

PUBLIC LAWS AND RESOLUTIONS  
OF THE  
STATE OF NORTH CAROLINA

PASSED BY THE  
GENERAL ASSEMBLY

AT ITS  
SESSION OF 1893,

BEGUN AND HELD IN THE CITY OF RALEIGH  
ON WEDNESDAY, THE FOURTH DAY OF JANUARY, A. D. 1893.

TO WHICH ARE PREFIXED

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

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**PUBLISHED BY AUTHORITY.**

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RALEIGH:  
JOSEPHUS DANIELS, STATE PRINTER AND BINDER.  
1893.

## CHAPTER 374.

An act to establish and provide for the militia and for the support and maintenance of the state guard.

*The General Assembly of North Carolina do enact :*

Who liable to militia duty.

Divided into two classes.

Active militia.

Inactive militia.

Exemptions.

SECTION 1. That every able-bodied male citizen of the state, between the ages of twenty-one and forty years, who is a citizen of the United States, shall be liable to duty in the militia, except as may be herein-after provided. The militia shall be divided into two classes, the active and inactive. The active militia to consist of regularly enlisted volunteers; the inactive militia to consist of all others subject to military duty, who, when called upon for active duty, shall be subject to the rules and regulations governing the active militia: *Provided*, that the following persons shall be exempt from military duty, except in case of rebellion, insurrection or invasion of the state, viz.:

(1). Persons who have religious scruples against bearing arms and who shall produce to the enrolling officer a certificate signed by the pastor of their respective churches showing that they are regular members thereof.

(2). Idiots, lunatics, common drunkards, vagabonds, paupers and persons convicted or adjudged guilty of any infamous crime.

(3). Officers of the government of the state, judges and officers of the several courts of record of the state, officers who have held commissions in the United States army or navy, officers and enlisted men who have served ten years in the active militia of the state or any other state in the Union or the District of Columbia who shall produce to the enrolling officer a certificate of such service and an honorable discharge, ministers of the gospel, practicing physicians, members of any regular organized fire department of any incorporated city or town in the state, mail carriers of the United States, all officers and students of the state university, or any other seminary of learning in the state, all contributing members of the active militia of the state.

Separate enrollment of white and colored militia.

SEC. 2. That the white and colored militia shall be separately enrolled and shall never be compelled to serve in the same companies, battalions, regiments or brigades.

Active militia first ordered into service.

SEC. 3. In all cases the active militia hereinafter provided for shall first be ordered into service.

How ordered into service.

SEC. 4. That whenever it shall be necessary for any purpose to call out any portion of the militia the commander-in-chief shall order by draft, or otherwise, or accept as volunteers, as many as may be required. The commander-in-chief shall be the sole judge of the necessity of ordering out the militia except as hereafter provided for.

Arrest of militiamen failing to attend.

Every member of the militia who volunteers, or who is drafted under the provisions of this act, who does not attend at the time and place

Company rules,  
&c.

Copy of constitu-  
tion, &c., to be  
filed with adjut-  
ant general.  
Exemption from  
jury and road  
duty.

Allowance to  
brigadier general  
and colonel.

Allowance to  
companies.

How applied.

Monthly state-  
ment.

What companies  
to receive allow-  
ance.

Proviso.

Proviso.

Proviso.

Annual encamp-  
ment.

When and where  
held.

Appropriation  
for expenses.

Proviso.

Unlawful to or-  
ganize military  
company except  
under militia  
laws, &c.

SEC. 34. Each company of the state guard shall have power to pre-  
scribe such rules and regulations for its government as they may  
think proper, and fix such fines for absence from parades and drills  
as may be reasonable and not inconsistent with the laws relating to  
the state guard and the regulations prescribed therefor by the com-  
mander-in-chief. A copy of such constitution and by-laws shall be  
filed in the adjutant general's office.

SEC. 35. All members of the state guard shall be exempt from all  
jury and road duty of every character and description. Contributing  
members of the several companies of the state guard shall also be  
exempt from jury and road duty.

SEC. 36. There shall be allowed annually to each brigadier general  
and colonel of a regiment the sum of one hundred dollars with which  
to defray the necessary expenses incurred in the discharge of the  
duties of his office. There shall be allowed annually to each com-  
pany in the state guard, not exceeding thirty companies, which com-  
plies with the law and regulations relating thereto, and upon the  
recommendation of the inspector general, the sum of two hundred  
and fifty dollars to be applied to the payment of armory rent, insur-  
ance and other necessary expenses of the company; an itemized state-  
ment showing how the same is expended shall each year be sent to  
the paymaster general and appear in his report. No company shall  
receive said sum unless it shall perform all the drills and parades  
required by this act, and on such drills and parades and at the annual  
inspection turnout at least seventy-five per centum of its muster roll:  
*Provided*, that said companies shall be located on or near the lines of  
railroad, steamboat or telegraphic communication: *Provided*, that no  
larger amount shall be expended or appropriated under this act than  
is now provided by law: *And provided further*, that no larger  
amount shall be expended or appropriated under this act and for  
encampment than the sum of sixteen thousand dollars (\$16,000).

SEC. 37. The commander-in chief may each year order into camp  
such portion of the state guard as he may think best. The period of  
encampment shall not exceed ten days, including the time expended  
in traveling to and from the camp. The camp shall be held at such  
time and place as the commander-in-chief may direct. There may  
be annually drawn by the commander-in-chief from the money in  
the treasury an amount not exceeding the sum of five thousand dol-  
lars (\$5,000), which shall be used in defraying the necessary expenses  
of the encampment: *Provided*, that this act shall be subject to all  
amendments to appropriations for military purposes passed at this  
session of the general assembly.

SEC. 38. It shall be unlawful for any persons to organize a military  
company, or drill or parade under arms as a military body, except  
under the militia laws and regulations of this state; and no person  
shall exercise or attempt to exercise the power or authority of a mil-

itary officer in this state unless he holds a commission from the governor, and any person offending against this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned at the discretion of the court. Misdemeanor.

SEC. 39. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed. Conflicting laws repealed.

SEC. 40. That this act shall be in force from and after its ratification.

Ratified the 6th day of March, A. D. 1893.

### CHAPTER 375,

An act to amend an act entitled "An act to prohibit the sale of spirituous liquors in various localities," passed at the present session of the general assembly.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section one of "An act to prohibit the sale of spirituous liquor in various localities," passed at the present session of the general assembly, be amended as follows: Add to section one of said act the following, namely: "Beaufort county, Trinity school in Chocowinity township." Chapter 298, ante, amended. Unlawful to sell, &c., liquors within one mile of Trinity school, Beaufort county.

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

Ratified the 6th day of March, A. D. 1893.

### CHAPTER 376.

*Rec'd 791*

An act to restrict the operation of the omnibus bill with relation to Belmont Methodist chapel, Cleveland county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the prohibition provided in the omnibus bill for Belmont chapel, Cleveland county, shall not apply to any territory within the corporate limits of the town of Shelby, North Carolina. Town of Shelby, Cleveland county, exempted from provisions of chapter 298, ante.

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

Ratified the 6th day of March, A. D. 1893.