PUBLIC LAWS
AND
RESOLUTIONS,
TOGETHER WITH THE
PRIVATE LAWS,
OF THE
STATE OF NORTH CAROLINA,
PASSED BY THE
GENERAL ASSEMBLY
AT ITS
SESSION 1872-'73,
BEGIN AND HELD IN THE CITY OF RALEIGH,
ON MONDAY, THE EIGHTEENTH DAY OF NOVEMBER, A. D. 1872.
TO WHICH ARE PREFIXED
A REGISTER OF STATE OFFICERS, MEMBERS OF THE GENERAL ASSEMBLY AND
JUDICIARY, AND A LIST OF COMMISSIONERS OF AFFIDAVITS.

PUBLISHED BY AUTHORITY.

RALEIGH:
STONE & UZZELL, STATE PRINTERS AND BINDERS.
1873.
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REGISTER OF STATE OFFICERS,
Members of the General Assembly
AND THE
JUDICIARY,
FOR THE YEAR 1873.
OFFICIAL REGISTER

FOR THE

YEAR 1873.

STATE GOVERNMENT.

Tod R. Caldwell,......Burke County,.........Governor.
Curtis H. Brogden,......Wayne County,.........Lieutenant Governor.
Wm. H. Howerton,......Rowan County,.........Secretary of State.
John Reilly,.............Cumberland County,....Auditor.
David A. Jenkins,.........Gaston County,.........Treasurer.
Silas Burns,...............Chatham County,.......Sup't Public Works.
Alexander McIver,.........Mecklenburg County,..Sup't Public Instruct'n.
T. L. Hargrove,.........Granville County,.......Attorney General.
John C. Gorman,.........Wake County,..........Adjutant General.
W. C. Kerr,...............Mecklenburg County....State Geologist.
T. R. Purnell,............Forsythe County,.......State Librarian.
John B. Neathery,........Wake County,..........Private Sec'y to Gov'r.
S. M. Parish,.............Wake County,..........Clerk Sec'y of State.
Wm. P. Wetherell,.........Wake County,..........Clerk Auditor's Office.
D. W. Bain,...............Wake County,..........Chief Cl'k Treas. Dep't.
A. D. Jenkins,............Gaston County,..........Clerk Treasury Dep't.
### THE JUDICIARY.

#### SUPREME COURT.

<table>
<thead>
<tr>
<th>Names</th>
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<tbody>
<tr>
<td>Richmond M. Pearson, Chief Justice</td>
<td>Richmond Hill, Yadkin Co.</td>
</tr>
<tr>
<td>Edwin G. Reade, Associate Justice</td>
<td>Roxboro, Person County.</td>
</tr>
<tr>
<td>William B. Rodman, Associate Justice</td>
<td>Washington, Beaufort Co.</td>
</tr>
<tr>
<td>Nathaniel Boyden, Associate Justice</td>
<td>Salisbury, Rowan County.</td>
</tr>
<tr>
<td>Thomas Settle, Associate Justice</td>
<td>Greensboro, Guilford County.</td>
</tr>
<tr>
<td>Tazewell L. Hargrove, Reporter</td>
<td>Raleigh, Wake County.</td>
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<tr>
<td>W. H. Bagley, Clerk</td>
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<td>David A. Wicker, Marshal</td>
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#### SUPERIOR COURTS.

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<tr>
<th>Districts and Names</th>
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<tbody>
<tr>
<td>1. J. W. Albertson</td>
<td>Hertford, Perquimans County.</td>
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<tr>
<td>3. W. J. Clarke</td>
<td>Newbern, Craven County.</td>
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<tr>
<td>5. Ralph P. Buxton</td>
<td>Fayetteville, Cumberland Co.</td>
</tr>
<tr>
<td>7. Albion W. Tourgee</td>
<td>Greensboro, Guilford County.</td>
</tr>
<tr>
<td>8. John M. Cloud</td>
<td>Rockford, Surry County.</td>
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<tr>
<td>10. Anderson Mitchell</td>
<td>Statesville, Iredell County.</td>
</tr>
<tr>
<td>12. Riley H. Cannon</td>
<td>Franklin, Macon County.</td>
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</table>
DISTRICT SOLICITORS.

DISTRICTS AND NAMES.             RESIDENCES.
1. Willis Bagley,..........................Hertford, Perquimans Co.
2. Joseph J. Martin,.........................Williamston, Martin County.
3. John V. Sherrard,.......................Goldsboro, Wayne County.
4. Edward Cantwell,......................Wilmington, New Hanov’r Co.
5. Neill McKay,............................Lillington, Harnett County.
7. J. R. Bulla,............................Ashboro, Randolph County.
8. A. H. Joyce,............................Danbury, Stokes County.
10. W. P. Caldwell........................Statesville, Iredell County.
12. R. M. Henry,............................Franklin, Macon County.
# GENERAL ASSEMBLY.

Convenes in the City of Raleigh on the third Monday in November.

---

**SENATE.**

C. H. Brogden, Lieutenant Governor, President.

<table>
<thead>
<tr>
<th>DIST.</th>
<th>COUNTIES.</th>
<th>NAMES OF SENATORS.</th>
<th>RESIDENCES.</th>
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<tbody>
<tr>
<td>1</td>
<td>Currituck, Camden, Pasquotank, Hertford, Gates, Chowan, Perquimans...</td>
<td>John L. Chamberlain, C. W. Grandy...</td>
<td>South Mills, Camden County, N. C. Elizabeth City, Pasquotank &quot; &quot;</td>
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<td>2</td>
<td>Tyrrell, Washington, Martin, Dare, Beaufort and Hyde...</td>
<td>J. B. Respress, H. E. Stilley...</td>
<td>Washington, Beaufort &quot; &quot; Washington, Beaufort &quot; &quot;</td>
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<tr>
<td>3</td>
<td>Northampton and Bertie...</td>
<td>Geo. D. Holloman...</td>
<td>Jackson, Northampton &quot; &quot;</td>
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<tr>
<td>4</td>
<td>Halifax...</td>
<td>Henry Eppes...</td>
<td>Halifax, Halifax &quot; &quot;</td>
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<td>5</td>
<td>Edgecombe...</td>
<td>A. McCabe...</td>
<td>Tarboro, Edgecombe &quot; &quot;</td>
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<td>6</td>
<td>Pitt...</td>
<td>Jacob McCotter...</td>
<td>Johnson's Mills, Pitt &quot; &quot;</td>
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<td>7</td>
<td>Wilson, Nash and Franklin...</td>
<td>John W. Dunham, William K. Davis...</td>
<td>Wilson, Wilson &quot; &quot; Louisburg, Franklin &quot; &quot;</td>
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<td>8</td>
<td>Craven...</td>
<td>A. S. Seymour...</td>
<td>Newbern, Craven &quot; &quot;</td>
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<td>9</td>
<td>Jones, Onslow and Carteret...</td>
<td>J. G. Scott...</td>
<td>Jacksonville, Onslow &quot; &quot;</td>
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<tr>
<td>10</td>
<td>Wayne and Duplin...</td>
<td>W. A. Allen, L. W. Humphrey...</td>
<td>Kenansville, Duplin &quot; &quot; Goldsboro, Wayne &quot; &quot;</td>
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<td>11</td>
<td>Lenoir and Greene...</td>
<td>R. W. King...</td>
<td>Kinston, Lenoir &quot; &quot;</td>
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<td>12</td>
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<td>G. L. Mabson...</td>
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<td>DIS</td>
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<td>Brunswick and Bladen</td>
<td>G. N. Hill</td>
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<td>Sampson</td>
<td>C. T. Murphy</td>
<td>Clinton, Sampson</td>
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<td>Columbus and Robeson</td>
<td>J. W. Ellis</td>
<td>Whiteville, Columbus</td>
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<td>Fayetteville, Cumberland</td>
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<td>Johnston</td>
<td>W. H. Avera</td>
<td>Selma, Johnston</td>
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<td>18</td>
<td>Wake</td>
<td>James H. Harris</td>
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<td>19</td>
<td>Warren</td>
<td>John A. Hyman</td>
<td>Warrenton, Wake</td>
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<td>20</td>
<td>Person, Caswell and Orange</td>
<td>John W. Norwood</td>
<td>Hillsboro, Orange</td>
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<td>Cunningham's Store, Person</td>
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<td>Granville</td>
<td>B. Smith</td>
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<td>22</td>
<td>Chatham</td>
<td>R. J. Powell</td>
<td>Pittsboro, Chatham</td>
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<td>23</td>
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<td>J. T. Morehead</td>
<td>Leakville, Rockingham</td>
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<td>Alamance and Guilford</td>
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<td>J. M. Worth</td>
<td>Ashboro, Randolph</td>
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<td>Richmond and Montgomery</td>
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<td>C. M. T. McCauley</td>
<td>Monroe, Union</td>
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<td>Cabarrus and Stanley</td>
<td>J. C. Barnhardt</td>
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<td>Thomasville, Davidson</td>
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<td>Stokes and Forsythe</td>
<td>John M. Stafford</td>
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<td>Surry and Yadkin</td>
<td>A. C. Cowles</td>
<td>Hamptonville, Yadkin</td>
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<td>Iredell, Wilkes and Alexander</td>
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<td>Caldwell, Burke, McDowell, Mitchell</td>
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<td></td>
<td>and Yancey</td>
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<td>42</td>
<td>Jackson, Swain, Macon, Cherokee and Graham</td>
<td>W. L. Love</td>
<td>Franklin, Macon</td>
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</table>
## HOUSE OF REPRESENTATIVES.

J. L. Robinson, of Macon County, Speaker.

<table>
<thead>
<tr>
<th>COUNTIES</th>
<th>NAMES OF MEMBERS</th>
<th>RESIDENCES</th>
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<tbody>
<tr>
<td>Alamance</td>
<td>Jesse Gant,</td>
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<td>Bost’s Mills</td>
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<td>John Michael,</td>
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</table>
HOUSE OF REPRESENTATIVES.—(Continued.)

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<thead>
<tr>
<th>COUNTIES</th>
<th>NAMES OF MEMBERS</th>
<th>RESIDENCES</th>
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<tr>
<td>Davie,</td>
<td>Charles Anderson</td>
<td>Mocksville</td>
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<td>Duplin,</td>
<td>John D. Stanford</td>
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<td>Willis Bunn</td>
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<td>John H. Williamson</td>
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## COUNTY OFFICERS.

**HOUSE OF REPRESENTATIVES.—(Continued.)**

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<th>NAMES OF MEMBERS</th>
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LIST
OF
COMMISSIONERS OF AFFIDAVITS
IN THE
SEVERAL STATES AND TERRITORIES,
AND IN THE
DISTRICT OF COLUMBIA,
FOR THE
STATE OF NORTH CAROLINA.
**LIST OF COMMISSIONERS OF AFFIDAVITS.**

List of Commissioners of Affidavits in the several States and Territories, and in the District of Columbia for the State of North Carolina, appointed since July 4th, 1868, together with residence, dates of commission and qualification of each.

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<tr>
<th>STATE OR TERRITORY</th>
<th>NAME</th>
<th>RESIDENCE</th>
<th>DATE OF APPOINTM'T.</th>
<th>DATE OF QUALIFICAT'N</th>
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LIST OF COMMISSIONERS OF AFFIDAVITS—(Continued.)

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<th>STATE OR TERRITORY</th>
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<th>DATE OF QUALIFICAT'N</th>
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<td>1873, March 22, 1873, March 14, 1872, March 16, 1872, February 8, 1871, April</td>
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<td></td>
<td>A. V. Horton,</td>
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<td>March 12, 1872</td>
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<td></td>
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<td>January 27, 1869</td>
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<td>Josiah W. Westcott,</td>
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<td>March 31, 1871</td>
<td>April 7, 1871</td>
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<td>James E. Temple,</td>
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<td>November 13, 1869</td>
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<td>Memphis,</td>
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<td>Henry F. Dix,</td>
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<td>R. Dudley Frayser,</td>
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<td>Paris,</td>
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<td>S. B. Ginn,</td>
<td>Norfolk,</td>
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<td>Petersburg,</td>
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<td>Richmond,</td>
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  George M. Peck, Hampton, | October 11, 1871.
  William W. Smith, Norfolk, | November 29, 1870, December 6, 1870.
  W. M. Chaplain, " | October 23, 1871, May 19, 1871.
  John S. Rady, Richmond, | September 5, 1872, November 13, 1872.
  William Will Smith, Norfolk, | November 29, 1870, December 6, 1870.

* Died March —, 1873.

STATE OF NORTH CAROLINA,
Office Secretary State,
Raleigh, April 7, 1873.

I, WILLIAM H. HOWERTON, Secretary of State, hereby certify that the foregoing contains a correct list of the appointments of Commissioners of Affidavits and Probate of Deeds, with the dates of their qualification and places of residence, as recorded in this office.

WILLIAM H. HOWERTON,
Secretary State.
CAPTIONS

OF THE

PUBLIC LAWS, RESOLUTIONS

AND

PRIVATE LAWS

OF THE

GENERAL ASSEMBLY OF NORTH CAROLINA,

SESSION 1872-'73.
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PUBLIC LAWS

OF THE

STATE OF NORTH CAROLINA.
CHAPTER I.

AN ACT TO CHANGE THE TIME OF HOLDING THE SUPERIOR COURTS OF WAKE COUNTY.

SECTION 1. The General Assembly of North Carolina do enact, That there shall be four regular terms of the Superior Court of the county of Wake in each year, to be held for two weeks, unless the business be sooner disposed of; and that the time for holding the said courts shall be as follows, viz:

On the first Monday in January, the eighth Monday after the second Monday in February, the fourth Monday in June, and the eighth Monday after the second Monday in August.

Sec. 2. That all precepts, recognizances and other legal proceedings in civil and criminal cases which have been already issued and had, or which may be hereafter issued and had, returnable to the next term of said court as now provided, shall be deemed and held returnable to the next term of said court as fixed by this act, and all persons who have been recognized or bound or summoned to appear at the next Superior Court of Wake county, are hereby required to appear at the time prescribed by this act: Provided, That all original and final process in civil
actions shall be made returnable to the terms commencing on the eighth Monday after the second Monday in February, and the eighth Monday after the second Monday in August.

Sec. 3. That the Secretary of State shall forthwith furnish to the sheriff, Superior Court clerk and board of commissioners of said county each a duly certified copy of this act.

Sec. 4. That the judge holding said additional terms herein provided for, and the solicitor attending the same, shall be allowed the same additional compensation for their services, to be paid in like manner as they would be if the said terms were special terms.

Sec. 5. That the term of said court, to be held on the first Monday in January, A. D. one thousand eight hundred and seventy-three, shall be in lieu of the special term of the Superior Court of Wake county, ordered by the Governor to convene on that day.

Sec. 6. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed, and this act shall take effect from and after its ratification.

Ratified the 3d day of December, 1872.

CHAPTER II.

AN ACT FOR THE RELIEF OF THE SURETIES OF WILLIAM A. WALTON, DECEASED, LATE SHERIFF OF ROWAN COUNTY.

Preamble.

Whereas, William A. Walton, late sheriff of Rowan county, died on the fourth October, one thousand eight hundred and seventy-two, without having collected the taxes due for the year one thousand eight hundred and seventy-two, and whereas the sureties on the bond of the late sheriff aforesaid have paid into the treasury of the
State five thousand three hundred and eighty-three dollars on account of said taxes; now therefore,

Section 1. The General Assembly of North Carolina do enact, That the sureties on the official bond of William A. Walton, deceased, late sheriff of Rowan county, be allowed until the first day of February next to make settlements with the Treasurer of the State for the balance of the taxes due from said county for the year one thousand eight hundred and seventy-two.

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

Ratified the 4th day of December, 1872.

CHAPTER III.

AN ACT FOR THE RELIEF OF D. J. CLARK, LATE SHERIFF OF BLADEN COUNTY.

Whereas, D. J. Clark, late sheriff of Bladen county, sustained a loss of three thousand two hundred and twenty-seven dollars by the robbery of the safe of Rinaldi & Co., in Elizabethtown, Bladen county, N. C., which sum was public taxes collected by said D. J. Clark in the autumn of one thousand eight hundred and seventy-one; therefore,

Section 1. The General Assembly of North Carolina do enact, That Daniel J. Clark, late sheriff of Bladen county, be and he is hereby relieved from the payment of the sum of one thousand dollars of the State taxes levied in the county of Bladen for the year one thousand eight hundred and seventy-one, and all interest that may have accrued to the State by default of the said Clark in settling and paying the taxes of Bladen county for the year one thousand eight hundred and seventy-one, and that
all costs and penalties incurred by the said Clark by the
default aforesaid be and the same are hereby remitted.

Sec. 2. That the State Treasurer shall allow the said Clark, by virtue of this act, the sum of one thousand dol-

lars as a credit in the settlement of the taxes of Bladen
county for the year one thousand eight hundred and sev-

enty-one.

Sec. 3. This act shall be in force from and after its rati-

fication.

Ratified the 5th day of December, 1872.

CHAPTER IV.

AN ACT TO RE-ENACT CHAPTER EIGHTEEN, PUBLIC LAWS OF ONE
THOUSAND EIGHT HUNDRED AND SEVENTY AND ONE THOUS-

AND EIGHT HUNDRED AND SEVENTY-ONE.

Section 1. The General Assembly of North Carolina do enact, That chapter eighteen, Public Laws one thousand eight hundred and seventy and one thousand eight hun-
dred and seventy-one, be and the same are hereby re-

enacted.

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

Ratified the 6th day of December, 1872.

CHAPTER V.

AN ACT FOR THE RELIEF OF SIMON GODWIN, TAX COLLECTOR
OF JOHNSTON COUNTY.

Preamble.

Whereas, By reason of mistakes discovered in the
tax lists of the county of Johnston, requiring correction
and revision by the county commissioners, a tax collector for said county was not appointed until the second day of December, one thousand eight hundred and seventy-two, which is the day fixed by law for the payment of said taxes to the Treasurer of the State; and whereas Simon Godwin was appointed said tax collector on that day; therefore for the relief of said Simon Godwin,

Section 1. The General Assembly of North Carolina do enact, That said Simon Godwin, tax collector of Johnston county, be authorized and allowed until the twentieth day of February, A. D. 1873, to collect and pay over to the Treasurer of the State all the taxes due from said county for the year one thousand eight hundred and seventy-two.

Sec. 2. That said Simon Godwin and his sureties be relieved from all pains, forfeitures and penalties incurred by reason of a failure to settle with the State Treasurer on the day fixed by law: Provided, said Simon Godwin and sureties shall be liable to all pains and penalties now prescribed by law upon his failure to settle said taxes for the year one thousand eight hundred and seventy-two on the twentieth day of February, one thousand eight hundred and seventy-three.

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

Ratified the 13th day of December, 1872.

CHAPTER VI.

AN ACT CONCERNING THE ELECTION OF JUDGES.

Section 1. The General Assembly of North Carolina do enact, That in all elections hereafter to be held in this State for any judge or judges of the Superior Courts, the
same shall be determined by the legally qualified voters of the several judicial districts respectively.

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

Ratified the 14th day of December, 1872.

CHAPTER VII.

AN ACT TO INCORPORATE "THE NORTH CAROLINA STATE LIFE INSURANCE COMPANY."

Corporators.

Section 1. The General Assembly of North Carolina do enact, That Kemp P. Battle, W. E. Anderson, W. J. Hawkins, Tod R. Caldwell, J. Turner Morehead, C. Tate Murphy, E. E. Burruss, W. R. Cox, William Grimes, M. McGeehe, L. W. Humphrey, Thomas D. Johnston, A. B. Andrews, John A. Gilmer, J. M. Heck, P. A. Wiley, R. H. Battle, Jr., W. R. Kenan, A. A. McKoy, W. S. Davis, T. M. Holt, James A. Graham, T. W. Dewey, R. F. Simonton, A. G. Lee, William G. Upchurch, W. C. Stronach, John C. Blake, William A. Smith, John G. Williams, John Hughes and others, their present and future associates, are hereby incorporated and made a body politic by the name and title of the "North Carolina State Life Insurance Company," with all the powers, rights and privileges necessary and convenient for conducting the business of life insurance, and by said name and title are hereby empowered to purchase, hold, possess and enjoy, and to assign, transfer and convey any real or personal estate, including bills, bonds, promissory notes, stock of any bank in this or other State, stock of any national bank of the United States or stocks of United States, to sue and to be sued, plead and be impleaded in all courts, to adopt and use a common seal and change the same at pleasure; and
also to ordain and adopt from time to time all by-laws deemed necessary or convenient for governing and conducting the business of said corporation: Provided, such by-laws are not repugnant to the Constitution or laws of the United States or of this State.

Sec. 2. The general business to be transacted by said corporation shall be to make insurance on the lives of individuals and every kind of insurance or contract appertaining thereto, or connected therewith, to grant, purchase and dispose of annuities, and to make loans of any moneys it may have in possession, and any such loans which may be made to any stockholder or policy holder in said corporation may be made at such rate of interest or discount as may be agreed on between the parties to such contract. The principal office for the transaction of the general business of said corporation shall be in the city of Raleigh, in this State.

Sec. 3. The company may purchase for its own benefit any policy of insurance, or any other obligation of the company growing out of its business, but no officer, director or employee of said company shall make such purchase for his own individual benefit.

Sec. 4. The capital stock subscribed of said corporation shall not be less than one hundred thousand dollars, and may at the pleasure of the directors of said corporation, be increased from time to time to any further sum not exceeding one million of dollars, and such capital stock shall be divided into shares of one hundred dollars. Subscribers to said capital stock shall pay to the treasurer of said corporation, within thirty days after the first meeting of such subscribers, which shall be in six months after the ratification of this act, five per cent. on each share of stock subscribed for by them respectively; and in addition thereto shall pay to the treasurer aforesaid fifteen per centum on each share subscribed for as aforesaid, to be paid in three equal installments, which shall be payable respectively, six, nine and twelve months after the pay-
ment of the first five per cent. as aforesaid, and the re-
remaining eighty per cent. due on the shares of said stock
subscribed for as aforesaid, shall be secured by note pay-
able to said corporation, the payment of which shall be
secured to the satisfaction of the board of directors, by
mortgage on real estate, or by good and sufficient personal
security or otherwise, as the board of directors may de-
terminate. The said notes or such assessments thereon as
may be made and called for by the board of directors
shall be payable sixty days after demand, and any surety
to or indorser on any such note shall for his indemnity
have a lien on the share or shares of stock on account of
which the same was given. Any subscriber to the capital
stock of said company who shall fail to pay the several
installments of five per cent. each on the several shares
subscribed for by him, or any one of such installments, or
who shall fail to secure the payment of the remaining
eighty per cent. due thereon, as required by the previous
provisions of this section, shall after twenty days' notice
of any such default, forfeit all payments which may have
been made on account of any such shares, and all profits
which may have arisen thereon: Provided, however, that
if the board of directors shall elect to waive such forfei-
tures, said company may sue for and recover from such
subscriber so in default, in any court of competent juris-
diction, the amount due by him by reason of his sub-
scription to said capital stock.

Sec. 5. The corporate powers of said company shall be
vested in and exercised by a board of directors, consisting
of not less than fifteen or more than twenty-five persons,
as the number within said limits may from time to time
be fixed by the stockholders at their regular annual meet-
ings, of whom five shall be a quorum for the transaction
of business. No person shall be eligible as a director, nor
shall any one act as such, unless he is the owner and
holds in his own right at least five shares of the capital
stock of said company, and at least one-third of the whole
number of such directors shall be residents of the city of Raleigh. Said directors shall be elected by the stockholders by ballot at each regular annual meeting of the stockholders, and shall hold said office for the term of one year, and until their successors shall be duly elected; but should the stockholders at any such meeting, for any reason whatever, fail to elect the entire number of directors fixed by the stockholders, as hereinbefore provided, the directors who may have been duly elected, may, from time to time, fill any vacancy so arising, either in whole or in part, as in their discretion may be deemed most beneficial to the interest of said company, and all other vacancies occurring in the board of directors from any cause whatever, may be filled by the remaining members of said board. The annual meetings of the stockholders of said company shall be held in the city of Raleigh on such day in every year as the board of directors may designate and by due notice make known. In said annual meetings, and at any special or called meeting of the stockholders of said company, each share of stock shall entitle the holder of the same to one vote, either in person or by proxy, and the said company may, by its by-laws, provide that each policy holder shall be entitled to one vote to be given at any such meeting, in person, and not by proxy.

Sec. 6. The board of directors shall have power to prescribe rules and regulations for the transfer of shares of the capital stock of said company, and to suspend, alter or amend any by-laws of the company, whenever they may consider that the interest of the company will be promoted thereby, unless the stockholders in special cases shall abridge their power so to do.

Sec. 7. The directors shall elect from their own number a president and vice-president, and prescribe their respective duties. Should the president be absent, or from sickness or any other cause, be unable to act, the vice-president shall discharge his duties; and in event of
the absence, or other inability to act of both the president and vice-president, the directors shall elect a president pro tempore. The directors shall also elect a secretary and treasurer, and such other officers and agents as they may consider necessary, who shall hold office during the pleasure of said directors.

Sec. 8. The directors shall have full power to determine the plan and the rates of any insurance by said company, the manner of paying and securing the payments of premiums, the amount to be insured on one life, the terms of such insurance, and also the plan and all other matters connected with the division of profits among the stockholders; and in case any policy holder in said company shall fail to pay any premium when the same is due and payable to said company, or violate any other condition of the policy of insurance issued by said company, the board of directors may consider his policy as forfeited, and apply all previous payments in connection therewith to the use and benefit of said company.

Sec. 9. The fiscal year of said company shall be as the directors may prescribe, and there shall be made from time to time a general statement of its affairs, which shall fully and truly exhibit its property and its liabilities, and also its profits remaining after deducting a sum sufficient to reinsure and cover all outstanding risks and contingent liabilities. The profits of said company shall be divided among the stockholders from time to time, at the discretion of the directors or of the stockholders in a lawful meeting assembled.

Sec. 10. Policies of insurance issued by said company on the life of any person whatever, expressed to be for the benefit of any married woman, whether any such insurance shall be effected by such married woman or by her husband, or by any other person in her behalf, shall inure to her separate use and benefit and that of her or her husband's children, if any, as may be expressed and provided in said policies, independent of any claim or
demand on the part of her husband, his representatives or his creditors, and independent of any claim or demand of any other person who may have effected any such insurance in her behalf, his creditors and representatives: Provided, however, That the provisions of this section shall not apply to any such policy of insurance on which the cash portion of the annual premium shall exceed the sum of three hundred dollars, unless the excess beyond said sum, which may be paid during each year, shall have been derived from the private funds or separate property of such married woman.

Sec. 11. That the corporate rights and privileges hereby granted shall exist and continue for the term of ninety-nine years, and upon the dissolution of said corporation, whether by limitation of time or otherwise, it shall nevertheless be continued a body corporate for the term of ten years thereafter for the purpose of prosecuting and defending suits, settling up its business, and disposing of and conveying its property and effects.

Sec. 12. That this act shall take effect from its ratification.

Ratified the 17th day of December, 1872.

CHAPTER VIII.

AN ACT TO RE-ENACT AND AMEND CHAPTER ONE HUNDRED AND EIGHTY, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO, ENTITLED AN ACT TO ESTABLISH THE RATES OF THE PUBLIC PRINTING AND FOR OTHER PURPOSES.

Section 1. The General Assembly of North Carolina do enact, That chapter one hundred and eighty, (180) laws of one thousand eight hundred and seventy-two, entitled "An Act to establish the rates of public printing and for other purposes," be re-enacted and amended as follows:
Amendments. In line sixth, (6th) section one, (1) strike out “sixty cents” and insert eighty cents; in line seven, (7) section one, (1) strike out “one dollar and twenty cents,” and insert one dollar and sixty cents, so that the section shall read as follows:

Sec. 1. The General Assembly of North Carolina do enact, That the Joint Committee on Printing are directed and instructed on the part of the State of North Carolina to make, execute and deliver a contract for the public printing at the following rates: For every one thousand ems of plain work, eighty cents; for every one thousand ems of rule and figure work, one dollar and sixty cents; for every token of two hundred and forty impressions, fifty cents, and for all other work ordered by the State the usual customary rates charged by printers for such work, to be approved by the auditing committee herein provided for in section three of this act: Provided, that this amendment shall not operate retrospectively.

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

Ratified the 17th day of December, 1872.

CHAPTER IX.

AN ACT TO REGULATE THE SALARIES OF THE GOVERNOR AND TREASURER OF THE STATE.

Section 1. The General Assembly of North Carolina do enact, That the salary of the Governor shall hereafter be four thousand dollars per annum, and no other compensation whatever; and the salary of the Public Treasurer shall be three thousand dollars per annum, which salaries shall be paid quarterly.

Sec. 2. That this act shall go into effect from and after
CHAPTER X.

AN ACT FOR THE SUPPORT OF THE INSANE ASYLUM FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE.

Section 1. The General Assembly of North Carolina do enact, That the sum of seventy thousand dollars be and the same is hereby appropriated out of the fund authorized by law to be levied and collected, or in the treasury not otherwise appropriated, to the Insane Asylum of North Carolina for the support, repairs and improvement of the same, until the close of the fiscal year one thousand eight hundred and seventy-three; and the board of directors of the said Insane Asylum are hereby authorized and empowered to draw the said amount, or so much thereof as in their judgment may be necessary, and at such time as they may think proper.

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

Ratified the 19th day of December, 1872.
levied a special tax of sixty-six and two-thirds cents on the one hundred dollars worth of property, and a poll tax equal to the tax on three hundred dollars worth of property without authority of law, but for the purpose of paying the county debt; and whereas, about one-half of said tax has been collected and applied to said purpose, and the balance is still unpaid now; therefore,

**Section 1.** *The General Assembly of North Carolina do enact,* That all the acts and doings of the commissioners of Johnston county in levying and collecting the special tax set forth in the above preamble are in all respects legalized.

**Sec. 2.** That the commissioners of Johnston county are hereby authorized to collect the balance of said special tax so levied in one thousand eight hundred and seventy-one, together with the taxes levied for county and State purposes for the year one thousand eight hundred and seventy-two, and that they apply the same in payment of the debts of said county.

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

Ratified the 19th day of December, 1872.

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**CHAPTER XII.**

**AN ACT TO EXTEND THE TIME FOR TAKING OUT GRANTS IN MCDOVELL COUNTY.**

**Time extended.** *The General Assembly of North Carolina do enact,* That the time for taking out grants in McDowell county shall be extended until the first day of July, one thousand eight hundred and seventy-three, and all persons having rights in same shall be and remain until the first day of July, one thousand eight hundred and sev-
enty-three, as they were on the thirty-first day of December, one thousand eight hundred and seventy-two.

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

Ratified the 19th day of December, 1872.

CHAPTER XIII:

AN ACT TO CHANGE THE TIME FOR HOLDING THE SPRING TERM OF THE SUPERIOR COURT OF CABARRUS COUNTY.

Section 1. The General Assembly of North Carolina do enact, That after the first day of January, one thousand eight hundred and seventy-three, the spring term of the Superior Court for the county of Cabarrus shall be held on the first Monday of July of each year, and continue for two weeks, unless the business be sooner disposed of.

Sec. 2. That all processes, recognizances and other legal proceedings in civil and criminal actions which have already been issued, or may hereafter be issued, and returnable to the spring term as now established by law, the same shall be deemed and held returnable to the term of said court as now fixed by this act; and all persons who have been recognized or bound or summoned to appear at the spring term of said court for the year one thousand eight hundred and seventy-three, are hereby required to appear at the term thereof as prescribed by this act; and the Secretary of State shall, within one month from its ratification, cause this act to be published, and furnish the sheriff and the clerk of the Superior Court of Cabarrus county with a copy.

Sec. 3. It shall be the duty of the clerk of the Superior Court of Cabarrus county to advertise at two or more public places in each township in said county on or before the
first day of April, one thousand eight hundred and seventy-three, notifying suitors and witnesses of the change of the spring term of the Superior Court as prescribed in this act.

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

Ratified the 18th day of December, 1872.

CHAPTER XIV.

AN ACT TO REPEAL SECTION TEN OF THE ACT ENTITLED "AN ACT TO SUSPEND THE CODE OF CIVIL PROCEDURE IN CERTAIN CASES," AND ENACT A SUBSTITUTE FOR SAID SECTION.

Section 1. The General Assembly of North Carolina do enact, That section ten of an act entitled "an act to suspend the code of civil procedure in certain cases, ratified the twenty-fifth day of January, one thousand eight hundred and seventy-one," be repealed, and the following be substituted therefor:

"That this act shall be in force until otherwise provided by law.

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

Ratified the 18th day of December, 1872.
CHAPTER XV.

AN ACT TO RE-ENACT AND CONTINUE IN FORCE THE CHARTER OF THE FAYETTEVILLE AND FLORENCE RAILROAD COMPANY AND THE SEVERAL ACTS AMENDATORY THEREOF, AND TO AMEND THE SAME.

Whereas, doubts have been expressed as to the validity of the charter of the Fayetteville and Florence Railroad Company, and of the several acts amendatory thereof, and of the action of the officers thereof, and of the subscriptions made thereto; and whereas, by an almost unanimous vote of the qualified voters of the town of Fayetteville on the first day of October, one thousand eight hundred and seventy-two, the mayor and commissioners of said town were authorized and directed to make a subscription of seventy-five thousand dollars to the capital stock of said company; and whereas, by virtue of said authority and of the further authority contained in the amended charter of the company, the said mayor and commissioners of Fayetteville are about to issue bonds of one hundred dollars each, amounting to seventy-five thousand dollars, in payment of their subscription to the capital stock of said company; now, as an inducement to the citizens of the town of Fayetteville and others to purchase said bonds at their par value, and to dispel any doubts concerning said charter, amendments and subscriptions,

Section 1. The General Assembly of North Carolina do enact, That the charter of the Fayetteville and Florence Railroad Company heretofore granted, and all the acts of the General Assembly amendatory thereof, be and the same are hereby re-enacted and continued in full force and effect from and after the ratification thereof, and it is expressly declared that the twenty-fourth section of the original act of incorporation is and has been repealed, and is of no force whatever.
Sec. 2. That the holders of the bonds issued by the mayor and commissioners of the town of Fayetteville in payment of the subscription of said town to the capital stock of said company shall in all meetings of the stockholders of said company represent the stock of said town as follows, viz: Each bondholder shall cast one vote for every hundred dollars of bonds held or represented, each bond of one hundred dollars being the representative of one share of stock of said town in said Fayetteville and Florence Railroad Company; and all acts heretofore passed in conflict with this act are hereby repealed.

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

Ratified the 18th day of December, 1872.

CHAPTER XVI.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF GUILFORD COUNTY TO LEVY A SPECIAL TAX, AND FOR OTHER PURPOSES.

Section 1. The General Assembly of North Carolina do enact, That in order to defray the expenses of rebuilding the court house of Guilford county, recently destroyed by fire, the board of commissioners of said county are hereby authorized and empowered to levy and collect a special tax at such time or times as they may deem proper, not exceeding the sum of twenty thousand dollars, ($20,000) in the same manner as other taxes are levied and collected; Provided however, That if in the judgment of said board of commissioners, the interest of the county shall be promoted thereby, they may in lieu thereof or of any part thereof issue coupon bonds of the county for said sum or any part thereof to run for such time as said board of commissioners may deem proper,
not exceeding five (5) years, and bearing not exceeding eight (8) per cent. interest per annum, payable semi-annually.

Sec. 2. That said bonds and the coupons thereon shall be signed by the chairman of the board of commissioners and countersigned by the clerk of the board, and it shall be the duty of said clerk to keep a suitable book, in which he shall keep an account of the numbers of the bonds issued, the amount, and to whom issued, and the amount of bonds and coupons received and canceled, and such other data as may be necessary, so that upon an inspection of said book at any time, the true state of the county debt under this act may be seen, for which services the said clerk may receive a suitable compensation, to be fixed by the board.

Sec. 3. The coupons on said bonds shall be receivable in payment of county taxes for any fiscal year in which they may fall due.

Sec. 4. The board of commissioners shall have the privilege of redeeming said bonds at any time after the expiration of one year, and it shall be their duty to set apart annually a sinking fund sufficient to redeem one-fifth in value of said bonds, which may be outstanding, and it shall be the duty of the county treasurer, under the direction of the board, to apply said fund annually to the redemption of said bonds for that purpose.

Sec. 5. It shall be lawful for said commissioners, if in their discretion, the official bond of the county treasurer be not sufficient to protect the county in the discharge of duties hereby devolving upon him to require him, to give further and sufficient security.

Sec. 6. That for the purpose of preventing the erection of any building near the court house, and thereby lessening the danger from fire, it shall be lawful for the said board of commissioners to enlarge the public square, and they are hereby authorized and empowered to buy, sell and exchange real estate surrounding said court.
house upon such terms as they may deem just and proper, and for the best interest of the county, and shall receive title to such real estate in the name of the board of commissioners of Guilford county, and may convey the same by deed duly executed by the chairman and two other members of the board, under the corporate seal, and attested by one or more witnesses.

Sec. 7. This resolution shall be in force from and after its ratification.

Ratified the 19th day of December, 1872.

CHAPTER XVII.

AN ACT TO INCORPORATE THE NEW YORK, NORFOLK AND CHARLESTON RAILROAD.

freesboro; L. Hilliard, of Pitt and George V. Strong, of Goldsboro, or any ten of them, their associates, successors or assigns, be and they are hereby created a body corporate and politic in law, under the name and title of the New York, Norfolk and Charleston Railway Company, with power and for the purpose of constructing a railway, commencing at the State line of Virginia at some point in the county of Gates or some county east of Gates, and extending southward through the counties of Bertie, Martin and Pitt, and on by such route as may be deemed practicable to the line of the State of South Carolina at some point in the county of Columbus, or some county east of Columbus, and passing as practicable through the counties of Duplin, Sampson and Bladen, together with the right to construct such branches of railway as may be desired to connect with or cross at grade such railroads as are now or may be hereafter constructed, and for the purposes and for the carrying into effect of the objects of this act, the said New York, Norfolk and Charleston Railway Company may survey and run such route for such railway as they may deem practicable, and shall have the power and authority to appropriate and occupy so much land as may be necessary for the construction of said railway and branches, along the route thereof, the width of one hundred feet, and so much additional land as may be necessary for the erection of station-houses, sidings, switches, engine-houses, depots and all other purposes necessary for the construction and maintenance of the aforesaid railway and branches, subject, however, to the valuation and appraisement of value to be determined under the provisions of the act entitled an act to authorize the formation of railroad companies and to regulate the same.

SEC. 2. That the capital stock of the said New York, Norfolk and Charleston Railway Company shall consist of fifty thousand shares of the value of one hundred dollars each, and may be increased from time to time as a ma-
May issue bonds.

Books of subscription.

Merging with other companies.

Contracts for construction.

Board of Directors.

Maj ority of the stockholders may determine on, not exceeding one thousand shares.

Sec. 3. That said New York, Norfolk and Charleston Railway Company shall have authority to create and issue bonds in sums of not less than one hundred dollars, each bearing interest at a rate not exceeding eight per cent., with or without coupons; said bonds to be secured by mortgage upon the railway, real estate, franchises, personal property, earnings, incomes or profits of said company.

Sec. 4. That the corporators, or any ten (10) of them, shall open books and receive subscriptions to the capital stock of said company, and when one hundred thousand dollars of the said capital stock shall have been subscribed, the subscribers thereto shall proceed to elect a board of directors not exceeding nine in number, who shall serve until the next annual election, or until their successors are elected.

Sec. 5. That the said New York, Norfolk and Charleston Railway Company shall have power to merge with any railway company created by the laws of this or any other State, as may be desired or determined by a majority of the stockholders thereof.

Sec. 6. That said New York, Norfolk and Charleston Railway Company shall have authority to contract with individuals, firms or corporations for the construction and equipment of said railway and its branches, and may issue to said individuals, firms or corporations the stock or bonds of said railway company in payment of work or materials furnished in the construction or equipment of said railway and its branches, as may be determined upon by the board of directors of said railway company.

Sec. 7. That the management and affairs of said New York, Norfolk and Charleston Railway Company shall be vested in the board of directors, to be elected annually, on the first Monday in January of each and every year. They shall have power to make and adopt such rules and
regulations, and appoint and create such officers as may be necessary for the transaction of a general railway business.

Sec. 8. That the said New York, Norfolk and Charleston Railway Company shall have power to lease and operate the road of any other railway company so desiring, and shall have authority to transport passengers, freight or merchandise over their own railway, its branches, or that of any railway it may lease, upon such terms and conditions as may be determined by the board of directors of the New York, Norfolk and Charleston Railway, after the completion of said road, not exceeding six (6) cents per ton per mile for freight, and six (6) cents per mile for passengers.

Sec. 9. That the officers of the said New York, Norfolk and Charleston Railway Company shall be at such places as may be designated by the board of directors: Provided, nevertheless, That at least two of the officers of said corporation shall be citizens of North Carolina.

Sec. 10. That in every case of increase of the capital stock every stockholder shall be entitled to his or her pro rata of increase in proportion to the number of shares held by each shareholder, and each stockholder shall be entitled to one vote for each and every share of stock held by him or her or them.

Sec. 11. That the said New York, Norfolk and Charleston Railway Company shall construct a branch of their road through the town of Kinston, in Lenoir county, through Richlands, county of Onslow, to Jacksonville, county of Onslow.

Sec. 12. That it shall and may be lawful for any incorporated city or town, or any county in which said railway may be constructed, or the counties and towns adjacent thereto, to subscribe for such amount of stock in said company as they or either of them shall be authorized to do by the inhabitants, in the same manner and form as is provided by sections eighteen, nineteen and twenty of
the act to incorporate the Planters' Railway Company, ratified March 1st, 1870.

Sec. 13. That said company shall commence the construction of said road within twelve months from the ratification of this act, or the said act shall have no force or effect.

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

Ratified the 18th day of December, 1872.

CHAPTER XVIII.

AN ACT TO AMEND THE CHARTER OF THE WILMINGTON AND PLANTERS' RAILWAY COMPANY.

Section 1. The General Assembly of North Carolina do enact, That it shall be lawful for the Wilmington and Planters' Railway Company, at any time during the continuance of its charter, to unite, consolidate and merge its stock, property, franchise and railway with those of any other corporation or corporations within or without this State, and such other corporation or corporations are hereby authorized to unite, consolidate and merge their stock, property, franchise and railway or railways with this corporation, upon such terms as may be agreed upon by the directors of the same; and after such consolidation and the filing in the office of the Secretary of State a certificate or certificates to that effect, this corporation shall be known by the name of the Atlantic and Pacific Seaboard Railway Company, or by any other name that may be set forth in such certificate: and under such name that may be set forth in such certificate and under such name shall succeed to, have, hold and enjoy all the powers, rights, privileges, franchises, immunities and obliga-
tions secured by the charter of the said Wilmington and Planters' Railway Company, and of the several charters of the several corporations out of the consolidation of which the said Wilmington and Planters' Railway Company was formed.

Sec. 2. That the said Atlantic and Pacific Seaboard Railway Company, or by whatever name the new corporation shall be known, shall be under the management and control of a board of directors consisting of not less than nine members, who shall be named or elected by the directors of the corporations which are parties to the said consolidation; shall elect one of their number president, and shall hold their offices for one year or until their successors shall be elected by the stockholders.

Sec. 3. That the capital stock of said company shall be ten million dollars, to be increased at the discretion of the board of directors, in shares of one hundred dollars each.

Sec. 4. That the said company, for the purpose of borrowing money, shall have the power and is hereby authorized to make and issue its bonds for such amount and in such denominations as may, in the judgment of the board of directors, be necessary to construct, equip and maintain its railway and branches, said bonds to be issued under the direction of the board of directors of the said company, redeemable in not less than twenty years, to be signed by the president, and witnessed by the signature of the secretary and under the common seal of the company, and for the purpose of securing their payment and interest, to mortgage all or any portion of its property and estate, whether real or personal or mixed, all its franchises, railway, and all the appurtenances thereto which it may hold or possess by virtue of its act or acts of incorporation, and to sell or negotiate its said bonds at such rate of interest or discount as the board of directors may deem for the best interests of the company.

Sec. 5. That subscriptions to the capital stock of the said company may be made on the part of individuals,
municipal and other corporations in lands, timber, work or money as may be stipulated, and it shall be lawful for any incorporated city or town, or any county in which said railway may be constructed, to subscribe for such amount of stock in said company as they or either of them shall be authorized to do by the inhabitants of such city or town, or citizens of such county in manner and form as provided for in the act to incorporate the Planters' Railroad Company, ratified the 1st day of March, 1870.

Sec. 6. That the gauge of the said railway shall be such as may be determined by the board of directors, but not to exceed five feet.

Sec. 7. That said company may use any portion of said railway constructed before its final completion and charge for transportation and passage thereon, and may lease or farm out its whole railway or any portion of it to any other corporation or person or persons as may be deemed by the board of directors to be the most advantageous to the interests of its company.

Sec. 8. That all laws and clauses of laws coming in conflict with this act be and the same are hereby repealed, and that this act shall take effect and be in force from and after its ratification.

Ratified the 18th day of December, 1872.

CHAPTER XIX.

AN ACT TO CHARTER THE WILSON AND TAR RIVER NARROW GAUGE RAILROAD.

Section 1. The General Assembly of North Carolina do enact, That a company may be formed with a capital stock not exceeding five hundred thousand dollars, to be divided into shares of one hundred dollars each, to be
known as the Wilson and Tar River Narrow Gauge Railroad Company, for the purpose of constructing a narrow gauge railroad from Wilson, North Carolina, to Tar River, at or near Greenville, North Carolina. And such company when formed as hereinafter directed, shall have power to receive, own and transfer real and personal estate, to have a common seal and to pass such by-laws, not inconsistent with the laws of the State, as may be necessary to carry out the objects of the corporation; shall be capable of suing and being sued, and shall have and enjoy all the rights of other corporate bodies under the laws of this State, and have the exclusive right to transfer and carry persons, produce and any articles of commerce on such road at such prices as they may fix.

Sec. 2. That for the purpose of creating the capital stock of said company, Joshua Barnes, W. D. Roundtree, John T. Barnes, George W. Blount, William Woodard, A. Branch, Owen W. Jones, Benjamin F. Moore, Bennett Fields, James Joyner, James W. May, John T. Bynum, C. J. O’Hagan and Charles Roundtree, Jr., or any three of them, are hereby appointed commissioners, whose duty it shall be to appoint such commissioners to open books of subscription at such times and places as they shall deem best, and under such rules as they may prescribe; such subscription or any part thereof, may be received, payable in money, lands, labor or material necessary in the constructing of said road, or bonds, stock or other valuable credits, in such manner and on such terms as shall be agreed between said company and such subscribers.

Sec. 3. That whenever the sum of fifty thousand dollars shall have been subscribed to the said capital stock, it shall be the duty of the commissioners above named, any three of whom may act, to call a general meeting of the stockholders, after giving reasonable and sufficient notice, and at such times and places as they shall determine. And at all general meetings of said stock-
holders not less than a majority of all the stock subscribed shall constitute a quorum for the transaction of business, and said stockholders at their first general meeting shall elect a president and five directors for said company, whose term of office shall be for one year and until others are chosen. In the election of said officers, and in enacting such laws for the company as may be necessary, the stockholders shall be entitled to one vote for each share owned by them.

Sec. 4. That the stockholders, at their first meeting, shall prescribe the manner and time in which payment of stock on the subscription books shall be made.

Sec. 5. The president and directors shall have the general direction and management of the affairs of the company. They shall appoint a treasurer, secretary and engineer, whose terms of office shall be determined by the by-laws of the company, and who shall perform such duties as are ordinarily imposed on such officers. Said directors shall have power to fill vacancies that may occur in their board until their next regular meeting, and in the absence of the president may elect one of their number for the time.

Sec. 6. That at least once a year, and at the annual meeting of stockholders, the president shall make a full report of the condition and affairs of the road.

Sec. 7. That whenever lands shall be required for the location and construction of the road or warehouses, water stations, workshops or other building purposes, and for any cause the same cannot be bought from the owner, the directors may condemn the same at a valuation to be ascertained as follows, viz: the sheriff of the county in which the lands are situated, shall, at the request of the president of the road, summon five disinterested freeholders of his county, who, under oath to be administered by the sheriff, shall ascertain the value, they first deducting the enhanced value of the land caused by said road from such valuation, and adding particular loss or dam-
age, and upon payment or tender by the president of the amount so assessed, the title of the property so seized and appraised shall thereby rest in the said corporation: Provided, That either party may appeal to the superior court of the county upon the question of the amount assessed; and, Provided further, That not more than one hundred feet from the centre of the road shall be allowed to be so condemned.

Sec. 8. That for the purpose of securing the building of said road the company shall have power to mortgage, lease or sell the same or any part thereof with all its franchises.

Sec. 9. This act shall be in force from its ratification, and the privilege of forming a company under the same shall continue for forty years.

Ratified the 18th day of December, 1872.

CHAPER XX.

AN ACT TO AMEND AN ACT RATIFIED THE TWENTY-FIFTH DAY OF JANUARY, ONE THOUSAND EIGHTHUNDRED AND SEVENTY-ONE.

Section 1. The General Assembly of North Carolina do enact, That section one of an act entitled an act to authorize and empower the government of the United States to purchase and hold lands in North Carolina for the purpose of erecting light houses thereon, ratified twenty-fifth day of January, one thousand eight hundred and seventy-one, be amended as follows: After the words "light houses" in line seven in said act, insert "light keepers, dwellings, buoy and coal depots, and buildings connected therewith."
Sec. 2. This act shall be in force from and after its ratification.
Ratified the 16th day of January, 1873.

CHAPTER XXI.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO ENABLE ANY PERSONS NOT LESS THAN THREE TO BECOME INCORPORATED, &c.

Amendment.

Section 1. The General Assembly of North Carolina do enact, That section twenty-eight of an act entitled an act to enable any persons not less than three to become incorporated and to regulate such and other incorporations, ratified twelfth day of February, one thousand eight hundred and seventy-two, be amended to read as follows:

No corporation formed under this act, except railroad, mining and manufacturing companies, shall have power to hold at the same time more than three hundred acres of land in fee simple, or for a longer term than twenty-one years.

Sec. 2. This act shall be in force from and after its ratification.
Ratified the 17th day of January, 1873.

CHAPTER XXII.

AN ACT FOR THE RELIEF OF CERTAIN SCHOOL TEACHERS.

Teachers to be paid.

Section 1. The General Assembly of North Carolina do enact, That the county treasurers be authorized and direc-
ted to pay out of the public school funds in their hands such sums of money as may be due to teachers of public schools for services rendered prior to the ratification of the present school law: Provided, That the said claims shall be audited and approved by the county commissioners.  

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

Ratified the 17th day of January, 1873.

CHAPTER XXIII

AN ACT TO EXEMPT THE COUNTIES OF ASHE, WATAUGA, ALLEGHANY, JACKSON AND SWAIN FROM THE PROVISIONS OF CHAPTER ONE HUNDRED AND FORTY-TWO, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY.

Section 1. The General Assembly of North Carolina do enact, That the counties of Ashe, Watauga, Alleghany, Jackson and Swain be exempt, and the same are hereby exempt from the provisions of chapter one hundred and forty-two of the laws of one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy.  

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

Ratified the 18th day of January, 1873.
CHAPTER XXIV.

AN ACT TO REPEAL CHAPTER EIGHTY-NINE, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO.

Chapter repealed.

SECTION 1. The General Assembly of North Carolina do enact, That chapter eighty nine, (89) laws of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two be and the same is hereby repealed.

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

Ratified the 18th day of January, 1873.

CHAPTER XXV.

AN ACT TO AUTHORIZE THE CONSOLIDATION OF THE CAROLINA NARROW GAUGE RAILROAD COMPANY AND THE CHARLOTTH AND LENOIR NARROW GAUGE RAILROAD COMPANY IN SOUTH CAROLINA.

Consolidation.

SECTION 1. The General Assembly of North Carolina do enact, That the Carolina Narrow Gauge Railroad Company shall, upon the consent of the stockholders of said company, be consolidated with and form one and the same body corporate, with the Chester and Lenoir Narrow Gauge Railroad Company, a railroad company chartered by the General Assembly of the State of South Carolina, for the construction of a narrow gauge railroad from the town of Chester in said State to a point on the North Carolina line in the direction of Lincolnton via the town of Yorkville, in said State of South Carolina, or with any other narrow gauge railroad company that may be char-
tered by said State for the construction of a narrow gauge railroad from the said town of Chester via the town of Yorkville to the North Carolina line in the direction indicated, under such corporate name as the stockholders of the said two companies may hereafter agree upon, and possessing all the rights, powers, privileges, immunities and franchises conferred upon the Carolina Narrow Gauge Railroad Company by the act of incorporation heretofore passed and now in force.

Sec. 2. That in case a consolidation is effected between the two companies, the affairs of the said consolidated company shall be managed and directed by a president and a general board to consist of eight directors, to be elected by the stockholders from among their number: Provided, That at least one-half of the said board of directors shall be elected from amongst the stockholders residing in the State of North Carolina.

Sec. 3. That the question of approving the consolidation herein authorized shall be submitted to a meeting of the stockholders of the Carolina Narrow Gauge Railroad Company, at a meeting thereof to be called by the president of the said company within six months from the passage of this act, of which one month’s public notice shall have been given in the newspapers published at the different towns on the line of the said road, at which meeting the question shall be submitted to the decision of the stockholders of the company, and determined in the manner provided in its charter now of force for the decision of matters upon which it is necessary for the stockholders to act as a company.

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

Ratified the 22d day of January, 1873.
CHAPTER XXVI.

AN ACT TO CURE CERTAIN DEFECTS IN THE REGISTRATION OF DEEDS AND OTHER WRITTEN INSTRUMENTS IN THE COUNTY OF BUNCOMBE.

Whereas, The Register of Deeds in the county of Buncombe appointed A. T. Summey as his deputy in September, one thousand eight hundred and seventy-one, and said A. T. Summey entered upon the discharge of the duties of his office without having been previously sworn as required by law; and whereas, doubts having arisen as to the validity of the registration of deeds, etc., made by said A. T. Summey, therefore,

SECTION 1. The General Assembly of North Carolina do enact, That the registration of all deeds and other written instruments, and all certificates thereof made by said A. T. Summey or any other person acting as Deputy Register of Deeds in the county of Buncombe since the first day of September, A. D. one thousand eight hundred and seventy-one, shall be deemed as valid and effectual in law as if the same had been duly registered and certified by the regularly elected and duly qualified Register of Deeds of said county.

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

Ratified the 22d day of January, 1873.
CHAPTER XXVII.

AN ACT TO INCORPORATE THE SNOW HILL, GREENVILLE AND
GOLDSBORO RAILROAD COMPANY.

Section 1. The General Assembly of North Carolina do enact, That a company is authorized to be formed with a capital stock of one million dollars, to be divided into shares of fifty dollars each, to be called and known as the "Snow Hill, Greenville and Goldsboro Railroad Company," for the purpose of building and constructing a railroad with one or more tracks, to be used with steam and other motive power, from Goldsboro to Snow Hill, in Greene county, and Greenville, in Pitt county, and from Goldsboro to Fayetteville, via Newton Grove, in Sampson county, over the most practicable route through the counties named; and such company when formed as hereafter directed, shall have power to receive, possess own, transfer and lease real and personal property, to have a common seal, and to pass such by-laws not inconsistent with the laws of this State, as may be necessary to carry out the object of the corporation; shall be capable in law of suing and being sued, pleading and being impleaded, and shall have and enjoy all the rights of other corporate bodies under the laws of this State; to have land condemned for right of way according to existing laws, and for all other purposes necessary to carry into effect the purposes of said company; and shall generally have and possess all the rights, privileges and immunities, and be subject to the limitations and restrictions of incorporate bodies in this State, and shall have the exclusive right to transfer and carry persons, produce, merchandise and other materials on and along such railroad at such prices as they may fix.

Sec. 2. That for the purpose of creating the capital stock of such company, A. G. Galloway, W. T. Dorteh,
L. W. Humphrey, J. A. Bonitz, A. C. Davis, A. D. Speight, W. F. Kornegay, E. B. Borden and John V. Sherard, of Wayne, and H. H. Best, John Harvey, W. J. Jones, Jas. P. Speight, Joseph Dixon, Charles H. Harvey, W. A. Darden, Jr., and Uzzell Lassiter of Greene, and James Joyner, Albert Moye, E. J. Blount, Robert W. Joyner, E. G. Yellowby, Charles J. O'Hagan, Lewis Hilliard and Germaine Bernard of Pitt, and Hiram Grantham, Needham Stevens, W. H. Bryan, Blackman Lee, Richard Raynor, Thomas Devane, J. B. Cox and J. H. Bryan are hereby appointed commissioners, whose duty it shall be to open or direct the opening of books of subscription at such places and at such times as to a majority of them shall seem best, and under such rules and regulations as they may prescribe. Such subscription, or any part thereof, may be received payable in money, lands, labor or materials necessary in the construction of said road, bonds, stocks or other valuable credits, in such manner and on such terms as shall be agreed on between said company or its commissioners or agents and such subscribers.

Sec. 3. That whenever the sum of one hundred thousand dollars shall have been subscribed to the capital stock of said company by solvent subscribers, it shall be the duty of the commissioners aforesaid to call a general meeting of the stockholders after giving such notice as to them shall seem sufficient, and at such times and places as they shall determine; and at all general meetings of said stockholders not less than a majority of all the stock subscribed shall constitute a quorum for the transaction of business; and said stockholders, when so met in general meeting, shall have power, and it shall be their duty, to elect a president and nine directors for said company; and in electing such president and directors, and in enacting such laws as may be necessary, each share of stock represented in person or by proxy, shall be entitled to one vote: Provided, If a majority of such stockholders shall
not attend said first general meeting, such as do attend and are present may adjourn from time to time until a majority shall appear.

Sec. 4. That it shall be the duty of said stockholders at their first general meeting to prescribe the manner and time in which payments of stock on the subscription book shall be made: Provided, Not more that three-fourths of said subscription shall be called for until the tracks shall have been completed.

Sec. 5. That it shall be the duty of the president and directors of said company to appoint a treasurer who shall remain in office such length of time as the company in their by-laws shall determine; and said president and directors shall remain in office one year or until others are chosen, and shall have a general direction and management of the affairs of said company, and shall appoint some suitable person as engineer, whose duty it shall be to make the necessary surveys for the location of said railroad, and furnish the president and directors with such survey or surveys and estimates of cost. Said directors shall have power to fill any vacancy that may occur in their Board, and in the absence of the president, elect one for the time. They shall also appoint a secretary whose duty it shall be to keep a fair and correct record of the proceedings of said Board and of all the proceedings of the stockholders in general meeting in a book to be provided for that purpose.

Sec. 6. That the president or board of directors shall at least once a year make a full report on the state of the company and its affairs to a general meeting of the stockholders whenever they may deem it expedient; and the company may provide in their by-laws for occasional meetings being called, and prescribe the mode thereof.

Sec. 7. That all persons, the commissioners of any county, or the authorities of any corporation, shall have full power and authority to subscribe to the capital stock of said company to the amount they shall be authorized
to do by the inhabitants of said county or incorporated town, or the proper authorities of any corporation; and they may issue bonds or other evidence of debt to enable them to borrow money to pay such subscription; the said subscription to be made by any agent or agents of such county, town or corporation, properly authorized by them to make; the same when so made shall be binding on such county, company or corporated body in the same manner and to the same extent that it is on the individual subscribers; and such body corporate or company, or county, shall be represented in all general meetings of the stockholders.

Sec. 8. That the County Commissioners of any county in which said road may be constructed, a majority of said commissioners concurring, or the corporate authorities of any town or city, are authorized to make an order requiring the sheriff of such county, or if city or town, the constable or any officer of their own body, at such time and on such a notice as they shall direct, to open a poll and take the sense of the voters of such as are qualified to vote under the laws of this State, whether said county, city or town shall subscribe to the stock of said company for such sum as the order shall propose, and the officer so appointed shall make return of the number voting for and against it to the said commissioners or municipal authorities.

Sec. 9. That it may and shall be lawful for said Snow Hill, Greenville and Goldsboro Railroad Company to make and issue bonds to an amount not to exceed three hundred thousand dollars, to be signed by the president of said company, under the common seal of the same, in sums of five hundred and one thousand dollars each, bearing interest at the rate not exceeding eight per cent. per annum, to be paid annually in the city of New York or elsewhere at their option, and redeemable within thirty-three years from date of issue, at the option of said Snow Hill, Greenville and Goldsboro Railroad Company.
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Sec. 10. To secure the faithful payment of the said bonds, it shall be and may be lawful for the president and directors of the Snow Hill, Greenville and Goldsboro Railroad Company to make, execute and deliver to such persons in the city of New York or any other city, as the said company may select or appoint, a deed of trust or mortgage, under the common seal of said company, wherein shall be conveyed to the person thus appointed trustee, the road property, income and franchise of said company, acquired or to be acquired, conditional for the payment of the interest and final redemption of said bonds.

Sec. 11. That said railroad company may build their railroad tracks over any navigable stream by putting a sufficient draw in the bridge or other structure, so as not to impede navigation, and may run the same along any public road where it may be necessary by keeping it in good repair, or by constructing a new road or roads when they run along any portion of an old road.

Sec. 12. Any person who shall in any way injure or obstruct said road, its branches or connections, besides being liable to the company in civil action for treble the amount of damages sustained, shall be guilty of a misdemeanor, and punished by fine or imprisonment, or both, at the discretion of the court.

Sec. 13. That said company may begin the construction of said road at any point on the line of location, according to their discretion, and that for any portion of said road actually constructed the said company shall be entitled to all the privileges of this act into and over such part so constructed.

Sec. 14. That said company shall issue certificates of stock to its members, and said stock may be transferred in such manner and form as may be directed by the by-laws of the company.

Sec. 15. That all the officers and employees of the
company be and they are hereby exempted from serving as jurors.

Sec. 16. That the said Snow Hill, Greenville and Goldsboro Railroad Company shall have power to unite, merge and consolidate with any railway company.

Sec. 17. That the said company shall have power to lease and operate the road of any other railway company so desiring, and shall have authority to transport passengers, freight or merchandise over their own railroad, its branches or that of any railway it may lease, upon such terms and conditions as may be determined by the board of directors of the said company, and the said board of directors shall have power to arrange and perfect the terms of any union, merging and consolidation with any other company.

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

Ratified the 24th day of January, 1873.

CHAPTER XXVIII.

AN ACT TO INCORPORATE THE ALBEMARLE AND SCUPPERNONG STEAMBOAT TRANSPORTATION COMPANY.

Section 1. The General Assembly of North Carolina do enact, That W. W. Walker, Peter M. Warren, Uriah Owens, Thomas Wynne, Abel Balangy, Lindsay M. Phelps, Jacob Spear, James Jarvis, J. G. Brickhouse, Jas. B. Davenport, A. G. Walker, their associates, successors and assigns are hereby constituted a body politic and corporate, by the name of "The Albemarle and Scuppernong Steamboat Transportation Company," and as such and by said name may sue and be sued, plead and be impleaded, shall have succession and a common seal, and
may acquire, hold, possess and transfer real and personal property for the purposes of the company, and may make and adopt all such rules and regulations and by-laws for the government of said company as may be necessary, not inconsistent with the constitution and laws of this State or of the United States, and to be entitled to all the rights, privileges and immunities contained in chapter twenty-six of the Revised Code, entitled "Corporations."

Sec. 2. That said company shall have all the rights and powers which may be necessary to build, construct, purchase or repair steamboats and other necessary crafts for the transportation of persons, goods, wares and merchandise or any description of property whatever to and from the Scuppernong river, or any other waters of North Carolina, to and from the Chesapeake Bay and the city of Norfolk, or any other waters or ports of Virginia or Maryland.

Sec. 3. That the capital stock of said company shall not exceed fifty thousand dollars, and may be distributed in shares of such amount as may be most convenient for the purposes of the company.

Sec. 4. That each share shall be entitled to one vote in all meetings of the stockholders, and the said share or shares may be represented and voted either in person or by proxy.

Sec. 5. There shall be annually elected five directors to be called the board of directors of the Albemarle and Scuppernong Steamboat Transportation Company, who shall hold their positions for one year, and until their successors are elected and qualified, which board of directors shall be elected in a general meeting of the stockholders, in which a majority of the stock is represented either in person or by proxy.

Sec. 6. The first election for directors may be held at such time and place as the corporators herein named may appoint, not to exceed sixty days after the ratification of this act.
Sec. 7. It shall be the duty of the board of directors to appoint by a majority vote one of their number president, who shall be the president of the company. They shall also appoint a treasurer and such other officers and agents of the company as they may deem necessary. They shall also appoint the time and place of the annual meetings of the stockholders, and to notify the stockholders thereof at least twenty days before said meeting. They may also call special meetings of the stockholders upon ten days' notice, and in the intervals between the meetings of the stockholders they shall conduct the business of the company under such rules and regulations as may be established by the stockholders.

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

Ratified the 24th day of January, 1873.

CHAPTER XXIX.

AN ACT TO PREVENT THE FELLING OF TREES IN HAW RIVER AND ITS TRIBUTARIES, STONEY CREEK AND REEDY FORK, IN THE COUNTY OF ALAMANCE.

Section 1. The General Assembly of North Carolina do enact, That it shall not be lawful for any person to fell any tree or trees in the waters of Haw River or its tributaries, Stoney Creek or Reedy Fork, in the county of Alamance, or on the banks of the same below high water mark, and suffer the same to remain for the space of three days at any point or place within the county hereinbefore named.

Sec. 2. If any person or persons shall violate the first section of this act, or procure any one to do so, he, she or they so offending or procuring others to offend, shall
forfeit and pay the sum of ten dollars for every offence, to be recovered before any justice of the peace within the county where the offence is committed. All sums so raised shall go to the school fund of the county in which the offence is committed.

SEC. 3. This act shall take effect thirty days from its ratification.

Ratified the 27th day of January, 1873.

CHAPTER XXX.

AN ACT IN FAVOR OF THE COMMISSIONERS OF MADISON COUNTY.

Whereas, J. Sawyer, a citizen of the county of Madison, and who is a lunatic, was refused admission to the Insane Asylum, and a certificate thereof was given by Eugene Grissom, Superintendent, on the fifteenth of December, one thousand eight hundred and seventy-one, in pursuance of chapter one hundred and sixty-seven, acts of one thousand eight hundred and sixty-nine, and one thousand eight hundred and seventy, ratified twenty-eighth day of March, one thousand eight hundred and seventy; and whereas, since that date the said J. Sawyer has been cared for at the expense of the commissioners of the county of Madison, and no application made to the superintendent of the Insane Asylum every six months after the first refusal as required by law, and for this reason cannot receive the one hundred dollars per annum allowed by law for the care of such insane person as cannot be admitted to the asylum, therefore,

Section 1. The General Assembly of North Carolina do enact, That the treasurer be and he is hereby authorized and directed to pay to the board of commissioners of Madison county the sum of one hundred and fifty dollars

Treasurer to pay expenses.
out of such moneys as are not otherwise appropriated, for the keeping of said J. Sawyer.

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

Ratified the 27th day of January, 1873.

CHAPTER XXXI.

AN ACT FOR THE RELIEF OF SHERIFFS AND TAX COLLECTORS.

Section 1. The General Assembly of North Carolina do enact, That all persons who are or have been sheriffs or tax collectors or their legal representatives, of the several counties of this State for the years one thousand eight hundred and sixty-nine, one thousand eight hundred and seventy, one thousand eight hundred and seventy-one, and one thousand eight hundred and seventy-two, and who have accounted and settled with the Public Treasurer of the State and the county treasurer of their respective counties according to law, be and the same are hereby authorized and empowered to collect all arrears of taxes due them in their respective counties for the years aforesaid, under such rules and regulations as are now prescribed by law for the regular collection of taxes; and the power and authority hereby granted, shall cease on the first day of January, one thousand eight hundred and seventy-four, Provided, That no person in any county shall be compelled to pay tax under this act who will make oath according to law, that he or she has paid the same, or believes to be paid, and, Provided, further, That no executor or administrator shall be compelled to pay any such arrears of taxes.
Sec. 2. That this act shall be in force from and after its ratification.

In General Assembly, read three times, and ratified the 28th day of January, 1873.

CHAPTER XXXII.

AN ACT TO ALLOW THE OWNERS OF THE "CATAWBA TOLL BRIDGE" AND THE "HORSE FORD" PROPERTY TO LIST IT FOR TAXES, AND TO REGISTER THE SAME.

Sec. 1. The General Assembly of North Carolina do enact, Authority to list and register.

That W. H. Ellis, John L. Lyerly, A. A. Shuford, Andrew L. Ramsour and others, their heirs and assigns, owners of the Catawba Toll Bridge and the property known as the "Horse Ford" property, all of which is situated in the counties of Caldwell, Burke and Catawba, may list said property for taxes, register the same for deed in fee, mortgage, lease, or for any other purposes, in the county of Catawba, without a record of any kind being made in either of the other counties, and that said registration shall be as effective as if the same had been made in all of the above named counties.

Sec. 2. That the property so consolidated by this act for the purposes named in the foregoing section shall cover and include no more than one hundred and ninety acres of land and the appurtenances thereunto belonging, of which seventy-four acres are in Burke county, eighteen acres in Caldwell county, and ninety-eight in Catawba county.

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

In General Assembly, read three times, and ratified the 28th day of January, 1873.
CHAPTER XXXIII.

AN ACT IN RELATION TO DEPOSITIONS.

Suitsors may take depositions.

SEC. 1. The General Assembly of North Carolina do enact That any plaintiff or defendant in a civil action pending before a justice of the peace may, after action brought, and as well before as after issue joined, take the depositions of such persons whose evidence he may desire to use in the action, and to do so may apply to the clerk of the Superior Court for a commission to take the same, and proceed in all things in taking such depositions as if such action was pending in the Superior Court.

Sec. 2. In all actions the notices and commissions shall be entitled in the cause and court for which they are to be taken.

Sec. 3. When the depositions are returned to the clerk, they shall be opened and passed upon by the clerk and delivered to the party or parties or justice of the peace before whom the trial is to be had, and the reading and using said deposition shall conform to the rules adopted for the Superior Court.

Sec. 4. If an appeal be taken to the Superior Court, or the same be taken up by recordari or otherwise, the deposition only shall be read, which would be admissible if the suit had been originally instituted in the Superior Court.

Sec. 5. All acts and laws inconsistent herewith are hereby repealed, and this act shall take effect from and after its ratification.

Ratified the 28th day of January, 1873.
CHAPTER XXXIV.

An Act to Prohibit the Sale of Spirituous Liquors Within Two Miles of Excelsior College, in Burke County.

Section 1. The General Assembly of North Carolina do enact, That any person selling spirituous liquors within two miles of Excelsior College, in the county of Burke, 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 for each separate offence, at the discretion of the court.

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

Ratified the 28th day of January, 1873.

CHAPTER XXXV.

An Act to Amend an Act Entitled an Act to Incorporate the Wilmington Mutual Insurance Company, Ratified the Twenty-Fourth Day of January, One Thousand Eight Hundred and Seventy-Two.

Section 1. The General Assembly of North Carolina do enact, That any note or bond made for the purposes set forth in section fifth of the act referred to in the title to this act in which the land on which the property to be insured is situate is so referred to, as may be sufficient to identify the same, shall be deemed valid for the purpose of said act, and any such note which may be made by any married woman, and duly acknowledged by her before any one of the Judges of the State, or before the clerk of any court of record in this State or his proper deputy, or before any justice of the peace or notary public of the
When to be in force.

When to be in force.

County in which the property to be insured is situate, and her private examination as to her voluntary execution of such note or bond being taken by the officer or person before whom such acknowledgment may be made as aforesaid, shall be valid for the purposes in said section set forth. Upon the production to the register of the county in which the property to be insured is situate, of any note or bond given or made for the purposes aforesaid, duly proved and acknowledged as aforesaid, or as required by said fifth section of the act referred to, and such probate or acknowledgment duly certified thereon, it shall be the duty of such register to record such note or bond with the certificate indorsed thereon, and for such service he shall be entitled to a fee of forty cents.

Sec. 2. This act shall be in force from its ratification. Ratified the 28th day of January, 1873.

CHAPTER XXXVI.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND EIGHTY-FIVE.
LAWs OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT
AND ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE, ENTITLED AN ACT CONCERNING TOWNSHIPS.

Amendment.

Amendment.

Appeals.

Appeals.

Section 1. The General Assembly of North Carolina do enact, That section fifteen of chapter one hundred and eighty-five of the laws of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, be amended to read as follows: In all cases of the exercise of authority under the preceding section, either party may appeal from the decision of the township board of trustees to the board of commissioners of the county; and from the decision of the board of commissioners of the county to the next term of the Superior
Court thereof, and from the decision of said Superior Court to the Supreme Court; and in all cases of appeal from the decision of the township board of trustees, their clerk shall file with the clerk of the board of commissioners of the county all the papers in the case; and in case of appeal from the decision of the board of commissioners of the county, their clerk shall file with the clerk of the Superior Court of the county a transcript of all the papers and records in such proceeding, to be attested by his seal of office.

Sec. 2. The party appealing shall give bond with sufficient surety in the penal sum of two hundred and fifty dollars, payable to the appellee, which bond shall be void, in case the appellant shall perform such judgment as shall be rendered in the proceeding, and pay all such costs as may be adjudged against him.

Sec. 3. That in case any proceeding in reference to any public or private road or cartway shall have been had under the provisions of said chapter one hundred and eighty-five of the laws of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, before the board of commissioners of any county within twelve months preceding the ratification of this act, the party against whom judgment shall have been rendered in such proceeding, may file his petition within twelve months from the ratification of this act, before the Judge of the Superior Court for the district in which such county may lie, stating the facts therein, which petition shall be verified by affidavit. And if it shall appear to the Judge that such proceeding shall have been finally determined within twelve months next preceding the time of filing such petition, he shall order and adjudge that the board of commissioners of the county cause to be filed with the clerk of the Superior Court a certified transcript of all the papers and record in such proceeding, and such order shall operate as a stay of all
further action therein, and a trial of all matters involved therein shall thereupon be had in the Superior Court.

Sec. 4. That all laws and clauses of laws coming in conflict with this act are hereby repealed, and that this act shall be in force from and after its ratification.

Ratified the 29th day of January, 1873.

CHAPTER XXXVII.

AN ACT DECLARING NEUSE RIVER A LAWFUL FENCE.

Section 1. The General Assembly of North Carolina do enact, That Neuse River, from the Johnston county line to the Upper Falls of the Neuse, be and the same is hereby declared a lawful fence.

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

Ratified the 29th day of January, 1873.

CHAPTER XXXVIII.

AN ACT TO INVESTIGATE THE AFFAIRS OF THE WESTERN DIVISION OF THE WESTERN NORTH CAROLINA RAILROAD.

Section 1. The General Assembly of North Carolina do enact, That the present joint and select committee, charged with the investigation of the affairs, sale, etc., of the Western North Carolina Railroad Company, be and the same is hereby continued, and, further charged with the investigation of the affairs, conduct and disposition of the property, moneys and effects of all kinds of the
Western Division of the Western North Carolina Railroad Company, including the conduct, doings and transactions of the commission appointed to settle the affairs of the same by virtue of an act entitled, "An act to provide for the completion of the Western Division of the Western North Carolina Railroad," ratified the twenty-fourth day of March, A. D. one thousand eight hundred and seventy, and make report to this Legislature at its present session.

Sec. 2. That for the purpose aforesaid the said joint select committee shall have power to send for persons and papers, and have and exercise all the powers conferred by an act entitled, "An act creating a commission to inquire into charges of corruption and fraud," ratified the eighth day of February, A. D. one thousand eight hundred and seventy-one, and all acts amendatory thereto.

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

Ratified the 31st day of January, 1873.

CHAPTER XXXIX.

AN ACT FOR THE RELIEF OF TIMOTHY F. LEE, SHERIFF OF WAKE COUNTY.

Section 1. The General Assembly of North Carolina do enact, That Timothy F. Lee, Sheriff of Wake county, be and he is hereby allowed until the first day of February, one thousand eight hundred and seventy-three, to settle in full, taxes due by him to the State of North Carolina for the year one thousand eight hundred and seventy-two.

Sec. 2. That said Lee be and he is hereby allowed until county taxes.
the first day of March, one thousand eight hundred and seventy-three, to settle in full taxes due by him to the county of Wake for the year one thousand eight hundred and seventy-two.

Sec. 3. That said Lee is hereby relieved of all pains and penalties incurred by not settling according to law, but nothing in this act shall be construed to relieve said Lee from paying any and all costs incurred by reason of this failure to settle as provided by law.

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

Ratified the 1st day of February, 1873.
CHAPTER XLI.

AN ACT TO PROVIDE FOR THE BUILDING OF A JAIL HOUSE IN THE TOWN OF HAYESVILLE, CLAY COUNTY.

Section 1. The General Assembly of North Carolina do enact, That the county commissioners of Clay county, shall at their first or any subsequent session, appoint three commissioners who shall have full power to contract for the building of a suitable jail house in the town of Hayesville, to be constructed of brick, stone or wood, and of such size, dimensions and upon such plan as said commissioners shall determine upon, they being required to take bond and approved security from the contractors for the faithful performance and execution of the work; and when said building is completed and received by said commissioners, they shall apply the proceeds of the sale of all the town lots that are not now or may not then be otherwise applied under any previous acts of the General Assembly, or so much thereof as may be necessary, to the payment of the debt created for the same; and if the proceeds of the sale of said lots shall be insufficient to pay said debt, it shall be the duty of the commissioners to levy a tax, as in other cases, to make up the deficiency: Provided, nevertheless, That said commissioners if they deem it proper so to do, may, as the work progresses in the construction of said jail house, advance to the contractors a portion of the price agreed upon: Provided, further, That said commissioners of Clay county shall not be compelled or required to commence said building before the year one thousand eight hundred and seventy-six, nor to have the same completed until the first day of August, one thousand eight hundred and seventy-seven.

Sec. 2. That so much of chapter seven, (7) section sixteen, (16) public laws of North Carolina of one thousand eight hundred and sixty, and one thousand eight
hundred and sixty-one, ratified the 25th day of February, one thousand eight hundred and sixty one, as relates to the jail in Clay county, be and the same is hereby repealed.

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

Ratified the 5th day of February, 1873.

CHAPTER XLII.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FIFTY-TWO, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO.

Amendment.

Section 1. The General Assembly of North Carolina do enact, That section first of chapter one hundred and fifty-two, of the laws of one thousand eight hundred and seventy-two, be and the same is hereby amended to read as follows: That it shall be unlawful for any person to catch or destroy with seines, nets, firearms, bow and arrow or by muddying or stirring the waters, or by striking any fish of any kind in the waters of Black River in the county of Cumberland, between the fifteenth day of May and the first day of December; or in the waters of Black or South River, Big and Little Coharie or Six Runs, in the counties of Sampson and New Hanover, between the fifteenth day of May and the fifteenth day of August in each and every year.

Ratified the 5th day of February, 1873.
CHAPTER XLIII.

AN ACT TO EXTEND THE TIME FOR THE REDEMPTION OF LANDS SOLD FOR TAXES.

Section 1. The General Assembly of North Carolina do enact, That where lands were sold for taxes during the years of one thousand eight hundred and seventy-one or one thousand eight hundred and seventy-two, the owner of said lands shall be allowed three months to redeem the same from the purchaser or purchasers.

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

Ratified the 5th day of February, 1873.

CHAPTER XLIV.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF HALIFAX COUNTY TO LEVY A SPECIAL TAX, AND FOR OTHER PURPOSES.

Section 1. The General Assembly of North Carolina do enact, That the commissioners of Halifax county be authorized to levy and collect in the same manner as other taxes are levied and collected, a special tax not to exceed eight thousand dollars, for the purpose of paying the outstanding bonds of said county, due the first day of January, one thousand eight hundred and seventy-four, the constitutional equation of taxation on the poll and property being duly observed.

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

Ratified the 5th day of February, 1873.
CHAPTER XLV.

AN ACT IN REFERENCE TO PRINTING AND DISTRIBUTING THE LAWS, JOURNALS, DOCUMENTS AND BILLS.

Section 1. The General Assembly of North Carolina do enact, That it shall be the duty of the Secretary of State, immediately upon the receipt of any ratified act or resolution to copy or cause the same to be copied forthwith, and affix thereto the usual marginal notes, to the end that the copy may be held in readiness for the Public Printer, and shall be delivered to him or his agent when demanded.

Section 2. It shall be the duty of the Principal Clerks of the two houses of the General Assembly to hasten the preparation of their journals for the Public Printer, so that in no case at any time shall the journal of either house of any one day’s proceedings remain unprepared for the printer by the clerk for a longer period than six days after its approval.

Section 3. The clerks aforesaid shall, immediately after the preparation aforesaid of any and every day’s proceedings of their respective houses, send the same to the office of the Secretary of State.

Section 4. It shall be the duty of the printer aforesaid, in person or by agent, to call on the Secretary of State or his chief clerk at the office of said Secretary daily, within office hours, during each and every session of the General Assembly, and apply for certified copies of the acts and resolutions of said Assembly, and for such proceedings of the two houses as have been filed by the clerks aforesaid in the office of said Secretary. And these applications shall be continued daily by the Public Printer until all of the acts, resolutions and proceedings aforesaid of the session have been received by him.

Section 5. It shall further be the duty of the Public Prin-
ter at all times immediately upon receiving from the
Secretary of State a sufficient quantity of the acts, resolu-
tions or proceedings aforesaid in manuscript to make six-
ten pages of printed matter, to cause the same to be
printed forthwith in such numbers as are prescribed in this
act, and at once send them to the binder.

Sec. 6. The Secretary of State shall determine which
are public and which are private laws and resolutions,
and it shall be his duty at the time of making marginal
notes aforesaid to mark on the upper right hand corner
of each act and resolution the word "public" or "pri-
vate," and bills thus marked shall not be mixed by the
printer in making up a form.

Sec. 7. The public and private laws shall be bound in
the same volume.

Sec. 8. Of the public and private laws the printer
aforesaid shall print two thousand seven hundred copies,
to be distributed as follows: One copy each to the Gov-
ernor, Lieutenant Governor, Treasurer, Secretary of
State, Auditor, Superintendent of Public Instruction, of
Public Works, of the Insane Asylum, of the Deaf and
Dumb Asylum, of the Penitentiary, Attorney General,
each Superior Court Clerk, each Register of Deeds, and
each County Commissioner for their respective offices,
and each Senator, Representative, Principal, Assistant,
Engrossing and Enrolling Clerk, and to each Justice of
the Peace and each of the Supreme and Superior Court
Judges, to the State Library ten copies, to the Senate
Libraries sixteen copies, to the House Library eighteen
copies, to each State in the Union two copies.

Sec. 9. Of the volumes to be printed under the prece-
ding section, one thousand shall be bound in full sheep
and seventeen hundred in half sheep. The latter shall
be for distribution among Justices of the Peace and
County Commissioners.

Sec. 10. Of the Senate and House Journals, of each
Journals,
of these there shall be printed three hundred copies bound
in full sheep, to be distributed as follows: One each to the Governor, Lieutenant Governor, each Senator, Representative, Principal, Assistant, Engrossing and Enrolling Clerk, and one to each Superior Court Clerk; to the State Library ten copies, to the Senate Library eight copies, to the House Library ten copies.

Sec. 11. Of the public documents there shall be printed of each five hundred and thirty-five copies, seventy of which, stitched when necessary, shall be delivered to the Clerk of the Senate as soon as printed for the use of the Senate, and one hundred and fifty to the Clerk of the House, and the residue of said copies, three hundred and fifteen, shall be bound in volumes in full sheep and distributed as follows: To the Governor, Lieutenant Governor, Treasurer, Secretary of State, Auditor, Superintendent of Public Instruction, of Public Works, of the Insane Asylum, of the Deaf and Dumb Asylum, of the Penitentiary, Attorney General, and each Clerk of the Superior Courts, one each to their respective offices, and to each Representative and Senator, and each Judge of the Supreme and Superior Courts one copy each; to the State Library ten copies, to the Senate Library six copies, to the House Library eight copies.

Sec. 12. It shall be the duty of the Public Printer to have the laws, documents and journals printed and bound with the utmost expedition, giving precedence to the laws, as far as may be, delivering to the Secretary of State each day such copies as the binders may have finished.

Sec. 13. It shall further be the duty of the printer aforesaid to have all the copies of the laws, documents and journals printed and bound (which are to be bound under the provisions of this act,) and delivered to the Secretary of State within forty days after the final adjournment of any session of the General Assembly, and for failure to do so the Auditor of State shall deduct from the
account of said printer the sum of fifty dollars for each
and every day's delay.

Sec. 14. It shall be the duty of the Secretary of State, immediately upon the receipt of the first copies of the
laws, (bound) to transmit the same by mail, at once, one
each to the Judges of the Supreme Court, and to the
Judges and Clerks of the Superior Courts.

Sec. 15. The residue of the laws, documents and journ-
als, as soon as they are delivered to the Secretary of
State, shall be transmitted and distributed by him
according to the provisions of this act, by express or
otherwise, as he may deem best.

Sec. 16. Of such laws as may be printed under the
provisions of this act in excess of the number ordered for
distribution, the Secretary of State may sell at such price
as he may deem right, paying proceeds into the treasury,
and in his annual report give an account of number sold
and number on hand.

Sec. 17. Annually, during the first week in July in
each and every year, after advertisement in one or two
newspapers for one month, the Secretary of State shall
sell at public auction such volumes of the laws, docu-
ments and journals and other matter and worthless manu-
script as may have been on hand for one year; report
to be made and sales accounted for as other sales in sec-
tion sixteen of this act.

Sec. 13. All laws and parts of laws providing for the
printing and distribution of the laws, documents and
journals in any other way or manner, or to any other
persons than those named in this act, be and the same
are hereby repealed.

Sec. 19. This act shall be in force from and after its
ratification.

Ratified the 5th day of February, 1873.
CHAPTER XLVI.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE NEUSE RIVER FERRY COMPANY OF NORTH CAROLINA," RATIFIED THE TWENTY-FIFTH DAY OF JANUARY, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO.

Section 1. *The General Assembly of North Carolina do enact*, That it shall and may be lawful for the Neuse River Ferry Company to increase its capital stock to an amount not exceeding twenty-five thousand dollars.

Sec. 2. That any person who shall, without due legal authority, hereafter establish any ferry across the Neuse river at or near Newbern, shall be deemed guilty of a misdemeanor.

Sec. 3. The maximum rates of fare upon said ferry shall be one dollar and fifty cents for two horse carriages, one dollar for one horse carriages, and twenty-five cents for foot passengers.

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

Ratified the 5th day of February, 1873.

CHAPTER XLVII.

AN ACT TO FORBID THE SALE OF SPIRITUOUS LIQUORS IN THE TOWN OF SHELBY, CLEAVELAND COUNTY.

Section 1. *The General Assembly of North Carolina do enact*, That it shall not be lawful for any person or persons to sell spirituous liquors within two miles of the corporate limits of the town of Shelby, Cleaveland county; and any person violating the provisions of this act shall
be guilty of a misdemeanor, and on conviction shall be fined not less than one hundred dollars and imprisoned one month, one or both, at the discretion of the court: Provided, however, That this act shall not apply to physicians or prevent them from using or prescribing such liquors for medicinal purposes: Provided, further, That this act shall not be so construed as to prevent the sale of spirituous liquors at the Cleaveland Springs.

Sec. 3. That the provisions of this act shall be first submitted to the legal voters within the corporate limits of said town on the first day of March, one thousand eight hundred and seventy-three, by and under the supervision of the commissioners of the town of Shelby, after ten days' notice posted at three or more public places within the town; and upon the approval of the majority of said voters of the provisions of this act it shall take effect, otherwise it shall be of no effect.

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

Ratified the 7th day of February, 1873.

CHAPTER XLVIII.

AN ACT TO ALLOW ENTERERS OF VACANT LANDS FURTHER TIME TO OBTAIN GRANTS FROM THE STATE.

Section 1. The General Assembly of North Carolina do enact, That all enterers of vacant lands in the several counties of this State who have not obtained grants from the State, shall have until July the first, one thousand eight hundred and seventy-three, in which to have surveys made and to obtain grants from the State thereon.
When to be in force.

Sec. 2. This act shall be in force from and after its ratification.
Ratified the 8th day of February, 1873.

CHAPTER XLIX.

AN ACT TO EMPOWER THE COMMISSIONERS OF CALDWELL COUNTY TO SELL CERTAIN LANDS.

 Commissioners empowered to sell lands.

May purchase other lands.

Deed.

When to be in force.

Section 1. The General Assembly of North Carolina do enact, That the county commissioners of Caldwell county, be and they are hereby empowered to sell all lands and appurtenances of, and belonging to the poor house tract, and may instead purchase such other lands and cause to be erected such other buildings as may be necessary.

Sec. 2. The chairman of the board of commissioners shall make deed to such land or lands as may sell under the provisions of this act.

Sec. 3. This act shall be in force from and after its ratification.
Ratified this 10th day of February, 1873.

CHAPTER L.

AN ACT TO REPEAL CHAPTER ONE HUNDRED AND FORTY-SIX, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY ONE.

Chapter repealed.

Section 1. The General Assembly of North Carolina do enact, That chapter one hundred and forty-six of the laws of one thousand eight hundred and seventy and one thousand eight hundred and seventy-one, be and the same is hereby repealed.
Sec. 2. This act shall be in force from and after its ratification.
Ratified the 10th day of February, 1873.

CHAPTER LI.

AN ACT TO INCORPORATE THE CHAPEL HILL IRON MOUNTAIN RAILROAD COMPANY.

Section 1. The General Assembly of North Carolina do enact, That Jones Watson, Robert F. Hoke, Wm. L. Saunders, John H. Weaver and David McCauley, their associates, successors and assigns, are hereby created a body politic and corporate, under the name of the "Chapel Hill Iron Mountain Railroad Company," with the same corporate powers and franchises that the North Carolina Railroad Company now possesses, and together with the right to construct such branches of railway as may be desired by the board of directors of said company.

Sec. 2. That in order to carry into effect the purposes and objects of this act, the railroad company hereby created may survey and run such route for such railway as they may deem practicable, and shall have the power and authority to appropriate and occupy as much land as may be necessary for the construction of said railway, and branches along the route thereof, of the width of one hundred feet, and as much additional land as may be necessary for the erection of station houses, depots and all other purposes necessary for the construction and maintenance of the aforesaid railway and branches, subject, however, to the valuation and appraisement of value and damage to be determined under the provisions of the act to authorize the formation of railroad companies and to regulate the same; and shall have authority to transport...
Chapter 51.

passengers, freight or merchandise over their own railway, its branches, or that of any railway it may lease, upon such terms and conditions as may be determined by the board of directors of the company.

Sec. 3. The railroad company hereby created shall have power to construct a railroad with one or more tracks of such gauge as may be determined on by the board of directors of the company, from the Chapel Hill Iron Mountain to some point on the North Carolina Railroad between Hillsboro and Cary or to either of these points, or from the Chapel Hill Iron Mountain to some point on the Raleigh and Augusta Railroad between Carey and Apex Station, or to either of these points; it being the intent of this act to authorize the Chapel Hill Iron Mountain Railroad Company to construct a railroad with one or more tracks of such gauge as may be determined on by the board of directors of the company upon either or both of the above mentioned routes, so as to form a connection with the North Carolina Railroad Company or the Raleigh and Augusta Railroad Company, or with both of said companies, if it shall be so desired by the board of directors of the company hereby created.

Sec. 4. The capital stock of the company shall consist of one thousand shares, of the value of one hundred dollars each, and may be increased from time to time as a majority of the stockholders may determine.

Sec. 5. The corporators named in this act, or any three of them, may open books and receive subscriptions to the capital stock of the company, and when fifty thousand dollars of the said capital stock shall have been subscribed the subscribers thereto shall proceed to elect a board of directors not exceeding five in number, who shall serve until the next annual election or until their successors are elected.

Sec. 6. The company hereby created shall have power to merge with any railway company created by the laws of this State, and may change its name as may be desired
or determined by a majority of the stockholders thereof, and shall have power to contract with individuals, firms or corporations for the construction of said railroad and its branches and also for the equipment thereof.

Sec. 7. The management of the company hereby created shall be vested in the board of directors to be elected annually on the first Monday in January of each and every year. They shall have power to make and adopt such rules and regulations and appoint and create such officers as may be necessary for the transaction of general railway business.

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

Ratified the 10th day of February, 1873.

CHAPTER LII.
AN ACT TO DISCONTINUE A PUBLIC HIGHWAY FROM SALEM TO MOSES STEWART’S, IN FORSYTHE COUNTY.

Whereas, There are two public highways leading from the town of Salem, in Forsythe county, to Moses Stewart’s, running parallel and in sight of each other, which are now required to be worked and kept up at the public expense, therefore,

Section 1. The General Assembly of North Carolina do enact, That one of said highways shall be discontinued by the commissioners of said county.

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

Ratified the 10th day of February, 1873.
AN ACT IN REFERENCE TO EXECUTORS AND ADMINISTRATORS WHO RESIDED IN THAT PART OF NORTHAMPTON COUNTY WHICH WAS AFTERWARDS ANNEXED TO THE COUNTY OF HERTFORD.

Whereas, A portion of the county of Northampton was annexed to and incorporated with the county of Hertford in pursuance with the act of the General Assembly, ratified the twenty-eighth day of March, one thousand eight hundred and seventy, public laws of one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, and whereas, in some instances executors and administrators of said portion of Northampton county so cut off and annexed, had filed the papers and vouchers touching their said office, with the Judge of Probate of Northampton county.

PREAMBLE.

Section 1. The General Assembly of North Carolina do enact, That such persons as qualified as executors or administrators in the county of Northampton, and were resident in such detached part of said county, and so continue at the time of its detachment and addition to Hertford county, may file their vouchers and take all such other action as is necessary to the settlement of the estates of their testators or intestates in the county of Northampton in which they took out letters testamentary or of administration.

Section 2. The clerk of the Superior Court of the said county of Northampton, as such clerk and judge of probate, is hereby invested with full power to audit the final accounts of such personal representatives as are mentioned in the preamble and in section first of this act, and are invested with all the powers over said personal representatives which they would have had if no part of
said county had been detached from it and added to or annexed to Hertford county.

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

Ratified the 12th day of February, 1873.

CHAPTER LIV.

AN ACT TO INCORPORATE "THE MIDLAND NORTH CAROLINA RAILWAY COMPANY."

Section 1. The General Assembly of North Carolina do enact, That for the purpose of constructing and maintaining a railway with one or more tracks and lines from some point at or near the harbor of Beaufort, in the State of North Carolina, to the Tennesse line or to some intermediate point, where satisfactory through connections can be made with existing or proposed lines, so as to insure an uninterrupted through connection from Memphis to Beaufort Harbor, or to such point or points by such line or lines as a majority of the directors may determine, with the ulterior object aforesaid, the following persons to-wit: Sir James Ramsden, J. Newton Beach, George Bristow Kerford, Augusto Soares, F. Lionel Toms, Daniel Chadwick, W. H. Frear, Hiram Fuller, J. F. Hoffman, George W. Wood, Richard Buhnan, Cyrus M. Fisher, George Paget Walford, William Johnston, Charles S. Larrabee and Appleton Oaksmish, of Great Britain, Germany and France; General A. Catesby Jones, General S. M. Elliott, General Horace Porter, Honorable W. R. Beebee, Henry C. Hepburn, George Leary, F. C. Schmidt, J. T. Bacon, J. Cook, A. C. Lawrence and Charles Donahue, of New York and Washington; Honorable George W. Brooks, Honorable C. R.

Sec. 2. The capital stock of said company shall be five millions of dollars, divided into fifty thousand shares of
one hundred dollars each, for which certificates may be issued and subscriptions received upon such terms and conditions as the directors may determine, payable in cash, land, timber, bonds, securities, real and personal estate, machinery, rails, labor and services, by contract or otherwise.

Sec. 3. The affairs of said company shall be managed by a board of sixteen directors, who shall be stockholders, six (6) of whom shall reside in this State, and elected after January first, one thousand eight hundred and seventy-six, in such manner as the by-laws may direct. The responsible officers shall be elected by the directors from their own number, and shall consist of a president, vice president, treasurer and general manager. The secretary and all subordinate officers shall be appointed by the president, with the approval of the executive committee.

The following persons shall constitute the first board of directors, with power to fill vacancies, however arising, viz.: Sir James Ramsden, of Lancashire, England; Gen. A. Catesby Jones, of Washington, D. C.; Henry C. Hepburn, Esq., of New York; Augusto Soares, Esq., of London, England; J. Newton Beach, of Liverpool; Appleton Oaksmith, Esq., C. S. Larrabee, Esq., of Frankfort-on-the-Main; G. Paget Walford, Esq., of Havre, France; Hon. C. R. Thomas and E. R. Stanley, Col. J. L. Morehead, Major John Hughes, A. A. McKethan, M. F. Arendell, James M. Parrott and W. B. Duncan, of North Carolina; said board shall hold office (unless otherwise provided by the company's by-laws) until the first day of January, A. D. one thousand eight hundred and seventy-six, or until their successors are legally appointed or elected. The board of directors shall elect from their own number, by proxy or in person, an executive committee of five members, who shall be empowered to act in all matters for the entire board, and may remove any officer for cause, and appoint to fill vacancies; said executive committee shall hold office for the same term as the general
board, unless otherwise provided by the by-laws. At all special or stated meetings of the full board, the directors may vote in person or by proxy, but it shall require a majority of all the board in person or proxy to make a quorum. No director shall be disqualified from acting as engineer, constructor or contractor on any of the company's works, or from holding any office in its service. The board of directors and executive committee shall have power to fill all vacancies until the next general election after such vacancies may occur in either of their respective bodies.

Sec. 4. Books of subscription may be opened by the directors at such times and places, and under such rules and regulations as a majority may determine; and the board shall have power to contract for the whole or any part of their proposed railway, and pay for the same upon such terms as may be agreed, in stock, bonds or other securities of the company, delegating to the contractors the power of obtaining subscriptions, or collecting any previously obtained.

Sec. 5. The board of directors, for the purpose of building, maintaining and operating said road, shall also have power to borrow money from time to time upon the bonds, stock, debentures or other securities of the company, and to secure the same by mortgage or mortgages, upon the whole or any part or parts of the property and franchises of the company, upon such terms as they may deem best. They shall further have the right to receive any of the company's stock and securities in payment for freight or any debts due the company, and may issue debenture stock or preference shares whenever required, for the completion or extension of their road.

Sec. 6. The said company shall have all the rights, privileges, immunities, franchises, powers and benefits appertaining to corporations, besides such as are herein specifically granted, and may sue and be sued in courts of law or equity, may have a common seal, and
the same alter at pleasure; may purchase, hold, hire, rent and otherwise use, sell or convey landed or real estate, steamers and vessels, and all other descriptions of property, real or personal, or otherwise dispose of the same; may enter into contracts of all and every kind; may lend or borrow money upon such securities as the directors may think proper; may give or receive mortgages or hypothecations; may issue stocks, shares, bonds, debentures, notes, bills or other securities, and generally shall have all the necessary powers for carrying on the works and objects hereinafter named. Said company shall also be authorized to receive deposits of money in trust and otherwise, upon such terms as may be prescribed by the board of directors, both from corporations or individuals, with or without vouchers, or by registration for the purposes herein named, and to construct all such docks, gauges, wharves, breakwaters, warehouses, workshops and depots as may be deemed necessary for the successful working of its system and trade: Provided, That nothing in this or any other section shall be so construed as to give the privileges of banking in their own notes or issues, or in any other currency: Provided, further, That for any money loaned by the said company it shall not charge more than the legal rate of interest. Said company shall at any time have the right to pass over any road or public domain, but shall not obstruct any public road without constructing one equally as good as the one obstructed, and shall not be compelled to pay for any right of way through unentered State property. It may also appoint its own board of engineers, and all questions concerning municipal or other rights may be settled with the authorities or parties directly concerned, by agreement or arbitration. Said company shall have power to regulate its own tariff for passengers and freight, but all of its net profits (after deducting expenses) which shall exceed fifteen per cent. upon the capital stock, shall be devoted entirely to the building of branch lines or
other works of public utility, or the reduction of its tariff charges.

Sec. 7. At any time after its organization said company may purchase or receive title to any land or lands, houses, tenements, 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 said company is not able to agree with the owner or owners of any land or property necessary for the construction of such line or lines or any of its works or operations, then the value of the same shall be fixed by arbitration, each side choosing one arbitrator or appraiser, who, in case of not being able to come to an agreement, shall choose a third, whose decision shall be final. In all cases of appraisal or arbitration, it shall be lawful for the appraisers or arbitrators to take into consideration the enhanced value of the land or property of the owner in consequence of the construction of said railway as an offset, in whole or in part, for the right of way, or the land or other property necessary for the construction of the line or the purpose before named; or said company may, at its option, acquire title to any property required for its line, operations, objects or purposes in the manner provided for by section five, chapter one hundred and seventy-six of the laws of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, ratified ninth February, one thousand eight hundred and seventy-two.

Sec. 8. The directors of said company may adopt a code of by-laws or regulations for its permanent management and control, which shall be binding on all the stockholders and persons concerned: Provided, always, That the same shall be consistent with the charter and laws thereto appertaining. The said directors may, however, incorporate so much of chapter one hundred and thirty-eight of the laws of one thousand eight hundred and seventy-one and one thousand eight hundred and
seventy-two into their by-laws as is deemed expedient, and upon filing the same in the office of the Secretary of State, the company shall be bound thereby to the extent adopted and incorporated in such by-laws, and no further.

Sec. 9. The liability of stock and shareholders in this company shall be fixed at the amount of stock subscribed or held by each; but no such stock or shareholders shall be liable in any manner to or on behalf of such company for any amount exceeding what may be due on any share or shares held by each respectively; and the holders of full paid stock or shares shall be exempt from all liability whatever.

Sec. 10. The stock or shareholders in said company shall be entitled to one vote for each share held by them, and may vote in person or by proxy, and it shall require the vote of a majority in interest of not less than two-thirds of the stock and bonds of the company to change the by-laws, which shall regulate the powers and duties of stockholders, and all other persons connected with said company in all matters not herein provided.

Sec. 11. This company shall be deemed to be fully organized immediately upon the passage and ratification of this act, and the said directors, as soon as may be thereafter, shall proceed to elect a president, vice-president, treasurer, general manager, and an executive committee, and appoint such officers as may be required in the conduct of its offices. The engineers of said company and their assistants shall be empowered to enter upon any premises or lands for the purpose of running the lines or surveying the route for said road, and the directors may, whenever they deem fit, proceed to award contracts and commence the operations of the company.

Sec. 12. The company hereby created shall have the exclusive right to construct and maintain a railroad from Beaufort Harbor to the Tennessee line, at some point between Ducktown and Bristol, for fifty years, and
until the expiration of that time no other corporation, association or individual shall be empowered to construct any other line of competing railroad between such two points: Provided, This company complete such line within ten years: Provided further, That nothing herein contained shall in any way or manner interfere with the extension and construction of any road now chartered in this State, nor shall the route of any unfinished road, acquired under this charter, be changed from its present location.

Sec. 13. The directors or contractors of and for said company are empowered to purchase or acquire, for or on behalf of said company; or for its ultimate benefit, to be included as a part of its line and system, or to be incorporated with it as a branch, as the case may be, any previously existing railroad or railroads, either at legal sale, by auction or otherwise, or upon such terms as any board of directors or a majority of stockholders may agree.

Sec. 14. For the encouragement and protection of foreign capitalists who may become stockholders in this company, or interested in any of its securities, it is hereby expressly enacted and decreed that no full paid stock, share, bond, obligation or debenture, shall ever be confiscated, forfeited, annulled or impaired by reason of any future so-called "belligerent rights," or for any cause or reason whatever; and further that no foreign-born employee of the company shall be liable to military duty or molested or arrested in peace or war, except for a breach of the laws, and the power of dissolving the company is left entirely in its own control, subject to such stipulations as its by-laws may direct; but requiring always a majority vote of two-thirds of all parties interested in the company as stockholders, bondholders or creditors, to wind up its affairs. All bond or debenture holders shall be entitled to an equal share in the management of said company with the stock or shareholders whenever any
default may occur in the payment of the interest or principal of the same, and shall have one vote for every one hundred dollars of said bonds or debentures held by each respectively, and may vote in person or by proxy, whenever any such default may occur. All vessels or steamers belonging to or in the employ of the company, engaged in bringing material for the construction of the railway and other works, or otherwise employed in its service, shall be admitted to all parts of North Carolina free from any charge whatever, except national tonnage and customs dues.

Sec. 15. All the iron, lumber, materials, machinery, implements, coal, fuel, wares, goods, chattels, merchandise, provisions, stores and effects necessary for the construction and maintenance of the before-mentioned line or lines of railways, as well as for the construction and maintenance of its locomotives, carriages, cars, baggage, wagons, vehicles, vans and rolling stock, as also for its depots, warehouses, workshops, offices, dwellings and works generally, together with the household furniture and personal effects of its officers and employees, shall at times be free from any custom house or import duty whatever, except such as may be imposed by the general government.

Sec. 16. The roadbed, track, bridges, culverts, depots, franchise and chartered powers and privileges of the Midland North Carolina Railway Company, shall be subject to the payment of all its debts and legal liabilities, and may be sold in satisfaction of the same, but the said road-bed, track, bridges, culverts, depots, franchise and chartered powers and privileges, shall be deemed an entire thing and must be sold as such; and in case of the sale of same, whether by virtue of an execution, order of trust or any other power, the purchaser or purchasers at such sale, and their associates shall be entitled to have and exercise all the powers, privileges and franchises granted to said company by this charter, and the said
purchaser or purchasers and their associates, shall be
deed and taken to be the true owners of said charter,
and corporators under the same, and vested with all the
powers, rights, privileges and benefits thereof, in the same
manner and to the same extent as if they were the origi-
nal corporators of said company, and shall have power
to construct, complete, equip and work the said railway
upon the same terms and under the same conditions and
restrictions as are imposed by this charter.

Sec. 17. Said company shall have the exclusive right
to convey and transport freight and passengers over and
along said railway at such rates as the directors may pre-
scribe, and the company may purchase and hold stock in
other railroads or navigation companies, and shall have
power to buy or lease the same, or contract for the trans-
portation of goods or passengers over such lines. It shall
also have power to cross the tracks of any other railroad
or railroads, and to build such branches as may be deemed
expedient; and condemn all or any lands necessary for
its purposes, not exceeding one hundred feet on each side
of its track, with such additional lands as may be required
for depots, yards, wharves, sidings, warehouses, dwellings,
and other purposes of the company.

Sec. 18. The board of directors are authorized, whenever
they deem expedient, to issue the whole or part of the
capital stock in shares to bearer, with or without proxy
coupons attached, in denominations of one, five, ten and
twenty shares, with or without registration, and unless
otherwise decided by the directors said shares shall be is-
sued in the following certificates, viz.: Five thousand
black certificates of one share each, at one hundred dol-
ars—five hundred thousand dollars; two thousand blue
certificates of five shares, at one hundred dollars—one
million dollars; one thousand five hundred red certifi-
cates of ten shares each, at one hundred dollars—one
million five hundred thousand dollars; one thousand yel-
low certificates of twenty shares each, at one hundred
dollars—two million dollars. Nine thousand five hundred share certificates, fifty thousand shares, five million dollars. To which certificates may be attached coupon proxies for one, five, ten and twenty votes respectively, distinguishable by their color to prevent fraud. And such certificates may be issued also in both sterling money and United States gold, at the fixed rate of four shillings to the dollar, so that such certificates may be of the relative value of one hundred dollars and twenty pounds, five hundred dollars and one hundred pounds, one thousand dollars and two hundred pounds, and two thousand dollars and four hundred pounds; and the directors may appoint agents for registration, and cause such certificates to be printed in different colors and duly verified in such manner as they deem expedient.

Sec. 19. In addition to the powers herein specifically granted, the said company shall have and possess all the rights, powers and privileges, immunities and advantages provided for in chapter forty-seven of the laws of one thousand eight hundred and thirty-six and one thousand eight hundred and thirty-seven, entitled "An act to incorporate the North Carolina Central Railroad Company," now obsolete, ratified nineteenth January, one thousand eight hundred and thirty-seven. As also in the charters and amendments of the Raleigh and Gaston and Wilmington and Weldon Railroad Companies. And no railroad company hereafter formed or incorporated shall be allowed or entitled to use the word "Midland" in its corporate name, in this State: Provided, nevertheless, That the company hereby incorporated shall not be compelled to adopt any of the clauses or sections of the acts of incorporation of said former "Central Company," or the two other companies last named, which the board of directors of the company hereby incorporated deem inconsistent with its objects and interests. And all acts conflicting with the present act of incorporation are hereby repealed.

Sec. 20. The said company shall further be authorized...
to charter, hire, navigate, build, use, purchase, sell, convey or otherwise acquire, dispose of or employ steamships, vessels and such other craft as may be deemed necessary or expedient in the prosecution of its business. It shall likewise have power to lease, hire, use, run, manage, purchase, contract with or in any and every way employ any other railroad or railroads, and generally to do and perform any and every act or thing requisite or necessary in the premises.

Sec. 21. Be it further enacted, That the said "Midland North Carolina Railway Company" shall transport all freights and passengers to and from any point on the line of their railway or any branch thereof going to and coming from the line of the "Raleigh and Augusta Air-Line Railroad Company," or passing over the said Midland Railway or any part thereof, to or from said "Raleigh and Augusta Air-Line Railroad" at as low rates per mile as the freights or passengers are transported over the whole or any portion of the said "Midland North Carolina Railway," and such freights or passengers may be transported over the "Midland North Carolina Railway" in the cars of said Raleigh and Augusta Air-Line Railroad Company, or of any other railroad company whose cars may be used by said Raleigh and Augusta Air-Line Railroad Company, under the usual managements as regards mileage, allowance for cars of other railroads in the State, and at as favorable rates as may be allowed on cars of like description whether for freights or passengers to any other railway company: Provided, That said "Raleigh and Augusta Air-Line Railroad Company" shall allow similar privileges to the "Midland North Carolina Railway Company."

Sec. 22. This act shall be in force from its ratification.

Ratified this 12th day of February, 1873.
CHAPTER LV.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF WATAUGA COUNTY TO LEVY A SPECIAL TAX.

Section 1. The General Assembly of North Carolina do enact, That the board of commissioners for Watauga county be authorized to levy a tax of not more than three thousand dollars to pay the expense of building a new court house for said county: Provided, That the said commissioners in levying said taxes on property shall at the same time levy a tax on the poll which shall be equal to the tax on property valued at three hundred dollars, to be applied for the purposes specified in this act.

Sec. 2. That no tax shall be levied under this act until the question shall be submitted to the qualified voters of the county at an election to be held under the direction of the commissioners, and approved by a majority of those voting thereon: Provided, That in levying said tax the constitutional equation between the poll and property be observed.

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

Ratified the 13th day of February, 1873.

CHAPTER LVI.

AN ACT IN RELATION TO THE OFFICE OF SHERIFF OF YANCEY COUNTY.

Whereas, In the county of Yancey a contest has arisen as to whether S. S. Peterson, now exercising the rights and executing the duties of the office of sheriff of said county, was duly elected as such sheriff at the late election in August last:
SECTION 1. The General Assembly of North Carolina do enact, That all the acts and deeds of the said S. S. Peterson, now holding said office, done in pursuance and by virtue of his said office, and during the continuance in the same, which would be lawful if the said S. S. Peterson were the duly elected and qualified sheriff of said county, shall be deemed lawful and valid, and the said S. S. Peterson as such sheriff shall not be held liable in either a civil or a criminal action for his acts and deeds done and performed during his continuance in said office by virtue and authority of the office of sheriff of Yancey county.

Sec. 2. That this act shall in no wise impair or effect the legal rights of any person or persons contesting his election or claiming said office.

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

Ratified the 14th day of February, 1873.

CHAPTER LVII.

AN ACT TO DEFINE THE POWERS AND DUTIES OF COUNTY SURVEYORS.

SECTION 1. The General Assembly of North Carolina do enact, That the county surveyors of the several counties of the State shall be deemed and taken to be processioners in their respective counties, for the purpose of having processioned the lands of such persons as desire it.

Sec. 2. That each county surveyor shall have all the powers, and shall be subject to all the rules, regulations and restrictions of a processioner as provided in sections three, four, five, six and seven of chapter eighty-eight of the revised code of North Carolina.
Sec. 3. That all laws or parts of laws in conflict with this act are hereby repealed.

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

Ratified the 14th day of February, 1873.

CHAPTER LVIII.

AN ACT FOR THE RELIEF OF CERTAIN TAX-PAYERS IN LENOIR COUNTY.

Section 1. The General Assembly of North Carolina do enact, That the county commissioners of Lenoir county are authorized and empowered to audit and refund to such tax-payers as shall appear, by their receipts, have paid their township school taxes, imposed by a portion of the townships of said county for the year A. D. one thousand eight hundred and seventy (1870), for school taxes heretofore illegally levied and collected by the trustees of said townships for the support of public schools, and the amount of said school tax shall be deducted from the apportionment of the school fund from the township in which said taxes were laid.

Sec. 2. That said commissioners shall have full power and authority to collect by suit or otherwise any portion of said township school tax remaining in the hands of any township constable or clerk or any other officer of said county of Lenoir.

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

Ratified the 14th day of February, 1873.
CHAPTER LIX.

AN ACT MAKING AN APPROPRIATION FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE, TO THE DEAF, DUMB AND BLIND INSTITUTE.

Section 1. The General Assembly of North Carolina do enact, That the sum of forty-five thousand dollars is hereby appropriated for the purpose of defraying the expenses of the Institute for the Deaf, Dumb and the Blind during the current fiscal year commencing the first day of January, one thousand eight hundred and seventy-three, and ending the first day of January, one thousand eight hundred and seventy-four.

Section 2. That the Public Treasurer is hereby authorized and directed to pay the said amount of forty-five thousand dollars to the treasurer of said institution out of any moneys in the treasury not otherwise appropriated: Provided, That the amount above stated be drawn quarterly, in advance, in equal installments: And provided further, That five thousand dollars of this appropriation, or as much thereof as may be necessary, shall be expended in making needful repairs and in payment of the present deficit.

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

Ratified the 17th day of February, 1873.

CHAPTER LX.

AN ACT FOR THE RELIEF OF JOHN G. WILLIAMS.

Section 1. The General Assembly of North Carolina do enact, That upon the return, by John G. Williams, to the Public Treasurer, of fifty-six (56) bonds of the State of
North Carolina, known as "Penitentiary Bonds," and upon the receipt of that officer for the same, the Attorney General is authorized, empowered and directed, for and in behalf of the State, to convey to him in fee simple, by a quit-claim deed only, without any clause of warrantee, the eight thousand acres of land conveyed to the State by D. J. Pruyn, by deed dated December third, one thousand eight hundred and sixty-eight; and a copy of the printed copy of said deed found in the appendix to the report of the Senate Investigating Committee, being document nineteen, legislative documents of the session of the General Assembly of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, certified under the seal of the Secretary of State, shall be registered, and upon registration in the county or counties where the land lies, shall be as effectual to all intents and purposes as the original deed: Provided, That nothing herein shall be taken in anywise as a recognition by the State of the validity of the bonds known as "Penitentiary Bonds."

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

Ratified the 17th day of February, 1873.

CHAPTER LXI.

AN ACT TO ALLOW THE COMMISSIONERS OF MOORE COUNTY TO LEVY A SPECIAL TAX.

Section 1. The General Assembly of North Carolina do enact, That the commissioners of Moore county are hereby authorized to levy and collect a special tax for the purpose of paying off the debt of said county not to exceed
one-third of one per cent. on the one hundred dollars' worth of real and personal property in said county.

Sec. 2. That there shall be at the same time and for the same purpose levied on the poll a tax equal to the tax on three hundred dollars' worth of real and personal property.

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

Ratified the 19th day of February, 1873.

CHAPTER LXII.

AN ACT TO ALLOW THE COUNTY COMMISSIONERS OF COLUMBUS COUNTY TO LEVY A SPECIAL TAX.

Section 1. The General Assembly of North Carolina do enact, That the county commissioners of Columbus county are hereby authorized to levy and collect a special tax for the year one thousand eight hundred and seventy-three in the same manner as other taxes are levied and collected, not to exceed three thousand dollars, for the purpose of paying off the indebtedness of said county: Provided, That in levying said tax the constitutional equation between the property and poll shall be observed.

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

Ratified the 19th day of February, 1873.
CHAPTER LXIII.

AN ACT TO ALLOW THE COUNTY COMMISSIONERS OF TRANSYLVANIA TO LEVY A SPECIAL TAX.

Section 1. The General Assembly of North Carolina do enact, That the county commissioners of Transylvania county be allowed to levy a special tax for the purpose of building a court-house in the town of Brevard, said tax to be payable in three equal annual installments.

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

Ratified the 19th day of February, 1873.

CHAPTER LXIV.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF PERSON COUNTY TO LEVY A SPECIAL TAX.

Section 1. The General Assembly of North Carolina do enact, That the commissioners of Person county are hereby authorized and empowered to levy a special tax on all real and personal property now taxed by law for general county purposes, said tax to be levied and collected when the regular tax is collected.

Sec. 2. That no tax shall be collected under this act until the same shall have been ratified by a majority of the qualified voters, voting at an election to be held under the direction of the county commissioners: Provided, That in levying said tax the constitutional equation between the poll and property shall be observed.

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

Ratified this 19th day of February, 1873.
AN ACT TO AUTHORIZE THE COMMISSIONERS OF MONTGOMERY COUNTY TO LEVY A SPECIAL TAX.

SECTION 1. The General Assembly of North Carolina do enact, That the county commissioners of Montgomery county are hereby authorized to levy a special tax not to exceed sixteen thousand dollars: Provided, That in levying said tax the constitutional equation between the poll and property be observed.

SEC. 2. That the said tax be collected under the same rules and regulations as other taxes are collected, and that claims against the county shall be received by the collecting officer in payment of the said tax when so tendered.

SEC. 3. That the said tax shall be applied to the present indebtedness of the county debt, and not to any debt that may be created after the ratification of this act.

SEC. 4. That this act shall have no force or effect until it shall have been submitted to and ratified by a majority of the qualified voters of said county, at an election to be held under the direction of the commissioners of said county.

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

Ratified the 19th day of February, 1873.

CHAPTER LXVI.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF SWAIN COUNTY TO LEVY A SPECIAL TAX.

SECTION 1. The General Assembly of North Carolina do enact, That the commissioners of Swain county be and
they are hereby authorized and empowered to levy a special tax from year to year, not to exceed one thousand dollars in any one year, for the purpose of building a court house and jail in said county: Provided, That the entire amount collected for said purposes shall not exceed four thousand dollars.

Sec. 2. In the levying of said tax the equation provided by the constitution in relation to property and capitation tax shall be observed and adhered to.

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

Ratified the 19th day of February, 1873.

CHAPTER LXVII.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF GRANVILLE COUNTY TO LEVY A SPECIAL TAX.

Section 1. The General Assembly of North Carolina do enact, That the county commissioners of Granville county are hereby authorized to levy a special tax, not to exceed ten thousand dollars, to pay off the indebtedness of said county, to be collected by the sheriff of said county at the same time and under the same rules and regulations and penalties as govern the collection of other county taxes.

Sec. 2. That the same tax shall be levied on the poll that is levied on three hundred dollars' worth of property.

Sec. 3. That this act shall not go into effect until the same shall have been submitted to the people of the county of Granville, at an election to be held under the direction of the county commissioners of said county, and a majority of the votes polled shall have been cast in
favor of the tax herein provided for, and when so ratified it shall go into effect.

When to be in force.

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

Ratified the 19th day of February, 1873.

CHAPTER LXVIII.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF LENOIR COUNTY TO LEVY A SPECIAL TAX.

Commissioners to levy tax.

Section 1. The General Assembly of North Carolina do enact, That the county commissioners of Lenoir county are hereby authorized and empowered to levy a special tax to the amount of three thousand dollars at the same time and in like manner as other county taxes are provided by law to be levied, and to be collected as other taxes are required by law to be collected, duly observing the constitutional equation between property and polls, for the purpose of building a new bridge across the Neuse river on the road leading south from Kinston to Wilmington, about one mile from Kinston, where the old bridge now stands, and to repair other bridges.

When to be in force.

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

Ratified the 19th day of February, 1873.
CHAPTER LXIX.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF HARNEET COUNTY TO LEVY A SPECIAL TAX.

Section 1. The General Assembly of North Carolina do enact, That the commissioners of Harnett county be authorized and empowered to levy a special tax of one-half of one per cent. for the year one thousand eight hundred and seventy-three; and one-half of one per cent. for the year one thousand eight hundred and seventy-four, on all the taxable property of said county for the purpose of paying their county debt: Provided, That the constitutional equation shall be observed as between the property and polls in the levying of said tax.

Sec. 2. The said tax shall be collected by the sheriff of said county at the same time and under the same rules, regulations and penalties as are prescribed for the collection of other county taxes.

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

Ratified the 19th day of February, 1873.

CHAPTER LXX.

AN ACT TO ALLOW THE COUNTY COMMISSIONERS OF CURRITUCK TO LEVY A SPECIAL TAX.

Section 1. The General Assembly of North Carolina do enact, That the county commissioners of Currituck county are hereby authorized and empowered to levy a special tax for the purpose of paying a portion of the interest on the outstanding debt of said county, not to exceed seven thousand and five hundred dollars: Provided, That in...
levying said tax the equation between the property and poll shall be observed.

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

Ratified this 19th day of February, 1873.

CHAPTER LXXI.

AN ACT TO EMPOWER THE COMMISSIONERS OF CALDWELL COUNTY TO LEVY A SPECIAL TAX.

Section 1. The General Assembly of North Carolina do enact, That the county commissioners of Caldwell county may levy a special tax on the property and poll of said county in order to pay the county indebtedness, such tax to be collected and accounted for as other county taxes.

Sec. 2. The constitutional equation between the poll and property shall be observed, and the whole amount levied shall not exceed four thousand dollars.

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

Ratified the 19th day of February, 1873.

CHAPTER LXXII.

AN ACT TO LEVY A SPECIAL TAX FOR GREENE COUNTY.

Section 1. The General Assembly of North Carolina do enact, That the board of commissioners of Greene county are hereby authorized to levy a special tax not to exceed six thousand dollars to meet the expenses of the poor and pay the present county indebtedness.
SEC. 2. The said tax is to be levied, collected and disbursed in the same manner that other taxes are.

SEC. 3. That the equation between the poll and property tax shall be observed.

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

Ratified the 19th day of February, 1873.

CHAPTER LXXIII.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT RELATIVE TO THE WESTERN TURNPIKE ROAD LEADING FROM ASHEVILLE WESTWARD."

SECTION 1. The General Assembly of North Carolina do, That section six of an act entitled an act relative to the Western Turnpike Road leading from Asheville westward to Murphy, and thence by separate routes to the Georgia and Tennessee lines, ratified the seventeenth of March, one thousand eight hundred and sixty-nine, be amended to read as follows: "No person shall be required to pay toll in the county in which he resides. No citizen of Haywood county shall be required to pay toll at the gate in Buncombe county, nor shall the citizens of Buncombe county be required to pay toll at the gate in Haywood county."

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

Ratified the 20th day of February, 1873.
CHAPTER LXXIX.

AN ACT TO PROVIDE FOR THE PRINTING AND PUBLICATION OF "BATTLE'S REVISAL" OF THE PUBLIC STATUTE LAWS OF NORTH CAROLINA, AND FOR OTHER PURPOSES.

When revision to take effect. Section 1. The General Assembly of North Carolina do enact, That all the provisions contained in the chapters revised and reported by the commissioner and to be known as "Battle's Revisal," shall take effect and go into operation on the first day of January, in the year one thousand eight hundred and seventy-four, except only such parts thereof as to which a different provision may be made therein.

What acts to be repealed. Sec. 2. All acts and parts of acts passed before the present session of this General Assembly, the subjects whereof are digested and compiled in this "revisal," or which are repugnant to the provisions thereof, are hereby declared to be repealed, and of no force and effect from and after the first day of January next, with the exceptions and limitations hereafter mentioned.

Effect of repeal. Sec. 3. The repeal of the acts mentioned in the preceding section shall not affect any act done, or any right accruing or accrued or established, or any suit or proceeding had or commenced in any case before this time; but the proceedings in every such case shall be conformed, when necessary, to the provisions of the "revisal."

Offences and penalties. Sec. 4. No offence committed, and no penalty or forfeiture incurred under any of the acts hereby repealed, shall be affected by the repeal, except that where any punishment, penalty or forfeiture shall have been mitigated by the provisions of "Battle's Revisal," such provisions may be extended or applied to any judgment to be pronounced after the repeal.

Suits or prosecutions. Sec. 5. No suit or prosecution pending at the time of the repeal for any offence, or for the recovery of any pen-
alty or forfeiture incurred under any of the acts hereby repealed, shall be affected by the repeal, except that the proceedings in such suit or prosecution shall be conformed, when necessary, to the provisions of “Battle’s Revival.”

Sec. 6. No act or law which has heretofore been repealed shall be revised by the repeal contained in this chapter of any of the acts hereinbefore mentioned.

Sec. 7. All persons who at this time shall hold any office under any of the acts hereby repealed, shall continue to hold the same according to the tenure thereof, except those offices which may have been abolished, and those as to which a different provision shall have been made by the “revisal.”

Sec. 8. No act of a private or local nature; no act containing a grant of corporate privileges for any purpose; no act granting privileges or imposing duties in any particular county inconsistent with the general provisions of law; no act relating to fisheries in any particular section of the State; no act providing for the support of the poor in any county; no act relating to the boundary of the State and its several counties; no act ceding the lands of this State to the general government; and no act relative to the corporate powers of the trustees of the University shall be construed to be repealed by the second section of this chapter.

Sec. 9. The “revisal” shall not be published in the usual pamphlet form, with the other acts of the present session, but shall be published in a volume, under the superintendence and direction of the commissioner who has prepared this “revisal,” and in case of a vacancy caused by his death, resignation or otherwise, the Governor shall fill the same; the superintendent shall procure the same to be done in good style upon the most economical terms, giving a preference when the style and terms of printing are equal to the printers of the State, and shall take bond with good security for the faithful...
Arrangement.

Preamble to volume.

What volume shall contain.

Number of copies to be published.

performance of the work, of those who may undertake the same. The chapters shall be arranged in the publication in alphabetical order, omitting the enacting title and clause to each act, according to their letters, with marginal references to the decisions of the Supreme Court upon their subject matter, and with a full index. They shall be preceded by the following title, preamble and enacting clause: "An act for collecting, digesting and compiling all the public statute laws of the State, now in force or in use. Whereas, it is expedient that all the public statute laws of the State in force or in use, shall be collated, digested and compiled in proper titles, divisions and sections so that the said public statute laws shall be rendered more plain and easy to be understood, therefore, The General Assembly of North Carolina do enact, In manner and form following, that is to say:"

In the volume shall also be published the acts of a public or general nature passed at the session and not included in the "revisal," incorporating the same as far as practicable into the chapters under the appropriate titles and excluding from such publication, all which grant or modify corporate privileges; and there shall likewise be published in this volume the Constitution of the United States, the Constitution and declaration of rights of this State; the act of Congress approved May the twenty-sixth, A. D. one thousand seven hundred and ninety, and act supplementary thereto, approved March the twenty-seventh, A. D. one thousand eight hundred and four; prescribing the mode in which records and judicial proceedings in each State be authenticated so as to take effect in every other State; and the several acts of Congress now in force for the naturalization of foreigners, together with the old Constitution of this State.

Sec. 10. There shall be published of the said "revisal," five thousand copies, the copyright whereof shall be secured to the State by the superintendent, and the expense of preparing, printing, publishing, binding and distribu-
ting said copies shall be paid by the Public Treasurer on
the warrant of the Governor, founded on requisitions
made from time to time by the superintendent.

Sec. 11. The volume shall be published as speedily as
practicable, and when completed and delivered to the
order of the Governor, the superintendent shall receive
such compensation as to the Governor shall seem just and
reasonable, to be paid by the Public Treasurer upon his
warrant.

Sec. 12. The copies of the said "revisal," which shall
be printed as aforesaid, shall be received as evidence of
the law before all the tribunals, and in all places in the
same manner to all intents and purposes as the originals
in the office of the Secretary of State.

Sec. 13. The said copies, when completed, shall be dis-
tributed under the direction of the Governor as follows,
namely: To the library of the Congress of the United
States, ten copies; to the several states and territories,
three copies each; to the library of the University of
North Carolina, three copies; to the two literary societies
of the University, two copies each; to the Governor,
Treasurer, Secretary of State, Auditor, Superintendent of
Public Instruction, Superintendent of Public Works and
Attorney General, two copies each, for the use of their
respective offices; to the State library, five copies; to the
clerks of both Houses of the General Assembly, ten
copies each for the use of their respective Houses; to the
clerk of the Supreme Court, and the clerks of the Supe-
rior Courts, one copy each for use of their respective
courts; to the judges of the Supreme and Superior
Courts, one copy each; to the superintendent of publica-
tion, one copy; to the members of the present General
Assembly, who are not justices of the peace, one copy
each, and to the justices of peace, register of deeds and
commissioners of the several counties, one copy each; all
the remaining copies shall be sold for the benefit of the
State, by such person, in such manner and upon such terms as the Governor shall direct and appoint.

Sec. 14. This act shall be in force from and after its ratification, except those parts of it which contain a different provision as to the time when they will take effect.

Ratified the 20th day of February, 1873.

CHAPTER LXXV.

AN ACT TO INCORPORATE THE CAROLINA CENTRAL RAILWAY COMPANY.

SECTION 1. The General Assembly of North Carolina do enact, as follows: That Silas N. Martin, S. L. Fremont, Francis W. Rickner, Edward Matthews, Horatio G. Onderdonk, Timothy S. Porter, Andrew V. Stout, James S. Whedbee, Charles H. Roberts and their associates are hereby made and constituted a corporation with perpetual succession, to be known by the name and style of the Carolina Central Railway Company, and by that name shall be capable of purchasing, holding, selling, leasing and conveying estates, real, personal and mixed, and of acquiring the same by gift, devise or otherwise, so far as shall be necessary for the purposes embraced within the scope, object and intent of this charter; and by their corporate name may sue and be sued, plead and be impleaded in any court of law or equity in this State; and may have and use a common seal which they shall have power to alter at pleasure; and may from time to time make all such by-laws, rules and regulations as they may deem proper and necessary for their government, and the interest of said company, not inconsistent with the Constitution and laws of this State and of the United States. And they may forthwith or when they elect
open books of subscription to the capital stock of said corporation, in the city of Wilmington or elsewhere under such regulations as they may prescribe. Said capital stock shall not exceed ten millions of dollars, to be divided into ten thousand shares of one hundred dollars each of common stock, or preferred stock, or partly of both, with such proportions and preferences in kinds and classes of stock as the stockholders or board of directors may determine.

Sec. 2. Said corporation is hereby authorized to construct and make or to purchase, hold and complete the construction of a railway from the city of Wilmington to or near the most eligible point on the line of division between this State and the State of Tennessee or Virginia, or either or both of them: Provided, That should this corporation purchase the Western North Carolina Railroad or in any way obtain control of that Road, it shall not have the right to take up the track of any part of said road, but shall maintain the same and complete it to Asheville within two (2) years after such purchase or control, and failing to do so, shall forfeit all right to control the same, and any title acquired by such purchase.

Sec. 3. That so soon as the sum of five hundred thousand dollars, shall have been subscribed to said capital stock it shall be the duty of the persons named in the first section of this act, or a majority of them, to appoint a time for the stockholders to meet (at Wilmington, in New Hanover county,) of which they shall cause notice to be previously published for the space of two weeks in one or more newspapers, as they may deem proper. At which time and place the said stockholders in person or by proxy, shall proceed to elect nine directors of the said company, and to make such rules, regulations and by-laws as they may deem necessary for the government of said corporation and the transaction of its business. The persons elected as directors at that meeting shall serve

Books of subscription.

Capital stock.

Shares.

Route of railway.

Proviso.

Meeting.

Rules and regulations.

Directors.
such period, not exceeding one year as the stockholders may direct; and at the meeting the stockholders shall fix upon the day and place where the subsequent election of directors shall be held, and such election shall thenceforth be annually made accordingly, but if the day of election shall pass by without any such election it shall be lawful to hold an election on any other day in such manner as shall be prescribed by the by-laws of the corporation.

Sec. 4. That the affairs of the company shall be managed by a general board to consist of nine directors, to be elected by the stockholders at their first annual meeting, and at each subsequent annual meeting. Each stockholder shall have as many votes as he has shares in the stock of said company. All such elections shall be by ballot, and the persons having a majority of the votes cast shall be deemed duly elected: Provided, That the stockholders may at any annual or general meeting establish a different scale or rule of voting, if two-thirds in interest shall consent thereto: and may also reduce the number of directors to be elected from nine to any number not less than five.

Sec. 5. That the president of said company shall be elected by the board of directors from among their number, in such manner as the by-laws may prescribe, and the appointment of all other officers and agents, and the rate and manner of their compensation, shall be provided for by the by-laws or rules of said company.

Sec. 6. That the said company may construct or aid others in constructing any lateral or other railway, branch, branches or feeders to their main railway, or may lease, hire, purchase or otherwise secure the use and control of the same. And the said company is authorized to open books for subscription to any amount they deem necessary for such purposes, or to construct any branch or branches to, from or connecting with their main road, and to make the stock so subscribed separate and independent of the stock of the main road, and to be applied
exclusively to the construction of the branch road for which it was subscribed, according to such agreement as may be entered into by the subscribers aforesaid with said company; and all by-laws, agreements and covenants which may be made by and between said company and the subscribers to the stock aforesaid for the construction and management of any branch road, shall have the force and effect of law in all respects the same as though embraced in this act.

Sec. 7. That the said company may purchase, have and hold in fee or for a term of years any lands, tenements or hereditaments which may be necessary or convenient for the use of said railway or branches, or the appurtenances thereof, or for the erection of storehouses, houses for the officers, servants or agents of the said company, or for the workshops, machine shops or franchises to be used by or for said company, or for procuring stone, gravel, ballasting or other materials necessary to the construction, repairing, equipping and operating of said road, or for effecting transportation thereon, or suitable for conveniently conducting its business.

Sec. 8. That said company shall have the right when necessary to construct the said railway or branches across or along any public road or water course: Provided, That said company shall not occupy or obstruct any public road without constructing, when practicable, another road equally good and convenient, nor without making in any bridges of said railway which may cross a navigable stream, a draw sufficient for the passage of such vessels as usually navigate such streams, which draw shall be opened by the company for the free passage of such vessels; nor shall said company construct any bridge or arch of any bridge so as to impede the passage of rafts of ordinary size either on the main stream or any branch.

Sec. 9. That when any lands or rights of way may be demanded by said company or condemned for the pur-
pose of constructing their railway or branches or feeders, and for want of agreement as to the value thereof, or from any other cause the same cannot be or is not purchased from the owner or owners, the same may be taken at a valuation to be made by three commissioners, or a majority of them, to be appointed by the clerk of the Superior Court of the county where some part of such land or right of way is situate. In making said valuation, the said commissioners 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 so taken or surrendered, and the benefit and advantage he, she or they may receive from the construction of such railway or other works, and shall state particularly the amount and value of such; and the excess of loss or damage over the benefit and advantage shall form the measure of damage and valuation of said land or right of way: Provided, nevertheless, That if any person or persons over whose lands said railway or branches may pass, or said company be dissatisfied with the valuation of said commissioners, then and in that case such person or persons, or said company so dissatisfied may have an appeal to the Superior Court in the county where said valuation has been made, or in either county in which the land lies, or some part thereof, when it may lie in more counties than one. The proceedings of said commissioners, accompanied with a description of said land or right of way, shall be returned, under the hand and seal of the commissioners, to the court from which the commission issued, there to remain a matter of record, and the lands or right of way so valued by said commissioners shall thenceforth vest in said company as long as the same shall be used for purposes of said railway or branches whenever and so soon as the amount of said valuation may be paid or tendered: Provided, That on any application for the appointment of commissioners under this section it shall be made to appear to the satisfaction of the
court that at least ten days' previous notice has been given by the applicant to the owner of the land so proposed to be condemned by leaving such notice at his residence, if within the county, or if the owner or owners be infants or non compos mentis, then the guardian of such owner or owners, if such guardians can be found within the country, or if in either case the owner or guardian cannot be so found, then such appointment shall not be made unless notice of the application shall have been published at least once a week for four weeks preceding, in such newspapers published as convenient as may be to the courthouse of the county. The valuation provided for in this section shall be made on oath by the commissioners aforesaid, which oath any Justice of the Peace or clerk of the Superior Court of the county in which the lands or any part thereof lies is hereby empowered to administer. But the right of condemnation herein granted shall not authorize said company to invade the dwelling house or family burial ground of any individual without his consent or the order of the Superior Court.

Sec. 10. That the right of said company to condemn lands in the manner described in the ninth section of this act shall extend to the condemning of one hundred feet on each side of the main track of the road, measuring from the centre of the same, unless in case of deep cuts, when said company shall have the right to condemn so much in addition thereto as shall be necessary for the convenient construction and working of said railway, not exceeding one hundred and fifty feet. And said company shall also have power to condemn and appropriate lands in like manner for the constructing and building of lateral roads and branches and for depots, shops, warehouses, buildings for servants, agents and persons employed in said railway, not exceeding two acres for any one lot or station, the quantity in such case to be determined by the commissioners.
Contracts for Land.

Sec. 11. That in the absence of any contract or contracts in relation to the land through which said railway or any of its branches may pass (signed by the owner thereof or his agent or some claimant, or person in possession thereof, and which may be confirmed by the owner thereof) it shall be presumed that the land over which said road or any of its branches may be constructed, together with a space of one hundred feet on each side of the centre of said railway and the additional space provided for in the foregoing section, has been granted to said company by the owner or owners thereof; and said company shall have good right and title thereto, and shall hold and enjoy the same as long as the same shall be used for the purposes of said railway, unless the person or persons owning the land at the time that part of the said railway which may occupy said land was finished or those claiming under him, her or them shall apply for an assessment for the value of said lands as heretofore directed within two years next after that part of the road which may be on said land was finished, and in case the same owner or owners or those claiming under him, her or them shall not apply within two years next after the said part was finished, he, she or they shall forever be barred from recovering said land or having any assessment or compensation therefor; but nothing herein contained shall affect the rights of feme covert or infants until two years after the removal of their respective disabilities.

Sec. 12. That all lands not heretofore granted to any person now appropriated by law to the use of the State and being within one hundred feet of the center of (or within the space above authorized to be taken for) the said railway which may be constructed by said company, shall vest in said company so soon as the line of its railway is definitely laid out through it; and any grant of said lands thereafter shall be void. This shall not extend to land belonging to the school fund.
Sec. 13. That if any person or persons shall intrude upon the said road by any manner of use thereof, without the permission, or contrary to the will of said company, he, she or they so offending may be indicted for a misdemeanor, and upon conviction thereof, fined and imprisoned by any court of competent jurisdiction.

Sec. 14. That if any person shall wilfully destroy or in any manner hurt, damage or obstruct, or shall wilfully cause, or aid, or assist, or counsel and advise any other person or persons to destroy or in any way to hurt or damage or to obstruct or injure said railway, its track, engines, cars or fixtures, or any bridge, car, engine or vehicle used for or in transportation thereon, or any water tank, warehouse or other property of said company, such person or persons so offending shall be liable to indictment therefor; and on conviction shall be imprisoned for not more than twelve months nor less than one month, and shall pay a fine of not less than twenty, nor more than five hundred dollars, at the discretion of the court before which such conviction shall take place, and shall be further liable to pay all damage done and all expenses of repairing the same.

Sec. 15. Said company may purchase the Wilmington, Charlotte and Rutherford Railroad, at any sale thereof, which may be made under the judgment of the Superior Court of New Hanover county in the action now pending in said court for foreclosure of the mortgage on the franchise and property of said railroad company, in which action the State has made itself a party defendant as provided by acts of Assembly, or at any other sale that may be made thereof, and may thenceforth have, hold, possess and be entitled to the said railroad extending from Wilmington to Rutherfordton, about two hundred and fifty miles, and all its contracts, franchises, rights, privileges and immunities, and all the estate and property of every description, real and personal, belonging to the said Wilmington, Charlotte and Rutherford Railroad.
Company, and by such purchase the said company hereby incorporated, shall acquire all the rights, privileges and immunities conferred on the Wilmington, Charlotte and Rutherford Railroad Company by its charter and amendments made thereto. And in case the said corporation shall purchase the property of the Wilmington, Charlotte and Rutherford Railroad Company, it shall not be lawful for the said corporation to take up the track of that part of the road west of Charlotte or any part thereof.

Sec. 16. Said corporation in case it shall become the purchaser of the Wilmington, Charlotte and Rutherford Railroad, is authorized to complete the construction of said railroad, and shall have all the necessary powers for doing so; but it shall have no power to change the line of that part of the road already completed; but it may make such necessary changes as may be deemed advisable in the line or route already surveyed, but which has not been completed west of Charlotte; and if said company shall become the purchaser of said Road and shall not complete the same from Wilmington to the city of Charlotte, within the space of three years thereafter, then the corporation hereby created shall forfeit all its rights.

Sec. 17. Said company may purchase, own or possess (alone or in connection with any other company or individuals) steamboats and other vessels to ply and sail to and from the port of Wilmington, to and from any other city or place in the United States or elsewhere; and may take and secure for its use, such rates of pay for transporting freight and passengers or for other accommodation, in, by or with such boats or vessels as they may from time to time establish, or contract for with their customers.

Sec. 18. For the purpose of raising money to accomplish the purpose of this act, said company may at its option, make, execute and issue its bonds, payable with
interest thereon either in United States currency or gold, and in this country or any foreign country or State, and at any rate of interest it elects, not exceeding eight per cent. per annum, and for any amount not exceeding ($20,000,) twenty thousand dollars per mile of roads and branches, made or to be made, which bonds shall be signed by its president and attested by its secretary, and sealed with its corporate seal, and be wholly or partly in sums of five hundred dollars or one thousand dollars each, with the usual half yearly or quarterly interest coupons annexed. The principal and interest of said bonds to be made due and payable at such times and places and in such manner, and to be sold at such times, places and prices as the directors may select; and said company are hereby prohibited from ever resisting the payment thereof on the plea of usury. The proceeds of said bonds may be applied to the constructing, purchasing and repairing of the railroad and branches to extend over the routes aforesaid or for equipping the same.

Sec. 19. To secure the payment of these bonds and any other evidences of debt issued as aforesaid, and the interest thereon as the same becomes due, the said corporation may execute and deliver mortgage deeds with power of sale to such trustee or trustees as may be selected or agreed on, the same to be signed by the president and attested by the secretary of said corporation, conveying its railway, branches, franchises and property, including its roadbed, superstructure, equipment, choses in action, evidences of debt, and all its real and personal estate of whatever kind; and the said deed or deeds when duly executed may be registered in the county of New Hanover, and its registration in that county shall be deemed an effectual and sufficient registration for all purposes whatsoever, and shall give it priority and preference over all claims against said corporation; and it shall not be necessary to register or record the same in any other county, any law to the contrary notwithstanding.
Nature of capital stock.

SEC. 20. The capital stock of said company shall be deemed personal estate, and shall be transferable in the manner prescribed in their by-laws. In case its capital stock be found to be insufficient for purchasing, constructing, equipping and operating its road, and the branches hereby authorized, or for conducting any of the business hereby authorized, said company may, with the concurrence of two-thirds in interest of all its stockholders, increase its capital stock from time to time to any amount it deems necessary or required. But such increase must be sanctioned by a vote in person or by proxy of two-thirds in interest of all the stockholders at a regular annual meeting or a special meeting called by the directors for that purpose.

Shall complete road to Shelby.

SEC. 21. The said Carolina Central Railway Company shall complete the said railway to the town of Shelby, Cleaveland county, in twelve months after the said company organizes and gets possession of said railway; neither shall the said company at any time abandon the said railway from the town of Lincolnton to the town of Shelby.

When to be in force.

SEC. 22. This act shall be in force from and after its ratification.

Ratified the 20th day of February, 1873.

CHAPTER LXXVI.

AN ACT FOR THE RELIEF OF MIKE WOODS.

Authority to collect taxes.

SECTION 1. The General Assembly of North Carolina do enact, That Mike Woods, of Wayne county, be authorized and allowed to collect all taxes in arrears and still due on the tax list of Goldsboro township, in Wayne county, for the years one thousand eight hundred and sixty-nine
and one thousand eight hundred and seventy, with all
the powers which belonged to him as constable of said
township for said years for said purpose.

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

Ratified the 21st day of February, 1873.

CHAPTER LXXVII.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF BLADEN COUNTY
TO LEVY A SPECIAL TAX.

Section 1. The General Assembly of North Carolina do
enact, That the commissioners of Bladen county are here-
by authorized and empowered to levy a special tax on
all real and personal property now taxed by law, not to
exceed one-fifth of one per cent. for general county pur-
poses, said tax to be levied and collected when the regu-
ar taxes are: Provided, The constitutional equation be-
tween polls and property shall be observed.

Sec. 2. That the sheriff of said county is hereby required
to receive all duly authenticated county scrip in payment
of said tax.

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

Ratified the 21st day February, 1873.
CHAPTER LXXVIII.

AN ACT TO PROHIBIT THE SALE OF SPIRITUOUS LIQUORS WITHIN TWO MILES OF THE COURT HOUSE IN THE TOWN OF MORGANTON.

Section 1. The General Assembly of North Carolina do enact, That an election shall be held within six months after the ratification of this act at the court house in the town of Morganton, under the supervision of the sheriff of Burke county, the register of deeds, and the Superior Court clerk, for the purpose of determining whether spirituous liquors shall be sold within the corporate limits of said town, or within two miles of said court house. It shall be the duty of said supervisors to give public notice by written advertisement at the court house door, and three other public places within said limits, of said election for at least ten days prior to the same. All persons who are by existing law entitled to vote at the regular election and who reside within two miles of the said court house, shall be entitled to vote in said election. The tickets shall be printed or written. Those who vote against the sale shall vote a ballot with the word “prohibition” written or printed on it. Those who favor sale, a ballot with the words “no prohibition.” The result of the election shall be certified by the sheriff to the county commissioners, and if a majority of said votes be cast in favor of “prohibition,” then and in that case it shall be unlawful for the county commissioners of Burke county to grant license to any one to sell spirituous liquors within two miles of said court house in said town of Morganton, and no person shall be allowed to sell the same except as an article of commerce in unbroken packages of not less than three gallons.

Sec. 2. It shall be the duty of said supervisors to keep the votes cast within the corporate limits of said town of
Morganton separate and apart from those cast outside of the same, and in case a majority of the whole vote cast within two miles of the court house should result in a majority against prohibition, but a majority of the votes cast within the corporate limits of the town of Morganton shall be in favor of "prohibition," then the provisions of section one of this act shall extend to the corporate limits only: Provided, A pro rata part of the license law already paid shall be refunded to those persons who have license.

Sec. 3. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof before the proper authorities shall be fined not more than fifty dollars or imprisoned not more than thirty days, or both at the discretion of the court for each separate offence.

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

Ratified the 22d day of February, 1873.

CHAPTER LXXIX.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF STOKES COUNTY TO LEVY A SPECIAL TAX.

Section 1. The General Assembly of North Carolina do enact, That the county commissioners of Stokes county be, and they are hereby authorized to levy a special tax on all the taxable property and polls of said county (observing the constitutional equation of taxation,) for the purpose of building a bridge across Dan river at or near Danbury, in said county: Provided, The question of levying said tax shall first be submitted to the qualified voters of said county for their ratification or rejection, at
such time and under such regulations as may be prescribed by such commissioners.

Sec. 2. That the amount of said taxes shall not exceed three thousand dollars.

Sec. 3. That said taxes shall be levied and collected in the same manner and accounted for in every particular as all other county taxes are.

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

Ratified the 22d day of February, 1873.

CHAPTER LXXX.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF ALEXANDER COUNTY TO LEVY A SPECIAL TAX.

Commissioners to levy tax.

Proviso.

When to be in force.

Section 1. The General Assembly of North Carolina do enact, That the commissioners of Alexander county are hereby empowered to levy a special tax, to be collected as other county taxes, for the purpose of paying the indebtedness of the county, said tax not to exceed two thousand dollars: Provided, That in levying said tax the constitutional equation between the poll and property shall be observed.

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

Ratified the 22d day of February, 1873.
CHAPTER LXXXI.

AN ACT TO ALTER THE CONSTITUTION OF NORTH CAROLINA IN RELATION TO STATE CENSUS.

Whereas, At the session of the last General Assembly, begun and held at Raleigh, on the third Monday of November in the year of our Lord one thousand eight hundred and seventy-one, a bill entitled, "A bill to alter the Constitution of North Carolina," was read three times in each House of said General Assembly, and agreed to by three-fifths of the whole number of members of each House respectively; and whereas, The bill so agreed to has been duly published six months previous to the election of the members of this present General Assembly, as required by section two, article thirteen of the Constitution; and it is the intention of this bill to agree to the following alteration proposed by the last General Assembly in the bill aforesaid,

The General Assembly of North Carolina do enact, (two-thirds of the whole representation in each House of the General Assembly concurring,) That the Constitution of this State be altered as follows, to-wit:

Amend section five of the said article, by striking out all that precedes the words, "the said Senate District," and by striking out the phrase, "as aforesaid or," in said section; the part so stricken out having reference to the State census.

Ratified the 24th day of February, 1873.
AN ACT TO ALTER THE CONSTITUTION OF NORTH CAROLINA IN RELATION TO THE SESSIONS OF THE GENERAL ASSEMBLY.

WHEREAS, At the session of the last General Assembly, begun and held at Raleigh on the third Monday of November, in the year of our Lord one thousand eight hundred and seventy-one, a bill entitled "A bill to alter the Constitution of North Carolina," was read three times in each House of the said General Assembly, and agreed to by three-fifths of the whole number of members of each house respectively; and whereas, the bill so agreed to has been duly published six months previous to the election of the members of this present General Assembly, as required by section two, article thirteen of the Constitution; and it is the intention of this bill to agree to the following alterations proposed by the last General Assembly in the bill aforesaid,

The General Assembly of North Carolina do enact, (two-thirds of the whole representation in each house of the General Assembly concurring,) That the Constitution of this State be altered as follows, to-wit:

Amend section two of the second article by striking out the word "annually," and inserting in lieu thereof the word "biennially;" being in reference to the sessions of the General Assembly.

Amend section six of the third article by striking out the word "annually," and inserting in lieu thereof the word "biennially," so as to conform to the provisions respecting the sessions of the General Assembly.

Ratified the 24th day of February, 1873.
CHAPTER LXXXIII.

AN ACT TO ALTER THE CONSTITUTION OF NORTH CAROLINA IN RELATION TO EXEMPTIONS.

Whereas, At the session of the last General Assembly, begun and held at Raleigh on the third Monday of November, in the year of our Lord one thousand eight hundred and seventy-one, a bill entitled, "A bill to alter the Constitution of North Carolina," was read three times in each House of the General Assembly and agreed to by three-fifths of the whole number of members of each House respectively; and whereas, the bill so agreed to has been duly published six months previous to the election of the members of this present General Assembly, as required by section two, article thirteen, of the Constitution; and it is the intention of this bill to agree to the following alteration proposed by the last General Assembly in the bill aforesaid,

The General Assembly of North Carolina do enact, (two thirds of the whole representation in each House of the General Assembly concurring,) That the Constitution of this State be altered as follows, to-wit:

Amend section sixth of the fifth article, by inserting after the word "instrument," in said section, the words, "or any other personal property."

Ratified the 24th day of February, 1873.
CHAPTER LXXXIV.

AN ACT TO ALTER THE CONSTITUTION OF NORTH CAROLINA IN RELATION TO THE OFFICE OF SUPERINTENDENT OF PUBLIC WORKS.

Preamble.

Whereas, At the session of the last General Assembly, begun and held at Raleigh, on the third Monday of November, in the year of our Lord one thousand eight hundred and seventy-one, a bill entitled, "A bill to alter the Constitution of North Carolina," was read three times in each House of the said General Assembly, and agreed to by three-fifths of the whole number of members of each House respectively; and whereas, the bill so agreed to has been duly published six months previous to the election of the members of this present General Assembly, as required by section two, article thirteen, of the Constitution, and it is the intention of this bill to agree to the following alteration proposed by the last General Assembly in the bill aforesaid,

The General Assembly of North Carolina do enact, (two-thirds of the whole representation in each House of the General Assembly concurring,) That the Constitution of this State be altered as follows, to-wit:

Strike out the words, "Superintendent of Public Works," wherever they occur in the Constitution, thus abolishing that office.

Ratified the 24th day of February, 1873.
CHAPTER LXXXV.

AN ACT TO ALTER THE CONSTITUTION OF NORTH CAROLINA IN RELATION TO THE PUBLIC DEBT.

Whereas, At the session of the last General Assembly, begun and held at Raleigh on the third Monday of November, in the year of our Lord one thousand eight hundred and seventy-one, a bill entitled, "A bill to alter the Constitution of North Carolina," was read three times in each House of the said General Assembly, and agreed to by three-fifths of the whole number of members of each House respectively; and whereas, the bill so agreed to has been duly published six months previous to the election of the members of this present General Assembly, as required by section two, article thirteen, of the Constitution, and it is the intention of this bill to agree to the following alterations proposed by the last General Assembly in the bill aforesaid,

The General Assembly of North Carolina do enact, (two-thirds of the whole representation in each House of the General Assembly concurring,) That the Constitution of this State be altered as follows, to wit:

Amend section six of the first article, by striking out the first clause thereof, down to and including the word "but," this being the clause relating to the State debt.

Strike out section four of the fifth article relating to taxation to pay the State debt and interest.

Ratified this 24th day of February, 1873.
CHAPTER LXXXVI.

AN ACT TO ALTER THE CONSTITUTION OF NORTH CAROLINA IN RELATION TO THE UNIVERSITY.

Whereas, At the session of the last General Assembly, begun and held at Raleigh on the third Monday of November, in the year of our Lord one thousand eight hundred and seventy-one, a bill entitled, "A bill to alter the Constitution of North Carolina," was read three times in each House of said General Assembly and agreed to by three-fifths of the whole number of members of each House respectively: and whereas, the bill so agreed to has been duly published six months previous to the election of the members of this present General Assembly, as required by section two, article thirteen, of the Constitution, and it is the intention of this bill to agree to the following alterations proposed by the last General Assembly in the bill aforesaid:

Amendment to constitution.

The General Assembly of North Carolina do enact, (two-thirds of the whole representation in each House of the General Assembly concurring,) That the Constitution of this State be altered as follows, to-wit:

Strike out section five of the ninth article, and in lieu thereof insert the following: "The General Assembly shall have power to provide for the election of trustees of the University of North Carolina, in whom, when chosen, shall be vested all the privileges, rights, franchises and endowments heretofore in anywise granted to or conferred upon the trustees of said University; and the General Assembly may make such provisions, laws and regulations, from time to time, as may be necessary and expedient for the maintenance and management of said University."

Strike out sections thirteen, fourteen and fifteen of the ninth article, relating to the University of North Carolina.

Ratified the 24th day of February, 1873.
CHAPTER LXXXVII.

AN ACT TO ALTER THE CONSTITUTION OF NORTH CAROLINA IN RELATION TO CODE COMMISSION.

Whereas, At the session of the last General Assembly, begun and held at Raleigh, on the third Monday of November, in the year of our Lord one thousand eight hundred and seventy-one, a bill entitled, "A bill to alter the Constitution of North Carolina," was read three times in each House of said General Assembly, and agreed to by three-fifths of the whole number of members of each House respectively; and whereas, The bill so agreed to has been duly published six months previous to the election of the members of this present General Assembly, as required by section two, article thirteen of the Constitution; and it is the intention of this bill to agree to the alteration proposed by the last General Assembly in the bill aforesaid,

The General Assembly of North Carolina do enact, (two-thirds of the whole representation in each House of the General Assembly concurring,) That the Constitution of this State be altered as follows, to-wit:

Strike out sections two and three of the fourth article, being the provisions which refer to the appointment and duties of the code commissioners.

Ratified the 24th day of February, 1873.
CHAPTER LXXXVIII.

AN ACT TO ALTER THE CONSTITUTION OF NORTH CAROLINA IN RELATION TO FEDERAL AND OTHER OFFICERS HOLDING OFFICE.

Preamble.

Whereas, At the session of the last General Assembly, begun and held at Raleigh, on the third Monday of November, in the year of our Lord one thousand eight hundred and seventy-one, a bill entitled "A bill to alter the Constitution of North Carolina," was read three times in each House of the said General Assembly, and agreed to by three-fifths of the whole number of members of each House respectively; and whereas, the bill so agreed to has been duly published six months previous to the election of the members of this present General Assembly, as required by section two, article thirteen of the Constitution; and it is the intention of this bill to agree to the alterations proposed by the last General Assembly in the bill aforesaid,

The General Assembly of North Carolina do enact, (two-thirds of the whole representation in each House of the General Assembly concurring,) That the Constitution of this State be altered as follows, to wit:

Alter section seven of the fourteenth article so that said section shall read as follows: No person who shall hold any office or place of trust or profit under the United States or any department thereof, or under this State, or under any other State or government, shall hold or exercise any other office or place of trust or profit under the authority of this State, or be eligible to a seat in either House of the General Assembly: Provided, That nothing herein contained shall extend to officers in the militia, justices of the peace, commissioners of public charities, or commissioners for special purposes.

Ratified the 24th day of February, 1873.
CHAPTER LXXXIX.

AN ACT TO REPEAL SECTION ONE OF AN ACT FOR THE BETTER PROTECTION OF OYSTERS AND TERRAPINS IN THE WATERS OF NORTH CAROLINA.

Section 1. The General Assembly of North Carolina do enact, That section one of an act of General Assembly of North Carolina, entitled an act for the better protection of oysters and terrapins in the waters of North Carolina, laws of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, chapter one hundred and eighty-four, ratified tenth day February, one thousand eight hundred and seventy-two be, and the same is hereby repealed.

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

Ratified the 26th day of February, 1873.

CHAPTER XC.

AN ACT TO AMEND THE SCHOOL LAW, RATIFIED THE TWELFTH OF FEBRUARY, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO.

The General Assembly of North Carolina do enact, That an act to consolidate the school laws and to provide for a system of public instruction, ratified the twelfth day of February, A. D. one thousand eight hundred and seventy-two be, and the same is hereby amended, so as to read as follows:

Section 1. That the State board of education shall meet at such times as a majority of the members may appoint: Provided, That the Governor may call a meeting at any time.
SEC. 2. The State Board of Education may, from time to time, as the same shall accumulate, invest the public school funds in United States bonds.

SEC. 3. The State Auditor shall keep a separate and distinct account of the public school funds and of the interest and income thereof, and also of such moneys as may be raised by State, county and capitation tax, or otherwise, for school purposes. He shall draw his warrants on the State Treasurer in favor of any county treasurer, whenever such county treasurer shall present an order from the State Board of Education.

SEC. 4. The State Treasurer shall be the Treasurer of the State Board of Education.

SEC. 5. The State Treasurer shall receive and hold as a special deposit all school funds paid into the Treasury, and pay them out only on the warrant of the State Auditor, issued on the order of the State Board of Education, in favor of a county treasurer, which warrant, duly indorsed by the county treasurer in whose favor it is drawn, shall be the only valid voucher in the hands of the State Treasurer for the disbursement of school funds.

SEC. 6. The county commissioners of each county shall constitute a board of education for the county. The chairman of the county commissioners shall be the chairman, the register of deeds the secretary, and the county treasurer the treasurer of the county board of education.

SEC. 7. The county board of education shall have supervision of the public schools in their respective counties, shall decide all controversies relating to the boundaries of school districts, or which may arise upon the construction of the school law, and shall see that the school law is enforced. An appeal, however, may be taken from any decision of a county board to the State board of education.

SEC. 8. The county treasurer of each county shall receive and disburse all public school funds. But before entering upon the duties of his office he shall execute a bond with sufficient security in double the amount of
money which may come into his possession during any year of his official term, for the faithful performance of his duties as treasurer of the county board of education. Bond. The county commissioners shall from time to time, if necessary, require the county treasurer to give bond and sufficient security by additional bond or bonds, so as to secure the faithful administration of the school funds, and in default thereof, the commissioners shall be guilty of a misdemeanor.

Sec. 9. All orders upon the county treasurer for school money for the payment of teachers, for the purchase of sites for school-houses, and for half the cost of building, repairing, and furnishing school-houses, shall be signed by the school committee of the township in which the school is taught or in which the site or school-house is situated, which orders, duly indorsed by the persons to whom the same are payable, shall be the only valid vouchers in the hands of county treasurers for disbursements of school money.

Sec. 10. The secretary shall record all of the proceedings of the county board of education, issue all notices and orders pertaining to the public schools, school-houses, sites or districts, which notices or orders it shall be the duty of the sheriff to serve, and record all school statistics which shall be reported to him by school committees and board of county examiners in a book to be furnished by the county commissioners for the purpose.

Sec. 11. In all cases in which an appeal may be taken from the decision of the county to the State board of education, it shall be the duty of the secretary to send up a transcript of the proceedings and evidence in the case, together with the written statements of the parties.

Sec. 12. The county board of education of each county shall hold two regular meetings every year on the first Mondays of February and August for the purpose of looking after the interests of the public schools: Provided, That the chairman may call a meeting of the board at
any time. At each regular meeting it shall be the duty of the board to examine the books and vouchers of the county treasurer, and audit his accounts, and report to the Superintendent of Public Instruction a full account of all school funds received and disbursed by the county treasurer.

Sec. 13. The county board of education of each county shall appoint three residents of their county of good moral character and suitable attainments, who shall be styled "The Board of Examiners," one of whom shall be designated as chairman. They shall hold their office one year and until their successors are appointed. If a vacancy should at any time occur in the board of examiners, the same shall be filled by the county board of education.

Sec. 14. The board of examiners of each county shall examine all applicants for teachers' certificates at the court-house of the county on the first Thursdays of January and July of every year, and continue the examination from day to day during the remainder of the week, if necessary, till all applicants are examined. They shall grant certificates to all applicants of sufficient moral and mental qualification. The board of examiners shall give certificates in three grades as follows: If applicants are qualified to teach classes in the higher branches of English they shall receive certificates of the first grade; if qualified to teach only in the ordinary branches of English, they shall be given a certificate of the second grade; and all applicants qualified to teach primary classes only, shall be given certificates of the third grade. If any person shall apply for an examination and certificate at any other time, the applicant shall pay the board of examiners a fee of one dollar. If the board of examiners should become satisfied that any person to whom a teachers' certificate has been granted is guilty of any immoral or disreputable conduct, or is neglectful of or in any way incompetent to the discharge of the duties of a teacher, they shall revoke the certificate and give notice to the secretary of the county board of education.
Sec. 15. The board of examiners shall deliver to the secretary of the county board of education on or before the first day of October of every year, a catalogue of all the teachers to whom they gave certificates during the year, also an abstract statement of the number, race and sex of the teachers, and report the same to the Superintendent of Public Instruction.

Sec. 16. In each township there shall be biennially elected by the qualified voters thereof a school committee of three persons, whose duties shall be as prescribed in this act. If there should at any time be a failure to elect school committeemen in any township, or if a vacancy should at any time occur, it shall be the duty of the county board of education to appoint suitable residents of the townships to fill the vacancy, and the persons thus appointed shall exercise all the powers and duties of a school committee until their successors are elected and qualified.

Sec. 17. The school committee of each township shall be a body corporate by the name and style of "The School Committee of Township ———, in the county of ———," as the case may be, and in that name shall be capable of purchasing and holding real and personal estate, and of selling and transferring the same for school purposes, and of presenting and defending suit for and against the corporation. All conveyances to school committees shall be to them and their successors in office.

Sec. 18. The school committee of each township, within fifteen days after their election or appointment, shall meet at some convenient point within the township, and organize by electing one of their number chairman, and another of their number clerk of the school committee.

Sec. 19. The school committee of the several townships shall lay off their respective townships into convenient school districts, consulting, as far as practicable, the convenience of the neighborhood, and the wishes of per-
sons interested, and disregarding the township boundaries where convenience require it. They shall designate the districts by number, as school district No. 1, school district No. 2, and of township ———, in the ——— of ———, as the case may be: Provided, That where a district lies in two or more townships, it shall be designated as school district No. ——— of the township in which the school-house is situated; and the commissioners of adjoining counties shall have power in cases of great inconvenience to arrange for the sending of pupils to schools across the lines of such counties and provide for their payment from the fund of their school district.

Sec. 20. The school committee shall consult the convenience of the white residents in settling the boundaries of districts for white schools, and of colored residents in settling the boundaries for colored schools. The schools of the two races shall be separate; the districts the same or not, according to the convenience of the parties concerned. In cases where there are two sets of districts in a township they shall be designated as school districts numbers one, two, three, etc., for white schools, or school districts, numbers one, two, three, etc., for colored schools, as the case may be, of township ——— of etc., as before stated.

Sec. 21. The school committee may receive any gift, grant, donation or devise made for the use of any school or schools within their jurisdiction, and in their corporate capacity they shall be and are hereby entrusted with the care and custody of all school-houses, school-house sites, grounds, books, apparatus, or other public school property belonging to their respective jurisdiction, with full power to control the same as they may deem best for the interest of the public schools, and the cause of education. When, in the opinion of the committee, any school-house, school-house sites, or other public school property has become unnecessary for public school purposes, they shall return the land to the original owner,
his heirs or assigns, if he or they so desire on the payment of first cost, and remove or sell the building after advertisement for twenty days at three public places in the townships. The deed for the property thus sold shall be executed by the chairman and clerk of the committee, and proceeds of the sale shall be paid to the township treasurer for the school expenses in the township.

Sec. 22. The school committee may receive suitable sites for school houses by donation or purchase. In the latter case they shall report the price to the chairman and secretary of the county board of education. If the latter are satisfied that the price is not excessive they shall approve the order of the committee on the county treasurer, which said committee are hereby authorized to give for the purchase money in favor of the grantor of the land, and upon payment of the order the title to said site shall vest in the committee and their successors in office. Whenever the committee are unable to obtain a suitable site for a school by gift or purchase, they shall report to the county commissioners, and the latter shall thereupon appoint three disinterested citizens, who shall lay off not more than one acre, and assess the cash value thereof, and report their proceedings to the county commissioners. If said report is confirmed by the commissioners, the chairman and secretary of the board of education for the county shall approve the order which the township school committee shall give on the county treasurer in favor of the owner of the land thus laid off, and upon payment or offer of payment of this order, the title to said land shall vest in the school committee and their successors in office: Provided, That improved land shall not be condemned under the provisions of this section; and provided further, That any person aggrieved by the action of said commissioners, may appeal to the Superior Court of the county in which said land is situate, upon giving bond to secure said commissioners
against such costs as they may incur on account of said appeal not being prosecuted with effect.

Sec. 23. Every school to which aid shall be given under the provisions of this act shall be a public school, to which children between the ages of six and twenty-one years shall be admitted free of any charge, subject to the restrictions contained in section twenty.

Sec. 24. If the tax levied in this act for the support of the public schools shall be insufficient to maintain one or more schools in each township for the period of four months then the county commissioners of each county may levy annually a special tax to supply the deficiency for the support and maintenance of said schools for the said period of four months. The said tax shall be collected by the sheriff in money, and he shall be subject to the same liabilities for the collection and accounting for said tax as he is or may be by law in regard to other county taxes. The said tax shall be levied on all property, credits and polls of the county, and in the assessment of the amount upon each the commissioners shall observe the constitutional equation of taxation; and the fund thus raised shall be appropriated in the county in which it is collected as provided in section thirty-one of this act: Provided, That the question of the levy and collection of said tax shall have first been submitted to the vote of the qualified voters of the county at an election to be held at the different election precincts of the county, under rules and regulations to be fixed by the commissioners, and conforming as near as may be to the rules and regulations for conducting other elections, except that no new registration need be made, but the registration books of the next preceding general election may be used. The penalties for illegal and fraudulent voting shall be the same as provided in annual elections.

Sec. 25. The school committee shall have the authority to employ and dismiss teachers of the schools within their townships, and shall determine the pay per month to be
paid the same: Provided, however, That teachers of the first grade shall not receive out of the school fund more than two (2) dollars per day; of the second grade not more than one dollar and fifty cents per day: and of the third grade not more than one dollar per day, but no teacher shall receive any compensation for a less term than one month. No committeeman shall be a teacher, Nor shall any committeeman in any way be interested by contract or otherwise in the erection or repairing of any school-house in his district.

Sec. 26. The school committees of each township shall annually make an estimate of the amount of money necessary for maintaining the schools within their jurisdiction for a period not less than four months, and a certified report of said estimate shall be made to county commissioners on or before the regular meeting in February: Provided, That the first estimate and report as herein required shall be made on or before the first Monday in April, one thousand eight hundred and seventy-three.

Sec. 27. The school year shall begin July first, and end June thirtieth.

Sec. 28. Every teacher or principal of a school to which aid shall be given under the provisions of this act, shall keep a daily record of all absences of pupils and of the grade in scholarship and deportment of each. The grade in scholarship shall be indicated by the numbers 1, 2, 3, 4 and 5; 1 representing the highest or first grade, and 5 the lowest, and the three intermediate numbers the three intermediate grades. The grades in deportment shall be represented by the same numbers and in the same order. At the end of every term every teacher of a public school shall deliver to the county treasurer a statement of the length of the term of the school, of the race, number, sex and average attendance of pupils, and the name of the district and township in which the school was taught.

Sec. 29. At the middle and end of every four months' term of a public school, the teacher or principal of the
school shall exhibit to the school committee of the township a statement of the number of pupils, their average attendance, the length of a term and the time taught. He shall also exhibit a teacher's certificate, dated within one year of the time. If the committee are satisfied that the provisions of this act are complied with, they shall give an order on the county treasurer, payable to the teacher for the sum due his school for the time taught. But they shall in no case give such an order unless the teacher produce a certificate of mental and moral qualifications from the board of examiners, dated within one year of the time.

Sec. 30. The county board of education of every county shall, on the first Monday of February of each year, or as soon thereafter as practicable, apportion among the several townships in the county, according to the number of children in each between the ages of six and twenty-one years, (which number shall be ascertained by a census to be taken by the school committee and reported to the county board of education,) all school funds which may then be in the possession of or due to the county treasurer, specifying how much thereof is apportioned to the children of each race, and give notice thereof to the school committees of the several townships of the county. And the school committees in the several townships shall apportion the same in like manner among the several school districts, and publish the same by an advertisement posted on the court-house door of each county. The sums thus apportioned to the several townships shall be subject to the orders of the school committees thereof for payment of the school expenses mentioned in section nine as amended in this act: Provided, however, That in no case shall the school fund thus apportioned to either race be expended for the education of the other race: And provided further, That so much of said school fund as shall not be expended in any school district for the education of the race for which it was apportioned in any year, shall
be added to the final apportionment to said race in said school districts for the succeeding year. If the pupils of any public school reside in different townships, the school committees of each shall give an order to the teacher for such part of the amount due him as is proportionate to the number of pupils attending his school from their township.

Sec. 31. The county treasurer of each county shall report to the Superintendent of Public Instruction on the first day of July of each year, the entire amount of school money received by him during the preceding school year, the several sources from which it was derived and the disbursements thereof made by him, designating the sums paid for schools for the white and colored children respectively, for school-house sites in the several townships. At the same time the secretary of the county board of education shall report to the Superintendent of Public Instruction the number of public schools taught in the county during the year for each race, the number of pupils of each race, their average attendance, the number of males and the number of females, according to the reports made to him by the provisions of this act.

Sec. 32. It shall be the duty of all teachers of free public schools to maintain good order and discipline in their respective schools, to encourage morality, industry and neatness in all their pupils, and to teach thoroughly all branches which they profess to teach. If any pupil should wilfully and persistently violate the rules of school, such pupil may be dismissed by the teacher for the current term.

Sec. 33. That the State board of education may recommend the course of study to be pursued, the text books and other means of instruction to be used in the public schools: Provided, That no sectarian or political text books or influences shall be used in any public school.

Sec. 34. The Superintendent of Public Instruction
shall have the school laws of the State published in pamphlet form and distributed to all school officers in the State, on or before the 1st day of April, of this year, shall have printed all the forms necessary and proper for the purposes of this act, and shall look after the school interests of the State at large, and report to the Governor of the State on or before the 1st day of April, of this year, shall have printed all the forms necessary and proper for the purposes of this act, and shall look after the school interests of the State at large, and report to the Governor of the State on or before the third Monday of November of every year, which report shall give information and statistics of the public schools, and recommend such improvement in the school law as may occur to him, he shall keep his office at the seat of government, and shall sign all requisitions on the Auditor for the payment of money out of the State Treasury for school purposes, copies of his acts and decisions, and of all papers kept in his office and authenticated by his signature and official seal, shall be of the same force and validity as the original. He shall be furnished with such room, fuel and stationery as shall be necessary for the efficient discharge of the duties of his office as heretofore.

Sec. 35. All State and county capitation taxes which shall be levied and collected for school purposes under the Constitution, and all other levied by and in pursuance of this act for school purposes shall be collected and paid to the county treasurer of the counties respectively in which the same are collected, at the same time and under the same rules, regulations and penalties as are or may be prescribed for the collection and payment of county taxes, and shall constitute a revenue and fund for the support of the public schools in said counties respectively, and shall not be used for any other purpose. The sheriff or other person collecting such taxes shall take the duplicate receipts of the county treasurer for such payments, one copy of which shall be transmitted to the Auditor of the State: Provided, That in his settlement with the sheriff for the taxes mentioned in this section, the county treasurer shall only receive money.
Sec. 36. All the school funds which shall not be required to pay the school orders of one thousand eight hundred and seventy-two, shall be added to the school fund for the counties for one thousand eight hundred and seventy-three. And the school funds for any year which may not be required for the school expenses of that year, shall be added to the school fund for the following year.

Sec. 37. In addition to the State and county capitation taxes, appropriated by the Constitution, and other revenues heretofore provided by law for the support of public schools, there shall be levied and collected every year for the support and maintenance of public schools eight and one-third cents on every hundred dollars worth of property and credits in the State, and twenty-five cents on every poll in addition to the taxes in the revenue law.

Sec. 38. It shall be the duty of the secretary of the board of education for each county to report to the Superintendent of Public Instruction on or before the first day of July of every year, full and accurate statistics, showing the number of public schools in the county, the length of term of each, the race, sex, number and average attendance of pupils, as reported to him under the provisions of the fifteenth section of this act; and also the number of school children in the county, as reported to the county board of education under the provisions of section forty-five of this act. And if any secretary of a county board of education shall fail to comply with the provisions of this section at the time above stated, he shall be guilty of a misdemeanor, and upon conviction thereof in the Superior Court of his county, he shall be fined not less than fifty dollars and not more than two hundred dollars, or imprisoned not less than one month, or more than six months in the discretion of the court.

Sec. 39. The county treasurer of such county shall receive such amount of commissions as are now allowed
by section two, chapter one hundred and thirty-nine, acts of one thousand eight hundred and seventy and one thousand eight hundred and seventy-one, on the entire amount of school funds which may pass through his hands each year, but he shall state the amount of his commissions in his annual statement to the secretary of the State board of education, as provided for in the thirty-first section of this act. The secretary of each county board of education shall receive such compensation for his services as may be allowed by the county commissioners, which shall be paid out of the school fund.

Sec. 40. The school committee shall be exempt from military duty, from working the public roads, and from serving on juries, and shall receive no other compensation for their services. Before entering upon the duties of their office they shall take an oath before a Justice of the Peace for the faithful discharge of the duties of that office.

Sec. 41. The share of the public school fund arising from the increase thereof by investment or otherwise to which each county may be entitled, shall be paid to the county treasurer, or his lawful attorney, upon the order of the board of education and the warrant of the Auditor, and in like manner shall all payments from the school fund be made.

Sec. 42. It shall be the duty of the State board of education, on the first day of January of every year, to apportion among the several counties of the State all the school funds which may then be in the treasury of the State board of education, and order a warrant for the full apportionment to each county, upon the requisition of each county treasurer, approved by the chairman and secretary of the county board of education.

Sec. 43. Each member of the board of examiners who shall comply with the provisions of this act shall receive as a compensation for his services two dollars a day for every day he may be actually engaged in the examination of teachers at the times mentioned in the fourteenth sec-
tion of this act. It shall be the duty of the chairman and secretary of each county board of education to draw an order on the county treasurer for the amount due each member of the board of examiners by virtue of this section, payable to said examiners. This order shall be paid by the county treasurer out of the school fund.

Sec. 44. Every person who shall wilfully interrupt or disturb any public or private school, or any meeting lawfully and peaceably held for the purpose of literary or scientific improvement, either within or without the place where such school or meeting is held, or injure any school building, or deface any school furniture, apparatus or other school property, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not exceeding one hundred dollars, at the discretion of the court.

Sec. 45. It shall be the duty of the school committee of each township to take and return to the county board of education on or before the first day of August in every year a full and accurate census of the children between the ages of six and twenty-one years, giving the number in public schools, and the number who attended no school, designating the race and sex in all cases. They shall also report the number of public school-houses and the number of private school-houses, and the number of academies and colleges in each township.

Sec. 46. Chapter one hundred and eighty-four of the laws of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, and chapter two hundred and thirty-seven of the laws of one thousand eight hundred and seventy and one thousand eight hundred and seventy-one, and all other laws inconsistent with the provisions of this act, are hereby repealed.

Sec. 47. This act shall be in force from and after its ratification.

Ratified the 26th day of February, 1873.
CHAPTER XCI.

AN ACT TO RE-ENACT AN ACT ENTITLED AN ACT TO INCORPORATE THE FRENCH BROAD TURNPIKE COMPANY.

Section 1. The General Assembly of North Carolina do enact, That an act entitled an act to incorporate the French Broad Turnpike Company, ratified the twenty-seventh day of December, A. D. one thousand eight hundred and fifty-two, is hereby re-enacted with the following amendments, to-wit: That section eight of the said act be amended to read as follows: That the road hereby authorized shall be made sixteen feet wide, except in such places as shall require side cutting, where it shall be twelve feet wide: Provided, always, That places of sufficient width be provided, in sight of each other, for vehicles to pass each other; and the inclinations of the said road shall not exceed one foot perpendicular to twelve feet horizontal: Provided, further, That no person required by law to work on said road shall pay any toll.

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 26th day of February, 1873.

CHAPTER XCI.

AN ACT TO INCORPORATE THE GREAT WESTERN AIR-LINE RAILWAY COMPANY.

Section 1. The General Assembly of North Carolina do enact, That for the purpose of constructing a railroad of one or more tracks from some point on the Virginia line,
near Weldon, North Carolina, to Charlotte, Mecklenburg county, North Carolina, upon such routes as may be determined, to connect with a railroad, starting at or near Norfolk or Portsmouth, Virginia, as the company may select, with full power to cross the track or tracks of any railroad now built, building, or which may at any time be begun or constructed in the future, and to consolidate with any road being built or hereafter to be built. The formation of a corporate company with a capital stock of five million dollars is hereby authorized to be called the Great Western Air-Line Railway, and when formed in compliance with the conditions herein prescribed, to have a corporate existence as a body politic for ninety-nine years; and by that name to sue and be sued, plead and be impleaded in any court in the State of North Carolina, and may have and use a common seal, and shall be capable of purchasing, holding, leasing and conveying estate, real, personal and mixed, and acquiring the same by gift or devise. The said company shall enjoy all the rights and immunities which other corporate bodies may lawfully exercise, (particularly all the rights and immunities granted to the North Carolina Railroad Company,) and shall make all necessary by-laws and regulations for its government, not inconsistent with the Constitution and laws of North Carolina.

Sec. 2. The capital stock of said company may be created by subscription on the part of individuals, municipal and other corporations, in shares of one hundred dollars each in value.

Sec. 3. The books of subscription to the capital stock may be opened by Colonel Thomas H. Brem, J. E. Stenhouse, Dr. C. J. Fox, Thomas A. Allen, Haywood W. Guion, Wm. J. Black, Dr. T. J. Moore, R. P. Waring, Allen McCauley, Charlotte, North Carolina; Thomas J. Shinn, of Cabarrus; V. Mauney, Stanley; John C. Atwater, L. W. Gorrell, of Chatham; General David Clark, of Halifax, and Joshua Perry, of Franklin, who are hereby
appointed commissioners for that purpose, whose duty it shall be to open books of subscription at such times and places and under the direction of such persons as a majority of them may deem proper; and twenty days' notice of opening said books shall be given in one or more newspapers of the State; and furthermore, that the said commissioners or a majority of them at any time after said books have been kept open for thirty days and the sum of five hundred thousand dollars have been subscribed to the capital stock of said company, have power to call together the subscribers of said stock, for the purpose of completing the organization of said company; and the general subscribers, their successors, executors, administrators and assigns, shall be and are hereby declared and incorporated into a company, under the name and style of the Great Western Air-Line Railway Company, with all the powers, immunities, franchises, privileges and rights which have been granted to any railroad in North Carolina; particularly all such as have been granted to the North Carolina Railroad Company.

Sec. 4. That the said company may hold annual meetings of stockholders, and oftener, if necessary; and at its organization, and the annual meetings subsequent thereto, nine directors shall be elected by the stockholders, three of whom shall live in North Carolina, to hold office for one year or until their successors shall be elected; and any of the said meetings shall have power to make or alter the by-laws of said company: Provided, That in all such meetings of the stockholders a majority of all the stock shall be represented either in person or by proxy, which proxy shall be verified in manner prescribed by the laws of said company, and each share thus represented shall be entitled to one vote on all questions; that it shall be the duty of the directors to elect one of their number as president of said company, and to fill all vacancies in said board.
Sec. 5. That after the said company shall be organized, the board of directors shall proceed to locate, and have constructed as speedily as possible, on such route as they may find most practicable, a railroad from some point at or near the Virginia line, near Weldon, to Charlotte, North Carolina.

Sec. 6. That said company shall have the same power to use and enforce the payment of stock subscribed as was heretofore granted to the North Carolina Railroad Company by the charters of incorporations, and shall have power to condemn lands for the use of the company when a contract of purchase cannot be made with the owners thereof, to the same extent, and in the same manner, and under the same rules, regulations and restrictions, as the North Carolina Railroad Company was authorized to do by the act of incorporation.

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

Ratified the 26th day of February, 1873.

CHAPTER XCIII.
AN ACT TO AMEND THE CHARTER OF THE HALIFAX AND SCOTLAND NECK RAILROAD COMPANY.

Section 1. The General Assembly of North Carolina do enact, as follows: That section one of an act entitled an act to incorporate the Halifax and Scotland Neck Railroad Company, ratified ninth of February, one thousand eight hundred and seventy-two, be amended as follows: In line four, after the word "landing," insert the words, "or at or near Hill's Ferry," as the president and board of directors may determine.

Sec. 2. Any county along the line of the said Halifax and Scotland Neck Railroad may subscribe to the capital stock.
stock of the company to such an amount as a majority of the commissioners of said county may determine, subject to the approval of a majority of the qualified voters of the county; and said commissioners in order to pay the said subscription, shall have power to issue bonds, or other evidences of debt, at a rate of interest not to exceed eight per centum per annum, said bonds to be issued in such manner and form, payable at such time and place, and authenticated in such manner as they may determine.

Sec. 3. In order to pay the principal and interest of the bonds issued as aforesaid, the commissioners of the county, subscribing as above mentioned, shall levy and collect annually, in such manner as is directed by law in case of taxes for other county purposes, a tax sufficient to pay the annual interest; and they may levy and collect a further tax to be issued in extinguishment of the principal, or else to be invested as a sinking fund for the ultimate redemption of the principal.

Sec. 4. No subscription shall be made by the commissioners of said county, as above mentioned, until the question of approval or disapproval of such subscriptions, the issue of bonds or other evidences of debt, and the authority to levy taxes to pay the interest, and provide for the payment of the principal of the bonds, shall be submitted to the qualified voters of the county, and shall be approved by a majority of those voting. The election shall be held at the usual places of voting. Thirty days' notice shall be given by advertisement, in at least two newspapers published in the county, if there be any, at the court-house door, and at each of said election precincts. If there be no newspaper published in the county, then the advertisement shall be published in some newspaper having, in the opinion of the commissioners, the widest circulation in the county. The advertisement shall contain a copy of this act, as well as the amount proposed to be subscribed by the commissioners, and the
amount of bonds or other evidences of debt proposed to be issued. Those approving the proposition shall deposit in the ballot-box ballots with the printed or written word, "approved"; those disapproving the same shall deposit ballots with printed or written words, "not approved"; and if a majority of said voters shall vote approved, they shall be deemed to ratify and approve the subscription and debt proposed to be made, and the tax proposed to be levied.

Sec. 5. The commissioners of any county proposing to subscribe for stock as aforesaid, shall have authority to take all measures consistent with this act, and the laws of the State for registration of voters, holding the election, and returns of the result of the same; and if said subscription be approved, they shall have power to take all measures proper for carrying the same into effect.

Sec. 6. The Halifax and Scotland Neck Railroad Company shall have power to receive subscription to its capital stock, payable in real or personal property at such valuation as may be agreed on between the company and the subscriber. It shall not be necessary for the wife to join her husband in the conveyance of any right of way or other interest in real estate of the husband for any purpose to said company, in order to pass her right of dower or other marital right therein.

Sec. 7. The said company shall have power to take all such securities and mortgages of real and personal estate it may deem proper to secure the faithful performance of contracts for the construction and repair of said road and the buildings, and other things incident thereto.

Ratified the 28th day of February, 1873.
CHAPTER XCIV.

AN ACT TO PROMOTE STOCK-RAISING.

Section 1. The General Assembly of North Carolina do enact, That in all cases where the owner or any agent for or employee of the owner of any mare or jennett shall turn the same to a stud horse or jackass for the purpose of raising colts, the price charged for the season of the stud horse or jackass shall be constituted a lien on the colt until the price so charged for the season is paid by the owner of the colt, his agent or employee.

Sec. 2. That the colt shall not be exempt from execution for the payment of said season price by reason of the operation of the homestead exemption: Provided, however, That the person or persons claiming such lien on the colt shall close the same within six months from the foaling of the colt.

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

Ratified the 28th day of February, 1873.

CHAPTER XCV.

AN ACT TO AUTHORIZE AND EMPOWER THE BOARD OF COMMISSIONERS OF FORSYTHE COUNTY TO APPOINT A SPECIAL TAX COLLECTOR.

Preamble

Whereas, Under existing law the county of Forsythe has subscribed one hundred thousand dollars to the capital stock of the North Western North Carolina Railroad Company; and, whereas, The said county has issued and sold its bonds to pay said subscription; and, whereas, It is
expedient and necessary that the taxes levied to meet the installments to pay the said bonds as they fall due should be promptly collected; therefore,

**Section 1. The General Assembly of North Carolina do enact,** That whenever the sheriff of said county shall for any cause fail or refuse to give bond for the collection of said taxes to pay the installments on said bonds by said county to pay said subscription to the capital stock of said railroad company, it shall be the duty of the board of commissioners of said county, and said board of commissioners are hereby authorized and empowered, to appoint a tax collector to collect the same.

**Sec. 2.** That such collector when so appointed shall execute his official bond, payable to the State of North Carolina, with two or more securities, in a sum equal to twice the amount of taxes assessed for each and every year, conditioned to be void upon the faithful performance of the duties of said office.

**Sec. 3.** That such collector, with reference to collecting said taxes and the appointment of deputy collectors, shall have all the rights, powers and privileges, and shall be subject to all the pains and penalties and obligations of sheriffs with reference to collecting, disbursing and accounting for other county taxes, and he shall receive the same fees, commissions and compensation for his services as are now provided by law for sheriffs for similar services.

**Sec. 4.** That the provisions of this act shall extend in all respects as well to the collection of taxes levied for said purpose for the year one thousand eight hundred and seventy-one and the year one thousand eight hundred and seventy-two as to the taxes that may be assessed subsequent to the passage of this act, and any appointment heretofore made by said commissioners for the collection of said taxes is hereby in all respects ratified and confirmed: Provided, however, That nothing herein contained shall be so construed as to authorize the collection of any
tax declared by the Supreme Court of North Carolina to be void or invalid.

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

Ratified the 28th day of February, 1873.

CHAPTER XCVI.

AN ACT TO REGULATE THE PENNING OF SHEEP IN KENNEKEET AND HATTERAS TOWNSHIP, IN THE COUNTY OF DARE.

Section 1. The General Assembly of North Carolina do enact, That the customary penning of sheep in Kennekeet and Hatteras township, in the county of Dare, shall be regulated and observed as follows, to wit: That no sheep shall be driven from beyond any point that is half the distance between the several adjacent settlements of Chickamaacomico, Kennekeet Cape and Hatteras: Provided, That no person shall be prohibited from driving his or her own sheep from beyond the aforesaid limits, or any sheep belonging to the settlement to which they are driven.

Sec. 2. That the justices of the peace of the aforesaid townships are hereby authorized and required to appoint each a suitable person to meet as soon as practicable, and establish the aforesaid lines, from beyond which it shall be unlawful for any person or persons to drive any sheep, except as provided for in the preceding section.

Sec. 3. That each and every general penning by any settlement in the aforesaid townships shall be advertised at some conspicuous place in the settlement or settlements next adjacent to the said settlement proposing to drive or pen sheep for at least ten days previous to such penning or driving.
Sec. 4. That any person or persons violating the requirements of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty nor more than fifty dollars.

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

Ratified the 28th day of February, 1873.

CHAPTER XCVII.

AN ACT TO CHANGE THE LINE BETWEEN THE COUNTIES OF BLA- DEN AND COLUMBUS.

Section 1. The General Assembly of North Carolina do enact, That all that portion of Bladen county comprised within the following boundaries, viz: Beginning in the edge of Slade swamp at the point where the present line between the counties of Columbus and Bladen now enters said swamp, and running thence down the main run of Slade swamp to the main run of Brown marsh swamp; thence down the run of said Brown marsh swamp to the public road, crossing said Brown marsh swamp at the red hill; thence with said road to the point where it now intersects with the public road leading from Whiteville to Elizabethtown; thence a direct line to the head of Rattle Snake swamp; thence down the main run of said Rattle Snake swamp to the run of the Horse Pen swamp; then down the run of the Horse Pen swamp to where it enters the Big Swamp and intersects the Robeson county line, be and the same is hereby annexed to and shall form part of Columbus county: Provided, That a majority of the qualified voters now bona fide citizens of the territory herein set out, shall meet at the store of Shadrack Wooten on the twelfth of April, one thousand eight hundred and
seventy-three, and then by an election to be held by Isaac H. Smith and Lemon Jordan, judges and inspectors of said election, under all the rules and regulations now by law governing elections for members of the General Assembly, shall by a vote there had declare themselves in favor of such annexation to Columbus county.

Sec. 2. That the said judges and inspectors of election shall make a true return of all the votes cast to the office of the register of deeds in each of said counties, and cause the said return to be entered on record on the book of records kept by the county commissioner.

Sec. 3. That if a majority of the said qualified voters shall have declared in favor of such annexation to Columbus county, then the commissioners of the counties of Bladen and Columbus shall have power and are hereby authorized and required to appoint one or more surveyors on the part of each county who shall form a commission, and whose duty it shall be to run said dividing line, mark it distinctly, make a map of said survey, and file a copy of the same in the office of the register of deeds in each of said counties.

Sec. 4. That the tax-payers of the said territory herein set out and annexed to Columbus county shall be liable for their proportionate share of the public debt of Bladen county: Provided, The same does not exceed one-half of one per centum, to be levied and collected on the uniform value of the property of Bladen county, and shall be levied and collected within twelve months from the ratification of this act.

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

Ratified the 28th day of February, 1873.
CHAPTER XCVIII.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS TO MAKE CERTAIN WATER COURSES LAWFUL FENCES.

Section 1. The General Assembly of North Carolina do enact, That any five electors, residents of the same county, may apply to the county commissioners in their respective counties, at any regular meeting of the same, by written petition, praying that any water course, or any part of any water course in their respective counties may be made a lawful fence.

Sec. 2. Notice of such petition shall be posted forty days at the court-house door, by the clerk of the board, before such petition shall be acted upon.

Sec. 3. Upon the hearing of such petition, the county commissioners, who shall hear the same, are hereby authorized and empowered to declare any water course or any part of any water course to which the petition applies a lawful fence.

Sec. 4. Any order made under section three of this act shall be made of record and signed by the chairman, and may be rescinded at any time by the board of county commissioners, at any regular meeting.

Sec. 5. The several acts of the General Assembly here-tofore passed and ratified, declaring certain water courses in part or in whole, lawful fences, are hereby so far repealed as to enable, authorize and empower the county commissioners in their respective counties to declare any of such acts null and void, by an order of theirs, which shall be of record, and signed by the chairman.

Sec. 6. This act shall be in force from and after May first, one thousand eight hundred and seventy-three.

Ratified the 28th day of February, 1873.
CHAPTER XCIX.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF PITTCOUNTY TO LEVY A SPECIAL TAX.

Section 1. The General Assembly of North Carolina do enact, That the commissioners of the county of Pitt be and they are hereby authorized to levy a special tax for the years one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, not to exceed in either year the sum of six thousand dollars, to be appropriated to the payment of the outstanding debt of the said county; and that the said taxes be collected by the sheriff at the same time and in the same manner as the regular taxes, and accounted for to the treasurer of the county as the regular taxes are accounted for; and that the county commissioners of said county shall cause said sheriff and treasurer to enter into additional bonds for double the amount of taxes levied under this act, and that the equation between the poll and property be observed.

Sec. 2. That in the payment of the said debt with the taxes collected under this act, the claims against the county shall be paid according to their date, and the county commissioners shall, within (30) thirty days after the passage of this act, advertise for those to whom the county is indebted to present their claims, and when the claims are so presented, the county commissioners shall, in a book for the purpose, make a record of the same, together with their dates; and the said claims shall be paid in accordance with their dates, as it appears in said book, and the oldest first continually: Provided, That the county commissioners are not to enter any claim or claims upon the aforesaid record until they have audited and passed upon the same as being legal and genuine claims against the county.
Sec. 3. This act shall be in force from and after its ratification.
Ratified the 28th day of February, 1873.

CHAPTER C.

AN ACT TO AMEND SECTION FIVE, CHAPTER ONE, OF AN ACT ENTITLED AN ACT TO PROVIDE THE PROCEDURE IN SPECIAL PROCEEDINGS GENERALLY; AND IN APPLICATION FOR WIDOWS' YEAR'S SUPPORT, AND IN DOWER, BEING CHAPTER NINETY-THREE OF THE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT AND ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE, AND FOR OTHER PURPOSES.

Section 1. The General Assembly of North Carolina do enact, That section five of chapter one of the above recited act be amended as follows, viz: Strike out in the first line all after the word, "judgment," except "in a."

Sec. 2. Be it further enacted, That all judgments in civil actions, which have been rendered heretofore, and which have not been authenticated by the signature of the judge, but in all other respects regular, be, and the same are, together with all processes issued to enforce the same, hereby declared regular and complete.

Sec. 3. This act shall be in force from and after its ratification.
Ratified the 28th day of February, 1873.
CHAPTER CI.

AN ACT TO AUTHORIZE THE IMPRISONMENT OF PERSONS CONVICTED IN THE UNITED STATES COURTS IN NORTH CAROLINA IN THE PENITENTIARY OF THE STATE.

Section 1. The General Assembly of North Carolina do enact, That when after the ratification of this act, any person shall be convicted in any court of the United States, sitting in North Carolina, of any offence, the punishment of which shall be imprisonment in the penitentiary, it shall be competent for the said court to imprison the said convict in the penitentiary of this State.

Sec. 2. That the person or persons having the penitentiary of the State in charge shall receive the said convicts, and keep him or them, as in case of other prisoners, till the expiration of his or their sentence.

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

Ratified the 28th day of February, 1873.

CHAPTER CII.

AN ACT TO ALLOW THE COUNTY COMMISSIONERS OF TRANSYLVANIA TO LEVY A SPECIAL TAX.

Section 1. The General Assembly of North Carolina do enact, That the county commissioners of Transylvania county be allowed to levy a special tax for the purpose of building a court-house in the town of Brevard, said tax to be payable in three equal annual installments: Provided, That the tax on polls shall be equal to the tax levied on three hundred dollars' worth of property.
Sec. 2. That the propriety of said tax shall be submitted to a vote of the people of said county by an election to be held in the same manner with elections for members of the General Assembly.

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

Ratified the 28th day of February, 1873.

CHAPTER CIII.

AN ACT TO REPEAL SECTIONS SIX, SEVEN, EIGHT AND NINE, AND TO AMEND SECTIONS TEN AND ELEVEN OF CHAPTER TWO, REVISED CODE, ENTITLED AGRICULTURE AND GEOLOGY.

Whereas, The agricultural society, known as the People's Agricultural and Mechanical Society, incorporated under the general incorporation act, and in which the counties of Catawba, Burke, Caldwell and Alexander are immediately interested, is deprived of any of the benefits of chapter two of the Revised Code, etc.; therefore,

SECTION 1. The General Assembly of North Carolina do enact, That the People's Agricultural and Mechanical Society, made up and maintained mostly by the citizens of Catawba, Burke, Caldwell and Alexander counties, shall, on complying with the provisions of chapter two, Revised Code, except said provisions conflict with the provisions of this act, be entitled to all the benefits of said chapter: Provided, That the sum drawn from the treasury shall be that allowed under said chapter for three counties only each year.

Sec. 2. That said society shall not be restricted so as to prevent it from paying premiums outside of the limits of said counties.

Sec. 3. That the fairs shall be held where they are now held.
held, it being near the corners of the four above-named counties.

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

Ratified the 28th day of February, 1873.

CHAPTER CIV.

AN ACT TO CURE ANY IRREGULARITIES THAT MAY EXIST IN THE TITLE TO CERTAIN LANDS IN MACON AND CLAY COUNTIES.

Preamble.

Whereas, Prior to, and pending the passage of an act to annex a portion of Macon to Clay county at the session of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, a number of entries of vacant lands were made in the territory of Macon county; and whereas, fears are entertained that trouble may arise therefrom, now, in order to correct any irregularities that may have occurred,

Section 1. The General Assembly of North Carolina do enact, That all State grants which may have issued or which may hereafter be issued upon surveys of lands entered and located in pursuance of law, in that portion of Macon county which was annexed to Clay county at the sessions one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two under the circumstances recited in the above preamble, shall be as good and valid in all respects as if the said act annexing a portion of the territory of Macon to Clay had never been passed.

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

Ratified the 28th day of February, 1873.
CHAPTER CV.

AN ACT AMENDATORY OF AN ACT ENTITLED, "AN ACT TO LAY OFF THE HOMESTEAD AND PERSONAL PROPERTY EXEMPTIONS," RATIFIED SEVENTH DAY OF APRIL, ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE.

Section 1. The General Assembly of North Carolina do enact, That an act entitled an act to lay off the homestead and personal property exemption be amended by adding the following proviso to section twenty-four of said act:

Provided, That where any person has had his homestead laid off in accordance with the provisions of sections two and three of the above recited act, the said homestead shall not thereafter be vacated, set aside or again laid off by any other judgment creditors for whom a levy shall be made, except for fraud, complicity or other irregularity.

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

Ratified the 28th day of February, 1873.

CHAPTER CVI.

AN ACT IN REGARD TO THE TERMS OF THE COURTS IN THE COUNTY OF CRAVEN.

Section 1. The General Assembly of North Carolina do enact, That there shall be four regular terms of the Superior Courts of the county of Craven, in each year, to be held for two weeks, unless the business be sooner disposed of; and that the time for holding said courts shall be as follows, viz.: Two terms at the time now established by law, and two terms on the seventeenth Monday after the fourth Monday in August and February: Provided, That all
original and final process in civil actions shall be made returnable to the terms commencing at the times now established by law.

Sec. 2. That the judge holding said additional terms herein provided for, and the solicitor attending the same, shall be allowed the same additional compensation for their services, to be paid in like manner as they would be if the said terms were special terms.

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

Ratified the 28th day of February, 1873.

CHAPTER CVII.

AN ACT TO PREVENT THE OBSTRUCTING OF NATURAL WATER PASSAGES BY WILFULLY FELLING TREES THEREIN OR OTHERWISE.

Section 1. The General Assembly of North Carolina do enact, That if any person shall wilfully fell any tree, or wilfully put any obstruction except for the purposes of utilizing water as a motive power, in any branch, creek or other natural passage for water, whereby the natural flow of water through such passage is lessened or retarded, or whereby the navigation of such course by any raft or flat may be impeded, delayed or prevented, the person so offending shall be guilty of a misdemeanor, and on conviction shall be fined not to exceed fifty dollars, or imprisoned not to exceed thirty days.

Sec. 2. Nothing contained in this act shall prevent the erection of fish dams or hedges which do not extend across more than two-thirds of the width of any stream where erected, but if extending over more than two-thirds of the
width of any stream, the penalties in section one of this act shall attach.

Sec. 3. This act shall be in force on and after July first, When to be in
one thousand eight hundred and seventy-three.
Ratified the 28th day of February, 1873.

CHAPTER CVIII.

AN ACT TO AMEND SECTION ONE, CHAPTER ONE HUNDRED AND THIRTY-NINE, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE, RELATIVE TO FEES OF COUNTY OFFICERS AND THE SUPREME COURT CLERK.

Section 1. The General Assembly of North Carolina do enact, That the county commissioners of their respective counties shall receive such per diem, not exceeding two (2) dollars, as a majority of any board may fix upon, and they may be allowed mileage to and from their respective places of meeting, not to exceed five cents per mile.
Ratified the 28th day of February, 1873.

CHAPTER CIX.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF MECKLENBURG COUNTY TO SELL THE STOCKS OF SAID COUNTY, AND FOR OTHER PURPOSES.

Section 1. The General Assembly of North Carolina do enact, That the commissioners of Mecklenburg county be invested with full power and authority to sell, transfer, exchange or dispose of in any way that they may deem
best for the interest of said county, all stocks held by said county, or by the commissioners in trust for said county, in the Wilmington, Charlotte and Rutherford Railroad Company, the Atlanta and Richmond Air-Line Railway Company, and the Atlantic, Tennessee and Ohio Railroad Company of North Carolina, or in any other railroad company by whatever name it be known.

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

Ratified the 28th day of February, 1873.

CHAPTER CX.

AN ACT TO AUTHORIZE THE TOWN COMMISSIONERS IN THE TOWN OF MURFREESBORO, COUNTY OF HERTFORD, TO LEVY TAXES.

Section 1. The General Assembly of North Carolina do enact, That for the purpose of working, improving and keeping in repair the streets and sidewalks in the town of Murfreesboro, county of Hertford, the commissioners of said incorporated town are hereby authorized and empowered to levy annually a tax upon all real and personal property, and each taxable poll within the limits of said corporation: Provided, Such tax shall not exceed twenty-five cents on the one hundred dollars' worth of taxable property: Provided further, That in levying the same the constitutional equation between the property and poll shall be observed.

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

Ratified the 28th day of February, 1873.
CHAPTER CXI.

AN ACT TO AUTHORIZE AND EMPOWER THE COMMISSIONERS OF YADKIN COUNTY TO LEVY A SPECIAL TAX.

SECTION 1. The General Assembly of North Carolina do, enacting, That the commissioners of Yadkin county are hereby authorized and empowered to levy a special tax on all real and personal property and polls now taxed by law for general county purposes; said tax to be levied and collected when the regular tax is collected.

Sec. 2. That no tax shall be collected under this act until the same shall have been ratified by a majority of the qualified voters, voting at an election to be held under the direction of the county commissioners: Provided, That in levying said tax the constitutional equation between the poll and property shall be observed; and provided further, That said tax shall not exceed annually twenty-five cents on the hundred dollars valuation of real and personal property, and seventy-five cents on the poll.

Sec. 3. That the tax levied and collected under the provisions of this act shall be paid out pro rata on the legal indebtedness of the county.

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

Ratified the 28th day February, 1873.

CHAPTER CXII.

AN ACT IN RELATION TO TOWN LOTS AND TOWN PROPERTY.

SECTION 1. The General Assembly of North Carolina do enact, That the mayor and a majority of the commissioners of any incorporated city, town or village in the State
shall have power at all times to sell at public outcry, (after thirty days' notice,) to the highest bidder, any properly, real or personal, belonging to any such incorporated place, and apply the means as they may think best.

Sec. 2. In any town or village not incorporated, or where there is no mayor or commissioners, the county commissioners shall have the power given in section one of this act.

Sec. 3. The mayor of any village, town or city, or the chairman of any board of commissioners, town or county, is fully authorized to make title to any property sold under this act.

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

Ratified the 28th day of February, 1873.

CHAPTER CXIII.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF MECKLENBURG COUNTY TO SELL THE PRESENT JAIL, AND FOR OTHER PURPOSES.

Section 1. The General Assembly of North Carolina do enact, That the commissioners of Mecklenburg county are hereby empowered and authorized to sell and convey the present jail and lot or lots upon which it is situated, and to purchase a new site and erect a new jail and other buildings, as in their discretion may be necessary there-upon.

Sec. 2. That said commissioners shall have power to levy a special tax on all subjects now taxable, to carry out the purposes of section one of this act: Provided, Said tax shall not exceed one-fourth of one per centum
on the one hundred dollars valuation, and that the constitutional equation be observed.

Sec. 3. That the sheriff or other officers be required to collect the said tax upon such terms and under like penalties as other taxes are collected.

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

Ratified the 28th day of February, 1873.

CHAPTER CXIV.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF BEAUFORT COUNTY TO LEVY A SPECIAL TAX.

Section 1. The General Assembly of North Carolina do enact, That the county commissioners of Beaufort county are hereby authorized to levy a special tax, not to exceed seven thousand dollars, ($7,000,) to pay a deficiency and support the poor: Provided, That the said commissioners in levying said taxes on property shall at the same time levy a tax on the poll, which shall be equal to the tax on property valued at three hundred dollars, to be applied for the purposes specified in this act.

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

Ratified the 28th day of February, 1873.
CHAPTER CXV.

AN ACT TO PROVIDE FOR THE COLLECTION OF TAXES BY THE STATE AND THE SEVERAL COUNTIES OF THE STATE ON PROPERTY, POLLS AND INCOME, (KNOWN AS THE MACHINERY ACT.)

Section 1. Valuation of Lands, when to be made:

The General Assembly of North Carolina do enact, The township board of trustees shall list the lands of the State, and re-value the same for the year one thousand eight hundred and seventy-three, subject to exception hereinafter made, and shall assess all the personal property in their township that is not exempt by this act, at the cash value, on the first day of April, one thousand eight hundred and seventy-three, and on the same day annually thereafter, and for such services shall be allowed not more than ten dollars each, annually, except in townships where cities and towns are located, and in that case such compensation as the commissioners of such county may allow. Whenever no legal board of trustees shall exist in any township, the county commissioners of such county, at a meeting to be held thirty days after the ratification of this act, shall appoint in every such township three assessors, qualified to serve as jurors, two of whom shall be owners of real estate in the county, who shall constitute boards of trustees for the township, for the purpose of performing all the duties of a regular board of trustees required to be performed by this act. Said board shall be entitled to the same per diem as the regular board of trustees.

Sec. 2. Meaning of the words "lands and real property" in this act:

The words "land and real property" shall be construed in this act to include not only the soil, but all buildings
and erections thereon, all rights and franchises appurtenant thereto, and all mines or minerals on or under the surface.

Sec. 3. Board shall be notified:

The county commissioner, by their clerk, shall give to the township boards, previous to the fifteenth day of March, a notice to list the taxable lands and assessments of personal property according to the first section of this act, together with the proper blanks for the same: Provided, That ten days' notice after the reception of a copy of this act shall be allowed to the commissioners of the several counties of the State to give said notice for this year.

Sec. 4. Board to advertise in their townships:

The board shall advertise in three or more public places within their township within ten days after they have been notified by the county commissioners, as provided for in section three.

Sec. 5. When the list is to be given in:

The list shall be given in by the person charged or his agent, within twenty days after due notice given, as herein prescribed. The property of a corporation shall be given in by the president, cashier, treasurer or other person appointed for that purpose.

Sec. 6. Real property and farming stock, &c., shall be given in where situated on the first day of April:

All real property and all stock, farming utensils and other personal property used in connection with the cultivation of a farm subject to taxation shall be given in in the township in which said property is situated on the first day of April, and where, the line of any township runs through any resident's land, the same shall be listed in the township of such resident.
SEC. 7. All other property and polls to be given in where taxpayers reside on the first day of April:

All other personal property whatever, including moneys, credits, investments in bonds, stocks, joint stock companies or otherwise, and all taxable polls, and all other subjects liable to taxation, except such franchise and personal property as are herein specially provided for, shall be given in in the township in which the person so charged resides on the first day of April. The residence of a corporation, partnership or joint stock association, for the purpose of this act, shall be deemed to be in the township in which its principal office or place of business is situated; if, however, the corporation, partnership or association have separate places of business in more than one township, it shall be given in in each, the property or effects therein, but any body of lands belonging to persons or a corporation, partnership or association, and divided by township lines, shall be given in in that township in which the larger part thereof is situated.

SEC. 8. Tax-payer to give in list of his property:

At the time and place appointed by the board the taxpayers shall attend, and the board shall read over to each one, giving in his list, all the articles and subjects of taxation, and thereupon he shall render to the board his or her list of taxables, at the same time taking the following oath: I, A B, do solemnly swear (or affirm) that I have rendered a true and full statement of all subjects of taxation which I, in my own right, or as agent of or in trust for any other person and in any other capacity, am by law required to list for taxation, according to my best knowledge, information and belief; so help me God.

SEC. 9. What the list shall contain:

The list shall state the taxable property of the person giving in, and shall refer to the first day of April in that year:
1st. The quantity of land listed in the township. The land shall be described by name, if it has one, otherwise in such way that it may be identified, and shall be valued at a fair cash value, estimated at the price it would bring at a fair voluntary sale.

2d. The number of horses, mules, jacks, jennets, goats, cattle, hogs and sheep, separately, and the value thereof, and they shall be valued at their fair cash value, estimated at the price they would bring at a fair voluntary sale.

3d. The estimated value above one hundred dollars, without specifying the articles of farming utensils, tools of mechanics, household and kitchen furniture, provisions, arms for muster, wearing apparel for use of owner and family, libraries and scientific instruments.

4th. Money on hand or on deposit in any bank in or out of the State, including therein all funds invested within thirty days before, in United States bonds, national bank stock, or other non-tax paying property whatsoever, with the intent to evade the payment of State, county or other taxes.

5th. The amount of solvent credits owing to the party, whether in or out of the State, whether owing by bond, note, bill of exchange, open account, or due and payable, or whether owing by any government, except bonds of this State or the United States, exempt from taxation by law, except rent accruing for the current year for the hire of taxable property. If any credit be regarded as not entirely solvent, it shall be given in at its estimated value; the party may deduct from the amount of debts owing to him the amount owing by him, the residue only shall be liable to taxation.

6th. Stocks in any incorporated company or joint stock association, and their estimated value; but the stock shall not be taxed if the company pay a tax.

7th. All other personal property whatever, including other property, therein all musical instruments, plated and silverware,
and the watches and jewelry possessed by the party, his wife or any minor child.

8th. The income of the party for the twelve months next preceding the first day of April in the current year, with a statement of the source or sources from which it was derived. From the amount of the income, five hundred dollars shall be deducted, and also the amount derived from any trade, purchase or possession taxed by the laws of this State.

9th. If the party be a non-resident of the county, and owns land therein, it shall state its address, and may name any agent in the county to whom notices may be given respecting his taxes.

Sec. 10. Guardians, executors, etc., to give in separately:

Every guardian, executor, administrator or trustee shall in like manner, but on a separate list, give in the property held by him in that capacity, the value of the franchise of every railroad, canal, turnpike, plank road, navigation and banking company shall be given in by the president or chief officer of the said several corporations on the day fixed by this act for the giving in of the taxable property to the Treasurer of the State, and shall be assessed by the said Treasurer, the Auditor and the Governor of the State; and their valuation shall be returned to the county commissioners of any county in which any part of said roads or canals or navigation work shall be, and the tax upon such franchise so valued shall be the same as upon property of equal value; and the tax collected in each county and township shall be in proportion to the length of such road, canal or works lying in such county or township respectively; and such taxes shall be collected as other taxes are required by law to be. The rolling stock of every railroad company, and the vessels employed by any canal or navigation company, on its canals or works, shall be valued with the franchise.
Sec. 11. What property exempt from taxation:

1. The property belonging to the United States or this State, or to any county or incorporated town.

2. The property belonging to and set apart, and exclusively used for the University, colleges, institutes, academies, the masonic fraternity, order of Odd Fellows, Knights of Pythias, Good Templars and Friend of Temperance, schools for the education of the youth or support of the poor and afflicted, such property as may be set apart for, and appropriated to the exercise of divine worship or the propagation of the gospel, or used as parsonages, the same being the property of any religious denomination or society: Provided, That said exemption shall not extend to more than twenty acres of land if the excess over twenty acres is of value exceeding one thousand dollars.

3. Such property as may be set apart for graveyards or burial lots, except such as are held with a view to profit, or for the purpose of speculating in the sale thereof.

4. Such property of the State and county agricultural societies as may be set apart and used by them for agricultural fairs.

5. Arms for muster, wearing apparel and provisions for the use of the owner and his family, household and kitchen furniture, mechanical and agricultural implements of mechanics and farmers, libraries and scientific instruments, not exceeding in aggregate value one hundred dollars: Provided, That the exemption from taxation shall not exceed one hundred dollars in favor of any individual tax-payer.

6. If any township board of trustees in any county of the State shall fail to allow the exemptions prescribed in the last preceding sub-division, or shall knowingly allow tax-payers more than is exempted in said section, the members of said board concurring in said action shall be each personally guilty of a misdemeanor, and, on
conviction, shall be punished in the discretion of the court.

Sec. 12. The lists to refer to the first day of April:

The lists shall refer to the first day of April of the year in which they are given, and relate to the quantity, condition and value of the property, and to age of the party in reference to his liability to a poll tax on that day.

Sec. 13. How the property shall be valued:

In the year prescribed for the valuation of the lands, the board shall affix to the description of each piece of land its true value in money on the first day of April in that year, as hereinbefore prescribed, and this value, unless altered as herein prescribed, shall be annually fixed to that land until a new valuation is made. They shall in every year value the personal property at its true value. The valuation found by them they shall affix to every species of property particularized in section nine of this act. If any person liable to be charged with taxes shall refuse to answer any question respecting his taxable property, he shall be guilty of a misdemeanor, and, on conviction, liable to be punished by fine or imprisonment, and it shall be the duty of the board to whom the refusal is made, to bind over the offender to appear at the next term of the Superior Court of the county, and to report the fact to the solicitor of the judicial district in order that the offender may be prosecuted. In valuing the property of railroads and other corporations in which the State is a stockholder the whole property shall be valued, but a part of the valuation shall be deducted proportionate to the interest of the State, and the tax levied on the residue only. The tax so levied, when paid by the corporators, shall be charged by the corporation on the individual stockholders only, and when any dividend shall be declared, the dividend to the State shall
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exceed that to individual corporators by the amount of all taxes previously paid. Stocks or shares in incorporated companies shall not be taxed when the property of the company is taxed.

Sec. 14. Auditor to provide forms, and sheriffs to distribute to boards of trustees:

The Auditor of the State shall prepare a form to be used in listing property for taxation, and each year shall furnish the sheriff of each county, on or before the fifteenth day of March, with a sufficient number of printed copies, bound in book form with pasteboard backs, and the sheriff shall deliver to the board of each township a sufficient number of such forms for their use.

Sec. 15. Board to make an abstract of their tax lists:

The board shall make an abstract of the tax lists given in to them according to form, to be furnished by the Auditor of the State, and shall, on or before the first Monday in May in each year, return such abstract and the tax lists to the clerk of the commissioners. They shall also return a list of all property in the township if not given in for taxation, with a description and valuation thereof made by the board, and the names of the occupant and the supposed owner, and a list of the taxable polls of the township not given in for taxation. The returns so made shall be open to the inspection of all persons interested, and the clerk shall give to any persons desiring it a copy of so much thereof as relates to his property, on paying a fee of ten cents.

Sec. 16. County Commissioners to revise lists, when:

The county commissioners of each county, by notice in newspapers, or by posters put up, shall meet on the third Monday in May and revise the tax lists and valuation reported to them, and complete the lists, by computing the tax payable by each person, and affixing the same oppo-
sit his name. They shall sit for three days at least, and when necessary shall sit until the revision is complete; and shall hear all persons objecting to the valuation of their property, or to the amount of tax charged against them. They shall have power to summon and examine witnesses, and shall correct the abstract of the township board as may be right and just, and so that the valuation of similar property throughout the county shall be as near uniform as possible. They shall have power to raise the valuation upon such property as they shall deem unreasonably low. The county commissioners, on the prescribed oath, may take the list of any person applying to list his taxables at any meeting of the commissioners held on or before the first Monday in July, upon his paying the clerk twenty-five cents for recording the same. The commissioners shall ascertain the value of their property by the examination of witnesses or otherwise, and insert it in the abstract; and without satisfactory excuse they shall add to the tax of the person so allowed to give in five per centum on the regular amount of his tax for that year.

Sec. 17. How complaints of excess proceeded with:

If any person shall complain before the commissioners that his property, either real or personal, has been improperly valued, or that he is charged with an excessive tax, he shall present his claim in writing, and they shall hear any evidence adduced by him, and shall summon and examine any witnesses necessary for a just decision of the question. If they decide against the complainant, they shall also give judgment against him for the costs of the investigation, but if the county commissioners shall find that he has cause for complaint, they shall direct their clerk to render a true account thereof, and the account thus rendered, certified by the clerk, shall be re-
turned to the Auditor, who shall credit the sheriff with the overcharge in his settlement of that year.

Sec. 18.

If the application for relief be made to the commissioners after the sheriff shall have settled the accounts with the Auditor, the commissioners shall carefully examine the case, and if, in their opinion, the applicant is entitled to relief, shall direct the clerk to record, on the record book, the cause of complaint, and the amount which, in the opinion of the commissioners, should be refunded to the applicant. The clerk shall make out a copy of such record, certify the same under the seal of the commissioners, and deliver to the applicant, who shall pay to the clerk a fee of fifty cents. Such copy then shall be transmitted to the Auditor of the State, who, on finding the proceedings in conformity with the requirements of this order, shall issue a warrant on the Treasurer of the State for the amount specified. The Treasurer shall, on presentation of such warrant, pay to the holder of the same the amount to be refunded.

Sec. 19. Persons not giving in to be charged with double tax and be deemed guilty of a misdemeanor:

The county commissioners shall insert in the abstract of the tax list for each township the description and valuation of all property not given in, with the name of the person supposed to be liable for the taxes thereon, and the names of all persons in each township liable for a poll tax who failed to give themselves in, and shall charge all such persons with double the tax with which they would otherwise be chargeable, unless satisfactory excuse therefor be rendered; and all persons who are liable for a poll tax and shall wilfully fail to give themselves in, and all persons who own property and wilfully fail to list it within the time allowed, before the list-taker and the county commissioners, shall be deemed guilty of a misdemeanor,
and on conviction therefor shall be fined not more than fifty dollars, or imprisoned not more than thirty days.

Sec. 20. The county commissioners may exempt from poll tax:

The county commissioners shall have power to exempt any person from the payment of a poll tax on account of poverty and infirmity, and the clerk shall deliver to the sheriff a list of all persons so exempted, with the amount of taxes charged against them, and the sheriff shall be entitled to a deduction for such taxes in any settlement he may be required to make.

Sec. 21. Copies of revised tax list, how distributed:

The county commissioners shall cause to be made out two copies of the tax lists of each township, as revised and settled by them according to a form to be furnished to them by the Auditor of the State. Such form shall show in different columns the amount due by each taxpayer to the State and to the county; one of said copies shall remain in the office of the clerk of the commissioners, the others shall be delivered to the sheriff or tax collector on or before the first Monday in July in each year, and he shall receipt for the same. The clerk shall indorse on the copies given to the sheriff an order to collect the taxes therein mentioned, and such order shall have the force and effect of a judgment and execution against the property of the person charged in such list. In such list the clerk shall note all appeals from the judgment of the commissioners which have been perfected by the giving of bond as prescribed.

Sec. 22.

The clerk of the commissioners on or before the first Monday in September after the lists are returned, shall return to the Auditor an abstract of the same, showing the number of acres of land and their value, and the value of town lots, and the number of white and colored
polls separately, and specify every other subject of taxation and the amount as State and county tax paid on each subject and the amount paid on the whole. At the same time the clerk shall return the Auditor an abstract of the lists of the poor, county and school taxes paid in his county, setting forth separately the tax levied on each poll and on each one hundred dollars value of real property for each purpose, and also the gross amount of taxes of every kind levied for county purposes.

Sec. 23. If any clerk shall make a default of any of the duties prescribed in the preceding section, or shall fail to deliver to the Auditor a copy of the sheriff's return, made, sworn to and subscribed as required in section thirty-three of this act, he shall forfeit and pay to the State one thousand dollars, to be recovered against him and the sureties of his bond in the Superior Court of Wake county, at the term next after the default, on motion of the State solicitor, and it shall be the duty of the Auditor to inform the solicitor of such default.

Sec. 24. In case land be divided, how tax may be apportioned:

In case, within the interval between two regular periods for the valuation of land or real property, any piece of land or real property shall become divided in ownership, either by partition or a sale of a portion thereof, or otherwise, either of the part owners, may at any time, upon five days' notice to the other part owners, apply to the township board of trustees for an apportionment of valuation, which shall be allowed as may be just, and all persons having tax lists are required to amend the same according to the judgment of said board, on the production of a certified copy thereof: Provided, That no amendment made after a tax on the land has become due shall operate to affect that tax.
Sec. 25. If valuation altered, when:

If after listing of any real or personal property, and before the tax thereon shall become due, the property shall become destroyed or depreciated over twenty-five per centum on its assessed value, otherwise than by act of the owner, the party charged may apply to the county commissioners, and upon proper proof, may have the valuation reduced, and the board of trustees shall thereupon immediately furnish to the clerk of the county commissioners, as well as the party, a certified copy of their order in the premises, or the party may apply to the county commissioners, who shall make the proper order in relation thereto. If the property was insured, the amount of the insurance shall in such case be considered in altering the valuation. In like manner if property shall have increased twenty-five per centum over its assessed taxable value, the sheriff of the county upon ten days' notice to the owner, may apply to the board of trustees to alter the valuation of the property, and upon proper proof they shall do so; but the valuation shall not be altered if the appreciation has occurred in consequence of improvement made on the property by draining, clearing, building or the like.

Sec. 26. When taxes may be paid, when due:

All taxes shall be due on the first Monday of July in each year. When paid, the sheriff or tax collector shall note on the tax list against the name of the party the date of payment and the amount paid; he shall also give a receipt to the parties, stating the amount of the State and county tax separately, and the date of payment: Provided, The sheriff shall not collect the taxes for any year until he shall have settled in full with the State and county treasurers for the taxes of the previous year, (if he was the sheriff or tax collector). Before receiving the tax lists he shall produce the receipts of the State and county treasurer (if he was the sheriff for the
previous year, to the clerk of the county commissioners, and in the event the sheriff fail to produce the aforesaid receipt, the county commissioners shall appoint a tax collector who shall give bond as required by the sheriff to faithfully collect and pay over the taxes according to law. When the sheriff shall collect by his deputies who are not sworn, or other such persons, they shall, before the clerk of the board of commissioners, or before a justice of the peace of the county, take and subscribe an oath faithfully and honestly to account for the same with the sheriff or other person authorized to receive them. Said oath shall be filed and kept on the docket of the county board, and for failure of any deputy sheriff to pay over such tax as he may collect, he shall be guilty of a misdemeanor.

Sec. 27.

The sheriff or his deputy shall attend at the court-house or his office in the county town, during the months of August and September, for the purpose of receiving taxes; he shall also in like manner attend at least one day during the months of July and October, at some one or more places in each township, of which twelve days' notice shall be given by advertisement at three or more public places: Provided, That nothing in this section shall be construed to prevent the collecting officer from levying and selling after the first day of October, but he shall not sell before that day.

Sec. 28. How sheriff to collect:

Whenever the taxes shall be due and unpaid, the sheriff shall immediately proceed to collect them as follows:

1. If the party charged have personal property of a value equal to the tax charged against him, the sheriff shall seize and sell the same, as he is required to sell other property under execution.
2. And before sale of land no insolvent taxables shall be credited to the sheriff in the settlement with the Auditor, but such as shall be allowed by the county commissioners, a list whereof containing the names and amounts and subscribed by the sheriffs, he shall return to county commissioners before said settlement, and the same shall be allowed only on his making oath that he has been at the dwelling house or usual place of abode of each of the tax-payers, and could not there or elsewhere in the county find property wherewith to discharge his taxes, or such part thereof as is returned unpaid, and that the persons contained in the lists were insolvent at and during the time when, by law, he ought to have endeavored to collect the taxes; such list shall be recorded in commissioners' docket, and a copy thereof shall be returned to the Auditor of the State on or before the day of settlement of the sheriff with the Treasurer.

3. If the party charged has not personal property to be found in the county of sufficient value, the sheriff shall levy upon the lands of the delinquent, or any part thereof; said sheriff shall return a list of said levy to the clerk of the Superior Court, who shall enter the same in a book to be kept for the purpose, charging therefor ten cents for each levy; the sheriff shall notify the delinquent of such levy and of the day and place of sale by service of a notice, stating those particulars, on him personally. If the delinquent cannot by reasonable diligence be found in the county, but has a known agent therein, and his own address is known, or can by reasonable diligence be ascertained, the notice shall be delivered to such agent, and shall be mailed, post-paid, to the delinquent. If the delinquent has no known agent in the county, or his address cannot with reasonable diligence be ascertained, the sheriff shall publish a notice substantially as above described at the court-house door and two other public places, and also in some newspaper published in the county where the land is situated, and if
there be no newspaper published in the county, then in the nearest newspaper. The notice shall be served or published as aforesaid at thirty days before the sale of the land; the sale shall be made at the court-house of the county in which the land lies, and shall be on one of the days prescribed for sale under execution, and shall be conducted in all respects as sales under execution are; if the delinquent resides out of the county, and his address be known, the sheriff, within one month after the sale, shall mail to him notice of the sale and date thereof, of the name and address of the purchaser, of the sum bid, and of the amount of taxes and costs to be paid by him as a condition of his redemption. If any person liable for taxes, not having property in the county where such taxes are due, shall have property in any other county, or shall remove from his county after the day of listing, or carrying his property therefrom, the collecting officer shall return the fact to the board of commissioners of the county who shall, through their clerk, make an abstract of the same under their corporate seal, which abstract shall have the force of a tax list regularly indorsed for collection in any county of the State. The collecting officer shall forward the same to the proper collecting officer of the county where the person or property may be, who shall collect the amount due thereon with ten per cent. added, which percentage he may retain to his own use, the residue to be forwarded immediately to the officer from whom he received it, to be accounted for as other public taxes. It shall be the duty of the officer to whom such abstract shall be forwarded to make return of his action on the same within thirty days, and said abstract, or a duly certified copy, may be sent for collection to the same or any other county, until the amount due shall be collected.

4th. It is expressly declared that the lands of a minor, lunatic, or person non compositus intellectus, shall in no case be liable to be sold for taxes; but should any guardian of
the estate of such person not pay the taxes on the property of such person, when due, the tax list in the hands of the sheriff, charging him as guardian, shall be an execution, to be satisfied out of his individual property, or out of the personal property of such ward.

Sec. 29. **Who is to be purchaser and what he shall pay:**

The whole tract or contiguous body of land belonging to a delinquent person or company shall be set up for sale at the same time, and the bid shall be struck off to him who will pay the amount of taxes, with all the expenses, for the smallest part of the land.

Sec. 30.

If no one will on sale offer to pay the amount of taxes and charges for a less number of acres than the whole number of acres in said tract, then the sheriff shall bid off the property for the State, and upon proving the fact and tendering to the Auditor of the State a deed to the State for the property, duly registered in the county in which it lies, shall have credit for the amount of such tax and charges. The deed shall be deposited without delay by the Auditor with the Secretary of State. The property so purchased by the State shall be under the control of the board of education, but may be redeemed as hereinafter prescribed.

Sec. 31. **The delinquent may redeem the property within twelve months:**

The delinquent may retain the possession of the property for twelve months after the sale, and within that time may redeem it by paying or tendering to the purchaser the amount paid by him, and twenty-five per centum in addition thereto. If the purchaser shall accept the sum so tendered, he shall give a receipt therefor. If he shall refuse, the delinquent may pay the same to the clerk of the Superior Court, for the use of the purchaser.
and the clerk shall give a receipt therefor. Such payment shall be equivalent to payment to the purchaser. The delinquent may cause the receipt of the purchaser or of the clerk to be registered, and the register of deeds shall refer to such registration on the margin of his registration of the receipts from the sheriff to the purchaser. After the payment to the purchaser, or to the clerk for his use, as aforesaid, his right under the purchaser shall cease. No sale of property by the purchaser or by the delinquent within twelve months shall convey to their respective vendees any rights or estates than the parties themselves possess.

Sec. 32. If the delinquent shall fail to redeem:

If the delinquent shall fail to redeem as prescribed in the preceding section, the purchaser may, within eighteen months after the purchase, pay to the sheriff the residue of the sum bid by him, together with the interest thereon, at the rate of one per centum per month, from the expiration of the twelve months next succeeding the sale to the day of payment, and demand a deed. The sheriff shall receive the money for the use of the delinquent and make the deed. The sheriff shall be entitled to retain from the money so paid, for his trouble in the premises, two dollars, and the residue he shall pay to the delinquent on demand. The deed from the sheriff to the purchaser shall be registered within six months, and when so registered shall convey to the grantee therein all the estate in the premises which the delinquent had at the time of the sale for taxes.

Sec. 33.

In case the State becomes the purchaser, under section thirty, then within twelve months after the sale the delinquent may pay to the county treasurer the county taxes due, with twenty-five per centum added thereto, and to the Public Treasurer the State tax due, and twenty-five
per centum added thereto, together with the costs allowed the sheriffs in the settlement under sub-division three, section thirty-six, of this act, and upon presentation of the several receipts of those officers respectively to the Secretary of State, that officer shall indorse upon the deed conveying the property to the State these words; "Taxes and costs paid, delinquent restored to his rights," and sign the said indorsement, annexing the seal of his office thereto, and charging thirty-five cents therefor, and shall deliver deed to delinquent or his agent. And upon presentation of said indorsement to the register of the county where the land lies, he shall enter the same on the margin of that page of the county records in which is registered the deed made to the State by the sheriff, charging fifteen cents therefor; and such indorsement, delivery and registration shall have the effect of reinvesting the delinquent with all his rights in the premises. That the time for redemption of any property heretofore bought by the State is hereby extended until the thirtieth day of November, one thousand eight hundred and seventy-three; that whenever the word delinquent is used in this act, it shall be taken to mean delinquent or his heirs or assigns.

Sec. 34.

Every sheriff shall keep a record of the taxes collected by him from the clerk of the court, and under schedule B of the revenue act, and all forfeitures, arrears from insolvents, double taxes and taxes on unlisted subjects, and on or before the fourth Monday in September shall deliver to the clerk of the county commissioners a statement setting forth all sums received to that date, not previously accounted for, the date of such receipts, the person from whom received, the amount received from such persons, the subjects on which received, and the aggregate amount, accompanied by an affidavit taken and subscribed before the clerk and attested by him that the
statement is correct, and that no receipt has been omitted. And the clerk shall, by the first Monday in October send a duplicate of said statement and affidavit to the Auditor of the State, register the name on a book kept in his office for that purpose, and keep a copy of the same in a conspicuous place in the court-house until the first of January next ensuing.

Sec. 35.

The sheriffs or other accounting officers shall, on or before the first Monday in December in each year, settle their State tax account with the Auditor, and pay the amount for which he is liable to the Treasurer of the State. The Auditor shall forthwith report to the State Treasurer the amount due from each accountant, setting forth therein the net amount due to each fund, and the Treasurer shall open an account against such officer and debit him accordingly. The sheriff, tax collector and other accounting officer, in making his settlement as aforesaid, shall render the Auditor a duplicate of the list required in section thirty-four of this act. In such settlement the sheriff or other officer shall be charged with the amount of public tax as the same appears by the abstract of taxables transmitted to the Auditor, also with all double tax and taxes on unlisted property by him received, and with other tax which he may have collected or for which he is chargeable. The Auditor shall give to each sheriff or tax collector a certified statement embracing the subjects of taxation contained in both lists, and the amount of tax on each subject, which the sheriff or tax collector shall deposit with the clerk of the commissioners of his county for public inspection.

Sec. 36. The Auditor, in making the settlement with the sheriff or tax collector as aforesaid, shall deduct from the lists returned:

1. The amount of taxes charged against any person
whom the clerk of the commissioners shall certify to have appealed from a decision of the commissioners respecting his liability and to have given the bond required: Provided, That the clerk of the court to which the appeal was taken shall certify that it is pending and undecided. The sum so unliquidated shall be carried forward by the Auditor as a charge against the sheriff or tax collector on his next year's account, from year to year, until the decision of the appeal, after which they shall be collected and paid or balanced, if the final decision be in favor of the appellant.

2. All poll tax and taxes on personal property certified by the clerk of the commissioners of the county, by order of the commissioners, to be insolvent and uncollectable.

3. The amount of State tax on land bid off by the State, with the cost attendant on the whole on producing the certificate of the Secretary of State, as is provided for in section thirty of this act. The cost allowed shall be for making the deed, fifty cents; for registering, twenty-five cents; and such other sums as were actually paid out by the sheriff.

4. All over payments made in former settlements by reason of any error in the clerk's abstracts of taxables.

5. Five per centum commission on the amount collected.

Sec. 37. For his settlement with the State Treasurer the sheriff or tax collector shall be paid three dollars for each day he may be necessarily engaged therein at the city of Raleigh, and traveling expenses to and from said city, at the rate of ten cents per mile by the usual route of travel, said compensation and expenses to be paid on the warrant of the Auditor.
Sec. 38.

In every case of failure by the sheriff or other accounting officer to settle his accounts within the time prescribed in this act for such settlement, and to take the oath required on his settlement, and pay the amount due the Treasurer and exhibit his receipt in full to the Auditor, the Auditor shall forthwith report to the Treasurer the account of such sheriff or officer, and furnish him with a copy of the official bond of said officer and his sureties, deducting therefrom nothing for commissions or insolvents, but adding thereto one thousand dollars and ten per centum of the amount of taxes with which said sheriff is charged for the amount of taxes supposed not to appear in the list transmitted by the clerk, and if the whole amount be not paid, the Treasurer, on motion of the solicitor of the sixth judicial district, in the Superior Court of Wake county, before the clerk thereof, within ten days after the default shall have occurred, shall recover judgment against him and his sureties, without other notice than is given by the delinquency of the officer. And to the end that their obligations and names may be known, the clerk of the Superior Court shall, on or before the second Monday in September in each year, transmit to the Auditor a copy, certified under seal of the court, of the bond of the sheriff and his sureties, upon pain, for his default, of forfeiting to the State one thousand dollars, which the Treasurer shall and is hereby specially charged to collect in like manner and at such times as is provided in this section. If the sheriff or other accounting officer shall fraudulently and corruptly fail to account as aforesaid, or shall fraudulently make any deed to the State under section thirty of this act, he shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be sentenced to pay a fine in the discretion of the court and be imprisoned not less than three nor more than twelve months.
Sec. 39. **Sheriffs to pay county taxes, when:**

The sheriff or the tax collector shall pay the county taxes to the county treasurer or other lawful officer. He shall at no time retain in hands over three hundred dollars for a longer time than ten days, under a penalty of ten per centum per month to the county upon all sums so unlawfully retained. On or before the eighth day of January in each year the sheriff shall account with the county treasurer or other lawful officer, for all taxes which have been collected by him for the county during the fiscal year, and on failure to do so, he shall pay to the county treasurer two per centum per month on all sums unpaid, and this shall be continued until final settlement. He shall be charged with the sums appearing by the tax lists as due for the county taxes, and shall be allowed to deduct therefrom in like manner as is prescribed in subdivisions one, two, four and five of section thirty-six of this act, respecting his settlement of State taxes, and also the amount of county tax on land laid off for the State on producing a certificate from the Secretary of State that a deed for the same has been deposited with him: Provided, That this section shall not be construed to repeal chapter sixty-six, laws of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two.

Sec. 40. **County Commissioners to appoint a committee to assist in settlements:**

The county commissioners, at the last regular or other subsequent meeting in each year, shall appoint one or more of their number to be present and assist at the accounting and settlements between the sheriff and county treasurer provided for in the next preceding section, and also to audit and settle the accounts of the county treasurer, and of all other county officers authorized to receive or disburse the county funds. The accounts so audited shall be reported to the county commissioners, and when
Approved by them shall be filed with the clerk and recorded on his book, and shall be prima facie evidence of their correctness, and impeachable only for fraud or specified error.

Sec. 41. Penalty of Sheriff for failing to account:

In case the sheriff of a county shall fail, neglect or refuse to account with the county treasurer and assistant committee as above required, or to pay what may be rightfully found due in such account, he shall forfeit and pay to the State, for the use of the county, a penalty of twenty-five hundred dollars. It shall be the duty of the county treasurer, and if he neglect or refuse to perform it, of the chairman of the county commissioners, to cause an action to be brought in the Superior Court of the county on the bond of the sheriff against him and his sureties, to recover the amount owing by him and the penalty aforesaid; if the sheriff shall fraudulently and corruptly fail to account as aforesaid, he shall be criminally liable thereupon in like manner and with the same penalties imposed for such criminal defalcation in section thirty-eight.

Sec. 42. Other county officers, when to account, and penalty for failure:

In each year the county treasurer shall give five days' notice to all county officers (except the sheriff) authorized to receive and disburse the county funds, to appear at the court-house of the county on a certain day during the first ten days of January before him and the committee appointed by the county commissioners, and present an account of all sums received or disbursed for the county, with their vouchers, and any officer failing to attend and account shall be deemed guilty of a misdemeanor. The accounts when audited shall be reported to the county commissioners at their next meeting, and if approved by them, shall be filed with the clerk and recorded in their
proceedings, together with their approval, and shall be deemed *prima facie* correct.

Sec. 43. Wherever in this act a duty is imposed upon a sheriff of a county for which a tax collector has been appointed, it shall be incumbent upon the tax collector to perform the said office instead of the sheriff, and such tax collector shall have all the emoluments, and be subject to all the penalties, as provided in the case of sheriffs in this act.

Sec. 44. When act goes into effect:

This act shall be in force from and after its ratification. Ratified the 28th day of February, 1873.

CHAPTER CXVI.

AN ACT TO INCORPORATE THE RABURN GAP SHORT LINE RAILWAY COMPANY.

Section 1. The General Assembly of North Carolina do enact, as follows: That for the purpose of constructing and maintaining a railway with one or more tracks and lines from some point at or near the "Locust Stake," in the North Carolina line near the present highway leading from Franklin, North Carolina, to Clayton, Georgia, to a point on the Tennessee line, near where the Tennessee river crosses said line in the Smoky Mountains, the following persons, to-wit: G. N. Rush, William Angel, James G. Gray, J. W. Dobson, N. G. Allman, J. M. Lyle, Alfred Hall, Moses Morgan, J. L. Robinson, T. P. Siler, T. D. Bryson, Burton Machan, W. L. Love, E. Everett, A. B. Welch and D. C. Harden, their associates, successors or assigns are hereby constituted and created a.
body politic and corporate under the name and style of "The Raburn Gap Short Line Railway Company," and by that name and style shall have succession with all the powers, rights and privileges hereinafter granted for ninety-nine years, with all rights, privileges, exemptions and powers heretofore granted to the "North Carolina Railroad Company," and the most favored of other railroad companies heretofore chartered in this State.

Sec. 2. The capital stock of said company shall be three millions of dollars, divided into thirty thousand shares of one hundred dollars each, for which certificates may be issued and subscriptions received upon such terms and conditions as the directors may determine, payable in cash, land, timber, bonds, securities, real and personal estate, machinery, rails, labor and services by contract or otherwise.

Sec. 3. The affairs of said company shall be managed by a board of sixteen directors, who shall be stockholders, six of whom shall reside in this State and be elected after January first, one thousand eight hundred seventy-six, in such manner as the by-laws may direct. The responsible officers shall be elected by the directors from their own number, and shall consist of a president, vice president and treasurer. The secretary and all subordinate officers shall be appointed by the president, with the approval of the executive committee. The following persons shall constitute the first board of directors, with power to fill all vacancies, however arising: G. N. Rush, William Angel, James G. Gray, J. W. Dobson, N. G. Allman, J. M. Lyle, Alfred Hall, Moses Morgan, J. L. Robinson, T. P. Siler, T. D. Bryson, Burton Machan, W. L. Love, E. Everett, A. B. Welch and D. C. Harden. Said board shall hold office (unless otherwise provided by the company's "by-laws") until the first day of January, A. D. one thousand eight hundred and seventy-six, or until their successors are legally appointed or elected. At all stated or special meetings of the full board the directors...
may vote in person or by proxy, but it shall require a majority of all the board in person or proxy to make a quorum. No director shall be disqualified from acting as engineer, constructor or contractor on any of the company's works or from holding any office in its service. The board of directors shall have power to fill all vacancies until the next general election, after such vacancies may occur in either of their respective bodies.

Sec. 4. Books of subscription may be opened by the directors at such times and places, and under such rules and regulations as a majority may determine; and the board shall have power to contract for the whole or any part of their proposed railway, and pay for the same upon such terms as may be agreed, in stock, bonds or other securities of the company, delegating to the contractors the power of obtaining subscription or collecting any previously obtained.

Sec. 5. The board of directors, for the purpose of building, maintaining and operating said road, shall have power to borrow money from time to time upon the bonds, stock, debentures or other securities of the company and to secure the same by mortgage or mortgages upon the whole or any part or parts of the property and franchises of the company upon such terms as they may deem best. They shall further have the right to receive any of the company's stock and securities in payment for freights or any debts due the company, and may issue debenture stock or preference shares whenever required for the completion or extension of their road.

Sec. 6. The said company shall have all the rights, privileges, immunities, franchises, powers and benefits appertaining to corporations, besides such as are herein specifically granted, and may sue or be sued in courts of law or equity; may have a common seal, and the same alter at pleasure; may purchase, hold, hire, rent and otherwise use, sell or convey landed or real estates, and all other descriptions of property, real or personal, or other-
wise dispose of the same; may enter into contracts of all and every kind; may lend or borrow money upon such securities as the directors think proper; may give or receive mortgages or hypothecations; may issue stocks, shares, bonds, debentures, notes, bills or other securities, and generally shall have all the necessary powers for carrying out the works and objects hereinafter named. Said company shall also be authorized to receive deposits of money in trust and otherwise, upon such terms as may be prescribed by the board of directors, both from corporations or individuals, with or without vouchers, or by registration, for the purposes herein named; and to construct all such warehouses, workshops and depots as may be deemed necessary for the successful working of its system and trade: Provided, That nothing contained in this or any other section shall be so construed as to give to the Raburn Gap Short Line Railway Company the privilege of banking in their own notes or issues or in any other currency: Provided further, That for any money loaned by said company, it shall not charge more than the legal rate of interest. Said company shall at any time have the right to pass over any road or public domain, but shall not obstruct any public road without constructing one equally as good as the one obstructed, and shall not be compelled to pay for any right of way through unentered State property. It may also appoint its own board of engineers, and all questions concerning municipal or other rights may be settled with the authorities or parties directly concerned, by agreement or arbitration. Said company shall have power to regulate its own tariff for passengers and freights.

Sec. 7. At any time after its organization said company may purchase or receive title to any land or lands, houses, tenements, 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 said company is not able to agree with the owner or owners of any land or prop-

Deposits of money.

Proviso.

Proviso.

Tariff.

Lands and other property.
erty necessary for the construction of such line or lines, or any of its works or operations, then the value of the same shall be fixed by arbitration, each side choosing one arbitrator or appraiser, who, in case of not being able to come to an agreement, shall choose a third, whose decision shall be final. In all cases of appraisal or arbitration, it shall be lawful for the appraisers or arbitrators to take into consideration the enhanced value of the land or property of the owner, in consequence of the construction of said railway as an offset in whole or in part, for the right of way or the land or other property necessary for the construction of the line or the purposes before named, or said company may at its option acquire title to any property required for its line, operations, objects or purposes in the manner provided for by section five, chapter one hundred and seventy-six, of the laws of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, ratified ninth February, one thousand eight hundred and seventy-two.

By-laws. Sec. 8. The directors of said company may adopt a code of by-laws or regulations for its permanent management and control, which shall be binding on all the stockholders and persons concerned: Provided always, That the same shall be consistent with this charter and laws thereto appertaining. The said directors may, however, incorporate so much of chapter one hundred and thirty-eight, laws of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two into their by-laws as is deemed expedient, and upon filing the same in the office of the Secretary of State, the company shall be bound thereby to the extent adopted in such by-laws, and no further.

Proviso. Sec. 9. The officers or authorities of any city, town or county of this State are hereby authorized, in their corporate capacity, to subscribe to the capital stock of said railway company, in the proportion of ten dollars for each inhabitant, and may pay for such subscriptions either in
cash, or by its corporate bonds issued upon such terms and conditions as may be mutually agreed between such corporation or authorities and said company, and any railroad or other corporation may subscribe in like manner, not exceeding ten per centum of their own capital, to this company; or may indorse its bonds or otherwise aid in the completion of the road herein provided for.

Sec. 10. The liability of stock and shareholders in this company shall be fixed at the amount of stock subscribed or held by each; but no such stock or shareholders shall be liable in any manner to or on behalf of such company for any amount exceeding what may be due on any share or shares held by each respectively, and the holders of full paid stock or shares shall be exempt from all liability whatever.

Sec. 11. The stock or shareholders in said company shall be entitled to one vote for each share held by them; and may vote in person or by proxy, and it shall require the vote of a majority in interest of not less than two-thirds of the stock and bonds of the company to change the by-laws which shall regulate the powers and duties of stockholders and all other persons connected with said company in all matters not herein provided.

Section 12. This company shall be deemed to be fully organized immediately upon the passage and ratification of this act, and the said directors as soon as may be thereupon shall proceed to elect a president, vice president and treasurer, and appoint such officers as may be required in the conduct of its affairs. The engineers of said company and their assistants shall be empowered to enter upon any premises or lands for the purpose of running the lines or surveying the route for said road; and the directors may, whenever they deem fit, proceed to award contracts and commence the operations of the company.

Sec. 13. The company hereby created shall have the exclusive right to construct and maintain a railroad from the Locust Stake referred to in the first section of this act
to the point on the Tennessee line referred to in said section, for fifty years, and until the expiration of fifty years no other corporation, association or individual shall be empowered to construct any other line of competing railroad between such two points: Provided, further, That nothing herein contained shall in any way or manner interfere with the extension and construction of any road now chartered in this State, except that chartered under an act of the Legislature at the session of one thousand eight hundred and fifty and one thousand eight hundred and fifty-one, entitled "An act to incorporate 'The Tennessee Railroad Company', in the county of Macon," ratified January twenty-fourth, one thousand eight hundred and fifty and one thousand eight hundred and fifty-one, nor shall the route of any unfinished road, with the exception aforesaid, acquired under this charter, be changed from its present location.

Sec. 14. The liability of stock and shareholders in this company shall be fixed at the amount of stock subscribed or held by each, but no such stock or shareholders shall be liable in any manner to or on behalf of such company for any amount which may be due on any share or shares held by each respectively, and the holders of full paid stock or shares shall be exempt from all liabilities whatever.

Sec. 15. The stock or shareholders in said company shall be entitled to one vote for each share held by them, and may vote in person or by proxy, and it shall require the vote of a majority in interest of not less than two-thirds of the stock and bonds of the company to change the by-laws which shall regulate the powers and duties of stockholders and all other persons connected with said company in all matters not herein provided.

Sec. 16. The directors or contractors of and for said company are empowered to purchase and acquire for or on behalf of said company, or for its ultimate benefit, to be included as a part of its line and system, or to be incorporated with it as a branch, as the case may be, any
previously existing railroad or railroads, either at legal sale, by auction or otherwise, or upon such terms as any board of directors or majority of stockholders may agree.

Sec. 17. For the encouragement and protection of foreign capitalists who may become stockholders in this company or interested in any of its securities, it is hereby expressly enacted and decreed that no full paid stock, share, bond, obligation or debenture shall ever be confiscated, forfeited, annulled or impaired by reason of any future so-called "belligerent rights," or for any cause or reason whatsoever; and further that no foreign-born employee of the company shall be liable to military duty, or molested or arrested in peace or war, except for a breach of the law; and the power of dissolving the company is entirely in its own control, subject to such stipulations as its by-laws may direct, but requiring always a majority of two-thirds of all parties interested in the company as stockholders, bondholders or creditors to wind up its affairs. All bond or debenture holders shall be entitled to an equal share in the management of said company with the stock or shareholders whenever any default may occur in the payment of the interest or principal of same, and shall have one vote for every one hundred dollars of said bonds or debentures held by each respectively, and may vote in person or by proxy whenever any such default may occur.

Sec. 18. All the iron, lumber, timber, material, machinery, implements, coal, fuel, wares, goods, chattels, merchandise, provisions, stores and effects necessary for the construction and maintenance of the aforementioned line or lines of railway, as well as for the construction and maintenance of its locomotives, carriages, cars, baggage wagons, vans, vehicles and rolling stock, as also for its depots, warehouses, workshops, offices, dwellings and work generally, together with the household furniture and personal effects of its officers and servants, shall at all times be free from duty or any
custom-house or other impost whatever, except such as may be imposed by the General Government.

Sec. 19. The roadbed, track, bridges, culverts, depots, franchises and chartered powers and privileges of the "Raburn Gap Short Line Railway Company" shall be subject to the payment of all its debts and legal liabilities, and may be sold in satisfaction of the same; but the said roadbed, track, bridges, culverts, depots, franchise and chartered powers and privileges shall be deemed an entire thing, and must be sold as such; and in case of the sale of same, whether by virtue of an execution, order of sale, deed of trust or any other power the purchaser or purchasers at such sale and their associates shall be entitled to have and exercise all the powers, privileges and franchises granted to said company by this charter; and the said purchaser or purchasers and their associates shall be deemed and taken to be the true owners of the said charter and corporators under the same, and vested with all the powers, rights, privileges and benefits thereof, in the same manner and to the same extent as if they were the original corporators of the said company, and shall have power to construct, complete, equip and work the said railway upon the same terms and under the same conditions and restrictions as are imposed by this charter.

Sec. 20. Said company shall have the exclusive right to convey and transport freight and passengers over and along said railway at such rates as the directors may prescribe, and the company may purchase and hold stock in other railroads, and shall have power to buy or lease the same, or contract for the transportation of goods and passengers over such lines. It shall also have power to cross the tracks of any other railroad or railroads, and to build such branches as may be deemed expedient, and condemn all or any lands necessary for its purposes, not exceeding one hundred feet on each side of its track with such additional lands as may be required for de
pots, yards, warehouses, dwellings and other purposes of the company.

Sec. 21. That the said "Raburn Gap Short Line Railway Company" shall transport all freights and passengers to and from any point on their railway or any branch thereof going to and running from the line of the "Western Division of the Western North Carolina Railroad Company," or passing over the said "Raburn Gap Short Line Railway," or any part thereof, to and from said Western Division Western North Carolina Railroad at as low rate per mile as the freights or passengers may be transported over the whole or any portion of the said "Raburn Gap Short Line Railway," and such freights or passengers may be transported over the "Raburn Gap Short Line Railway" in the cars of said "Western Division Western North Carolina Railroad Company," or of any other railroad company whose cars may be used by said "Western Division Western North Carolina Railway Company" under the usual arrangements as regards mileage, allowance for cars of other railroads in the State, and at as favorable rates as may be allowed on cars of like description, whether for freights or passengers, to any other railway company: Provided, Said "Western Division Western North Carolina Railway Company" shall allow similar privileges to the said "Raburn Gap Short Line Railway."

Sec. 22. In addition to the powers herein specifically granted, the said "Raburn Gap Short Line Railway Company" shall have and possess all the rights, powers and privileges, immunities and advantages, provided for in chapter forty-seven of the laws of one thousand eight hundred and thirty-six and one thousand eight hundred and thirty-seven, entitled "An act to incorporate the North Carolina Central Railroad Company," now obsolete, ratified nineteenth of January, one thousand eight hundred and thirty-seven, as also in the charters and amend-
ments of the Raleigh and Gaston and Wilmington and Weldon Railroad Companies.

Sec. 23. *Provided, nevertheless,* That the company hereby incorporated shall not be compelled to adopt any of the clauses or sections of the acts of incorporation of said former “Central Company,” or the two other companies last named which the board of directors of the company hereby incorporated deem inconsistent with its objects and interests. And all acts conflicting with the present act of incorporation are hereby repealed. The said company shall likewise have power to lease, hire, use, run, manage, purchase, contract with, or in any and every way employ any other railroad or railroads, and generally to do and perform any and every act or thing requisite or necessary in the premises.

Sec. 24. *Be it further enacted,* That an act of the General Assembly passed at the session of one thousand eight hundred and fifty and one thousand eight hundred and fifty-one, being chapter one hundred and twenty-four of the law of said session last named, ratified January twenty-fourth, one thousand eight hundred and fifty-one, and all laws and parts of laws amendatory thereof, be and the same are hereby repealed.

Sec. 25. This act shall be in force from and after its ratification.

Ratified the 28th day of February, 1873.

CHAPTER CXXVII.

AN ACT TO INCORPORATE THE "PLYMOUTH AND HYDE PARK RAILWAY COMPANY."

Purpose of act. Section 1. *The General Assembly of North Carolina do enact,* That for the purpose of constructing a railroad of
one or more tracks from some point at or near the
town of Plymouth, in the county of Washington, run-
ing in the vicinity of Lake Pungo, to the town of Hyde
Park, in the county of Hyde, and thence to the town of
Fairfield, on the border of Lake Mattamuskeet or other
point on said lake, or on the shores of Pamlico Sound or
any of its tributaries in the southeastern portion of said
county of Hyde, to be hereafter determined on, in the
opinion of the company hereafter named, or their legal
representatives, as the nature of the route will permit:
John Ellis Dudley, William H. Chapline and Alphonso
F. Tilden and their associates, successors and assigns are
constituted a company, and are hereby incorporated under
the name and style of the "Plymouth and Hyde Park
Railway Company," with a capital stock of five hundred
thousand dollars, which shall have a corporate existence
as a body politic for the space of ninety-nine years,
and by that name may sue and be sued, plead and be im-
plicated in every court in the State of North Carolina,
and may have and use a common seal, and shall be ca-
pable of purchasing, holding, leasing and conveying es-
tate, real and personal and mixed, and acquiring the
same by gift or devise so far as may be necessary for the
purpose herein contemplated; and the said company
may enjoy all the rights and immunities which other
corporate bodies may lawfully exercise, and may make
all necessary by-laws and regulations for its government,
not inconsistent with the constitution and laws of the
State of North Carolina and of the United States.

Sec. 2. That the capital stock of said company may
be created by subscriptions on the part of individuals,
municipal and other corporations, in shares of the value
of one hundred dollars each, which may be made in
lands, timber, work or money as may be stipulated.

Sec. 3. That said company may hold annual meetings
of the stockholders, and oftener if necessary, and at its
organization and the annual meetings subsequent thereto,
six directors shall be elected by the stockholders, to hold
office for one year or until their successors shall be elected,
and any of said meetings shall have power to make or
alter the by-laws of said company: Provided, That at all
such meetings of stockholders a majority of the stock
subscribed shall be represented in person or by proxy,
which proxy shall be verified in the manner prescribed
by the laws of the company, and each share thus repre-
sented shall be entitled to one vote on all questions. That
it shall be the duty of the directors to elect one of their
number as president of said company, and to fill all va-
cancies in the board.

Sec. 4. That after the company shall be organized as
aforesaid, the board of directors shall proceed to locate and
have constructed as speedily as possible on the route they
may find most practicable, a railroad from said town of
Plymouth, to pass in the vicinity of said Pungo Lake and
Hyde Park, to said town of Fairfield or other point as
heretofore named in section one of this act, to be fixed by
them. That the said company shall have the exclusive
right of conveyance or transportation of persons, goods,
merchandise and produce over the said railroad to be by
them constructed, at such charges as may be fixed by a
majority of its directors; that said company may assign
or lease their franchise or their rights of transportation on
said road to any person, persons or corporation.

Sec. 5. That said company shall have power to condemn
lands for the use of the company where a contract of pur-
chase cannot be made with the owner thereof, to the same
extent and in the same manner, and under the same
rules, regulations and restrictions as the North Carolina
Railroad was authorized to do by the act of incorporation.

Sec. 6. That all contracts made and entered into by the
president or superintendent of the company, whether with
or without seal, shall be binding upon said company, and
the president shall, under the instructions of the board of
directors, issue certificates of stock to stockholders, which shall be transferable by the by-laws of the company.

Sec. 7. That the said corporation formed under this act shall have power from time to time to borrow such sums of money as may be necessary for completing and furnishing or operating their railroad, and to issue and dispose of their bonds for any amount so borrowed, and to mortgage their corporate property and franchise to secure the payment of any debt contracted by the company for the purpose aforesaid.

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

Ratified the 28th day of February, 1873.

CHAPTER CXVIII.

AN ACT AMENDATORY OF AN ACT AUTHORIZING THE SALE OF CERTAIN LANDS, RATIFIED THE TWENTY-SIXTH DAY OF MARCH, A. D. ONE THOUSAND EIGHT HUNDRED AND SEVENTY.

Section 1. The General Assembly of North Carolina do enact, That so much of section two of an act entitled "an act authorizing the sale of certain lands," ratified the twenty-sixth day of March, A. D. one thousand eight hundred and seventy, as provides, "that the said lands shall be disposed of to actual settlers, and that the deed to the same shall be withheld until one hundred families of bona fide settlers are located on the land" be, and the same is hereby repealed.

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

Ratified the 28th day of February, 1873.
CHAPTER CXIX.

AN ACT IN FAVOR OF THE HEIRS OF JESSE McCoy, DECEASED.

Section 1. The General Assembly of North Carolina do enact, That whereas, Jesse McCoy made an entry on a certain parcel of land in Camden county and died before paying for the same, therefore,

Be it enacted, That the Secretary of State is directed and required upon the payment of the purchase money to issue a warrant for said land to Richard McCoy, the son of said Jesse McCoy, deceased, and to the children of Parthenia Etheridge, deceased, who was the daughter of said Jesse McCoy, deceased, to-wit: Richard Stewart, Mary Stewart and Susan Stewart; the said Richard McCoy to have one undivided half of said land and the said children the other undivided half of said land.

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

Ratified the 1st day of March, 1873.

CHAPTER CXX.

AN ACT IN REFERENCE TO THE STATUTE OF LIMITATIONS.

Whereas, Many citizens of the State of North Carolina were stockholders in banking institutions chartered in other States before the year one thousand eight hundred and sixty-one, which contain individual liability clauses in the nature of penalties in the event of failure on the part of said banking corporations to meet their liabilities; and,

Whereas, Said banking corporations have become insolvent by the results of the late war, thereby entailing
CHAP. 120—121.

Upon the stockholders the loss of the investment of their capital therein, and they are threatened with further loss by reason of said individual liability clauses; therefore,

Section 1. The General Assembly of North Carolina do enact, That all such causes of action as have not heretofore been commenced in this State against citizens thereof are hereby declared to be barred by lapse of time.

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

Ratified the 1st day of March, 1873.

CHAPTER CXXI.

An Act to Prevent the Obstruction of Fish Passing up the Roanoke River.

Section 1. The General Assembly of North Carolina do enact, That each and every person whatever, owning or using seines for the purpose of catching fish in the waters of the River Roanoke shall be compelled to take their seines out of the water, and let the same remain out from Saturday sunset until Monday sunrise each and every week from the first day of March to the first day of June in each and every year.

Sec. 2. That any person who shall either directly or indirectly violate any of the provisions of this act shall forfeit and pay for each and every offence the sum of one hundred dollars, to be recovered in any court of record by any person who shall first sue for the same, one-half for the use of the informer, and the other half for the poor of the county; and shall be further liable to an indictment for a misdemeanor in any Superior Court having jurisdiction of said offence.
CHAPTER CXXII.

AN ACT TO RE-ENACT AND CONTINUE IN FORCE AN ACT ENTITLED "AN ACT TO EMPOWER THE COMMISSIONERS OF CUMBERLAND COUNTY TO LEVY A SPECIAL TAX."

SECTION 1. The General Assembly of North Carolina do enact, That an act entitled an act to empower the commissioners of Cumberland county to levy a special tax, ratified the twenty-fourth day of February, A. D. one thousand eight hundred and seventy, be and the same is hereby re-enacted and continued in force one year from this date.

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

Ratified the 1st day of March, 1873.

CHAPTER CXXIII.

AN ACT TO PREVENT THE RETAILING OF SPIRITUOUS LIQUORS IN THE TOWN OF STATESVILLE.

SECTION 1. The General Assembly of North Carolina do enact, That it shall be unlawful for any person or persons to sell or deal in spirituous liquors in the town of Statesville, or for two miles around the court-house in said town, in quantities less than five gallons; and any one so
offending shall be guilty of a misdemeanor, and, on conviction, subject to a fine of not more than two hundred dollars, or imprisonment of not more than three months, one or both, in the discretion of the court.

Sec. 2. That the provisions of the preceding section of this act shall be of no force or effect until ratified by a majority of all the votes cast at an election which shall be held by the town commissioners of Statesville, under such rules and regulations as are now prescribed by law for the election of members of the General Assembly and at such time within thirty days after the ratification of this act as they may determine, provided ten days' due notice be given to the voters.

Sec. 3. That the question of "Prohibition" or "No Prohibition" shall be submitted to the qualified voters in the whole territory two miles around the court-house, and the town commissioners failing to hold such election shall be deemed to be guilty of a misdemeanor and shall be liable to indictment.

Sec. 4. That the provisions of this act shall not apply to those who have taken out license to retail liquor until the expiration of the time for which said license has been taken out.

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

Ratified the 1st day of March, 1873.

CHAPTER CXXIV.

AN ACT TO INCORPORATE THE "OLD NORTH STATE LIFE INSURANCE COMPANY.

Section 1. The General Assembly of North Carolina do enact, That E. H. Plummer, Jacob Parker, B. F. Long, T. C. Williams, William J. Norwood, William Watson, Doc-
tor J. G. King, John Watson, William S. Davis, A. B. Hunter, J. Buxton Williams, Doctor R. S. F. Peete, Jesse J. Yeates, Joseph J. Davis, F. W. Hyman, Doctor S. G. Ward, Wharton J. Green, Dr. T. W. Jones, John White, John F. Cheek, Thomas H. Gilliam, Doctor F. N. Mullen, Doctor L. K. Saunders, William S. Battle, J. S. Daney, John A. Williams, B. M. Collins, Jacob M. Palmer, William A. Burwell, S. P. Arrington, their associates and successors are hereby declared a body politic and corporate under the name and style of "the Old North State Life Insurance Company," and by that name and style shall have perpetual succession, and be capable in law of pleading and being impleaded, suing and being sued, answering and be answered unto, defending and being defended against in all manner of suits, complaints and causes, may make, have and use a common seal, and the same may alter or change at pleasure.

**Sec. 2.** The said corporation shall have authority and power to make insurance on the lives of individuals, to insure individuals against accident, to grant annuities and every kind of insurance or contract appertaining thereto or connected therewith, to purchase, hold, possess and enjoy, and to assign, transfer and convey any real or personal estate, including bills, bonds, promissory notes, stock in any bank of this or other State, State or corporation stocks, stocks of national banks of the United States, or stocks of the United States. Said corporation shall also have authority to make loans of any monies it may have in possession to any of its stockholders or policy-holders, or to other persons, and any such loans may be made upon rates of interest as authorized by existing law of the State between the parties to such contract.

**Sec. 3.** The corporate powers of the company shall be vested in and exercised by a board of directors and by such officers and agents as the board may appoint and empower.
Sec. 4. The board shall consist of not less than twelve or more than thirty members, each of whom shall have in his own right not less than two shares of the capital stock of the company.

Sec. 5. Five directors shall constitute a quorum for the transaction of business, but a less number may meet and adjourn from time to time until a quorum is present.

Sec. 6. The board of directors shall have power to make and prescribe such by-laws, rules and regulations for the conduct of its affairs, not inconsistent with law, or this charter, as may be deemed expedient.

Sec. 7. The board of directors shall have also all the powers and privileges usually vested in boards of directors of life and accident and annuity companies, and may at any time accept and exercise any or all additional powers and privileges which now are or may hereafter be conferred by law on this or any life or accident, insurance or annuity company.

Sec. 8. The board of directors shall be elected annually and shall continue in office until their successors are elected, and shall have power to fill vacancies occurring among its members, and in the event the stockholders in their general meeting shall fail to elect the full number of directors to which the company is entitled, the board may complete the number.

Sec. 9. Every election of directors shall be held at the office of the company, in the town of Warrenton, by the stockholders in their annual meeting at the beginning of each fiscal year.

Sec. 10. At every election of directors each stockholder shall be entitled to one vote for each and every share of the capital stock of the company owned and held by him in his own name on the books of the company, and may vote by proxy.

Sec. 11. The board of directors shall, immediately after the organization of the company, and afterwards at the first meeting of the board after each annual election of
directors, elect a president, vice president, secretary and general superintendent of agencies, who shall hold their office for one year, and until their successors shall be appointed, and the board may also appoint persons to fill either of said offices pro tempore when the officers are absent or unable to serve. The board may also appoint such other subordinate officers to assist in carrying on the business of the company as they may deem expedient.

Sec. 12. The capital stock subscribed of said corporation shall not be less than one hundred thousand dollars, and may at the pleasure of the board of directors of said corporation be increased from time to time to any further sum not exceeding one million of dollars, and such capital stock shall be divided into shares of one hundred dollars each. Subscribers to the capital stock shall pay to the treasurer of said corporation, within thirty days after the organization of the company, five per centum on each share of stock subscribed by them respectively, and in addition thereto shall pay to the treasurer aforesaid fifteen per centum on each share subscribed for as aforesaid, to be paid in three equal instalments, which shall be payable respectively six, nine and twelve months after the organization of the company, and the remaining eighty per centum due on the shares of said stock subscribed for as aforesaid shall be secured by note payable to said corporation, the payment of which shall be secured to the satisfaction of said board of directors by mortgage on real estate, or by good and sufficient personal security, or otherwise, as the board of directors may determine. The said notes or such assessments thereon as may be made and called for by the board of directors shall be payable sixty-days after demand, and any subscriber to the capital stock of said company who shall fail to pay the several instalments of five per centum each on the several shares subscribed for by him, or any one of such instalments, or who shall fail to secure the payment of the remaining eighty per centum due thereon as required by the pre-
uous provisions of this section, shall, after twenty days' notice of any such default, forfeit all payments which may have been made on account of any such shares, and all profits which may have arisen thereon: Provided, however, That if the board of directors shall elect to waive such forfeitures, said company may recover the amount due by suit.

Sec. 13. All debt due the company by any stockholder, either for any unpaid part of his stock, or on any other account, shall be, and is hereby declared a lien on any stock belonging to such debtor or stockholder, whether the said shares of stock be paid up in part or in whole. And any such stock on which said company may have a lien as aforesaid, may on thirty days' notice be sold as public sale to the highest bidder for cash, and the proceeds of such sale be applied, first, to the payment of the proper costs and expenses of such sale; next to the payment of the debt, claim or demand due and owing to said company, and the residue, if any, shall be paid over to said stockholder or his legal representative; should the proceeds of such sale, however, not be sufficient in amount to pay the expenses attending such sale, and the demand due the company, in such case the payment of the deficit may be enforced by law.

Sec. 14. Suits at law may be instituted and prosecuted by said company, against stockholders or policyholders, of said company, but no suit on any policy of insurance issued by this company shall be commenced and maintained until the end of ninety days next after delivery of due notice and proof of death to said company.

Sec. 15. The board of directors may purchase at any time for the company any policy of insurance or other obligation of the company growing out of its business; and also any claims of policyholders for profits. In the event of the death of any person holding stock in this company, the board of directors shall have authority to purchase from the executor or administrator of the de-
ceased stockholder, or from the guardian of his minor children, the stock owned by such stockholder for the benefit of the company, and cancel the same: Provided, That no cancellation of scrip as aforesaid shall be made to reduce the amount of the capital stock below one hundred thousand dollars: Provided further, Nothing herein contained shall be construed to relieve any administrators or executors from the penalties contained in their bonds given according to law.

Sec. 16. The board of directors shall have authority to regulate and determine the plans of insurance, the ratio of premium, the manner of dividing profits, the terms of forfeiture on the part of policy-holders, and whatever else may be necessary to the proper regulation of its affairs.

Sec. 17. In order that the company may be prepared to commence issuing policies as soon as one hundred thousand dollars shall have been subscribed, it shall have authority to organize, elect officers, organize agencies, get up supplies and receive applications when fifty thousand dollars shall be subscribed, but it shall issue no policy of insurance until the amount of one hundred thousand dollars shall have been subscribed.

Sec. 18. Policies of insurance issued by said company on the life of any person whatever, expressed to be for the benefit of any married woman, whether any such insurance shall be effected by such married woman or by her husband, or by any other person in her behalf, shall enure to her separate use and benefit, and that of her or husband's children if any, as may be expressed and provided in said policies, independent of any claim or demand on the part of her husband, his representatives or his creditors, and independent of any claim or demand of any other person who may have effected any such insurance in her behalf, his creditors and representatives: Provided, however, That the provisions of this section shall not apply to any such policy of insurance on
which the cash portion of the annual premium shall exceed the sum of three hundred dollars, unless the excess beyond said sum, which may be paid during each year, shall have been derived from the private funds or separate property of such married woman.

Sec. 19. This act shall be in force from and after its ratification.

Ratified the 1st day of March, 1873.

CHAPTER CXXV.

AN ACT IN REGARD TO COLLECTING SPECIAL TAXES.

Section 1. The General Assembly of North Carolina do enact, That upon all special railroad taxes collected in the county of Forsythe the tax collectors appointed by the board of commissioners of said county shall only receive such compensation for his services as the said board of commissioners may deem adequate and proper.

Be it further enacted, That all laws that may be in conflict with this act are hereby repealed, and this act shall be in force from and after its ratification.

Ratified the 1st day of March, 1873.

CHAPTER CXXVI.

AN ACT TO EXTEND THE TIME OF E. A. GUPTON, EX-SHERIFF OF FRANKLIN COUNTY, FOR MAKING SETTLEMENT WITH THE COUNTY TREASURER.

Section 1. The General Assembly of North Carolina do enact, That E. A. Gupton, ex-sheriff of Franklin county, shall have until the first Monday in May, A. D. one
thousand eight hundred and seventy-three, to make settlement with the treasurer of that county for balance of taxes due for the year one thousand eight hundred and seventy-two.

Sec. 2. That said ex-sheriff is hereby relieved of any penalties or forfeitures he may have incurred by failure to settle according to law.

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

Ratified the 1st day of March, 1873.

CHAPTER CXXVII.

AN ACT TO AMEND THE ACT TO LAY OFF AND ESTABLISH THE COUNTY OF DARE.

Amendment.

Section 1. The General Assembly of North Carolina do enact, That an act entitled an act to lay off and establish the county of Dare, passed by the Legislature of one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, be amended by striking out the words "as Long Point of Marsh, thence running northeast by east course to the Atlantic ocean," which occur in the eleventh and twelfth lines of section first of said act, and insert the words, "known as southwest point of the Long Point of Marsh, thence about an east course to the southern boundary of a tract of land belonging to Moore and Griffith, at the head of Kittyhawk Bay, thence along the said boundary line to the Atlantic ocean."

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

Ratified the 1st day of March, 1873.
CHAPTER CXXVIII.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FORTY-ONE OF THE PUBLIC LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE, ENTITLED AN ACT TO INCORPORATE THE SPARTANBURG, COLUMBUS AND RUTHERFORD RAILROAD COMPANY.

SECTION 1. The General Assembly of North Carolina do enact, That an act entitled an act to incorporate the Spartanburg, Columbus and Rutherford Railroad Company, it being chapter two hundred and forty-one of the public laws of one thousand eight hundred and seventy and one thousand eight hundred and seventy-one be amended by striking out section seven of said act.

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

Ratified the 1st day of March, 1873.

CHAPTER CXXIX.

AN ACT TO ALLOW THE COMMISSIONERS OF WASHINGTON COUNTY TO LEVY A SPECIAL TAX.

SECTION 1. The General Assembly of North Carolina do enact, That the commissioners of Washington county be and they are hereby allowed to levy a special tax on all the property in said county now subject to taxation by the State, not to exceed two thousand five hundred dollars: Provided, That in levying said tax the constitutional equation between the poll and property shall be observed.

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

Ratified the 1st day of March, 1873.
CHAPTER CXXX.

AN ACT TO INCORPORATE THE NORTH CAROLINA CLASSES.

Section 1. The General Assembly of North Carolina do enact, That the Reverend Jeremiah Ingold, as president, Reverend George W. Welker as stated clerk, and Reverend Thomas Long as treasurer, and their successors in office be, and the same are hereby created a corporation and body politic, under the name and title of "the North Carolina Classes of the Reformed Church in the United States," and by that name may sue and be sued, plead and be impleaded, to purchase and to hold personal and real estate for religious or educational or burial purposes, within the territory comprising the same; and to have and enjoy all the powers and rights necessary and belonging, or usually appertaining to such incorporated bodies, not inconsistent with the Constitution of this State or of the United States.

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

Ratified the 1st day of March, 1873.

CHAPTER CXXXI.

AN ACT TO REGULATE MORTGAGES BY CORPORATIONS, AND SALES UNDER THE SAME.

Section 1. The General Assembly of North Carolina do enact, That if a sale be made under a deed of trust or mortgage, executed by any company on all its works and property, and there be a conveyance pursuant thereto, such sale and conveyance shall pass to the purchaser at the sale not only the works and property of the company
as they were at the time of making the deed of trust or mortgage, but any works which the company may, after that time and before the sale, have constructed, and all other property of which it may be possessed at the time of the sale, other than debts due to it. Upon such conveyance to the purchaser, the said company shall, _ipso facto_, be dissolved, and the said purchaser shall forthwith be a corporation, by any name which may be set forth in the said conveyance, or in any writing signed by him and recorded in the same manner in which the conveyance shall be recorded.

Sec. 2. The corporation created by or in consequence of such sale and conveyance shall succeed to all such franchises, rights and privileges, and perform all such duties as would have been had or should have been performed by the first company but for such sale and conveyance, save only that the corporation so created shall not be entitled to the debts due to the first company, and shall not be liable for any debts of, or claims against, the said first company which may not be expressly assumed in the contract of purchase; and that the whole profits of the business done by such corporations shall belong to the said purchaser and his assigns. His interest in the corporation shall be personal estate, and he or his assigns may create so many shares of stock therein as he or they may think proper, not exceeding together the amount of stock in the first company at the time of the sale, and assign the same in a book to be kept for that purpose. The said shares shall thereupon be on the footing of shares in joint stock companies generally, except only that the first meeting of the stockholders shall be held on such day and at such place as shall be fixed by the said purchaser, of which notice shall be published for two weeks in a newspaper.

Sec. 3. When such corporation shall expire or be dissolved, or its corporate rights and privileges shall have ceased, all its works and property and debts due to it shall
be subject to the payment of debts due by it, and then to
distribution among the members according to their re-
spective interests; and such corporation may sue and be
sued as before for the purpose of collecting debts due to it,
prosecuting rights under previous contracts with it, and
enforcing its liabilities and distributing the proceeds of
its works, property and debts among those entitled thereto:
Provided, That all debts and contracts of any corporation
prior to or at the time of the execution of any mortgage
or deed of trust by such corporation, shall have a first lien
upon the property, rights and franchises of said corpo-
racion, and shall be paid off or secured before such mort-
gage or deed of trust shall be registered.

Sec. 4. The provisions of this act shall not apply to any
company in which the State of North Carolina has any
interest.

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

Ratified the 1st day of March, 1873.

CHAPTER CXXXII.

AN ACT AUTHORIZING THE STATE TREASURER TO PAY MESSRS.
COLEMAN BROTHERS FOR RESCINDING PENITENTIARY CON-
TRACT.

Whereas, A joint select committee of the General
Assembly having been appointed to negotiate with
Messrs. Coleman Brothers for the rescinding and surren-
der of their contract for the stone and brick work of the
State penitentiary; and whereas, this General Assembly
upon the report of said committee are satisfied that the
terms set forth in the contract submitted therewith are
fair and reasonable, and greatly to the interest of the
State; therefore
Section 1. The General Assembly of North Carolina do enact, That the State Treasurer be and he is hereby authorized and required, out of the funds of the penitentiary to pay to Messrs. Coleman Brothers, contractors for the stone and brick work of the penitentiary, the sum of thirty-five thousand dollars ($35,000) in full satisfaction for the rescinding and surrendering to the State of all their right, title and interest in said contract.

Sec. 2. The Auditor is hereby authorized and directed to audit the account of the Messrs. Coleman Brothers for the balance due them for the work completed, and the treasurer directed to pay them the account so audited out of the penitentiary fund or any other money in the treasury not otherwise appropriated.

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

Ratified the 1st day of March, 1873.

CHAPTER CXXXIII.

AN ACT TO RE-ENACT AN ACT ENTITLED AN ACT TO SECURE ADVANCES MADE FOR AGRICULTURAL PURPOSES, RATIFIED MARCH, A. D. ONE THOUSAND EIGHT HUNDRED AND SIXTY-SEVEN.

Section 1. The General Assembly of North Carolina do enact, That an act entitled an act to secure agricultural advances for agricultural purposes, ratified March, A. D. one thousand eight hundred and sixty-seven, be and the same is hereby re-enacted.

Sec. 2. That the words Court of Common Pleas in section two, line three, of said act be stricken out and the word Superior Court inserted.

Sec. 3. That the words Court of Pleas and Quarter
Sessions in section two, line 21 of said act, be stricken out and the words Superior Court inserted.
Ratified the 1st day of March, 1873.

CHAPTER CXXXIV.

AN ACT TO MAKE A DONATION OF A LOT BELONGING TO THE STATE AND AN APPROPRIATION OF FIVE THOUSAND DOLLARS FOR THE PURPOSE OF ESTABLISHING AN INSTITUTION FOR THE COLORED DEAF AND DUMB AND BLIND.

Lot donated.

Section 1. The General Assembly of North Carolina do enact, That a lot of land belonging to the State of North Carolina, situated in the city of Raleigh in the southeastern part of said city, bounded on the west by Bloodworth street, on the north by Lenoir street, on the east by East street, and on the south by the lands of John W. B. Watson, containing about one acre, be and the same is donated and appropriated to the Institution for the Deaf and Dumb and the Blind for the purpose of establishing thereon buildings for the accommodation of the colored pupils of said institution.

Sec. 2. That for the purpose of constructing suitable buildings thereon for that purpose, the sum of five thousand dollars is hereby appropriated, which said sum shall be paid by the Treasurer of the State to the treasurer of said institution upon the order of the board of directors.

Sec. 3. That the treasurer of the said institution shall give bond in the sum of ten thousand dollars, conditioned that he will faithfully account for said money, which bond shall be filed with the Public Treasurer.

Sec. 4. That the sum of money herein appropriated shall be applied by the directors of the said institution to the-
CHAPTER CXXXV.

AN ACT FOR THE BENEFIT OF THE NORTH CAROLINA INSTITUTION FOR THE DEAF AND DUMB AND THE BLIND.

Whereas, By authority of an act ratified the twenty-first day of December, one thousand eight hundred and seventy, entitled "an act in relation to the special tax money in the Treasury," the Treasurer of State used fifteen thousand dollars of the money to be collected for "interest on special tax bonds in part payment of an annual appropriation to the Institution for the Deaf and Dumb and the Blind, which amount has been replaced by the State Treasurer out of the general taxes of the year one thousand eight hundred and seventy-one, as required by section two of above recited act; and whereas, by act ratified twenty-first day of March, one thousand eight hundred and seventy-one, making the usual annual appropriation for the support of said institution, the fiscal year of the institution was changed to correspond with the calendar year, and no provision made for the support of the institution for the months of September, October, November and December of the year one thousand eight hundred and seventy; therefore,

Section 1. The General Assembly of North Carolina do enact, That the payment of the said sum of fifteen thou-

reconstruction of said buildings and to no other purposes whatever.

Sec. 5. That the directors of said institution shall make report to the next session of the General Assembly of their action taken in pursuance of this act.

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

Ratified the 1st day of March, 1873.
sand dollars be and the same is hereby legalized, and deemed to be an appropriation for the support of said institution for the months indicated.

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

Ratified the 1st day of March, 1873.

CHAPTER CXXXVI.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF WAYNE COUNTY TO LEVY A SPECIAL TAX.

SECTION 1. The General Assembly of North Carolina do enact, That the county commissioners of Wayne county are hereby authorized to levy a special tax, not exceeding six thousand dollars on the taxable property of said county on all subjects of taxation, the constitutional equation of taxation on the poll and property being duly observed, for the purpose of paying the outstanding debt of the county.

Sec. 2. That the propriety of said tax shall be submitted to a vote of the people of said county at an election to be held in the same manner as elections for members of the General Assembly.

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

Ratified the 1st day of March, 1873.
AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF BRUNSWICK COUNTY TO LEVY A SPECIAL TAX, AND FOR OTHER PURPOSES.

WHEREAS, The county board of commissioners of the county of Brunswick have applied to the General Assembly for authority to purchase and hold the franchise of a ferry across Brunswick river, and so much of the causeway across Eagle Island as lies within the county of Brunswick, and for authority to erect and maintain after said purchase a bridge over Brunswick river at the point where the ferry over said river now is, therefore,

SECTION 1. The General Assembly of North Carolina do enact, That the board of county commissioners of Brunswick county are hereby authorized to purchase said ferry, causeway, franchise, flats, boats, buildings and other property belonging or appertaining to said franchise, and to hold and maintain the same, together with all the rights and privileges and penalties contained in the original charter to William Doy, or any amendments thereto.

SEC. 2. And in case the board of commissioners purchase the right of said ferry and causeway, said board is authorized to construct a bridge over Brunswick river at the point where the ferry now crosses; and said board may hold and maintain such bridge as a part of the franchise granted by this act, and may charge, levy enforce and collect all such tolls as were authorized by the original charter to William Doy, or any amendments thereto, to be charged and collected for the ferry over said river, and for failure to keep up such bridge, or for other neglect, shall be subject to like penalties.

SEC. 3. That said board shall be authorized to keep said ferry or bridge and causeway as open and free to
the public without charge if they shall see fit; and for this purpose, or in case the net receipts or earnings of said ferry or bridge shall not be sufficient to pay the necessary expenses of keeping and maintaining the same, said board may appropriate out of any moneys belonging to the county not otherwise appropriated, such sum as may be necessary for either of the purposes indicated in this section. If it shall be kept for toll and ferriage charged, all such sums as may be derived therefrom after paying all necessary expenses, shall be accounted for and treated as other moneys for county purposes in the county treasury.

Sec. 4. That the said board are hereby authorized to levy a tax sufficient for purchasing said ferry and building said bridge, or for either of these purposes: Provided, That no greater tax than one per centum on the taxable, real and personal property, and fifty cents on each taxable poll in the county shall be levied in any one year: And provided further, That the said tax and the building of said bridge shall be submitted to the qualified voters of the county for their approval or disapproval at an election to be held at such time and under such regulations for taking the sense of the said voters as the board may prescribe; and those in favor of levying said tax and building said bridge shall vote a written or printed ballot, upon which shall be the word “bridge,” and those opposed to said tax and said bridge shall vote a like ballot, upon which shall be written or printed the words “no bridge,” and tax shall be levied under the provisions of this act, unless a majority of those voting thereon shall be in favor of said tax and bridge.

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

Ratified the 3d day of March, 1873.
CHAPTER CXXXVIII.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE COUNTY OF FRANKLIN TO LEVY A SPECIAL TAX FOR THE PURPOSE OF PAYING THE OUTSTANDING DEBT OF SAID COUNTY.

Section 1. The General Assembly of North Carolina do enact, That the board of commissioners of Franklin county be and they are hereby authorized in addition to the tax which they may have power to assess, under the general revenue law of the State, to levy a special tax not exceeding one-fourth of one per centum on both real and personal property of said county for the year A. D. one thousand eight hundred and seventy-three, for the purpose of paying the outstanding debt of said county incurred prior to the first day of January, one thousand eight hundred and seventy-three, said tax to be levied and collected as other taxes.

Sec. 2. That no tax shall be levied under this act until the question shall be submitted to the qualified voters of the county at an election to be held under the direction of the commissioners, and approved by a majority of those voting thereon.

Sec. 3. That the same amount shall be levied on each taxable poll as is levied on three hundred dollars' worth of property.

Sec. 4. That the taxes levied and collected under this act shall be applied pro rata by said commissioners to the payment of the debts of the said county of Franklin incurred prior to the first day of January, one thousand eight hundred and seventy-three.

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

Ratified the 3d day of March, 1873.
CHAPTER CXXXIX.

AN ACT IN RELATION TO THE SALE AND COMPLETION OF THE WESTERN NORTH CAROLINA RAILROAD.

Section 1. The General Assembly of North Carolina do enact, That Tod R. Caldwell, George Davis, M. E. Manly, J. H. Wilson and W. L. Steele are hereby constituted a committee to be joined and associated with the commissioners appointed by the Circuit Court of the United States for the Western District of North Carolina held in Greensboro, in the case where Henry Clews, Hiram Sibley and others are plaintiffs, and the Western North Carolina Railroad Company are defendants, for the purpose of selling the railroad and all the franchise and property connected therewith, under and in pursuance of the orders and decrees of said court, made or hereinafter to be made in said cause.

Sec. 2. That the commissioners so appointed by this act, together with the commissioners appointed by the Court or a majority of them, shall have power to arbitrate any and all debts, claims, bonds or obligations embraced by said suits, together with all other claims against said railroad company, and allow so much of the same as said commissioners may deem just and legal; and if any of the creditors shall purchase the property, then such creditor shall be allowed his debt, under the order or decree of the court or commission in the discharge of his bid, or so much of said bid as may be necessary therefor.

Sec. 3. That said commissioners shall require the purchaser or purchasers of the property to give them satisfactory assurances of their ability and honest intentions to complete the road; and shall take from such purchaser or purchasers such obligations as the said commissioner shall deem necessary and sufficient to build
and complete said railroad, according to the provisions of this act.

Sec. 4. That in case the commissioners appointed by the court should refuse or from any cause whatsoever fail or neglect to act, then the commissioners hereby appointed shall have full power to carry into effect the provisions of this act.

Sec. 5. That said commissioners shall have the power to employ a clerk and have all the rights and powers conferred and named in a resolution entitled resolution to provide for a commission to examine into the managements and prospects of the Atlantic and North Carolina Railroad Company, laws of one thousand eight hundred and fifty-eight and one thousand eight hundred and fifty-nine; that the commissioners shall make a full report of their action in the premises to the next session of this General Assembly.

Sec. 6. That the purchasers of this property, their associates, successors and assigns, be and they are hereby created a body corporate and politic in law, under such name and style as they may select, and by that name shall have a corporate existence for ninety-nine years, and shall be capable of purchasing, holding, selling, leasing and conveying estates, real, personal and mixed, and acquiring the same by gift, release or otherwise, so far as may or shall be necessary for the purposes within the intent and purview of this charter, and by that name may have, exercise and enjoy all the rights, privileges and powers usually exercised by corporations; may sue and be sued, plead and be impleaded in all courts; may have a common seal and alter the same at pleasure, and may make, from time to time and alter the same, all such by-laws and regulations for the management of their business and property as they may deem proper, not inconsistent with the constitution and laws of this State and the United States.
Powers of corporation.

Sec. 7. Said corporation shall have the power and the right to purchase, lease, own, manage and use a railway from Salisbury, in the county of Rowan, North Carolina, to Asheville, in Buncombe county, thence to Waynesville, in Haywood county, and from Asheville to Paint Rock, in the county of Madison, North Carolina, and thence to Morristown, in the State of Tennessee, and thence in their discretion to Cumberland Gap and Cincinnati, Ohio, and from Asheville, North Carolina, to Spartanburg and Columbia, South Carolina, and it may consolidate on such terms as may be agreed upon with any railroad corporation or railroad property within this State, or within the States of South Carolina, Tennessee, Kentucky or Ohio, and may purchase or lease any railroad property with its rights and franchises, and may finish any railroad so purchased, leased or consolidated with.

Route of railway.

Sec. 8. That the capital stock of said corporation shall be for such an amount, and may from time to time be increased, under such rules and regulations as may be determined on by a majority of the stockholders, and the corporation shall have power to classify such capital stock and regulate the manner of the payment of the same: Provided, Said capital stock shall not exceed ten million dollars, and said corporation may provide by its by-laws in what way and manner the said capital stock may be represented, and may, in the by-laws, prescribe what and how many officers the corporation may have, and the duties and compensation of the same and their manner of appointment.

Capital stock.

Sec. 9. That said corporation may from time to time issue its bonds, bearing such rate of interest and under such rules and regulations and running to maturity at such times as may be prescribed by a majority of the stockholders of said corporation in any general or called meeting of the same; and to secure the payment of such bonds and interest on the same, the corporation shall

Proviso.

Bonds.
have the power to mortgage all of its property or any part thereof, together with its franchises, rights and privileges.

Sec. 10. That in addition to the powers herein specially granted, the said corporation may have and possess any of the rights, powers, privileges and immunities heretofore granted to any railroad corporation within this State.

Sec. 11. That the said company shall have all the rights, privileges, property and franchises of the Western Division of the Western North Carolina Railroad Company between Waynesville, Haywood county, and Paint Rock, Madison county, via Asheville, North Carolina, so far as may be necessary for them to build, construct, complete, own and run said road between the points last aforesaid: Provided, That none of said rights, privileges, franchises or property shall vest in this corporation, unless the provisions of this act are complied with: Provided further, That nothing herein contained shall be so construed in any way or manner whatever so as to give the corporators named in this act, their successors or assigns any of the rights, privileges, property or franchises of the Western Division of the Western North Carolina Railroad, except simply to put into their possession and transfer to them the roadbed and right of way between Waynesville and Paint Rock, including the grading and masonry now done between said points last named, and no more.

Sec. 12. That said corporation shall begin the work of the completion of the Western North Carolina Railroad within six months after they shall have the right and title to the property and franchises of the Western North Carolina Railroad Company, free of litigation on the part of the State. That the said company shall complete the said road from Old Fort, in McDowell county, to Paint Rock, in Madison county, North Carolina, within three years from the time they get possession of the same. That they shall complete the road from or near Asheville to
Waynesville, in Haywood county, within four years from the time they shall get possession of the Western North Carolina Railroad. That the said company shall not at any one time continuously for two months, suspend work upon said road, and if the said company shall fail to comply in any of the above several respects with the provisions of this section, then they shall pay as liquidated damages to the State of North Carolina one hundred thousand dollars for each and every failure or non-compliance.

Sec. 13. The said corporation shall have no power to discriminate in the tariff for passengers or freight against any railroad constructed west of Asheville in the direction of Ducktown, or against the Carolina Central Railway Company connecting or which may connect with the line of road or roads to be built under the provisions of this act.

Sec. 14. That should the Western North Carolina Railroad, that is to say, the Eastern Division of the same be sold either publicly or privately by commissioners, or any person empowered to make a sale of said road, by any act or resolution passed during the present session of the General Assembly, or at any future session or by or under any decree of any court made or hereafter to be made, the purchaser or purchasers at any such sale shall be, and they are hereby constituted incorporators under this act, and shall succeed to all the franchises, privileges and immunities of the said Western North Carolina Railroad Company, upon their complying with the provisions of this act, as fully and completely as if they were the original incorporators herein named.

Sec. 15. That all laws and clauses of laws in conflict with any of the provisions of this act be and the same are hereby repealed.

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

Ratified the 3d day of March, 1873.
CHAPTER CXL.

AN ACT TO AMEND THE CHARTER OF THE NORTHWESTERN NORTH CAROLINA RAILROAD COMPANY.

SECTION 1. The General Assembly of North Carolina do enact, That the charter of the Northwestern North Carolina Railroad Company be so amended that in all future subscriptions to the stock of the said company it shall be lawful for said company to receive in payment for the same real estate.

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

Ratified the 3d day of March, 1873.

CHAPTER CXLI.

AN ACT TO AMEND SECTION THIRTY-FOUR, CHAPTER ONE HUNDRED AND THIRTEEN, PUBLIC LAWS OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT AND ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE.

SECTION 1. The General Assembly of North Carolina do enact, That section thirty-four (34) of chapter one hundred and thirteen, (113) public laws of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, be amended by adding the following proviso to said section: Provided, That the right to refer claim under this section shall extend to claim in favor of the estate as well as those against it.

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

Ratified the 3d day of March, 1873.
CHAPTER CXLII.

AN ACT TO EXTEND THE TIME FOR THE REGISTRATION OF GRANTS, DEEDS AND OTHER CONVEYANCES.

Section 1. The General Assembly of North Carolina do enact, That all grants of land in the State, all deeds of conveyance of the same, all powers of attorney and every other instrument in writing which is required by law to be registered within a given time, and has not been proved and registered within such time, may be proved and registered within two years after the passage of this act under the same rules and regulations as heretofore required by law, and when so proved and registered shall be as valid to all intents and purposes as if they had been duly proved and registered: Provided, That this act shall not be construed to extend to mortgages, deeds in trust and marriage settlements.

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

Ratified the 3d day of March, 1873.

CHAPTER CXLIII.

AN ACT TO CHANGE THE DIVIDING LINE BETWEEN THE COUNTIES OF FRANKLIN AND GRANVILLE.

Section 1. The General Assembly of North Carolina do enact, That the dividing line between Granville and Franklin counties, on the south side of Tar river shall be changed as follows: Begin on the Franklin and Granville line where it is crossed by Tar river, at Kearney’s old mill, about three miles above the point where the old
line crosses said river, run south twenty-three degrees; west seven miles one hundred and ten yards, to the road near A. S. Gill's store-house; then south four miles to the Wake line, thence with the Wake line to the south-west corner of Franklin county.

Sec. 2. That the territory embraced between the old dividing lines between Franklin and Granville counties, and the line established by this act shall be attached to and form a part of Franklin county: Provided, That the change herein made shall first be sanctioned by a vote of the qualified electors resident within the boundaries herein named: and provided, further, That the county of Franklin shall assume the payment of a ratable proportion of the debt of Granville county: Provided, further, That W. H. Ballard be and he is hereby authorized to hold the election herein provided for, and he shall file in the office of the clerks of the Superior Courts of Granville and Franklin counties a certified statement of the result of said election within ten days after it shall have been held: Provided, further, That Joseph J. Davis, of Franklin, and James S. Amis, of Granville, are appointed commissioners to ascertain and determine the just proportion of the debt of Granville county to be assumed by the county of Franklin under this act, and in case of disagreement they shall select some third person whose decision shall be final. The aforesaid commissioners shall use the value of the property in the boundaries herein mentioned and the value of the property of the county of Granville as basis for determining the part of the debt herein authorized to be assumed.

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

Ratified the 3d day of March, 1873.
AN ACT TO RAISE REVENUE.

CHAPTER CXLIV.

SECTION 1. The General Assembly of North Carolina do enact, That the taxes hereinafter designated, payable in the existing national currency, shall be assessed and collected under the rules and regulations prescribed by law.

SEC. 2. On each taxable poll or male between the ages of twenty-one and fifty, except such poor and infirm persons as the county commissioners may declare and record fit subjects for exemption, there shall be annually levied and collected a tax of one dollar and five cents, the proceeds of such tax to be devoted to purposes of education as may be prescribed by law. If any poll tax shall not be paid within sixty days after the same shall be demandable, it shall be the duty of the sheriff, if he can find no property of the person liable sufficient to satisfy the same, to attach any debt or other property incapable of manual delivery due or belonging to the person liable, or that may become due to him before the expiration of the calendar year, and the person owing such debt or having such property in possession shall be liable for said tax.

SEC. 3. The taxes hereinafter designated shall be applied to defray the expenses of the State government and to pay appropriations for charitable and penal institutions.

CLASS I.

SECTION 1. There shall be an ad valorem tax of twenty cents for the general fund on every one hundred dollars value of real and personal property in the State, subject
to exemptions made by law, including moneys, credits, bonds, stocks, etc.

Sec. 2. A special tax of seven cents on the one hundred dollars shall be levied and collected on all the taxable property of the State to meet an existing deficiency in the treasury.

Sec. 3. A special tax of nine cents on the one hundred dollars shall be levied and collected on all the taxable property of the State for the Insane Asylum and the Institution for the Deaf, Dumb and Blind.

Sec. 4. A special tax of six cents on the one hundred dollars shall be levied and collected on all the taxable property of the State to be applied to the support of the convicts in the penitentiary and the erection of the outer wall around the same and for no other purpose.

Class II.

The subjects and persons mentioned in the following class shall be taxed as specially mentioned:

Section 1. On the net incomes and profits, other than income tax that derived from property taxed, from any source whatever during the year preceding the first day of April in each year there shall be a tax of one per centum. The income tax shall include interest on the securities of the United States, of this State or other States or governments. In estimating the net income the only deduction by way of expense shall be:

1. Taxes other than the income tax due this State.

2. Rent for use of buildings or other property or interest on encumbrance on property used in the business from which the income is derived.

3. Usual or ordinary repairs for the buildings from which the income is derived.

4. Cost or value of the labor, except that of the taxpayer himself, raw material, food and all other necessary expenses incidental to the business from which the in-
come is derived, together with the necessary expenses of supporting the family, which shall in no instance exceed one thousand dollars.

5. The tax-payer shall return to the assessor the net amount of his income, which return the assessor shall file in the office of the county commissioners.

Sec. 2. Upon all real and personal estate, whether legal or equitable, situated within the State, which shall descend or be devised or bequeathed to any collateral relation or person other than a lineal descendant or ancestor of the husband or wife of the deceased, or husband or wife of such ancestor or descendant, or to which such collateral relations may become entitled under the law for the distribution of the intestate estates, and which real and personal estates may not be required in payment of debts and other liabilities, the following per centum tax upon the value thereof shall be paid:

1. If such collateral relation be a brother or a sister of the father or mother of the deceased, or issue of such brother or sister, a tax of one per centum.

2. If such collateral relation be a more remote relation, or the devisee or legatee be a stranger, a tax of two and a half per centum. The real estate liable to taxation shall be listed by the devisee or heir in a separate column, designating its proper per centum tax. The personal estates or real estates reduced to assets, shall be liable to the tax in the hands of the executor or administrator, and shall be paid by him before his administration account is audited or the real estate is settled to the sheriff of the county. If the real estate descended or devised shall not be the entire inheritance, the heir or devisee shall pay a pro rata part of the tax, corresponding with the relative value of the estate or interest. If the legacy or distributive share to be received shall not be the entire property, such legatee or distributee shall in like manner pay a pro rata part of the tax, according to the value of his or her interest. Whenever the personal property is
the hands of such administrator or executor (the same not being needed to be converted into money in the course of the administration,) shall be of uncertain value, he shall apply to the county commissioners to appoint three impartial men of probity to assess the value thereof, and such assessment being returned to the commissioners and being confirmed, shall be conclusive of the value. To facilitate the collection of tax on collaterals, every executor or administrator shall return in his inventory whether the estate of the deceased goes to the lineal or collateral relations, or to a stranger, and if to collaterals, whether such collateral belongs to the first or second class above mentioned, under a penalty of one hundred dollars, to be recovered in the name and for the use of the State; and it shall be the duty of the Superior Court clerk of the county to furnish the sheriff with the names of the executors and the administrators who make such returns, after each and every term of his court. That wherever in any law or act of incorporation granted either under the general law or by special act, since fourth July, one thousand eight hundred and sixty-eight, there is any limitation of taxation, the same is hereby repealed, and all the property and effects of all such corporations shall be liable to full taxation, like property owned by individuals.

Schedule B.

The taxes in this schedule imposed are license tax for the privilege of carrying on the business or doing the act named; and nothing in this schedule contained shall be construed to relieve any person from the payment of the ad valorem tax on his property, as required by the preceding schedule, and no city, town or other municipal corporation shall have power to impose, levy or collect any greater sum on real and personal property than one and one-half per centum on the value thereof: Provided,
That this act shall not apply to cities or towns where a rate of taxation is fixed in their charters.

**Section 1.** Traveling theatrical companies shall pay five dollars for each exhibition. When the theatrical exhibitions are by the season of not less than one month, the tax shall be fifty dollars per month.

**Sec. 2.** On each concert or musical entertainment for profit shall be paid five dollars; on each lecture for reward, five dollars.

**Sec. 3.** On museums, wax-works, or curiosities of any kind, natural or artificial, (except paintings and statuary,) on each day's and night's exhibition, shall be paid five dollars.

**Sec. 4.** On every exhibition of a circus or menagerie, for each day or a part of a day, one hundred dollars, and for each side show to a circus or a menagerie, ten dollars.

**Sec. 5.** On all itinerant companies or persons, who exhibit for amusement of the public, otherwise than is mentioned in the four preceding sections, five dollars for each exhibition. Exhibitions given without charge for admission shall be exempt, and provided that all fairs or exhibitions for the promotion of religious, educational or charitable objects shall be exempt.

**Sec. 6.** On all gift enterprises, or on any person or establishment offering any article for sale, and proposing to present purchasers with any gift or prize as an inducement to purchase, ten dollars and one per centum upon the gross receipts. And on any lottery, whether known as a beneficial association or otherwise, five hundred dollars and five per centum on gross receipts, to be paid to the Treasurer of the State. This tax shall not be construed as a license, or to relieve such persons or establishments from any penalties incurred by a violation of the law.

**Sec. 7.** Every agency of a bank incorporated out of the
State, one hundred dollars, to be paid to the State Treasurer.

Sec. 8. The tax on billiard saloons shall be twenty dollars on each table. Every place where a billiard table is kept for hire shall be considered a billiard saloon, within the meaning of this act.

Sec. 9. On every bowling alley, or alley of the like kind, or bowling saloon, bagatelle table, or any other table, stand or place for any other game or play, with or without a name, unless such alley, stand, place or game is kept for private amusement or exercise alone, and not prohibited by law, there shall be a license tax of twenty dollars.

Sec. 10. Every dealer in spirituous liquors, vinous liquors, porter, lager beer or other malt liquors, shall pay a tax of five per centum on the amount of all purchases; and every agent who offers liquors for sale shall pay the tax on the value of all liquors of every description sold by him.

Sec. 11. Every person desiring to sell spirituous or malt liquors, wines or cordials in quantities less than a quart, shall, before engaging in said sale, obtain an order to the sheriff from the board of commissioners of the county in which he proposes to do business, to grant him license, which orders they may grant or refuse, at their option, and if granted, he may take out license for not less than one year, and shall pay a tax therefor of twenty-five dollars. Every retail dealer of malt liquors only shall pay a license tax of fifteen dollars per annum: Provided, This section shall not be construed to repeal or alter the provisions of any special act prohibiting or regulating the sale of liquors in any particular locality.

Sec. 12. Every merchant, jeweler, grocer, druggist and every other trader, who, as principal or agent, carries on the business of buying or selling goods, wares or merchandise of whatever name or description, except such as are specially taxed elsewhere in this act, shall pay one-eighth of one per centum on the total amount of pur-
chases in or out of the State, for cash or on credit, except the products of manufacturers and agricultural products of this State, and no retail merchants shall be required to pay any tax on purchases made from wholesale merchants residing in this State. Every person required by law to list his purchases shall, on the first day of January, April, July and October in each year, list on oath to the register of deeds the total amount of his purchases for the preceding quarter. The register of deeds shall keep a book in which shall be recorded the lists given in to him as herein required, and shall furnish the sheriff with a copy of said lists within ten days after the same are given in.

It shall be the duty of the sheriff to collect from every person on the list furnished him by the register of deeds the taxes embraced therein. The register of deeds shall have power to require the merchant making his statement to submit his books for examination to him, and every merchant refusing on demand to submit his books to such examination shall be liable to a penalty to the State of two hundred dollars, to be prosecuted by the register of deeds and recovered in any court having jurisdiction of the same. It shall further be the duty of the register of deeds to bring suit against every merchant refusing as aforesaid in the Superior Court of the county as may be prescribed for special proceedings, to the end of obtaining such examination and compelling payment of the proper tax. And for such service the register of deeds shall be entitled to fifteen cents for each return made by any merchant, same to be paid by the commissioners of the county.

Sec. 13. On the gross receipts of hotels, boarding-houses (except those used for educational purposes), restaurants and eating-houses, the tax shall be one-fourth of one per centum.

Sec. 14. The tax on public ferries, toll-bridges and gates across highways, one-fourth of one per centum on gross receipts.
Sec. 15. Every money, or exchange, bond or note broker, brokers.
private banker or agent of a foreign broker or banker, in addition to the ad valorem tax on their capital invested, or the tax on their net income, shall pay, if employing a capital of twenty thousand dollars, a license tax of one hundred dollars; if a capital of less than twenty thousand dollars and not less than ten thousand dollars, fifty dollars; and if a capital of ten thousand dollars, or less, a tax of twenty-five dollars, and also ten dollars additional for each county in which they have an agency; the tax to be paid to the State Treasurer, the license to be given by the Auditor.

Sec. 16. Every auctioneer on all goods, wares or merchandise, sold by himself or agent, whether by ascending or descending bids, or at public outcry, shall pay one per centum on the gross amount of his sales, subject to all the regulations and exemptions set forth in the tenth chapter of the Revised Code, entitled "Auction and Auctioneers"; but this shall not apply to tobacco-warehousemen, who shall pay a license tax of thirty-five dollars a year, nor to persons who keep a warehouse exclusively for the sale of cotton, where all who wish may exhibit cotton for sale; but the person keeping such warehouse shall pay a license tax of fifty dollars.

Sec. 17. Every commission merchant shall pay a tax of one-eighth of one per centum on his sales as commission merchant: Provided, That when spirituous, vinous or malt liquors are sold by commission merchants, they shall pay a tax of five per centum on their sales of such liquors.

Sec. 18. Every person whose occupation or business is to keep horses or vehicles for hire or to let, shall pay a tax of two dollars for every horse for that purpose at any time during the year, to be collected by the sheriff quarterly: Provided, That this section shall not apply to draymen. Proviso.

Sec. 19. Every itinerant dentist, medical practitioner, portrait or miniature painter, daguerrean artists and
other persons taking likenesses of the human face, five dollars for each county in which he carries on his business. Every itinerant dealer in prize photographs, one hundred dollars for each county in which said business is carried on.

Sec. 20. Every person that peddles goods, wares or merchandise, either by land or water, or any drugs, nostrums or medicines, whether such persons shall travel on foot or with a conveyance or otherwise, except manufacturers or their agents selling by sample, shall obtain from the commissioners an order to the sheriff to grant him peddlers' license, to expire at the end of six months from its date, and the sheriff, on production of a copy of such order, certified by the clerk of said commissioners, shall grant such license for his county on receipt of ten dollars tax, to-wit: 1st. That not more than one person shall peddle under the license. 2d. That nothing in this section contained shall prevent any person freely selling live stock, vegetables, fruit, oysters, fish, books, charts, maps, printed music, or the articles of his own growth or manufacture within this State. 3d. That nothing herein contained shall release peddlers from paying the tax imposed in this act on persons who deal in the same species of merchandise, which tax shall be collected or received in the same manner as is the case of other merchants and traders: Provided, That nothing herein contained shall be so construed as to require a tax to be paid by any person other than merchants and peddlers, for bartering cotton, iron, earthenware, yarns, salt and heavy cotton domestics.

Sec. 21. Every itinerant who deals in or puts up lightning rods, ten dollars for each county in which he carries on business.

Sec. 22. Every company of gipsies or strolling company of persons who make a support by pretending to tell fortunes or begging, fifty dollars in each county in which they offer to practice any of their craft, recover-
able out of any property belonging to any one of the company, but nothing herein contained shall be so construed as to exempt them from indictment or penalties imposed by law.

Sec. 23. Every drummer or travelling agent of any person who shall sell any spirituous, vinous or malt liquors, goods, wares or merchandise, by sample or otherwise, whether delivered or to be delivered, except agricultural implements and fruit trees, and articles of his own growth or manufacture, shall, before making any such sale, obtain a license to sell one year from the Public Treasurer, by paying said Treasurer an annual tax of fifty dollars, but shall not be liable to be taxed in any county because of his sales. Any person violating the provisions of this paragraph shall be deemed guilty of a petty misdemeanor, and upon conviction before any magistrate shall be fined not exceeding fifty dollars, or imprisoned not exceeding one month, and shall forfeit and pay besides two hundred dollars to the sheriff, to be collected by distress or otherwise, one-half of which shall be accounted for as other taxes, the other half to the use of the informer and the sheriff equally.

Sec. 24. The chief officers of banks, including savings banks, and private bankers, shall, in April and October of each year, certify on oath, the amount of profits which have been earned, and shall pay on such profits five per centum to the State Treasurer; and such insurance companies as are incorporated by this State shall, in April and October of each year, certify on oath the amount of profits which have been earned, and shall pay on such profits five per centum to the State Treasurer. On failure to comply with the provisions of this section said banks, companies or persons shall pay as taxes one thousand dollars, to be collected by the Treasurer of the State.

Sec. 25. Every insurance or assurance company not incorporated in this State doing business therein, shall pay an annual tax of two per centum to the Treasurer of
the State upon the gross receipts derived from the premiums charged for insurance obtained therein, unless the company shall exhibit to the Governor, Auditor and Treasurer a sworn statement of investments in real property situate in this State, or loans secured by mortgage to citizens of this State of an amount equal to one-half of such gross receipts, when the tax shall be one per centum, said tax to be paid quarterly, viz: on the first day of April, July, October and January of each year. Each general agent shall be required on the above-named days to make a statement to the Treasurer, under oath, that the amount by him returned is a full and correct statement of such quarter. On failure to comply with the provisions of this section, every such company shall pay as a tax two thousand dollars, and the principal agent shall be liable therefor. Every such company shall be required to appoint a general agent, who shall obtain a license from the Treasurer before transacting any business therein, and before such license is granted the applicant shall show to the Treasurer his appointment as general agent, under seal of the company, and thereupon the license shall be granted by the payment of one hundred dollars, and such license shall be renewed annually by the payment of said sum. And it shall be the duty of said general agent to furnish each of his sub-agents with a commission authorizing him to do business. And any one found soliciting insurance without such commission shall be deemed guilty of a misdemeanor, and be fined not less than one thousand dollars and imprisoned not less than ninety days. The agent effecting insurance shall, on the first days of April, July, October and January, make return to the register of deeds of the county in which the insurance is effected, of all the business done by him during the preceding quarter in said county, and shall pay to the sheriff the county tax assessed on such business. The general agent shall also on the first days of April, July, October and January
make return to the register of deeds of each county of the amount of gross receipts for premiums received from such county for such quarter. It shall further be required of the general agent or his local agent to pay to the sheriff of each county the county tax assessed upon the gross receipts of premiums collected in such county, which shall not exceed one per centum on such gross receipts, at the time and in the manner as required by the State, and no municipal corporation shall be allowed to add any additional tax, and on failure to make returns or to pay as aforesaid, said agents shall pay twenty-five dollars for each policy effected or negotiated by him in such county: Provided, That no county or corporation shall be allowed to tax insurance agents for license.

Sec. 26. Every person required in this act to pay a tax on receipts or sales shall list on oath to the register of deeds, on the first days of January, April, July and October of each year, the amount of receipts or sales for the preceding quarter, and the register of deeds shall keep a record of the same in a book kept for that purpose. The register of deeds shall, within ten days after the lists are given in, furnish the sheriff with a copy of said lists, and the sheriff shall immediately proceed to collect the taxes imposed upon the copy of lists furnished him. Any person failing to list his receipts or sales as required in this section shall be subject to double tax, to be charged against him by the register of deeds, and collected by the sheriff. The register of deeds shall have the same power to compel such persons to submit their books for inspection as is conferred upon him in section twelve of this act in respect to merchants, etc., and the same penalties prescribed in said section twelve of this act are hereby imposed for refusal on the part of any person referred to in this section to submit his books when demanded.

Sec. 27. No person shall follow any of the trades or professions taxed by this act, or in any other act imposing taxes on trades and professions and franchises, without
first listing the same to registers of deeds, and obtaining a license from the sheriff of the county in which the trade or profession is to be followed, or the franchise enjoyed, or from the Treasurer of the State, when the Treasurer is required to grant a license: Provided, If any person is desirous of taking out a license between the months of January, April, July and October, he shall list the same to the register of deeds, who shall furnish said applicant with a copy of the list, whose duty it shall be to present the same to the sheriff, who shall collect said tax and grant the license. Such license shall give to the person obtaining it, the right to practice the trade or profession, or to enjoy the franchise therein specified in the county of the sheriff by whom it is issued, and in none other, unless the law imposing the tax shall otherwise direct, from its date to the following first day of April: Provided, That nothing in this section shall apply to licensed practicing physicians, lawyers or dentists.

Sec. 28. The form of the license shall be in substance as follows:

Received, this — day of —, 18—, of —, —— dollars, of which — dollars is the tax to the State of North Carolina, and — dollars is the tax to the county of ———, for his license to practice the trade (or profession) of ——— until the first day of April next.

(Signed,)

A B,  

Sheriff of ——— County.

(Countersigned,)

C D,  

Register of Deeds for ——— County.

Sec. 29. Any person proposing to follow any taxed trade or profession may take out a license in advance of the time when he proposes to begin such trade or profession, in advance of the expiration of a license already held by him. In such case the license shall be truly dated, and shall specify the time at which it shall begin to be of force, as well as the time when it shall expire, which shall al-
ways be on the first days of January, April, July or October.

Sec. 30. No license issued by the sheriff shall be valid until the same shall have been exhibited to and countersigned by the register of deeds of the county, who shall receive for the services imposed on him by this act in reference to licenses a fee of twenty-five cents from every person licensed.

Sec. 31. The register of deeds shall keep a book in which he shall record the name of the person licensed, the trade or profession to be followed or the franchise to be enjoyed, the date at which it begins to run and the amount of tax, and he shall annually during the month of September send a certified copy of such record to the Auditor of the State, who shall charge the sheriff with the amount so appearing due. If any register shall fail to perform the duty imposed on him, he shall forfeit to the State a penalty of two hundred dollars, to be recovered of him and the sureties to his official bond, on motion of the Superior Court for the county of Wake; and on such motion, a certified copy of his official bond and the certificate of the Auditor of the State setting forth his failure to make the required return, shall be prima facie evidence entitling the State to judgment in the absence of any sufficient defence.

Sec. 32. Every person who shall practice any trade or profession or use any franchise taxed by law of North Carolina without having first paid the tax and obtained a license as herein required, shall be deemed guilty of a misdemeanor, and shall also forfeit and pay to the State a penalty not to exceed twenty dollars, at the discretion of the court, and in default of the payment of such fine, he may be imprisoned for not more than one month, at the discretion of the court, for every day on which he shall practice such trade or profession or use such franchise, except in such cases where the penalty is specially prescribed in this act, which penalty the sheriff of the
county in which it has occurred shall cause to be recovered before any justice of the peace of the county.

Sec. 33. The sheriff shall immediately report to the register of deeds all sums recovered by him as penalties under this act, and the register shall add three-fourths of each penalty recovered to the record of licenses required to be kept by him; the other fourth the sheriff may retain.

**Schedule C.**

The taxes embraced in Schedule C shall be listed and paid as especially therein directed, and shall be for the privilege of carrying on the business or performing the act named.

**SECTION 1.** Every express company shall make return to the Public Treasurer on or before the first Monday in January, April, July and October of each year of the entire gross earnings and receipts of such company within the State of North Carolina during the three months next preceding. The said report shall be verified by the oath of the chief officer or agent of the company at its principal office in this State. The said company shall, on or before the third Monday of each of the said months, pay on the gross receipts two per centum for each three months, and for failure to make such report or pay such tax, the company shall pay as taxes two thousand dollars, to be collected by such sheriff as the Public Treasurer may designate, by distress or otherwise.

**Sec. 2.** Every telegraph company doing business in this State shall, at the times and in the manner prescribed in the preceding section, make report of the entire receipts of said company within this State, and pay to the Public Treasurer two per centum for each three months, and in case of default of such report or payment, the company shall pay as tax one thousand dollars, to
be collected by such sheriff as the Public Treasurer shall designate, by distress or otherwise.

Sec. 3. Whenever the seal of the State, of the Treasury department, of a notary public or other public officer, except Clerks of the Supreme or Superior Courts, required by law to keep a seal, shall be fixed to any paper, except as is hereinafter excepted, the tax shall be as follows, to be paid by the party applying for the same: For the seal of the State, one dollar, to be collected and paid in the treasury by the Private Secretary of the Governor; for the seal of the State department, fifty cents, to be collected by the Secretary of State and paid by him into the treasury; for the seal of the Public Treasurer, to be collected by him and accounted for as other public moneys, fifty cents; for the seal of the Supreme Court, fifty cents, to be collected by the clerk, and paid by him into the treasury; and for the seal of a notary public or other public officer, twenty-five cents, to be collected and paid over by the said officers to the sheriff of the county where such seal is kept. Said officers shall keep an account of the number of times their seals may be used, and shall deliver to the proper officer a sworn statement thereof. Whenever a scroll is used in the absence of a seal by any of said officers, the said tax shall be on scroll; seals affixed for the use of any county or State or other government, or used on the commissions of officers in the militia, justices of the peace or any public officer not having a salary, or under the pension law, or upon any process of court, shall be exempt from taxation. The officers collecting the seal taxes may retain as compensation five per centum. Any person receiving taxes under this section and wilfully refusing or neglecting to pay the same as required, shall be guilty of embezzlement, and on conviction shall be fined not more than five hundred dollars or imprisoned in the State prison, in the discretion of the court.
SEC. 4. On each marriage license fifty cents, and on each marriage contract, mortgage deed and deed in trust to secure creditors, where amount secured exceeds three hundred dollars, there shall be a tax of one dollar. The tax on marriage licenses shall be paid to the register of deeds when he issues the license, and the tax on the deeds to the judge of probate of the county in which the instrument is admitted to registration; but if in two or more counties, then in the county in which it is first registered. It shall be the duty of the judge of probate and register of deeds to render annually to the sheriffs during the second week in the month of September sworn statements in detail of the taxes received by them respectively under this section, and at the same time pay him the money thus received, less four per centum commissions, and thereupon the sheriff shall file the statement of the judge of probate with the register of deeds, and that of the latter with the clerk of the Superior Court: Provided, That mortgages, deeds in trust or other conveyances made to secure agricultural advancements shall not be subject to any tax under this section.

SEC. 5. On every charter of incorporation of any company granted by the General Assembly, other than those for charity, benevolence or literature, where the corporation had powers to become incorporate under the provisions of any general law, whether originally granted by the General Assembly or secured by letters patent or otherwise, there shall be a tax of twenty-five dollars paid directly to the Public Treasurer. No company shall be organized under such special act of incorporation without first obtaining a certified copy of such act from the Secretary of State, which shall be filed in the office of the said Secretary.

SEC. 6. Whenever any officer receives or collects a fine, penalty or forfeiture in behalf of the State he shall within ten days after such reception or collection pay over and account for the same to the clerk of the Superior Court,
who shall forward such fine, penalty or forfeiture to the Treasurer of the Board of Education for the benefit of the fund for common schools.

Sec. 7. Any officer convicted of violating the preceding section shall be guilty of embezzlement, and may be punished not exceeding five years in the State prison, at the discretion of the Court.

Sec. 8. All laws imposing taxes, the subjects of which are revised in this act, are hereby repealed: Provided, That this repeal shall not extend to the provisions of any law so far as they relate to the taxes listed or which ought to have been listed or which may be due previous to the ratification of this act.

Sec. 9. All laws requiring taxes to be levied by the county commissioners on the first Monday in February of each year are hereby repealed.

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

Ratified the 3d day of March, 1873.

CHAPTER CXLV.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SIXTY-SEVEN PUBLIC LAWS OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY.

Section 1. The General Assembly of North Carolina do enact, That chapter one hundred and sixty-seven laws of eighteen hundred and sixty-nine and eighteen hundred and seventy, be amended as follows: In the preamble of said act strike out the word “idiot”; and section one of said act, by striking out the words “idiots or”.

Sec. 2. That all laws coming in conflict with this act are hereby repealed.
Sec. 3. This act shall be in force from and after its ratification.
Ratified the 3d day of March, 1873.

CHAPTER CXLVI.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF ONSLOW COUNTY TO SELL ALUM SPRING; AND PROPERTY, FORMER SITE OF THE POOR-HOUSE OF SAID COUNTY.

SECTION 1. The General Assembly of North Carolina do enact, That the commissioners of Onslow county are hereby authorized and empowered to sell and convey by deed or otherwise the former site of the poor-house, known as the Alum Spring property, on notice thirty days, for cash, said notice to be posted in three public places in said county, proceeds of said sale to go into the hands of the county treasurer as county funds.

Sec. 2. This act shall be in force from and after its ratification.
Ratified the 3d day of March, 1873.

CHAPTER CXLVII.

AN ACT TO INCORPORATE THE ONSLOW COUNTY AGRICULTURAL SOCIETY.

Samuel Guoche, A. J. Merrill, Richard W. Wood and John Shepherd, their associates and successors, be and are hereby created a body politic and corporate, by the name and style of the Onslow County Agricultural Society, having for its object the promotion of agriculture and mechanic arts, and by that name said company may sue and be sued, plead and be impleaded, may purchase, acquire, hold and transfer real and personal property, may make a constitution and by-laws for the government of the society, may alter and amend the same, use a common seal, and do all other acts and things which in law a body corporate may of right do, not inconsistent with the constitution and laws of this State and of the United States.

Sec. 2. Said corporators or a majority of them shall, on the first Monday in May, one thousand eight hundred and seventy-three, or as soon thereafter as practicable, assemble in the town of Jacksonville and proceed to the election of a president, vice president and secretary, by ballot, whose term shall be for twelve months.

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

Ratified the 3d day of March, 1873.

CHAPTER CXLVIII.
AN ACT FOR THE RELIEF OF NORTHAMPTON COUNTY.

SECTION 1. The General Assembly of North Carolina do enact, That Northampton county shall be transferred from the sixth to the first judicial district.

Sec. 2. That the regular terms of the Superior Courts of said county shall begin on the third Monday in February and September in each and every year.
SEC. 3. That all capiases, summons, subpoenas, notices, and all other legal precepts returnable to the terms of said Court as now regulated, shall be, by virtue of this act, returnable to the terms as herein established.

SEC. 4. That this act shall take effect from and after the second day of June, A. D. one thousand eight hundred and seventy-three.

Ratified the 3d day of March, 1873.

CHAPTER CXLIX.

AN ACT TO CHANGE THE TIME FOR HOLDING THE SUPERIOR COURTS OF CUMBERLAND COUNTY, IN FIFTH JUDICIAL DISTRICT.

SECTION 1. The General Assembly of North Carolina do enact, That after the Spring and Fall terms of one thousand eight hundred and seventy-three, the Superior Courts for the county of Cumberland shall be held on the last Monday in January and July respectively of each year.

SEC. 2. That all laws and points of law inconsistent with this act are hereby repealed.

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

Ratified the 3d day of March, 1873.
CHAPTER CL.

AN ACT TO PROHIBIT THE SALE OF SPIRITUOUS LIQUORS WITHIN ONE MILE OF WINDFALL, IN PERQUIMANS COUNTY.

SECTION 1. The General Assembly of North Carolina do enact, That it shall be unlawful for any person or persons to sell, dispose of or deliver any sort or kind of spirituous liquors within one mile of Windfall, in Perquimans county.

Sec. 2. That any person violating this act shall be guilty of a misdemeanor, and that any person convicted of said violation before the Superior Court of law shall be fined seventy-five dollars or imprisoned five months, or both, at the discretion of the Court.

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

Ratified the 3d day of March, 1873.

CHAPTER CLI.

AN ACT FOR THE RELIEF OF THE SHERIFF AND TAX COLLECTOR OF THE COUNTY OF FORSYTHE.

SECTION 1. The General Assembly of North Carolina do enact, That the sheriff and tax collector (or their legal representatives,) of the county of Forsythe, for the years one thousand eight hundred and sixty-nine, one thousand eight hundred and seventy, one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, be and the same are hereby authorized and empowered to collect arrears of taxes due them in the said county for the years aforesaid under the
same rules and regulations as are now prescribed by law for the regular collection of taxes; and the power and authority hereby granted shall cease from the first day of January, one thousand eight hundred and seventy-four.

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

Ratified the 3d day of March, 1873.

CHAPTER CLII.

AN ACT TO AMEND AN ACT TO PROVIDE FOR THE LAYING OFF AND CONSTRUCTION OF A PUBLIC HIGHWAY IN THE COUNTIES OF BURKE AND MITCHELL, PASSED AT SESSION OF THE GENERAL ASSEMBLY OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO.

Section 1. The General Assembly of North Carolina do enact, That chapter sixty-third of the public laws of North Carolina, session of one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, be amended as follows, to-wit: By striking out "one thousand eight hundred and seventy-two," in section fourth of said act and inserting in lieu thereof, "one thousand eight hundred and seventy-three."

Sec. 2. Be it further enacted, That section sixth of said act shall be stricken out and repealed, and that section eighth be amended by striking out all after the word "provided."

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

Ratified the 3d day of March, 1873.
CHAPTER CLIII.

AN ACT TO SUBMIT THE PROPOSED AMENDMENTS OF THE CONSTITUTION TO THE PEOPLE OF THE STATE FOR RATIFICATION OR REJECTION.

Whereas, The last General Assembly (three-fifths of the whole number of members of each House concurring), the bill containing the same having been read three times in each House, proposed the following alterations of the constitution of the State, to wit: Alteration in relation to the public debt; alteration in relation to the office of Superintendent of Public Works; alteration in relation to the State census; alteration in relation to exemptions from taxation; alteration in relation to the University; alteration in relation to the sessions of the General Assembly; alteration in relation to the Code Commissioners; alteration in relation to Federal and other officers holding office: Whereas, The bill containing the proposed alterations was published six months previous to the election of the members of the present General Assembly: Whereas, The present General Assembly in this its first session, two-thirds of the whole representation in each House concurring, after the same had been read three times on three several days in each House, have agreed to the alterations aforesaid proposed by the last General Assembly,

SECTION 1. The General Assembly of North Carolina do enact, That the said amendments of the constitution of this State be submitted to the people on the first Thursday in August, one thousand eight hundred and seventy-three.

Sec. 2. It shall be the duty of the sheriffs in each and every county in the State to open polls at the several election precincts in his county on the said first Thursday of August next; and the same shall be kept open for one day, from the hour of eight o'clock in the morning
to the hour of seven in the afternoon, when all persons qualified to vote according to the constitution, may vote for or against the ratification of each of the said amendments, those desiring such amendments to vote with the written or printed ticket, "for amendments;" those of a contrary opinion to vote with a written or printed ticket, "against amendments."

Sec. 3. The election provided for in the preceding section shall be conducted in the same manner and under the same rules and regulations in all respects and particulars, except as herein otherwise prescribed, as was held the election for members of the General Assembly on the first Thursday of August, one thousand eight hundred and seventy-two.

Sec. 4. To wit: The county commissioners, or upon their failure, the inspectors of election, shall provide for each election precinct in their respective counties eight ballot boxes, one for each of the amendments to be voted on as prescribed in the preceding section, in which to deposit the ballots, for or against such amendments respectively. Each of the said boxes shall have attached thereto in written or printed label, designating the amendment to be voted on therein; and at the close of the election the votes in each box shall be counted out separately by the judges and the number of votes for and against each of said amendments, as designated in the preamble of this act, shall be certified by them as is provided for in section six.

Sec. 5. That sheriffs shall compare and certify the results of the elections on or before the Saturday following the said first Thursday of August, and shall make a duplicate return of the polls in their respective counties, sworn to before the clerk of the Superior Court, one copy of which shall be deposited with the clerk of the board of commissioners, and the other copy to be transmitted to the Governor of the State at Raleigh, within twenty
days after the holding of said election; if such transmission is by mail, it shall be by a registered letter.

Sec. 6. The returns from the precincts shall be made by the judges of election by noon on Saturday ensuing the day of election to the sheriff of the county, who shall, in the presence of such persons as choose to attend, proceed to add the number of votes returned, and any sheriff or other officer who shall fail in his duty according to the requirements of this act, shall forfeit and pay to the State the sum of one thousand dollars, to be recovered in a suit to be instituted by the solicitor of the district in the Superior court of the county.

Sec. 7. That it shall be the duty of the Governor on the first Monday in December next, in the presence of the Secretary of State, the Treasurer and Auditor, to compare the votes for and against a ratification of said amendments, and if it shall appear that a majority of the votes polled are in favor of them, or any of them, he shall forthwith issue his proclamation announcing the result, and thereupon the Governor shall cause to be indorsed on said amendments as enrolled by the two Houses of this General Assembly or annexed thereto a certificate under his signature, declaring that the said amendments have been ratified by the people of North Carolina. The Secretary of State shall countersign the said certificate and annex thereto the great seal of the State, and the said amendments so enrolled, with the certificates aforesaid, shall be forever kept among the archives of the State, in the office of the Secretary aforesaid.

Sec. 8. That the Governor cause so much of the preamble of this act as sets forth the alterations proposed and agreed to, and the second section of this act to be published in the Daily Raleigh Sentinel, the Daily Era and the Daily News, published in Raleigh, for thirty days preceding the first Thursday of August, one thousand eight hundred and seventy-three, and in two weekly papers in each congressional district for thirty
days preceding the said first Thursday of August; one of the last mentioned papers to be Republican and the other Democratic.

Sec. 9. This act to take effect from and after its ratification.

Ratified the 3d day of March, 1873.

CHAPTER CLIV.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF WILKES COUNTY TO ISSUE BONDS.

Section 1. The General Assembly of North Carolina do enact, That in order to liquidate the just debts of the county of Wilkes, the commissioners of said county are hereby authorized to issue coupon bonds, not exceeding the amount of fifteen thousand dollars, in denominations of not less than two nor more than one hundred dollars. That said bonds shall be issued only to persons having judgments, county claims and orders against said county, and who surrender them for cancellation and take said bonds at par value in lieu of their judgments, county claims and orders, and to persons who will purchase the same, paying therefor cash at par value: Provided, however, That the said county commissioners shall fund no claims against said county about which doubts may be entertained in relation to their validity on account of their connection with the rebellion; and all claims shall be audited and passed upon by the commissioners of said county, or a majority of them, before the issuing and exchanging bonds therefor.

Sec. 2. That said bonds shall not be issued to contract any new debt against said county, but to fund such liabil-
ities as may be outstanding at the time of the ratification of this act.

Sec. 3. That said bonds shall run for five years and shall bear interest at the rate of six per centum per annum, payable annually, and the coupons on said bonds calling for such interest shall be receivable in payment of county taxes for any fiscal year in which they shall fall due.

Sec. 4. That said bonds and the coupons thereof shall be signed by the chairman of the board of county commissioners and countersigned by the clerk of the board, which latter officer shall keep a book suitable for the purpose, in which he shall keep an accurate account of the number of bonds, their amounts and to whom issued, the amount of bonds and coupons received and cancelled, so that upon an inspection of said book a true state of the county debt may be seen, for which services he may receive a reasonable compensation, to be fixed by the board of commissioners.

Sec. 5. That the said county commissioners shall have the privilege to redeem said bonds at any time after the expiration of one year from the date of their issue; and it shall be the duty of the county treasurer of said county each succeeding year after the issue of said bonds, to purchase one-tenth of the amount thereof, or by order of the board of county commissioners set apart as a sinking fund one-tenth of the amount thereof sufficient to redeem said bonds when they shall fall due.

Sec. 6. That for the payment of the interest on said bonds, and to enable the county treasurer to purchase annually one-tenth of the same, it shall be the duty of the county commissioners of said county, and they are hereby authorized, to levy and collect annually the necessary special taxes as the occasion may require. They shall be compelled to pay all claims pro rata, and they are hereby forbidden to levy or collect any other taxes except to pay the necessary accruing expenses of said county. In levying said special taxes the equation of taxation prescribed
in the constitution shall be observed by the said county commissioners.

SEC. 7. That the special taxes authorized to be levied by this act shall be collected by the sheriff of said county, at the same time and in the same manner as other taxes are, and the sheriff of said county shall be under the same liabilities and restrictions for the collection and paying over said taxes as he may or shall be for other county taxes.

SEC. 8. That all laws and parts of laws inconsistent with this act as far as they are applicable to Wilkes county only be and the same are hereby repealed.

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

Ratified the 3d day of March, 1873.

CHAPTER CLV.

AN ACT TO PROVIDE FOR AND REGULATE THE ADOPTION OF MINOR CHILDREN.

SECTION 1. The General Assembly of North Carolina do enact, That any person or persons intending and desiring to adopt any minor child or children may file a petition in the Superior Court of the county wherein such child or children may reside, setting forth the name and age of such child or children and the name of its parents, whether the parents or either of them be living, and if there be no living parent the name of the guardian, if any, and if there be no guardian the name of the person having charge of the child or with whom such child resides, the amount and nature of the child’s estate, if any, and especially if the adoption is for the minority or for the life of the child.
Sec. 2. Upon the filing of such petition, and with the consent of the parent or parents, if living, or of the guardian, if any, or of the person with whom such child resides, or who may have charge of such child, the court may, if the petitioner be a proper and suitable person, sanction and allow such adoption, by an order granting letters of adoption.

Sec. 3. Such order, when made, shall have the effect forthwith to establish the relations of parent and child between the petitioner and the child or children during the minority or for the life of such child, according to the prayer of the petition, with all the duties, powers and rights belonging to the actual relationship of parent and child, and in case the adoption be for the life of the child, and the petitioner die intestate such order shall have the further effect to enable such child to inherit the real estate and entitle it to the personal estate of the petitioner in the same manner and to the same extent such child would have been entitled to do, if such child had been the actual child of the person adopting it: Provided, Such child shall not so inherit and be so entitled to personal estate if the petitioner specially set forth in his petition such to be his desire and intentions.

Sec. 4. If such child be an orphan and without guardian, and shall be possessed of any estate, the Court shall require from the petitioner such bond as is required by law to be given by guardians.

Sec. 5. The order granting letters of adoption shall be recorded in the office of the clerk of the Superior Court of the county in which it is made, and may be revoked at any time by the court for good cause shown.

Sec. 6. The parent or guardian, or the person having charge of such child or with whom it may reside, must be parties of record in this proceeding.

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

Ratified the 3d day of March, 1873.
AN ACT TO INCORPORATE THE GRANVILLE RAILROAD COMPANY.

SECTION 1. The General Assembly of North Carolina do enact, That a company is authorized to be formed, with a capital stock of fifteen hundred thousand dollars, to be divided into shares of one hundred dollars each, to be called and known as the "Granville Railroad Company," for the purpose of building and constructing a railroad, with one or more tracks, to be used with steam and other motive power, from Townesville or some other point on the Roanoke Valley Railroad, in the county of Granville, over the most practicable route through the county of Granville to such point on North Carolina Railroad as by said company shall be found most eligible, and such company when formed as hereafter directed shall have power to receive, possess, own and transfer real and personal property, to have a common seal, to pass such by-laws not inconsistent with the laws of this State as may be necessary to carry out the object of the corporation, shall be capable in law of suing and being sued, pleading and being impleaded, and shall have and enjoy all the rights of other corporate bodies, under the laws of this State, to have land condemned for right of way, according to existing laws, and for all other purposes necessary to carry into effect the purposes of said company, and shall generally have and possess all the rights, privileges and immunities and be subject to the limitations and restrictions of corporate bodies in this State, and shall have the exclusive right to transfer and carry persons, produce, merchandise and minerals on and along such railroad, at such prices as they may fix.

SEC. 2. That for the purpose of creating the capital stock of such company, Wm. O. Gregory, Robert T. Barnett, T. L. Hargrove, John G. Jones, James A. Bullock,
and Edward B. Lyon are hereby appointed commissioners, whose duty it shall be, as soon after the passage of this act as may be, to appoint such commissioners to open books of subscription at such places and at such times as to them shall seem best, and under such rules and regulations as they may prescribe, such subscriptions or any part thereof as may be received, payable in money, lands, labor or material necessary in the construction of said road, bonds, stocks or other valuable credits, in such manner and on such terms as shall be agreed on between said company or its commissioners or agents and such subscribers.

Sec. 3. That whenever the sum of one hundred thousand dollars shall have been subscribed to the capital stock of said company by solvent subscribers, it shall be the duty of the commissioners aforesaid to call a general meeting of the stockholders, after giving notice as to them shall seem sufficient, and at such times and places as they shall determine, and at all general meetings of said stockholders not less than a majority of all the stock subscribed shall constitute a quorum for the transaction of business, and said stockholders, when so met in general meeting, shall have power and it shall be their duty to elect a president and five directors for said company, and in electing such president and directors, and in enacting such laws as may be necessary, each share of stock represented in person or by proxy shall be entitled to one vote: Provided, If a majority of such stockholders shall not attend said first general meeting such as do attend and are present may adjourn from time to time until a majority shall appear.

Sec. 4. That it shall be the duty of said stockholders at their first general meeting to prescribe the manner and time in which payments of stock on the subscription books shall be made, provided not more than one-half of said subscription shall be called for in one year after said first general meeting.
Sec. 5. That it shall be the duty of the president and
directors of said company to appoint a treasurer, who
shall remain in office such length of time as the com-
pany in their by-laws shall determine, and said president
and directors shall remain in office one year and until
others are chosen, and shall have a general direction and
management of the affairs of said company, and shall
appoint some suitable person as engineer, whose duty it
shall be to make the necessary surveys for the location of
said railroad, and furnish the president and directors
with such survey or surveys and estimates of the cost.
Said directors shall have power to fill any vacancy that
may occur in their board, and in the absence of the
president elect one for the time. They shall also appoint
a secretary, whose duty it shall be to keep a fair and cor-
rect record of the proceedings of said board and of all the
proceedings of the shareholders in general meeting in a
book to be provided for that purpose.

Sec. 6. That the president or board of directors shall
at least once a year, make a full report on the state of the
company and its affairs, to a general meeting of the
stockholders, and oftener if required by any by-laws of the
company, and also call a general meeting of the stock-
holders whenever they may deem it expedient, and the
company may provide in their by-laws for occasional
meetings being called and prescribe the mode thereof.

Sec. 7. That all persons, the commissioners of any
county or the authorities of any corporation shall have
full power and authority to subscribe to the capital stock
of said company to the amount they shall be authorized
to do by the inhabitants of said county, or incorporated
town, or the proper authorities of any corporation to the
amount they shall be authorized to do by the inhabi-
tants of said county or town, and they may issue bonds
or other evidence of debt to enable them to borrow money
to pay such subscription, the said subscription to be
made by any agent or agents of such county, town or
corporation, property authorized by them to make the same; when so made shall be binding in such county, company or corporate body in the same manner and to the same extent that it is on the individual subscribers, and such body corporate or company or county shall be represented in all general meetings of the subscribers.

Sec. 8. That if the capital stock of said county as authorized by their charter be insufficient to carry out the purposes of the same, it may be increased by said company to two million dollars.

Sec. 9. That said company may begin the construction of said railroad at any point on the line of location according to their discretion, and that for any portion of said road actually constructed, the said company shall be entitled to all the privileges of this into and over such part so constructed.

Sec. 10. For the purpose of securing the building of said road the company shall have the power to mortgage, sell or lease the same with all its franchises or any part thereof.

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

Ratified the 3d day of March, 1873.

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CHAPTER CLVII.

AN ACT IN RELATION TO THE PENITENTIARY.

SECTION 1. The General Assembly of North Carolina do enact, That the board of directors or managers of the State penitentiary be and the same are hereby authorized and directed to manufacture within the inclosure during the coming summer eight million (or as many as possible of that number) of good and merchantable brick, such as
are specified in the contract for the construction of the penitentiary, and to procure material for such purpose, they are authorized to send out of the penitentiary, on trains, convicts confined for short time and minor offences.

Sec. 2. That the steward of the penitentiary shall be the disbursing officer of the institution, and shall give good and sufficient bond for not less than eight thousand dollars; he shall also act as secretary of the board of directors, for all of which services he shall be entitled to a salary not to exceed one thousand three hundred and fifty dollars per annum.

Sec. 3. That the board of directors shall be paid for their services their actual expenses, but shall not exceed the sum of three hundred dollars for any one member per annum, and the salary of officers connected with the penitentiary shall not exceed those now established by the board of directors.

Sec. 4. That said board is directed to prosecute to as early a completion as possible the construction of the penitentiary with convicts, with such additional skilful labor as may be necessary. In such construction the basement story shall be confined to the specifications prescribed in contract with the Messrs. Coleman Brothers, the balance to be constructed with brick, to be made as provided in the first section of this act, with convict labor.

Sec. 5. That the said board be authorized and directed to employ some practical and skilful engineer or architect, with a salary not to exceed thirty-five hundred dollars, whose duty it shall be to superintend the construction and erection of said building, and who shall remain at and give his exclusive attention to said work, and he shall be required to give a good and valid bond for the faithful performance of the duties imposed upon him for five thousand dollars.

Sec. 6. That said board are authorized and directed to manufacture within the penitentiary all the iron doors.
necessary for the building, same to be in conformity to those contracted for in original contract.

Sec. 7. That in such construction the board shall use all diligence in completing one wing of the said building in order to furnish accommodations for as many convicts as possible at the very earliest day practicable.

Sec. 8. That the said board are hereby authorized and directed to deliver to the board of directors for the Institution for the Deaf and Dumb and Blind as many of the brick now at the penitentiary as may be necessary in the construction of the colored Deaf and Dumb and Blind Institution, and said board are directed to use as many convicts as practicable in the construction of such building.

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

Ratified the 3d day of March, 1873.

CHAPTER CLVIII.

AN ACT TO AMEND AN ACT FOR THE SUPPORT OF THE LUNATIC ASYLUM OF THE STATE OF NORTH CAROLINA FOR THE YEAR ENDING THIRTY-FIRST DECEMBER, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE.

Section 1. The General Assembly of North Carolina do enact, That an act passed at the present session of the General Assembly, and ratified the nineteenth day of December, one thousand eight hundred and seventy-two, entitled "an act for the support of the Lunatic Asylum of North Carolina for the year ending thirty-first December, one thousand eight hundred and seventy-two," be amended by adding the following proviso to section first, to wit: Provided, That said board shall not draw from Amendment.
the treasury more than one-fourth ($\frac{1}{4}$) of said sum for any one quarter of the said year.

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

Ratified the 3d day of March, 1873.

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**CHAPTER CLIX.**

AN ACT TO AMEND AN ACT TO ESTABLISH A TURNPIKE ROAD FROM THE TOWN OF STATESVILLE, IN IREDELL COUNTY, TO MOUNT AIRY, IN SURRY COUNTY, RATIFIED APRIL FIFTH, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE.

**Section 1.** The General Assembly of North Carolina do enact as follows: Amend section one of said act by inserting after the words "Mount Airy" the words "by the way of Jonesville and Elkin River bridge."

**Sec. 2.** Amend section four of said act by adding thereto the following, to wit: The county commissioners of either of the counties of Iredell, Yadkin or Surry may make a requisition upon the board of directors for the penitentiary for any number not exceeding fifty (50) able-bodied male convicts, who may have been convicted and imprisoned for larceny or any less offence; and the board of directors for the penitentiary shall furnish the same, unless they will certify that the labor of the convicts applied for is absolutely necessary in building the penitentiary. And when such convicts are delivered upon the requisition of the county commissioners, they shall be worked, provisioned and guarded, and in all respects be subject to the regulations provided for in said act to establish a turnpike road from the town of States-
ville, in Iredell county, to the town of Mount Airy, in Surry county.

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

Ratified the 3d day of March, 1873.

CHAPTER CLX.

AN ACT TO AUTHORIZE GRANVILLE COUNTY TO SUBSCRIBE TO THE CAPITAL STOCK OF THE GRANVILLE RAILROAD COMPANY.

Section 1. The General Assembly of North Carolina do enact, That Granville county shall be authorized and empowered to subscribe for any number of shares in the capital stock of the Granville Railroad Company, not to exceed one thousand, under the following provisions: A majority of the board of county commissioners shall determine the number of shares for which they propose the county shall subscribe, and appoint a day for holding an election in relation thereto, and cause the same to be entered on the minutes of the board of county commissioners, and it shall be the duty of the sheriff of the county in at least four public places to advertise the day and the object of the election for at least sixty days prior thereto, and on said day to open and keep open the polls agreeable to the acts regulating the election for the members of the General Assembly, and all qualified voters in said county favoring the subscription may vote "yea," and all opposing may vote "no," and the result of such election shall be faithfully made known to the county commissioners of said county at their first meeting thereafter and be made a matter of record; the result being favorable to the subscription, the same shall be ample and full
authority for the chairman of the board of county commissioners, and it shall be his duty to make the subscription as proposed in the name of the county.

Sec. 2. Be it further enacted, That to enable the board of commissioners of said county to meet the instalments that may be required upon such subscription, or authorize to pay the the same, they are hereby invested with authority to issue the bonds of the county redeemable in a period not exceeding twenty years from the date thereof, to bear interest payable annually at a rate not exceeding seven per centum per annum, and it shall be the duty of the board of county commissioners of the county regularly to provide the means of meeting the interest on the county bonds as the same shall become due by laying such taxes annually on the persons' lands and other property within the county as shall and may be sufficient for that purpose, and the said board of county commissioners shall likewise appoint a county agent to negotiate any loans that may be necessary, to sell and dispose of the bonds, to receive the taxes imposed, to meet the interest and regularly and faithfully apply the same to its payment, to represent the county in all the meetings of the stockholders of the railroad company, and to receive the dividends that may become due upon the county stock, and apply the same either to the interest or to a sinking fund for the extinguishment of the principal as the county commissioners may direct, and it shall likewise be the duty of the county commissioners of the county in due season to make ample provision by taxation or otherwise for liquidating the principal of said bonds as they shall come to maturity: Provided, That in laying said tax the same amount shall be laid upon the poll as shall be levied on the three hundred dollars worth of property.

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

Ratified the 3d day of March, 1873.
CHAPTER CLXI.

AN ACT TO PROVIDE FOR THE PRINTING AND DISTRIBUTION OF THE ACTS CONCERNING REVENUE.

Section 1. The General Assembly of North Carolina do, in act, That the Secretary of State is hereby directed to have printed three thousand copies of the act passed at the present session of the General Assembly, entitled "an act to raise revenue," also three thousand copies of the act entitled "an act to provide for the collection of taxes by the State and by the several counties of the State on property, polls and income," and distribute the said acts among all officers whose duty it is to carry into effect any portion thereof.

Sec. 2. The Secretary of State shall also have provided five copies of each of said acts for each member of the General Assembly, and forward the same per mail.

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

Ratified the 3d day of March, 1873.

CHAPTER CLXII.

AN ACT TO AUTHORIZE THE MAYOR AND COMMISSIONEES OF THE TOWN OF FAYETTEVILLE TO APPOINT A RECEIVER OF RAILROAD TAXES.

Whereas, The town of Fayetteville owes a large debt, incurred by reason of its subscription to the capital stock of the Western Railroad; and, whereas, the said town is about to issue its bonds for the sum of seventy-five thousand dollars in payment of its subscription to the capital
timber of the Fayetteville and Florence Railroad; and, whereas, It is highly important that the holders of said bonds should have every security that the interest on the same should be regularly paid, therefore,

Section 1. The General Assembly of North Carolina do enact. That it shall be lawful for the mayor and commissioners of the town of Fayetteville to appoint biennially a receiver of any and all taxes which may be hereafter levied and collected for the purpose of paying the interest which may accrue on the bonds of said town which have been heretofore or which may be hereafter issued in payment of its subscriptions to the Western Railroad and Fayetteville and Florence Railroad.

Section 2. It shall be the duty of said receiver to receive from the tax collector of the said town any and all taxes levied and collected as above prescribed, and to disburse the same only in the payment of the interest which may accrue on the railroad debt of said town.

Section 3. The said receiver shall be required to execute a bond, to be approved by the said mayor and commissioners, payable to the town of Fayetteville, in the sum of twenty-five thousand dollars, conditioned for the faithful disbursement of such sums of money as may come into his hands for the payment of the interest on the bonds of the said town issued for railroad purposes, and for no other.

Section 4. The said receiver shall receive from the tax collector and account to the treasurer of said town at such times and in such manner as the mayor and commissioners of said town may require him so to do, and shall be paid such compensation for his services, not to exceed two and one-half per centum on the amount actually disbursed, as the said mayor and commissioners may fix upon.

Section 5. The term of office of said receiver shall begin on the first day of April, one thousand eight hundred and seventy-three, and shall continue for ten years, and in
case of a vacancy by death or otherwise the said mayor and commissioners are authorized to fill the same for the unexpired term.

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

Ratified the 3d day of March, 1873.

CHAPTER CLXIII.

AN ACT TO ESTABLISH A "HOUSE OF CORRECTION AND REFUGE" IN THE COUNTY OF NEW HANOVER.

Section 1. The General Assembly of North Carolina do enact, That the commissioners of New Hanover county may establish in said county a House of Correction and Refuge, which shall be located within the limits of the city of Wilmington, or at some point not exceeding five miles distant from the city of Wilmington, under the provisions of article one, sections four and five of the constitution of the State; and full power is hereby given to the commissioners of New Hanover county to carry out and establish the same as hereinafter provided.

Sec. 2. The management of said House of Correction and Refuge at all times shall be under the general supervision of the county commissioners. The immediate control of the House of Correction and Refuge is hereby vested in a board of managers, who shall be styled the "Managers of the House of Correction and Refuge of New Hanover County," which board shall consist of five members, of which the chairman of the board of county commissioners of New Hanover county and the mayor of the city of Wilmington shall each be ex officio members; the other three members of said board of managers, who shall be citizens of New Hanover county,
shall be appointed by the Governor of the State of North Carolina for the respective terms of one, two and three years each; and after the expiration of the first year one manager shall be annually appointed by the Governor. In case of vacancy at any time the Governor shall appoint; but in case of failure of the Governor to appoint, then the member or members, whose term of office has expired, shall hold over until a legal successor shall be provided. The board of managers shall, at their first meeting after the passage of this act, and the proper qualification of each member thereof by taking an oath to perform the duties of the office of manager of the House of Correction and Refuge, proceed to organize by appointing and electing one of their number as chairman, who shall hold the office for one year, or until his successor is chosen. The board may at the same time elect a secretary and treasurer; whose compensation shall be fixed, and whose duties shall be defined. The offices of secretary and treasurer may be conferred on the same person. The treasurer shall be required to give a bond, with securities, in the penalty of ten thousand dollars ($10,000), payable to the State, or more, in the discretion of the said board of managers, conditioned for the proper performance of his duties, and the use of and the proper accounting for all the moneys which may come into his hands.

Sec. 3. The persons by this act appointed and to be appointed as managers of the House of Correction and Refuge of New Hanover county, and their successors are hereby declared to be, and are by this act created, a body corporate and politic under the name and style of "The Managers of the House of Correction and Refuge of New Hanover County," and by such may acquire, hold and convey real and personal estate, sue and be sued, plead and be impleaded in the courts of the State; have a common seal and perpetual succession for the purposes indicated in this act: Provided, That no more real estate than
is necessary for the proper use of and establishment of said House of Correction and Refuge shall be acquired by purchase: Provided further, That nothing herein contained shall be construed to prevent the said managers from receiving donations by deed or gift or will or otherwise, of any real or personal estate for the use of said House of Correction and Refuge; and all real and personal estate acquired by or for the use and benefit of said House of Correction and Refuge are hereby vested in the said board of managers of the House of Correction and Refuge of New Hanover county and their successors forever.

Sec. 4. Annually the board of managers aforesaid shall estimate the amount of money, which in their judgment, will be required for the support of said House of Correction and Refuge for the twelve months next ensuing; they shall report the amount necessary as aforesaid to the board of county commissioners of New Hanover county, on or before the first day of April in each and every year. Upon the approval of the report of managers aforesaid, the commissioners of the county of New Hanover are by this act authorized to levy a tax upon all subjects taxed by the State, and cause the same to be collected by the sheriff of New Hanover county in the same manner and at the same time that other public taxes are levied and collected. In the estimates for the first year may also be included an estimate for the erection of proper buildings, fences, laying out grounds, and for the purchase of such articles as may be deemed necessary for the profitable employment, safe keeping and instruction of the inmates of said House of Correction and Refuge; and annually thereafter the said board of managers shall make separate estimates of the amount required for additions and enlargements and requisite repairs, which if approved by the commissioners, shall be raised by taxation in the same manner as set forth for the support of the said House of Correction and Refuge. The commissioners of the county
of New Hanover shall, in addition to the other bonds of the sheriff of New Hanover county, require an additional bond, with good and sufficient security or securities conditioned for the faithful paying over and accounting for all taxes levied for the support of the said House of Correction and Refuge; and the said sheriff shall be subject to the same penalties for non-performance of duty as now are, or may hereafter be, imposed for default in the collection and accounting for other taxes levied for county purposes; and he is hereby required to settle for the taxes herein levied at the same time as other county taxes are settled for and paid over. The taxes levied and collected under this act shall be paid over by the sheriff to the treasurer of the managers of the House of Correction and Refuge of New Hanover, and said treasurer is hereby authorized to receive and receipt for the same, which receipt shall be a voucher in the hands of said sheriff. The said sheriff shall receive for the collection of taxes so levied and collected under this act the same commissions as are now allowed or may hereafter be allowed for the collection of the public taxes.

Sec. 5. The managers aforesaid shall have power in their discretion to receive and take into the said House of Correction and Refuge, to be established by this act, all such children as shall be taken up or committed as vagrants, or convicted of criminal offenses in the county of New Hanover, or any township, town or city therein, as may, in the judgment of the Superior Court, the mayor's courts of incorporated towns and cities, the justices of the peace in and for the county of New Hanover or any competent authority having jurisdiction, be proper subjects therefor, that the said offenders may be lawfully restrained, reformed and usefully employed; and the said managers of the said House of Correction and Refuge shall have power to place said children committed to their care, during the minority of said children, at such employments, and to cause them to be instructed in such
branches of useful knowledge as shall be suited to their years and capacities: Provided, That the charge and power of the said managers of the House of Correction and Refuge shall not extend in the case of males beyond the age of twenty-one years, and in the case of females beyond eighteen years of age.

Sec. 6. The board of managers of said House of Correction and Refuge may from time to time make and publish by-laws, ordinances and regulations not inconsistent with the provisions of this act, and may alter and amend the same in manner to be prescribed in said by-laws, relative to the management and disposition of the estate and income of the said House of Correction and Refuge, and the management, government, instruction, discipline, employment and disposition of the children while under their control or in their care, not contrary to law, as they may deem proper, and the said managers may appoint such officers, agents and servants as they may deem necessary to transact the business of the said House of Correction and Refuge, and may define and designate their duties, with power to discharge any subordinate at their discretion.

Sec. 7. Whenever any person under the age of sixteen years shall be convicted of any felony, the court, instead of sentencing such person to imprisonment in the penitentiary of the State, may order such person to be confined in the said House of Correction and Refuge, unless notice shall have been received from the managers thereof that there is not sufficient room to accommodate further delinquents.

Sec. 8. All children under the age of sixteen years within the county of New Hanover, or any township, town or city thereof, who are guilty of deserting their homes without good and sufficient cause, or keeping company with dissolute or vicious persons, against the lawful commands of their fathers, mothers, guardians or other persons standing in the place of a parent, shall be deemed
disorderly children. Upon complaint being made on oath before any magistrate, mayor or other chief officer of cities and towns within said county, against any child under the age of sixteen years, by his or her parent or guardian or other person standing to him or her in the place of a parent, as being disorderly, such justice of the peace, mayor or chief officer of any city or town, or other officer of competent jurisdiction, shall issue his warrant for the apprehension of the offender. and cause him or her to be brought before himself or some other justice of the peace or other competent authority, for examination, and if the justice of the peace or other officer trying the case shall be satisfied by competent testimony that such person is a vagrant or incorrigibly vicious, and that the parents of such person can not or will not exercise proper discipline over him or her, or that such person is a disorderly child within the description as aforesaid, he shall make up a record of conviction thereof, and shall, by warrant under his hand, commit such person to the said House of Correction and Refuge: Provided, That any person convicted under this act shall have the same right of appeal now secured by law to persons convicted of criminal offences: Provided, further, That in all cases where a commitment shall be ordered upon the complaint of a person other than the parent or guardian of such juvenile offender, the committing magistrate shall set forth substantially the evidence upon which he acted, and transmit the same with the juvenile delinquent to the keeper of said House of Correction and Refuge, to be preserved among the records and proceedings of the board of managers aforesaid, and such record of proceedings shall be competent evidence in any court of justice in this State, and be taken to be prima facie true, and the findings of the committing magistrate correct, subject to the revision of the Superior or Supreme Court.

Sec. 9. The managers of said House of Correction and Refuge may receive in their charges (whenever there is
sufficient room for their accommodation) juvenile offenders from other counties in the State of North Carolina, at a rate of compensation to be fixed by by-laws; and any money received therefor shall be appropriated to the support of said House of Correction and Refuge.

Sec. 10. Instruction being indispensable to reform, the managers of the House of Correction and Refuge are hereby requested to see to it that each and every child in their charge shall be taught in reading, writing, spelling and arithmetic. No child under sixteen years of age shall be required to work or labor more than six hours during the day of twenty-four hours. Religious services shall be afforded the inmates of said House of Correction and Refuge at least once in every Sabbath day.

Sec. 11. The managers of said House of Correction and Refuge shall cause a book to be kept in which shall be registered an account of the behavior, deportment and progress of such persons as are placed in their charge, and in cases where the said managers are assured of reformation they may have some uniform rule to diminish the time of confinement. The said managers may in their discretion deliver over to their parents or guardians any juvenile offender whom they shall decide, upon proper investigation, will be properly cared for and disciplined by his or her parents, and that the parents are proper persons to take charge of the said juvenile: Provided, That this clause shall not apply to juveniles confined for felonies.

Sec. 12. It shall be the duty of all courts and magistrates, or other authority by whom any juvenile delinquent shall be committed or sent to the House of Correction and Refuge as aforesaid, to ascertain the age of said delinquent by such proof as may be in their power, and to insert such age in the order of commitment; and the age thus ascertained shall be deemed and taken to be the true age of such delinquent: Provided, That when the age of the delinquent is not so ascertained and inserted in the
order of commitment, the said managers shall, as soon as may be after such delinquent shall be received by them, ascertain the age of such delinquent by such proof as may be in their power, and cause the same to be inserted, entered and recorded in a book to be kept by them for that purpose, and the age thus ascertained shall be deemed and taken to be the true age of such delinquent.

Sec. 13. The managers of the said House of Correction and Refuge shall on the first days of January and July in each and every year, or as soon thereafter as may be, not exceeding ten days, make up semi-annual reports, setting forth all the matters of interest and statistics connected with the management of the same. The form of said semi-annual reports shall be prescribed by the commissioners of New Hanover county. When made up as aforesaid one copy shall be sent to the Governor of the State, one copy to the board of county commissioners of New Hanover county, and one copy to the mayor and aldermen of the city of Wilmington, and in case of failure or neglect to furnish the copies of such semi-annual reports as aforesaid, the board of managers shall be subject to a penalty of one hundred dollars, recoverable before any justice of the peace.

Sec. 14. The buildings of the House of Correction and Refuge shall be so constructed that the children of the white race shall be kept separate and apart, and the children of the colored race shall be kept separate and apart from the other race.

Sec. 15. The managers of the House of Correction and Refuge shall employ competent physicians, and shall look well to the health and physical condition of the persons in their charge. In case of any epidemic of serious character, they are hereby empowered to make such temporary arrangements, consistent with the duties enjoined upon them, as will secure the occupants thereof exemption therefrom.
Sec. 16. The costs of magistrates, constables, sheriff or other officer, incurred in carrying out the provisions of this act, whenever the delinquent shall be sent to the House of Correction and Refuge, shall be paid by the county.

Sec. 17. To transact business at any meeting, or in any manner to carry out the provisions of this act, three members of the board of managers aforesaid shall be present; and all business and every appointment, to be legal and binding, shall receive the sanction of a majority, to wit: three members of the board of managers of the House of Correction and Refuge.

Sec. 18. The compensation of the board of managers of the House of Correction and Refuge shall be one hundred dollars for each member included in the bill of estimates annually, and no other compensation shall be allowed.

Sec. 19. It is declared to be the true intent and meaning of this act that the term of restraint of all juvenile offenders committed under this act to the care of the managers of the House of Correction and Refuge of New Hanover county shall be determined and fixed by the said board of managers aforesaid, not in any case exceeding the term of the minority of such persons as are committed to their care: Provided, That this provision shall not apply to juvenile offenders committed by authority of the Superior Court.

Sec. 20. All laws or parts of laws, acts and clauses of acts in conflict with this act are hereby repealed.

Sec. 21. This act shall be in force from and after its ratification.

Ratified the 3d day of March, 1873.
AN ACT TO CONTINUE IN FORCE AN ACT TO CHARTER THE HICK ORY NUT TURNPIKE COMPANY, RATIFIED BY THE GENERAL ASSEMBLY OF NORTH CAROLINA THE ELEVENTH OF JANUARY A. D. ONE THOUSAND EIGHT HUNDRED AND FORTY-ONE.

CHAPTER CLXIV.

Corporators.

Purpose of corporation.

Privileges and powers.

Duty of corporators.

Toll gates.

Tariff.

Section 1. The General Assembly of North Carolina do enact, That H. M. Miller, Eli McArthur, J. M. Morgan, of the county of Rutherford, 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 J. W. Hawphy's old place, in Rutherford county, to James Tom's, in Buncombe county, with all the powers, privileges, emoluments and liabilities conferred upon and incurred by the original incorporators, and their associates, successors and assigns, ratified on the eleventh day of January, one thousand eight hundred and forty-one, by the General Assembly of North Carolina.

Sec. 2. That the said H. M. Miller, Eli McArthur and J. M. Morgan, their successors and assigns be and they are hereby required to keep the said turnpike in the same repair and upon the same grade the original incorporation was required to keep it in, and under the same pains and penalties; and the said H. M. Miller, Eli McArthur and J. W. Morgan, their associates and assigns, have power to erect a gate on any part of said Hickory Nut turnpike, and to collect such tolls as may be fixed for passage over said road, not to exceed the following rates, to-wit: For hogs and cattle, each, two cents; for loose horses, each, six cents; for single horseman, each, ten cents; for one horse wagons, each, twenty-five cents; for two horse wagons, each, fifty cents; for three horse wagons, each, seventy-five cents; for four, five or six horse wagons, each, one dollar; for one horse buggies.
each, fifty cents; for two horse buggies or carriages, each, seventy-five cents; for each cart, fifty cents; for every animal intended for exhibition, seventy-five cents; and that no coach or other vehicle conveying the mail shall be charged more toll than one dollar per coach. Provided, That no tolls shall be collected on said road from any person passing on said road to or from any church or public mill, who resides within three miles of the same, nor shall any person residing within two miles of the same be charged more than one half the regular tolls.

Sec. 3. That all of such of the citizens who live in the county of Henderson and Rutherford, and cross the Reedy Patch Gap shall be exempt from paying tolls.

Sec. 4. That the said H. M. Miller, Eli McArthur and J. M. Morgan, their successors and assigns shall have the power, authority and privileges herein granted for the term of twenty years, and shall be subject to indictment, and liable to all the pains and penalties for failing or neglecting to keep said road in lawful repair and condition, as is fixed by law to such failure or neglect on the part of the original corporators, by the said act of the General Assembly, ratified on the said eleventh day of January, one thousand eight hundred and forty-one in relation to said road.

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

Ratified the 3d day of March, 1873.

CHAPTER CLXV.

AN ACT TO AUTHORIZE TWO ADDITIONAL TERMS OF THE SUPERIOR COURT TO BE HELD IN GRANVILLE COUNTY.

Section 1. The General Assembly of North Carolina do enact, That there shall be held in the county of Granville two additional terms for Granville county.
annually, two terms of the Superior Court in addition to those now held by law, beginning the third Monday of January and the —— Monday of July respectively, and continuing two weeks, unless the docket shall sooner be finished.

Sec. 2. That no original or final process in civil actions shall be returnable to the term of the court herein authorized.

Sec. 3. This act shall be in force from and after its ratification.
Ratified the 3d day of March, 1873.

CHAPTER CLXVI.

AN ACT IN RELATION TO THE COUNTY OF PAMLICO.

Section 1. The General Assembly of North Carolina do enact, That the county officers of Pamlico county, elected on the first Thursday in August, one thousand eight hundred and seventy-two, shall hold their offices for two years from the date of such election, or until their successors are elected.
Ratified the 3d day of March, 1873.

CHAPTER CLXVII.

AN ACT CONCERNING THE SALE OF SPIRITUOUS LIQUORS AT ENDOR, IN THE COUNTY OF CHATHAM.

Section 1. The General Assembly of North Carolina do enact, That it is the intent and meaning of the act prohibiting the sale of spirituous liquors at Endor, in the-
county of Chatham, that the provisions of said act shall not extend to the depot at Egypt, or within half a mile of said depot.

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

Ratified the 3d day of March, 1873.

CHAPTER CLXVIII.

AN ACT CONCERNING THE RATIFICATION OF THE LAWS OF THE PRESENT SESSION OF THE GENERAL ASSEMBLY.

Section 1. The General Assembly of North Carolina do enact, That all acts and resolutions passed at the present session of the General Assembly which have no ratifying or enforcing clause, shall be deemed and held to have force and effect on the thirtieth day after the third day of March, A. D. one thousand eight hundred and seventy-three.

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

Ratified the 3d day of March, 1873.

CHAPTER CLXIX.

AN ACT TO PROVIDE A CENTRAL PLACE FOR COMPARING THE ELECTION RETURNS OF BRUNSWICK COUNTY.

Section 1. The General Assembly of North Carolina do enact, That the commissioners of the county of Brunswick be and the same are hereby required to receive and
compare the returns of general and county elections at the house of Thomas E. McKeethan, in Town Creek township.

Sec. 2. That all laws in conflict with this act are hereby repealed, and that this act shall be in force from its ratification.

Ratified the 3d day of March, 1873.

CHAPTER CLXX.

AN ACT TO AMEND AN ACT TO INCORPORATE THE WILMINGTON SHIP CANAL COMPANY.

Section 1. The General Assembly of North Carolina do enact as follows: That for the purpose of connecting the waters of the port of Wilmington with the waters of the Atlantic ocean by a ship canal in the county of New Hanover, State of North Carolina, that the company now incorporated and known as the Wilmington Ship Canal Company, their present and future associates and their successors, be and the same are hereby incorporated a body corporate under the name and style of the "Wilmington Ship Canal Company," and as such corporation they shall have perpetual succession; may require, hold and possess real and personal property, sue and be sued; have a common seal, which they may change or alter at pleasure; have power to make by-laws for the regulation and government of the company, and to do all other acts and things which a body corporate may do, not inconsistent with or repugnant to the constitution and other laws of the State of North Carolina or of the United States.

Sec. 2. That the capital stock of said company shall be five hundred thousand dollars, which shall be raised
in such manner as may hereafter be provided in the by-laws; and the said stock shall be divided into shares of such size and transferred and signed in such manner as may be therein prescribed.

Sec. 3. That the business of said company shall be conducted and managed by a board of directors to be chosen in such manner, and to consist of such number, and to hold their office for such period of time as may be prescribed in the by-laws.

Sec. 4. That the original incorporation of the Wilmington Ship Canal Company or their successors shall constitute a provisional board of directors for the purpose of organizing said company, and as such they shall have power to make by-laws, enter into contracts and do all other acts and things which the regular directors may do in the management and affairs of said company, and they shall continue in office until the regular directors are elected and qualified in the manner prescribed in the by-laws.

Sec. 5. That the number of officers of said company, their term of office, the duties to be performed by them, shall be fixed and prescribed in the by-laws.

Sec. 6. That the said company shall have power to construct a canal in the county of New Hanover, State of North Carolina, to connect either the waters of the Cape Fear and Northeast rivers with the waters of the Atlantic ocean, which canal shall be suitable for navigation for vessels, ships, steamships, steamboats and barges, and all other kind of water craft, and may be used for the transporting of wood, timber or other commodities by rafts or otherwise, under such regulations as may be prescribed by said company; said canal shall be of such width and depth and general dimensions as the said company may think proper for a canal intended for the above purposes; the construction of said canal shall be commenced as soon after the organization of said company as may be practicable, and shall be completed as
soon as the resources of the company will justify. The rates of tolls and charges shall be uniform upon vessels or property of the same class and kind, and no discrimination shall be ever made in favor or against any person or class in the use of said canal.

Sec. 7. That the terminus of said canal upon the Atlantic ocean may be at such a point or place in the county of New Hanover, State of North Carolina, as the said company may select, and upon leaving the Atlantic ocean the said company may select such route as they deem most easy of construction, and the terminus of said canal upon either the Cape Fear or Northeast rivers, in the county of New Hanover, State of North Carolina, shall be at any point the said company may select, or that may be deemed most advisable by said company, and such canals shall be constructed through such parts of the said county of New Hanover between said termini as in the opinion of said company as will render it most advisable for the purpose contemplated by this act, and in the construction of said canal said company may cross over, pass through, or along any of the sounds, creeks, water courses or bodies of water in any way that may tend to promote their interest in the construction or use of said canal, and to that end may construct locks and dams above or below said canal upon such sounds, creeks, water courses or bodies of water so as to turn the waters of the same into or out of said canal, or use the same in receiving or discharging water from said canal, and that the said company may construct upon and along said canal as many locks or sluices as they may deem serviceable for the use of said canal, and at either or both terminal points of aforesaid canal they may construct a breakwater or breakwater of such character and dimensions as may be deemed most available to protect vessels entering or leaving said canal from the dangers of navigation.
Sec. 8. That the said company shall have the right to enter upon any and all lands, and to pass through and over all streams and bodies of water between the said termini of said proposed canal, for the purpose of making a survey and location of said canal, and that in locating the same they may vary the route heretofore described in section the seventh (7) of this act as to this company may seem most advantageous, the principal object of connecting said waters by a canal for the convenience of commerce being preserved.

Sec. 9. That in case the said company shall be unable to agree with any of the owners of the land over which the said canal shall pass, according to a survey and location thereof, first to be made by said company, they shall have the right to condemn so much of the said land as may be required for the bed of said canal, and one hundred yards on each side thereof, and the mode of condemnation shall be as follows: The said company shall give notice to the owner of the land which they desire to condemn of their intention to apply to any magistrate in the county of New Hanover in which the land may be situated, for a jury of views and condemnation. Ten days after the time of said notice, the said company may make their application to any of the said magistrates for a jury of views and condemnation, and the magistrate applied to, thereupon shall direct the sheriff of said county to empanel a jury of twelve men on the premises to be condemned, giving notice three days in advance to both parties litigant of the time and place of empaneling said jury; when the jury shall be empaneled it shall be the duty of the said sheriff to administer to them an oath truly to try the issue submitted to them, and to pass upon the same as the trial of such issue, both parties being permitted to produce and examine witnesses and to be heard by counsel if they should require. The jury after having heard the case shall make up a sealed verdict, which the sheriff shall return to the magistrate or-
dering the proceedings, and the said magistrate shall enter a judgment upon said verdict, which shall be as binding upon both parties as a judgment at law.

Sec. 10. That the said company are hereby authorized to enter upon and condemn for the purpose of depots and landing places at or near each of the termini of said canal: Provided, The same be not in the incorporated limits of the town of Wilmington, a quantity of land not exceeding twenty acres at each of the points selected for condemnation, the condemnation to be had and made as provided in the ninth section of this act.

Sec. 11. That the said company for the purpose of obtaining money to construct said canal, may issue bonds payable at the end of not more than thirty years, to the amount of five hundred thousand dollars, to bear interest at the rate of not more than eight per centum per annum, with coupons of interest attached, which bonds and coupons may be made payable at any place said company may select, and said bonds may be of such amount as the company may deem advisable, and to secure the payment of said bonds and coupons of interest, said company may execute a mortgage upon all its property of every kind situated in the State and upon all its rights and franchises conferred upon it by this State or otherwise acquired.

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

Ratified the 3d day of March, 1873.
CHAPTER CLXXI.

AN ACT TO PROHIBIT THE SALE OF INTOXICATING LIQUORS IN CERTAIN LOCALITIES.

Section 1. The General Assembly of North Carolina do enact, That it shall be unlawful for any person or persons to sell or give away any intoxicating liquors in any way or manner, or in any quantity, so as to receive any compensation for the same whatever, either directly or indirectly, within four miles of Antioch Church, in Alleghany county; Bluff Presbyterian Church, in Cumberland county; Ashpole Missionary Baptist Church, in Robeson county, or Yopp's Meeting-house, in Onslow county. Or within three miles of the following places, to-wit: Mount Pleasant Academy, in Cherokee county; Cumberland Union Church, near Walkertown, in Cumberland county; Blocker's Store, in Cedar Creek Village, in Cumberland county; Judson Female College, in Henderson county; Pollocksville, in Jones county; Laurel Hill Church, in Richmond county; Big Branch Baptist Church; Beauty Spot Church; Ashpole Presbyterian Church; Zion's Tabernacle Baptist Church; Asbury Church; Horeb Methodist Church, or Mount Moriah Baptist Church in Robeson county. Or within two and one-half miles of Rocky Knoll Church, in Cabarrus county. Or within two miles of the following places, to-wit: Piney Grove Church; Lunsville Church, or Red Hill Church or School-house, in Anson county; Christian Delight Church, or Concord Church, in Beaufort county; French's Creek Baptist Church; Brown Marsh Presbyterian Church, in Bladen county; Endor Furnace, or Flouring Mills, in Lockville, in Chatham county; Methodist Church, Presbyterian Church, or Baptist Church, near Fort Hembre, or Hicks' High School, Barnard's Camp Ground, in Clay county; Pleasant Plains Church, or Peacock's Store, in Columbus-
county; Blockville Academy, or Cokesberry Church, in Cumberland county; New Bridge Church, in Duplin county; Mountain Island Factory, in Gaston county; Corinth Baptist Church, in Granville county; Flat Rock, in Guilford county; Johnston’s Chapel, in Johnston county; Shiloh Church Colored School-house No. 1, in Federal Point township, in New Hanover county; Zion Church, in Richmond county; Lumberbridge Presbyterian Church, or Providence Baptist Church, in Robeson county; Elberbus Springs, in Richmond county; Little River Church, in Transylvania county; Goshen Church, Sampson county; the paper mills at the falls of Neuse river, in Wake county; the Court-house in Wilkesboro, in Wilkes county, or within the corporate limits of the town of Carthage, in Moore county, or Lumberton, in Robeson county, or Rutherfordton, in Rutherford county, or within two miles of the corporate limits of Carthage or Lumberton: Provided, This shall affect the power of the commissioners of Lumberton to grant license within its corporate limits. Or within one and a half miles of Cherry Grove Baptist Church, in Columbus county; Bell Farm Presbyterian Church (colored), Harris Depot; Methodist Church at Cold Spring Camp Ground, or Methodist Church at Bethel Camp Ground, in Cabarrus county, or Murchison Factory, in Manchester, Cumberland county. Or within one mile of Goose Creek Island Church, in Beaufort county; the Baptist Church in Abbottsburg, in Bladen county; Newton Academy, or Fair View Schoolhouse in which J. S. Shuford taught school, in Buncombe county; Pioneer Mills post office, in Cabarrus county; Cypress Creek Church, or the Baptist or Methodist Church in Hallville, Duplin county; Vine Hill Academy, in Halifax county; Bethel Church, in Pitt county; the Courthouse in Ashboro, in Randolph county; Turnersburg Church, in Iredell county, or Union Chapel Methodist Church, in Robeson county.
Sec. 2. Any person or persons violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof before any acting justice of the peace, for each and every offence shall pay a fine of not less than ten nor more than fifty dollars, or be imprisoned, in the discretion of the court, not to exceed thirty days.

Sec. 3. The Secretary of State shall furnish a certified copy of this act, immediately after its ratification, to the Era, Sentinel and News for publication.

Sec. 4. This act shall be in force from and after the first day of May, one thousand eight hundred and seventy-three.

Ratified the 3d day of March, 1873.

CHAPTER CLXXII.

AN ACT TOUCHING THE SALE OF SPIRITUOUS LIQUORS IN CERTAIN LOCALITIES.

Section 1. The General Assembly of North Carolina do enact, That it shall be unlawful for any person or persons to sell in any quantity any kind of intoxicating liquors within three miles of the railroad warehouse in Franklin, in Franklin county; the depot building in Shoheel, in Robeson county, or Shiloh Church, in Johnston county, or within two miles of Magee's Church, or White Oak Church, in Sampson county, Friendship Church, in Guilford county, or within two miles of the court-house in Jackson county, or the court-house in Macon county, or within the corporate limits of Waynesville, in Haywood county, or within the corporate limits of Brevard, in Transylvania county, or within the corporate limits of Kenansville, in Duplin county, or within the corporate limits of Durham, in Orange county, or within the corporate
limits of Clayton, in Johnston county, or within two miles of the corporate limits of Durham or Clayton aforesaid, or within one mile of the court-house in Sparta, Alleghany county: Provided, That nothing herein contained shall have any force or effect in either of the aforesaid localities until the question of prohibition or no prohibition shall have been submitted to the qualified voters therein on the first Monday in May next, and on the first Monday in May in each year thereafter, under the direction of mayor and commissioners in either of the incorporated towns herein named, if such officers are acting, if not, then under the direction of the sheriff, including places not incorporated in their respective counties.

Sec. 2. At any election held under this act those voting infavor of it shall vote a written or printed ticket, "prohibition," those voting against it, "no prohibition."

Sec. 3. If at any election held under this act a majority of the qualified voters in either of the localities herein given shall vote in favor of "prohibition," this act shall take effect and be in full force immediately thereafter.

Sec. 4. Any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof before any acting justice of the peace, shall be fined not less than ten or more than twenty dollars, or imprisoned not less than ten or more thirty days for each and every offence at the discretion of the court: Provided, That no person having a license to retail spirituous liquors within the localities mentioned in this act shall be convicted under the provisions of this act for any act in violation thereof committed within the time for which such license allows him so to retail such spirituous liquors.

Sec. 5. The commissioners in the county of Robeson and Richmond shall make arrangements to submit the
question of prohibition to the qualified voters in the Shoe Heel locality at the time provided in this act.
Ratified the 3d day of March, 1873.

CHAPTER CLXXIII.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF ALAMANCE COUNTY TO LEVY A SPECIAL TAX.

Section 1. The General Assembly of North Carolina do enact, That in order to liquidate and settle the outstanding debt of the county of Alamance, the board of commissioners of said county are hereby authorized and empowered to levy and collect a special tax at such time or times as the said board may deem proper, not exceeding the sum of ten thousand dollars ($10,000), in the same manner as other taxes are levied and collected.

Sec. 2. That if in the judgment of said board of commissioners the interest of the county will be promoted thereby, the said board may, in lieu of levying the said special tax or any part thereof, issue coupon bonds of said county for said sum of ten thousand dollars, or any part thereof, to run for such time as the said board may deem most advisable, not exceeding ten years, and bearing not exceeding eight per centum (8) interest per annum, payable semi-annually.

Sec. 3. That said bonds and the coupons thereon shall be signed by the chairman of the board of commissioners and countersigned by the clerk of the board. It shall be the duty of the said clerk to keep a book, in which he shall keep an account of the number of the bonds issued, the amount, and to whom issued, the amount of bonds and coupons received and canceled, and such other data as may be necessary, so that upon inspection of said book,
at any time, the true state of the county debt under this act may be seen; for which service the clerk may receive such reasonable compensation as may be fixed by the board of commissioners.

Sec. 4. The said bonds and coupons thereon shall be receivable in payment of county taxes for any fiscal year in which they may fall due. The bonds and coupons when returned to the board or the treasurer of the county, whether received for taxes or in any other way paid off, shall be canceled by the chairman of the board in the presence of the board of commissioners.

Sec. 5. The board of commissioners shall have the privilege of redeeming said bonds at any time after the expiration of one year; and it shall be their duty to set apart annually a sinking fund sufficient to redeem one-tenth of said bonds, and it shall be the duty of the county treasurer to apply the funds so raised, under the direction of the board of commissioners, annually to the redemption of said bonds.

Sec. 6. The board of commissioners may, in their discretion, to protect the interests of the county, require the county treasurer to give further and sufficient security or renew his bond in a larger sum.

Sec. 7. This act shall take effect from and after its ratification.

Ratified the 3d day of March, 1873.

CHAPTER CLXXIV.

AN ACT TO AMEND THE CHARTER OF THE WESTERN DIVISION OF THE WESTERN NORTH CAROLINA RAILROAD.

Section 1. The General Assembly of North Carolina do enact, That all the convicts now in the State penitentiary
or may hereafter be sentenced to serve in the penitentiary in this State, except such number as may in the judgment of the Governor be required to prosecute the work in said penitentiary, be turned over on demand by the Governor of the State to the Western Division of the Western North Carolina Railroad Company or their properly authorized agent: Provided, No convict in the penitentiary shall be thus transferred without his written consent first had and obtained: Provided, That nothing herein contained shall operate to prevent the working of fifty convicts from the penitentiary on the Statesville and Mount Airy turnpike road: Provided further, That said turnpike company shall pay for and support said convicts as provided for in this act.

Sec. 2. The aforesaid company shall receipt for the number of convicts and date of delivery.

Sec. 3. That said company shall have all the powers and authority to work, manage and control said convicts on their road as is given by law to the superintendent and managers of the penitentiary, and shall use all proper precaution to prevent their escape, either by working them in chain gangs or otherwise.

Sec. 4. The said company shall, as soon as they receive said convicts in their possession as aforesaid, proceed at once to the grading of the main line of road.

Sec. 5. That the aforesaid company shall pay to the State of North Carolina forty cents per day for every day that each convict works on said road in stock of the same.

Sec. 6. That the county commissioners of any county on the line of said road may fix upon an amount to be subscribed to the capital stock of said railroad by their respective counties, and submit the question of subscription or no subscription to the qualified voters therein, and if approved by a majority of said voters the amount so fixed upon shall be deemed and taken to be a special tax levied by authority of laws, which shall be paid in
three equal annual installments, to be collected by the sheriff of the county.

Sec. 7. That the county commissioners shall arrange a tax list in the respective counties for said tax, and shall apportion the same under the same rules and regulations as are provided for levying the State tax, which shall be delivered to the sheriff, and the tax so levied may be paid by the tax-payer in kind, that is, to say, in agricultural products.

Sec. 8. That the county commissioners in their respective counties shall fix the price of each class of articles to be received by the sheriffs, and name the places at which the same shall be paid by the tax-payers, after one month's proper notice has been posted by the sheriff, in bacon, wheat, beef, pork or corn, or such articles as the commissioners may designate. The sheriff shall deliver at such places of deposit all articles or money thus collected to duly accredited appointee of said company, taking his receipt for the same, which receipt in the hands of the sheriff shall be to him a proper voucher for taxes so levied and collected.

Sec. 9. That all the stock thus paid by the counties shall be expended for work in the counties subscribing the same, and said county shall be entitled to that amount of stock in the said railroad: Provided, That nothing in this act shall in any way interfere with chapter one hundred and thirty-three, public laws of one thousand eight hundred and seventy-two: Provided, That nothing contained in this act shall require the work done by convicts on the Statesville and Mount Airy turnpike to be paid for.

Sec. 10. That the board of county commissioners of the several counties of this State are authorized to work on the public roads and streets of cities, or to hire out the convicts in the jails of their respective counties to any company, corporation or individual, to be worked on any work of internal improvement, said convicts not to be taken out of the county in the Superior Court of which...
such convict was sentenced without the consent of the board of commissioners given in writing. The county commissioners shall provide in any contract, which may be made under the provisions of this act, for the proper and safe keeping of said convicts. This act shall apply only to persons convicted of felony or other offenses, for which hard labor or imprisonment for one year may be inflicted: Provided, That the treasurer of the Western Division of the Western North Carolina Railroad Company be and he is hereby authorized and directed to pay to the company organizing under the act passed at the present session of the General Assembly, entitled, "an act to secure the rights of the State and stockholders of the Western North Carolina Railroad, and to secure the completion of the road," one hundred thousand dollars out of the first money coming into the possession of said Western Division of Western North Carolina Railroad, after paying all just debts now due by the company after said company organized under the above recited act, giving such assurance as the commissioners appointed under the before recited act will accept, to expend the said money on the line from Asheville to Waynesville; and also all the convicts to be turned over to the said Western Division of the Western North Carolina Railroad Company, under the provisions of this act, shall be turned over to the said company organized under the provisions of the above recited act, to be worked on said line between Asheville and Waynesville for the period of four years.

Sec. 11. This act shall be in force from and after its ratification.

Ratified the 3d day of March, 1873.
CHAPTER CLXXV.

AN ACT TO CURE DEFECTS IN CERTAIN JUDICIAL PROCEEDINGS ARISING FROM MISTAKES OF JURISDICTION AND OTHER CAUSES.

Whereas, In the confusion and uncertainty respecting the extent and limits of jurisdiction of the courts and the exercise thereof by the judicial authorities, many irregularities have happened; now, for the purpose of making valid all such judicial acts as have been done in good faith, or by consent of parties,

SECTION 1. The General Assembly of North Carolina do enact, That all such errors and irregularities shall be of no force or effect to invalidate such judicial proceedings.

And, whereas, Many judgments and orders have been rendered and made out of term by consent of parties and signed by the judge which probably by strict law should have been rendered and made during term:

Sec. 2. Be it further enacted, That all such orders and judgments made and rendered by consent of the parties and signed by the judge of the district shall be as valid to all intents whatever as if they had been made and rendered and signed by the judge during term: Provided, however, That if it had not been lawful to make or render such orders or judgments during term, when they purport to be made and rendered, this section shall not affect such orders or judgments.

Sec. 3. Be it further enacted, That an act entitled "an act to cure certain irregular proceedings in the jurisdiction of the courts in special proceedings," passed at the session of one thousand eight hundred and seventy and one thousand eight hundred and seventy-one, of this General Assembly, and ratified on the second day of March, one thousand eight hundred and seventy-one, being the chapter one hundred and eight of the laws of that
session, shall have the same force and effect as to the subject matter therein provided for as if enacted at this session of the General Assembly.

Sec. 4. That in all cases wherein judgments have been rendered according to the course of the court as practiced before the adoption of the Code of Civil Procedure, and such judgments shall not have been signed by the judge, the same shall not be deemed or held invalid or erroneous on that account.

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

Ratified the 3d day of March, 1873.

CHAPTER CLXXVI.

AN ACT TO ESTABLISH A PUBLIC FERRY ACROSS THE YADKIN RIVER.

Section 1. The General Assembly of North Carolina do enact, That it shall be lawful for any citizen of the county of Forsythe or the county of Yadkin, when obtaining permission from the boards of commissioners of said counties, to establish a public ferry, to be called "Davis' Ferry," across the Yadkin river, on the road leading from East Bend to the town of Danbury. And any person establishing such public ferry may adopt and enforce the collection of such fares for the transportation of persons, articles and animals, as may be approved by the commissioners of Forsythe county.

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

Ratified the 3d day of March, 1873.
CHAPTER CLXXVII.

AN ACT TO ALLOW THE COMMISSIONERS OF ANSON COUNTY TO LEVY A SPECIAL TAX.

Section 1. The General Assembly of North Carolina do enact, That the commissioners of Anson county be authorized and empowered to levy a special tax at the same time with the other levies on all the taxable property of the county, for the year one thousand eight hundred and seventy-three, to be applied to the payment of the interest on the bonded debt of said county, and the repairing of the court-house and jail therein. The said tax shall not exceed ten thousand dollars, and shall be collected in the same manner and within the same time as the other taxes levied in said county: Provided, That the constitutional equation shall be observed between property and polls.

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

Ratified the 3d day of March, 1873.

CHAPTER CLXXVIII.

AN ACT TO REPEAL CHAPTER NINETY-THREE OF PUBLIC LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO.

Section 1. The General Assembly of North Carolina do enact, That an act entitled an act for exchanging the stocks of the State for bonds with which such stocks were obtained, and for other purposes, it being chapter ninety-three of the public laws of the session of one thousand
eight hundred and seventy-one and one thousand eight
hundred and seventy-two, be and the same is hereby
repealed.

Sec. 2. That this act shall go into effect immediately.
Ratified the 3d day of March, 1873.

CHAPTER CLXXIX.

AN ACT TO AMEND SECTION TWENTY-NINE, CHAPTER TWO HUN-
DRED AND THIRTEEN, PUBLIC LAWS OF ONE THOUSAND EIGHT
HUNDRED AND SEVENTY-ONE AND ONE THOUSAND EIGHT
HUNDRED AND SEVENTY-TWO.

Section 1. The General Assembly of North Carolina do enact, That section twenty-nine, chapter two hundred and
thirteen, public laws of North Carolina, ratified February
twelfth, one thousand eight hundred and seventy-
two, be amended by adding the following words at the
end of said section of said chapter, viz: "Except in case
of administrations de bonis non upon estates where the
former letters of administration or letters testamentary
were granted prior to the first of July, one thousand eight
hundred and sixty-nine, in all which cases estates shall
be administered, closed up and settled according to the
law as it existed just prior to the first of July, one
thousand eight hundred and sixty-nine."

Ratified the 3d day of March, 1873.
CHAPTER CLXXX.

AN ACT TO PREVENT THE SALE OF SPIRITUOUS LIQUORS WITHIN THREE MILES OF THE INCORPORATED LIMITS OF THE TOWN OF MURFREESBORO, IN THE COUNTY OF HERTFORD.

Section 1. The General Assembly of North Carolina do enact, That it shall not be lawful for any person or persons to sell spirituous liquors within and for three miles around the corporate limits of the town of Murfreesboro, in the county of Hertford, in less quantities than one gallon, except by druggists for medicinal purposes.

Sec. 2. That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not to exceed two hundred dollars or imprisoned for a term not to exceed three months, or both, at the discretion of the court.

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

Ratified the 3d day of March, 1873.

CHAPTER CLXXXI.

AN ACT FOR AMNESTY AND PARDON.

Preamble.

Whereas, It is believed that a strict enforcement of the criminal law in reference to many offences committed within the limits of the State since the close of the late civil war would result in greater detriment to the State of North Carolina than a policy based upon mercy and forgiveness, therefore,

Section 1. The General Assembly of North Carolina do enact, That no person who may have committed any
crime against or violation of the laws of the State of North Carolina, with the exception of rape, deliberate and wilful murder, arson and burglary, while a member of or officer or pretended officer of the Heroes of America, Loyal Union League, Red Strings, Constitutional Union Guard, White Brotherhood, Invisible Empire, Ku-Klux Klan, North Carolina State Troops, North Carolina Militia, Jay Hawkers, or any other organization, association, or assembly, secret or otherwise, political or otherwise, by whatever name known or called, in obedience to the commands, decrees or determinations, by whatever name called, of such organizations, associations or assemblies, or in obedience to the commands, orders or requests of any one exercising or pretending to exercise any authority or pretended authority by reason of his connection or attachment to any such organization, association or assembly, shall be held to answer criminally for any such crime against or in violation of the laws of the said State of North Carolina in fact committed or charged to have been committed previous to the first day of September, A. D. one thousand eight hundred and seventy-one, but every such person shall have free and complete amnesty and pardon therefor: Provided, That all persons who were not personally present at and actually participating in the crimes of wilful murder, arson and burglary, or who were not present at, and did not assent to the decree or order for the same, shall have the benefit of this act.

Sec. 2. That no person who may have been a member, officer or pretended officer, of any one the organizations, associations or assemblies referred to in section one of this act shall be held to answer therefor, but every such person shall have full and complete amnesty and pardon therefor.

Sec. 3. That no person shall be held to answer criminally as accessory either before or after the fact for any crime against or violation of the laws of this State for which amnesty and pardon are provided in the preceding
sections of this act, but every such person shall have full
and complete amnesty and pardon therefor.

Sec. 4. That all presentments, indictments or criminal
proceedings, of whatsoever nature or kind, now pending
for any of the crimes against or violation of the laws of
this State for which amnesty and pardon are provided in
the preceding sections of this act, shall be forthwith dis-
missed, and no further criminal proceedings shall be had
against such persons, or any of them, for any of said
crimes against or violations of the laws of this State: 
Provided, That this act shall not apply to larceny and
robbery: Provided, That the provisions of this act shall
not be construed to extend amnesty and pardon to any
person or persons who have in any way embezzled or
wrongfully in any way used or misappropriated any
moneys, bonds, evidences of indebtedness, choses in action,
or any other property of any kind whatsoever belonging
or appropriated by law to any railroad company or other
corporation in which the State has or had any interest,
either direct or indirect, nor to Stephen Lowery, a con-
demned felon in the county of Robeson.

Sec. 5. That this act shall be in force from its ratifi-
cation.

Ratified the 3d day of March, 1873.

CHAPTER CLXXXII.

AN ACT TO INCORPORATE THE CENTRAL FIRE INSURANCE COM-
PANY OF NORTH CAROLINA.

Section 1. The General Assembly of North Carolina do
enact, That books of subscription be opened at the city
of Raleigh, under the supervision of P. F. Pescud, Dr.
William J. Hawkins, John G. Williams, J. M. Heck, R.
S. Tucker, Samuel T. Carrow and J. M. Tate, and at such other places, and under the direction of such other persons as they may prescribe and appoint, for the purpose of receiving subscriptions to an amount not exceeding five hundred thousand dollars in shares of one hundred dollars each, for the capital stock of the company created under this act, and when the sum of two hundred thousand dollars has been subscribed and ten per centum thereon paid to the person or persons designated by the commissioners above named to receive the same, such subscribers when organized pursuant to the provisions of the act shall become, and are hereby constituted and declared to be a body politic and corporate, under the name of the "Central Fire Insurance Company of North Carolina," and as such have the capacity to sue and be sued, to acquire, hold and dispose of property, real and personal, in the prosecution of its business, shall have perpetual succession and a common seal, and all the other attributes, powers and privileges of a corporate body not inconsistent with the laws of the State.

Sec. 2. As soon as the required number of shares have been taken, and payments made as prescribed in the preceding section, the commissioners shall call a meeting of such subscribers at the city of Raleigh, whereof ten days' previous notice shall be given in one or more newspapers published in said city, and such subscribers, a majority in number of shares being present, shall proceed to organize by electing a board of directors, to consist of not more than nine nor less than five of the shareholders, five of whom shall reside in or near the city of Raleigh, a majority of whom shall be deemed a quorum, all of whom shall hold their offices until the time hereinafter mentioned for a general meeting of stockholders, and thereafter until others shall be chosen and take their places.

Sec. 3. At a subsequent meeting to be held by the directors they shall elect from their own number a president and vice president; they shall also elect a secretary
and a treasurer, the latter of whom shall be a bonded officer, and all of whom shall continue in office until their successors shall be chosen and enter upon the discharge of their duties.

Sec. 4. The president shall preside at all meetings of the board of directors, shall have a general supervision of the affairs of the company, and possess the powers and perform the duties properly belonging to an executive officer, and such other powers and duties as may be prescribed by the board. In the absence of the president the vice president shall perform his duties, and in the absence of both they shall be performed by a president pro tem., to be appointed by the board.

Sec. 5. The secretary shall attend all meetings of the board of directors and keep a record of the proceedings thereof. He shall attend at the office of the company during the usual hours of business, and shall perform such services connected therewith as may be directed by the board.

Sec. 6. The treasurer shall have custody of the money, bonds and other valuables of the company, and disburse the same under the direction of the board of directors. He shall execute a bond in such sum and with such security as the board may prescribe for the discharge of his duties.

Sec. 7. The board of directors shall have the general control and management of the affairs of the company, the appointment of all officers and agents, and the prescribing and defining of their duties and compensations, and may make all needful rules and regulations to insure the efficient and honest discharge of the duties imposed on the officers and agents of the company for the safe custody and disbursement of its funds and for the protection and promotion of its interests.

Sec. 8. The business of the company shall be, and to this end full power is conferred, to insure houses and improvements upon land and personal property of every
kind against loss or damage from fire or other casualty on such terms and conditions and at such rates as the board of directors for the time being shall determine, and which terms and conditions and other provisions relating to such insurance shall be contained in the form of the policies to be issued.

Sec. 9. The power of removing the president and all other officers and agents shall at all times reside in said board, as well as the right to appoint others in their places, and at its discretion abolish or discontinue the office or agency itself.

Sec. 10. The first annual meeting of stockholders, after organization, shall be held in the city of Raleigh, on the Wednesday next after the first Monday in January, one thousand eight hundred and seventy-four, and annually thereafter unless a different time shall be determined by said stockholders in a general meeting.

Sec. 11. At a stated annual meeting, or such special meeting as may be called by the president of his own will, or upon the written application of not less than five stockholders, representing at least one-fifth of the capital stock, and upon his failure, by such stockholders themselves, or a majority of them, the stockholders may adopt, modify, repeal or change any or all the by-laws, ordinances, rules and regulations of the corporation at their discretion, and may exercise any and all the powers conferred by this act.

Sec. 12. At a stockholders' meeting the vote authorized to be cast shall be as follows: Stockholders having ten shares or less, shall be entitled to one vote for each share. Those having more than ten shares, and not more than twenty-five shares, shall be entitled to an additional vote for every ten shares in excess of ten. Those having more than twenty-five, and not more than one hundred shares, shall be entitled to one additional vote for every five shares in excess of twenty-five. Those having more than one hundred shares shall be entitled to an additional
vote for every ten shares in excess of one hundred. A stock vote may be demanded by any one present representing ten or more shares.

Sec. 13. In addition to the ten per centum as herein directed to be paid in at the time of subscribing, the board of directors may make further assessments from time to time until the whole capital stock subscribed for, or such part thereof as the board may determine, has been paid in.

Sec. 14. Books of subscription may be reopened from time to time, if the board shall so elect, until the whole capital stock authorized under this act shall be taken, and all subscribers to such stock, on payment of the same per centum which has been assessed upon the original stock, and interest thereon, thence to the time of payment, shall be invested with all the rights and privileges of the original subscribers.

Sec. 15. The board of directors shall have the power, by suit or otherwise, to enforce the collection of such assessments upon stockholders on account of stock subscribed but not paid in, as the exigencies of the business may require.

Sec. 16. The funds of the company not required to pay current expenses and losses shall be safely invested and secured in bonds and stocks, or otherwise, until they shall accumulate to ten per centum additional to the capital already paid in, and held as a security for the policyholders and for the payment of any losses which the insured may sustain.

Sec. 17. The accumulations and profits in excess of such ten per centum may be semi-annually, at such times as the board may direct, divided among the several stockholders in the ratio of their stock in the company.

Sec. 18. This company shall possess all the rights and privileges conferred in the charter of any other fire insurance company granted, or which may be granted by the General Assembly of this State.
Sec. 19. This act shall be in force from and after its ratification.
Ratified the 3d day of March, 1873.

CHAPTER CLXXXIII.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF RANDOLPH COUNTY TO LEVY A SPECIAL TAX.

Section 1. The General Assembly of North Carolina do enact, That the commissioners of Randolph county are hereby authorized to levy a special tax for the purpose of paying off the debt of said county, not to exceed five cents on the one hundred dollars of real and personal property, and fifteen cents on the poll.
Sec. 2. This act shall be in force from and after its ratification.
Ratified the 3d day of March, 1873.

CHAPTER CLXXXIV.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF HERTFORD COUNTY TO LEVY AND COLLECT A SPECIAL TAX.

Section 1. The General Assembly of North Carolina do enact, That the commissioners of Hertford county be and they are hereby authorized and empowered to levy and collect a special tax, for the years one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four, not to exceed in either year the sum of two thousand five hundred dollars: Provided, That the
equation of taxation between the poll and property shall be observed in said levy.

Sec. 2. That the money raised by said tax shall be used only in the building and repairing of the courthouse of the said county, and in repairs to the inclosures surrounding the same.

Sec. 3. That the said taxes shall be collected by the sheriff as other taxes.

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

Ratified the 3d day of March, 1873.

CHAPTER CLXXXV.

AN ACT TO CHANGE THE TIME OF HOLDING THE TERMS OF THE SUPERIOR COURTS IN THE COUNTIES COMPRISING THE TENTH JUDICIAL DISTRICT.

Section 1. The General Assembly of North Carolina do enact, That the terms of the Superior Courts in the several counties comprising the tenth judicial district, shall commence and be held at the following times: Catawba, on the first Monday in March and September; Alexander, on the third Monday in March and September; Caldwell, on the second Monday after the third Monday in March and September; Alleghany, on the fourth Monday after the third Monday in March and September; Ashe, on the sixth Monday after the third Monday in March and September; Wilkes, on the eighth Monday after the third Monday in March and September; Iredell, on the tenth Monday after the third Monday in March and September.
Sec. 2. That this act shall not apply to the Spring term of said courts for the year one thousand eight hundred and seventy-three.  
Ratified the 3d day of March, 1873.

CHAPTER CLXXXVI.

AN ACT TO EMPOWER THE TOWN COMMISSIONERS OF THE TOWN OF MILTON TO ISSUE BONDS.

Section 1. The General Assembly of North Carolina do enact, That the commissioners of the town of Milton, in the county of Caswell, be and are hereby authorized to issue the bonds of said town in an amount not exceeding ten thousand dollars, and not to exceed an interest of eight per centum per annum.

Sec. 2. That said bonds and the proceeds arising from the sale thereof are to be used for the purpose of constructing a railroad from said town of Milton to some point on the Richmond and Danville Railroad: Provided, That no bond shall be issued until the question be submitted to the qualified voters of said town whether or not the subscription shall be made, and if at such election to be held at such time and place in said corporation as the commissioners of the town may designate, three-fifths of the qualified voters shall cast their votes for making the subscription, then and in that case the commissioners may issue bonds to the amount specified in the first section of this act.

Sec. 3. This act shall be in force from and after its ratification.  
Ratified the 3d day of March, 1873.
CHAPTER CLXXXVII.

AN ACT TO AUTHORIZE THE WESTERN RAILROAD COMPANY TO ISSUE BONDS.

Preamble.

Whereas, The General Assembly of North Carolina has heretofore, viz: by the third section of an act ratified on the twentieth day of December, one thousand eight hundred and sixty-six, authorized and empowered the president and directors of the Western Railroad Company to issue certain mortgage bonds to make a mortgage on the road and property of said company; and whereas, in or about the month of October, one thousand eight hundred and seventy, a certain mortgage was made upon the property and effects of the company, which the stockholders and president and directors have declared fraudulent, invalid and of no binding force; and whereas, doubts may arise as to the power of the company to make a new mortgage, and in remedy whereof the stockholders of said company did in general meeting on the fourth day of April, one thousand eight hundred and seventy-two, pass a resolution in the following words, viz: "Resolved, That the president and directors of this company be and they are hereby authorized and empowered for the purpose of carrying out the intentions of the charter, to issue the bonds of this company for such an amount as they may find necessary, and to secure the payment thereof, to make a mortgage on all or any part of the property of this company now owned or to be hereafter acquired by the company, together with all its franchises and privileges, said bonds to be of such amount and in such manner and form and payable at such time and place, and with such rate of interest as said president and directors may determine," now, therefore,

Section 1. The General Assembly of North Carolina do enact, That the president and directors of the Western
Railroad Company be and they are hereby fully authorized and empowered to make the mortgage and issue the bonds as provided in said resolution of the stockholders of April fourth, one thousand eight hundred and seventy-two, and by virtue of the charter of the company, and all acts done and to be done in accordance therewith are hereby declared valid and of full force and effect: Provided, That no bonds shall be issued under this act until the litigation now pending concerning said road and a former mortgage shall be settled.

Sec. 2. That all funds obtained under the provisions of this act shall be applied in extending the road west of its present terminus in the direction of Greensboro.

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

Ratified the 3d day of March, 1873.

CHAPTER CLXXXVIII.

AN ACT TO CHANGE THE TIME OF HOLDING THE FALL TERMS OF THE SUPERIOR COURT IN THE COUNTIES OF ROBESON AND BRUNSWICK.

Section 1. The General Assembly of North Carolina do enact, That the regular terms of the Superior Court for the county of Robeson shall be held on the fourth Monday in February and on the sixth Monday after the fourth Monday in August, and the regular terms of the Superior Court for the county of Brunswick shall be held on the sixth Monday after the fourth Monday in February, and on the fourth Monday in August.

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

Ratified the 3d day of March, 1873.
CHAPTER CLXXXIX.

AN ACT CONCERNING RIGHT OF WAY TO CHURCHES AND PLACES OF PUBLIC WORSHIP.

Section 1. The General Assembly of North Carolina do enact, That the township board of trustees in each township of the several counties of the State be and they are hereby authorized and empowered in their respective townships to order the laying out of any and all necessary roads to and from any church or other place of public worship in their said townships, to discontinue such roads when they may be found useless, and to alter the same so as to make them more useful.

Sec. 2. That the said township board of trustees shall not order the laying out of any such road or discontinue or alter the same except upon petition in writing, nor shall they hear any such petition unless it may be made to appear that every person over whose lands the said road may pass shall have had twenty days' notice of the intention to file such petition, by personal service of notice in writing, or if the owner be unknown or there be no owner, agent or attorney of such owner resident in this State, then by notice thereof posted up at the court-house door of the county in which the township is situate and at two public places in the township for the space of twenty days; and upon the hearing of the petition, if sufficient reason be shown, the said township board of trustees shall order the laying out or discontinue or alter the said road, as the case may be.

Sec. 3. That all roads hereby provided for shall be laid out to the greatest advantage of the inhabitants and with as little prejudice as may be to lands and inclosures, within twenty days from the notification of their appointment by three disinterested freeholders, to be appointed by the said township board, and such damage as any indi-
individuals may sustain shall be ascertained by the said freeholders, and a report thereof with the proceedings had by them, be made to the said township board of trustees; and all damages so assessed by the freeholders shall be paid by the petitioners, and until paid there shall be no confirmation of the report of the freeholders, and such laying out shall be of no effect.

Sec. 4. That in all such applications the township board of trustees, or in case of appeal, the court of final resort, may decide how and by whom the cost shall be paid; and any person dissatisfied with the judgment or decree of the township board of trustees may appeal to the board of county commissioners, from whose judgment or decree like appeal may be had to the Superior Court, and in every case of appeal the whole matter shall be heard anew.

Sec. 5. That this act shall not be construed to alter, modify or affect any law now in force touching public roads and cartways; and the right of way herein provided for shall terminate whenever the church or place of public worship shall cease to be used as such.

Sec. 6. That if any person shall wilfully alter, change or obstruct any road leading to and from any church or other place of public worship, whether the right of way thereto be secured in the manner herein provided for by purchase, donation or otherwise, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, at the discretion of the court.

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

Ratified the 3d day of March, 1873.
CHAPTER CXC.

AN ACT TO PROTECT PUBLIC HIGHWAYS CROSSING THE DISMAL SWAMP CANAL.

Section 1. The General Assembly of North Carolina do enact, That the Dismal Swamp Canal Company shall on or by the first day of July, one thousand eight hundred and seventy-three, construct and keep in good repair a sufficient bridge or bridges at such place or places as said canal shall cross any public highway within the limits of the State.

Sec. 2. That such bridge or bridges shall be not less than twelve feet wide and sufficiently strong for the ordinary purposes of safe transportation, and boxed up or balustraded on each side sufficient for a proper safeguard: Provided, Said company shall be allowed to construct a draw through said bridge or bridges for the purpose of navigation over said canal: and provided further, That if any person or persons shall open said draw through said bridge or bridges and allow the same to remain open for more than one hour at any one time, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars.

Sec. 3. The county commissioners of Camden county are hereby authorized to appoint three suitable persons to examine said bridge or bridges, or the locality where the said bridge or bridges are required by this act to be constructed, and report as soon as practicable after the first day of July, mentioned in section one of this act, to the said board of commissioners upon the work or construction required in this act, which report shall be taken in evidence upon trial for prosecution for failure of said canal company to comply with the requirements of this act, and such persons appointed as above provided shall
receive one dollar for each day’s service, to be paid from the general county fund of Camden county.

Sec. 4. That if the said Dismal Swamp Canal Company shall fail to comply with the requirements of sections one and two of this act, they, the said Dismal Swamp Canal Company, upon conviction before the Superior Court for Camden county, shall forfeit and lose all privileges, immunities, rights, franchises or other legislative protection granted by any charter or charters hitherto by the State of North Carolina.

Sec. 5. That all laws or clauses of laws in conflict with this act are hereby repealed.

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

Ratified the 3d day of March, 1873.

CHAPTER CXCI.

AN ACT TO PROVIDE ADEQUATE CLERICAL FORCE IN THE OFFICE OF THE AUDITOR.

Section 1. The General Assembly of North Carolina do enact, That the Auditor be authorized to employ additional clerical assistance in his office, and for that purpose he shall be allowed the sum of fifty dollars per month, to be paid by the Public Treasurer out of moneys not otherwise appropriated.

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

Ratified the 3d day of March, 1873.
CHAPTER CXCII.

AN ACT TO AMEND SECTIONS THIRTY-ONE AND THIRTY-EIGHT, SO THAT THEY SHALL CONFORM TO SECTION TWENTY-EIGHT, OF THE SCHOOL LAW, RATIFIED FEBRUARY TWENTY-SIXTH, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE.

Amendments.

Section 1. The General Assembly of North Carolina do enact, That section thirty-one of the school law shall be amended by striking out the words “the secretary of the county board of education,” in line ten, and inserting in lieu thereof the word “he”; and that section thirty-eight (38) shall be amended by striking out all after the word “showing” in line five, up to and including the words “act and ” in line nine.

Sec. 2. The Superintendent of Public Instruction is hereby instructed to make the changes in the school law which he shall distribute for the information of school officers which are indicated in the first section of this act.

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

Ratified the 3d day of March, 1873.

CHAPTER CXCIII.

AN ACT RELATING TO FENCES, AND FOR THE PROTECTION OF CROPS.

Lawful fences.

Section 1. The General Assembly of North Carolina do enact, That in the several counties hereinafter named any one of which may adopt the provisions of this act in the manner specified, the boundary line of such lot or tract of land in said county shall be and is hereby constituted a lawful fence.
Sec. 2. It shall not be lawful for the owner or manager of any horse, mule, swine, sheep, goat or neat cattle of any description, to permit the said animals to run at large beyond the limits of their own land.

Sec. 3. If any of the animals enumerated in the foregoing sections shall hereafter be found going at large, or upon the land of any person, other than the owner, the owner of such stock shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding fifty dollars, or imprisoned not exceeding one month.

Sec. 4. In case any animal is found upon the premises of another, in violation of the provisions of this act, such person or persons may take the same and confine it upon the premises, and he shall be allowed to plead, by way of counter claim to any action brought for the recovery of the said animal or damages for its detention, the damages which have been done by the animal while on his land in violation of the provisions of this act, and shall have like remedy for expenses incurred in taking, keeping and caring for the same.

Sec. 5. The board of commissioners of the several counties of Person, Orange, Alamance, Cabarrus and Mecklenburg are hereby empowered and directed to meet in their several counties on the first Monday in July, one thousand eight hundred and seventy-three, and cause to be published notices in the several townships of their respective counties that an election will be held on the first Thursday in August, one thousand eight hundred and seventy-three, under existing laws, in such counties, at which the question to be decided shall be, the adoption or rejection of the provisions of this act.

Sec. 6. The returns of said elections shall be made by the justice and two freeholders holding the election in the said townships, to the register of deeds of the said counties on or before the first Monday of September, one thousand eight hundred and seventy-three, and the result shall be on that day announced by the board of com-
missioners. In case a majority of the legal voters of any of the said counties shall vote for the adoption of the provisions of this act, then the commissioners of said county shall levy a tax, to be collected as other taxes are, and sufficient to erect a good and substantial fence around the boundaries of said county, with gates across the public roads when they enter into or pass out of the borders of such county, and when such fence is erected, then this act shall have full force and effect.

Sec. 7. Should any one of the counties above named refuse to accept of the provisions of this act, then upon the written application of twenty-five farmers of any one township in such county the commissioners of said county shall order an election to be held in said township according to the provisions in this act, at any time after giving public notice at three or more public places in said township for thirty days, and if the commissioners of the county, the returns having been made to and examined by them, shall declare that a majority of the legal voters of said township have voted for the acceptance of the provisions of this act, then the provisions of this act shall have full force and effect in such township, but not until the citizens thereof shall have erected a good and substantial fence around its territory, with gates on all the public roads where they enter into or pass out of its borders. Two or more townships may unite and put their common territory under one common fence.

Sec. 8. That to carry out the purposes of this act whenever any county or township shall have adopted the same, the commissioners are authorized to have the fencing put up and repaired in such manner and upon such terms as may appear best, and whenever any owner of land shall object to the building of said fence over his land, then the land, not exceeding twenty feet in width, shall be condemned for said purpose, as land is now condemned for railroad purposes: Provided, No such fence
shall divide any farm without the consent of the owner thereof, but shall follow the boundary line thereof.

Sec. 9. That this act shall go into effect from and after its ratification.

Ratified the 3d day of March, 1873.

CHAPTER CXCIV.

AN ACT TO REPEAL CHAPTER SEVENTY-NINE, LAWS OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT AND ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE.

SECTION 1. The General Assembly of North Carolina do enact, That chapter seventy-nine, laws of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, be and the same is hereby repealed.

Sec. 2. No sale of lands shall be made by the board of education, except upon six weeks' public advertisement, and upon the receipt of sealed proposals for such land, and for not less than a minimum price of ten cents per acre.

Ratified the 3d day of March, 1873.
PUBLIC RESOLUTIONS
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF NORTH CAROLINA,
SESSION 1872-'73.
PUBLIC RESOLUTIONS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF NORTH CAROLINA,

SESSION 1872-'73.

RESOLUTION IN FAVOR OF DAVID PIGOTT, TAX COLLECTOR OF NEW HANOVER COUNTY.

Whereas, In consequence of the failure of the sheriff elected for the county of New Hanover for the year one thousand eight hundred and seventy-two duly to qualify, and the delay in the appointment of tax collector for said county, the tax lists of said year were not delivered to David Pigott, the tax collector appointed for said county for some months after the time required by law, therefore,

Resolved by the Senate, the House of Representatives concurring, That the said David Pigott, as tax collector of the county of New Hanover, be allowed until the first day of February, one thousand eight hundred and seventy-three, to collect and settle the taxes due on the tax lists delivered to him as such tax collector, and that he be relieved from all penalties and fines for or on account of his failure to settle and account for such taxes at the
time or times required by law: Provided nevertheless, That three-fourths of the amount of taxes due the State by said county shall be deposited with the Public Treasurer by the second day of December next, otherwise this act shall have no force or effect; and this resolution shall be in force from its ratification.

Ratified the 29th day of November, 1872.

RESOLUTION TO AUTHORIZE THE JOINT COMMITTEE TO EXAMINE THE RETURNS OF ELECTION IN AUGUST LAST TO SEND FOR PERSONS AND PAPERS.

Resolved by the General Assembly of North Carolina, both Houses concurring, That the joint select committee charged with examining the returns of the election for executive officers in August last, and reporting thereon, be empowered and authorized to send for persons and papers.

Ratified the 29th day of November, 1872.

JOINT RESOLUTION TO PROVIDE FOR DEFICIENCIES IN THE ANNUAL SUPPLY OF STATIONERY.

Resolved by the House of Representatives, the Senate concurring, That the Secretary of State be authorized to supply any deficiencies in the annual supply of stationery for the year ending the thirty-first day of December, one thousand eight hundred and seventy-two, for the use of the General Assembly, as may be required, upon requisitions of the presiding officer of either House; and all papers and envelopes used by either House of the General Assembly shall have the words, Senate Chamber, or House
of Representatives, printed upon each sheet, according to the House in which it is purported to be used.
Ratified the 3d day of December, 1872.

RESOLUTION ASKING CONGRESS TO AMEND THE PENSION LAW.

Whereas, The present laws of Congress, allowing pensions to the soldiers of one thousand eight hundred and twelve, require them to have been at least sixty days in the service of the United States before they can draw; and, whereas, certain citizens of this State, having enlisted, stood in readiness for several months, awaiting the call to enter the army, and when orders were received marched to Wadesboro and were disbanded before the sixty days expired, hence their claims have been rejected by the Department at Washington, therefore,

Be it resolved by the House of Representatives, the Senate concurring, That our senators and representatives in Congress are requested to use their influence to have said pension law so amended as to allow these soldiers pension for life.

Ratified the 3d day of December, 1872.

RESOLUTION ASKING FOR REMOVAL OF DISABILITIES.

The General Assembly of North Carolina do resolve, That the Congress of the United States are respectfully requested to remove the disabilities imposed by the fourteenth amendment to the constitution of the United States on William A. Graham, of Orange County, State of North Carolina; Lawrence S. Baker, of Halifax county,
North Carolina; William N. H. Smith, of the city of Raleigh, State of North Carolina; Burton Craig, of Salisbury, Rowan county, North Carolina; David Coleman and James G. Martin, of Buncombe county, North Carolina; D. H. Hill, of Mecklenburg; James A. Craig, of Rowan; Robert Ransom, of Granville; James H. Hill and George Davis, of New Hanover; William H. McRae, of Montgomery county, and John T. Williams, of Warren, and all other citizens of North Carolina laboring under such disabilities.

Ratified the 4th day of December, 1872.

RESOLUTION IN FAVOR OF SHERIFFS.

WHEREAS, There are many sheriffs in this State to whom there is due from the State claims and charges for conveying convicts to the penitentiary; and whereas, the Auditor of the State has refused to audit said claims for said sheriff,

1st. Resolved by the General Assembly of North Carolina, That the Treasurer of the State be and he is hereby authorized and instructed to allow said sheriff the amount of their respective claims in the settlement of their State taxes for the year one thousand eight hundred and seventy-two, upon presentation of the warrants of the Auditor, as hereinafter provided for.

2d. Resolved further, That the Auditor of the State be and he is hereby directed to audit the claims of said sheriffs against the State.

3. Resolved further, That in cases where sheriffs have already paid the State taxes due from their counties for the year one thousand eight hundred and seventy-two, and still hold claims against the State for conveying convicts to the penitentiary, that it shall be the duty of the
Joint Resolution Concerning the Sale of the Western North Carolina Railroad.

1. Resolved by the House of Representatives, the Senate concurring, That a select committee of eight, three from the Senate and five from the House, be appointed to investigate the indebtedness of the Western North Carolina Railroad, that gave rise to a late decree of the sale of said road, and to see if any means can be devised by the General Assembly by which the sale of said road can, consistent with the interests of the State, be prevented, and report by bill or otherwise.

2. Resolved further, That said committee shall be empowered to send for persons and papers.

Ratified the 7th day of December, 1872.

Resolution to Purchase National Colors.

The General Assembly of North Carolina do resolve, That the Keeper of the Capitol be hereby authorized to purchase one set of national colors, garrison size, for the use of the State; and after the same shall have been obtained, that he be required to hoist the national ensign daily,
Sundays excepted, on the flag staff of the Capitol during the sessions of the General Assembly.

Ratified the 7th day of December, 1872.

RESOLUTION OF INSTRUCTION TO THE PRINCIPAL CLERK OF THE SENATE.

1. Resolved by the Senate, the House of Representatives concurring, That the Principal Clerk of the Senate be and he is hereby instructed to communicate immediately with the Secretary of the University at Chapel Hill, requesting him (the said secretary) to furnish to this General Assembly as early as practicable a statement of the number of officers in the payment of the University, together with the duties actually performed by such officers, as well as the amounts of money paid for such services.

2. This resolution shall be in force from its ratification.

Ratified the 7th day of December, 1872.

JOINT RESOLUTION AUTHORIZING THE SECRETARY OF STATE TO SEND SPECIAL MESSENGER TO GATES COUNTY FOR ELECTION RETURNS.

Resolved by the Senate, the House of Representatives concurring, That the Secretary of State be authorized and empowered to send a special messenger to the county of Gates, and to procure the returns of the votes cast in said
1872–'73.—Resolutions.

RESOLUTION IN REGARD TO A DEFICIENCY OF SEATS IN THE HOUSE OF REPRESENTATIVES.

Whereas, There is a deficiency of seats in the House of Representatives, therefore,

Be it resolved by the House of Representatives, the Senate concurring, That John H. Hill, doorkeeper of the House, be and is hereby authorized to supply the deficiency as soon as practicable.

Ratified the 11th day of December, 1872.

HOUSE RESOLUTION TO TAKE RECESS.

Be it resolved, the Senate concurring, That this General Assembly take a recess on Thursday, the nineteenth instant, to meet again on Wednesday, the fifteenth day of January, one thousand eight hundred and seventy-three.

Ratified the 11th day of December, 1872.

RESOLUTION IN FAVOR OF THE SHERIFF OF DARE COUNTY.

1. Resolved by the Senate, the House of Representatives concurring, That the sheriff of Dare county be allowed until the first day of February, one thousand eight hundred
and seventy-three, to collect and settle the public taxes of the said county, which were listed for the year one thousand eight hundred and seventy-two, with the Treasurer of the State; and that he be relieved from all penalties and forfeitures now imposed by law on defaulting sheriffs: Provided, however, If the said sheriff of Dare county fail to make full settlement with the Treasurer of the State by the first day of February, one thousand eight hundred and seventy-three, he shall be subject to all fines and penalties now imposed by law on defaulting sheriffs.

2. This resolution to take effect from its ratification.
Ratified the 11th day of December, 1872.

RESOLUTION EMPOWERING THE JOINT COMMITTEE TO INVESTIGATE THE SALE OF THE WESTERN NORTH CAROLINA RAILROAD TO TAKE TESTIMONY UNDER OATH.

1. Resolved by the Senate, the House of Representatives concurring, That the joint special committee of eight appointed pursuant to a resolution ratified the — day of December, one thousand eight hundred and seventy-two, for the purpose of investigating the sale of the Western North Carolina Railroad, shall have power to take testimony under oath in the same manner and with like power over such witnesses as is now in use in the Superior Courts.

2. This resolution shall take effect from and after its ratification.
Ratified the 12th day of December, 1827.
RESOLUTION IN FAVOR OF WARE AND MILLER.

Whereas, A warrant for the sum of one hundred and fifty dollars was issued to the chairman of the board of commissioners of Cleaveland county, dated the fifth day of September, A. D. one thousand eight hundred and seventy-two, which said warrant was signed by H. Adams, Auditor, and came to the hands of D. D. Lattimore, chairman of the board of commissioners of Cleaveland, and was by him indorsed for value to Ware and Miller, a mercantile firm in the town of Shelby, North Carolina; and, whereas, the said warrant, thus indorsed, was sent on or about the twelfth day of September, one thousand eight hundred and seventy-two, to Dinsmore and Kyle, merchants in the city of Baltimore, and the same, as appears by the affidavits of the said Ware and Miller and the said Dinsmore and Kyle, has been lost, therefore,

1. Resolved, That the Auditor of the State is hereby authorized and directed to issue a duplicate warrant for the sum of one hundred and fifty dollars to the said chairman, to the use and benefit of Ware and Miller, specifying in the same that it is issued in lieu of the said warrant above specified, viz.: number six hundred and ninety-three; the said Ware and Miller, or some one in their behalf, giving a bond of indemnity to the State in the sum of three hundred dollars.

2. This resolution shall take effect from and after its ratification.

Ratified the 12th day of December, 1872.
RESOLUTION IN FAVOR OF THE EMPLOYEES OF THE GENERAL ASSEMBLY.

Resolved by the House of Representatives, the Senate concurring, That the employees of the Senate and House be paid by the Public Treasurer for their services three dollars per day.

This resolution shall be in force from its ratification.

Ratified the 14th day of December, 1872.

JOINT RESOLUTION IN REGARD TO THE MANNER OF DRAWING JURORS FOR THE FEDERAL COURT OF THIS STATE.

Whereas, The jurors for the Federal Court in this State are now selected by the marshal of the United States; and, whereas, this manner of selecting jurors is in contravention of the laws of this State, incompatible with the liberty of the subject and liable to great abuse; therefore,

Resolved, the Senate concurring, That our senators and representatives in Congress be requested to use their influence in so amending the laws of the United States that jurors for the Federal Court in this State shall be drawn upon the same general principle that jurors for the Superior Court of this State are now drawn.

Resolved, That the Secretary of State furnish a copy of this resolution to each senator and representative in Congress from this State.

Ratified the 14th day of December, 1872.
RESOLUTION IN RELATION TO PER DIEM OF ABSENT MEMBERS.

Resolved by the House of Representatives, the Senate concurring, That no member of this General Assembly shall be entitled to any per diem for days he is absent from his seat, except when absent on account of sickness or special business for the General Assembly.

Ratified the 14th day of December, 1872.

RESOLUTION IN REGARD TO THE SUPREME COURT LIBRARY.

Resolved by the House of Representatives, the Senate concurring, That the clerk of the Supreme Court of this State, under the direction of the judges of said court, be authorized, empowered and directed to expend annually the amount paid in by applicants for license to practice law, who are examined by the court in the purchase of such law books as may be necessary to keep the Supreme Court library well appointed, and no other appropriation shall be allowed for that purpose.

Ratified the 14th day of December, 1872.

RESOLUTION TO PROVIDE FOR THE CANCELLATION OF VOUCHERS IN THE TREASURY DEPARTMENT.

Resolved by the Senate, the House of Representatives concurring, That the Public Treasurer be and he is hereby authorized and required to cancel in the presence of a committee of three, one on the part of the Senate and two on the part of the House of Representatives, to be appointed by the presiding officer of each body respect-
When to be force.

1872-'73.—Resolutions.

Resolutions.

When to be force.

Ivell), all vouchers which have been examined and passed upon by the commission appointed by the last General Assembly remaining uncanceled in the treasury at the close of the fiscal year ending September thirtieth, one thousand eight hundred and seventy-two, said vouchers when so canceled to be deposited in the vault of the treasury.

This resolution shall be in force from its ratification.

Ratified the 19th day of December, 1872.

RESOLUTION OF INSTRUCTION TO THE ATTORNEY GENERAL.

Resolved by the House of Representatives, the Senate concurring, That the Attorney General of the State be requested and directed to test in the Supreme Court of the United States the legality of the decision of the United States Circuit Court for this district, by virtue of which Lee Dunlap, who is under indictment for violation of the law of the State, has his case within the jurisdiction of the United States Circuit Court for this district.

Ratified the 18th day of December, 1872.

RESOLUTION IN FAVOR OF CERTAIN WITNESSES BEFORE COMMITTEE ON PRIVILEGES AND ELECTIONS.

1. The General Assembly of North Carolina do resolve, That the Treasurer be and is hereby authorized and instructed to pay out of any moneys in the treasury not otherwise appropriated, the following sums, to-wit: To R. M. Johnson, twenty-five dollars and fifty cents; to James E. Simonson, twenty-five dollars and fifty cents; to W. B.
Respess, of Beaufort county, forty dollars, for their attendance before the Committee on Privileges and Elections on the seventeenth December, one thousand eight hundred and seventy-two.

2. Resolved, That this resolution shall be in force from and after its ratification.

Ratified the 19th day of December, 1872.

RESOLUTION IN REGARD TO BURKE SQUARE.

The General Assembly of North Carolina do resolve, That the Committee on Public Buildings and Grounds be authorized to contract with such persons, not less than five directly interested in the question, for the lease of Burke Square and all the buildings thereon, for such term of years and on such conditions as may be agreed on, for the establishment and maintenance of a first-class seminary for the education of youth.

Ratified the 16th day of January, A. D. 1873.

RESOLUTION FOR REASSESSMENT AND VALUATION OF THE WILMINGTON, COLUMBIA AND AUGUSTA RAILROAD.

Resolved by the House of Representatives, the Senate concurring, That the Governor, Treasurer and Auditor be and they are hereby authorized and requested to notify and require the president of the Wilmington, Columbia and Augusta Railroad to furnish a list assessment and valuation of all the effects and property of said road, as required by law, up to the thirty-first day of May, one thousand eight hundred and seventy-two, and that the said Gov-
error, Treasurer and Auditor proceed to revalue and assess the same and fix a proper taxable value thereto for the year one thousand eight hundred and seventy-two, and then report such reassessment and valuation to the county commissioners of the several counties through which the road runs, to the end that the tax list may be corrected accordingly, and the tax collected according to law.

Ratified the 16th day of January, 1873.

RESOLUTION IN REGARD TO THE PENSIONS OF SOLDIERS OF THE WAR OF ONE THOUSAND EIGHT HUNDRED AND TWELVE.

Whereas, The Congress of the United States, in an act ratified the fourteenth February, one thousand eight hundred and seventy-one, granting pensions to the soldiers of the war of one thousand eight hundred and twelve, have excluded from a participation in the benefits conferred by said act all surviving soldiers of said war who cannot establish their loyalty to the United States government during the late civil war; and whereas, it is well known and apparent that these old soldiers so excluded could not by reason of their extreme old age have taken an active part in said war; and whereas, we, the Legislature of North Carolina, insist that the discrimination is unwise and ungenerous; and whereas, the said act of Congress pensioning soldiers and soldiers' widows of the war of one thousand eight hundred and twelve excludes from its benefits the widows of soldiers who were married after the termination of said war, and this discrimination in its operation amounts to a wholesale exclusion of nearly or quite all of said widows for the reason that a large proportion of the soldiers of said war were young
men not married at the time of enlistment, now, therefore,

Be it resolved by the Senate, the House of Representatives concurring, That our senators and representatives in Congress be requested and instructed to secure such amendments to said pension act as will fully remedy the discriminations and inequalities complained of in the foregoing preamble.

Resolved further, That the Secretary of State is hereby instructed to furnish to each of our senators and representatives in Congress a copy of the foregoing preamble and resolution under the seal of his office, to the end that the grievances complained of may be brought to the attention of Congress at an early day.

Ratified the 17th day of January, 1873.

RESOLUTION OF INSTRUCTION TO REPRESENTATIVES IN CONGRESS.

Section 1. The General Assembly of North Carolina do resolve, That the representatives from North Carolina in the Congress of the United States are hereby requested to use their influence to prevent the repeal of the bankrupt law of the United States.

Sec. 2. Resolved further, That each one of our senators and representatives in Congress be immediately furnished by the Secretary of State with a copy of the foregoing resolution.

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

Ratified the 27th day of January, 1873.
RESOLUTION IN REGARD TO THE JOINT COMMITTEE ON THE PENITENTIARY.

Preamble.

WHEREAS, There was an apparent misapprehension on the part of the presiding officers of each House in the appointment of the joint committee to investigate matters connected with the State Penitentiary, therefore,

Section 1. Resolved by the House of Representatives, the Senate concurring, That the joint select committee to investigate the affairs of the penitentiary remain as at present constituted.

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

Ratified the 27th day of January, 1873.

RESOLUTION OF INQUIRY IN REGARD TO THE KEEPER OF THE CAPITOL.

Preamble.

WHEREAS, Charges have been circulated and preferred against Patrick McGowan, the present Keeper of the Capitol, wherein it is alleged that he has appropriated to his own use the property of the State, and has been guilty of other malfeasances in office, therefore,

Section 1. The General Assembly of North Carolina do resolve, That a committee of three be appointed, one from the Senate and two from the House of Representatives, to be appointed respectively by the Speakers of the two Houses, whose duty it shall be to ascertain and report upon the truth or falsity of said charges, and report the result of their inquiry without delay to this General Assembly.

Sec. 2. Resolved further, That said committee be authorized and empowered to send for persons and papers, and
RESOLUTION OF REQUEST TO OUR REPRESENTATIVES AND SENATORS IN CONGRESS CONCERNING THE INDIANS.

Whereas, Our national government has at various times entered into treaty stipulations with certain Indian tribes, resident of the Indian Territory, and believing that national honor requires the faithful observance of national obligations, therefore,

Section 1. Resolved by the General Assembly of North Carolina, That it is the imperative duty of the government to adhere to its reiterated pledge to the present occupants of the Indian Territory of perpetual and undisturbed possession of their lands.

Sec. 2. That our senators and representatives in the Congress of the United States be respectfully requested to use their influence against any disregard of the plighted faith and honor of the government towards the aboriginals of our country.

Sec. 3. That we approve of the policy inaugurated by the President in the management of the Indians.

Sec. 4. That the presiding officers of the two Houses of this Legislature cause copies of the foregoing resolutions to be transmitted to each of our senators and representatives in Congress, to the President, Vice President and Secretary of the Interior of the United States.

Sec. 5. That this resolution take effect from and after its ratification.

Ratified the 31st day of January, 1873.
JOINT RESOLUTION IN REGARD TO THE BRANCH MINT AT CHARLOTTE, NORTH CAROLINA.

Whereas, There exist in North Carolina numerous mines of gold, which have been, with little intermission, successfully worked for more than forty years; and, whereas, we have undiminished confidence in the gold-mining interest of the State; and, whereas, there exists now a Branch Mint of the United States at Charlotte, which, from recent legislation, it seems to be the purpose of the government to discontinue and abolish, very much to the injury of this great interest, therefore,

Resolved, the Senate concurring, That our senators and representatives in the Congress of the United States be requested to secure such legislation respecting said Branch Mint as will establish it permanently and increase its usefulness.

Resolved further, That the presiding officers of the two Houses of this Legislature cause copies of the foregoing resolution to be transmitted to each of the North Carolina delegation in Congress, to the President of the Senate and Speaker of the House of Representatives, to the Secretary of the Treasury of the United States and to the Director of the Mint at Philadelphia.

Ratified the 5th day of February, 1873.

RESOLUTION OF INSTRUCTION TO OUR SENATORS IN CONGRESS.

Whereas, An act entitled An act to establish an educational fund and to apply the proceeds of the public lands to the education of the people, has passed the House of Representatives of the United States Congress and is now pending in the Senate, therefore,
Resolved by the Senate and House of Representatives of the General Assembly of the State of North Carolina, That our senators in Congress be and they are hereby instructed and requested to use their influence and utmost exertion in securing, without delay, the final passage of said Education Bill.

Resolved, That a copy of this resolution be forwarded immediately to our senators in Congress.

Ratified the 5th day of February, 1873.

RESOLUTION RAISING A JOINT COMMITTEE TO EXAMINE AND CANCEL VOUCHERS IN THE AUDITOR'S OFFICE.

Resolved, That a committee of three, two on the part of the House and one on the part of the Senate, shall be raised, whose duty it shall be to examine and cancel vouchers and burn coupons in the Auditor's office. The committee is instructed to compare the said vouchers and coupons with the receipts in the office of the Treasurer.

Ratified the 7th day of February, 1873.

RESOLUTION IN FAVOR OF JAMES MCQUEEN OF ROBESON COUNTY.

Resolved by the Senate, the House of Representatives concurring, That the Public Treasurer be and he is hereby instructed and required to pay to James McQueen, of Robeson county, the full amount of the rewards offered under the acts of the Legislature, ratified the thirteenth day of April, one thousand eight hundred and seventy-one, and the eighth day of February, one thousand eight
hundred and seventy-two, for the apprehension of Boss Strong, a murderer and outlaw then at large.
Ratified the 7th day of February, 1873.

RESOLUTION AUTHORIZING THE AUDITOR TO ISSUE A DUPLICATE WARRANT FOR THREE HUNDRED AND FORTY DOLLARS TO THE LATE COUNTY TREASURER OF YADKIN COUNTY.

Preamble.

WHEREAS, A warrant for the sum of three hundred and forty dollars was issued to Reps Martin, late treasurer of Yadkin county, dated January the eighth, A. D. one thousand eight hundred and seventy-two, which said warrant was signed by H. Adams, Auditor, and came to the hands of the aforesaid Reps Martin, and was by him indorsed in blank; and whereas, said warrant thus indorsed was, soon after its indorsement, sent by mail to the State Treasurer, and the same has been lost, therefore,

1. Resolved, That the Auditor of the State is hereby authorized and directed to issue a duplicate warrant for the sum of three hundred and forty dollars to Reps Martin, late county treasurer of Yadkin county, to be accounted for by him in settlement as treasurer of said county, specifying in the same that it is issued in lieu of the said warrant above specified, viz: number thirty-seven, the said Reps Martin, or some one in his behalf, giving a bond of indemnity to the State in the sum of six hundred and eighty dollars.

2. Resolved, That this resolution shall take effect from and after its ratification.
Ratified the 12th day of February, 1873.
RESOLUTION CONFIRMING THE CONTRACT WITH PATRICK McGOWAN.

1. The General Assembly of North Carolina do resolve, that the contract heretofore made with Patrick McGowan for keeping the Capitol and supervising other public property for the ensuing year, be and the same is hereby ratified and confirmed, and the bond filed by said Patrick McGowan is hereby approved.

2. That this resolution be in force from its ratification. Ratified the 13th day of February, 1873.

RESOLUTION IN FAVOR OF THE SURETIES OF JESSE SUMNER, SHERIFF OF BUNCOMBE COUNTY IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE.

1. The General Assembly of North Carolina do resolve, that the sureties of Jesse Sumner, sheriff of Buncombe county for the year one thousand eight hundred and sixty-nine, be relieved from the payment of all fines and penalties incurred by them by reason of the failure of said Jesse Sumner to settle his accounts for taxes due from said county for the year one thousand eight hundred and sixty-nine: Provided, Said sureties shall pay the amount of taxes due for said year, together with all costs incurred in any suit brought against them on or before October first, one thousand eight hundred and seventy-three, otherwise this resolution shall have no force or effect—shall be null and void.

Ratified the 13th day of February, 1873.
RESOLUTION IN FAVOR OF JAMES M. YOUNG, SHERIFF OF BUNCOMBE COUNTY.

Section 1. Resolved, That James M. Young, sheriff of Buncombe county, be allowed till the first day of March, one thousand eight hundred and seventy-three, to settle with the Treasurer of the State for the taxes due from his county for the year one thousand eight hundred and seventy-two: Provided, That said sheriff shall pay over to the Treasurer by the first of March, one thousand eight hundred and seventy-three, all State taxes collected by him: Provided, Nothing herein contained shall have the effect to relieve the said sheriff from the payment of the costs of the judgment against him in the Superior Court of Wake county.

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

Ratified the 14th day of February, 1873.

RESOLUTION FOR THE RELIEF OF JOHN J. HASTY, SHERIFF OF UNION COUNTY.

Section 1. The General Assembly of North Carolina do resolve, That the said John J. Hasty, sheriff of Union county, be and he is hereby relieved from the penalty of two per centum per month imposed for delinquency under section thirty-eight, chapter one hundred and ninety-five, public laws of one thousand eight hundred and seventy and one thousand eight hundred and seventy-one, and that the county treasurer of said county be exonerated from all liability on account of the failure of said sheriff to settle strictly at the date prescribed by said section.
Sec. 2. That this resolution shall take effect from its ratification.

Ratified the 14th day of February, 1873.

RESOLUTION AUTHORIZING AND DIRECTING THE GOVERNOR AND TREASURER IN CERTAIN MATTERS CONNECTED WITH THE WESTERN NORTH CAROLINA RAILROAD COMPANY.

Resolved by the Senate, the House of Representatives concurring, That the Governor of North Carolina be authorized and directed in his individual name and that of such others as may unite with him, to pray an appeal from the decree of the Circuit Court of the United States for the Western District of North Carolina, rendered at the last term thereof, in the case of Henry Clews and another or others, plaintiffs, against the Western North Carolina Railroad Company and others, defendants, and to prosecute such an appeal to a final issue, and to institute a new suit or suits, and to take any other or further proceedings in the premises as he may be advised, in the name of the State or of himself, or any other person or persons on its behalf, separately or together, for the security and protection of the interest of the State in said company; and that in aid of such proceedings, and necessary thereto, the Public Treasurer be further authorized and directed to give such bond or bonds, with or without sureties, as may be required, in the name of the State or of such others in whose name such suit or suits may be brought, or such proceedings be had on behalf of the State, and to be binding on the State, and any sum that may be adjudged to be paid by the State or the person or persons prosecuting said suit, suits or other proceedings on its behalf and for its benefit, or liable on such bond or
bonds, shall be paid out of any moneys in the Treasury not otherwise appropriated.

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

Ratified the 15th day of February, 1873.

RESOLUTION IN FAVOR OF A. S. HILL, SHERIFF OF CHEROKEE COUNTY.

Resolved by the General Assembly of North Carolina, That A. S. Hill, sheriff of Cherokee county, be and is hereby authorized to collect the State and county taxes of Graham county for the year one thousand eight hundred and seventy-two (1872): Provided, Such authority shall determine on the thirty-first day of December, one thousand eight hundred and seventy-three.

Ratified the 17th day of February, 1873.

RESOLUTION IN REGARD TO THE SALE OF BOOKS BY THE SECRETARY OF STATE.

1. Resolved by the Senate, the House of Representatives concurring, That the Secretary of State be authorized to sell any bound volumes of the public or private laws, documents or journals of the year one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, or any previous year; also to sell any copies of the Code of Civil Procedure now in his office.

2. Resolved further, That the Secretary of State pay into the Treasury all sums derived from such sales, and note the same in his annual report.

Ratified the 21st day of February, 1873.
RESOLUTION IN RELATION TO THE PUBLIC LIBRARY.

Resolved by the House of Representatives, the Senate concurring, That the joint committee on the public library be and they are hereby authorized and empowered to contract with a suitable person to take charge of the public and legislative libraries, and discharge the duties of Public Librarian, for the period of two years from the first of January, one thousand eight hundred and seventy-three.

Ratified the 22d day of February, 1873.

A RESOLUTION TO RAISE A JOINT SELECT COMMITTEE TO NEGOTIATE WITH MESSRS. COLEMAN BROTHERS FOR A SURRENDER OF THEIR CONTRACT FOR THE CONSTRUCTION OF THE STONE AND BRICK WORK OF THE PENITENTIARY.

Resolved, That a joint committee, consisting of two on the part of the Senate and three on the part of the House of Representatives, be appointed to negotiate with Messrs. Coleman Brothers, contractors for the construction of the stone and brick work of the penitentiary, for a surrender of their contract.

Resolved, That said committee report the result of their negotiations to the General Assembly for their approval.

Resolved further, That said committee be instructed to report what tax will be necessary to provide for the support of the institution for the present year.

Ratified the 22d day of February, 1873.
RESOLUTION IN REGARD TO ADJOURNMENT.

Resolved by the Senate, the House of Representatives concurring, That this General Assembly will adjourn at twelve M., Monday, March third, one thousand eight hundred and seventy-three, to meet at twelve M. on the third Monday of November, A. D. one thousand eight hundred and seventy-three.

Ratified the 24th day of February, 1873.

RESOLUTION IN FAVOR OF ARTHUR DENNIS.

Section 1. The General Assembly of North Carolina do resolve, That the Public Treasurer pay to Arthur Dennis one hundred and thirty-eight dollars and fifty-nine cents ($138.59) out of any moneys in the treasury not otherwise appropriated, for the arrest and delivery of William G. Glenn, an escaped convict from the penitentiary.

Sec. 2. This resolution shall go into effect from and after its ratification.

Ratified the 26th day of February, 1873.

RESOLUTION IN FAVOR OF BRUNSWICK, EDGECOMBE AND NORTHAMPTON COUNTIES.

Section 1. Resolved by the Senate, the House of Representatives concurring, That the Public Treasurer be and he is hereby authorized to pay out of the school fund to the treasurer of the counties of Brunswick, Edgecombe
and Northampton the amount of money that may be due each of said counties by reason of overpayment of capitation tax for the year one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, into the State treasury under a misconstruction of section fifty-two of the school law of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine.

Sec. 2. That this resolution shall go into effect when ratified.

Ratified the 26th day of February, 1873.

JOINT RESOLUTION IN REGARD TO THE CENTENNIAL INTERNATIONAL EXHIBITION IN THE CITY OF PHILADELPHIA IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX.

WHEREAS, The Congress of the United States by an act approved March third, one thousand eight hundred and seventy-one, entitled, "An act to provide for celebrating the one hundredth anniversary of American independence, by holding an international exhibition of arts, manufactures and products of the soil and mines, in the city of Philadelphia, and State of Pennsylvania, in the year one thousand eight hundred and seventy-six," did provide for the promotion and control of the exhibition of the national resources and the useful arts, and for the proper commemoration of the declaration of American independence, on the fourth day of July, A. D. one thousand seven hundred and seventy-six; and, whereas, The mode adopted by Congress as above recited, by exhibiting to mankind the wonderful results of a century's growth of the nation, will most strikingly demonstrate
the wisdom of our ancestors in risking their all for the attainment of self-government; and whereas, The exhibition, if successfully carried out, will be of eminent practical benefit in disseminating among civilized nations information concerning the products of our forests and fields, minerals and ores still undeveloped, while our citizens will be enlightened by studying the processes and fabrics of the most advanced nations of the world; and, whereas, It is eminently proper that the people of North Carolina, who, by the Mecklenburg Declaration of May twentieth, one thousand seven hundred and seventy-five, were foremost in suggesting the declaration of one thousand seven hundred and seventy-six, which, with conspicuous fortitude, they defended and maintained, should take part in the commemoration of its hundredth anniversary:

Section 1. The General Assembly of North Carolina do resolve, That this General Assembly cordially approve the plan and objects of the Centennial International Exhibition, to be held in the city of Philadelphia, State of Pennsylvania, in the year one thousand eight hundred and seventy-six.

2. That the people of North Carolina be earnestly recommended to heartily co-operate with the officers of said exhibition, in order to carry out its design to the fullest measure of success, in order to bring before capitalists and men of culture fair specimens of the natural and artificial products of the nation.

3. That our senators and representatives in Congress be requested to promote all measures requisite for making said international exhibition a truthful exponent of the progress of the nation.

4. That the Governor be requested to forward copies of this preamble and resolutions to all said senators and representatives.

Ratified the 26th day of February, 1873.
RESOLUTION IN FAVOR OF THE ENGROSSING AND ENROLLING CLERKS OF THE HOUSE.

SEC. 1. Resolved by the House of Representatives, the Senate concurring, That the engrossing and enrolling clerks of the House be authorized to employ such clerical assistance for the remainder of the present session as may be necessary: Provided, The compensation for such assistants shall not exceed three dollars per day.

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

Ratified the 28th day of February, 1873.

RESOLUTION IN BEHALF OF JONAS CLINE, SHERIFF OF CATAWBA COUNTY.

WHEREAS, Jonas Cline, sheriff of Catawba county, in his settlement with the State Treasurer for the years one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, did, in pursuance of law, pay into the Treasury four hundred and seventy dollars and sixty cents, the amount of tax levied by the State against the Western North Carolina Railroad Company for the part of said road lying in Catawba county; and whereas, said sheriff was afterwards restrained by injunction from collecting said tax by execution, as provided by law; and whereas, further, the Supreme Court of the State, in the case of Western North Carolina Railroad Company against Jonas Cline, sheriff, has directed said injunction to be perpetual: Therefore, in discharge of the debt justly due said sheriff by the State,

1. Resolved by the House of Representatives, the Senate concurring, That the State Treasurer be and he is hereby
directed to pay to Jonas Cline, sheriff of Catawba county, upon warrant of the Auditor, the sum of four hundred and seventy dollars and sixty cents, being the amount of tax paid by said sheriff as due, according to his tax list, by the Western North Carolina Railroad Company for the years one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy.

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

Ratified the 28th day of February, 1873.

RESOLUTION IN FAVOR OF JAMES C. McGOWAN.

SEC. 1. Resolved by the House of Representatives, the Senate concurring, That the Public Treasurer be and is hereby directed to pay James C. McGowan the sum of thirty-five dollars ($35.00) out of any funds in the Treasury not otherwise appropriated, the same being for services rendered in taking inventory and arranging arms and equipments in the State arsenal: Provided, The amount stated shall be full payment of all claims against the State for services in that behalf.

SEC. 2. This resolution shall be in force from its ratification.

Ratified the 28th day of February, 1873.

RESOLUTION TO PRINT MUSTER ROLLS OF THE WAR OF ONE THOUSAND EIGHT HUNDRED AND TWELVE.

SECTION 1. Resolved, the House concurring, That three hundred copies of the muster rolls of the soldiers of the
war of one thousand eight hundred and twelve, detached from the militia of North Carolina in one thousand eight hundred and twelve and one thousand eight hundred and fourteen, be printed and distributed as follows: one copy to each officer of the Senate and House of Representatives, one copy to each senator and member of the House of Representatives, one copy to each Superior Court clerk's office in this State, and twenty copies for the use of the office of Secretary of State.

Sec. 2. This resolution shall take effect from its ratification.

Ratified the 28th day of February, 1873.

RESOLUTION TO AUTHORIZE THE AUDITOR TO ISSUE A DUPLICATE WARRANT FOR TWO HUNDRED AND EIGHTY DOLLARS TO ELIJAH MURRELL, SHERIFF OF ONSLOW COUNTY.

Whereas, A warrant for the sum of two hundred and eighty dollars was issued to Simon B. Taylor, treasurer of Onslow county, number nine hundred and eighty seven, which warrant was signed by H. Adams, Auditor, and came to the hands of the said Simon B. Taylor, and was by him indorsed to the said Elijah Murrell; and, whereas, The said warrant, number nine hundred and eighty-seven, has been lost, therefore,

Section 1. Resolved, That the Auditor of the State is hereby authorized to issue a duplicate warrant for the sum of two hundred and eighty dollars to Elijah Murrell, sheriff of Onslow county, specifying in said warrant that it is issued in lieu of said lost warrant, number nine hundred and eighty-seven.

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

Ratified the 28th day of February, 1873.
RESOLUTION IN REGARD TO THE WILMINGTON, CHARLOTTE AND RUTHERFORD RAILROAD.

Preamble.

Whereas, A suit is now pending in New Hanover Superior Court to foreclose the mortgage on the Wilmington, Charlotte and Rutherford Railroad Company; and whereas, the State of North Carolina has appropriated near seven million dollars to said company, and in addition is indorsed on one million of the mortgage bonds of said company, and in addition has a second mortgage on the company's property; and whereas, counties along the line of the road have invested about one million in said company, and individuals have invested one million in said company; and whereas, the property of said company is being sold by the sheriffs of different counties as the property of the Western North Carolina Railroad was sold; and whereas, the mortgage bonds of said company were hypothecated in New York to borrow money, and were sold at a price much below their value, as the mortgage bonds of the Western road were sold; and whereas, His Excellency, the Governor, in his recent message says that he is advised by attorneys learned in the law, that the mortgage of the Western North Carolina Railroad Company is void; and whereas, this mortgage is a copy of the mortgage of the Wilmington, Charlotte and Rutherford Railroad Company; and if one is void, it is reasonable to suppose that the other is void: Therefore,

Sec. 1. Be it resolved, That His Excellency, the Governor, and the Attorney General be requested at once to investigate the matter of the mortgage and sheriffs' sales, in order that this valuable road, completed one hundred and eighty miles, with an annual income of three hundred and fifty thousand dollars, may be saved to the State and private stockholders.
Sec. 2. Resolved, That His Excellency, the Governor, be requested to communicate to the General Assembly what information he has on the subject, and what steps, if any, he has taken to protect the State's interest in this road.

Ratified the 28th day of February, 1873.

RESOLUTION OF INSTRUCTION TO THE KEEPER OF PUBLIC GROUNDS AND BUILDINGS.

Whereas, Certain poor persons have at various times erected buildings upon lots and grounds belonging to the State of North Carolina; and, whereas, it would be a great hardship to deprive said citizens of the buildings so erected:

Resolved by the Senate, the House of Representatives concurring, That the Keeper of the Capitol or any other person or persons having charge of the same, be authorized in all cases when it shall appear that any person or persons have erected buildings of any kind upon public grounds, without injury thereto, to permit such person or persons to remove such building: Provided, The same be done during the year one thousand eight hundred and seventy-three; and provided, further, that if the Keeper of the Capitol or other person having charge may be unable to decide, or a difference arise, the same may be referred to one or three disinterested persons, whose decision shall govern the action of the party who erected such building upon the grounds.

This resolution shall take effect from its passage.

Ratified the 28th day of February, 1873.
RESOLUTION IN FAVOR OF JOHN H. HILL, DOORKEEPER OF THE HOUSE.

Resolved by the Senate, the House of Representatives concurring, That the Public Treasurer be and he is hereby instructed to pay John H. Hill, Doorkeeper of the House of Representatives, the sum of seven dollars and twenty cents for summoning twenty witnesses to appear before the committee investigating the management of the Penitentiary.

Ratified the 1st day of March, 1873.

RESOLUTION IN FAVOR OF JOHN H. HILL, DOORKEEPER OF THE HOUSE.

Resolved, That the Public Treasurer pay to John H. Hill twenty-seven dollars for contingent expenses for stationery, etc., purchased for the use of the House of Representatives during the sessions of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three.

Ratified the 1st day of March, 1873.

RESOLUTION IN RELATION TO REFUNDING CERTAIN RAILROAD TAX TO THE SHERIFF OF IREDELL COUNTY, W. F. WASON.

Whereas, Under the revenue acts of the years one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, there was levied a tax on the Western North Carolina Railroad, and the sheriff of Ire-
Resolutions.

dell county, W. F. Wasson, has paid into the treasury of the State for the years above cited, the amount of two hundred and ninety-four dollars and twenty-eight cents ($294.28,) for that part of said railroad running through the county of Iredell.

Whereas, The Supreme Court of the United States, having decided in a late decision that said railroad was not subject to said tax, and said sheriff having paid said tax into the treasury of the State, is entitled to have said tax, to the amount above specified, refunded to him, therefore,

Be it resolved by the Senate, the House of Representatives concurring, That the Treasurer is hereby authorized and instructed, upon the certificate of the Auditor, to pay to the sheriff of Iredell county, W. F. Wasson, the amount of two hundred and ninety-four dollars and twenty-eight cents ($294.28), it being the amount paid by the sheriff of Iredell county into the treasury of the State.

Ratified the 1st day of March, 1873.

RESOLUTION IN REGARD TO PUBLIC LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO.

Section 1. Resolved by the House of Representatives, the Senate concurring, That the Secretary of State be directed to purchase as many copies of said laws of one thousand eight hundred and seventy-one and one thousand eight hundred seventy-two as may be necessary to supply the counties of Green, Currituck, Davidson, Montgomery, McDowell, Halifax and Gaston and the county of Beaufort: Provided, That he shall not expend in the said purchase more than one hundred and seventy-five dollars; and that the Public Treasurer be directed to pay for the
same out of any money not otherwise appropriated, and that the Secretary of State report the names of the parties from whom such copies were purchased, and the amounts paid therefor.

Sec. 2. That the solicitor of the sixth judicial district be instructed to bring suit upon the bond of H. J. Menninger, late Secretary of State, for this said amount, and any other defalcation in office.

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

Ratified the 1st day of March, 1873.

RESOLUTION CONCERNING THE PUBLIC PRINTING.

The General Assembly of North Carolina do resolve, That the Public Printer be allowed ninety days from the adjournment of the Legislature to print, bind and return to the Secretary of State the journals and documents of the General Assembly: Provided, This resolution shall only apply to the documents and journals of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three.

Ratified the 1st day of March, 1873.

RESOLUTION IN FAVOR OF SAMUEL CABE.

Resolved by the General Assembly, That the Secretary of State be and he is hereby directed to issue a grant to Samuel Cabe, of Macon county, for lot on section number thirty-three (33) in district ten (10) of said county.

Ratified the 1st day of March, 1873.
RESOLUTION IN FAVOR OF THE ENROLLING AND ENGROSSING CLERKS.

Resolved by the House of Representatives, the Senate concurring, That the enrolling and engrossing clerks be and they are hereby entitled and authorized to receive the same pay for their services as the principal and assistant clerks.

And this resolution shall take effect from the beginning of the present session.

Ratified the 1st day of March, 1873.

RESOLUTION IN FAVOR OF SAMUEL REEVES, JR., JOHN BEARD AND DAVID L. BRINGLE.

Section 1. Resolved by the House of Representatives, the Senate concurring, That the Public Treasurer be and he is hereby authorized and directed to pay to Samuel Reeves, Jr., John Beard and David L. Bringle, the sum of three hundred dollars ($300) out of any moneys not otherwise appropriated for the apprehension of John Allen Ketchey, an escaped convict, who was convicted and sentenced to seven years' imprisonment in the State penitentiary, but who escaped from the jail of Guilford county.

Sec. 2. This resolution shall take effect from and after its ratification.

Ratified the 1st day of March, 1873.
A RESOLUTION AMENDATORY OF A RESOLUTION IN FAVOR OF
JAMES MCQUEEN, RATIFIED THE SEVENTH DAY OF FEBRUARY,
ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE.

Amendment.

SECTION 1. Resolved by the House of Representatives, the
Senate concurring, That the word April, in line nine of
the above-named resolution, ratified the seventh day of
February, one thousand eight hundred and seventy-three,
be stricken out and February be inserted in lieu thereof,
so as to make the resolution read the thirteenth (13th)
day of February, one thousand eight hundred and sev-
enty-one (1871.)

When to be in force.

Sec. 2. This resolution shall be in force from its ratifi-
cation.

Ratified the 1st day of March, 1873.

RESOLUTION IN FAVOR OF W. W. MORRISSETTE AND D. D. FERE-
BEE, OF CAMDEN COUNTY.

Pay of Morrisette as commissioner.

SECTION 1. The General Assembly of North Carolina do
resolve, That the Treasurer of the State be and he is
hereby authorized and directed to pay to W. W. Morri-
sette fifteen dollars for taking testimony as commissioner
in the contested election case from Camden county and
for office rent, and to D. D. Ferebee the sum of two dol-
ars for serving subpoenas in said case.

When to be in force.

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

Ratified the 1st day of March, 1873.
RESOLUTION IN FAVOR OF W. H. MORRISS & COMPANY.

Resolved by the Senate, the House of Representatives concurring, That upon demand of the Auditor the Treasurer is hereby authorized to pay to W. H. Morriss & Company twenty-eight dollars. This act shall take effect from and after its ratification. Ratified the 3d day of March, 1873.

RESOLUTION IN FAVOR OF THE PRINCIPAL CLERKS.

1. The General Assembly of North Carolina do resolve, That the principal clerks of the Senate and House of Representatives be each allowed one hundred dollars for extra work.

2. That this resolution shall be in force from its ratification. Ratified the 3d day of March, 1873.

RESOLUTION OF INSTRUCTION TO THE SECRETARY OF STATE.

Resolved by the House of Representatives, the Senate concurring, That the Secretary of State is directed to furnish a certified copy of the act changing the time for holding the Fall terms of the Superior Courts in the counties of Robeson and Brunswick, to the "Robsonian," a newspaper published in the town of Lumberton, and in which it shall be published once a week for three weeks, and the Auditor is directed to draw his warrant on the Treasurer for the amount charged for the publication. This resolution shall be in force from its ratification. Ratified the 3d day of March, 1873.
RESOLUTION IN FAVOR OF JOHN S. HARRISON.

Resolved by the Senate, the House of Representatives concurring, That upon the warrant of the Auditor, the Treasurer is hereby authorized to pay unto John S. Harrison, twenty-two dollars and seventy-five cents ($22.75.) This resolution to take effect from and after its ratification.
Ratified the 3d day of March, 1873.

RESOLUTION IN FAVOR OF TIMOTHY F. LEE, SHERIFF OF WAKE COUNTY.

Whereas, Timothy F. Lee, sheriff of Wake county has settled in full the State taxes for the year one thousand eight hundred and seventy-two.

Resolved by the House of Representatives, the Senate concurring, That he is hereby relieved of all fines and penalties by failure to settle within the time required by law on payment of all costs.
This resolution shall take effect on and after its ratification.
Ratified the 3d day of March, 1873.

RESOLUTION DECLARATORY OF THE MEANING OF SECTION FOUR, RESOLUTION IN FAVOR OF SHERIFFS, RATIFIED DECEMBER SIXTH, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO.

Resolved, That the true intent and meaning of said section is, that wherever the county commissioners of any
county have settled with the sheriffs of said county the expenses of conveying a convict or convicts to the penitentiary, such expenses shall be audited by the Auditor, and paid by the Treasurer of the State.
Ratified the 3d day of March, 1873.

RESOLUTION APPOINTING DR. W. R. SHARP AND CAPTAIN C. B. DENSON MEMBERS OF THE BOARD OF PUBLIC CHARITIES.

Resolved by the Senate, the House of Representatives concurring, That Dr. W. R. Sharp, of Davie county, and Captain C. B. Denson, of Chatham county, be and the same are hereby appointed members of the Board of Public Charities; the term of the first named to begin first of July, one thousand eight hundred and seventy-two, and the second on the first day of July, one thousand eight hundred seventy-three, and to continue for five years from these dates respectively.
Ratified the 3d day of March, 1873.

RESOLUTION IN FAVOR OF T. F. LEE, SHERIFF OF WAKE COUNTY.

Section 1. The General Assembly of North Carolina do resolve, That it is hereby declared to have been the true meaning and intent of an act entitled "an act for the relief of Timothy F. Lee, sheriff of Wake county," ratified February first, one thousand eight hundred and seventy-three, to give the relief therein provided upon the condition that the said Timothy F. Lee did make full and complete settlement with the Public Treasurer of the taxes due the State by the said Timothy F. Lee on or be-
fore the first day of February, one thousand eight hundred and seventy-three, and not otherwise.

Sec. 2. That this resolution shall be in force from its ratification.
Ratified the 3d day of March, 1873.

RESOLUTION CONCERNING THE DISTRIBUTION OF THE LAWS OF SPECIAL SESSION OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT.

The General Assembly of North Carolina do resolve, That the Secretary of State be directed to send by mail or otherwise five copies of the laws of special session of one thousand eight hundred and sixty-eight to the chairmen of the board of county commissioners of the several counties, and one copy to the clerk of the Superior Court of each county.
Ratified the 3d day of March, 1873.

A RESOLUTION TO PROVIDE FOR A CASUAL DEFICIT IN THE TREASURY.

Section 1. The General Assembly of North Carolina do resolve, That the Treasurer of State be authorized to borrow, upon the faith and credit of the State, from time to time, as he may need the same, a sum of money not to exceed in the whole one hundred and forty thousand dollars ($140,000), at a rate of interest not to exceed eight per centum per annum, which money shall be applicable only to the ordinary expenses of the State.

Sec. 2. The Treasurer, for the security of such persons as shall lend the money hereby authorized to be borrowed,
shall give them certificates, importing that the holder is thereby entitled to a lien to the extent of his debt upon the public taxes levied for the year one thousand eight hundred and seventy-three; and it is hereby declared that such certificates shall constitute a charge upon such taxes for both the principal and interest of such debt, having a priority over all other claims and charges thereupon.

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

Ratified the 3d day of March, 1873.

RESOLUTION IN FAVOR OF J. C. BREWSTER.

Resolved by the General Assembly of North Carolina, That the Treasurer be and he is hereby directed to pay J. C. Brewster, of the county of Wake, the sum of one hundred and twenty-five dollars ($125) for work performed in repairing the Capitol building.

Resolved, That this resolution shall take effect from and after its ratification.

Ratified the 3d day of March, 1873.

RESOLUTION IN FAVOR OF MASON L. WIGGINS, OF HALIFAX.

Whereas, During the administration of General Sickles as military governor of North Carolina, in the year one thousand eight hundred and sixty-seven, Mason L. Wiggins, of the county of Halifax, was ordered by said Sickles to act and perform certain duties as chairman of Committee of Finance of the Senate of North Caro-
lina, of which he was a member, while said General Assembly was not in session: and whereas, it is conceded that this old public servant, Mason L. Wiggins, in his capacity as a member of the Legislature, and as a citizen of the State, felt so constrained to obey the mandate of General Sickles, and thereby incurred individual expenses, for the benefit of the State for which he has not been paid, therefore,

Resolved by the General Assembly of North Carolina, That the Public Treasurer be and he is hereby authorized to pay said Mason L. Wiggins the sum of sixty dollars ($60) mileage and per diem for extra duties rendered by the State, by order of General Sickles, as a member of said General Assembly.

Ratified the 3d day of March, 1873.

RESOLUTION IN FAVOR OF A. M. LEWIS.

1. Resolved by House of Representatives, the Senate the concurring, That the Public Treasurer be and he is hereby authorized to pay A. M. Lewis, Jr., the sum of three (3) dollars per day out of any money not otherwise appropriated for service rendered as assistant clerk to chief clerk during the session of one thousand eight hundred and seventy-two and one thousand eight hundred and seventy-three.

That this resolution shall take effect from and after its ratification.

Ratified the 3d day of March, 1873.
RESOLUTION IN FAVOR OF J. H. ENNIS.

Resolved by the Senate, the House of Representatives concurring, That the Public Treasurer be and is hereby authorized, upon warrant of the Auditor, to pay unto James James H. Ennis the sum of forty-one dollars and ninety cents for stationery.

That this resolution shall take effect from and after its ratification.

Ratified the 3d day of March, 1873.

RESOLUTION IN FAVOR OF WILLIAM H. BATTLE.

Resolved by the House of Representatives, the Senate concurring, That the Treasurer of the State be and he is hereby directed to pay William H. Battle fifteen hundred dollars for the compilation and revisal of all the public statute laws of the State, which he has reported to this General Assembly.

This resolution shall be in force from and after its ratification.

Ratified the 3d day of March, 1873.

RESOLUTION IN REGARD TO VIENNA EXHIBITION.

Resolved by the Senate, the House of Representatives concurring, That in case it shall be ascertained that the expenses of an exhibition at the World’s Fair at Vienna of maps, specimens, &c., illustrating the resources and products of North Carolina, will be defrayed out of the fund
appropriated by the general government, the State Geologist is hereby authorized to prepare the necessary maps, descriptions and collections, and place them on exhibition as soon as practicable, the expenditure necessary for such preparations to be paid out of the geological fund.

Ratified the 3rd day of March, 1873.
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