

Authority of company.

Sec. 5. The said company is hereby authorized and empowered to erect and construct, at or near the town of Southport, in the county of Brunswick, wharves, piers, docks, basins, warehouses, elevators, cotton-presses and coal-shutes, suitable for the accommodation of steam-ships, vessels and boats, and for the convenient loading, unloading, shipping, receiving and storing of all kinds of merchandise and personal property for safe keeping, and may conduct the business usually transacted by warehousemen, wharfingers and lightermen, and may charge and collect compensation for the storage, dockage, wharfage, and lighterage, and for all labor incident thereto, including the expense of weighing, insuring, keeping and delivering such merchandise or personal property, at such rates and on such terms as may be agreed upon between it and its customers; and for any advances made by it on merchandise or property stored or deposited with it for shipment, and for all its charges and expenses incident thereto, the said company shall have a preferred lien on said merchandise and property, which shall be paid before the said company shall be required to deliver the same.

May operate railroads, &c.

Sec. 6. That for the convenience of access to such improvements, and for the purpose of transacting the business of said company, the said company shall have power to construct, equip and operate all such lines of railroads, with sidings and branches, as may be necessary or desirable to connect any or all of said wharves, piers, docks, basins, warehouses, elevators, cotton-presses and coal-shutes, or which may be necessary to connect said wharves, piers, docks, basins, warehouses, elevators, cotton-presses and coal-shutes, with any and all lines of railway that may hereafter be built to the town of Southport aforesaid.

May connect with other railways.

Sec. 7. The said company shall have power to unite, consolidate or connect its railways with any line of railway constructed, or which may be constructed in this state, upon such terms as may be agreed upon between it and such other railway company, and for this purpose power is hereby granted to it, and any railway company incorporated by this state, to make and carry out such contracts, by lease, purchase or otherwise, as will facilitate and consummate such connection or consolidation.

Connecting companies may take stock.

Sec. 8. Any railway, steamship or navigation company, with which said company may connect, is hereby authorized to subscribe to the capital stock of said company, and the stock so subscribed shall have the same privileges and powers, and

be subject to the same conditions and regulations as the stock held by other stockholders therein.

Company may subscribe to certain railway stock, &c.

Sec. 9. The said company is hereby authorized to subscribe to the capital stock of any railroad company chartered by this state, or by North Carolina, South Carolina, Tennessee, Kentucky, Georgia, Alabama or Mississippi, which may have been constructed or may hereafter be constructed. It is also authorized to acquire, by purchase or otherwise, stock or bonds of any such railway company.

May borrow money.

Sec. 10. The said company is also authorized from time to time to borrow such sums of money as may be necessary for its purposes, and for such loans to issue its bonds, bearing interest not exceeding six per centum per annum, to sell, exchange and hypothecate said bonds on such terms as it may deem advisable, and to secure the said bonds, and interest thereon by deed of trust or mortgage conveying its works, property and franchises, in whole or in part.

Lands may be condemned.

Sec. 11. That whenever any land, in or near the town of Southport, shall be required by the said company for the purpose of building said wharves, piers, docks, basins, warehouses, elevators, cotton-presses and coal-shutes, and said railroads, branches and sidings, and for any cause the same cannot be purchased from the owner, the same may be acquired by and in the same manner as provided by The Code and general statutes of this state for the condemnation of lands for railroad and other public purposes.

May pay for labor, &c., in bonds.

Sec. 12. That said company may contract with any person or persons, or corporation, to construct, build, operate and maintain any of or all of its warehouses, shutes, compresses, buildings, wharves, railroads, or for other and all of its improvements contemplated by this act, and to pay for all the same in its bonds, as may be agreed between the contracting parties.

Place of business.

Sec. 13. That the principal place of business of said company shall be Southport, in Brunswick county, this state.

Sec. 14. That this act shall be in force from and after its ratification, for a period of ninety-nine years.

Ratified the 11th day of March, A. D. 1895.

CHAPTER 211.

An act to incorporate the Mutual Savings and Deposit Company.

The General Assembly of North Carolina do enact:

Section 1. That William B. Grimes, John C. Drewry, John W. Cross, Frank Stronach, W. W. Vass, Jr., T. B. Mosley, H. W. Jackson, F. H. Briggs and Henry E. Litchford, their present and future associates and successors, are hereby declared to be a body politic and corporate, by the name and style of the Mutual Savings and Deposit Company, of Raleigh, North Carolina, and as such shall have a corporate existence for a period of sixty years, and by that name may sue and be sued, plead and be impleaded, contract and be contracted with; may have a common seal, which may be altered at pleasure, and may make and adopt all such by-laws and regulations for the management and government of its business and officers as they may deem proper. Incorporators. Name of company. Corporate life.

Sec. 2. The capital stock of said company shall not be less than one thousand dollars, divided into shares of fifty dollars each, but the capital stock may be increased, from time to time, as said corporation may elect, to a sum not to exceed five hundred thousand dollars. Capital stock. Shares. Limit of stock.

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 company, at such time and place and for such a period as they shall determine. Open books.

Sec. 4. Whenever one thousand dollars of the capital stock is subscribed for, and ten per centum thereof is paid in cash, the said corporators, or a majority of them, may call a meeting of the subscribers, or stockholders, in the city of Raleigh, at such a place as may be designated in the call, which may be in writing, or by advertisement for five days in one of the city papers; and if at such meeting the subscribers, or stockholders, who are present, have a majority of the votes, (if not another meeting shall be called,) they may proceed to elect, and provide for the election, of such officers as they may deem proper, and transact such other business as they deem best. When meeting of stockholders called to organize. Power and duties.

Sec. 5. Said corporation may purchase, hold, improve, rent, lease, exchange, sell and convey real estate and personal property; may collect rents, notes, accounts and other evidences of indebtedness, upon commission or fixed charges; may discount, buy and sell notes, drafts and other securities or evidences of debt; may lend money on mortgages of real and personal prop-

erty, or both, or upon liens upon crops, planted or unplanted, and may negotiate loans and receive commission therefor; may own, maintain, or lease warehouses, and carry on the business of warehousemen and forwarders; receive on storage or deposit, all kinds of produce, merchandise, or other personal property, and make advances in money on the same, and collect and receive interest and commissions, and compensation for storage and all labor and expenses incident thereto.

Sec. 6. Said corporation shall have the right to act as agent, factor or trustee for any state, county, township, town, municipality, or other corporation or individual, on such terms as to compensation as may be agreed on, in negotiating loans, registering, selling, countersigning, collecting, holding, acquiring, dealing in and disposing of any bonds, certificates of stock, notes, or any description of property, real or personal.

Sec. 7. Said corporation may organize and conduct a savings bank for the convenience of its stockholders and small depositors, and may make such regulations in regard thereto, not inconsistent with the laws of the state, as will enable it to receive deposits and give therefor certificates or other evidences of deposit, and it may pay such interest on deposits as may be agreed on, not exceeding the legal rate, and may regulate the time of payment and notice of demand.

Sec. 8. Said corporation may do a general banking business, and exercise all the rights, powers 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 of North Carolina: *Provided*, that before said corporation shall exercise the powers conferred in this section there shall be at least twenty thousand dollars of its capital stock paid in.

Sec. 9. No corporator or stockholder of said corporation shall be in any wise individually liable for any debts, obligations, contracts or engagements of said corporation; except officers thereof, who may be guilty of fraud, shall be liable as provided in section six hundred and eighty-six, chapter sixteen, of The Code.

Sec. 10. Each stockholder shall be entitled, in all meetings of the stockholders, to cast one vote for each share of stock held by him or her.

Sec. 11. No powers or privileges granted herein shall be deemed forfeited by non-use: *Provided*, the corporation is organized within two years from the date of ratification of this act.

Sec. 12. This act shall be in force from and after its ratification.

Ratified the 11th day of March, A. D. 1895.

CHAPTER 212.

An act to change the name of the town of Elm City, to that of Toisnot.

The General Assembly of North Carolina do enact:

Name changed to Toisnot.

Section 1. That the name of the town of Elm City, North Carolina, be, and is now, changed to that of Toisnot.

Conflicting laws repealed.

Sec. 2. That all laws heretofore enacted, governing the town of Elm City, shall apply to the government of Toisnot.

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

Ratified the 11th day of March, A. D. 1895.

Names of petitioners for change of name.

We, the undersigned citizens and patrons of Elm City do hereby ask the general assembly of North Carolina to change the name of the town of Elm City to Toisnot. Respectfully, George H. Griffin, Redman Winsted, J. C. Cobb, J. D. Davis, R. S. Wells, E. R. Brinkley, C. T. Davis, C. H. Barrow, B. B. Barrow, W. J. Clark, W. H. Long, P. D. Jones, I. W. Williams, John T. Sheet, M. T. Williams, W. B. Barnes, W. G. Sharp, G. W. Griffin, E. P. Thornell, E. H. Vick.

CHAPTER 213.

An act to amend the charter of Lincolnton.

The General Assembly of North Carolina do enact:

Commissioners of town may buy real estate and convey to railroad.

Section 1. That the commissioners of the town of Lincolnton are authorized and empowered to purchase real estate, not exceeding two thousand five hundred dollars, and convey the same to the Chester and Lenoir narrow gauge railroad company for the purpose of conducting a machine and repair shops within the corporate limits of said town, in connection with said railroad.

Bonds may be issued.

Sec. 2. Said commissioners are authorized to issue bonds, to a sum not exceeding in the aggregate two thousand five hundred dollars, in denominations of one hundred dollars each, bearing six per centum interest, payable annually, and principal payable twenty years from the date of issue, which bonds shall be sold to raise money necessary to purchase said property at not less than par.

Interest. When payable.

Special tax to pay interest and bonds.

Sec. 3. In order to pay the interest on said bonds, and provide a fund to pay off said bonds at maturity, the commission-

ers of said town are authorized to levy a special tax, in addition to the tax now authorized to be levied under the charter, and amendments thereto, of the town of Lincolnton, not exceeding fifteen cents on every one hundred dollars' worth of property, real and personal, in said town subject to taxation, and not exceeding forty-five cents on every poll in said town subject to taxation, annually, until said debt and interest are fully paid off:

Amount of tax levy.

Proviso.

Provided, that such purchase shall not be made, and said bonds shall not be issued, until the will of the citizens of said town in regard thereto shall first be ascertained, as hereinafter provided for.

When election to be ordered.

Sec. 4. That when a petition, being presented to the commissioners of said town, signed by not less that twenty-five qualified voters of said town, requesting an election under this charter, it shall be the duty of said commissioners to order an election to be held, in not less that thirty days and not more than sixty days from the time of presenting the petition, to ascertain the will of the citizens of said town for and against the said purchase.

Election, how held.

Sec. 5. Said election shall be held by the sheriff of Lincoln county in the same manner as is now provided by law and the charter of said town for holding election for an intendant and commissioners of said town, except so far as herein modified.

Ballots, what to contain.

Sec. 6. At said election those in favor of purchasing the real estate, and issuing the bonds to pay for the same, shall vote a ticket on which is written or printed "for the purchase," and those opposed to such purchase and issue of bonds shall vote a ticket on which is written or printed "against purchase."

When bonds to be issued.

Sec. 7. If a majority of the qualified voters of said town vote "for purchase," the commissioners of said town shall issue and sell sufficient bonds, not exceeding the amount named in section one and two of this act, and purchase the said real estate at such place within the corporate limits of said town, and at such price, as a majority of said commissioners may decide: *Provided*, said commissioners, in conveying said property to the Chester and Lenoir narrow gauge railroad company, shall stipulate in such conveyance that the said property is free from the debts and incumbrances now existing, or which may hereafter be created by said railroad company, and that said property shall immediately revert to the town of Lincolnton upon said railroad company ceasing to use and operate thereon its machine and repair shops.

Conflicting laws repealed.

Sec. 8. That the charter, and amendments thereto, of the town of Lincolnton, in so far as the same conflicts with this chapter,

be, and the same are hereby, amended in accordance with this act.

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

Ratified the 11th day of March, A. D. 1895.

CHAPTER 214.

An act to incorporate the Newbern Street Railway and Electric Company.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That Richard P. Williams, E. Ellis Williams and William W. Clarke, together with all other persons that may be associated with them, their successors and assigns, are hereby created a body politic and corporate, under the name and style of "The Newbern Street Railway and Electric Company," by which name said corporation may sue and be sued, plead and be impleaded in all actions in law and equity, and shall have the rights and privileges hereby granted, and all that may be necessary to the full and complete enjoyment of the same, together with all the rights and privileges, liberties and immunities, franchises and powers, conferred upon and pertaining to all other corporations, not forbidden by the laws of the United States or the state of North Carolina.

Name of corporation.

Corporate powers, extent of. Privileges.

Sec. 2. That in the city of Newbern, and throughout the state, said corporation is hereby authorized and empowered to manufacture and sell electricity for lighting and power purposes, to run and operate electric light plants; to construct, run and operate street railways by electricity, steam, horse or other power; and to construct, maintain and operate railroads in Craven, Lenoir, Pamlico and Beaufort counties; and to hold, buy and sell lands and timber anywhere in the state; and to issue and negotiate coupon bonds, and secure the same by mortgages and deeds of trust.

Cities and towns in state may grant right to light streets and operate railways.

Sec. 3. That the city of Newbern, and all other towns and cities in the state, are hereby fully authorized and empowered to grant to said corporation the exclusive right for lighting streets, and constructing and operating street railways within their limits.

Shares.

Sec. 4. That the capital stock of said corporation, to be divided into shares of fifty ($50) dollars each, shall not be less

Capital stock.

than fifty thousand dollars ($50,000), and not more than five hundred and fifty thousand dollars ($550,000).

Management and control.

Sec. 5. That the management and control of the affairs of said corporation shall be in the hands of such officers as may be prescribed by its by-laws.

Conflicting laws repealed.

Sec. 6. That all laws, and parts of laws, coming in conflict with this act be, and the same are hereby, repealed.

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

Ratified the 11th day of March, A. D. 1895.

CHAPTER 215.

An act to incorporate the town of Fork Church, in Davie county.

The General Assembly of North Carolina do enact:

Name.

Section 1. That the town of Fork Church, in the county of Davie, be, and the same is hereby, incorporated by the name and style of "The Town of Fork Church," and shall be subject to all the provisions of chapter sixty-two (62), volume two (2), of The Code.

Corporate limits.

Sec. 2. The corporate limits of the said town shall be as follows: one-half mile in every direction from the church known and designated by the name of Fork Church, forming a circle with a diameter of one mile.

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-five (1895), or until their successors are elected and qualified, viz.: Dr. C. F. Anderson, mayor; L. M. Hege, J. B. Smith and F. P. Ratts, commissioners, and John K. Kestler, 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-five, and annually thereafter, as is required by the general laws regulating elections in cities and towns in North Carolina.

Oaths of officers.

Sec. 5. That it shall be the duty of 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 persons qualified to administer an oath, thirty days

Time for taking oaths.

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 ($200), to be approved by the commissioners. Constable. Bond of.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 216.

An act to incorporate the town of Rennert.

The General Assembly of North Carolina do enact:

Section 1. That the town of Rennert, in Robeson county, be, and the same is hereby, incorporated under the name and style of Rennert, and the same shall be subject to all the provisions contained in chapter sixty-two (62), volume two (2), of The Code. Rennert incorporated. Under general laws.

Sec. 2. That the corporate limits of said town shall be two miles square; the limit running parallel with the Atlantic Coast Line railroad; the depot of said railroad being the center of said corporate limits. Corporate limits.

Sec. 3. That the officers of said corporation shall consist of a mayor, four commissioners and a marshal; and the following named persons shall fill said offices until the first Monday in May, one thousand eight hundred and ninety-five (1895), viz.: Mayor, A. E. C. Pittman; commissioners, William Johnson, Bunyan Tolar, Carson Tolar and U. S. Tolar; marshal, Hector McNeill; all of whom shall hold their offices until their successors are elected and qualified. Officers.

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-five (1895), and each succeeding year thereafter, under the same restrictions that county and state elections are held; and all citizens who have resided twelve months within the state, and ninety days within the corporate limits of said town, shall be entitled to vote at said elections. Time of election. Rules for holding elections. Voters, who may be.

Sec. 5. The officers mentioned in this act shall perform the same duties, and exercise the same powers and privileges, prescribed in chapter sixty-two (62), volume two (2), of the Code. Duties of officers.

Sec. 6. That it shall be unlawful to sell any spirituous liquors or intoxicating drinks within the corporate limits of said town. Prohibition.

Duty of officers appointed by act.

Sec. 7. That it shall be the duty of the officers of the town appointed by this act, within sixty days after its ratification, to go before some justice of the peace of said county, and take the oath of office prescribed by law for such officers.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 217.

An act to protect the water supply of Winston, North Carolina.

The General Assembly of North Carolina do enact:

Dead animals or reptiles or foul matter forbidden to be placed in streams furnishing Winston's water supply.

Section 1. Any person who shall wilfully place or deposit in any of the streams or springs from which the supply of water, for domestic or other purposes, is drawn or conducted for the use of the citizens of Winston, North Carolina, or upon the grounds or watersheds drained by said streams, any dead carcass or carcasses of any animal, reptile or other creatures, or any filth or poisonous substance, or anything by which the water in said streams shall be rendered, or may become liable to be rendered, unwholesome, contaminated or otherwise unfit for domestic purposes, shall be guilty of a misdemeanor.

Pig pens, &c., forbidden.

Sec. 2. That it shall be unlawful for any person to erect, establish or maintain upon any of said streams, or tributaries thereof, or upon the watersheds drained by said streams, any establishment, contrivance or works, any pig pen, privy or other thing the effect of which in its or their operation or use shall be deleterious to the waters of said supply; any such establishment, contrivance or works shall be, and is hereby, declared to be a public nuisance, and any person erecting or maintaining the same shall be guilty of a misdemeanor.

Nuisance.

Duty of health officer.

Sec. 3. That it shall be the duty of the health officer of the city of Winston to exercise due surveillance over the said streams and watersheds, and enter upon and abate the nuisance herein declared in the manner provided by existing law for the abatement of public nuisance.

Misdemeanor to render foul or obstruct water supply.

Sec. 4. That any person who shall wilfully injure any of the property of the Winston Water Works, or in any manner wilfully interfere with or obstruct the operation of said works, or shall cast, throw, place or deposit any substance or thing into

any of the filters, pipes, tanks, conduits, reservoirs, streams or other receptacle or channel of water, or any source of supply, shall be guilty of a misdemeanor.

Health officer to prosecute offender.

Sec. 5. It shall be the duty of the health officer of the city of Winston to institute criminal proceedings against all persons violating the provisions of this act.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 218.

An act to incorporate the Oriental Industrial, Stock, Fruit and Agricultural Fair Association.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That W. W. Lawrence, M. P. Holly, R. G. Mosely, Sr., E. R. Dudley, M. T. Bryan, J. P. Stanley, S. A. Vail, Peter Fisher, Jr., J. H. Smith, H. H. Simmons, H. J. Green, and their associates, successors and assigns, be, and they are hereby, created a body politic and corporate, for the purpose hereinafter mentioned, under the corporate name of "Oriental Industrial, Stock, Fruit and Agricultural Fair Association," and by that name may sue and be sued, plead and be impleaded, appear and prosecute and defend in any court of law or equity whatsoever and in all suits and actions; and contract and be contracted with; and may have and use a common seal, which may be altered at pleasure; and shall have and enjoy all the rights and privileges, powers, immunities, liberties and franchises pertaining to corporations.

Name of corporation.

Corporate liberties.

Real and personal estate may be bought and sold by corporation.

Sec. 2. That the said corporation shall have power to purchase, or otherwise acquire, any real or personal property to such an extent as to them may seem proper, and take title thereto in the name of the corporation; and to convey, lease or dispose of the same as fully as citizens of this state can or may do: *Provided*, they shall not at any time have more than one thousand acres of real estate.

Purposes and powers of corporation.

Sec. 3. That said corporation shall have power and authority, in order to promote the interest of eastern North Carolina, to encourage and advance husbandry, agriculture, stock raising, trade and domestic manufacture; to encourage skill and grace in equestrian and athletic exercises, and other amusements; to encourage productions of painting, drawing, etc.; to hold

annual fairs, or oftener, if desired, and offer premiums, prizes, rewards for superiority in such production, skill, workmanship, etc., exhibited at such fairs; and to this end may build, erect, establish and operate such buildings, race-tracks and show grounds as they may deem necessary; and may make reasonable charges for entrance into such fairs, as they may deem proper, and any and all such reasonable rent and charges for building race-tracks as they may deem fit and proper; and shall have all the powers, privileges and immunities belonging or in anywise appertaining to and necessary to the successful operation of such fairs.

May establish a jockey club.

Sec. 4. That said corporation shall have power to establish a jockey club and driving club, and driving park, and to that end it may build and erect all necessary buildings, club houses, stables, tracks, *et cetera*; and may provide lodgings, food, refreshments and all other things necessary for the entertainment of its members, guests and visitors, as may be permitted by the by-laws and regulations of said club; and may make reasonable charges for all such lodgings, food, *et cetera*, as it may deem necessary.

Privileges of corporation in regard to its property.

Sec. 5. That said corporation shall have the power to sell, grant, convey, improve, manage, develop, mortgage, or otherwise deal with any and all parts of its property, through its proper officers; and to issue mortgage bonds upon any and all of its property, to execute promissory notes and other negotiable instruments, and raise money in such manner as the company may see fit; and to do all such other things as are incidental or conducive to the attainment of any or all of the above objects.

No individual liability of stockholders.

Sec. 6. That the corporators, stockholders, and their successors and assigns, shall not be individually or personally liable or responsible for the debts, contracts, obligations or torts of the corporation.

Capital stock.

May be increased.

Sec. 7. That the capital stock of said corporation shall be ten thousand dollars, with the privilege of increasing said stock to an amount not to exceed fifty thousand dollars, to be divided into shares of five dollars each.

Place of business.

Sec. 8. That the principal place of business of said corporation shall be in the city of New Berne, North Carolina.

Rules and regulations.

Sec. 9. That said corporation shall make such rules and regulations, or by-laws, as (to it) may seem proper for its government, for the election of its officers, the salary to be paid, *et cetera*.

Annual appropriation to be paid corporation by state treasurer.

Sec. 10. That an annual appropriation of five hundred dollars ($500.00) is hereby made, to be paid by the state treasurer upon the warrant of the auditor, to the secretary of the "Ori

ental Industrial, Stock, Fruit and Agricultural Fair Association," on the first day of the annual fair of the said association, as hereafter provided.

Premiums to be paid by appropriation.

Sec. 11. That said sum of five hundred dollars shall be expended solely and exclusively in the payment of premiums by said industrial association upon farm products and works of use and arts, the production of inhabitants of this state.

Life of corporation.

Sec. 12. That this corporation shall exist, and this act be in full force and effect, for eight years from and after its ratification.

Ratified the 13th day of March, A. D. 1895.

CHAPTER 219.

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

The General Assembly of North Carolina do enact:

Sec. 33, chap. 294, laws 1893, amended.

Section 1. That section thirty-three, chapter two hundred and ninety-four (294), laws of eighteen hundred and ninety-three (1893), be, and the same is hereby, amended by striking out, in lines two and three, the word "semi-annually," and inserting in lieu thereof the word "quarterly," of said section; and the same is further amended by inserting in line three after the word "January," the word "April," and after the word "July," the word "October."

Sec. 2. That this act shall apply to Caswell county only.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 220.

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

The General Assembly of North Carolina do enact:

Arden incorporated.

Section 1. That the town of Arden, in the county of Buncombe, be, and the same is hereby, incorporated by the name and style of Arden, and shall be subject to all provisions of law contained in chapter sixty-two, volume two, of The Code, now in force in relation to the incorporated towns.

Chap. 62, vol. 2, *The Code.*

Corporate limits.

Sec. 2. That the incorporate limits of said town shall be one-half mile in every direction from the place where the postoffice in said town is now situated.

Officers.

Sec. 3. That the officers of said town shall consist of a mayor and three commissioners, and a constable, and such other police officers as the commissioners of said town may think advisable to elect; and said commissioners may elect and appoint a secretary and treasurer, if they think advisable so to do, both of which offices may be combined in one and the same person.

Secretary and treasurer.

Election.

When held.

Sec. 4. That there shall be an election held, for the election of a mayor, five commissioners and constable for said town, on the first Monday in May, one thousand eight hundred and ninety-six, and on said day in every year thereafter, by the qualified voters within the limits of said corporation; at which election any *bona fide* male resident, twenty-one years of age, who has resided in the state for twelve months, for ninety days in the county, and within the corporate limits of said town thirty days, immediately preceding said election, shall be entitled to vote for said officers at said election in said town.

Persons named as officers until election.

Sec. 5. That until their successors are elected and qualified under the provisions of this act, the following named persons shall fill said offices: F. C. Lambert, mayor; and W. C. Hemphill, C. F. Sumner, P. L. Garren, commissioners; and the said commissioners may appoint a constable, whose term of office shall be the same as that of said commissioners, and be elected in the same manner at the expiration of the term of office for which he has been so appointed.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 221.

An act to incorporate The North Carolina State Dairymen's Association.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That Julian S. Carr, of Durham; Dr. J. J. Mott, of Statesville; Eugene D'Alinges, of Biltmore; Egbert B. C. Hambley, of Rockwell; J. R. Holland, of Charlotte; H. H. Williams, of Chapel Hill; Charles Hallock, of New Berne; H. A. Whiting, of Wilmington, and F. B. Parker, of Goldsboro, be, and they are hereby, created a corporation and body politic

under the name and style of "The North Carolina State Dairymen's Association," for the purpose of promoting the dairy and other allied agricultural interests of this state, and for mutual improvement in the art and science of butter and cheese making and the production of milk, and for receiving and disseminating more general information by the discussion of dairy topics and other kindred matters. Name. Purpose of corporation.

Sec. 2. That the capital stock of said company shall be ten thousand dollars ($10,000), with liberty to increase the same, from time to time, or at any time, to a sum not exceeding twenty-five thousand dollars ($25,000), divided into shares of twenty-five dollars ($25.00) each. Capital stock. Shares.

Sec. 3. That said corporation shall have all such corporate powers as are prescribed by chapter sixteen (16), volume one, Code of North Carolina, entitled "Corporations," and the several acts amendatory thereof, in addition to the powers herein granted. And said company, through its stockholders, may adopt all such by-laws, rules and regulations, not inconsistent with the laws of this state and of the United States, as they deem proper and necessary for the government of said corporation and conducting its business. Corporate powers.

Sec. 4. That, until the stockholders shall otherwise provide, the officers of said corporation shall be as follows, to-wit: the board of directors shall consist of the corporators named in this act, and Eugene D'Alinges, of Biltmore, shall be president; Julian S. Carr, of Durham, shall be vice-president; Egbert B. C. Hambley, of Rockwell, shall be secretary and treasurer; and they, and each of them, shall hold their respective offices, as aforesaid, until their successors shall be chosen in the manner to be provided in the by-laws of said company. Officers. Directors.

Sec. 5. That the corporators, subscribers for stock and stockholders of said corporation, and the officers above named, shall not be individually nor personally liable for the debts, contracts, liabilities, engagements, or pecuniary obligations or torts of said corporation. No individual liability of stockholders.

Sec. 6. That said corporation shall have power to purchase and hold all such real and personal property as may be necessary for the purposes of its business, and may receive and appropriate for its own use and benefit, and the promotion of its business and the carrying out the purposes herein declared, all such moneys, and property of any kind, which may be donated to said company for the purposes aforesaid. Powers of corporation.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 222.

An act to incorporate Lenoir college, in Catawba county.

The General Assembly of North Carolina do enact:

Prohibition.

Section 1. That it shall be unlawful for any person to sell, or otherwise dispose of with a view to remuneration, any spirituous liquors, or substances that produce or may produce intoxication, within two miles of Lenoir college, in Hickory township, Catawba county, North Carolina.

Misdemeanor.

Sec. 2. That any person, firm or corporation violating the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined or imprisoned, or both, at the discretion of the court.

Secs. 3111 and 3112 not invalidate provisions of act.

Sec. 3. That none of the provisions or requirements of sections three thousand one hundred and eleven (3111) and three thousand one hundred and twelve (3112), of The Code, that may not have been complied with in this act, shall be so construed as to invalidate any of the provisions herein contained, and that the provisions of said sections shall not apply to this act.

Charter of Hickory not to be invalidated.

Sec. 4. That the provisions of this act shall not be construed so as to interfere with, or in any way invalidate, the rights and privileges already acquired by the city of Hickory under its existing charter.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 223.

An act to repeal chapter eighty-seven of the private laws of eighteen hundred and eighty nine.

The General Assembly of North Carolina do enact:

Chap. 87, private laws 1889, repealed.

Section 1. That chapter eighty-seven of the private laws of eighteen hundred and eighty-nine (1889) be, and the same is hereby, repealed.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 224.

An act to repeal certain sections of chapter forty-eight of private laws of eighteen hundred and ninety-three, in regard to the town of Monroe.

The General Assembly of North Carolina do enact:

Secs. 6, 7, 8, 10 and 11, chap. 48, private laws 1893, repealed.

Section 1. That sections six, seven, eight, ten and eleven, of chapter forty-eight, of the private laws of eighteen hundred and ninety-three, are hereby repealed.

Conflicting laws repealed.

Sec. 2. All laws, and parts of laws, in conflict with this act are hereby repealed.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 225.

An act to incorporate the Peregory-Jenkins Company.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That W. Edwin Peregoy, J. Wilcox Jenkins, and such other parties as may be associated with them, and their successors and assigns, are hereby created a body corporate, under the name and title of the "Peregoy-Jenkins Company," and under such name shall have the right to sue and be sued, plead and be impleaded in the courts of the state, to contract and be contracted with, and to have all other rights and powers conferred upon corporations by the laws of North Carolina, not inconsistent with this act, and have a common seal and to alter the same at pleasure.

Name.

Rights of corporation.

Powers under corporate law.

Capital stock.

Sec. 2. The capital stock of said corporation shall be two hundred and twenty-five thousand dollars ($225,000), which shall be divided into preferred stock and common stock, seventy-five thousand dollars ($75,000) to be preferred stock, and one hundred and fifty thousand dollars ($150,000) common stock. The net earnings of said corporation in any one year shall first go to the payment of interest on the preferred stock, and when the stock shall receive in one year interest amounting to six (6) per centum then the remainder of said net earnings shall go to

Preferred and common stock.

Amount of preferred stock.

Amount of common stock.

Net earnings to pay dividends of preferred.

Interest in excess of 6 per cent. to

be paid on common stock.

If interest over 12 per cent. excess to be divided equally between both stocks. Proviso.

Sinking fund. Purposes of.

Capital stock may be increased.

Increase of preferred. Inceease of common. How increase permitted. No individual liability of stockholders.

Property of company.

Proviso.

Lumber business may be conducted.

What may be manufactured.

the payment of interest on the common stock until it shall receive interest amounting to six (6) per centum, after which all the other net earnings for that year shall be applied *pro rata* to the payment of interest on all the stock, both preferred and common, as far as the same will go: *Provided*, that any portion of the net earnings which the directors of said corporation may think necessary, shall be laid aside annually, upon the approval of a majority of the preferred stockholders, for the creation of a sinking fund for the payment of any bonds the said company may hereafter issue, before any interest on either kind of stock shall be paid. The capital stock, herein provided for, may be increased at any time to the following amounts, and in the following manner, to-wit: the preferred stock may be increased to two hundred thousand dollars ($200,000), and the common stock to five hundred thousand ($500,000) dollars, neither kind of stock to be increased except by a majority vote of each kind of stock, voting separately. The stockholders of said corporation shall not be individually liable for the debts or obligations of the corporation.

Sec. 3. That said company shall have power to take real estate, in the state of North Carolina, in fee simple or less estate, in any way (except descent), that a natural person may take, and to own, hold, sell, lease, exchange, donate or convey the same in any estate, with all rights and privileges in connection therewith: *Provided*, the quantity of land owned at any one time shall not exceed one hundred thousand (100,000) acres; to buy, own, hold, sell, exchange or otherwise dispose of timber trees growing, standing or being upon the land in any quantity; to conduct a general lumber business in all its branches and departments, including the manufacture of lumber of every kind; to manufacture laths, shingles, buckets, crates, furniture, sash, doors, blinds, boxes and box material, and anything else out of lumber or the product of the forest; to manufacture cotton goods and knit goods of all kinds, and hosiery; to manufacture tobacco, cigars, snuff, meal and flour; to lay out any of its lands into streets, lots, blocks and parks, and to erect stores, hotels, boarding-houses, dwellings, factories and other buildings thereon, and to hold, sell, exchange, let, lease or maintain and operate the same at its pleasure; to subscribe to the capital stock of any corporation which may be projected in this state or elsewhere; to buy, hold, sell or exchange the stock of any corporation, now in existence or hereafter to be incorporated; to buy, own, hold, sell or exchange personal property of any kind necessary to carry out the purpose of the company herein recited, and to do all other things necessary for conducting and

developing the business enterprises authorized by this act; and the said corporation may, in its discretion, engage in and prosecute all of the enterprises herein mentioned, or any one of them.

Drainage and navigation may be carried on.

Sec. 4. That the said corporation, for the purpose of drainage and for the purpose of navigation and transportation by any and all kinds of boats or rafts, is hereby empowered to widen, deepen or straighten the channels or runs, and to cut canals in any of the swamps and creeks contiguous to or emptying into, the watercourses leading to the city of Wilmington, state of North Carolina; and, to carry out these powers, it is hereby invested with all the rights and privileges secured to canal companies by sections sixteen hundred and ninety-eight (1698) to seventeen hundred and seventeen (1717), both inclusive, of The Code of North Carolina, and may establish and maintain aqueducts, and such other works as may be necessary: *Provided*, that said corporation may, at any time, dispose of, by sale or otherwise, or abandon, such swamp or stream thus improved by it, or canal cut by it: *Provided, further*, that when, in the prosecution of any work or improvement contemplated in this section, it may become necessary to construct bridges across public roads, the same shall be constructed and kept in proper repair by said corporation as long as it shall use said canals, improved streams or road.

May cut canals, &c.

Has powers of canal companies.

Proviso.

Further proviso.

Bridges must be kept in repair over canals by company.

May operate railroads.

Sec. 5. That the said corporation is hereby authorized and empowered to lay out and construct, equip and maintain and operate one or more railroads in this state, with one or more tracks, either standard or narrow-guage, and such tram-roads, turnpikes and other roads as it may deem necessary for the prosecution of any or all of the enterprises herein authorized; and to these ends and purposes may build bridges, dams and culverts across streams and depressions: *Provided*, the same do not interfere with navigation; and may establish and maintain telegraph lines, and other works that may be necessary; and the said corporation, for the purpose of acquiring any title to land, or easement, right of way or other privileges pertaining thereto, necessary to enable it to construct any such railroads, tram-roads, turnpikes or telegraph line, shall have all the rights, powers and privileges conferred upon railroad and telegraph companies for those purposes by chapter forty-nine (49), volume one (1), of The Code, and any amendment thereto; and the said corporation shall have full power to dispose of, by sale or otherwise, any of these works, or to cease to operate, and to remove, any railroad, tram-road or telegraph line it may build whenever it shall see fit.

May build bridges, dams and culverts. Proviso.

Railroad condemnation powers conferred.

May sell property or any of its works at pleasure.

May transport passengers and freight.

Sec. 6. That said corporation shall have the right and power to transport passengers and freights of all kinds over any railroad, tramroad, turnpike, canal or improved stream it may

Fares and tolls.

construct or establish, and to charge fares and tolls for the same, at such rates as may be agreed upon, and that are not in

Proviso.

conflict with the laws of North Carolina: *Provided*, that the same shall be done under the same rules and regulations, with the same rights and liabilities, as are provided by law for common carriers.

May cultivate farm lands. Same rights as other freeholders.

Sec. 7. That said corporation may cultivate, farm, lease or let any of its lands for agricultural purposes, and shall have all rights, in respect thereto, that other free-holders have.

May dispose of its property, execute promissory notes, and other commercial paper.

Sec. 8. Said corporation shall have power to improve, manage, develop, sell, convey, lease, mortgage, dispose of or otherwise deal with any or all of its property; to lend money, to make, accept, endorse and execute promissory notes, bonds, drafts and other commercial paper and 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 the accomplishment of any or all of the enterprises authorized by this act.

By-laws and regulations.

Sec. 9. That the said corporation 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, and to alter or abolish the

No directors.

same at will; to fix the number of directors, and define their

Election of officers.

powers; to provide for the election of a president, and such other officers as it may see fit. Its principal place of business shall be

Principal place of business. Branch offices.

in New Hanover county, near or in the city of Wilmington, but it may establish and maintain such branch offices, or places of business, as may be necessary or convenient for the transaction

Annual meetings.

of its business; and shall hold its annual meetings whenever a majority of the directors may determine.

Misdemeanor to obstruct canals, &c., of company.

Sec. 10. That if any person shall in any manner wilfully obstruct the canals, improved streams, railroads, turnpikes, tramroads or other works of said corporation, 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.

Life of corporation.

Sec. 11. The said corporation, its successors and assigns, shall have existence and succession for the period of sixty (60) years; and all laws, and clauses of laws, in conflict with this act are hereby repealed, in so far as they are repugnant to any provision herein, and no further.

Sec. 12. That said "Peregoy-Jenkins Company" is hereby authorized, and it shall have the right and power to purchase all the real estate, all leases, options, easements, rights and privileges, all timber, lumber, trees, logs and manufactured products, all fixtures, machinery, tools, and all other property of every kind and description, wherever the same may be situated, of the "Peregoy Lumber Company", a corporation duly chartered under the laws of the state of North Carolina, and having its principal place of business near the city of Wilmington, in said state; and when it shall have completed the said purchases, it shall hold and enjoy, or dispose of all the said property, under the rights, powers and privileges granted in this act.

Peregoy Lumber Company's property may be bought.

Peregoy Lumber Company's property to be held under provisions of this act.

Sec. 13. This act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1895.

CHAPTER 226.

An act supplemental to an act to incorporate the town of Boonville, in Yadkin county.

The General Assembly of North Carolina do enact:

Section 1. That section six (6), in an act entitled "an act to incorporate the town of Boonville, Yadkin county," is hereby stricken out and repealed.

Sec. 6, in act to incorporate Boonville, stricken out.

Sec. 2. All laws, and parts of laws, in conflict with this act are hereby repealed.

Ratified the 13th day of March, A. D. 1895.

CHAPTER 227.

An act to repeal chapter three hundred and sixty-six of the private laws of eighteen hundred and ninety-three.

The General Assembly of North Carolina do enact:

Section 1. That chapter three hundred and sixty-six of the private laws of one thousand eight hundred and ninety-three be, and the same are hereby, repealed.

Repeal.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 228.

An act to be entitled an act to repeal chapter eighty-seven of the private laws of one thousand eight hundred and eighty-nine.

The General Assembly of North Carolina do enact:

Repeal.

Section 1. That chapter eighty-seven of the private laws of one thousand eight hundred and eighty-nine (1889) be, and the same is hereby, repealed.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 229.

An act to amend chapter one hundred and forty-two of the laws of eighteen hundred and ninety-one.

The General Assembly of North Carolina do enact:

Chap. 142, laws 1891, amended.

How amended.

Section 1. That section one, chapter one hundred and forty-two of the laws of eighteen hundred and ninety-one, shall be, and the same is hereby, amended, by striking out the word "may," in line three of said section, and inserting in lieu thereof the word "shall."

Sec. 2. That section three of chapter one hundred and forty-two of the laws of eighteen hundred and ninety-one, shall be, and the same is hereby, amended, by striking out lines four and five of said section.

Sec. 3. That section four of said chapter one hundred and forty-two of the laws of eighteen hundred and ninety-one, shall be, and the same is hereby, amended, by striking out the word "provided," in line three of said section, and all after the word "provided" down to the end of said section four.

Sec. 4. This act shall be in full force and effect thirty days after its ratification.

Sec. 5. That all laws, and clauses of laws, in conflict with this act, shall be, and the same are hereby, repealed.

Ratified the 13th day of March, A. D. 1895.

CHAPTER 230.

An act to incorporate the Rising Sun Lodge, number three, Independent Order of Good Samaritans and Daughters of Samaria, of New Bern, North Carolina.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That J. P. Stanly, B. Johnson, M. I. Dudly, May A. Davis and Susan James, trustees, and their successors in office, are hereby created and constituted a body corporate under the name and style of Rising Sun Lodge, number three, Independent Order of Good Samaritans and Daughters of Samaria, of New Bern, North Carolina, and by that name and style they shall have perpetual succession and a common seal, shall be capable in law to sue and be sued, plead and be impleaded, in all the courts of this state.

Name of corporation.

Powers.

Sec. 2. That said corporation shall have power to lease, purchase, take and receive by gift or devise, and hold in fee simple, all manner of lands, tenements, rents, annuities and other hereditaments, and shall be further able, in law, to take, receive and possess all money, books, goods and chattels, which may be given, sold, or be bequeathed to or for the use of said corporation.

No individual liability.

Sec. 3. That the corporation aforesaid, and all members and officers of the corporation, their successors and assigns, shall not be individually or personally liable or responsible for any debts, liabilities, obligations or contracts of the corporation.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 231.

An act to incorporate Moravian Falls Military Academy.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That R. A. Spainhour, T. P. Parleir, J. T. Hubbard, W. G. Meadow and J. L. Hemphill, their associates and successors, are hereby created a body politic and corporate under the name and style of Moravian Falls Military Academy, for the purpose of maintaining and carrying on a high grade preparatory and military school in the town of Moravian Falls, in Wilkes county, North Carolina, and as such may acquire and hold and convey real and personal estate, may sue

Name of corporation.

Where located.

Power, privileges and duties.

and be sued, plead and be impleaded, contract and be contracted with, and may make such regulations and by-laws, and do such other acts, not inconsistent with the laws of the state, as shall be deemed necessary and expedient for the promotion of the object of the corporators.

Governor authorized to grant commission.

Sec. 2. That the governor shall be empowered to grant commissions to the commandant of cadets, and such other officers of the said school as are necessary to the efficiency of the school:

Proviso.

Provided, the rank so conferred shall not be higher than captain.

Rank of officers commissioned.

Sec. 3. That the officers thus commissioned shall rank, according to the date of their commissions, such officers in the line of the North Carolina state guard.

Adjutant-general may make loan of guns, &c.

Sec. 4. That the adjutant-general shall be empowered to issue loan to said school, on such terms and under such regulations as are customary and lawful in such cases, such guns and other equipments in possession of the state, and not otherwise in use, as may be necessary for the use of said school.

Misdemeanor to sell or give to pupil liquors.

Sec. 5. That any person who shall sell or give to any pupil of said school, knowing him to be such, any spirituous or malt liquors, except under the prescription of a physician, shall be guilty of a misdemeanor.

Property exempt from taxation.

Sec. 6. That all property belonging to or acquired by said corporation, shall, while used for school purposes, be exempt from all taxation, state, county or municipal.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 232.

An act to incorporate the town of Creedmore, in Granville county.

The General Assembly of North Carolina do enact:

Creedmore incorporated.

Section 1. That the town of Creedmore, in Granville county, be, and the same is hereby, incorporated, and the corporation

Limits.

shall extend one-half mile in all directions from the depot of the Durham & Northern Railway Company, in said town.

Commissioners, with power to appoint officers.

Sec. 2. That T. B. Lyon, R. H. Fleming and John Sanderford are hereby appointed commissioners of said town, with power to appoint a mayor and other officers, who shall hold

office until the next regular election, as prescribed by section three thousand seven hundred and ninety-seven (3797) of The Code, and that chapter sixty-two (62) of the second volume of The Code, be, and the same is hereby, declared to be in full force, and that said town shall have the benefit of all the provisions of said chapter. Term of office. Sec. 3797, chap. 62, *The Code*, operative.

Sec. 3. That it shall be unlawful to sell spirituous liquors in said corporation, and any violation of this section shall be a misdemeanor. Prohibition.

Sec. 4. This act shall be in force from its ratification.

Ratified the 13th day of March, A. D. 1895.

CHAPTER 233.

An act to amend the charter of the town of Saluda, Polk county, North Carolina.

The General Assembly of North Carolina do enact:

Section 1. That section four, chapter five, of the private laws of eighteen hundred and eighty-one, be amended by striking out the word "office", in the first line of said section, and inserting therefor the words "the purpose of electing a mayor, and three commissioners"; and adding after the word "election" in the last line of said section the words "and the board of commissioners of said town, at their last meeting after the first Monday in May of each year, shall elect a marshal for said town, who shall go before some justice of the peace of said county, within ten days after his election, and take the oath provided by law. Sec. 4, private laws 1881, amended. Words substituted. Time of election of marshal. Oath of marshal.

Sec. 2. That section seven, chapter five, of the private laws of eighteen hundred and eighty-one, be, and the same is hereby, repealed. Sec. 7, chap. 5, private laws 1881, repealed.

Sec. 3. That section five, chapter three hundred and forty-eight, private laws of eighteen hundred and ninety-one, be, and the same is hereby, repealed. Sec. 5, chap. 345, private laws 1891, repealed.

Sec. 4. That section five, chapter three hundred and twenty-seven, of the private laws of eighteen hundred and ninety-one, be amended by striking out the words "Saluda Baptist church" in line eleven (11) of said section. Sec. 5, chap. 327, private laws 1891, amended.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 234.

An act to prohibit the sale of spirituous liquors in the town of Aurora, North Carolina.

The General Assembly of North Carolina do enact:

Prohibition in Aurora.

Section 1. That it shall be unlawful for any person to sell, barter, or give away to induce trade, any spirituous, vinous or malt liquors within the corporate limits of the town of Aurora, Beaufort county, North Carolina.

Sec. 2. All laws, and clauses of laws, in conflict with this act are hereby repealed.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 235.

An act to incorporate New Light Lodge, number sixty-one, Ancient, Free and Accepted Masons, Wilmington, North Carolina.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That John A. Bradley, D. W. Evans, Primus Jackson, D. C. Wright, Arrie Bryant, Thomas Rivers, Sr., Charles Miller, R. L. Hutchins, and the worshipful master and other officers and members of New Light Lodge, number sixty-one, Ancient, Free and Accepted Masons, located in the city of Wilmington, in the county of New Hanover, be, and they are hereby, incorporated into a body politic and corporate,

Name of lodge.

under the name and title of "New Light Lodge, number sixty-one, Order of Free and Accepted Masons," and by that name

Powers and duties.

may have succession and a common seal, sue and be sued, plead and be impleaded before any court of record, or before any justice of the peace in the state, contract and be contracted with, acquire, hold and dispose of real and personal property for the benefit of said lodge or its members, and have all such rights and privileges as are incident to such corporation.

By-laws and regulations.

Sec. 2. That this 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 the state or of the United States.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 236.

An act to prohibit the manufacture and sale of spirituous and malt liquors within two (2) miles of St. Matthew's Lutheran Church, in Rowan county.

The General Assembly of North Carolina do enact:

Prohibition.

Section 1. That it shall be unlawful for any person or persons to manufacture or sell any spirituous or malt liquors within two (2) miles of St. Matthew's Lutheran Church, in Rowan county.

Misdemeanor. Penalty.

Sec. 2. That any person who shall violate the provisions of this act, upon conviction thereof, shall be fined not less than five dollars ($5) nor more than twenty-five ($25), or imprisoned, at the discretion of the court.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 237.

An act to incorporate the Emancipation Proclamation Association, headquarters at Raleigh.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That R. H. W. Leak, W. F. Delman, Joseph Perry, C. M. Hunter, C. Johnson, J. T. Williams, J. C. Dancy, A. R. Middleton, C. D. Waddell, C. H. Moore, George S. Maly, V. Howe, E. J. Gregg, E. M. Dent, C. L. Smith, M. M. Peace, W. H. Crow, Jr., S. J. H. Mayes, John H. Edwelle, H. P. Chesam, John W. L. Loyd, M. W. Alston, J. S. Wilson, Richard Burgess, J. M. Beckwith, Howard Coleman, W. G. Person, Hugh Cale, T. L. Taylor, J. H. Young, W. C. Coleman, and such other persons as they may associate with themselves for the purpose hereinafter mentioned, be, and they are hereby, made a body politic and corporate, under the name and style of the "Emancipation Proclamation Association," and by that name may sue and be sued, plead and be impleaded in all the courts of the state, contract and be contracted with, and have a common seal.

Name of corporation.

Corporation may hold land and other property.

Sec. 2. That said corporation may purchase and hold as much land and other property as may be necessary for the purpose of establishing the association in any county in the state.

Object of association. Property non-taxable.

Sec. 3. The association shall look after and care for the poor, old and infirm of the race, and may hold property free of taxation to the value of five hundred dollars' ($500) worth.

Forms of conveyance. By-laws, &c.

Sec. 4. The said corporation may prescribe the form of conveyance, and may make all such by-laws, rules and regulations for their own government, and for the proper conduct of their affairs and the management of their property and the said association, as they may deem best, necessary or expedient.

Officers.

Sec. 5. That the officers of this association shall be a president, and one vice-president for each county that celebrates the emancipation proclamation January the first, in any year after the ratification of this act, three secretaries, a treasurer, and executive committee of three from each congressional district, and five at large; all of the present officers shall hold their office until Wednesday after the first Monday in February, one thousand eight hundred and ninety-seven (1897); every year thereafter they are to be elected at the annual meeting, and hold their office until their successors are elected and qualified.

Term of office of present incumbents.

Sec. 6 That this act shall be in force from and after its ratifiation.

Ratified the 13th day of March, A. D. 1895.

CHAPTER 238.

An act to incorporate the town of Roxabel, in Bertie county.

The General Assembly of North Carolina do enact:

Name of town.

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

Limits.

Sec. 2. That the corporate limits shall extend eight hundred (800) yards, as a radius, from place where the roads cross formerly known as Britton's Cross-Roads.

Officers.

Sec. 3. That the officers for said town shall consist of a mayor, three commissioners and a constable.

Names of present officers.

Sec. 4. That until their successors are elected and qualified, the following named persons shall be the officers of Roxabel: mayor, J. B. Sadler; commissioners, Lera Capehart, Edward B. Hardy and Alpheus O. Roundtree; for constable, W. E. Robertson.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 239.

An act to extend the charter of the Commercial Bank of Rutherfordton.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and seventy-four (174) of the private acts of eighteen hundred and ninety-one (1891) be, and the same is hereby, re-enacted and extended, with all rights, powers and privileges conferred by said chapter one hundred and seventy-four (174).

Chap. 174, private laws 1891, extended.

Rights and powers.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 240.

An act to amend the charter of the Stimson Lumber Company, and enlarge its powers.

The General Assembly of North Carolina do enact:

Section 1. The Stimson Lumber Company, a corporation created and organized under the laws of North Carolina, by decree of the clerk of the superior court of Craven county, for the purpose of manufacturing, buying and selling lumber, buying and selling timber lands in any part of North Carolina, buying, holding and selling real estate in any part of North Carolina, buying and selling timber rights, building and erecting and operating saw-mills, wood-work factories, and doing a general lumber business, be, and is hereby, authorized to acquire, by purchase or otherwise, and to hold lands either in fee simple or by a lease term, without limit as to time or quantity; and that this act shall apply to lands acquired by said company before, as well as after, the passage of this act.

Name of corporation.

How created.

Privileges.

Application of act.

Sec. 2. That this company may exercise all such right, and purchase as in common to similar corporations, and shall have the right to acquire and hold, without restriction as to quantity and time, all kinds of property, whether real, personal or mixed.

Rights of similar corporations.

No restriction as to amount of property owned.

Sec. 3. That the stockholders of said company shall not be personally liable for any of the debts, obligations, quitments, liabilities or contracts of the said company.

No personal liability of stockholders.

Sec. 4. This act shall not be construed to repeal or abrogate any powers or privileges conferred upon the said company in its incorporation, as set forth in the first section of this act, not inconsistent herewith, nor in any way interfere with, or impair

Act does not abrogate powers or privileges under corporate charter.

the said incorporation, nor to render illegal or void any act or contract of said company, done or entered into thereof, and the powers and privileges conferred in the said article of incorporation, are, in all respects, and have hereby been, ratified and confirmed.

May issue bonds and stock and secure the same by mortgage.

Sec. 5. That said company shall have the power, for the purpose of carrying out the objects of its incorporation, to issue bonds and stock, to secure the same by mortgage on the property, or any part thereof, or by preferring and guaranteeing of any part or all of its stock, in such manner as the stockholders shall determine.

Stock may be reduced or increased.

Sec. 6. That the stockholders shall have the right, at any time, to reduce the capital stock to seventy thousand dollars ($70,000), or to increase the same to one hundred and fifty thousand dollars ($150,000), to be divided into shares of the par value of one hundred dollars ($100) each.

To clean out creek.

Sec. 7. That for the purpose of opening and clearing out Swift creek above Vanceboro to Gardner's bridge, so that logs may be floated down that part of Swift creek, the said company is hereby expressly authorized and empowered to clean out, free from logs, dredge out, dig up and take out stumps, straighten and to otherwise improve the said creek, so that the waters thereof may be utilized for the purpose of floating logs, timber and lumber down the same from Gardner's bridge to Vanceboro, in the county of Craven, state of North Carolina.

May charge toll for timber, logs or lumber.

Sec. 8. That to enable the said company to so improve said part of Swift creek from Vanceboro to Gardner's bridge, the said company shall have the right and power to charge toll for all timbers, logs or lumber floating down said creek to Vanceboro from any point along said creek between Gardner's bridge and Vanceboro, and, for the purpose of collecting said toll, that the said charges shall be a lien on any and all logs, timber or lumber so floated on said part of Swift creek.

Schedule to be prepared of charges.

Sec. 9. That said company shall provide a schedule of charges from all points along said creek for floating logs, timber or lumber to Vanceboro, and that said charges shall be based upon the mileage that said timber is floated.

Corporate powers heretofore granted are continued for 30 years.

Sec. 10. That the charter of this company, and all the rights herein granted, and which have been heretofore granted, as described in section one (1) of this act, shall continue in full force and effect for the term of thirty (30) years from the date hereof.

Sec. 11. This act shall be in full force and effect after its ratification.

Ratified the 13th day of March, A. D. 1895.

CHAPTER 241.

An act to charter Sunshine Institute, Rutherford county.

The General Assembly of North Carolina do enact:

Section 1. That W. P. Watson, J. A. Calton, J. W. Biggerstaff, A. R. Yelton, J. D. Hunt, J. S. Melton, J. M. Calton, A. P. Holhfield and D. C. Beam, and their associates and successors, be, and they are hereby, created a body politic and corporate, to be styled the board of trustees of Sunshine Institute, for the purpose of maintaining an educational institute at Sunshine, in the county of Rutherford, and state of North Carolina; and in that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire, hold and convey, in their corporate capacity, property real and personal, and exercise all acts, in relation thereto, incident to the ownership of personal and real estate, and as such shall have all the power of trustees of like institutions. Incorporators. Privileges.

Sec. 2. That said body politic shall have power to make such by-laws and regulations, not inconsistent with the laws of the state, as shall be deemed necessary to promote the object of the institution, and may, if they so elect, have and use a common seal. By-laws, &c. Common seal.

Sec. 3. That said corporation shall have power to grant certificates and diplomas in any of the departments taught in said institution. Certificates and diplomas granted.

Sec. 4. That the individual property of said trustees shall not be liable for any debts of said institution. No individual liability.

Sec. 5. That it shall not be lawful for any person or persons to manufacture, or otherwise dispose of, any spirituous liquors within two (2) miles of said institution; and any person so offending, shall be deemed guilty of a misdemeanor. Prohibition.

Sec. 6. That the whole amount of real and personal estate belonging to the said corporation shall not, at any time, exceed in value the sum of one hundred thousand dollars ($100,000). Limit of property that may be owned.

Sec. 7. That this act shall be in effect from and after its ratification.

Ratified the 13th day of March, A. D. 1895.

CHAPTER 242.

An act to prohibit the sale of spirituous or vinous liquors within two miles of Laurel Springs Baptist Church, in Watauga county.

The General Assembly of North Carolina do enact:

Prohibition.

Section 1. That it shall be unlawful for any person to manufacture, sell, give away, or otherwise dispose of any spirituous or vinous liquor within two miles of Laurel Springs Baptist church, in Watauga county.

Penalty.

Sec. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than fifty dollars nor less than ten dollars, or imprisoned not more than fifty or less than five days.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 243.

An act to prohibit the sale of liquors within two miles of South Point church, in Gaston county.

The General Assembly of North Carolina do enact:

Prohibition.

Section 1. That it shall be unlawful for any person to retail any spirituous, vinous or malt liquors within two miles of South Point Methodist Episcopal church, in Gaston county.

Penalty.

Sec. 2. That any person violating the provision of this act shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined or imprisoned at the discretion of the court.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 244.

An act to extend the time for organizing the Commercial Bank of Shelby, North Carolina.

The General Assembly of North Carolina do enact:

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 twelfth day of February, eighteen hundred and ninety-one, and extended for two years, March the third, eighteen hundred and ninety-three, is hereby extended for two years longer, and, upon its organizing within said time, shall have all the rights and privileges granted in said act.

Time of organization extended for 2 years.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 245.

An act to be entitled an act to re-enact chapter three hundred and twenty-seven, private laws of eighteen hundred and ninety-three (1893).

The General Assembly of North Carolina do enact:

Section 1. That chapter three hundred and twenty-seven, of the private laws of eighteen hundred and ninety-three, be, and the same is hereby, re-enacted.

Ch. 327, Private Laws 1893, re-enacted.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 246.

An act to prevent the sale of spirituous liquors within three miles of Shiloh church, in Beaufort county.

The General Assembly of North Carolina do enact:

Prohibition.

Penalty.

Section 1. That it shall be unlawful to sell any kind of spirituous or intoxicating liquors within three miles of Shiloh church, in Beaufort county. Any person violating the provisions of this act shall be guilty of a misdemeanor.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 288.

An act to incorporate Pierce college.

The General Assembly of North Carolina do enact:

Incorporators.

Name of corporation.

Location.

Capital stock.

Shares.

Trustee, who may be.

Officers.

Who may vote for officers.

Powers and privileges of corporation.

Section 1. That Charles J. Brown, Frank H. Palmer and their associates, successors and assigns, are hereby constituted a body politic and corporate under the name and style of "Pierce College," with all the powers, rights and privileges incident to, or belonging to, corporations.

Sec. 2. That said corporation shall be located at Roseland, in Moore county, North Carolina.

Sec. 3. That the capital stock of said corporation shall be one hundred thousand dollars ($100,000), divided into two thousand shares of the par value of fifty dollars each. Ten shares of stock shall entitle the holder thereof to be a trustee of said corporation.

Sec. 4. The officers of said corporation shall be a president, vice-president, secretary, and treasurer, and seven associates, all of whom shall be elected by the stockholders, and shall be known as the "board of managers." Every ten shares of stock shall entitle the holder thereof to one vote in the election of officers, and for all other purposes.

Sec. 5. Said corporation shall have power to receive students and charge for tuition, to give instructions in all the departments of learning usually taught in colleges, with the privi-

leges of conferring the usual degrees; and may establish a manual training department, and a department for instruction in the use of the biochemic remedies, and shall have power to make such rules as may be expedient for the government of said corporation.

Sec. 6. The duration of said corporation shall be thirty years. Duration.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 248.

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

The General Assembly of North Carolina do enact:

Section 1. That chapter thirty-five (35), private laws of eighteen hundred and eighty three (1883), be amended by inserting after the word "streets," in line twelve (12) of section thirteen (13) and before the word "under" in said line, the words "or hire them out." Ch. 35, private laws 1883, amended. Amendment.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 249.

An act to repeal chapter fifteen, private laws of eighteen hundred and ninety-three.

The General Assembly of North Carolina do enact:

Section 1. That chapter fifteen (15), private laws of eighteen hundred and ninety-three, be, and the same is hereby, repealed. Repeal.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 250.

An act to amend the charter of the Lumberton and Lumber River Railroad Company.

The General Assembly of North Carolina do enact:

Ch. 317, private laws 1893, amended.

Amendment.

Proviso.

Section 1. That chapter three hundred and seventeen (317) private laws of eighteen hundred and ninety three (1893) be amended by adding to the end of section sixteen thereof the following: "That in order to facilitate the early completion of said railroad, the North Carolina penitentiary authorities shall furnish, and cause to be worked upon said railroad, any convicts not otherwise appropriated or required in the prison, the number not to exceed one hundred, to be paid for on such terms as the penitentiary authorities may agree upon with the authorities of said railroad: *Provided*, that said railroad company shall at all times pay the expenses of maintaining and guarding said convicts while working upon said road.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 251.

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

The General Assembly of North Carolina do enact:

Ch. 157, laws of 1883, amended.

Amendment.

Proviso.

Stock forbidden to run at large.

Good and lawful fence.

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

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 252.

An act to amend chapter three hundred and forty-nine, laws of one thousand eight hundred and ninety-three.

The General Assembly of North Carolina do enact:

Section 1. That chapter three hundred and forty-nine (349) laws of one thousand eight hundred and ninety three (1893) be amended by substituting the word "investment" for the word "improvement" in the title of said act, or wherever it may appear in said act. Amendment.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 253.

An act to prevent the sale of wine, hard cider, or other intoxicating drinks within one mile of Ingold academy, Sampson county.

The General Assembly of North Carolina do enact:

Section 1. That it shall be unlawful for any person or persons to sell, or otherwise dispose of, wine, hard cider, or other intoxicating drinks, in less quantities than five gallons, within one mile of Ingold academy, in Lisbon township, Sampson county, North Carolina. Prohibition.

Sec. 2. That any person violating the provisions of this act, shall, on conviction thereof, be deemed guilty of a misdemeanor, and shall be fined not less than five nor more than ten dollars, or imprisoned not less than five nor more than twenty days. Penalty.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 354.

An act to incorporate the town of Columbus.

The General Assembly of North Carolina do enact:

Incorporated.

Section 1. The inhabitants of the territory hereinafter described, composing the existing settlement known as Columbus, in Polk county, and those who may hereafter reside within such boundaries, are hereby incorporated as a town, under the name and style of "Columbus," and are hereby invested with all the rights, powers, privileges and immunities, and are made subject to all the provisions of chapter sixty-two of The Code of North Carolina, so far as the same are not inconsistent with the provisions of this act.

Name of town.

Provisions of general law.

Corporate limits.

Sec. 2. The corporate limits of said town shall be as follows: the court-house of Polk county, at Columbus, to be taken as the center. The corporate limits shall be determined as follows: a line shall be run northwesterly from said court-house along the center of Hampton street, one-half mile; and southeasterly along the center of Walk alley, one-half mile from said court-house; and from the terminus of each of these lines, lines shall be run at right angle, each way, one-half mile; and then parallel lines shall be run from corner to corner, making the corporate limits one mile square, and that the area included in such limits shall be under the corporate authority of said town.

Officers.

Sec. 3. The officers of said town shall consist of a mayor, three commissioners, a treasurer, and a marshal, the latter of which to be elected by the said commissioners; until a mayor, commissioners and treasurer shall be elected, as hereinafter provided, and qualified to act, W. H. Hill shall fill the office of mayor, and J. G. Hughes, W. A. Cannon and James McDowell, the office of commissioners of said town.

Temporary officers.

Elections, when held.

Sec. 4. There shall be an election held for the offices of mayor, commissioners and treasurer, the first Monday in the year one thousand eight hundred and ninety-five, and each succeeding year, under the regulations prescribed in chapter sixty-two of The Code of North Carolina.

Who may be voters.

Sec. 5. 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 Columbus ninety days next preceding the day of election, shall be entitled to vote or hold office in said town.

Commissioners have general powers (except as provided herein.)

Sec. 6. The said commissioners shall have and exercise all corporate powers and duties as are conferred upon commissioners of incorporated towns under The Code (except as herein

provided) 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 they shall have power to levy a tax not exceeding sixty-six and two-thirds cents on every hundred dollars' worth of property, and one dollar on every poll. By-laws, &c.

Sec. 7. The commissioners shall have power to lay out new streets within the corporate limits of said town, or to amend, staighten or widen old ones, or to discontinue such streets or roads as appear to them advisable; and in making new streets, or amending those already laid out, or if it becomes necessary for the good of the town that the commissioners condemn the land of any citizen for public use, and said commissioners and citizen cannot agree as touching the amount of damage and benefit, then the said commissioners 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, 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 Polk county: *Provided, further*, that if said citizen refuse to select a substitute, the mayor shall select in his stead. (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.)

Streets to be laid out, &c.

Land may be condemned.

Damages and benefits considered and how determined.

Right of appeal.

Electric or street railway forbidden in town, save with consent of mayor and commissioners.

Sec. 8. No license shall be granted by any public authority, or officer or officers, either municipal or otherwise, to sell spirituous or fermented liquors, or any intoxicating beverages within the corporate limits of said town; and any license granted in violation of this act shall be absolutely void.

Prohibition.

Sec. 9. That it shall be unlawful for any person, corporation or firm to manufacture, sell, or otherwise dispose of, or give any spirituous, vinous or malt liquors, or other intoxicating bitters, within two miles of the corporate limits of said town of Columbus; and any person, corporation or firm violating this section shall be guilty of a misdemeanor, and, upon conviction, shall be fined or imprisoned, or both, for each and every offense, in the discretion of the court.

Prohibition in two miles of town limits.

Penalty.

Conflicting laws repealed.

Sec. 10. 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. 11. That this act shall be in force from and after its ratification.

Meeting of citizens.

At a meeting of the citizens of Columbus, held on the fourteenth day of January, one thousand eight hundred and ninety-five, W. H. Hill was elected chairman, and J. T. Morrison was chosen as secretary.

Object of meeting.

The object of the meeting, as explained by the chairman, was for the purpose of asking the legislature to grant a charter incorporating the town of Columbus. It was unanimously agreed that we petition the general assembly for an act of incorporation.

It was announced that an election be taken for the purpose of naming, in the charter, a temporary set of officers. N. H. Hill was elected temporary mayor, and J. G. Hughes, W. A. Cannon and James McDowell were elected commissioners.

Temporary officers elected.

Charter to be drafted.

On motion, J. T. Morrison was authorized to draft a charter for Columbus, and submit the same to the temporary mayor and commissioners for examination and inspection.

The meeting then adjourned.

J. T. Morrison,
Secretary.

The following is a copy of the charter, as agreed on by the temporary mayor and commissioners, and various other citizens of Columbus:

W. H. Hill, J. G. Hughes, W. A. Cannon, James McDowell, N. B. Hampton, J. W. Newman, H. G. Cannon, H. E. Gray, J. M. Allhands, J. R. Justice, S. B. Edwards, C. C. Hampton, Ed. Foster, R. S. Abram.

Ratified the 13th day of March, A. D. 1895.

CHAPTER 255.

An act entitled an act to incorporate the Frisdens Evangelical Lutheran Church, in Guilford county, North Carolina, ratified February the thirteenth, eighteen hundred and ninety-five.

The General Assembly of North Carolina do enact:

Section 1. That section one of an act to incorporate the Frisdens Evanvelical Lutheran Church, in Guilford county, North Carolina, ratified February the thirteenth, eighteen hun-

dred and ninety-five, be amended by adding thereto the following: "John Wagoner, Henry Cobb, William Summers, R. M. Stockwell, elders; J. V. Wagoner, W. G. Cobb, D. L. Boone and D. W. Wagoner, deacons, and Jacob Wagoner, trustee, and their successors, shall constitute the body corporate hereby created." Amendment

Sec. 2. That Jacob Wagoner, trustee, and his successor in office, shall have the right to receive, purchase and hold the real and personal property of the church, and all his acts and doings as such trustee shall be subject to the approval of the council. Trustee, powers of.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 256.

An act to provide for water works and electric lights in the town of Kinston, North Carolina.

The General Assembly of North Carolina do enact:

Section 1. That the board of commissioners of the town of Kinston are hereby authorized and directed to submit to the qualified voters of the said town, on a day to be fixed by the said board, not later than the first day of May, one thousand eight hundred and ninety-five, the question whether the said town of Kinston shall issue bonds of said town, in an amount not exceeding forty thousand dollars, for the purpose of providing and maintaining a system of water works and electric lights for the said town. The said election shall be held and conducted under the same rules and regulations and penalties as are now prescribed by law for the election of members of the general assembly of North Carolina; and at said election each voter shall vote a printed or written ballot with the words "for water works and electric lights," or "against water works and electric lights." Question to be submitted to voters as to the issue of bonds to the amount of $40,000 for water and electric lights. Election, how conducted. What ballot to contain.

Sec. 2. If at the said election a majority of the votes cast shall be cast "for water works and electric lights," the said board of commissioners are authorized and directed, at their first meeting after said election, to elect five resident voters of said town, who shall own taxable property in said town to the amount of two thousand dollars, who shall constitute, and are If election favorable, five resident freeholders to be chosen by board of commissioners.

The board of public works.

hereby denominated, "The Board of Public Works" of the town of Kinston, and whose term of office shall begin at their election and continue until the first Monday in May, one thousand eight hundred and ninety-seven; and that at the regular meeting of the board of commissioners of said town next preceding the first Monday in May, one thousand eight hundred and ninety-seven, and every two years thereafter, there shall be elected by the said board of commissioners five resident voters of said town, of the same qualifications as above prescribed, and the term of office of members of said board of public works shall be two years; and before entering upon the duties of their office, they shall take an oath before the mayor of said town to faithfully discharge the duties of their office. In case of vacancies in said board of public works, the same shall be filled by the board of commissioners of said town.

Term of office.

When elected.

Oath of members of the board of public works.

Vacancies, how filled.

Duty of board of public works to prepare bonds.

Time of payment of bonds.

Interest.

Money from bonds for public works, how to be used.

Monies, rents and profits of electric lights and water-works under control of board.

Duties and powers of board.

Officers of board.

Execution of bonds.

Moneys from sale of bonds, and from electric lights and water works under control of board, and shall be paid to treasurer of board.

How disbursed.

Election of treasurer.

Sec. 3. Said board of public works are authorized and empowered to prepare the said bonds, in denominations to be fixed by them, and running for a period, or periods of years, not exceeding forty years, and at the lowest rate of interest attainable, not exceeding the rate of interest now prescribed by law, and shall place the same upon the market and dispose of the same to the best interest of said town; and the money derived from the sale of said bonds shall be used, under the directions of said board of public works, in providing for and maintaining a system of water works and electric lights for the said town; and the said moneys so obtained, together with the rents and profits derived from and incident to the said system of water works and electric lights, shall be under the control and management of the said board of public works; and the said board of public works are hereby fully authorized and empowered to do and perform any and all acts and things, not inconsistent with this act, which are necessary to the establishment and proper management, maintenance and control of a system of water works and electric lights for the town of Kinston. They shall elect a chairman, and a secretary, and a treasurer, and the bonds authorized to be issued by this act shall be deemed to be duly executed when signed by the chairman and secretary of said board of public works, and countersigned by the mayor of said town, under the seal of said town.

Sec. 4. All moneys derived from the sale of said bonds and from any source whatever, pertaining to the said system of water works and electric lights, shall be paid to the treasurer of said board of public works, who shall disburse the same under the direction of said board of public works. The treasurer herein provided for shall be elected, annually, on the first Monday in

May of each year, and before entering upon the discharge of his duties shall execute a bond, payable to the town of Kinston. The duty of said treasurer shall be to safely keep and preserve all moneys that shall come into his hands as said treasurer, and to pay over and disburse the same under the direction of said board of public works, and his bond shall be conditioned for the faithful and proper discharge of compliance with the said duties; and the amount of said bond shall be fixed by the said board of public works, but in no event to be less than ten thousand dollars, and the compensation of said treasurer shall be fixed by the said board of public works.

Treasurer's bond.
Duty of treasurer.
Conditions of bond.
Amount of bond.

Sec. 5. It shall be the duty of the board of commissioners of the town of Kinston to annually levy and collect, as other taxes are levied and collected, for the purposes of carrying out the provisions of this act, and paying the interest on said bonds, such rate of taxation of the property and polls of said town as may be certified as necessary for said purpose to said board of commsssioners by said board of public works. The said taxes shall be collected by the tax collector of the town of Kinston, under the same rules and regulations as other taxes are collected, the amount of whose bond and whose compensation for the collection of said taxes shall be fixed by the said board of public works.

Tax to be levied annually to pay interest on bonds.
Tax on property and polls.
Taxes, how collected.

Sec. 6. If, for any good and legal reason, the said election be not held within the time herein specified, then the same may be held at a later date, to be fixed by the commissioners of said town, and as soon as is practicable, under the same rules and regulations as hereinbefore mentioned, and in that event the commissioners of said town shall immediately elect the board of public works, herein provided for, to execute the provisions of this act.

If election be not held as directed, may be held later.
How to be held.

Sec. 7. That all laws, and clauses of laws, in conflict with this act are hereby repealed.

Conflicting laws repealed.

Sec. 8. The commissioners of the said town of Kinston shall not give permission to any person, company or association to build or construct on either side of Queen street of said town, within one hundred and thirty-five feet from said street, between Caswell street and Gordon street, in said town, any wooden building or structure, without the written consent of three-fourths of the persons owning property within the above described limits.

Fire district of town defined.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 257.

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

The General Assembly of North Carolina do enact:

Laws of 1883 amended.

How amended.

Stock running at large.

Lawful fence to be built.

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

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 258.

An act to change the name of the French Broad Bank and Trust Company to the First State Bank and Trust Company.

The General Assembly of North Carolina do enact:

Present name of corporation.

Manner of shareholders' responsibility.

Proviso.

Back taxes to be paid state treasurer.

SECTION 1. That the corporation now existing under the name of the French Broad Bank and Trust Company may change its said name to the First State Bank and Trust Company: *Provided*, that if the power herein given be accepted and exercised, the shareholders of said corporation shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts and engagements of said corporation to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares: *Provided, further*, that before said company shall be entitled to exercise the privileges granted in this section, the said French Broad Bank and Trust Company shall pay into the state treasury all back taxes due the state by said company.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 259.

An act to amend section two (2) of chapter seventy-one (71) private laws of eighteen hundred and eighty-three.

The General Assembly of North Carolina do enact:

Words stricken out of sec. 2, chap. 71, private laws 1883.

Section 1. That the word "three-quarters (¾)" in line two (2) of section two (2) chapter seventy-one (71) private laws of one thousand eight hundred and eighty-three (1883), be stricken out, and in lieu thereof insert the word "three-eights (⅜)."

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 260.

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

The General Assembly of North Carolina do enact:

Amendment.

Section 1. That chapter thirty-five (35), private laws of eighteen hundred and eighty-three (1883), be amended by inserting after the word "streets" in line twelve (12) of section thirteen (13), and before the word "under" in said line, the words "or hire them out."

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 261.

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

The General Assembly of North Carolina do enact:

Chap. 201, private laws 1889, repealed.

Section 1. That chapter two hundred and one (201) of the private laws of one thousand eight hundred and eighty-nine (1889), ratified the eleventh day of March, one thousand eight hundred and eighty-nine (1889), be, and the same is hereby, repealed.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 262.

An act to amend chapter sixty-six (66) of the private laws of one thousand eight hundred and eighty-nine (1889).

The General Assembly of North Carolina do enact:

Section 1. That chapter sixty-six (66) of the private laws of one thousand eight hundred and eighty-nine (1889) be, and the same is hereby, amended by inserting in section one of said act the following at the end of said section: "Richard P. Williams, Z. R. Folsom, C. M. Dockman and Mayer Hahn."

Amendment.

Sec. 2. That said chapter sixty-six (66) of the private laws of one thousand eight hundred and eighty-nine (1889) shall be, and the same is hereby, amended.

Sec. 3. That chapter eighty-two (82) of the private laws of one thousand eight hundred and eighty-one (1881) shall be, and the same is hereby, re-enacted.

Chap. 82, private laws 1881, re-enacted.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 263.

An act to amend, revise and consolidate the charter of the city of Raleigh, in the county of Wake, and state of North Carolina.

The General Assembly of North Carolina do enact:

Section 1. That the territory bounded by and included within the following lines, to-wit: on the north by a line centered upon the center of union square and lying 2893.5 feet to the northward thereof, parallel with the true center of Hillsboro street and New Berne avenue; south by a line centered as aforesaid, and lying 4251.5 feet to the southward of said center, parallel with said first described line; and on the east and west by line parallel with the true center of Fayetteville and Halifax streets, lying 3379.5 feet to the eastward and westward thereof respectively, thereby intersecting and closing the extremities of the first and second described line, shall constitute the external boundaries: *Provided*, that these boundaries do not extend the corporate limits of the city. And the inhabitants residing therein shall be, and remain, a body politic and corpor-

Corporate limits.

Incorporated.

ate, under the name and style of "The City of Raleigh;" and under such name and style may adopt a corporate seal, sue and be sued, plead and be impleaded, acquire, by purchase, bequest or other conveyance, such real and personal property anywhere within Raleigh township as may be requisite and necessary for the proper government of the city; hold, invest, improve, use, govern, control and protect, and under the hand of the mayor and two aldermen, attested by the corporate seal, may sell or dispose of the same, and have all the powers, rights and privileges necessary, belonging or usually pertaining to municipal corporations; and within twelve months after the ratification of this act the board of aldermen shall cause an accurate survey to be made of the exterior boundaries of the city, as herein provided; and it shall be their duty to erect upon each corner, and upon every natural elevation intercepting the line of sight from any one corner to the next corners, a firm and durable monument of stone, to be maintained by the city and protected from obstruction, removal, defacement or other injury by a rigid enforcement of the penalties herein denounced against such crimes.

Name.

Corporate powers.

Survey.

Sec. 2. That said city shall be divided into four wards, with centres of Hargett and Fayetteville streets as intersections, to-wit: the northwest portion of said area, included between the centres of Hargett street on the south, and Fayetteville and Halifax streets on east, and as they now or hereafter may be to the exterior boundaries, shall be known as the first ward; the northeast portion of said area, included between centre of Halifax and Fayetteville streets on the west and Hargett street on the south, and as they now or hereafter may be to the exterior boundaries, shall be known as the second ward; the southeast portion of said area, included between the centres of Hargett street on the north and Fayetteville street on the west, and as they now or hereafter may be to the exterior boundaries, shall be known as the third ward; and the remainder of said area, between the centers of Hargett street on the north and Fayetteville street on the east, and as they now or hereafter may be to the exterior boundaries, shall be fourth ward.

Four wards.

First ward.

Second ward.

Third ward.

Fourth ward.

Sec. 3. That on the first Monday in May, eighteen hundred and ninety-five, and biennially on the same Monday thereafter, there shall be elected at large, of and by qualified voters of said city, a mayor, city clerk and tax collector; and in each of said wards, of and by the qualified voters therein, separately, three aldermen, who shall constitute the board of aldermen of said city, and all of said officers so elected shall hold office for two years, or until their successors are duly elected and qual-

Election on May 6th, 1895, and thereafter biennially.

Mayor, clerk and tax collector elected by the people.

Three aldermen for each ward.

Proviso.

ified: *Provided*, that no officer of said city shall be qualified or enter upon duty until a good and sufficient bond, conditioned for the faithful discharge of the duties of his office, shall have been tendered, accepted, approved and filed with the clerk, in

Proviso.

case a bond is required by the provisions of this act: *Provided*, that the registrar, appointed under provisions of this act, for the election to be held on the first Monday in May, eighteen hundred and ninety-five, shall take a new registration of all

Proviso.

qualified voters residing in the wards named in this act: *Provided, further*, that no person shall have the right to vote at

Thirty days residence in ward before voting.

any election held in said city unless he shall have been a *bona fide* resident of the ward in which he proposes to register and vote for thirty days prior to such election.

Elections.

Sec. 4. That the biennial elections herein provided for officers of said city, and any other election herein authorized for city purposes, shall be called, held, conducted and concluded under

Mayor and aldermen to conduct, &c., elections.

the direction of the mayor and board of aldermen, by officers designated and appointed by them for that purpose, in manner and form in every respect and detail, as near as may be, and under the same provisions of law and practice, as near as may be, as elections for county and state officers are held and conducted by county officials under the general law relating to such elections in North Carolina, in force at the time of such city election, including all the penalties prescribed for viola-

Proviso.

tion of such law: *Provided*, that when any certain duties are prescribed, under the general election law, to be done and performed by state or county officials, unknown to the municipal corporations, which are likewise required to be done and performed in such city election, then, and in that case, such duties shall be done and performed by the city officer or officers whose office and duties shall bear the greatest analogy to those of the officer named in the general election law for which duty; as chief of police to sheriff; city clerk to clerk of the superior court, etc.; *and, provided further*, that the election herein

First election to be conducted, &c., by clerk of Wake county.

provided to be held on the first Monday in May, eighteen hundred and ninety-five, shall be called, held, conducted and concluded under the direction of the clerk of the superior court of Wake county, who shall designate the precinct and appoint the registrars and poll-holders for each in the city; provide the requisite ballot-boxes, books and blanks, at the expense of the city; receive, count, tabulate and aggregate the returns and announce the result, as required by law for the conduct and conclusion of general elections in the county: *And, provided further*, that no person who shall enter, sojourn and

Persons acting temporarily as state officers, &c., not to vote.

remain in said city in the capacity of a county or state officer,

clerk or employee, or as a teacher, employee or student of any public or private school, or as an officer, employee, or inmate of any hospital, penitentiary, asylum, soldiers' home, or other institution of temporary employment or residence whatever, shall, while so sojourning and remaining, thereby have or acquire any right to register or vote at any election held in said city, any general law on the subject of elections to the contrary notwithstanding.

Sec. 5. That the mayor, and every other officer of said city, before entering upon the duties of his office, shall take, subscribe and file with the city clerk the following oath of office:

Oath of officers.

"I....., do solemnly swear (or affirm) that I will support and defend the constitution of the United States, and the constitution and laws of North Carolina not inconsistent therewith, and I will faithfully perform the duties of the office of ....., on which I am about to enter, according to my best skill and ability. So help me God."

Subscribed and sworn before me, this.....day of.....189....

Sec. 6. That the mayor shall have and keep his office in the city hall, or in some other convenient building provided by the board of aldermen, and keep and hold such office open, and be therein present for the transaction of his official duties, during not less than six hours per day, between the hours of eight o'clock, a. m., and six o'clock, p. m., Sunday alone excepted, unless elsewhere necessarily engaged upon official duty within the city, or absent therefrom with the knowledge and consent of the board of aldermen; he shall have the custody of the corporate seal; preside, when present, over all meetings of the board of aldermen; have a casting vote in all cases of equal division therein; a general custody, direction, supervision and control of all the public employees, work and works, improvements, grounds, buildings and property of the city, not otherwise provided for by this act or by the board of aldermen; may, after a full and fair hearing, suspend for cause, until the next meeting of the board of aldermen, any officer or employee of the city charged with dereliction of official duty or the violation of any of the provisions of this act; and shall perform such other duties as are, or may be, prescribed by this act, or the ordinances of said city.

Duties and powers of mayor.

Sec. 7. That the mayor of the city of Raleigh is hereby constituted a special court to be known as "the mayor's court," with exclusive original jurisdiction of all offenses arising from the violation of the provisions of this act, or of the ordinances, by-laws, rules and regulations of the board of aldermen, made in pursuance hereof, and with all the jurisdiction, power and

Mayor, a special court.

Jurisdiction.

authority which is now, or hereafter may be, given to the justices of the peace, for the trial and determination of such civil and criminal causes as may arise within the corporate limits of said city, under the general laws of North Carolina; and to that end he may issue his summons, warrant, or other process, and if criminal, have the party brought before him, hear, determine and give judgment thereon, issue execution, impose fines, penalties and forfeitures, as the case may be, and direct the enforcement thereof, subject to the limitations of this act as to the amounts of such penalties, and subject, also, to the same right of appeal as is provided for courts of justices of the peace: *Provided*, that no cause arising upon the violation of any of the provisions of this charter, or of any ordinance, rule or regulation made in pursuance hereof, shall be removed from the mayor's court to a justice of the peace for trial: *And, provided further*, that in case a defendant, a witness, or other person, shall be adjudged to be imprisoned by the said mayor's court, it shall be competent for the said court to sentence such person to imprisonment in the county jail, for a term not exceeding thirty days, and to adjudge, also, that such person work, during the period of his or her confinement, on the public streets or works of the city, or on the public roads or works of the county of Wake; and in case such imprisonment be for the non-payment of a fine, a penalty or costs, he shall have credit thereon at the rate of one dollar per day for every day in which he shall so work upon the public streets, roads or other works of the city or county.

Proviso.

Proviso.

Costs, &c., worked out on streets, &c.

Process.

Sec. 8. That the mayor may issue process to the chief of police or to the city police, or to any other officer in the county of Wake to whom a justice of the peace may issue similar process, and such process, when attested by the corporate seal, shall run anywhere in the state of North Carolina, and they shall execute the same: *Provided*, that neither the chief of police nor the city police shall execute any process beyond or outside of the boundaries of Raleigh township, unless the offense was committed, or cause of action arose, within the corporate limits of the city, and in violation of the provisions of this act.

Judgment.

Sec. 9. That the judgment rendered by the mayor, under the provisions of this act, shall have all the force, virtue and validity of judgments rendered by a justice of the peace; may be enforced and executed against the parties in the county of Wake, and elsewhere, in the same manner and by the same means. The fines and penalties imposed by him shall be collected by or paid over to the chief of police, who shall pay over

Fines, &c., to be paid over to city.

and account for the same, as hereinafter directed, to the use of the city of Raleigh.

Account of fines, &c., to be kept.

Sec. 10. That it shall be the duty of the mayor to keep an exact account and true record of all the fines, penalties and forfeitures by him imposed under any of the provisions of this act, or for the violation of any ordinance, by-law, rule or regulation made in pursuance hereof, in a separate book, to be furnished by the board of aldermen therefor, showing the name and residence of each offender, the nature of the offense, the date of hearing or trial, the amount of fine or penalty imposed, and, if known, where and by whom paid to the chief of police.

What to contain.

Vacancy in office of mayor.

Sec. 11. That if any person who has been elected mayor shall fail, neglect or refuse to qualify; or if a vacancy shall occur in the office after election and qualification, other than by expiration of term; or if the mayor be absent from the city, or unable to attend or discharge the duties of his office from any other cause, then, and in such case, the board of aldermen shall choose some qualified person to perform the duties of the absent mayor during the period of his absence or disability, or to the end of the term, as the case may be; and the mayor so chosen shall have all the power and authority which is vested in the regular elected mayor under this act; and the board of aldermen shall in like manner fill all vacancies for the unexpired term which may occur in the city government, choosing only such persons as are eligible to original election under the provisions of this act: *Provided*, that in case a vacancy shall occur in the office of mayor of the city during the first year of the term of such mayor, then the board of aldermen shall call and hold an election, and the vacancy shall be filled by the vote of the people qualified to vote therein in the city, within forty days of the date on which such vacancy occurred or was first known.

Mayor pro tem.

Other vacancies.

Special election for mayor.

Duties of clerk.

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

Duties and powers of chief of police and police force.

Sec. 13. That it shall be the duty of the chief of police, and of the city police force under his immediate charge and direction, to see that the laws of the city and the ordinances of the board of aldermen, and the orders of the mayor, are executed and

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

Other duties of chief of police.

Sec. 14. That it shall also be the duty of chief of police to attend upon the mayor's court; to collect such fines, penalties and forfeitures as may be imposed by him upon offenders for the violation of any of the provisions of this charter, or of the ordinances, rules and regulations of the board of aldermen made in pursuance hereof, of which he shall keep an exact record, in a book to be furnished by the board of aldermen, showing the name and residence of the offender, the nature of the offense, the date of the hearing thereon before the mayor, the amount of the fine, penalty or forfeiture imposed, the date of its collection, and the date of payment thereof, by the chief of police to the treasurer; and the signature of the treasurer, on the last column and same line of each such entry, shall be the only sufficient voucher of the chief of police for such payment in each case.

Policemen.

Duties and powers, &c.

Sec. 15. That the policemen of the city shall be elected biennially. It shall be their duty, and they shall have power, to suppress all disturbances of the quiet and good order of the city, and to arrest all offenders against the same; to prevent, as far as possible, all injury to the city property and buildings, streets and sidewalks; to report to the mayor any repairs needed, and to perform such other duties as may be required of them by the board of aldermen, or the chief of police, or the mayor. They shall have authority, if resisted in the execution of their official duties, to summon a sufficient number of men to aid them in enforcing the law; and if any persons so summoned shall refuse to assist, the policemen are hereby directed to report the names of such persons to the mayor, who is required to proceed against them as the law directs. They shall have power to enter the enclosure and house of any person without warrant, when they have good reason to believe that a felony or

infamous crime has been, or is about to be, committed, for the apprehension of any person so offending, and, if necessary, to summon a *posse* to aid them, and all persons so summoned shall have like authority of entry and arrest.

City prisoners received in county jails.

Sec. 16. That upon demand by a city policeman, the sheriff, or jailor, of the county of Wake is hereby required, without a mittimus, to receive into the jail of the county, as prisoner, any person taken up in the night by the police force, and to keep such person safely until the morning, when the offender shall be taken before the mayor and be lawfully dealt with; and for such service the jailor shall be entitled to such fees as in other like cases.

Duties of treasurer.

Sec. 17. That it shall be the duty of the treasurer to call on all persons who may have in their hands any moneys or securities belonging to the city which ought to be paid or delivered into the treasury, to receive and safely keep same for the use of the city, and to disburse the funds, upon the appropriation of the board of aldermen, according to such orders as may be duly drawn on him in the manner hereinafter specified; he shall keep, in a book provided for that purpose, a fair and correct account of all moneys received and disbursed by him, together with the sources from whence they came and the purpose for which they were appropriated, except the proceeds of fines, penalties and forfeitures imposed by the mayor and collected and paid over to him by the chief of police, of which he shall keep an exact account in a separate book, to be furnished by the board of aldermen, showing the name and residence of the offender, the nature of the offense, the date of the hearing thereon before the mayor, and the date and amount of the payment thereof by the chief of police to the treasurer, the information for which shall be filed by the chief of police at the time of payment, and shall submit said accounts to the aldermen whenever requested to do so. During his continuance therein he shall faithfully perform all duties lawfully imposed upon him as city treasurer, and at the expiration of his term of office he shall deliver to his successor all the moneys, securities, books of record, and other property intrusted to him for use, safe keeping, disbursement or otherwise.

Orders, how drawn.

Sec. 18. That all orders drawn on the treasurer shall be signed by the mayor and countersigned by the clerk, and shall state the purpose for which the money was appropriated by the board of aldermen.

Claims.
Auditor.

Sec. 19. That no claim against the city shall be paid until it shall have been audited and approved by the auditor, and attested by his signature thereon. He shall keep a record and

make monthly reports of such claims as are audited by him to the board of aldermen, and shall perform such other duties as the board may order.

Commissioner of sinking fund.

Sec. 20. That the commissioner of the sinking fund shall receive from the tax collector the whole of the special taxes collected for the purpose of paying the principal and interest of the bonds issued under chapter eighty, private act of eighteen hundred and seventy-four and seventy-five; chapter thirty-five, private acts of eighteen hundred and eighty-five, and chapter one hundred and seventeen, private acts of eighteen hundred and eighty-nine; and the commissioner shall give receipts to the collector for said payments, and pay the interest on the bonds issued under said acts at the time said interest becomes due. And it shall be the duty of said commissioner to demand said special taxes, from time to time, from the collector, and if not paid to report to the board.

Sec. 21. That the said commissioner shall, from time to time, under the provision of chapter one hundred and fifty-six, private act of eighteen hundred and eighty-nine, when he shall have sufficient money in his hands, advertise for ten days in the daily newspapers for sealed proposals for the sale of the bonds of the city, issued under said act. Bids shall be opened in the presence of the mayor and treasurer, and such bids as are most advantageous for the city shall be accepted. But said officers, in their discretion, may refuse to accept any bids made, and advertise for additional proposals. Bonds of the city so purchased shall be canceled by them.

Purchase of city bonds.

Sec. 22. That if, after reasonable diligence, none of said bonds can be purchased at their value, or less, then the commissioners shall, in like manner, purchase any other bonds of the city, which bonds shall be made payable to the commissioner of the sinking fund in trust for the city of Raleigh, and shall be held by him in trust for the holders of the bonds authorized by the said acts mentioned in section twenty of this chapter, or shall make such investment of the funds in his hands as the finance committee of the board of aldermen shall approve, preference being given to loans upon real estate in the city.

Annual report of commissioners.

Sec. 23. That the said commissioner shall make a report to the board annually, at their meeting in the month of May, of the condition of the fund, and of his action since the last report.

Meeting of aldermen.

Sec. 24. That a majority of the board of aldermen shall be competent to perform all the duties herein provided for them, and for the proper government of the city, except as herein

otherwise provided. They shall convene within five days next following their election for the transaction of business, and fix regular stated times of meeting, not less than once a month, during their term of office. Special meetings may also be held on the call of the mayor, with written notice to all of the aldermen, and on call of a majority of the board, with written notice to the mayor and to such aldermen as shall not have joined in the call.

Duty of aldermen.

Sec. 25. That it shall be the duty of the aldermen to attend all the meetings of the board, unless unavoidably prevented from doing so, and, when convened, a majority of the board shall have power to make and to provide for the execution of such ordinances, by-laws, rules and regulations, and such fines, penalties and forfeitures for their violation, as may be authorized by this act, consistent with the laws of the land and necessary for the proper government of the city: *Provided*, that no penalty prescribed by the board of aldermen for the violation of any of the provisions or this act, or of any ordinance, by-law, rule or regulation made in pursuance thereof, shall exceed fifty dollars fine or thirty days imprisonment.

Proviso.

Powers of aldermen.

Officers.

Streets.

Police force.

Liquors, &c.

Board of health.

Sec. 26. That among the powers conferred on the board of aldermen are these: they may elect a chief of police, a street commissioner, a commissioner of the sinking fund, and one auditor, neither of whom may be of their number; ascertain the location, increase, reduce and establish the width and grade, regulate the repairs and keep clean the streets, sidewalks and alleys of the city; extend, lay out, open, establish the width and grade, keep clean and maintain others; establish and regulate the public grounds, including Moore square and Nash square, have charge of, improve, adorn and maintain the same, and protect the shade trees of the city; appoint and regulate a police force and fix their salary; prohibit vagrancy and street begging; regulate, control, tax, license or prevent the establishment of junk and pawn shops, their keepers or brokers, and the sale of spirituous, vinous and malt liquors; regulate the speed of railroad locomotives, trains and electric cars; the charge for the carriage of persons, baggage and freight for hire, and the license or prevention of the same; provide for the proper observance of the Sabbath, and the preservation of the peace, order and tranquility of the city. They may provide a board of health, with prescribed powers and duties, and ways and means for the collection and preservation of vital statistics; promote the establishment of public schools and educational facilities by the acquisition of land and the erection of buildings thereon, and the equipment thereof,

within the corporate limits of the city. They may also con-
Sewerage, &c. struct or contract for the construction of a system of sewerage for the city, and protect and regulate the same by adequate ordinances; and if it shall be necessary, in obtaining proper outlets for the said system, to extend the same beyond the corporate limits of the city, then, in such case, the board of aldermen shall have the power to so extend it, and, both within and
Condemnation of land. without the corporate limits, to condemn land for the purpose of right of way, or other requirements of the system, the proceedings for such condemnation to be the same as those prescribed in chapter forty-nine, section six, of the private laws of eighteen hundred and sixty-two and sixty-three, or in the manner prescribed in chapter forty-nine, volume one of The Code: *Provided*, that they shall contract no debt of any kind or degree without the money in the treasury available for its payment, except for the actual and necessary current expenses of the city.

Pavement. Sec. 27. That they may require every owner of real estate in the city of Raleigh to pave one-fourth of the street or streets in front of his or her land, in such manner and with such material as the street commissioner of said board of aldermen may pave one-half thereof at the same time, and to enforce such requirement by proper fines and penalties; and upon the failure of such owner to do such paving, the city of Raleigh may have the same done, and the cost thereof may be assessed upon the property of such delinquent and added to the taxes against him or her, and collected in the same manner that other taxes or assessments are collected, or judgment may be taken by the city of Raleigh, before the mayor or any justice of the peace, or in the superior court of Wake county, for the cost of such paving; and when docketed in the superior court of Wake county such judgments docketed in the superior court and be enforced in like manner.

Nuisances. Sec. 28. That they may require and compel the abatement of all nuisances within the city, or within one-half mile of the city limits, at the expense of the person causing the same or the tenant of the ground whereon the same shall be; they may also prevent the establishment within the city, or within one-half mile of the city limits, and may regulate if allowed to be established, any slaughter house or place, or the exercise within the city, or within one-half mile of the city limits, of any dangerous or offensive or unhealthy trade, business or employment.

Stray dogs, &c. Sec. 29. That they may prohibit and prevent, by penalties, the running at large of dogs, hogs, cattle and other brutes, the
Fast driving, &c. riding or driving of horses or other animals at a speed greater

than six miles per hour, or in a reckless manner, within the city limits; and also the firing of guns, pistols, crackers, gunpowder, or other explosive, combustible or dangerous materials, in the streets, public grounds, or elsewhere within the city. Fire-arms, &c.

Sec. 30. That they may establish and regulate the market, and prescribe at what time and place, and in what manner, within the corporation, marketable articles shall be sold; in what manner, whether by weight or measure, may be sold grain, meal, flour (if not packed in barrels), fodder and unbaled hay, or oats in straw; may erect scales to weigh the same, appoint a weigh-master, and fix his fees and direct by whom he shall be paid; appoint a keeper of the market and prescribe his duties and fees, and shall also have power to prevent forestalling and regrating. Market. Weigh-master. Keeper of market.

Sec. 31. That they may establish all public buildings necessary and proper for the city, and prevent the erection or establishment of wooden buildings in any part of the city where they may increase the danger by fire. Wooden buildings in city, &c.

Sec. 32. That they may provide graveyards in or near the city, and regulate the same; may appoint and pay a keeper, and compel the keeping and return of bills of mortality; and they may prohibit further interments in the city cemetery. Graveyards.

Sec. 33. That they may provide for the establishment, organization, equipment and government of fire companies, and appoint fire commissioners from their number; and in all cases of a fire a majority of the fire commissioners may, if they deem it necessary to stop the progress of the fire, cause any house to be blown up or pulled down, and removal of any other property, for which they shall not be responsible to any one in damages; and in case the presence of a majority of the fire commissioners cannot be had, the mayor, together with two aldermen of the city, to be selected by him, shall perform the duties prescribed for the fire commissioners in this section. Fire department.

Sec. 34. That they may take such measures as they may deem effectual to prevent the entrance into the city, or the spreading therein, of any contagious or infectious disease; may stop, detain and examine for that purpose every person coming from places believed to be infected with such disease; may establish and regulate hospitals within the city, or within three miles thereof; may cause any person in the city suspected to be infected with such disease, and whose stay may endanger its health, to be removed to the hospital; may remove from the city or destroy any furniture or other articles which shall be suspected of being tainted or infected with contagious or infectious disease, or of which there shall be reasonable cause to Contagious diseases, &c.

apprehend that they may pass into such a state as to generate and propagate disease; and in case any person shall be removed to the hospital the corporation may recover of such person, before the mayor, the expense of his removal, support, nursing and medical attendance, and burial expenses.

Taxes, fines, &c., to be paid into city treasury.

Sec. 35. That all moneys arising from taxes, fines, penalties, forfeitures, or any other sources whatsoever, shall be the property of the city, and be paid into the city treasury, where it shall remain until lawfully appropriated by a majority of the board of aldermen, in specific items, for the exclusive use and benefit of the city and the people resident therein, unless otherwise expressly provided in this act.

Taxation.

Sec. 36. That in order to raise a fund for the expenses incident to the proper government of the city, the aldermen may annually levy and collect the following taxes, namely:

Tax on real and personal property.

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

Poll tax.

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

Purchase tax.

(3.) On every hundred dollars' value of goods, wares and merchandise, purchased for re-sale by any merchant trading in the city within one year next preceding the first day of June of the year in which the same is listed, a tax not exceeding twenty cents.

Omnibus, &c.

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

Dogs.

(5.) Upon all male dogs kept in the city, and which may be so kept on the first day of June, a tax of three dollars, and upon every bitch five dollars.

Swine, &c.,

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

Encroachments.

(7.) Upon all encroachments on the trees or side-walks by porches, piazzas, stair-ways, passages, or other projections or excavations suffered or allowed by the aldermen, a tax not

exceeding one dollar, nor less than twenty-five cents, per square foot.

Express company.

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

Shares of stock.

(9.) Upon all shares and certificates of stock issued by every bank, banking association or other incorporated institution located within the corporate limits, whether such institution or banking association has been organized under the laws of this state or of the United States, *ad valorem*, a tax not exceeding one dollar on every hundred dollars' value: *Provided*, that the owner of such shares or certificates of shares of stock are resident of the city, and that the assessment shall be with regard to the value of the stock on the first day of June, annually; *And, provided further*, that the value of the property of such bank or association otherwise taxed by said city, and its property exempt from taxation, be deducted from the aggregate amount of such bank or association's capital stock.

Proviso.

Proviso.

Property of churches, schools, &c., to be taxed.

Sec. 37. That all real and personal property, whether held and owned by churches, religious organizations or societies, schools, benevolent organizations, or otherwise, shall be taxed as other real and personal property is taxed by this charter.

When to list taxes.

Sec. 38. That the citizens of Raleigh, and others liable to be taxed under this charter, shall, on the day prescribed for listing state and county taxes, render on oath to the clerk of the city, who is hereby constituted a commissioner of affidavits for that purpose, on a blank to be prepared and furnished by the board of aldermen, a list of their property, and subjects for which they may be liable to be taxed, under all the rules and penalties prescribed in this chapter. The list shall state the age of the party, with reference to his liability to a poll tax, and shall also contain a verified statement of all the real and personal property of every kind, and such interests and estates therein, as are taxable, moneys, credits, investments in bonds, stocks, joint stock companies, annuities, or otherwise, not herein excepted, and all other subjects taxed by this charter and by the general assembly, in possession or under control or in charge of the person required to render said list, either as owner or holder thereof, or as parent, husband, guardian, trustee, executor, administrator, receiver, accounting officer, partner, agent, factor or otherwise. The party listing shall also swear to the

What list to state.

true value of all property, choses in action, and other subjects listed, except land, which oath shall be in the following form, to wit: "I, ..., do solemnly swear (or affirm) that the list furnished by me contains a true and accurate list of all property which by law I am required to list for taxation, and that the value affixed thereon by me is a true valuation of the same, according to my best knowledge, information and belief. So help me God." Any person making a false return shall be deemed guilty of perjury. Property held in trust, or as agent, guardian, executor or administrator, or in right of a *femme couverte*, shall be returned on seperate lists. Persons owning shares in incorporated companies within the city limits, taxable by this charter, are not required to deliver to the clerk a list thereof, but the president or other chief officer of such corporation shall deliver to the clerk a list of all shares of stock held therein and the value thereof, and the tax assessed on shares of stock in such corporations shall be paid by the corporation respectively.

Oath of taxpayers.

Shares of stock, how listed.

Corporation.

Sec. 39. That all bridge, express, gas, manufacturing, street railroad and transportation companies, and all other companies and associations incorporated under the laws of this state, situated or having its principal place of business within the corporate limits of the city, shall, in addition to the other property required by this act to be listed, make out and deliver to the clerk a sworn statement of the amount of its capital stock, setting forth particularly: first, the name and location of the company or association; second, the amount of capital stock authorized, and the number of shares in which such capital stock is divided; third, the amount of capital stock paid up; fourth, the market value, or if no market value, then the actual value of the shares of stock; fifth, the assessed valuation of all its real and personal property, which real and personal property shall be listed and valued as other real and personal property is listed and assessed under this charter. The aggregate amount of the fifth item shall be deducted from the aggregate value of its shares of stock as provided by the fourth item, and the remainder, if any, shall be listed by the clerk, in the name of such company or corporation, as capital stock thereof. In all cases of failure or refusal of any person, officer, company or association, to make such return or statement, it shall be the duty of the clerk to make such return or statement from the best information which he can obtain.

What statement to contain.

Statement of bankers, brokers, &c.

Sec. 40. That every bank (not incorporated), banker, broker or stock jobber shall, at the time fixed by this charter for listing personal property, make out and furnish the clerk a sworn

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

Items, how listed.

Sec. 41. That all the real and personal property of any railroad, or so much thereof as may be located within the corporate limits of said city, including road-beds, rights of way, main and side tracks, depot buildings and grounds, section and tool-houses, machine and repair shops, general office buildings and store houses, rolling stock and personal property necessary for the construction, maintenance and successful operation thereof, shall be listed for purposes of taxation by the principal officers or agents of such companies with the clerk, in the manner provided by law for the listing and valuation of real and personal property, and shall be taxed as other real and personal property under the rules, regulations and methods now or hereafter to be provided by the general assembly of North Carolina for ascertaining and listing the value thereof.

Railroads.

Sec. 42. That if any person or company shall fail to render

Double tax for failure to list.

to the clerk the list of property, and other taxables required to be rendered by this charter, within the time prescribed for listing state and county taxes, such person or company shall pay double the tax assessed on any subject for which said person is liable to be taxed.

Property not liable to taxation to be stated.

Sec. 43. That the clerk shall be particular to examine each person on oath as to whether he has other property than that stated in his return, which he may claim is not liable to taxation. Such property, except bonds of the United States and of this state, shall be entered and noted on the tax-list.

Tax lists, how made, &c.

Sec. 44. That from the returns and lists made, as provided by this charter, the clerk shall, within thirty days after the expiration of the time for taking said lists, make out, in a book kept or provided for that purpose, an alphabetical list of the persons, companies and owners of property who have so made their returns, in the same manner as tax lists are made out by law for the state and county taxes. And the said clerk shall copy in said book the assessments, on file in the register of deeds' office for Wake county, of all property within the city limits.

BOARD OF EQUALIZATION.

Board of equalization.

Sec. 45. That in the month of May, eighteen hundred and ninety-five (1895), and biennially thereafter, the board of aldermen shall appoint three discreet and proper persons among the electors of the city of Raleigh, to be constituted, and who shall constitute and be styled "The Board of Equalization of the City of Raleigh," and the persons so appointed shall continue in office for two years, and until their successors are duly appointed and qualified, unless removed from office, or otherwise incapacitated to hold office, as herein provided. No member of the board of aldermen, and no person holding an office or appointment under the board of aldermen, shall be eligible or qualified to act as a member of the board of equalization.

Oath.

Sec. 46. That before entering on their duties the members of said board shall take and subscribe before the mayor, or some justice of the peace, the oath prescribed in section four (4) of article six (6) of the Constitution of the state, and cause the same to be filed in the office of the clerk of said city.

Organization of board.

Sec. 47. That said board shall elect from their number a chairman, who shall have power to administer oaths and issue subpœnas 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 clerk. In the absence of the chairman at any meeting of the board, a temporary chairman shall be chosen, who, during such meeting, shall have and exercise the powers of the regular chairman.

Powers of board.

Sec. 48. That as soon as the tax list can be completed by the city clerk, the same shall be by him delivered to the board of equalization, which board shall have the power, and it shall be their duty, to act conjointly with the board of county commissioners of Wake county in equalizing the valuation of all property within the corporate limits of said city, and said boards, conjointly, shall have all the powers given to the board of commissioners of a county to revise a tax list.

Powers and duties.

Sec. 49. That said boards shall conjointly and carefully examine the tax lists of the city and county, and shall equalize the valuations of all property within the city limits, so that each tract or lot of land, or article of personal property, and all other subjects of taxation, shall be entered on the respective tax lists of the city and county at its true value in money, and shall cause the respective tax lists to conform as nearly as possible; and for this purpose they shall have power to increase, modify, add to and change the tax lists as made out, so that the valuation of similar property throughout the city shall be as near uniform as possible, and in doing so they shall observe the following rules, and shall have the following powers:

First. 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.

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

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

Fourthly. In performing the duties required of them the said board of equalization shall have power to subpœna, compel the presence of, and examine witnesses and parties who list, or fail to list, and send for, and require to be brought before them,

and examine, records, books, papers and such other things as they may deem proper to be used in evidence before them, upon the same rules and penalties as are provided for superior courts.

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

When taxes due.

Penalty thereafter.

Sec. 50. That as soon as the tax list can be revised by the board of equalization, the board of aldermen shall proceed to levy the tax on such subjects of taxation as they shall determine, and shall place the tax list in the hands of the tax collector for collection, who shall proceed forthwith in the collection, and shall complete the same on or before the first day of December next ensuing, and shall pay the moneys, as they are collected, to the treasurer. On the first day of December there shall be a penalty of one per centum added to the amount of all taxes due, and an additional one per centum on the first day of each month thereafter until the same are paid.

Tax upon bank stock, how paid, &c.

Sec. 51. The taxes imposed upon the shares or certificates of shares of stock in any bank or banking association (state or national), shall be paid by the cashier, or other principal officer of such bank or banking association, directly to the city tax collector, within thirty days after notice from said tax collector of the amount of tax due; and upon the failure of said cashier or principal officer to pay the tax collector, as aforesaid, he shall forthwith institute an action against the bank or banking association for the recovery of the same in the proper court, in said county of Wake.

Collection by "distress and sale."

Sec. 52. That if any person liable to taxes on subjects directed to be listed, shall fail to pay them within the time prescribed for collection, the collector shall proceed forthwith to collect the same by distress and sale; all sales to be made after public advertisement, for the space of ten days, in some newspaper published in the city, if the property to be sold be personalty, and of twenty days, if the property be realty. And the said collector shall have the right to levy upon and sell any personal property situated outside of the limits of the city, and within the county of Wake, belonging to a delinquent tax-

payer of the city, in order to enforce the payment of taxes due the city by said delinquent.

Lien upon realty.

Sec. 53. That the tax due on any lot, or other subdivision of land, is hereby declared to be a lien on the same, and if it shall remain unpaid on the first day of December next after the assessment, the tax collector shall either proceed to collect the same by a levy and sale of personal property belonging to the owner of said lot, or shall report the fact to the aldermen, together with a particular description of the real estate, and thereupon the aldermen shall direct the same to be sold at the court-house door, in the city of Raleigh, by the collector. The collector shall, before selling the same, make a full advertisement of the said real estate, at the court-house door and at three or more public places in said city, for twenty days, and shall also serve upon the owners thereof a written or printed notice of the taxes due and the day of sale, but such notice need not be given to any person having or claiming any lien on said land by the way of mortgage or otherwise. Whenever the owners are not in the city, or for any cause cannot be served with notice, then the advertisement of real estate belonging to such owners shall be made for one week in some newspaper published in the city of Raleigh, and the collector shall divide the said land into as many parts as may be convenient (for which purpose he is authorized to employ a surveyor), and he shall sell as many thereof as may be required to pay said taxes and all expenses attendant thereon. If the same cannot be conveniently divided the collector shall sell the whole; and if no person shall pay the whole of the taxes and expenses for the whole land, the same shall be struck off to the city, and if not redeemed, as hereinafter provided, shall belong to the said city in fee: *Provided*, that such sale shall in no case affect the lien of any lawful incumbrance which can be shown to have been listed, and taxes paid thereon to the city.

Notice to non-residents, &c.

Sale.

Proviso.

Report of collector to aldermen.

Sec. 54. That the collector shall return an account of his proceedings to the aldermen, specifying the portions into which the land was divided, and the purchaser or purchasers thereof, and the price of each, which shall be entered on the book of proceedings of the aldermen; and if there shall be a surplus after paying said taxes, the same shall be paid into the city treasury, subject to the demand of the owner.

Redemption.

Sec. 55. That the owner of any land sold under the provisions of this charter, his heirs, executors and administrators, or any person acting for them, may redeem the same, within one year after the sale, by paying to the purchaser the sum by him paid, and twenty-five per cent. on the amount of taxes and expenses,

and the treasurer shall refund to him, without interest, the proceeds, less double the amount of taxes.

Deed, &c.

Sec. 56. That if the real estate sold, as aforesaid, shall not be redeemed within the time specified, the corporation shall convey the same in full to the purchaser, or his assigns, by deed executed under the hand of the mayor and two aldermen, attested by the corporate seal; and the recitals in such conveyance, or in any other conveyance of land sold for taxes due the city, that the taxes were due, or of any other matter required to be true or done before the sale might be made, shall be *prima facie* evidence that the same was true and done.

Real estate of infants, &c., not to be sold.

Sec. 57. 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 same shall be made according to section ninety-two, of chapter ninety-nine, of The Revised Code.

Special taxes.

Sec. 58. That in addition to the subjects listed for taxation, the aldermen may levy a tax on the following subjects, the amount of which tax, when fixed, shall be collected by the chief of police instantly, and if the same be not paid on demand, the same may be recovered by suit, or the articles upon which the tax is imposed or any other property of the owner may be forthwith distrained and sold to satisfy the same, namely:

First. Upon all itinerant merchants or peddlers, offering to vend in the city, a license tax not exceeding fifty dollars a year except such only as sell books, charts, maps, or wares of their own manufacture, but not excepting venders of medicine, by whomsoever manufactured, and not more than one person shall peddle under a single license.

Second. Upon every billiard-table, bowling-alley, or alley of like kind, bowling saloon, bagatelle-table, pool-table, or table, stand or place for any other game or play, with or without a name, kept for hire, or kept in a house where liquor is sold, or a house used or connected with such a house, or used or connected with a hotel or restaurant, or contiguous or adjacent thereto, a license not exceeding fifty dollars. Upon every hotel, restaurant or eating house, a license tax not exceeding twenty-five dollars.

Third. Upon every permission by the board of aldermen to retail spirituous, vinous or malt liquors, a tax of three hundred dollars; and for every permission to sell spirituous, vinous or malt liquors in quantities of one quart and less than five gallons, a license tax of one hundred dollars; and in quantities of five gallons or more, a license tax of one hundred dollars.

Fourth. Upon every company of circus riders, or performers

by whatever name called, who shall exhibit within the city, or within one mile thereof, a license tax not exceeding fifty dollars for each performance or separate exhibition; and upon every side-show connected therewith, a license tax not exceeding ten dollars; the tax to be paid before exhibition, and if not, to be doubled.

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

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

Seventh. Upon each show, or exhibition of any other kind, and on each concert for reward in the city, or within one mile thereof, and on every strolling musician, a tax not exceeding ten dollars; to be paid before exhibition, or the same shall be doubled.

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

Ninth. Upon every dog which may be kept or brought into the city after the first day of June, to be kept therein, a tax not exceeding five dollars for the permission to keep such in the city, which permission shall not extend further than the last day of May ensuing.

Tenth. Upon every auctioneer, or crier of goods at public auction, subject to the limitations provided in section twenty-two hundred and eighty-one (2281) of The Code, a license tax not exceeding fifty dollars a year.

Eleventh. Upon every stock and bond broker, junk dealer and pawnbroker, sewing machine or bicycle company, or agent for such company, dealer in or manufacturer's agent of musical instruments, keeper of sales-stables or stockyards doing business in the city, a license not exceeding twenty-five dollars a year.

Twelfth. Upon every lawyer, physician, dentist, cotton broker, bill-poster, street huckster, photographer, merchandise

or produce broker, ice dealer, dealer in wood and coal, or either, insurance company or insurance agency for every company represented, and every skating rink or shooting gallery, a license tax not exceeding ten dollars a year.

Thirteenth. Upon every other occupation, professional or business, not herein specially named, a license tax not exceeding ten dollars a year.

Auctioneers.

Sec. 59. That every auctioneer licensed by the board of aldermen shall give bond in the sum of ($5,000) five thousand dollars, with approved security, and shall be entitled to charge two and a half per centum commission on the amount of his sales, unless otherwise agreed between them and the owner of the goods sold; and every person who cries or sells goods at auction shall be considered an auctioneer.

Liquor license.

Sec. 60. That it shall not be lawful for the commissioners of Wake county to grant any license to sell spirituous or vinous or malt liquors within the limits of the city, or within one mile thereof, without permission first obtained from the board of aldermen, in being at the time of the application to the county commissioners; and if any license shall be granted without permission, in writing, attested by the clerk of the board of aldermen, and exhibited to the county commissioners and filed with the clerk of the board of county commissioners, the same shall be utterly void, and the person obtaining such license shall be liable to indictment as in other cases of selling without license; and for every offense of selling shall moreover forfeit and pay to the city the sum of twenty dollars.

Condemnation proceedings.

Sec. 61. That when any land or right of way shall be required by said city of Raleigh for the purpose of opening new streets, or for other objects allowed by this charter, and for want of agreement as to the value thereof the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five freeholders of the city, to be chosen by the aldermen, who shall receive a *per diem* of two dollars each; and, in making said valuation, said freeholders, after being duly sworn by the mayor or a justice of the peace of the county, or a clerk of the court of record, shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land or right of way being surrendered, also any special benefit or advantage such owner may receive from the opening of such street or other improvement, and shall state the value and amount of each; and the excess of loss or damage over and above the advantages shall form the measure of valuation of said land or right of way; *Provided, nevertheless*, that if any person over whose land the

said street may pass, or improvement erected, or the aldermen, shall be dissatisfied with the valuation thus made, then, and in that case, either party may have an appeal to the next superior court of Wake county to be held thereafter; and the said freeholders shall return to the court to which the appeal is taken their valuation, with the proceeding thereon; and the land so valued by the freeholders shall vest in the city, so long as it may be used for the purposes of the same, as soon as the valuation may be paid or lodged in the hands of the clerk of the superior court (in case of its resusal by the owner of the land); *Provided, however*, that in case of the discontinuance of the use of the land, and its reversion to the owner, the city may remove any improvement erected under its authority and expense within sixty days of such reversion.

Sidewalks.

Sec. 62. That every owner of a lot, or person having as great an interest therein as a lease for three years, which shall front any street on which a sidewalk has been established, shall improve, in such manner as the aldermen may direct, such sidewalk as far as it may extend along such lot, and on failure to do so within twenty days after notice by the chief of police to said owner, or, if he be a non-resident of the county of Wake, to his agent, or if such non-resident have no agent in said county, or if personal notice cannot be served upon the owner or agent, then after publication of a notice by the chief of police for thirty days in some newspaper published in Raleigh, calling on the owner to make such repairs, the aldermen may cause the same to be repaired, either with brick, stone or gravel, at their discretion, and the expenses shall be paid by the person in default. Said expense shall be a lien upon said lot, and if not paid within six months after completion of the repairs such lot may be sold or enough of the same to pay such expenses and costs, under the same rules, regulations and restrictions, rights of redemption and savings, as are prescribed in this charter for the sale of land for unpaid taxes.

Obstructions, &c.

Sec. 63. That no basement, cellar, area, passage, entrance or other opening shall be excavated, made, built or permitted to remain under any side-walks; nor shall any veranda, piazza, platform, entrance, stairway, passage, building or other projection or construction whatsoever be permitted to occupy any space on or over any side-walks in the city, whereby the free and safe passage of persons may be hindered, obstructed, delayed or in anywise endangered, unless annually licensed and taxed by the board of aldermen.

Records, &c., open to public inspection.

Sec. 64. That all the books, records, documents, and papers of every name and nature, belonging to the city government, or to

the officers thereof in the performance of their official duties, shall be open to the inspection of any citizen and taxpayer of the city at all times during ordinary business hours.

Annual report of officers of receipts, &c.

Sec. 65. That on the first Monday of March, in each year, all of the officers of the city shall make out, and file with the city clerk, a fair transcript of all receipts and disbursements in the departments over which they preside; all the officers of the city having any of the property of the city in their charge shall report an inventory of the same, and each committee of the board of aldermen shall submit annual reports, all of which the board of aldermen shall cause to be printed in book form for the general information of the citizens.

Removal from office.

Sec. 66. That any officer or employee not elected by a vote of the people, may be removed from office or employment at any time, by a two-thirds vote of the board, for misbehavior or neglect of official duty; and if any officer shall fail to give the bond required by the board, or by this act, his office shall *ipso facto* be vacant.

No city officer to contract with city.

Sec. 67. That no mayor or alderman, or other officer of the city, shall, directly or indirectly, become a contractor for work to be done by the city.

OF CRIMES AND PENALTIES.

Sec. 68. That in addition to the crimes and penalties herein enumerated, and in addition to the crimes and penalties denounced by public laws of North Carolina applicable hereto, are these:

Improper registration and voting, &c.

First. Any person who, having entered, sojourned and remained in the city of Raleigh in the capacity of a state or county officer, clerk or employee; or as a teacher, student or employee of any public or private school therein; or as an officer, employee or inmate of any hospital, asylum, soldiers' home, or other institution of temporary employment, residence or detention whatsoever, and while so sojourning or remaining in any such capacity, shall offer or attempt to register as a voter, or to vote therein, or who shall register or vote therein, and any person who shall advise, counsel, aid or assist any such person to register or to vote therein; and any registrar, judge, poll-holder or other officer of registration or election in the city, whatsoever, who shall wilfully or knowingly register the name or poll the vote of any such person, or permit it to be done in his precinct, shall, for every such offense, forfeit and pay a fine of fifty dollars, or be imprisoned, at hard labor, thirty days; and if at the expiration of thirty days from the filing of authentic information of such offense before the mayor, he

shall have failed to prosecute the offender, or to enforce the penalty herein provided, then any elector who will first sue, in the name of the city, before the mayor or the superior court of Wake county, may recover such fine or fines to his own use, and enforce the payment thereof, and of the costs, as herein provided in case of non-payment to the city.

Failure of mayor and other officers to perform duty.

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

Thirdly. Any mayor, or member of the board of aldermen, who shall fail, neglect or refuse in due time to call and provide for the election, by the people of the city, officers, and for other purposes prescribed in this act; every officer of the city of Raleigh who shall fail, neglect or refuse to keep proper books of account, showing all their transactions with the city, or to make proper returns and reports thereof, or to keep the books of his office open to public inspection, or to turn over and account for all the proceeds of all the fines, penalties and forfeitures imposed by the mayor, as required by the provisions of this act; or who, having been elected to the office of mayor, alderman, or other office of the city, with his full knowledge and consent, shall fail, neglect or refuse to qualify; or who, having been elected to such office, shall enter upon duty, or attempt to do so, without having first taken, subscribed and filed with the clerk the oath of office, nor given bond (if any) required by the provisions of this act, shall be guilty of a misdemeanor, and upon satisfactory proof thereof before the mayor, or before the superior court of Wake county in case the mayor be accused, shall be adjudged to pay a fine of fifty dollars, or to be imprisoned not exceeding thirty days.

Failure of alderman to attend meeting.

Fourthly. Any alderman of the city who shall fail, neglect or refuse to attend any regular meeting of the board, or any special meeting called by a majority of the board in which he joined, or who, having had written notice, by mail or otherwise, of a special meeting of the board, called by the mayor or by a majority of the board in which he did not join, shall fail, neglect or refuse to attend such regular or special meeting, or to give to the board, on or before the next ensuing regular meeting thereof, a satisfactory excuse therefor, shall forfeit and pay to the chief of police, to the use of the city, the sum of three dollars for each offense.

Unnecessary city debts.

Fifthly. Any alderman, or other officer of the city, who shall

vote for, support or contract any debt against the city for purposes other than the necessary current expenses of the city, without the money in the treasury available for its payments, or who shall make any appropriation, donation, gift, sale, transfer or payment, directly or indirectly, of any money, property or credit of the city, for any use or purpose other than for the exclusive use and benefit of the city of Raleigh and of the people resident therein, unless otherwise provided, shall be guilty of an infamous crime, and, upon conviction thereof in the superior court, shall be adjudged to pay a fine not less than one thousand dollars ($1,000) nor more than five thousand dollars ($5,000), or be imprisoned not less than one year nor more than five years, or both such fine and imprisonment in the discretion of the court, and shall be liable to an action at law for the recovery of the whole amount so unlawfully contracted or misappropriated, paid or transferred.

Officer of corporation failing to list taxes, &c.

Sixthly. Any person whose duty it shall be, as principal, agent, attorney, trustee, officer or otherwise, for an individual, company, association, corporation or otherwise, to make return, list or report of property or poll for taxation under the provision of this act, who shall fail, neglect or refuse to list the same, or shall list the same in the name of any other than the true owner; or who, being interrogated by the clerk, or any member of the board of equalization, respecting such property, shall refuse to answer or shall answer falsely concerning the same, or who shall refuse to fill out, subscribe and make oath to his returns of such property or poll for taxation; and any person who shall interfere, and by threats, force or violence prevent, or attempt to prevent, the lawful removal of any person into any hospital within or without the city by the authorities thereof; or who shall excavate, construct, build, use, keep or maintain any cellar, basement, area, passage, entrance or way under any sidewalk, or build, construct, keep, use or maintain any veranda, piazza, platform, building or stairway, or other projection or construction, upon or over any sidewalk in the city, whereby the free and safe passage of persons may be hindered, delayed, obstructed, or in any way endangered; or who shall engage in the business of an auctioneer, or the keeping of a bucket, junk or pawn shop, or the sale of spirituous, vinous or malt liquors, without first having taken out a license therefor; or who, being a resident freeholder, shall refuse to serve as such for the condemnation of land, when thereunto required by the board of aldermen, shall be guilty of a misdemeanor, and, upon satisfactory proof before the mayor, shall be

Preventing removal of contagious diseases.

Obstructions, &c.

Doing business without license.

adjudged to pay for every such offense a fine not exceeding fifty dollars, or be imprisoned not exceeding thirty days.

Injuring boundary monuments, &c.

Seventhly. Any person who shall remove, deface, injure or destroy any monument placed at the central intersection or prolongation of the line of any public street, or on the line of any ward, or on the exterior lines and points of intersection of the corporate limits of the city, or who shall place or maintain upon any of said lines, or any of the prolongations of the public streets of the city to the exterior boundaries, any obstruction to the line of sight from any one corner, intersection, monument or natural elevation to any next corner, intersection, monument or natural elevation thereof, or who shall aid, advise or procure any such removal, defacement, injury, destruction or obstruction, shall be guilty of a misdemeanor, and, upon conviction thereof before the mayor, shall forfeit and pay for every such offense the sum of fifty dollars; and, in addition thereto, for every day in which the obstruction is maintained, after five days' notice to remove the same, he shall forfeit and pay the sum of five dollars, and he shall be imprisoned until such fine or fines, and the costs, are paid by work upon the public streets, roads or other works of the city or county, at the rate of one dollar a day; and one-half of all such fine or fines shall go to any complainant or informer, other than a city official, who shall also furnish evidence sufficient to convict the offender.

Recovering fines and penalties.

Sec. 69. That all penalties imposed under the provisions of this act, or of any ordinance, by-law or regulation of the city, unless herein otherwise provided, shall be recoverable, in the name of the city of Raleigh, before the mayor; and all such penalties incurred by any minor shall be recovered from the parent, guardian or master, as the case may be, of such minor.

OF OFFICIAL BONDS AND SECURITY.

Bonds of officers.

Sec. 70. That each of the following named officers shall, before entering upon duty, give a good and sufficient bond, conditioned for the faithful performance of the duties of his office, with two or more sureties justified in a sum not less than the penalty of the bond over and above all their just debts and liabilities and the exemptions allowed by law, to be approved and certified as satisfactory by the board of aldermen, and recorded by the clerk, as follows, to-wit:

Chief of police.

Firstly. The chief of police shall give a bond in the penalty of five thousand dollars ($5,000).

Clerk.

Secondly. The city clerk shall give a bond in the penalty of five thousand dollars ($5,000).

Street commissioner.

Thirdly. The street commissioner shall give a bond in the penalty of five thousand dollars ($5,000).

Collector.

Fourthly. The tax collector shall give a bond in the penalty of fifty thousand dollars ($50,000).

Treasurer.

Fifthly. The treasurer shall give a bond in the penalty of twenty-five thousand dollars ($25,000).

Commissioner of sinking fund.

Sixthly. The commissioner of the sinking fund shall give a bond in the penalty of not less than ten thousand dollars ($10,000).

Bonds, how strengthened.

Such bonds shall be carefully examined and certified anew by the board of aldermen, annually, during the month of May. If the security of any of such bonds shall have become impaired, or if, for any cause, the security shall be adjudged insufficient to cover the amount of public money, or other property, in the custody of the officer, then the bond shall be renewed and the insufficient security shall be increased and the impaired shall be made good; but such renewal shall not make "cumulative," thereby doubling the penalty of bond, any "judge-made law" to the contrary notwithstanding. And for any breach of any such bond by any officer required to give an official bond, he shall be liable in any action on the same in the city, at the suit of the city or any person aggrieved by such breach; and the same may be put in suit without assignment, from time to time, until the whole penalty is recovered.

SALARIES AND FEES.

Compensation of officers.

Sec. 71. That in addition to the salaries, fees and allowances hereinbefore prescribed, there shall be allowed the following:

Mayor.

Firstly. To the mayor, for his services to the city as such, per month, payable monthly by the city, one hundred dollars ($100); for his services in the performance of magisterial duties in the mayor's court, under the provisions of this act, he shall be entitled to such fees and allowances as justices of the peace and clerks of the superior court are entitled to receive for the performance of like duty, to be taxed on the papers as part of the costs in each case, and paid by the state, county, or person usually charged with the costs in like cases in courts of justices of the peace or the superior court, as the case may be, and in no event by the city.

Chief of police.

Secondly. To the chief of police, for his services to the city as such, per month, payable monthly by the city, eighty-three dollars and thirty-three cents ($83.33⅓); for his services in the execution of process issued by the mayor, and actually executed by him under the provisions of this act, he shall be entitled to such fees and allowances as sheriffs and constables are entitled to receive for the performance of like duty, to be taxed on the

papers as part of the costs in each case, and paid by the state, county, or person usually charged with costs in like cases in courts of justices of the peace or in the superior court, as the case may be, and in no event by the city.

Thirdly. To the city clerk, for his services to the city as such clerk, and in lieu of all other compensation whatsoever, per month, payable monthly by the city, eighty-three dollars and thirty-three cents ($83.33). Clerk.

Fourthly. To the street commissioner, for his services as such under the provisions of this act, per month, payable monthly, sixty-six dollars and sixty-six cents ($66.66). Street commissioner.

Fifthly. To the tax collector, for his service as such under the provisions of this act, a single commission equal to two, and not exceeding two and a half per centum of the taxes by him collected and paid to the treasurer, to be computed from the treasurer's receipts for such payments. Collector.

Sixthly. To the treasurer, for his services as such under the provisions of this act, a single commission not exceeding one-half of one per centum on the amount actually received and paid out by him. Treasurer.

Seventhly. To the commissioner of the sinking fund, for his services as such under the provisions of this act, a single commission not exceeding one per centum on the amount actually received and paid out by him. Commissioner of sinking fund.

Eighthly. To the auditor, for his services as such under the provisions of this act, a sum not exceeding two hundred dollars per annum, payable monthly, by the city, at the rate of sixteen dollars and sixty-six cents per month: *Provided*, that the three last named offices may be consolidated under a competent treasurer, under a good and sufficient bond conditioned for the faithful performance of all the duties of such offices; *and, provided further*, that the last two offices may be consolidated under either officer, with a good and sufficient bond; and such auditor and commissioner may be appointed from the bank officers of the city, if practicable. Auditor. Proviso. Proviso.

Ninthly. To any officer prescribed or authorized by any of the provisions of this act, such salary, fees or commissions as to the board of aldermen may seem just and proper, not exceeding that prescribed for like or similar service in this section. Other officers.

Sec. 72. That from and after the passage and ratification of this act the same shall be and remain the charter of the city of Raleigh; and all laws, or parts of laws, heretofore enacted in relation thereto, and not heretofore repealed, which are inconsistent with this act, are hereby repealed. Conflicting laws repealed.

Ratified the 12th day of March, A. D. 1895.

CHAPTER 264.

An act to incorporate the Farmers' Life Association of North Carolina.

The General Assembly of North Carolina do enact:

Incorporators.

Section I. That J. W. Lane, R. A. Russell, C. L. Wetherington, J. T. Askew, R. T. Daughtery, L. H. Spier and Elisha Long, and their successors, be, and are hereby, created a

Body politic.

body politic, to be known by the name, style and title of The

Corporate name.

Farmers' Life Association of North Carolina, and subordinate branches working under the jurisdiction of the said association,

Corporate powers.

and by such name and title shall perpetuate succession, and be capable of suing and being sued, pleading and being impleaded, and of purchasing, leasing, holding and receiving, in its corporate name, property, real, personal and mixed, and of

By-laws.

making such rules and regulations as the association may enact, not in conflict with the laws of this state and of the United States.

Purpose.

Sec. 2. To insure persons of good bodily health, who are acceptable; to collect assessments levied upon its members by the association; and, upon satisfactory proof of the death of a member who has complied with all the rules and regulations, levy such assessment as the association may order, and pay the

Limit of amount paid beneficiaries.

amount thus collected (not to exceed one thousand dollars ($1,000) to the beneficiary named in the certificate held by such deceased member.

Seal.

Sec. 3. The said association and its subordinate branches thereof, shall each have a corporate seal for the making and delivering of legal acts and proceedings, which they may alter from time to time as they may direct.

Members not individually liable.

Sec. 4. The private property of members of the corporation shall be exempt from the corporate debts of the association, or members thereof.

Officers.

Sec. 5. The association, and branches thereof, shall provide for the election of such officers as the association may deem necessary to transact the business of the corporation, to fix the compensation for their services, who shall hold office until their successors are duly elected and qualified.

Funds exempt from executions.

Sec. 6. The association shall have the power to create, hold and disburse the funds named in its objects, for aiding members and benefiting widows and orphans of deceased members, under such rules and regulations as the association may deem necessary to adopt; and said funds shall be exempt from all executions, 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 and regulations governing the insurance companies in this state. Exempt from provisions of general insurance laws.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 265.

An act to incorporate New Berne Golden Link Lodge, number sixteen hundred and thirty-four, Grand United Order of Odd Fellows, of New Berne, North Carolina.

The General Assembly of North Carolina do enact:

Section 1. That W. W. Lawrence, E. Fisher, J. P. Stanley, J. C. Bryan and A. Powers, trustees, and their successors in office, are hereby created and constituted a body corporate, under the name and style of New Berne Golden Link Lodge, number sixteen hundred and thirty-four (1634), Grand United Order of Odd Fellows, of New Berne, North Carolina, and by that name and style they shall have perpetual succession, and a common seal, and shall be capable in law to sue and be sued, plead and be impleaded in all the courts of this state. Incorporators. Corporate name. Corporate powers.

Sec. 2. That said corporation shall have power to lease, purchase, take and receive by gift or devise, and hold, in fee simple, all manner of lands, tenements, rents, annuities and other hereditaments, and shall be further able in law to take, receive and possess all money, books, goods and chattels which may be given, sold or bequeathed to or for the use of said corporation. Powers.

Sec. 3. That this corporation shall be able and capable in law to bargain, sell, grant and convey to the purchaser or purchasers such lands, tenements and other hereditaments aforesaid, of which it is the owner, when the condition of the grant to it, or the will of the devisor, does not forbid it. Powers.

Sec. 4. That the corporators aforesaid, and all members and officers of the corporation, their successors and assigns, shall not be individually or personally liable or responsible for any debts, liabilities, obligations or contracts of the corporation. Corporators not individually liable.

Sec. 5. This corporation is hereby authorized and empowered to make, ordain and establish by-laws, ordinances and regulations for its government and the management of its affairs. It shall have power to elect, in such manner as it may adopt, By-laws.

such persons as it desires to become members of the corporation, and prescribe the requirements for membership; and in general said corporation shall have power to make and adopt such by-laws, regulations and ordinances for the government and management of its affairs, as it may deem necessary and expedient and best calculated and adapted to carry out the objects of the corporation, which may not be inconsistent with the constitution and laws of this state or the United States, or the laws of the Grand United Order of Odd Fellows.

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

Ratified the 12th day of March, A. D. 1895.

CHAPTER 266.

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

The General Assembly of North Carolina do enact:

Incorporated. Section 1. That the town of Jupiter, in the county of Buncombe, be, and the same is hereby, incorporated by the name

Corporate name. and style of "The Town of Jupiter," and shall be subject to all the provisions of chapter sixty-two, volume two of The Code.

Corporate limits. Sec. 2. That the corporate limits of said town shall be as follows: one half mile in every direction from the postoffice in said town.

Officers. Sec. 3. That the officers of said corporation shall consist of a mayor, 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-six, and until their successors are elected and qualified, viz: W. L. Hunter,

Temporary officers. mayor; I. A. Harris, C. E. Roberts and R. A. Pickens, commissioners; and when said commissioners are qualified, by taking the prescribed oath, they may elect a constable, who shall hold his office until his successor is elected and qualified under the provisions of this act.

Election. Sec. 4. That there shall be an election for the officers mentioned in this act held in said town on the first Monday in May, one thousand eight hundred and ninety-six, and annually thereafter, as required by the general laws regulating elections in cities and towns in North Carolina.

Sec. 5. That it shall be the duty of the persons appointed to office under the provisions of 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 persons 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 upon the duties of his office shall be required to execute a bond in the sum of two hundred dollars, to be approved by the commissioners of said town. Qualification of temporary officers.

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

Ratified the 12th day of March, A. D. 1895.

CHAPTER 267.

An act for the relief of J. R. Wells, a disabled Confederate soldier, of Rutherford county.

The General Assembly of North Carolina do enact:

Section 1. That J. R. Wells shall hereafter be entitled to the first class pension, as provided in chapter one hundred and ninety-eight (198) of the laws of one thousand eight hundred and eighty-nine (1889), and his name shall be enrolled as a first class pensioner. First class pensioner.

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

Ratified the 12th day of March, A. D. 1895.

CHAPTER 268.

An act for the relief of Henry Bass, a crippled Confederate soldier.

The General Assembly of North Carolina do enact:

Section 1. That Henry Bass, of Surry county, a crippled Confederate soldier, seventy years old, be placed on the roll of fourth class pensioners. Fourth class pensioner.

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

Ratified the 12th day of March, A. D. 1895.

CHAPTER 269.

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

The General Assembly of North Carolina do enact:

Chap. 79, private laws 1889, amended.

Section 1. That chapter seventy-nine, private acts of the laws of eighteen hundred and eighty-nine, being the charter of the town of Plymouth, be amended by adding at the end of section seven thereof, the following:

Franchises, &c., tax authorized.

Sec. 2. "That the said board of commissioners is empowered to levy a tax on all trades, franchises, privileges and occupations, for the privilege of carrying on any business or trade in the town of Plymouth, and to pass such ordinances as may be necessary to enforce this law."

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

Ratified the 12th day of March, A. D. 1895.

CHAPTER 270.

An act for the relief of Martha J. Ramsey, of Wake county, a widow of a soldier who was killed in the battle of Gettysburg.

The General Assembly of North Carolina do enact:

To receive a first class pension.

Section 1. That Martha J. Ramsey, of Wake county, be placed on the roll of first class pensioners, and receive the same pension allowed to first class pensioners by chapter one hundred and ninety-eight (198) of the acts of eighteen hundred and eighty-nine (1889), and by other acts amendatory thereof.

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

Ratified the 12th day of March, A. D. 1895.

CHAPTER 271.

An act to incorporate the "Stannie Wynne Fund."

Preamble.

Whereas, J. S. Wynne, of Raleigh, North Carolina, has heretofore established the "Stannie Wynne Fund" in memory of his deceased son, Stanhope Wynne, by a donation to trustees of certain moneys, having, as a nucleus, the sum of $19.25, the little savings of the deceased child found on deposit to his credit at his death; and, whereas, by addition thereto the sum thus donated has so increased as to justify the expectation that, by future accretions, it will become sufficient to build, equip and maintain a home or hospital where the sick and suffering may receive needed attention, and where benefits may be given without money and without price to those who are unable to pay; and, whereas, it is desirable that the said trustees shall become a body corporate; therefore,

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That Joseph G. Brown, Charles Root, Fabius H. Briggs, John T. Pullen and Herbert W. Jackson, and their successors, be, and they are hereby, made, constituted and declared a corporation and a body politic and corporate, under the name and style of the "Stannie Wynne Fund," and by that name and style shall have perpetual succession, and a common seal, which they may alter at pleasure, and shall be capable in law to sue and be sued, plead and be impleaded in all the courts of this state.

Body politic.

Corporate name.

Corporate powers.

Sec. 2. That said corporation shall have power to lease, purchase, take and receive by gift or devise, and hold, in fee simple, or lessor estate or estates, all manner of lands, tenements, rents, annuities and other hereditaments, and shall further be capable in law to take, receive and possess all moneys, stocks, bonds, books, goods and chattels which may have been or may hereafter be given, sold, released, bequeathed or devised by any person or persons or incorporated company to or for the "Stannie Wynne Fund."

Home or hospital.

Sec. 3. That all such lands, moneys, stocks, bonds, or other property mentioned in section two hereof, owned or held by this corporation, shall be held in special trust for the benevolent purpose of establishing and properly conducting a home or hospital in or near the city of Raleigh, wherein may be cared and provided for the sick and suffering, under such rules and regulations as the said corporation and their successors shall prescribe.

Corporate powers.

Sec. 4. That said corporation shall have the right to bargain, sell, grant and convey to the said purchaser or purchasers such

lands, tenements, hereditaments, stocks, bonds, etc., aforesaid, of which it is or may become the owner: *Provided*, the condition of the grant, or the will of the donor or devisor does not forbid such sale, etc. The said corporation may also invest its funds, and the rents, profits and income of or from any of its property, and sell and re-invest as often, and in such manner, as the trustees of said corporation may deem proper.

Corporators not individually liable.

Sec. 5. That the said corporation, and their successors, shall not be individually liable for the debts of said corporation, and shall not be held personally liable for any losses resulting from their management of the funds and property thereof, except such as occur through their wilful default or gross negligence.

Board of trustees.

Sec. 6. That the said corporation shall be managed by a board of trustees, consisting of not less than five members.

Vacancies.

Sec. 7. The corporation aforesaid shall constitute the board of trustees of said corporation, and any vacancies occurring therein shall be filled, through selection or appointment, by a majority of the remaining trustees, so that the said board of trustees shall always be composed of five members: *Provided*, that no more than two members of any one religious denomination shall serve as trustees at one and the same time; *And, provided further*, that all of said trustees shall be of the Protestant faith.

Proviso.

Officers.

Sec. 8. That the said board of trustees shall elect, from their number, a president, a secretary, and treasurer (which last two may be one and the same person), and such other officers as they may consider necessary to provide for in their by-laws.

By-laws.

Sec. 9. That the said board of trustees may make, ordain and establish such by-laws, ordinances and regulations for the government of the corporation and the management of its affairs, as they may deem necessary and expedient.

Property exempt from taxation.

Sec. 10. That the real and personal estate of said corporation, held and used for its benevolent purposes, shall be exempt from all taxes, whether city, township, county or state.

Funds to reach $25,000 before used.

Sec. 11. That no part of the funds belonging to the corporation shall be used for the purpose of building, equipping or conducting the home or hospital, until after the funds controlled by the corporation shall amount to twenty-five thousand dollars, and no part of the principal of said fund of twenty-five thousand dollars shall be so used, but thereafter the income may be used in any way the trustees deem most proper and expedient for carrying out the purposes of the corporation.

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

Ratified the 12th day of March, A. D. 1895.

CHAPTER 272.

An act to place the name of James Lewis, of Madison county, upon the Confederate pension roll.

The General Assembly of North Carolina do enact:

Section 1. That James Lewis, an ex-Confederate soldier, private in company H, second (2) regiment, North Carolina Confederate troops, who is now above seventy (70) years old, indigent, infirm and blind, his blindness resulting from injuries received in the said Confederate service, but coming on him since the war mainly, be, and he is hereby, placed upon the list of third class pensions under the laws of this state. Third class pensioner.

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

Ratified the 12th day of March, A. D. 1895.

CHAPTER 273.

An act to incorporate the Pilot Bank and Trust Company, of Pilot Mountain, North Carolina.

The General Assembly of North Carolina do enact:

Section 1. That J. B. Smith, D. Marion, Job Hiatt, S. H. Venable, J. A. Stone, E. M. Dodson, J. C. Dodson, W. G. Dodson, J. F. Venable, J. P. Lewis, G. O. Key, E. A. Stone, B. Boyles, J. Traub, D. Schwartzman, J. M. Mitchell, R. Brim, V. Boyles, G. W. Whitaker, M. L. Hill, 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 Pilot Bank and Trust Company, and shall continue for a period of thirty years; and under such name may acquire, hold and convey real and personal estate, may sue and be sued, plead and be impleaded in any of the courts of this state, or elsewhere; may make by-laws and regulations for its own government and the due and orderly conducting of its affairs and the management of its property, provided the same be not inconsistent with the laws of this state or of the United States, and may conduct 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 con- Incorporators. Body politic. Corporate name. Corporate existence. Corporate powers.

tained in chapter four, volume two, of The Code of North Carolina, entitled "Banks," as well as in the constitution and laws of this state as now existing.

Capital stock.

Sec. 2. That the capital stock of said corporation shall not be less than ten thousand dollars ($10,000), in shares of one hundred dollars each, and said capital stock may be increased at any time, or from time to time, as said corporation may elect, to any sum not exceeding two hundred thousand dollars.

Books of subscription.

Sec. 3. That the corporators in the first section named, or a majority of them, are hereby authorized or 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 such period, 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 five thousand dollars shall be subscribed to the capital stock of said corporation, and two thousand dollars paid to two commissioners, who shall be appointed by the above named incorporators, or a majority of them, to open books of subscription, said incorporators, or a majority of them, shall call a meeting of the subscribers to said capital stock at such time and place, and upon such notice, as they may deem

Directors.

sufficient, and said stockholders shall elect such directors as they may see proper to elect, not exceeding seven, who shall hold office for one year, and until their successors shall be elected and qualified; and said directors shall elect, at their first meeting, and annually thereafter, one of their number president, and a cashier of the bank, and fix their compensation and prescribe their duties; and the president shall be *ex officio* chairman of the board of directors; whereupon said bank may commence the transaction of its business.

Seal.

Sec. 5. That the president and directors of said bank may adopt and use a common seal and alter the same at pleasure, may appoint all necessary officers, fix their compensation, and take security for the faithful discharge of their duties, prescribe the manner of paying for stock, and the transfer thereof; may

Banking business.

do general banking business, on such times and rates of discount and interest as may be agreed upon, not inconsistent with the laws of this state or the United States. The bank shall have a

Lien upon stock.

lien on the stock, for debts due by the stockholders, in preference to claims of all other creditors of equal dignity.

Corporate powers.

Sec. 6. That the bank may receive and pay out the lawful currency of the country, deal in exchange, gold and silver coin,

bullion, current paper, and paper, and public and other securities, 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; 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 debts, and may lend money on such terms as may be agreed on, not inconsistent with the laws of this state or the United States. It may receive on deposit moneys, on terms such as may be agreed on by the officers and depositors, and issue certificates of said deposits, which certificates may be assignable and transferable, under such regulations as may be prescribed by the president and directors; all certificates signed by the proper officers of the bank shall be as binding as if under the seal of said bank.

Corporate powers.

Sec. 7. That said Bank and Trust Company shall have power to make loans on mortgages of real estate and personal property, with power of sale inserted upon default in payment, to advance or loan any farmers, planters, miners, manufacturers, or other person or persons, any sum or sums of money, and to secure the payment of same by taking in writing a lien or liens upon the prospective products of any mining operations, or upon any article therein existing, or thereafter to be made, purchased, manufactured or acquired, and a lien so taken shall be good and effectual in law; *Provided*, the same shall be duly recorded under the existing laws of registration. And said Bank and Trust Company shall have power to receive, in storage or warehouse, any cotton or cotton goods, manufactured tobacco or leaf tobacco, wheat, corn or other produce, or any manufactured articles whatsoever, as a pledge, or pledges, for the repayment of money loaned upon the faith of the same; and said liens, pledges or mortgages, being duly recorded as in the case of mortgages and deeds of trust under the general law, and any sale made thereunder, according to the terms therein recited, shall be good and valid in law; *Provided*, that nothing contained in this act shall be construed to authorize the taking or receiving a greater rate of interest than the legal rate.

Corporate powers.

Sec. 8. That said corporation shall have the right to borrow money, or lend its own or its depositors' funds to any person, partnership or corporation, and do all things necessary toward mediating between borrower or lender, either with or without guarantee, and to receive such commission therefor as may be agreed upon, not in conflict with the usury laws of this state; to invest its own or the money of others, in property, real or per-

sonal, to improve any real estate belonging to it, by building or otherwise; to buy, sell, rent, lease or deal in any real or personal property; to act as security or guarantee to any title, or for the payment of bonds, notes or mortgages, or other evidences of debt of any person, partnership or corporation, municipal or private, and to insure the fidelity of all persons holding places of responsibility or trust, and of acting as sole sureties in such cases as by law two or more may be required; to receive upon deposit as bailee any and all personal effects, choses in action, and other things of value, upon such terms as may be agreed upon, to have a lien upon all such things of value for any moneys which may be advanced thereon, or charges for their safe keeping.

May act as fiduciary.

Sec. 9. That said Bank and Trust Company shall have power to act as executor, administrator and guardian of any and all estates lawfully entrusted to its care, as assignee and receiver for any estate in liquidation or litigation, shall be a legal depository for trust funds by other trustees and persons in positions of trust.

Agent and broker.

Sec. 10. That said Bank and Trust Company shall have the power and right to act as agent and broker for fire and life insurance, for the sale and lease of real estate, and for the management of all estates, real and personal or mixed, of partnerships, corporations, or persons living or deceased; and nothing in this act shall be construed to relieve such guardian or other trustee from personal liabilities in case of loss. That this Bank and Trust Company have all the rights and privileges of other trust companies in this state.

Collection of unpaid stocks.

Sec. 11. 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 Pilot Bank and Trust Company, either by motion in the superior court of the county wherein the delinquent resides, upon giving ten days' notice of the motion, or by civil action of said court, or the entire stock may be sold by order of the board of directors, for cash, at the banking house in Pilot Mountain, after advertising said sale for twenty days in a newspaper published in Surry county or in North Carolina; and if at such sale the price should not be sufficient to discharge the amount unpaid, with all cost attending the sale, the subscribers shall be liable for deficiency in civil action.

Assignee of unpaid stock liable.

Sec. 12. 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 a motion as aforesaid, or by civil action, and in every case of a delinquency in a subscriber or other person the subscription shall be deemed a promissory note, payable to the Pilot Bank and Trust Company, as well in respect to the remedy for recovering the same as in distribution of assets of any deceased subscriber.

Stockholders not individually liable.

Sec. 13. The stockholders of said Pilot Bank and Trust Company shall not be in any wise individually liable nor responsible for any debts, obligations, contracts or engagements of said Pilot Bank and Trust Company, to any amount exceeding the amount of the respective stock owned by them. That in case of dissolution of the said corporation, or at the expiration of said term of thirty years, the depositors shall be paid first, and then the other creditors of the corporation, out of the assets of the corporation.

Depositors paid first upon dissolution.

Deposits of married women, &c.

Sec. 14. That when married women or minors deposit money or other property in said Pilot Bank and Trust Company to their own credit, they may withdraw same on their own order or check, and be bound thereby, and such individual checks or orders of such minor or married women shall be a valid and sufficient release and receipt to said Pilot Bank and Trust Company against themselves and all other persons.

Powers of president, &c.

Sec. 15. That the president and directors shall be capable of exercising all such powers and authorities as may be necessary for the better government of the affairs of said Pilot Bank and Trust Company, shall have power to prescribe rules for the conduct of said Bank and Trust Company, the same being consistent with the by-laws, rules and regulations established by the stockholders; may regulate the terms and rates on which discounts and loans may be made and deposits received by said Bank and Trust Company, and shall direct when dividends shall be declared; they may call a meeting of the stockholders whenever they may think proper, and any number of stockholders, owning and holding one-fifth of the stock, may call a special meeting, by serving personal notice and twenty days' notice in some newspaper circulated in Surry county, or on a majority of the stockholders, for twenty days; at all meetings stockholders may be represented by proxy, each share being entitled to one vote.

Meetings.

Stock vote.

Savings department.

Sec. 16. That said Pilot Bank and Trust Company is authorized to organize, in connection with its general banking, a department for savings bank business for the convenience of small depositors, and to make such regulations in regard thereto, not inconsistent with the laws of this state or the United States, as will enable said Pilot Bank and Trust Company to

receive small deposits in savings department, not less than five cents nor more than one hundred dollars in any single case, and to give certificates or other evidences of deposit, and to pay such interest as may be agreed upon, not exceeding the legal rate, and to regulate the times of payment and notice of demand; but the said limit of deposit shall apply only to the savings department, and not to the general business of said Pilot Bank and Trust Company.

Principal office.

Sec. 17. That the principal office of the Pilot Bank and Trust Company shall be at Pilot Mountain, North Carolina, but may be changed, by a majority of the directors, to any other place in North Carolina; that it may establish branches or agencies at any other point in this state; *Provided*, the state tax of twenty-five dollars is paid.

Branches.

Not forfeited within five years for non-use.

Sec. 18. That this charter shall not be forfeited for non-use within five years from its ratification.

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

Ratified the 12th day of March, A. D. 1895.

CHAPTER 274.

An act to incorporate the Prison Association of North Carolina.

The General Assembly of North Carolina do enact:

Incorporated.

Corporate name.

All such persons as are now or hereafter shall become members to the said association, pursuant to the constitution thereof, shall be, and are hereby, constituted a body corporate, by the name of the Prison Association of North Carolina, and by that name shall have the powers that are herein declared, and all such persons as belong to similar corporations.

Article I.

Incorporators.

The following persons are hereby appointed incorporators in said association: H. L. Hunter, E. A. Osborne, J. P. Sossaman, F. J. Redman, T. H. Pritchard, W. P. Craven, M. J. Hunter, T. L. Elliott, D. J. Sanders and P. P. Alston.

Article II.

Objects.

The objects of the corporation shall be:

Section 1. To ameliorate the condition of prisoners and all persons restrained of their liberty.

Sec. 2. To aid the legal authorities in prosecuting officials in charge of prisoners for neglect of their duties, for cruelty or torture, or for violation of any laws relating to prisoners or person confined.

Sec. 3. To improve prison discipline, and the government and hygienic condition of prisons, and the moral and physical condition of prisoners.

Sec. 4. To encourage reformed convicts, after their discharge, by sustaining them in their efforts to reform, and by aiding them to obtain an honest livelihood.

Article III.

By virtue of this act the said corporation shall have power: Corporate powers.

Section 1. To have perpetual succession by its corporate name.

Sec. 2. To contract and be contracted with; but the members composing said corporation shall be in no wise liable for the debts or obligations thereof.

Sec. 3. To sue and be sued, complain and defend in any court of law or equity.

Sec. 4. To appoint such officers, managers and agents as the business of the corporation may require, and the officers, managers and agents, when appointed, are hereby declared to be peace officers.

Sec. 5. To take and hold, by gift, purchase, grant, devise or bequest, any property real or personal, and the same to dispose of at pleasure; *Provided*, that such real estate shall never exceed the value of ten thousand dollars ($10,000), nor be applied to any other purposes than those for which the corporation is formed.

Sec. 6. To frame a constitution and make by-laws, not inconsistent with the laws of this state or of the United States, for the management of its property and the regulation of its affairs. By-laws.

Sec. 7. To make and use a common seal and a common badge, and to alter either or both at pleasure. Seal.

Sec. 8. To exercise any corporate powers necessary to the exercise of the powers herein given and enumerated, and all laws conflicting with the powers herein granted are hereby repealed.

Article IV.

By virtue of this act the said corporation, through its officers, agents or managers, shall have power: Powers.

Section 1. To visit and inspect all prisons, reformatories, houses of correction, houses of refuge, alms-houses, asylums, May visit prisons, &c.

and all places and institutions in this state where persons are now, or hereafter may be, held or detained; and may report to the legislature their condition, and all other such matters in regard to them as may enable the legislature to perfect their government and discipline.

Examine prison records, &c.

Sec. 2. To examine all the books, papers, documents and accounts pertaining to all such places of detention and imprisonment; and to converse with any of the prisoners or persons confined therein, with or without the presence of the keepers or superintendents thereof; and it shall be the duty of the said keepers and superintendents, and they are hereby enjoined, to assist the said officers, agents or managers in the discharge of their duties.

Prefer complaints, &c.

Sec. 3. To prefer complaints before any court, tribunal or magistrate having jurisdiction, for the violation of any laws relating to prisons or prisoners, and may aid in presenting the law and facts before such court, tribunal or magistrate in any proceeding taken; and all sheriffs, magistrates, constables and officers of police shall, as occasion may require, aid the association so incorporated, its officers, members and agents, in the enforcement of all laws which are, or may hereafter be, enacted relating to or affecting prisoners and all other persons confined or restrained or restricted of their liberty.

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

Ratified the 12th day of March, A. D. 1895.

CHAPTER 275.

An act to incorporate the Marienbad Springs Railroad Company.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That Thomas B. Crawford, W. E. Franklin, Jerry Respass, J. R. Ruffin, R. C. Norfleet and J. R. Justice, their associates, successors and assigns, be, and they are hereby, constituted a body politic and corporate under the name and style of Marienbad Springs Railroad Company, and under the 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, prosecute and defend to final judgment and execution in any court or courts of competent jurisdiction in this

Body politic.

Corporate name.

Corporate existence.

Corporate powers.

state or elsewhere; shall have a common seal and alter the same at pleasure; may buy, sell, lease and hold such real and personal estate as it shall deem proper for the carrying on of the business hereinafter mentioned; may make contracts, establish by-laws for its government, and shall have, use and enjoy all other rights, powers and privileges which by law belong to any other railroad company in this state. By-laws.

Sec. 2. That the said corporation be, and it is hereby, authorized and empowered to lay out, construct and equip, maintain and operate a railroad, with one or more tracks, and all necessary side-tracks, switches, turnouts and branches, in the county of Forsyth, beginning at some point in the city of Winston, and running thence on such streets or sections of streets of the city of Winston as are not now occupied for street railway or railroad purposes, and as may be agreed upon with the board of aldermen of the city of Winston, to point in the county of Forsyth known as Marienbad Springs, and extend the same to other points in the county, 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; and may fix gauge of said road and may change the same at discretion. Termini of road.

Sec. 3. That the said corporation may transport passengers and freight upon its lines, but as the said lines are intended more especially for summer travel, the same may be closed at such seasons of the year as the directors or managing officers may deem expedient. Passengers and freight.

Sec. 4. That the said corporation may purchase or lease Marienbad Springs, establish and control parks and hotels for the accommodation of visitors. Corporate powers.

Sec. 5. That said corporation may purchase and hold stock in any other corporation, and it may purchase and hold or lease and operate any other railroad company's property and franchises, and any other corporation may purchase and hold or lease and operate the property and franchises of said corporation. Stock of other corporations.

Sec. 6. That the capital stock of said corporation shall be twenty-five thousand dollars ($25,000), in shares of one hundred dollars ($100) each, and may be increased to a sum not exceeding two hundred and twenty-five thousand dollars, whenever the board of directors shall so determine. The capital stock shall be raised by donation or subscription on the part of individuals or corporators, and such donations or subscriptions may be paid in money, labor, land, materials, bonds or other securities, or in any other way that may be agreed upon by the company Capital stock.

Stockholders not individually liable.

and its subscribers, and the stockholders shall not be individually liable for the debts of the corporation. The corporation shall have the right to borrow money, to make, negotiate and dispose of its promissory notes, drafts or bonds, and to mortgage any or all of its property or franchises to secure their payment.

Condemnation of land.

Sec. 7. Whenever any lands may be required for such railroad, or any branches, the corporation shall have the power to have the same assessed and condemned for railroad purposes in the manner prescribed in The Code of North Carolina, volume one, chapter forty-nine, section nineteen hundred and forty-three, and the following sections.

Books of subscription.

Sec. 8. That the corporators named in the first section, or any one of them, may open books of subscription to the capital stock of said corporation in the city of Winston within ten days after the ratification of this act.

Organization.

Sec. 9. That as soon as the sum of ten thousand dollars of the capital stock shall be subscribed, and the corporators above named, or any of them, shall call a meeting of the subscribers, said corporation may be organized by the election of not less than three, or more than nine, directors, who shall choose a president from among their own number, and shall elect such other officers as may be required by the by-laws and regulations which shall be adopted by said corporation.

Misdemeanor to injure property of, &c.

Sec. 10. Any person who shall remove, obstruct, injure, deface or destroy any part of said railroads, cars, fixtures, machinery, property or structures of any kind, shall be deemed guilty of a misdemeanor, and fined or imprisoned in the discretion of the court.

Powers of conductors, &c.

Sec. 11. That conductors and agents and servants of said corporation are hereby invested with the same authority, powers and privileges which belong to similar officers and agents of railroad companies now operating in this state.

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

Ratified the 12th day of March, A. D. 1895.

CHAPTER 276.

An act to amend and continue in force an act to incorporate the Fayetteville Compress and Storage Company.

The General Assembly of North Carolina do enact:

Section 1. That an act to incorporate the Fayetteville Compress and Storage Company, ratified the fourth day of March, eighteen hundred and ninety-one, chapter (199) one hundred and ninety-nine of acts of eighteen hundred and ninety-one, be amended as follows, viz.: strike out "thirty (30)" and insert "twenty (20)" in line one, section two. Chapter 99, acts 1891, amended. Capital stock $20,000.

Sec. 2. Strike out section "eight" and insert section eight: "This act, and the act amending the same, shall continue in force for thirty years; *Provided*, the corporation shall be formed within two years from the ratification of this act." Corporate existence. Proviso.

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

Ratified the 12th day of March, A. D. 1895.

CHAPTER 277.

An act to incorporate the Barrett Collegiate and Industrial Institute.

The General Assembly of North Carolina do enact:

Section 1. That A. M. Barrett, W. W. Barrett, W. H. Quick, D. C. Robinson, J. H. Mattocks and Z. T. Robinson, and their associates and successors, be, and the same are hereby, created a body politic and corporate under the name and style of Barrett Collegiate and Industrial Institute, in the county of Anson, Pee Dee, North Carolina, situated in the village of Pee Dee, for the education and industrial training of colored people, and as such they shall have all the corporate powers, rights and immunities of trustees of similar colleges in North Carolina. The trustees may plead and be impleaded, sue and be sued, and acquire and hold such real and personal property as may be necessary and suitable to maintain a college. Incorporators. Body politic. Corporate name. Object. Corporate powers.

Sec. 2. That the said trustees shall be entitled to all the rights and privileges conferred upon colleges of like character in North Carolina. Powers of trustees.

Vacancies in trustees.

Sec. 3. That all vacancies occurring in said board of trustees, from whatsoever cause, shall be filled by appointment of the remaining members thereof.

Officers and professors.

Sec. 4. That the trustees shall have power to appoint a president, and such professors and tutors for said institution as they shall think proper. Said president and professors shall constitute the faculty of said college; by and with the consent of the trustees, shall have power to confer all such degrees as are usually conferred in colleges or universities.

Property exempt from taxation.

Sec. 5. That the grounds and other property belonging to said institution, for the benefit of said institution, shall be, and the same are hereby, exempted from all taxation so long as they are used for educational purposes.

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

Ratified the 12th day of March, A. D. 1895.

CHAPTER 278.

An act to incorporate the North Carolina Brownstone and Lumber Company.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That Alexander M. Wicker, Hugh M. Wicker, Alpheus Reynolds and James Gilmore, and such other persons as are now or hereafter may be associated with them, their associates, successors and assigns, be, and they are hereby, created a

Body politic.

body politic and corporate by the name of the North Carolina Brownstone and Lumber Company, and under said name

Corporate name.

Corporate powers.

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, not inconsistent with the laws of this state or of the United States.

Capital stock.

Sec. 2. That the capital stock of said company shall be three hundred thousand ($300,000) dollars, divided into shares of the par value of one hundred ($100) dollars each, with liberty to increase the same, from time to time, to an amount not exceeding in the aggregate five hundred thousand ($500,000) dollars, 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.

Corporate powers.

Sec. 3. 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; of quarrying, mining, removing, dressing, manufacturing, buying, selling and dealing in all kinds of clay, stone, ores and minerals; to explore, work and mine metals and minerals; to construct and operate a railroad from Egypt, or from a point on the Cape Fear and Yadkin Valley railroad between Egypt and Sanford, or from a point on the Raleigh & Augusta Air-Line railroad between Sanford and Lemon station, to or near the residence of A. M. Wicker, in Moore county; and to buy, sell and deal in merchandise at its will and pleasure.

Railroad.

Corporate powers.

Sec. 4. 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 authorized so to do by a two-thirds vote of the board of directors; and to issue bonds equal in amount to one-half the paid up capital stock, and to secure the same by a mortgage of its property, franchise and effects, or otherwise.

Condemnation of land.

Sec. 5. That when any right of way may be required by the company for the purpose of constructing their road, and for want of agreement, or for any other cause, it cannot be purchased from the owner, the same may be condemned, as provided by law, to the extent of fifty feet on each side of the main track of the railroad, measuring from the centre of the same; and the said company shall have the power to appropriate and condemn land in like manner for the building thereon of depots, warehouses, shops, and for other purposes, not exceeding two acres in any one lot or place; and it shall be lawful for any officer, agent, surveyor, engineer or employee of the company to enter at all times upon any lands for the purpose of laying out the route of said railroad and locating the same, and to erect all necessary warehouses and buildings required in this behalf, doing no unnecessary injury to private property.

Sec. 6. 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

By-laws.

deem necessary or expedient: *Provided*, the same be not inconsistent with the laws of the state or of the United States.

Qualification of directors.

Sec. 7. That a majority of the board of directors shall be residents of the state of North Carolina, and each director shall hold not less than five shares of stock.

Officers.

Sec. 8. That the officers of said company shall consist of a president, vice-president, secretary, and treasurer, to be elected from and by the board of directors.

Corporate existence.

Sec. 9. That the duration of said company shall be fifty years.

Principal office.

Sec. 10. The principal office of said company shall be in the fifth township in Moore county; but said company shall have the right to establish agencies in this and in other states.

Organization.

Sec. 11. That said company may organize when five thousand dollars is subscribed to the capital stock and fifty per cent. of this sum is paid.

Stockholders not individually liable.

Sec. 12. That the stockholders shall not be individually liable for the debts, contracts or engagements of the company.

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

Ratified the 12th day of March, A. D. 1895.

CHAPTER 279.

An act to incorporate the Mechanics Dime Savings Bank.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That S. E. Everett, Ben Moore, S. M. King, B. R. Lacy, John Ward, J. B. Kenney, H. W. Miller, N. B. Broughton, W. N. Jones, J. S. Wynne, Josephus Daniels, John A. Mills, Claude Barbee, H. W. Jackson and James Maglenn, and their associates, successors and assigns, be, and they are hereby,

Body politic.

created a body politic and corporate under the name and style

Corporate name.

of "The Mechanics Dime Savings Bank," and by such name

Corporate powers.

may acquire, hold and convey real and personal property, sue and be sued, plead and be impleaded in any of the courts of the state, and have a continued succession for ninety-nine years, and a common seal, for the purposes indicated in the title, and shall have all the powers, rights and privileges granted to any banking institution under the laws of the state of North Carolina.

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 five hundred thousand dollars, in shares of twenty-five dollars each, payable as follows: ten per centum of each share in cash, and ten per centum per month for each month thereafter until the full sum is paid. Said corporation may, however, commence its business when five thousand dollars of the capital stock aforesaid has been paid in. The stockholders shall not be individually liable for the debts or torts of the corporation. Capital stock. Organization.

Sec. 3. That seven persons shall constitute a board of directors of this corporation, to be selected when said corporation shall be organized, who shall continue in office 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. By-laws.

Sec. 5. 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 *femmes couverte*, or other persons, on such terms and time and manner of collection and payment as may be agreed upon between the parties; and for the use and loan of money may charge so high a rate of interest as six per centum per annum, and may take and receive said interest at the time of making said loan, free from all other control, contract or liability whatever; to invest in the stocks, bonds or other securities of this or any other state 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 money loaned, advanced or expended, as may be deemed most safe, expedient and beneficial. Corporate powers.

Sec. 6. That said corporation shall have power and authority to guarantee the payment of principal and interest on 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 Corporate powers.

made to this corporation for such special purpose, and to receive for any guarantee such compensation as the parties may agree upon, and may charge therefor so high a rate of interest as six per centum per annum, and may take and receive the interest at the time of making said transaction.

Corporate powers.

Sec. 7. 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 trust 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 to their separate property or estate, and to act as agent for them in the management, sale and disposition of their properties.

May act as guardian, &c.

Sec. 8. That in all cases where an application may be made to any court having jurisdiction to appoint a 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 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.

Fiduciaries may deposit.

Sec. 9. 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 to make order, &c., in certain cases.

Sec. 10. 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 may

be 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 courts 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.

Corporate powers.

Sec. 11. That said company is authorized to invest moneys received in trust or deposit, loan or otherwise, and to take, have and hold estate, real and 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.

Surety.

Sec. 12. Whenever any bond, recognizance, obligation, stipulation or undertaking is by law, municipal or otherwise, or the rules or the regulations 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.

Execution of bond by the corporation sufficient surety.

Sec. 13. 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, boards and municipali-

ties, and any and all public officers, state, county, town or municipality, 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.

Corporate powers.

Sec. 14. That said company shall have power to guarantee, indorse and secure the payment and punctual performance and collection of notes, debts, bills of exchange, contracts, bonds, accounts, claims, rents, annuities, mortgages, choses in actions, 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.

Deposits of valuables.

Sec 15. That said company may receive upon storage, deposit, or otherwise, merchandise, moneys, specie, plate, stock, 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.

To sell property of debtor at public sale.

Sec. 16. That it shall be lawful for the said company to sell at public auction all property or securities of whatsoever kind 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 same 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 for the non-fulfillment of such contract, or by reason of any misrepresentation, fraud or concealment.

Sec. 17. 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. Branches. Corporate existence.

Sec. 18. Whenever, by any banking law of the state, a state bank 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. Bank notes.

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

Ratified the 12th day of March, A. D. 1895.

CHAPTER 280.

An act uniting the William L. Sanders Historical Society and the Historical Society of North Carolina.

The General Assembly of North Carolina do enact:

Section 1. That the rights and franchises of the William L. Sanders Historical Society, authorized to be incorporated by chapter one hundred and thirty-one (131), private laws of eighteen hundred and ninety-three (1893), be hereby transferred to the "Historical Society of North Carolina," incorporated under chapter one hundred and twenty-seven of the laws of eighteen hundred and seventy four (1874) and eighteen hundred and seventy-five; *Provided*, that a majority of the incorporators of said first named society shall consent thereto; *and, provided further*, that the last named society shall accept the same. William L. Sanders Historical Society and Historical Society of North Carolina consolidated. Proviso. Proviso.

Sec. 2. That the corporate name of the combined society shall be the "Historical Society of North Carolina." Corporate name.

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

Ratified the 12th day of March, A. D. 1895.

CHAPTER 281.

An act to incorporate the town of Lasker, in Northampton county.

The General Assembly of North Carolina do enact:

Incorporated. Section 1. That the town of Lasker, in the county of Northampton, be, and the same is hereby, incorporated under
Corporate name. the name and style of Lasker.

Boundaries. Sec. 2. That the boundaries of said town shall be as follows: by starting at the public well near the postoffice, thence with a straight line one-half (½) mile from said well; a straight line due east in half (½) mile from said well; straight line due north five-eighths (⅝) of a mile; thence a line due east one-half (½) mile, and a line due west one-half (½) mile; thence, from the east point, a line due south one and one-eighth (1⅛) miles; thence due east one (1) mile, and thence due north one and one-eighth (1⅛) miles.

Officers. Sec. 3. That the offices of said town shall consist of a mayor, town constable, and five commissioners. F. C. Brewer is hereby
Temporary officers. appointed mayor of said town; J. W. Parker, town constable; Arodi Draper, Peter T. Hicks, J. M. Lassiter, J. H. Squires and Mill H. Conner, commissioners, who shall hold their office until their successors are elected and qualified.

Election. Sec. 4. That on the first Monday in May, one thousand eight hundred and ninety-six (1896), there shall be an election to fill said offices, and every year thereafter, under the same rules and regulations that govern the election of town officers.

Corporate powers. Sec. 5. That said town 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, and of such laws as may hereafter be enacted for the government of towns and cities.

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

Ratified the 12th day of March, A. D. 1895.

CHAPTER 282.

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

The General Assembly of North Carolina do enact:

Section 1. That all of chapter forty-two (42) of the private laws of North Carolina of one thousand eight hundred and ninety-one, except sections one, eleven, twelve and sixteen of said chapter, be, and the same is hereby, repealed. Chap. 42, private laws of 1891, repealed, except sections 1, 11, 12 and 16.

Sec. 2. That all the chapter twenty-five (25) of the private laws of North Carolina of one thousand eight hundred and eighty seven that was stricken out as amended by chapter forty-two (42) of the private laws of North Carolina of one thousand eight hundred and ninety-one, except sections forty-four, forty-five, forty-six, forty-seven, forty eight, seventy-five and seventy-six, be, and the same is hereby, re-enacted in its original form, and that section six of said chapter twenty-five, private laws of North Carolina of one thousand eight hundred and eighty-seven, be amended by adding thereto: "*Provided, further*, that for the election to be held on the first Monday in May, one thousand eight hundred and ninety-five (1895), there shall be a new registration, and that for said election J. M. Burke is hereby appointed registrar, and L. S. McNair, J. D. Jowers and P. H. Barnes are hereby appointed judges of said election. Chap. 25, private laws of 1891, re-enacted, except sections 44, 45, 46, 47, 48, 75 and 76. New registration for election in May, 1895. Election officers.

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

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

Ratified the 12th day of March, A. D. 1895.

CHAPTER 283.

An act to place Mathew Humphrey, a disabled Confederate soldier, on the first class pension roll.

The General Assembly of North Carolina do enact:

Section 1. That Mathew Humphrey, a disabled Confederate soldier, of company D, fifty-first (51) regiment of North Carolina troops, be placed on the first class pension roll. First class pensioner.

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

Ratified the 12th day of March, A. D. 1895.

CHAPTER 284.

An act to amend chapter one hundred and thirty-four of the private laws of eighteen hundred and ninety-three.

The General Assembly of North Carolina do enact:

Charter of Aberdeen and West End Railroad amended. Right to remove cross ties, &c., from branch road within 3 years.

Section 1. That chapter one hundred and thirty-four of the private laws of eighteen hundred and ninety-three be, and the same is, amended as follows: in section one, in line seven, be stricken out the word "five," and insert in lieu thereof the word "three."

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

Ratified the 12th day of March, A. D. 1895.

CHAPTER 285.

An act to authorize the payment of pension warrant number four thousand five hundred and fifty-seven to Mrs. Georgia Hart.

The General Assembly of North Carolina do enact:

Preamble.

Section 1. That, whereas, in December, eighteen hundred and ninety-four (1894), pension warrant number four thousand five hundred and fifty-seven (4557), for seventeen dollars, was duly issued to Mrs. M. E. Gilliam, widow of G. W. Gilliam; and, whereas, before she could collect or endorse the same, she died intestate and without any other property; and, whereas, she was living with her daughter, Georgia Hart, who supplied her with food, medicine and nursing; now, therefore, the state treasurer of North Carolina is hereby authorized and empowered to pay said pension warrant to Georgia Hart, her agent or attorney, without any letters of administration being taken out on her estate.

Warrant No. 4557 to be paid to Georgia Hart.

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

Ratified the 12th day of March, A. D. 1895.

CHAPTER 286.

An act to enable the town of Marion, McDowell county, to procure a water supply, and to exempt manufacturing enterprises from municipal taxation.

Preamble.

Whereas, by a popular vote of the qualified voters of the town of Marion, the sum of ten thousand dollars ($10,000), in coupon bonds, was voted for grading and paving the streets of said town; and,

Whereas, the whole of said sum was not issued, but a part of the same now remaining in the treasury, but subject only to be used for street improvements; and,

Whereas, the citizens of said town desire to procure a water supply for the safety of their property, and for other purposes,

The General Assembly of North Carolina do enact:

Election as to water supply.

Use of street improvement bonds.

Section 1. That the board of aldermen of the town of Marion, in McDowell county, be, and they are hereby, authorized and empowered to submit to the qualified electors of said town a proposition to use the residue of the ten thousand dollars of coupon bonds, heretofore voted for street improvements, to be used in providing a water supply for the safety and convenience of the citizens and their property.

Additional bonds.

Sec. 2. That at the same time the said board of aldermen may submit a proposition to the qualified electors, aforesaid, to supplement the amount of unissued bonds now in the treasury by an additional amount of coupon bonds, bearing six per cent. interest, so that the aggregate sum for water purposes shall not exceed five thousand dollars ($5,000).

Notice.

Sec. 3. Before submitting said proposition the board of aldermen shall cause notice to be posted at five public places in said town for thirty days preceding the said election, and said notice shall state the amount proposed to be issued of the new and of the old bonds, the purposes for which it is to be used, the amount of interest said bonds shall bear, and when the bonds are to fall due, and the day upon which the election is to be held.

Election, how conducted, &c.

Sec. 4. The election shall be conducted as provided for other municipal elections, except as provided for in this act; the vote shall be by written or printed ballots, and shall contain only the words "for subscription" or "against subscription."

Majority of votes cast to decide.

Sec. 5. If the proposition to subscribe shall be carried by a majority of the votes cast, the board of aldermen shall cause bonds to be issued in the name of the town of Marion, in such denominations as may seem best. They shall bear interest at

not more than six per cent., and be payable at such time as shall be designated in the notice of the election aforesaid; said bonds shall be signed by the mayor and countersigned by the clerk of the board of aldermen, and shall have the town seal affixed thereto.

Tax to pay interest, &c.

Sec. 6. It shall be the duty of the board of aldermen, when said bonds are issued, to provide by taxation for the payment of interest and principal of said bonds when the same shall fall due, as above provided.

Manufacturing enterprises may be exempted from municipal tax.

Sec. 7. The board of aldermen of said town are hereby authorized and empowered to release from municipal taxation such manufacturing enterprises as shall be located within their corporate limits, whenever, in their judgment, the same shall be for the benefit and prosperity of said town.

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

Ratified the 12th day of March, A. D. 1895.

CHAPTER 287.

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

The General Assembly of North Carolina do enact:

Incorporated.

Section 1. That the town of Berryville, in the county of Catawba, be, and the same is, incorporated by the name and

Corporate name.

style of Berryville. 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 a stake in the centre of the Western North Carolina railroad, at the point where the Hickory corporation line crosses said railroad west of the depot, and runs north with said Hickory corporation eight hundred and eighty (880) yards to a stake in said line; thence west eight hundred and eighty (880) yards to a stake; thence south seventeen hundred and sixty (1760) yards, crossing said railroad, to a stake, with same degrees and circle as the east boundary line; thence east eight hundred and eighty (880) yards to a stake in the said Hickory corporation line; thence north eight hundred and eighty (880) yards, with the said Hickory corporation line, to the beginning.

Officers.

Sec. 3. The officers of said town shall consist of a mayor and three aldermen, a marshal, and secretary and treasurer, the last

two of which shall be filled by the same person. The following persons shall be officers of said town until the next regular election under the laws, viz: P. Berry, mayor; J. D. Beck, F. S. Miller and J. M. Maynard, aldermen; J. S. Leonard, marshal, and R. L. White, secretary and treasurer. The mayor shall be chairman of the board of aldermen. Temporary officers.

Sec. 4. There shall be an election held for the offices mentioned in this act on the first Monday in May, in the year one thousand eight hundred and ninety five (1895), 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 (90) days previous to the day of election, shall be entitled to vote in said election. Election, when and how held, &c. Qualification of electors.

Sec. 5. That said board of aldermen 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 of the United States. By-laws, &c.

Sec. 6. That the citizens of said town shall be exempt from all services or duty upon public roads, except upon the streets of their town. Citizens exempt from road duty.

Sec. 7. That the mayor shall have the authority to appoint special police whenever he thinks the interest and safety of the town demands it. Special police.

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

Ratified the 12th day of March, A. D. 1895.

CHAPTER 288.

An act to incorporate the town of Manchester, Cumberland county, North Carolina.

The General Assembly of North Carolina do enact:

Section 1. That the town of Manchester, in the county of Cumberland, be, and the same is hereby, incorporated as a body corporate, with succession during the corporate existence of said town, by the name and style of Manchester, and shall be subject to all provisions contained in chapter sixty-two, volume two, of The Code, and all of the provisions of said chapter not inconsistent with this act are hereby made a part of it. Incorporated. Corporate name.

Sec. 2. That the corporate limits of said town shall be as follows, to wit: one mile and one-half in every direction from the Corporate limits.

public bridge on the public road which crosses the creek just below the cotton factory known as the Manchester Mills.

Officers.

Sec. 3. That the officers of said corporation shall consist of a mayor, three commissioners, and a marshal, and the following named persons shall fill said offices until the first Monday in May, eighteen hundred and ninety-five, to wit: Mayor, Robert Jenkinson; commissioners, W. A. Sloan, J. J. McDonald and J. H. Davis; marshal, A. A. Gibbs; all of whom shall hold their offices until their successors are elected and qualified as hereinafter provided.

Temporary officers.

Election, when and how held.

Sec. 4. That there shall be an election for all offices mentioned in this act on the first Monday in May, eighteen hundred and ninety-five, and each succeeding year thereafter, under the same restrictions under which state and county elections are held, and as provided in section three thousand seven hundred eighty-eight of The Code; and all citizens who have resided twelve months in the state and ninety days within the corporate limits of the said town, shall be entitled to vote at said elections.

Qualification of electors.

Powers and duties of officers.

Sec. 5. That the officers mentioned in this act shall perform the same duties and exercise all the powers and privileges prescribed for such officers in chapter sixty-two, volume two, of The Code.

Sale of liquor.

Sec. 6. That this charter be subject to all conditions and privileges heretofore granted to any church or churches within the corporate limits of said town, or within one mile of said limits of said town, or within one mile of said limits, in regard to the sale of spirituous liquors.

Officers to qualify.

Sec. 7. That it shall be the duty of the officers of said town, appointed by this act, within sixty days after its ratification, to go before some justice of the peace, or some other person qualified to administer oaths, in and for said county, and take the oath of office prescribed by law for such officers.

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

Ratified the 12th day of March, A. D. 1895.

Manchester, N. C., February 14, 1885.

To the General Assembly of North Carolina:

We, the undersigned citizens of Manchester, Cumberland county, North Carolina, respectfully petition that the accompanying act to incorporate the town of Manchester be enacted into law. A local government is absolutely essential to the proper preservation of law and order in the town, and it is the universal opinion of citizens that we should have a charter:

John F. Clark, W. A. Sloan, J. J. McDonald, W. B. Hair, J. W. Garner, J. H. Murry, A. A. Gibbs, J. G. Brock, John A. Camer, Robert S. Jenkinson, J. A. McLaughlin, J. B. Johnson, N. A. Murry, D. T. Davis, J. H. Field, J. H. Davis, John Gibson, Richard Williams, Joseph Jackson. W. L. Biggs, R. Jenkinson, W. R. Brock, H. J. Kivitt, John B. Godfry, J. W. Hodges, Martin Williams, James Garner, A. McDougald, J. A. Clark, F. P. McIver, John McIver, R. Castey, John Carter, Nise Clark, J. E. Hughes, W. T. Lewis, John Morrison, W. H. Gail, John Holder, J. A. Clark, I. J. Carter, F. M. Register.

CHAPTER 289.

An act to amend chapter fifty-six, private laws of eighteen hundred and eighty-nine (1889).

Preamble.

Whereas, the town of Morganton has become indebted to various and sundry persons in a sum of not less than four thousand dollars ($4,000), incurred for the necessary current and proper expenses of said town, as appears from warrants duly passed upon by the board of commissioners of said town, as provided in its said charter, and issued under the hand and seal of its proper officers; now, therefore,

The General Assembly of North Carolina do enact:

Bonds to be issued by Morganton.

Section 1. That the board of commissioners of the town of Morganton be, and they are hereby, authorized and empowered to issue coupon bonds of the denomination of fifty (50), one hundred (100) and five hundred (500) dollars, respectively, in the name of the board of commissioners of Morganton, to an amount sufficient for the purposes hereinafter mentioned, not to exceed four thousand dollars ($4,000).

Form of bonds.

Sec. 2. That said bonds shall run thirty (30) years, and bear interest not to exceed six per centum per annum, payable semi-annually.

Debts to be paid.

Sec. 3. That the amount received from the sale of said bonds, which shall not be sold for less than their par value, shall be used by said board of commissioners in taking up and discharging the outstanding indebtedness incurred for the necessary current and proper expenses of said town, as evidenced by warrants issued by the commissioners thereof, and for no other purpose.

Special tax.

Sec. 4. That the said board of commissioners may, at their regular meeting in June, one thousand eight hundred and ninety-five (1895), and annually thereafter until said bonds are paid, levy a special tax of eight and one-third (8⅓) cents on the one hundred ($100) dollars' worth of property, and twenty-five (25) cents on the poll for the purpose of paying the interest accruing semi-annually as aforesaid, and providing a sinking fund for the payment of said bonds.

Coupons received for town taxes.

Sec. 5. That the said interest coupons shall be receivable in payment of all taxes due said town.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 290.

An act to incorporate Rock Springs Camp Grounds, High Shoal Township, Rutherford county.

The General Assembly of North Carolina do enact:

Name of corporation.

Section 1. That Rock Springs Camp Ground, in High Shoal township, Rutherford county, be, and the same is hereby, incorporated by and under the name and title of Rock Springs Camp Ground; the limits of said corporation shall extend two miles in all directions from the main arbor, on said camp ground.

Limits.

Prohibition.

Sec. 2. That it shall be unlawful for any person to dispose of or sell spirituous liquors within two miles of the Rock Springs Camp Ground, in High Shoal township, Rutherford county.

Misdemeanor.

Penalty.

Sec. 3. That if any person violate the provisions of this statute—shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined or imprisoned, or both, at the discretion of the court, not to exceed a fine of fifty dollars or imprisonment more than thirty days.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 291.

An act to amend chapter two hundred and seventy (270), laws of one thousand eight hundred and eighty-nine.

The General Assembly of North Carolina do enact:

Chap. 270, laws of 1889, amended.

Charter of Bakersville.

Section 1. That chapter two hundred and seventy (270), laws of one thousand eight hundred and eighty-nine (1889), be, and the same is hereby, amended so as to conform to the provisions of this act.

Constable's compensation.

Proviso.

Sec. 2. That the constable shall receive for his services not exceeding fifteen dollars ($15) per month, and fees: *Provided*, that every commissioner and the mayor shall realize that to procure the services of a competent man to serve as town constable it is absolutely necessary to pay more, they may do so.

New street.

Rock wall.

Sidewalk.

Cost of wall, &c.

Sec. 3. That on or before the fifteenth (15) day of June, one thousand eight hundred and ninety-five (1895), the commissioners may, in their discretion, declare the public road a street from the bridge in front of C. F. Baker's house up the creek to William S. Buchanan's, at the forks of the road, and rebuild the rock wall from said bridge up the creek to the corner of Bob Young's lot, and open and put in good repair a sidewalk of sufficient width all the way up the creek to William S. Buchanan's barn. The cost of rebuilding the rock wall, opening and putting in good repair the sidewalk shall be as follows: each owner of property abutting the sidewalk shall pay one-third, the corporation two-thirds, to be paid as the commissioners shall determine. If the commissioners or owner of the abutting property shall refuse or neglect to bear the cost, as above indicated, the other may do the work, and on filing an itemized statement of the actual cost, and it being verified by the constable, or other party who did the work, it shall be recorded by the secretary to the board of commissioners, and thereby become a lien on the abutting real property, or a debt against the corporation, as the case may be, and subject to sale as for taxes, or suit brought for its collection.

Failure to pay costs, &c.

Condemnation of land for streets, &c.

Damages.

Sec. 4. That whenever, in the opinion of the commissioners, it is advisable to obtain land as the right of way in the town for the purpose of opening a new street or side-walk, or widening or straightening a street already established, and the commissioners and the owners of property affected by such proposed improvement cannot agree as to the amount of damages consequent thereupon, as well as the special advantage which may result to the owner thereof, by opening, widening or straightening such street or sidewalk, the mayor shall, upon being

Proceedings.

advised by the commissioners, issue his order commanding the constable to summon a jury of three freeholders, qualified voters of said town, unconnected by consanguinity or affinity with any of the persons supposed to be affected by said improvement, and in said order the proposed improvement shall be fully described, and the persons mentioned who are supposed to be affected thereby. The constable shall at once summon the said jury to meet immediately on the premises named in the order, examine and assess the damages, and the advantages to the owner, and make their return to the mayor within ten (10) days from the issuing of the order to the constable. Before going upon the premises, and the day appointed for the meeting of the jury, each of them shall take an oath, administered by any one authorized to administer oaths, that he will faithfully, truly and impartially assess the damage, if any, which may in his judgment be done to the property of each person named in the order, or to any other person whose property may, in his judgment, be damaged by the proposed improvement, and that he will also assess any special benefit, advantage or enhanced value which may be caused to the property of any person named in the order, or to any other property in the immediate vicinity of the proposed improvement. The damage to the owner of such property, by the opening and so forth as aforesaid, upon the amount being recorded by the secretary to the board of commissioners, shall become a debt against and be paid by said commissioners; and all properties enhanced by opening or straightening or widening any street or sidewalk, the amount being likewise recorded, shall hereby become a lien upon such abutting property, and on neglect or refusal of the owner to pay the same within thirty days thereafter, the constable may advertise and sell it as for taxes due the corporation.

Oath of jurors summoned to condemn land.

Damages.

Lien.

Repair of sidewalk, &c.

Sec. 5. That it shall be the duty of the owner of any real property abutting any sidewalk to keep said sidewalk in good repair at his own expense, and on his failure or neglect so to do, after being notified, it shall be the duty of the constable to hire the work done, and the cost of such improvement shall, as hereinbefore provided, become a lien on such abutting property, and said property shall be subject to execution and sale, as for taxes, for said cost; *Provided*, that this section shall not be construed to relieve any person from paying his part of the general tax of the corporation.

Collection of taxes in arrears.

Sec. 6. That any persons refusing or neglecting to pay all taxes due the corporation on or before the ..... day of ....., each and every year, the tax collector of the town may, and is hereby authorized and empowered to, sell all property of said

delinquent, personal and real, within the corporate limits, or so much thereof as is necessary to pay said taxes, together with all costs; *Provided*, that all personal property shall first be exhausted. Any person failing paying, refusing or neglecting to pay, his corporation taxes in any one year, shall be doubly taxed for the succeeding year. Proviso.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 292.

An act to authorize the city of Greensboro to issue bonds to secure and supply to said city electric light plant and motive power.

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 ($25,000) twenty-five thousand dollars, bonds in the name of the said city, in such denomination and form as the said board of aldermen determine, with which to establish, construct or purchase, or otherwise secure and maintain, a system of electric light for the use of said city and its inhabitants. $25,000 in bonds to be issued. Electric light system.

Sec. 2. That said bonds shall be made payable at such place and time as may be determined upon by said board of aldermen, but the time of payment of principal of said bonds shall be fixed at not less than twenty years, nor more than thirty years. Form of bonds.

Sec. 3. That said bonds shall bear interest at not more than six (6) per centum per annum, and the interest shall be made payable semi-annually, and said bonds shall in no case be sold, hypothecated or otherwise disposed of for less than their par value, and the money arising from the sale thereof shall be used to purchase or erect an electric light plant and appurtenances, including such real estate and other property and machinery as may be necessary in establishing and operating the same, and for no other purpose. Interest. Sale and use of 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 and place as the board of aldermen shall appoint, at which election those favoring the issue of said bonds shall vote "for issue of electric light bonds," and those opposing it shall vote "against issue of electric light Majority of qualified voters must authorize issue. Eelction.

bonds;" and it shall be the duty of said board of aldermen to give notice of the time, place and purpose of such election for thirty days in some newspaper published in the city of Greensboro; that said election shall be held in like manner and under the same rules and regulations, as far as the same are pertinent and applicable, as other elections are held in said city.

Notice of election.

How signed, &c.

Sec. 5. If the powers hereby conferred and hereinbefore provided shall be exercised, and a majority of the qualified voters of said city shall vote to issue said bonds, then the said board of aldermen shall issue said bonds, and they shall be signed by the mayor, attested by the treasurer of the city, and sealed with the corporate seal of the city; and said bonds and their coupons shall be exempt from city taxation until after they shall become due, and the coupons thereon shall be receivable in payment of city taxes.

Exempt from municipal taxation.

Sec. 6. That for the purpose of paying said coupons, as the same shall become due, it shall be the duty of said board of aldermen, and they are hereby empowered so to do, to levy and collect a sufficient special tax, each and every year, upon all subjects of taxation which may be now or hereafter embraced in the subject of taxation under the charter of said city, which taxes, so collected, shall be used for no other purpose, and shall be kept separate from all taxes; and it shall be the duty of the said city treasurer as the said coupons are paid off and taken up to cancel the same, and he shall report not less than twice a year to the board of aldermen the manner and amount of coupons so cancelled; *Provided*, that no levy of taxes shall be made as to make the rate of all taxes, general and special, more than one dollar and thirty cents on the hundred dollars.

Special tax.

Cancellation of coupons.

Proviso.

Sec. 7. That the said city of Greensboro shall have power and authority to establish, construct or purchase, and at all times maintain in the said city, an electric light and power plant, including all machinery and appliances necessary and appurtenant to the same, and all rights and privileges required to accomplish and maintain the same, and to secure the full benefit thereof to the said city, and its customers, or the consumers of each light and power, within or near said city; and said city shall and may charge, or contract for, special rates for the use and privileges of electric lights and motive power furnished to such persons or corporations as may desire to use the same; and the said city shall have full power and right to purchase and hold such real estate and personal property as shall be necessary to enable it to build, erect and maintain such electric light and power plant in the said city, and to use the streets of said city for planting its poles, and other purposes; and may

Electric light plant to be established.

Special rates.

Real estate.

Use of streets.

enter, by its officers, agents and servants, upon the lands of other persons and corporations for the above purposes, and contract for and purchase the same; and if unable to agree for the purchase of said lands with the owners of the same, then the said city shall have the right, by its board of aldermen, to condemn the same to its, in the manner now provided in the charter of said city for the condemnation of land for streets and other public purposes; and the said city shall at all times have right to enter upon said lands for the purposes of repairing, improving or replacing the lamps and poles, *et cetera*, also the right to enter, at all proper hours, the stores, hotels, business houses, dwellings or other premises where said electric lights and motive power, fixtures, wires, lamps, *et cetera*, are located, for the purpose of repairing, removing or replacing the same.

Condemnation of land.

Sec. 8. If a majority of the qualified voters of the city shall not vote in favor of the issue of bonds, herein provided for, at the first election, the board of aldermen, at any time thereafter, not oftener than once in each twelve months, as they may deem fit, and of their own motion, again submit the same question to a vote of the qualified voters of the city, on the same notice and terms as is required for said first election, and if a majority of the qualified voters shall be in favor of the issue of said bonds, then this act and all of its provisions shall be and remain in full force and effect, and the said board of aldermen shall take the steps provided in this act for carrying out the said bonds according to the provisions of said act.

May hold annual elections upon the question.

Sec. 9. That this act shall take effect and be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1895.

CHAPTER 293.

An act to incorporate Atlantic Lodge, number forty-three (43), Independent Order of Odd Fellows.

The General Assembly of North Carolina do enact:

Section 1. That E. H. Craumes, R. L. Norton, Oliver Ryder, Jr., Peirce Femplers, J. B. Ruark, J. A. Williams, M. C. Guthrie, and other officers and members of Atlantic Lodge, number forty-three (43), Independent Order of Odd Fellows, located in the city of Southport, county of Brunswick, state of North

Incorporators.

Body politic. Corporate name.

Carolina, be, and they are hereby, incorporated into a body politic, under the name and title of "Atlantic Lodge, number forty-three (43), Independent Order of Odd Fellows."

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 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 13th day of March, A. D. 1895.

CHAPTER 294.

An act to amend section two (2), chapter two hundred and forty-three (243), laws of one thousand eight hundred and ninety-three (1893), entitled an act to incorporate the town of Black Mountain, in Buncombe county.

The General Assembly of North Carolina do enact:

Chapter 243, private laws 1893, (charter of Black Mountain), amended.

Section 1. That section two (2), chapter two hundred and forty-three (243), private laws of one thousand eight hundred and ninety-three (1893), entitled an act to incorporate the town of Black Mountain, in Buncombe county, ratified the fourth (4) day of March, one thousand eight hundred and ninety-three (1893), be, and the same is hereby, amended by inserting beween the words "one" and "mile" in line two of said section, the word "half," so as to make said section read as follows: "that

Corporate limits.

the incorporate limits of said town shall be as follows: one-half mile north and south, east and west from the center of the Western North Carolina railroad depot in said town.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 295.

An act to incorporate the North Carolina Treasure Association.

The General Assembly of North Carolina do enact:

Section 1. That S. G. Atkins, E. E. Smith, Carrie L. Coleman, W. B. Crittenden, Cornelia E. Chavis, George E. Davis, P. W. Moore, R. S. Rieves, M. J. Hood, P. M. Love, L. B. Searcy, H. E. Bower, Lena McNeely, M. A. Johnson, the present officers of the North Carolina Teachers' Association, and their successors in office, be, and they are declared to be, a committee, corporation and a body politic, and by the name and style and title aforesaid, and by that name they and their successors shall, and may at all times hereafter, be capable in law to have, receive and retain, to them and their successors, property, real and personal; also devises or bequests of any person or persons, bodies corporate or politic capable of making the same, and the same at their pleasure to transfer or dispose of in such manner as they think proper. Incorporators. Body politic. Corporate name.

Sec. 2. *And be it enacted*, that the said corporation and their successors, by the name and style and title aforesaid, shall be forever thereafter capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all or any courts of justice, and before all or any judge, officer or person whatsoever in all and singular actions, matters or demand whatsoever. Corporate powers.

Sec. 3. *And be it further enacted*, that it shall and may be lawful for the said corporation to have a common seal for their use, and the same at their will and pleasure to change, alter and make 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. Seal.

Sec. 4. That this action shall take effect from the date of its passage.

Ratified the 13th day of March, A. D. 1895.

CHAPTER 296.

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

The General Assembly of North Carolina do enact:

Section 1. That in order to raise funds for the expenses to the proper governing of the town of Lucama, the commissioners of said town may annually levy and collect the following taxes, viz.:

Taxation.

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

(2.) On all taxable polls, a tax not exceeding three dollars a poll, who may be residents of the town the first day of June of each year, or who may have been a resident within the sixty days next preceding that day.

(3.) On every hundred dollars' value of goods, wares and merchandise, purchased for re-sale by any merchant trading in the town within one year in which the same is listed, a tax not exceeding twenty-five cents.

License taxes.

Sec. 2. 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 or tax collector instantly; and if the same be not paid on demand the same may be recovered by suit, or the article upon which the tax is imposed, or any other property of the owner may be forthwith distrained and sold to satisfy the same, viz.: 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 venders of medicine, 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 specially designated: auctioneers, butchers, bagatelle, two dollars per month; barrooms, not to exceed four hundred dollars, payable one-half on January the first and one-half July the first, billiard tables, bowling alleys, brokers, bottling establishments, barber shops, chiropodists, circuses, itinerant horse drovers, menageries, itinerant opticians, peddlers, pool tables,

horse trading (other than licensed stables) as a business, shooting galleries, merry-go-rounds.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 297.

An act for the relief of W. J. Davis, of Henderson county.

The General Assembly of North Carolina do enact:

W. J. Davis exempted from provisions of Sec. 2036 of *The Code*, and the penalties of Sec. 2037 of *The Code*, as to repairing certain bridge.

Section 1. That W. J. Davis is hereby exempted from the provisions contained in section two thousand and thirty-six (2036) of The Code, and from the liabilities and penalties mentioned in section two thousand and thirty-seven (2037), from the expense of keeping in repair the bridge on the public road across Brushey creek, running through said Davis' farm, in Transylvania county, said bridge being on the public road leading from Brevard to Eastatoe ford.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 298.

An act to incorporate The Leading Racket Store Company, of Durham, North Carolina.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That E. A. Moffitt, G. M. Moffitt, ——— Lambert, 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 style of the Leading Racket Store Company, and under that name and style may have a common seal, may sue and be sued, plead and be impleaded, contract and be contracted with, and enjoy all the rights and privileges, powers and immunities usually appertaining to such a corporation.

Body politic.

Corporate name.

Corporate powers.

Capital stock.

Sec. 2. That the capital stock of said corporation shall be three thousand dollars ($3,000), with the privilege of increasing the same at any time, and from time to time, to any sum not to exceed twenty-five thousand dollars, divided into shares of a par value of one hundred dollars ($100) each.

Mercantile business.

Sec. 3. That said corporation is hereby authorized and empowered to conduct and carry on the mercantile business and all its branches, and may buy, sell and deal in goods, wares and merchandise of every kind and description.

Real estate.

Sec. 4. That the 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 power to borrow money and issue bonds, and any other evidences of indebtedness for the same, and to execute any mortgage deed, in trust or lien, to secure the payments thereof.

Directors.

Sec. 5. That the affairs of said corporation shall be managed by the stockholders themselves, or by three directors to be chosen by the stockholders in meeting assembled, as the stockholders in meeting shall determine.

Officers.

Sec. 6. That the officers of said corporation shall consist of the president, secretary, and treasurer, to be elected by the stockholders, together with such other officers, if any, as said stockholders may deem necessary for the interest of the corporation.

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.

Sec. 8. That the duration of said corporation shall be thirty years.

Stockholders not individually liable.

Sec. 9. That no certificate of stock shall be issued unless the par value thereof has been paid; and the private or individual property of the stockholders shall not be liable for the debts of the corporation.

Place of business.

Sec. 10. That the place of business and office of said corporation shall be in the town of Durham, in the state of North Carolina.

Annual meeting.

Sec. 11. That the stockholders shall hold an annual meeting in said town of Durham, at such time of the year as they may

Special meetings.

prescribe in their by-laws; and other meetings may be held, as may be called, according to such method as may be prescribed in said by-laws. And at all meetings of the company each

Stock vote. Proxy.

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.

Books of subscription.

Sec. 12. That the corporation hereinbefore named shall have power to open books of subscription at any time after the ratification of this act, and shall have power to call the first meet-

ing of the stockholders in Durham at such time as they may determine, after the stock shall have been subscribed.

Sec. 13. This act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1895.

CHAPTER 299.

An act to amend chapter thirty-four (34) of the private laws of eighteen hundred and seventy-nine.

The General Assembly of North Carolina do enact:

Section 1. That section two of chapter thirty-four of private laws of eighteen hundred and seventy-nine, be amended to read as follows: "That the board of commissioners of said town of Graham, in Alamance county, may grant permission to retail spirituous, vinous or malt liquors within the corporate limits of said town for a period less than a year, upon the payment of a tax at the rate of not less than one hundred dollars a year." Chap. 34, private laws 1879, (charter of Graham), amended. Liquor license.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 300.

An act to incorporate the Eastern North Carolina Christian Conference.

The General Assembly of North Carolina do enact:

Section 1. That S. T. Read, M. L. Winston, James L. Foster, W. R. Goodwin, J. E. Ballentine, W. G. Clement, G. R. Underwood, J. D. Wicker, W. C. Wicker, D. J. Mood, W. D. Howard, A. Moring, J. W. Moring, J. A. Jones, L. S. Mann, C. H. Harris, S. M. Rowland, K. B. Johnson, J. H. Fleming, J. A. Mills, Wm. Watts, J. T. Pugh, D. M. Cook, S. M. Smith, L. M. Barbee, A. W. Wicker, F. O. Moring, C. H. Rowland, W. B. Mann, S. A. Johnson and Geo. S. Terrell, their associates and successors, be, and the same are hereby, declared a body politic and corporate, under the name and style of "The Eastern North Carolina Christian Conference," and as such shall have power to pur- Incorporators. Body politic. Corporate name. Corporate powers.

chase and hold real and personal estate, to sue and be sued by their corporate name, to use a common seal, and to make such rules and by-laws as may be necessary for their good government.

By-laws.

Devises and bequests.

Sec. 2. That all devises and bequests heretofore and hereafter to be made to said Eastern North Carolina Christian Conference shall vest in the same, and shall be good and valid in law.

Successor to North Carolina and Virginia Christian Conference.

Sec. 3. That the Eastern North Carolina Christian Conference is the successor to the North Carolina and Virginia Christian Conference of all the territory embraced within the bounds of the Eastern North Carolina Christian Conference, and is entitled to all of the property belonging to the North Carolina and Virginia Christian Conference within the said bounds.

Property.

Chap. 114, private laws, 1879, (charter of North Carolina and Virginia Christian Conference), repealed.

Sec. 4. That chapter one hundred and fourteen of the private acts of eighteen hundred and seventy-nine be, and the same is hereby, repealed.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 301.

An act to amend the charter of the city of Greensboro.

The General Assembly of North Carolina do enact:

Sections 60 and 123 of charter of Greensboro amended.

Section 1. That sections sixty (60) and one hundred and twenty-three (123), of the charter of the city of Greensboro, be amended by adding thereto the following provisions, to-wit: That in all cases under the charter of said city, where it shall become necessary to appoint persons or freeholders to assess damage or damages, and special benefits or assessments, or special benefits alone, in taking lands for the streets and sidewalks, and for all other purposes arising under said charter, or make assessments on abutting property owners or abutting property, for special benefits, for street and sidewalk improvements, or other improvements, the same may be done by three freeholders, disinterested and not related to any of said parties, one of said freeholders to be chosen by the city of Greensboro, by its aldermen, one by the owner or owners or opposite party, and the third by the two thus chosen; but if the owner or owners or opposite party shall, after ten days' notice, fail or neglect or refuse to choose such freeholder on his or their part,

Special benefits, assessments, &c., how and by whom estimated.

Three freeholders.

the board of aldermen shall then have power to appoint the three freeholders provided for in this section; that said freeholders thus chosen or appointed shall be notified by the mayor of the time and place of meeting, for the discharge of the duties required of them, as much as three days before the time of said meeting; that said freeholders shall attend at the time and place according to said notice, and, after being duly sworn by some one authorized to administer oaths, shall proceed without unnecessary delay to the discharge of the duties required of them; and on the failure of said freeholders, or any of them, to attend said meeting, or who, on attending, shall wilfully fail, refuse or neglect to discharge their duties required of them, or him, the freeholders so failing, refusing or neglecting shall, for each violation of this section, pay a penalty of five dollars ($5,00), which penalty shall be recoverable to the use of the city, under the provisions contained in section seventy-nine (79) of the charter of said city, and that the method herein provided for shall apply to the assessment of damages and special benefits for work or improvements done or completed before this act as well as hereafter.

Notified.

Failure of freeholders to do duty.

Penalty.

Sec. 2. That all freeholders appointed for the purposes provided in the preceding section, who shall attend and serve under said appointment, shall, as compensation for such services, receive one dollar ($1) per day while employed therein; the same to be paid by said city as a part of the costs of said proceedings, to be taxed to the use of said city in the final determination thereof as may be just and right.

Compensation.

Sec. 3. That all provisions of the charter of said city which are in conflict with the two preceding sections of this act are hereby repealed.

Conflicting provisions of charter repealed.

Sec. 4. That the whole rate of taxation for all purposes, in any one year, shall not exceed one dollar and thirty cents ($1.30) on the one hundred dollars' valuation of real and personal property.

Limit of municipal taxation.

Sec. 5. That the mayor and board of aldermen of the city shall cause the proper sewerage pipes to be properly laid through all the principal streets of the city as speedily as practicable, and shall keep the same in proper condition and repair, with suitable connections; and shall have the power to require each and every house bordering on any street where water and sewer pipes have been laid, to connect with the sewers, and also for such water connections as may be necessary for the proper cleansing and carrying off the sewerage; and the said board of aldermen shall require and direct the owner of said house, the contractor, builder, or any other person having the charge and

Sewerage.

Owners to connect.

control of such buildings, to make such sewerage and water connections necessary, as above stated, under the direction of the chairman of the sewer committee, who shall execute such notice; and in case such builder, owner, contractor, or other person having charge of said property, shall fail, neglect or refuse to make such connection with the sewer within sixty days after such notice shall have been served on him, he shall be deemed guilty of a misdemeanor, and shall be fined one dollar ($1) for each and every day he shall fail, neglect or refuse to make such connection.

Misdemeanor.

Rental for sewerage.

Sec. 6. That the owners of houses and buildings connected with the sewer, as hereinbefore provided, shall pay to the city a rental for the use and privilege thereof, at rates to be fixed by the board of aldermen, at such times and upon such terms as shall be prescribed; and if such rent is not paid when it is due, it shall be a lien on the property, respectively, upon which said rent is due, and collected by sale of said property, as provided for unpaid costs of construction, as prescribed in section sixty-three (63) of charter of city of Greensboro.

$500.00 annual appropriation for immigration, &c.

Sec. 7. That the board of aldermen of the city of Greensboro is hereby authorized to appropriate, annually, an amount not exceeding five hundred dollars ($500) out of the taxes levied for general purposes, to encourage, aid and procure immigration and manufacturing.

"Board of Charities."

Sec. 8. That the board of aldermen shall have power to establish a "board of charities" for said city of Greensboro, and for that purpose may annually appoint two of their own number, in connection with three other persons, citizens of said city, who shall constitute a board of managers, whose duty it shall be to organize, by electing one of their number chairman, and also a secretary and treasurer; and said board of charities is authorized and empowered to take, accept and receive donations of real estate, personal property and moneys, to be held and used by them for purposes and objects of charity; and they shall provide rules and regulations for the government of said board, and for the bestowal of aid to those whom they find to be worthy and in need of help; and they shall be invested with full discretion in the bestowment of such aid as they are enabled to render to indigent and necessitous people within the city; that they shall provide and devise plans for the relief and assistance of the poor; that the chairman of said board shall make semi-annual reports to the board of aldermen of all their receipts in money or property, and of the amounts expended by them in charity, as well as a report of all their actual expenses, and stating the number of persons relieved during said period.

Organization.

Powers and duties.

Reports.

Sec. 9. That the board of aldermen may, in their wisdom, make such other and further rules and regulations for the better conduct of the funds and property, and disposition thereof, as to them may seem best. Rules and regulations as to funds, &c.

Sec. 10. That all provisions of the charter which are in conflict with the provisions of this act are hereby repealed. Conflicting provisions of charter repealed.

Sec. 11. That this act shall take effect and be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1895.

CHAPTER 302.

An act to incorporate the Farmers' Life Association of North Carolina.

The General Assembly of North Carolina do enact:

Section 1. That J. W. Lane, R. A. Russell, C. L. Wetherington, J. T. Askew, R. T. Daughety, L. H. Spier and Elisha Long, and their successors, be, and are hereby, created a body politic, to be known by the name, style and title of the Farmers' Life Association of North Carolina, and subordinate branches working under the jurisdiction of said association, and by such name and title shall perpetuate succession, and be capable of suing and being sued, pleading and being impleaded, and of purchasing, leasing, holding and receiving, in its corporate name, property, real, personal and mixed, and of making such rules and regulations as the association may enact, not in conflict with the laws of this state and United States. Incorporators. Body politic. Corporate name. Corporate powers. By-laws.

Sec. 2. To insure persons of good bodily health, who are acceptable; to collect assessments levied upon its members by the association, and upon satisfactory proof of the death of a member who has complied with all the rules and regulations, levy such assessments as the association may order, and pay the amount thus collected (not to exceed one thousand dollars) to the beneficiary named in the certificate held by such deceased member. Corporate powers. Assessments.

Sec. 3. The said association and its subordinate branches thereof shall each have a corporate seal for the making and delivering of legal acts and proceedings, which they may alter, from time to time, as they may direct. Seal.

Sec. 4. The private property of members of the corporation shall be exempt from the corporate debts of the association or members thereof. Members not individually liable.

Officers.

Sec. 5. The association and branches thereof shall provide for the election of such officers as the association may deem necessary to transact the business of the corporation, to fix the compensation for their services, who shall hold office until their successors are duly elected and qualified.

Compensation.

Widows and orphans.

Sec. 6. The association shall have the power to create, hold and disburse the funds named in its objects, for aiding members and benefiting widows and orphans of deceased members, under such rules and regulations as the association may deem necessary to adopt, and said funds shall be exempt from all executions, 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 the said fund shall be exempt from the laws and regulations governing the insurance companies in this state.

Funds exempt from execution, &c.

Exempt from general insurance laws.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 303.

An act to incorporate the Blue Ridge Company.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That John H. McAden, C. A. Coffin, J. Warren Achorn, D. W. Butler, R. T. Gray, James H. Cutler, their associates, successors and assigns, be, and they are hereby, made a body politic and corporate by the name of the Blue Ridge Company, and by that name may sue and be sued, prosecute and defend to final judgment and execution, and shall be, and hereby are, invested with all the powers and privileges, and made subject to all the liabilities, contained in the laws of the state applicable to corporations of a similar nature, not inconsistent with the terms of this charter. No stockholder or officer of the company shall be liable for any debts of the corporation.

Body politic. Corporate name. Corporate powers.

Stockholders not individually liable.

Corporate powers.

Sec. 2. Said corporation is hereby authorized and empowered to establish, manage and carry on in the state of North Carolina and elswhere, with headquarters as from time to time may be fixed by by-laws of the company, the business of farming, stock-raising, mining, trading, banking, lumbering, manufacturing, hotel keeping, private schools, buying, selling, leasing, or otherwise acquiring or disposing of real estate and water

Farming, stock raising, &c.

power, to any amount and value which to them shall seem proper, and improving the same, building bridges, dams, culverts, aqueducts, reservoirs, streets, and also building, equipping and operating rail, tram, turnpike and other roads, telegraph lines, canals, gas, electric light and power plants, or any other plants or works that may be deemed necessary or convenient for the business of the corporation; also to encourage and promote immigration into the state of North Carolina, and to do anything that may be deemed necessary or expedient to develop the resources of North Carolina; and said corporation is further authorized to acquire, by original subscription, contract or otherwise, and to hold, manage, pledge, mortgage, sell, convey and dispose of, or otherwise deal with, in like manner as individuals may do, shares of the capital stock, notes, bonds and other obligations of other companies organized under the laws of any of the United States, and also, for such consideration and terms as the stockholders may determine, to issue its notes, obligations, bonds and debentures from time to time as they may elect, and to secure the same by mortgage or mortgages on its property and franchises in whole or in part as they may deem necessary; and to further each and all these ends, this corporation shall have all the powers, rights, privileges and immunities conferred upon railroad companies and telegraph companies by chapter forty-nine of The Code of North Carolina, entitled "railroad and telegraph companies;" and whenever it may become necessary, for the purpose of constructing their roads, canals, dams or other works, to enter upon any lands to which they may not have a title or the right of possession, or is unable to agree with the owners thereof for the compensation thereof, the mode of procedure to secure the condemnation of such lands shall be as prescribed by law.

Immigration.

Stock, &c., of other companies.

May issue bonds, &c.

Right of railroad, &c., companies.

Condemnation of land.

Sec. 3. The stockholders of said corporation may fix, from time to time, the amount of its capital stock, not exceeding one million dollars, preferred or common, or both, and determine the conditions of preference of said preferred stock; and may issue its capital stock, either common or preferred, for cash, or for property or labor, at a fair valuation; and may, by unanimous vote of said stockholders, change the name of this company.

Capital stock.

Sec. 4. Any three persons named in this act may call the first meeting of said corporation by causing to be stated the time and place of meeting, to be published in a newspaper printed at Asheville, Buncombe county, North Carolina, ten days, at least, before the date of meeting, at which meeting, or any adjournment thereof, a clerk shall be chosen, and by-

First meeting.

By-laws.

laws for the regulation of government of said corporation may be established, which by-laws may be altered or amended at any future meetings of the corporation, as said by-laws shall provide. At such meeting the said corporators may choose all the officers necessary to manage the affairs of said corporation; may agree on the mode of calling future meetings; may divide the capital or joint stock into shares of one hundred dollars each, and do and transact any business necessary to carry into effect the object of said corporation. Meetings of the stockholders or directors may be had at such place or places, within or without the state, as the by-laws shall provide; but the company shall always maintain at its headquarters in this state an agent upon whom legal process may bes erved in any action or proceedings against the company.

Officers.

Meetings.

Agents to be maintained in State.

Conflicting laws repealed as to said corporation.

Sec. 5. All sections, or parts of sections, of chapter forty-nine of The Code of North Carolina, or any other laws 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. 6. This act shall take effect from and after its ratification.

Ratified the 13th day of March, A. D. 1895.

CHAPTER 304.

An act to incorporate the Westauna Mining, Milling and Manufacturing Company.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That Edward W. Lyon, of Davidson county, North Carolina, W. Demees Ward and H. D. Campbell, of Pittsburg, Pennsylvania, their associates and successors, be, and they are hereby, created a body corporate under the name and style of the Westauna Mining, Milling and Manufacturing Company, for the purpose of conducting, in all its branches, the business of mining, smelting, manufacturing and developing, and improving water powers; and to that end the said company is hereby invested with all the rights, powers, privileges and franchises conferred by the general assembly of this state in acts incorporating the Yadkin Mining and Smelting Company, ratified the ninth day of March, eighteen hundred and ninety-one,

Body corporate.

Corporate name.

Corporate powers.

Granted all the rights of the Yadkin Mining and Smelting Company and Keystone Mining and Manufacturing Company.

and the Keystone Mining and Manufacturing Company, ratified the sixth day of March, eighteen hundred and ninety-three.

Capital stock.

Sec. 2. The capital stock of the company hereby incorporated 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 be of such par value, as the stockholders shall fix: *Provided*, however, that all stock issued shall be full paid and non-assessable, and the stockholders shall not be personally or individually liable for any acts of the company.

Stockholders not individually liable.

Temporary management.

Sec. 3. The incorporators named in section one of this act shall manage the business affairs of the corporation until the company is duly organized; and to that end may choose from among their number a president and secretary and treasurer. No public notice shall be required for the first meeting of stockholders. They may meet at their principal office and elect a board of directors, and such other officers as they may deem necessary; and, in by-laws to be by them adopted, prescribe the duties, fix the term of office, compensation for services, and regulate the business of the company for the promotion of the interest of the stockholders. The principal office shall be in Greensboro, North Carolina.

Organization.

Principal office.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 305.

An act to amend the charter of Fremont, Wayne county.

The General Assembly of North Carolina do enact:

License tax for sale of liquor.

Section 1. That the commissioners of the town of Fremont, Wayne county, are hereby authorized to charge a tax for license to retail spirituous liquors not to exceed one hundred dollars.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 306.

An act to incorporate the town of Honey Hill, in Columbus county.

The General Assembly of North Carolina do enact:

Incorporated.

Section 1. That the town of Honey Hill, in the county of Columbus, be, and the same is hereby, incorporated by the

Corporate name.

name and style of the Town of Honey Hill, and it shall be subject to all the provisions of the law, as now existing, in reference to incorporated towns.

Corporate limits.

Sec. 2. That the corporate limits of said town are to be as follows: beginning at No. 6 (six) mile post, in the county road known as "down the marsh road;" thence S. 18° W. 19 chains; thence N. 80½° W. 23 chains to railroad; thence N. 18° 19½ chains along railroad; thence N. 29½° W. 12½ chains; thence N. 55° W. 21 chains; thence N. 67½° W. 28½ chains; thence N. 22° E. 25 chains; thence W. 72° E. 24 chains; thence S. 81½° E. 42 chains; thence to point of beginning, No. 6 mile post, in "down the marsh road."

Officers.

Sec. 3. That the officers of said town shall consist of a mayor and four commissioners, and the following named persons shall fill said offices until the first Monday in May, one thousand

Temporary officers.

eight hundred and ninety-five, viz: Mayor, C. O. Beers; commissioners, D. R. Bixby, Marion Clemmons, J. L. Cooper, F. W. Henry; and the commissioners shall have power to appoint a secretary and treasurer.

Election.

Sec. 4. There shall be an election for officers mentioned in this act on the first Monday in May, one thousand eight hundred and ninety-five, and every year thereafter, under the same restrictions that county and state elections are held. All male

Election.

citizens over twenty-one years of age, who have resided in the state twelve months, and ninety days in said corporation previous to the day of election, shall be entitled to vote in said election.

Powers of commissioners.

Sec. 5. The said commissioners shall have and exercise all corporate powers and duties as are conferred on 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

Taxation.

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.

Application of fines.

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.

Unlawful to sell, &c., liquors within one mile of said town.

Sec. 7. That it shall be unlawful to sell or dispose of any spirituous, vinous or malt liquors, with a view to remuneration, within one mile of the limits of said town.

Misdemeanor.

Sec. 8. That any person, firm or corporation violating the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined or imprisoned, at the discretion of the court.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 307.

An act to incorporate the Eldorado Mining Company.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That W. E. Gump, of Brooklyn, New York, C. G. Viele, of North Carolina, Irving O. Palmer, of Massachusetts, their associates and successors and assigns, be, and are hereby, created a body politic and corporate under the name and style of the Eldorado Mining Company, with a capital stock of two hundred and fifty thousand dollars, divided into shares of five dollars each, with liberty and authority to a majority of stockholders to increase said capital stock to an amount not exceeding five hundred thousand dollars.

Body politic.

Corporate name.

Capital stock.

Corporate powers. Seal.

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 in all courts; they may buy, lease, exchange, hold, sell and convey property, real or personal, with such water powers and water rights as may by them be deemed necessary for the purpose of mining for gold and other minerals, and together with all rights and privileges necessary to the transaction of its business, not inconsistent with the laws of North Carolina.

Metallurgical works, &c.

Sec. 3. That said company shall have the right as to build and operate metallurgical works, acid chambers, mining and mill plants, reduction, chlorination and other works, for the purpose of working, exploring and manufacturing all kinds of ores, min-

erals and chemicals; 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 state, and with power to mortgage, lease or otherwise dispose of the same, may buy, sell, treat and deal in any mineral or its products.

Railroads, &c.

Sec. 4. 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 minerals or their products to, from or between their lands, mines or manufactories; and also to construct canals or drains as may be needful or required to drain their mines or supply water to their works, to erect bridges over streams of water wherever necessary, and to connect such roads or canals with any 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 points 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 compensations, and subject to such rules and regulations, as said company may by their by-laws establish.

Canals.

Tolls.

Condemnation.

Sec. 5. That when any land or right of way may be required by said company for constructing railroads or canals or drains, 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, and the value thereof may be 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, thus 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,

Proceedings.

Oath.

Return to be made.

Proviso.

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 centre of said road, canal or drains 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 decisions 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 the said jury. Proviso. Proviso.

Sec. 6. That said corporation shall have and exercise all 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. General corporate powers.

Sec. 7. 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. By-laws.

Sec. 8. 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. Stockholders not individually liable.

Sec. 9. That said corporation shall have an office for the transaction of business in Salisbury, in the county of Rowan, state of North Carolina, but may have as many other offices in other places or states as it may deem necessary. Office.

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

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 308.

An act to incorporate the town of Ramseur, in Randolph county.

The General Assembly of North Carolina do enact:

Incorporated.

Section 1. That the town of Ramseur, in the county of Randolph, be, and the same is hereby, incorporated under the name

Corporate name.

and style of the town of Ramseur.

Corporate limits.

Sec. 2. That the corporate limits of said town shall be as follows, to-wit: beginning at a point one-half of a mile north from the store-house of the Columbia Manufacturing Company, and running thence east half of a mile; thence south one mile; thence west one mile; thence north one mile; thence east one-half of a mile, to the beginning.

Officers.

Sec. 3. That the officers of said town shall consist of a mayor, five commissioners, treasurer, clerk and constable, all to be

Electors.

elected by the qualified voters of said town, to possess the

Election.

qualifications prescribed, and the election to be held at the times and under the rules and regulations contained in chapter sixty-two of The Code, but, nevertheless, subject to the modifications contained in subsequent acts of the general assembly amending said chapter of The Code.

Corporate powers.

Sec. 4. That said town, its officers aforesaid, and citizens, shall have, possess and enjoy all the powers, rights and privileges contained in the aforesaid chapter of The Code, and subsequent acts of the general assembly modifying the same.

Temporary officers.

Sec. 5. That J. W. Calder shall act as mayor of said town; and W. H. Watkins, A. W. E. Capel, J. M. Whitehead, Y. M. C. Johnston, and A. B. Covington, as commissioners thereof; A. W. E. Capel, treasurer; Y. M. C. Johnston, clerk, and J. O. Forester, constable of said town, with power to exercise all the rights, privileges and authority of mayor, commissioners, &c., conferred in this charter upon the authorities of the town, until the next regular election, to hold their said offices until their successors shall be chosen and qualified, and to advertise and to cause to be held an election to fill the various offices of the town, in conformity to law.

Power of commissioners.

Sec. 6. That the board of commissioners of said town shall have power to levy and collect taxes for working, grading and paving the streets and sidewalks, and making such other improvements thereon as the public convenience may require, together with power to hire a competent superintendent to superintend the working and improvements of the sidewalks and streets of said town. Said power, however, for levying

taxes for this purpose not to be exercised unless an election shall first be held for the purpose of determining the will of the voters as to the exercise of this power, and a majority of the votes cast at any election that may be held for that purpose be in favor of the exercise thereof. Taxes for streets to be levied, when.

Sec. 7. That the board of commissioners of said town may, in their discretion, call and hold an election to determine the will of the voters of the town in regard to the levy of the tax for the working of the streets and sidewalks of the town, as mentioned in the sixth section of this act, on the first Monday in May, eighteen hundred and ninety-five, as the first Monday in May of any succeeding year. And in the event the said commissioners should choose to order such an election, they shall have full power and authority to appoint a registrar and judges of said election, the election to be held and the result ascertained and declared in the same manner as in the case of the election of town officers, and they shall cause to be advertised the holding of said election at least four weeks previous thereto. Election as to the tax for working streets.

Sec. 8. That the board of commissioners of said town shall have full power and authority, in their discretion, to submit to the qualified voters of said town the question of levying a school tax upon the polls and property of said town, to supplement the school fund of the district in which said town is situated, not to exceed the sum of thirty-three and one-third cents on one hundred dollars' valuation of property, and one dollar on the poll; and said election to be held as above specified, as to the tax for the working, paving and improving the side-walks and streets of said town; and if, at such an election, the majority of the votes shall be cast in favor of such tax, then the said commissioners are to have full power and authority to levy and collect the same, and cause it to be paid into the hands of the treasurer of the town, to be by him kept separate and apart from all other funds which may come into his bands belonging to the town, and paid out by him only on orders for school purposes made by the commissioners themselves, or such committees as they may appoint, and they are hereby authorized to appoint, in their discretion, such committees. Election as to school tax. Limitation of tax.

Sec. 9. That the board of commissioners of said town shall have power to lay out and open any streets within the corporate limits of said town, whenever they may deem it necessary, and have power at any time to widen, enlarge, change, extend or discontinue any street or streets within the corporate limits of said town; and shall have full power and authority to condemn, appropriate or use any land or lands necessary for the Streets. Condemnation of land.

purposes named in this section, upon making a reasonable compensation to the owner of the land, but in case the owner of the land and the commissioners cannot agree as to the damages, the matter shall be referred to arbitration, each party choosing one, who shall be a freeholder in and a citizen of the said town; and in case the owner of the land shall refuse to choose said arbitrators, then the sheriff of the county shall, in his stead, select one for him; and in case the two chosen, as aforesaid, cannot agree, they shall select an umpire, whose duty it shall be to examine the lands condemned, and ascertain the damages sustained, and the benefits accruing to the owner in consequence of the change; and the award of the arbitrators or umpire shall be conclusive of the rights of the parties, and shall vest in the commissioners the right to use the land for the purposes specified; and all damages agreed upon by the commissioners, or awarded by the arbitrators or umpire, shall be paid as other town liabilities, by taxation; *Provided*, that either party may appeal to the superior court, as now provided by law.

Appeal.

Taxation.

Sec. 10. That the board of commissioners of said town shall have full power and authority to levy a tax upon real and personal property and polls of the said town for the purpose of raising the money to pay any and all such sums as may be required to be paid under the preceding section.

Exempt from repairing, &c., bridge across Deep river.

Sec. 11. That the said town of Ramseur shall not be required to repair, keep in repair, or expend any money for the purpose of repairing Deep ridge across Deep river in the corporate limits of said town, or to be at any expense whatever in regard to any bridges across Deep river within their corporate limits.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 309.

An act to reimburse Senator J. E. Green for the sum expended by him as contestee.

The General Assembly of North Carolina do enact:

J. E. Green allowed $100.00.

Section 1. That J. E. Green is hereby allowed one hundred dollars to reimburse him for the amount expended by him as contestee at the present session of the general assembly.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 310.

An act to incorporate the Winston-Salem Railway Company.

The General Assembly of North Carolina do enact:

Section 1. That F. H. Fries, W. W. Wood, E. A. Ebert, W. A. Blair, W. A. Lemly, Lindsay Patterson, C. A. Follin, J. L. Ludlow, C. E. Fogle, E. D. Vaughn, A. H. Eller and W. B. Pollard, and such other persons as may be associate with them, are hereby created and declared a body politic and corporate, with perpetual succession, under the name and style of "The Winston-Salem South-Bound Railway Company;" and in that name may sue and be sued in any court of 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 the power and authority to acquire, hold, own, operate or lease 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.

Incorporators. Body politic. Corporate name. Corporate powers. May acquire quarries, &c. Branch roads.

Sec. 2. Said company, upon organization, as herein provided for, shall have power to construct, maintain and operate a railroad and telegraph line from Winston-Salem, North Carolina, through the counties of Forsyth, Davie, Guilford, Randolph, Montgomery, Rowan, Stanly, Cabarrus, Mecklenburg, Union and Anson, or through any parts of either of said counties, to the South Carolina line.

Rail road. Telegraph line. Route.

Sec. 3. The capital stock of said Winston-Salem South-Bound Railway Company shall not exceed five millions of dollars, to be divided into shares of one hundred dollars each. Each share subscribed shall be entitled to one vote in all the meetings of the stockholders of said company; and fifteen thousand shall be the minimum subscription on which said company may be organized.

Capital stock. Stock vote.

Sec. 4. For the purpose of raising the capital stock of said company, it shall be lawful to open books in any city or town on the line of said road in North Carolina, under the direction of the following commissioners, to wit: F. H. Fries, W. W. Wood, E. A. Ebert, W. A. Blair, W. A. Lemly, Lindsay Patterson, C. A. Follin, J. L. Ludlow, C. H. Fogle, E. D. Vaughn, A. H. Eller and W. B. Pollard, and at such other places, and under the direction of such other persons, as the majority of the

Books of subscription.

commissioners above named may deem proper, for the purpose of receiving subscriptions to the capital stock of said company.

Notice as to books of subscription.

Sec. 5. The commissioners above named, and all other persons who hereafter may be authorized, as aforesaid, to open books for 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 printed in North Carolina; and the said books, when opened, shall remain open as long as the commissioners above named shall deem necessary and direct.

Organization.

Sec. 6. 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 unto the said commissioners, the subscribers, their executors and administrators and assigns, together with the persons named 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 the corporate seal, which they may change as often as necessary.

First meeting.

Sec. 7. It shall be the duty of the commissioners named in this act for receiving subscriptions as aforesaid, or a majority of them, so soon as the sum of fifteen thousand dollars shall have been subscribed in the manner aforesaid, to give public

Notice.

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

Directors.

proceed to elect not less than five nor more than nine directors

Power of directors.

out of this number of stockholders, and the said directors shall have the power to perform all the duties necessary for the government of the corporation and the transaction of its business. And the persons elected aforesaid shall serve such period, not exceeding one year, as the stockholders may direct, and at

Meetings.

such meeting the stockholders shall fix on the time and place of next meeting, and where the next subsequent election of the directors shall be held; and said stockholders' meeting shall

Election of directors.

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 dissolved, but the directors formally elected shall continue in office until a new election shall take place.

How directors elected.

Sec. 8. 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 person receiving the greatest

number of votes polled shall be duly elected directors, and at all elections, and upon all votes taken at any meeting of the stockholders, upon any by-laws of the 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 in such manner as the by-laws of the corporation prescribes. Proxy.

Sec. 9. The board of directors may fill any vacancies that may occur in it during the period for which they have been elected. The president of the company, and one or more vice-presidents thereof, shall be annually elected by the directors, from among their number, in such manner as the regulation of the company shall prescribe, and shall hold their offices until their successors shall be elected by the directors. The secretary and treasurer shall also be elected by the directors, and may be one and the same person. In the absence of the president or secretary at any meeting of the directors, they may appoint a president and secretary *pro tempore* to fill his place, except when a vice-president be present, and in that case such vice-president shall act or preside. Vacancies in directors. Officers. Officers *pro tem.*

Sec. 10. 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. Transfer of stock.

Sec. 11. The said company shall have power to use any section or portion of its road before the whole of the same shall have been completed, and charge for transportation of passengers and freight thereon. May use road before completed.

Sec. 12. The said company shall have right, when necessary, to construct their said road across any public road, or other railroad, or alongside of any other public road; *Provided*, said company shall not obstruct any public road without first constructing one equally as good and convenient as the one taken by the company, and which has been accepted by the board of county commissioners. May cross public roads, &c. Proviso.

Sec. 13. Whenever, from any cause, the said railroad company cannot agree with the owners of the land over which the railroad shall go, for the purchase of the land for way and depot purposes, the said company may file petition before the clerk of the superior court of the county wherein the land lies, specifying the object for which the land is desired, with a description and plot thereof. The clerk of the superior court shall thereupon appoint five disinterested freeholders, who shall be summoned by the sheriff to meet on the premises at a time not more than ten days after the appointment, and assess the damages of the land taken. In assessing the damages, the appraisers shall Condemnation of land.

take into consideration the actual value of the land, together with any special damages likely to accrue to the owner, and likewise shall consider any special or general benefit which the owner may derive from the location of the road. If the condemnation shall be for way only, the condemnation shall extend only to the right of way. If the condemnation shall be for depot and building purposes, the condemnation shall be in fee. The appraisers shall make their reports to the clerk of the superior court within ten days from the time of their meeting on the premises; said report shall be recorded in the office of register of deeds, after 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 prayed within ten days from the approval or disapproval of the clerk.

Appeal.

How much land may be condemned.

Sec. 14. The right of said company to condemn and take land under this act shall be limited to the space of fifty feet on either side of their road-bed, along the main track and its branches, measuring from the center of the same, except that for depot and warehouses they may condemn not exceeding two acres in any one place; and in all cases where land, or rights of way over lands, have 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 cases of legal disabilities, and in such cases within two years from the removal of such disabilities.

Time within which damages to be assessed.

Exclusive right of conveyance, &c.

Sec. 15. The 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 against towns and cities, in the matter of transportation rates, in the state of North Carolina.

Proviso.

Counties, &c., authorized to subscribe.

Sec. 17. It shall be lawful for any county, township, city or town, through or near which the said railroad may run, to subscribe for and hold stock in said company, or the sections 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.

Bonds.

Sec. 18. It shall be lawful for the said Winston-Salem South-Bound Railway Company, chartered by this act, to issue coupon bonds, in such denomination and running for such a

time, not exceeding thirty (30) years, and bearing interest at such a rate, and payable at such time 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 the company to execute a mortgage to such person or persons as the company may select on all real and personal estate of said company, together with all the franchises and privileges; or in case the road be divided and built in sections, which the said company is authorized to do, such mortgage may be placed upon such separate sections and in such manner as the company may direct; and it is hereby provided that the registration of any mortgage provided to be executed in this section may be made in Forsyth county, and upon such registration in Forsyth county it shall be a lien upon the property and franchises conveyed in such mortgages as fully and completely as if the same was registered in each and every county through which the road passes, or any part thereof.

Mortgage.

Where mortgage registered.

Sec. 19. The said company may consolidate its stock, franchises and property with those of any railroad chartered by the state of North Carolina, upon such terms as may be agreed upon by the two companies; but in case of such consolidation, the consolidated company shall always remain a North Carolina corporation in regard to the rights of suing and the liabilities of being sued, and the jurisdiction of the courts of North Carolina over the same.

Consolidation with other roads.

Sec. 20. 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 county commissioners of such county, upon the petition of not less than one hundred 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 on question of subscription.

Subscription to be made in bonds if adopted by voters.

Sec. 21. Upon the presentation of a petition signed by at least forty (40) 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 the vote of the qualified voters of their respective township, city or town, as the case may be, a proposition to subscribe a certain sum, named in said petition, to the capital stock of the Winston-Salem South-Bound Railway Company, it shall be the

Election in townships and cities upon the question of subscription.

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 "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 election 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 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.

Subscription to be made in bonds on vote of majority of qualified voters.

Sec. 22. 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 bonds of said township, city or town at their face value.

Bonds.

Sec. 23. To provide for the payment of said subscription, made as provided in this act, the board of commissioners of the county in which is situated any township, city or town asking such subscription, shall issue coupon bonds to the amount of the subscription authorized, and said bonds upon their face indicate on account of that township, city or town they are issued, and the condition upon which they are issued. Said bonds shall be in denomination not less than fifty nor more than one thousand, and shall run 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 shall direct.

Form of bonds.

Special tax to pay interest.

Sec. 24. To provide for the payment of said bonds issued under the authority of this act, the board of county commissioners wherein any 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, 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, and by said officer promptly applied to the payment of interest and principal, as provided for in this act. Sinking fund.

Sec. 25. That the stockholders of said company, whether private citizens or other corporations, public, private or municipal, shall not be personally liable for the debts of said company. Non-liability of stockholders.

Sec. 26. This act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1895.

CHAPTER 311.

An act to incorporate the town Vandemere, in Pamlico county.

The General Assembly of North Carolina do enact:

Section 1. That the town of Vandemere, in the county of Pamlico, be, and the same is hereby, incorporated under the name and style of the town of Vandemere, and in that name, by its commissioners, may sue and be sued, contract and be contracted with, plead and be impleaded; may acquire and hold personal property for the use of the town, and may convey the same as the commissioners may think best. Incorporated. Corporate name. Corporate powers.

Sec. 2. That the corporate limits of said town shall be a territory embraced in the following boundary, viz.: beginning at a gut on the south side of Vandemere creek, Charles Greggs' northwest corner, running westerly with his line to the Gibbs land; then with the Gibbs line to the northwest corner of D. H. Abbott's land, to include the Gibbs land; then said Abbot's line to John Morris' line; then with said Morris' line northwest, to Smith's creek; then with Smith's creek to Bay river; then down Bay river to Vandemere creek; then up Vandemere creek to the beginning. Corporate limits.

Sec. 3. That the officers of said town shall consist of a mayor and five commissioners, who shall be elected annually on the first Monday in May by the qualified voters of said town, which said officers shall hold their respective offices for one year, or until their successors are elected and shall qualify. Officers.

Sec. 4. Any person who is a qualified elector of the state of North Carolina, and shall [have] resided in the said town sixty days next preceding the day of election, shall be a qualified voter, and shall be entitled to vote at any municipal election in said town. Electors.

Eligibility to office.

Sec. 5. That no person except a duly qualified elector of said town shall be eligible as mayor or commissioner of said town.

Town council.

Sec. 6. That the mayor and commissioners of said town shall form the board of commissioners or town council, and they may order an election for any purpose they may see fit, and whenever they may deem necessary; a majority of the board shall constitute a quorum for the transaction of business.

Registrar, &c.

Sec. 7. That the mayor shall, thirty days before the first Monday in May, or thirty before any other election, appoint a

Registration.

suitable person to act as registrar within the corporation of said town, and the registration books shall be open at least twenty days. The town marshal shall notify said person of his appointment, and the said registrar shall at once post a notice, at as many as two public places in said town, of his appointment, and shall designate the place where he will keep the books open and the time after which the books shall be closed, and when and for what purpose the election shall be held.

Polling place.

Sec. 8. In all elections the polls shall be opened at any place in the corporation that may be designated by the board of commissioners.

Must register to vote.

Sec. 9. The book of registration of the voters of the town shall be furnished the poll holders, and no person shall be allowed to vote unless his name be found thereon.

Oath of elector.

Sec. 10. Any person offering to register may be required to take an oath that he is a citizen of North Carolina and has resided in the town of Vandemere sixty days preceding that date, or is otherwise entitled to register; and if any person shall

Perjury.

wilfully swear falsely in said oath he shall be guilty of perjury.

Challenge.

Sec. 11. That within twenty-four hours after the close of the registration for each election the registration books shall be opened for the inspection of the citizens of the town, and it shall be lawful for any elector to challenge the right of any person to register or vote, and the judges of election shall decide the right of such person to register or vote.

Inspectors of election.

Sec. 12. That for the purpose of electing said officers the commissioners shall, at least twenty days before election, appoint three inspectors, who shall be qualified voters, and the inspectors, before they proceed to act, shall be sworn before the mayor or a justice of the peace to conduct the election fairly and impartially and according to law, and in the absence of any inspector his place shall be filled by the mayor or registrar. On the day of election the inspectors, with the registrars, shall duly

Election, how held.

attend the polls at the time, and they shall be judges of the polls, receive the votes and conduct the election in like manner

and during the same hours of the day as elections for members of the general assembly.

Boxes. Ballots.

Sec. 13. The candidates for mayor and commissioners shall be voted for in separate boxes on a separate ballot printed or written.

Result of election.

Sec. 14. That at the close of election the votes shall be counted by inspectors, and such person or persons having the largest number of votes shall be duly declared elected to fill the board of commissioners, and the officers so elected shall be notified by the inspectors of their election. But if it shall be found that there is a tie between two or more persons for any office, the commissioners shall, within five days after their qualification, proceed to select out of the number of persons so tied a person or persons to fill the office or offices so left vacant. And if at any time there should be a vacancy in the board the commissioners may fill the vacancy from among the qualified electors of the town.

Tie.

Vacancy in commissioners.

Poll list to be sent to clerk of board.

Sec. 15. That the inspectors shall certify and subscribe one poll list and return it to the clerk of the board, who shall keep a record of the same.

Oath of officers.

Sec. 16. That the mayor and each commissioner, after election, and before entering on the duties of their offices, shall take an oath before a justice of the peace to perform the duties of mayor or commissioners for the town, truly and impartially and according to their best skill, judgment and ability, and they shall hold their offices until the next election, and until their successors are qualified.

Penalty for officers elect failing to qualify and act.

Sec. 17. That any person elected mayor or commissioners who shall refuse to qualify and act as such shall forfeit and pay, to the equal use of the town and of him who shall sue therefor, twenty-five dollars.

Mayor constituted an inferior court.

Jurisdiction.

Sec. 18. That the mayor of said town is hereby constituted an inferior court, and as such shall, within the corporate limits of said town, have all the powers, jurisdiction and authority of a justice of the peace to preserve and keep the peace, to issue process, to hear and determine all causes of action which may arise upon [under] the ordinances and regulations of the town, to enforce penalties by issuing execution upon adjudged violation therefor, and to execute the by-laws, rules and regulations made by the board of commissioners; the mayor shall further be a special court within the corporate limits of the town to arrest any and all persons who are charged with misdemeanor for violating any ordinance of the town, and if the accused be found guilty he shall be fined, at the discretion of the mayor or court, not exceeding the amount specified in the ordinance or ordi-

Special court.

nances so violated, or, at the discretion of the mayor or court trying the same, such offender may be imprisoned not more than thirty days in the common jail of the county, or fined not exceeding fifty dollars. If the accused be dissatisfied with the judgment of the mayor or court he may appeal to the proper court in like manner as prescribed for appeals from judgments of a justice of the peace. The fees of the mayor shall be as follows: for every warrant issued by him, for the recovery of any penalty, or for other cause of action, fifty cents; for every judgment rendered thereon, one dollar, to be taxed among the costs; of every warrant issued by him as mayor to apprehend an offender against the criminal laws of the state, under which he may be arrested and recognized to appear before a court of record, one dollar, to be taxed among the costs on submission or conviction of the offender; for the use of the town seal for other than town purposes, fifty cents; for every certificate for other than town purposes, twenty-five cents; for all other purposes, the same fees as are allowed to justices of the peace; and the mayor shall have power to probate conveyances in like manner as a justice of the peace, and with like fees.

Appeal.

Fees of mayor.

May probate conveyances.

Precepts of mayor.

Sec. 19. That the mayor may issue his precepts to the town marshal, who may execute the same any where in Pamlico county, or to such other officers as a justice of the peace may direct his precepts. An endorsement by the mayor of the names of witnesses upon a summons or warrant shall be authority for the officer to execute the same.

Record to be kept by mayor.

What to contain.

Sec. 20. That the mayor shall keep faithful minutes of the precepts issued by him, and of all his judicial proceedings; the judgments rendered by him shall have all the force, virtue and validity of judgments rendered by a justice of the peace, and may be executed and enforced against the parties in the county of Pamlico and elsewhere, in the same manner, and by the same means, as if the same had been rendered by a justice of the peace of Pamlico county.

Office of mayor.

Duties.

Sec. 21. That the mayor shall keep his office in some convenient part of the town. He shall perform all the duties as shall, from time to time, be prescribed, and, when present, shall preside at all meetings of the board of commissioners, and shall have the deciding vote in case of a tie; but he shall vote on no other case. If he shall be absent the board may appoint one of their number *pro tempore* to exercise the duties of the mayor, to act during his absence.

Mayor *pro tem.*

Secretary and treasurer, marshal, &c.

Sec. 22. That the mayor and commissioners shall, at their first regular meeting, appoint a secretary and treasurer, a

marshal, and any other officers they may think necessary, who shall receive such compensation for their services as the board may determine.

Meetings of commissioners.

Sec. 23. That within five days after their election the board of commissioners shall convene for the transaction of business, and shall then fix stated days of meeting for the year. A special meeting may be called by the mayor, or a majority of the commissioners, whenever it seems advisable, and the board may fix a fine or penalty for the non-attendance of any member thereof, and such fine or penalty shall be recovered as other fines and penalties for breaches of the town ordinances.

Ordinances.

Sec. 24. That the board, when convened, shall have power to make and provide for the execution of such ordinances, by-laws and regulations for the better government of the town as they deem necessary; *Provided*, the same be allowed by the provisions of this act, and be consistent with the laws of the state.

Constable to be *ex officio* tax collector.

Sec. 25. That by virtue of his office the town constable or marshal shall be tax collector, unless the board shall order otherwise, in which event they shall appoint some person to such office. The town tax collector shall have the same powers, and be subject to the same penalties, in collecting the town taxes as sheriffs or tax collectors have in the collection of state and county taxes.

Powers, &c.

Powers of constable.

Sec. 26. The town constable or marshal is empowered to serve papers and make arrests anywhere in Pamlico county, the same as within the town limits of Vandemere. It shall be his duty to preserve the peace and good order of the town, and to do so he shall have power and authority to arrest, without warrant or other process, all disorderly persons, or any other person or persons violating any by-laws, ordinances or regulations of the town, or attempting to escape; and, if within the hours of seven a. m. and nine p. m., take such unruly person or persons forthwith before the mayor to answer for such violations and disorderly conduct; but if such arrest be made at other time than that above mentioned, then the person or persons so arrested shall be taken to the lock-up or jail and be safely kept until such hour on the following day, at the earliest moment, as the mayor may set for the hearing. Any person who may be so intoxicated as to be incapacitated for trial, or who may be otherwise incapacitated, shall be locked up and safely held until they have become duly sober, or in proper condition for trial. The town marshal shall do any other duties that may be prescribed by the board, who shall fix the compensation of such services.

Taxation.

Sec. 27. That the board of commissioners shall have power to regulate the manner in which taxes shall be collected and the property of the citizens of the town shall be listed. They may also, at their discretion, exempt any manufacturing establishments already in existence, or contemplating erection, from town taxation for any length of time not exceeding thirty years.

May exempt factories from municipal tax.

Taxes.

Sec. 28. That in order to raise a fund for the expenses incident to the government of said town, the commissioners may annually levy and collect the following taxes, viz.:

(1.) On real and personal property, moneys, credits, investments, *et cetera*, which the owner is required to list for state and county taxes, in the town, a tax not exceeding ten cents on every hundred dollars' worth of property.

(2.) On all taxable polls, a tax equal to the present constitutional limit on all who may be resident in the town on the first day in April in each year, or who may have been so resident within sixty days next preceding that day, not exceeding one dollar and a half.

Taxes, how collected.

Sale.

Sec. 29. That if any person liable for taxes on subjects determined to be liable shall fail to pay them within the time prescribed for collection, the collector shall proceed forthwith to collect the same by distress and sale, after public advertisement in three public places, for ten days if the property is personalty, and if real estate, for twenty days; and when the tax due on any lot, or other lands (which is hereby declared a lien on the same), shall remain unpaid on the first day of January, and there is no other [property] visible but such lot or land of the person [in] whose name listed, liable to distress and sale, known to the collector, he shall report the fact to the board, with a description of the real estate, and thereupon the board shall direct the same to be sold upon the premises by the collector, after advertising as above; when the collector shall divide the said lands into as many parts as may be convenient (for which purpose he may employ a surveyor), and shall sell as many thereof as may be required to pay all taxes and expenses attendant thereon. If the same cannot be conveniently divided the collector shall sell the whole, and if no person will pay the whole of the taxes and expenses for the whole land, the same shall be struck off to the town, and if not redeemed, as hereinafter provided, shall belong to the town in fee.

Land to be divided for sale.

Nuisances.

Sec. 30. That the board may require and compel the abatement and removal of all nuisances within the town at the expense of the person causing the same, or the owner or the tenant of the grounds on which the same may be; they may

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

Streets.

Sec. 31. That the board of commissioners of the town of Vandemere shall have power, whenever they deem it necessary or to the interest of the town, to lay out or open new streets, or to widen, enlarge, change, extend or discontinue any street or streets, or any part thereof, within the corporate limits of said town; and shall have full power and authority to condemn, appropriate or use any land or lands necessary for the purpose named in this section, upon making reasonable compensation to the owner or owners thereof; and in case the owner or owners and the commissioners cannot agree as to the damages, then the matter shall be referred to arbitration, each party choosing one, who shall be a freeholder and citizen of said town. But if the owner or owners of the land shall refuse to choose such arbitrator within two days after notice, then the board shall select one in his stead for him; and in case the two chosen aforesaid cannot agree, they shall select an umpire within two days after their appointment; and if they cannot agree on the third man within said time, then the board may also appoint the third man. It shall be the duty of the arbitrators aforesaid to meet on the premises or land to be condemned and assess the damages that the owner, or owners, may sustain by reason of such condemnation, deducting, however, from the same the estimated value of the improvement that may accrue to the premises by the opening or improvement of the street, or the changing or discontinuing of the same. The owner, or owners, shall have at least ten days' notice of the condemnation for the purpose of appointing his arbitrator, said notice to be served by the town marshal, or any other person authorized to serve notices. In case the arbitrators, after the selection of the third man aforesaid, cannot agree as to the damages, then the opinion of any two shall prevail and be returned as the award of the arbitrators. The arbitrators shall return a report of their valuation to the board of commissioners, who may confirm the same, and after the confirmation of the same shall cause the same to be entered on their minute book; and the said report, so confirmed, shall be in all respects the same as a judgment against said town; and said confirmation shall be a complete, perfect appropriation of said land or lands for said purposes; *Provided, however*, that the owner, or owners, if dissatisfied with the report of the arbitrators, may, if the same be confirmed, appeal to the next term of the superior court of the county,

Condemnation of land.

Appeal.

where the same may be heard anew as to the amount of damages sustained; but the said appeal shall not have the effect of staying the proceedings for making the desired improvement; and all damages agreed on by the commissioners, or awarded by the arbitrators, shall be paid, as other liabilities of the town, by taxation.

Bonds of officers.

SEC. 32. That all officers who may be intrusted with the funds of the town may be required to give bond in such sum as the board may require.

Penalties, how recovered.

SEC. 33. That all penalties imposed relating to the town, or by this act, by any ordinance of the town, unless otherwise provided, shall be recoverable in the name of the town of Vandemere before the mayor or any tribunal having jurisdiction thereof.

Limitation as to penalties.

SEC. 34. That the board of commissioners shall not have power to impose, for any offense, a larger penalty than fifty dollars, nor a greater fine than fifty dollars, nor longer punishment than thirty days, unless the same be expressly authorized; and from any judgment of the mayor for any fine, penalty or imprisonment which is imposed, or allowed to be imposed by this act, or for any other cause of action herein allowed, the party dissatisfied may appeal, in like manner and under the same rules and regulations as are prescribed for appeals from the judgment of a justice of the peace, to the superior court.

Appeal.

Imprisoned in county jail.

SEC. 35. That every imprisonment or commitment, by virtue of this charter, shall be in the public jail of the county; *Provided, however*, that the mayor may, if he thinks proper, order the commitment to be in the town lock-up.

Proviso.

Fines, &c., to be worked out on streets.

SEC. 36. That in all cases where judgment may be entered against any person or persons for fines or penalties according to the laws and ordinances of the town, and the person or persons against whom the same is adjudged refuses and is unable to pay such judgment, it may and shall be lawful for the mayor to order and require such person or persons so convicted to work on the streets or public works till, at fair rates of wages, such person or persons shall have worked out the full amount of judgment and all the costs of suit.

Public streets.

SEC. 37. That all the streets in said town, except Mill street, Second street, and Main street from Bay river to Second street, which are hereby discontinued, shall be, and are hereby, declared to be public streets.

Temporary officers.

SEC. 38. That until the election provided for in section seven of this act, U. C. Holton shall be mayor, and J. H. Edwards, D. H. Abbott, J. L. Jones, John Morris and Charles Griggs shall be commissioners.

Sec. 39. That the commissioners shall have power to work the streets in said town under the state laws for working public roads, if they so elect. Streets, how worked.

Sec. 46. That this act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1895.

CHAPTER 312.

An act to incorporate the town of Spencer Mountain Mills.

The General Assembly of North Carolina do enact:

Section 1. The town of Spencer Mountain Mills, in the county of Gaston, be, and the same is hereby, incorporated by the name and style of the town of Spencer Mountain Mills, and it shall have the benefit of and be subject to all the provisions of the law now existing in reference to incorporated towns, as set forth 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 incorporate limits of the said town shall be as follows: one-half mile north, and south, and east, and west from said Spencer Mountain Mills. Corporate limits.

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 in towns in North Carolina. Officers. Election.

Sec. 4. That until their successors are elected and qualified the following persons shall be the officers of said town, viz.: mayor, W. H. Proctor; commissioners, John Love, Henry A. Thomas, J. H. Wilson, Jr. Temporary officers.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 313.

An act to incorporate Friends' Orphanage, in Guilford county.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That Allen J. Tomlinson, chairman, Alice K. King, secretary, Anna F. Tomlinson, treasurer, Rufus P. King, Henry Beeson, Joel G. Anderson, J. W. Burton, Joseph Potts, B. F. Blair, Rachel Blair, Elihu E. Mendenhall, A. M. Briggs, F. S. Blair, Abegail N. Mendenhall, trustees, and their associates and successors, are hereby incorporated a body politic and corporate for charitable purposes, under the name and style of "Friends' Orphanage," in the county of Guilford, and state of North Carolina, and as such shall have all the rights and powers of like institutions, and may sue and be sued, plead and be impleaded.

Body politic.

Corporate name.

Corporate powers.

Vacancies in trustees.

Sec. 2. That all vacancies occurring in said board of trustees, from whatever cause, shall be filled by appointment of the remaining members.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 314.

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

The General Assembly of North Carolina do enact:

Incorporated.

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

Corporate name.

Diplomas.

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

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 315.

An act for the relief of Green Cauble, an ex-Confederate soldier, of Rowan county.

The General Assembly of North Carolina do enact:

Section 1. That Green Cauble, a blind ex-Confederate soldier, of Rowan county, be placed on the pension roll, in the fourth class. Green Cauble, a fourth class pensioner.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 316.

An act to construct a turnpike from the Rutherford county line at Paris Gap, to the Buncombe county line in Hickory Nut Gap, in Henderson county.

The General Assembly of North Carolina do enact:

Section 1. That Joseph A. Williams, Marcus L. Williams, Joseph L. Freeman and Jerome B. Freeman, of the county of Henderson, their associates, successors and assigns, be, and they are hereby, created a body corporate for the purpose of constructing and keeping in repair the turnpike road leading from the Rutherford county line at Paris Gap, to the Buncombe county line at the Hickory Nut Gap, known as the Hickory Nut Gap road, in Henderson county, with all the powers, privileges, emoluments and liabilties conferred upon and by the original incorporators and their associates, ratified on the eleventh day of January, one thousand eight hundred and forty-one (1841), by the general assembly of North Carolina. Incorporators. Body corporate. Object. Corporate powers.

Sec. 2. That the said Joseph A. Williams, Marcus L. Williams, Joseph L. Freeman and Jerome B. Freeman, their successors and assigns, be, and they are hereby, required to keep the said turnpike in good condition, under the pains and penalties of the law; and the said Joseph A. Williams, Marcus L. Williams, Joseph L. Freeman and Jerome B. Freeman, their associates and assigns, shall have power to erect a gate on any part of said turnpike, and collect the following rates of toll, not to exceed the following sums, to-wit: all market or pleasure wagons Duties and powers.

for two horses or more, without springs, twenty (20) cents; all one-horse pleasure or market wagons, without springs, ten (10) cents; all single-seated buggies, fifteen (15) cents; and double-seated buggies, carriages, or other vehicles drawn by two or more horses, twenty-five (25) cents; loose stock, such as horses, cattle, hogs, sheep, etc., three (3) cents each; single horseman, ten (10) cents; *Provided*, that no toll shall be charged for traffic in the settlements' milling, church-going, plantation work, etc.

Corporate existence.

Sec. 3. That the said Joseph A. Williams, Marcus L. Williams, Joseph L. Freeman and Jerome B. Freeman, their successors and assigns, shall have the power, authority and privileges herein granted them for the term of twenty (20) years.

No toll unless road in good repair.

Sec. 4. That when said road shall not be in good repair, then the supervisor of Edneyville township, in Henderson county, shall have the power to open said gate, and it shall not be closed for the purpose of charging toll until said road shall have been put in good repair.

Misdemeanor to damage road or refuse to pay toll.

Sec. 5. Any person or persons who shall wilfully damage said road or gate, or refuse to pay the toll specified in this act, shall be guilty of a misdemeanor, and fined not less than five dollars ($5) nor more than twenty dollars ($20), at the discretion of the court.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 317.

An act to incorporate "The High Shoals Company."

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That D. A. Thompkins, R. M. Miller, Jr., and Paul Bigelow, of Charlotte, North Carolina, and all other persons and corporations who shall become 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 style of "The High Shoals Company," by and under which name the said corporation may contract and be contracted with, may have and use a common seal, and may sue and be sued, plead and be impleaded, appear, prosecute and defend actions or suits in any court whatsoever.

Body politic.

Corporate name.

Corporate powers.

Sec. 2. That the said corporation shall have perpetual succession, and shall have and enjoy all the rights, privileges, liberties, immunities, franchises and powers hereby expressly granted; also all those incidental thereto, or appertaining in law to all corporate bodies, and not forbidden by the constitution and laws of this state and of the United States. Corporate powers.

Sec. 3. That said corporation is hereby authorized and empowered to engage in and carry on the business, in all its branches, of manufacturing and selling cotton goods and woolen goods, either or both, of all descriptions whatsoever; also any and all goods, ware and merchandise of any and every kind or description, manufactured in whole or in part from either cotton, wool, jute, hemp, flax, leather, paper, wood, iron, stone, clay, slate, or other material whatsoever. And the said corporation may, at its will or pleasure, buy and sell and deal in goods, wares and merchandise of any and every kind; and may erect, own, operate, or cause to be operated, flouring mills, grist mills, for grinding wheat, corn and other grains, saw-mills, workshops and machine-shops, for sawing lumber and producing machinery, tools and implements of any and every kind, and warehouses, stores, or other premises, and may maintain them in such manner as may be necessary for the transaction of all business connected with the purposes so recited. Corporate powers. Manufacturing. Flouring mills, &c.

Sec. 4. That the said corporation is hereby authorized and empowered to purchase, lease or otherwise acquire lands, tenements and hereditaments, and hold the same to its successors and assigns; to erect and maintain thereon all kinds of mill buildings, workshops, warehouses, stores, dwelling houses, roads, bridges, canals, and such other works as may be required to carry out any or all of the branches of said business; to build and construct railways, tramways or dummy-lines, and to operate the same with such motive power as may be deemed best, and in such directions as may be advisable in the conduct and management of its said business; to lay off its lands into lots, and to sell and convey, lease and donate the same, or any part thereof, to individuals or other corporations in as full and ample manner as citizens of the state may do. Corporate powers. Real estate. Railways, &c.

Sec. 5. That the 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, or any of its tributaries, in the counties of Gaston, Lincoln and Mecklenburg, in the state of North Carolina, for the purpose of developing and utilizing water power; to build, construct and maintain such canals, bridges, aqueducts, water-ways, waste-ways, wells and Corporate powers. Dams. Canals, &c.

reservoirs as shall be necessary for its mills, factories, water systems, power plants or other works, and for any purpose found necessary or expedient; to build, maintain and operate one or more plants, at one or more places, for making electricity; to construct, maintain and operate, either above or under ground, suitable wires, conductors or rods for the purpose of conducting or transmitting electricity to any city or town in the state in order to furnish light to such city or town, or power to other persons and corporations for the purposes of manufacturing, or any other purpose for which electricity may be used; to manufacture, produce, lease and sell light, heat and power made from or by the use of electricity, steam, water, gas or other product or material, or a combination of any products or materials for any and all of said purposes. And the said corporation shall have full power to engage in and carry on 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 market; to erect such mills, machine-shops, stores, dwellings, and other works as may be required to carry on such business, and to lay out, construct and operate such roads, bridges, tramways or railways as may be necessary or convenient for transportation to any point on the line of any railroad or water course, or between two or more parcels of the property of said corporation.

Electricity.

Mining.

Sec. 6. That whenever it shall become necessary or expedient to have and use, or to go over or through, any lands in this state in the building and operation of any such roads, bridges, railways, tramways, aqueducts, or electric wires and conductors, or in developing and utilizing the water-power of said river or rivers, whether for the construction of its dams, wasteways and canals, on either or both sides of said river or rivers, or for its rights of way, reservoirs and power plants, stations, standpipes and mains, or in furtherance of any of the purposes of this act, whether said lands be situated within or without the limits of an incorporated town or city, the said corporation, its officers, agents or employees, may enter upon the lands of other persons or corporations so found to be necessary for the purposes of its incorporation, and in case a price for said lands, or right of way therein, cannot be agreed upon, the said corporation or the owners of the property to be 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 condemn such land as may be found necessary to carry out the purposes of the said corporation, and

Condemnation of land.

to assess the damages accruing to such land-owner, whereupon said clerk shall, after notice of ten days duly served on the adverse party or parties, appoint a jury of three discreet persons, qualified as jurors, to report upon such issue and assessment of damages; and within thirty days thereafter said jury shall make such assessment, and file their report with the said clerk of the superior court, who shall, if no exceptions thereto be filed by any party interested in such land within ten days after notice of the report, confirm the same in all respects, and render judgment vesting title to such land in said corporation, upon its payment of any and all damages assessed. If exceptions be filed to any such report by an interested party, the said clerk shall hear and pass upon the same and render judgment; and, in either case, if an interested party should be dissatisfied with such judgment, then, in such case, the party so dissatisfied may appeal to the superior court, in term time, in like manner as in all appeals from the clerk; *Provided*, however, that all actions or proceedings against said corporation for damages shall be commenced by the land-owner in such cases within two years after occupancy by the corporation, and not afterwards.

Appeal.

Proviso.

Sec. 7. That the capital stock of said corporation shall not be less than one hundred and fifty thousand dollars nor exceed three millions of dollars; but said corporation shall have the authority to organize and transact business whenever fifty thousand dollars of its capital stock shall have been subscribed for and paid up in any kind of property, or when property to the amount of fifty thousand 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. Such 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, casements, 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 three millions of dollars is reached, and be retained or decreased as the stockholders may deem proper.

Capital stock.

Organization.

Stock non-assessable.

Transfer of stock.

Increase of stock.

Sec. 8. That the principal place of business shall be at or near "the high shoals," on a branch of Catawba river, in Gaston county, North Carolina, but said corporation shall have the

Place of business.

right to hold its annual or other meetings in the city of Charlotte, or such other places in North Carolina as may be deemed most convenient by the stockholders of said corporation.

Taxation.

Sec. 9. That all the property of said corporation shall be liable to an *ad valorem* tax, including shares of stock belonging to its stockholders, and said property, including such shares of stock, shall be listed and given in by the proper officers of the corporation and assessed for taxation in the county where the real estate or plant may be situated, and shall not be liable for taxation elsewhere; and in case said corporation establishes manufacturing plants in more than one county, the amount of stock shall be listed by the proper officers of the corporation *pro rata*, estimated according to the value of such plant or plants, in the respective counties.

Property, how listed.

Officers.

Directors.

Sec. 10. That the affairs of said corporation shall be managed by a president or vice-president, and a board of directors, and the persons named in the first section of this act are hereby constituted provisional directors of the corporation, of whom a majority shall constitute a quorum, and they shall hold office as such directors until the first election of directors under the provisions of this act, and shall have power forthwith to open stock books and procure subscriptions of stock in said corporation; and as soon as shares to the amount of fifty 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 ten days' notice in writing to the subscribers of the time and place and purpose of the meeting. At such meeting the stockholders may choose not more than five nor less than three persons from among the stockholders as directors of the corporation, three of whom shall always constitute a quorum. The stockholders 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

Books of subscription.

First meeting.

Meetings.

Vacancies in directors.

Stock vote.

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. Proxy. 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. By-laws.

Sec. 11. That the stockholders shall not be individually or personally liable for any of the contracts, obligations, indebtedness, defaults or trusts of the corporation, and no stockholder shall be liable to pay for more stock than he subscribed for. Non-liability of stockholders.

Sec. 12. That the board of directors, at their first meeting, and annually thereafter, shall elect from among their number a president and one or more vice-presidents. They shall also elect a secretary and treasurer, and shall have the right to designate his salary and term of office, and may require of him a satisfactory bond. A failure to elect directors at the proper time shall not have the effect to dissolve the corporation. Election of officers. Failure to elect directors not to dissolve corporation.

Sec. 13. That a copy of any by-laws or regulations 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. By-laws to be evidence.

Sec. 14. That nothing in this act shall be construed to infringe upon or impair any rights, privileges or franchises heretofore granted and now in force. No other rights, &c., hereby infringed upon.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 318.

An act to amend chapter three hundred and ten (310), private laws of one thousand eight hundred and ninety-three (1893), and to extend the time for commencing work.

The General Assembly of North Carolina do enact:

Section 1. That the time for commencing work on the Thomasville, Yadkin & Pee Dee River Mining, Manufacturing, Railway, Electric Light and Power Company, hereafter to be known as the North Carolina Power Company, is hereby extended for two years. Chapter 310, private laws 1893, (charter of Thomasville, Yadkin & Pee Dee River Mining, &c., Co.,) amended.

Change in incorporators.

Sec. 2. That after the word "and" in section one, line one, of said act, the name "H. C. Thomas" be stricken out, and the name "J. F. Westmoreland" be substituted; also, after the word "Delaware" in said section, line two, the words "N. Allen Stockton, of Montgomery county, Pennsylvania" be stricken out, and the words "Robert M. Douglas, of Guilford county, North Carolina" be substituted; also, after the word "of" in said section, line eight, the words "Thomasville, Yadkin & Pee Dee River, Mining, Manufacturing, Railway, Electric Light and" be stricken out, and the words "North Carolina" be substituted; *Provided*, that this change of name shall not alter the effect and intent of the original act.

Change of name.

Proviso.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 319.

An act to incorporate Mount Pleasant Baptist church, in Cleveland county, North Carolina.

The General Assembly of North Carolina do enact:

Incorporators.

Body politic.

Corporate name.

Corporate powers.

Section 1. J. D. Simmons, T. M. Holland, J. R. Jolly and S. Young, 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 Mount Pleasant Baptist Church," in the county of Cleveland; and 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, of their successors in office, and other matters as are in force by the Baptist church.

Unlawful to sell, &c., liquors except for medicinal purposes within two miles of said church. Misdemeanor.

Sec. 2. That it shall not be lawful for any person to make, sell or give or dispose of spirituous liquors, except for medical purposes, at or within two (2) miles of the said Mount Pleasant Baptist church; and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall, for each offense, be fined not more than fifty dollars ($50), or imprisoned not exceeding thirty (30) days.

Drunkenness, &c., prohibited.

Sec. 3. That it shall be a misdemeanor for any one to exhibit themselves drunk in the limits of this corporation, or for any person to use loud or profane language, or loud indecent lan-

guage, or quarrel in an angry manner in the hearing of those assembled within the limits of this corporation for worship; and for every such offense, on conviction, the offender shall be fined not more than fifty dollars ($50), or imprisoned more than thirty days. Penalty.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 320.

An act to refund to C. H. Stonebanks taxes erroneously paid by him.

The General Assembly of North Carolina do enact:

Section 1. That, whereas, by a clerical error in the revenue law of one thousand eight hundred and ninety-three, the tax on billiard tables, under schedule B, was written seventy-five dollars ($75.00) instead of fifteen dollars ($15.00); and, whereas, it appears from the auditor's report and the sheriff's record that C. H. Stonebanks, of Wake county, paid one hundred and fifty dollars ($150.00) as taxes on two tables, the only taxes paid under this error, the treasurer be, and he is hereby, instructed to refund said amount on one hundred and fifty dollars, less the tax of fifteen dollars on each table. Preamble. Tax to be refunded.

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

Ratified the 9th day of March, A. D. 1895.

CHAPTER 321.

An act to incorporate the Marion, Linville Fall and Cranberry Turnpike Company.

The General Assembly of North Carolina do enact:

Section 1. That for the purpose of constructing a turnpike road from W. J. English's, in McDowell county, to Miller Gap, Mitchell county, North Carolina, the formation of a corporation, with a capital stock not exceeding twenty thousand dollars ($20,000), to be styled "the Marion, Linville Falls and Cranberry Turnpike Company," is hereby authorized. Incorporators. Capital stock. Corporate name.

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 Cranberry under the direction of any three of the following named persons, to-wit: C. H. Vinson, W. J. English, Theodore Franklin, J. M. Dugger, F. M. Clark, George R. Watkins, R. W. Brown and James G. Wiseman.

Shares of stock.

Sec. 3. That the capital stock of said association shall be divided into shares of ten dollars (10) each, and whenever one hundred (100) shares of such shares shall be subscribed on the books authorized to be opened for that purpose, the subscribers and their future associates are hereby declared to be a body politic and incorporate by the name and style of the "Marion, Linville Falls and Cranberry Turnpike Company," with all the rights, powers and privileges incident or belonging to corporations, as set forth and referred to in the chapter of The Code of North Carolina entitled "corporations."

Body politic. Corporate name.

Corporate powers.

Organization.

Sec. 4. So soon as one hundred (100) shares of the capital stock of the said corporation shall be subscribed, it shall be lawful for any three of the persons hereinbefore named to call a general meeting of such subscribers, by written notices issued at least two (2) 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 (5), and the directors who shall be chosen at such meeting, and at the subsequent annual meetings of the stockholders as they may be fixed by the by-laws of said corporation, shall elect one of their number president of said corporation; at said meeting, or at any subsequent meeting of the stockholders of said corporation, they may adopt all such by-laws as may be considered necessary for the good management of said corporation, and all matters not provided for by such by-laws shall be regulated and done as the board of directors shall from time order and elect.

Directors.

By-laws.

Payment of capital stock.

Sec. 5. That the board of directors may require payments of subscriptions to the capital stock of said corporation to be made in such instalments as they may think proper; and in case any subscriber shall pay in part of his subscription and fail to pay the remainder, after fifteen days' notice given in writing, the directors may sell his paid up stock by public auction, or so much thereof 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 shall be void and as though it had not been subscribed.

Stock in part unpaid for. Sale of stock.

Condemnation of land.

Sec. 6. That whenever any lands may be required for said turnpike, either for a roadway or toll houses, or other appurtenances thereto, and an agreement cannot be made with the

owner or owners of such lands, the company or owner may in writing apply to the clerk of the superior court of the county in which the land lies, to cause the damages of such owner, if any, to be assessed by three (3) 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 (5) 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 to act impartially, by some one authorized to administer oaths, 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 site or sites for a toll house or houses, not exceeding one acre of land to each, and assess the damage or damages, if any, to the owner or owners of the lands, taking into consideration any benefits or advantages to accrue to such owner or owners from the making of such road, and return their awards in writing, within ten (10) days, to said clerk; and said 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 (10) days after notice of such returns. If either party is dissatisfied with the award of the referees he or 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 constructing such turnpike road, or erecting a toll house or houses, as the case may be. Appeal.

Sec. 7. The said company are hereby authorized to erect a toll-gate across said turnpike, after it has been opened from W. J. English's to where it intersects the Morganton turnpike road, Linville Falls, and at such place to demand, recover and receive the following fare or toll each way: for four-horse or four-ox teams, thirty (30) cents; two-horse or two-ox teams, twenty (20) cents; two-horse buggy or hack, thirty (30) cents; one-horse buggy, twenty (20) cents; one-horse wagon, ten (10) cents; horse and rider, five (5) cents; loose horses, five (5) cents each; cattle, one (1) cent; sheep, half ($\frac{1}{2}$) a cent. Toll-gate. Toll.

Sec. 8. That after said turnpike is opened from where it intersects the Morganton turnpike, near Linville Falls, to Miller Gap, the said company may erect a second gate on that end, where the same fare or toll may be demanded, recovered and received as at the first. Second toll-gate.

Expenditure of tolls.

Sec. 9. The fare or toll received at the first gate shall be expended in keeping the toll-house, making and constructing the remainder of said turnpike, and keeping the tracts thus made in repair until the whole turnpike is completed from W. J. English's to Miller Gap; and after said road is thus completed the said company shall be authorized to declare dividends for the benefit of the stockholders.

Dividends.

Using road without paying toll.

Sec. 10. 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 corporation at an established toll gate, shall be guilty of a misdemeanor, and, on conviction before any justice of the peace of the county in which the offense was committed, shall pay a fine of not less than two (2) dollars nor more than five dollars, and upon failure to pay such fine, together with the cost of the proceeding against him, shall be imprisoned by the justice of the peace before whom the case was tried not less than five (5) days nor more than ten (10) days; all such fines as may be collected by virtue of the provisions of this section shall be paid over to said company.

Misdemeanor.

Application of fines.

Obstructing, &c., road.

Sec. 11. Any person who shall obstruct the road of said company, mutilate its sign boards, snake logs upon it, feed stock where their droppings or the waste from their food is left upon it, scotch a wagon with rock or timber and then drive on without removing such scotch or scotches from the road, or who shall damage the road in any way that would render travel less speedy, safe and comfortable, 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 in the discretion of the court.

Misdemeanor.

"Snake" defined.

Sec. 12. The word "snake" in the preceding section shall be construed to mean any manner of conveying timber whereby an entire log or one end of it is dragged on the ground.

Non-liability of stockholders.

Sec. 13. That the stockholders shall not be individually liable for the debts of the corporation.

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

Ratified the 9th day of March, A. D. 1895.

CHAPTER 322.

An act to amend chapter two hundred of the private acts of eighteen hundred and ninety-three, entitled an act to incorporate the North Carolina Savings Bank and Trust Company.

The General Assembly of North Carolina do enact:

Sec. 11, Chap. 200, private laws, 1893, (charter of North Carolina Savings Bank and Trust Co.) amended.

Section 1. That section eleven of said act be amended by striking out the second proviso thereof, to-wit: all following the word "purpose" in the fifth line from the end of said section.

May become surety for public officers, &c.

Sec. 2. That after the word "empowered" in said section eleven, there shall be inserted the words "to become surety for public officers;" and insert after the word "court," in the eleventh line of said section, the words "or other authorities entrusted with the duty of passing upon bonds on which said company shall offer to be surety or guarantee."

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

Ratified the 9th day of March, A. D. 1895.

CHAPTER 323.

An act to amend chapter one hundred and ninety-five of the private laws of eighteen hundred and eighty-nine, relative to the charter of Tarboro, North Carolina.

The General Assembly of North Carolina do enact:

Chap. 195, private laws, 1889, amended.

Section 1. That chapter one hundred and ninety-five (195) of the private laws of one thousand eight hundred and eighty-nine (1889), entitled an act to revise and consolidate the charter of the town of Tarboro, be, and the same is hereby, amended as follows: strike out the period after the last word of section five (5), and insert in lieu thereof a comma, and add to said section the following words: "and in the absence of the mayor, or his inability to act as such, from any cause, he shall appoint some one of the commissioners to act as mayor *pro tempore* until the next regular meeting of the board of commissioners, when, if the mayor is still absent or unable to act as such, the commissioners shall elect some member of the board as mayor *pro tempore.* The mayor *pro tempore* shall be vested with all the

How amended.

rights, duties and powers of mayor during his absence or his inability to act as such."

Sec. 26 of said chapter amended. How amended.

Sec. 2. That section twenty-six (26) be amended by striking out all after the word "suitable" in line five (5) thereof down to and including the word "peace" in line seven (7), and insert in lieu thereof the words "and the cost and expenses of such repairs shall be a lien on the property abutting said sidewalks and be added to the taxes that are due or may be due on said property and collected in the same manner said taxes may be collected, or by action in the superior court of Edgecombe county against the owner to foreclose said lien."

Sec. 3. This act shall take effect from and after its ratification.

Ratified the 13th day of March, A. D. 1895.

CHAPTER 324.

An act to incorporate the Grand United Order of Gallilean Fisherman.

The General Assembly of North Carolina do enact:

Incorporators.

Name.

Invested with rights of similar associations.

Object of association.

Section 1. That Jordan Thompson, C. C. Stewart, Samuel Gibson, Arther Eldridge and Jerry Hoffman, together with such other persons of the members of the "Grand United Order of Gallilean Fisherman" as they may associate with them, and their successors, be, and they are hereby, constituted a body politic and corporate by the name and style of the "Grand United Order of Gallilean Fisherman," of North Carolina, and by that name and style are hereby invested with all the rights and privileges conferred on associations of this character, with privilege of suing and being sued, pleading and being impleaded. The object of this association is to raise money for benevolent purposes for the benefit of its members.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 325.

An act to incorporate the Elon, Ossipee and Altamaha Railroad Company.

The General Assembly of North Carolina do enact:

Section 1. That James A. Williamson, L. Banks Holt, John V. Grant, William H. Williamson, Lawrence S. Holt, James H. Williamson, Jr., and such other persons as may become associates 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 Ossipee and Altamahaw Railroad Company;" and when organized hereinafter provided, said corporation may have and use a common seal, and sue and be sued in all the courts of the state by its corporate name, and shall be capable of purchasing, or acquiring by gift or devise, estate, real, personal or mixed, and of holding or leasing or selling the same as the interest of the said company may require, and may make and exercise all such by-laws and regulations for its government as shall be deemed necessary or expedient for that purpose; *Provided*, the same shall not be inconsistent with the constitution and the laws of the state or of the United States.

Incorporators.

Corporate name.

May hold property.

By-laws and regulations.

Proviso.

Sec. 2. That the said railroad company is hereby authorized and empowered to build, construct, maintain and operate a railroad with one or more tracks (and said railroad to be operated by either steam or electric power) from Elon College, in Alamance county, to Altamahaw in same county, with privilege of extending the road not over fifty miles in length.

Company may build and operate one or more tracks.

Motive power.

Termini.

Sec. 3. That the capital stock of said company shall be twenty-five thousand dollars ($25,000), with power to increase the same to one million dollars ($1,000,000) vested in the stockholders, in shares of the par value of one hundred dollars each, and shall be raised by subscription on the part of individuals or municipal or other corporations, and the said company may receive donations or assignments of property or securities, as well as contributions of labor, and subscriptions may be paid in money, labor, land, material, stocks, bonds, or in any way that may be agreed upon between the company and its subscribers, but no subscriber shall be responsible beyond the amount subscribed by him.

Amount of stock.

Shares of stock.

Sec. 4. That the books of subscription to the capital stock of said company shall be opened by the corporators aforesaid, and the said corporators, or a majority of them, may at any time after the sum of five thousand dollars has been subscribed to the capital stock of said railroad company and ten per centum

Subscription books for capital stock.

Organization, when it may be completed.

paid thereon, have power to call together the subscribers to the capital stock of said railroad company for the purpose of completing the organization of said company.

Stockholders' meetings, when held.

Directors.

Term of office.

Representation of stockholders in person or by proxy.

Directors to elect president and other officers.

By-laws, how altered.

Sec. 5. That said company shall hold a meeting of the stockholders at its organization, and annually thereafter. Five directors shall be elected by the stockholders to hold office for one year, and until their successors shall be elected, and in all such meetings of the stockholders the majority of all the stock shall be represented in person or by proxy, such proxy to be verified in a manner to be prescribed in the by-laws of the company, and each shall be entitled to one vote on all questions whatsoever. That it shall be the duty of the directors to elect one of their number president of said company, and to elect such other officers as shall be provided for in the by-laws of the company, and fill all vacancies which may occur in said board during the term for which it is elected; and any meeting of the stockholders shall have power to make and alter any by-law or by-laws as they may think best.

Certificates and transfer of stock.

Sec. 6. That said company shall issue certificates of stock to its members, and stock may be transferred in such manners as may be prescribed by the by-laws of the company.

Counties and townships may subscribe to capital stock.

Also cities and towns.

Other corporations.

Subscribers may borrow money on bonds, &c.

Sec. 7. That the commissioners of Alamance county, and of any other county or any township through which said railroad may pass, shall have full power and authority to make donations to the said company, or to subscribe to its capital stock, on behalf of the respective counties or townships, to the amount they shall be authorized by the said county or township respectively; and the authorities of all incorporated cities or towns, to the amount authorized by the inhabitants of such cities or towns respectively, and the authorities of any other corporation to such an amount as they may be authorized to do by their directors and members; and to enable them to borrow money to make such donations or subscription they may issue bonds or other evidences of debt; when such subscriptions are made they shall be as binding on the county, township, or other corporation making them, as individual subscription are upon those by whom made; and in all cases where a township shall make a supscription or donation the county commissioners shall be authorized to represent such township, and to make such subscription or donation when authorized by vote as herein provided.

County commissioners may represent township.

Sec. 8. That for the purpose of determining the amount of such subscription or donation, it shall be the duty of the county commissioners, in or through which the said railroad may be located, or which may be interested in the construction of

said road, or in which is situated the township in or through which the said railroad may be located or which may be so interested, or the municipal authorities of any city or town in or through which the said railroad may be located or which may be so interested, upon a written application of fifty resident freeholders of said county, city or township or town, specifying the amount therein to be subscribed or donated in bonds, to submit to the qualified voters of such county, township, city or town, as the case may be, the question of subscription to the capital stock of said railroad company, or donation to said company, as the case may be. The said county commissioners, or municipal authorities of such city or town, shall have the power, and it shall be their duty, to order an election to be held within sixty days, specifying the time, place and purpose of the election, notice of which for at least thirty days shall be given in some newspaper published or circulating in such county, township, city or town, and to provide for the holding of the same according to law; that at said election those who favor said subscription or donation shall vote a ballot on which is written or printed "for subscription" or "for donation," and those opposing a ballot on which is written or printed "against subscription" or "against donation," as the case may be.

When question of subscription to be submitted by county and municipal officers.

Election for subscription, when to be held.

Election, when to be held.

Order of election, what to contain.

Ballots, what to contain.

Sec. 9. That the commissioners shall have power to order a special registration for the election herein provided for, under the law governing elections, and they shall also appoint judges, etc., as provided in other elections.

Special registration.

Sec. 10. That when any township shall subscribe to the capital stock of, or make donation to, the said railroad company as provided in this act, the county taxes which shall be annually levied and collected upon the property and franchises of said railroad company in and for the county in which the said township is located, shall be applied to the payment of the interest on the bonds subscribed or donated, so long as the said interest may accrue, and the excess of the said taxes after paying said interest shall be applied to general county purposes; that when more than one township in a county shall subscribe or donate its bonds, as aforesaid, the said taxes shall be applied to the payment of the said interest on all of the said bonds *pro rata*.

Taxes of county on road where township subscribes to capital stock to be devoted to payment of interest on bonds of company.

Sec. 11. That in payment of any subscription or donation made as provided in section eight, the board of commissioners of the county wherein the 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

County commissioners to issue bonds for township subscriptions.

Bonds, what to express. When payable.

shall express on their face by what authority and for what purpose they are issued. They shall be made payable at such time as may be determined by the county commissioners or the authorities of such incorporated towns. Interest payable on the first day of January on 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.

Interest, when payable.

Sec. 12. That to provide for the payment of the interest of the bonds issued as aforesaid, and for their redemption at maturity, the board of commissioners of the county in which the township is situate, on account of which said bonds have been issued, shall, in addition to other taxes, compute and levy upon the proper subjects of taxation in such township a sufficient tax to pay the interest on said bonds and a certain amount of the amount of the principal thereof, which taxes shall be collected by the sheriff of such county under the same rules and regulations as are provided for collecting other taxes, and he and his sureties shall be liable to the same penalties, and subject to the same remedies, as are now provided by law for the faithful collecting and paying over the state and county taxes. The sheriff shall pay said taxes when collected to the treasurer of his county, who shall first pay the interest on said bonds, and the balance of the money shall be invested by him in the purchase of said bonds at a rate above par; *Provided*, if said county have no treasurer, then the sheriff shall retain the taxes in his hands for the performance of his duties hereinbefore required of the treasurer, which duties he shall perform instead of the treasurer.

Sinking fund to pay bonds.

Taxes for, how collectable.

Taxes paid to county treasurer, for what paid.

Proviso.

Township subscription bonds, how signed.

Sec. 13. The bonds issued under the provisions of this act to secure donations to said railroad company or subscriptions to its capital stock, by any township, shall be signed by the chairman of the board of county commissioners of the county in which said township is situated, and by the clerk of said board. The bonds issued by any town, under the provisions of this act shall be signed by the mayor and two commissioners of said town.

Town bonds, how to be signed.

Condemnation of land.

Sec. 14. That the said railroad company shall have the right to have land condemned for the right of way, and for necessary warehouses and buildings, according to existing laws, and shall also have full power and authority to sell or lease its road-bed, property and franchise to any other corporation or person, and to purchase or lease and hold the bonds or stock of any other railroad company in the state, or to consolidate with any other connecting line of railroad.

Company may sell, lease and hold stock and bonds of other companies. May consolidate with connecting lines.

Sec. 15. That said company shall be authorized to begin the

construction of said railroad at any point on the line projected for it, and may operate any portion of it when completed, and shall have exclusive right of transportation over the same. Road, when it may be begun.

Sec. 16. That said road or company shall have the right to build branch roads connecting with it or extend said road not exceeding fifty miles in length, and for this purpose shall have all rights and privileges conferred by this act. Branch road. Length of branch roads.

Sec. 17. That said company shall be authorized to borrow money for the construction and operation of said railroad, and for the purpose of this act, and to issue bonds for the amount so borrowed and to mortgage said road and the other property of said company to secure the payment of said bonds, principal and interest. May borrow money to construct and operate roads. May issue bonds.

Sec. 18. That said company shall be further authorized and empowered to extend the line of their road from Altamahaw or Elon College, as hereinbefore provided in section two, and with respect to such extension shall have and use the privileges, powers and immunities and be subject to the pains and penalties in this act hereinbefore provided. May extend line.

Sec. 19. That the name of this company may be changed by a vote of the majority of the stock voted at any annual meeting of its stockholders. Name, how changed.

Sec. 20. 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 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 lines of any other company or companies in this or adjoining states, and may lease, sell or rent this right, and any telegraph or telephone line constructed by the company, as on the judgment of the president and board of directors may be advantageous to the company; *Provided*, said coporation shall be subject to all the provisions of law in relation to freight and tariffs to be charged by same. Telegraph and telephone lines. Tariff on messages. May connect telegraph and telephone lines with other lines, and may lease, sell or rent lines.

Sec. 21. That the work on this road may begin within two years. Commencement of work on road.

Sec. 22. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed. Conflicting laws repealed.

Sec. 23. That this act shall take effect from and after its ratification.

Ratified the 13th day of March, A. D. 1895.

CHAPTER 326.

An act for the relief of C. B. Candler, former sheriff and tax collector of Madison county, North Carolina.

The General Assembly of North Carolina do enact:

Allowed to collect arrears of taxes for 1891 and 1892.

Section 1. That R. V. Ramsey, trustee of C. B. Candler, former sheriff and tax collector for Madison county, and the sureties in his official bond for the collection of state and county taxes, be, and is hereby, empowered to collect all arrears of taxes due the said C. B. Candler, sheriff and tax collector in the county of Madison, for the years one thousand eight hundred and ninety-one (1891) and one thousand eight hundred and ninety-two (1892), under such rules and regulations as are now or may be provided by law for the collection of taxes in Madison county, and state of North Carolina; *Provided*, that no person shall be required to pay any cost to the collector on the same, except the cost allowed by law for advertising: *And, provided further*, that no person shall be required to pay taxes, under the provisions of this act, who will make oath, before any one authorized to administer oaths, that the tax attempted to be collected has been paid.

No cost except for advertising.

No person shall be required to pay who will make oath that the taxes have been paid.

The authority to cease June 1st, 1896.

Sec. 2. That the authority hereby given for the collections of said arrears of taxes shall cease and determine on the first day of June, one thousand eight hundred and ninety-six.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 327.

An act to prevent owners of saw-mills from dumping or in any way putting sawdust in the waters of Drowning creek, or any of its tributaries or eddies, in the counties of Moore, Montgomery, Richmond, Cumberland and Robeson.

The General Assembly of North Carolina do enact:

Persons forbidden to put sawdust in Drowning creek in certain counties.

Section 1. That it shall be unlawful for any person, firm or corporation to dump or in any way put any sawdust from any mill, either run by water or steam, in the waters of Drowning creek, or any of its tributaries or eddies, in the counties of Moore, Montgomery, Richmond, Cumberland and Robeson.

Sec. 2. That any person, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof before a court of competent jurisdiction, shall be fined or imprisoned, or both, at the discretion of the court. Misdemeanor. Penalty.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 328.

An act for the relief of Knights Giblem Association.

Whereas, heretofore application was duly made to the clerk of the superior court of New Hanover county by certain persons, under the provisions of chapter twenty-six (26), Battle's Revisal, and the amendments thereto, to be incorporated under the name of the Knights of Giblem Association, and the fees and costs required by law were duly paid to said clerk upon said application; and,

Whereas, the said application is on file in the office of said clerk but the same was not recorded and the notice thereof published as required by law, but the said applicants proceeded to organize and have acted as a corporation for many years, believing themselves duly authorized so to do, and have issued stock and acquired property as a corporation,

The General Assembly of North Carolina do enact:

Section 1. That the said applicants, and their successors, are hereby declared to be a corporation under the laws of North Carolina, and all acts heretofore done by them, and all proceedings had by them, which might lawfully be had and done by any corporation established under the general corporation laws of the state, are hereby declared to be valid, and they are hereby invested with all the rights, duties and privileges appertaining to such corporation. Applicants and successors to be a corporation. Acts done by corporation valid.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 329.

An act in regard to the execution of bonds and other instruments by corporations, and to allow them to become guardians, and to accept other trusts.

The General Assembly of North Carolina do enact:

Certain official bonds may be executed by corporations as surety.

Section 1. That whenever, by the laws of North Carolina, or by the regulation of any board, body or organization in this state, any bond, recognizance, obligation or undertaking is required of, permitted to be made, given, tendered or filed by any sheriff, clerk of a court, register of deeds, tax collector, treasurer, constable or coroner, mayor, clerk, policeman, weigher or standard-keeper of any county, city, town or township in this state, or by any trustee, receiver, guardian, administrator, executor, assignee or any other fiduciary, and party to a civil action or proceeding, either for the prosecution thereof or for any other purpose whatsoever in the course of the action, or by any officer of any town or city, conditioned for the doing or not doing of anything, in such bond, recognizance, obligation or undertaking specified, any and all clerks of the superior courts, municipal officers, boards, courts and judges, now or hereafter permitted to accept, approve or pass upon the sufficiency of such bond, recognizance, obligation or undertaking, shall accept such bond, recognizance, obligation or undertaking, and approve the same, whenever the same is executed or the conditions thereof are guaranteed by a corporation of this or any other state, which corporation under its charter is authorized to act as guardian or other trustee, or to guarantee the fidelity of any persons holding places of public and private trusts, and to guarantee the performance of contracts, other than insurance policies, and to execute and guarantee bonds and undertakings required or permitted in actions or proceedings, or by law allowed; whenever such bond, recognizance, obligation 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 of the performance of the condition thereof, shall be sufficient when executed or guaranteed solely by such company so authorized, and shall be in all respects a full and complete compliance with every requirement of every law, rule and regulation that such bond, recognizance, obligation or undertaking shall be executed by one surety or two sureties, and that such surety or sureties shall be residents or freeholders, and such bond, recognizance, obligation or undertaking shall be accepted

Insurance policies excepted.

Prosecution bonds and undertakings may be given by companies.

and approved when executed by such company; *Provided*, the clerk of the superior court may have discretion as to the acceptance of any bond on which said company or companies may become sureties on the bonds of guardians, executors, administrators, assignees or other fiduciary, or any party to a civil action or proceeding. All such corporations are hereby vested with full power and authority to execute or guarantee such bond, recognizance, obligation or undertaking, whether given under the laws of this state or the United States, or any other state or country.

Superior court clerk may pass on such bonds in certain cases.

Sec. 2. That before any such corporation shall be authorized to execute such bond, obligation or undertaking, it shall appoint and keep a general agent resident in North Carolina, upon whom all service of process and notice may be made, and it shall exhibit to the secretary of state a full statement of its assets and liabilities; and the secretary shall examine into the solvency of said corporation, and shall, if he deem it necessary, at the expense of such corporation, cause an examination to be made, at the home office of such corporation, of its assets and liabilities. This examination shall be made, from time to time, whenever the secretary of state shall deem it necessary. After such examination shall have been made, the certificate of the secretary of state that the said corporation is solvent to an amount not less than one hundred thousand dollars shall be, and the same is, until such certificate is revoked by him, hereby made equivalent to the jurisdiction of sureties by law.

Corporations permitted to execute bonds, &c., must keep a general agent in the state upon whom service of process may be made.

Statement of assets to be made to secretary of state.

Corporation pays for examination.

How often examinations to be made.

Certificate of secretary of state as to solvency.

Sec. 3. That any corporation licensed by the secretary of the state, as aforesaid, may be guardian, trustee, assignee, receiver, executor or administrator in this state without giving any bond; and the clerks of the superior courts, or other officers charged with the duty, or clothed with the power of making such appointments, are hereby authorized to appoint such corporation to any such office, whether the said corporation be a resident of this state or not.

Corporations licensed by secretary of state may be guardian, &c.

Officers authorized to appoint corporation to office of guardian, &c.

Sec. 4. Any company executing such bond, obligation or undertaking may be released from its liability or security on the same terms as are or may be by law prescribed for the release of individuals upon any such bonds, obligations or undertakings.

Release of corporations.

Sec. 5. Any company which shall execute any bond, obligation or undertaking under the provisions of this act shall be estopped, in any proceeding to enforce the liability which it shall assume to incur, to deny its corporate power to execute such instrument or assume such liability.

Execution of bond by corporation estops denial of liability.

Sec. 6. For the license required in section two of this act,

Fee to be paid secretary of state for license. Fee to be paid treasurer for school purposes.

Clerks of superior court to be notified of license.

If licensed corporation insolvent, license revoked. Clerks to be notified of revocation

the corporation receiving the same shall pay to the secretary of state a fee of one hundred dollars, which shall be by him paid to the state treasurer for the benefit of the public school fund of the state; and the secretary of state shall immediately notify the clerk of the superior court of each county of such company as may have been licensed under this act. Whenever the secretary of state shall be satisfied that any corporation licensed by him, as aforesaid, has become insolvent, or is in imminent danger of insolvency, he shall revoke the license granted to it and notify the clerk of the superior court of each county of such revocation; and, after such notification, the right of said corporation to hold any office or be surety on any bond, as hereinbefore permitted, shall cease.

Sec. 7. That chapter four hundred and thirty-one of the laws of one thousand eight hundred and ninety-one, and chapter three hundred of the public laws of eighteen hundred and ninety-three, and all other laws, or clauses of laws, in conflict with this act, or inconsistent with the letter or spirit thereof, are hereby repealed.

Conflicting laws repealed.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 330.

An act to amend the charter of the city of Goldsboro, Wayne county, North Carolina.

The General Assembly of North Carolina do enact:

Ch. 50, private act 1881, amended.

Section 1. That the private act of assembly passed March the third, eighteen hundred and eighty-one, chapter fifty, page seven hundred and fifty-one, incorporating the city of Goldsboro, Wayne county, North Carolina, be amended as follows:

Second section stricken out. Substitute.

Corporate limits defined.

Sec. 2. By striking out the second section of said act (chapter fifty, act of eighteen hundred and eighty-one) and substituting as follows: "The corporate limits of said city of Goldsboro shall be as follows: beginning in the centre of the main track of the Wilmington and Weldon railroad, five hundred and fifty (550) yards south of the south boundary line of Elm street in said city, and running thence south seventy-two degrees east thirteen hundred and sixty-five yards to a stake; thence north eighteen degrees east to Ash street, extended eastward; thence along said Ash street to Marsh branch, or big ditch; thence up

said branch to the center of the Atlantic and North Carolina railroad track; thence north eighteen degrees east one hundred and forty-five (145) yards to a stake, on or near said branch; thence north seventy-two degrees west to the centre of the Wilmington and Weldon railroad track; thence south eighteen degrees west along said track one hundred and seventy-five (175) yards; thence north seventy-two degrees west to a point intersected by the northern extension of the west boundary line of George street; thence north seventy-two degrees west two hundred and thirty (230) yards from said intersecting point to a stake; thence south eighteen degrees west to the southern boundary line of the old county road leading from Goldsboro to the old site of the town of Waynesboro; thence along the south line of said county road to the southeast intersection of Elm street and the new county road leading from Goldsboro to the covered bridge across Neuse river; thence from said intersection along the eastern line of said new county road two hundred and seventy-five (275) yards to a stake; thence south seventy-two degrees east to the centre of the main track of the Wilmington and Weldon railroad; thence south eighteen degrees west along said track to the beginning." In locating the above boundaries the courses shall be as they were in the year eighteen hundred and forty-eight (1848) disregarding any variation of the compass since that time. See acts eighteen hundred and forty-six and forty-seven (1846–47) chapter two hundred and one (201) page three hundred and forty-six (346); eighteen hundred and forty-eight and forty-nine (1848–49) chapter two hundred and thirty-two (232) page four hundred and fifteen (415); eighteen hundred and fifty-eight and fifty-nine (1859–59) chapter two hundred and twenty-one (221) page two hundred and ninety-nine (299); eighteen hundred and eighty three (1883) chapter ninety-nine (99) page eight hundred and twenty-six (826).

Third section, act 1881, stricken out.

City divided into two wards.

Wards defined.

Sec. 3. By striking out the third section of said act and substituting as follows: "That the city of Goldsboro be, and the same is hereby, divided into two wards, denominated the first and second wards, and that all that part of said city on the north side of Chestnut street, extending east and west, shall constitute the first ward, and all that part on the south side of said street, extended east and west, shall constitute the second ward."

Election of nine aldermen on 1st, Monday in May of each year.

Number of aldermen in each ward.

Sec. 4. By striking out the fourth section of said act and substituting as follows: "There shall annually, on the first Monday in May of each year, be elected nine aldermen for said city who shall hold their offices until their successors are qualified. The first ward shall have four aldermen, and the second ward shall have five aldermen. Such aldermen shall be residents of

Aldermen to be residents of wards. Cumulative suffrage.

the ward for which they are chosen, and shall be elected by the qualified voters of such ward by cumulative voting. Each voter in the first ward may vote four ballots for aldermen, on each of which ballots shall be written or printed the name of a candidate for alderman in said ward; all of said ballots may be for one candidate or for different candidates. Each voter in the second ward may vote five ballots for aldermen, on each of which ballots shall be written or printed the name of a candidate for alderman in said ward; all of said ballots may be for one candidate or for different candidates."

Section 6 amended.

Sec. 5. That section six be amended by inserting between the words "ward" and "his" in the fifteenth line the following: "after requested by the registrar."

Section 9 repealed. Substitute.

Sec. 6. That section nine of said act be repealed, and the following substituted: "That at said election for aldermen the qualified and registered electors of said city shall vote for and choose some person to be mayor of said city for twelve months and to hold his office until his successor shall qualify, and such mayor shall not be a member of the board of aldermen. He shall preside at the meetings of the board of aldermen and have the rights and powers and perform all the duties heretofore prescribed by law for such officers, and the judges or inspectors or registrar, provided in section seven of said act, shall have, open and hold a separate box for mayor at the time and place of said election for aldermen, and all the ballots cast for mayor, and none other, shall be deposited in said separate box, and the same shall be counted, tabulated, certified and returned by said judges and registrar as required by law in said election for aldermen.

Mayor, how to be elected. Term of office.

Duties of mayor.

Separate box for mayor.

Official delinquency a misdemeanor.

Penalty.

Sec. 7. That any officer in said city government who fails or refuses to discharge the duties of his office shall be guilty of a misdemeanor, and, upon conviction, shall be punished by fine or imprisonment at the discretion of the court.

Voting precincts.

Sec. 8. The wards of said city of Goldsboro shall be divided into voting precincts as provided in the election law passed at this session of the general assembly, and the polls shall be opened and held as near the center of the voting precinct in each ward as is practicable.

Polls, where to be opened.

Conflicting laws repealed.

Sec. 9. All laws, and clauses of laws, in conflict with the provisions of this act are hereby repealed.

Sec. 10. This act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1895.

CHAPTER 331.

An act to authorize the board of aldermen of Waynesville to issue bonds.

The General Assembly of North Carolina do enact:

Election may be ordered.

Section 1. That the board of aldermen of the town of Waynesville are hereby authorized to cause an election to be held in said town, at such time as said board of aldermen may appoint, within twelve (12) months after the ratification of this act, and to ubmit to the qualified voters of said town the question of issuing bonds to the amount of fifteen thousand dollars ($15,000), for the purpose of procuring, erecting and operating a system of water works, to supply the citizens of said town with water and for the protection of said town and the property therein against fires; and for the further purpose of making such improvements on the streets and sidewalks of said town as the mayor and board of aldermen may deem expedient. The said election shall be advertised by the board of aldermen of said town for thirty (30) days prior to the day of election, in some newspaper published in said town, and at the court house and four (4) other public places in said town, and shall be held under the same rules and regulations prescribed by law for the election of mayor and aldermen of the 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 of said election shall be ascertained by the inspectors of election, and certified and returned by them to the board of aldermen of said town within two (2) days from the day of election, who shall verify and also certify said result and cause the same to be recorded in their minutes.

Purpose of election.

Street and sidewalks.

Election to be advertised.

Election held under certain rules.

Tickets, what to contain.

If election "for bonds," coupon bonds not to exceed $15,000 to be issued.

Denomination of bonds and interest thereon.

Interest, when paid.

Maturity of bonds.

Bonds, how signed.

Sec. 2. If a majority of the qualified voters of said town shall vote "for bonds," then the board of aldermen of said town shall issue coupon bonds not to exceed in amount the sum of fifteen thousand dollars, and in denominations of not less than one thousand ($1,000), bearing interest from date of said bonds at six (6) per centum per annum, and payable semi-annually, at the bank of Waynesville in said town, on the first day of January and July of each year until said bonds are paid. That said bonds shall be payable after the expiration of thirty (30) years from the date thereof, the bonds and the coupons shall be numbered, and the bonds shall be signed by the mayor of said town and countersigned by the treasurer of the board, and a record shall be kept of all bonds, observing the number, amount and

Taxes paid by coupons.

Bonds to be sold not less than par.

Commission for sale.

Bonds, for what purpose to be used.

to whom sold. The coupons shall be received in payment of taxes, polls and debts due said town. That the said bonds not be sold for less than their par value, but the board of aldermen are authorized, in their discretion, to pay a commission not to exceed five (5) per centum of the amount of the issue of said bonds, should it become necessary in order to effect a sale thereof; the sales of said bonds shall be used by the board of aldermen of said town for the exclusive purpose of procuring, erecting and operating a system of water works of the said town, and the improvement of the streets and sidewalks thereof, as described in section one of this act.

Interest, how to be paid.

Sec. 3. In order to pay the interest on said bonds the board of aldermen of said town are hereby authorized, and it shall be their duty, to annually compute and levy, at the time of levying other taxes of said town, a sufficient special tax upon the real and personal property within the corporate limits of said town, and other subjects of taxation mentioned in chapter one hundred and twenty-seven (127) of the private laws of eighteen hundred and eighty-five (1885) and the amendments thereto, and on the polls of said town, always observing the constitutional equation between the tax on property and the tax on polls, with which to regularly and promptly pay the interest on said bonds; the said special tax shall be collected at the time of and as other taxes of said town are collected, and shall be paid over by the tax collector of said town to the treasurer of said town, which officers shall give good and sufficient qualified bonds, the former for the collection of the said taxes and paying them over as aforesaid, and the latter for their safe keeping and proper disbursement.

Special tax, when to be collected.

Taxes to be paid to treasurer.

Taxes to be kept separate.

Use of taxes.

Misdemeanor to use special tax.

Sec. 4. That the taxes levied and collected for the purpose specified in section three (3) of this act shall be kept separate and distinct from all other taxes, and shall be used only for the purpose for which it was levied and collected; and any mayor or aldermen, who shall appropriate or attempt to appropriate, by vote or otherwise, to any purpose, directly or indirectly, other than that for which it was levied, said special tax, or any part thereof, shall be guilty of a misdemeanor.

Mayor and aldermen to control improvements.

Right to use water may be leased or sold.

At what price.

Sec. 5. If said water works are procured, as provided for in this act, then the mayor and board of aldermen of said town shall have full power and control of the same, and may lease or sell to any citizen of said town, or other person or corporation owning or controlling property therein, the right to use water from the same within the corporate limits of said town, for such period of time, and for such price, as may be agreed upon between such citizen, person or corporation and the board of

aldermen of said town; and the proceeds arising from the sale or lease of such rights shall be applied to the discharge of the aforesaid bonds, and the interest thereon, and towards keeping the said water works in good repair.

Proceeds from, sale or lease, how to be applied.

Sec. 6. As soon as practicable after the passage of this act, the mayor and board of aldermen of the town of Waynesville shall elect three citizens of said town, who shall be known as dispensary commissioners, (and) one to hold office for one year, one for two years, and one for three years, or until their successors are elected as herein provided; the successors to the commissioners first chosen shall hold office for three years, and shall be selected in the following manner: upon the expiration of the term of office of each commissioner whose terms have not expired, shall nominate the successor of the commissioner whose term has expired, which nomination shall be approved or rejected by the mayor and board of aldermen of the town of Waynesville. If the mayor and board of aldermen reject any nomination so made, said commissioners shall continue to nominate until a nomination is approved by said mayor and board of aldermen; vacancies occurring, for any cause, shall be filled by the remaining commissioner or commissioners, as the case may be, for the unexpired term, without approval of mayor and board of aldermen. If at any time there shall be vacancies in the office of all the commissioners at the same time, so that the vacancy cannot be filled for the unexpired term as above provided, then the mayor and board of aldermen shall appoint commissioners for the unexpired term of the three commissioners whose places are vacant.

Dispensary commissioners.

Terms of office.

Manner of selections.

Rejection by mayor and board of nominations, other nominations to be made.

All commissioners' offices vacant, how offices to be filled.

Sec. 7. The dispensary commissioners provided for in this act shall establish and maintain at some point on Main street, in the town of Waynesville, between the court-house and Pigeon street, a dispensary for the sale of spirituous, vinous and malt liquors. They shall, from time to time, elect a citizen of said town, to be known as the manager of said dispensary, who shall have charge and control of said dispensary, under their supervision; each manager shall be chosen for such term as the commissioners shall deem best, and shall be removed by them at any time for what they deem sufficient cause. He shall be required to give bond in a sum to be fixed by the commissioners, not less than five hundred ($500) dollars, conditioned to faithfully account for all moneys that may come into his hands as such manager, and for the faithful performance of the duties required of him by this act and by the commissioners in their regulations. He shall receive a salary to be fixed by the com-

Dispensary commissioners, where to locate place of dispensary.

Manager of dispensary. duties of.

Term of office.

When removable.

Manager to give bond.

Amount of bond.

Conditions of bond.

missioners, and his compensation shall not be dependent upon the amount of sale.

Manager to keep spirituous and other liquors.

Sec. 8. The manager of the dispensation shall purchase, and at all times keep, under the supervision of the commissioners, a stock of spirituous, vinous and malt liquors in such quantities as the commissioners shall direct; all bills incurred for the establishment and maintenance of the dispensary and purchase of stock, from time to time, shall be paid by the treasurer of the town of Waynesville, upon presentation of such bills approved in writing by a majority of the commissioners; said manager shall sell only for cash, and shall turn over all moneys received by him to the treasurer of the town each week, who shall keep a separate account of the same.

Liquors to be paid for.

Money received from sale to be paid to city treasurer.

Rules and regulations for dispensary.

Sec. 9. Said commissioners shall make, from time to time, rules and regulations for the operation of said dispensary; the quantity to be sold to any one purchaser shall be determined by them, but in no event shall wine or liquors be furnished in less quantities than one-half pint, and none shall be drank in the building or on the premises where the dispensary is established. The dispensary shall not be open before sunrise, and shall inclosed each before sunset, and it shall be closed on Sunday, election days, and such other days as the commissioners shall direct. The manager shall be bound by all laws of this state regulating the sale of liquors, and all regulations of the commissioners not in conflict with the laws of the state.

In what quantities liquors to be sold, not to be drank on premises.

Time of opening and closing.

When to be closed.

Manager to be bound by state laws.

Prices of liquors.

Sec. 10. The prices at which spirituous, vinous or malt liquors shall be sold shall be fixed by the commissioners; *Provided*, that the same shall not be sold for a profit exceeding eighty (80) per centum above the actual cost thereof.

How liquors shall be sold.

Sec. 11. The manager of said dispensary shall sell to no person or persons any spirituous, vinous or malt liquors except in sealed packages, and he shall not keep any broken packages in said dispensary, and whenever any original package is broken it shall be at once bottled and sealed. Said manager shall make a monthly report to the commissioners, showing the amount of sales for the preceding month and stock on hand on the last day of said month.

Monthly report to be made.

Inspection and analysis.

Sec. 12. Said commissioners shall cause an inspection and analysis to be made of the stock on hand from time to time by a competent chemist, and no vinous or malt liquors shall be sold in said dispensary that are not well known in the market as pure and unadulterated, and the commissioners are required to have wine and malt liquors analyzed, from time to time, to determine whether they are pure as represented. If any spirituous or malt liquors are condemned by the chemist making the

Liquors to be pure and unadulterated.

analysis, as impure and unwholesome, such liquors shall not be sold by the manager, and payment for the same shall be refused to the persons from whom such liquors were purchased.

Dealers not allowed to buy.

Sec. 13. No spirituous, vinous or malt liquors shall be sold in said dispensary to persons purchasing for the purpose of selling again, either lawfully or unlawfully, and said commissioners are required to make such rules and require the manager to make such investigation as will prevent persons from so purchasing, and if said commissioners become satisfied that any person or persons has purchased or is purchasing for the purpose of reselling, they shall direct the manager as to the quantity to be sold to such person or persons, which shall be such an amount as will prevent a resale, and in case when said commissioners are satisfied that any person or persons is indirectly or directly purchasing repeatedly for the purpose of reselling, the commissioners are authorized to direct the manager not to sell to such person except upon the certificate of a respectable physician that such liquors are needed for medical purposes.

Precautions to be taken as to sales.

Loitering about dispensary forbidden.

Sec. 14. The manager of the dispensary shall not allow any person or persons to loiter in or about the dispensary and the premises on which it is situated, and for a failure to comply with this section he shall be removed by the commissioners, and any person refusing to leave the dispensary and the premises on which it is situated shall be punished, upon conviction in the mayor's court, as shall be prescribed by the ordinance of said town.

Dispenser, when to be removed.

Ordinance to be passed.

Sec. 15. The mayor and board of aldermen of said town, Waynesville, shall from time to time pass such ordinances as may be necessary to cary out the purposes of this act, and shall provide suitable penalties for violations of the provisions of this act or the regulations of the commissioners, by the mayor or other persons.

Penalties for violation.

Amount for dispensary to be appropriated from treasury and repaid from sales.

Sec. 16. The mayor and board of aldermen shall appropriate from the public treasure a sufficient amount to establish the dispensary, as provided for in this act, which amount shall be repaid into the city treasury by the profits of the dispensary, and thereafter the dispensary shall be supported and maintained out of the profits arising from the sales in the dispensary; *Provided*, that said mayor and board of aldermen shall be authorized, and are hereby required, to appropriate at any time such sums as may be necessary to keep the dispensary in operation. If there should, for any reason, be no money in hand derived from the profits of the dispensary, such amount being always repaid to the city treasure out of the first profits there-

Dispensary, how to be supported.

after realized from the dispensary, and said mayor and board of aldermen are hereby authorized and empowered to make the appropriations herein provided for out of any money in the city treasury, and, if necessary, to levy and collect taxes for that purpose.

Taxes may be collected for dispensary.

Annual report to be made to mayor and aldermen, April of each year. What report to contain.

Division of net profits.

How to be made.

Town part.

County part.

Sec. 17. The dispensary commissioners shall make an annual report to the mayor and board of aldermen of the town of Waynesville, on or before the first day of April in each year, showing the receipts and expenses of the dispensary of the calendar year preceding, and the amount of net profits shall be equitably divided between the town of Waynesville and the county of Haywood, upon a plan to be agreed upon each year by the mayor of Waynesville, the clerk of the superior court and the chairman of the board of commissioners of the county of Haywood. That part of the net profits awarded to the town at any time may be appropriated by the mayor and board of aldermen to any purpose that they may lawfully appropriate money for, and the part awarded to the county shall be paid over by the town treasure to the county treasure, and it shall be credited to the school fund.

Officers of town and county forbidden to be dispenser.

Sec. 18. No person holding any office or position of any kind under the charter or ordinances of the town of Waynesville, and the county officers of the county of Haywood, shall be eligible to be chosen as a dispensary commissioner, or manager of the dispensary, during the time for which he may be elected to such office or position; and all persons chosen as dispensary commissioners, or as manager of the dispensary, under this act, shall, for the time for which they are chosen, and for the term of one year thereafter, be ineligible to election to any office or position under the charter or ordinances of the town of Waynesville, or to any office in the county of Haywood; *Provided*, that dispensary commissioners and manager of the dispensary may be always selected commissioners or managers respectively.

Dispensary commissioners forbidden to hold office.

Proviso.

Pay of dispensary commissioners.

Sec. 19. The dispensary commissioners shall be paid for their services such sums as the mayor and the board of aldermen shall determine, which shall not be less than one hundred dollars ($100.00) per annum.

Persons selling liquors guilty of misdemeanor.

Penalty.

Proviso.

Sec. 20. Any person who shall sell, bottle, or exchange to another person, within the limits of said county of Haywood any spirituous, vinous or malt, or other intoxicating liquors, in any quantity whatever, or for any purpose, shall be guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than fifty dollars ($50.00) or more than two hundred dollars ($200.00), and imprisonment in the county jail not less than thirty (30) days, in the discretion of the court; *Provided*, that it shall

not be unlawful for druggists to sell for medical purpose until the dispensary is established.

Wine-makers allowed, in quantities not less than a quart, under restrictions.

Sec. 21. That it shall not be unlawful for the manufacturer of domestic wine to sell and deliver himself wines of his own manufacture; *Provided*, such wines are not sold in quantities less than one quart and are not drunk on the premises where sold.

Mayor s salary.

Sec. 22. The mayor shall receive for his services a sum to be fixed by the aldermen; *Provided*, that it shall not be less than one hundred dollars ($100.00) per annum. And all fees arising from his office shall be paid into the hand of the town treasurer.

Conflicting laws repealed.

Sec 23. That all laws and clauses of laws in conflict with this act be, and the same are hereby, repealed.

Sec. 24. That this act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1895.

CHAPTER 332.

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

The General Assembly of North Carolina do enact:

Change of name.

Section 1. That it shall be the duty of the board of town commissioners for the town of Hendersonville, North Carolina, to submit to the qualified voters of the said town at the next municipal election, to be held in the said town on the first (1st) Monday in May, eighteen hundred and ninety-five (1895), under such rules and regulations as may be prescribed by law, the question of changing the name of the said town from Hendersonville to Westburgh.

Ballots.

Sec. 2. Those electors entitled to vote in the said election who favor a change of name from Hendersonville to Westburgh may vote a ballot "for Westburgh;" those opposed to a change of name shall vote a ballot "for Hendersonville."

If majority vote for change of name.

Sec. 3. If a majority of the votes cast shall be for a change of name from Hendersonville to Westburgh, then and in that event the name of the town of Hendersonville shall be changed from Hendersonville to Westburgh.

Name changed, no change of town powers, &c.

Sec. 4. By this change of name, if made, the corporate powers, privileges, liabilities of the town of Hendersonville shall in no wise be impaired, changed or abrogated.

Sec. 5. This act shall take effect from and after its ratification.

Ratified the 13th day of March, A. D. 1895.

CHAPTER 333.

An act to levy a special tax in Nash county to pay county indebtedness.

The General Assembly of North Carolina do enact:

Special tax.

Limit of tax.

Proviso.

Election.

Section 1. That the board of commissioners of Nash county be, and are hereby, authorized and empowered to levy a special tax not to exceed ten cents on the hundred dollars' worth of property and thirty cents on each poll in said county for the years one thousand eight hundred and ninety-five and one thousand eight hundred and ninety-six, in addition to the taxes levied under the constitution and laws of North Carolina: *Provided*, that the question of such levy shall first be submitted to the qualified voters of said county. Those favoring such levy to vote a written or printed ticket "for special tax," and those opposed to vote a written or printed ticket "against special tax."

Application of taxes.

Sec. 2. That the said taxes shall be applied to the payment of the indebtedness of the county.

Manner and time of levying tax.

Sec. 3. That the said special tax shall be levied in the same manner and at the same time that other taxes are levied in said county, observing the constitutional equation between property and poll.

Sheriff or other officer to collect tax.

Sec. 4. That the said special tax shall be collected and accounted for by the sheriff or other collecting officer in the same manner and under the same penalties, and at the same time, that other taxes are collected and accounted for.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 334.

An act to repeal chapter three hundred and one, laws of one thousand eight hundred and ninety-one.

The General Assembly of North Carolina do enact:

Chap. 301, private laws 1891, repealed.

Section 1. That chapter three hundred and one (301) of the private laws of one thousand eight hundred and ninety-one (1891), being an act entitled an act to incorporate the town of Paint Rock, in Madison county, be, and the same is hereby,

repealed, and the charter thereof is hereby repealed, abrogated and annulled as fully and effectually as if said chapter three hundred and one (301), laws of one thousand eight hundred and ninety-one (1891), had never been enacted. Paint Rock charter annulled.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 335.

An act to incorporate the Carolina, Tennessee and Ohio Railroad Company.

The General Assembly of North Carolina do enact:

Section 1. That John R. Turrentine, W. H. Pyke and John D. Bellamy, Jr., and such other persons as may become connected and associated with them as stockholders, and their successors, be, and they are hereby, created a body politic and corporate under the name of the Carolina, Tennessee and Ohio Railroad Company, and by and in that name shall have the right to sue and be sued, plead and be impleaded in any court of law or equity, to have a common seal, shall have the right to make and pass all such by-laws and regulations for its government as may be deemed necessary or expedient for that purpose, have the right to purchase, hold and acquire for the necessary purposes of the company, by gift, devise, or in any other manner, any estate, real, personal or mixed, and to hold, lease, mortgage, or sell the same as the interest of said company may require; and shall have all the rights and privileges possessed and enjoyed by other railroad companies under the laws of North Carolina, and such as are specially conferred by chapter forty-nine (49) of The Code, volume first, and all amendments thereto. Incorporators. Name of corporation. Rights and privileges. By-laws and regulations. May own property of any kind. Rights of Chap. 49, *The Code*.

Sec. 2. The said company shall have power to build and construct a railroad, with one or more tracks, from the city of Southport, Brunswick county, North Carolina, to any point on the South Carolina line dividing North Carolina from the state of South Carolina, or to any point on the Tennessee line dividing Tennessee from the state of North Carolina, or to any point on the Virginia line dividing North Carolina from the state of Virginia, through any of the counties of North Carolina along the proposed line of road, and shall have the right to build one May build single or double tracks. Termini.

Branch roads.

or more branch lines leading from said city of Southport to the city of Wilmington, North Carolina, and to any point in said state of North Carolina on the Atlantic Ocean.

Sec. 3. That the said company, in its discretion, before constructing its main line shall have the right to build that portion of the branch line contemplated in section two (2), extending from the city of Wilmington to the city of Southport.

Capital stock.

Shares.

Sec. 4. The capital stock of said company shall not be less than one hundred thousand dollars ($100,000), divided into shares of one hundred dollars ($100) each, but may be increased from time to time, as the demands of the said company shall require, to an amount not exceeding three million ($3,000,000) dollars.

Subscription books.

Where opened.

When subscribers to meet.

Directors.

Sec. 5. That the corporators named may open books of subscription to the capital stock of the said company in the city of Wilmington, North Carolina, in the city of Chicago, Illinois, in the city of Saint Louis, Missouri, and the city of Cincinnati, Ohio, and as soon as ten thousand dollars ($10,000) of the capital stock shall have been subscribed for, they shall call a meeting of the subscribers and organize said corporation by the election of a board of seven directors, who may do and perform all the other acts necessary to the complete organization and operation of said corporation and to carry into effect the objects of this charter.

Connections.

Sec. 6. That the said corporation shall have power for the extension, completion and successful operation of the said railway, to make connection with any railroad now entering the said city of Wilmington, and may lay down and use tracks through the cities of Wilmington and Southport, and make connection with the depots of any railway or steamboat companies within the said cities, under such rules, regulations and conditions as may be prescribed by the board of aldermen of the said city; and may construct and operate one or more lines of telegraph or telephone along its line or lines of railway, and may charge and collect such pay for messages or dispatches as said corporation may determine upon, subject to the rules and regulations of the railway commission of the state of North Carolina, and may lease, rent, mortgage or sell this right, and any telegraph or telephone lines constructed or owned by the said corporation.

Telegraph and telephone lines.

May sell or lease such lines.

Power to cross tracks of other roads.

Tracks in towns.

Sec. 7. That the said company shall have the power to cross the tracks of other railroads; and connect with any railroad now or hereafter chartered, and to lay down and use tracks through any town or city along the proposed line, by and with the con-

sent of the corporate authorities of said town or city upon such terms as they may prescribe.

Lands for depots and other purposes.

Sec. 8. That the said company shall have power to acquire and hold such lands for depots and repair shops as may be deemed necessary for its corporate purposes in the said city of Wilmington or Southport, and any other town or towns along its proposed route, and shall specially have the right and power to acquire such land as may be deemed necessary, and to erect on any such land that they may acquire along the Cape Fear river, in the cities of Wilmington or Southport, or between said cities, hotels, piers, coal docks, coal elevators, grain elevators, warehouses for the purpose of receiving, storing, and forwarding foreign fruits and coffees and other imported merchandise, and such other terminal structures as it may deem proper to erect for its corporate purposes, and shall have the right to charge such reasonable rates for the use of any such property as it may be deemed reasonable and proper; and it shall have authority to build, purchase, lease, charter, hold or connect with ocean steamers or vessels, river steamers, vessels or boats as it may desire to run or use from or to its terminal points, or on any water-course connecting with the road to be constructed by this company.

Warehouse and other charges.

Connection with water transportation.

May own other corporations, or sell or lease to such.

Sec. 9. That the said company shall have the power to connect with, subscribe to the capital stock of, and hold the same in any railroad company that has been already organized or may hereafter be organized, and to sell, mortgage or lease any part or the whole of its main line or branches to any other railroad company or corporation, and shall have the right to sell, mortgage, or lease to any other company, corporation or individual any part of its franchise and property herein granted, and the company or persons purchasing the same shall take the same with all the franchises herein granted as appurtenant, and shall manage and use the same under its own corporate name.

Exclusive right of transportation.

Sec. 10. That said company shall have the exclusive right to carry and transport freight and passengers over and along its line of railroad, and upon vessel and boats run in connection with the same, at such rate as said company shall prescribe, subject to such general laws regulating the same as the general assembly may, from time to time, establish.

May build part of road, and charge for transportation.

Sec. 11. That the said company can construct a part of said road without building the entire line, and may charge for transportation thereon, beginning at or near Wilmington, North Carolina, or at or near the city of Southport, North Carolina.

Route of road.

Sec. 12. That said company may build its road by such route

as it deems most advantageous and expedient, and shall have the right to cross navigable streams or canals on its route: *Provided, however*, a draw sufficient not to impede navigation is placed in its bridges over such streams or canals.

Proviso.

May borrow money.

Sec. 13. Said company is hereby authorized to borrow money for the construction, equipment and operation of said road, and for the purpose contemplated by this act, and to issue coupon bonds for the amount so borrowed, and to convey any part or all of its said rights, privileges and franchises by deed of trust or mortgage to secure the payment of the same, for such a length of time, and on such terms, as it may deem necessary.

Counties, cities and towns may make donations.

Sec. 14. That any county, city, town or township through any portion of which the said railroad shall pass, or along or near its line, or its branches, lateral or connecting roads, or at their terminal points, may make a donation to said company in money, or its equivalent in real or personal property, or a subscription to its capital stock: *Provided*, that after notice given, and an election held, as hereinafter provided, a majority of the qualified voters of the county, city, town, or township wherein the election is held shall vote for the donation or subscription, which shall be submitted to their vote for acceptance or rejection.

Elections to be held for such donations.

Application from one-fifth of voters before election held.

Sec. 15. That upon the written application of one-fifth of the qualified voters asking from any county, city, town, or township any contribution, donation or subscription to its capital stock, said application stating the amount of donation or subscription asked, the terms and conditions of same, the county commissioners of such county, or the proper authorities of such city, town or township, shall appoint a day and order an election to be held thereon in such county, township, city or town, in the manner prescribed by law for holding the elections, at which said election the legally qualified voters shall be entitled to vote for or against such subscription or donation; said election to be held at the usual voting places, after thirty days' notice specifying the amount of subscription or donation to be voted for, and to what company it is proposed to donate or subscribe, which notice shall be printed in some newspaper, if any there be published in said county, city, town or township, and by posting the same in three or more conspicuous places therein; such election shall be held by persons appointed in the manner that persons are appointed for holding other elections in said county, township, city or town, and the returns thereof shall be made, and the results declared and certified as specified by law in such other elections; and such results so certified shall be filed with the register of deeds in such county, city or town,

Time of election.

Voters at election.

Notice of election.

Notices to be published and posted.

Returns and results of election.

Where filed.

and shall be taken as evidence of the same in any court in the state.

Sec. 16. That if the result of said election shall show that the majority of the qualified voters of said county, township, city or town favor said donation or subscription to the capital stock of said railroad to the amount voted for in such election, then said county commissioners, or the proper authorities of said city or town, shall immediately make such subscription to the capital stock of said railroad, payable in cash or the bonds authorized to be issued under this act, as may be agreed upon, and appoint a board of trustees consisting of not less than three resident taxpayers of the county, township, city or town so voting, who shall issue the bonds of said county, township, city or town to the amount so voted for at said election, in such forms and denominations and running for such length of time as may be determined on by said county commissioners or proper authorities of said city, town, county or township, bearing interest at the rate of six per centum per annum, said interest to be payable semi-annually and evidenced by coupons on said bonds; and said trustees shall deliver said bonds so issued or paid in cash, as may be agreed, to said "Carolina, Tennessee and Ohio Railroad Company" upon receiving therefor, for the use and benefit of said county, township, city or town, proper certificates of stocks in said Carolina, Tennessee and Ohio Railroad Company to the amount of subscription so voted as aforesaid.

Subscriptions, how to be paid.

Trustees appointed to issue bonds.

Denominations and time of payment of bonds.

Interest.

Sec. 17. That to provide for the interest on said bonds and their redemption at maturity, the county commissioners or proper authorities of any county, city, town or township shall, in addition to other taxes, each year compute and levy on all property and polls of any such county, township, city or town a sufficient tax to pay such interest, and after ten years a tax sufficient to provide each year for the interest on said subscription bonds and a sum equal to one-fortieth (1-40) of the principle thereof for a sinking fund, the sum levied and collected for said sinking fund to be paid over to the county treasurer or other officer of said county, city or town authorized by law to perform the duties of treasurer or commissioner of sinking fund, and by him invested in said bonds, and the amount of interest maturing on such bonds shall be collected and likewise invested; all said bonds, when purchased, also all interest coupons attached, shall be stamped "sinking fund" on face of same, but in case said treasurer or other officer shall be unable to invest the sinking funds herein provided for in said bonds at or below their par value, he shall invest the same in such solvent

Interest provided, for and redemption of bonds.

Tax levy.

Sinking fund.

Investment.

Investment, how to be made.

bonds or securities as may be selected and approved by the board of county commissioners aforesaid, or proper authorities of any city or town.

Taxes collected from railroads to be set aside.

Sec. 18. That all taxes which shall be levied upon and collected from said railroad company by any county, city, town or township, under the general revenue act as from the citizens and property, upon any real or personal property belonging to said corporation and situated within said city, county, town or township shall be set aside as a distinct fund and applied exclusively by the proper authorities thereof, if said county, city, town or township shall have subscribed to the capital stock of said company and issued bonds in payment thereof, to the liquidation and payment of the interest accruing on said bonds issued on account of said subscription so long as said bonds shall be outstanding and remaining unpaid. If the said tax so levied upon said company should be insufficient to pay the interest upon the said subscription bonds, then the difference shall be paid out of the tax to be levied and collected as provided in section seventeen (17) of this act, but if, in any year, the tax paid by said company should be more than the sum required to pay the said interest for that year then the surplus may be applied to the general purposes of said county, city, town or township.

For what purpose.

Taxes insufficient.

Difference, how to be made up.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 336.

An act to amend chapter one hundred and fifty-three of the private laws of eighteen hundred and seventy-four and eighteen hundred and seventy-five.

The General Assembly of North Carolina do enact:

Sec. 5, Chap. 153, private laws, 1875-'75, amended.

Section 1. That chapter one hundred and fifty-three (153), section five (5) of the private laws of one thousand eight hundred and seventy-four (1874) and one thousand eight hundred and seventy-five (1875) be amended by striking out the word "eight" in line twenty-two (22) and inserting in lieu thereof the word "six."

Amendment.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 337.

An act to amend chapter three hundred and seventy-five of the private laws of eighteen hundred and ninety-three.

The General Assembly of North Carolina do enact:

Section 1. That chapter three hundred and seventy-five (375) of the private laws of one thousand eight hundred and ninety-three (1893) be and the same hereby is amended by striking out the word "Jacob" in line two, section one, and inserting in its place the word "Sarah." Chap. 375, private laws, 1893, amended. Amendment.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 338.

An act to incorporate the trustees of Sharon Methodist Episcopal Church South, in the county of Cleveland, North Carolina.

The General Assembly of North Carolina do enact:

Section 1. That L. L. Smith, James H. Blanton, Jr., J. F. Ledbetter, A. B. Lee and A. Davis, 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 Sharon Methodist Episcopal Church South," in the county of Cleveland, 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 election of their successors in office and other matters as are in force by the Methodist Episcopal Church South. Incorporators. Name of corporation. Corporate property. By-laws.

Sec. 2. That it shall not be lawful for any person to make, sell or give, or dispose of spirituous liquors, except for medical purposes, at or within two miles of said Sharon 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 offense, be fined not more than fifty dollars or imprisoned not exceeding thirty days. Prohibition. Misdemeanor. Penalty.

Sec. 3. That it shall be a misdemeanor for any one to exhibit themselves drunk in the limits of this corporation, or for any Drunkenness and improper language forbidden.

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 offense, on conviction, the offender shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Penalty.

Secs. 2 and 3 apply to other localities.

Sec. 4. That sections two and three of this act shall also apply with equal force to Mountain View Academy, Hartland Academy, and Union Baptist Church, in Caldwell county.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 339.

An act to amend private laws, eighteen hundred and eighty-nine, chapter two hundred, being an act to incorporate the Eastern Carolina Land, Improvement and Banking Company.

The General Assembly of North Carolina do enact:

Section 1, chap. 200, private laws 1889, amended.

Section 1. That section one (1) of chapter two hundred (200) of the private laws of eighteen hundred and eighty-nine (1889) be amended by striking out in lines two and three the words "T. J. Boykin, of the city of Baltimore, state of Maryland," and inserting in lieu thereof the wrods "Benjamin A. Enloe, of Jackson, state of Tennessee."

Amendment.

Time extended.

Sec. 2. That the time within which the said company may be organized under its charter shall be extended two years from and after the ratification of this act.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 340.

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

The General Assembly of North Carolina do enact:

To continue body politic.

Section 1. That the inhabitants of the town of Jonesboro shall be, and continue as they have heretofore been, a body politic and corporate under the name and style of the town of Jonesboro, and under such name and style is hereby, with all the property and rights of property which now belong to the present corporation of the town of Jonesboro under said name

Name.

New corporation rights of old.

or by any other name by which it has heretofore been known, and that L. Acree, J. N. Barnes, T. N. Campbell, J. L. Godfrey and S. H. Buchanan, the present commissioners of the town of Jonesboro, and their successors in office, be, and the same are hereby, declared a body corporate and politic, with succession during the corporate existence of said town of Jonesboro, and shall be styled "the commissioners of the town of Jonesboro," and as such shall have power to sue and be sued, to plead and be impleaded, and have and use a common seal, and to acquire and dispose of real and personal property to the amount of one hundred thousand dollars. That George S. Cole, the present mayor of said town of Jonesboro, and the commissioners aforesaid, shall continue in office as mayor and commissioners of said town and perform all the duties pertaining to their offices as such until their successors are elected and qualified.

Present commissioners declared body politic. Duration of existence. Name. Property. Continuance of present officers.

Sec. 2. The corporate limits of the town of Jonesboro shall be as at present.

Corporate limits.

Sec. 3. Annually on the first Monday in May, or at such other time as the general assembly may hereafter provide for municipal elections, there shall be elected by the qualified voters of said town a mayor and five commissioners as officers of said town, who shall hold their respective offices for one year, or until their successors are elected and qualified.

Election of officers.

Sec. 4. Any person who is a qualified elector of the state of North Carolina, and shall have resided for sixty days next preceding the day of election within the corporate limits of said town, shall be a qualified elector and entitled to vote at any municipal election therein, and no person who is not thus a qualified elector of said town shall be eligible as mayor or commissioner thereof.

Electors.

Sec. 5. Annually, on the first Monday in March, the commissioners shall appoint, from the qualified voters of the town, a registrar and two inspectors or judges of elections, who shall be notified of their appointment within two days thereafter by the town constable.

Registrars and inspectors appointed by commissioners.

Sec. 6. Should the commissioners of said town fail to appoint said registrar and judges of election, the sheriff of Moore county shall summon two freeholders of the town who with him shall make such appointment; and the commissioners so failing to appoint shall each forfeit and pay, to the equal use of the town of Jonesboro and of any person who shall sue therefor, the sum of twenty dollars, recoverable before the mayor of the town, or any justice of the peace of Moore county.

Registrars and inspectors not appointed, sheriff and two freeholders appoint. Penalty for failure to appoint.

Sec. 7. The inspectors of election shall advertise the election

Inspectors advertise election.

Duty of registrar.

in three public places in the town for at least ten days preceding the election day; and the registrar shall immediately on receiving notice of his appointment give notice at three public places in the town of his appointment as registrar and of the time and place of registration. He shall be furnished by the commissioners of said town with a registration book, and it shall be his duty to perform the functions of his office fairly, impartially and according to law; to revise the existing registration books of the town in such manner that said books shall show an accurate list of electors previously registered in the town, and still residing therein, without requiring such electors to be registered anew; and such registrar shall also, between the hours of seven o'clock a. m. and sunset (Sundays excepted) from and including the last Monday in March up to ten days previous to the election, keep open the books for the registration of any electors residing in the town and entitled to register whose names have never before been registered in said town, or do not appear in said revised lists, and shall register in said book all names of persons not so registered who may apply for registration; and any person offering for registration 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 Jonesboro sixty days next preceding the day of election, and that he is twenty-one years of age; and in all respects where they are not inconsistent with this act, or not modified thereby, the rules and regulations established by the laws of North Carolina for the registration of electors for general elections, shall be applicable to registration of electors for said town, and the requirements thereof shall be duly observed, under penalties imposed by them: *Provided*, that the board of commissioners, upon thirty days' written or printed notice at three public places in said town, may require an entirely new registration of electors whenever they deem it proper or necessary.

No new registration required.

Registration books to be kept open for new voters.

Names of new voters to be registered.

Oath of person offering for registration.

Proviso as to entire new registration.

When registration books to be closed.

Persons coming of age after close of books but before election.

Custody of registration books.

Books to remain in town clerk's possession.

Sec. 8. The registration books shall be closed ten days before the election, and after the same are closed no person shall be allowed to register, but the registrar shall, on application before the said books are closed, register all persons not then qualified to vote who will be so qualified on or before the day of election; the books shall then be placed in the office of the town clerk, and may be inspected by any person so desiring; and the said clerk shall record the day on which said registration book is received by him, and the same shall not be taken from his custody until the day of election. Any registrar failing to deposit his registration book with the clerk at the time prescribed shall

receive no compensation for his work and shall be guilty of a misdemeanor, and fined not exceeding fifty dollars, or imprisoned not exceeding thirty days. Failure to deposit registration books misdemeanor. Penalty.

Sec. 9. After having been duly sworn by the mayor or justice of the peace to conduct the election fairly, impartially and according to law, the said registrar and inspectors shall, at the appointed time, open the polls, receive and deposit ballots in boxes provided for them, administer oaths when necessary, decide all questions of voting, and superintend and conduct the election for municipal officers in like manner and during the same hours of the day as the election of members of the general assembly; and with reference to the canvass of votes and challenges and in all other respects, except as herein otherwise directed, they shall have the powers and duties belonging to registrars and judges of elections as established by the laws of North Carolina with reference to general elections. Polls to be opened by registrar and inspectors. Duties.

Sec. 10. The ballots shall be on white paper without device, and shall contain the name of the person voted for in connection with the office which it is intended he shall fill. Ballots.

Sec. 11. At the close of the election the vote shall be counted by the judges, and such person voted for as mayor who shall receive the highest number of votes shall be duly elected mayor and so declared, and such persons voted for as commissioners receiving the highest number of votes shall be declared elected commissioners; and if, of the persons voted for as mayor, there shall be any two or more having an equal number of votes, or if, of the persons voted for as commissioners, there shall be any two or more having an equal number of votes, the judges shall decide, by ballot, the election between such persons, and the person or persons so chosen shall be declared elected. When and by whom votes to be counted. Officers selected. If votes of opposing candidates be equal, who decides.

Sec. 12. The commissioners shall have authority to fill any vacancy occurring in the offices of inspector of elections or registrar by death, permanent disability or otherwise up to the day of election; and if on that day any vacancy should be or occur, or if any inspector or registrar shall be absent at the time for the opening of the polls on said day, it shall be the duty of the mayor to fill said vacancy forthwith, and the person or persons so appointed shall have all the power vested in the regularly appointed inspector or registrar, and shall be subject to the same requirements and penalties: *Provided*, that any inspector of elections or any registrar who shall wilfully absent himself from the polling place when his attendance thereat is required by law, or shall authorize, wilfully delay or obstruct the business of said election, shall be guilty of a Vacancies to day of election. Vacancies on day of election. Powers of appointees. Wilfully absent inspectors guilty of misdemeanor.

Penalty.

misdemeanor, and shall be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days.

Election and returns.

Sec. 13. At the close of the election and of the counting of the votes the judges shall immediately make out, subscribe and certify two statements of said election, and return one to the register of deeds of Moore county and return the other to the clerk of the town, and the said register of deeds and the said clerk shall duly register and record the same in their respective offices, and the registration and poll lists shall be duly subscribed by said judges of election and return to the clerk of the town.

Oath of town officers.

Sec. 14. The mayor and commissioners so elected, and all other officers of the town required to take an oath, shall, before entering upon their duties, take and subscribe, before the proper officer, the respective oaths specified by chapter sixty-two, volume two of The Code, entitled "towns and cities."

If mayor absent or there be a vacancy in the office.

Who fills the office.

Sec. 15. That if any person elected as mayor refuse to be qualified, or if there is a vacancy in the office after election and qualification, or if the mayor be absent from the town or unable to discharge the duties of his office, the commissioners shall choose of the qualified voters of the town some person for the term, or the unexpired portion of the same, or during the absence or disability of the mayor, as the case may be, to act as mayor, and he shall be clothed with all the authorities and powers given the regularly elected mayor, and the commissioners shall, in like manner, fill any vacancy that may occur in the office of commissioners: *Provided*, that in the case of sickness or temporary absence or disability of the mayor, the commissioners may appoint one of their own number mayor *pro tempore* to exercise his duties.

Proviso in case of temporary absence.

Officers refusing to qualify, penalty.

Sec. 16. That any person elected as mayor or commissioner who shall refuse to qualify and act as such shall forfeit and pay, to the equal use of the town and of him who shall sue therefor, the sum of twenty-five dollars.

Mayor, special court. Powers.

Sec. 17. That the mayor of the town of Jonesboro is hereby constituted a special court, with all the jurisdiction and powers in criminal offenses occurring within the limits of said town which are or may hereafter be given to justices of the peace; he shall preserve and keep the peace, and may cause, upon proper proceedings, to be arrested, persons charged or convicted of crimes in other counties or states who may be found in the town limits, and bound or imprisoned to appear at the proper tribunal to answer for their offenses. He shall also have jurisdiction to issue process, to hear and determine all misdemeanors consisting of a violation of the ordinances and regulations of the town or

the provisions of this act, to enforce penalties by issuing execution upon any adjudged violation 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 officers 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*, that he shall not have jurisdiction of laws, of any nature or amount, other than such whereof a justice of the peace may take cognizance, unless specially allowed by this act.

Proceedings in mayor's court.

Sec. 18. 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 Moore county. The mayor shall keep a faithful record 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 justices of the peace, and may be executed and enforced against all parties in Moore county and elsewhere, in the same manner and by the same means as if the same had been rendered by a justice of the peace of the county of Moore.

Mayor to keep record.

Judgments of mayor.

Fines and penalties.

Sec. 19. That all fines and penalties imposed and collected by the mayor sitting as a justice of the peace, and all fines and penalties imposed in consequence of a violation of the town ordinances, or the provisions of this act, except as herein expressly otherwise provided, shall inure to the exclusive benefit of the town of Jonesboro.

Places of punishment for persons sentenced by mayor.

Sec. 20. That when a defendant or witness or any other person shall be adjudged to be imprisoned by said court, it shall be competent for the said court to sentence such person to imprisonment in the county jail, or the calaboose or guardhouse of the town, for a term not exceeding thirty days, and to adjudge that such person work, during the term of his confinement, on the public streets or other public works of the town; and in all cases where judgments may be entered up against any person for fines or penalties according to the laws and ordinances of said town, and the person against whom the case is so adjudged refuses, or is unable, to pay such judgment, it shall be lawful for the mayor before whom such judgment is entered to order and require such person so convicted to work on the streets or other public works of the town, until, at such rates of wages as are or shall be fixed by the commissioners, such person shall have worked out the full amount of such judgment and costs of the prosecution.

Violation of ordinances.

Sec. 21. That any person who shall violate any ordinance of

the town of Jonesboro shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Penalty.

Mayor's office.

Sec. 22. That the mayor shall keep his office in some convenient part of the town designated by the commissioners. He shall keep the seal of the corporation, and perform such duties as from time to time shall be prescribed, and he shall receive for his services the same compensation as a justice of the peace receives for like services, and may receive a salary in addition thereto, or in lieu thereof, not to exceed fifty dollars, to be allowed by the commissioners. He shall preside at all meetings of the board of commissioners, except as otherwise herein provided; and when there is an equal division upon any question, or in the election of officers of the board, he shall determine the matter by his vote, and he shall vote in no other case.

Corporate seal.

Compensation of mayor.

Duties and powers of mayor.

Majority of commissioners may act.

Sec. 23. That the commissioners shall form one board, and a majority of them shall be competent to perform all the duties prescribed for the commissioners, unless otherwise provided. Within five days after their election they shall convene for the transaction of business, and fix days of meetings for the year, which shall be as often as once in every month. Special meetings of the commissioners may be held on the call of the mayor or a majority of the commissioners, and all the commissioners, when the call is made by the mayor, and those not joining in calls, when made by a majority of the board, shall be notified.

Meeting after election.

Regular meetings.

Special meetings.

Ordinances and by-laws.

Sec. 25. 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 consistent with the provisions of this act and the laws of the state.

Clerk, treasurer, constable and tax collector.

Sec. 26. That the commissioners, at their first meeting after their election, shall appoint a clerk, a treasurer, and a constable and a collector of taxes (the constable and tax collector may be the same person), who shall hold their offices during the official term of the commissioners who appointed them, subject to removal for misbehavior or neglect in office. Before acting, the clerk shall be sworn to the faithful discharge of his duty, and the treasurer, the constable and the collector of taxes shall take and subscribe the oaths and execute the bonds, in such sum as the commissioners shall fix, which are prescribed in chapter sixty-two, volume two, of The Code, entitled "towns and cities."

Terms of offices.

Removal.

Oaths of officers.

Bonds of officers.

Clerk's salary.

Duties.

Sec. 27. That the clerk may have a reasonable salary fixed by the board of commissioners, and it shall be his duty to keep regular and accurate minutes of the proceedings of the board,

and to preserve all books, papers and articles committed to his care during his continuance in office, and deliver them to his successor, and generally to perform such other duties as may be prescribed by the commissioners and this charter.

Journals and papers of board may be inspected.

Sec. 28. That every person shall have a right to inspect the journals and papers of the board in the presence of the clerk, on paying him ten cents for each inspection, under a penalty of two dollars on the clerk for every refusal, to be paid to him who will sue for the same.

Treasurer's duty to make annual transcript and post the same.

Sec. 29. That the treasurer shall make out annually a fair transcript of the receipts and disbursements on account of the city, and post the same for the inspection of the citizens, at the end of every fiscal year; and for failure so to do shall forfeit and pay to him who shall sue therefor one hundred dollars.

Treasurer to hold and receive moneys and to disburse same.

Sec. 30. That it shall be the duty of the treasurer to receive and hold for the use of the city all moneys or securities belonging thereto; to disburse the funds only upon order drawn upon him in the manner herein specified; he shall keep in a book provided for that purpose an accurate account of all moneys received and disbursed by him, and shall submit said account to the commissioners whenever required so to do; and shall make monthly reports to the commissioners as required by chapter sixty-two, volume two, of The Code. On the expiration of his office he shall deliver to his successor all the books, moneys, securities and other property entrusted to him for safe-keeping or otherwise.

Account books to be kept by Treasurer.

Monthly reports to be made to commissioners.

Books, &c., to be delivered to successor.

Orders on Treasurer.

Sec. 31. All orders on the treasurer shall be signed by the mayor and countersigned by the clerk, and shall state the purpose for which the money is applied, and the treasurer shall specify said purpose on his accounts, and also the sources whence are derived the moneys received by him.

Tax collector's powers.

Sec. 32. The tax collector shall have the same power and authority in the collection of taxes as sheriffs have, and shall be subject to the same fines and penalties for neglect of duty. He shall be charged with the sum appearing by the tax list as due for town taxes. He shall be credited in settlement, as sheriffs are credited, with all accounts in suit by appeals, all poll taxes and personal property taxes declared by the board insolvent and uncollectable. He shall not retain in his hands over one hundred dollars for a longer time than five days, under a penalty of ten per centum per month to the town on all sums so retained.

Tax collector's duty to pay over money.

Commissioners to appoint one of their number to aid in settlement between collector and treasurer.

Sec. 33. The board of commissioners shall, at the meeting before the last regular meeting in each year, appoint one or more of their number to be present and assist at the accounting

Audited accounts.

and settlement between the tax collector and town treasurer, and to audit and settle the accounts of the town clerk and treasurer. The accounts so audited shall be reported to the board of commissioners, and when approved by them shall be recorded in the minute-book of said board. It shall be the duty of said board to remove any tax collector who shall fail to settle and fully pay up the taxes by law due by him, and he shall not be eligible to re-election to said office.

Record of such accounts.

Policemen.

Sec. 34. That the board of commissioners may appoint as many policemen as they deem necessary for the better control and government of the town, at such rates of pay and at such times and for such lengths of time as they think proper. The said policemen shall be under the supervision and control of the town constable, as chief of police. The town constable and each member of the police force shall have all the authority vested in sheriffs for the preservation of the peace of the town and apprehending offenders. They shall execute all process directed to them by the mayor or others, and in execution thereof shall have the same power as sheriffs or constables have. The town constable and policeman shall receive for their services such fees as sheriffs receive for like services, or in addition thereto, or in lieu thereof, such compensation as the board of commissioners may allow.

Compensation.

Chief of police.

Powers of policemen.

Shall have fees of sheriff.

Precepts of mayor, by whom served.

Sec. 35. That the mayor may issue his precepts, processes and warrants to the town constable and to such other officers to whom a justice of the peace may issue his precepts, and the same may be served by the town constable or other officer authorized to serve process, anywhere in the county of Moore.

Where served.

Tax may be laid for town expenses.

Sec. 36. That in order to raise a fund for the expenses incident to a proper government of the town and improvement thereof the commissioners may annually levy the following tax:

On what property.

(1.) On all real and personal property within the corporate limits, including money on hand, solvent credits, investments in bonds, stocks and all other subjects taxed by the general assembly, *ad valorem*, a tax not exceeding seventy-five cents on the hundred dollars' worth of property.

Polls.

(2.) On all taxable polls, a tax not exceeding two dollars and twenty-five cents on those who may be residents in the town on the first day of June of every year, or may have been so resident within sixty days next preceding said day.

Merchants.

(3.) On every one hundred dollars' value of goods, wares and merchandise purchased for resale by any merchant trading within 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 cents.

(4.) 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. Dogs.

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

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

Sec. 37. The commissioners, at the last regular meeting in April, shall appoint a list-taker, whose duty it shall be to take the list of property, polls and subjects of taxation within the town. Immediately after his appointment he shall make advertisement thereof at three public places in the town, notifying all persons required by law to give in their polls or property for taxation to list the same before him during the month of June; and he shall attend for two days at the town hall, or such other place or places within said town as he may designate by advertisement to list said property, polls and subjects of taxation. In so far as may be consistent with this act, his powers and duties shall be the same as are conferred by law on the township list-taker, and his compensation shall be such as the board of commissioners may allow. It shall be his duty to obtain from the township list-taker, provded the list of the latter has not been returned, and if it has been returned then from the register of deeds of Moore county, who shall furnish the same on demand, a list of the property, with valuation thereon, as returned or to be returned for taxation included within the corporate limits of the town of Jonesboro, or subject to be taxed by this charter; and in making out his list he shall place upon all real property in the town the same valuation as is placed thereon in said township tax list for taxation for state and county purposes, and he shall return his list to the clerk of the town on or before the first Monday in July of every year. List-taker, duties of. Pay of list-taker. Taxation of town property.

Sec. 38. All persons liable to taxation by this charter shall, during the month of June in every year, render to the list-taker herein mentioned, on a blank to be furnished by the commissioners, a list of their property and subjects for which they may be liable to be taxed under all the rules and penalties prescribed for listing state and county taxes, and as prescribed in this charter. The said list or return shall be, in manner and Taxes to be given in in June. Penalties same as in state and county.

Kind of list.

False return of taxes.

form and contents the same, as near as may be, as is required in listing state and county taxes, and the ratification thereof and within regard thereto the same; and any person making a false return shall be guilty of perjury. The person listing shall swear to the true value of all property, choses in action and other subjects listed; except land, and property held in trust, shall be returned on a separate list.

Failure to list.

Sec. 39. If any person or company shall fail to render to the list-taker a list of property or other taxables, or if any person liable to poll tax shall fail to give himself in within the time prescribed by this charter, such person or company shall pay double the tax assessed on any subject for which said person or company is liable to be taxed; and any person who shall list any property in the name of any person or company other than the real owner, or who shall fail to disclose the real state of the title thereto, if interrogated concerning the same, shall be guilty of a misdemeanor, and shall be fined not exceeding fifty dollars and imprisoned not exceeding thirty days.

Failure to list poll or property misdemeanor.

Sec. 40. That all persons who are liable for a poll tax to the said town and shall wilfully fail to give themselves in, and all persons who own property subject to taxation in said town, or whose duty it is to list property, and who wilfully fail to list the same within the time required by law, shall be guilty of a misdemeanor, and, on conviction thereof before the mayor of said town, or any justice of the peace of Moore county, shall be fined not exceeding twenty-five dollars or imprisoned not exceeding ten days.

Penalty.

Meetings of board to examine tax lists.

Powers of board.

Sec. 41. That the board of commissioners shall meet on the second Monday night in July of every year to examine and revise the tax list. They shall constitute a board of equalization, with full power, upon notice to the party concerned, and for cause, to increase or diminish the valuation upon any property, real or personal, subject to taxation by this charter, to secure a fair distribution of the taxes, and to that end they may subpœna and examine witnesses, administer oaths, and have all the power that county commissioners have with respect to the revision of the tax list: *Provided*, that they shall endeavor to make the list of taxables within the town conform to the list for the state and county taxation; *and*, *provided*, that the increase or diminution of the valuation of any real property shall not exceed fifteen per centum of the valuation fixed therefor by the township assessors, unless it be in consequence of some improvement added thereto or subtracted therefrom since such assessment. The board shall have power to adjourn from time to time to complete said revision.

When tax to be levied.

Sec. 42. That as soon as the tax list has been revised the board of commissioners shall proceed to levy the tax on such subjects of taxation as they shall determine, and shall place the tax list in the hands of the tax collector for collection, who shall proceed forthwith in the collection and shall complete the same on or before the first day of November next ensuing, and shall pay the moneys as they are collected to the treasurer, and the tax collector shall receive for his compensation not more than five per centum on the amount collected, as the board of commissioners may determine. On the first day of November there shall be a penalty of one per centum added to the amount of taxes due, and an additional penalty of one per centum on the first day of every month until the same are paid.

Tax list given to collector, who shall collect taxes.

Taxes to be paid to treasurer as collected.

Pay of collector.

Monthly penalties for failure to pay taxes.

Unpaid taxes to be collected by distress and sale.

Sec. 43. That if any person liable to taxes on subjects directed to be listed shall fail to pay them within the time specified for collection, the collector shall forthwith proceed to collect the same by distress and sale, all sales to be made after public advertisement, for the space of ten days, at five public places in the town, if the property sold be personalty, and thirty days if the property be realty. And the said collector shall have the right to levy upon and sell any personal property situated outside the limits of the town and within the county of Moore belonging to a delinquent tax payer to enforce the payment of the taxes due the town by said delinquent.

Sales, when to be made, of personalty.

Of realty.

Levies may be made in county.

Taxes due on lot or other land.

Sec. 44. That when the tax due on any lot or other land (which is hereby declared to be a lien on the same) shall remain unpaid on the first day of November, the tax-collector shall either proceed to collect the same by a levy and sale of personal property belonging to the owner of said lot, or shall report the same to the commissioner with a particular description of the real estate, and thereupon the commissioners shall direct the same to be sold at the door of the town hall, or at some other public place designated by them; the collector shall, before selling the same, make advertisement of said sale at five or more public places in said town, and shall also serve upon the owners thereof a written or printed notice of the taxes due and the day of sale, but no notice need be given any person having or claiming any lien on said land by mortgage or otherwise; should the owner not be in the town, or if, for any cause, the owner cannot be served with notice, then the advertisement of said real estate shall be for four weeks in some newspaper published in the county of Moore; and the collector shall divide the said lands into as many parts as may be convenient (for which purpose he is authorized to employ a surveyor) and shall sell as many thereof as shall be required to pay said taxes and all

expenses attendant thereon. If the same cannot be conveniently divided the collector shall sell the whole, and if no person will pay the whole of the taxes and expenses for the whole land, the same shall be struck off to the town; and if not redeemed, as hereinafter provided, shall belong to the town in fee.

Collector to make returns of proceedings.

Sec. 45. That the collector shall return an account of his proceedings, specifying the portions into which the land was divided and the purchaser or purchasers thereof, and the prices of each; and if there be a surplus after paying said taxes, the same shall be paid to the town treasurer, subject to the demands of the owners.

Redemption of real property sold for taxes.

Sec. 46. That the owner of any land sold under the provisions of this charter and amendments, his heirs, executors and administrators, or any person acting for them, may redeem the same within one year after the sale by paying to the purchaser the sum 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.

Unredeemed land.

Sec. 47. That if the real estate sold as aforesaid be not redeemed within the time specified, the corporation shall convey the same in fee simple to the purchaser and his assigns; and

Recitals in conveyance.

the recitals in such conveyances, or in any conveyances of lands 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.

Land of infants, or of persons *non compos mentis*. Where such persons hold in common with others.

Sec. 48. 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 common with other persons free from such inability, the same shall be made according to section ninety-two, chapter ninety-nine, of The Code.

Sec. 49. That in addition to the subjects for taxation, the commissioners may levy a tax on the following subjects, the amount of which tax, when fixed, shall be collected by the town constable immediately; and if the same be not paid on demand the same may be recovered by suit, or the articles on which the tax is imposed, or any other property of the owner, may be forthwith distrained and sold to satisfy the same:

Peddlers.

(1.) Upon all itinerant merchants or peddlers offering to vend in the town, a license tax not exceeding fifty dollars a year or part thereof; except only such as sell books, charts or

Exception.

maps, or wares of their own manufacture, but not excepting venders of medicines, by whomsoever manufactured; not more than one person shall peddle under a single license.

(2.) Upon every company of circus riders, or performance by whatsoever name called, who shall exhibit within the town, a license tax not exceeding fifty dollars for each exhibition; and upon any side-show connected therewith, a license tax not exceeding ten dollars; the tax to be paid before exhibition, and if not to be doubled. Shows.

(3.) Upon every person or company exhibiting in the town, stage or theatrical plays, sleight-of-hand performances, rope-dancing, tumbling, wire-dancing or menagerie, a tax not exceeding twenty dollars for every twelve hours allowed for exhibiting; the tax to be paid before exhibiting or the same shall be doubled. Theatrical plays, &c.

(4.) Upon every exhibition, for reward, of artificial curiosities (models of useful inventions excepted) in the town, a tax not to exceed twenty dollars, to be paid before exhibition or the same shall be doubled. Artificial curiosities. Exception.

(5.) Upon each show or exhibition of any other kind, and on each concert for reward in the town, and on every strolling musician, a tax not exceeding ten dollars, to be paid before exhibition or the same shall be doubled. Shows not mentioned.

(6.) Upon every goat or hog running at large in the town there may be levied a tax not exceeding six dollars, and every such goat or hog may be seized or impounded, and if the owner, on being notified, will not pay the tax, with the costs of taking up and keeping the same at rate fixed by the commissioners, the animal shall be sold therefor at such place as the commissioners may designate after three days' notice at the town hall. Goats and hogs running at large.

(7.) Upon any horse or mule or bull going at large, a tax not exceeding ten dollars. Horses, mules and bulls running at large.

(8.) Upon any dog which may be brought into the town after the first day of June, to be kept therein, a tax not exceeding five dollars for permission to keep such dog in the town, which permission shall not extend further than the last day of May next ensuing: *Provided, nevertheless*, that no property or subjects of taxation which are specially exempt from taxation shall be taxed by the town. Dogs. Proviso.

Sec. 50. The commissioners of said town shall have power to open and lay out any new street or streets within the town limits, and to widen, enlarge, make narrower, change, extend or discontinue any street or streets, or any part thereof, and to construct and repair sidewalks on any of the streets of the town. Streets.

Sec. 51. That they may prevent dogs, horses, cattle, swine and all other brutes from running at large within the town, and may prevent hogs being kept within the town; may pro- Brutes running at large may be prohibited. Hogs may be prevented in town.

Fast driving.

Firing of guns, &c.

Markets.
Weigh masters.
Keeper of market.
Fees.
Graveyards.
Keeper of graveyard.
Mortality lists.

Fire.
Fire companies.

Contagious diseases.
Nuisances.

Encroachments on streets.

Sunday observance.
By-laws, regulations, ordinances.

hibit the riding or running of horses or other animals at a speed greater than six miles per hour within the town, and may prohibit the firing of guns, pistols, crackers, gunpowder or other explosives, or combustibles or dangerous material on the streets or within the town; may establish and regulate the markets and employ a weigh-master and keeper of the market and fix their fees; may provide graveyards in or near the town, and regulate and maintain the same, employ a keeper, compel the keeping and returning of bills of mortality, and prohibit interments in the town; may provide for the protection against fires by the establishment and equipment of fire companies or otherwise; may take such measures as they deem necessary to prevent the entrance into, or spread within, the town of infectious or contagious diseases; may abate nuisances at the cost of the person on whose premises the same may be located, and by any reasonable means may prevent encroachments on the streets by awnings, signs, porticos or other obstructions; may pass ordinances for the due observance of Sunday, and in general have power to make such by-laws and adopt such regulations or ordinances for the government of said town as a majority of them shall deem necessary to promote the interests and insure the good order and government of said town, and make all such other police regulations and ordinances as the interest, comfort and convenience of the citizens of said town may require.

Disagreement as to value of land for streets.

Sec. 52. That when any land or right of way shall be required by the town of Jonesboro for the purpose of opening new streets, or for any other purpose allowed by its charter, and for want of agreement as to the value 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 to be named by the commissioners; and the said freeholders, after having been duly sworn by a justice of the peace of the county, shall assess the losses or damages which may accrue to the owner or owners in consequence of the land or right of way having been surrendered; and upon payment to the owner or owners of such sum, or lodgment thereof with the clerk of the superior court of Moore county in case he shall refuse to accept it, 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: *Provided*, that if either the owners of said land or the commissioners of the town be dissatisfied with said valuation, the party dissatisfied may appeal to the next term of the superior court of Moore county, to which the said freeholders shall return their valuation with

their proceeding therein; and the town shall acquire no right to or concerning the said lands until such appeal be decided.

Constables and policemen may arrest without warrant, and at certain times may imprison.

Sec. 53. That the constables or policemen of said town may arrest any offenders against the laws and ordinances thereof without process, and if between the hours of seven o'clock p. m. and sunrise may confine the offender in the guard-house for safe keeping until he may be brought before the mayor and a warrant obtained for his detention and trial; and when any person arrested by the constable or a policeman of said town shall be intoxicated it shall be lawful to confine him in the guard-house for safe keeping until he becomes sufficiently sober to be brought before the mayor for trial.

Persons drunk.

Vacancies in office filled by board; how supplied. Town attorney.

Sec. 54. That the commissioners have power at any time to fill vacancies in offices of which the incumbent was appointed by said board; they shall have power to employ an attorney for the town and fix his compensation.

Street commissioner.

Sec. 55. The town commissioners may appoint a street commissioner and regulate his duties and compensation.

Persons who are liable to work on streets.

Sec. 56. That all persons residing within the corporate limits who would if they resided outside the town be liable to work on the public roads, shall be liable to work on the streets of the town, and shall not be liable to work on roads outside of the town; and any person so liable who shall fail to attend and work on the day appointed, after having been duly summoned so to do by the street commissioner in like manner as is by law provided for summoning of hands to work on public roads, shall be guilty of a misdemeanor, and fined not exceeding five dollars or imprisoned not exceeding ten days: *Provided*, that if any person so summoned shall previous to the day appointed for working said streets, shall pay one dollar to said street commissioner, to be used in repairs of said streets, such person shall be relieved for working the streets for that day.

Penalty for failure to work on streets.

Proviso.

How streets may be worked.

Sec. 57. That the streets may be worked by funds raised [by] taxation or by assessment of labor or by both.

Prohibition.

Sec. 58. The sale or manufacture of spirituous, vinous or malt liquors within the corporate limits of the town of Jonesboro, or within two miles thereof, is prohibited.

Persons who injure town property, &c.

Sec. 59. That any person who shall wantonly, wilfully or maliciously deface, injure or destroy any of the property of the town, or shall wantonly or wilfully break the pound or place where animals are confined by authority of the laws and regulations of the town, or let out any animal confined therein, such person shall be guilty of a misdemeanor, and fined not exceeding fifty dollars, or imprisoned not exceeding thirty days.

Misdemeanor.

Penalty.

Deeds by town.

Sec. 60. That the signatures of three of the commissioners

shall be sufficient in executing any deed for the conveyance of property by the town.

General law applicable.

Sec. 61. That the town of Jonesboro shall have all the powers, rights, privileges and immunities conferred, or hereafter to be conferred, on towns and cities by chapter sixty-two, volume two, of The Code, and amendments thereto, and by such acts as may hereafter be passed by the general assembly with reference to towns and cities when the same are not inconsistent with this charter or within its provisions; and no powers, rights, privileges or immunities belonging to the town of Jonesboro by any other act or acts, shall be hereby lost or abridged; and whereever, in any respect, this act may be silent, or of no effect as to any procedure or the time and manner of doing any act or the enforcement of any right, the general laws of North Carolina governing in that respect shall be applicable to the town of Jonesboro.

Conflicting laws repealed.

Sec. 62. That all laws inconsistent herewith, or coming within the provisions of this act, are hereby repealed in so far as they affect the town of Jonesboro.

Sec. 63. That this act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1895.

CHAPTER 341.

An act to authorize the commissioners of the town of Leaksville, North Carolina, to issue bonds for the purpose of providing a system of public improvements in said town.

The General Assembly of North Carolina do enact:

Bonds authorized to be issued.

Section 1. That the commissioners of the town of Leaksville be, and the same are hereby, authorized to issue coupon bonds

Amount.

to the amount of not less than two thousand dollars and not

Denominations.

to exceed the sum of five thousand dollars, and in denominations of not less than one hundred dollars or more than one

Interest.

thousand dollars, bearing interest from date at the rate of six per centum; said interest payable annually, on the first day of January of each year, until all of said bonds are paid; that

Maturity of bonds.

said bonds shall be payable in twenty and thirty years, in equal payments, from date of issue; the said bonds and their coupons

Bonds to be numbered. How signed.

for interest and shall be numbered, and the bonds shall be signed by the mayor of said town and by the clerk of the

board of commissioners of said town; and a record shall be kept of said bonds, showing the number, amount, and to whom sold.

Value when sold.

Sec. 2. That said bonds shall not be sold for less than par value, and the proceeds arising from the sale thereof shall be used by the mayor and commissioners of said town for the purpose of procuring a system of internal improvements, and for the further purpose of making such improvements on the streets of said town, and such other public improvements, as the mayor and commissioners may deem expedient for the general welfare of the citizens of said town: *Provided, however*, that this act shall be submitted to the qualified voters of said town for their ratification or rejection at an election to be held in said town, at such time as the mayor and commissioners thereof may appoint, within twelve months after their ratification of this act. The said election shall be advertised by the mayor and commissioners of said town for thirty days prior to the day of election in at least one newspaper published in said town, and also at some public place in said town; and the said mayor and commissioners shall cause a registration of the qualified voters to be made, as now required by law, and shall appoint three electors of said town as inspectors or supervisors of said elections. Those in favor of issuing said bonds shall vote a written or printed ticket with the words "for bonds" thereon; those opposed to issuing said bonds shall vote a written or printed ticket with the words "against bonds" thereon. The result of said election shall be ascertained by the aforesaid inspectors or supervisors, and returned by them, over their signatures, to the mayor and commissioners of said town, who shall verify the same and certify the result of said election, and cause the same to be recorded in the minutes of said board of commissioners of said town. If the majority of the votes cast be "for bonds," then the mayor and commissioners of said town shall proceed to issue and sell said bonds, and shall apply the proceeds of such sale as directed in this act; but if a majority of the votes cast be "against bonds," then this act shall be of no force and effect. The inspectors shall be appointed and the election held as all other elections are held in said town.

Internal improvement. Further purpose of bonds.

Proviso, that the question of bond issue be voted on at an election.

Election to be advertised.

Registration.

Inspectors of election.

Ballots.

Return of result of election.

When bonds to be issued.

Sec. 3. In order to pay the interest on said bonds, and the principal when due, the commissioners of said town shall levy a special tax of not more than sixty cents on the hundred dollars' worth of personal property and real estate in said town, and a special tax of not more than one dollar and eighty cents

Provision for interest.

Special tax.

on each poll in said town. Said tax shall be levied annually until the said bonds and interest thereon are paid off.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 342.

An act to repeal chapter two hundred and eighty-two, laws of one thousand eight hundred and ninety-one, in relation to the election of a tax collector for Buncombe county.

The General Assembly of North Carolina do enact:

Chap. 282, laws 1891, repealed.

Section 1. That chapter two hundred and eighty-two, laws of one thousand eight hundred and ninety-one, be, and the same is hereby, repealed.

Election of tax collector.

Sec. 2. That on Tuesday next after the first Monday in November, in the year of our Lord one thousand eight hundred and ninety-six, and on said day every two years thereafter, an election shall be held in the several precincts in the county of Buncombe for the election of a tax collector for said county, under the same rules and regulations as are now or may hereafter be prescribed by law for the election of members of the general assembly for said county, whose terms shall continue for two years, or until his successor in office is elected and qualified, whose duties, obligations, liabilities, fines and penalties shall be the same as now or may hereafter be prescribed by law for tax collectors. He shall give the bond now required by law to be given by tax collectors, and shall be subject to all the laws now in force as to bonds, liabilities, fines and penalties of sheriffs and tax collectors in this state, except as the same may be changed or modified by this act.

Manner of election.

Term of office.

Duties, &c.

Meeting of county commissioners to receive bond of tax collector.

Sec. 3. That the board of county commissioners of said county shall hold a session of said board at their office in the city of Asheville, on the first Monday after each general election in November at which a tax collector is or has been elected for said county, for the purpose of receiving the bond of said tax collector as elected for said county, and if said bond is in compliance with the law in such case made and provided, the said board shall receive the same and induct said tax collector into office, but if the tax collector elected under the provisions of this act shall, for any reason, fail to qualify, the said board of county commissioners may elect a tax collector for said county,

Failure of tax collector to qualify, how elected.

and require him to enter into the usual bonds required for such officers by law: *Provided*, that nothing contained in this act shall be so construed as to authorize any tax collector to levy and sell any property for taxes due for the current year of our Lord one thousand eight hundred and ninety-six until after the meeting of the said board of commissioners provided for in this act, or for any succeeding year in which a tax collector is or has been elected under the provisions of this act until after the meeting of said board as hereinbefore provided. Proviso.

Sec. 4. That upon the qualification of the tax collector elected under the provisions of this act, or on failure of such person so elected to qualify, and upon the election of a tax collector by the board of county commissioners, it shall be the duty of any and all persons having the tax list or any uncollected portion thereof in his or their possession for the fiscal year in which such election was held, to immediately turn over the same to his or their successor in office, who shall collect the same under the provisions of the law that now or may hereafter be in force for the collection of taxes. Duties of persons who have tax lists to turn them over to tax collector.

Sec. 5. That no tax collector of said county holding such office under the term of office now existing, or who may hereafter be elected to fill the unexpired term of such office now existing, shall receive or collect any of the taxes due and payable on the tax list of said county arising from the assessment of real and personal property for the year of one thousand eight hundred and ninety-six, or for any year thereafter in which a tax collector is to be and is elected under the provisions of this act, prior to the meeting of said board of commissioners on the first Monday after the election in November, as herein provided: *Provided*, that said tax collector now holding said office, or filling the unexpired term thereof, may collect such special taxes as may be found due and owing prior to said meeting of said board, under the same rules and regulations now in force or that may hereafter be in force in relation to the collection of said taxes. Tax collectors who are prevented from collecting taxes on real property and poll for 1896. Proviso as to special tax.

Sec. 6. That the provisions of this act is not intended to enlarge or extend any right or privilege now enjoyed by the said tax collector of said county, or to restrict, lessen, abridge or in any wise relieve said tax collector of any penalty, obligation or liability now imposed by law applicable to said tax collector. Extent of provisions of act.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 343.

An act to incorporate the Paint Rock school-house, in Madison county.

The General Assembly of North Carolina do enact:

School-house incorporated.

Section 1. That the public school-house in the town of Paint Rock, in Madison county, be, and the same hereby is incorporated by and under the name and style of "Paint Rock school-house", for the purposes hereinafter named, and no other.

Name.

Prohibition.

Sec. 2. That it shall be unlawful for any person or persons to manufacture or make, or cause to be manufactured or made, or to buy or sell, give away, or to barter for or exchange any alcoholic, malt or intoxicating liquor or liquors, in any quantity whatsoever, to any other person or persons within the corporate limits of said "Paint Rock school-house," which corporate limits are hereby declared to extend for a distance of two miles in every direction from said school-house.

Corporate limits.

Misdemeanor.

Penalty.

Sec. 3. That all persons violating section two of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than fifty dollars, or imprisoned not more than thirty days, or both, at the discretion of the court.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 344.

An act to incorporate the town of Saint Lewis, in the county of Edgecombe.

The General Assembly of North Carolina do enact:

Saint Lewis incorporated.

Name.

Rights and privileges.

Section 1. That the town of Saint Lewis, in the county of Edgecombe, be, and the same is hereby, incorporated under the name and style of "the town of Saint Lewis," and as such have all the rights and privileges and be subject to all the provisions of chapter sixty-two (62) of the second volume of The Code, except as is hereinafter provided.

Corporate limits.

Sec. 2. That the corporate limits of said town shall include all the lands embraced within the following boundaries, to-wit:

beginning at a lightwood stump, south corner, near a schoolhouse; thence running eastward forty-six hundred and seventy-four (4674) feet to a lightwood stump, east corner; thence northward one hundred and fifty (150) feet to a lightwood stump, north corner; thence westward twenty-five hundred and fourteen (2514) feet to a water-oak, near R. E. Pitt's dwelling; thence southward twenty-nine hundred and thirty-four (2934) feet to a lightwood stump, west corner; thence southeast one hundred and fifty (150) feet to a lightwood stump, to the beginning.

Town officers.

Sec. 3. That the officers of said town shall consist of a mayor and four commissioners, and one or more constables. The names of the persons who shall fill the offices, and commissioners, until their successors are selected and qualified as hereinafter provided, as follows, viz: mayor, K. C. Lewis; commissioners, J. E. Cobb, R. E. Pitt, E. L. Pitt and Levi Watson.

Elections for officers.

Sec. 4. That there shall be held on the first Monday in May, eighteen hundred and ninety-five (1895), and every year thereafter, an election for a mayor and four commissioners, who shall hold their office until their successors are qualified, said mayor and commissioners to be elected by the qualified voters of said town. The constable or constables, and such other officers not specified in this act, as may be necessary to the good government of the said town, shall be elected by the commissioners.

Constable elected by commissioners.

Power of commissioners.

Sec. 5. That the said commissioners shall have power to pass all by-laws, rules and regulations for the good government of the town, not inconsistent with the laws of the state and United States, and levy and collect a tax on all subjects of taxation not to exceed one dollar ($1) on the poll, and thirty-three and one-third (33⅓) cents on the one hundred dollars' valuation of property, both real and personal, and to impose fines and penalties and to collect the same.

Oaths to be taken by officers.

Sec. 6. That it shall be the duty of the persons appointed to office by this act to keep 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.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 345.

An act to protect fish in Sandy run, Middle swamp and Little Contentnea creek, in Pitt and Greene counties.

The General Assembly of North Carolina do enact:

Unlawful to fish in certain streams.

Section 1. That it shall be unlawful to take fish from the waters of Sandy run, Middle swamp and Little Contentnea creek, in Pitt and Greene counties, with seins, pod nets, dip nets, or by stirring or muddying the waters of said streams.

Misdemeanor.

Penalty.

Sec. 2. That every person violating section one of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding twenty dollars ($20) nor less than five dollars ($5) or imprisoned not exceeding twenty (20) days.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 346.

An act to regulate taxation in the town of Old Fort, North Carolina.

The General Assembly of North Carolina do enact:

Chap. 88, sec. 13, laws of 1893, amended.

Amendment.

Section 1. That chapter eighty-eight, section thirteen of the laws of North Carolina of the session of one thousand eight hundred and ninety-three, be amended as follows: strike out in line six (6) the word "fifty" and insert "fifteen"; strike out the words "one dollar and fifty" in line seven and insert "fifty-five."

Conflicting laws repealed.

Sec. 2. That all laws inconsistent with the provisions of this act are hereby repealed.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 347.

An act to repeal chapter sixty-three (63) of the private laws of one thousand eight hundred and seventy-nine.

The General Assembly of North Carolina do enact:

Section 1. That chapter sixty-three (63) of the private laws of one thousand eight hundred and seventy-nine is hereby repealed. Chap. 63, private laws 1879, repealed.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 348.

An act to authorize the city of Fayetteville to establish and operate a system of electric lights and motive power.

The General Assembly of North Carolina do enact:

Section 1. That the city of Fayetteville be, and is hereby, authorized and empowered to purchase, hold, erect and establish all necessary land, works and machinery wherewith to furnish electric lights and motive power for the use of the city and its citizens, and for persons living in its suburbs. City may purchase land for electric lights and motive power.

Sec. 2. For the foregoing purpose it shall be lawful for said the city of Fayetteville to issue and sell, at a price not less than par the coupon bonds of said city to the amount of ten thousand dollars; said bonds to be in denominations of one hundred dollars and five hundred dollars, and to run for a period of thirty years from the issue of the same, and to bear interest at the rate of six per centum per annum, payable semi-annually on the first days of June and December of each year after their issue. Bonds may be issued. Denominations. Maturity of bonds. Interest.

Sec. 3. Said coupon bonds shall be signed by the mayor and secretary of the city of Fayetteville, and it shall be the duty of the said secretary to keep an accurate account of the same. Bonds to be signed by mayor and secretary.

Sec. 4. The coupons of said bonds shall be receivable by the tax collector and treasurer of the city of Fayetteville in payment of taxes and all dues to the city. Coupons to pay taxes.

Sec. 5. That it shall be lawful for said the city of Fayetteville, in addition to lighting the streets and public buildings of the city, to provide lights and motive power for private use at Lights and motive power for private use.

Receipts from private persons, how to be used.

such rentals as may be agreed upon; and the receipts arising from said rents shall be specially kept by the treasurer of said city, and shall be applied to the payment of the interest on said bonds as the coupons may fall due, and to the further purpose

Sinking fund.

of creating a sinking fund of three hundred dollars ($300) per annum, which sinking fund of three hundred dollars it shall be the duty of the authorities of said city to lay aside annually from any funds in the treasury and any surplus from said rentals in excess of the amount sufficient to pay the interest on said bonds; and the sinking fund above provided for shall be

Expenses of plant, how to be paid.

applied to the payment of the operating expenses of the plant, and any deficiency in the amount necessary for the payment of either interest, the sinking fund, or the operating expenses of said system of electric lights and motive power, shall be paid from the current tax receipts of said city, and shall be charged as necessary "light expense." Should there be any excess from

If excess of receipts to pay plant expenses, how to be used.

private rentals over the amount necessary to pay said interest, the sinking fund and operating expenses, such excess shall be used for the payment of the ordinary expenses and liabilities of the city.

Trust funds may be invested in said bonds.

Sec. 6. All administrators, executors and guardians, and other persons acting in a fiduciary capacity, are hereby authorized and empowered to invest the funds intrusted to them in said bonds.

Conflicting laws repealed.

Sec. 7. All laws, and parts of laws, in conflict with this act are hereby repealed.

Publication of act.

Sec. 8. It shall be the duty of the mayor of the city of Fayetteville, within twenty days after the passage of this act,

Notice of election.

to publish this act in full for a period of thirty days in some newspaper published in the city of Fayetteville, and at the same time, and in the same newspaper, to give notice of an election to be held at the market-house in said city, and a day to be specified in said advertisement, for the purpose of approving or disapproving this act by a popular vote.

Registrar.

Sec. 9. The board of aldermen of the city of Fayetteville shall appoint a registrar of votes for said the city of Fayetteville, who

Duties.

shall register such citizens of said city as are not at present registered and who would be entitled to vote at the election, and shall cause such publication and notices to be given as are provided by section seven (7) of chapter one hundred and fifty-three (153) of the private laws of eighteen hundred and ninety-three (1893).

Duties and oath of registrar.

Sec. 10. The duties of the registrar so to be appointed, the registration and the oath of election, shall be as provided by sections eight (8), nine (9) and ten (10) of chapter one hundred

and fifty-three of said private laws of eighteen hundred and ninety-three.

Judges of election. Duties, powers, &c.

Sec. 11. The board of aldermen of said city shall appoint two judges of election to hold said election, and the duties and powers and qualifications of said judges of election shall be the same as are provided by said chapter one hundred and fifty-three of the private laws of eighteen hundred and ninety-three; and all matters and questions as to the election herein provided for shall be determined according to the provisions of chapter one hundred and fifty three of the private laws of eighteen hundred and ninety-three, sections seven to fourteen, inclusive of both.

Ballots.

Sec. 12. The ballots to be used at the election herein provided for shall be upon white paper and without device, and shall contain the words "bonds" or "no bonds."

Sec. 13. This act shall be in full force and effect from and after its ratification by a majority of the qualified voters of the city of Fayetteville voting "bonds."

Ratified the 13th day of March, A. D. 1895.

CHAPTER 349.

An act for a stock law fence between the counties of Chatham and Alamance.

The General Assembly of North Carolina do enact:

Alamance county to build fence to protect against Chatham stock.

Section 1. That the county of Alamance shall be required to build such fence and gates as are required to keep any stock of Chatham county from trespassing on the farmers of Alamance county; and that commissioners of Alamance shall be required to build such fence or fences before the first day of June, eighteen hundred and ninety-five; and that the fence so built shall be satisfactory to the people living near Chatham line; and the expense of such fences shall be paid by the county of Alamance.

Sec. 2. That this act shall be in force from and after the first (1st) day of June, eighteen hundred and ninety-five.

Ratified the 13th day of March, A. D. 1895.

CHAPTER 350.

An act to incorporate the Yadkin Cornet Band Company.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That W. A. Royal, Henry B. James, Milas W. Mackie, M. L. Hampton, H. F. Davis, S. C. Wilson, W. C. Houser, C. G. Vestal, W. T. Rutledge, J. L. Fulbert, U. R. Farmington, S. D. Hellen, E. A. Holton, and their associates, successors, and associates and assigns, are hereby created a body politic and corporate under the name and style of the Yadkin Cornet Band Company, and by such name and title shall have perpetual succession, with all the rights, powers and privileges granted to corporations by the sixteenth (16th) chapter of The Code, entitled "Corporations."

Name.

Rights and powers.

Capital stock.

Shares.

Sec. 2. That the capital stock of said company shall be two hundred and ten dollars ($210.00), divided into shares not less than ten dollars ($10.00) a share; and said corporation shall have power to increase the capital stock, from time to time, to a sum not exceeding one thousand dollars ($1,000).

Increase of capital stock.

Object of band.

Sec. 3. The said corporation shall have power and authority to establish and maintain in the town of Yadkinville a cornet band for the purpose of musical entertainments and instruction in music and tuition.

No corporate tax.

Sec. 4. That the said corporation shall not be liable for any tax for the privilege of incorporating.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 351.

An act for the relief of the Odd Fellows' Orphan Home at Goldsboro.

The General Assembly of North Carolina do enact:

Incorporators.

Section 1. That W. C. Douglass, grand master of the grand lodge of the Independent Order of Odd Fellows of the state of North Carolina, A. H. A. Williams, Nathaniel Jacobi, C. B.

Edwards and W. T. Dortch, and their successors in office as trustees of t Odd Fellows' Orphan Home at Goldsboro, North Carolina, be and their successors in office appointed or elected from time to time by the said grand lodge of the Independent Order of Odd Fellows of North Carolina according to the rules and regulations which it may adopt regarding the same are hereby created a body politic and corporate under the name of "Trustees of the Odd Fellows' Orphan Home," and by that name shall have power to receive and hold, by purchase, gift, devise and bequest, any and all property, real and personal, and choses in action, which at any time it may seem and deem proper to acquire, and shall have power to sue and be sued, and have all other rights, powers and privileges appertaining to corporations under the laws of North Carolina, subject, however, to all such rules, regulations and provisions which may from time to time be adopted by the said grand lodge of the state of North Carolina of the Independent Order of Odd Fellows, and by the sovereign grand lodge of the Independent Order of the Odd Fellows, governing the said "Trustees of the Odd Fellows' Orphan Home."

Name.

Powers.

Sec. 2. That the said trustees of the "Odd Fellows' Orphan Home" are hereby empowered to be and act as guardian of the person of any and all minor child or children received by it into its orphan home. And they shall have power to cause any person or persons placing any minor child into their said orphan home, as a condition of its admission, that they, the said person or persons, shall surrender all their rights as parent, guardian or custodian of such child or children to the persons of said child or children, and any such document or writing thus signed shall be effectual to bar any right or claim at law or equity to the said person of the said child or children of any such parent, guardian or custodian, until said child or children shall have arrived at that age which, under the laws of North Carolina, they are freed from the control of parent or guardian.

Trustees may be guardian.

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

Ratified the 13th day of March, A. D. 1895.

CHAPTER 352.

An act to amend, revise and consolidate the charter of the city of Asheville.

The General Assembly of North Carolina do enact:

Body politic.

Corporate name.

General corporate powers.

Section 1. That the inhabitants of the city of Asheville shall be and continue as they have heretofore been a body politic and corporate, and henceforth the said corporation shall bear the name and style of "city of Asheville," and under that name is hereby invested with all the property and rights of property which now belong to the present corporation of the city of Asheville, or any other corporate name or names heretofore used; and by the corporate name of "city of Asheville" may purchase and hold for purposes of its government, welfare and improvement, all such property and estate, real and personal, within or without said city, as may be deemed necessary or convenient therefor, or as may be conveyed, devised or bequeathed to it, and the same may, from time to time, sell, dispose of and re-invest, as shall be deemed advisable by the proper authorities of said corporation.

Corporate limits.

Sec. 2. That the corporate limits of said city of Asheville shall hereafter be defined and located as follows: beginning at a crevice of a large rock marked "A. C. L." on top of the mountain ridge northeast of the Buncombe court-house and south of the highest top of said ridge, known as Smith's View, and running south seventy-four degrees west to the east bank of the French Broad river; thence up said bank of said river, passing the iron bridge and the mouth of Town branch, to two large sycamore trees on said bank of said river marked "A. C. L."; thence north seventy-four degrees east to a stone marked "A. C. L.", one hundred feet east of the crest of the mountain ridge next west of Ross' creek; thence parallel with the crest of said ridge, passing one hundred feet east of Beaumont, to a stake one hundred feet east from the beginning; thence to the beginning.

Four wards.

Sec. 3. Said city shall be divided into four wards, respectively designated and bounded as follows:

First ward.

Ward 1. That part of said territory included within a boundary beginning at the center of South Main street where it crosses the southern boundary of the city, and running with the center of said street northward to the center of College street; thence with the center of College street eastward and

southeastward to where College street crosses Beaucatcher gap; thence east to the city boundary; thence with the city boundary southward and westward to the beginning.

Ward 2. All that part of said territory lying east of North Main street not embraced within the boundary of said ward one. Second ward.

Ward 3. All that part of said territory included within a boundary beginning in the center of Main street opposite the center of Patton avenue, and running with the center of Patton avenue to its termination in Haywood street, near Buttrick street; thence with the center of Haywood street westward to the center of Spring street at its eastern termination; thence with the center of Spring street northwestwardly to its western termination in Haywood street; thence with the center of Haywood street to the city boundary at French Broad river; thence with said city boundary northward and eastward to the point where said boundary crosses the center of North Main street; thence with the center of North Main street southward to the beginning. Third ward.

Ward 4. All that part of said territory lying west of South Main street not embraced within the boundaries of said ward three. Fourth ward.

Sec. 4. That the board of aldermen of said city shall consist of six aldermen elected by the qualified voters of said city; two of said aldermen to be elected without regard to the wards of said city in which they reside and be known as aldermen at large; one of said aldermen to be, at the time of his election, a resident of ward one; one of said aldermen to be, at the time of his election, a resident of ward two; one of said aldermen to be, at the time of his election, a resident of ward three, and one of said aldermen to be, at the time of his election, a resident of ward four. Aldermen.

Sec. 5. That there shall be elected by the qualified voters of said city on the first Monday in May, one thousand eight hundred and ninety-five, a mayor and four aldermen, of which aldermen two shall be elected as aldermen at large, as aforesaid; one shall be, at the time of his election, a resident of ward one, and one shall be, at the time of his election, a resident of ward three; and of said aldermen at large, one shall be elected and hold office for the term of one year from and after his election and until his successor shall be duly elected and qualified, and the other shall be elected and hold office for the term of two years from and after his election and until his successor shall be elected and qualified; and the said aldermen elected as residents respectively of wards one and three, shall be so Mayor elected by people. First election, when held. Election of aldermen. Term of office.

elected and hold office for the term of two years from and after their election and until their successors respectively shall be elected and qualified; and said mayor shall be elected and hold office for the term of one year from and after his election and until his successor shall be elected and qualified.

Annual election of mayor.

Sec. 6. That there shall be elected annually thereafter by the qualified voters of said city, on the first Monday in May, a mayor, who shall hold his office for a term of one year from and after his election and until his successor shall be duly elected and qualified.

Election of aldermen.

Residence of aldermen.

Sec. 7. That there shall be elected by the qualified voters of said city, on the first Monday in May, one thousand eight hundred and ninety-six, three aldermen, of whom one shall be elected without regard to the ward in which he may reside as an alderman at large, and shall hold his office for the term of two years from and after his election and until his successor shall be duly elected and qualified; and one shall be, at the time of his election, a resident of ward two, who shall hold his office for the term of two years from and after his election and until his successor shall be duly elected and qualified; and one shall be, at the time of his election, a resident of ward four, who shall hold his office for the term of two years from and after the time of his election and until his successor shall be duly elected and qualified.

Annual election of aldermen.

Term of office.

Sec. 8. That annually thereafter, on the first Monday in May, there shall be elected by the qualified voters of said city three aldermen as follows: one as alderman at large, as aforesaid; and on the years ending in an even number, two, who shall be, at time of their election, residents respectively of wards two and four; and on the years ending in an odd number, two aldermen, who shall be, at the time of their election, residents respectively of wards one and three; all said three aldermen to hold their offices respectively for the term of two years from and after their election and until their successors, respectively, shall be duly elected and qualified.

Present aldermen to continue in office till terms expire.

Sec. 9. That the aldermen elected in said city, and now holding office therein as such, whose terms have not expired, shall hold their said offices until their said terms shall have respectively terminated.

Election, how conducted, &c.

Sec. 10. That the elections hereinbefore provided for shall be held under the same rules and regulations as are now prescribed, or may hereafter be prescribed, for the election of members of the general assembly; but the powers and duties in such rules and regulations conferred upon and directed to be exercised by the sheriff, are hereby conferred upon and directed to be exer-

cised in said elections by the marshal of said city, and the power and duties in said rules and regulations conferred upon and directed to be exercised by any other officer or officers, body or bodies, board or boards, or his, their, or its appointees or employees, respectively, are hereby conferred upon and directed to be exercised by the board of alderman of said city, or its employees or appointees respectively, in said elections. Every citizen residing within the corporate limits of said city who is qualified to vote for members of the general assembly, and who shall have resided in said city for ninety days, and in the ward in which he offers to vote for fifteen days preceding any such election, immediately, shall be entitled to vote at such election, upon compliance with the law regarding the registration of voters thereat. Each elector shall vote on one ballot on which shall be placed the names and offices of the persons voted for, either written or printed. At any such election the person who shall receive the highest number of votes for any office allowed to be voted for at such election, shall be declared elected to that office. At the conclusion of any election the judges thereof shall ascertain and declare its result, and the marshal of said city shall immediately, in person or by deputy, proclaim such result at the front door of the city hall of said city, and within thirty-six hours thereafter such judges shall certify to the mayor of said city such result in writing signed by them, which writing shall be filed by the mayor in his office. If, at any such election, any two or more persons receive an equal number of votes for the same office, and no other person shall receive as great a number of votes for such office, the registrar shall decide who of those receiving such equal votes is elected to such office.

Qualifications of electors.

Ballots.

Results, how determined and declared.

Equal vote.

Sec. 11. Every other election in said city for municipal purposes shall be held and conducted in the same manner and under the same rules and regulations as are above prescribed for election for mayor and aldermen, in so far as the same are applicable.

Other elections.

Sec. 12. The mayor and aldermen shall be installed in their respective offices at twelve o'clock, meridian, on the third Monday in May next, after their election, in the same month in which they were elected.

When officers to assume office.

Sec. 13. The aldermen of said city shall establish as many voting places therein as they shall, from time to time, deem necessary: *Provided*, that there shall be at least one such voting place in every ward thereof.

Voting places.

Proviso.

Sec. 14. Before entering upon the duties of his office the mayor shall take and subscribe before some person authorized by law to administer oaths, the following oath:

Oath of mayor.

"I, ..., do solemnly swear that I will perform, according to my best skill, judgment and ability, all and every the duties of the office of mayor of the city of Asheville while I continue in said office, and will cause to be executed, as far as my power lies, all laws, ordinances and regulations made for the government of said city, and in the discharge of my duties I will do justice in all cases. So help me God."

Said oath shall be by him immediately filed in his office.

Oath of aldermen.

Sec. 15. Each alderman, before entering upon the duties of his office, shall take, before the mayor, an oath that he will truly and impartially perform the duties of an alderman of the city of Asheville, according to his best skill, judgment and ability.

Vacancies in offices of mayor and aldermen.

Sec. 16. If the person elected mayor of said city shall neglect or refuse to qualify at the time provided therefor, or if after he shall have qualified there shall occur any vacancy in the office of mayor of said city, or if the mayor shall become a non-resident of said city, or for three consecutive months shall absent himself therefrom, the aldermen of said city shall, at their next regular meeting, declare said office of mayor vacant, and shall, at their next regular meeting thereafter, choose by ballot some competent person as mayor of said city for the term, or the unexpired portion of the term, as the case may be. In like manner all vacancies in the office of aldermen shall be filled by the remaining aldermen.

Misdemeanor to fail to qualify as mayor or alderman.

Sec. 17. That any person elected mayor or alderman who shall neglect or refuse to qualify and act as such shall be guilty of a misdemeanor, and upon conviction thereof shall be fined fifty dollars or imprisoned thirty days.

Mayor to be a special court. Jurisdiction.

Sec. 18. The mayor of the city of Asheville is hereby constituted a special court with all the jurisdiction and powers in criminal offenses, occurring within the limits of said city, which are now or may hereafter be given to justices of the peace, and shall also have exclusive original jurisdiction to hear and determine all misdemeanors consisting of a violation of an ordinance or ordinances of said city, except where legally the mayor and vice-mayor are incompetent to try the same, in which case the

Removal of causes.

cause shall be, upon application of the defendant, removed for trial to such other court in the county of Buncombe as would but for this section have jurisdiction of the same; and such legal incompetency shall be construed to mean only such incompetency as would disable a judge of a superior court to try under similar circumstances a cause pending in such last mentioned

Practice.

court. The proceedings of said mayor's court shall be the same as are now, or may hereafter be, prescribed for courts of justices of the peace, except as otherwise herein provided; and in all

cases there shall be a right of appeal on the part of a defendant adjudged guilty to the next court of Buncombe county having superior general criminal jurisdiction. In all such cases of appeal the mayor or vice-mayor shall require bond from the defendant with such surety as is, in his judgment, sufficient to insure the defendant's appearance at the next succeeding term of the appelate court, and on defendant's failure to furnish such bond the mayor or vice-mayor shall commit such defendant to the common jail of Buncombe county. Said mayor's court shall also have jurisdiction to try all actions for the recovery of any penalty imposed by law or this act, or by any ordinance of said city, for any act done within said city, and such penalty shall be sued for and recovered in the name of said city of Asheville, and if incurred by a minor shall be recovered from and in an action against his parent or guardian, or if he be an apprentice, against his master. From any judgment for such penalty imposed, or allowed to be imposed, by this act, or for the violation of any ordinance of said city, either party may appeal to the next term of the superior court of Buncombe county, in like manner and under the same rules and regulations as are prescribed for appeals from judgments of justices of the peace; and in case the mayor or vice-mayor, respectively, as the case may be, shall be disabled, by reason of relationship, or otherwise incompetent to hear and determine such action, the same may be instituted and prosecuted in any court within said county, which would but for this section have jurisdiction thereof, under the same rules and regulations as if instituted and tried in said mayor's court where applicable. In all cases where judgment may be entered up against any person or persons for fines or penalties, according to the laws and ordinances of said city as for criminal offenses, and the person or persons against whom the same is so adjudged refuse, fail or are unable to pay such judgment, it shall be lawful for the mayor or vice-mayor of said city to order and require such person or persons to work on the streets or other public works of said city, under the supervision of the marshal or street overseer thereof, and under such rules and regulations as may be, from time to time, prescribed by the board of aldermen thereof, until, at a fair rate of wages to be prescribed by said board of aldermen, such person or persons shall have worked out the full amount of such judgment and costs of prosecution; or such mayor or vice-mayor, if he deem best, shall have power to provide, under such rules and regulations as to him may seem best, for the employment of such person or persons on the public streets, public highways or other public works, or at other labor for individ-

Bond in cases of appeal.

Penalties, how recovered.

Appeal.

Persons refusing to pay fines, &c., to work streets.

May hire out such persons.

uals or corporations, until, at such fair rate of wages so prescribed by said board of aldermen, such person or persons shall have worked out the full amount of such judgment and costs of prosecutions.

Disposition of penalties, &c.

Sec. 19. All penalties collected for any misdemeanor declared by this act, or for any violation of any ordinance of said city, whether in the court in which the prosecution originated or in the court to which it was carried by appeal, shall belong to said city, and immediately upon collection shall be paid to the treasurer of said city, and all judgments rendered in any court for such penalties shall belong to and be controlled by said city and collected in the same manner in which by law such judgments would but for this section be collected and enforced. All penalties hereinbefore provided to be recovered in the name of said city of Asheville shall belong, and, upon collection, be paid to said city, and all judgments for the same shall belong to and be controlled by said city and be collected in the same manner as other judgments for or money are collected, and may be docketed in the superior courts of this state in the same manner as is by law provided for the docketing of judgments, and when so docketed shall be and constitute liens in the same manner and to the same extent as other judgments so docketed.

Liens.

Precepts of mayor.

Sec. 20. The mayor or vice-mayor of said city may issue his precepts to the sheriff of said county of Buncombe, or to any constable or marshal, or to any officer to whom a justice of the peace may direct his precepts.

Record of precepts to be kept.

Sec. 21. The mayor and vice-mayor, respectively, of said city shall keep a faithful minute of the precepts issued by him, and of all his judicial proceedings. Precepts issued by said mayor or vice-mayor shall be executed by the officer or officers to whom they are directed, or any of them, anywhere in the county of Buncombe.

Duties of mayor.

Sec. 22. The mayor of said city shall keep his office in some convenient part of said city designated by the board of aldermen thereof. He shall keep the seal of the corporation and perform such duties as are by this act prescribed, and as shall be from time to time by law or by the ordinances of said city prescribed. The salary of the mayor of said city shall be five hundred dollars per annum, payable in monthly installments on the warrant of the clerk of the board of aldermen drawn on the treasurer of said city and countersigned by the chairman of the finance committee of said board of aldermen.

Salary.

Duties of mayor.

Sec. 23. The mayor of said city shall preside, when present, at all meetings of the board of aldermen thereof, and in all cases of a tie vote of the aldermen present upon any question,

or in the election of any officer by said board of aldermen, he shall have the right to vote, but shall not be allowed to vote in any other case. If he shall be absent at any such meeting the board of aldermen may appoint one of their own number to exercise *pro tempore* his duties at such meeting; and in the event of his extended absence the board of aldermen may appoint one of their own number to exercise *pro tempore* his duties, both at the meetings of the board of aldermen and in the mayor's court, as well as elsewhere. But nothing herein provided shall be construed to require or allow the appointment of a mayor *pro tempore* in case except where the vice-mayor shall also be absent or unable to discharge the duties of mayor.

Mayor *pro tempore.*

Sec. 24. The aldermen of said city shall form one body to be known as the board of aldermen, and a majority of them shall constitute a quorum and be competent to perform all the duties prescribed for the board of aldermen, unless otherwise provided.

Board of aldermen.

Sec. 25. The board of aldermen shall convene at the mayor's office on the third Monday in May of each year for the transaction of business, and at such meeting shall designate stated days for its meeting until the third Monday in May thereafter next ensuing, and such meetings shall be provided for and held at least once a week. Special meetings of the board of aldermen may be held at any other time than that designated for a regular meeting on call of the mayor or of a majority of the aldermen, and of every such meeting, when called by the mayor, all the aldermen then in said city shall be notified, and when called by a majority of the aldermen, such aldermen as are in the city and do not join in the call shall be notified.

Meetings.

Special meetings.

Sec. 26. Any alderman who shall fail to attend a regular meeting of the board of aldermen, or fail to attend any special meeting thereof of which he shall have notice as hereinbefore prescribed, shall forfeit and pay for every such failure the sum of four dollars for the use of said city, and if the same shall not be paid the amount thereof shall be deducted from the next installment of his salary as alderman thereafter becoming due; but the board of aldermen may, for good cause shown satisfactory to it, excuse any such failure and remit any such penalty at any time before the same shall be paid or deducted as aforesaid.

Failure to attend meeting.

Penalty.

Sec. 27. The board of aldermen when convened shall have power to make such ordinances, rules and regulations for the proper government of the said city as they deem necessary, and provide for the proper execution thereof as they may think best.

Ordinances.

Sec. 28. Among the powers hereby conferred upon the board of aldermen are the following:

Powers of aldermen.

Money, how borrowed.

To borrow money with the consent of a majority of the qualified voters of said city, which consent shall be obtained at an election, held after thirty days' public notice, whereat those who consent shall vote "approved," and those who do not consent shall vote "disapproved;" but they shall not, except as

How much may be borrowed.

hereinafter provided, borrow any sum of money when the existing aggregate indebtedness of said city equals in amount one-eighth of the aggregate tax value of the property of said city as shown by its tax books of the preceding year or exceeds the same, nor any sum, which, when added to the aggregate indebtedness of said city then already existing, would render the full amount of the indebtedness of said city, than is hereinafter provided, larger than one-eighth of the aggregate tax value of the property of the said city as shown by its tax books for the preceeding year; and in any public notice of a proposition to borrow money so submitted to the votes of the qualified voters of said city as above provided, shall be included a statement of the then existing aggregate indebtedness of said city, other than that hereinafter provided for, and of the aggregate tax value of the property of said city as shown by the tax books for the preceding year.

Notice of election on question of borrowing money, to contain statement.

Water supply.

To provide a sufficient supply of pure water for said city.

Streets.

To provide for the repaving and cleansing the streets and sidewalks of said city, in the manner and to the extent such board may deem best.

Market.

To establish and regulate a market or markets in said city, and erect or lease and use a suitable market house or market houses therefor.

Fire department.

To provide proper and effectual means and regulations to prevent and extinguish fires in said city.

Sunday.

To make suitable regulations for the due observance of Sunday in said city, and to provide for the enforcement of the same.

City watchers.

To appoint and regulate city watchers.

Nuisances.

To prevent, suppress and remove nuisances in said city.

Dogs.

To regulate the manner in which dogs may be kept in said city.

Contagious diseases.

To make proper provisions and take all necessary measures to preserve said city from contagious diseases or infectious diseases, and to declare and enforce quarantine and quarantine regulations therein.

Marshals.

To appoint a marshal or marshals for said city, and all policemen and other officers therefor which they may deem proper, to execute such precepts as the mayor may lawfully issue to them, and to preserve the peace and good order of said city.

To establish and maintain one or more public cemeteries of such size as they may deem necessary within or without the corporate limits of said city, and provide for the care and maintenance of the same, and the proper regulation, control and protection thereof. Cemeteries.

To make provision and take all proper measures to preserve the peace and order of said city, and to execute all the laws and ordinances thereof. Peace and order.

To enact and pass such laws, ordinances and regulations as said board may deem necessary to preserve the health of said city, and to provide for the due enforcement of the same. Health.

To determine, when necessary, the boundaries of the streets, lots and alleys of said city, and to establish new streets, lanes and alleys therein, and to make and keep for public inspection, and cause to be made and kept, accurate records of said streets, lots, lanes and alleys, and their boundaries. Boundaries of streets, &c.

To make provisions for licensing and regulating auctioneers and auctions in said city, and provide for the enforcement of the same. Auctioneers.

To restrain and prohibit and punish gambling in said city. Gambling.

To provide for licensing, regulating or restraining theatrical and other public amusements within said city, and all bills, posters and advertisements thereof, and to enforce all such provisions. Theatres, &c.

To establish and regulate all necessary inspections within said city, whether of buildings or otherwise. Inspection.

To license, regulate and restrain bar-rooms and other places where spirituous liquors are sold within said city. Bar-rooms.

To lay and provide for the collection of all taxes authorized by law to be laid, levied or collected by said city, and enforce the collection of the same. Taxes.

To impose, collect and appropriate fines, penalties and forfeitures for the breach of the ordinances and regulations of said city. Fines, &c.

To pass all laws, ordinances and regulations necessary or proper to carry into effect the intent and meaning of this act: *Provided*, they are not incompatible with the constitution or laws of this state. Other ordinances.

To appoint and provide for the pay and prescribe the duties of all such other officers of said city as may by said board of aldermen be deemed necessary. Other officers, duties, &c.

To prescribe and regulate the charges for the carriage of persons, baggage and freight by omnibus, street car, wagons, drays or other vehicles in said city, and to issue license for omnibuses, Carriage of baggage, &c.

hacks, drays and other vehicles used therein for the transportation, for hire, of persons or things.

Other officers.

Sec. 29. That the board of aldermen, at its first meeting in June in every year, shall appoint a clerk, a treasurer and a tax collector, and one or more marshals, all of which officers shall

Term of office.

hold their offices, respectively, for the term of one year from and after appointment, and until their successors, respectively, shall be appointed and qualify; subject, however, to be

Removal.

removed at any time for incompetency, misbehavior, neglect of duty, or other good cause, by said board of aldermen, which alone shall be the judge of such incompetency, misbehavior, neglect of duty, or other cause of removal, and shall appoint others in their stead to fill out their said terms, respectively, upon such removal. Said tax collector may be one of said marshals. Before entering upon the duties of their offices, respect-

Oath of officers.

ively, every of said officers shall be sworn by the mayor of said city, or other person authorized to administer oaths, to the faithful discharge of their respective duties, and shall execute

Bonds.

a bond payable to said city of Asheville, in such sum as shall be prescribed by said board of aldermen, with good and sufficient surety or sureties approved by said board of aldermen, for the faithful discharge of their said duties, respectively; and such bond shall be duly probated in the manner by law allowed, and recorded in the office of the clerk of the board of aldermen in a book prepared and kept by such clerk for that purpose. The originals of such bonds shall be deposited with the mayor of said city as soon as they have been so registered; and a copy from said registry of any such bond, duly certified by said clerk of the board of aldermen under his hand and the seal of said city, shall at all times be received as evidence in any court in an action for the enforcement of the penalty thereof, or in any other action, or for any other purpose whatsoever. Said board of aldermen shall also, at said first meeting in June in every

Police.

year, appoint one or more policemen, and all such other officers for said city as to said board of aldermen may seem meet; and such policemen and other officers shall hold their respective offices for such times, not to exceed one year from and after

Compensation.

their appointment, and shall receive such compensation, respectively, as shall be prescribed by said board of aldermen, subject

Removal.

however to be removed at any time by said board of aldermen at its pleasure; and said board of alderman may, from time to time, increase or decrease the number of such policemen and

Vacancies.

other officers, and appoint other persons to fill any vacancies therein, which, in the opinion of said board of aldermen, should be filled; any such appointees to hold their offices upon the

same terms, and subject to the same powers of said board of aldermen, as the persons in whose stead they were so appointed held their offices, respectively. The duties of such policemen or other officer shall be from time to time prescribed and designated by said board of aldermen. Duties of police, &c.

Sec. 30. It shall be the duty of the clerk of the board of aldermen to attend the meetings of the board of aldermen, both regular and special; to keep regular and fair minutes of all proceedings of said board of aldermen; to preserve, in an office to be designated by said board of aldermen and where the public may, at all reasonable hours, inspect the same, all books, papers, and other articles committed to his care by said board of aldermen during his continuance in office, and subject to the control of said board of aldermen, and deliver the same to his successor, and regularly to perform all such other duties as may be by said board of aldermen from time to time prescribed, and he shall receive such compensation as such board of aldermen shall prescribe. Duties of clerk. Compensation.

Sec. 31. It shall be the duty of the treasurer of said city to receive and safely keep all moneys which shall be paid into his hands as such treasurer for the use of said city, to disburse the funds of said city according to such orders as shall be drawn on him by proper authority, to demand of all persons such moneys or securities as they or any of them may have in their hands belonging to said city which ought to be paid or delivered into the treasury thereof, and to perform all such other duties as may, from time to time, be required of him by law or by said board of aldermen. He shall keep, in a book provided for that purpose, a fair and correct account of all moneys received and disbursed by him, and of all securities and other property entrusted to him for safe keeping or otherwise; and at the expiration of his term of office, or the sooner determination thereof, shall deliver to his successor all such moneys, securities and other property belonging to said city then in his hands. He shall receive such compensation as said board of aldermen shall from time to time prescribe. All orders drawn on him shall be signed by the mayor of said city, and shall state the purpose for which the money therein called for is applied, and the treasurer shall in his accounts specify such purposes. He shall also state in his accounts the sources respectively from which all moneys received by him are derived, and shall, when required to do so, submit to the mayor or board of aldermen his vouchers for any and all disbursements made by him, and his said accounts in full. Duties of treasurer. Compensation. Warrants, how drawn. Accounts, what to contain.

Sec. 32. Said board of aldermen shall, at their first meeting Vice-mayor.

in June in every year, appoint one of their own number to be vice-mayor of said city, and in case of any vacancy in that office shall fill the same with some member of their own body.

Duties. It shall be the duty of such vice-mayor, at all times within his term of office when the mayor of said city shall for any reason be unable to discharge his duties as such mayor, to act as mayor and perform all the duties pertaining to such office during the time when the mayor is so unable to discharge the same. And for that purpose such vice-mayor shall, during such times, have and exercise all the powers and rights which pertain to said mayor, as well in holding said mayor's court and presiding at the meetings of the said board of aldermen as

Term of office. in all other respects. Such vice-mayor shall hold his office for the term of one year from and after his appointment, or until the next annual election of vice-mayor as hereinbefore provided, and until his successor shall be duly appointed and qualified,

Compensation. and he shall receive for his services as such vice-mayor no other or further compensation than his salary as alderman.

Salary of aldermen. Sec. 33. The salary of each alderman of said city shall be two hundred dollars a year, to be paid when and as said board of aldermen from time to time shall direct.

Marshal's duties. Sec. 34. It shall be the duty of a marshal of said city to see that the laws, ordinances, regulations and orders of said board of aldermen are enforced, and to report all breaches thereof to the mayor of said city; to preserve the peace and order of said city by suppressing disturbances and apprehending offenders, for which purpose he shall have all the powers and authorities vested in sheriffs or county constables; and to execute all process and precepts and notices of every character lawfully directed to him by the mayor of said city or the board of aldermen thereof or others, and in the execution thereof he shall have the

Powers. same powers anywhere in the county of Buncombe as the sheriff or constables thereof have or shall have. Such marshal shall have the same power to apprehend, in the limits of said city or of the county of Buncombe, all offenders against the state as the sheriff or constables of said county have, and to carry such offenders before the mayor of said city, and he shall be in this respect bound by the same rules as the constables of said county. It shall also be the duty of said marshal to perform such other acts and exercise such other functions as shall be from time to time directed or required of him by said board of

Salary. aldermen. The salary of such marshal shall be that from time to time prescribed by said board of aldermen, and he shall receive no other further compensation.

Tax collector. Duties. Sec. 35. The duties of the tax collector of said city shall be

those hereinafter provided, and such as shall, from time to time, be prescribed by law and by said board of aldermen; and he shall receive as compensation for his services in collecting taxes two per centum of all taxes actually collected by him, to be retained by him from such collections when and as often as he shall make a settlement thereof with said board of aldermen, and for his services in discharging any other duties such compensation as shall from time to time be prescribed by said board of aldermen. Compensation.

Sec. 36. Said board of aldermen shall appoint, at their first meeting in June in every year, a public inspector, whose duty it shall be to carefully inspect and examine all articles of food offered for sale within said city, and whose salary shall be fixed from time to time by said board of aldermen, which shall also fill any vacancy occurring in said office, and such officer shall be subject to be removed at any time by said board of aldermen for cause satisfactory to it. Should such inspector find an article of food offered for sale within said city to be unclean, impure, untainted, diseased, stale, or otherwise unfit for human food, whether such article be vegetable, animal or manufactured, he shall at once notify the person offering it for sale to cease so offering the same, and to refrain from selling it in said city, and to immediately remove said article without said city, and in case he is not immediately obeyed it shall be his duty to seize all such articles and cause them to be immediately destroyed. Any marshal or policeman of said city when called on by said public inspector to assist him in effecting such seizure and destruction, shall promptly render such assistance and arrest any person who shall resist him or said public inspector in making such seizure and destruction, or either, and take such persons before the mayor to be dealt with according to law. Said public inspector shall also inspect and examine any cistern, well, spring or other source of water supply within said city which he shall have reason to believe to be impure and unfit for human use, and if upon such inspection or examination he shall not be fully satisfied that the water therein or therefrom is thoroughly pure and wholesome, he shall notify the owner thereof, or the person having charge of the same, to stop the use thereof by himself and others until a thorough analysis thereof has been made, and he shall at once cause an analysis thereof to be made by the state chemist or other competent person, and if the report of said analysis does not remove from his mind all doubt in regard to the purity of such water, he shall cause the place from which the same was procured, if a cistern, to be thoroughly emptied and cleansed, and if a well or spring to be filled, or by some other means rendered incapable

Inspector.

Duties.

Salary.

Removal.

Duties.

To examine water supply.

Expenses.

to be used. All expenses incurred in making said inspection and analysis, except for his own services, he shall report to the mayor of said city, and the amount of such expenses shall be by said mayor charged to the owner of such cistern, well, spring or other source of water supply, and shall be collected by the city tax collector immediately in the same way as taxes are collected.

Officers forbidden to speculate in city papers, &c.

Sec. 37. It shall be unlawful for any officer or officers, appointee or appointees, employee or employees of said city to speculate in or purchase at a discount any claim, paper or evidence of indebtedness, whether allowed or not allowed, or disallowed, of said city or of the county of Buncombe. The provisions of this section shall apply to any person and every person employed in any capacity by said city, and shall hold good throughout the entire period of such employment and for six months after the termination thereof, and any violation of this section shall cause the forfeiture of every such claim, paper and evidence of indebtedness which shall have been so speculated in or purchased at a discount and the payment thereof by said city and by said county.

Breach of official bond.

Sec. 38. For any breach of his official bond by any officer of said city who is or may be required to give such bond, such officer shall be liable to an action on the same, in the name of said city, by said city or any person aggrieved by such breach, and each bond may without assignment be from time to time put in suit until the whole penalty thereof be recovered.

Officers not to contract with city.

Sec. 39. No mayor, aldermen or other officer, appointee or employee of said city shall become a contractor for work to be done by said city, or sub-contractor therefor, or employed or interested therein, directly or indirectly, and any person herein offending shall, by the very act, forfeit his office or employment, and shall also be guilty of a misdemeanor, and said board of aldermen may declare any such contract to be null and void.

Resisting, &c., officers.

Sec. 40. It shall be unlawful for any person to resist or obstruct an officer of said city in the discharge of his duty as such, by force, threats or otherwise, and any person so offending shall be guilty of a misdemeanor, and shall be fined not less than ten dollars nor more than fifty dollars, or imprisoned not exceeding thirty days.

Misdemeanor.

Eligibility to office.

Sec. 41. No person who is not a duly qualified elector of said city shall be eligible to hold office therein, and any duly qualified elector thereof shall be competent to be elected to and hold any office of said city.

Municipal taxes.

Sec. 42. In order to raise funds for the current expenses of said city, and thereafter for the improvement of the same, and

the payment of the interest on its bonded debt, and the creation of a fund to meet the principal of that debt when due, the board of aldermen of said city shall, at their first meeting in June in every year, lay and provide for the collection of the following taxes:

Real and personal property.

(1.) On all real and personal property within the limits of said city, and all other subjects taxable by the general assembly of this state, as specified and valued under the provisions of law, an *ad valorem* tax not exceeding one dollar on every hundred dollars of such valuation as of the first day of June of every year.

Poll tax.

(2.) On all persons residing in said city on the first day of June in every year, subject to poll tax under the laws of this state, a poll tax not exceeding three dollars each.

Purchase tax.

(3.) On every hundred dollars of the purchase price of goods, wares and merchandise purchased for resale or to be manufactured by any merchant, manufacturer or other person trading, manufacturing or doing business in said city for the whole or any part of the year next preceding the first day of June of each year, a tax not exceeding twenty cents.

Vehicles, &c.

(4.) On every omnibus carrying persons for hire, a license tax not exceeding twenty dollars per annum; and on every hack, carriage, wagon, express wagon, dray or other vehicle transporting persons, freight, baggage or other articles for hire, a license tax not exceeeding ten dollars per annum; and on fixing the license tax on the above enumerated vehicles, said board of aldermen shall discriminate between one-horse, two-horse and four-horse vehicles, and between the different kinds of vehicles, as to them shall seem just. Said board of aldermen shall, at their first meeting in June in every year, fix the amount of license tax on every kind of such vehicles; and every person intending to use any such vehicle in said city shall, before using the same, pay to the tax collector of said city the amount of the license tax so fixed on such vehicle, and obtain from said tax collector a license stating the kind of such vehicle and the amount of such payment; but any person may, upon payment to said tax collector of the amount of license tax in such case prescribed by said board of aldermen for such period, obtain from him such license for any part of the year not less than three months, to be therein designated. Any person who shall so use any such vehicle without having procured the license therefor as in this section mentioned shall be guilty of a misdemeanor, and on conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Saddle-horses for hire.

(5.) On every saddle-horse kept for hire in said city, a license

tax not exceeding five dollars per annum, such license to be obtained in the same manner as licenses for vehicles hereinbefore required to be licensed, and subject to the same regulations. Any person who shall keep for hire any such horse, for any time whatever, without having first paid such tax and procured such license shall be guilty of a misdemeanor, and on conviction fined not more than fifty dollars or imprisoned not more than thirty days.

Express, &c., companies.

(6.) On every express company, telegraph company, telephone company, gas company, electric light company, power company, street railroad company and railroad company doing business or having an office in said city, a license tax not exceeding in amount one per centum of the gross receipts by it on its said business in said city, received during the preceding year up to and including the thirty-first day of May next before the date of fixing such license tax; and the manager or agent in charge of the business of any such company in said city on the first day of June in every year, shall, on that day, or if that day be a Sunday or a legal holiday, on the next day thereafter, make to the clerk of the board of alderman of said city, who shall have power in such case to administer oaths, a written return under oath signed by him of the amount of such gross receipts. Any such manager or agent who shall fail or refuse to make such return on the day whereon the same should be made, as hereinbefore provided, shall be guilty of a misdemeanor, and on conviction fined not more than fifty dollars or imprisoned not more than thirty days. Every such company whose manager or agent, as aforesaid, shall fail or refuse to make such return at the time hereinbefore provided therefor, or which shall fail to pay the license tax upon its said business within the time prescribed by the board of aldermen for such payment, shall be guilty of a misdemeanor, and upon conviction shall be fined one thousand dollars. The amount of such license tax, upon the failure of such manager or agent to make such return as is hereinbefore provided, shall be fixed by said board of aldermen at its next meeting after the day on which such return should be made as hereinbefore provided, or at some other meeting thereafter in the same month, by determining the amount of such gross receipts as nearly as they can ascertain the same, and of such amount so determined, which for such purpose shall be taken and deemed to be the amount of such gross receipts, taking one per centum thereof as such license tax.

Return of manager or agent.

Misdemeanor.

Misdemeanor.

Auctioneers.

(7.) Said board of aldermen shall have power to appoint in said city one or more auctioneers, to prescribe their duties and fix their compensation or rate of charges. Every such auc-

tioneer, before acting as such, shall pay to the tax collector of said city a license tax, to be prescribed by said board of aldermen, not exceeding fifty dollars, and obtain from him the certificate of such appointment, and the payment of such tax; and any person who shall act as auctioneer in said city without having been appointed as such by said board of aldermen, or without having paid the tax as aforesaid, or without having obtained such certificate, shall be guilty of a misdemeanor, and on conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Misdemeanor.

Sec. 43. The clerk of said board of aldermen shall procure from the proper officer or officers, or other person or persons to whom the tax listers of said county shall be required by law to return the lists taken by them, and as soon as such lists shall have been so returned in each year all said lists which relate to property and polls with said city, and such other papers, records and documents pertaining to matters taxable by said city, as may be or should be in his office or possession, or their offices or possession. From such lists, papers, records and documents so procured, or required to be procured, said clerk of the board of aldermen shall immediately make a full and complete list showing the name of every tax payer in every ward of said city, and the items of property, personal and real, in every of such wards upon which he is required to pay taxes, and the respective values of each according to said list, and the respective names and ages and colors of the persons resident in said wards severally who are liable to pay a poll tax in said city, and shall charge to every of said taxpayers his taxes upon his property in every of said wards, calculated at the rate of taxation for such property prescribed by said board of aldermen for that year, and shall charge all persons resident within said wards, respectively, who are liable to pay poll tax in said city, with the amount of their respective poll tax as prescribed by said board of aldermen for that year, and also showing the aggregate amount of property according to such valuations, and of taxes and polls in every of said wards, and the full aggregate of the same in said city. Said clerk of the board of aldermen shall submit such list so made by him to said board of aldermen at their next meeting after he shall have so completed the same, and said list, when approved by said board of aldermen, whether as amended or not by it, shall constitute the regular tax list of said city for that year, subject to any and all amendments, corrections, modifications, additions and subtractions which said board of aldermen shall from time to time make therein; but said board of aldermen shall have no

County tax list, &c., as to city property, to be obtained by city clerk.

City tax list, what to contain.

Tax list to be approved by aldermen.

power to raise or lower the valuation of real estate for tax purposes as fixed in the manner prescribed by law. It shall be the duty of said board of aldermen to see that all subjects of taxation within said city are duly entered from time to time upon said list at their proper places, and that the taxes which should be paid by or upon the same are duly enforced and collected, and to take all proper measures necessary for the due accomplishment of that result.

Duties of aldermen as to tax list.

List to be preserved.

Sec. 44. Said board of aldermen shall preserve said list among its records; shall, immediately after its approval of the same, cause to be made a copy of so much and such parts thereof as may be required for the use of the tax collector in collecting the taxes of said city; said copy shall be delivered to said tax collector on or before the first Monday in September in each year, and he shall receipt for the same. Said clerk of the board of aldermen shall endorse on said copy an order to said tax collector to collect the taxes therein mentioned, and such order shall have the force and effect of a judgment and execution against the real and personal property of the persons charged in said copy respectively.

When delivered to tax collector.

Judgment.

Collector of taxes.

Sec. 45. The tax collector of said city, upon his receipt of said copy of such parts of said tax list, shall proceed immediately with the collection of the taxes in such copy mentioned, and of all such as may be from time to time added thereto by said board of aldermen, and shall complete such collection by the first day of December next after such receipt; but said board of aldermen may extend the time for the completion of such collection for such period or periods as it may deem best, not longer than the first day of March next thereafter. Said tax collector shall pay over, at least as often as once a week, to the treasurer of said city all moneys collected by him as taxes, after deducting from each collection the amount of his compensation for making it, as hereinbefore provided; and for every such payment he shall take said treasurer's receipt and exhibit it to said board of aldermen at its next meeting.

Aldermen may extend time for collection, not longer than March 1.

Tax collector to pay over to treasurer at least once a week.

City taxes to be levied and collected as state and county taxes.

Sec. 46. All taxes of said city shall be listed, levied, assessed and collected, except as is in this charter otherwise provided in the same manner and under the same rules and regulations, and subject to the same penalties, as are provided by law or shall hereafter be provided by law for the listing, levying, assessing and collecting state and county taxes in this state.

Collector or deputy to remain in office in business hours in September.

Sec. 47. Said tax collector or his deputy shall attend at his office in said city during business hours throughout the month of September in every year for the purpose of receiving taxes.

Sec. 48. The lien of city taxes levied for all purposes in each

year shall attach to all real property subject to such taxes on the first day of June annually shall be paramount to all other liens and continue until such taxes, with any penalty which shall accrue thereon, shall be paid. All personal property in said city subject to taxation shall be liable to be seized and sold for taxes by said tax collector, and the personal property of any deceased person therein shall be liable in the hands of any executor or administrator for any tax due on the same by any testator or intestate; and any property, whether real or personal, in said city, conveyed or assigned after the first day of June in any year to any trustee or trustees, assignee or assignees for the benefit of creditors shall be liable in the hands of such trustee or trustees, assignee or assignees, for all taxes levied, laid or assessed upon the same in that year, and may be sold for the payment of such taxes in the same manner as if such conveyance or assignment had not been made.

Lien of taxes attaches to real property on June 1st.
Taxes paramount, and continue until taxes and penalty paid.
Personal property liable to seizure.
Deceased person's property liable for taxes in hands of executor or administrator.
Property in trustees' hands also liable.

Sec. 49. The fiscal year of said city shall begin with the first day of June in every year.

Fiscal year begins June 1.

Sec. 50. The poll taxes and *ad valorem* taxes of said city shall become due on the first day of September in every year.

Poll and *ad valorem* taxes, when due.

Sec. 51. Whenever any taxes in said city shall be due and unpaid, the tax collector thereof shall proceed to collect the same as follows:

Taxes due and unpaid, duty of tax collector.

(1.) If the person charged have personal property anywhere in the county of Buncombe of a value as great as the tax charged against him or against his property, said tax collector shall seize and sell the same as the sheriff is required to sell personal property under execution.

Personal property to be seized and sold first.

(2.) If the person charged have not personal property to be found in said county of Buncombe of a value as great as the tax charged against him and his property, said tax collector shall levy upon the lands of the delinquent in said county of Buncombe, or any part of such lands, and, after due advertisement, sell the same for the payment of said taxes. Such advertisement shall be made in some newspaper published in said county of Buncombe for at least twenty days immediately preceding such sale, and by posting a notice of such sale at the court house door in said city at least twenty days before such sale, which shall contain at least a concise description of the real estate to be sold, the name of the person who appears upon the tax list as owner thereof, the amount of taxes for which said sale is to be made and the day and place of such sale. Said tax collector may divide such real estate into as many parts as he may deem convenient, employing if necessary a surveyor for that purpose, and in such case shall sell as much

No personal property, or insufficient, then land shall be levied on.
Lands to be sold after 20 days' advertisement, and posting notice at court house door.
Advertisement, what to contain.
Real estate may be divided.
Sufficient quantity to be sold for taxes.

thereof as shall be required to pay said taxes and all expenses attendent thereon, together with all penalties; and if such real estate shall not be so divided he shall sell the whole. For every piece of real estate or part thereof so advertised said tax collector shall also collect, in the same manner as such taxes, the sum of fifty cents to defray the expenses of such advertisement. All such sales shall be made at the court house door of said county of Buncombe, at public auction to the highest bidder for cash, upon any day of the month or week, except Sunday or a legal holiday; and if no person will bid enough to pay such taxes, penalties and expenses in case such real estate is sold without such division, said tax collector shall bid on behalf of said city the amount of said taxes, penalties and expenses, and if no higher bid shall be made, the same shall be struck off to said city; and if no person will bid an amount or amounts, in case said land is sold in parcels, sufficient in the aggregate to pay such taxes, penalties and expenses, such real estate shall be then immediately sold as a whole, and if no person will bid enough for the whole to pay said taxes, penalties and expenses, said tax collector shall bid for the whole on behalf of said city the amount of said taxes, penalties and expenses, and if no higher bid shall be made, the same shall be struck off to said city; and in all cases where real estate shall be struck off to said city as herein provided it shall belong to said city in fee simple, unless redeemed in the manner prescribed by law or this charter. Said tax collector shall immediately thereafter return to the board of aldermen of said city, by filing the same with the clerk of said board, a statement of his proceedings, showing the purchaser or purchasers of such real estate, and the amounts for which each piece or part thereof was sold, which shall be entered by the clerk of said board upon the minute-book of said board of aldermen, and if there shall be a surplus after paying said taxes, penalties and expenses, the same shall be paid to the treasurer of said city, subject to the demand of the person entitled to the same.

Fifty cents to pay for advertisement.
Place of sale.
When to be sold.
If no bid enough to pay taxes, to be bought for city.
If not enough bid to pay taxes when land sold in parcels, then must be sold as a whole.
If bid not enough then, to be bought for city.
City to own in fee simple, unless land redeemed.
Tax collector to make report to board of aldermen.
Report, what to contain.
Clerk of board to enter report on minute-book.
Treasurer to pay surplus to owner.

Sec. 52. The owner of any real estate or interest therein sold as aforesaid, his heirs, executors, administrators or assigns, may redeem the same within one year after the sale, upon the same terms and conditions and subject to the same provisos and in the same manner as are prescribed by law for the redemption of real estate sold for state and county taxes, except that all the duties, functions and powers provided in such law to be discharged and exercised by the sheriff or tax collector shall be discharged and exercised by the tax collector of said city.

Real estate may be redeemed in one year.
Redemption to be as in state and county.

Tax collector to execute to buyer a certificate. Kind of certificate.

Sec. 53. On any such sale of real estate said tax collector shall execute to the purchaser a certificate similar to that required or allowed by law to be executed upon the sale of real estate for state and county taxes, which may be assigned or transferred by the purchaser, whether an individual or said city, as such last mentioned certificates are allowed by law to be assigned or transferred; and if the real estate sold as aforesaid shall not be redeemed as hereinbefore provided, said tax collector or his successor in office, under the direction of said board of aldermen, at any time within one year after the expiration of one year from the date of sale on request of the holder of such certificate and production of the same, shall execute to the purchaser, his heirs or assigns, a deed in fee simple for the conveyance of the real estate described in such certificate; and if such certificate shall have been lost said board of aldermen, on being fully satisfied thereof by due proof, shall direct said tax collector to execute such conveyance, and said tax collector shall so execute the same. Any such deed shall be similar in form to the deed directed by law to be executed to a purchaser of real estate sold for state and county taxes who is entitled to a conveyance of the same, and shall be subject to the same rules, provisions, presumptions and conclusions as such last mentioned deed, and effective to the same extent as such last mentioned deed.

Certificates may be assigned.

Holder of certificate to receive a deed in fee simple if land not redeemed in a year.

Lost certificate.

What deed to contain.

Sale not invalid if property be charged in wrong name.

Sec. 54. No such sale of real estate for taxes shall be considered invalid on account of the same having been charged in any other name than that of a rightful owner if said real estate be in other respects sufficiently described to insure identification.

Taxes to be collected immediately.

Sec. 55. In addition to the other subjects listed for taxation in said city the board of aldermen thereof may lay and cause to be collected taxes on the following subjects, respectively, the amounts of which, when laid, shall be collected by the tax collector of said city immediately, and if the same be not paid on demand they may be recovered by suit or by seizure and sale of the articles on which they are severally imposed or of any other property of the owner in said county of Buncombe, in the same manner as personal property is sold for taxes as hereinbefore provided:

Itinerant merchants. Privilege tax. *Ad valorem* tax.

(1.) On all itinerant merchants or peddlers offering to vend in said city, a privilege tax not exceeding fifty dollars a year in addition to a tax not exceeding one per centum on the amount of their purchases, respectively; and among such itinerant merchants or peddlers shall be included also all itinerant venders of medicines or other articles.

Shooting galleries and other games, &c.

(2.) On every shooting gallery, billiard table, bowling-alley or alley of like kind, bowling saloon, bagatelle table, pool table or place of any other game or play, with or without a name, kept for profit, or kept in a house where spirituous, vinous or malt liquor is sold, or in a house used or connected with such a house, or used or connected with a hotel or restaurant, a privilege tax not exceeding fifty dollars.

Hotels, restaurants, &c. Privilege tax. Classification to be made.

(3.) On every hotel, restaurant or eating-house, a privilege tax not exceeding fifty dollars. Said board of aldermen shall have the power to classify into as many classes as to them shall from time to time seem best such hotels, restaurants and eating-houses according to the character of business done by them, and to determine according to the character of such business to which class any hotel, restaurant or eating house properly belongs, and prescribe a different privilege tax for every class, in no case exceeding said sum of fifty dollars a year.

Company of circus riders, &c.

License tax.

Side shows.

License tax.

(4.) On every company of circus riders, performers or exhibitors or showmen, by whatsoever name called, who shall exhibit within said city, or within one mile of the corporate limits thereof, a license tax not exceeding one hundred dollars for every performance or separate exhibition, and on every side-show connected therewith, a license tax not exceeding twenty dollars for every performance or separate exhibition. The tax herein specified shall be paid before performance or exhibition, otherwise it shall be double.

Theatrical plays, &c.

License tax.

(5.) On every person or company exhibiting within said city, or within one mile of the corporate limits thereof, any stage or theatrical plays, sleight-of-hand performance, rope-walking, wire-walking, or menageries, a tax not exceeding twenty-five dollars for every twelve hours allowed for exhibition. Said tax to be paid before exhibiting, otherwise to be double.

Artificial curiosities, except models of useful inventions. License tax.

(6.) On every exhibition, for reward, of artificial curiosities, except models of useful inventions, within said city, or within one mile of the corporate limits thereof, a license tax not exceeding twenty-five dollars. Said tax to be paid before exhibition, otherwise to be double.

Shows and exhibitions of any kind. Concerts for reward, strolling minstrel. License tax.

(7.) On every show, performance or exhibition of any kind, and on every concert, for reward, and every strolling musician within said city, or within one mile of the corporate limits thereof, a license tax not exceeding ten dollars. Said tax to be paid before exhibition, or to be double.

Privilege tax. Jeweler, &c. Amount of tax. Dentists.

(8.) On each and every of the following objects and occupations said board of aldermen may, at its discretion, impose an annual privilege tax as follows: on itinerant jewelers or silversmiths, not exceeding fifty dollars; on dentists, local or itiner-

ant, not exceeding ten dollars; on photographers, not exceeding twenty-five dollars; on dealers in leaf tobacco, not exceeding ten dollars; on huckster's stands, not exceeding twenty dollars; on itinerant dealers in lightning-rods, not exceeding twenty-five dollars; on vender or agents for sale of any patented article, not exceeding twenty dollars; on banks, banking business or bank agents, not exceeding one hundred dollars; on note shavers, brokers, money lenders and real estate agents, not exceeding one hundred and fifty dollars; on every tobacco manufacturer of any kind and every cigar and every cigarette manufacturer, not exceeding one hundred dollars; on every tobacco warehouse, not exceeding fifty dollars; on retail dealers in fresh meats, not exceeding thirty dollars; on boarding houses, not exceeding ten dollars; on ice cream saloons, not exceeding ten dollars; on dealers in fertilizers and agents for the sale thereof, not exceeding one hundred dollars; on every lumber dealer or dealer in bricks or other building materials, or manufacturers thereof, or agents thereof, not exceeding thirty dollars for every yard, warehouse, office or place of business; on soda fountains, not exceeding ten dollars; on lawyers, not exceeding ten dollars; on brewers, manufacturing and selling their own products by wholesale, not exceeding fifty dollars; on manufacturers of patent medicines, or medicines of any kind usually called proprietary, not exceeding one hundred dollars; on skating rinks, not exceeding twenty dollars; on dogs, not exceeding two dollars; on dealers in or agents for carriages, buggies, wagons, sewing machines, tobacco, cigars, cigarettes, bicycles, tinware, stoves, ranges, heaters, or cotton yarn not manufactured in said county of Buncombe, not exceeding one hundred dollars; on every person, firm or company selling pistols, bowie-knives, dirks, slung-shots, brass or metallic knuckles, or other deadly weapons of like character, in addition to all other taxes, a license tax not exceeding five hundred dollars. Said board of aldermen may, at its discretion, impose said annual privilege taxes upon said objects and occupations, respectively, or upon any of them, and may at its discretion, in so doing impose different taxes upon different objects or occupations as to which the limit hereinbefore prescribed is the same.

Privilege tax.
Photographers.
Leaf tobacco dealers.
Hucksters.
Lightning-rod sellers.
Patent medicines.
Banks.
Note-shavers, brokers, &c.
Real estate agents.
Tobacco manufacturers.
Cigar, &c., makers.
Tobacco warehouse.
Butchers.
Boarding houses.
Ice cream saloons.
Dealers in fertilizers.
Lumber dealers.
Dealers in brick and other building material.
Soda fountains.
Lawyers.
Brewers.
Patent medicine manufacturers.
Skating rinks.
Dogs.
Dealers in vehicles and other articles.
Dealers in certain deadly weapons.
License tax.

(9.) On every person, company or firm selling spirituous, vinous or malt liquors, a license tax for every place in which such business is or is to be conducted, whether by wholesale or retail, not exceeding one thousand dollars, to be paid semi-annually, in advance, on the first days of July and January in every year, one-half of such tax at each payment. Every per-

Liquor dealers.
License tax.
Amount of tax, how paid.

son desirous of engaging in such business in said city shall apply to said board of aldermen at its first meeting in June or its first meeting in December in any year for license to do so, and said board of aldermen may, in its discretion, direct or decline to direct the tax collector of said city to issue such license to any such applicant, or for any place in said city where such business is desired to be conducted. Upon any direction of said board of aldermen so to do, and the payment in advance to him of the license tax therefor, it shall be the duty of said tax collector to issue to the person, company or firm named in said direction a license to conduct, at the place named in such direction, the business in such direction specified for the period of six months, to commence on the first day of July or the first day of January, as the case may be, next after such direction by said board of aldermen. Any person, company or firm having obtained such license who shall, within the period therein named, at any time fail, neglect or refuse to comply with any rule or regulation theretofore or within such period prescribed by such board of aldermen for the conduct, control or regulation of such business, shall forfeit thereby such license, and upon such forfeiture being declared by said board of aldermen, such person, firm or company shall no longer be entitled to engage in said business within said period or under said license, and shall not be entitled to have refunded to him, them or it any part of the license tax for such license paid. Any person who shall sell, or aid in selling, or offer for sale in said city any spirituous, vinous or malt liquors without having a license therefor, shall be guilty of a misdemeanor for every such act, and upon conviction thereof shall be fined not exceeding fifty dollars or imprisoned not more than thirty days.

Application to board must be made.
When application must be made.
Discretionary with board to issue license.
How issued.

License may be issued on payment in advance of tax.

Place of business to be designated.
License for six months.

Causes of forfeiture of license.

In case of forfeiture tax not to be refunded.

Misdemeanor to sell without license.

Penalty.

(10.) On any other business, trade, occupation, calling or profession engaged in, carried on in whole or part, in or having an office or place of business in the corporate limits of said city, not otherwise herein taxed or authorized to be taxed, a privilege tax to be fixed by said board of aldermen.

Privilege on any other occupation may be fixed by board.

(11.) Said board of aldermen may require and provide for the payment in advance of any license tax or privilege tax in this act authorized, and any person who in such case shall engage in any business, trade, occupation, calling or profession upon or for which in any manner any such tax is allowed to be imposed, without having paid such tax, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Board may provide for payment in advance of license tax.

Person engaging in occupation without payment of license tax guilty of misdemeanor.
Penalty.

Sec. 56. Whenever, in the opinion of the board of aldermen

of said city, it is advisable to obtain land or right of way therein for the purpose of opening a new street therein, or widening or straightening a street therein, or making culverts or water-ways for carrying water out of any street therein, and said board of aldermen and the owner or owners of such land or right of way cannot agree as to the amount of damages consequent thereupon, as well as to the special advantage which may result to the owner or owners thereof by reason of such opening, widening or straightening of the street, or making of such culvert or water-way, said board of aldermen may direct the mayor of said city to issue, and he shall thereupon issue his writ, under the seal of said city, commanding a marshal thereof to summon a jury of six freeholders of said city, unconnected by consanguinity or affinity with any of the persons supposed to be affected by said proposed improvement, in which writ the proposed improvement shall be fully described and the persons who are supposed to be affected thereby shall be named. Such marshal shall, in obedience to said writ, summon a jury of six freeholders, as aforesaid, and direct them to assemble at the mayor's office in said city at a time by such marshal appointed, not less than twenty nor more than thirty days after the date of such writ. Such marshal shall also serve notice of the time of meeting of the jury upon all the persons who are named in such writ as supposed to be affected by such proposed improvement, at least fifteen days before the date appointed for the meeting of the jury. Such notice shall be in writing and signed by said marshal and addressed to the person or persons upon whom service thereof is made, and shall state the time appointed for such meeting of the jury and designate briefly the proposed improvement, and may be issued as a single notice to all persons named in said writ or as a separate notice to every one of them or to any two or more of them. Such notice shall be served upon the person or persons therein named, or his, her or their agent, by reading the same to him, her or them, and if any such person or his, her or their agent cannot be found in said city the mayor of said city shall, upon affidavit thereof made and filed before him by such marshal, direct such notice to be served by posting a copy of the same at the courthouse door in said county of Buncombe for at least fifteen days immediately preceding the time appointed for the meeting of such jury, and upon such direction of the mayor it shall be the duty of such marshal to so post the same, and such posting shall, upon the expiration of the time in such order designated, be a sufficient service of such notice and the party shall then be duly notified of such proceeding. Such marshal shall duly

New streets, &c.

Parties not agreeing as to value of land taken.

Jury of six freeholders to determine value.

What writ to contain.

Where jurors to meet.

When to meet.

Owners to be served with notice.

Time of service.

Contents of notice.

Notice, how served.

Owner not to be found.

Notice to be served by posting copy at court house for fifteen days.

Sufficient notice.

Notices to be returned.

return such writ and all such notices with his return thereon in writing endorsed, together with any such order of the mayor, to said board of aldermen at its next meeting after the time appointed for the meeting of the jury aforesaid; at the time appointed for the meeting of the jury such marshal, or in case of his inability to do so, another marshal or deputy marshal of said city, shall fill any vacancy which has occurred from any cause in the number of persons theretofore summoned as such jury with other competent jurors, and shall cause the jury, as then constituted, to assemble at the office of the mayor of said city, where every one of them shall be sworn by such mayor or other competent person to faithfully, truly and impartially assess the damages, if any, which in his judgment will be done to the property of every person named in the writ, and will also assess any special benefit, advantage or enhanced value which will be caused to the property of any person named in the writ. Immediately after the jury shall have been so sworn they shall proceed, accompanied by such marshal or deputy marshal, to view the land of every person named in the writ, and shall assess the damages, if any, to every one of the premises which they have viewed, and the special benefit, advantage or enhanced value, if any, which will accrue by reason of said proposed improvement to every one of the premises which they have viewed. Said jury shall forthwith return to said board of aldermen, by filing it with the clerk thereof, a statement in writing signed by every of them, or a majority of them in case they cannot agree, setting forth distinctly a full itemized report of their proceedings, and stating separately the amounts of damages or special benefits, or both, as the case may be, which they have assessed to every one of the premises so viewed by them. The marshal in charge of said jury shall keep them together until they shall have agreed on all matters submitted to them as aforesaid, and have made and signed their report as aforesaid, or in case of their inability to so agree, or twenty-four hours from the time of their return from reviewing said premises to said office of the mayor, to which they shall so return in every case immediately for deliberation, and until they have signed a report, as hereafter specified, upon any disagreement. If such jury shall be evenly divided so that they are unable to agree on their report, or any part thereof, they shall make and sign a report stating that fact and setting forth such items as a majority of them have agreed upon, if any such there be, and the names of the persons as owners and the particular premises in regard to the damage, special benefit or enhanced value of which they are evenly divided, or in regard to which a majority of them can-

Vacancies in jurors.

Jurors to be sworn.

Oath of jurors.

Jurors to view land.

Damages to be assessed.

Written statement to be made by jurors to board of aldermen.

Statement, what to contain.

Jury to be kept together until agreement.

Disagreement of jury.

not agree, which report shall be filed in the same manner as the report hereinbefore provided for. On receipt of any such report, showing any disagreement of the jury, said board of aldermen shall, at its next meeting after the filing of such report, direct the mayor of said city to issue, and he shall thereupon issue under the seal of said city his order to a marshal of said city to at once summon a new jury, qualified for such duty as hereinbefore specified, and of the same number as hereinbefore directed, to be composed of different persons from those who constituted the jury so disagreeing, and such new jury shall proceed immediately after being duly sworn, as aforesaid, to take into consideration all parts of the report of the former jury on which that jury was not able to agree, and to view the premises in regard to which such disagreements were had, in the manner hereinbefore directed, and shall make their report in the same manner as hereinbefore provided. Such course shall be continued from time to time until all the matters in such original writ directed to be decided shall have been determined. At the first meeting of said board of aldermen after a complete report or reports upon the matters in said writ ordered to be directed shall have been filed as aforesaid, said board of aldermen shall consider and pass upon such report or reports. If said board of aldermen shall determine that any item of damages so assessed is excessive, it may reject such report or reports and discontinue the proposed improvement, and in case of such discontinuance no other proceeding shall within twelve months thereafter be commenced for a similar purpose in relation to any of the premises affected thereby or any part of the same without the written consent of the owner thereof. It shall be competent for said board of aldermen, in passing upon any such report or reports, to decrease or remit any item or items of special benefit, advantage or enhanced value therein contained, if it think proper so to do. If said board of aldermen shall think proper it shall order such report or reports, or such report or reports so modified by it as to special benefits or advantages or enhanced value, approved and the lands condemned in said proceedings shall vest in said city, so long as they may be used respectively for the purpose of said improvement, so soon as the amount of damages assessed to them respectively, decreased by the amount of special benefit, advantage and enhanced value so assessed against them respectively, shall have been paid as tendered to the owner or owners of such premises respectively, or deposited as hereinafter provided. In case of an appeal on any item, as hereinafter provided, such damages on the premises as to which such appeal is taken, decreased by the amount of special bene-

Report to be filed.

Report of disagreeing jurors received, aldermen have new jury summoned.

New jury, how composed.

Report of old jury to be considered by new jury and premises to be viewed.

Report of new jury, how to be made.

Board of aldermen to pass upon report.

Report may be rejected.

No new proceeding in twelve months, without written consent of owner of premises.

Aldermen may reject part of report.

Lands condemned to vest in city for the purposes for which they were condemned, when damages paid.

If appeal be taken on any item, special benefits and damages.

fits, advantage and enhanced value assessed against the same, shall be deposited with the clerk of the superior court of said county of Buncombe to be disposed of as so assessed, or as upon such appeal adjudged, subject to be reduced by any special benefits, advantage and enhanced value against such premises, assessed as aforesaid or on such appeal adjudged. Any special benefit, advantage or enhanced value so assessed against any premises, or an appeal adjudged against the same, unless paid or set off by damages assessed thereon, or on appeal adjudged on the same, shall, upon such approval of the board of aldermen, in case no appeal is taken upon such assessment of special benefits, advantage or enhanced value or damages, or upon final judgment in case of any such appeal, become and be a lien in favor of said city on said premises on which it has been so assessed or adjudged, as of the time when the board of aldermen passed upon the report regarding the same when said approval was had or appeal taken, and shall be paid to said city in equal instalments, one, two and three years respectively, after the completion of such improvement, or in case of appeal and completion of such improvement before final judgment thereon, after such final judgment, and if any such installments shall remain unpaid for thirty days after its maturity all such installments then unpaid shall become due, and the premises so assessed or charged shall be sold for the payment of the same and the expenses of such sale and costs by the tax collector of said city, under the same rules, regulations, restrictions, rights of redemption, provisions and effects as are prescribed in this charter for the sale of real estate for unpaid taxes. Any owner of premises mentioned in any such report who is dissatisfied with the amount of damages assessed therein as done to said premises, or with any amount of special benefits, advantage or enhanced value therein assessed against the same, or said board of aldermen, if dissatisfied with any item in said report, any appeal, on any item with which he, she or they are so dissatisfied, from such report thereon or the action of the board of aldermen on such report, to the next term of the superior court of said county of Buncombe, by serving upon the adverse party a written notice of such appeal within ten days after said board of aldermen shall have so passed upon such report. On any such appeal the appellate court shall have power to increase, affirm or diminish the amount of the item appealed on, but not to adjudicate the necessity of the improvement, and such appeal shall in no wise hinder or delay the board of aldermen in making or carrying out the proposed improvement, but it shall be lawful for it to enter upon and use the property so con-

Enhanced value to be a lien in favor of city.

Assessed advantages, when to be paid.

Installments for advantages unpaid for 30 days, premises to be sold.

Expenses of sale.

If owner of land, or board of aldermen dissatisfied.

Appeal to next term of superior court may be had by service of written notice in ten days after determination by aldermen.

Power of appellate court.

Appeal not to delay proposed improvement.

demned as and for such purpose at any time after the expiration of two days from the date when the amount of damages assessed by the jury, decreased by special benefits, advantage and enhanced value, as aforesaid, shall have been paid or tendered, or in case of appeal deposited as aforesaid.

Time land may be taken possession of after assessment by board.

Sec. 57. Whenever any land, real estate, water, water-course or right of way, whether or not within the limits of said city, shall, in the opinion of said board of aldermen, be required for the purpose of erecting, making or establishing reservoirs, dams or ponds, tanks or other receptacles of water, or for laying conduit, main or supply pipes, or for obtaining a supply of water, or the erection or construction of houses, stations or machinery to be used in so doing, for the use of said city or its inhabitants, or for any other purpose connected with the successful operation of water works in or for said city, and the owner or owners of such property and said board of aldermen cannot agree as to the price to be paid therefor, the same may be condemned in the manner prescribed in this charter for the condemnation of land for streets, except only that when the property so condemned lies without the limits of said city the jury shall be composed one half of competent jurors from within said city and the other half of competent jurors of said county of Buncombe from without said city. For the purpose of successfully establishing, constructing and operating the water works hereby contemplated said board of aldermen shall have full power to extend such water works, or any branch or branches thereof, beyond the limits of said city in any direction or directions which to it may seem advisable, and to exercise all rights and privileges in the establishment, construction, operation, repair and control of such water works, and any and all branches thereof, beyond the limits of said city as they now are or hereafter may be empowered to exercise within such limits. In case of the discontinuance of the use of any property actually condemned for any of the purposes in this or the preceding section allowed, and its reverting to its original owners by reason thereof, said city shall have the right to remove therefrom any property, structure, machinery or improvement by it or under its authority erected, put or placed thereon.

Land necessary for reservoirs, dams, &c., for water works.

Owners of land and aldermen unable to agree as to price of land.

Land may be condemned as for streets, except when it lies partly in and partly out the city.

For establishing and operating water works aldermen have power out of city as in it.

If condemned land be no longer in use, reverts to owner with saving of structures which belong to city.

Sec. 58. Said board of aldermen may establish the width and ascertain the location of the streets, alleys and sidewalks of said city already established, and may reduce the width thereof or discontinue any of them. It may also establish, acquire, improve and control parks or other pleasure grounds for the use of said city, and may pass ordinances and regulations for the proper protection, maintenance, management and control of

Width and discontinuance of streets ordered by aldermen.

Parks.

Ordinances to protect parks.

Shade trees.

the same. It may also protect and control the shade trees already growing or hereafter planted on the streets, public squares, public grounds, public alleys and sidewalks of or within said city, and may remove any such trees from time to time or plant others on such streets, public squares, public grounds, public alleys and sidewalks as to it may seem meet.

Board of aldermen may permit erection of telegraph, &c., poles.

Said board of aldermen may also permit the erection of telegraph poles, telephone poles, electric light poles, street car poles and other poles upon the streets, public squares, public grounds, public alleys and sidewalks of said city, or prohibit or prevent such erection of the same, and may control and regulate all such poles as shall have been or hereafter may be so erected and the use of the same at any and all times, and may remove

Poles may be removed.

or cause to be removed the same or any of them at any time or times, and in such manner and upon such notice as to it may seem proper. It shall also have power to regulate, control, license, prohibit and remove all structures and things, of whatsoever name or character, erected, constructed, put or placed on, above or under the streets, public squares, public grounds, public alleys and sidewalks of said city.

Privileges, franchises and charters granted by city may be altered or repealed by city.

Sec. 59. All privileges and franchises and charters, whatsoever, granted by the board of aldermen of said city, and all ordinances thereof conferring any such privileges, franchises or charters, may be altered, amended, modified, repealed or revoked by said board of aldermen from time to time, anything in such privileges, franchises, charters or ordinances contained to the contrary notwithstanding.

Street railroads.

Sec. 60. Any street railroad which has or hereafter may construct its lines of road or part thereof over any of the streets of said city shall maintain such road or part thereof, or construct the same only upon the following conditions: it shall use only such rails and other material as the board of aldermen may

Aldermen designate material. Pave street between rails.

designate; it shall properly grade, complete and pave the street between its rails in such manner as said board of aldermen may direct; it shall keep such street between said rails in good condition and repair, and in such condition and repair as said board of aldermen may from time to time order, so

Failure of railway to pave, repair, &c., aldermen may have done at company's expense.

long as it shall use the same; if it shall fail to comply with any provision of this section, or to keep any such street in condition and repair as aforesaid, said board of aldermen may cause anything to be done which said railroad has so failed to do, and the costs thereof shall be charged against such railroad and constitute a lien from the commencement of the work

Repairs lien on road.

paramount to every other lien upon the charter and franchises of such railroad and upon all the property of whatever kind of

such railroad in said county of Buncombe and such property may be sold for the payment thereof in the manner herein prescribed for the sale of property for taxes, and any such failure on the part of said railroad shall operate as a forfeiture of its right to use such streets, or any of them, or any part of any of them, as such board of aldermen may determine.

Property to be sold as for taxes.

Forfeiture of franchise.

Sec. 61. Whenever any street in said city shall have been graded, guttered and curbed in whole or in part, including the sidewalks, it shall be incumbent on the owner or owners of the land along said street or part thereof so improved to pave the sidewalk on their own sides respectively the full width across their respective fronts, with such materials and in such manner as the board of aldermen of said city shall direct. When such land corners on two or more streets without such sidewalks the owner or owners thereof shall pave the half of the sidewalks on such streets along his fronts which the board of aldermen may direct at his own cost, and said city shall pave the other half thereof at its cost. Whenever any street shall have been graded, guttered and curbed, the board of aldermen of said city shall, through its clerk, notify the owner or owners of the lands fronting or cornering thereon to at once pave the sidewalks thereof as hereinbefore provided; and should such owner or owners fail for fifteen days after such notice to comply therewith, said board of aldermen, unless it shall extend the time therefor, shall cause said sidewalk to be so built and charge the cost thereof against such lots respectively, and cause the same to be entered by its clerk in a book to be kept by him for that purpose; and the said clerk shall place in the hands of the tax collector of said city, immediately copies of such charges, and said tax collector shall forthwith proceed to collect the same and account therefor in the same manner as taxes of said city. The amounts of such charges shall be and constitute, from the commencement of the work for which they are charged, liens on the respective lots upon which they are so charged, and if any of them is not paid on demand so much of the lot upon which it is charged as may be sufficient to pay the same, with interest and costs, for the whole of such lot, shall be advertised and sold by the tax collector of said city for the payment of the same under the same rules and regulations, rights of redemption, excepting and in the same manner as are prescribed in this act for the sale of real estate for unpaid taxes; but said board of aldermen may, in its discretion, divide any such charge in such manner that the same may be paid in three equal annual installments from and after the commencement of such work, with interest thereon at six per centum per annum from the date of such commencement.

Sidewalks to be paved entirely by owner.

When sidewalks to be half paved by owner and other half by city.

Notice to owners to pave sidewalks.

Failure of owner to pave for fifteen days.

Sidewalks not paved city clerk to report to tax collector, who shall collect cost for paving as taxes.

City work on sidewalks to constitute a lein.

Such portion of lot to be sold as will pay costs of paving.

Water works.

Sec. 62. Said board of aldermen shall from time to time lay, build and construct in said city such system or systems of water works, water pipes, sewerage and sewer pipes, and extension of the same, as to it may seem advisable, or cause the same to be so laid, built and constructed, and shall keep the same in proper condition and repair, with proper connections, and make all necessary provisions for so doing, and shall control and regulate such system and every part thereof, and may require the owner or owners of any improved lot in said city on any public street or alley where such water and sewer pipes have been laid, or are conveniently accessible, or on any line of pipes to connect such lot with such sewer and water pipes in the manner and at the places designated by said board of aldermen, upon like notice, terms and conditions as are hereinbefore provided for paving sidewalks, and upon failure of the owner or owners to so connect the same within the time in such notice required, said board of aldermen may enter upon such lot and make such connections, and charge the costs thereof against said lot in the same manner as is hereinbefore provided in the case of sidewalks, and such costs so charged shall be collected and shall constitute a lien upon such lot in the same manner and to be enforced in the same manner and with like powers and privileges as is hereinbefore provided in regard to sidewalks.

Water works to be controlled by aldermen.

Owners of improved lots may be required to connect with sewer and water pipes.

Notices for connection with sewer and water pipes as for sidewalks.

Owners failing to connect.

Lot to be charged with connections made by order of board.

Constitute lien.

Land required for sewer or water pipes.

Sec. 63. When any land or right of way within or without the limits of said city shall, in the opinion of the board of aldermen thereof, be required for the purpose of laying sewer pipes or making manholes, or for any other purpose connected with the successful operation of such sewer system or systems, and the owners of such property and said board of aldermen cannot agree as to the damage by reason thereof, the same shall be condemned and damages assessed therefor in the manner hereinbefore prescribed for the condemnation of land for water works or purposes connected therewith. For the purpose of successfully constructing and operating such sewer system or systems, said board of aldermen shall have power to extend the and any branch or branches thereof beyond the limits of said city, in any direction or directions which it may think proper, and to exercise all rights and privileges in the establishment, construction, operation, repair and control of such sewer system or systems, and any and all branches thereof, whether within or without the limits of said city, as to it shall seem proper.

Aldermen and owner unable to agree as to price of land, land condemned.

Water and sewer pipes may be extended beyond city.

Contagious and infectious diseases.

Sec. 64. Said board of aldermen may take such measures as it may deem effectual to prevent the entrance into said city, or spread therein, of any and all contagious, infectious or other diseases of whatever nature, and for that purpose may estab-

lish, maintain, enact, regulate, conduct and enforce all quarantine and quarantine and other rules, regulations and requirements, which, in its opinion, may be necessary for the preservation of the health of said city and the protection thereof from all manner of sickness or disease whatsoever, with all rights of entry upon property, and all other rights of every character necessary therefor. Quarantine.

Sec. 65. Said board of aldermen, shall at its first regular meeting in June, one thousand eight hundred and ninety-five, and annually thereafter at its first regular meeting in June, appoint two practicing physicians of said city for the term of two years, subject to be removed at any time by said board of aldermen, which physicians with the two other physicians then in office and the mayor of said city and the chairman of the finance committee of said board of aldermen, shall constitute the board of health of said city; and said board of aldermen shall, from time to time, fill any vacancy that may occur in said board of health. Board of health.

Sec. 66. Said board of health shall be and constitute a body ancillary to said board of aldermen and subject to its regulations and control for the purpose of carrying out, under the supervision of said board of aldermen, the provisions of section sixty-four of this act, with such duties, powers and authority for that purpose as said board of aldermen shall from time to time prescribe or direct. Board of health to aid aldermen. Duties, powers, &c., of board of health.

Sec. 67. Said board of aldermen may, from time to time, in its discretion, and for such period or periods as to it may seem proper, constitute any or all sanitary officers and employees of said city as special policemen of such city, with such power and authority as to it may seem necessary to execute and enforce all laws and ordinances relating to the enforcement of the health regulations of said city, and with all such other powers and authority of policemen of said city as to it may seem proper. To enforce sanitary laws.

Sec. 68. Said board of aldermen may require and compel the abatement of all nuisances in said city at the expense of the person causing the same, or the owner or tenant of the land whereon any such nuisance shall be, or may itself abate the same or cause the abatement thereof; it may also prevent any such nuisance; it may also prohibit, or license and regulate the establishment, within said city of any slaughter-house, or house for the storage of any explosive, unhealthy, dangerous or noxious substances, or the storage of any such substances in any quantities whatever in said city or within one hundred yards of its corporate limits, or the exercise therein of any dangerous, noxious, offensive or unhealthy trade, business or employment. If the owner, agent, tenant or occupant of any premises in said Nuisances abated. Slaughter-house. Dangerous, noxious and unhealthy trades.

city on or in connection with which any nuisance shall be committed, or about to be committed, shall refuse, fail or neglect to comply with any order of said board of aldermen to remove, abate, prevent or discontinue the same within the time in such order required he or she shall be guilty of a misdemeanor, and for each offense, upon conviction, fined not more than fifty dollars, or imprisoned not more than thirty days; and said board of aldermen may at any time proceed to remove, abate, prevent or discontinue or cause to be discontinued such nuisance, and the costs of so doing shall be charged upon such premises and constitute a lien thereon paramount to all liens, except taxes or assessments of said city, from the time of so doing, and shall be collected and enforced in the same manner in all respects as liens for the expense of constructing sidewalks as hereinbefore provided.

Persons failing to abate nuisances after order, to be punished.

Nuisances to be removed at cost of owner of land, costs a lien on property.

Dogs, horses and cattle running at large.

Sec. 69. Said board of aldermen shall have power to prevent dogs, horses, cattle, hogs and other brutes from running at large in said city, either in day time or at night.

Fast driving.

Bicycling.

Firing of guns, pop-crackers, &c.

Sec. 70. Said board of aldermen may prohibit, prevent and punish, and provide for prohibiting, preventing and punishing the riding or driving of horses or other animals on the streets of said city at a furious speed; may prohibit, prevent, punish, restrain, license, restrict, regulate and control the riding or use of bicycles or tricycles on the streets, sidewalks, alleys, public squares, parks or other public grounds of said city; may prevent, punish, prohibit, license, regulate and control the firing of guns, pistols, pop-crackers, gunpowder or other explosive, combustible or dangerous things or materials on the streets, alleys, sidewalks, public squares, parks, public grounds or elsewhere in said city; and may, by ordinance, prevent, prohibit and punish the carrying concealed deadly weapons in said city by any person or persons when not upon his or their own premises.

Bawdy-house keeping a misdemeanor.

Penalty.

Keeping bawdy-house a nuisance.

Sec. 71. Any person who shall keep in said city a bawdy-house, disorderly house, house of ill-fame or house in which prostitution, lewdness, or illicit sexual connection is permitted shall be guilty of a misdemeanor, and, upon conviction thereof, shall, for every offense, be fined not exceeding fifty dollars, or imprisoned not more than thirty days; and each day for which such house is so kept shall constitute distinct and separate offense; and the keeping of any such house may, at any time, whether or not there has been a prosecution for any such offense, be declared a nuisance by said board of aldermen and abated in the manner hereinbefore provided for the abatement of nuisances.

Owner of house used for place of prostitution guilty of misdemeanor.

Sec. 72. Every owner of any real property in said city or any estate therein, or agent of such owner, who shall lease, use or permit the use of the same for a bawdy-house, disorderly house or house of ill-fame, or as a place where prostitution, lewdness or illicit sexual connection is carried on or allowed, or shall continue to lease the same to any tenant who uses the same or permits its use for any of said purposes, or shall suffer any person or persons to use it for any such purposes when it is within his right or power to prevent such use, shall be guilty of a misdemeanor, and upon conviction shall for every offense be fined not more than fifty dollars, or imprisoned not more than thirty days; and each day for which the same is so used shall be and constitute a distinct and separate offense.

Penalty.

Visitor, for evil purposes, to bawdy-house guilty of a misdemeanor.

Sec. 73. Every person who, not being a resident therein, shall frequent any bawdy-house, disorderly house, house of ill-fame, or other house in said city where prostitution, lewdness or illicit sexual connection is carried on, for the purpose of indulging in any such illicit connection or aiding others to indulge therein, or who shall be found in any such house for such purpose, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than fifty dollars, or imprisoned not more than thirty days; and the presence of such person in such house shall be *prima facie* evidence that he or she is there for such purpose.

Penalty.

Regulation of streets, &c., by board of aldermen.

Sec. 74. Said board of aldermen shall have power to regulate, control and protect, in such manner and to such extent as to it may seem proper, the streets, alleys, sidewalks, public square, parks, city hall, fire department, markets, voting places, cemeteries and other property of said city, whether real or personal, within the limits thereof or beyond such limits, and may pass and enforce all ordinances, rules and regulations therefor, from time to time, which it may deem proper.

Markets.

Sec. 75. Said board of aldermen may establish, regulate and control markets in said city, and for that purpose may acquire, purchase and hold in fee simple and lease real estate in said city, and erect, construct and maintain thereon suitable buildings for marketing purposes, and may make, pass, provide and enforce ordinances, rules and regulations as to it may seem proper for the government and management of any such market house or market houses; may prescribe at what times and places in said city marketable things may be sold, and in what manner, whether by weight or measure, may be sold in said city grain, meal, wood, coal, fuel, flour, fodder, hay, straw, shucks, and all marketable articles; may erect scales for the purpose of weighing the same, appoint a weigh-master, fix his

Real estate may be bought.

Market regulations.

Marketable commodities, how to be sold.

fees and direct what shall be required to be weighed on such scales, and by whom said fees shall be paid; and may appoint a keeper or keepers of such market or markets and prescribe his or their duties, powers, authority, fees and compensation. And it shall be lawful for said board of aldermen to impose taxes on wagons and carts or other vehicles, or any persons selling farm products, garden truck, fish, oysters, meats, vegetables, chickens or other things on the public streets of said city, and it may regulate, control, prohibit, prevent and punish such sales in its discretion.

Keeper of market. Compensation.

Wagons and other vehicles may be taxed, also persons who sell articles for consumption.

Fire limits.

Sec. 76. Said board of aldermen may establish fire limits in said city within which it shall be unlawful for any person or persons to erect, construct or repair any buildings of wood or other material inflammable or peculiarly subject to fire.

Public buildings.

Sec. 77. Said board of aldermen may establish, construct, maintain, regulate and control in said city, all public buildings necessary or proper for the best interest or good government or conduct of the affairs of said city; and for that purpose may purchase, acquire and hold in fee simple any lot or lots or other real estate whatsoever, or in its discretion may from time to time lease such buildings, lots and real estate.

Burials in city.

Sec. 78. Said board of aldermen may prohibit interment in said city or at any place or places therein, and may cause to be kept and returned bills of mortality and births therein, under such rules and regulations as to it may seem proper.

Bills of mortality and births.

Fire companies.

Sec. 79. Said board of aldermen may provide for the establishment, organization, equipment, management, regulation, government and control of all fire companies of any kind or kinds in said city, and may purchase and maintain all necessary buildings, outfits, animals, wagons, tools, implements, machinery and other articles and things of any kind or kinds for the efficient maintenance, control and operation of the same. In all cases of a fire or conflagration in said city, a majority of the members of said board of aldermen who may be present shall, if they deem it necessary in order to arrest the progress of such fire or conflagration, cause any house or structure to be blown up or pulled down or destroyed or removed, in whole or in part, under their supervision, and none of them shall be responsible to any one therefor when any such act is so caused to be done in good faith.

Buildings and outfits for companies.

To prevent spread of fire, house may be blown up.

Firemen exempt from poll tax.

Sec. 80. No member of a fire company in said city who receives no compensation for his services as such shall be liable to pay any poll tax therein while in good faith belonging to such company, or during such period pay any street tax therein which may be by law imposed, other than assessments on property for street or sidewalk improvement.

Debts of city, how paid.

Sec. 81. All debts and liabilities of said city heretofore or hereafter contracted or incurred shall be paid and discharged alone by taxation upon subjects properly taxable by it to the extent allowed by law, and no such debt or liability shall be subject to be levied upon or collected by execution against said city or any property, real or personal, held by it, and no execution therefor shall issue against said city on any judgment obtained thereon.

Debts not liable to execution.

Aldermen not to hold other offices except as set forth herein.

Sec. 82. No aldermen of said city shall at any time or times within his term as such hold any other office or appointment thereof except as herein otherwise provided.

Monthly statements of city's receipts and disbursements to be published.

Sec. 83. Said board of aldermen shall cause to be made out and published in some newspaper in said city at the beginning of every calendar month an itemized statement of the receipts and disbursements of said city for the month immediately preceding and the amount of money then in the hands of its treasurer. The mayor of said city shall prepare and submit to said board of aldermen, at its last meeting in October and April of every year, a condensed statement of all receipts and disbursements, and the general business of said city for the six months immediately preceding the submission of such reports respectively.

Semi-annual report to be made by mayor, in October and April.

In no event shall city be required to pay costs in criminal actions on appeal from mayor.

Sec. 84. In no case where a defendant in any criminal prosecution shall have appealed from the judgment of the mayor, vice-mayor or mayor *pro tem* of said city, shall said city be adjudged in such appellate court to pay the costs of such prosecution or any part thereof, whether upon such appeal such defendant shall be convicted or acquitted, or such judgment appealed from reversed or affirmed.

Notices must be served by marshal, unless otherwise provided.

Sec. 85. All notices provided in this act to be given or served by said city, or any of its officers or employees, shall, unless otherwise herein provided, be served by a marshal of said city or his duly constituted or authorized deputy by the delivery of a copy thereof to the person or persons directed, required or allowed to be served, if such person or persons can be found in said county of Buncombe; and if any such person cannot be found in said county such marshal or deputy marshal shall make an affidavit thereof before the mayor of said city, who shall thereupon direct such service to be made of such notice by posting a copy thereof at the courthouse door in said city for such length of time as such notice shall be required to be given, if any, and if no such time be required, then for a single time; and such marshal or deputy marshal shall so post such copy, and such posting shall be deemed a sufficient service of such notice in such case.

Party out of county, notice by posting copy at court house.

How long to be posted.

Money may be borrowed by city.

Sec. 86. Said board of aldermen may borrow, in any fiscal year, a sum or sums of money not exceeding in the aggregate twenty thousand dollars outstanding at any one time, in such amount as the same may be needed for the necessary expenses of said city, at a rate of interest not exceeding six per centum, and execute therefor the note or notes of said city, sealed with the seal of said city, and to be in such form as the board of aldermen may, from time to time, prescribe; but such aggregate sum shall not, in any such fiscal year, exceed the aggregate taxation of said city for that year on general subjects of taxation therein; and all such loans made in any fiscal year shall be paid out of the general taxes for that year, and no such loan shall be made to come due at a date later than the expiration of the fiscal year in which it is made, and no sum whatsoever shall be borrowed under the provisions of this section until all preceding loans made thereunder in any previous fiscal year or years shall have been paid in full of principal and interest.

Notes of city to be given.

What sum may be borrowed.

When to become due.

Arrests, by whom to be made.

Arrests may be made in county on warrant of mayor.

Ordinance violated in presence of officer.

Possibility of escape of offender.

Warrant outstanding against, party may be arrested.

Sec. 87. Arrests may be made by any marshal or any policeman of said city anywhere in said county of Buncombe whenever the officer making such arrest has in his hands a warrant, against the person arrested, issued by the mayor, vice-mayor or mayor *pro tempore* of said city, or a justice of the peace of said county of Buncombe or other competent authority, or whenever any misdemeanor or violation of any ordinance of said city has been committed in his presence, or whenever a misdemeanor or violation of any ordinance of said city has been committed and he has reasonable cause to believe that the person so arrested is guilty of such offense and may make his escape before a warrant can be obtained, or whenever a warrant has been issued against the person so arrested and is outstanding unexecuted in the hands of any marshal, deputy marshal or policeman of said city, or in the hands of the sheriff or any deputy sheriff or constable of said Buncombe county.

Marshal and policemen have powers of sheriffs.

Sec. 88. In making arrests the marshals, deputy marshals and policemen of said city shall have all the powers of a sheriff or constable of said county of Buncombe, as well as all the powers by this act conferred upon them.

Verbal summons by officers of bystanders for witnesses, to operate as subpœna.

Sec. 89. Whenever any arrest is made by an officer of said city he may summon any of the bystanders or other persons having information in regard to the matter for which such arrest is made as witnesses to attend as such at the hearing of the charge upon which such arrest is made, and any such summons shall be effectual and binding in the same manner as if made by subpœna, for such person so summoned, duly issued and served in such causes.

Mayor's court.

Sec. 90. The mayor's court of said city shall be held therein by the mayor, vice-mayor or mayor *pro tempore* of said city, as hereinbefore provided, and its session shall be open at nine o'clock in the morning of every day, except Sundays, in the year; and as often thereafter on any such day as to the presiding officer thereof shall seem best.

When to be held.

Persons arrested to be tried at next session of mayor's court.

Sec. 91. When any arrest shall have been made, as in this charter provided, the person so arrested shall be carried by the officer making such arrest, or some other officer of said city, before said mayor's court at its next session thereafter for trial, and such court may, for cause satisfactory to it, postpone the hearing of any such case to such time as it may think proper. When any such arrest shall have been made the person so arrested shall, until such next session of the mayor's court, be confined for safe keeping in the city prison of said city until such time for a hearing arrives, or admitted to bail until such time, in such manner and under such rules and regulations as said board of aldermen shall prescribe; and in case of any such continuance in the mayor's court such person shall, until the time set for the hearing of his cause, be imprisoned in said city prison or admitted to bail by the presiding officer of said court, in such manner and under such rules and regulations as said board of aldermen shall provide, and in none of the cases of confinement in this section provided for shall any mittimus be required.

Hearing may be postponed.

Prisoners, where confined.

Bail.

If hearing continued, prisoner to be sent to city prison or bailed.

No mittimus required.

Persons under sentence, how punished.

Sec. 92. Whenever any person shall upon conviction in said mayor's court be sentenced to imprisonment or ordered to be imprisoned until such person shall have complied with the judgment of said court, such persons shall, for such period or until such time, be confined accordingly in the prison of said city, unless otherwise in this act provided.

Sec. 93. If at any time the board of aldermen of said city shall determine that all persons would, under the provisions of this act, be subject to confinement until trial, or imprisonment for punishment, or until compliance with the judgment of the court, in the prison of said city as hereinbefore provided, or any of them or any class of them shall be instead so confined or imprisoned in the jail of said Buncombe, it shall in every such case be the duty of the sheriff or jailor of said county to receive any such person with or without mittimus as hereinbefore provided in regard to the prison of said city, into such county jail, and keep such persons until such trial, or for such punishment, or until such person shall have complied with the judgment of the court in the same manner as such person would otherwise but for the provisions of this section have been subject to be

City not to pay costs or fees for prisoners in county jail.

kept in the city prison of said city, and in no case shall said city be liable to pay any fees, costs or expenses incident to such confinement or imprisonment.

Female prisoners, where to be kept.

Sec. 94. Whenever any female shall be arrested or imprisoned for any violation of this act or ordinance of said city she shall, while under such arrest or during such imprisonment, be kept, except when under bail, in the custody and under the management, subject to the control of said board of aldermen, of some reputable female employed by said board of aldermen for that purpose in some separate prison or reformatory by it therefor provided, and if a convict she shall be required, under such custody and management and subject to the rules and regulations therefor prescribed by said board of aldermen, to work out any fine imposed and the costs of the prosecution at a rate of wages to be prescribed by said board of aldermen.

Female prisoner to work out fine and costs.

Arrests, with the names of persons and offenses, to be reported by marshal.

Sec. 95. The marshals of said city shall, at the opening of the mayor's court every morning, report to the presiding officer thereof all arrests and commitments made since their last report respectively, specifying in such reports the names of the persons so arrested or committed, and the causes and times of their arrest and commitments respectively.

Claims against city.

Sec. 96. No action shall be instituted or maintained against said city upon any claim or demand whatsoever of any kind or character, until the claimant shall have first presented his or her claim or demand, in writing, to said board of aldermen, and said board of aldermen shall have declined to pay or settle the same as presented or for ten days after such presentation neglected to enter or cause to be entered upon its minutes its determination in regard thereto; but nothing herein contained shall be construed to prevent any statute of limitation from commencing to run at the time such claim accrued or demand arose or in any manner interfere with its running.

Suits for damages against city not to be brought unless such notice in writing be given in ninety days after claim arises.

Sec. 97. No action for damages against said city of any character whatever, to either person or property, shall be instituted against said city, unless within ninety days after the happening or infliction of the injury complained of the complainant, his executors or administrators, shall have given notice to the board of aldermen of said city of such injury in writing, stating

Notice, what to contain.

in such notice the date and place of the happening or infliction of such injury, the manner of such infliction, the character of the injury and the amount of damages claimed therefor; but

Statute of limitation not to be prevented.

this shall not prevent any time of limitation prescribed by law from commencing to run at the date of the happening or infliction of such injury, or in any manner interfere with its running.

Public schools.

Sec. 98. The board of aldermen of said city shall have exclusive control of the public schools and all public school interests and public school property, real and personal, in said city; shall prescribe all rules and regulations for the conduct of said schools, the control of said interests and the government of said property; shall employ and fix the compensation of all such officers and teachers of the public schools therein as to it may seem proper, and remove or change the same in its discretion; shall prescribe the times for which such officers and teachers shall be employed from time to time, and the times and places at which such schools shall be kept open and conducted; shall designate the character of such schools, respectively, and shall do all other acts for the proper conduct, management, government, regulation and control of said public schools, public school interests and public school property.

Pay of officers and teachers of public schools.

Time of employment.

School places.

School children of city.

Sec. 99. All children who are *bona fide* residents of said city between the ages of six years and twenty-one years shall be admitted into said schools as pupils therein free of tuition charges, and said board of aldermen shall be the exclusive judges of the *bona fides* of such residents.

Schools for white and colored to be separate.

Sec. 100. Said schools shall be separated and kept separate in such manner that only white children shall be admitted to the white schools and other children to the other schools, and said board of aldermen shall be the exclusive judges of whether or not any applicant for admission to any of said schools is entitled to enter or attend the same under the provisions of this section.

School money, how to be apportioned.

Sec. 101. All moneys raised or received for educational purposes by said city shall be apportioned in such manner as shall be just to the white and other races without discrimination, due regard being paid to the proper expenses of maintaining the different schools of the different races.

Educational tax.

Sec. 102. Said board of aldermen shall lay and cause to be collected, in addition to the taxes hereinbefore provided for, and under the same rules and regulations as the general poll and property taxes hereinbefore provided for, a special educational tax in said city, not to exceed twenty cents on the one hundred dollars' valuation of property and sixty cents on the poll, annually, for the purpose of maintaining and supporting said schools, and the same shall be collected in the same manner and subject to the same duties, powers, privileges, compensation, authorities and penalties as are provided for the collection of such general poll and property taxes.

Tax, how collected.

School fund to be kept separate and applied to school purposes.

Sec. 103. The taxes laid and collected for educational purposes as aforesaid shall be applied, under such rules and regu-

lations as such board of aldermen shall prescribe, exclusively to the support and maintenance of the public schools in said city; and said fund shall be kept separate from all other funds belonging to said city.

School committee.

Sec. 104. Said board of aldermen may, from time to time, for the purpose of aiding it in the management and conduct of said public schools or any of them, appoint in said city a school committee or school committees, to be composed of as many and such residents of said city as may seem proper, and to exercise such powers and discharge such duties as it may from time to time prescribe, subject to be removed or in any manner changed at any time in the discretion of said board of aldermen.

Powers of committee.

Sec. 105. All moneys which shall from time to time be apportioned under the general school law of this state to the public schools in said city or any of them, and all moneys to which said public schools or any of them may be or become entitled by reason of any special tax, gifts, grant, apportionment or otherwise, or which may be or become due or payable to or for said schools, or any of them, in any manner or from any source or sources whatever, shall be from time to time received by the board of aldermen of said city upon its receipt or receipts therefor signed by its clerk, and shall be by said board of aldermen or under its direction and control appropriated and applied to the purposes for which they are respectively so received.

Clerk to board of aldermen to sign receipts for school money.

All school property and rights to belong to the city of Asheville.

Sec. 106. All the lands, lots, buildings, grounds, fixtures, appurtenances, real estate, property, rights, credits, rights of action and effects now belonging to the school committee of the city of Ashville, or now existing in favor thereof, or which may result from any existing matters, causes, circumstances or contingencies shall, immediately upon the ratification of this act, become and be absolutely the rights and property of the city of Asheville, and said city is hereby authorized and empowered to prosecute, manage and defend any and all actions now pending or which may be hereafter instituted or pend in any of the courts of this state or of the United States, or of any other state or territory, in reference to any such property or rights; but said city shall not be liable or responsible for any debt, contract, obligation or other liability of said "the school committee of the city of Ashville" beyond the sum it shall actually realize and receive from the transfer of the lands, lots, buildings, grounds, fixtures, appurtenances, real estate, property rights, credits, rights of action and effects provided for in this section.

Actions pending in regard to school property to be prosecuted or defended by city of Asheville.

How far city liable for debts or obligations of the school committee of the city of Asheville.

City authorized to hold all school property.

Sec. 107. Said city shall be capable of holding all the property and rights of every kind mentioned in the preceding section in

fee simple, or otherwise, and of receiving gifts and grants in fee simple, or otherwise, of any and all other kinds of property for said school purposes, and of purchasing, acquiring and holding in fee simple, or otherwise, both real and personal estate for said purposes; and may sell or convey in fee simple, or otherwise, any such property, whether real or personal, and apply the proceeds thereof to such purposes or in the acquirement and purchase of other property therefor, but shall not have power to mortgage the same or transfer the same by way of securing any debt or liability.

May receive gifts.

May buy property.

May sell property.

Proceeds, how applied.

Sec. 108. That chapter one hundred and eleven of the private laws of eighteen hundred and eighty-three, chapter three hundren and twenty-eight of the public laws of eighteen hundred and eighty-five, chapter one hundred and twenty-eight of the private laws of eighteen hundred and eighty-five, chapter three hundred and ninety-seven of the public laws of eighteen hundred and eighty-seven, chapter seventy-seven of the private laws of eighteen hundred and eighty-seven, chapter two hundred and seventy-three of the private laws of eighteen hundred and eighty-nine, chapter five hundred and sixty-one of the public laws of eighteen hundred and eighty-nine, chapter three of the private laws of eighteen hundred and ninety-one, chapter thirty-three of the private laws of eighteen hundred and ninety-one, chapter one hundred and thirty-five of the private laws of eighteen hundred and ninety-one, chapter four hundred and forty-six of the public laws of eighteen hundred and ninety-one, chapter two hundred and ten of the private laws of eighteen hundred and ninety-one, chapter one hundred and thirty-five of the private laws of eighteen hundred and ninety-three, chapter one hundred and forty-five of the private laws of eighteen hundred and ninety-three, chapter two hundred and sixty-one of the private laws of eighteen hundred and ninety-three, chapter two hundred and sixty-seven of the private laws of eighteen hundred and ninety-three, chapter two hundred and ninety-three of the private laws of eighteen hundred and ninety-three, chapter fifty-eight of the laws of eighteen hundred and forty, chapter two hundred and thirty-six of the laws of eighteen hundred and forty-eight and eighteen hundred and forty-nine, chapter three hundred and twenty-one of the laws of eighteen hundred and fifty, chapter forty-seven of the private laws of the adjourned session of eighteen hundred and sixty-two and eighteen hundred and sixty-three, and an act ratified on the sixteenth day of February, eighteen hundred and fifty-nine entitled "an act to regulate the sale of spirituous liquors in the town of Asheville,"

Charter, act and laws amendatory repealed.

and all other laws, and parts of laws, heretofore constituting the charter of the town of Asheville or the city of Asheville, or either of them or any part thereof, be and the same are hereby repealed. And all laws of a public or general nature inconsistent with the provisions of this act, or any of them, are hereby repealed. And all laws of a public or general nature inconsistent with the provisions of this act, or any of them, are hereby repealed so far only as they may affect said city, and all laws and parts of laws in conflict herewith are hereby repealed. Such repeal, however, shall not, unless otherwise provided expressly or by necessary implication, amend any ordinance or regulation of said city, nor shall such repeal, unless otherwise herein provided expressly or by necessary implication, affect any act done or right accruing, or accrued or established, or any suit begun before the time when such appeal shall take effect. No right, estate, duty or obligation possessed by or due to said city, or to which it is entitled by its present or any other name shall be lost or impaired by such repeal, but the same shall remain in full force and be possessed, enforced and enjoyed in the name and for the use of the city of Asheville; and no right, duty, obligation or liability accrued or owing to this state or to any corporation or person shall be, unless otherwise herein provided expressly or by implication, lost, affected or impaired by such repeal; but the same shall, unless as aforesaid otherwise provided expressly or by implication, remain in full force and be possessed, enforced and enjoyed by said state, corporation or person against said city.

Inconsistant laws repealed.

Ordinances, when annulled.

Repeal not to affect city's rights or duties.

Rights, duties, &c., to remain in full force unless directly repealed, or by necessary implication repealed.

Sec. 109. No offense committed, and no penalty, fine or forfeiture incurred under or by reason of any of the acts or ordinances hereby repealed and before the time when such repeal shall take effect, shall be affected by such repeal, except that when any punishment, penalty or fine has been mitigated by the provisions of this act, such provisions may be extended and applied to any judgment to be pronounced after such repeal. No suit or prosecution pending at the time of such repeal for any offense committed or for any penalty, fine or forfeiture incurred under any of the acts or ordinances hereby repealed shall be affected by such repeal. No laws heretofore repealed shall be revived or re-enacted by the repeal hereby of any act repealing such law. All persons who, at the time when said repeal shall take effect, hold any offices under or by reason of the acts hereby repealed or any of them, except the members of the school committee of the city of Asheville, and any member of the board of health of said city who, under the provisions of this act, shall no longer be a member of that board, shall con-

Offenses, penalties, fines and forfeitures to remain as under old charter and amendments and ordinances, save where they are mitigated or diminished. Provisions of present act, how extended and applied.

Laws heretofore repealed not to be revived.

City officers, save and except school committee, to continue in office until expiration of term.

tinue their said respective offices, with all the rights and privileges thereof, according to the tenure thereof, until their respective successors shall be elected or appointed and qualified under the provisions of this act.

Sec. 110. This act shall be in force from and after the date of its ratification.

Ratified the 13th day of A. D. 1895.

CHAPTER 353.

An act to provide for the better drainage of Walnut creek, in Wake county.

The General Assembly of North Carolina do enact:

Section 1. That A. H. Green, W. G. Upchurch, W. C. Holman and W. P. Batchelor, be and they are hereby appointed commissioners to superintend and direct the better drainage and cleaning out of Walnut creek, in Wake county, from where it crosses the Raleigh and Fayetteville stage road to where it empties into Neuse river, and said commissioners, or a majority of them, shall meet as soon as it is practicable after the ratification of this act and elect a chairman, and may, if they think proper, elect one or more overseers to take charge of the work hereinafter mentioned. The duties, terms of offices and compensation of such overseers, if any may be elected, shall be prescribed by the commissioners; the term of office of the commissioners shall be two years from and after the ratification of this act.

Drainage of Walnut Creek.

Between what points.

Overseers.

Duties and pay of officers.

Term of office.

Sec. 2. It shall be the duty of these commissioners to inspect the lands on both sides of Walnut creek from where it crosses the Raleigh and Fayetteville road as aforesaid to where it empties into Neuse river, and point out to the owners of said land, between the points mentioned in said section one, any and all obstructions and hindrance to the flow of water in said creek between said points, and they may order the removal of the same by such land-owners.

Lands to be inspected.

Obstructions to be removed by land-owners.

Sec. 3. It shall be the duty of the land-owners along said creek between the points specified in section one of this act to keep the channel of said creek, between said points, clear of all stumps, trees, logs, drift and trash, and no land-owner between said points shall allow any stump, log or other substance to project into the stream between said points, nor shall any creek, branch or ditch flowing or emptying into said Walnut creek,

Flow of stream to be free.

between the points specified in said section one, be left in such condition as in the judgment of the commissioners as will hinder or delay the flow of said stream between said points.

Commissioners may declare what is an obstruction.

Sec. 4. That said commissioners shall have full power to declare what is an obstruction in said creek between the points specified in said section one, or on the creeks, branches or ditches emptying into the same between said points, and may order the same removed.

Wilful obstruction of stream a misdemeanor.

Sec. 5. That any person wilfully obstructing the flow of said stream, between the points mentioned in said section one, by felling timber into said stream between said points or otherwise obstructing the flow of current between the points heretofore mentioned, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars nor more than twenty-five dollars, or imprisoned not more than thirty days.

Wilful obstruction by land-owner.

Sec. 6. That if any land-owner along said stream, between the points heretofore mentioned, shall wilfully obstruct said stream between the said points or allow any obstruction to remain between said points after ten days' notice by the commissioners to remove the same he shall be guilty of a misdemeanor, and on conviction shall be fined not less than five dollars nor more than twenty-five dollars, or imprisoned not more than thirty days.

Fines to be expended on work.

Sec. 7. That all fines realized upon this act shall be paid to the chairman of the commissioners, and expended by him in the work upon said stream.

County commissioners to elect successors.

Sec. 8. That the successors of the commissioners herein appointed shall be elected by the county commissioners of Wake county; no one shall be eligible as such commissioner unless he shall own land abutting upon said creek between the points heretofore mentioned; the commissioners herein appointed shall continue in office until their successors are elected.

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

Ratified the 13th day of March, A. D. 1895.

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