OF THE
STATE OF NORTH CAROLINA
PASSED BY THE
GENERAL ASSEMBLY
AT ITS
SESSION OF 1891,
BEGUN AND HELD IN THE CITY OF RALEIGH
ON WEDNESDAY, THE EIGHTH DAY OF JANUARY, A.D. 1891.

TO WHICH ARE PREFIXED

A REGISTER OF STATE OFFICERS, JUDICIARY, A LIST OF COM-
MISSIONERS OF AFFIDAVITS, MEMBERS OF THE GENERAL ASSEMBLY, AND STATE CONSTITUTION.

PUBLISHED BY AUTHORITY.

RALEIGH:
JOSEPHUS DANIELS, STATE PRINTER AND BINDER.
1891.

PROPERTY OF
STATE DEPT. OF ARCHIVES & HISTORY
RALEIGH, NORTH CAROLINA
one-half the cost and expenses of a survey of the land on which said road is to be located; and that the said road shall be constructed by the volunteer company so organized as to be able to pay such cost.

SEC. 18. That said company shall have power to consolidate with any railroad company and consolidate the assets of any and all such companies for the above-mentioned or any other lawful and legitimate purpose, and to accept gifts of property, real or personal, to its capital stock.

SEC. 19. That this act shall take effect from and after its ratification, to take effect in 1891.

CHAPTER 348.

An act to amend chapter four hundred and ten, laws of eighteen hundred and eighty-seven, entitled "An act supplemental to chapter four hundred and eight, laws of eighteen hundred and eighty-five, entitled "An act to establish and maintain an industrial school."

The General Assembly of North Carolina do enact:

SECTION 1. That the following be added to chapter four hundred and ten, laws of eighteen hundred and eighty-seven, and be amended by adding the following at the end of the section: "And on such other lands as may be hereafter acquired by such college. The North Carolina College of Agriculture and Mechanic Arts is hereby incorporated and authorized to purchase, hold or sell real estate for the benefit of said college, and the management and control of said corporation shall be by the board of trustees now provided by law and their successors in office."

SECTION 2. That section six of chapter four hundred and ten, laws of eighteen hundred and eighty-seven be amended by striking out after the words "eighty-five" in line nine and including the words "department" in line eleven. Also the following shall be substituted in lieu of all after line twenty-three in said section: "The said board of trustees shall have power to accept on behalf of the state donations of property, real or personal, and any appropriations made by [the] congress of the United States to the several states and territories for the benefit of agricultural experiment stations, or the agricultural and mechanical colleges in connection therewith, and they shall expend the whole amount so received in accordance with the acts of congress in relation thereto."

SECTION 3. That section seven of chapter four hundred and ten, laws of eighteen hundred and eighty-seven, be amended by striking out: "The two hundred acres of land, more or less, known as a part of the Camp Mangum tract, belonging to the state of North Carolina and situated one-half mile west of the state fair grounds, is hereby given to the said board of trustees for the said College of Agriculture and Mechanic Arts."

SECTION 4. That section eight of chapter four hundred and ten, laws of eighteen hundred and eighty-seven, be amended by inserting after the word "Carolina" in line ten the following: "And it shall be the duty of the superintendent of instruction in each county on the days fixed by law for examination of teachers in the public schools, also to examine candidates for college students to said college; blanks for such purpose to be furnished annually by the blanks; president of said college to the superintendents of instruction in each county."

SECTION 5. That the following section be added to chapter four hundred and ten, laws of eighteen hundred and eighty-seven: "That for the purpose of furnishing proper facilities for the education provided under this act, and to purchase additional land and the erection of suitable buildings, the following sums shall be appropriated from funds in the public treasury of the state not otherwise appropriated, viz.: ten thousand dollars for the year eighteen hundred and ninety-one; ten thousand dollars for the year eighteen hundred and ninety-two; such sums to be payable annually to the treasurer of the North Carolina College of Agriculture and Mechanic Arts, on and before the first day of January and July of each year."

SECTION 6. That the following section be added to chapter four hundred and ten, laws of eighteen hundred and eighty-seven: "The appropriation made by act of congress of the date of August thirtieth, eighteen hundred and ninety, for the benefit of colleges of agriculture and mechanical arts, shall be divided into the exact ratio in the state of the white population to the colored; this provision to apply to the current and all succeeding appropriations."

SECTION 7. That the following section be added to chapter four hundred and ten, laws of eighteen hundred and eighty-seven: "That it shall not be lawful for any person or persons to sell any intoxicating liquors within three-fourths of a mile of the main college building."

SECTION 8. Power is hereby conferred upon the trustees of the said college to effect a sale of the lot known as the "Grissom lot," containing three and a half acres, more or less, and to make title to the purchaser or purchasers thereof. The said lot now being under the control of the said trustees, and having been purchased from [with] funds donated by the city of Raleigh as a site for an industrial school.
CHAPTER 349.

An act supplemental to an act entitled an act to promote and protect the oyster interests of the state.

The General Assembly of North Carolina do enact:

Section 1. That section one, article two of the above act shall be changed and corrected by striking out the word "more" in line five and substituting the word "less" in lieu thereof, so that the sentence as corrected shall read "and all oysters whose shells measure less than two inches from hinge to mouth, and all shall be returned upon said public grounds."

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

Ratified the 8th day of March, A. D. 1891.

CHAPTER 350.

An act to incorporate the South-Eastern North Carolina Railway Company.

The General Assembly of North Carolina do enact:

Section 1. That E. C. Smith, Geo. H. Snow and Gustav Rosenthal, and their successors, associates and assigns, be and they are hereby constituted a (and) created a body politic and corporate by the name of the South-Eastern North Carolina Railway Company, and as such shall receive the powers herein granted for sixty years; that such company may by that name sue and be sued, plead and be impleaded in any court in this state, and the said company shall have power and authority to make by-laws and regulations for its government and management, to elect or appoint all necessary officers and prescribe their powers and duties; and to have and use a common seal, which it may change or alter at pleasure; to acquire by purchase, lease or otherwise transfer such real, personal and mixed property as may be necessary or convenient to carry out the purposes of this act, and to have and exercise all and every other power, privilege, franchise and right common or necessary to similar corporations and not inconsistent with the laws of this state or the provisions of this act.

Section 2. That the said company be and is hereby authorized and empowered to build, construct, maintain and operate a railroad with one or more tracks from a point at or near Sanford, Moore county, to a point on Neuse river at or near Kinston in the county of Lenoir, North Carolina, to be selected by the president and directors of the company hereby incorporated, with the privilege of building and operating branch roads, which roads not exceeding twenty-five miles in length; and that in constructing and operating said branch roads the said company shall have all the rights and privileges granted to it with respect to the main lines.

Section 3. That the capital stock of said company shall be one hundred thousand dollars, and the same may be increased from time to time as a majority of the stockholders may determine, up to five million dollars; that the stock of said company shall be in shares of one hundred dollars each, for which certificates shall be issued, and each share shall be entitled to one vote, and the stockholders shall not be individually liable for anything beyond the amount of said subscription to the said capital stock; that the said corporation or a majority of them, acting in person or by proxy, shall cause a book or books of subscription to be opened by a commissioner or commissioners to be appointed by them or a majority of them acting in person or by proxy, at such times and places and under such rules and regulations as they may prescribe; that the said corporation or a majority of them acting in person or by proxy, after the sum of five thousand dollars ($5,000) has been subscribed, shall call a meeting of the stockholders who shall have subscribed to the said capital stock, for the purpose of completing the organization of the company, giving ten days' notice thereof in some newspaper published in the county of Moore; that at such meeting the stockholders shall elect a board of directors consisting of seven members, who shall immediately elect one of their number president of the company.

Section 4. That subscriptions to the capital stock of said company shall be made in money, land, labor or materials necessary for the construction or equipment of said road, in bonds, stocks or other debentures, in such manner and on such terms as may be agreed upon by the president and directors of said company and the subscribers.
CHAPTER 549.

To establish an agricultural and mechanical college for the colored race.

The General Assembly of North Carolina do enact:

SECTION 1. That a college of agriculture and mechanical arts be and the same is hereby established for the colored race, to be located at some eligible site within this state, to be hereafter selected by the board of trustees hereinafter provided for.

Sec. 2. That the said institution shall be denominated "The Agricultural and Mechanical College for the Colored Race."

Sec. 3. That the leading object of the institution shall be to teach practical agriculture and the mechanic arts and such branches of learning as relate thereto, not excluding academical and classical instruction.

Sec. 4. That the management and control of the said college and Board of Trustees, the care and preservation of all its property shall be vested in a Board of Trustees, who shall be selected by the General Assembly at 

in each term thereof, consisting of nine members, one from each of the several congressional districts of the state, three of whom shall be selected for a term of two years, three for four years and three for six years, and at the expiration of the term of each class their successors shall be elected for a term of six years. Any vacancy Vacancies, which may occur for any cause shall be filled by the governor for the unexpired term. That the said board shall elect one of their number to be the president of the board of trustees.

SEC. 5. That the said board of trustees shall have power to prescribe the rules for the management and preservation of good order and morals at the said college as are usually made in such institutions; shall have power to appoint its president, instructors, and as many other officers or servants as to them shall appear necessary and proper, and shall fix their salaries, and shall have charge of the disbursement of the funds, and have general and entire supervision of the establishment and maintenance of the said college, and the president and instructors in the said college by and with the consent of the said board of trustees shall have the power of conferring certificates of proficiency or marks of merit and diplomas as is usually conferred by such colleges.

SEC. 6. That the said board of trustees are empowered to receive donations of property, real or personal, which may be made to said College of Agriculture and Mechanical Arts, and shall have power to invest or expend the same for the benefit of said college.

Sec. 7. That the said board of trustees shall have power to accept on behalf of this college such property as the fund granted by the Congress of the United States to the State of North Carolina for industrial and agricultural training as is
apportioned to the colored race, in accordance with the act or acts of Congress in relation thereto.

Sec. 7. That in addition to the powers hereinbefore granted, the board of trustees shall have power to make such rules and regulations with respect to the admission of pupils to said college for various congressional districts of this state as they may deem expedient and right, having due regard to the colored population thereof.

Sec. 8. For the purpose of locating the said college at some convenient and suitable site within the state, the said board of trustees hereby authorize to receive propositions from various localities of this state, and are hereby fully empowered to accept any proposition which to them may seem best for the interest of the state and for carrying out the purposes of this act according to the true intent and meaning thereof.

Sec. 9. That before the said board of trustees shall finally accept a proposition from any locality for the establishment of the said college thereat, they shall receive a deed in fee-simple absolute to them and their successors in office for all lands, buildings or structures donated as a consideration for the location of said college.

Sec. 10. That for the purpose of carrying out the provisions of this act the sum of twenty-five hundred dollars is hereby annually appropriated to the said college, and the treasurer of the state is hereby authorized and directed to pay the said amount out of any funds in the treasury not otherwise appropriated upon the warrant of the board of trustees or such other officer or officers as the said board may designate.

Sec. 11. That until the site and buildings shall have been furnished for the location of the said college, the said board of trustees shall have power to make temporary provisions for the industrial and mechanical education of the colored youth of the state at some established institution of learning within the state, under such rules and regulations as they may prescribe.

Sec. 12. That until the site and buildings shall have been furnished for the location of the said college and the buildings shall be completed, the provisions which now or may be made by the trustees of the North Carolina College of Agriculture and Mechanical Arts with any present institution of learning in the state shall continue; but said trustees shall not have power to make any such arrangement for more than one year at a time, but when said buildings shall have been completed then the board of trustees of the Agricultural and Mechanical College for the Colored Race shall have all the rights, powers and privileges of the said board of trustees of the North Carolina College of Agriculture and Mechanical Arts over any and all funds which may belong or appertain to the colored race.

Sec. 13. That the trustees of the said "The Agricultural and Mechanical College for the Colored Race" shall be entitled to the same

Rules, &c.

Trueses to receive propositions for location of college.

$2500 appropriated annually.

Temporary location of college.

Temporary arrangements.

Powers of trustees after completion of buildings &c.

Compensation of trustees.

CHAPTER 550.

An act authorizing the governor to negotiate with the governor of Virginia.

The General Assembly of North Carolina do enact:

Section 1. That the governor is hereby authorized to take such action and negotiations as in his judgment is necessary with the governor of Virginia to get the fish-ladder in the Dan river at Danville, Virginia, made effectual for the transit of fish above that limit in the Dan river and its tributaries.

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

Ratified the 9th day of March, A. D. 1891.

CHAPTER 551.

An act to amend chapter one hundred and sixty-four, laws of eighteen hundred and eighty-nine, relative to the catching of diamond-back terrapins in Brunswick county.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and sixty-four, laws of eighteen hundred and eighty-nine, be and the same is hereby amended so to strike out in the third, fourth and fifth lines in section nine of said chapter the words "between the fifteenth day of April and the seventh day of August in each year, or any diamond-back terrapins within a certain size." Unlawful to catch diamond-back terrapins in Brunswick county under a certain size.

Sec. 2. That this act shall be in full force and effect on and after its ratification.

Ratified the 9th day of March, A. D. 1891.
SEC. 2. That any person or company having a mill-dam on said streams, or hereafter wishing to erect such, shall provide a sheet around said dam for the passage of said timbers.

SEC. 3. That any person or persons having any fish-traps on said streams, or hereafter wishing to erect and keep such, shall, in case they are already erected, within thirty days after the passage of this act, remove said obstruction to such extent as to allow the passage of said rafts or logs, and in case of future erections construct them so as to allow such free and unobstructed passage.

SEC. 4. That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, subject to fine or imprisonment in the discretion of the court.

SEC. 5. If in case of the failure of any person or persons to remove such obstructions after notice, by any person, persons or corporation wishing to raft timber down said river, such persons or corporation shall have the right to enter on said lands and remove a sufficient portion of said dams as to allow the unobstructed passage of such timbers.

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

Ratified the 9th day of March, A.D. 1891.

CHAPTER 579.

An act supplemental and amendatory to an act entitled "An act to establish the Agricultural and Mechanical College for the Colored Race."

The General Assembly of North Carolina do enact:

SECTION 1. That J. M. Early of Bertie county is hereby named as temporary chairman of the board of trustees of the Agricultural and Mechanical College for the Colored Race, to the end that he call said board together at such time and place as may be suitable for the purpose of effecting a permanent organization of said board of trustees: Provided, that this act shall not interfere with the several provisions of the act of which this is amendatory.

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

Ratified the 9th day of March, A.D. 1891.