

PRIVATE LAWS  
OF THE  
STATE OF NORTH CAROLINA

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

SESSION OF 1895,

BEGUN AND HELD IN THE CITY OF RALEIGH

ON

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

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## CHAPTER 89.

**An act to declare The Raleigh Water Company a duly incorporated company, and to ratify, confirm, amend, and enlarge its charter.**

WHEREAS, The Raleigh Water Company has heretofore, to-wit, on the twelfth day of November, Anno Domini one thousand eight hundred and eighty-six, been duly incorporated before the clerk of the superior court for Wake county, North Carolina, under the general laws of said state, and its organization perfected by the election of officers, and the adoption of by-laws, and business conducted under said organization; and whereas, it is desired to enlarge and increase the corporate powers, franchises, and privileges of said company; therefore,  
*The General Assembly of North Carolina do enact:* Preamble.

SECTION 1. That said incorporation, before the clerk of the superior court for Wake county, on the twelfth day of November, Anno Domini one thousand eight hundred and eighty-six, and the charter granted on said day by said clerk to said The Raleigh Water Company, the organization of the company, the election of officers, adoption of by-laws, subscriptions for and transfer of stock, and all conveyances heretofore made to said company, or any person for it, and all contracts heretofore made with, and all the rights, powers, privileges and franchises heretofore granted to the National Water Works Construction Company, of Dayton, Ohio, or said The Raleigh Water Company, or both of them, or any person or persons for either, or both of them, by the city of Raleigh, North Carolina, and the assignment and transfer heretofore made to said The Raleigh Water Company, or to any person or persons for it, by said construction company, or by any person or persons for it, of all its rights, privileges and franchises under its contract with said city of Raleigh, and all contracts heretofore made by said construction company with said water company, or with any person or persons for said water company, and the agreements and contracts, now existing between said city of Raleigh and said The Raleigh Water Company, are hereby declared valid, and are hereby ratified and confirmed; and the said corporation now known as The Raleigh Water Company shall continue to exist as a body politic and corporate, under the name and style of "The Raleigh Water Company," and shall have, use, and enjoy all the rights, powers, privileges and franchises heretofore granted to it in the charter issued to it by Former incorporation, organization and acts of company ratified.

Incorporated.  
Corporate name.  
Corporate powers.

the clerk of the superior court for Wake county, North Carolina, as fully, and to all intents and purposes, as if said charter had been granted by the general assembly of North Carolina; and also all the rights, powers, privileges and franchises granted to corporations by the sixteenth chapter of The Code of North Carolina, and the laws amendatory thereof; and all the rights, powers, privileges and franchises now held, used and enjoyed by it, and also the rights, powers, privileges and franchises specified in this act.

Corporators.

SEC. 2. That Julius Lewis, W. G. Upchurch, N. W. West, E. B. Englehard, W. R. Tucker, A. A. Thompson, and F. H. Briggs, of the city of Raleigh, North Carolina; A. E. Boardman, of the city of Baltimore, Maryland; J. Sterling Price, of the city of Houston, Texas, and the other present stockholders in the said The Raleigh Water Coupany, their associates, successors, and assigns, shall continue to be a body politic and corporate for the term of thirty years from the twelfth day of November, one thousand eight hundred and eighty-six, under the name and style of "The Raleigh Water Company," and by that name and style shall be capable of suing and being sued, of pleading and being impleaded, of contracting and being contracted with, of having and using a corporate seal, and of altering and changing the same at pleasure, of making and adopting such by-laws and regulations as may be deemed by it expedient or necessary for the purposes of its incorporation, not inconsistent with the laws of this state, and of altering, amending, and repealing the same.

Body politic.  
Duration of  
charter.

Corporate name.

Corporate pow-  
ers.

May acquire in  
any way and hold  
water courses,  
&c., &c.

SEC. 3. That said water company may acquire by gift, devise, or otherwise, purchase, hold and lease water courses, water powers, water rights, wells, aqueducts, canals, waterways, easements, lands, and all other property, whether real, personal or mixed, which they may deem proper or necessary for their corporate purposes, and may sell, lease, and convey lands and all other property, whether real, personal, or mixed.

Certificates of  
stock,  
Form, &c.

SEC. 4. That said water company may issue certificates of stock, in such form and subject to such regulations, as it may from time to time prescribe, and shall have power and authority to incur indebtedness, borrow money, make, issue, negotiate and dispose of its promissory notes, bills, and bonds, with coupons for interest attached, or other evidences of debt to such an amount, and on such time, as the board of directors may prescribe, and secure the same by mortgage, or pledge, of any or all of its property, real and personal, franchises, rights, privileges, or incomes, or in such other manner as the board of directors may prescribe.

Borrow money  
and mortgage  
property.

SEC. 5. That said water company may purchase and hold the stock in other corporations, and may acquire, lease, purchase, hold, use, and operate the property, things, franchises, privileges, and rights of any other person, or corporation; that it may consolidate with any other corporation, or enter into any other contract with other corporations, whereby its efficiency and usefulness may be promoted and increased, or its works extended to meet the wants of its customers. That any other person, or corporation (including the city of Raleigh, acting by and through its board of aldermen), may purchase and hold the stock in said water company, or may acquire, lease, purchase, hold, use, and operate the property, things, franchises, and rights of said water company. That said water company may purchase all private sewers, and water supplies, belonging to individuals, or lease and hold the same, under such terms as it may make with the vendor, and unite and combine the same with its own established system.

May be stockholder in other corporations.  
May acquire property of other persons, &c.

May consolidate or contract with other corporations.

City of Raleigh and other corporations may be stockholders.

Private water supplies may be purchased, &c.

SEC. 6. That the principal place of business of said water company shall be, as now and heretofore, to-wit: in Raleigh township, Wake county, North Carolina; but branch places of business may be established and located when and where the said corporation may deem proper, and as may be necessary and advantageous for the business of the said corporation.

Principal place of business.

Branch office, &c.

SEC. 7. The title of the principal officers of said water company shall be, as now and as heretofore, to wit: president, vice-president, secretary and treasurer, to be elected by the directors. There shall be elected a board of directors, consisting of five members. The officers and directors shall be elected annually, and act under such by-laws and regulations as the corporation may, from time to time, adopt, and shall serve until their successors are elected and qualified; but in no wise shall the existence of the company be affected, or be dissolved, by reason of a failure to elect officers.

Officers.

How elected.

Directors.  
Elections annual.  
Powers and duties of officers and directors.  
Failure to elect officers not to affect company.

SEC. 8. The capital stock of said water company shall be, as now and as heretofore, to wit: one hundred thousand dollars (\$100,000), divided into one thousand shares (1,000) of the par value of one hundred dollars (\$100) each, but the capital stock of said corporation, may, from time to time, be increased by a majority-in-interest vote of the stockholders, at a regular general meeting of the stockholders, held pursuant to the by-laws, or at a special meeting called for that purpose, to an amount not exceeding two hundred thousand dollars (\$200,000), divided into two thousand shares (2,000), of the par value of one hundred dollars (\$100) each. That the subscriptions to the shares of such capital stock may be paid for in cash, or the board of

Capital stock.

Shares, par value.

Increase.

Subscriptions, how paid.

Stock to be deemed personal property.	directors may authorize such real or personal property, work, services or labor to be taken in payment as it may deem suitable for the purposes of the corporation, and may direct how, by whom, and at what values the same shall be accepted, and such subscriptions shall be paid in such installments as said board of directors shall prescribe. The shares of stock in said
Transfer of stock.	water company shall be deemed personal property, and shall be transferable upon the books of said company in the method prescribed in any by-law made in that behalf. In all meetings
Stock vote.	of the stockholders, each stockholder shall be entitled to cast one vote for each and every share of stock held by such stockholder, and said stock may be voted in person or by proxy.
No individual liability.	SEC. 9. That neither the incorporators, stockholders, nor directors in said water company shall be liable for any debt, contract, omission, obligation, loss, damage, tort, liability, responsibility, claim, or demand of or on said corporation, beyond the assets of said corporation, nor shall they be individually or personally liable by reason thereof.
May erect and operate telegraph and telephone lines.	SEC. 10. That said water company shall have the right to erect, establish, maintain, and operate such telegraph and telephone lines and apparatus as it may deem suitable for the proper conduct of its business, and shall have the right, power, charter, and franchise to charge such tolls, fees, and compensation as is reasonable for the use or service of such telegraph and telephone line as it may erect and construct.
Tolls, fees, &c.	SEC. 11. That said water company shall have the right, power and authority to obtain and supply to the city of Raleigh, and its vicinity, and to the inhabitants of said city, and its vicinity, water for public, domestic, manufacturing, and other purposes; and shall have power and authority to construct, establish, maintain, and operate, in or near said city a system of water-works for the purpose of supplying said city and its vicinity, and the inhabitants of said city, and its vicinity, for any and all public and private uses and purposes, for which it may be desired, and to charge, demand, and collect such rates or prices for the use and privilege of water as it may establish; to provide for the collection of such rates or prices, and to make, ordain, establish, and enforce rules and regulations, not inconsistent with the law, for the regulation and government of its dealings with consumers of water, and generally to conduct, transact and carry on, in all its branches, the business of obtaining and supplying water for any and all purposes to said city and its vicinity, and the inhabitants of said city and its vicinity. That for said purposes, the said water company shall have the right to build, erect, establish and
May supply water to the city of Raleigh, and inhabitants of said city and vicinity.	
Construct and operate water works, &c.	
May fix water rates, &c.	
Rules, regulations, &c.	
May build dams, ponds, canals, &c.	

maintain dams, canals, water-courses, waste-ways, sand-pits, obstructions in and across streams, canals, etc., also wells, aqueducts and ponds, reservoirs of sufficient area and capacity to furnish an adequate supply of water to meet the fullest demands, and to build, erect, and own engines, rams, or other machinery, fixtures and appurtenances necessary, or advantageous, to the supply or distribution of water; to build, erect, maintain, and use such buildings, or other structures, as may be necessary, or advantageous, to such supply and distribution; to lay pipes, mains, conductors, or aqueducts; to buy, own, and hold such real and personal estate as may be necessary in connection with or advantageous to the objects and purposes for which said corporation was organized, and to grant and receive, in its corporate capacity and name, for the purpose of carrying on, enlarging, or reducing its business, property, both real and personal; to build, construct, maintain, repair, tap, lay, and remove all necessary pipes, mains, conduits, sand-pits, stand-pipes, hydrants, fixtures, and other structures and devices, requisite for the service of water, in, upon, through, over, and under any and all streets, roads, lanes, avenues, alleys, sidewalks, public grounds, and bridges in said town, or its vicinity; but said corporation shall, at its own expense, repair and restore all streets, alleys, bridges, roads, lanes, sidewalks, public grounds, and avenues used by it, and, as nearly as practicable, leave them in as good condition as they were before used for said purposes; and for the purpose of erecting and establishing the same, whether reservoir, machinery, ditches, dams, laying of pipes, mains, or conductors, or tapping the same, building aqueducts, or the protection of its water supply from contamination, or for any other of the purposes of its incorporation and business, the maintainance, improvement, enlargement of its works, plant, reservoir, or any other thing necessary to be done in furtherance of the objects of such incorporation, the said water company, its agents, or employees, and the officers thereof, may enter upon the lands of any person, or persons, or corporation, and in case an agreement cannot be made between said water company and the owners of the land, or the person entitled to the beneficial interest therein, as to the terms upon which said pipes, etc., may be laid through such land, or as to the terms upon which the said land may be purchased or used by said water company, then, and in that event, the said water company may have said land condemned to its use, and acquire title to the same in the manner and by the special proceeding following:

Obstruct streams.

May own machinery.

Erect buildings, &c.

Lay pipes, mains, &c.  
Own and hold real and personal estate.

May lay and remove pipes, &c., over and under all streets, and roads, &c.

Must not injure streets, &c.

May enter upon lands of any person, &c., &c.

May condemn land.

Proceedings in condemnation.

It may present to the clerk of the superior court of the county

What petition to contain.

in which is situate the real estate, the title to which, or the right to use which, it desires to acquire, its petition praying for the appointment of commissioners of appraisal; if such real estate is situated in two counties, said petition may be filed in either, at the option of said water company; such petition shall be signed and verified according to the rules and practice of the superior court, and must contain a description of the real estate, the title to, or the right to use which, the said water company desires to acquire; and it must, in effect, state that the said water company is duly incorporated, and that such real estate is in good faith desired for the purposes of said company, and that it has been unable to agree with the owner for the purchase of or the right to use the same. The petition must also state the names and residences, so far as the same can, by reasonable diligence, be ascertained, of the parties who own, or claim to own, such real estate, and if any such parties are infants, their ages, or as near as may be, must be stated, and if any such persons are idiots or lunatics, or unknown, that fact must be stated, together with such other allegations of heirs and incumbrances on said real estate as the company may see fit to make; a copy of such petition shall be served with the summons, issued by the clerk, on all persons whose interests in such real estate are to be affected by the proceedings, at least ten days prior to the hearing of the same by said court. The clerk shall issue a summons containing a statement of the time and place, when and where said petition shall be heard.

Petition must further state, &c.

Proceedings, how conducted.

That all said proceedings shall be conducted according to subdivisions one, two, three, four, five, six and seven, of section nineteen hundred and forty-four of The Code of North Carolina, and sections nineteen hundred and forty-five, nineteen hundred and forty-six, nineteen hundred and forty-seven, nineteen hundred and forty-eight, nineteen hundred and forty-nine, nineteen hundred and fifty, and nineteen hundred and fifty-one of said Code, and the laws amendatory thereof, as near as may be, and said subdivisions and said sections of said Code, and the amendments thereto, shall apply to said water company and its proceedings as fully as if incorporated herein at length, as far as the same may be made applicable to a water company: *Provided, always*, that said corporation, The Raleigh Water Company, shall pay all damages that may accrue or be incurred, as may be adjudged by reason of the condemnation of land; and it shall, at all times, have a right to enter upon said lands, lay their pipes therein, or build their reservoirs, aqueducts, or other buildings thereon,

Proviso. Damages to be paid, &c.

Rights and powers in regard to land condemned.

to make all necessary excavations and embankments, and to hold the lands so condemned to the use and benefit of said water company, and in all things have the same power over it as though they owned the fee simple therein, and at all times have the right to enter upon the land through or upon which their pipes have been laid, or other property constructed for the purpose of inspecting, repairing, improving, cleaning out, replacing or removing the same, and laying down new pipes, or constructing other property: *Provided*, that in case of the discontinuance of the use of the land condemned, the said water company shall have the right to remove any improvements under its authority erected or constructed thereon.

*Proviso.*  
May remove improvements from land condemned if use discontinued.

That said water company shall have the right to enter into the stores, hotels and dwellings, or other premises, where said water-works, fixtures, pipes, &c., or other property are located, for the purpose of inspecting, repairing, removing, or replacing the same.

May enter stores, hotels, dwellings, &c., to inspect, repair, &c., fixtures, &c.

SEC. 12. That the written consent of any owners or proprietors of any lands, through or upon which it may be necessary to lay pipes, or which it may be required to build a reservoir, aqueduct, building or other property, showing his or her or their agreement to the same, shall be valid and effectual to give the same power and authority over the land as if the same had been conveyed by deed of bargain and sale, or condemned upon petition, as aforesaid.

What rights conferred by license in writing obtained from owner of land to enter, &c., &c.

SEC. 13. That the said water company shall have the right, power, and authority to continue to maintain and operate the system of water-works heretofore constructed, and now maintained and operated by it, and in the same manner as it is now maintained and operated, or in such other manner as it may deem best.

May continue to operate system of water-works already constructed.

SEC. 14. That said water company is hereby authorized and empowered to contract with any and all persons, private and corporate, to supply the same with water, for drinking, fire, and other purposes, and to make contracts with said parties in reference to the same. That the said water company may make such contracts for furnishing the city of Raleigh and its inhabitants with water, as the board of alderman of said city may approve, and may contract with the inhabitants of the vicinity of said city to supply them with water, on such terms as may be agreed on, and may make and establish a schedule of prices for water supply, and pledge the same for the loan of money, and generally to do all other matters and things necessary to the proper and successful transaction of the business for which it is organized.

May contract to supply persons and corporations with water.

May contract to supply city of Raleigh.

And other persons may make rates.

Pledge the contracts.

Contract between the water company and city of Raleigh ratified.

May make new contracts with city.

Board of aldermen commissioned to make rules and regulations to preserve water supply from impurities.

Injury to mains, machinery, &c., &c., unlawful.

Tampering with fire plugs, &c.

Plumbers to have permit from company before tapping main or service pipe.

Contamination of water supply, &c., &c., unlawful.

Unlawful to contaminate any stream used as a source of water supply.

SEC. 15. That the agreement now existing between said The Raleigh Water Company and the city of Raleigh is hereby ratified and confirmed, and the board of alderman of said city are hereby authorized and empowered, at any time, to enter into contract with said water company for supplying said city with water, for fire and other town purposes, and are hereby authorized and empowered to make all proper and needful rules and regulations for the protection and preservation from any and all impurities, the sources, conduits and sand-pits of said water supply.

SEC. 16. That it shall be unlawful for any person, or corporation, to wilfully, maliciously, or negligently tap, remove, obstruct, interfere with, injure, deface, defile, corrupt, make impure, or destroy any main, conduit pipe, sand-pit, conductor of water, hydrant, fire-plug, tank, stand-pipe, reservoir, fixture, ditch, aqueduct, pump, spring, well, or other source of water supply of said water company, or any machinery, structure, building, or other property of said water company, necessary or used in obtaining a supply of or distributing water, or to open, use, interfere or tamper with any fire-plug or hydrant belonging to said water company, or its patrons, or appertaining to the works of said water company, or other property of said water company, necessary or used in obtaining, supplying, or distributing water, or to interfere with or obstruct the operation of its works. That it shall be unlawful for any plumber, or other person, to tap a main or service pipe and conduct the water into or from a house, or any other place, without a permit from said water company, or to use the water of said water company, for any purpose, without a permit from said water company, or to open a hydrant, or any water-plug, of said water company, and let out and waste the water therein. That it shall be unlawful for any person, or corporation, to cast, throw, place, or deposit in any of the filters, mains, pipes, sand-pits, aqueducts, tanks, reservoirs, wells, races, ponds, stand-pipes, or other receptacles of water, or any source of supply of water, connecting with the works of said water company, or in the water used by said water company, any putrid, poisonous, or unwholesome substance, material, matter, or thing, whereby the water of said water company may be rendered impure, unwholesome, distasteful, or unfit for domestic uses. That it shall be unlawful for any person, or corporation, to place, deposit, or discharge into any well, spring, river, creek, or stream, used as a source of water supply by said water company, or into the tributaries thereof, or upon the ground drained thereby, any carcass of any

dead animal, or any sewerage, drainage, refuse, filthy poisonous, or polluting substance, matter, or thing, by which the water used by said water company shall be rendered, or may become liable to be rendered, impure, unwholesome, distasteful, contaminated, or otherwise unfit for domestic purposes. That it shall be unlawful for any person or corporation to put, throw, or place the dead body of any animal, or any other putrid or infectious matter, upon the lands adjacent to the water supply of said water company, whereby its water may be made impure, unwholesome, distasteful, or unfit for domestic purposes, or throw, or place, anything that might impure rain or flowing water, running to or in the direction of a pond, reservoir, or other receptacle for water used by said water company. That it shall be unlawful for any person, or corporation, to erect, establish or maintain, upon said rivers, creeks, or streams, or any tributary thereof, or upon the bank or water-shed thereof, any slaughter-house, butcher-pen, tannery, tan-yard, dye-house, or stock-yard, in which stock are penned for fattening or slaughter, or any other establishment, contrivance or works, the effects of which, in its or their operations or use, shall be deleterious to the waters of such supply; and any such slaughter-house, butcher-pen, tannery, tan-yard, dye-house, stock-yard, establishment, contrivance, or works, is hereby declared to be a public nuisance; that any such slaughter-house, butcher-pen, tannery, tan-yard, dye-house, stock-yard, establishment, contrivance, or works, that may be now located as aforesaid, shall be removed within three months from the passage of this act, and after the expiration of that time, the same are hereby declared to be public nuisances.

SEC. 17. That any person, or corporation, violating any of the provisions of the preceding section shall, for every such offence be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not exceeding fifty dollars, or imprisoned not more than thirty days, or both, at the discretion of the court; and the person or persons, or corporation, so offending, shall also forfeit and pay to said water company, to be sued for and recovered in a civil action, any and all damages sustained by said water company by reason thereof; and should the person committing such injury be a minor, his father, if he has one, shall be liable for said damages.

SEC. 18. That every obstruction to the laying of the pipes of the said water company shall be deemed a public nuisance, and be abated as such by any officer, agent, or servant of the said water company, and the person or persons causing such

Unlawful to throw dead bodies of animals, &c., &c., on land adjacent to water supply.

Slaughter houses, tanneries, &c., prohibited on streams used as sources of water supply.

Slaughter houses, dye houses, &c., now erected declared public nuisances.

Shall be removed in three months from passage of this act.

Penalty for failure to remove.

Penalty for violation of provisions of act.

Liability for damages in a civil suit by water company.

Father of minor liable for damage.

Obstruction of pipes a public nuisance.

- Punishment. obstruction may be indicted and punished as for erecting a public nuisance.
- This act not to deprive the company of any rights it now has. SEC. 19. That this act shall not be construed as depriving said water company of any right, power, or privilege which it now has or enjoys, or of abridging the same; and said water company shall have power and authority to do all things requisite and necessary to accomplish the ends and purposes for which it is formed, not contrary to the laws of this state, or of the United States of America.
- Powers, &c.
- Conflicting laws repealed. SEC. 20. That all laws in conflict with any of the provisions of this act are hereby repealed.
- SEC. 21. That this act shall be deemed and taken to be a public act.
- SEC. 22. That this act shall be in force and effect from and after its ratification.
- Ratified the 6th day of March, A. D. 1895.

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CHAPTER 90.

An act to incorporate Carolina Christian College.

*The General Assembly of North Carolina do enact :*

- Incorporators. SECTION 1. That Moses T. Maye, Jesse Cannon, Caleb Cannon, J. R. Tingle, R. W. Smith, I. L. Chestnut, and C. W. Howard, trustees, and their successors, be, and they are hereby, declared to be a body politic and corporate, for the purpose of providing for the primary and higher education of males and females, under the name and style of Carolina Christian College, and by that name and style they shall have perpetual succession, and shall be capable in law to take, receive, hold and purchase lands tenements, and hereditaments of any value, which may be granted, sold, devised, or otherwise conveyed to said corporation, and shall also be capable in law to take, receive, and possess all moneys, goods and chattels of any value and to any amount that may be given, sold, or bequeathed to and for the use of said corporation.
- Body politic.
- Corporate name.
- Corporate powers. SEC. 2. That the said corporation shall be capable in law to bargain, sell, and convey any and all lands, tenements, hereditaments and personal property, held and owned by the corporation, when the grant, devise or other conveyances does not otherwise provide.
- Corporate powers.
- By-laws. SEC. 3. That the said corporation shall have power to make and establish such by-laws, rules, and regulations for the government of said college as to them may seem proper and necessary.