

LAW S AND RESOLUTIONS

OF THE

State of North Carolina,

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

SESSION OF 1885,

BEGUN AND HELD IN THE CITY OF RALEIGH

ON WEDNESDAY, THE SEVENTH DAY OF JANUARY, A. D. 1885,

TO WHICH ARE PREFIXED

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

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CAPTIONS OF THE PUBLIC LAWS.

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CHAPTER 211.

An act to establish a new township in Yancey county.

The General Assembly of North Carolina do enact:

SECTION 1. That a new township to be known as "Price's Creek" township, is hereby created and established in the county of Yancey, and bounded as follows:

Price's Creek township established in Yancey county

Beginning on the Madison county line, on top of the Knob in said line, runs east with the meanders of the McElroy mountain, which divide the waters of Bald creek and Price's creek, to the Summer's gap; thence north to the Cove Knob above W. Hensley's store house; thence east with Cane ridge to the fork of the wagon road at B. B. Whittington's house; thence with the Burnsville road to the ford of Cane river at John Gibbs'; thence up said Cane river and with the old Cane River township line back to the beginning.

Boundaries.

SEC. 2. That said township shall have all the rights, powers and privileges now granted to townships by law.

Powers, &c.

SEC. 3. That the permanent place of voting in said township shall be established by the board of county commissioners of said county.

Commissioners to establish voting place.

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

In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1885.

CHAPTER 212.

An act to declare the Great Pee Dee and Yadkin rivers public highways, and for other purposes.

The General Assembly of North Carolina do enact:

SECTION 1. That the Yadkin river from the northern boundary line of the county of Davidson to its junction

Yadkin and Great Pee Dee rivers declared public highways.

with the Great Pee Dee river, and the Great Pee Dee from said junction to the boundary line of the State of South Carolina, be and the same are hereby declared public highways for the free passage of boats, flats, rafts and other means of transportation.

Removal of dams and other obstructions.

SEC. 2. That any person desiring the removal of any dam or other obstruction in said river may file his or her petition before the board of county commissioners of the county in which said obstructions or any part thereof is situated to have said obstruction removed in whole or in part.

Commissioners to order removal on petition.

SEC. 3. That upon the filing of said petition the said board of county commissioners shall, if in their discretion they deem it necessary, order the said obstruction to be removed in whole or in part, and the method of procedure shall be the same as prescribed for the laying out of highways in chapter fifty of The Code.

Method of procedure.

Damages paid by petitioners.

SEC. 4. That all damages assessed by any jury appointed by this act shall be paid by the petitioners.

Unlawful to erect dam after June 1st, 1885, without sluice-way.

SEC. 5. That after the first day of June, one thousand eight hundred and eighty-five, it shall be unlawful for any person to erect any dam or other obstruction in either of said rivers within the limits prescribed, unless the person erecting said obstructions shall leave in the middle of said Yadkin river a sluice-way forty-five feet in width, and in the middle of the Great Pee Dee river a sluice-way sixty feet in width, for the passage of boats, flats, rafts and other means of transportation, and fish, and any person who shall so erect and maintain such dam or other obstruction shall be guilty of a misdemeanor and be fined twenty-five dollars for each day said obstruction shall remain in either of said rivers, after having been notified by any person damaged by said obstruction to remove the same.

Misdemeanor.

Penalty.

Dam, when condemned, to be removed within thirty days.

SEC. 6. That whenever any jury appointed under this act shall condemn any dam or other obstruction or part thereof in either of said rivers, the owner of said dam or

other obstruction shall remove the part condemned within thirty days after the verdict of said jury is filed : *Provided*, Previso. the amount of damages assessed by said jury is paid or tendered to him ; and if said owner shall fail to remove the said obstruction within the time prescribed, then any person damaged by the erection or maintenance of said obstruction may remove the part condemned, and the cost of the removal thereof shall be deducted from the amount awarded to such owner as damages.

SEC. 7. That in estimating the damages caused to any owner by removal of his dam in whole or in part, the jury may also include the annual cost of making any sluice-way and maintaining the same. Damages, how estimated.

SEC. 8. This act shall be in force from its ratification. In the General Assembly read three times, and ratified this the 4th day of March, A. D. 1885.

CHAPTER 213.

An act to drain the lowlands of Lick Fork creek, in Rockingham and Caswell counties.

The General Assembly of North Carolina do enact :

SECTION 1. That R. D. Harris, J. L. Wright, P. B. John- Commissioners.
son and Felix Hubbard be appointed commissioners, whose duty it shall be, on or before the first day of July, one thousand eight hundred and eighty-five, to lay off To lay off Lick Fork of Hogan's creek in sections.
Lick Fork of Hogan's creek in Rockingham and Caswell counties, from Watts' old mill dam on said creek to its mouth, and to appoint one overseer to each section, Overseer.
who shall hold his office for the term of two years and shall be a land owner in the section to which he is appointed overseer.