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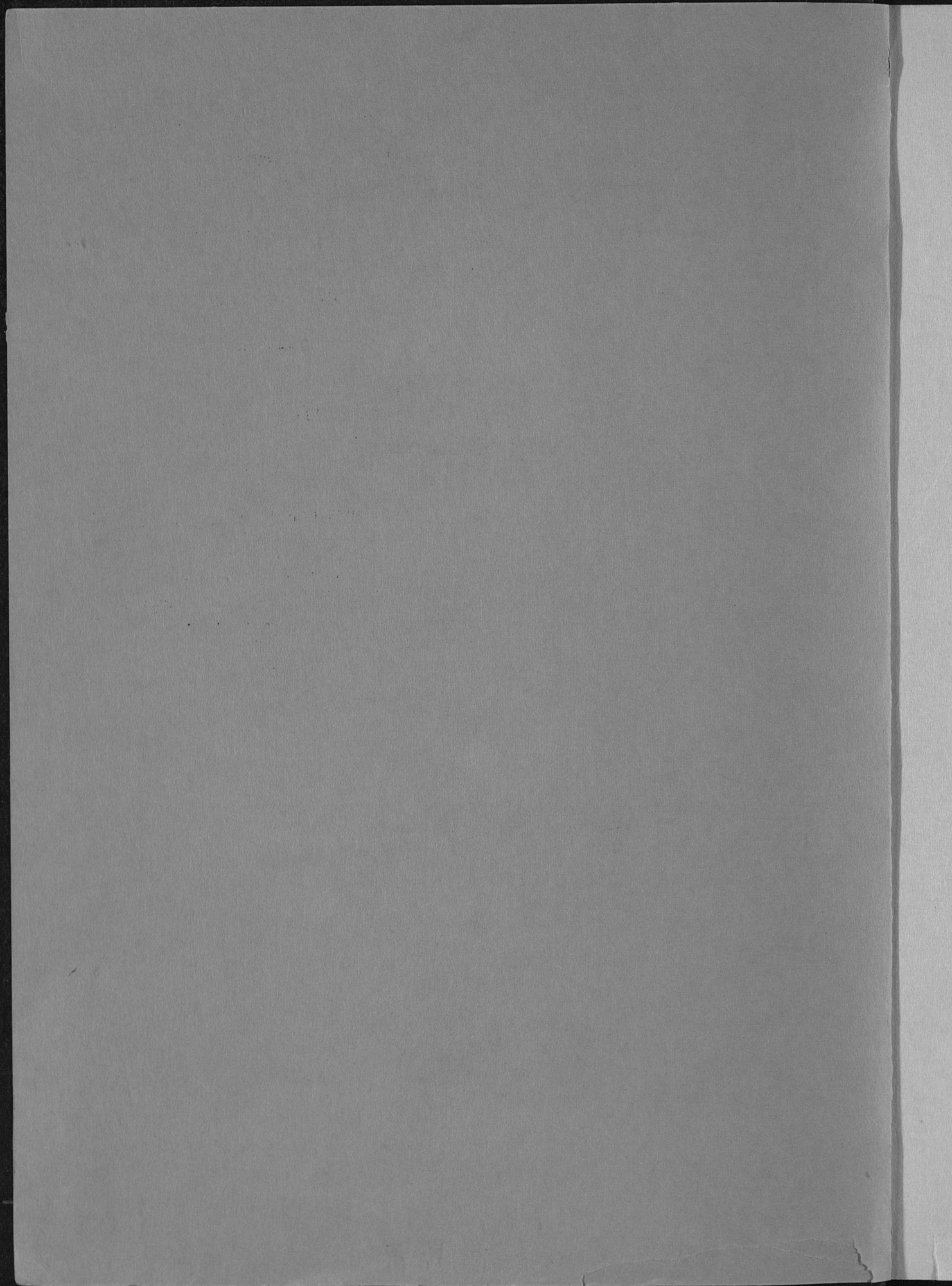
Inventory of the State
Archives of North Carolina

Series IV
Regulatory Agencies

No. 1
Utilities Commission

North Carolina Historical
Records Survey
Division of Community
Service Programs
Work Projects Administration
Raleigh, N. C.
March 1942

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INVENTORY OF THE STATE ARCHIVES

OF

NORTH CAROLINA

SERIES IV

REGULATORY AGENCIES

No. 1

UTILITIES COMMISSION

Prepared By

The North Carolina Historical Records Survey
Division of Community Service Programs
Work Projects Administration

* * * * *

Raleigh, North Carolina
The North Carolina Historical Records Survey
March 1942

Historical Records Survey

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Sponsored by the North Carolina Historical Commission

R. D. W. Connor, Chairman
C. C. Crittenden, Secretary

FOREWORD

The Inventory of the State Archives of North Carolina is one of a number of guides to historical materials prepared throughout the United States by workers on the Historical Records Survey of the Work Projects Administration. Each state department, institution, or other agency will be represented by a separate section of the inventory; the sections for functionally related agencies will be grouped in series.

The Historical Records Survey program was undertaken in the winter of 1935-36 for the purpose of providing useful employment to needy unemployed historians, lawyers, teachers, and research and clerical workers. In carrying out this objective, the project was organized to compile inventories of historical materials, particularly the unpublished government documents and records which are basic in the administration of local government, and which provide invaluable data for students of political, economic, and social history. Up to the present time approximately 1,800 Survey publications have been issued throughout the country. The archival guide herewith presented is intended to meet the requirements of day-to-day administration by the officials of the State, and also the needs of lawyers, businessmen, and other citizens who require facts from the public records for the proper conduct of their affairs. The volume is so designed that it can be used by the historian in his research in unprinted sources in the same way he uses the library card catalog for printed sources.

The inventories produced by Historical Records Survey projects attempt to do more than merely give a list of records--they attempt to sketch in the historical background and to describe precisely and in detail the organization and functions of the agencies whose records they list. The inventories for the entire country will, when completed, constitute an encyclopedia of state and local government as well as a bibliography of state and local archives.

The successful conclusion of the work of the Historical Records Survey, even in a single agency, would not be possible without the support of public officials, historical and legal specialists, and many other groups in the community. Their co-operation is gratefully acknowledged.

The Survey program was organized by Luther H. Evans, who served as Director until March 1, 1940, when he was succeeded by Sargent B. Child. The Survey operates as a Nation-wide series of locally sponsored projects in the Division of Community Service Programs, of which Mrs. Florence Kerr, Assistant Commissioner, is in charge.

HOWARD O. HUNTER
Commissioner of Work Projects

PREFACE

The Historical Records Survey was created in the winter of 1935-36 as a Nation-wide Works Progress Administration project for the "discovery, preservation and listing of basic materials for research in the history of the United States."¹ Under the direction of Dr. Luther H. Evans, the Survey undertook an extensive program for the inventory of state and local archives, early American imprints, church archives, and collection of manuscripts. Pursuant to the provisions of the Emergency Relief Act passed June 30, 1939, the existence of the Survey as a single Nation-wide project sponsored by WPA itself was terminated August 31, 1939; and the work of the Survey was continued within the individual states by locally sponsored projects operating within the National WPA Historical Records Survey which continued under the direction of Dr. Evans until his resignation and the subsequent appointment of Sargent B. Child as National Director on March 1, 1940.

The North Carolina Project of the Federal Historical Records Survey was established February 1, 1936, with Dr. C. C. Crittenden, Secretary of the North Carolina Historical Commission, as director. Until November 1936 the Survey operated as an autonomous unit of the Federal Writers' Project, directed in North Carolina by Edwin Bjorkman. Dr. Crittenden resigned as State Director June 30, 1937, and was succeeded by Dan Lacy, who had previously served as Assistant State Director. The work of the North Carolina unit of the Historical Records Survey was continued by the North Carolina Historical Records Survey Project established September 1, 1939, and sponsored by the North Carolina Historical Commission. Mr. Lacy resigned as State Supervisor on April 2, 1940, to accept an appointment as Assistant to the Director of Historical Records Survey Projects in Washington, D. C., and was succeeded by Colbert F. Crutchfield, who resigned on December 7, 1941 to accept a position as State Supervisor of Research and Records Program in North Carolina. He was succeeded by M. A. Rushton, Jr., as Acting State Supervisor.

The Inventory of the States Archives of North Carolina is being published in nine functional groups or series, namely: I, General Governmental Agencies; II, Agencies of Fiscal Control; III, Courts and Law Enforcement Agencies; IV, Regulatory Agencies; V, Public Works Agencies; VI, Agricultural and Conservational Agencies; VII, Educational Agencies and Institutions; VIII, Social Service Agencies; and IX, Miscellaneous Agencies. The order of offices within each group is based partly on age, partly on importance, but chiefly on functional relationships with other offices in the same group. The present section, the inventory of the records of the Utilities Commission, No. 1, Series IV, Regulatory Agencies, gives the structural organization and evolution of the office, its powers and duties, and the housing, care, and accessibility of its records. The record series of the agency are described in entries 1-85,

1. Works Progress Administration, Operating Procedure No. W-2, Revised July 2, 1937.

which show the following information: title of the record, dates for which available, quantity, labeling and variant titles, description of contents, manner of arrangement, indexing, nature of recording, size of volumes or containers, and location.

The inventory was prepared under the supervision of Branson Marley, Assistant Project Supervisor in charge of public archives. Field work was done by George B. Umstead, Irene Mangum, and Willa Sauls under the supervision of James W. Parker. Legal research of the laws relative to the Utilities Commission was done by Nathaniel Bass. The inventory was read for the sponsor by Dr. C. C. Crittenden of the North Carolina Historical Commission and was edited by Don Farran of the central office staff. The survey is indebted to the members of the staff of the Utilities Commission for their generous co-operation in the work.

M. A. RUSHTON, JR.
Acting State Supervisor
North Carolina Historical Records Survey

March 1942

ABBREVIATIONS, SYMBOLS, AND EXPLANATORY NOTES

p., pp.	.....	page (s)
s., ss.	.....	section (s)
<u>v.</u>	.....	<u>versus</u>
vol. (s)	.....	volume (s)
--	.....	.current or to date

Exact titles of records are written in all capitals without brackets, as in entry 2.

Explanatory titles, written with initial capitals and enclosed in brackets, have been added to exact titles which are misleading or which are not sufficiently descriptive of record content, as in entry 4.

Descriptive titles, written in all capitals and enclosed in brackets, have been assigned to records having no exact titles on volumes or containers, as in entry 1.

If units of a record have distinguishing numbers, letters, or other labeling, such labeling is indicated in parentheses following the statement of quantity in the title line.

A title-line cross reference is used in the entry for a record if a part of the record is kept for a period of time in the same volume or container with another record and consequently appears physically in another entry. It brings into the title line of the entry for a record any separate parts and shows in what other entries these parts are contained, as in entry 7: "1940-- in Miscellaneous File, entry 9."

A body-of-entry cross reference, appearing in the entry containing the part and referring to the entry describing the record, is used to complement each title-line cross reference.

Third-paragraph cross references are used to indicate relationship between records or to refer to records of similar nature described in other entries.

Dimensions of volumes or record containers are given in inches.

Number of papers contained, as shown in title lines, is the approximate total number covered by the entry.

Unless otherwise indicated the condition of the record is assumed to be good or excellent.

All records are housed in the Utilities Commission's office in the State Administration Building, unless otherwise indicated.

UTILITIES COMMISSION

1. Structural Organization and Evolution

The Utilities Commission, as it at present exists, was created by act of the General Assembly of 1941. Prior to that time the State's relationship to carriers and utilities had a long and involved history. From 1819 until the Civil War the State acted as sponsor and patron of numerous movements for the development of transportation and communication. It created a fund for internal improvements and a Board of Internal Improvements to administer the fund for the purpose of stimulating the construction, first, of canals and roads, and, after 1833, of railroads. The General Assembly chartered numerous corporations, subscribed to the stock, and finally, as in the case of the North Carolina Railroad, actually built roads and railroads which were operated for profit. Because they were so closely connected with the State Government (the State Treasurer or his appointee or an appointee of the General Assembly, exercised the same voting power, by virtue of the State's stock, as any stockholder) such concerns made reports either to the General Assembly or to the Board of Internal Improvements. There was no regulation, however.

The Constitution of 1868 made provision for a Superintendent of Public Works as a part of the Executive Department.¹ The Superintendent was elected by popular vote for a 4-year term and his duties were to be prescribed by the General Assembly.² The next session of the General Assembly provided that the Superintendent of Public Works have charge of the State's interest in all railroads, canals, and other works of internal improvement and of all public buildings belonging to the State.³ He was required to report annually to the Governor on the condition of all railroads exclusively owned or operated by the State⁴ and on the condition and business conducted by every other railroad operating in the State and to recommend such legislation as he deemed expedient.⁵ Every railroad, canal, or other work of internal improvement was required to report annually to the superintendent on forms prescribed by him.⁶

Another act of the same session required that the president of each railroad operating in the State, personally or through the superintendent, report annually, on or before the first Monday in November, to the Superintendent of Public Works.⁷ The details of the report were set forth in the law,⁸ and the superintendent was required to furnish suitable forms.⁹ Any violations were to be prosecuted by the Attorney General.¹⁰

In the 1871-72 session the first general law prescribing the method of creating railroad corporations was enacted. Prior to that time such

1. Const., Art. 111, s. 3.

2. Ibid., s. 12.

3. Laws of North Carolina, 1868-69, c. 270, s. 97.

4. Ibid., s. 98, sub s. 2.

5. Ibid., 1868-69, c. 270,

s. 98, sub s. 5.

6. Ibid., s. 100.

7. Ibid., c. 271, s. 1.

8. Ibid.

9. Ibid., s. 4.

10. Ibid., s. 3.

corporations, like all corporations, had been created under a law of 1850 which required five persons to sign the corporation papers before the clerk of superior court of the county in which the corporation's offices were to be located.¹¹ Under a law of 1852 the incorporators paid their subscriptions of stock to the clerk of superior court, who certified a copy of the receipt to the Secretary of State. The Governor then issued letters patent¹² which were recorded by the Secretary of State¹³ and copies of which were filed in the office of the clerk of court.¹⁴ A record of the name, purpose, capital, and subscribers of corporations organized in the particular county was required to be kept by each clerk of court.¹⁵

The 1871-72 law prescribed that any number of persons, not less than 25, may form a company to construct, maintain, and operate a railroad for public use in the conveyance of persons and property and for that purpose may sign articles of association giving the scope of the corporation, its capital stock which must be not less than \$5000, together with the number of shares to be issued. These articles of association were then to be filed with the Secretary of State, who issued a certificate of incorporation. This law further prescribed that the corporation be registered with the clerks of court in the counties in which it operated.¹⁶

The chief powers of such corporations were: to intersect and unite with other railroads at any points on the route; to regulate the time and manner in which passengers and property should be transported; to fix the charges for such transportation services (with the exception that passenger fees were not to exceed a maximum of 5 cents a mile); and to borrow money for the completion and operation of the road.¹⁷

It was further required that every corporation so formed should annually submit to the Governor a report on the operations for the year ending the 30th of September. Such report should be filed with the Superintendent of Public Works not later than November 15. The details of the report were set forth, and the superintendent was to supply the proper forms.¹⁸

The superintendent was required to arrange the information in tabular form, to have the tables printed, and to submit copies to the General Assembly on the first day of the next session. This requirement applied to all railroads, and the report took the place of the annual report formerly required.¹⁹

11. Laws of North Carolina,
1850, c. 50.

12. Ibid., 1852, c. 81, s. 1.

13. Ibid., s. 4.

14. Ibid., s. 1.

15. Ibid.

16. Public Laws of North Carolina,
1871-72, c. 138,

ss. 1-30; hereafter cited as
Public Laws.

17. Ibid., 1871-72, c.
138, s. 29.

18. Ibid., s. 31.

19. Laws of North Carolina,
1852, c. 138, s. 31, Par.
103-105.

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and Evolution)

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The Superintendent of Public Works and the Auditor were required to examine the reports, and if the railroad made over 10 percent net income, the legislature might from time to time reduce rates.²⁰

Consolidation or merger of continuing lines was permitted but was forbidden to competing lines.²¹

Every corporation was required to file a profile and map of land used in each county. The map was to be of the scale and on the paper designated by the superintendent.²²

The offices of Superintendent of Public Works was abolished by the fourth amendment to the Constitution of North Carolina adopted by the Convention of 1875 and ratified by the people.²³ The General Assembly of that year re-enacted the law of 1871-72, revising it by giving to the newly created Board of Internal Improvements the powers and duties formerly imposed upon the Superintendent of Public Works.²⁴ The Board was required to submit an annual report to the Governor based on the annual reports made by railroads and to recommend legislation.²⁵

During the late nineteenth century as the farmers of the country under the guidance of vociferous leaders, awoke and were awakened to a consciousness of unity, they sought the causes of their hard economic lot. Among the economic forces which prevented the farmers receiving what they considered a fair share of the wealth of the nation were the abuses in the railroad system. Consequently, one of the accomplishments of the agrarian movement was the setting up of state regulatory agencies and the Interstate Commerce Commission of the Federal Government.

As has been mentioned, because of the relatively great distance and the natural handicaps to easy communication, North Carolina found it necessary to seize upon every promising means of reducing distances. The State Government aided and encouraged the railroads by every method within its power. State funds were invested in railroads, and several charters were issued in which provision was made for relief from "any public charge or tax whatever." Other charters provided for such high rates that even the unregulated railroads were afraid to charge the entire amount.²⁶

But by the 1880's the State's need for railroads had been supplied. By 1888 there were 51 companies with over 2,500 miles of track; by 1890

20. Public Laws, 1871-72,
c. 138, s. 38.

21. Ibid., ss. 45, 57.

22. Ibid., s. 41.

23. Laws of North Carolina,
1874-75, c. 83, Preamble.

24. Ibid., ss. 1, 2.

25. Ibid., c. 202, s. 3.

26. Laws of North Carolina,
1853, c. 73, s. 19;
"Governor's Message".
Public Documents of North
Carolina, 1899, pp. 14-16.

there were 59 companies with 3,100 miles of tract.²⁷ North Carolina farmers, like other states' farmers, were greatly agitated over their economic plight and sought to remedy abuses. The rates charged by railroads were naturally of great importance to them. If the rates on incoming commodities were high, the retail prices for those commodities were high. If the rates on outgoing commodities were high, the prices the farmers received for their produce were correspondingly low.

The first bill looking toward the establishment of a railroad commission in North Carolina seems to have been introduced in the Senate in February 1879.²⁸ A harmless substitute bill was returned from the committee and after considerable debate passed the third reading by a narrow margin.²⁹ The House considered the bill but failed to pass it.³⁰ Had not the congested condition of the calendar prevented its coming to a third reading, it might have become a law.³¹

In 1881 another bill was introduced in the Senate but died in a committee.³²

In 1883 and again in 1885 Governor Jarvis, in his message to the legislature, urged the creation of a commission with advisory and supervisory powers.³³ The 1883 suggestion resulted in the introduction of four bills which were later combined into one measure which was passed by both houses with amendments, and which died in conference.³⁴ In 1885 several bills were introduced but were reported unfavorably by committees.³⁵

Attempts to get a law in the session of 1887 likewise met with failure.³⁶

Sweeping victories by Farmer's Alliance candidates in the election of 1888, however, heartened the supporters of regulation.³⁷ Furthermore, the Congress of the United States had created the Interstate Commerce Commission on February 4, 1887.³⁸

Governor Scales opened the session of 1889 by urging a strong three-man commission with power to adjust rates and recommending legislation

27. John D. Hicks, "The Farmer's Alliance in North Carolina", North Carolina Historical Review, II, 166.

28. Senate Journal, 1879, p. 491.

29. Ibid., p. 605.

30. House Journal, 1879, p. 805.

31. Ferguson, op. cit., 164.

32. Senate Journal, 1881, p. 520.

33. Legislative Documents, 1883, p. 10; 1885, p. 18.

34. Senate Journal, 1883, pp. 92, 254, 401; House Journal, p. 483.

35. Senate Journal, pp. 221, 229.

36. Senate Journal, p. 571; House Journal, pp. 318, 370.

37. Hicks, op. cit., 174.

38. 24 Stat., 379, 383.

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for prevention of rebates, discrimination, and pooling and for insuring publicity for rates.³⁹ Five bills were introduced; but, while one bill passed the House, the now thoroughly aroused railroad interests prevented its passage by the Senate.⁴⁰

In 1881 Governor Fowle repeated his predecessor's recommendations. "Every state in the Union, except ten, has appointed commissioners and enacted laws to regulate the carrying trade of the railroads in the borders of the different states."⁴¹ As usual, several bills were introduced, and one of these, with unusually broad powers, was pushed through the General Assembly. Thus was created the first commission in the South with authority over corporations other than railroads.⁴²

The act of 1891 provided for the general supervision of railroad, steamboat, canal, express, and telegraph companies doing business in North Carolina. The act created the Board of Railroad Commissioners which was composed of three members, chosen by the General Assembly. No member of the 1891 General Assembly was eligible for appointment to the board nor could the commissioners jointly or separately be the holder of any stock and bonds, be the agent, attorney, or employee of any company under the jurisdiction of the commission, or have any interest in any way in such company as long as he was in office. Each commissioner was required to take an oath to support the Constitution and laws of the United States and the Constitution and laws of North Carolina. In addition he was required to take a written oath that he was not the owner of any stock nor the agent, attorney, or employee of any company nor in any way interested in such company and that he would faithfully execute the duties of his office. The oath was to be administered by a judge of the supreme or superior court, to be signed by the commissioner and to be filed with the Secretary of State. The commissioners were chosen for terms of 2, 4, and 6 years respectively and their successors were chosen for 6-year terms.⁴³

The salary of each Railroad Commissioner was originally \$2,000 a year.⁴⁴ In 1895 the salary was reduced to \$1,500.⁴⁵

If the commissioner became distributor or legatee or in any other way entitled to any stock or bonds or interest in any company regulated by the commission, he was required to dispose of the interest immediately. If any commissioner failed to do this or in any way became disqualified, it was the duty of the Governor to suspend him and to report his suspension

39. Public Documents, 1889,
pp. 19-20.

40. Senate Journal, 1889, p.
542; House Journal, 1889,
pp. 420, 541; Ferguson,
op. cit., p. 166.

41. Public Documents, 1891,

pp. 34, 35.

42. Ferguson, op. cit., p. 167.

43. Laws of North Carolina,
1891, c. 320, s. 1.

44. Ibid., s. 2.

45. Public Laws, 1895, c. 134.

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to the next General Assembly; the reasonableness of his removal was then determined by a majority of the General Assembly in joint session. The Governor filled a vacancy on the board until the next meeting of the General Assembly at which time a person was chosen for the unexpired term. If the joint session of the General Assembly, held for the purpose of considering the suspension of a Railroad Commissioner, determined that such suspension was improper, the original appointee was automatically reinstated and was entitled to all emoluments to which he would have been entitled had he been in office.⁴⁶

The commissioners were authorized to appoint a clerk at \$1,200 a year,⁴⁷ but if a skilled clerk was required, the commissioners were allowed to pay him 25% more.⁴⁸

The chairman of the board was designated by the General Assembly and two members constituted a quorum.⁴⁹

The offices of the board were to be located in Raleigh and it was required that they be supplied with the necessary furniture, equipment, printing, and stationery on the Auditor's warrant.⁵⁰

It was the function of the board to approve the rates charged by, to prevent discrimination by, to hold hearings in case of complaints against, to make rules and regulations for, and to exercise general supervision over the companies under its control. Further, its members formed the Board of Appraisers and Assessors of the property of the utilities under the supervision of the Board of Railroad Commissioners.⁵¹

The members of the board also became the State Board of Equalization to equalize the valuation of property throughout the State.⁵²

The board set to work immediately after its organization. The chairman went to Georgia to study the work of the commission which had been established there since 1879.⁵³ After his return, the board began a study of the freight rates and classifications in effect in North Carolina, the result of which was the promulgation of a standard classification for the whole State and a reduction of the rates charged by all roads which were making actual expenses.⁵⁴ Special attention was paid to the rates on necessities and commodities important to the economic life of the State. Some reductions were as great as 40 percent.⁵⁵

46. Public Laws, 1895, c. 134,
s. 1.

47. Ibid., s. 2.

48. Ibid., 1893, c. 288.

49. Laws of North Carolina,
1891, c. 320, s. 1.

50. Ibid., s. 2.

51. Ibid., 1891,
c. 323; Public Laws, 1893,
c. 121.

52. Ibid., 1897, c. 510.

53. Ferguson, op. cit., 168.

54. Ferguson, op. cit., p. 169.

55. Hicks, op. cit., p. 175.

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Passenger, express, and telegraph rates soon received similar attention. The standard passenger rate was fixed at 3 1/4 cents a mile and applied to a great part of the mileage in the State.⁵⁶

Instead of forcing the rulings on the companies under its supervision, the board consulted them about the rates to be promulgated; consequently, there was a minimum of friction.⁵⁷ There was only one appeal, the result of an order reducing the first class passenger rates, on the Wilmington and Weldon Railroad from 3 1/2 to 3 1/4 cents a mile. There was an appeal, and the case was finally settled in the Federal courts in favor of the Commission.⁵⁸

The commission's work as appraisers and assessors of railroad property was likewise effective. It did much to lessen the discrepancy between the valuation of property for taxation and the capitalization of the companies, a matter which had long been cause for dissatisfaction. Furthermore, it collected taxes from the Pullman Company and from out-of-state steamboat companies operating in North Carolina waters, sources which had never before been tapped.⁵⁹

The board even succeeded, by means of litigation, in terminating the special exemption rights of companies, so that by 1894 the last right had been surrendered.⁶⁰

In 1898 Governor Russell suspended Chairman James W. Wilson and one of the commissioners from office. He instituted proceedings by writing the chairman a letter in which he alleged that Wilson was connected with the Southern Railway and therefore disqualified from office and required him to show cause why he should not be removed. In his answer the chairman denied the allegations and the Governor's authority to suspend him. Nevertheless the Governor suspended him and appointed L. C. Caldwell in his place. Wilson disregarded the order whereupon Caldwell brought action in the superior court to obtain the office.⁶¹

In his answer Wilson contended, first, that, even had he the authority to remove him, the Governor had not given him a fair hearing and had thereby used the power unlawfully; and, second, that the part of the law of 1891 which gave the Governor authority to suspend a member of the commission violated the fourteenth amendment to the Constitution of the United States by depriving him of his office without due process of law and was further unconstitutional because it interfered with the independent tenure of a

56. Ferguson, op. cit., p. 169,
Railroad Commission, Report,
p. 37.

57. "Biennial Message of Thomas
M. Holt, Governor of North
Carolina", Public Documents
of the State of North Caro-

lina, session 1873, number
1, p. 45.

58. Ferguson, op. cit., 169.

59. "Message of Governor Holt,"
46.

60. Ibid., 46-51.

61. Ferguson, op. cit., p. 170.

judicial officer. The superior court denied Wilson's contentions and appeal was taken to the State supreme court.

The supreme court held that the Board of Railroad Commissioners was not a judicial body but was administrative and therefore the court had no authority to review the power of suspension when it was exercised in an orderly manner.⁶²

In 1889 the Board of Railroad Commissioners and the whole of the system of railroad regulations were abolished.⁶³ In place of the board there was created the North Carolina Corporation Commission, the first corporation commission created in the United States,⁶⁴ which had general supervision over railroad, steamboat, canal, express, telegraph, and telephone companies, building and loan associations, banks, and sleeping car companies, and which consisted of three members chosen by the General Assembly of 1899.⁶⁵ The number, qualifications, tenure, and oath of office of the Corporation Commissioners were the same as those of the Railroad Commissioners, but they were chosen by popular election.⁶⁶ It was provided that at the general election of November 1900 the commissioners should be chosen by the electorate, one for 2 years, one for 4 years, and one for 6 years. At the general election after the expiration of each of the terms and at each general election thereafter a commissioner was elected for a term of 6 years.⁶⁷

Each commissioner was paid \$2,000 a year and no commissioner could receive more than \$3,000 annually including expenses.⁶⁸

In 1901 the salary of each was increased \$500 for service on the State Tax Commission.⁶⁹ In 1919 the commissioners' salaries were increased to \$3,000 each with an additional \$500 for services as State Tax Commissioner.⁷⁰ In 1921 the salary was reduced to \$1,500 annually but the \$500 allowed for services as Tax Commissioner was to be retained by each for his services as State Banking Commissioner.⁷¹ In 1925 the Governor was authorized to designate one member of the commission to administer the Capital Issues Law; such member was allowed \$1,000 additional for his services.⁷²

In case of a vacancy on the commission, the Board of Internal Improvements was required to appoint a commissioner to fill the vacancy until a successor to fill the unexpired term could be chosen at the next general election.⁷³ In 1901 the Governor was authorized to fill a vacancy for the unexpired term.⁷⁴

62. Caldwell v. Wilson, 121 N. C. 425.
63. Public Laws, 1899, c. 506.
64. Ferguson, State Regulation of Railroads in the South, p.170.
65. Public Laws, 1899, c. 164, s. 1.
66. Ibid.

67. Ibid.
68. Ibid., ss. 31, 32.
69. Ibid., 1901, c. 7, s. 2.
70. Ibid., 1919, c. 92, s. 13.
71. Ibid., 1921, c. 25; c. 401, s.7.
72. Ibid., 1925, c. 149, s. 20.
73. Ibid., 1899, c. 164, s. 1.
74. Ibid., 1901, c. 194.

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The General Assembly named the first chairman. In his absence, the other commissioners could elect a chairman pro tempore.⁷⁵ Any two commissioners constituted a quorum. The chairman was authorized to perform alone the functions of the commission relative to banks and building and loan associations, but the other two commissioners should act if they desired.⁷⁶

The commission was authorized to appoint a clerk who was an expert accountant experienced in railroad statistics and transportation rates; he was to be paid \$1,500 annually.⁷⁷ In 1907 the employees of the commission and their salaries were fixed as follows: A chief clerk at \$2,400, a first clerk to the Tax Commission at \$1,200, and a second clerk to the Tax Commission at \$1,100.⁷⁸ The clerk of the Corporation Commission was required to take an oath similar to that taken by the commissioners except he was not prevented from holding stock in state or national banks.⁷⁹ If the clerk were experienced in railroad statistics he could be paid \$300 additional.⁸⁰

In 1911 the employees of the Tax Commission were transferred to the Corporation Commission at the same salaries with only changes in title.⁸¹

A special session of the General Assembly in 1913 allowed the commissioners, with the approval of the Governor, to appoint an additional clerk who should be an expert accountant well versed in transportation rates and to appoint any other clerical help needed provided not more than \$600 a year was expended for this purpose. The Governor and the commission could employ counsel to assist the Attorney General in the matter of rates provided the amount paid such counsel did not exceed \$1,200 in any one year.⁸²

In 1917 the Corporation Commission was authorized to appoint a full-time bank examiner and any such number of bank examiners as might be necessary to make a thorough examination of every bank or banking business at least once a year or as often as was necessary and proper. It was the duty of the examiner to verify reports made by the directors and managers of each bank. The commission was authorized further to appoint such clerks and stenographers as was necessary to carry out efficiently the banking laws of the State and at any time to remove any person appointed.⁸³ The commission was authorized to fix the salary of the bank examiner, the assistant bank examiners, and the clerks and stenographers employed in the banking department provided the salaries did not exceed the total examination fees for each year.⁸⁴

75. Public Laws, 1899,
c. 164, s. 31.

76. Ibid., s. 29.

77. Ibid., s. 31.

78. Ibid., 1907, c. 830,
s. 8.

79. Ibid., c. 999, s. 1.

80. Ibid., s. 2.

81. Ibid., 1911, c. 147.

82. Ibid., 1913, Extra
Session, c. 58.

83. Ibid., 1917, c. 165,
s. 4.

84. Ibid., s. 5, amending
Public Laws, 1907,
c. 994.

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An act of 1919 made the following provisions for clerical salaries: in addition to the clerk of the commission who received \$2,400 annually, the salary of the first assistant clerk was raised to \$1,500 a year and of the second assistant clerk to \$1,200, and the clerk who acted as clerk of the State Tax Commission was allowed \$300 extra.⁸⁵

In 1921 the commissioners were authorized to appoint a permanent chief state bank examiner and such other bank examiners, assistant bank examiners, clerks, and stenographers as was necessary to examine thoroughly at least once a year, and oftener if desired, every bank in the State. The examiners were required to verify all reports made by banks and for sufficient purposes could retain custody of books as long as necessary.⁸⁶ The commission could require the removal of any officer, director, or employee of any bank. The examiner could administer oaths, summon witnesses, and make arrests, and the commission notified the solicitor of the county in which the bank was located in case any prosecution was necessary. Compensation of all examiners and clerks was paid from the fees collected and could not exceed the amount collected during any one year.⁸⁷

When the commission was relieved of its duties as State Tax Commission, the sum of \$5,400 was appropriated for the clerks, who prior to that time had been paid in part by funds provided for the Tax Commission.⁸⁸

In 1925 when the commission was given certain powers and duties under the Motor Vehicle Carrier Act, it was authorized to employ and fix the salary of any clerk necessary to carry out provisions of the act. The Governor, however, had to approve of such appointments and their compensation was paid out of fees collected.⁸⁹

Shortly thereafter it was found that such fees would not be sufficient and during the same session \$1,000 was appropriated for the clerks and employees administering the Motor Vehicle Carrier Act.⁹⁰

During the same year the Corporation Commission was designated to administer the Capital Issues Act, and with the approval of the Governor, to appoint such clerks and assistants as were from time to time necessary and fix their compensation.⁹¹ By the Executive Budget Act of 1925, the Governor, with the advice of the Advisory Budget Commission, was given effective supervision over the expenditures and appointments of employees by every state agency.⁹²

In 1927 the commissioner in charge of Capital Issues was authorized to appoint an assistant whose special duty it was to administer and enforce the Capital Issues Act under the direction and authority of the commis-

85. Public Laws, 1919, c. 92, s. 13.

86. Ibid., 1921, c. 4, s. 72.

87. Ibid., ss. 73-78.

88. Ibid., 1921, c. 40, s. 7.

89. Ibid., 1925, c. 50, s. 10.

90. Ibid., c. 316.

91. Ibid., c. 190, ss. 20, 21.

92. Ibid., c. 89; 1929, c. 100.

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sion. The assistant was required to keep all records and perform all duties the commissioners directed and was paid such compensation as the commission fixed. The commission could also appoint such clerks as were necessary,⁹³ and fix their compensation with the approval of the Auditor. The commission was also authorized to employ special counsel to be paid by the Auditor's warrant from special funds.⁹⁴

By an act of the General Assembly of 1933 the Corporation Commission was abolished on January 1, 1934, and in its place was created the office of the Utilities Commissioner, whose duty it is to exercise all the powers, duties, and functions formerly performed by the Corporation Commission.⁹⁵

The first commissioner was appointed by the Governor with the consent of the Senate for a term of one year or until his successor was qualified. It was provided that a Utilities Commissioner be elected by the voters in the general election of 1934 and quadriennially thereafter. Any vacancy that occurred was filled by the Governor and held throughout the unexpired term or until the 1st day of January following the next general election. If the vacancy occurred more than 60 days before the next general election, there was to be elected by the voters a commissioner who filled the unexpired term. If the vacancy occurred less than 60 days prior to the next general election, the appointee of the Governor served until the expiration of the term of the person he was appointed to succeed.⁹⁶

The Utilities Commissioner could have no interest in any company under his jurisdiction⁹⁷ and, like all elective officials, he should be a qualified voter of North Carolina, could not deny the being of God, and could not have been convicted of any treason or felony, or of any crime for which punishment may be imprisonment in the penitentiary, or of corruption or malpractice in office, unless his rights of citizenship had been restored in a manner prescribed by law.⁹⁸

He was required to file with the Secretary of State an oath of office swearing to support the Constitution and laws of the United States and of the State of North Carolina, to perform well and truly the duties of the office of Utilities Commissioner and that he was not the agent or attorney or in any way interested in any utility company or public service corporation regulated by his office.

The salary of the commissioner was \$4,500 annually.⁹⁹ In 1935 the salary was increased to \$6,000 annually.

The Governor, with the advice and consent of the Senate, was empowered to appoint at the same time two Associate Commissioners who should be resi-

93. Public Laws, 1927, c. 149, s. 20.

94. Ibid., s. 21.

95. Ibid., 1933, c. 134, s. 1.

96. Ibid., s. 4.

97. Ibid., s. 5.

98. Const., Art. VI, ss. 7, 8.

99. Ibid., s. 5.

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dents of the State, one of whom should hold office until January 1, 1935, and one until January 1, 1937. At the expiration of each of the terms and quadriennially thereafter he was required to appoint one Associate Commissioner. These Associate Commissioners sat with the Utilities Commissioner in order to help him make decisions at hearings. For such services they received \$25 a day for expenses, provided, however, that no Associate Commissioner might receive more than \$1,800 a year. Any vacancy was filled by the Governor for the unexpired term.¹⁰⁰

The Utilities Commissioner was authorized to appoint a chief clerk who was experienced in railroad and public utilities statistics and transportation and public service charges and whose term of office was for a period of 2 years. The chief clerk filed with the Secretary of State the same oath filed by the Utilities Commissioner, and the Utilities Commissioner could remove him for cause at any time.¹⁰¹

The Utilities Commissioner was allowed such stenographic and other clerical assistance as he required for the performance of the duties and functions of his office including the assistants in the offices the powers and duties of which he took over. Salaries and compensation of such clerical assistants, special investigators and other office force were fixed in the same manner provided by law for fixing and regulating salaries in state departments.¹⁰²

All the powers, duties, functions, rights, and responsibilities exercised prior to January 1, 1934, by the Corporation Commission were at that time transferred to the Utilities Commission. Whenever and wherever under any existing law any report, petition, application, memorial, or communication as required or permitted to be made to the Corporation Commission or any member thereof concerning any of the subjects over which the commission theretofore exercised control, such communication was thereafter addressed to the Utilities Commissioner who had full power and supervision as was theretofore exercised by the Corporation Commission or a commissioner.¹⁰³

In 1941, the office of Utilities Commission was abolished. To replace him and the Associate Commissioners, there was created the North Carolina Utilities Commission, a three-man body composed of full-time commissioners who performed all the duties, exercised all the rights and had the same functions as its predecessor agencies, thus returning to the old organization of the Corporation Commission.¹⁰⁴ The qualifications for office are the same as those for the Utilities Commissioner. They are appointed by the Governor with the consent of the Senate for 6 year overlapping terms.¹⁰⁵ There was provision that the person who had been Utilities Com-

100. Public Laws, 1933, c.
134, s. 11.

101. Ibid., s. 13.

102. Ibid., s. 14.

103. Ibid., s. 7.

104. Ibid., 1941, c. 97, ss.
1, 2.

105. Ibid., s. 2.

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missioner should become chairman of the new organization when it went into effect on February 1, 1941. After the expiration of his term, the Governor may designate the chairman.¹⁰⁶

The chairman of the commission received \$6,600 a year, and the commissioners receive \$6,000 each a year.¹⁰⁷

All records and employees of the Utilities Commission were to be turned over to the newly-enacted Utilities Commission,¹⁰⁸ and all cases at that time pending before the commissioner were to be determined by the commission.¹⁰⁹

Under the names of the Board of Appraisers and Assessors, Board of Capitation, State Tax Commission, and Board of Assessment, from 1891 to 1899 the Railroad Commission, and from 1899 to 1921 the Corporation Commission acted ex officio as an agency for the appraisal and assessment of the property of corporations under this jurisdiction.¹¹⁰

In 1921, with the creation of a Department of Revenue, the powers and duties of the old State Tax Commission conferred upon that department and its functions as a Board of Equalization were conferred upon a body composed of the Commissioner of Revenue as chairman, the chairman of the Corporation Commission, and the Attorney General, known as the State Board of Assessment.¹¹¹ The Utilities Commissioner and the chairman of the Utilities Commission successively replaced the chairman of the Corporation Commission as a member of the board.¹¹²

The chairman of the Utilities Commission like his predecessors, the chairman of the Corporation Commission and the Utilities Commissioner, is also a member of the Municipal Board of Control, which is also composed of the Secretary of State and the Attorney General and whose duties are to hear and determine petitions to create municipal corporations, to enter orders creating the territory into a municipality, and to provide for the election of mayor and commissioners.¹¹³

106. Public Laws, 1941, c. 97,
s. 4.

107. Ibid., s. 3.

108. Ibid., s. 9.

109. Ibid., s. 8.

110. Ibid., 1891, c. 320, ss.
44-52, and amendments; 1901,
c. 7 and amendments under
successive Revenue and
Machinery Acts.

111. Ibid., 1921, c. 40, s. 1;
1923, c. 12.

112. Ibid., 1933, c. 134, s. 8;
1941, c. 97, s. 5. For a

detailed discussion of the
history and functions of
these agencies, see Inven-
tory of the State Archives
of North Carolina, Series
II, Agencies of Fiscal Con-
trol, No. 1, Department of
Revenue.

113. Public Laws, 1917, c. 136.
Inventory of the State Ar-
chives of North Carolina,
Series IX, Miscellaneous
Agencies, No. 6, Municipal
Board of Control.

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2. Powers and Duties

The Field of Supervision:

The Utilities Commission was created to have general power and control over the public utilities and public service corporations of the State and such supervision as might be necessary to carry into full force and effect the laws regulating such companies, corporations, partnerships, and individuals, to fix and regulate the rates charged the public for service, and to require efficient service to be given as may be reasonably necessary.¹¹⁴ The field over which the commission and its predecessors, the Board of Railroad Commissioners and the Corporation Commission, have exercised control and supervision, has varied considerably in the past 50 years. At present the commission has general supervision over the rates charged and service given by railroads, street railways, steamboats, canals, express, and sleeping-car companies, and all persons, firms, and corporations engaged in the carrying of freight or passengers or otherwise engaged as common carriers; by telephone and telegraph companies, all other companies engaged in the transmission of messages, and all firms and individuals owning or operating telephone or telegraph lines in the State; by electric light, power, water, and gas companies, other than such as are municipally owned or conducted, and all other companies, corporations, or individuals engaged in furnishing, producing, transmitting or selling electricity, electric light current, or power; by water-power and hydro-electric companies or corporations doing business in this State, whether organized under the laws of this State or of some other state or country; by flume companies, corporations other than municipal corporations, or individuals owning or operating public sewerage systems in the State;¹¹⁵ and by corporations or persons operating motor vehicle carriers for the transportation of persons or property between cities and towns or over a regular route for compensation.¹¹⁶

The Board of Railroad Commissioners was originally limited to the supervision of railroad, steamboat, canal, and telegraph companies doing business in North Carolina.¹¹⁷ In 1893 telephone companies¹¹⁸ and in 1897 express companies and street railway companies except those operating entirely within the corporate limits of a municipality and not engaged in the hauling of freight¹¹⁹ were added. When the Corporation Commission was created in 1899, it succeeded to the supervision of the above mentioned companies as well as to the control and supervision of banks and trust companies and of building and loan associations.¹²⁰ In 1905 the supervision of building and loan associations was made a function of the Insurance Department.¹²¹ Two years later flume companies using the right

114. Public Laws, 1933, c. 134, s. 2.

115. Ibid., s. 3.

116. Ibid., 1925, c. 50, s. 1; 1927, c. 136, ss. 1, 2.

117. Laws of North Carolina, 1891, c. 320, s. 13.

118. Public Laws, 1893, c. 512.

119. Ibid., 1897, c. 206.

120. Ibid., 1899, c. 164, s. 1.

121. Ibid., 1905, c. 435. See Inventory of the State Archives of North Carolina, Series IV, Regulatory Agencies, No. 3, Insurance Department, pp. 36, 37.

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of eminent domain were declared to be common carriers subject to the jurisdiction of the commission.¹²² At the same time the jurisdiction over telephone companies was broadened to include persons and individuals owning or renting telephones or telephone lines generally.¹²³ In 1911 municipalities were empowered to build, acquire, and operate waterworks, and sewerage and electric or gas lighting systems for the health and convenience of its inhabitants; the rates were to be approved by the commission.¹²⁴ Two years later the power of the commission over municipally owned systems was repealed,¹²⁵ and it was given the same jurisdiction over such electric light, power, water, and gas companies that are not municipally owned or conducted as it had over railroads.¹²⁶ In addition it was given supervision of water power and hydro-electric companies.¹²⁷ In the same year the commission was given the same control over industrial banks as it exercised over State banks and other banking and trust companies.¹²⁸ In 1925 the commission was given the regulation, supervision, and control of persons and corporations transporting freight and passengers for hire over State highways.¹²⁹ In 1925 the administration of the Capital Issues Law, formerly administered by the Insurance Commissioner,¹³⁰ was made the duty of one member of the Corporation Commission.¹³¹

Because the field over which the commission had supervision and control had become so large, the General Assembly began to reduce its functions. In 1931 the office of Commissioner of Banks was created as an independent agency and to it was transferred all the powers, duties, and records kept by the Corporation Commission and its State Bank Examiner.¹³² At the same session and the next session the General Assembly carefully defined the field of public utilities and public service corporations regulation, emphasizing that as the field over which the commission should exercise supervision and control.¹³³ In 1937 the last incompatible field of supervision, the administration of the Capital Issues Law, was removed from the jurisdiction of the commission and transferred to the office of Secretary of State.¹³⁴ In the same year the supervision of pipe lines for the transportation of petroleum was made a duty of the commission.¹³⁵

122. Public Laws, 1907, c. 39.

123. Ibid., c. 966.

124. Ibid., 1911, c. 86.

125. Ibid., 1913, c. 179; 1917, c. 136.

126. Ibid., 1913, c. 127, s. 1.

127. Ibid., c. 133.

128. Ibid., c. 225; 1923, c. 225.

129. Ibid., 1925, c. 50; 1927, c. 136.

130. See Inventory of the State Archives of North Carolina, Series IV, Regulatory Agencies, No. 3, Insurance Department.

131. Public Laws, 1925, c. 190.

132. For a discussion of the

functions of the Corporation Commission in the regulation of banks, see the forthcoming Inventory of the State Archives of North Carolina, Series IV, Regulatory Agencies, No. 2, Banking Department.

133. Public Laws, 1931, c. 455; 1933, c. 134, s. 3; c. 307, ss. 1, 19.

134. See Inventory of the State Archives of North Carolina, Series I, General Governmental Agencies, No. 8, Department of State.

135. Public Laws, 1939, c. 108.

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General Supervision:

The control which the commission exercised over the various public service corporations under its supervision is, insofar as it is applicable, the same as that exercised over railroads. Indeed, all the laws assigning new fields of activity, except the Motor Vehicle Carrier Act, refer to the laws relative to railroads; therefore, as the body of public service corporation law has evolved the references to railroads have been omitted except when they were inapplicable to other fields of jurisdiction and the later laws have been more general in their coverage.

The commission must keep itself informed at all times of the charges and rates for service and the service supplied to the citizens of the State by the public service corporations under its jurisdiction.¹³⁶ In order better to do this, it may require annual and special reports.¹³⁷ The commission and the Secretary of State must confer to arrange that the information embodied in the reports not duplicate the information submitted by all corporations to the Secretary of State. The reports formerly required to be submitted to the commission as the Board of Assessment were after May 1, 1921, to be submitted to the Commissioner of Revenue as chairman of the reorganized board.¹³⁸

The commission may make rules and regulations governing the operation of such companies.¹³⁹ Furthermore it is empowered, upon petition or of its own accord, to inquire into the services and rates of such corporations and to determine their reasonableness.¹⁴⁰

It is required to visit the places of business, to investigate the books and papers of such corporations for the purpose of ascertaining whether or not its orders, rules, and regulations have been carried out, and to examine all officers and employees of such corporations and compel the production of books and papers for the purposes of the investigation.¹⁴¹ In conducting the investigations, the commission may proceed with or without formal hearings but may make no order without a hearing.¹⁴² If after such investigations, or investigation and hearing, the commission is of the opinion that the public interest will be better served by an appraisal of any properties in question, the investigation of any particular construction, the audit of any accounts or books, or the investigation of any contracts between holding or finance companies and the utility in question, the commission must report its findings to the Governor and Council of

136. Public Laws, 1933, c. 134, s. 16.

137. Ibid., 1913, c. 198; 1931, c. 455; 1933, c. 134, s. 7; c. 307, s. 15.

138. Ibid., 1921, c. 41, s. 1.

139. Ibid., 1899, c. 164, s. 2; 1933, c. 134, ss. 3, 7.

140. Ibid., 1933, c. 134, s. 16.

141. Laws of North Carolina, 1891, c. 320, s. 8; Public Laws, 1899, c. 164, s. 1; 1913, c. 127, ss. 1, 2, 7; 1917, c. 194.

142. Ibid., 1933, c. 307, s. 16.

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State with request for an allotment from the Emergency and Contingency Fund to defray expenses of such further investigation.¹⁴³

The commission may establish the system of accounts to be kept by public utilities or may classify such utilities and prescribe the system of accounts for each class.¹⁴⁴ It may require such utilities to keep separately accounts of the interstate and intrastate business.¹⁴⁵

No person or corporation may begin construction or operation of a public utility plant or system or acquire ownership or control of such nor may any public work project exercise the right of eminent domain without first obtaining from the commission a certificate that public convenience and necessity requires such construction, operation, or ownership. The commission may make rules and regulations governing the applications for and issuance of such certificates.¹⁴⁶

All public service corporations, when so requested, must submit to the commission copies of contracts made with any holding or managing company selling service of any kind. The commission may disapprove any such contract, after a hearing, if in its judgment the contract is found to be unjust, unreasonable, or designed to conceal, abstract, or dissipate the net earnings of the public service corporation.¹⁴⁷

No utility may issue, assume liabilities under, or become lessor or guarantor of, any securities without first obtaining an order from the commission and then only to the amount named in the order. After it secures an application and before it issues an order, the commission must investigate and satisfy itself that the issue or assumption is for a lawful purpose, is compatible with the public interest, is necessary for or consistent with proper service to the public, and will not impair that service. The order must specify the purposes for which such securities or the proceeds of their sale may be used.¹⁴⁸ The order of the commission may grant or deny the application or may modify it as the commission sees fit. Furthermore, the commission may issue supplemental orders changing or modifying the original order.¹⁴⁹

The application for security issue must be in the form prescribed by the commission and must be made under oath by some officer of the utility so designated by that utility for the particular purpose.¹⁵⁰ All applications must be placed at the head of the commission's docket and must be disposed of within 30 days unless there is sufficient cause for delay. The order for continuance must show in detail the reasons therefor.¹⁵¹

143. Public Laws, 1931, c. 455.

144. Ibid., 1913, Extra Session, c.20, s. 14; 1931, c. 455; 1933, c. 307, s. 13.

145. Ibid., 1913, Extra Session, c. 20, s. 14.

146. Ibid., 1931, c. 455; 1935,

cc. 408, 450, 470, 475.

147. Ibid., 1933, c. 307, s. 17.

148. Ibid., s. 18.

149. Ibid., s. 19.

150. Ibid., s. 20.

151. Ibid., s. 21.

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The State, however, assumes no obligation concerning the securities issued by a utility.¹⁵²

The provisions concerning security issue are not applicable to notes of not more than 2 years duration or to renewals of such notes aggregating not more than 6 years.¹⁵³ Nor are such provisions applicable to court receivers' debentures issued under regular receivership proceedings in a court of equity. Within 10 days after making notes payable, in not more than 2 years, however, the utility must send the commission a certificate of notification.¹⁵⁴

The commission may require periodical or special reports of each utility issuing securities regardless of time of payment showing the disposition made of such securities and the application of the proceeds thereof.¹⁵⁵

Securities issued without meeting the requirements of law are not to be considered invalid, but any utility making such issue is liable to a fine.¹⁵⁶

If a regulatory agency of another state should regulate and control the amount and character of security issues of a public utility, the Utilities Commission of North Carolina is empowered to act jointly with such agency concerning a utility operating in both states.¹⁵⁷

Actions to recover penalties under the act regulating security issues are brought in the name of the State of North Carolina before the superior court of the county in which the offense was committed. Whenever a utility is subject to penalty under the act, the commission certifies the facts to the Attorney General, who institutes and prosecutes the action for recovery of the penalty. The commission, however, may compromise such action and dismiss the charge on any terms the court will accept.¹⁵⁸ All penalties collected are paid into the State Treasury to the credit of the school fund.¹⁵⁹

The commission is empowered to fix what are standard rates for services performed by the various public service corporations under its supervision. In fixing any standard rate the commissioner must consider the value of the property used by the public, a fair value of the service, the original cost of construction, the amount expended in permanent improvements, the probable earning capacity of such property under the rates proposed, the sum required to meet the operating expenses, and all other facts needed in the determination of rates.¹⁶⁰

152. Public Laws, 1933, c. 307, s. 22.

153. Ibid., s. 24.

154. Ibid., s. 25.

155. Ibid., s. 26.

156. Ibid., s. 22.

157. Ibid., s. 28.

158. Ibid., s. 30.

159. Ibid., s. 31.

160. Laws of North Carolina, 1891, c. 320, s. 5; Public Laws, 1899, c. 164, s. 2, sub s. 1.

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Each corporation must file copies of all schedules of rates with the commission.¹⁶¹ The rate schedules as filed with the commission must be approved by it and may not exceed the fixed standard.¹⁶² Nothing, however, prevents any public service corporation from filing rates that are less than the standard rate; although no such corporation may charge greater or less than the rates that have been filed by it and approved by the commission.¹⁶³ In case of an appeal, the rates fixed by the commission are prima facie fair rates until the matter is finally settled.¹⁶⁴ Unreasonable rates, termed extortion and discrimination, is absolutely forbidden.¹⁶⁵ No public service corporation, except common carriers, may increase its rates or change its classification except after petition and notice to the commission, notice to interested parties, inquiry held by the commission, and final determination of the reasonableness and necessity for any such increase in rates or change in classification.¹⁶⁶

Whenever any corporation files a new rate schedule, the commission may call a hearing upon reasonable notice. Pending such hearing and the decision thereon, the commission may suspend the operation of such new rates for as long as 6 months. The corporation, however, may put such rates in effect on the date originally provided by filing with the commission a bond approved by the commission and under such other conditions as are prescribed by the commission. If any utility does not refund unjustly collected rates under the final decision on the new rate schedule, interested parties may sue for recovery of such money to the amount unjustly collected plus court costs.¹⁶⁷

Common carriers come under the same provisions with minor variations in detail of procedure.¹⁶⁸

Municipalities may act as interested parties in cases of rates charged by common carriers operating to and from their jurisdiction.¹⁶⁹

The commission after notice and hearing may compel efficient service; may ascertain and fix just and reasonable standards, classifications, regulations, practices, and services; may ascertain and fix adequate and reasonable standards for the measurement of quantity, quality, pressure, or other conditions pertaining to the supply of the product of any public utility; may prescribe regulations for examination, testing, and measurement of the product; may establish rules, regulations, and standards to secure the accuracy of all meters and appliances for measurements; and

161. Laws of North Carolina, 1891, c. 320, s. 6; Public Laws, 1899, c. 164, s. 2; 1933, c. 307, s. 3.

162. Ibid., s. 4.

163. Ibid., s. 5; c. 134, s. 16; 1939, c. 363, s. 1.

164. Ibid., 1899, c. 164, s. 7.

165. Ibid., s. 12; 1907, c. 469, s. 5; 1933, c. 307, ss. 2, 5.

166. Ibid., 1921, c. 126; 1933, c. 134, s. 16; c. 307, s. 7; 1939, c. 365, s. 1.

167. Ibid., 1933, c. 307, s. 7.

168. Ibid., 1939, c. 365, s. 4.

169. Ibid., 1937, c. 401.

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may provide for the examination of appliances used in measuring the product of any utility.¹⁷⁰

Upon finding that public convenience and necessity are no longer served or that there is no reasonable probability of a utility realizing sufficient revenue from the service to meet its expenses, the commission may after petition, notice, and hearing, authorize by order any utility to abandon or reduce its service.¹⁷¹

The commission, may after notice and hearing, ascertain and fix the value of the property of a utility and may make revaluations from time to time.¹⁷² This is the only remaining remnant of the independent power of the commission as a Board of Appraisers and Assessors.¹⁷³

The officers and employees of the commission may, during reasonable hours, enter the premises of a public utility for the purpose of making examinations and tests and may set up and use on such premises any apparatus and appliances necessary therefor. The utility has a right to be represented at such examination, test, and inspection.¹⁷⁴

Every municipality operating a utility for the production or distribution of gas or electricity or operating a telephone exchange must make the same annual report made by privately owned utilities engaged in the same activities.¹⁷⁵

The commission in cooperation with the Department of Conservation and Development, may require the location, maintenance, and operation of water gaging stations.¹⁷⁶

Power is conferred on the commission to require crossings of telephone, telegraph, and electric power lines to be constructed and maintained in a safe manner so that the wires of one line will not fall upon the other, to prescribe safety measures, to discontinue or prohibit such crossings when they are unnecessary and can be reasonably avoided, and apportion the cost of properly changing and constructing such crossings. For all crossings made dangerous by the presence of high tension wires of a power or light company, the power or light company must bear all costs. Power or light companies may cross railroad lines with or without condemnation proceedings, provided the crossings are in accordance with the regulations of the commission.¹⁷⁷

The commission is further empowered to require the raising or lowering of any railroad tracks or highways at any highway and railroad grade cross-

170. Public Laws, 1933, c. 307, ss. 10, 11.

171. Ibid., s. 32.

172. Ibid., s. 12.

173. See above, p. 13.

174. Ibid., s. 14.

175. Ibid., s. 34.

176. Ibid., s. 35.

177. Ibid., 1913, c. 130; 1929, c. 101, s. 1.

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ing and to designate who must pay the costs.¹⁷⁸ Railroads must keep such crossings in good condition.¹⁷⁹

When a corporation or person under the supervision of the commission has a controversy with another such company or person and if all parties agree, the controversy may be submitted to the commission for arbitration. After due notice to all parties, the commission may hear the facts and make an award, which is final. Where the award involves land or interest in land, the commission must send a certificate to the clerk of superior court of the county in which the land is situated, the certificate must be docketed in the judgment docket of the court, and the award is considered a judgment of the court. Parties may appear in person or by attorney before the arbitrators.¹⁸⁰

Whenever it considers the public interest best served, either upon its own motion or upon petition, the commission may hold a formal public hearing on any matter within its jurisdiction.¹⁸¹ The commission is a court of record in such cases with all the powers of such a court to summon and examine witnesses and papers, punish for contempt, and make decisions that have the weight of law.¹⁸² It must meet in Raleigh except where the convenience of the parties concerned would be best served by meeting elsewhere.¹⁸³

From all decisions or determinations made by the commission appeal to the superior court may be taken by any party concerned.¹⁸⁴

Before such party may appeal, however, he must, within 10 days after notice of the decision or determination of the commission, file with the commission his exceptions to the decisions. If any one of such exceptions be overruled, the party may appeal from the order overruling the exception but must file notice of appeal within 10 days. ~~What~~ the exception is to the facts as found by the commission, the appeal is to the superior court in term time; otherwise to the judge of superior court at chambers. Within 10 days after filing notice of appeal, the appellant must file with the commission a statement of the grounds of appeal. The commission must then submit all the papers and evidence considered by it together with the statement of the appellant to a judge of the superior court holding court or residing in the district of the appellant.¹⁸⁵

178. Public Laws, 1907, c. 469, s. 1c; 1911, c. 197, s. 1.
179. Ibid., 1915, c. 250.
180. Ibid., 1899, c. 164, s. 25.
181. Laws of North Carolina, 1891, c. 320, s. 11; Public Laws, 1899, c. 164, ss. 9, 10, 26.
182. Laws of North Carolina,

1891, c. 498; Public Laws, 1899, c. 164, ss. 7-10; 1901, c. 679, s. 4; 1933, c. 134, s. 10.
183. Ibid., 1901, c. 679, s. 4.
184. Ibid., 1899, c. 164, s. 15; 1907, c. 469, s. 6; Pate v. Railroad, 122 N. C., 877.
185. Ibid., 1899, c. 164, s. 5; 1907, c. 469, s. 6.

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Either party may appeal from the judgment of the superior court under the same rules and regulations as are prescribed by law for the appeal.¹⁸⁶ Any rates approved by the commission, when approved or confirmed by the judgment of the court, are considered to be the established rates until modified by the supreme court.¹⁸⁷

In all cases in which, upon appeal, the judgment of the commission is approved, the appellate court must include in its decree a mandamus to the appellant to put the order of the commission in force.¹⁸⁸

If there is no appeal from a decision of the commission and if the corporation affected thereby refuses to put the order into effect, the commission may apply to the judge of the Wake County Superior Court for a mandamus.¹⁸⁹

Penalties are provided for violation of the law affecting utilities. The commission is required to pay all fees and fines collected to the State Treasurer.¹⁹⁰

The commission was originally required to report annually to the Governor and General Assembly;¹⁹¹ since 1911 it has published biennial reports.¹⁹²

Railroads

Additional specific requirements for railroads have, of course and of necessity, been laid down. Indeed, the regulation of public utilities had its origin in the regulation of railroads with the creation of the Board of Railroad Commissioners in 1891. Subsequent legislation has largely broadened the scope of regulation of railroads and added public service corporations from time to time.

All contracts and agreements between railroad companies as to freight and passenger rates must be submitted to the commission for inspection and correction. All arrangements and agreements as to the division of earnings by competing railroad companies must also be submitted for approval. The commission may make rules and regulations governing such contracts and agreements.¹⁹³

186. Laws of North Carolina, 1891,
c. 320, s. 7; Public Laws,
1899, c. 164, s. 7.

187. Ibid.

188. Ibid., 1905, c. 107, s. 2.

189. Ibid.

190. Ibid., 1899, c. 164,

ss. 2, 33.

191. Laws of North Carolina, 1891,
c. 320, s. 15; Public Laws,
1899, c. 164, s. 27.

192. Ibid., 1911, c. 211, s. 9.

193. Ibid., 1899, c. 164, s. 6.

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All carriers must file a schedule of rates with the commission which must publish the rates or summaries thereof for the information of the public.¹⁹⁴

Upon complaint of any person or community of this State about any unjust or discriminatory interstate rate, the commission must investigate and, if valid, must bring the complaint before the Interstate Commerce Commission for redress in accordance with the act of Congress creating the Interstate Commerce Commission. The Utilities Commission receives the aid of the Attorney General of the State to represent it.¹⁹⁵ In addition, the Utilities Commission may bring such cases before the Interstate Commerce Commission or other body of the Federal Government regulating interstate freight rates, rules, and practices, as in its opinion may be necessary to secure for receivers and shippers of freight in this State just and reasonable rates. The Attorney General acts as its representative.¹⁹⁶

Freight rates must conform to the rate classifications filed with the commission.¹⁹⁷ Upon demand, all railroad companies must issue duplicate freight receipts to shippers. When the consignee presents the receipt to the railroads' agent, the agent must deliver the freight listed upon payment of the rate named.¹⁹⁸

Before any carrier, subject to the jurisdiction of the Utilities Commission, may make effective, within the limits of this State, any change in the classification for intrastate application of any article transported by freight, the carrier proposing the change must file notice of this intention with the commission at least 30 days in advance of the proposed effective date and must file with the notice a sworn affidavit, in duplicate, setting forth the name and address or names and addresses of the person or persons by or for whom the change in classification was proposed with their place or places of business and the nature of such business, together with the name or names of the carrier sponsoring the change and the names and addresses of all persons and firms or corporations who have placed themselves on record as being opposed to the change contemplated and stating, in connection with the change, the facts and arguments related by both proponents and opponents of such change. After the receipt of the notice of a proposed change, the Utilities Commission may suspend the proposed change pending the hearing and decision and it may make or may waive the requirement of 30 days' notice.¹⁹⁹ It is the duty of every railroad or other transportation company to keep posted, in a conspicuous place where freight is received, a list of its changes. Such changes may not be increased without giving 15 days' notice. There is a fine for any company's refusing to comply with the requirements.²⁰⁰

No railroad, steamboat, express or other transportation company engaged in the carriage of freight and no telegraph company or telephone

194. Public Laws, 1899, c. 164, s. 7; 1907, c. 217, s. 5.

195. Ibid., 1913, c. 22.

196. Ibid., 1929, c. 235, s. 1.

197. Ibid., 1905, c. 330.

198. Ibid., 1899, c. 164, s. 17.

199. Ibid., 1929, c. 239.

200. Ibid., 1879, c. 182, s. 2.

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company may collect or receive, for any service rendered, an amount more than the rates appearing in the printed tariff in force at the time the service is rendered. In case of any overcharge, the person aggrieved may file, with any agent of the company, a written demand supported by a bill of lading or freight bill. A maximum period of 60 days is allowed such company to pay claims filed. Any company failing to refund such overcharge must pay the party \$5.00 for each day's delay until the overcharge is paid, together with all cost incurred by the aggrieved party in trying to collect. The total, however, may not exceed \$100.²⁰¹ Whenever any freight of any kind is received by a common carrier in this State to be delivered to any consignee in this State and a portion of the freight is not received at the place designated, it is unlawful for the carrier to demand any part of the charges for freight for the undelivered portion of the shipment.²⁰²

Any operating railroad company is authorized and directed to enter into an arrangement for the establishment of joint rates and through routes with common carriers by water and with other railroad companies for the transportation of persons and property transported wholly within the State.²⁰³

Certain special rules limit and modify the application of rates. The rates are subject to southern classification, except where lower ratings are published by the Utilities Commission, in which case the lower ratings prevail. Rates which were lower prior to October 13, 1913, than those contained in the scale of rates enacted in the 1913 Act were continued in effect, except in isolated cases where an advance of not more than one cent, in a particular case, would bring the existing rate up to the rate there prescribed. Such advance is allowed in the interest of uniformity. When rates are not shown for the exact distance, the charge may not exceed the rate for the nearest distance. In cases where the haul is equidistant, the charge must be that for the next higher distance. When one railroad has two or more routes between two given points, the rate must be based on the shortest route. On joint hauls the line handling the traffic must use the rates upon the shortest practicable route having physical connection. In the absence of an agreed basis of division between roads participating in joint hauls, locals must be used as factors in dividing after first deducting cost of transfer at interchange point. The minimum charge on small shipments must be for actual weight at the tariff rate with certain minima not to be exceeded.²⁰⁴

The commission may and, upon the request of any person directly interested in such charge, must, under rules and regulations fixed by law or prescribed and established by the commission, hear evidence as to the reasonableness of the maximum rates fixed by law or by the commission and establish such rates in the manner prescribed and allowed by law as may be

201. Public Laws, 1903,
c. 590, ss. 1, 2.
202. Ibid., 1893, c. 495.

203. Ibid., 1931, c. 195.
204. Ibid., 1913, Extra Session,
c. 20; 1913, c. 152.

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just. Any shipper or railroad company directly affected by such an order of the commission may appeal to the superior court. The rates fixed by the commission, however, remain pending the appeal.²⁰⁵

When there is more than one railroad route between given points in North Carolina and freight is routed or directed by the shipper or consignee to be transported over a shorter route but it is, in fact, shipped by a longer route between the points, the rate fixed for the shorter route is the maximum rate which may be charged.²⁰⁶ In no event may the minimum carload of freight be less than the commission favors.²⁰⁷

No carrier may charge more for a haul over a short distance within the State than for a haul over a long distance if the short haul is included in the long haul.²⁰⁸

To study the freight rate situation in North Carolina, the General Assembly created in 1925 a Transportation Advisory Commission composed of 12 members experienced in business and shipping who were appointed by the Governor for unspecified terms and who received compensation of \$4 per day and mileage. The functions of this commission were to make a complete and thorough survey of freight rates to, from, and within North Carolina to ascertain if there was discrimination against receivers and shippers of freight; to determine the probable causes of such discrimination and recommend remedies; to ascertain if the State can aid in the development of water transportation to and from North Carolina ports in co-operation with the Federal Government or otherwise; and to report to the Governor from time to time recommendations as to legislation or the institution of proceedings by the Corporation Commission before the Interstate Commerce Commission, the United States Shipping Board, or in the courts. To this end the Transportation Advisory Commission was authorized to adopt rules for its procedure, to hold hearings within or without the State, and to take testimony.²⁰⁹

The Transportation Advisory Commission was abolished in 1937 and all its functions and records were transferred to the Utilities Commission.²¹⁰ Its chief accomplishment seems to have been the development of the North Carolina portion of the Inland Waterway.

In addition, the Governor was authorized in 1929 to designate one member of the Corporation Commission as freight rate commissioner. Such commissioner was to supervise, direct, and prosecute all interstate rate cases and to investigate any and all freight rate schedules affecting any part of the State.²¹¹ He was required to report annually to the Governor.²¹² This act became inoperative in 1934 with the creation of the office of Utilities Commission.

205. Public Laws, 1913, Extra Session, c. 20, s. 7.

206. Ibid., s. 10.

207. Ibid., s. 15.

208. Ibid., 1899, c. 164, s. 14;

1913, Extra Session, c. 20, s. 9.

209. Ibid., 1925, c. 266.

210. Ibid., 1937, c. 434.

211. Ibid., 1929, c. 336, s. 1.

212. Ibid., s. 2.

Indeed, the original field of activity of the commission, namely, railroad rate regulation, has largely been taken over by the Federal Government and the importance of this activity has declined proportionately. This movement has been especially noticeable in recent years since the United States Supreme Court has sustained the Interstate Commerce Commission in compelling state agencies to raise intrastate rates to the level of the interstate basis.²¹³ Consequently, much legislation formerly applicable to railroads has been transferred to apply to other public service corporations.²¹⁴

The commissioners and their clerks are transported free of charge over all railroads and transportation lines which are under the supervision of the commission, and when traveling on official business, they may take with them experts or other agents whose services they may deem temporarily of importance.²¹⁵ Nothing in the laws regulating railroads may prevent or prohibit the carriage, storage or handling of property free of charge or at reduced rates for the United States, State or municipal governments, for charitable or educational purposes or for any corporation or association incorporated for the preservation or adornment of any historic spot or to the employees or officers of such company or association traveling in the performance of their duties, provided they may not travel further than 10 miles one way on any one trip; the free carriage of destitute or homeless persons transported by charitable societies and the necessary agents employed in such transportation; the free transportation of persons traveling in the interest of orphan asylums or homes for the aged or infirm or traveling secretaries of railroad Y. M. C. A. 's or ex-Confederate soldiers attending annual reunions; the use of passes for journeys wholly within this State which have been or may be issued for interstate journeys under the authority of the Interstate Commission; the issuance of mileage or excursions of commutation passenger tickets; common carriers from giving reduced rates to ministers of religion, to municipal governments for transportation of indigent persons or to inmates of national or state homes or disabled or volunteer soldiers; common carriers from giving free carriage to officers and employees or members of their families; the principal officers of any common carriers from exchanging franks or tickets for their employees; transportation companies from contracting with newspapers for advertising space in exchange for transportation over their lines; transportation companies from furnishing transportation to agricultural demonstration workers who are engaged in work in the field in efforts to increase production on the farm, when such workers are actually engaged in the performance of duties; or any common carrier that is operating under a lease in which the State owns a majority of the capital stock from giving free carriage to the officers and their families and the committees of the lessor owning such leased railroad.²¹⁶

213. Houston Railway v. United States, 234, U. S. 342, (1914); Wisconsin v. C. B. & Q. R. R., 257, U. S. 563 (1922).

214. Supra, 16 ff.

215. Public Laws, 1899, c. 164, s. 22.

216. Laws of North Carolina, 1891, c. 320, s. 25; Public Laws, 1899, c. 164, s. 22; c. 642.

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Every railroad company must file, with the commission, a map and profile of its roadbed and of the land taken or obtained for its use. The maps must be drawn on a scale and on paper to be designated by the commission.²¹⁷

The commission may require all transportation and transmission companies to establish and maintain such public service facilities and conveniences as are reasonable and just.²¹⁸ It is empowered and directed to require, where the public necessity demands and it is demonstrated that the revenue received will be sufficient, any company engaged in the transportation of freight and passengers to erect depot accommodations commensurate with such business and revenue.²¹⁹ It may also require the provision of accommodations for loading and unloading livestock and for feeding and sheltering them during the transportation.²²⁰

The commission may not require any station nearer to another station than 5 miles. It may require the repair or change of any stationhouse in order to promote the security, convenience, and accommodation of the public. A railroad company which has established and maintained for a year a passenger station or depot at a point upon its road, may not abandon such station or depot nor diminish the accommodations except by the consent of the commission.²²¹ Freight or passenger depots may be relocated upon the written consent of the commission.²²² Whenever necessary or practicable, the commission may require any two or more railroads which enter any city or town of 2,000 or more inhabitants to have one common or union passenger depot for the security, convenience, and accommodation of the public and to unite in the erection and expense of maintaining such depot. The commission prescribes the terms, regulations, and provisions relative to the construction and railroads ordered to construct a union depot have the power to condemn land.²²³ If the railroads have separate depots which are adequate and convenient, the commission cannot require the construction of a union depot.²²⁴

When two or more railroads maintain freight depots and union passenger depots within one mile of a town of 2,000 or more population and do not enter the town, it is the duty of the commission, upon petition of a majority of the qualified voters, to require, when practicable, such railroads to run their lines through the corporate limits of the town and to build such freight and union passenger depots as are suitable.

When the petition is filed, the commission must set a day for a hearing not more than 20 days from its filing, and notify the interested railroads. If such a station is needed, the commission must prescribe its

217. Laws of North Carolina, 1871-72, c. 138, s. 41.
218. Public Laws, 1899, c. 164, s. 2; 1907, c. 469, s. 1.
219. Ibid., s. 2.

220. Ibid., 1913, c. 155.
221. Ibid., 1899, c. 164, s. 19.
222. Ibid., s. 20.
223. Ibid., 1907, c. 465.
224. Ibid., 1903, c. 126.

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location and the form it is to take. Railroads may condemn the necessary lands, including gardens, residences, and other premises, for such purposes.²²⁵

Railroads may condemn land for the purpose of reaching a union depot ordered by the commission, for maintaining and improving lines, for altering lines, for constructing double tracks, for improving terminal facilities, or for connecting lines belonging to one railroad and not more than 6 miles apart. No lands in an incorporated town may be condemned until approved by the commission, nor may any yard, garden, or dwelling house be condemned unless the commission finds that the desired improvement to railroad facilities may be made at excessive cost otherwise. Power to condemn land is enforceable only in courts created under the Constitution of North Carolina. No rights granted may in any way destroy or abridge the right of the State to control railroads or to exclude foreign companies from doing business in this State.²²⁶

Railroads, other than street railways, engaged in the carrying of passengers for hire, must provide separate but equal accommodations for the white and colored races at passenger stations, waiting rooms, and trains. The accommodations on trains may be furnished either by separate cars or by separate compartments in passenger cars. Separate accommodations are not applicable to railway trains in cases of accidents, to pullman or sleeping cars, to through express trains that do not stop at all stations and are not ordinarily used for traveling from station to station, to Negro servants in attendance on their employers, to officers or guards transporting prisoners, or to prisoners being transported.²²⁷

Trains consisting of not more than one passenger car unit, operated principally for the accommodation of passengers and irrespective of motive power, are governed, as to the separation of races, and as to toilet facilities, by such rules and regulations as the commission makes.²²⁸

The commission may exempt, from the requirements relative to separation of races on trains, branch lines, narrow gauge railroads, and mixed trains carrying both passengers and freight if in its opinion their enforcement be unnecessary to secure the comfort of passengers because of the light volume of passenger traffic or the small number of Negro travelers.²²⁹

All railroad companies of 100 miles or more were required in 1911 to provide for exchange of mileage at junctions as required by the commission.²³⁰ Any legal holder of a mileage book may have his baggage checked on such book under rules and regulations promulgated by the commission.²³¹

225. Public Laws, 1907, c. 465.

226. Ibid., c. 458.

227. Ibid., 1899, c. 164,
s. 2; c. 384.

228. Ibid., 1935, c. 270, s. 1.

229. Ibid., 1899, c. 384.

230. Ibid., 1911, c. 41, ss. 1, 2.

231. Ibid., c. 124.

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The commission is empowered and directed to require the construction of sidetracks provided it is shown that the revenue accruing to the sidetrack is sufficient to pay expenses of construction within 5 years after construction.²³² Requiring an interstate railroad to construct a siding, if proper legislative authority exists, is not interference with interstate commerce; but requiring a nonresident railroad to build a siding, which can only be built by exercising eminent domain, is beyond the authority of the commission since such railroads do not possess the right of eminent domain.²³³

If a railroad company considers that an ordinance enacted by a municipality through which its line passes and regulating the speed of trains while passing through its environs is unfair or unnecessary, it may petition the commission to prescribe the rate of speed. A copy of the petition, a notice of the date on which the petition will be heard, and an invitation to present any opposing information must be sent by registered mail by the commission. The hearing is held at the municipality complained of.

Either party may introduce testimony and the commission must make a decision. If the ordinance is adjudged reasonable, the petition is dismissed and the railroad company must pay the cost of the hearing. If the ordinance is found unreasonable, the commission must prescribe the maximum rate of speed through such town for the petitioning company; and the ordinance may not be enforced against the particular company. The costs in the latter case may be assessed against either one or both the parties as the commission considers just. Costs are the same as those fixed by law for similar services in superior court.²³⁴

The commission may require any railroad company to run over its road one or more fast mail trains which stop only at such stations as are designated by the company. In addition to such mail train, the company must run at least one passenger train in each direction over its road on every day except Sunday; such local train must stop at every station on the road at which passengers may wish to be taken up or put off. This does not prevent the running of local passenger trains on Sunday, however.²³⁵

The commission is empowered, when the business of the road justifies and the necessities of the public demand, to require that any railroad in the State install and operate one or more passenger or freight trains over its road and to require any two or more railroads having intersecting points to make close connections at such points.²³⁶

From time to time, the commission must examine and inspect the condition, facilities, and equipment of each railroad; if any are found unsafe, it must

232. Public Laws, 1911, c. 124.

233. State v. R. R., 153, N. C. 559.

234. Public Laws, 1903, c.

552.

235. Laws of North Carolina, 1893, c. 97.

236. Public Laws, 1909, c. 409, s. 3.

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require immediate repair.²³⁷

Any railroad operating eight or more trains daily each way, must install and maintain upon all or a part of its road, a block system or any other reasonable safety device as the commission orders.²³⁸

The commission may require the raising or lowering of railroad tracks at any highway or railroad crossing and designate who must bear the expense.²³⁹ Crossings with streets or highways must be kept in good condition.²⁴⁰

Whenever a railroad track on right of way lies between any body of merchantable timber, quarry, or other body of heavy property requiring machinery for transportation and any body of navigable water over which such property could be shipped and the owner of such property wishes to transport by that means, the owner may petition the commission for a right to cross the railroad with another railroad track or tramway. The hearing of the petition is the same as in other proceedings of the commission. If the petition is found reasonable, the commission orders the request to be carried out and prescribes the method of payment.²⁴¹

When public safety demands, the commission is authorized to require an approved system of interlocking or automatic signals when two or more railroads cross at a common grade or where a railroad crosses a stream or harbor on a bridge.²⁴²

Railroads must provide a suitable protective shelter for workmen at such point at which equipment is regularly made or repaired. The commission is required to direct the places at which such sheds are to be maintained and to prescribe the character of the sheds.²⁴³

The hours of work of employees of railroads are regulated by statute under the supervision of the commission. No limitations apply in time of emergency.²⁴⁴

The commission is required to adopt a standard cattle guard to be used at crossings by railroads operating in the State and to approve any variation from the standard that may be required by such companies. Any company adopting such approved model is deemed by State courts to have exercised sufficient caution.²⁴⁵

237. Public Laws, 1909, c. 409, s. 3.

238. Ibid., s. 1b.

239. Ibid., 1907, c. 469, s. 1c; 1911, c. 197, s. 1.

240. Ibid., 1915, c. 250.

241. Ibid., 1931, c. 488, s. 1 $\frac{1}{2}$.

242. Ibid., 1911, c. 197, s. 2; 1913, c. 63.

243. Ibid., c. 65.

244. Ibid., 1907, c. 456; 1911, c. 112.

245. Laws of North Carolina, 1883, c. 394, ss. 1-3; Public Laws, 1915, c. 127.

(Powers and Duties)

(First entry, p. 37)

Every railroad must equip and maintain approved electric headlights on locomotives operating on main lines except yard engines, engines used exclusively between sunup and sundown, and the engines moving to and from repair shops for repairs. Certain short lines are also exempt and the commission may make additional exceptions.²⁴⁶

The oath and a copy of the commission of any railroad police must be filed in the office of the Utilities Commission; a certificate of these papers is filed by the commission with the clerk of court of each county through which runs the railroad for which the policeman is appointed. Notice of release of any such policeman must be filed by the railroad in each office in which notice of appointment is filed.²⁴⁷

The commission makes rules, regulations, and rates governing the demurrage and storage charges by railroad companies and other transportation companies,²⁴⁸ and rules governing railroad companies in the placing of cars for loading and unloading and in fixing time for delivery of freight after it has been received by the transportation companies for shipment.²⁴⁹

Upon written application of any prospective shipper showing nature of freight, number of cars desired, place of loading on line of company, and destination, any railroad company must furnish the cars within 4 days. The application must be filed with the agent at or nearest point of shipment. A company not fulfilling the request, is fined \$5 a day per car not placed, to be paid to the applicant. The company may require the prospective shipper to deposit \$5 per car with the application to be forfeited if the cars are not loaded within 48 hours. The commission may excuse from the penalties independent lines owned or operated by any other line or system when trackage is less than 100 miles.²⁵⁰

Freight must be transported within a reasonable time, unless the shipper and company agree otherwise, unless the freight is destroyed, or unless the commission provides otherwise. There are penalties for unlawful delay or neglect in shipment. Within certain prescribed limits, a reasonable time for shipment is considered to be the usual time required for shipping the particular class of freight over the same route.²⁵¹

The commission must promulgate rules and regulations for handling freight and baggage at the stations²⁵² and for the shipment of inflammable and explosive articles.²⁵³

246. Public Laws, 1909, c. 446.

247. Ibid., 1871-72, c. 138,
ss. 53, 56; 1907, c. 128,
s. 2; c. 462.

248. Ibid., 1899, c. 164, s. 2;
1903, c. 342.

249. Ibid., 1903, c. 342; 1913,

Extra Session, c. 55.

250. Ibid., 1907, c. 217, s. 3.

251. Ibid., 1903, c. 590, s. 3;
1905, c. 545; 1907, c. 217;
c. 461.

252. Ibid., 1899, c. 164, s. 2.

253. Ibid., 1907, c. 471.

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(First entry, p. 37)

The commission may investigate the cause of any railroad accident it may deem to require investigation and any evidence taken upon such investigation must be reduced to writing, filed in the office of the commission, and open to public inspection.²⁵⁴

The commission may authorize lumber companies having logging roads to transport all kinds of commodities other than their own, to transport passengers, and to charge such rates as the commission approves.²⁵⁵

Motor Vehicle Carriers

Since 1925 no corporation or person, their lessees, trustees, or receivers have been allowed to operate over the public highways in this State any motor vehicle or motor vehicle with trailer for the transportation of persons or property between cities and towns or over a regular route for compensation, except with authority of the commission.²⁵⁶ The commission does not, however, exercise authority over corporations using such vehicle on casual trips for transporting school students, for transporting persons to or from religious services, for carrying the United States mail, or used exclusively in transporting farm or dairy products from the farm or dairy to warehouses, creameries, or other original storage or market, or used exclusively in the distribution of newspapers from the publisher to subscribers or distributors.²⁵⁷

Every corporation not specifically exempted must make formal application to the commission in the manner prescribed and on forms furnished. Upon the filing of the application, the commission may fix a time and place for the hearing and the applicant must at least 10 days prior to the hearing publish a notice giving details of the application. Before deciding upon the application, the commission must consider the reliability of the applicant, his court record, and any other matters tending to qualify or disqualify him as a carrier. After the hearing the commission may issue the license certificate, may refuse to issue it, or may issue it with modifications, as in its judgment the public convenience or necessity requires. Before granting the franchise certificate, the commission must request the State Highway and Public Works Commission to make recommendations as to the size and weight of the motor vehicles and type of tires with which such vehicles may be equipped. The commission may refuse to grant any application where the granting of such application would duplicate a previously authorized similar class of service unless it is shown to the satisfaction of the commission that the existing operations are not providing sufficient service to meet the public convenience and necessity and that the existing operator after 30 days notice has failed to provide the service required by the commission.

254. Public Laws, 1899, c. 164, s. 24.

255. Ibid., 1911, c. 60; 1915, c. 6.

256. Ibid., 1925, c. 50, s. 1; 1927, c. 136, s. 2; 1937, c. 247.

257. Ibid., 1925, c. 50, s. 1; 1927, c. 136, s. 1.

(Powers and Duties)

(First entry, p. 37)

Applications not acted upon by the commission within 60 days become null and void.²⁵⁸

Upon granting a franchise under the motor vehicle carrier act the commission issues a franchise certificate which expires automatically 3 years thereafter²⁵⁹ and must be renewed. No franchise certificate may be assigned or transferred without the written consent of the commission.²⁶⁰

In granting a franchise certificate the commission must require the applicant to procure and file with it acceptable liability and property damage insurance with any company licensed to do business in this State. In lieu of such insurance, however, the commission may accept a bond with solvent surety on the motor vehicle to be used and in such amount as the commission determines. The policy or bond must insure the passengers and the property receiving injury by reason of an act of negligence arising from the operation of any motor vehicle used by the applicant, must cover damage to baggage in the custody of the assured or loss of baggage when checked by the assured, and must contain such other conditions as the commission prescribes. Property carriers may be required to secure and file acceptable cargo insurance or bond which covers damage to or loss of property only when listed on a duly prescribed bill of lading. The commission may permit any licensed assurer to file a uniform motor insurance contract, the terms of which he approves and which is applicable to all insurance policy contracts filed by such assurer for motor vehicle carriers.²⁶¹

The commission is vested with power and authority to supervise and regulate every motor vehicle carrier operating in this State; to make or approve the rates, fares, charges, classifications, rules, and regulations for service and safety of operation and the checking of baggage of each such carrier; to supervise the operation of union passenger stations; to fix and prescribe the speed limit at which such carriers may operate; to regulate the acts and to require the filing of an annual report and of other reports and data by such carriers; to require the increase of equipment capable to meet public convenience and necessity; and to supervise and regulate motor vehicle carriers in all other matters affecting the relationship between such carriers and the traveling and shipping public. The commission has the further authority by general order to prescribe the rules and regulations applicable to any and all motor vehicle carriers; to increase, decrease, or temporarily suspend, whenever the public convenience and necessity require, the service upon any route for which a franchise certificate has been issued; and to enforce all rules and regulations. It may further require the provision of separate, but equal, accommodations for the white and colored races at passenger stations or waiting rooms and in the vehicles.²⁶²

258. Public Laws, 1925, c. 50, ss. 2 and 3; 1927, c. 136, s. 3; 1933, c. 440; 1937, c. 247.

259. Ibid., 1927, c. 136, s. 4.

260. Ibid., s. 5.

261. Ibid., s. 6.

262. Ibid., s. 7; 1929, c. 216.

(Powers and Duties)

(First entry, p. 37)

The commission may at any time, upon complaint or upon its own motion that any operator transporting persons or property by motor vehicle and licensed under the provision of the Motor Vehicle Carrier Act is engaged in violating the provisions of that act, the rules and regulations of the commission, or any laws of the State, cause an order to be issued directing the owners of the vehicle alleged to be engaged in any of the acts specified to appear before the commission at a fixed time and place at which time the commission must investigate the complaint made. If the commission is satisfied after the hearing that the motor vehicle carrier has been engaged in practices violating the terms of his franchise, or if a franchise carrier has been invading the perogatives, privileges, or rights of a duly licensed franchise carrier, the commission must issue an order requiring the suspension of such practice or practices continued upon the revocation of the motor vehicle license of the offending party if he fails within the time specified to desist from such offensives. Upon the failure of any offender to obey such an order of the commission, the commission must notify the Commissioner of Revenue, who must then revoke the license of the offender. Any person disqualified under this proviso may appeal to the superior court, but he may not operate pending such appeal unless the commission so authorizes.²⁶³

Formerly, no driver could operate a motor vehicle under the Motor Vehicle Carrier Act until he had applied for a driver's permit and until the application had been approved and the permit issued. The application showed the mental and physical ability as certified by a physician and the moral character of the applicant. Such permits were valid for one year, and each person to whom a permit was issued, was given a badge bearing his permit number.²⁶⁴ This provision was repealed by the Uniform Drivers License Act of 1935, which required every operator of a vehicle for hire to get an annual license or permit.²⁶⁵

The franchise certificates issued under the Motor Vehicle Carrier Act may become null and void for the following reasons: For failure to pay the franchise tax within 30 days; for abandonment of authorized operation for a period of 30 days without the written consent of the commission; and for failure to begin operations within 30 days after the issuance of the certificate. Franchise certificates are canceled within the discretion of the commission after 10 days for the following **causos**: For failure to pay station rent where a station has been designated and the expense apportioned among the operators by the commission; for failure to check baggage under the provision of law or the regulations of the commission; for failure to keep equipment in safe and sanitary condition; for operating a motor vehicle over an established route without first obtaining a motor vehicle permit; for operating a motor vehicle over an established route without having insurance or bond; for failure to observe and comply with schedules filed

263. Public Laws, 1927, c. 136, s. 8; 1937, c. 247.

264. Ibid., 1925, c. 50, s. 9; 1927, c. 136, s. 9.

265. Ibid., 1935, c. 52, s. 9.

with the commission; for using an unauthorized number plate on a motor vehicle; for the wilful or negligent violation of any laws of the State or regulations of the commission; or for violation and conviction of criminal laws of this State or any other acts which may, in the opinion of the commission, disqualify such operator from rendering the public service contemplated by his franchise. Notice is deemed to have been given when notice in writing has been addressed to an operator and posted to the address contained in the certificate with return receipt requested or when such written notice has been delivered by a duly authorized agent of the commission or by any duly authorized process server.²⁶⁶

The commission may designate the towns and cities in which stations are to be maintained by passenger carriers and may prescribe the rules and regulations under which the expense shall be borne by the various carriers using such station. It may further prescribe the rules and regulations governing the maintenance and operation of the bus stations.²⁶⁷

No motor vehicle carrier may charge rates at variance with its tariffs filed with and approved by the commission nor may any such carrier in any manner refund or remit any portion of the fares or extend to any person or organization privileges which are not extended to all users. No such carrier may honor free fares except to its own agents and employees and members of their immediate families and such persons as the Utilities Commission, the State Highway and Public Works Commission, or the Motor Vehicle Bureau designate for the inspection of equipment and operation.²⁶⁸

No authority granted under the Motor Vehicle Carrier Act applies to commerce with foreign nations or commerce among the several states, such being regulated by the United States Government.²⁶⁹

Regulations are set forth for baggage, express, safety in loading, and details of punishment for violations are described in the act.²⁷⁰

Formerly number plates for motor vehicle carriers were issued by the commission, but since 1923 such number plates have been distributed by the Motor Vehicle Bureau upon certification of the Utilities Commission and in payment of the license fee prescribed by law.²⁷¹

The commission has the right and authority to enforce by injunction or any such remedy the provisions of the Motor Vehicle Carrier Act. A table of fees is set forth in the act, such fees when collected by the commission to be paid to the State Treasurer and credited to the highway fund. The State Highway and Public Works Commission is required with the approval of Director of the Budget to appropriate parts of the fund for the use of the Utilities Commission in the enforcement of the act.

266. Public Laws, 1927, c. 136,
s. 10.

267. Ibid., s. 11.

268. Ibid., s. 13.

269. Ibid., s. 15.

270. Ibid., ss. 12, 16.

271. Ibid., 1925, c. 50, s. 3;
1927, c. 136, s. 17; 1933,
c. 440.

(Housing, Care, and Accessibility
of Records)

(First entry, p. 37)

The commission or its representative may confer with and hold joint hearings with the authorities of any other State or with representatives of the Interstate Commerce Commission in connection with any matter arising under the Federal Motor Carrier Act.²⁷²

3. Housing, Care, and Accessibility of Records

The records of the Utilities Commission are housed in its offices in the State Administration Building in Raleigh and in the North Carolina Historical Commission. Prior to 1940 when they were moved to their present location, the offices of the commission were in various places. From 1891 until 1911 the commission occupied offices in the Agricultural Building. In 1911 the commission moved into offices in the western end of the State Departments Building, where it remained until 1940.

The offices of the commission now occupy the entire third floor of the State Administration Building, which faces West Morgan Street on the block between Fayetteville and South Salisbury Streets. The building, which was completed in 1913, is a four-story structure of modified French Renaissance architecture and constructed of brick and concrete with a limestone facing. The floors of offices are of wood over concrete; the window sashes are of wood; the floors of corridors are of tile over concrete, and the walls are plaster over gypsum blocks.

The offices of the commission are light, well-ventilated, and clean. Records are kept in steel filing cabinets and on steel shelves. Conditions of storage and facilities for the use of records are good and there is ample space for expansion.

The offices of the three commissioners contain no records. The records are divided among the other offices as follows:

Office of Secretary (room 306). 12 percent of the records consisting of 63,100 papers, 90 pamphlets, 7,000 dockets, and 6,400 cards in 117 file drawers and 17 volumes, are in this office.

Office of Chief Clerk and Rate Clerk (room 308). 5 percent of the records, consisting of 5,850 papers and 250 cards in 8 file drawers and 41 volumes, are in this office.

Office of Chief Clerk, Railroad Rate Division (room 305). 9 percent of the records, consisting of 250 pamphlets and 2,000 papers in 100 file drawers, are housed here.

Transfer Filing Room (rooms 303-304). The bulk of the records (59 percent), consisting of 108,250 papers in 73 file drawers, 300 pamphlets

272. Public Laws, 1927, c. 136,

c. 18; 1937, c. 247.

(Administrative Divisions
Correspondence)

(1-4)

in 40 file drawers, 16,000 cards in 14 file drawers, 3,206 volumes in 43 file drawers, 17,800 tariffs in 30 file drawers and on shelves, 10,000 papers and 4,000 dockets in 114 file boxes, 7,500 papers in 40 bundles, 150 maps in 1 bundle and 2 volumes, are housed in this room.

Motor Vehicle Traffic Division (room 309). 3 percent of the records consisting of 56,500 papers in 29 file drawers, 1,200 cards in 4 file drawers, 150 certificates in 1 file box, 25 reports in 1 desk drawer, and 3 volumes, are housed here.

The remaining 12 percent of the records of the commission, consisting of 2,260 papers and 1,520 tariffs in 83 file boxes and 46 volumes, are located in the Historical Commission.

Administrative Division

Correspondence

1. [GENERAL CORRESPONDENCE], 1940--. 1,200 papers in 1 file drawer, 1940-- in Miscellaneous File, entry 9.
General correspondence with public utilities and others pertaining to reports, laws and acts relative to the commission, rates, service, complaints and other administrative matters. Arranged chronologically by date of writing. No index. Handwritten and typed. 11 x 12 x 24. Room 306.
2. INTERSTATE COMMERCE COMMISSION CORRESPONDENCE, 1900--. 9,000 papers in 5 file drawers.
Correspondence with Interstate Commerce Commission, attorneys, and others pertaining to interstate carriers. Arranged chronologically by year. No index. Typed and typed on printed forms. 11 x 14 x 24. Room 306.
3. INTERSTATE COMMERCE COMMISSION, PEOPLE FROM WHOM WE PURCHASE SUPPLIES, MACHINES, ETC., 1909--. 2,500 papers in 1 file drawer.
Correspondence with manufacturers of office machines relative to the purchase of office equipment, and with printers and publishers pertaining to publications of the commission. Arranged chronologically by date of writing. No index. Typed and typed on printed forms. 11 x 13 x 24. Rooms 303-304.
4. NATIONAL ASSOCIATION OF RAILWAY COMMISSIONERS [Correspondence], 1900. 3,200 papers in 2 file drawers.
Correspondence with the National Association of Railway Commissioners pertaining to reports, procedures, rules, regulations, railroad accidents, classification of accounts, and other official matters. No obvious arrangement. No index. Typed and printed. 11 x 14 x 24. Room 306.

(Reports)

(5-9)

5. QUARTERLY REPORTS, 1939--. 17 vols.

Quarterly reports to the commission made by railroads, gas, power, and telephone companies, and motor vehicle carriers, showing name of the utility, contained months of the quarter, details of revenues, and operations, net income, name and address of reporting officer, and date. Arranged chronologically by date of report. No index. Typed on printed forms. 100 pp. 12 x 10 x 1. 16 vols., 1939-41, in room 306; 1 vol., 1941--, in room 308.

6. [ANNUAL REPORTS OF RAILROADS], 1891--. 3,200 vols. in 40 file drawers (labeled by name of railroad).

Annual reports of financial conditions of railroad, showing name and addresses of directors, location of general offices, voting powers, dates of elections, guarantees of securities, assets and liabilities, general investments, loans, bills payable, annual profits, inventory, details of operations, and certification and oath of comptrollers. Arranged chronologically by year of report. No index. Printed forms. 100 pp. 12 x 14 x 24. Rooms 303-304.

7. [ANNUAL REPORTS OF PUBLIC UTILITIES], 1921--. 15,000 papers in 39 bundles and 5 file drawers (labeled by type of utility). 1900-1913 in Light Companies Correspondence, entry 77. 1940-- in Miscellaneous File, entry 9.

Annual reports of financial conditions and operations of telegraph, telephone, express, motor vehicle carrier, and electric power companies; property, and operation showing in detail history of company, officers, directors, assets, liabilities, expenditures, equipment, and in some reports, employees, salaries, and physical property. Arranged chronologically by year. No index. Typed on printed forms. Bundles, 12 x 10 x 6; file drawers, 11 x 14 x 24. 39 bundles, 1921-35, in rooms 303-304; 5 file drawers, 1936--, in room 306.

8. SPECIAL ANNUAL REPORTS AND MUNICIPAL REPORTS, 1938--. 1,500 reports in 1 file drawer.

Annual reports of municipal, gas, and electric utilities required by law to be made to the commission, showing name of city or town, location, population, tax rate, indebtedness, officers, statement of income, plant investment, physical property, detail of production, energy transmission, and gas manufacture, expenses, and division of expenses, signature of superintendent, or general manager, and signature of notary. Also contains special annual reports of public utilities. Arranged alphabetically by name of town, thereunder chronologically by date of issue; contained records arranged chronologically by date of writing. No index. Typed. 11 x 16 x 26. Room 308.

9. [MISCELLANEOUS FILE], 1940--. 4,350 papers in 6 file drawers.

Miscellaneous file including:

- i. Blueprints of power lines in North Carolina, showing location of each line.
- ii. Evaluation of property holdings of public utilities, showing names of company, date of appraisal, name and description of property, and appraisal value.

(Hearings)

(10-14)

- iii. Inventories of equipment, trackage, and lines of railroads, telephone and telegraph companies, showing date, name of company, type and quantity of equipment, and value of each.
- iv. List of public utilities operating in North Carolina, showing name of utility and location of central office.

Also contains: general correspondence, entry 1; annual reports of public utilities, entry 7; rates of light, power, and gas companies, entry 78; rates of telephone companies, entry 81. Arranged by name of subject. For index, see entry 10. Typed, printed, and blueprinted; typed on printed forms. 11 x 16 x 26. Room 308.

10. [INDEX TO MISCELLANEOUS FILE], undated. 250 cards in 1 file drawer.

Index to Miscellaneous File, entry 9, showing subject and file number. Arranged alphabetically by name of subject. No index. Typed. 6 x 8 x 15. Room 308.

11. PROPERTY LISTED FOR TAXATION BY RAILROAD COMPANIES, 1891. 10 papers in 1 file box.

Annual statements of property listed for taxation by various railroads, showing details of rolling stock, depot buildings, capital stock, miles of track in each county, miles of tract in each incorporated town, signature of official of railroad company, and signature of notary. No obvious arrangement. No index. Handwritten on printed forms. 2 x 15 x 11. Historical Commission.

12. STATEMENTS OF PROPERTY ASSESSED BY COUNTIES FOR TAXATION, 1897-98. 2,000 papers in 4 file boxes (dated).

Statements of property assessed by counties for taxation, showing name of county, date, details of property assessment and valuation, special tax assessment, and explanation. No obvious arrangement. Handwritten on printed forms. 2 x 15 x 11. Historical Commission.

13. [BONDED AND OTHER INDEBTEDNESS AND TAX RATE OF COUNTIES], 1897-98, 1900-1903. 200 papers in 1 file box and 4 vols.

Record of bonded and other indebtedness and rate of taxation of counties, showing name of county, year, detail of bonded indebtedness and explanation, detail of tax rate on all property in county, total tax rate for all purposes, levy on poll, detail of special taxes, rate, and totals. Arranged alphabetically by name of county. No index. Handwritten on printed forms. File box, 4 x 16 x 20; vols. 100 pp., 16 x 10 x 1. Historical Commission.

Hearings

14. RECORDS OF CORPORATION COMMISSION OF NORTH CAROLINA, 1892-1933. 13 vols. (7 vols. dated; 6 vols. unlabeled). Discontinued.

Title varies: Record and Judgement Dockets, 1892-99, 2 vols. Minutes of commission hearings, showing date of meeting, members present, and proceedings of cases heard. Also contains minutes of the board of appraisors and assessors, showing name of railroad and details of property valuation. Arranged chronologically by date of entry; contained material

(Hearings)

(15-20)

in back of vol. for 1892-96, no obvious arrangement. For index, see entry 16. Handwritten, 1892-1903; typed, 1903-33. 400 pp. 17 x 12 x 24. Historical Commission.

15. MINUTE DOCKETS [Judgment Dockets], 1891-1915. 4 vols. Discontinued. Title varies: Minute Docket North Carolina Railroad Commission, 1891-99, 1 vol.

Judgment dockets of commission cases, showing name of plaintiff and defendant, docket number, complaint, date complaint filed, date served and date answered, and final disposition of case. Arranged numerically by docket number. For index, see entry 16. Handwritten on printed forms. 300 pp. 17 x 11 x 14. Historical Commission.

16. INDEX TO CASES, 1891-1915. 3 vols.

Index to Records of Corporation Commission of North Carolina, entry 14, and Minute Docket [Judgment Docket], entry 15, showing name of complainant and defendant, complaint, docket number, record number, name and address of complainant, and remarks. Arranged alphabetically by name of complainant. No index. Handwritten on printed heads. 200 pp. 16 x 10 x 2. Historical Commission.

17. [CLERK'S NOTES OF MINUTES], 1891-99. 7 vols.

Clerk's notes on the proceedings of the Railroad Commission, showing date and place of meeting, members present, and business transacted. Arranged chronologically by date of entry. No index. Handwritten. 150 pp. 16 x 11 x 1. Historical Commission.

18. [CLERK'S DOCKET OF CASES], April 1, 1891--December 8, 1891. 1 vol.

Clerk's docket of cases showing docket number, plaintiff, defendant, complaint, and disposition of case. Arranged numerically by number of docket. No index. Handwritten. 150 pp. 15 x 11 x 1. Historical Commission.

19. [DOCKETS], 1891--. 11,000 dockets in 48 file boxes (unlabeled) and 74 file drawers (labeled by contained docket numbers).

Papers relative to cases in which the commission has acted, including for each case, petition or complaint, answer, details of arguments, transcriptions of minutes of proceedings, transcripts of decisions, and relative correspondence. Also contains reports of appraisals of railroad property, 1891-99, showing for each company, miles and value of track, quantity and value of rolling stock, total value, and allotment to each county. Arranged numerically by docket number, thereunder chronologically by date of writing. For indexes, see entries 20 and 21. Typed and handwritten; typed and handwritten on printed forms. File boxes, 5 x 6 x 11; file drawers, 11 x 16 x 24. 48 file boxes, 1891-99, and 34 file drawers, 1899-1927, in rooms 303-304; 40 file drawers, 1928--, in room 306.

20. INDEX TO CASES [by Plaintiff], undated. 8,000 cards in 4 file drawers (3 file drawers labeled by contained letters of the al-

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phabet; 1 file drawer unlabeled). Title varies: Index to Open Cases.

Index to [Dockets], entry 19, showing docket number, name of plaintiff, defendant, and subject. Arranged alphabetically by name of plaintiff. Typed. 4 x 6 x 26. 3 file drawers in rooms 303-304; 1 file drawer in room 306.

21. CROSS INDEX [to Dockets], undated. 10,400 cards in 5 file drawers (3 file drawers labeled by contained letters of alphabet; 2 file drawers unlabeled). Title varies: Double Index, undated, 1 file drawer.

Cross index to Dockets, entry 19, showing docket number, name of defendant, plaintiff, and subject. Arranged alphabetically by name of plaintiff, name of defendant, or name of subject. Typed. 4 x 6 x 26. 3 file drawers in rooms 303-304; 2 file drawers in room 306.

22. BRIEFS OF COMPLAINTS [Railroad Commission], 1898. 50 documents in 1 file box.

Briefs of complaints heard before railroad commission, including for each case, copy of complaint, showing complaint, name of complainant, name of defendant, and details; and subpoenas issued for witnesses and defendants. No obvious arrangement. No index. Handwritten and typed on printed forms. 8 x 5 x 10. Historical Commission.

23. EVIDENCE EX PARTE #74, undated. 100 papers in 2 file drawers. Transcripts of minutes of the Interstate Commerce Commission in the matter of the applications of southern and western carriers to increase rates, showing date, time of meetings, members of commission, and evidence submitted by witnesses. No obvious arrangement. No index. Printed and typed. 11 x 13 x 24. Rooms 303-304.

24. DECISION BY VARIOUS COURTS, EVIDENCE, ALSO TELEPHONE RATES, 1900, 1905. 50 papers in 1 file drawer.

Transcripts of evidence submitted in hearings on railroad cases, and telephone rate cases, and copies of decisions by various courts in matters of interest to the commission. No obvious arrangement. No index. Typed and printed. 11 x 13 x 24. Rooms 303-304.

Financial Records

25. MONTHLY REPORTS TO THE BUDGET BUREAU, 1926--. 4 vols. in 2 file drawers.

Monthly reports to the Budget Bureau, including: Monthly Report on the Budget, Form BB 701, showing name of department, date, appropriation symbol, and details of purpose and amount of expenditures; Monthly Report on the Appropriation and Allotment, Form BB 702, showing name of department, date, appropriation symbol, allotment symbol, total appropriation and total allotment for the month less estimated receipts, total transactions, unexpended balance, outstanding obligations, and unencumbered balance; Monthly Report of Outstanding Obligations, Form BB 703, showing name of department, department, date, appropriation symbol, allotment symbol, date

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of invoice, order number, name of vendor, contractor, or claimant, amount of obligations for current quarter and ensuing quarters, budget classification, and date of delivery; Monthly Report of Expenditures, Form BB 704, showing name of department, date, name of function, bureau or division, amount for each object, total all objects for each function, bureau or division, and final total; Voucher Register, Form BB 801, showing name of department, date, fund, appropriation symbol, and date, order number, voucher number, payee, purpose, code number, and amount of each voucher; Pay Roll, Form BB 8011, showing name of department, date, appropriation symbol, voucher number, payee, position, code number, days worked, rate per annum, amount due, deductions, and amount paid; Voucher Register A/c Classification, Form BB 802, showing name of department, date, fund, appropriation, purpose, amount for current month, amount for current quarter to date, and amount fiscal year to date, and previous fiscal year to date for comparison; Receipts Register, Form BB 804, showing name of department, date, fund credited, appropriation, date of each receipt, receipt number, amount and amount deposited to credit of State Treasurer; and Receipts Register A/c Classification, Form BB 805, showing name of department, date, fund, appropriation, purpose, amount for current month, amount for current quarter to date, and amount fiscal year to date, and previous year to date for comparison. Also contains Request for Quarterly Allotment, Form BB 601; Quarterly Estimates of Revenue, Form BB 605; Notification of Allotments for Quarter, Form BB 302; Transmittal of Estimates, Form BB 1001; Estimates of the Amounts Required for the Bien-nium, Form BB 1002; Statement supporting Form BB 1002, Form BB 1004; and Interoffice Communication, Form BB 606-706. Arranged chronologically by month. No index. Typed on printed forms. 1,250 pp. 11 x 11 x 2. Rooms 303-304.

26. [REGISTER OF RECEIPTS], 1925--. 1 vol.

Record of money collected from fees on registration and re-registration of franchise and certified copies of the franchise. Arranged chronologically by date of entry. No index. Handwritten. 300 pp. 18 x 12 x 2. Room 306.

27. [DISBURSEMENTS OF CORPORATION COMMISSION], 1920-21. 1 vol.

Monthly record of disbursements of the Commission as Corporation Commission, Board of Assessors, Tax Commission, and Collector of Inheritance Tax, showing for each function, salaries, traveling expenses, office supplies, clerk of superior court fees, refunds, appraisers' fees, attorney's fees or agents' commissions, and total. Arranged chronologically by month, thereunder chronologically by date of entry. No index. Handwritten on printed heads. 300 pp. 18 x 24 x 2. Historical Commission.

28. EXPENSE BOOK, NORTH CAROLINA CORPORATION COMMISSION, 1891-1904.

3 vols. Title varies: Expense Railroad Commission, 1891-99,
2 vols.

Monthly record of general office expenses of commission, showing date and amount spent for furniture and fixtures, expenses, postage, stationary, books, and printing; items totaled annually. Arranged chronologically by date of entry. No index. Handwritten on printed heads. 150 pp. 16 x 11 x 1. Historical Commission.

(Railroad Rate Division)

(29-35)

29. [CASH RECEIPTS REGISTER], 1922-27. 1 vol. Cash receipts register, showing date, source, amount of deposit, transfer of funds, and remarks. Also contains voucher register, showing voucher number, date, payee, purpose, and amount. Arranged chronologically by date of entry; contained records arranged chronologically by date of voucher and numbered serially. No index. Handwritten on printed heads. 300 pp. 18 x 24 x 2. Historical Commission.

30. PURCHASE ORDERS, 1925--. 1,200 papers in 3 file drawers. Copies of purchase orders, Form BB 401, for purchases of supplies, showing purchase order number, name and address of vendor, name of receiving agent, name of department for which ordered, method of transportation, date of order, final or partial delivery, contract number, requisition number, name of unit, description of order, amount, date of delivery, and signature of receiver of goods; invoices are attached. Arranged chronologically by date of issue and numbered serially. No index. Typed on printed forms. 5 x 11 x 22. Room 306.

31. [PAID BILLS INCIDENTAL], 1899-1905. 1 vol. Monthly record of paid incidental bills, showing payee, amount, and date vouchers filed with auditor. Arranged chronologically by date of entry. No index. Handwritten. 60 pp. 14 x 8 x $\frac{1}{2}$. Historical Commission.

32. VOUCHERS, 1922--. 6,500 vouchers in 9 file drawers. Duplicate voucher warrants for expense accounts, salaries, travel and general office expenses, showing voucher number, date, payee, purpose, amount, and signatures of the commissioner and auditor. Arranged chronologically by date of voucher and numbered serially. No index. Typed on printed forms. 5 x 10 x 22. Room 306.

33. DEPOSIT SLIPS, 1937--. 500 papers in 1 file drawer. Bank deposit slips, showing name of account, date, and amount of deposit. Arranged chronologically by date of writing. No index. Handwritten on printed forms. 5 x 11 x 22. Room 306.

Railroad Rate Division

34. SUBJECT AND COMMODITY FILE, 1918-40. 64,000 papers in 32 file drawers. Correspondence of traffic division with interstate and intrastate shippers pertaining to service, rates, operations, and passenger matters. 1918-34, arranged alphabetically by name of subject, thereunder numerically by docket number, and thereunder chronologically by date of writing; 1934-- , arranged numerically by docket number. For index, see entry 35. Handwritten and typed, handwritten and typed on printed forms. 12 x 13 x 24. Rooms 303-304.

35. INDEX TO SUBJECT AND COMMODITY FILE, 1918--. 4,000 cards in 8 file drawers. Card index to Subject and Commodity File, entry 34, showing subject or commodity, and docket number. Arranged alphabetically by subject, thereunder numerically by docket number. No index. Typed. 4 x 6 x 15. Rooms 303-304.

(Railroad Rate Division)

(36-41)

36. RAILROAD CORRESPONDENCE, 1896---. 24,000 papers in 12 file drawers (labeled by names of contained railroads). Railroad maps, annual reports of property listed for taxation, reports on ticket tax, quarterly reports covering earnings and operating expenses, and general correspondence. Arranged alphabetically by name of railroad. No index. Typed, typed and handwritten on printed forms. 11 x 14 x 24. 4 file drawers, 1896-1916, in rooms 303-304; 8 file drawers, 1916---, in room 306.
37. [TRAFFIC DIVISION CORRESPONDENCE], 1940---. 5,000 papers in 15 file boxes (labeled by name of subject). Correspondence of traffic division with carriers pertaining to passenger and freight rates and service. Arranged by subject, thereunder chronologically by date of writing. No index. Typed. 4 x 9 x 14. Rooms 303-304.
38. [GENERAL FILE], 1930---. 15,000 papers in 8 file drawers. A general file, including circulars issued by the commission, Interstate Commerce Commission motor carriers' orders, rate quotation file, exhibits filed in interstate cases, Utilities Commission circulars, correspondence pertaining to interstate motor carriers, motor carrier regulations, and relative correspondence. No obvious arrangement. No index. Typed and printed, typed on printed forms. 11 x 14 x 24. Rooms 303-304.
39. CIRCULARS, 1900---. 1,600 papers in 1 file drawer. Circulars covering railroad classifications and rates on various commodities, showing name of railroad, name and classification of commodity, minimum tonnage and charge, and rates in cents per hundred pounds on ton or car load and less than car load lots. Arranged chronologically by date of issue, thereunder alphabetically by commodity, and numbered serially. Typed. 11 x 14 x 24. Room 306.
40. [READY REFERENCE FILE], 1923---. 40 vols. (numbered 1-40 and labeled by name of subject). Reference file compiled by the rate clerk, showing information on rate changes, rate schedules, orders of the commission, description of power plants, record of reports received from gas companies, and balance sheets. Arranged chronologically by date of entry. No index. Typed. 200 pp. 11 x 9 x 10. Room 308.
41. [CURRENT PASSENGER AND FREIGHT TARIFFS], 1940---. 1,500 tariffs in 300 file drawers and on shelves (labeled by name of railroad and number of tariff). Current railroad passenger and freight tariffs and supplements required by law to be filed with and approved by commission, showing classifications and rates, demurrage, storage, switching charges, date issued, date effective, rates in cents per hundred pounds, minimum charges, minimum charge and weight rate per ton on car loads, rate of demurrage storage per day on car load or less and car loads after expiration of free time, amount to be charged for switching and for passenger tariffs, name of railroad, schedules of miles, with amount to be paid by adults and children, one-way, round-trip, and special fares based on rate per mile with amount to be

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charged. No obvious arrangement. No index. Printed. File drawers 4 x 9 x 15, shelves 5 x 10 x 14. Rooms 303-304.

42. [CANCELED PASSENGER AND FREIGHT TARIFFS], 1891-1939. 1,520 tariffs and supplements in 76 file boxes and 16,000 tariffs and supplements on shelves (labeled by type or name of supplement). Canceled railroad passenger and freight tariffs and supplements required by law to be filed with and approved by commission, showing same information as entry 41. Arranged chronologically by year, thereunder numerically by supplement number. No index. Shelves 11 x 8 x $\frac{1}{2}$; file boxes 4 x 10 x 15. Shelves, 1891-1931, rooms 303-304; 76 file boxes, 1899-1939, Historical Commission.

43. INDEX TO FREIGHT RATES, 3 vols. (labeled by name of railway system).
Index to freight tariffs or class and commodity rates, showing place from, place to, article, and file number. Arranged alphabetically by name of railway system, thereunder numerically by file number. No index. Handwritten on printed heads. 9 x 12 x 2. Historical Commission.

44. RECORD OF TARIFFS, 1891-98. 1 vol.
Record of tariffs received from various railroads, showing name of railroad, description of papers received, file number, name of official receiving acknowledgements, date received, receipt number, date filed in permanent file, and remarks. Arranged alphabetically by name of railroad, thereunder chronologically by date received. No index. Handwritten on printed heads. 100 pp. 17 x 11 x 1. Historical Commission.

45. [INTERSTATE TARIFFS], 1940. 250 pamphlets in 50 file drawers (labeled by contained subject).
Interstate tariffs on various items, used as a reference by the chief clerk of traffic division. No obvious arrangement. No index. Typed and printed. 4 x 9 x 15. Room 305.

46. [EXPRESS TARIFFS], 1931---. 300 pamphlets in 40 file drawers (labeled by name and number of tariff and supplement).
Express companies' tariffs, classifications, supplements, and exceptions, issued by general traffic managers, and required by law to be filed with the commission, showing name of express company, classification and tariff number, date issued, date effective, schedule of classes, and rates in cents per pound for first and second class commodities, perishables, and car load rates. Arranged chronologically by date of issue. No index. Printed. Rooms 303-304.

47. PULLMAN COMPANY [Tariffs], 1939---. 2 vols. in 1 file drawer.
Pullman company passenger tariffs and supplements required by law to be filed with the commission, showing name of company, tariff number issued, date effective, table of rates for seats, lower and upper berths, sections, drawing rooms, compartments, bedrooms, bedroom suites, duplex single rooms, private sections, roomettes, master rooms, or private cars with details of agreements. No obvious arrangement. No index. Printed. 500 pp. 3 x 10 x 14. Rooms 303-304.

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(48-52)

48. [LUMBER AND LIVE STOCK TARIFFS], 1940--. 2,000 papers in 50 file drawers (labeled by contained subject).
Interstate tariffs on lumber and live stock and relative correspondence. Arranged chronologically by date of issue. No index. Typed and printed. 4 x 9 x 15. Room 305.

49. OVERCHARGES IN FERTILIZER SHIPMENTS RAILROAD HISTORY [Miscellaneous], 1899-1905. 1,500 papers in 1 file drawer.
Miscellaneous file, including statements covering shipments of fertilizer in North Carolina via Seaboard Air Line Railway, showing origin, account, name and address of shipper, waybill number and date, bills of lading and date, consignee, destination, weight, rates per ton, revenue, and over charge due and amount of each, with carbon copies of waybills attached, 1891-1901; list of railroad charters, amendments, ordinances of reorganization, showing name of railroad, date, charter and page number of each, purchaser, acquisition, and release, 1899-1905; transcripts covering records of supreme court decisions, 1899; and correspondence between Seaboard Air Line Railway and commission pertaining to overcharges on fertilizer shipments, rates, briefs and court decisions, 1899. No obvious arrangement. Typed, typed and handwritten on printed forms. 11 x 14 x 24. Rooms 303-304

50. RAILROAD AND CORPORATION POLICE, 1900. 2,200 papers in 1 file drawer.
General file covering employment of railroad policemen, including for each policeman commission's certification of appointment, showing name, date appointed, name of railroad, and signature of chief clerk and assistant clerk; Governor's certification of the appointment, showing name, date appointed, name of railroad, term of service, and signature of the Governor, notary, and appointee; copies of surety bonds, showing amount of bond, name of principal, and name of surety company; original receipts issued by surety companies covering premium on surety bonds, showing amount, date, from whom received, bond number, length of term, and signature of surety company officials; and relative correspondence. No obvious arrangement. No index. Typed, typed and handwritten on printed forms. 11 x 18 x 26. Room 306.

51. [RAILWAY ACCIDENTS], 1891--. 2,500 papers in 2 file drawers.
Reports on accidents on railways, showing date, name of railway, name of injured, and detailed account of accident. Arranged alphabetically by name of railway, thereunder chronologically by date of writing. No index. Handwritten and typed on printed forms. 11 x 16 x 26. Rooms 303-304.

52. EARNINGS AND EXPENSES[of Railroads], 1893-94. 1 vol.
A record of earnings and expenses of railroads, showing name of railroad, amount by month of through freight, local freight, through passenger, local passenger, express, mail, and miscellaneous, total earnings, total amount expenses, net loss, tonnage of through and local freight, number of passengers through and local, total, and percentage of operating expenses to earnings. Arranged chronologically by year, thereunder chronologically by month. No index. Handwritten on printed forms. 275 pp. 14 x 20 x 2.
Historical Commission.

(Motor Vehicle Carrier Division)

(53-57)

53. TRANSPORTATION ADVISORY COMMISSION REPORTS, 1927-35. 2 vols. Reports from the Transportation Advisory Commission to the Budget Bureau relative to the purchase of rights of way, including request for permanent improvement appropriation. Form BB 625, showing detailed requirements and register of receipts and expenditures of appropriation and allotment, and Form BB 806, showing under allotment account, date, purpose, debt, credit and unexpended balance. Arranged chronologically by year, thereunder by month. No index. Typed on printed forms. 625 pp. 12 x 5 x 1. Rooms 303-304.

54. INLAND WATERWAYS AND PERSONAL, 1925--. 5,400 papers in 3 file drawers. Correspondence with Transportation Advisory Commission, United States Government engineers, congressmen, attorneys, and others, pertaining to inland waterways, canal rights of way, reports, maps, blueprints and descriptions of waterways, expenses of services checking waterways, settlements of claims, liability and damage to oyster beds, dredging operations, deepening of inlets, recording of deeds, condemnation proceedings, freight rate measures, abolishment of Transportation Advisory Commission, and other official matters. Also contains copies of voucher warrants covering expenses of Transportation Advisory Commission, showing date, payee, purpose, and amount. No obvious arrangement. No index. Typed and handwritten, typed on printed forms. 11 x 15 x 26. Rooms 303-304.

Motor Vehicle Carrier Division

55. GENERAL CORRESPONDENCE, 1925--. 12,500 papers in 5 file drawers. Correspondence with motor vehicle carriers, Department of Revenue, Interstate Commerce Commission, insurance companies, attorneys, and others pertaining to franchises, operations, schedules, connections, driver's regulations, liability and property damage insurance, hearings, laws, and orders. Arranged alphabetically by name of correspondent. No index. Typed and handwritten. 11 x 14 x 24. Room 309.

56. CORRESPONDENCE TO BUS COMPANIES, 1939--. 2,500 papers in 1 file drawer. Correspondence with motor vehicle carriers, pertaining to service, rates, and administrative matters. Arranged chronologically by date of writing. No index. Typed. 11 x 14 x 24. Room 306.

57. [INSPECTOR'S REPORT AND CORRESPONDENCE], 1939--. 5,000 papers in 1 bundle and 1 file drawer. Correspondence of inspectors with motor vehicle carriers pertaining to insurance, schedules, licenses, rates, and service. Also contains forms for information on carriers registered with the Interstate Commerce Commission, but not with with the North Carolina Motor Vehicle Bureau, showing in detail history and equipment of company. Arranged chronologically by date of writing. No index. Typed and handwritten. Bundle, 10 x 9 x 11; file drawer, 11 x 14 x 12. 1 bundle on rack in room 303-304; and 1 file drawer in room 309.

(Motor Vehicle Carrier Division)

(58-63)

58. FRANCHISE CERTIFICATES ISSUED UNDER CHAPTER #136 PUBLIC LAWS 1927, 1925--. 3 vols.

Copies of franchise certificates of interstate carriers, showing class, name, and address of company, authorization to operate over specified routes, and schedules. Arranged numerically by certificate number. No index. Typed on printed forms. 600 pp. 11 x 8 x 2. Room 309.

59. BUS DEPARTMENT - NUMERICAL FILE - CLOSED, 1925--. 20,000 papers in 10 file drawers.

Individual record file of motor passenger carriers, including for each carrier: application for franchise certificate, showing certificate number, date, name, address, and history of carrier, names of officials, rate schedule proposed, details of proposed routes, assets and liabilities, descriptions of vehicles, and signature of applicant; copy of franchise certificate, showing certificate number, date, name and address of grantee, details of routes and terminals, conditions, and signatures of officials of company and commission; schedules of rates; time schedules, showing date of arrival and departure at stops; description of equipment, showing details of each and price of equipment; copy of partnership or organization agreement; and relative correspondence. Arranged numerically by franchise number. No index. Typed and typed on printed forms. 12 x 13 x 26. Room 309.

60. BUS DEPARTMENT - NUMERICAL FILE - CLOSED, 1921--. 6,000 papers in 5 file drawers.

Individual record file of inactive motor passenger carriers, showing for each carrier, same information as entry 59 as well as details of discontinuance or cancellation. Arranged numerically by franchise number. No index. Typed and typed on printed forms. 12 x 13 x 26. Room 309.

61. [Card Reference to] BUS ROUTES, undated. 250 cards in 1 file drawer.

Reference file to motor passenger carrier routes, showing name of company, certificate number, name of town, through which busses are routed, and description of service. Arranged alphabetically by name of town. No index. Typed. 4 x 6 x 14. Room 309.

62. [Reference File to] FREIGHT ROUTES, undated. 200 cards in 1 file drawer.

Reference file to motor freight carriers, showing name of company, certificate number, name of town through trucks are routes, and description of service. Arranged alphabetically by name of company. No index. Typed. 4 x 6 x 14. Room 309.

63. [LIST OF EQUIPMENT OF MOTOR VEHICLE CARRIERS], 1925--. 700 papers and 2 vols. in 1 file drawer.

List of equipment of motor vehicle carriers, showing for each carrier franchise number, name and address of company, make, model, year, factory, motor title, and tag number of each vehicle, kind of tires used, amount of each registration fee, date, and signature of commissioner. Arranged numerically by franchise number. No index. Typed on printed forms. File drawer, 12 x 13 x 26. Rooms 303-304.

(Motor Vehicle Carrier Division)

(64-69)

64. [BUS PASSENGER TARIFFS], 1930--. 3,000 papers in 16 file drawers (labeled by name of company).

Bus companies' passenger tariffs and supplements, showing name of bus company, tariff number, date issued, date effective, schedule of mileage, rates per mile, one-way and round-trip fares for adults and children, and special fares, based on rate per mile and amount to be charged. Arranged chronologically by date of issue. No index. Printed. 3 x 10 x 14. Rooms 303-304.

65. [MOTOR CARRIERS' FREIGHT TARIFFS], 1931--. 300 tariffs and supplements in 26 file drawers and on shelf (labeled by name of company and type of tariff).

Motor carriers freight tariff classifications, supplements, and exceptions, showing name of motor company, name and number of tariff and classification, date issued, date effective, minimum charge, and classification of rates in cents per hundred pounds. No obvious arrangement. No index. Printed. File drawers, 3 x 10 x 14; shelf, 10 x 14 x 26. Rooms 303-304.

66. INTERSTATE CARRIERS INSURANCE AND CORRESPONDENCE, 1925--. 10,000 papers in 4 file drawers (dated).

Individual record file of interstate motor vehicle carriers, including for each: permit authorizing operation of motor vehicles, showing class, certificate number, name and address, rules, regulations, and date; insurance policies covering the motor vehicle, showing number and date; and relative correspondence. Arranged numerically by franchise number. No index. Typed, typed on printed forms. 12 x 13 x 26. Room 309.

67. MASTER POLICIES AND CANCELED I[ntra] S[tate] FILES, 1925--. 1,500 papers in 1 file drawer.

Master policy contracts filed by assurer as provided by law and giving general coverage to all client companies of the insurer, showing details of contract and relative correspondence. Also contains canceled public liabilities and property damage insurance, 1938--, entry 70. Arranged alphabetically by name of company. No index. Typed and handwritten. 11 x 14 x 26. Room 309.

68. MASTER POLICIES CERTIFICATES OF INSURANCE, 1925--. 150 certificates in 1 file box.

Certificates of property damage and liability insurance filed by assurer, who has issued master policies which have been filed with the commission, certifying that each name carrier is a client company covered by the master policy of the assurer, showing date received and approved, docket number, name and address of assurer, name and address of motor carrier, conditions of coverage, policy number, and signature of authorized company representative. Arranged alphabetically by name of carrier. No index. Typed on printed forms. 6 x 9 x 11. Room 309.

69. PUBLIC LIABILITIES AND PROPERTY DAMAGE INSURANCE POLICIES ACTIVE, 1925--. 4,000 papers in 2 file drawers.

Active insurance policies covering public liability and property damage of motor passenger carriers and relative correspondence. Arranged numerically by franchise number. No index. Typed, typed and handwritten on printed forms. 11 x 14 x 26. Room 309.

(Motor Vehicle Carrier Division)

(70-75)

70. BUS LINES CANCELED, PUBLIC LIABILITIES AND PROPERTY DAMAGE INSURANCE, 1921-33. 3,200 papers in 1 file drawer. 1933- in Master Policies and Canceled I. S. Files, entry 67.

Canceled public liabilities and property damage insurance policies, covering motor vehicle carriers, showing name and address of person to whom issued, with attached certificate of cancellation, showing policy number, by and to whom issued, franchise and certificate number, date of cancellation, and relative correspondence. Arranged numerically by franchise number. No index. Typed, typed and handwritten on printed forms. 11 x 14 x 26. Rooms 303-304.

71. [Reference to] INSURANCE, undated. 250 cards in 1 file drawer. Card reference file to insurance policies, showing name of carrier, address, insurance company and address, insurance agent and address, and certificate number. Also contains card reference master policy file, showing name and address of insurance company and name of insured. Arranged chronologically by month of issue, thereunder alphabetically by name of carrier. No index. Typed. 4 x 6 x 14. Room 309.

72. [INTERSTATE COMMERCE COMMISSION MOTOR CARRIER ORDERS], 1936--. 5,000 papers in 51 file boxes (labeled by name of subject). Orders issued by the Interstate Commerce Commission pertaining to passenger and freight rates and service. Arranged chronologically by date of issue. Typed and printed. No index. 4 x 9 x 14. Rooms 303-304.

73. DRIVERS' [Physical] EXAMINATION, 1927--. 2,000 papers in 1 file drawer. Physical examination reports on drivers of interstate and intrastate passenger and freight lines, showing detailed statement as to mental and physical condition and relative correspondence. Arranged numerically by permit number, thereunder chronologically by date of writing. No index. Typed, typed and handwritten on printed forms. 15 x 15 x 26. Room 309.

74. [OPERATORS' ACCIDENT REPORTS], March 18, 1941--. 25 reports in 1 bundle in desk drawer. Reports of accidents on interstate and intrastate motor vehicle passenger carriers, showing date, names of passengers in bus, permanently injured, and other injuries, damage to other vehicles or property, witnesses, and detail account of accident and Interstate Commerce Commission Form B. N. C. 50, showing name of carrier and address, type and details of accident, estimate of damages, results of accident, and description of equipment. No obvious arrangement. No index. Typed on printed forms. 15 x 9 x $\frac{1}{2}$. Room 309.

75. [Reference to] MOTOR VEHICLE CARRIERS, undated. 500 cards in 1 file drawer. Reference to all files of motor vehicle carriers in office, showing class of vehicle, name and address of carrier, and certificate number. Arranged alphabetically by name of company. No index. Typed. 4 x 6 x 14. Room 309.

(Utilities Division)

(76-80)

Utilities Division

76. FEDERAL POWER COMMISSION CORRESPONDENCE, 1920--. 1,800 papers in 1 file drawer.
Correspondence with Federal Power Commission and others pertaining to regulations, procedures, reports, and other matters relative to the production and consumption of electric power. Arranged chronologically by date of writing. No index. Typed and handwritten; typed and handwritten on printed forms. 11 x 12 x 24. Room 306.
77. LIGHT AND POWER COMPANIES CORRESPONDENCE, 1899--. 7,500 papers in 3 file drawers. Title varies: Light and Power Companies, Miscellaneous, 1899--, 1 file drawer; Light and Power Companies Out of Existence, 1899--, 1 file drawer.
Correspondence with light and power companies and others pertaining to rural lines, annual reports, electric transmission and distribution lines, exercise of eminent domain, conveyance of various plants, mergers, electric service and rates, reductions, and increases in rates and service approved by commission, complaints, and other official matters. Also contains [Annual Reports of Public Utilities], 1900-1913, entry 7. Arranged alphabetically by name of company; reports arranged chronologically by date of issue. No index. Typed and handwritten. 11 x 14 x 26. Room 306.
78. RATES, LIGHT, POWER AND GAS COMPANIES, 1900--. 60 pamphlets and 1,200 papers in 3 file drawers. Title varies: Gas Companies, Miscellaneous 1900--, 1 file drawer; Light and Power Companies Out of Existence, 1900--, 1 file drawer. 1940-- in [Miscellaneous File], entry 9.
Reports of electric, water, and gas rates, rules and regulations of companies, customer contracts, and proposed changes in rates, rules and contracts. Arranged alphabetically by name of company. No index. Typed and handwritten on printed forms. 11 x 14 x 24. Room 306.
79. CORRESPONDENCE RELATIVE TO COMMUNICATION, 1921--. 2,800 papers in 2 file drawers.
Correspondence with Federal Communication Commission, telephone and telegraph companies, and others, pertaining to operations, charges, hearings, regulations of public utilities and common carriers as effecting telephone companies, and applications for positions; circulars and pamphlets containing statistics on telephone and telegraph companies, monthly bills for electric service, consumers' savings, and annual reports. No obvious arrangement. Typed, handwritten, and printed. 11 x 14 x 24. Room 306.
80. TELEPHONE COMPANY CORRESPONDENCE, 1899--. 2,000 papers in 1 file drawer.
Correspondence with telephone and telegraph companies, and others pertaining to toll lines, acquisitions, sales, purchases, mergers, maps, blueprints, rates, valuation of property, supervision rates, and other official matters. Also contains circulars and annual reports. Arranged alphabetically by name of company. No index. Typed, handwritten, and printed. 11 x 12 x 24. Room 306.

(. miscellaneous)

(81-85)

81. RATES TELEPHONE COMPANIES, 1906--. 30 pamphlets and 400 papers in 2 file drawers. 1940-- in [Miscellaneous File], entry 9. Rate books to telephone and telegraph companies, showing details of charges, Arranged alphabetically by name of company. No index. Typed and handwritten on printed forms. 11 x 14 x 24. Room 306.

82. [STATEMENTS ON PUBLIC UTILITIES], 1902-08. 1 vol. Statements of physical property of public utilities, showing under lettered exhibits of statements, name of corporation, location, name of officers, total assessment value, local assessment value certified by Corporation Commission, and exhibits of railroads, showing name of terminals and mileage. Arranged chronologically by year; thereunder alphabetically by kind of company. No index. Handwritten on printed forms. 150 pp. 17 x 22 x 1. Historical Commission.

Miscellaneous

83. [MAPS AND BLUEPRINTS], undated. 150 maps in 1 bundle. Maps and blueprints of base areas of telephone, telegraph, and power lines, and railroads. No obvious arrangement. No index. Blueprint. 30 x 25 x 4. Rooms 303-304.

84. [NORTH CAROLINA COAL COMMITTEE LEDGER], August-September 1924. 2 vols. (1 vol. labeled by number of class). Ledger of North Carolina coal committee used as a record of approval for distribution of coal, showing in columns, date, application, application number, name of applicant, address, tons in stock, tons in cars on transit, total monthly consumption, name of consignee, destination, date approval number, application number, name of shipper, location, tons approved, and remarks. Arranged chronologically by date of entry. No index. Handwritten on printed heads. 200 pp. 14 x 16 x 2. Historical Commission.

85. BANK EXAMINERS EXPENSE ACCOUNT, 1900, 1909-20, 1924-30. 3,000 papers in 2 file drawers.
Miscellaneous financial file including:

- i. Bank deposit certificates, showing depositor, date, and accounts, 1924-30.
- ii. Bank statements, showing depositor, amount deposited, amount withdrawn, and balance.
- iii. Canceled checks, 1911-19.
- iv. Security bonds of state bank examiners, 1909-20.
- v. Statement of expenses incurred and official duties performed by bank examiners, 1924-30.
- vi. Stenographers' minutes of hearings before North Carolina Corporation Commission, Greensboro, N. C., 1900, pertaining to tax assessments on railroads.
- vii. Voucher warrants with attached statement of account, 1923-24.

No obvious arrangement. No index. Handwritten and typed on printed forms. 11 x 13 x 24. Rooms 303-304.

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Ferguson, Maxwell, "State Regulation of Railroads in the South," Columbia University Studies in History, Economics, and Public Law, LXVII, No. 2 (1916). New York, 1916.

Hicks, John D., "Farmers' Alliance in North Carolina," North Carolina Historical Review, II, 162-187 (1925).

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North Carolina Manual, 1929. Raleigh, 1929.

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