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PUBLIC LAWS AND RESOLUTIONS
OF THE
STATE OF NORTH CAROLINA

PASSED BY THE
GENERAL ASSEMBLY

AT ITS
SESSION OF 1893,

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

TO WHICH ARE PREFIXED

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

PUBLISHED BY AUTHORITY.

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

Presses of
EDWARDS & BROUGHTON,
Raleigh, N. C.

CONTENTS.

	PAGE.
STATE GOVERNMENT -----	IV
SUPREME COURT JUDGES -----	IV
SUPERIOR COURT JUDGES -----	V
SOLICITORS -----	V
CRIMINAL COURT JUDGES -----	V
COMMISSIONERS OF AFFIDAVITS -----	VI
GENERAL ASSEMBLY -----	IX
CAPTIONS OF THE PUBLIC LAWS -----	XIII
CAPTIONS OF THE RESOLUTIONS -----	XXXI
CONSTITUTION -----	1
PUBLIC LAWS -----	33
RESOLUTIONS -----	483
INDEX TO PUBLIC LAWS AND RESOLUTIONS -----	501

OFFICIAL REGISTER

FOR THE YEAR 1893.

STATE GOVERNMENT.

ELIAS CARR.....	Edgecombe county.....	Governor.
R. A. DOUGHTON.....	Alleghany county....	Lieutenant Governor.
OCT. COKE.....	Wake county.....	Secretary of State.
ROBERT M. FURMAN.....	Buncombe county.....	Auditor.
S. MCD. TATE.....	Burke county.....	Treasurer.
JOHN C. SCARBOROUGH.....	Johnston county.....	Superintendent Public Instruction.
FRANK I. OSBORNE.....	Mecklenburg county ..	Attorney General.
F. H. CAMERON.....	Wake county.....	Adjutant General.
CHARLES M. ROBERTS....	Vance county.....	Keeper of Capitol.
J. C. ELLINGTON.....	Johnston county.....	Librarian.
S. F. TELFAIR.....	Beaufort county.....	Private Secretary to Governor.
C. L. HINTON.....	Wake county.....	Executive Clerk.
W. P. BATCHELOR.....	Wake county.....	Clerk to Secretary of State.
T. P. JERMAN, JR.	Warren county.....	Clerk to Auditor.
H. M. COWAN.....	Chatham county.....	Clerk to Treasurer.
ERNEST BAIN.....	Wake county.....	Teller.
R. L. BURKHEAD.....	Wayne county.....	Clerk for Institutions.

THE JUDICIARY.

SUPREME COURT.

NAMES.	RESIDENCES.
JAMES E. SHEPHERD, Chief Justice	Washington.
ALPHONSO C. AVERY, Associate Justice.....	Morganton.
WALTER CLARK, Associate Justice.....	Raleigh.
JAMES C. MACRAE, Associate Justice.....	Fayetteville.
ARMISTEAD BURWELL, Associate Justice	Charlotte.
THOMAS S. KENAN, Clerk.....	Raleigh.
ROBERT H. BRADLEY, Marshal and Librarian	Raleigh.

SUPERIOR COURT JUDGES.

NAMES.	DISTRICTS.	RESIDENCES.
GEORGE H. BROWN, JR.	First	Washington.
HENRY R. BRYAN	Second	New Bern.
HENRY G. CONNOR	Third	Wilson.
SPIER WHITAKER	Fourth	Raleigh.
ROBERT W. WINSTON	Fifth	Oxford.
E. T. BOYKIN	Sixth	Clinton.
J. D. McIVER	Seventh	Carthage.
R. F. ARMFIELD	Eighth	Statesville.
JESSE F. GRAVES	Ninth	Mount Airy.
JOHN GRAY BYNUM	Tenth	Morganton.
W. A. HOKE	Eleventh	Lincolnton.
G. A. SHUFORD	Twelfth	Asheville.

SOLICITORS.

JOHN H. BLOUNT	First	Hertford.
G. H. WHITE	Second	Halifax.
J. E. WOODARD	Third	Wilson.
E. W. POU, JR.	Fourth	Smithfield.
E. S. PARKER	Fifth	Graham.
OLIVER H. ALLEN	Sixth	Kinston.
FRANK McNEILL	Seventh	Rockingham.
BENJAMIN F. LONG	Eighth	Statesville.
W. W. BARBER	Ninth	Wilkesboro.
W. C. NEWLAND	Tenth	Lenoir.
J. L. WEBB	Eleventh	Shelby.
G. A. JONES	Twelfth	Franklin.

CRIMINAL COURT JUDGES.

OLIVER P. MEARES	Wilmington.
H. B. CARTER	Asheville.

SOLICITORS.

BEN. R. MOORE	Wilmington.
JOHN E. BROWN	Charlotte.
E. D. CARTER	Asheville.

LIST OF COMMISSIONERS OF AFFIDAVITS, ETC., FOR THE STATE OF NORTH CAROLINA.

List of Commissioners of Affidavits in the several States and Territories, and in the District of Columbia, and in Foreign Countries, for the State of North Carolina, together with Residence and Date of Appointment.

STATE OR TERRITORY.	NAME.	RESIDENCE.	DATE OF APPOINTMENT.
New York.....	Joseph B. Brame	120 Broadway, New York.....	April 18, 1891.
New York.....	John J. Ward.....	314 Broadway, New York.....	April 21, 1891.
New York.....	William F. Lett.....	335 Broadway, New York.....	April 29, 1891.
New York.....	Vincent Rosemon.....	271 Broadway, New York.....	May 18, 1891.
New York.....	Simon Steinheimer.....	527 Broadway, New York.....	May 21, 1891.
Pennsylvania.....	C. H. Sparhawk.....	400 Chestnut street, Philadelphia.....	June 6, 1891.
England.....	Augustus F. Warr.....	14 Castle street, Liverpool.....	June 12, 1891.
Missouri.....	Charles D. Greene, Jr.....	Saint Louis.....	June 20, 1891.
Pennsylvania.....	Kinley J. Tener.....	441 Chestnut street, Philadelphia.....	June 25, 1891.
New York.....	Charles E. Mills.....	115 Broadway, New York.....	June 27, 1891.
Virginia.....	R. W. Tomlin.....	4 and 6 Academy of Music Build'g, Norfolk.....	September 17, 1891.
Louisiana.....	Charles P. Rowland.....	48 Union street, New Orleans.....	September 17, 1891.
Virginia.....	Norman Cassell.....	434 High street, Portsmouth.....	September 26, 1891.
New York.....	Alfred Mackay.....	59 Cedar street, New York.....	October 5, 1891.
New York.....	Leo Schwab.....	143 Liberty street, New York.....	October 15, 1891.
Connecticut.....	Livingston W. Cleaveland.....	New Haven.....	October 26, 1891.
New York.....	Edwin H. Corey.....	10 Wall street, New York.....	October 26, 1891.
New York.....	George H. Corey.....	53 Wall street, New York.....	October 26, 1891.
England.....	Alfred Heales.....	45 Carter's Lane, Drs. Com'n. E. C., London.....	November 7, 1891.
Connecticut.....	Henry E. Taintor.....	21 and 23 Hull's Block, Hartford.....	November 9, 1891.
Pennsylvania.....	William Warner, Jr.....	15 and 17 South street, Philadelphia.....	November 30, 1891.
England.....	William M. Harris.....	17 Grace Church street, London.....	December 5, 1891.
Pennsylvania.....	Thomas J. Hunt.....	623 Walnut street, Philadelphia.....	December 5, 1891.
New York.....	W. E. Sammis.....	67 Liberty street, New York.....	December 7, 1891.
Maryland.....	P. H. Hoffman.....	N. E. cor. Fayette and St. Paul st., Balto.....	December 23, 1891.
Ohio.....	Joseph Harrison.....	S. W. cor. Fifth and Main st., Cincinnati.....	January 4, 1892.
Georgia.....	E. R. Cunningham.....	Augusta.....	January 13, 1892.
South Carolina.....	Thomas Frost.....	Charleston.....	January 13, 1892.
Maryland.....	G. E. Reardon.....	Cor. Lexington and St. Paul st., Baltimore.....	January 18, 1892.
Massachusetts.....	Walter Clifford.....	New Bedford.....	January 18, 1892.

Virginia.....	R. L. Woolfolk.....	Danville.....	January 21, 1892.
Pennsylvania.....	H. E. Garsd.....	Philadelphia.....	January 25, 1892.
Georgia.....	G. H. Tanner.....	Atlanta.....	January 25, 1892.
Pennsylvania.....	George W. Hunt.....	623 Walnut street, Philadelphia.....	February 9, 1892.
New York.....	George G. Battle.....	119 Nassau street, New York.....	February 12, 1892.
Virginia.....	Frank M. Woon.....	23 Shafer Building, Richmond.....	February 16, 1892.
Maryland.....	W. H. H. Raleigh.....	Cor. Hopkins pl., German & Liberty st., Balt.....	February 26, 1892.
Massachusetts.....	Edward J. Jones.....	61 Court street, Boston.....	March 1, 1892.
Virginia.....	W. L. Williams.....	94 Main street, Norfolk.....	March 21, 1891.
Virginia.....	Francis R. Lassiter.....	Petersburg.....	March 9, 1892.
Louisiana.....	M. C. Soniah.....	13 Carondelet street, New Orleans.....	March 14, 1892.
New York.....	Charles Taylor.....	Mills Building, New York.....	March 18, 1892.
New York.....	William H. Clarkson.....	115 Broadway, New York.....	March 26, 1892.
England.....	T. R. Pennington.....	36 Dale street, Liverpool.....	April 7, 1892.
New York.....	George A. Taylor.....	29 Nassau street, New York.....	April 9, 1892.
New York.....	F. A. Burnham.....	150 Canal street, New York.....	April 14, 1892.
England.....	Henry C. King.....	7 Great St. Helens, Bishopgate st., London.....	May 16, 1892.
Pennsylvania.....	Albert E. Peterson.....	400 Chestnut street, Philadelphia.....	May 16, 1892.
District of Columbia.....	J. E. Mitchell.....	1321 F street, Washington.....	May 16, 1892.
Maryland.....	Samuel S. Boggs.....	S. E. cor. Fayette and Calvert st., Baltimore.....	May 26, 1892.
Missouri.....	Edward G. Reynolds.....	417 American Bank Building, Kansas City.....	May 30, 1892.
New York.....	Thomas W. Folsom.....	826 Broadway, New York.....	June 9, 1892.
South Carolina.....	N. W. Hardin.....	Blacksburg.....	July 22, 1892.
West Virginia.....	J. Norton Wise.....	Wheeling.....	July 23, 1892.
District of Columbia.....	Charles S. Bundy.....	458 Lonesome Avenue, Washington.....	August 13, 1892.
New Jersey.....	John N. Bruns.....	59 Wescott street, Jersey City.....	August 27, 1892.
New York.....	Edward F. Wellington.....	20 Exchange street, Rochester.....	September 14, 1892.
Kentucky.....	Newton G. Rogers.....	341 Fifth Avenue, Louisville.....	September 17, 1892.
Virginia.....	James M. Donnan.....	23 Shafer Building, Richmond.....	October 15, 1892.
Pennsylvania.....	Edward H. Cloud.....	S. E. cor. Sixth and Walnut st., Philadelphia.....	October 15, 1892.
Pennsylvania.....	William F. Robb.....	Pittsburg.....	October 15, 1892.
Illinois.....	Philip A. Hoyne.....	52 Government Building, Chicago.....	October 27, 1892.
Georgia.....	S. W. Paul.....	Atlanta.....	November 1, 1892.
Maryland.....	George McCaffray.....	116 Saint Paul street, Baltimore.....	November 10, 1892.
Virginia.....	Edmond S. Ruffin.....	Norfolk.....	December 5, 1892.
Maryland.....	E. Emmett Scally.....	232 Saint Paul street, Baltimore.....	December 8, 1892.
Massachusetts.....	Samuel Jennison.....	186 Washington street, Boston.....	December 9, 1892.
Pennsylvania.....	S. L. Taylor.....	518 Walnut street, Philadelphia.....	December 9, 1892.
Pennsylvania.....	J. H. Wheeler.....	426 Walnut street, Philadelphia.....	December 9, 1892.
New York.....	Armour C. Anderson.....	13 Chambers street, New York.....	December 9, 1892.
New York.....	P. F. Callahan.....	230 East Forty-second street, New York.....	December 19, 1892.

LIST OF COMMISSIONERS OF AFFIDAVITS--Continued.

STATE OR TERRITORY.	NAME.	RESIDENCE.	DATE OF APPOINTMENT.
Louisiana	Benjamin Ory	27 Commercial Place, New Orleans	December 28, 1892.
Massachusetts	Charles Hall Adams	23 Court street, Boston	January 6, 1893.
Tennessee	J. A. Holtzclaw	Chattanooga	January 14, 1893.
Georgia	R. H. Elliott	Atlanta	January 16, 1893.
Pennsylvania	Edward Shippen	532 Walnut street, Philadelphia	January 18, 1893.
Illinois	Simon W. King	S. E. cor. Clark and Washington st., Chicago	January 23, 1893.
New York	Thomas B. Clifford	206 Broadway, New York	January 30, 1893.
Pennsylvania	Alexander Ramsey	112 South Front street, Philadelphia	February 2, 1893.
New York	C. T. Lunt	470 Broadway, New York	February 2, 1893.
Virginia	J. H. Whitty	Richmond	February 9, 1893.
Virginia	L. D. Starke	Norfolk	February 11, 1893.
Virginia	W. B. Martin	Norfolk	February 11, 1893.
Maryland	Thomas M. Dobbin	S. W. cor. St. Paul and Fayette st., Baltimore	February 13, 1893.
Delaware	Charles F. Wollston	Wilmington	February 14, 1893.
Pennsylvania	William Jenks Fell	131 South Front street, Philadelphia	February 17, 1893.
Georgia	William B. Adams	Savannah	February 20, 1893.
Georgia	A. L. Alexander	Savannah	February 24, 1893.
District of Columbia	R. H. Evans	1321 F street, Washington	March 9, 1893.
New York	Eleazer Jackson	293 Broadway, New York	March 18, 1893.
California	James L. King	308 California street, San Francisco	March 20, 1893.
New York	Ella F. Braman	120 Broadway, New York	March 20, 1893.
Georgia	Shepard Bryan	Atlanta	March 21, 1893.
New York	John A. Hillery	56 Wall street, New York	March 25, 1893.
Maryland	J. Kemp Bartlett, Jr.	N. E. cor. Baltimore and St. Paul st., Balto.	March 31, 1893.
New York	Edwin F. Correy	66 Wall street, New York	March 31, 1893.
New York	John D. Miller, Jr.	32 Nassau street, New York	April 18, 1893.

STATE OF NORTH CAROLINA.

OFFICE OF SECRETARY OF STATE.

RALEIGH, April 10, 1893.

I, OCTAVIUS COKE, Secretary of State, hereby certify that the foregoing contains a correct list of the appointments of Commissioners of Affidavits and Probate of Deeds, with the dates of their appointment and places of residence, as recorded in this office.

OCTAVIUS COKE, *Secretary of State.*

MEMBERS OF THE GENERAL ASSEMBLY.

CONVENES BIENNIALY IN THE CITY OF RALEIGH ON THE FIRST WEDNESDAY AFTER
THE FIRST MONDAY IN JANUARY.

SENATORS.

R. A. DOUGHTON, LIEUTENANT GOVERNOR, President, Sparta.

NAME OF SENATORS.	NO. DIS.	POST-OFFICE.	COUNTY.
J. K. ABBOTT.....	1st	South Mills.....	Camden.
T. J. ARMSTRONG.....	9th	Rocky Point.....	Pender.
J. W. ATWATER.....	19th	Rialto.....	Chatham.
B. F. AYCOCK.....	9th	Fremont.....	Wayne.
JACOB BATTLE.....	7th	Rocky Mount.....	Nash.
S. W. BLALOCK.....	31st	Ledger.....	Mitchell.
J. A. BROWN.....	15th	Chadbourn.....	Columbus.
J. A. BURCH.....	18th	Burlington.....	Alamance.
J. M. CAMPBELL.....	33d	Asheville.....	Buncombe.
T. M. CHEEK.....	18th	Mebane.....	Orange.
F. R. COOPER.....	14th	Clinton.....	Sampson.
J. S. CRANOR.....	29th	Wilkesboro.....	Wilkes.
J. S. DAVIS.....	33d	Iron Duff.....	Haywood.
W. H. DAY.....	4th	Halifax.....	Halifax.
W. C. FIELDS.....	30th	Sparta.....	Alleghany.
J. J. GATLING.....	1st	Gatlington.....	Gates.
F. G. JAMES.....	6th	Greenville.....	Pitt.
E. B. JONES.....	26th	Winston.....	Forsyth.
J. L. KING.....	21st	Greensboro.....	Guilford.
JNO. P. LEACH.....	11th	Littleton.....	Warren.
R. L. LEATHERWOOD.....	34th	Bryson City.....	Swain.
R. E. LITTLE.....	23d	Wadesboro.....	Anson.
W. H. G. LUCAS.....	14th	White Hall.....	Bladen.
J. S. MARSH.....	2d	Bath.....	Beaufort.
F. B. McDOWELL.....	25th	Charlotte.....	Mecklenburg.
J. W. McLAUCHLIN.....	16th	Raeford.....	Cumberland.
R. B. McLAUGHLIN.....	27th	Statesville.....	Iredell.
PETER McRAE.....	23d	Laurinburg.....	Richmond.
E. F. McRAE.....	15th	Maxton.....	Robeson.
W. G. MEANS.....	24th	Concord.....	Columbus.
W. P. MERCER.....	5th	Elm City.....	Edgecombe.
WILLIAM MERRITT.....	19th	Bethel Hill.....	Person.
C. L. MITCHELL.....	3d	Aulander.....	Bertie.
G. L. MORTON.....	10th	Wilmington.....	New Hanover.
G. W. NEWELL.....	7th	Louisburg.....	Franklin.
H. C. OLIVE.....	12th	Apex.....	Wake.
W. S. OWEN.....	26th	Yadkin College.....	Davidson.
G. F. PARROTT.....	8th	Kinston.....	Lenoir.
S. L. PATTERSON.....	31st	Yadkin Valley.....	Caldwell.
C. L. PETTIGREW.....	2d	Plymouth.....	Washington.
L. C. PHILLIPS.....	22d	Eden.....	Randolph.
BEN. POSEY.....	35th	Murphy.....	Cherokee.
L. A. POTTER.....	8th	Beaufort.....	Carteret.
J. H. POU.....	13th	Smithfield.....	Johnston.
M. A. ROYALL.....	27th	Hamptonville.....	Yadkin.
R. W. SANDIFER.....	32d	Dallas.....	Gaston.
W. H. SCHOOLFIELD.....	20th	Reidsville.....	Rockingham.
M. O. SHERRILL.....	29th	Newton.....	Catawba.
A. M. STACK.....	28th	Danbury.....	Stokes.
T. B. TWITTY.....	32d	Rutherfordton.....	Rutherford.

REPRESENTATIVES.

L. S. OVERMAN, Speaker. Salisbury, N. C.

NAME.	POST OFFICE.	COUNTY.
W. J. ADAMS	Carthage	Moore.
W. R. ALLEN	Goldsboro	Wayne.
J. S. ANDERSON	Hayesville	Clay.
GRAYSON ARLEDGE	Mills Spring	Polk.
F. P. AXLEY	Murphy	Cherokee.
W. L. BARLOW	Tarboro	Edgecombe.
GEO. H. BELLAMY	El Paso	Brunswick.
J. R. BLAIR	Troy	Montgomery.
L. M. BLUE	Rockingham	Richmond.
JESSE BRAKE	Rocky Mount	Edgecombe.
E. J. BROOKS	Grafton	Lenoir.
JAS. F. BYRD	Ramseytown	Yancey.
W. M. CARRAWAY	Snow Hill	Greene.
D. H. CARTER	Fairfield	Hyde.
C. H. CLARKE	Raleigh	Wake.
HENRY L. COOK	Fayetteville	Cumberland.
W. R. COVINGTON	Capel's Mills	Richmond.
W. H. CREWS	Oxford	Granville.
W. L. CROUSE	Lincolnton	Lincoln.
C. E. DANIEL	Turkey	Sampson.
A. O. DEY	Currituck	Currituck.
W. R. ELLIS	Elbaville	Davie.
SYLVANUS ERWIN	Waco	Cleveland.
JOHN R. ERWIN	Shopton	Mecklenburg.
T. C. EUBANKS	Hope	Union.
MILLS R. EURE	Gatesville	Gates.
F. L. FULLER	Durham	Durham.
H. K. FULLER	Jackson's Creek	Randolph.
J. H. GILMER	Greensboro	Guilford.
R. D. GILMER	Waynesville	Haywood.
JAMES T. GRAVES	Wilson	Wilson.
WALTER H. GRIMES	Raleigh	Wake.
R. A. HAMILTON	Beaver Creek	Ashe.
LEROY HARPER	Maribel	Pamlico.
C. R. HARRELL	Potocasi	Northampton.
HUGH W. HARRIS	Charlotte	Mecklenburg.
JULIUS H. HOFFMAN	Morganton	Burke.
J. S. HOLBROOK	Trap Hill	Wilkes.
MARTIN H. HOLT	Oak Ridge	Guilford.
A. F. HOWARD	Huntley	Sampson.
P. A. HOYLE	Newton	Catawba.
A. J. HUDSON, Jr.	Reidsville	Rockingham.
J. L. JETTON	Davidson	Mecklenburg.
R. C. JOHNSON	Burgaw	Pender.
EDMUND JONES	Lenoir	Caldwell.
FELIX JONES	Indiantown	Camden.
S. M. KING	Kelly's	Bladen.
R. E. KING	Sweet Home	Iredell.
W. H. KITCHIN	Scotland Neck	Halifax.
Y. J. LAWHON	Rome	Johnston.
N. T. LAWRENCE	Hamilton	Martin.
WM. M. LEE	Summit	Wilkes.

REPRESENTATIVES—*Continued.*

NAME.	POST-OFFICE.	COUNTY.
JNO. A. LILLINGTON.....	Panther Creek.....	Yadkin.
J. A. LONG.....	Graham.....	Alamance.
W. W. LONG.....	Littleton.....	Warren.
E. F. LOVILL.....	Boone.....	Watauga.
L. A. LOYD.....	Spring Hope.....	Nash.
C. B. MASHBURN.....	Marshall.....	Madison.
J. C. MCCURRY.....	Marion.....	McDowell.
FRED MCGLOHON.....	Wintersville.....	Pitt.
J. H. MCKENZIE.....	Salisbury.....	Rowan.
J. R. MCLELLAND.....	Mooresville.....	Iredell.
T. A. MCNEILL.....	Lumberton.....	Robeson.
FRED. L. MERRITT.....	Morrisville.....	Wake.
I. B. MIDGETT.....	Rodantha.....	Dare.
WALTER E. MOORE.....	Webster.....	Jackson.
J. P. NASH.....	Palmerville.....	Stanly.
N. S. NORTON.....	Elk Shoal.....	Alexander.
JAS. NORWOOD.....	Hillsboro.....	Orange.
J. S. OLIVER.....	Affinity.....	Robeson.
J. C. PARKER.....	Oliver's.....	Jones.
J. H. PARKER.....	Hertford.....	Perquimans.
E. G. PARMELE.....	Wilmington.....	New Hanover.
R. J. PETREE.....	Germanton.....	Stokes.
H. M. PRITCHARD.....	Elizabeth City.....	Pasquotank.
W. H. QUEEN.....	Ocona Lufty.....	Swain.
J. F. RAY.....	Franklin.....	Macon.
T. M. ROBERTSON.....	Liberty.....	Randolph.
A. S. RASCOE.....	Windsor.....	Bertie.
JNO. R. ROWE.....	Aurora.....	Beaufort.
A. L. RUCKER.....	Rutherfordton.....	Rutherford.
DAVID W. RUSSELL.....	Beaufort.....	Carteret.
S. P. SATTERFIELD.....	Roxboro.....	Person.
ALFRED SELF.....	Hadley Mills.....	Chatham.
J. B. SCHULKEN.....	Whiteville.....	Columbus.
W. B. SHEPARD.....	Edenton.....	Chowan.
A. E. SHORE.....	Bethania.....	Forsyth.
NEILL A. SMITH.....	Bradley's Store.....	Harnett.
F. S. SPRUILL.....	Louisburg.....	Franklin.
H. J. STARR.....	Mackey's Ferry.....	Washington.
JOHN W. STARNES.....	Asheville.....	Buncombe.
JNO. A. STEVENS.....	McClammy.....	Wayne.
JOHN G. TATHAM.....	Graham.....	Graham.
C. E. TATEM.....	Gum Neck.....	Tyrrell.
C. T. TAYLOR.....	Turner's.....	Alleghany.
T. L. TAYLOR.....	Oxford.....	Granville.
F. H. TAYLOR.....	Aurelian Springs.....	Halifax.
W. P. TAYLOR.....	Winton.....	Hertford.
ALEX. THAGARD.....	Cedar Creek.....	Cumberland.
JNO. C. THOMAS.....	Midway.....	Davidson.
R. B. VANCE.....	Alexander.....	Buncombe.
T. D. VANCE.....	Spear.....	Mitchell.
STEPHEN VENABLE.....	Venable.....	Surry.
S. W. VENTERS.....	Richlands.....	Onslow.
T. A. WALKER.....	Monroeton.....	Rockingham.
A. D. WARD.....	Kenansville.....	Duplin.

REPRESENTATIVES—*Continued.*

NAME.	POST-OFFICE.	COUNTY.
T. J. WATKINS	Poplar Hill	Anson.
C. B. WATSON	Winston	Forsyth.
JAS. M. WATSON	Henderson	Vance.
G. W. WESTBROOK	Wrightsville	New Hanover.
D. HENRY WHITE	Concord	Cabarrus.
J. B. WHITE	Dallas	Gaston.
R. B. WHITLEY	Earpsboro	Johnston.
A. W. WICKER	Colon	Chatham.
R. P. WILLIAMS	New Berne	Craven.
J. WILLIAMS	Hendersonville	Henderson.
ROBERT W. WILLIAMSON	Milton	Caswell.
I. K. WITHERINGTON	Coxville	Pitt.
THOMAS S. WOOD	Brevard	Transylvania.

CAPTIONS

OF THE

PUBLIC LAWS,

Session 1893.

CHAP.	PAGE.
1. An act to abolish the January term and have an August term of the superior court of Northampton county,	35
2. An act to repeal chapter two hundred and twenty-four of the laws of eighteen hundred and eighty-seven,	36
3. An act to amend chapter one hundred and two, laws of eighteen hundred and ninety-one,	36
4. An act to repeal an act entitled an act concerning entries, chapter five hundred and thirty-two, laws of eighteen hundred and ninety-one,	37
5. An act to amend section one hundred and eighty (180) of The Code, concerning suits on behalf of infants, lunatics and persons <i>non compos mentis</i> ,	37
6. An act to determine conflicting claims to real property,	37
7. An act to repeal chapters ninety-two and three hundred and fifty-six of the laws of eighteen hundred and ninety-one relative to executors and administrators pleading the statute of limitations,	38
8. An act amending chapter one hundred and eighty-seven, laws of eighteen hundred and eighty-nine, in regard to the sale of seed cotton in Nash county,	38
9. An act for the benefit of laborers,	38
10. An act to repeal chapter sixty-eight of the laws of eighteen hundred and eighty-seven concerning carrying concealed weapons,	39
11. An act to prevent obstructing the run of Ellis' creek in Bladen county,	39
12. An act to prevent the careless exposure of children to fire,	39
13. An act to empower clerks of the criminal courts to probate deeds and other instruments,	40
14. An act to amend section eighteen hundred and sixty-five of The Code, to repeal chapter three hundred and sixty-seven of the laws of eighteen hundred and eighty-nine, and amend chapter five hundred and eighty of the laws of eighteen hundred and ninety-one, concerning the duties of clerks of superior courts,	40
15. An act to repeal chapter three hundred and sixteen of the laws of eighteen hundred and ninety-one,	41
16. An act to restore the citizens of Ocracoke township, Hyde county, the right of jury service,	41
17. An act to regulate building of wharfs,	41
18. An act to change the time of holding the superior courts of the counties of Pitt and Martin,	42
19. An act to amend section twenty-eight hundred and thirty-four of The Code relative to killing wild turkeys in Stanly county,	43
20. An act to amend subsection two (2) of section twelve hundred and forty-six (1246) of The Code of North Carolina,	43
21. An act to amend chapter five hundred and forty-two, acts of eighteen hundred and ninety-one,	43
22. An act to enable owners of land to establish the boundary lines thereof,	44
23. An act to amend chapter four hundred and eighty, laws of eighteen hundred and ninety-one,	45

CHAP.	PAGE.
24. An act to remove the colored normal school now located in Warrenton, Warren county, to Franklinton, Franklin county,	45
25. An act for the relief of the sheriff of Dare county,	45
26. An act for the relief of sheriffs and tax collectors of this state,	46
27. An act to repeal chapter two hundred and sixteen, laws of one thousand eight hundred and ninety-one,	46
28. An act to allow Lincoln county to levy a special tax,	47
29. An act to amend chapter two hundred and fifteen of the laws of eighteen hundred and eighty-nine,	47
30. An act to amend chapter one hundred and fifty, laws of eighteen hundred and eighty-three,	48
31. An act to amend chapter one hundred and six, laws of eighteen hundred and eighty-five, relating to the stock law of Edgecombe county,	48
32. An act to correct state grant number seven hundred and sixteen issued to Mary Dills,	48
33. An act to repeal chapter three hundred and thirty-two, laws of one thousand eight hundred and eighty-seven, relative to county commissioners of Jones county,	49
34. An act to repeal chapter twenty-four, laws one thousand eight hundred and eighty-one,	49
35. An act to amend chapter three hundred and forty-one of the laws of one thousand eight hundred and ninety-one for the free passage of fish in Catawba river,	49
36. An act to simplify and render more convenient the release and discharge of deeds of trust and mortgages,	50
37. An act to amend chapter four hundred and fifteen, laws of one thousand eight hundred and ninety-one,	50
38. An act to authorize the county commissioners of Dare county to levy a special tax for the years one thousand eight hundred and ninety-three and one thousand eight hundred and ninety-four to pay county indebtedness,	50
39. An act to authorize the commissioners of Graham county to levy a special tax, and for other purposes,	51
40. An act to extend the time for registering grants and cure certain defective registrations,	52
41. An act to amend section three, chapter eighty-four of the laws of eighteen hundred and seventy-nine,	52
42. An act to amend chapter one hundred and ninety-four, laws of eighteen hundred and ninety one, it being an act for the relief of Northampton county,	53
43. An act to encourage the killing of certain wild animals,	53
44. An act to amend chapter one hundred and fourteen, laws of eighteen hundred and eighty-seven, authorizing the commissioners of Washington county to levy a special tax,	54
45. An act to open Mitchell's river in Surry county for the free passage of fish,	54
46. An act for the relief of Colon McArton, sheriff of Harnett county,	54
47. An act to amend chapter ninety-eight of the laws of eighteen hundred and seventy-nine, entitled an act to compromise, commute and settle the state debt, as amended by an act ratified the sixteenth day of January, eighteen hundred and eighty-three, and third day of March, eighteen hundred and eighty five, and eighth day of February, eighteen hundred and eighty-seven, and fifth day of February, eighteen hundred and eighty-nine, and tenth day of February, eighteen hundred and ninety-one,	55
48. An act for the better security of the county funds of Bladen county,	55
49. An act to amend chapter one hundred and forty-nine of the laws of one thousand eight hundred and eighty-five, entitled an act to drain the low lands lying in the counties of Rowan, Davidson, Davie and Catawba,	56
50. An act for the relief of J. A. Cole of Johnston county,	56
51. An act to allow the commissioners of Bertie county to sell certain public lands,	57
52. An act requiring clerks of the superior courts to keep a record of the names of the justices of the peace,	57
53. An act to prevent the careless rafting of logs down the Hiawasee river and its tributaries,	58

CHAP.	PAGE.
54. An act to amend chapter three thousand seven hundred and thirty-one of The Code of North Carolina,	59
55. An act to authorize the commissioners of Alleghany county to levy a special tax,	59
56. An act to authorize the commissioners and justices of the peace of Jackson county to levy a special tax to meet general indebtedness,	60
57. An act to provide a stock law for the county of New Hanover,	61
58. An act to amend sections five hundred and two and three thousand seven hundred and fifty-four of The Code of North Carolina in regard to the fees of county surveyor,	62
59. An act to amend chapter five hundred and forty-two, laws of eighteen hundred and ninety-one, exempts from the provisions of said chapter Wayne, Rutherford and Davidson counties,	62
60. An act for the protection of crops in certain localities,	63
61. An act to declare a certain glade in Pamlico county a lawful fence,	64
62. An act declaratory of the meaning of chapter one hundred and seventy-one, acts of one thousand eight hundred and seventy and one thousand eight hundred and seventy-one,	65
63. An act to provide for water supplies for public institutions,	65
64. An act to amend section two thousand seven hundred and thirty of The Code in regard to the installation of officers,	65
65. An act amending section three thousand eight hundred and fifty two of The Code relating to commissioner of wrecks,	66
66. An act to regulate the height of fences in Bladen county,	67
67. An act to create a township in Jackson county, to be known as Mountain township,	67
68. An act providing for the hiring out of prisoners by the commissioners of Cherokee county,	68
69. An act to require the county superintendents of public instruction to secure information as to the number of deaf, dumb and blind children in their respective counties,	68
70. An act to authorize the commissioners of Henderson county to issue bonds,	69
71. An act to authorize the county commissioners of Harnett county to sell poor-house property,	71
72. An act to amend an act of the general assembly, laws of one thousand eight hundred and eighty-nine, chapter five hundred and forty-nine, entitled an act to aid the Guilford Battle-Ground Company,	72
73. An act to allow the commissioner of Burke county to levy a special tax in a certain stock-law boundary in Lower Fork township in said county,	72
74. An act to change the name of Hotel township, Surry county, to Elkin township,	72
75. An act to repeal that part of chapter three hundred and twenty-seven of the laws of one thousand eight hundred and ninety-one that relates to Pamlico county,	73
76. An act for the relief of Rockingham county, state of North Carolina,	73
77. An act to amend section three hundred and forty-seven of The Code,	73
78. An act to authorize the trial of the issue of fraud in the conveyance and incumbering of land less in value than the exemption before the determination of the homestead,	74
79. An act to amend chapter one hundred and twenty of the laws of one thousand eight hundred and ninety-one,	74
80. An act to amend the rules of evidence,	75
81. An act to amend section two hundred and seventy-four of The Code,	75
82. An act to amend section one thousand four hundred and seventy-eight of The Code,	75
83. An act to amend chapter five hundred and four, laws of one thousand eight hundred and eighty-nine,	76
84. An act to repeal section six hundred and eighty-three of The Code,	76
85. An act to divide the crime of murder into two degrees and define the same,	76
86. An act regulating the time of holding courts in Columbus county,	77
87. An act regarding the time of holding court in the counties of Cleveland, Rutherford and Polk,	77
88. An act authorizing the commissioners and magistrates to levy a tax in Rutherford county for purpose of building a jail,	78
89. An act to repeal an act in relation to Edenton graded school,	79

CHAP.	PAGE.
90. An act to amend chapter three hundred and eleven of the laws of one thousand eight hundred and ninety-one, entitled an act to authorize the board of commissioners of Anson county to issue bonds to complete and repair the court-house and to repair the jail.	80
91. An act to establish Jason township in the county of Greene,	80
92. An act to repeal so much of chapter three hundred and twenty-seven, laws of one thousand eight hundred and ninety-one, as relates to Craven county,	81
93. An act to authorize the secretary of state to furnish the counties of Moore, Harnett, Bladen and Clay with duplicates of certain books destroyed by fire,	81
94. An act to amend chapter four hundred and eleven, laws of eighteen hundred and ninety-one, in regard to special fence tax in Robeson county,	82
95. An act to repeal chapter one hundred and eighteen of the laws of one thousand eight hundred and ninety-one and to amend section six hundred and eighty-five of The Code concerning the manner of executing deeds by corporations,	83
96. An act for the relief of W. H. Harrelson, former treasurer of Caswell county,	83
97. An act to amend chapter forty-nine of The Code,	84
98. An act to appoint a justice of the peace for the manufacturing town of Haw River in Alamance county,	84
99. An act for the relief of the sheriff of Currituck county,	85
100. An act to amend section three thousand eight hundred and forty-one of The Code relative to the testing of weights and measures,	85
101. An act to repeal chapter two hundred and twenty-two of the laws of one thousand eight hundred and ninety-one entitled an act to prevent the sale of spirituous liquors in Gaston county,	86
102. An act to authorize the commissioners and justices of the peace of Madison county to elect a tax collector,	86
103. An act to authorize the county of Sampson to borrow money, issue bonds and levy a special tax,	87
104. An act to amend chapter one hundred and seventy-two of the public laws of one thousand eight hundred and ninety-one, for the protection of birds in certain counties,	89
105. An act to authorize the commissioners of McDowell county to levy a special tax,	89
106. An act to amend section one of chapter three hundred and ninety-nine (399) of the laws of one thousand eight hundred and eighty-five (1885),	90
107. An act to amend chapter five hundred and thirty-one of the laws of one thousand eight hundred and eighty-nine relative to the game law,	90
108. An act to authorize the commissioners of Brunswick county to levy a special tax for the years eighteen hundred and ninety-three and eighteen hundred and ninety-four,	91
109. An act for the relief of L. H. Bullock, late sheriff of Granville county,	91
110. An act to amend an act to provide for the collection, arrangement and display of the products of the state of North Carolina at the World's Columbian Exposition of one thousand eight hundred and ninety-three, and to make an appropriation therefor,	92
111. An act to elect a cotton weigher for the county of Stanly and the town of Albemarle,	92
112. An act to authorize the commissioners of McDowell county to levy a special tax,	93
113. An act to amend section five, chapter three hundred and twenty, laws of one thousand eight hundred and ninety-one, by authorizing the railroad commission to provide rules and regulations for the handling of baggage,	94
114. An act to amend section five hundred and eighty-one of The Code,	95
115. An act for the protection of fish in Ramon's creek, Camden county,	95
116. An act to compel butchers in Richmond county and Warsaw township in Duplin county to keep registration,	95
117. An act to repeal an act to provide for the improvement and maintenance of a portion of the road known as the Hendersonville road in Buncombe county, the same being chapter five hundred and forty-three, laws of eighteen hundred and ninety-one,	96
118. An act to repeal chapter seventy-nine of the laws of eighteen hundred and ninety-one,	96
119. An act to provide an official seal for the office of register of deeds,	96
120. An act to repeal chapter seventy, laws of one thousand eight hundred and ninety-one,	97

CHAP.	PAGE.
121. An act to amend the act constituting the railroad commission a board of appraisers for railroads, ratified the ninth day of March, one thousand eight hundred and ninety-one, in respect to the manner of assessing property and giving the commission authority to assess steamboat property,	98
122. An act to authorize the payment of school order of Miss Nannie Bingham out of the school funds of Randolph county,	98
123. An act to protect the owners of live stock from the depredations of thieves,	99
124. An act to amend section one thousand nine hundred and fifty-nine of The Code, requiring railroad companies to render annual reports to the governor of the operations for the year,	99
125. An act to allow George Blankenship of Yancey county to attend the institution for the blind,	100
126. An act to amend chapter twenty, laws of eighteen hundred and ninety-one, to protect the public roads of Sampson county,	100
127. An act to amend chapter two hundred and seventy (270), section seven of the public acts of eighteen hundred and ninety-one (1891),	100
128. An act to amend chapter three hundred and twenty of the laws of eighteen hundred and ninety-one, entitled an act to provide for the supervision of railroads, steamboats or canal companies, express and telegraph companies doing business in the state of North Carolina,	101
129. An act to protect the public bridges in Edgecombe and Jones counties,	101
130. An act to validate certain probates in which the word "previously" is used for the word "privately,"	101
131. An act to amend section three, chapter three hundred and ninety-nine, laws of eighteen hundred and ninety-one, relating to qualifications and duties of the superintendent of the North Carolina school for the deaf and dumb,	102
132. An act to amend chapter one hundred and twenty-five, laws eighteen hundred and ninety-one, in regard to roads in Buncombe county,	103
133. An act to allow W. A. Queen to peddle in certain counties without paying a tax,	104
134. An act to amend chapter two hundred and fifty-one of the laws of eighteen hundred and eighty-nine,	104
135. An act regulating the sale of wine and cider in Greene county,	105
136. An act to amend chapter three hundred and sixty-two of the laws of eighteen hundred and eighty-nine,	105
137. An act to amend section twenty-two hundred and thirty-four of The Code,	105
138. An act to extend the provisions of nineteen hundred and eighty of The Code, relating to the time within which corporations shall begin construction of their roads, and to amend the charter of the Norfolk, Wilmington and Charleston Railroad Company,	106
139. An act to repeal chapter two hundred and eighty-nine, laws of eighteen hundred and eighty-nine,	106
140. An act to amend chapter fifty-one, laws of eighteen hundred and ninety-one, in relation to a special tax for Polk county,	106
141. An act to repeal chapter five hundred and forty-three of the laws of eighteen hundred and eighty-nine in regard to public roads,	107
142. An act to amend chapter two hundred and thirty-four of the laws of eighteen hundred and eighty-five,	107
143. An act to provide lumber inspectors for the counties of Buncombe, Madison, McDowell, Mitchell and Yancey,	108
144. An act amending chapter four hundred and eighty-seven of the laws of eighteen hundred and ninety-one, concerning gamekeepers,	109
145. An act to establish a state motto,	109
146. An act to amend sections thirty-six hundred and thirty-one, thirty-six hundred and thirty-two and thirty-six hundred and thirty-three of The Code, relating to the printing and distribution of the laws,	110
147. An act to protect fishermen in Perquimans county,	110
148. An act to secure the right of trial by jury in certain cases,	111
149. An act to provide for the re-allotments of homesteads,	111
150. An act to change the terms of the superior courts of Cabarrus county,	112

CHAP.	PAGE.
151. An act to amend section one hundred and fifty-nine of The Code,	113
152. An act to provide a uniform rule for the limitations of actions against railroad companies for damages for on and occupation of lands,	113
153. An act to amend sections one thousand eight hundred and forty-four and one thousand eight hundred and forty-five of The Code, in regard to the consequences of adultery or of a divorce a mensa on the property of husband and wife,	114
154. An act for the relief of J. B. Smith, sheriff of Cumberland county,	115
155. An act to authorize the commissioners of Mitchell county to levy a special tax,	116
156. An act to amend chapter four hundred and eighteen, laws of eighteen hundred and eighty-seven, in regard to the protection of fish in Hertford county,	116
157. An act to amend chapter twenty-three of the laws of eighteen hundred and eighty-seven,	117
158. An act to repeal chapter five hundred and sixty-one, laws of eighteen hundred and ninety-one, in relation to holding courts in twelfth judicial district, and to amend section one, chapter one hundred and eighty, laws of eighteen hundred and eighty-five,	117
158. An act to amend chapter two hundred and eighty of the laws of eighteen hundred and eighty-nine,	118
159. An act to amend chapter sixteen, section six hundred and sixty-six, of The Code,	118
160. An act to amend chapter five hundred and forty-two of the laws of eighteen hundred and ninety-one,	118
161. An act to amend sections thirty-six twenty (3620), thirty-six twenty-four (3624), thirty-six thirty-four (3634), thirty-six thirty-five (3635) and thirty-six forty-six (3646) of The Code in regard to price of public printing,	119
162. An act to amend chapter eighty-one, laws of eighteen hundred and ninety-one,	119
163. An act for the relief of W. C. Kiser, of Lincoln county,	119
164. An act to incorporate "The Thomas M. Holt Manufacturing Company,"	120
165. An act to review and improve the public road from Elkin, in Surry county, to Sparta, in Alleghany county,	125
166. An act to repeal chapter one hundred and ninety-nine of the laws of eighteen hundred and eighty-nine,	127
167. An act to authorize the commissioners of Rutherford county to purchase a farm for paupers of said county,	127
168. An act authorizing the commissioners of Bladen county to issue bonds,	128
169. An act to authorize the citizens of Swain county to send their children to school in Graham county, and for other purposes,	129
170. An act authorizing Swain county to issue bonds,	130
171. An act to make it unlawful for live stock to run at large in certain portions of Cumberland county,	132
172. An act to authorize the county of Buncombe to fund its bonded indebtedness,	135
173. An act to make valid certain state grants,	136
174. An act to authorize the commissioners of Haywood county to levy a special tax,	137
175. An act to amend section three of an act of the general assembly of North Carolina, ratified the ninth of March, eighteen hundred and ninety-one, entitled an act in relation to money received from the United States under the act of congress refunding the direct tax to the state in trust for certain of its citizens,	138
176. An act to provide for the furnishing and completing of the executive mansion,	138
177. An act to submit the question of toll-bridges to the voters of Tyrrell county,	139
178. An act to appoint an additional justice of the peace for High Shoal township in Rutherford county,	139
178. An act to amend chapter three hundred and sixty-one, laws of eighteen hundred and eighty-nine, in regard to public roads, said amendments only to be applicable to Forsyth county,	140
180. An act to prohibit fast riding and driving over the iron bridge over Townfork at Walnut Cove, Stokes county,	140
181. An act for the repairs of the buildings of the University of North Carolina, for supplying the same with water and sanitary conveniences, for the training of teachers and druggists, and for other purposes,	141

CHAP.	PAGE.
182. An act to provide for the completion, enlargement and maintenance of The Normal and Industrial School at Greensboro,	142
183. An act to authorize the board of county commissioners of Northampton county to issue bonds and levy a special tax,	142
184. An act to create a new township in Stokes county,	143
185. An act for the relief of James F. Smith, railroad tax collector in Sauratown township, Stokes county,	144
186. An act to relieve Z. V. Welch, late sheriff of Swain county,	145
187. An act to enable clerks of the superior courts to attend the world's fair,	145
188. An act to repeal chapter one hundred and twenty-eight, laws of eighteen hundred and eighty-five, and to amend section three thousand three hundred and seventy-seven of The Code,	146
189. An act to amend chapter one hundred and fifty-seven of the acts of the general assembly of North Carolina in the year eighteen hundred and eighty-three,	146
190. An act for the relief of W. J. Hardison, late sheriff of Martin county,	148
191. An act to prohibit bodies of men known and designated as detectives from going armed in this state,	148
192. An act to amend section twenty-eight hundred and fifty of The Code in reference to notice in contested election cases,	149
193. An act to create in Union county an additional or new township to be known as Marshville township,	149
194. An act to place the Big Bridge ferry under the jurisdiction of the board of commissioners of Pender county,	150
195. An act to secure the better drainage of Town Fork creek in Stokes county,	150
196. An act supplemental to an act to provide a stock law for the county of New Hanover, passed at the present session of the general assembly of North Carolina,	152
197. An act to prohibit fishing for trout in Howard's creek in Watauga county,	152
198. An act to authorize the commissioners of Currituck county to levy a special tax,	152
199. An act to amend section seven hundred and six, chapter seventeen of The Code of North Carolina, with reference to special meetings of the board of commissioners for the county of Mecklenburg,	153
200. An act to divide the township of Whitakers in Nash county,	153
201. An act for the relief of C. M. Pace, clerk of the superior court of Henderson county,	154
202. An act to enable the commissioners of Graham county to build a court-house and jail, and for other purposes,	154
203. An act to provide for laying out and constructing a public road from Roaring river, in the county of Wilkes, to the Meadow Fork road, in the county of Alleghany,	157
204. An act to protect the fish interest of New river in the county of Onslow,	158
205. An act to authorize the commissioners and magistrates of Mitchell county to levy a special tax to pay county indebtedness,	158
206. An act in relation to parties to actions and special proceedings,	159
207. An act to amend section three thousand eight hundred and forty-one, volume two, of The Code,	160
208. An act to provide for working the public roads in Macon county, and for other purposes,	160
209. An act in regard to the confirmation of reports in special proceedings,	165
210. An act authorizing the state treasurer to pay shell-fish commissioners for service,	166
211. An act in relation to the superior courts of Bladen county,	166
212. An act to authorize the board of commissioners of Edgecombe county to submit to the voters of Tarboro township the levying of a tax for the schools of said township,	167
213. An act to establish the stock law in certain parts of Cumberland county,	168
214. An act relating to the board of health,	170
215. An act in reference to fences in Beaufort and Pamlico counties,	179
216. An act to prohibit the setting of pound nets, dutch nets and hedge nets in certain waters of Dare county,	181
217. An act for the relief of tax collectors and their securities for the town of Murphy, Cherokee county,	181

CHAP.	PAGE.
218. An act to repeal chapter four hundred and thirty-five of the laws of eighteen hundred and ninety-one, concerning netting birds in Davidson county,	182
219. An act to authorize the commissioners of Richmond county to sell the present poor-house property in said county, to purchase other lands upon which to build, and to issue bonds to build a house for the aged and infirm in said county,	182
220. An act to amend section three thousand four hundred and five of The Code and repeal chapter three hundred and twelve, laws of eighteen hundred and eighty-nine,	184
221. An act to collect taxes due in the county of Wake,	184
222. An act for the maintenance and improvement of the hospitals and insane asylum of the state,	186
223. An act to authorize the commissioners of Wake county to issue bonds to pay and fund its present bonded indebtedness at a lower rate of interest, and for other purposes,	187
224. An act to provide for the North Carolina Institution for the Deaf, Dumb and the Blind,	188
225. An act for the relief of J. B. Troy, treasurer of Cumberland county,	189
226. An act to amend The Code, section one thousand two hundred and twenty-nine, in regard to continuing a term of court expiring during progress of trial,	190
227. An act to authorize the boards of commissioners for the counties of Mecklenburg and Gaston to establish a public bridge over the Catawba river at Rozzell's ferry,	190
228. An act to provide rooms for the railroad commission,	192
229. An act to prevent the sale of wine, hard cider, or other intoxicating drinks, within two miles of Trinity M. E. Church, in Falling Creek township, Lenoir county,	193
230. An act to amend chapter ninety-seven of the laws of eighteen hundred and eighty-seven,	193
231. An act to authorize the commissioners of Pender county to compromise and fund the debt of said county,	193
232. An act to regulate trapping and deer-hunting in Columbus county,	194
233. An act to allow the commissioners and magistrates of Bladen county to purchase the ferries at White Hall and Elizabethtown in Bladen county,	195
234. An act to amend chapter two hundred and thirty-six, laws of eighteen hundred and ninety-one, in regard to the county line between Ashe and Alleghany,	196
235. An act to provide for the support and improvement of the Soldiers' Home,	196
236. An act to correct state grant number one hundred and twenty in Swain county,	197
237. An act to provide the manner of laying out public roads in Alleghany county,	198
238. An act to amend chapter three hundred and twenty-seven, laws of one thousand eight hundred and ninety-one, permitting sale of liquor at Ayden, Pitt county,	198
239. An act to amend section two thousand eight hundred and thirty-four of The Code,	199
240. An act concerning the trial of civil actions in Stanly county,	199
241. An act to make new river from Virginia state line above the mouth of Wilson creek up to the forks of the river a lawful fence,	199
242. An act to correct a clerical error in a grant to Elisha Sims for one hundred and fifty-five acres of land in Watauga county, dated the second day of March, eighteen hundred and eighty-two, number two thousand and seventeen,	200
243. An act to amend section eighteen of chapter three hundred and thirty-seven, laws of one thousand eight hundred and ninety-one, including Wake county in the provisions of said chapter, relating to the establishment of Children's Home,	200
244. An act to amend chapter two hundred and fifty-seven of the laws of one thousand eight hundred and ninety-one,	200
245. An act to authorize the commissioners of Rutherford, Henderson and Buncombe to declare the Hickory-nut turnpike road a public road,	201
246. An act to amend the laws of eighteen hundred and ninety-one, chapter three hundred and forty,	201
247. An act to alter and improve portions of the public road leading from North Wilkesboro to mouth of Wilson, Virginia.	202
248. An act to provide for laying out and constructing a public road from Roaring River depot to Wilkesboro and Trap Hill road between Dockery post-office and T. P. Hanks',	204

CHAP.	PAGE.
249. An act to repeal chapter two hundred and ninety of the public laws of North Carolina of one thousand eight hundred and ninety-one, relating to the redemption of unused railroad tickets,	205
250. An act to prohibit fishing on Sunday in Dare county,	206
251. An act to allow judgment for damages on injunction bonds,	206
252. An act to provide funds for the completion of the Agricultural and Mechanical College, colored,	206
253. An act to continue in force, re-enact and amend chapter three hundred and sixty-four of the laws of eighteen hundred and ninety-one,	207
254. An act to prohibit the sale of liquors within two miles of Hickory Hill school and meeting-house in Onslow county,	208
255. An act to prohibit the taking of fish from the waters of Cane creek in Buncombe county,	208
256. An act to authorize the board of commissioners of Johnston, Wayne and Lenoir counties to have drift-trash along the Neuse river cleaned out and burned,	208
257. An act to pay D. B. Johnson, of Rutherford county, a certain school claim,	209
258. An act in relation to the collection of taxes in the county of Edgecombe,	209
259. An act to allow the commissioners of Wilkes county to pay for a bridge across the Yadkin river between Wilkesboro and North Wilkesboro, North Carolina,	210
260. An act to amend chapter one hundred and thirty-four (134) of the public laws of eighteen hundred and eighty-five, concerning roads and highways,	210
261. An act for the improvement of the public roads of New Hanover county, and for other purposes,	212
262. An act to re-enact chapter fifty of The Code for Mitchell county relating to public roads,	214
263. An act to require the officers and managers of all state penal and charitable institutions to report annually the names of officers and employees, with amounts paid each,	215
264. An act to prevent the netting or seining for fish in the waters of Jonathan creek or its tributaries in Haywood county,	215
265. An act to create a new township in Wilkes county,	215
266. An act to amend section one of chapter three hundred and ninety-four, laws of eighteen hundred and ninety-one, entitled "An act to protect wild fowl in the waters of Core sound, Carteret county,"	216
267. An act regarding agricultural statistics,	217
268. An act to amend chapter two hundred and seventy-seven, act of eighteen hundred and eighty-seven, concerning fish in Currituck sound,	217
269. An act in regard to the probate of wills when attesting witnesses cannot be found within the state,	217
270. An act to repeal chapter seventy, laws of one thousand eight hundred and ninety-one,	218
271. An act for the relief of Milton McNiel, clerk of the superior court of Wilkes county,	218
272. An act to amend section six, chapter one hundred and nineteen, of the laws of eighteen hundred and eighty-seven,	219
273. An act supplemental to an act to amend an act in relation to fence tax in Robeson county, ratified February tenth, eighteen hundred and ninety-three,	219
274. An [act] to prevent violations of the insurance law and protect the finance of the state,	219
275. An act to authorize the various stock-law commissioners in Wilkes county to sell stock-law fences, etc.,	220
276. An act to correct state grant number eleven hundred,	220
277. An act to amend chapter two hundred and seventeen, laws of eighteen hundred and ninety-one, in regard to stock law in Pamlico county,	221
278. An act to prevent fast driving over the public bridge across the Yadkin river at Wilkesboro, Wilkes county,	221
279. An act to provide [for] constructing and keeping in repair the public roads in Mitchell county,	222
280. An act to amend an act to provide an alternative method of constructing and keeping in repair the public roads of Buncombe county, passed eighteen hundred and ninety-one,	227
281. An act supplemental to an act entitled an act to divide the crime of murder into two degrees and define the same,	228

CHAP.	PAGE.
282. An act to establish a true meridian in the several counties of the state for the correct retracing of surveys,	228
283. An act to provide for the government of the state's prison or penitentiary,	230
284. An act to amend chapter three hundred and thirty-eight of the laws of eighteen hundred and ninety-one, entitled "An act to promote and protect the oyster interest of the state,"	234
286. An act to protect wild fowl in Currituck county,	236
287. An act to amend the law in regard to license and grants for oyster-beds,	237
288. An act to amend chapter three hundred and twenty, section twenty-eight, of the act to provide for the general supervision of railroads, steamboat or canal companies, express and telegraph companies, doing business in North Carolina,	238
289. An act for the relief of T. H. Galloway, of Transylvania county,	239
290. An act to amend chapter four hundred and forty-nine, laws of eighteen hundred and ninety-one, in regard to public weighers in the town of Tarboro,	239
291. An act to establish a free ferry across the North East river,	240
292. An act to authorize the board of commissioners of Cumberland county to issue bonds for the purpose of building a court-house, and for other purposes,	241
293. An act to validate certain probate and registration of deeds,	242
294. An act to raise revenue,	243
295. An act to amend section sixty-seven (67) of The Code,	257
296. An act to provide for the assessment of property and the collection of taxes,	257
298. An act to prohibit the sale of spirituous liquors in various localities,	297
299. An act to amend the insurance law,	300
300. An act in regard to the execution of bonds and other instruments by surety companies,	302
301. An act to prevent the obstruction of certain streams in Moore county,	304
302. An act in aid of the North Carolina School for the Deaf and Dumb at Morganton, North Carolina,	305
303. An act to create a stock law in a portion of Bladen county,	305
304. An act to regulate fishing in Juniper swamp in Wayne county,	308
305. An act to prevent the destruction of certain game-birds,	303
306. An act to allow the supreme court to employ a servant,	309
307. An act to prohibit the manufacture and sale of spirituous liquors within three miles of the town of Fair Bluff in Columbus county,	309
308. An act to amend chapter two hundred and forty-nine, laws of eighteen hundred and ninety-one, and to allow the commissioners of Pamlico county to levy a special tax for the years eighteen hundred and ninety-four and eighteen hundred and ninety-five to build a court-house and jail,	310
309. An act to protect minors,	311
310. An act to amend section two, chapter three hundred and sixty-two, laws of one thousand eight hundred and eighty-nine, concerning the sale of spirituous liquors in Brunswick county,	311
311. An act to authorize disabled ex-confederate soldiers to peddle without a license,	311
312. An act to repeal chapter four hundred and fourteen of the laws of one thousand eight hundred and ninety-one, relating to the public roads of Franklinton township, in the county of Franklin,	312
313. An act to repeal chapter three hundred and fifty four, laws of eighteen hundred and ninety-one, and for other purposes,	312
314. An act to amend section two thousand one hundred and thirteen of The Code,	313
315. An act for the relief of T. J. King, of Franklin county,	314
316. An act allowing the commissioners of Nash county to levy a special tax,	314
317. An act to amend section one thousand five hundred and twenty-six of The Code,	315
318. An act to amend section six hundred and seventy-nine of The Code, and to regulate the formation of private corporations,	316
319. An act to amend section one, chapter three hundred and twenty-seven, laws of eighteen hundred and ninety-one, relative to sale of wine and cider in certain localities,	317
320. An act to establish a stock law in a certain portion of Pamlico county,	317

CHAP.	PAGE.
321. An act to allow the board of commissioners of Greene county to levy a special tax,	320
322. An act to authorize the commissioners of Mecklenburg county to appoint a committee of audit and finance,	320
323. An act to empower the board of commissioners of Beaufort county to issue bonds to construct a jail,	321
324. An act to amend section one of chapter one hundred and twenty-three of the laws of eighteen hundred and eighty-seven,	322
325. An act to provide for working the public roads of Edgecombe county,	323
326. An act to enable Chatham county to issue bonds,	324
327. An act to amend chapter five hundred of the laws of one thousand eight hundred and ninety-one,	324
328. An act to amend chapter three hundred and twelve of the laws of eighteen hundred and eighty-nine, in regard to killing fish by dynamite,	325
329. An act to amend chapter ninety-three of the laws of one thousand eight hundred and eighty-seven, in regard to the public roads of Wake county,	325
330. An act to empower the commissioners of Haywood county to levy a special tax,	326
331. An act to amend section one thousand nine hundred and seventy-one of The Code,	326
332. An act to amend section five hundred and fourteen (514) of The Code,	326
333. An act for the relief of A. L. Byrd, treasurer of Harnett county,	327
334. An act to prohibit the setting of dutch-nets in the waters of Pamlico county,	328
335. An act to repeal chapter four hundred and seventy-five of the laws of eighteen hundred and ninety-one, allowing certain citizens of Jackson county to attend the public school at Whittier,	328
336. An act to allow citizens of certain townships in Rutherford county to vote upon the question of manufacturing spirituous liquors therein,	328
337. An act to change the boundary line of Saint Mary's township, Wake county, North Carolina,	329
338. An act to authorize the commissioners of Warren county to levy a special tax,	330
339. An act to amend section two thousand eight hundred and thirty-four (2834) of The Code,	330
340. An act to correct state grant number seventeen hundred and sixty-four, issued to William Sloan,	331
341. An act to amend section one thousand nine hundred and nine of The Code,	331
342. An act to protect citizens of Transylvania county against damages caused by floating logs, timber and rafts in French Broad river and its tributaries,	332
343. An act to authorize levy of special tax in Auson county,	333
344. An act to facilitate banking,	333
345. An act to settle a debt due by the state to Mary Hinton, executrix of David Hinton, deceased,	334
346. An act to amend sections one thousand four hundred and ten, one thousand four hundred and thirteen and one thousand four hundred and fourteen of "The Code" of North Carolina,	335
347. An act to prevent the wrongful occupancy of dwelling-houses,	335
348. An act to amend chapter three hundred and forty-four of the laws of eighteen hundred and eighty-nine,	336
349. An act supplemental to an act entitled "An act to regulate the building of wharfs," ratified February second, eighteen hundred and ninety-three,	337
350. An act for the relief of William M. Monroe,	337
351. An act to regulate and provide for the public printing,	337
352. An act to amend chapter five hundred and thirty-eight of the laws of one thousand eight hundred and eighty-nine, relating to hunting deer in Caldwell county,	339
353. An act to change the time of holding the fall terms of the superior court for Alamance and Caswell counties,	340
354. An act to repeal chapter three hundred and ninety-one, laws of one thousand eight hundred and eighty-five,	340
355. An act for the improvement of the public roads of Wake county,	340
356. An act to change certain courts in the sixth judicial district,	341
357. An act to create a lien on vessels, boats, scows, lighters, flats, rafts, and other water crafts, for the payment of towage,	342

CHAP.	PAGE.
358. An act to repeal chapter two hundred and thirty-four of the laws of eighteen hundred and ninety-one, in relation to the killing of deer in Wayne county,	342
359. An act for the relief of Harlee Baxley,	343
360. An act to amend section thirteen hundred and fifty-seven of The Code of North Carolina,	343
361. An act to amend chapter seventy-nine of the laws of one thousand eight hundred and ninety-one,	343
362. An act to prevent hunting or killing deer in the county of Haywood,	344
363. An act to amend section three hundred and fifty-two, volume one, of The Code, in relation to attachments,	344
364. An act to review, lay out and amend the public road from Miller's Creek post-office in Wilkes county to Creston post-office in Ashe county,	344
365. An act to provide for the employment and support of convicts in the penitentiary,	346
366. An act to change time of holding spring term of Pender superior court,	346
367. An act to authorize the county commissioners of Buncombe to have erected suitable buildings in which to hold the elections,	347
368. An act to extend the provisions of the stock law to the entire county of Davidson,	347
369. An act to amend chapter three hundred and seventeen, public laws of eighteen hundred and ninety-one,	348
370. An act to regulate the discharge of convicts,	348
371. An act to include Halifax and Warren counties in the opossum law,	349
372. An act to certify as teachers in the public schools of the state the graduates of Peabody Norman College of Nashville, Tennessee,	349
373. An act to amend chapter seventy-nine, laws of one thousand eight hundred and ninety-one,	349
374. An act to establish and provide for the militia and for the support and maintenance of the state guard,	350
375. An act to amend an act entitled "An act to prohibit the sale of spirituous liquors in various localities," passed at the present session of the general assembly,	357
376. An act to restrict the operations of the omnibus bill with relation to Belmont Methodist chapel, Cleveland county,	357
377. An act to establish the state banking system of North Carolina,	358
378. An act to provide for the support and maintenance of the North Carolina College of Agriculture and Mechanic Arts,	332
379. An act to amend The Code, sections thirty-three hundred and sixty-eight, thirty-seven hundred and twenty-eight and thirty-seven hundred and twenty-nine, in reference to the attorney general and supreme court reporter,	383
380. An act to amend chapter sixteen of The Code, to provide for amendments to charters obtained before the clerk,	383
381. An act to regulate the trial of civil actions in the superior court of Johnston county,	384
382. An act for the relief of the bondsmen of Elijah Murrill, late sheriff of Onslow county,	384
383. An act to authorize the commissioners of Moore county to sell the stock held and owned by Carthage township in the Carthage Railroad Company,	385
384. An act to prohibit the retailing of spirituous liquors within one mile of Fair Plain church in Wilkes county,	386
385. An act to amend chapter four hundred and nine, laws of eighteen hundred and eighty-seven,	386
386. An act to correct state grant number thirty-nine,	387
387. An act to prevent deception and fraud by the owners and agents of stallions, and for other purposes,	387
388. An act supplemental to an act entitled an act to repeal section six hundred and eighty-three, volume one, of The Code,	388
389. An act to provide for compensation to the janitor of the supreme court and library building,	388
390. An act to place name of Avaline Moore, widow of Thomas L. Moore, private in the twenty-fifth North Carolina regiment in the late civil war, on the pension rolls,	388
391. An act to amend chapter three hundred and twenty-seven, laws of eighteen hundred and ninety-one, relating to the sale of spirituous liquors in Wake county,	389

CHAP.	PAGE.
392. An act to provide for working the public roads in Swain county,	389
393. An act to make valid an election that was held pursuant to an order of the county commissioners of Madison county in numbers eighth and thirteenth townships of said county concerning a road tax in said township,	389
394. An act to amend chapter one hundred and ninety-eight, laws of one thousand eight hundred and ninety-nine, relative to pensions,	391
395. An act to amend chapter five hundred and fifty-four, acts of eighteen hundred and ninety-one,	391
396. An act to amend chapter forty-nine of The Code in relation to condemning land for right-of-way for railroads,	391
397. An act supplemental to an act entitled an act relating to the superior courts of Bladen county,	392
398. An act to amend section twenty-six hundred and forty of The Code,	392
399. An act to be entitled an act to establish a naval battalion of the North Carolina state guard,	393
400. An act to amend chapter seventy-eight, laws of eighteen hundred and eighty-seven, relating to the time of collecting taxes,	394
401. An act to grant a pension to T. B. Roberts,	394
402. An act to abolish the second week of the November term of the superior court of Harnett county,	395
403. An act to change the time of holding the courts of the ninth, eighth, tenth and eleventh judicial districts,	395
404. An act to amend chapter four hundred and sixty-two of the public laws of eighteen hundred and ninety-one,	398
405. An act to amend chapter thirty-four of the laws of one thousand eight hundred and eighty-five, relating to stock law in Alamance county,	398
406. An act to amend chapter one hundred and thirteen, section one, laws of eighteen hundred and eighty-seven,	399
407. An act in relation to obstructions in Jackson swamp in Robeson county,	399
408. An act making it a misdemeanor to cause false fire-alarms in the city of Wilmington, North Carolina,	399
409. An act to amend the school law concerning the duties of the county superintendent of Macon county,	400
410. An act to amend chapter one hundred and fifteen of laws of one thousand eight hundred and eighty-five, concerning the stock law for Goldsboro township,	400
411. An act to prevent felling trees in Stonington creek, Lenoir county,	401
412. An act to repeal section two thousand two hundred and six of The Code,	401
413. An act to appropriate seventy-five dollars to purchase a pedestal for the bust of Governor Ellis,	401
414. An act to establish a normal institute for the training of white teachers in Robeson,	402
415. An act to authorize the commissioners of Buncômbé county to issue bonds for public roads improvement,	403
416. An act to amend chapter five hundred and three of the public laws of one thousand eight hundred and eighty-nine, relative to damaging public roads by timber and log haulers,	407
417. An act to establish the dividing line between the counties of Surry and Stokes,	408
418. An act to amend section two thousand and fifteen of The Code,	409
419. An act to amend chapter three hundred and twenty-eight of the laws of eighteen hundred and eighty-seven,	409
420. An act to invalidate an election held in the county of Haywood in eighteen hundred and eighty-seven on a question of issuing bonds to aid in the construction of the Carolina, Knoxville and Western Railroad,	410
421. An act to put R. S. Baker of Hertford county on the pension list,	410
422. An act to prevent fishing in the waters of Jonathan's creek in Ivy Hill township, county of Haywood,	410
423. An act to include certain portions of Rutherford county in the stock law,	411
424. An act to require the governor and others to report to the general assembly the number of employees in their several departments and the salaries of each,	412

CHAP.	PAGE.
425. An act to create a new township in Wilkes county,	412
426. An act to authorize the commissioners of Graham county to work persons convicted of misdemeanors on the grounds to be provided for the county farm,	413
427. An act to place Thompson Robinson of Lincoln county upon the pension list,	414
428. An act to prevent the manufacture and sale of any spirituous, vinous or malt liquors within the county [of] Haywood,	414
429. An act to establish a ferry across the Broad river in Rutherford county,	415
430. An act to place the name of Taliha Taylor on the pension roll,	415
431. An act to prevent the sale of liquor within two miles of Little Rock church, Mitchell county,	416
432. An act for the relief of the board of commissioners of Wake county,	416
433. An act to repeal section two thousand eight hundred and twenty-seven of The Code,	417
434. An act to amend chapter seven, volume second of The Code, entitled Building and Loan Associations,	417
435. An act to increase the bond of the register of deeds of Burke county,	419
436. An act to amend section eight hundred and seventy-three of The Code,	419
437. An act to amend section one thousand and five of The Code,	420
438. An act to authorize the sale of land in Harnett county for arrears of taxes,	420
439. An act for the relief of G. W. Sibbett,	421
440. An act to repeal chapter eighty-six, laws of one thousand eight hundred and ninety-one,	422
441. An act to repeal chapter three hundred and eighty-seven of the laws of eighteen hundred and ninety-one, relating to the August term of the superior court of Caswell county,	422
442. An act for the protection of deer in Burke and Mitchell counties,	422
443. An act to drain Cheek's creek in Montgomery county,	423
444. An act to tax certain agents and itinerants selling patented articles and exclusive rights to sell the same in Johnston county, and to provide for the collection of the same,	426
445. An act to sell the state's interest in the Caldwell and Watauga Turnpike Company and to aid in the construction of the Boone and Blowing Rock Turnpike Company road,	427
446. An act to amend section twenty-eight hundred and twenty-two of The Code, in regard to stock law in Yancey county,	429
447. An act to protect fish in Trent river,	430
448. An act concerning Meadow and Sauratown townships in Stokes county,	430
449. An act to amend section two thousand six hundred and forty of The Code,	431
450. An act for the relief of James H. Robinson, of Sampson county,	431
451. An act to amend chapter one hundred and eighty of the public laws of eighteen hundred and eighty-five, and thereby change the time of holding the February and August terms of the superior court of Johnston county from the third Monday before the first Monday in March and September to the second Monday in March and the last Monday in August,	432
452. An act to allow the commissioners of Wilkes county to levy a special tax to repair the court-house and county jail of said county,	433
453. An act to prevent fraudulent assignments,	433
454. An act to amend section five of chapter one hundred and thirty-four of the laws of one thousand eight hundred and eighty-five, amending the Mecklenburg road law as it applies to Durham county,	435
455. An act to allow the killing of deer in Brown Marsh township, Bladen county,	436
456. An act to protect fish in Contentnea creek,	436
457. An act to allow justices of the peace and county canvassers of election in Gaston county mileage and per diem,	437
458. An act to amend chapter two hundred and thirty-four, laws eighteen hundred and eighty-five, known as the Cabarrus road law,	437
459. An act for the relief of John Flanagan, treasurer of Pitt county,	438
460. An act to provide compensation for certain official services in the county of Johnston,	438
461. An act to protect prisoners confined in jail under the charge of crime until they can be fairly tried by a jury of good and lawful men in open court,	440
462. An act to amend chapter nine of the laws of one thousand eight hundred and ninety-one relating to taxes on fertilizers and exempting from taxation cotton-seed meal,	442

CHAP.	PAGE.
463. An act supplemental and amendatory to an act entitled an act to encourage the killing of certain wild animals, ratified during the session of eighteen hundred and ninety-three,	442
464. An act to repeal chapter one hundred and seventy-three of the laws of one thousand eight hundred and eighty-seven and chapter two hundred and seventy of the laws of one thousand eight hundred and ninety-one,	443
465. An act for the relief of Marshall Branch and Marcus L. Holler, aged, afflicted and indigent confederate soldiers,	443
466. An act granting a pension to Rosa Knight, of Buncombe county,	444
467. An act to amend section eleven, chapter three hundred and sixty-six, acts of eighteen hundred and eighty-five,	444
468. An act to amend section one of chapter three hundred and forty-five of the laws of one thousand eight hundred and eighty-seven,	444
469. An act to amend chapter one hundred and sixty-six of the laws of eighteen hundred and ninety-one in relation to Alleghany and Wilkes counties,	445
470. An act to amend section two thousand eight hundred and thirty-two of The Code,	445
471. An act to limit the liability of executors, administrators, guardians and trustees in cases where stock in corporations has been transferred to them,	445
472. An act to change the time of holding the courts of Washington, Tyrrell and Dare counties,	446
473. An act to amend chapter one hundred and fifteen, laws eighteen hundred and eighty-three,	446
474. An act to amend section two, chapter four hundred and sixty-eight, laws of eighteen hundred and ninety-one,	447
475. An act to prohibit the manufacture of spirituous and malt liquors, and to prohibit the sale of all intoxicating liquors in Robeson county,	447
476. An act to amend an act to promote the cultivation of shell-fish in Onslow county, laws of eighteen hundred and eighty-seven,	448
477. An act to amend section twelve, chapter fifteen, laws of eighteen hundred and ninety-one,	449
478. An act to amend chapter one hundred and fifty-five of the laws of eighteen hundred and ninety-one, being an act to require banks, banking institutions and bankers within the state of North Carolina to make stated reports to the state treasurer,	449
479. An act to amend section one, chapter three hundred and twenty-seven, laws of eighteen hundred and ninety-one, concerning the sale of spirituous liquors, brandy peaches and brandy cherries, in Brunswick county,	450
480. An act to amend section thirty-one hundred and thirteen of The Code of North Carolina,	450
481. An act supplemental to an act ratified on the fourteenth day of February, eighteen hundred and ninety-three, and entitled "An act to amend chapter five hundred and four, laws of eighteen hundred and eighty-nine,"	450
482. An act to amend chapter three hundred and twenty-one, section four of the laws of eighteen hundred and ninety-one,	451
483. An act to amend chapter one hundred and seventy-four of the public laws of eighteen hundred and eighty-five, changing the time for the appointment of public school committeemen,	451
484. An act authorizing the treasurer of Randolph county to pay certain teachers,	452
485. An act to redocket judgments in Bladen county,	452
486. An act to correct state grant number twenty-three hundred and seventy, in Swain county,	453
487. An act to declare the remaining portion of High Shoals township in Rutherford county under the stock law,	454
488. An act to allow John F. Hellen, a one-legged soldier, to peddle without license.	454
489. An act to amend chapter fifty, section two thousand and nineteen of The Code,	454
490. An act in relation to grants of land by the state,	455
491. An act to amend section three of the laws of eighteen hundred and eighty-five, in regard to impounding of stock in Edgecombe county,	455
492. An act to protect hogs in the county of Onslow,	456
493. An act to prohibit non-residents from hunting, ducking, fishing and gathering oysters, clams and terrapins within the limits of the county of Brunswick,	456

CHAP.	PAGE.
494. An act to create banks of deposits for the public moneys of the state,	457
495. An act in regard to the delivery of freight,	458
496. An act to postpone the operation of an act entitled an act to establish the state banking system of North Carolina, passed at the session of eighteen hundred and ninety-three,	459
497. An act to amend chapter eighty-eight, laws of eighteen hundred and ninety-one,	459
498. An act for the revocation of interests limited to persons not <i>in esse</i> ,	459
499. An act for the relief of John D. Davis, clerk of the superior court for Carteret county,	467
500. An act to prohibit obstructing the run of Colly swamp and Harrison's creek, in Bladen county,	460
501. An act relating to fishing in Ellis's creek and other waters in Bladen county,	460
502. An act to amend section three thousand seven hundred and forty-six of The Code, eighteen hundred and eighty-three, concerning jailors,	461
503. An act to protect sheep in Buncombe county from the ravages of dogs,	461
504. An act to amend chapter one hundred and fifty of the laws [of] one thousand eight hundred and eighty-three and chapter seventy-eight of the laws of one thousand eight hundred and eighty-seven,	462
505. An act to amend section twenty-nine hundred and fifteen of The Code and to repeal section twenty-nine hundred and twenty-two, to establish a North Carolina station for maritime sanitation, and to appropriate twenty thousand dollars (\$20,000) to carry said act into effect,	463
506. An act to work public roads,	464
507. An act to establish a new township in Vance county, to be called Dabney township,	465
508. An act to amend chapter four hundred and twenty-six, laws of eighteen hundred and eighty-nine, as amended by chapter four hundred and fifty-eight, laws of eighteen hundred and ninety-one, relating to Wayne county,	466
509. An act to allow John W. Carson, a crippled citizen of Pitt county, to peddle without license,	466
510. An act to amend an act to repeal chapter one hundred and ninety-nine of the laws of one thousand eight hundred and eighty-nine, passed at this session of the general assembly and ratified February twenty-fifth, one thousand eight hundred and ninety-three,	467
511. An act to amend chapter three hundred and sixty-one of the laws of one thousand eight hundred and eighty-nine,	467
512. An act to amend section thirteen, chapter three hundred and twenty, acts eighteen hundred and ninety-one,	468
513. An act to amend chapter five hundred and thirty, laws of one thousand eight hundred and ninety-one,	468
514. An act to prevent the sale of deadly weapons to minors,	468
515. An act to amend chapter sixty, section three, of the laws of eighteen hundred and eighty-nine,	469
516. An act to provide for the working of convicts on the public roads of Wayne county,	469
517. An act to amend section one thousand seven hundred and sixty-two of The Code, so that it may apply to tar and lightwood,	470
518. An act to authorize the commissioners of Catawba county to pay magistrates and poll-holders per diem in certain cases,	471
519. An act to pay justices of the peace of Wake county for certain services,	471
520. An act to amend chapter three hundred and twenty-seven, laws of eighteen hundred and ninety-one,	472
521. An act to authorize the board of commissioners of Moore county to sell the present home for the aged and infirm,	472
522. An act supplemental to an act entitled an act to amend an act of the general assembly, laws of eighteen hundred and eighty-nine, chapter five hundred and forty nine, entitled an act to aid Guilford Battle-ground Company,	473
523. An act to repeal chapter three hundred and ninety-nine, laws of eighteen hundred and eighty-seven,	474
524. An act to provide for the better working of the public roads of Cherokee county,	474
525. An act allowing an increase of taxation for public graded schools in Charlotte,	477
526. An act to establish graded schools in Lexington, North Carolina,	478
527. An act to establish graded schools in the town of Rocky Mount, counties of Nash and Edgecombe,	479
528. An act to establish graded schools in the city of High Point,	480

CAPTIONS

OF THE

RESOLUTIONS OF THE GENERAL ASSEMBLY,

SESSION 1893.

	PAGE.
Resolution of instruction to our senators,	483
Resolution authorizing the state treasurer to pay note given for the purchase of the steamer "Lillie,"	483
Joint resolution to create a committee to investigate the different offices of the general assembly and ascertain the help needed and make report, with recommendations,	484
Resolution to appropriate the sum of five hundred dollars to defray the expenses of the ceremonies attending the inauguration of the governor-elect and other state officers,	484
Resolution to pay W. B. Henderson one hundred dollars, expenses in election contest,	484
Resolution to pay J. H. Wright one hundred dollars, expenses in election contest,	485
A resolution to have printed five hundred copies of the inaugural address of his excellency the governor,	485
Joint resolution to provide the judges and solicitors of the superior and criminal courts with advance copies of the public laws of this session,	485
Resolution for the relief of John M. Guyther, of Martin county, from peddler's tax,	486
Resolution of instruction concerning the Nicaragua canal,	486
Resolution calling for statements from bursar of university,	486
Resolution to purchase a bust of Honorable Jefferson Davis,	487
A resolution requesting our senators and representatives in congress to use their influence for the establishment of a national park in western North Carolina,	487
A resolution for the relief of J. M. Foust,	488
Resolution providing for joint special committee to ascertain the advisability of subscribing to the confederate private soldiers and sailors' monument in the capital city of the late confederacy,	488
Resolution to reimburse the subcommittee of the committees on insane asylums their actual necessary expenses, two hundred and forty-four dollars and ten cents, in visiting the state hospitals at Goldsboro and Morganton,	489
Resolution to pay T. M. Robertson, chairman of house committee on public printing, for expenses of subcommittee visiting Greensboro,	489
Resolution of instruction to the trustees of the state library,	489
A resolution to pay expenses of subcommittee appointed to visit the University and the Greensboro Normal and Industrial School,	490
A joint resolution in favor of Mrs. Emily Johnson, a pensioner,	490
Resolution to reimburse the committee appointed to visit and inspect the Colored Orphan Asylum at Oxford,	491
Resolution in favor of Joseph S. Davis and John W. Starnes,	491
Resolution directing the treasurer to pay the expenses of joint committee appointed to visit and investigate the state penitentiary farm on the Roanoke river,	491
Resolution in favor of E. R. Hampton,	492
Resolution for adjournment <i>sine die</i> ,	492
Resolution directing the treasurer to pay to John Z. Neal one hundred dollars for the arrest of Linville Eller, outlaw,	492
Joint resolution authorizing the state treasurer to refund taxes in certain cases,	493
Resolution of thanks to Peace Institute, Saint Mary's School, etc.,	493

	PAGE.
Resolution in favor of Susan Gilbert, of Wilkes county,	493
A resolution of thanks to the joint committee on enrolled bills,	494
Resolution to pay Henry D. Harper, page in the senate, twenty-five dollars for extra services as messenger for the enrolling clerk,	494
Resolution in favor of pages,	494
Resolution relating to the establishment of an arbor day,	495
A joint resolution of congratulation to his excellency Grover Cleveland, president of the United States,	495
Resolution in favor of J. C. Brewster for materials and repair to senate chamber,	496
Resolution in favor of W. W. Cooper, engineer of the capitol,	496
A resolution in favor of R. H. Bradley,	496
Resolution in favor of Abraham Hood, a disabled confederate soldier,	497
Resolution in favor of Alfred Williams & Company,	497
Resolution to pay Alfred Williams & Company,	497
A resolution in reference to printing the history of North Carolina soldiers in late war,	498
A resolution for the relief of John H. Roberts, of Cherryville, Gaston county, North Carolina,	498
Resolution to have printed captions of the acts and resolutions of this general assembly,	499
Resolution to pay L. M. King, night watchman of the capitol, seven dollars and fifty cents,	499
Resolution in favor of J. C. Brewster,	499
A resolution in favor of the incorporators of the Carolina Light, Water and Sanitary Construction Company,	500
A resolution for the suppression of trusts and combinations,	500



CONSTITUTION

OF THE

STATE OF NORTH CAROLINA.

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OF THE

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PREAMBLE.

We, the people of the State of North Carolina, grateful to Almighty God, the Sovereign Ruler of nations, for the preservation of the American Union, and the existence of our civil, political and religious liberties, and acknowledging our dependence upon Him for the continuance of those blessings to us and our posterity, do, for the more certain security thereof, and for the better government of this State, ordain and establish this Constitution :

ARTICLE I.

DECLARATION OF RIGHTS.

That the great, general and essential principles of liberty and free government may be recognized and established, and that the relations of this State to the Union and Government of the United States, and those of the people of this State to the rest of the American people, may be defined and affirmed, we do declare :

SECTION 1. That we hold it to be self-evident that all men are created equal ; that they are endowed by their Creator with certain inalienable rights ; that among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness.

The equality and rights of men.

SEC. 2. That all political power is vested in, and derived from, the people; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

Political power and government.

SEC. 3. That the people of this State have the inherent, sole and exclusive right of regulating the internal government and police thereof, and of altering and abolishing their constitution and form of government whenever it may be necessary for their safety and happiness; but every such right should be exercised in pursuance of law, and consistently with the Constitution of the United States.

Internal government of the State.

That there is no right to secede.

SEC. 4. That this State shall ever remain a member of the American Union; that the people thereof are a part of the American Nation; that there is no right on the part of the State to secede, and that all attempts, from whatever source or upon whatever pretext, to dissolve said Union, or to sever said Nation, ought to be resisted with the whole power of the State.

Of allegiance to the U. S. government.

SEC. 5. That every citizen of this State owes paramount allegiance to the Constitution and Government of the United States, and that no law or ordinance of the State in contravention or subversion thereof can have any binding force.

Public debt.

SEC. 6. The State shall never assume or pay, or authorize the collection of any debt or obligation, express or implied, incurred in aid of insurrection or rebellion against the United States, or any claim

Bonds issued under ordinance of convention of 1868 and under acts of 1868, 1868-'9, 1869-'70, declared invalid.

for the loss or emancipation of any slave; nor shall the General Assembly assume or pay, or authorize the collection of any tax to pay, either directly or indirectly, expressed or implied, any debt or bond incurred, or issued, by authority of the Convention of the year one thousand eight hundred and sixty-eight, nor any debt or bond, incurred or issued by the Legislature of the year one thousand eight hundred and sixty-eight, either at its special session of the year one thousand eight hundred and sixty-eight, or at its regular sessions of the years one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, and one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, except the bonds issued to fund the interest on the old debt of the State, unless the proposing to pay the same shall have first been submitted to the people and by them ratified by the vote of a majority of all the qualified voters of the State, at a regular election held for that purpose.

Exception.

Exclusive emoluments, &c.

SEC. 7. No man or set of men are entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services.

The legislative, executive and judicial powers distinct.

SEC. 8. The legislative, executive and supreme judicial powers of the government ought to be forever separate and distinct from each other.

Of the power of suspending laws.

SEC. 9. All power of suspending laws, or the execution of laws, by any authority, without the consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

Elections free.

SEC. 10. All elections ought to be free.

In criminal prosecutions.

SEC. 11. In all criminal prosecutions, every man has the right to be informed of the accusation against him and to confront the accusers and witnesses with other testimony, and to have counsel for his defence, and not be compelled to give evidence against himself or to pay costs, jail fees, or necessary witness fees of the defence, unless found guilty.

SEC. 12. No person shall be put to answer any criminal charge, except as hereinafter allowed, but by indictment, presentment or impeachment. Answers to criminal charges.

SEC. 13. No person shall be convicted of any crime but by the unanimous verdict of a jury of good and lawful men in open court. Right of jury.
The Legislature may, however, provide other means of trial for petty misdemeanors, with the right of appeal.

SEC. 14. Excessive bail should not be required, nor excessive fines imposed, nor cruel nor unusual punishments inflicted. Excessive bail.

SEC. 15. General warrants, whereby any officer or messenger may be commanded to search suspected places, without evidence of the act committed, or to seize any person or persons not named, whose offence is not particularly described and supported by evidence, are dangerous to liberty and ought not to be granted. General warrants

SEC. 16. There shall be no imprisonment for debt in this State, except in cases of fraud. Imprisonment for debt.

SEC. 17. No person ought to be taken, imprisoned, or disseized of his freehold, liberties or privileges, or outlawed or exiled, or in any manner deprived of his life, liberty or property, but by the law of the land. No person to be taken, &c., but by law of the land.

SEC. 18. Every person restrained of his liberty is entitled to a remedy to enquire into the lawfulness thereof, and to remove the same, if unlawful; and such remedy ought not to be denied or delayed. Persons restrained of liberty.

SEC. 19. In all controversies at law respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and ought to remain sacred and inviolable. Controversies at law respecting property.

SEC. 20. The freedom of the press is one of the great bulwarks of liberty, and therefore ought never to be restrained, but every individual shall be held responsible for the abuse of the same. Freedom of the press.

SEC. 21. The privileges of the writ of *habeas corpus* shall not be suspended. Habeas corpus.

SEC. 22. As political rights and privileges are not dependent upon, or modified by, property, therefore no property qualification ought to affect the right to vote or hold office. Property qualification.

SEC. 23. The people of the State ought not to be taxed, or made subject to the payment of any impost or duty without the consent of themselves, or their representatives in General Assembly freely given. Representation and taxation.

SEC. 24. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and, as standing armies in time of peace are dangerous to liberty, they ought not to be kept up, and the military should be kept under strict subordination to, and governed by, the civil power. Nothing herein contained shall justify the practice of carrying concealed weapons, or prevent the Legislature from enacting penal statutes against said practice. Militia and the right to bear arms.

- Right of the people to assemble together. SEC. 25. The people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the Legislature for redress of grievances. But secret political societies are dangerous to the liberties of a free people, and should not be tolerated.
- Religious liberty. SEC. 26. All men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences, and no human authority should, in any case whatever, control or interfere with the rights of conscience.
- Education. SEC. 27. The people have the right to the privilege of education, and it is the duty of the State to guard and maintain that right.
- Elections should be frequent. SEC. 28. For redress of grievances, and for amending and strengthening the laws, elections should be often held.
- Recurrence to fundamental principles. SEC. 29. A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.
- Hereditary emoluments, &c. SEC. 30. No hereditary emoluments, privileges or honors ought to be granted or conferred in this State.
- Perpetuities, &c. SEC. 31. Perpetuities and monopolies are contrary to the genius of a free State, and ought not to be allowed.
- Ex post facto laws. SEC. 32. Retrospective laws, punishing acts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust and incompatible with liberty; wherefore no *ex post facto* law ought to be made. No law taxing retrospectively sales, purchases, or other acts previously done, ought to be passed.
- Slavery prohibited. SEC. 33. Slavery and involuntary servitude, otherwise than for crime, whereof the parties shall have been duly convicted, shall be and are hereby forever prohibited within the State.
- State boundaries. SEC. 34. The limits and boundaries of the State shall be and remain as they now are.
- Courts shall be open. SEC. 35. All courts shall be open: and every person for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.
- Soldiers in time of peace. SEC. 36. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner prescribed by law.
- Other rights of the people. SEC. 37. This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers not herein delegated remain with the people.

ARTICLE II.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative authority shall be vested in two distinct branches, both dependent on the people, to-wit: a Senate and House of Representatives. Two branches.

SEC. 2. The Senate and House of Representatives shall meet biennially on the first Wednesday after the first Monday in January next after their election; and, when assembled, shall be denominated the General Assembly. Neither House shall proceed upon public business unless a majority of all the members are actually present. Time of assembling.

SEC. 3. The Senate shall be composed of fifty Senators, biennially chosen by ballot. Number of Senators.

SEC. 4. The Senate Districts shall be so altered by the General Assembly, at the first session after the return of every enumeration by order of Congress, that each Senate District shall contain, as near as may be, an equal number of inhabitants, excluding aliens and Indians not taxed, and shall remain unaltered until the return of another enumeration, and shall at all times consist of contiguous territory; and no county shall be divided in the formation of a Senate District, unless such county shall be equitably entitled to two or more Senators. Regulations in relation to districting the State for Senators.

SEC. 5. The House of Representatives shall be composed of one hundred and twenty Representatives, biennially chosen by ballot, to be elected by the counties respectively, according to their population, and each county shall have at least one representative in the House of Representatives, although it may not contain the requisite ratio of representation; this apportionment shall be made by the General Assembly at the respective times and periods when the Districts of the Senate are hereinbefore directed to be laid off. Regulations in relation to apportionment of Representatives.

SEC. 6. In making the apportionment in the House of Representatives, the ratio of representation shall be ascertained by dividing the amount of the population of the State, exclusive of that comprehended within those counties which do not severally contain the one hundred and twentieth part of the population of the State, by the number of Representatives, less the number assigned to such counties; and in ascertaining the number of the population of the State, aliens and Indians not taxed shall not be included. To each county containing the said ratio and not twice the said ratio, there shall be assigned one Representative; to each county containing two but not three times the said ratio, there shall be assigned two Representatives, and so on progressively, and then the remaining Representatives shall be assigned severally to the counties having the largest fractions. Ratio of representation.

Qualifications for Senators.	SEC. 7. Each member of the Senate shall not be less than twenty-five years of age, shall have resided in the State as a citizen two years, and shall have usually resided in the District for which he is chosen, one year immediately preceding his election.
Qualifications for Representatives.	SEC. 8. Each member of the House of Representatives shall be a qualified elector of the State, and shall have resided in the county for which he is chosen, for one year immediately preceding his election.
Election of officers.	SEC. 9. In the election of all officers, whose appointment shall be conferred upon the General Assembly by the Constitution, the vote shall be <i>viva voce</i> .
Powers in relation to divorce and alimony.	SEC. 10. The General Assembly shall have power to pass general laws regulating divorce and alimony, but shall not have power to grant a divorce or secure alimony in any individual case.
Private laws in relation to names of persons, &c.	SEC. 11. The General Assembly shall not have power to pass any private law to alter the name of any person, or to legitimate any person not born in lawful wedlock, or to restore to the rights of citizenship any person convicted of an infamous crime, but shall have power to pass general laws regulating the same.
Thirty days notice shall be given anterior to passage of private laws.	SEC. 12. The General Assembly shall not pass any private law, unless it shall be made to appear that thirty days notice of application to pass such a law shall have been given, under such direction and in such manner as shall be provided by law.
Vacancies.	SEC. 13. If vacancies shall occur in the General Assembly by death, resignation or otherwise, writs of election shall be issued by the Governor under such regulations as may be prescribed by law.
Revenue.	SEC. 14. No law shall be passed to raise money on the credit of the State, or to pledge the faith of the State, directly or indirectly, for the payment of any debt, or to impose any tax upon the people of the State, or allow the counties, cities or towns to do so, unless the bill for the purpose shall have been read three several times in each House of the General Assembly, and passed three several readings, which readings shall have been on three different days, and agreed to by each House respectively, and unless the yeas and nays on the second and third readings of the bill shall have been entered on the journal.
Entails.	SEC. 15. The General Assembly shall regulate entails in such manner as to prevent perpetuities.
Journals.	SEC. 16. Each House shall keep a journal of its proceedings, which shall be printed and made public immediately after the adjournment of the General Assembly.
Protest.	SEC. 17. Any member of either House may dissent from and protest against, any act or resolve, which he may think injurious to the public, or any individual, and have the reasons of his dissent entered on the journal.
Officers of the House.	SEC. 18. The House of Representatives shall choose their own Speaker and other officers.

- SEC. 19. The Lieutenant-Governor shall preside in the Senate, but shall have no vote unless it may be equally divided. President of the Senate.
- SEC. 20. The Senate shall choose its other officers and also a Speaker (*pro tempore*) in the absence of the Lieutenant Governor, or when he shall exercise the office of Governor. Other Senatorial officers.
- SEC. 21. The style of the acts shall be: "The General Assembly of North Carolina do enact." Style of the acts.
- SEC. 22. Each House shall be judge of the qualifications and election of its own members, shall sit upon its own adjournment from day to day, prepare bills to be passed into laws; and the two Houses may also jointly adjourn to any future day or other place. Powers of the General Assembly.
- SEC. 23. All bills and resolutions of a legislative nature shall be read three times in each House, before they pass into laws; and shall be signed by the presiding officers of both Houses. Bills and resolutions to be read three times, &c.
- SEC. 24. Each member of the General Assembly, before taking his seat, shall take an oath or affirmation that he will support the Constitution and laws of the United States, and the Constitution of the State of North Carolina, and will faithfully discharge his duty as a member of the Senate or House of Representatives. Oath of members.
- SEC. 25. The terms of office for Senators and members of the House of Representatives shall commence at the time of their election. Terms of office.
- SEC. 26. Upon motion made and seconded in either House by one-fifth of the members present, the yeas and nays upon any question shall be taken and entered upon the journals. Yeas and nays.
- SEC. 27. The election for members of the General Assembly shall be held for the respective districts and counties, at the places where they are now held, or may be directed hereafter to be held, in such manner as may be prescribed by law, on the first Thursday in August, in the year one thousand eight hundred and seventy, and every two years thereafter. But the General Assembly may change the time of holding the elections. Election for members of the General Assembly.
- SEC. 28. The members of the General Assembly for the term for which they have been elected shall receive as a compensation for their services the sum of *four dollars* per day for each day of their session, for a period not exceeding sixty days: and should they remain longer in session, they shall serve without compensation. They shall also be entitled to receive ten cents per mile, both while coming to the seat of government and while returning home, the said distance to be computed by the nearest line or route of public travel. The compensation of the presiding officers of the two Houses shall be six dollars per day and mileage. Should an extra session of the General Assembly be called, the members and presiding officers shall receive a like rate of compensation for a period not exceeding twenty days. Pay of members and officers of the General Assembly.

Extra session.

ARTICLE III.

EXECUTIVE DEPARTMENT.

Officers of the Executive Department.

Terms of office.

Qualifications of Governor and Lieutenant-Governor.

Returns of elections.

Oath of office for Governor.

SECTION 1. The Executive Department shall consist of a Governor, in whom shall be vested the supreme executive power of the State, a Lieutenant-Governor, a Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, and an Attorney-General, who shall be elected for a term of four years by the qualified electors of the State, at the same time and places and in the same manner as members of the General Assembly are elected. Their term of office shall commence on the first day of January next after their election, and continue until their successors are elected and qualified: *Provided*, that the officers first elected shall assume the duties of their office ten days after the approval of this Constitution by the Congress of the United States, and shall hold their offices four years from and after the first day of January.

SEC. 2. No person shall be eligible as Governor or Lieutenant-Governor unless he shall have attained the age of thirty years, shall have been a citizen of the United States five years, and shall have been a resident of this State for two years next before the election; nor shall the person elected to either of these two offices be eligible to the same office more than four years in any term of eight years, unless the office shall have been cast upon him as Lieutenant-Governor or President of the Senate.

SEC. 3. The return of every election for officers of the Executive Department shall be sealed up and transmitted to the seat of government by the returning officers, directed to the Speaker of the House of Representatives, who shall open and publish the same in the presence of a majority of the members of both Houses of the General Assembly. The person having the highest number of votes respectively shall be declared duly elected; but if two or more be equal and highest in votes for the same office, then one of them shall be chosen by joint ballot of both Houses of the General Assembly. Contested elections shall be determined by a joint ballot of both Houses of the General Assembly in such manner as shall be prescribed by law.

SEC. 4. The Governor, before entering upon the duties of his office, shall, in the presence of the members of both branches of the General Assembly, or before any justice of the Supreme Court, take an oath or affirmation that he will support the Constitution and laws of the United States, and of the State of North Carolina, and that he will faithfully perform the duties appertaining to the office of Governor, to which he has been elected.

SEC. 5. The Governor shall reside at the seat of government of this State, and he shall, from time to time, give the General Assembly information of the affairs of the State, and recommend to their consideration such measures as he shall deem expedient.

Duties of Governor.

SEC. 6. The Governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offences (except in cases of impeachment), upon such conditions as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. He shall biennially communicate to the General Assembly each case of reprieve, commutation or pardon granted, stating the name of each convict, the crime for which he was convicted, the sentence and its date, the date of commutation, pardon or reprieve, and the reasons therefor.

Reprieves, commutations and pardons.

SEC. 7. The officers of the Executive Department and of the public institutions of the State, shall at least five days previous to each regular session of the General Assembly, severally report to the Governor, who shall transmit such reports with his message to the General Assembly; and the Governor may, at any time, require information in writing from the officers in the Executive Department upon any subject relating to the duties of their respective offices, and shall take care that the laws be faithfully executed.

Annual reports from officers of Executive Department and of Public Institutions.

SEC. 8. The Governor shall be Commander-in-Chief of the militia of the State, except when they shall be called into the service of the United States.

Commander-in-Chief.

SEC. 9. The Governor shall have power, on extraordinary occasions, by and with the advice of the Council of State, to convene the General Assembly in extra session by his proclamation, stating therein the purpose or purposes for which they are thus convened.

Extra sessions of General Assembly.

SEC. 10. The Governor shall nominate and, by and with the advice and consent of a majority of the Senators-elect, appoint all officers whose offices are established by this Constitution and whose appointments are not otherwise provided for.

Officers whose appointments are not otherwise provided for.

SEC. 11. The Lieutenant Governor shall be President of the Senate, but shall have no vote unless the Senate be equally divided. He shall, whilst acting as President of the Senate, receive for his services the same pay which shall, for the same period, be allowed to the Speaker of the House of Representatives; and he shall receive no other compensation except when he is acting as Governor.

Duties of the Lieutenant-Governor.

SEC. 12. In case of the impeachment of the Governor, his failure to qualify, his absence from the State, his inability to discharge the duties of his office, or, in case the office of Governor shall in anywise become vacant, the powers, duties and emoluments of the office shall devolve upon the Lieutenant-Governor until the disability shall cease, or a new Governor shall be elected and qualified. In every case in which the Lieutenant-Governor shall be unable to preside over the Senate, the Senators shall elect one of their own number President of their body; and the powers, duties and emoluments of the office of

In case of impeachment of Governor, or vacancy caused by death or resignation.

Governor shall devolve upon him whenever the Lieutenant-Governor shall, for any reason, be prevented from discharging the duties of such office as above provided, and he shall continue as acting Governor until the disabilities are removed, or a new Governor or Lieutenant-Governor shall be elected and qualified. Whenever, during the recess of the General Assembly, it shall become necessary for the President of the Senate to administer the government, the Secretary of State shall convene the Senate, that they may elect such President.

Duties of other
Executive officers.

SEC. 13. The respective duties of the Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, and Attorney-General shall be prescribed by law. If the office of any of said officers shall be vacated by death, resignation or otherwise, it shall be the duty of the Governor to appoint another until the disability be removed or his successor be elected and qualified. Every such vacancy shall be filled by election at the first general election that occurs more than thirty days after the vacancy has taken place, and the person chosen shall hold the office for the remainder of the unexpired term fixed in the first section of this article.

Council of State.

SEC. 14. The Secretary of State, Auditor, Treasurer and Superintendent of Public Instruction shall constitute, *ex officio*, the Council of State, who shall advise the Governor in the execution of his office, and three of whom shall constitute a quorum. Their advice and proceedings in this capacity shall be entered in a journal to be kept for this purpose exclusively, and signed by the members present, from any part of which any member may enter his dissent; and such journal shall be placed before the General Assembly when called for by either House. The Attorney-General shall be, *ex officio*, the legal adviser of the Executive Department.

Compensation of
Executive officers.

SEC. 15. The officers mentioned in this article shall, at stated periods, receive for their services a compensation to be established by law, which shall neither be increased nor diminished during the time for which they shall have been elected, and the said officers shall receive no other emolument or allowance whatever.

Seal of State.

SEC. 16. There shall be a seal of the State, which shall be kept by the Governor, and used by him as occasion may require, and shall be called "the Great Seal of the State of North Carolina." All grants and commissions shall be issued in the name and by the authority of the State of North Carolina, sealed with "the Great Seal of the State," signed by the Governor and countersigned by the Secretary of State.

Department of
Agriculture, Im-
migration and
Statistics.

SEC. 17. The General Assembly shall establish a Department of Agriculture, Immigration and Statistics, under such regulations as may best promote the agricultural interests of the State, and shall enact laws for the adequate protection and encouragement of sheep husbandry.

ARTICLE IV.

JUDICIAL DEPARTMENT.

SECTION 1. The distinctions between actions at law and suits in equity, and the forms of all such actions and suits, shall be abolished; and there shall be in this State but one form of action, for the enforcement or protection of private rights or the redress of private wrongs, which shall be denominated a civil action; and every action prosecuted by the people of the State as a party against a person charged with a public offence, for the punishment of the same, shall be termed a criminal action. Feigned issues shall also be abolished, and the fact at issue tried by order of court before a jury.

Abolishes the distinction between actions at law and suits in equity.

Feigned issues abolished.

SEC. 2. The judicial power of the State shall be vested in a Court for the trial of Impeachments, a Supreme Court, Superior Courts, Courts of Justices of the Peace, and such other Courts inferior to the Supreme Court as may be established by law.

Division of Judicial powers.

SEC. 3. The Court for the trial of Impeachments shall be the Senate. A majority of the members shall be necessary to a quorum, and the judgment shall not extend beyond removal from, and disqualification to hold office in, this State; but the party shall be liable to indictment and punishment according to law.

Trial Court of Impeachment.

SEC. 4. The House of Representatives solely shall have the power of impeaching. No person shall be convicted without the concurrence of two-thirds of the Senators present. When the Governor is impeached, the Chief Justice shall preside.

Impeachment.

SEC. 5. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. No conviction of treason or attainder shall work corruption of blood or forfeiture.

Treason against the State.

SEC. 6. The Supreme Court shall consist of a Chief Justice and four Associate Justices.

Supreme Court Justices.

SEC. 7. The terms of the Supreme Court shall be held in the City of Raleigh, as now, unless otherwise provided by the General Assembly.

Terms of the Supreme Court.

SEC. 8. The Supreme Court shall have jurisdiction to review, upon appeal, any decision of the courts below, upon any matter of law or legal inference. And the jurisdiction of said Court over "issues of fact" and "questions of fact" shall be the same exercised by it before the adoption of the Constitution of one thousand eight hundred and sixty-eight, and the Court shall have the power to issue any remedial writs necessary to give it a general supervision and control over the proceedings of the inferior courts.

Jurisdiction of Supreme Court.

Claims against
the State.

SEC. 9. The Supreme Court shall have original jurisdiction to hear claims against the State, but its decisions shall be merely recommendatory; no process in the nature of the execution shall issue thereon; they shall be reported to the next session of the General Assembly for its action.

Judicial Districts
for Superior
Courts.

SEC. 10. The State shall be divided into nine judicial districts, for each of which a Judge shall be chosen; and there shall be held a Superior Court in each county at least twice in each year, to continue for such time in each county as may be prescribed by law. But the General Assembly may reduce or increase the number of districts.

Residences of
Judges, Rotation
in Judicial Dis-
tricts. And Spe-
cial Terms.

SEC. 11. Every Judge of the Superior Court shall reside in the district for which he is elected. The Judges shall preside in the courts of the different districts successively, but no Judge shall hold the courts in the same district oftener than once in four years; but in case of the protracted illness of the Judge assigned to preside in any district, or of any other unavoidable accident to him, by reason of which he shall be unable to preside, the Governor may require any Judge to hold one or more specified terms in said district, in lieu of the Judge assigned to hold the courts of the said district.

Jurisdiction of
Courts inferior to
Supreme Court.

SEC. 12. The General Assembly shall have no power to deprive the Judicial Department of any power or jurisdiction which rightfully pertains to it as a co-ordinate department of the government; but the General Assembly shall allot and distribute that portion of this power and jurisdiction which does not pertain to the Supreme Court, among the other courts prescribed in this Constitution or which may be established by law, in such manner as it may deem best; provide also a proper system of appeals, and regulate by law, when necessary, the methods of proceeding in the exercise of their powers, of all the courts below the Supreme Courts, so far as the same may be done without conflict with other provisions of this Constitution.

In case of waiver
of trial by jury.

SEC. 13. In all issues of fact, joined in any court, the parties may waive the right to have the same determined by a jury, in which case the finding of the Judge upon the facts shall have the force and effect of a verdict by a jury.

Special courts in
cities.

SEC. 14. The General Assembly shall provide for the establishment of Special Courts, for the trial of misdemeanors, in cities and towns where the same may be necessary.

Clerk of Supreme
Court.

SEC. 15. The Clerk of the Supreme Court shall be appointed by the Court, and shall hold his office for eight years.

Election of Supe-
rior Court Clerk.

SEC. 16. A Clerk of the Superior Court for each county shall be elected by the qualified voters thereof, at the time and in the manner prescribed by law for the election of members of the General Assembly.

Term of office.

SEC. 17. Clerks of the Superior Courts shall hold their offices for four years.

SEC. 18. The General Assembly shall prescribe and regulate the fees, salaries and emoluments of all officers provided for in this article; but the salaries of the Judges shall not be diminished during their continuance in office.

Fees, salaries and emoluments.

SEC. 19. The laws of North Carolina, not repugnant to this Constitution, or the Constitution and laws of the United States, shall be in force until lawfully altered.

What laws are and shall be in force.

SEC. 20. Actions at law, and suits in equity, pending when this Constitution shall go into effect, shall be transferred to the courts having jurisdiction thereof, without prejudice by reason of the change; and all such actions and suits commenced before, and pending at the adoption by the General Assembly of the rules of practice and procedure herein provided for, shall be heard and determined according to the practice now in use, unless otherwise provided for by said rules.

Disposition of actions at law and suits in equity, pending when this Constitution shall go into effect, &c.

SEC. 21. The Justices of the Supreme Court shall be elected by the qualified voters of the State, as is provided for the election of members of the General Assembly. They shall hold their offices for eight years. The Judges of the Superior Courts, elected at the first election under this amendment, shall be elected in like manner as is provided for Justices of the Supreme Court, and shall hold their offices for eight years. The General Assembly may, from time to time, provide by law that the Judges of the Superior Courts, chosen at succeeding elections, instead of being elected by the voters of the whole State, as is herein provided for, shall be elected by the voters of their respective districts.

SEC. 22. The Superior Courts shall be, at all times, open for the transaction of all business within their jurisdiction, except the trial of issues of fact requiring a jury.

Transaction of business in the Superior Courts.

SEC. 23. A Solicitor shall be elected for each Judicial District by the qualified voters thereof, as is prescribed for members of the General Assembly, who shall hold office for the term of four years, and prosecute on behalf of the State, in all criminal actions in the Superior Courts, and advise the officers of justice in his district.

Solicitors for each Judicial District.

SEC. 24. In each county a Sheriff and Coroner shall be elected by the qualified voters thereof, as is prescribed for members of the General Assembly, and shall hold their offices for two years. In each township there shall be a constable elected in like manner by the voters thereof, who shall hold his office for two years. When there is no Coroner in a county, the Clerk of the Superior Court for the county may appoint one for special cases. In case of a vacancy existing for any cause in any of the offices created by this section, the Commissioners of the county may appoint to such office for the unexpired term.

Sheriffs and Coroners.

SEC. 25. All vacancies occurring in the offices provided for by this Article of the Constitution shall be filled by the appointments of the

Vacancies.

Governor, unless otherwise provided for, and the appointees shall hold their places until the next regular election for members of the General Assembly, when elections shall be held to fill such offices. If any person, elected or appointed to any of said offices, shall neglect and fail to qualify, such offices shall be appointed to, held and filled as provided in case of vacancies occurring therein. All incumbents of said offices shall hold until their successors are qualified.

Terms of office of first officers under this Article.

SEC. 26. The officers elected at the first election held under this Constitution shall hold their offices for the terms prescribed for them respectively, next ensuing after the next regular election for members of the General Assembly. But their terms shall begin upon the approval of this Constitution by the Congress of the United States.

Jurisdiction of Justices of the Peace.

SEC. 27. The several Justices of the Peace shall have jurisdiction, under such regulations as the General Assembly shall prescribe, of civil actions founded on contract, wherein the sum demanded shall not exceed two hundred dollars, and wherein the title to real estate shall not be in controversy; and of all criminal matters arising within their counties where the punishment cannot exceed a fine of fifty dollars or imprisonment for thirty days. And the General Assembly may give to Justices of the Peace jurisdiction of other civil actions, wherein the value of the property in controversy does not exceed fifty dollars. When an issue of fact may be joined before a Justice, on demand of either party thereto, he shall cause a jury of six men to be summoned, who shall try the same. The party against whom judgment shall be rendered in any civil action, may appeal to the Superior Court from the same. In all cases of a criminal nature, the party against whom judgment is given may appeal to the Superior Court, where the matter shall be heard anew. In all cases brought before a justice, he shall make a record of the proceedings, and file the same with the Clerk of the Superior Court for his county.

Vacancies in office of Justice.

SEC. 28. When the office of Justice of the Peace shall become vacant otherwise than by expiration of the term, and in case of a failure by the voters of any District to elect, the Clerk of the Superior Court for the county shall appoint to fill the vacancy for the unexpired term.

Vacancies in office of Superior Court Clerk.

SEC. 29. In case the office of Clerk of a Superior Court for a county shall become vacant otherwise than by the expiration of the term, and in case of a failure by the people to elect, the Judge of the Superior Court for the county shall appoint to fill the vacancy until an election can be regularly held.

Officers of other Courts inferior to Supreme Court.

SEC. 30. In case the General Assembly shall establish other Courts inferior to the Supreme Court, the presiding officers and clerks thereof shall be elected in such manner as the General Assembly may from time to time prescribe, and they shall hold their offices for a term not exceeding eight years.

SEC. 31. Any Judge of the Supreme Court or of the Superior Courts, and the presiding officers of such Courts inferior to the Supreme Court as may be established by law, may be removed from office for mental or physical inability, upon a concurrent resolution of two-thirds of both Houses of the General Assembly. The Judge or presiding officer, against whom the General Assembly may be about to proceed, shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either House of the General Assembly shall act thereon.

Removal of Judges of the various Courts for inability.

SEC. 32. Any Clerk of the Supreme Court, or of the Superior Courts, or of such Courts inferior to the Supreme Court as may be established by law, may be removed from office for mental or physical inability; the Clerk of the Supreme Court by the Judges of said Court, the Clerks of the Superior Courts by the Judge riding the district, and the Clerks of such courts inferior to the Supreme Court as may be established by law, by the presiding officers of said Courts. The Clerk against whom proceedings are instituted shall receive notice thereof, accompanied by a copy of the causes alleged for his removal at least ten days before the day appointed to act thereon, and the Clerk shall be entitled to an appeal to the next term of the Superior Court, and thence to the Supreme Court, as provided in other cases of appeals.

Removal of Clerks of the various Courts for inability.

SEC. 33. The amendments made to the Constitution of North Carolina by this Convention shall not have the effect to vacate any office or term of office now existing under the Constitution of the State and filled or held by virtue of any election or appointment under the said Constitution and the laws of the State made in pursuance thereof.

Amendments not to vacate existing offices.

ARTICLE V.

REVENUE AND TAXATION.

SECTION 1. The General Assembly shall levy a capitation tax on every male inhabitant in the State over twenty-one and under fifty years of age, which shall be equal on each to the tax on property valued at three hundred dollars in cash. The commissioners of the several counties may exempt from capitation tax in special cases, on account of poverty and infirmity, and the State and county capitation tax combined shall never exceed two dollars on the head.

Capitation tax.

Exemptions.

SEC. 2. The proceeds of the State and county capitation tax shall be applied to the purposes of education and the support of the poor, but in no one year shall more than twenty-five per cent. thereof be appropriated to the latter purpose.

Application of proceeds of State and county capitation tax.

Taxation shall be by uniform rule and ad valorem.

SEC. 3. Laws shall be passed taxing, by a uniform rule, all moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise; and, also, all real and personal property, according to its true value in money. The General Assembly may also tax trades, professions, franchises, and incomes, provided that no income shall be taxed when the property from which the income is derived is taxed.

Restrictions upon the increase of the public debt, except in certain contingencies.

SEC. 4. Until the bonds of the State shall be at par, the General Assembly shall have no power to contract any new debt or pecuniary obligation in behalf of the State, except to supply a casual deficit, or for suppressing invasion or insurrection, unless it shall in the same bill levy a special tax to pay the interest annually. And the General Assembly shall have no power to give or lend the credit of the State in aid of any person, association or corporation, except to aid in the completion of such railroads as may be unfinished at the time of the adoption of this Constitution, or in which the State has a direct pecuniary interest, unless the subject be submitted to a direct vote of the people of the State, and be approved by the majority of those who shall vote thereon.

Property exemptions from taxation.

SEC. 5. Property belonging to the State, or to municipal corporations shall be exempt from taxation. The General Assembly may exempt cemeteries and property held for educational, scientific, literary, charitable or religious purposes; also, wearing apparel, arms for muster, household and kitchen furniture, the mechanical and agricultural implements of mechanics and farmers; libraries and scientific instruments, or any other personal property, to a value not exceeding three hundred dollars.

Taxes levied by County Commissioners.

SEC. 6. The taxes levied by the commissioners of the several counties for county purposes shall be levied in like manner with the State taxes, and shall never exceed the double of the State tax, except for a special purpose, and with the special approval of the General Assembly.

Acts levying taxes shall state object, &c.

SEC. 7. Every act of the General Assembly levying a tax shall state the special object to which it is to be applied, and it shall be applied to no other purpose.

ARTICLE VI.

SUFFRAGE AND ELIGIBILITY TO OFFICE.

Qualifications of elector.

SECTION 1. Every male person born in the United States, and every male person who has been naturalized, twenty-one years old or upward, who shall have resided in the State twelve months next preceding the election, and ninety days in the county in which he offers to vote, shall be deemed an elector. But no person, who, upon conviction or confession in open court, shall be adjudged guilty of felony,

or any other crime infamous by the laws of this State, and hereafter committed, shall be deemed an elector, unless such person shall be restored to the rights of citizenship in a manner prescribed by law.

SEC. 2. It shall be the duty of the General Assembly to provide, from time to time, for the registration of all electors; and no person shall be allowed to vote without registration, or to register, without first taking an oath or affirmation to support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith.

Registration of electors.

SEC. 3. All elections by the people shall be by ballot, and all elections by the General Assembly shall be *viva voce*.

Elections by people and General Assembly.

SEC. 4. Every voter, except as hereinafter provided, shall be eligible to office; but, before entering upon the discharge of the duties of his office, he shall take and subscribe the following oath: "I, -----, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office. So help me, God."

Oath of office.

SEC. 5. The following classes of persons shall be disqualified for office: First, all persons who shall deny the being of Almighty God. Second, all persons who shall have been convicted of treason, perjury, or of any other infamous crime, since becoming citizens of the United States, or of corruption, or malpractice in office, unless such person shall have been legally restored to the rights of citizenship.

Disqualification for office.

CHAPTER VII.

MUNICIPAL CORPORATIONS.

SECTION 1. In each county there shall be elected biennially by the qualified voters thereof, as provided for the election of members of the General Assembly, the following officers: A Treasurer, Register of Deeds, Surveyor and five Commissioners.

County officers.

SEC. 2. It shall be the duty of the Commissioners to exercise a general supervision and control of the penal and charitable institutions, schools, roads, bridges, levying of taxes, and finances of the county, as may be prescribed by law. The Register of Deeds shall be, *ex-officio*, Clerk of the Board of Commissioners.

Duty of County Commissioners.

SEC. 3. It shall be the duty of the Commissioners first elected in each county to divide the same into convenient districts, and to report the same to the General Assembly before the first day of January, 1869.

Counties to be divided into districts.

Said districts shall have corporate powers as Townships.

Officers of Townships.

Trustees shall assess property.

No debt or loan except by a majority of voters.

Drawing of money.

Taxes to be ad valorem.

When officers enter on duty.

Governor to appoint Justices.

Charters to remain in force until legally changed.

Debts in aid of the rebellion not to be paid.

Powers of General Assembly over municipal corporations.

SEC. 4. Upon the approval of the reports provided for in the foregoing section, by the General Assembly, the said districts shall have corporate powers for the necessary purposes of local government, and shall be known as townships.

SEC. 5. In each township there shall be biennially elected by the qualified voters thereof a Clerk and two Justices of the Peace, who shall constitute a Board of Trustees, and shall under the supervision of the County Commissioners, have control of the taxes and finances, roads and bridges of the townships, as may be prescribed by law. The General Assembly may provide for the election of a larger number of the Justices of the Peace in cities and towns, and in those townships in which cities and towns are situated. In every township there shall also be biennially elected a School Committee, consisting of three persons, whose duties shall be prescribed by law.

SEC. 6. The Township Board of Trustees shall assess the taxable property of their townships and make return to the County Commissioners for revision, as may be prescribed by law. The Clerk shall be, *ex officio*, treasurer of the township.

SEC. 7. No county, city, town, or other municipal corporation, shall contract any debt, pledge its faith, or loan its credit, nor shall any tax be levied or collected by any officers of the same, except for the necessary expenses thereof, unless by a vote of the majority of the qualified voters therein.

SEC. 8. No money shall be drawn from any county or township treasury except by authority of law.

SEC. 9. All taxes levied by any county, city, town, or township, shall be uniform and *ad valorem* upon all property in the same, except property exempted by this Constitution.

SEC. 10. The county officers first elected under the provisions of this Article shall enter upon their duties ten days after the approval of this Constitution by the Congress of the United States.

SEC. 11. The Governor shall appoint a sufficient number of Justices of the Peace in each county, who shall hold their places until sections four, five and six of this Article shall have been carried into effect.

SEC. 12. All charters, ordinances and provisions relating to municipal corporations shall remain in force until legally changed, unless inconsistent with the provisions of this Constitution.

SEC. 13. No county, city, town, or other municipal corporation shall assume to pay, nor shall any tax be levied or collected for the payment of any debt, or the interest upon any debt, contracted directly or indirectly in aid or support of the rebellion.

SEC. 14. The General Assembly shall have full power by statute to modify, change or abrogate any and all of the provisions of this Article, and substitute others in their place, except sections seven, nine and thirteen.

ARTICLE VIII.

CORPORATIONS OTHER THAN MUNICIPAL.

SECTION 1. Corporations may be formed under general laws, but shall not be created by special act, except for municipal purposes, and in cases where, in the judgment of the Legislature, the object of the corporation cannot be attained under general laws. All general laws and special acts, passed pursuant to this section, may be altered from time to time, or repealed. Corporations under general laws.

SEC. 2. Dues from corporations shall be secured by such individual liabilities of the corporations and other means as may be prescribed by law. Debts of corporations, how secured.

SEC. 3. The term corporation, as used in this Article, shall be construed to include all associations and joint-stock companies, having any of the powers and privileges of corporations, not possessed by individuals or partnerships. And all corporations shall have the right to sue, and shall be subject to be sued in all courts, in like cases as natural persons. What corporations shall include.

SEC. 4. It shall be the duty of the Legislature to provide for the organization of cities, towns and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent abuses in assessment and in contracting debts by such municipal corporations. Legislature to provide for organizing Cities, Towns, &c.

ARTICLE IX.

EDUCATION.

SECTION 1. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. Education shall be encouraged.

SEC. 2. The General Assembly, at its first session under this Constitution, shall provide by taxation, and otherwise, for a general and uniform system of public schools, wherein tuition shall be free of charge to all the children of the State between the ages of six and twenty-one years. And the children of the white race and the children of the colored race shall be taught in separate public schools; but there shall be no discrimination in favor of, or to the prejudice of either race. General Assembly shall provide for schools.
Separation of the races.

SEC. 3. Each county of the State shall be divided into a convenient number of districts, in which one or more public schools shall be maintained at least four months in every year; and if the commis- Counties to be divided into districts.

sioners of any county shall fail to comply with the aforesaid requirements of this section they shall be liable to indictment.

What property shall be devoted to educational purposes.

SEC. 4. The proceeds of all lands that have been or hereafter may be granted by the United States to this State, and not otherwise appropriated by this State or the United States; also, all moneys, stocks, bonds, and other property, now belonging to any State fund for purposes of education; also the net proceeds of all sales of the swamp lands belonging to the State, and all other grants, gifts or devises, that have been or hereafter may be made to the State, and not otherwise appropriated by the State, or by the term of the grant, gift or devise, shall be paid into the State treasury; and, together with so much of the ordinary revenue of the State as may be by law set apart for that purpose, shall be faithfully appropriated for establishing and maintaining in this State a system of free public schools, and for no other uses or purposes whatsoever.

County School fund.

SEC. 5. All moneys, stocks, bonds and other property, belonging to a county school fund; also the net proceeds from the sale of estrays; also the clear proceeds of all penalties and forfeitures, and of all fines collected in the several counties for any breach of the penal or military laws of the State; and all moneys which shall be paid by persons as an equivalent for exemption from military duty, shall belong to and remain in the several counties, and shall be faithfully appropriated for establishing and maintaining free public schools in the several counties in this State: *Provided*, that the amount collected in each county shall be annually reported to the Superintendent of Public Instruction.

Proviso.

Election of Trustees, and provisions for maintenance of the University.

SEC. 6. The General Assembly shall have power to provide for the election of Trustees of the University of North Carolina, in whom, when chosen, shall be vested all the privileges, rights, franchises and endowments thereof, in anywise granted to or conferred upon the Trustees of said University; and the General Assembly may make such provisions, laws and regulations from time to time as may be necessary and expedient for the maintenance and management of said University.

Benefits of the University.

SEC. 7. The General Assembly shall provide that the benefits of the University, as far as practicable, be extended to the youth of the State free of expense for tuition; also, that all the property which has heretofore accrued to the State, or shall hereafter accrue, from escheats, unclaimed dividends, or distributive shares of the estates of deceased persons, shall be appropriated to the use of the University.

Board of Education.

SEC. 8. The Governor, Lieutenant-Governor, Secretary of State, Treasurer, Auditor, Superintendent of Public Instruction and Attorney-General, shall constitute a State Board of Education.

President and Secretary.

SEC. 9. The Governor shall be President, and the Superintendent of Public Instruction shall be Secretary of the Board of Education.

SEC. 10. The Board of Education shall succeed to all the powers and trusts of the President and Directors of the Literary Fund of North Carolina, and shall have full power to legislate and make all needful rules and regulations in relation to free public schools and the educational fund of the State; but all acts, rules and regulations of said Board may be altered, amended or repealed by the General Assembly, and when so altered, amended or repealed, they shall not be re-enacted by the Board. Power of Board.

SEC. 11. The first session of the Board of Education shall be held at the capital of the State, within fifteen days after the organization of the State Government under this Constitution; the time of future meetings may be determined by the Board. First session of Board.

SEC. 12. A majority of the Board shall constitute a quorum for the transaction of business. Quorum.

SEC. 13. The contingent expenses of the Board shall be provided by the General Assembly. Expenses.

SEC. 14. As soon as practicable after the adoption of this Constitution, the General Assembly shall establish and maintain, in connection with the University, a department of Agriculture, of Mechanics, of Mining, and of Normal Instruction. Agricultural Department.

SEC. 15. The General Assembly is hereby empowered to enact that every child of sufficient mental and physical ability shall attend the public schools during the period between the ages of six and eighteen years, for a term of not less than sixteen months, unless educated by other means. Children must attend school.

ARTICLE X.

HOMESTEADS AND EXEMPTIONS.

SECTION 1. The personal property of any resident of this State, to the value of five hundred dollars, to be selected by such resident, shall be and is hereby exempted from sale under execution, or other final process of any court, issued for the collection of any debt. Exemption.

SEC. 2. Every homestead, and the dwellings and buildings used therewith, not exceeding in value one thousand dollars, to be selected by the owner thereof, or in lieu thereof, at the option of the owner, any lot in a city, town or village, with the dwelling and buildings used thereon, owned and occupied by any resident of this State, and not exceeding the value of one thousand dollars, shall be exempt from sale under execution, or other final process obtained on any debt. But no property shall be exempt from sale for taxes, or for payment of obligations contracted for the purchase of said premises. Homestead.

SEC. 3. The homestead, after the death of the owner thereof, shall be exempt from the payment of any debt during the minority of his children, or any one of them. Homestead exempted from debt.

- Laborer's lien.** SEC. 4. The provisions of sections one and two of this Article shall not be so construed as to prevent a laborer's lien for work done and performed for the person claiming such exemption, or a mechanic's lien for work done on the premises.
- Benefit of widow.** SEC. 5. If the owner of a homestead die, leaving a widow, but no children, the same shall be exempt from the debts of her husband, and the rents and profits thereof shall inure to her benefit during her widowhood, unless she be the owner of a homestead in her own right.
- Property of a married female secured to her.** SEC. 6. The real and personal property of any female in this State, acquired before marriage, and all property, real and personal, to which she may, after marriage, become in any manner entitled, shall be and remain the sole and separate estate and property of such female, and shall not be liable for any debts, obligations or engagements of her husband, and may be devised and bequeathed, and with the written assent of her husband, conveyed by her as if she were unmarried.
- Husband may insure his life for the benefit of wife and children.** SEC. 7. The husband may insure his own life for the sole use and benefit of his wife and children, and in case of the death of the husband, the amount thus insured shall be paid over to the wife and children, or to the guardian, if under age, for her or their own use, free from all the claims of the representatives of her husband, or any of his creditors.
- How deed for homestead may be made.** SEC. 8. Nothing contained in the foregoing sections of this Article shall operate to prevent the owner of a homestead from disposing of the same by deed; but no deed made by the owner of a homestead shall be valid without the voluntary signature and assent of his wife, signified on her private examination according to law.

ARTICLE XI.

PUNISHMENTS, PENAL INSTITUTIONS AND PUBLIC CHARITIES.

- Punishments.** SECTION 1. The following punishments only shall be known to the laws of this State, viz.: death, imprisonment, with or without hard labor; fines, removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under this State. The foregoing provision for imprisonment with hard labor shall be construed to authorize the employment of such convict labor on public works, or highways, or other labor for public benefit, and the farming out thereof, where and in such manner as may be provided by law; but no convict shall be farmed out who has been sentenced on a charge of murder, manslaughter, rape, attempt to commit rape or arson: *Provided*, that no convict whose labor may be farmed out shall be punished for any failure of duty as a laborer, except by a responsible
- Convict labor.**
- Proviso.**

officer of the State; but the convicts so farmed out shall be at all times under the supervision and control, as to their government and discipline, of the Penitentiary Board or some officer of the State.

SEC. 2. The object of punishments being not only to satisfy justice, but also to reform the offender, and thus prevent crime, murder, arson, burglary, and rape, and these only may be punishable with death, if the General Assembly shall so enact.

Death punishment.

SEC. 3. The General Assembly shall, at its first meeting, make provision for the erection and conduct of a State's Prison or Penitentiary, at some central and accessible point within the State.

Penitentiary.

SEC. 4. The General Assembly may provide for the erection of Houses of Correction, where vagrants and persons guilty of misdemeanors shall be restrained and usefully employed.

Houses of correction.

SEC. 5. A House or Houses of Refuge may be established whenever the public interests may require it, for the correction and instruction of other classes of offenders.

Houses of Refuge.

SEC. 6. It shall be required by competent legislation that the structure and superintendence of penal institutions of the State, the county jails, and city police prisons, secure the health and comfort of the prisoners, and that male and female prisoners be never confined in the same room or cell.

The sexes to be separated.

SEC. 7. Beneficent provision for the poor, the unfortunate and orphan, being one of the first duties of a civilized and Christian State, the General Assembly shall, at its first session, appoint and define the duties of a Board of Public Charities, to whom shall be entrusted the supervision of all charitable and penal State institutions, and who shall annually report to the Governor upon their condition, with suggestions for their improvement.

Provision for the poor and orphans.

SEC. 8. There shall also, as soon as practicable, be measures devised by the State for the establishment of one or more Orphan Houses, where destitute orphans may be cared for, educated and taught some business or trade.

Orphan houses.

SEC. 9. It shall be the duty of the Legislature, as soon as practicable, to devise means for the education of idiots and inebriates.

Inebriates and idiots.

SEC. 10. The General Assembly shall provide that all the deaf-mutes, the blind and the insane of the State shall be cared for at the charge of the State.

Deaf-mutes, blind and insane.

SEC. 11. It shall be steadily kept in view by the Legislature and the Board of Public Charities, that all penal and charitable institutions should be made as nearly self-supporting as is consistent with the purposes of their creation.

Self-supporting.

ARTICLE XII.

MILITIA.

Who are liable to militia duty.

SECTION 1. All able-bodied male citizens of the State of North Carolina, between the ages of twenty-one and forty years, who are citizens of the United States, shall be liable to duty in the militia: *Provided*, that all persons who may be averse to bearing arms, from religious scruples, shall be exempt therefrom.

Organizing, &c.

SEC. 2. The General Assembly shall provide for the organizing, arming, equipping and discipline of the militia, and for paying the same, when called into active service.

Governor Commander-in-Chief.

SEC. 3. The Governor shall be Commander-in-Chief, and shall have power to call out the militia to execute the law, suppress riots or insurrection, and to repel invasion.

Exemptions.

SEC. 4. The General Assembly shall have power to make such exemptions as may be deemed necessary, and to enact laws that may be expedient for the government of the militia.

ARTICLE XIII.

AMENDMENTS.

Convention, how called.

SECTION 1. No Convention of the people of this State shall ever be called by the General Assembly, unless by the concurrence of two-thirds of all the members of each House of the General Assembly, and except the proposition, Convention or No Convention, be first submitted to the qualified voters of the whole State, at the next general election in a manner to be prescribed by law. And should a majority of the votes cast be in favor of said Convention, it shall assemble on such day as may be prescribed by the General Assembly.

How the Constitution may be altered.

SEC. 2. No part of the Constitution of this State shall be altered unless a bill to alter the same shall have been agreed to by three-fifths of each House of the General Assembly. And the amendment or amendments so agreed to shall be submitted at the next general election to the qualified voters of the whole State, in such a manner as may be prescribed by law. And in the event of their adoption by a majority of the votes cast, such amendment or amendments shall become a part of the Constitution of this State.

ARTICLE XIV.

MISCELLANEOUS.

SECTION 1. All indictments which shall have been found, or may hereafter be found, for any crime or offence committed before this Constitution takes effect, may be proceeded upon in the proper Courts, but no punishment shall be inflicted which is forbidden by this Constitution.

Indictments.

SEC. 2. No person who shall hereafter fight a duel, or assist in the same as a second, or send, accept, or knowingly carry a challenge therefor, or agree to go out of the State to fight a duel, shall hold any office in this State.

Penalty for fighting duel.

SEC. 3. No money shall be drawn from the treasury but in consequence of appropriations made by law; and an accurate account of the receipts and expenditures of the public money shall be annually published.

Drawing money.

SEC. 4. The General Assembly shall provide, by proper legislation for giving to mechanics and laborers an adequate lien on the subject matter of their labor.

Mechanics' lien.

SEC. 5. In the absence of any contrary provision, all officers of this State, whether heretofore elected, or appointed by the Governor, shall hold their positions only until other appointments are made by the Governor, or, if the officers are elective, until their successors shall have been chosen and duly qualified according to the provisions of this Constitution.

Governor [to make appointments.

SEC. 6. The seat of government of this State shall remain at the City of Raleigh.

Seat of government.

SEC. 7. No person, who shall hold any office or place of trust or profit under the United States, or any department thereof, or under this State, or under any other State or Government, shall hold or exercise any other office or place of trust or profit under the authority of this State, or be eligible to a seat in either House of the General Assembly: *Provided*, that nothing herein contained shall extend to officers in the militia, Justices of the Peace, Commissioners of Public Charities, or commissioners for special purposes.

Holding office.

SEC. 8. All marriages between a white person and a negro, or between a white person and a person of negro descent to the third generation inclusive, are hereby forever prohibited.

Intermarriage of whites and negroes prohibited.

INDEX

TO THE

Constitution of North Carolina.

ARTICLE I.

DECLARATION OF RIGHTS.

	Art.	Sec.
The equality and rights of men.....	1	1
Political power and government.....	1	2
Internal government of the State.....	1	3
That there is no right to secede.....	1	4
Of allegiance to the United States government.....	1	5
Public debt.....	1	6
Exclusive emoluments, &c.....	1	7
The Legislative, Executive and Judicial powers distinct.....	1	8
Of the power of suspending laws.....	1	9
Elections free.....	1	10
In criminal prosecutions.....	1	11
Answers to criminal charges.....	1	12
Right of jury.....	1	13
Excessive bail.....	1	14
General warrants.....	1	15
Imprisonment for debt.....	1	16
No person to be taken, &c., but by the law of the land.....	1	17
Persons restrained of liberty.....	1	18
Controversies at law respecting property.....	1	19
Freedom of the press.....	1	20
Habeas corpus	1	21
Property qualifications.....	1	22
Representation and taxation.....	1	23
Militia and the right to bear arms.....	1	24
Right of the people to assemble together.....	1	25
Religious liberty.....	1	26
Education	1	27
Elections should be frequent.....	1	28
Recurrence to fundamental principles.....	1	29
Hereditary emoluments, &c.....	1	30
Perpetuities, &c.....	1	31
Ex post facto laws.....	1	32
Slavery prohibited.....	1	33
State boundaries.....	1	34
Courts shall be open	1	35
Soldiers in time of peace.....	1	36
Other rights of the people.....	1	37

ARTICLE II.

LEGISLATIVE DEPARTMENT.

	Art.	Sec.
Two branches.....	2	1
Time of assembling.....	2	2
Number of Senators.....	2	3
Regulations in relation to districting the State for Senators.....	2	4
Regulations in relation to apportionment of Representatives.....	2	5
Ratio of representation.....	2	6
Qualifications for Senators.....	2	7
Qualifications for Representatives.....	2	8
Election of officers.....	2	9
Powers in relation to divorce and alimony.....	2	10
Private laws in relation to the names of persons, &c.....	2	11
Thirty days notice shall be given anterior to passage of private laws	2	12
Vacancies	2	13
Revenue	2	14
Entails.....	2	15
Journals	2	16
Protest	2	17
Officers of the House.....	2	18
President of the Senate	2	19
Other Senatorial officers.	2	20
Style of the acts.....	2	21
Powers of the General Assembly	2	22
Bills and Resolutions to be read three times, &c.....	2	23
Oath for members.....	2	24
Terms of office.....	2	25
Yeas and Nays.....	2	26
Election for members of the General Assembly.. ..	2	27
Pay of members and officers of the General Assembly.....	2	28
Extra session.....	2	28

ARTICLE III.

EXECUTIVE DEPARTMENT.

	Art.	Sec.
Officers of the Executive Department.....	3	1
Terms of office.....	3	1
Qualifications of Governor and Lieutenant-Governor.....	3	2
Returns of elections.....	3	3
Oath of office for Governor.....	3	4
Duties of Governor.....	3	5
Reprieves, commutations and pardons.....	3	6
Annual reports from officers of Executive Department and of Public Institutions.....	3	7
Commander-in-Chief	3	8
Extra sessions of General Assembly.....	3	9
Officers whose appointments are not otherwise provided for.....	3	10
Duties of Lieutenant-Governor	3	11
In case of Impeachment of Governor or vacancy caused by death or resignation.....	3	12
Duties of other executive officers.....	3	13
Council of State.....	3	14
Compensation of executive officers.....	3	15
Seal of State	3	16
Department of Agriculture, Immigration and Statistics	3	17

ARTICLE IV.

JUDICIAL DEPARTMENT.

	Art.	Sec.
Abolishes the distinctions between actions at law and suits in equity	4	1
Feigned issues abolished	4	1
Division of Judicial powers.....	4	2
Trial Court of Impeachment	4	3
Impeachment	4	4
Treason against the State.....	4	5
Supreme Court Justices	4	6
Terms of the Supreme Court.....	4	7
Jurisdiction of the Supreme Court.....	4	8
Claims against the State.....	4	9
Judicial Districts for Superior Courts.....	4	10
Residence of Judges. Rotation of Judicial Districts. And Special Terms.....	4	11
Jurisdiction of Courts inferior to Supreme Court.....	4	12
In case of waiver of trial by jury	4	13
Special Courts in cities.....	4	14
Clerk of Supreme Court.....	4	15
Election of Superior Court Clerk.....	4	16
Terms of office.....	4	17
Fees, salaries and emoluments.....	4	18
What laws are and shall be in force.....	4	19
Disposition of actions at law and suits in equity pending when this Constitution shall go into effect, &c	4	20
Election, term of office, &c., of Supreme and Superior Court Judges	4	21
Transaction of business in the Superior Courts.....	4	22
Solicitors for each Judicial District.....	4	23
Sheriffs and Coroners.....	4	24
Vacancies.....	4	25
Terms of office of first officers under this Article.....	4	26
Jurisdiction of Justices of the Peace.....	4	27
Vacancies in office of Justices.....	4	28
Vacancies in office of Superior Court Clerk.....	4	29
Officers of other Courts inferior to Supreme Court.....	4	30
Removal of Judges of the various Courts for inability.....	4	31
Removal of Clerks of the various Courts for inability	4	32
Amendments not to vacate existing offices	4	33

ARTICLE V.

REVENUE AND TAXATION.

	Art.	Sec.
Capitation tax.....	5	1
Exemptions.....	5	1
Application of proceeds of State and county capitation tax.....	5	2
Taxation shall be by uniform rule and <i>ad valorem</i>	5	3
Restriction upon the increase of the public debt, except in certain contingencies.....	5	4
Property exemptions from taxation.....	5	5
Taxes levied by County Commissioners.	5	6
Acts levying taxes shall state object, &c	5	7

ARTICLE VI.

SUFFRAGE AND ELIGIBILITY TO OFFICE.

	Art.	Sec.
Qualifications of an elector.....	6	1
Registration of electors.....	6	2
Elections by people and General Assembly.....	6	3
Oath of office.....	6	4
Disqualification for office.....	6	5

ARTICLE VII.

MUNICIPAL CORPORATIONS.

	Art.	Sec.
County officers	7	1
Duty of County Commissioners.....	7	2
Counties to be divided into districts.....	7	3
Said districts shall have corporate powers as Townships.....	7	4
Officers of Townships.....	7	5
Trustees shall assess property.....	7	6
No debt or loan except by a majority of voters.....	7	7
Drawing of money.....	7	8
Taxes to be <i>ad valorem</i>	7	9
When officers enter on duty.....	7	10
Governor to appoint Justices.....	7	11
Charters to remain in force until legally changed.....	7	12
Debts in aid of the rebellion not to be paid	7	13
Powers of General Assembly over municipal corporations.....	7	14

ARTICLE VIII.

CORPORATIONS OTHER THAN MUNICIPAL.

	Art.	Sec.
Corporations under general laws.....	8	1
Debts of corporations, how secured.....	8	2
What corporations shall include.....	8	3
Legislatures to provide for organizing Cities, Towns, &c.....	8	4

ARTICLE IX.

EDUCATION.

	Art.	Sec.
Education shall be encouraged.....	9	1
General Assembly shall provide for schools.....	9	2
Separation of the races.....	9	2
Counties to be divided into districts.....	9	3
What property shall be devoted to educational purposes.....	9	4
County school funds.....	9	5
Proviso.....	9	5
Election of Trustees and provision for maintenance of the University.....	9	6
Benefits of the University.....	9	7
Board of Education.....	9	8
President and Secretary.....	9	9
Power of Board.....	9	10
First session of Board.....	9	11
Quorum.....	9	12
Expenses.....	9	13
Agricultural Department.....	9	14
Children must attend school.....	9	15

ARTICLE X.

HOMESTEADS AND EXEMPTIONS.

	Art.	Sec.
Exemption.....	10	1
Homestead.....	10	2
Homestead exempted from debt.....	10	3
Laborer's lien.....	10	4
Benefit of widow.....	10	5
Property of a married female secured to her.....	10	6
Husband may insure his life for the benefit of wife and children.....	10	7
How deed for homestead may be made.....	10	8

ARTICLE XI.

PUNISHMENTS, PENAL INSTITUTIONS AND PUBLIC CHARITIES.

	Art.	Sec.
Punishments.....	11	1
Convict labor.....	11	1
Proviso.....	11	1
Death punishment.....	11	2
Penitentiary.....	11	3
Houses of correction.....	11	4
Houses of refuge.....	11	5
The sexes to be separated.....	11	6
Provision for the poor and orphans.....	11	7
Orphan houses.....	11	8
Inebriates and idiots.....	11	9
Deaf-mutes, blind and insane.....	11	10
Self-supporting.....	11	11

ARTICLE XII.

MILITIA.

	Art.	Sec.
Who are liable to Militia duty.....	12	1
Organizing, &c.....	12	2
Governor, Commander-in-Chief.....	12	3
Exemptions.....	12	4

ARTICLE XIII.

AMENDMENTS.

	Art.	Sec.
Convention, how called.....	13	1
How Constitution may be altered.....	13	2

ARTICLE XIV.

MISCELLANEOUS.

	Art.	Sec.
Indictments.....	14	1
Penalty for fighting duel.....	14	2
Drawing money.....	14	3
Mechanic's lien.....	14	4
Governor to make appointments.....	14	5
Seat of Government.....	14	6
Holding office.....	14	7
Intermarriage of whites and negroes prohibited.....	14	8

PUBLIC LAWS
OF THE
STATE OF NORTH CAROLINA,
SESSION 1893.

PUBLIC LAWS
OF THE
STATE OF NORTH CAROLINA,
SESSION 1893.

CHAPTER 1.

An act to abolish the January term and have an August term of the superior court of Northampton county.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter one hundred and eighty of the laws of one thousand eight hundred and eighty-five be and the same is hereby amended by striking out in lines ten and eleven on page three hundred and thirty-two (332) of said laws, the words "sixth Monday before the first Monday in March," and inserting in lieu thereof the words "first Monday in August," so as to abolish the January term and have an August term of the superior court of Northampton county.

Chapter 180, laws 1885, amended.

January term Northampton superior court abolished.

August term created.

SEC. 2. That all processes, precepts, writs, summonses, recognizances, bonds for appearance, subpoenas, notices or other papers which are made returnable to the term of the court abolished by the first section of this act, shall be deemed returnable and shall be returned to the spring term of the superior court of said county to be held on the fourth Monday after the first Monday in March next; and no person shall be released from any recognizance, bond or other obligation returnable to the term of said court heretofore held on the sixth Monday before the first Monday in March by reason of the abolition of the January term aforesaid.

Return of process, &c.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 20th day of January, A. D. 1893.

CHAPTER 2.

An act to repeal chapter 224 of the laws of 1887.

The General Assembly of North Carolina do enact :

Chapter 224, laws
1887 (authorizing
certain detective
officers to carry
concealed
weapons) re-
pealed.

SECTION 1. That chapter 224 of the laws of 1887 be and the same is hereby repealed.

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

Ratified the 20th day of January, A. D. 1893.

CHAPTER 3.

An act to amend chapter 102, laws of 1891.

The General Assembly of North Carolina do enact :

Chapter 102, sec-
tion 2, laws 1891,
amended.

Probate of deeds,
&c., to which
superior court
clerks are parties
or interested.

SECTION 1. That section 2, chapter 102, laws of 1891, be amended so as to read as follows, viz.: "Section 2. That all deeds, mortgages or other instruments requiring registration to which clerks of the superior court are parties or in which such clerks are interested, may be proved or acknowledged and privy examination of any married woman, when necessary, taken before any justice of the peace of the county of said clerk, which clerk may then, under his hand and official seal, certify to the genuineness thereof, or before any judge of the superior court or justice of the supreme court, and the said deed, mortgage or other instrument probated and ordered to be registered by such judge or justice in like manner as is provided by law for probates by clerks of the superior court in other cases."

Lands heretofore
probated before
justice of the
peace, &c., vali-
dated.

SEC. 2. That all deeds, mortgages or other instruments heretofore probated by a justice of the peace, and ordered to registration by a judge of the superior court or justice of the supreme court to which clerks of the superior court are parties are hereby confirmed, and the probates and orders for registration declared to be regular and valid in law.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 20th day of January, A. D. 1893.

CHAPTER 4.

An act to repeal an act entitled "an act concerning entries," chapter 532, laws of 1891.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 532, laws of 1891, be and the same is hereby repealed.

Chapter 532, laws 1891 (concerning entry of land covered by navigable water) repealed.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 20th day of January, A. D. 1893.

CHAPTER 5.

An act to amend section one hundred and eighty (180) of The Code, concerning suits on behalf of infants, lunatics and persons non compos mentis.

The General Assembly of North Carolina do enact:

SECTION 1. That section one hundred and eighty (180) of The Code of North Carolina be and the same is hereby amended by striking out after the word "state" in line eight (8) of said section all that follows the said word, and inserting in lieu thereof the following, to-wit: "but if the action or proceeding be against such guardian, or if there be no such guardian, then said infants, lunatics or persons non compos mentis may appear by their next friend: *Provided, however,* that the duty of the state solicitors to prosecute in the case specified in chapter entitled 'guardian and ward' shall not be affected by the provisions of this section."

Section 180 of The Code amended.

When infants, &c., to appear by next friend.
Proviso.

SEC. 2. That this act shall apply as well to actions heretofore commenced and now pending as to those hereafter to be brought.

Act applicable to pending actions.

SEC. 3. That this act shall be in force from and after its ratification.
Ratified the 27th day of January, A. D. 1893.

CHAPTER 6.

An act to determine conflicting claims to real property.

The General Assembly of North Carolina do enact:

SECTION 1. That an action may be brought by any person against another who claims an estate or interest in real property adverse to him, for the purpose of determining such adverse claims.

Right of action against any person claiming adverse interest in real estate.

No costs recoverable when defendant disclaims interest.

SEC. 2. That if the defendant in such action disclaim in his answer any interest or estate in the property, or suffer judgment to be taken against him without answer, the plaintiff cannot recover costs.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 31st day of January, A. D. 1893.

CHAPTER 7.

An act to repeal chapters 92 and 356 of the laws of 1891 relative to executors and administrators pleading the statute of limitations.

The General Assembly of North Carolina do enact :

Chapters 92 and 356, laws 1891 (compelling personal representatives to plead statute of limitations) repealed.

SECTION 1. That chapters 92 and 356 of the laws of 1891 be and the same are hereby repealed.

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

Ratified the 31st day of January, A. D. 1893.

CHAPTER 8.

An act amending chapter 187, laws of 1889, in regard to the sale of seed cotton in Nash county.

The General Assembly of North Carolina do enact :

Chapter 187, laws 1889, amended. Law making it unlawful to buy seed cotton in less quantity than usual bale, not to apply to Nash county.

SECTION 1. That chapter one hundred and eighty-seven of the laws of one thousand eight hundred and eighty-nine be and the same is hereby amended by striking out the word "Nash" in line three of section one.

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

Ratified the 31st day of January, A. D. 1893.

CHAPTER 9.

An act for the benefit of laborers.

The General Assembly of North Carolina do enact :

Code, sec. 1799, amended. Laborer's lien on crops to be preferred to lien for advances.

SECTION 1. That section seventeen hundred and ninety-nine (1799) of The Code be amended by adding the words "except the laborer's lien" after the word "otherwise" and before the word "to" in the eighth line of said section.

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

Ratified the 31st day of January, A. D. 1893.

CHAPTER 10.

An act to repeal chapter 68 of the laws of 1887 concerning carrying concealed weapons.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter sixty-eight (68) of the laws of eighteen hundred and eighty-seven, and all amendments thereto, be and the same are hereby repealed.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 2d day of February, A. D. 1893.

Chapter 68, laws 1887 (giving justices of the peace jurisdiction of the offence of carrying concealed weapons) repealed.

CHAPTER 11.

An act to prevent obstructing the run of Ellis' creek in Bladen county.

The General Assembly of North Carolina do enact :

SECTION 1. That no person or persons shall in any way obstruct the run of Ellis' creek in Bladen county.

SEC. 2. That any person or persons violating the provisions of section first of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than fifty dollars nor imprisoned more than thirty days.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 2d day of February, A. D. 1893.

Unlawful to obstruct Ellis' creek, Bladen] county. Misdemeanor.

CHAPTER 12.

An act to prevent the careless exposure of children to fire.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person or persons in this state to leave any child or children, of the age of seven years or less, locked or otherwise confined in any dwelling, building or enclosure, and go away from said dwelling, building or enclosure, without leaving in charge of the same some person or persons of the age of discretion, so as to expose said child or children to danger by fire, and any person or persons so offending shall be guilty of a misdemeanor, and shall be punished at the discretion of the court.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 2d day of February, A. D. 1893.

Misdemeanor to leave child of seven years of age or less confined in building and exposed to damage by fire unattended.

CHAPTER 13.

An act to empower clerks of the criminal courts to probate deeds and other instruments.*The General Assembly of North Carolina do enact:*

Clerks of criminal
courts empowered
to probate
deeds, &c.

SECTION 1. That the clerks of criminal courts of this State shall have power to take proofs of all deeds conveying lands, powers of attorney or other instruments requiring registration, and to take the private examination of married women to such instruments, and to order the same to be registered in all cases where clerks of the superior courts have such power.

Former probates
validated.

SEC. 2. That wherever clerks of the criminal courts have heretofore essayed to take the probate of any deed, letter of attorney or other instrument requiring registration, and the private examination of *femes covert* whose names are signed to such deeds, and have ordered said deeds to registration, and the same have been registered, all such probates, private examinations and registrations so taken and had shall be as valid and binding to all intents and purposes as if the same had been taken before or ordered by the clerk of the superior court or other proper officers having jurisdiction thereof.

Act applicable
only to Bun-
combe county.

SEC. 3. That this act shall only apply to the county of Buncombe.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 2d day of February, A. D. 1893.

CHAPTER 14.

An act to amend section 1865 of The Code, to repeal chapter 367 of the laws of 1889, and amend chapter 580 of the laws of 1891, concerning the duties of clerks of superior courts.*The General Assembly of North Carolina do enact:*

Code, sec. 1865,
amended.

Money remain-
ing in hands of
superior court
clerks three years
due witnesses and
jurors, payable to
school fund.

Chapter 367, laws
1889 (requiring
clerks to make
annual statement
of moneys on
hand received
from predecessor)
repealed.

Chapter 580, sec-
tion 3, laws 1891,
amended.

Publication of
annual statement
Sec. 4 amended.
When moneys
due jurors and
witnesses payable
to school fund.

SECTION 1. That section 1865 of The Code be amended by adding thereto "except fees due witnesses and jurors, which shall be paid to the school fund."

SEC. 2. That chapter 367, laws of 1889, be and is hereby repealed.

SEC. 3. That section 3, chapter 580, laws of 1891, be amended by adding in line eighteen after the word "door" and before the word "and" "within twenty days after filing said reports;" and section 4 of said act be amended by striking out the words "for thirty days" in line two and inserting in lieu thereof the words "on the first day of January."

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

Ratified the 2d day of February, A. D. 1893.

CHAPTER 15.

An act to repeal chapter three hundred and sixteen of the laws of eighteen hundred and ninety-one.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter three hundred and sixteen of the laws of eighteen hundred and ninety-one be and the same is hereby repealed.

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

Ratified the 2d day of February, A. D. 1893.

Chapter 316, laws 1891 (making it unlawful to buy seed cotton in quantities less than bale in Mecklenburg county) repealed.

CHAPTER 16.

An act to restore the citizens of Ocracoke township, Hyde county, the right of jury service.

The General Assembly of North Carolina do enact :

SECTION 1. That the citizens of Ocracoke township in the county of Hyde are hereby restored to their rights to serve on juries in common with the rest of the citizens of the State.

SEC. 2. That all laws or parts of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 2d day of February, A. D. 1893.

Right of citizens of Ocracoke township, Hyde county, to serve on juries restored. Conflicting laws repealed.

CHAPTER 17.

An act to regulate building of wharfs.

The General Assembly of North Carolina do enact :

SECTION 1. That section 2751, subsection 1, of The Code, be amended by striking out the words "to which entries may be made," and inserting instead thereof the words "to which wharfs may be built."

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

Ratified the 2d day of February, A. D. 1893.

Code, section 2751, subsection 1, amended. Entries of land in front of incorporated towns. Town to fix line on deep water to which wharfs may be built.

CHAPTER 18.

An act to change the time of holding the superior courts of the counties of Pitt and Martin.

The General Assembly of North Carolina do enact :

Terms of Pitt
superior court;
when held.

SECTION 1. That the superior courts for the county of Pitt shall be held at the times hereinafter designated, and shall continue for two weeks, unless the business is sooner disposed of, to-wit: The January term shall begin on the eighth Monday before the first Monday in March. The March term shall begin on the first Monday in March. The April term shall begin on the fourth Monday after the first Monday in March. The September term shall begin on the second Monday after the first Monday in September. The December term shall begin on the thirteenth Monday after the first Monday in September.

Terms of Martin
superior court;
when held.

SEC. 2. That the superior courts for the county of Martin shall be held at the times hereinafter designated, and shall continue two weeks unless the business is sooner disposed of, to-wit: The spring term shall begin on the second Monday after the first Monday in March. The fall term shall begin on the first Monday in September.

Certain terms
abolished.

SEC. 3. The June term of Pitt superior court and the December term of Martin superior court are hereby abolished.

March and De-
cember terms of
Pitt superior
court to be for
trial of civil
causes.

SEC. 4. The March and December terms of Pitt superior court shall be for the trial of civil causes only, and no grand jurors shall be drawn or sworn for either of said terms.

Return of process,
&c., to March
term, 1893, Martin
superior court.

SEC. 5. That all processes, original, *mesne* or final, in civil and criminal actions, issued and returnable to the March term, 1893, of the superior court of Martin, which is changed by this act, shall be returnable to said term as changed, and all persons who have been recognized, bound or summoned, or who shall be hereafter recognized, bound or summoned to appear at said term, as heretofore appointed, are hereby required to appear at the term as prescribed by this act.

Return of civil
process, &c., to
March term, 1893,
Pitt superior
court.

SEC. 6. That all processes, original, *mesne* or final, in civil actions, issued and returnable to the March term, 1893, of the superior court of Pitt, which is changed by this act, shall be returnable to said term as changed, and all persons who have been summoned or subpœnaed, or who shall be hereafter summoned or subpœnaed to appear at said term, as heretofore appointed, are hereby required to appear at the term prescribed by this act.

Return of criminal
process, &c., to
March term,
1893, Pitt superior
court.

SEC. 7. That all processes, *mesne* or final, in criminal actions, issued and returnable to the March term, 1893, of the superior court of Pitt, which is changed by this act, shall be returnable to the April term as changed, and all persons who have been summoned, recognized or bound to appear, or shall hereafter be summoned, recognized or bound to appear at said term, as heretofore appointed, are hereby required to appear at the April term of said court.

SEC. 8. That all laws or clauses of laws in conflict with this act are hereby repealed. Conflicting laws repealed.

SEC. 9. That this act shall be in force from and after its ratification.
Ratified the 4th day of February, A. D. 1893.

CHAPTER 19.

An act to amend section 2834 of The Code relative to killing wild turkeys in Stanly county.

The General Assembly of North Carolina do enact :

SECTION 1. That section 2834 of The Code be amended by striking out the words "wild turkeys" in line two. Lawful to kill wild turkeys in Stanly county at any time.

SEC. 2. That this act shall apply to Stanly county only.

SEC. 3. That this act shall be in force from and after its ratification.
Ratified the 4th day of February, A. D. 1893.

CHAPTER 20.

An act to amend subsection two (2) of section twelve hundred and forty-six (1246) of The Code of North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That subsection two (2) of section twelve hundred and forty-six of The Code of North Carolina be amended by inserting between the words "court" and the second "or" in the eighth line of said subsection the words "of any county of this state." Code, section 1246, subsection 2, amended. Probate of deed, &c., before clerk of any superior or inferior court.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 4th day of February, A. D. 1893.

CHAPTER 21.

An act to amend chapter five hundred and forty-two, acts of eighteen hundred and ninety-one.

The General Assembly of North Carolina do enact :

SECTION 1. That line three of chapter five hundred and forty-two of the laws of eighteen hundred and ninety-one be amended by striking out the words "Vance, Rockingham, Anson and Stokes" in line three of said chapter. Chapter 542, laws 1891, amended. Lawful to hunt opossums at any time in certain counties.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 4th day of February, A. D. 1893.

CHAPTER 22.

An act to enable owners of land to establish the boundary lines thereof.

The General Assembly of North Carolina do enact :

Code, vol. 1, chapter 48, repealed.

SECTION 1. That chapter 48, volume 1 of The Code of 1883. be and is hereby repealed.

Special proceeding in superior court by land-owner to establish disputed line. Petition and parties.

SEC. 2. That the owner of land, any of whose boundary lines are in dispute, may establish said line or lines by special proceedings in the superior court of the county in which the land or any part thereof is situated. The owner shall file his petition stating therein facts sufficient to constitute the location of said line or lines as claimed by him and making defendants all adjoining owners whose interest may be affected by the location of said line. The clerk shall thereupon issue summons to the defendants as in other cases of special proceedings.

Summons.

Judgment on failure to answer. Method of procedure if answer deny location alleged in petition.

If the defendants fail to answer, judgment shall be given establishing the line according to petition. If the answer deny the location set out in the petition, the clerk shall issue an order to the county surveyor or, if cause shown, to any competent surveyor to survey said line or lines according to the contention of both parties, and make report of the same with a map at a time to be fixed by the clerk, not more than thirty days from date of order; to which time the cause shall be continued. The cause shall then be heard by the clerk upon the location of said line or lines and judgment given determining the location thereof: *Provided*, that either party may within ten days after such determination by the clerk serve notice of appeal from the ruling of the clerk determining the said location. When notice of appeal is served it shall be the duty of the clerk to transmit the issues raised before him to the next term of the superior court of the county for trial by a jury, when the question shall be heard *de novo*. When final judgment is given in this proceeding the court shall issue an order to the said surveyor to run and mark said line or lines as determined in the judgment. The surveyor shall make report including a map of the line as determined, which shall be filed with the judgment roll in the cause and entered with the judgment on the special proceedings docket. The procedure under this act, the jurisdiction of the court, and the right of appeal shall, in all respects, be the same as in special proceedings except as herein modified.

Clerk to adjudge location.

Appeal.

Procedure on final judgment.

Procedure, jurisdiction, &c.

What to constitute ownership.

SEC. 3. That occupation of land shall constitute sufficient ownership for the purposes of this act.

Pending proceedings under chapter 48 not affected.

SEC. 4. That proceedings pending under said chapter 48 shall not be affected by this act.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 6th day of February, A. D. 1893.

CHAPTER 23.

An act to amend chapter 480, laws of 1891.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter 480, laws of 1891, be amended by striking out in line three the words " traps and gigs." Chapter 480, laws 1891, amended. Lawful to catch fish in Mitchell county with traps and gigs.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 20th day of January, A. D. 1893.

CHAPTER 24.

An act to remove the colored normal school now located in Warrenton, Warren county, to Franklinton, Franklin county.

The General Assembly of North Carolina do enact :

SECTION 1. That the State Board of Education are hereby directed to remove the normal school for the colored race now located at Warrenton, Warren county, and re-establish it at Franklinton, Franklin county: *Provided*, the citizens of Franklinton shall furnish or cause to be furnished suitable buildings in which to conduct the exercises of said school. State board of education directed to remove colored normal school from Warrenton to Franklinton. Proviso.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 20th day of January, A. D. 1893.

CHAPTER 25.

An act for the relief of the sheriff of Dare county.

The General Assembly of North Carolina do enact :

SECTION 1. That the sheriff of Dare county be allowed until the first day of April in each and every year to settle with and pay over to the state treasurer the State taxes due from said county for each and every previous year. Sheriff of Dare county allowed until April 1st to settle State taxes.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 20th day of January, A. D. 1893.

CHAPTER 26.

An act for the relief of sheriffs and tax-collectors of this state.

The General Assembly of North Carolina do enact :

Tax-collectors ^{§ 21}
allowed to collect
arrears of taxes;
for 1884, &c.

SECTION 1. That all persons who are now or have been tax-collectors of the several counties of this state for the years one thousand eight hundred and eighty-four, one thousand eight hundred and eighty-five, one thousand eight hundred and eighty-six, one thousand eight hundred and eighty-seven, one thousand eight hundred and eighty-eight, one thousand eight hundred and eighty-nine, one thousand eight hundred and ninety, one thousand eight hundred and ninety-one, and one thousand eight hundred ninety-two, are hereby authorized and empowered to collect arrears of taxes for each of the years aforesaid under the rules or regulations as are or may be provided by law for the collection of taxes: *Provided*, this act shall not affect purchasers without notice, and no person shall be required to pay any cost to sheriffs or tax-collectors on the same except the cost allowed by law for advertising.

Purchasers, with-
out notice.

Costs.

Who exempt from
payment.

SEC. 2. That no person shall be compelled to pay any tax under the provisions of this act who will make oath before any one authorized to administer oaths that the tax attempted to be collected has been paid, nor shall any executor or administrator be compelled to pay any arrears of taxes under the provisions of this act.

Liability of
sheriffs and tax-
collectors.

SEC. 3. That nothing herein contained shall be construed to relieve sheriffs, tax-collectors, their representatives or bondsmen from the liability imposed by law to pay state, county and other taxes at the time and place provided by law.

When authority
to cease.

SEC. 4. That the authority herein given shall cease and determine on the twenty-fifth day of December, one thousand eight hundred and ninety-three.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified the 24th day of January, A. D. 1893.

CHAPTER 27.

An act to repeal chapter two hundred and sixteen, laws of one thousand eight hundred and ninety-one.

The General Assembly of North Carolina do enact :

Chapter 216, laws,
1891 (making cer-
tain sections of
The Code not
applicable to
Montgomery
county) repealed.

SECTION 1. That chapter two hundred and sixteen of the laws of one thousand eight hundred and ninety-one is hereby repealed.

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

Ratified the 24th day of January, A. D. 1893.

CHAPTER 28.

An act to allow Lincoln county to levy a special tax.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners of Lincoln county be and are hereby authorized and empowered to levy a special tax not to exceed fifteen cents on the hundred dollars valuation of property and forty-five cents on each poll annually for three years, viz.: one thousand eight hundred and ninety-three, one thousand eight hundred and ninety-four, and one thousand eight hundred and ninety-five, to be expended for the purpose of paying the indebtedness of said county.

Commissioners of Lincoln county authorized to levy special tax to pay county indebtedness.

SEC. 2. That said special tax shall be levied and collected at the same time as other taxes in said county.

How levied and collected.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 24th day of January, A. D. 1893.

CHAPTER 29.

An act to amend chapter two hundred and fifteen of the laws of eighteen hundred and eighty-nine.

The General Assembly of North Carolina do enact:

SECTION 1. That section four of chapter two hundred and fifteen of the laws of one thousand eight hundred and eighty-nine, entitled "an act to elect cotton weighers for the towns of Monroe, Waxhaw and Beaver Dam in Union county," be amended by striking out all after the word "shall" in line two of said section to and including the word "election" in same line and insert in lieu thereof the words "appear before the commissioners at their next regular meeting on the first Monday in July."

Chapter 215, section 4, laws 1889, amended. Cotton weighers elected in certain towns in Union county to qualify before commissioners.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 24th day of January, A. D. 1893.

CHAPTER 30.

An act to amend chapter 150, laws of 1883.

The General Assembly of North Carolina do enact :

Chapter 150, section 1, laws 1883, amended.
Sheriff of Madison county allowed until May 1st to settle State taxes.
Proviso.

SECTION 1. That chapter one hundred and fifty, laws of one thousand eight hundred and eighty-three, be amended by adding the word "Yancey" after "Madison" and before "Davidson" in line four (4) of section one: *Provided*, nothing in this act shall be construed to prevent the sheriff of said county from collecting the taxes due from said county as provided by the general law in relation to the collection of taxes.

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

Ratified the 24th day of January, A. D. 1893.

CHAPTER 31.

An act to amend chapter 106, laws of 1885, relating to the stock law of Edgecombe county.

The General Assembly of North Carolina do enact :

Chapter 106, section 1, laws 1885, amended.
Geese included in act to prevent live stock from running at large in Edgecombe county.

SECTION 1. That section one, chapter one hundred and six of the laws of 1885, be and the same is hereby amended by adding at the end of said section the following words: "*Provided*, this section shall be so construed as to include geese."

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

Ratified the 24th day of January, A. D. 1893.

CHAPTER 32.

An act to correct state grant No. 716 issued to Mary Dills.

The General Assembly of North Carolina do enact :

Grant No. 716, issued to Mary Dills, corrected.

SECTION 1. That state grant No. 716 issued to Mary Dills on the 29th day of December, A. D. 1860, and recorded in Jackson county, in book G, on page 76, record of deeds for said county, be corrected by inserting in the seventh call in said grant the words "fifty-five" instead of the words "thirty-five."

Duty of register of deeds of Jackson county.

SEC. 2. That the register of deeds for said county upon the presentation of this act is hereby authorized and directed to correct the record in his office according to the provisions of this act.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 24th day of January, A. D. 1893.

CHAPTER 33.

An act to repeal chapter three hundred and thirty-two, laws of one thousand eight hundred and eighty-seven, relative to county commissioners of Jones county.

The General Assembly of North Carolina do enact :

SECTION 1. That the board of county commissioners of Jones county be and the same is hereby authorized to meet in the courtroom in the court-house of said county, or in any other room in said building that their convenience or the convenience of the public will be best served, the said convenience to be decided by the said board of county commissioners of said Jones county.

Meetings of commissioners of Jones county, where held.

SEC. 2. That chapter three hundred and thirty-two, laws of one thousand eight hundred and eighty-seven, be and the same is hereby repealed.

Chapter 332, laws 1887 (requiring commissioners to meet in courtroom) repealed.

SEC. 3. That all laws and sections of laws in conflict with this act be and the same are hereby repealed.

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

Ratified the 24th day of January, A. D. 1893.

CHAPTER 34.

An act to repeal chapter twenty-four, laws one thousand eight hundred and eighty-one.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter twenty-four, laws of one thousand eight hundred and eighty-one, be and the same is hereby repealed.

Chapter 24, laws 1881 (act appointing cotton-weighers for Enfield and Weldon) repealed.

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

Ratified the 24th day of January, A. D. 1893.

CHAPTER 35.

An act to amend chapter three hundred and forty-one of the laws of one thousand eight hundred and ninety-one for the free passage of fish in Catawba river.

The General Assembly of North Carolina do enact :

SECTION 1. That section one, chapter three hundred and forty-one of the laws of eighteen hundred and ninety-one be amended by striking out after the word "at" in line three the words "mouth of Linville river in Burke," and inserting in lieu thereof the words "the town of Old Fort in McDowell."

Chapter 341, section 1, laws 1891, amended. Unlawful to obstruct Catawba river between South Carolina line and Old Fort.

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

Ratified the 24th day of January, A. D. 1893.

CHAPTER 36.

An act to simplify and render more convenient the release and discharge of deeds of trust and mortgages.

The General Assembly of North Carolina do enact :

Code, section 1271,
amended.
Mortgages, &c.,
released before
register of deeds,
or his deputy.

SECTION 1. That section one thousand two hundred and seventy-one of The Code of North Carolina be amended by inserting between the words "deeds" and "acknowledge" in line eight thereof the words "or his deputy," and between the words "register" and "forthwith" in line ten thereof the words "or his deputy," and between the words "register" and "who" in line fifteen thereof the words "or his deputy."

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 24th day of January, A. D. 1893.

CHAPTER 37.

An act to amend chapter four hundred and fifteen, laws of one thousand eight hundred and ninety-one.

The General Assembly of North Carolina do enact :

Chapter 415, laws
1891, amended.
Act prohibiting
sale of liquor
within two miles
of churches not
applicable to
school-houses,
&c., in Davidson
county.

SECTION 1. That chapter four hundred and fifteen (415) of the laws of one thousand eight hundred and ninety-one be amended by striking out all of section four after the word "Pamlico."

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 24th day of January, A. D. 1893.

CHAPTER 38.

An act to authorize the county commissioners of Dare county to levy a special tax for the years one thousand eight hundred and ninety-three and one thousand eight hundred and ninety-four to pay county indebtedness.

The General Assembly of North Carolina do enact :

Commissioners
authorized to
levy special tax.

SECTION 1. That the board of commissioners and magistrates of Dare county be and are hereby authorized and empowered to levy a special tax, not to exceed twenty cents on the hundred dollars worth of property and sixty cents on each poll in said county, for the years one thousand eight hundred and ninety-three and one thousand eight hundred and ninety-four, in addition to the taxes levied under the constitution and laws of North Carolina.

SEC. 2. That the said taxes shall be applied to the payment of the indebtedness of the county. Application of tax.

SEC. 3. That said special tax shall be levied in the same manner and at the same time that other taxes are levied in said county, observing the constitutional equation between property and poll. How levied.

SEC. 4. That said special tax shall be collected and accounted for by the sheriff or other collecting officer in the same manner and under the same penalties and at the same time that other taxes are collected and accounted for. How collected.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified the 27th day of January, A. D. 1893.

CHAPTER 39.

An act to authorize the commissioners of Graham county to levy a special tax, and for other purposes.

The General Assembly of North Carolina do enact :

SECTION 1. That the commissioners of Graham county are hereby authorized to purchase a farm upon which to build a home for the aged and infirm people of said county. Commissioners authorized to levy special tax to build home for aged, &c.

SEC. 2. That the commissioners of Graham county are hereby authorized and empowered to levy a special tax, not to exceed fifteen hundred dollars, preserving the equation between the property and poll, and one-half of the said taxes to be levied and collected in the year one thousand eight hundred and ninety-four, the other half to be levied and collected in the year one thousand eight hundred and ninety-five, and said money to be applied in the purchase of a farm and the erection of suitable buildings thereon for a home for the aged infirm people of Graham county. Limitation of tax.

SEC. 3. That all taxes collected under the provisions of this act shall be collected under the same rules and regulations of other county and state taxes, and shall be paid into the treasury of Graham county, and shall not be used for any other purpose than that for which they were levied and collected under the usual restrictions of law. When levied and collected.

SEC. 4. That this act shall be in force from and after its ratification. How applied.

Ratified the 27th day of January, A. D. 1893. How collected.

CHAPTER 40.

An act to extend the time for registering grants and cure certain defective registrations.*The General Assembly of North Carolina do enact :*

Time for registration of grants extended to January 1, 1896.

SECTION 1. That all grants from the state of North Carolina of lands and interests in land heretofore made, which were required or allowed to be registered within a time or times specified by law, or in the grants themselves, may be registered in the counties in which the lands lie respectively at any time or times within two years from the first day of January, eighteen hundred and ninety-four, next ensuing, notwithstanding the fact that such specified times have already expired, and all such grants heretofore registered after the expiration of such specified time or times shall be taken and treated as if they had been registered within such specified time or times : *Provided*, that nothing herein contained shall be held or have the effect to divest any rights, titles, or equities in or to the land covered by such grants, or any of them, acquired by any person or persons from the state of North Carolina, by or through any entry or entries, grant or grants, made or issued since such grants were respectively issued, or of those claiming through or under such subsequent entry or entries, grant or grants.

Proviso.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 27th day of January, A. D. 1893.

CHAPTER 41.

An act to amend section three, chapter eighty-four of the laws of eighteen hundred and seventy-nine.*The General Assembly of North Carolina do enact :*

Chapter 84, section 3, laws 1879, amended. Land-owners failing to provide hands for drainage of Muddy Creek, McDowell county, guilty of misdemeanor. Sec. 6 amended. Misdemeanor to obstruct stream.

SECTION 1. That section three, chapter eighty-four of the laws of eighteen hundred and seventy-nine be amended by adding to the end of said section the words "and shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court."

SEC. 2. That section six of said chapter eighty-four of said year be stricken out, and the following be inserted in lieu thereof: "that any person or persons, corporation or firm, or the servants, agents, or employees of any person, corporation or firm, who shall willfully and knowingly fell timber trees into said streams or their tributaries, or shall obstruct the waters in the channels of said streams or their tributaries, or shall empty, waste, or run the tailings from any mine

into the channels of said streams or either of them, or either [of] their tributaries, or shall permit the tailings of any mine to run into the channels of said streams or either of them, or into the tributaries of said streams, shall be guilty of a misdemeanor, and upon conviction shall be punished by fine or imprisonment, or both, in the discretion of the court.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 27th day of January, A. D. 1893.

CHAPTER 42.

An act to amend chapter one hundred and ninety-four, laws of eighteen hundred and ninety-one, it being an act for the relief of Northampton county.

The General Assembly of North Carolina do enact :

SECTION 1. That section one of chapter one hundred and ninety-four, laws of eighteen hundred and ninety-one, be amended by inserting the years eighteen hundred and ninety-three and eighteen hundred and ninety-four in the last line of said section.

Chapter 194, section 1, laws 1891, amended. Commissioners of Northampton authorized to appoint special tax-collectors for 1893 and 1894.

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

Ratified the 27th day of January, A. D. 1893.

CHAPTER 43.

An act to encourage the killing of certain wild animals.

The General Assembly of North Carolina do enact :

SECTION 1. That the county commissioners of the counties of Buncombe, Madison, Yancey and Mitchell be authorized and empowered to pay to any person or persons the sum of five dollars (\$5.00) for each and every panther, wolf and wildcat or catamount killed within either of the counties aforesaid : *Provided*, that the person or persons claiming to have killed any one of the aforesaid animals shall furnish satisfactory evidence to the county commissioners of that county in which the same shall have been killed, and the amount herein named shall be paid out of the funds of that county : *Provided further*, that two dollars only shall be paid for wild-cat scalps in the county of Mitchell.

Commissioners of certain counties authorized to pay \$5 for catching panthers, &c.

Proviso.

Proviso.

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

Ratified the 31st day of January, A. D. 1893.

CHAPTER 44.

An act to amend chapter one hundred and fourteen, laws of eighteen hundred and eighty-seven, authorizing the commissioners of Washington county to levy a special tax.

The General Assembly of North Carolina do enact :

Chapter 114, laws 1887, amended. Special tax levied in Washington county applicable to payment of indebtedness existing prior to January 1st, 1893.

SECTION 1. That the words "eighteen hundred and eighty-seven" in sections three and five of the laws of eighteen hundred and eighty-seven, chapter one hundred and fourteen, wherever they occur, be stricken out, and in every such place the words "eighteen hundred and ninety-three" be inserted in their stead.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 31st day of January, A. D. 1893.

CHAPTER 45.

An act to open Mitchell's river in Surry county for the free passage of fish.

The General Assembly of North Carolina do enact :

Misdemeanor to obstruct Mitchell river, Surry county, between certain points.

SECTION 1. That it shall be unlawful for any person to erect or keep any fish dam or other obstruction of whatever kind in or across Mitchell's river in Surry county between its confluence with the Yadkin river and Joshua Adams' mill-dam, or in any other manner to obstruct or interfere with the free passage of fish up said stream below said mill-dam ; and any person violating this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined or imprisoned at the discretion of the court.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 31st day of January, A. D. 1893.

CHAPTER 46.

An act for the relief of Colon McArton, sheriff of Harnett county.

The General Assembly of North Carolina do enact :

C. McArton, sheriff Harnett county, allowed until April 1, 1893, to settle State taxes.

SECTION 1. That Colon McArton, sheriff of Harnett county, be allowed until the first day of April, eighteen hundred and ninety-three, to settle his taxes with the state treasurer.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 31st day of January, A. D. 1893.

CHAPTER 47.

An act to amend chapter ninety-eight of the laws of eighteen hundred and seventy-nine, entitled an act to compromise, commute and settle the state debt, as amended by an act ratified the sixteenth day of January, eighteen hundred and eighty-three, and third day of March, eighteen hundred and eighty-five, and eighth day of February, eighteen hundred and eighty-seven, and fifth day of February, eighteen hundred and eighty-nine, and tenth day of February, eighteen hundred and ninety-one.

The General Assembly of North Carolina do enact :

SECTION 1. That section eleven, chapter ninety-eight, of the laws of eighteen hundred and seventy-nine, being an act to compromise, commute and settle the state debt, ratified the fourth day of March, eighteen hundred and seventy-nine, is amended by striking out the word "eighty-two" in the last line of said section eleven and inserting the word "ninety-five, so as to extend the time at which said act shall expire to January first, eighteen hundred and ninety-five, and the governor is directed to resist the collection of all such bonds as are not funded by the time above specified.

Chapter 98, section 11, laws 1879, amended.
Provisions of act to compromise, &c., State debt extended to January 1, 1895.

Duty of Governor.

SEC. 2. That said section eleven is further amended by adding thereto the following words: "*Provided, however,* that in issuing bonds under the aforesaid act, as now extended, the public treasurer shall, before delivering any new bonds thereunder, cut off and cancel all coupons whose date of maturity is prior to the time of such delivery."

Coupons dated prior to delivery of new bond to be cut off.

SEC. 3. That the public treasurer is authorized to use so much of the appropriation mentioned in section sixteen of said chapter as may be necessary for the purpose of advertising through the public journals, or otherwise, the details of exchange for the information of the holders of said bonds.

Treasurer to advertise, &c.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 31st day of January, A. D. 1893.

CHAPTER 48.

An act for the better security of the county funds of Bladen county.

The General Assembly of North Carolina do enact :

SECTION 1. That the county commissioners of Bladen county immediately after the treasurer thereof has duly qualified, shall designate some bank in which the said treasurer shall deposit the funds of said county.

Commissioners of Bladen county to designate bank for deposit of county funds.

Treasurer to
furnish state-
ment of funds,
&c., deposited.

Liability of
treasurer.

SEC. 2. The treasurer shall furnish the board of commissioners an itemized statement at each regular meeting of said board of all funds so deposited. He shall also exhibit to the board at each regular meeting thereof a statement from the said bank of deposit showing the balance to his credit.

SEC. 3. The said treasurer having complied fully with the provisions of this act, shall not be liable for any funds lost by reason of the failure or insolvency of said bank.

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

Ratified the 31st day of January, A. D. 1893.

CHAPTER 49.

An act to amend chapter one hundred and forty-nine of the laws of one thousand eight hundred and eighty-five, entitled an act to drain the low lands lying in the counties of Rowan, Davidson, Davie and Catawba.

The General Assembly of North Carolina do enact :

Chapter 149, laws
1885, amended.
When ditches
draining low-
lands in certain
counties are cut
across public
roads, county
commissioners to
build bridges.

SECTION 1. That when in discharge of their duties the creek commissioners provided for in the above entitled act of the laws of one thousand eight hundred and eighty-five, find it necessary for carrying out the provisions of the same, to cut any ditch or to increase the depth of any ditch or creek or other watercourse, and the said ditch, creek or other watercourse shall cross any public road, it shall be the duty of the county commissioners, on application to them by the said creek commissioners, to order the road supervisors where the said crossings shall be, to construct suitable bridge or bridges across the same, as in the constructing of other public bridges.

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

Ratified the 31st day of January, A. D. 1893.

CHAPTER 50.

An act for the relief of J. A. Cole of Johnston county.

The General Assembly of North Carolina do enact :

Treasurer of
Johnston county
authorized to pay
J. A. Cole \$60 out
of school fund.

SECTION 1. That the treasurer of Johnston county be and he is hereby authorized and directed to pay to J. A. Cole the sum of sixty dollars (\$60) out of the funds now apportioned to school district number twenty-nine, white ; and if the funds now so apportioned to said district shall be insufficient to pay said amount, the said treasurer is

directed to pay so much as is now available for that purpose, and to pay the balance then remaining out of the funds next hereafter apportioned to said district.

SEC. 2. That the said payment shall be made upon the order of the school committee of said district number twenty-nine, white, or a majority of the same : and the said order, countersigned by J. A. Cole, shall constitute a valid voucher in the hands of the said treasurer in all settlements of the school fund with the county board of education or other body.

Payment to be made on order of school committee, &c.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 31st day of January, A. D. 1893.

CHAPTER 51.

An act to allow the commissioners of Bertie county to sell certain public lands.

The General Assembly of North Carolina do enact :

SECTION 1. That the board of commissioners of Bertie county, North Carolina, be and are hereby empowered to sell at either public or private sale, as in its discretion may be deemed the more advantageous, the tract of land in said county heretofore known, designated and used as the poor-house land and adjoining the lands of Thomas J. Heckstall and others, and to use the proceeds from the sale of the same either for the improvement of the tract of land by said board of commissioners recently purchased as a home for the aged and infirm or for the care and maintenance of the inmates thereof, as in the discretion of said board of commissioners may by it be deemed best.

Commissioners of Bertie county authorized to sell "poor-house land."

Proceeds to be used for improvement of "home for aged and infirm."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 31st day of January, A. D. 1893.

CHAPTER 52.

An act requiring clerks of the superior courts to keep a record of the names of the justices of the peace.

The General Assembly of North Carolina do enact :

SECTION 1. That the clerk of the superior court of each county shall record in a book to be kept for that purpose the names of all the justices of the peace for the several townships of his county, with the dates of each one's appointment, his qualification and the expiration of his term of office ; and whenever a vacancy occurs it shall be noted therein.

Superior court clerks to keep record of names, &c., of justices of the peace.

Record book,
what to show.

SEC. 2. That these books shall at all times show a complete list of the justices of the peace of the respective counties, and who was the predecessor of each justice and the succession in office.

Clerks to keep
record of jurors.

SEC. 3. That the clerk of the superior court of each county shall also record in a book to be kept for that purpose the names of all grand and petit jurors and talesmen who shall serve in his court, beginning with the term next following the passage of this act.

Clerk's fee.

SEC. 4. That the clerk shall be paid by the county a fee of five cents for recording the name of each justice of the peace and each juror.

Commissioners
to supply books.

SEC. 5. That the books above mentioned shall be supplied to the clerks by the board of commissioners of the respective counties at the expense of the county.

Failure of clerk
to discharge
duties a misde-
meanor.

SEC. 6. That wilful or negligent failure on the part of the clerk to discharge the duties imposed upon him by this act shall be deemed a misdemeanor.

SEC. 7. That this act shall be in force from and after its ratification.

Ratified the 31st day of January, A. D. 1893.

CHAPTER 53.

An act to prevent the careless rafting of logs down the Hiwassee river and its tributaries.

The General Assembly of North Carolina do enact:

Persons placing
logs, &c., in Hi-
wassee river
liable for result-
ant damages.

SECTION 1. That any person or persons placing logs or timbers in the waters of Hiwassee river or its tributaries for any purpose, or for the purpose of rafting said logs or timbers down the said streams, shall be liable for all damages which may occur in transit to bridges, lands, or other property; and the person or persons placing said logs or timbers in the said streams shall be construed the owners or agents of such owner or owners of said logs or timbers, which may be seized by the party damaged and held or sold as is provided in section three.

Constructive
owners.

Right of seizure
of logs, &c., col-
lected in lots.

SEC. 2. That any loose logs, timbers or rafts found in said streams, or on the lands bordering on said streams, collected in lots of as many as ten pieces together, without being in charge of some one in person, may be seized and held by any party or parties owning land on either side of said streams.

Sale of logs, &c.,
seized.

SEC. 3. That said parties who may seize and hold such logs, timbers or rafts shall advertise the same in three public places in the county of Clay, giving thirty days notice, after which said logs or timbers shall be sold to the highest bidder at the place where said timbers are kept.

SEC. 4. That the party seizing and making said sale shall receive all costs and damages and one-fourth of the proceeds of sale, and pay the remainder into the school fund of Clay county : *Provided, however,* if the said owner of such timbers or logs shall pay all damages sustained by the party making the seizure, then he may remove the timbers or logs : *Provided, further,* that the said owners of such timbers or logs shall be liable for any and all damages to lands or timbers in removing such logs or timbers reclaimed under this statute; but if the damages cannot be agreed upon between the owner and the party making the seizure, or other parties damaged in the transit of such logs or timbers, either by water or other modes of conveyance, then each may choose a referee, and upon the failure of such referee chosen to agree to said damages, then they may choose an umpire and award the damages due the owners of the property, and upon the payment of said award said logs and timbers shall be released and the said owner allowed to remove the same.

Proceeds of sale,
how distributed.

Proviso.

Proviso.

SEC. 5. That this act shall be in force and effect after its ratification.
Ratified the 31st day of January, A. D. 1893.

CHAPTER 54.

An act to amend chapter three thousand seven hundred and thirty-one of The Code of North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That section three thousand seven hundred and thirty-one of The Code be amended by striking out the word "quarterly" in line one thereof and inserting in its stead the word "monthly," and by striking out the words "provided that" in lines two and three thereof and inserting in their stead the word "and."

Code, sec. 3731,
amended.
Salaries of State
officers payable
monthly.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 2d day of February, A. D. 1893.

CHAPTER 55.

An act to authorize the commissioners of Alleghany county to levy a special tax.

The General Assembly of North Carolina do enact :

SECTION 1. That the commissioners of Alleghany county, together with the justices of the peace for said county, be and they are hereby authorized and empowered to levy a special tax at the same time with other levies upon all the taxable property and polls of the said county for the years one thousand eight hundred and ninety-three

Commissioners
and justices of
Alleghany coun-
ty authorized to
levy special tax
to pay county
indebtedness.

(1893) and one thousand eight hundred and ninety-four (1894), the said special taxes to be applied to the paying off the indebtedness of said county. The said special tax levy shall not exceed the sum of ten cents on the hundred dollars valuation of property in said county; and in making said levy the said commissioners and justices of the peace shall observe the constitutional equation between the property and the poll.

Collection of tax. SEC. 2. That the sheriff shall collect said taxes at the same time, and under the same restrictions that other taxes are collected, and that said taxes shall not be applied to any other purpose except the purpose indicated in this act.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 2d day of February, A. D. 1893.

CHAPTER 56.

An act to authorize the commissioners and justices of the peace of Jackson county to levy a special tax to meet general indebtedness.

The General Assembly of North Carolina do enact:

Commissioners and justices of Jackson county authorized to levy special tax. SECTION 1. That the board of commissioners of Jackson county are hereby authorized and empowered, by and with the consent of a majority of the justices of the peace of said county, at their regular annual meetings in June, eighteen hundred and ninety-three and eighteen hundred and ninety-four, to levy a special tax upon property and polls in said county for the purpose of discharging and paying the general county indebtedness.

Limitation of tax. SEC. 2. That the amount of the tax levied as aforesaid under this act shall be determined by said board of commissioners and justices of the peace, but shall not in either year exceed twenty-five cents on the one hundred dollars worth of property and seventy-five cents on the poll, and the constitutional equation between the property and the poll shall always be observed in making such levies.

Collection of tax. SEC. 3. That said tax shall be collected and accounted for by the sheriff or tax-collector of said county in the same manner and under the same penalties prescribed by law for the collection of other taxes in said county.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 2d day of February, A. D. 1893.

CHAPTER 57.

An act to provide a stock law for the county of New Hanover.

The General Assembly of North Carolina do enact :

SECTION 1. That from and after the first day of March, in the year of our Lord one thousand eight hundred and ninety-three, no person shall allow his or her live stock to run at large within the limits of the county of New Hanover, except in that portion of said county which lies between the Cape Fear river and the Northeast Cape Fear river : and no person living within the limits of said stock-law territory shall permit any of his or her live stock to go or enter upon the lands of another without having obtained leave of the owner of such lands. Any person violating this section shall be guilty of a misdemeanor. The word stock in this section shall be construed to mean horses, mules, colts, cows, calves, sheep, goats, jennies, and all neat cattle, swine and geese.

Unlawful for live stock to run at large in New Hanover county after March 1, 1893. Part of county exempted.

Stock not to go on land of another without consent.

Misdemeanor.

Definition of "stock."

SEC. 2. That immediately after the passage of this act it shall be the duty of the board of commissioners of said county to cause a good and sufficient fence five feet high to be constructed and maintained along the boundary line between the counties of New Hanover and Pender, commencing at the eastern end of said line and ending at the point where the said line reaches and intersects the Northeast Cape Fear river, with suitable gates at all crossings of public roads : *Provided*, that the said board of commissioners may at any time, and from time to time, declare any watercourse along the line of said fence to be and constitute a part of said fence, and for the purpose of this act the said board of commissioners may let out the construction of said fence and gates by contract to the lowest bidder, giving twenty days notice of such letting out by public advertisement in two daily papers published in the city of Wilmington, or if, in their discretion, the said board shall deem it advisable, they may employ an agent to construct said fence under such terms as they shall prescribe ; and for the defraying of the expenses of constructing said fence and gates, the said board may draw upon the county treasurer of said county of New Hanover for a sum sufficient therefor out of the general fund of said county, and may thereafter levy on all real property taxable by state and county in said county, and collect a tax sufficient to replace the amount so drawn from said general fund, and in addition thereto may, from year to year, in like manner, levy and collect a tax sufficient to maintain said fence and gates.

Commissioners to build fence.

Watercourses as part of fence.

Construction of fence.

Expenses.

Special tax.

SEC. 3. That so much of chapter twenty, volume second of The Code as is contained in section two thousand eight hundred and sixteen, section two thousand eight hundred and seventeen, section two thousand eight hundred and eighteen, section two thousand

Certain sections of chapter 20 of Code made part of this act.

eight hundred and nineteen, section two thousand eight hundred and twenty, section two thousand eight hundred and twenty-seven, section two thousand eight hundred and twenty-eight, section two thousand eight hundred and twenty-nine, and section two thousand eight hundred and thirty, shall be made a part of this act.

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

Ratified the 2d day of February, A. D. 1893.

CHAPTER 58.

An act to amend sections five hundred and two and three thousand seven hundred and fifty-four of The Code of North Carolina in regard to the fees of county surveyor.

The General Assembly of North Carolina do enact :

Code, section 502, amended.
Sheriff authorized to summon surveyor to assist in laying off homestead.

SECTION 1. That section five hundred and two of The Code be amended by adding thereto the words: "*Provided*, that in cases where he shall deem it necessary he may summon the county surveyor or some other competent surveyor to assist in laying off the homestead by metes and bounds."

Code, section 3754, amended.
Fees of surveyor.

SEC. 2. That section three thousand seven hundred and fifty-four of The Code of North Carolina be amended by inserting after the word "day" and before the word "in" in the seventeenth line thereof the following words. "for assisting in surveying and allotting the homestead exemption of any person when summoned to do so by the sheriff or other lawful officer, for traveling to and from the place and performing the duty, two dollars per day, which shall be taxed in the bill of costs."

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 2d day of February, A. D. 1893.

CHAPTER 59.

An act to amend chapter five hundred and forty-two, laws of eighteen hundred and ninety-one, exempts from the provisions of said chapter Wayne, Rutherford and Davidson counties.

The General Assembly of North Carolina do enact :

Chapter 542, laws 1891, amended.
Lawful to hunt opossums in certain counties at any time.

SECTION 1. That section one of chapter five hundred and forty-two of the laws of one thousand eight hundred and ninety-one be amended by striking out the words "Wayne," "Rutherford," "Northampton" and "Davidson" in lines two and three thereof.

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

Ratified the 2d day of February, A. D. 1893.

CHAPTER 60.

An act for the protection of crops in certain localities.

The General Assembly of North Carolina do enact :

SECTION 1. That in the section of Craven county hereinafter named it shall not be lawful for the owner or manager of any mule, horse, swine, sheep, goats or neat cattle of any description, to permit the said animals to run at large beyond the limits of his own land.

Unlawful for live stock to run at large in certain sections of Craven county.

SEC. 2. This act shall apply and be in force only in that portion of Craven county lying on the north side of Trent river and south side of McCroom's creek, and at a point on McCroom's creek at the beginning of Enoch Wadsworth and E. M. Street's line, running with said line to the county road, known as the "Washington and New Bern road," and with said road to the fork of said road and the Kinston road; thence southwardly to the head of Wilson's creek, with said creek to Trent river, down Trent river to Neuse river, up Neuse river to Batchelor's creek, up Batchelor's creek to McCroom's creek and up said creek to the beginning.

Boundaries of stock-law territory.

SEC. 3. That J. A. Meadows, W. H. Bray, J. L. Rhem, W. F. Crockett, Mayer Hohn, E. Wadsworth, W. C. Willett and A. J. Yeomans shall be and they are hereby appointed fence commissioners, with power to contract for the erection and maintenace of a good and substantial fence at least four (4) feet high upon the line mentioned in section two, with gates at every crossing of a public road; that they hold their offices for two years, and thereafter said commissioners shall be elected by the board of commissioners of Craven county, and said commissioners of Craven shall have power to fill vacancies in said board.

Fence commissioners.

To build fence.

Term of office.
Election of successors.
Vacancies.

SEC. 4. That it shall be the duty of the fence commissioners to report annually to the August meeting of the board of commissioners of Craven county the condition of the said fence and the gates, the cost of building, and its repairs the preceding year, and their estimate of its cost the following year, and any indebtedness on its account; and it shall be the duty of said board to levy a tax upon real estate within said boundaries according to the taxable value thereof to raise such sums as fence commission shall report as necessary, which taxes shall be collected by the sheriff of Craven county at the same time and in the same manner and under the same regulations as he now collects the state taxes, and he shall pay over the same, less the usual commissions, to the chairman of the fence commission: *Provided*, only the farming lands and not the enclosed lots in the city of New Bern shall be subject to said tax.

Annual report to county commissioners.

Special tax.

Collection of tax.

Property subject to tax.

SEC. 5. That it shall be the duty of said fence commissioners to keep said fence and the gates thereon at all times in good and sufficient repair and four (4) feet high, and upon failure to do so they shall be deemed guilty of a misdemeanor.

Fence commissioners to keep fence in repair.
Misdemeanor.

Power of fence commissioners to make contracts.

SEC. 6. That it shall be the duty of said commissioners to keep the fence and gates in good order, and that they shall have power to do so by contracting for material and employing hands under their supervision or by letting the same out to contract by public bidding at the court-house door after thirty days advertisement.

Chairman.

Bond.

SEC. 7. The fence commissioners shall elect a chairman who shall execute a justified bond in the sum of five hundred dollars, payable to the state on behalf of said commissioners, conditioned for faithful application and expenditure of all moneys received by him to the construction and repair of said fence and gates, and upon default therein it shall be the duty of the board of commissioners of Craven county to remove said defaulting commissioner and to allow the other commissioners to elect his successor, and they shall also sue his bond and pay over the proceeds to said fence commissioners.

Removal.

Misdemeanor to injure fence, &c.

SEC. 8. It shall be unlawful to injure or destroy said fence and gates, or for any person to leave the same open except by resolution of said fence commissioners, and any person so offending shall be guilty of a misdemeanor.

Misdemeanor to knowingly let live-stock run at large.

SEC. 9. Any person who shall knowingly or wilfully permit his live stock to run at large off his land within said territory, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding thirty dollars.

Impounding of live-stock and geese.

SEC. 10. If any live stock and geese shall be found running at large in said district, it shall be lawful for any person to take up and impound the same, and after five days notice any justice of the peace shall order the sale of the same for cash at public auction at the court-house door in Craven county, and of the proceeds the person impounding the stock shall receive, if a horse, mule or jennet, fifty cents a day, if any other live stock, twenty-five cents a day, geese ten cents a day, for the feed and care of the same while impounded; after payment of one dollar and cost to the justice the balance shall be paid to the owner of the stock.

Certain water-courses lawful fence.

SEC. 11. That the above-named creeks and rivers shall be deemed and considered to be lawful fences.

SEC. 12. That this act shall be in force from and after its ratification. Ratified the 2d day of February, A. D. 1893.

CHAPTER 61.

An act to declare a certain glade in Pamlico county a lawful fence.

The General Assembly of North Carolina do enact :

Certain glade in Pamlico county made a lawful fence.

SECTION 1. That a certain impenetrable glade in Pamlico county, lying on the south side of Bay river, be and the same is hereby declared a lawful fence.

SEC. 2. That the said glade, from the south corner of John F. Cowel's land, near the head of Neal's creek, unto the farm of Dr. John P. Redding, near the head of Trent creek, be and the same is hereby declared a sufficient and lawful fence for the purpose of the stock law district in said county, known as "Stock law district No. 1" in Pamlico county.

Boundary of
glade.

SEC. 3. That this act shall be in force from and after its ratification.
Ratified the 2d day of February, A. D. 1893.

1'

CHAPTER 62.

An act declaratory of the meaning of chapter one hundred and seventy-one, acts of one thousand eight hundred and seventy and one thousand eight hundred and seventy-one.

The General Assembly of North Carolina do enact :

SECTION 1. That the meaning of the act of March thirty-first, one thousand eight hundred and seventy-one, chapter one hundred and seventy-one, public laws of one thousand eight hundred and seventy and one thousand eight hundred and seventy-one, is hereby declared to be that the middle line of the main line of the Wilmington and Weldon railroad is the boundary of Nash county, and the same is fixed as the dividing line between the counties of Nash and Edgecombe.

Construction
of chapter 171,
laws 1870-'71.
Dividing line
between Nash
and Edgecombe
counties.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 2d day of February, A. D. 1893.

CHAPTER 63.

An act to provide for water supplies for public institutions.

The General Assembly of North Carolina do enact :

SECTION 1. That for the purpose of providing water supplies, the directors or other lawful managers of any public institution of the state may enter upon the lands through which they may desire to conduct their pipes for the said purpose, and lay them under ground, and they, at all times, shall have the right to enter upon the said lands for the purpose of keeping the water line in repair and do all things necessary to that end.

Directors of public
institutions
empowered to
enter on lands
to lay water-
pipes, &c.

SEC. 2. That if any damages shall be claimed for such use of any lands as is described in section one of this act, and the parties cannot agree as to the amount of compensation to be paid, they may proceed under chapter forty-nine, section two thousand and seven of The

Damages, how
recovered.

Code, and others which have reference to telegraph companies, all the provisions of which, so far as they are applicable, are hereby enacted for the purpose of this act.

Misdemeanor to injure, &c., water line, &c.

SEC. 3. That any person who shall in any way intentionally or maliciously damage or obstruct any such water line now constructed or hereafter to be constructed, or in any way contaminate or render the water impure or injurious, shall be guilty of a misdemeanor and shall be fined or imprisoned in the discretion of the court.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 2d day of February, A. D. 1893.

CHAPTER 64.

An act to amend section two thousand seven hundred and thirty of The Code, in regard to the installation of officers.

The General Assembly of North Carolina do enact :

Code, section 2730, amended. When State officers to be installed.

SECTION 1. That section two thousand seven hundred and thirty of The Code, at chapter sixteen, be so amended as to read after the word "constitution" in the last sentence of said section, "and the time for their installation shall be on the third Wednesday after the first Monday in January next after their election."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 2d day of February, A. D. 1893.

CHAPTER 65.

An act amending section three thousand eight hundred and fifty-two of The Code relating to commissioner of wrecks.

The General Assembly of North Carolina do enact :

Code, section 3852, amended. Bond of commissioner of wrecks.

SECTION 1. That section three thousand eight hundred and fifty-two of The Code be amended by striking out four thousand dollars and inserting two thousand dollars.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 2d day of February, A. D. 1893.

CHAPTER 66.

An act to regulate the height of fences in Bladen county.

The General Assembly of North Carolina do enact :

SECTION 1. That every planter shall make about his cleared ground under cultivation a plank, wire or slat fence at least four feet high, or a rail fence at least four and one-half feet high, unless there shall be some navigable stream or deep watercourse that shall be sufficient instead of such fence, and unless his lands shall be situated within the limits of a county, township or district wherein the stock law may be in force. Height of fences about cleared land under cultivation.

SEC. 2. That this act shall apply only to the county of Bladen. Act applicable only to Bladen county.

SEC. 3. That this act shall be in force from and after its ratification. Act applicable only to Bladen county.

Ratified the 2d day of February, A. D. 1893.

CHAPTER 67.

An act to create a township in Jackson county, to be known as Mountain township.

The General Assembly of North Carolina do enact :

SECTION 1. That a new township be and the same is hereby created in the county of Jackson to be known as Mountain township, to be formed of parts of Cullowhee, Hamburg and River townships in said county. Mountain township, Jackson county, established.

SEC. 2. That the boundary lines of said Mountain township shall be as follows, viz.: Beginning at mouth of Pine creek, thence southwest to foot of Wood mountain, thence up the summit of said mountain to the top of Big mountain opposite Wm. Henderson's, thence with the summit of said mountain to the Macon county line, thence with the Macon county line to Moss Gap, thence to the Cherry Gap including the John Hawkins place, thence down Grass creek as it meanders to its mouth, thence up the Tuckaseegee river with its meander to place of beginning. Boundaries.

SEC. 3. That this act shall be in force from and after its ratification. Boundaries.

Ratified the 2d day of February, A. D. 1893.

CHAPTER 68.

An act providing for the hiring out of prisoners by the commissioners of Cherokee county.

The General Assembly of North Carolina do enact :

Commissioners of Cherokee county authorized to hire out certain prisoners in jail.

SECTION 1. That the board of county commissioners of Cherokee county shall have power under such rules and regulations as they may deem best for the employment on public streets, public highways, public works or to corporations of all persons imprisoned in the county jail of Cherokee county, upon conviction of any crime or misdemeanor, or who may be committed to said jail for failure to enter into bond for keeping the peace or for good behavior, and who fail to pay all costs which they are adjudged to pay, or give bond and sufficient surety therefor: *Provided*, that such prisoner or convict shall not be detained beyond the time fixed by the judgment of the court: *Provided further*, the amount realized from hiring out such prisoner or prisoners shall be credited to them for the fine and bill of cost in the case of conviction: *And provided further*, that no prisoner shall be hired out who is physically or mentally incapacitated, which incapacity shall be certified by the county physician: *Provided*, this act shall not apply to any prisoner or convict sentenced for a longer term than two years: *Provided*, that no prisoner shall be so hired out when the court adjudges otherwise.

Proviso.

Proviso.

Proviso.

Proviso.

Proviso.

Construction of act.

SEC. 2. That this act shall not be construed to modify section seven hundred and thirty-nine of The Code, but that the fees shall be paid as in said section directed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 2d day of February, A. D. 1893.

CHAPTER 69.

An act to require the county superintendents of public instruction to secure information as to the number of deaf, dumb and blind children in their respective counties.

The General Assembly of North Carolina do enact :

County superintendents of public instruction to require reports of deaf, dumb and blind children.

SECTION 1. That it shall be the duty of the county superintendent of public instruction to require of the school committee of the various school districts in enumerating the number of school children, to make a statement in the report of the number of deaf, dumb and blind between the ages of six and twenty-one years, designating the race and sex, and the address of the parent or guardian of said children; and the county superintendents of public instruction are

hereby required to furnish such information to the principals of the deaf, dumb and blind institutions, and the superintendent of public instruction, in preparing blanks as directed in The Code, section three thousand three hundred and seventy, shall include questions answers to which will furnish the information aforesaid.

Information to be furnished principals of deaf, dumb and blind institutions.

Blanks.

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

Ratified the 2d day of February, A. D. 1893.

CHAPTER 70.

An act to authorize the commissioners of Henderson county to issue bonds.

WHEREAS, The county of Henderson by order of her board of commissioners entered, in pursuance of law, an ordinance in the year of one thousand eight hundred and seventy-four, authorizing an election by the voters of the county on the question of issuing her bonds in aid of Greenville and French Broad Railroad Company, afterwards changed to the Spartanburg and Asheville Railroad; and whereas, in pursuance of said order an election was duly held and it was determined by a majority of voters to subscribe to the capital stock of said railroad; and whereas, the said county by her authorized agents subscribed to and issued in aid of said railroad her bonds amounting in the aggregate to one hundred thousand dollars with coupons attached drawing interest semi-annually at seven per centum, the principal payable in twenty years; and whereas, the said bonds will mature as per their face on the first day of July, one thousand eight hundred and ninety-five; and whereas, furthermore, it is desired to fund said bonds in accordance with law; now, therefore,

Preamble.

The General Assembly of North Carolina do enact :

SECTION 1. That in order to liquidate said indebtedness, the board of county commissioners of Henderson county are hereby authorized to issue coupon bonds of denominations of not less than one hundred nor more than one thousand dollars, to an amount not exceeding one hundred thousand dollars, to be made payable at any period not more than thirty years from the date of said bonds, and bearing interest at not exceeding seven per centum per annum payable semi-annually, and the said bonds shall be signed by the chairman of said board of county commissioners of Henderson county and countersigned by the clerk of said board, with their signature signed or printed on said coupons, shall be payable semi-annually on days to be fixed by said board and printed in coupons.

Commissioners of Henderson county authorized to issue bonds to fund outstanding bonds issued in aid of Spartanburg and Asheville Railroad.

Bonds to be held as continuation of existing debt.

SEC. 2. That the bonds in this act provided for, being intended to be deemed and held a continuation of the liability of Henderson county, created by the provisions of the law, order and election above recited which authorized the issue of bonds in aid of the aforesaid railroad, the same shall not be taken, construed, deemed, nor held as the creation of a new debt, nor liability, but as a continuation of the said debt now existing.

In case any old bonds have been paid, commissioners empowered to sell new bonds to discharge bonded indebtedness.

SEC. 3. That in case any holders or owners of said existing bonds shall have received payment of said old and existing bonds, then the board of county commissioners of said county of Henderson shall have power to sell and negotiate such an amount of the newly issued bonds only as may be necessary to pay off and discharge the said bonded indebtedness of Henderson county, existing, which has not been satisfied or cancelled.

Notice to bondholders to present bonds, &c.

SEC. 4. That it shall be the duty of the said board of commissioners of Henderson county to notify all owners and holders of said old bonds to present the same for identification and settlement before the issuing of the new bonds in order to ascertain the true amount of the said bonded indebtedness against the county of Henderson and the said board shall scrutinize the bonds to prove their genuineness.

Special tax to pay interest.

SEC. 5. That for the purpose of paying off the coupons attached to the said funding bonds, as they shall respectively fall due, it shall be the duty of the board of county commissioners or taxing power for Henderson county, to levy and collect as other taxes, a tax annually upon all the property, polls and subjects of taxation in their said county to meet and discharge the same, and as the said bonds shall mature and fall due, or at any period not later than ten years from date of issue of the same, the board of county commissioners for Henderson county may, by levying, according to law, such assessment of taxes upon all property, polls and subjects of taxation in their said county, create a sinking fund to be applied to the discharge of the principal of said bonds so issued in pursuance of this act, and the sheriff or tax-collector shall collect and settle the said tax in such a way as to keep the necessary funds in the treasury to meet said interest, and in default he shall be guilty of a misdemeanor.

Registration of bonds.

SEC. 6. When the said funding bond shall be issued under the provisions of this act, it shall then be the duty of the board of county commissioners of Henderson county to provide for the registration of each and every bond which shall be issued in a book to be kept for that purpose by the clerk of the said board of county commissioners. The said clerk shall duly register said bonds in said book, specifying the amount, number and date of the bond and the name of the person to whom the bond has been delivered, issued or paid. And when the attached coupons on any of said bonds shall have been paid, the amount so paid and the date thereof shall be entered by the said clerk

in a margin opposite the number and registry of said bonds as is heretofore provided.

SEC. 7. That at the earliest convenience after the ratification of this act, the board of county commissioners of Henderson county shall meet in session and adopt a plan for the issuance and negotiation of said bonds under control of said board, and shall confer promptly with all the owners and holders of the old bonds and ascertain the best terms on which the said old bonds may be obtained and whether the bonds to be issued in pursuance of this act can be exchanged for the said old bonds.

Duty of commissioners.

SEC. 8. That the taxes levied and collected by virtue of the powers conferred in this act shall be set apart and applied to the payment of the bonds and coupons issued and to create a sinking fund for the payment of said bonds and coupons and the expenses incurred by reason of the issuing and negotiation of said bonds under this act, and the collection of the taxes and for no other purpose. And it is further provided, that the board of county commissioners of Henderson county may invest the sinking fund not applicable to the payment of said bonds and coupons in such securities as may to them seem meet and proper, and in such way and on such conditions as that the same may be readily realized when needed to liquidate said bonds and coupons.

Taxes to be set apart to pay interest and to create a sinking fund.

Investment of sinking fund.

SEC. 9. That should there be an excess in amount of bonds provided for by this act beyond the necessary amount to pay off the said old bonds and interest and the expenses incurred in effecting the liquidation or funding of the same, then the said excess of bonds shall be speedily cancelled and filed in safe of county.

Cancellation of excess of issue.

SEC. 10. That the coupons shall be receivable in payment of county taxes.

Coupons receivable for county taxes.

SEC. 11. That this act shall be in force from and after its ratification.
Ratified the 2d day of February, A. D. 1893.

CHAPTER 71.

An act to authorize the county commissioners of Harnett county to sell poor-house property.

The General Assembly of North Carolina do enact:

SECTION 1. That the county commissioners and justices of the peace of Harnett county, in joint session, are hereby authorized to sell the present poor-house property and buy elsewhere, should they by a majority vote deem it wise and best for the good of the county.

Commissioners and justices of Harnett county authorized to sell "poor-house" property and buy elsewhere.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 4th day of February, A. D. 1893.

CHAPTER 73.

An act to amend an act of the general assembly, laws of one thousand eight hundred and eighty-nine, chapter five hundred and forty-nine, entitled "An act to aid the Guilford Battle-Ground Company."

The General Assembly of North Carolina do enact :

Chapter 549, laws 1889, amended. Annual appropriation to Guilford Battle-Ground Company increased to \$500.

SECTION 1. That the laws of one thousand eight hundred and eighty-nine, chapter five hundred and forty-nine, entitled, "An act to aid the Guilford Battle-Ground Company," section one, be amended by striking out the word "two" in line one and inserting the word "five."

SEC. 2. That this act shall include and be applicable to the year ending February 1st, 1893.

Ratified the 3d day of February, A. D. 1893.

CHAPTER 73.

An act to allow the commissioners of Burke county to levy a special tax in a certain stock-law boundary in Lower Fork township in said county.

The General Assembly of North Carolina do enact :

Commissioners of Burke county authorized to levy special tax in stock-law territory to pay indebtedness.

SECTION 1. That for the purpose of paying the indebtedness incurred by reason of inclosing the territory wherein the stock law prevails in Lower Fork township in Burke county, the board of commissioners of said county are hereby authorized and empowered to levy and collect, in addition to the assessment now provided by law, such additional special assessment upon all real property situate within said boundary as will enable them to pay off and discharge such indebtedness within one or two years, at their discretion.

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

Ratified the 4th day of February, A. D. 1893.

CHAPTER 74.

An act to change the name of Hotel township, Surry county, to Elkin township.

The General Assembly of North Carolina do enact :

Name of Hotel township, Surry county, changed to Elkin.

SECTION 1. That the name of Hotel township in Surry county be and the same is hereby changed to Elkin township.

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

Ratified the 4th day of February, A. D. 1893.

CHAPTER 75.

An act to repeal that part of chapter three hundred and twenty-seven of the laws of one thousand eight hundred and ninety-one that relates to Pamlico county.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and twenty-seven, laws of one thousand eight hundred and ninety-one, be repealed so far as it relates to the sale of liquor within two miles of the Pamlico Male and Female Institute in Pamlico county.

Chapter 327, laws 1891, amended. Territory within two miles of Pamlico Male and Female Institute excepted from prohibitory law.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 6th day of February, A. D. 1893.

CHAPTER 76.

An act for the relief of Rockingham county, State of North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners and magistrates of Rockingham county at their regular meeting the first Monday in June, one thousand eight hundred and ninety-three, or at any adjourned meeting thereof, shall be and are hereby authorized to levy a special tax not to exceed fifteen (15) cents on the hundred dollars valuation of property, preserving the equation between the property and the poll, to pay for two bridges over Mayo river in said county—one bridge near Madison, appropriation thirty-five hundred dollars (\$3,500), one bridge about fourteen (14) miles higher up said river at a point called Kingsford, appropriation twenty-five hundred dollars (\$2,500).

Commissioners and magistrates of Rockingham county authorized to levy special tax to pay for certain bridges.

SEC. 2. That if any surplus remains after paying said appropriations it shall be applied to the purchase of Rockingham county bonds, said bonds when bought to be burned in presence of commissioners' court.

Appropriation of surplus.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 6th day of February, A. D. 1893.

CHAPTER 77.

An act to amend section three hundred and forty-seven of The Code.

The General Assembly of North Carolina do enact:

SECTION 1. That section three hundred and forty-seven of The Code be amended by inserting before the word "personal" in subdivision three the words "real or."

Code, section 347, amended. Attachment in case of injury to real property, &c.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of February, A. D. 1893.

CHAPTER 78.

An act to authorize the trial of the issue of fraud in the conveyance and incumbering of land less in value than the exemption before the determination of the homestead.

The General Assembly of North Carolina do enact:

In actions to set aside conveyances of lands under sec. 1545 of The Code, no defence to allege that lands conveyed do not exceed the value of homestead.

Proviso.

Proviso.

SECTION 1. That in all actions by creditors to set aside gifts, grants, alienations and conveyances of lands and tenements and judgments purporting to be liens on the same on the ground that such gifts, grants, alienations, conveyances and judgments are feigned, covinous and fraudulent under section one thousand five hundred and forty-five (1545) of The Code, it shall be no defense to the action to allege and prove that the lands and tenements alleged to be so conveyed or encumbered do not excel in value the homestead allowed by law as an exemption: *Provided*, that nothing in this act shall be construed to authorize the sale under execution or other final process obtained on any debt during the continuance of the homestead, of any interest in such land as may be exempt as a homestead: *Provided*, this act shall not apply to actions now pending.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of February, A. D. 1893.

CHAPTER 79.

An act to amend chapter one hundred and twenty of the laws of one thousand eight hundred and ninety-one.

The General Assembly of North Carolina do enact:

Chapter 120, laws 1891, amended. Service of summons, &c., on non-resident by publication.

Former service validated.

SECTION 1. That section three of chapter one hundred and twenty of the laws of one thousand eight hundred and ninety-one be amended by striking out all after the word "provided," and inserting in lieu thereof the words "that instead of the service provided for in this chapter, the party desirous of obtaining the service of summons, notice or other process, shall have the right to make the same by publication as now provided by law, and where such publication has already been so made it shall be deemed valid to all intents and purposes, notwithstanding chapter one hundred and twenty of the laws of one thousand eight hundred and ninety-one."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of February, A. D. 1893.

CHAPTER 80.

An act to amend the rules of evidence.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter five hundred and twenty-two (522) of the laws of one thousand eight hundred and ninety-one, section one (1), be amended by adding in the eighth line of said section after the word "incapacitated" and before the word "that" the words "or non-resident of this state."

Chapter 522, laws 1891, amended. In criminal actions, on defendant's affidavit as to necessity of testimony of non-resident, clerk to appoint person to take testimony.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of February, A. D. 1893.

CHAPTER 81.

An act to amend section two hundred and seventy-four of The Code.

The General Assembly of North Carolina do enact :

SECTION 1. That section two hundred and seventy-four of The Code be amended by inserting after the word "order" in the seventh line thereof the word "verdict."

Code, section 274, amended. Judge may, within one year after notice, relieve a party from verdict taken through mistake, &c.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of February, A. D. 1893.

CHAPTER 82.

An act to amend section one thousand four hundred and seventy-eight of The Code.

The General Assembly of North Carolina do enact :

SECTION 1. That section one thousand four hundred and seventy-eight of The Code be amended by adding thereto the following: "(7) If there be no child nor legal representative of a deceased child nor any of the next of kin of the intestate, then the widow, if there be one, shall be entitled to all the personal estate of such intestate."

Code, section 1478, amended. In distribution of intestate's estate, widow entitled to all of personal estate if there be no child nor representative of deceased child nor any next of kin.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of February, A. D. 1893.

CHAPTER 83.

An act to amend chapter five hundred and four, laws of one thousand eight hundred and eighty-nine.

The General Assembly of North Carolina do enact :

Chapter 504, laws 1889, amended. Jurisdiction in offences of abandonment of wife, &c., by husband, and failure of husband to support wife, &c., taken away from justices of the peace.

SECTION 1. That chapter five hundred and four (504) be amended by striking out in line three of section one the figures "970" (nine hundred and seventy) and "972" (nine hundred and seventy-two).

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

Ratified the 11th day of February, A. D. 1893.

CHAPTER 84.

An act to repeal section six hundred and eighty-three of The Code.

The General Assembly of North Carolina do enact :

Code, section 683, (that contracts of corporations exceeding \$100 must be in writing, &c.,) repealed.

SECTION 1. That section six hundred and eighty-three of The Code be and the same is hereby repealed.

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

Ratified the 11th day of February, A. D. 1893.

CHAPTER 85.

An act to divide the crime of murder into two degrees and define the same.

The General Assembly of North Carolina do enact :

What to constitute the crime of murder in the first degree.

Punishable with death.

What to constitute murder in the second degree. Punishable with imprisonment, &c.

No change in form of indictment required.

SECTION 1. All murder which shall be perpetrated by means of poison, lying in wait, imprisonment, starving, torture, or by any other kind of wilful, deliberate and premeditated killing, or which shall be committed in the perpetration or attempt to perpetuate [perpetrate] any arson, rape, robbery, burglary or other felony, shall be deemed to be murder in the first degree and shall be punished with death.

SEC. 2. All other kinds of murder shall be deemed murder in the second degree, and shall be punished with imprisonment of not less than two nor more than thirty years in the penitentiary.

SEC. 3. Nothing herein contained shall be construed to require any alteration or modification of the existing form of indictment for murder, but the jury before whom the offender is tried shall determine

in their verdict whether the crime is murder in the first or second degree.

SEC. 4. That the provisions of this act shall not apply to any crime which shall have been committed prior to the ratification of this act, and shall not affect the existing distinction between murder and manslaughter nor the punishment for manslaughter as now provided by law.

Not applicable to crimes heretofore committed. Distinction between murder and manslaughter not affected.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 11th day of February, A. D. 1893.

CHAPTER 86.

An act regulating the time of holding courts in Columbus county.

The General Assembly of North Carolina do enact:

SECTION 1. That the superior courts of Columbus county shall be held at the following times, to-wit: first Monday before the first Monday in March, seventh Monday before the first Monday in September, ninth Monday after the first Monday in September.

When superior courts of Columbus county to be held.

SEC. 2. This act shall go into operation and take effect on and after the first Monday in November, one thousand eight hundred and ninety-three.

Act to take effect first Monday in November, 1893. Conflicting laws repealed.

SEC. 3. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Ratified the 14th day of February, A. D. 1893.

CHAPTER 87.

An act regarding the time of holding court in the counties of Cleveland, Rutherford and Polk.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and eighty of the laws of one thousand eight hundred and eighty-five be amended as follows, viz.: strike out in line eighteen on page three hundred and forty all after the word "March" down to and including the word "weeks" in line nineteen and insert after the word "September" in said line nineteen the words "each to continue two weeks." Strike out in line twenty-two on said page the word "eighth" and insert in lieu thereof the word "ninth." Strike out in line twenty-five on said page the word "tenth" and insert in lieu thereof the word "eleventh."

Chapter 180, laws 1885, amended.

August term Cleveland superior court abolished. Fall term Rutherford superior court, when held. Fall term Polk superior court, when held.

Return of process,
&c., to Cleveland
superior court.

SEC. 2. That all processes, summonses, subpoenas, recognizances, or other papers made returnable to the August term of said superior court of Cleveland county shall be returned to the November term of said court as regulated in this act.

Return of process,
&c., to Ruther-
ford superior
court.

SEC. 3. That all processes, summonses, subpoenas, recognizances or other papers made returnable to the superior court of Rutherford county on the eighth Monday after the first Monday in September shall be returned to the superior court of Rutherford county on the ninth Monday after the first Monday in September, and all processes, summonses, recognizances, subpoenas or other papers made returnable to the superior court of Polk county on the tenth Monday after the first Monday in September shall be returned on the eleventh Monday after the first Monday in September, and no person shall be released from any recognizance, bond or other obligation returnable to said courts prior to the changes made by this act under the laws of one thousand eight hundred and eighty-five on account of the changes made by and in pursuance of the provisions of this act.

Return of process,
&c., to Polk supe-
rior court.

No release from
recognizance, &c.

SEC. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws
repealed.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1893.

CHAPTER 88.

An act authorizing the commissioners and magistrates to levy a tax in Rutherford county for purpose of building a jail.

The General Assembly of North Carolina do enact:

Commissioners
and magistrates
of Rutherford
county author-
ized to levy
special tax to
build jail.

SECTION 1. That it shall be lawful for the commissioners and magistrates of Rutherford county at their annual meeting in June to assess and levy on the taxable property and polls of the county, the same to be collected and accounted for as is by law provided for other taxes, a sum not exceeding ten thousand dollars for the purchase of land and the erection thereon of a county jail for the use of said county: *Provided*, the constitutional equation of taxation as provided by the constitution be observed in said levy.

Proviso.

Commissioners
authorized, with
approval of
magistrates, to
contract for loca-
tion and erection
of jail.

SEC. 2. That the commissioners of said county shall have power to contract for the purchase of land and erection of said jail, and shall submit their proposed purchase and contract for building to the consideration of the magistrates at their annual meeting in June or at any called meeting thereof, and upon a majority voting for the purchase or contract for building jail, one or either, then said taxes mentioned in section one shall be lawful.

SEC. 3. Said commissioners shall have power, a majority of the magistrates concurring, as above provided, to sell and dispose of and make title in fee to the purchaser the present county jail or lot on which it stands, and may further sell the buildings on said lot and retain the lot, or may sell the lot and retain the buildings thereon, and may do all other things lawful and necessary, and with the approval of a majority of the magistrates of the county, to provide a good and sufficient jail for the county not to exceed in expenses the said sum of ten thousand dollars.

Authorized to sell present jail.

Limitation of cost of jail.

SEC. 4. Provided said tax shall be levied in four annual instalments.

Tax to be levied in annual instalments.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 6th day of February, A. D. 1893.

CHAPTER 89.

An act to repeal an act in relation to Edenton graded school.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter seven, acts of one thousand eight hundred and eighty-five and chapter three hundred and eighty-one (381) of the acts of one thousand eight hundred and eighty-seven, relating to Edenton graded school, and all acts amending or confirming the same, are hereby repealed.

Chapter 7, laws 1885, and chapter 381, laws 1887, repealed.

SEC. 2. That the public schools of the district or districts affected by the acts named in the last section shall be governed and directed in all respects by the general school law of the state as fully and in the same manner as the other school districts of Chowan county.

Districts affected by Edenton Graded School, to be governed by general school law.

SEC. 3. That it shall be the duty of the county board of education for Chowan county to appoint committeemen and provide the machinery for carrying on the public schools of said district in the same manner as the said board provides for the other districts of said county.

Appointment of committeemen, &c.

SEC. 4. That all laws and parts of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 6th day of February, A. D. 1893.

CHAPTER 90.

An act to amend chapter three hundred and eleven of the laws of one thousand eight hundred and ninety-one, entitled "An act to authorize the board of commissioners of Anson county to issue bonds to complete and repair the court house and to repair the jail."

The General Assembly of North Carolina do enact :

Chapter 311, laws
1891, amended.
Rate of interest
on bonds to be
issued by Anson
county to com-
plete court-house,
increased to six
per cent.
Bonds heretofore
issued not affect-
ed.

SECTION 1. That chapter three hundred and eleven of the public laws of North Carolina of eighteen hundred and ninety-one be amended by striking out the word "five" between the words "of" and "per" in line four of said act, and inserting in lieu thereof the word "six": *Provided*, that this act shall not in any manner affect the rate of interest or impair such bonds as may have heretofore been issued under said act.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of February, A. D. 1893.

CHAPTER 91.

An act to establish Jason township in the county of Greene.

The General Assembly of North Carolina do enact :

Jason township,
Greene county,
established.
Boundaries.

SECTION 1. That a new township to be called Jason township in the county of Greene shall be formed from portions of Snow Hill and Shine townships in said county, which shall be bounded as follows: Beginning on Wayne county line where the line dividing the lands of the heirs of the late James P. Britt and John Wooten enters said county line in Bear creek; thence with said line eastward to Drew branch, near Britt's Mill; thence a direct line eastward to the Snow Hill and La Grange road; thence with the said road northward to the fork at Jones & Herring's gin; thence with the Best road to the line that divides the lands of H. H. Best and Charles Best; thence with the said line southward to the Best mill-run; thence down said mill-run to the run of Tyson's marsh; thence up said Tyson's marsh to the bridge where the central road crosses said marsh; thence with said road eastward to the forks near W. E. Best's; thence with the Mitchell road to Hookerton township; thence with said township to Lenoir county; thence with said Lenoir county to Wayne county; thence with said Wayne county to the beginning.

Commissioners
to establish
voting place.

SEC. 2. The commissioners of Greene county shall establish a voting place or places for the convenience of the citizens of said township.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 6th day of February, A. D. 1893.

CHAPTER 92.

An act to repeal so much of chapter three hundred and twenty-seven, laws of one thousand eight hundred and ninety-one, as relates to Craven county.

The General Assembly of North Carolina do enact :

SECTION 1. That so much of chapter three hundred and twenty-seven of the laws of one thousand eight hundred and ninety-one that prohibits the sale of liquor in the town of Vanceboro, Craven county, be and the same is hereby repealed.

Chapter 327, laws 1891 (prohibitory law) repealed as to town of Vanceboro, Craven county.

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

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

CHAPTER 93.

An act to authorize the secretary of state to furnish the counties of Moore, Harnett, Bladen and Clay with duplicates of certain books destroyed by fire.

WHEREAS, The court house in Moore county was destroyed by fire on the fifth day of September, one thousand eight hundred and eighty-nine; the court house in Harnett county in the month of October, one thousand eight hundred and ninety-two; the court house in Bladen county in the month of January, one thousand eight hundred and ninety-three, and the court house in Clay county in the year one thousand eight hundred and seventy, together with all the reports of the supreme court of North Carolina, all the laws and journals of the general assembly of North Carolina, and the records of the colonial history of North Carolina, which had been published before said dates and sent to said counties respectively in course of legal distribution, and said reports, laws, journals and colonial records have not been replaced; now, therefore,

Preamble.

The General Assembly of North Carolina do enact :

SECTION 1. That the secretary of state be and he is hereby authorized and instructed to furnish without charge to the clerk of the superior court of said counties respectively, or to his successors in office, to be kept in the office of said clerk for the benefit of said respective counties, one copy of each volume of the reports of the supreme court of North Carolina, one copy of each volume of the public and private laws and journals of the general assembly of North Carolina, and one copy of each volume of the colonial records that had been published prior to the date of said respective fires, and

Secretary of State instructed to furnish certain counties with supreme court reports and other books to replace those destroyed by fire.

furnish the said respective counties in course of distribution as provided by law out of such reports, laws, journals and colonial records as may be in the hands of the secretary of state not otherwise distributed under existing laws: *Provided*, that the clerk of the superior court of each county shall make a statement to the secretary of state showing whether any books were saved from said fires.

Proviso.

Books, &c., not in print, to be furnished when printed.

SEC. 2. That if any of said reports, laws, journals or colonial records are not in print the secretary of state be and he is hereby authorized and instructed to furnish the same to the clerk of the superior court of said counties or his successors in office for the benefit of said counties, as hereinbefore provided, as soon as the same shall be reprinted: *Provided*, this act shall not apply to any volume of the supreme court reports prior to the sixty-third volume: *Provided further*, this act shall not be construed to direct the republication of any reports, statistics or colonial records.

Proviso.

Proviso.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 9th day of February, A. D. 1893.

CHAPTER 94.

An act to amend chapter four hundred and eleven, laws of eighteen hundred and ninety-one, in regard to special fence tax in Robeson county.

The General Assembly of North Carolina do enact:

Chapter 411, laws 1891, amended. Authority given commissioners of Robeson county to levy special tax to build stock-law fence, extended to 1893 and 1894. Collection of tax.

SECTION 1. That section one, chapter four hundred and eleven of the laws of eighteen hundred and ninety-one, be and the same is hereby amended by adding after the word "two" in line eleven "one thousand eight hundred and ninety-three and one thousand eight hundred and ninety-four."

SEC. 2. That section two be amended by adding thereto: "*Provided*, that the sheriff or tax-collector of said county in proceeding to collect the tax herein provided for, shall first levy upon and exhaust the personal property of the person upon whose land the tax is due in same manner as the state and county taxes are collected."

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 9th day of February, A. D. 1893.

CHAPTER 95.

An act to repeal chapter one hundred and eighteen of the laws of one thousand eight hundred and ninety-one and to amend section six hundred and eighty-five of The Code concerning the manner of executing deeds by corporations.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter one hundred and eighteen of the laws of one thousand eight hundred and ninety-one is hereby repealed. Chapter 118, laws 1891, repealed.

SEC. 2. That section six hundred and eighty-five (685) of The Code be amended by inserting between the word "witnesses" and the period in line six (6) thereof the following : "or by deed of bargain and sale or other proper deed sealed with the common seal and signed by the president or presiding member or trustee and attested by the secretary of the company." Code, section 685, amended. Corporations empowered to convey lands, &c., by deed, sealed with common seal, signed by president, &c., and attested by secretary.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 9th day of February, A. D. 1893.

CHAPTER 96.

An act for the relief of W. H. Harrelson, former treasurer of Caswell county.

The General Assembly of North Carolina do enact :

SECTION 1. That the commissioners and justices of the peace of Caswell county be and they are hereby authorized by a majority vote of the commissioners and justices of the peace in joint session to order the treasurer of said county to repay to W. H. Harrelson, former treasurer of said county, such sum as they may think proper, not to exceed four hundred and eight dollars, which amount was stolen by burglars from county funds in his hands as such treasurer and has been accounted for in his settlement with the commissioners and present treasurer. Commissioners and justices of Caswell county authorized to order payment to W. H. Harrelson, former treasurer, of amount stolen from him, not exceeding \$408.

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

Ratified the 9th day of February, A. D. 1893.

CHAPTER 97.

An act to amend chapter forty-nine of The Code.

The General Assembly of North Carolina do enact :

Railroad commis-
sioners author-
ized to allow
railroad compa-
nies to run fast
mail trains.

Proviso.

Proviso.

Proviso.

SECTION 1. That the board of railroad commissioners of North Carolina are hereby empowered, whenever it shall appear wise and proper so to do, to authorize, allow and permit any railroad company operating in this state to run one or more fast mail trains over its road which shall only stop at such stations on the line of the road as may be designated by the company : *Provided*, that in addition to such fast mail train said railroad shall run at least one passenger train in each direction over its road on every day except Sunday, which shall stop at every station on the road at which passengers may wish to be taken up or put off : *Provided*, nothing in this act shall be construed to authorize any company, persons or corporations to run any trains over the Petersburg railroad between Weldon and the state line after the expiration of the extension of the charter granted to that company by this state in one thousand eight hundred and ninety-one, unless and until the charter of said Petersburg railroad shall be renewed by this general assembly : *Provided further*, that nothing in this act shall be construed as preventing the running of local passenger trains on Sunday.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of February, A. D. 1893.

CHAPTER 93.

An act to appoint a justice of the peace for the manufacturing town of Haw River in Alamance county.

The General Assembly of North Carolina do enact :

Additional jus-
tice of the peace
for town of Haw
River.

J. H. Blackman
appointed.

Vacancy.

SECTION 1. That there shall be appointed a justice of the peace for the manufacturing town of Haw River in Alamance county, who may reside on the east side of the river in Melville township or on the west side of the river in Graham township, as may be most desirable.

SEC. 2. That J. H. Blackman is by this act appointed a justice of the peace according to section one of this act.

SEC. 3. That whenever a vacancy shall occur from any cause, said vacancy shall be filled in the manner prescribed by law for filling vacancies of justices of the peace.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 9th day of February, A. D. 1893.

CHAPTER 99.

An act for the relief of the sheriff of Currituck county.

The General Assembly of North Carolina do enact :

SECTION 1. That the sheriff of Currituck county be allowed until the second Monday in February, one thousand eight hundred and ninety-three and one thousand eight hundred and ninety-four, to settle his state taxes for the years one thousand eight hundred and ninety-two and one thousand eight hundred and ninety-three.

Sheriff of Currituck county allowed until second Monday in February, 1893 and 1894, to settle State taxes for 1892 and 1893.

SEC. 2. That said sheriff be allowed until the first Monday in August, one thousand eight hundred and ninety-three and one thousand eight hundred and ninety-four, to settle his county taxes for the years one thousand eight hundred and ninety-two and one thousand eight hundred and ninety-three : *Provided*, he collects and pays to the treasurer of said county sums sufficient to meet the current expenses of the county.

Allowed until first Monday in August, 1893 and 1894, to settle county taxes for 1892 and 1893.

Proviso.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 9th day of February, A. D. 1893.

CHAPTER 100.

An act to amend section three thousand eight hundred and forty-one of The Code relative to the testing of weights and measures.

The General Assembly of North Carolina do enact :

SECTION 1. That section three thousand eight hundred and forty-one, volume two (2) of The Code, be and the same is hereby amended as follows, to-wit : by striking out the first five lines thereof to and including the word "standard" near the end of the fifth line and inserting in lieu thereof the following : "Every person using weights and measures and steelyards, embracing balances and other instruments used in weighing, shall allow and permit the standard-keeper of the county to try, examine and adjust by the standard at least once every two years all the said weights, measures, steelyards, embracing balances and other instruments used in weighing" ; and further by striking out in the seventh line of said section the word "cause" and insert in lieu of the same the words "allow and permit."

Code, section 3841, amended. Standard-keepers to adjust weights, &c., once every two years.

Standard-keepers allowed to examine, &c., weights, &c.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of February, A. D. 1893.

CHAPTER 101.

An act to repeal chapter two hundred and twenty-two of the laws of one thousand eight hundred and ninety-one entitled an act to prevent the sale of spirituous liquors in Gaston county.

The General Assembly of North Carolina do enact :

Chapter 222, laws
1891, (prohibiting
sale of liquor in
Gaston county)
repealed.
When act to take
effect.

SECTION 1. That chapter two hundred and twenty-two (222) of the laws of one thousand eight hundred and ninety-one (1891) is hereby repealed.

SEC. 2. That this act shall be in force from and after the first day of June, one thousand eight hundred and ninety-three.

Ratified the 9th day of February, A. D. 1893.

CHAPTER 102.

An act to authorize the commissioners and justices of the peace of Madison county to elect a tax collector.

The General Assembly of North Carolina do enact :

Commissioners
and justices of
Madison county
authorized to
elect tax collector
when taxes
amount to \$20,000.

Term of office,
duties, &c.

Bond, &c.

SECTION 1. That whenever in any county in this state the state and county taxes for any year shall be or exceed the sum of twenty thousand dollars, the commissioners and justices of the peace of said county may, at their joint session held in June prior to the expiration of office or term of the sheriff of said county, elect a tax collector for said county, whose term of office shall continue for two years, whose duties, obligations, liabilities, pains and penalties shall be the same as now or may be prescribed by law for tax collectors. He shall give the bond now required by law to be given by tax collectors and shall be subject to all the laws now in force as to bonds, liabilities, pains and penalties of sheriffs and tax collectors in this state: *Provided*, this act shall only apply to Madison county.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 9th day of February, A. D. 1893.

CHAPTER 103.

An act to authorize the county of Sampson to borrow money, issue bonds and levy a special tax.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of building a jail for the county of Sampson the commissioners of Sampson county are hereby authorized and empowered to borrow not exceeding seven thousand dollars at a rate of interest not exceeding six per centum per annum, and issue bonds therefor, or to sell said bonds, as to them may seem best, for not less than par or one hundred cents on the dollar.

Commissioners of Sampson county authorized to issue bonds not exceeding \$7,000, to build jail.

SEC. 2. That said bonds shall be issued in denominations of one hundred dollars each, and that five of said bonds shall become due and payable five years after date, and five more of said bonds shall become due and payable each succeeding year after the maturity of the first five bonds until all shall be paid, which times of payment shall be expressed upon the face of said bonds, together with the place where the same shall be payable.

Bonds, how issued.

SEC. 3. That said bonds shall be signed by the chairman of the board of commissioners of Sampson county and countersigned by the clerk of said board and authenticated with the seal of said board, and shall express upon their face the purpose for which they were issued, and there shall be attached thereto interest coupons calling for the payment of the interest semi-annually from the date of said bonds.

Bonds, how executed, &c.

Coupons.

SEC. 4. That the commissioners of Sampson county are hereby authorized and required at the time of levying other county taxes to levy annually an additional special tax, sufficient in amount to pay the interest upon said bonds and so much of the principal of said debt as may fall due during the next succeeding year after such levy, together with the cost and charges incident to said tax, and to provide a sinking fund for said debt, upon all subjects of county taxation in said county as aforesaid, until the final payment of said bonds shall be provided for, maintaining the constitutional rates of taxation between the tax upon property and the polls: *Provided*, such levy shall in no year exceed twenty-five cents on the poll and eight and one-third cents on the one hundred dollars worth of property.

Special tax.

Limitation of tax.

SEC. 5. That said taxes shall be collected by the sheriff of said county, whose bond shall be liable therefor as for other county taxes, and he shall pay over the same to the county treasurer in like manner as other county taxes are paid.

Collection of tax.

SEC. 6. That said treasurer shall receipt for said taxes and be liable upon his official bond for said taxes as for other taxes, and shall use the same for the payment of said bonds and interest when due and payable, and the funds arising from said taxes over and above the

Liability of treasurer.

Application of funds.	costs and charges incident thereto shall be applied to no other use than the payment as aforesaid.
Sinking fund.	SEC. 7. The said board of commissioners may in their discretion establish a sinking fund for the payment of the principal of said bonds, and may invest from time to time and keep invested the money belonging to the sinking fund when not available for the payment of said bonds.
Payment of bonds.	SEC. 8. The said board of commissioners shall have the right and power to call in and pay off the said bonds or any of them from time to time and at any time after the expiration of five years after their respective dates; and when the said board shall determine so to call in and pay any of said bonds, it shall publish at least once a week for four successive weeks in some newspaper of this state a notice giving the number, dates and amounts of said bonds to be called in, and the day and place when and where they will be paid on presentation, which said day shall not be less than thirty (30) days from the first publication of the said notice, and all interest upon the bonds named and mentioned in such notice so published shall cease and stop from and after the day set for and appointed as aforesaid for the payment of the same.
Notice to bondholders.	
Stoppage of interest.	
Coupons receivable for county taxes. Clerk of commissioners to keep record book.	SEC. 9. That said coupons shall be receivable for all county taxes. SEC. 10. That the clerk of said commissioners shall keep a book in which he shall keep an account of the number and denomination of the said bonds issued as aforesaid and the persons to whom the same are payable; said clerk shall also keep an accurate account of the bonds and coupons attached to said bonds which shall be paid, taken in or otherwise cancelled, so that by inspection of said books the true status of the bonded debt of said county herein provided for may be readily ascertained; said book shall at all times be open to the inspection of any taxpayer of said county.
Book open to inspection.	
Delivery of bonds.	SEC. 11. That as soon as said bonds are issued, signed and countersigned as hereinbefore provided, the said commissioners shall place the same in the hands of the said treasurer of said county, who shall countersign the same and deliver them to such purchaser upon their compliance with such terms as may be designated by said board of commissioners by order directed to said treasurer, and said treasurer shall make out and return to said commissioners an accurate account of the number and denominations of said bonds and when delivered, and the said treasurer shall receive all proceeds of the sale and disposal of said bonds, hold said proceeds subject to the order and direction of said board, and be responsible for the safe custody and keeping of said proceeds as by law it is now provided; he shall be and is responsible for the custody and keeping of the moneys of said county as the treasurer thereof.
Duties of treasurer.	
Liability of treasurer.	
Commissioners authorized to sell old jail.	SEC. 12. That said board of commissioners shall have power and authority to sell the present site of the old jail and the material

thereon, and execute a deed in fee to the purchaser for the old jail lot in the town of Clinton, and they are hereby directed to pay over the moneys arising from said sale to the treasurer of said county to be used in payment of said bonded debt hereinbefore provided; and said commissioners shall have power and authority to purchase a suitable lot upon which to erect a new jail and to take a good and sufficient deed in fee for the same.

Application of proceeds.

Authorized to purchase lot for new jail.

SEC. 13. That this act shall be in force from and after its ratification.
Ratified the 9th day of February, A. D. 1893.

CHAPTER 104.

An act to amend chapter one hundred and seventy-two of the public laws of one thousand eight hundred and ninety-one, for the protection of birds in certain counties.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter one hundred and seventy-two of the public laws of one thousand eight hundred and ninety-one, be amended by adding after Mecklenburg the counties of Halifax and Warren.

Chapter 172, laws 1891, amended. Misdemeanor to hunt, &c., part-ridges or quail on land of another without permission in Halifax and Warren counties.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 9th day of February, A. D. 1893.

CHAPTER 105.

An act to authorize the commissioners of McDowell county to levy a special tax.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of McDowell county are hereby authorized and empowered, by and with the consent of a majority of the justices of the peace of said county at their regular meeting on the first Monday in June, one thousand eight hundred and ninety-three, one thousand eight hundred and ninety-four, one thousand eight hundred and ninety-five, one thousand eight hundred and ninety-six and one thousand eight hundred and ninety-seven, to levy a special tax upon the taxable property and polls of said county for the purpose of discharging the outstanding indebtedness other than the bonded indebtedness of said county.

Commissioners and justices of McDowell county authorized to levy special tax in certain years to pay county indebtedness other than bonded debt.

Limitation of tax. SEC. 2. That the amount of tax to be levied under this act shall be determined by said board of commissioners and justices of the peace, but shall not exceed in any year fifteen cents on the hundred dollars worth of property and forty-five cents on the poll, and the constitutional equation between the property and the polls shall always be observed in making levies.

Collection of tax. SEC. 3. That said tax shall be collected and accounted for by the sheriff or tax collector of said county in the same manner and under the same penalties prescribed for the collection of other taxes in said county.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 11th day of February, A. D. 1893.

CHAPTER 106.

An act to amend section one of chapter three hundred and ninety-nine (399) of the laws of one thousand eight hundred and eighty-five (1885).

The General Assembly of North Carolina do enact:

Chapter 399, laws 1885, amended. Bird law (Code, section 2834) applicable to Transylvania county.

SECTION 1. That section one (1), chapter three hundred and ninety-nine, laws of one thousand eight hundred and eighty-five (1885), be amended by striking out the word "Transylvania" in line five (5) of said section.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 11th day of February, A. D. 1893.

CHAPTER 107.

An act to amend chapter five hundred and thirty-one of the laws of one thousand eight hundred and eighty-nine relative to the game law.

The General Assembly of North Carolina do enact:

Chapter 531, laws 1889, amended. Unlawful to hunt deer in Richmond county between February 15th and August 15th.

SECTION 1. That chapter five hundred and thirty-one of the laws of one thousand eight hundred and eighty-nine be amended by inserting at the end of section one: "*Provided*, this act do not apply to Richmond county."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 11th day of February, A. D. 1893.

CHAPTER 108.

An act to authorize the commissioners of Brunswick county to levy a special tax for the years eighteen hundred and ninety-three and eighteen hundred and ninety-four.

The General Assembly of North Carolina do enact :

SECTION 1. That the commissioners of Brunswick county be and they are hereby authorized and empowered, by and with the consent of a majority of the justices of the peace of said county in joint session, to levy a special tax for the years one thousand eight hundred and ninety-three and one thousand eight hundred and ninety-four. Commissioners and justices of Brunswick county authorized to levy special tax for 1893 and 1894.

SEC. 2. That said special tax shall be applied to the payment of all outstanding debts against Brunswick county. Application of tax.

SEC. 3. That said special tax shall be levied in the same manner and at the same time as other taxes are levied in said county, and shall not in any one year exceed the sum of sixteen and two-third cents on the one hundred dollars worth of taxable property and fifty cents on each poll. Levy of tax. Limitation of tax.

SEC. 4. That said special tax shall be collected and accounted for by the sheriff in the same manner and under the same penalties and at the time as other taxes are collected and accounted for by him. Collection of tax.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 11th day of February, A. D. 1893.

CHAPTER 109.

An act for the relief of L. H. Bullock, late sheriff of Granville county.

The General Assembly of North Carolina do enact :

SECTION 1. That the personal representatives of L. H. Bullock, deceased, and also the bondsmen on his official bond as sheriff of Granville county for the years one thousand eight hundred and eighty-seven and one thousand eight hundred and eighty-eight, be and they are hereby authorized to collect any and all taxes due and unpaid to the county of Granville for said years one thousand eight hundred and eighty-seven and one thousand eight hundred and eighty-eight under such rules and regulations as are or may be prescribed by law for the collection of taxes: *Provided*, that this act shall not affect purchasers without notice. Personal representatives and bondsmen of L. H. Bullock, late sheriff of Granville county, authorized to collect unpaid taxes for 1887 and 1888. Proviso.

SEC. 2. That all the provisions, limitations, restrictions and privileges of chapter thirty of the laws of one thousand eight hundred and eighty-three be and the same are hereby declared to be applicable to this act. Provisions of chapter 30, laws 1883 applicable to this act.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 11th day of February, A. D. 1893.

CHAPTER 110.

An act to amend an act to provide for the collection, arrangement and display of the products of the state of North Carolina at the World's Columbian Exposition of one thousand eight hundred and ninety-three, and to make an appropriation therefor.

The General Assembly of North Carolina do enact :

Chapter 590, laws 1891, amended. If deficiency in direct tax fund results from appropriation of \$25,000 to Columbian Exposition, treasurer authorized to pay claims, &c.

Non-perishable property in State Museum to be returned; other property to be sold, &c.

SECTION 1. That section eight, chapter five hundred and ninety (590) of the laws of one thousand eight hundred and ninety-one be amended by adding at the end of said section the following: "*Provided*, that in case of any deficiency in the direct tax fund to meet the demands of claimants by reason of this act, the state treasurer is authorized to pay any such claims properly audited out of any moneys not otherwise appropriated."

SEC. 2. That all the non-perishable property suitable for use and exhibition in the state museum shall be returned to the authorities controlling the same and installed therein, and that all other property shall be sold and the proceeds turned into the exhibition fund.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 11th day of February, A. D. 1893.

CHAPTER 111.

An act to elect a cotton weigher for the county of Stanly and the town of Albemarle.

The General Assembly of North Carolina do enact :

Electors of Stanly county to elect cotton weighers for town of Albemarle every two years.

Commissioners to provide for election.

SECTION 1. That there shall be elected by the people of Stanly county every two years a cotton weigher for the town of Albemarle in Stanly county, who shall hold his office for two years and until his successor is qualified.

SEC. 2. That it shall be the duty of the board of commissioners of Stanly county to provide for such election at the regular election for register of deeds and other county officers every two years under the same rules and regulations as are now required by law for the election of members of the General Assembly.

Bond of cotton weigher.

SEC. 3. That upon the election of cotton weigher as aforesaid, any person elected to such office shall file a bond in the penal sum of one thousand dollars payable to the state of North Carolina, conditioned to the faithful performance of the duty of his office and to weigh and

give honest weights of all cotton weighed by him, with the board of commissioners of said county, to be approved by them.

SEC. 4. That it shall be the duty of said cotton weigher to take an oath for the faithful and honest performance of his duties and to weigh all cotton sold in the town of Albemarle, and he shall secure for that purpose platform scales upon which to weigh all cotton, and he shall receive for his service the sum of ten cents for each bale of cotton so weighed by him, one-half to be paid by the seller and the other half by the purchaser.

Oath of cotton weigher.
Duties.

Compensation.

SEC. 5. That at the next joint meeting of the board of justices of the peace of said county and the board of commissioners, it shall be their duty to elect a cotton weigher for the town of Albemarle, who shall take an oath as above prescribed, file his bond as aforesaid and discharge the duties of the office of cotton weigher as aforesaid until the next regular election and until his successor is elected and qualified, and the person so elected under this section shall within twenty days after his election take the oath of office and file his bond, or his office may be declared vacant by the board of commissioners of said county, and they shall proceed at their first regular meeting to elect another cotton weigher in his stead.

Commissioners and justices authorized to elect temporary cotton weigher.

Oath and bond.

Vacancy.

SEC. 6. That this act shall be in force and effect after its ratification. Ratified the 11th day of February, A. D. 1893.

CHAPTER 112.

An act to authorize the commissioners of McDowell county to levy a special tax.

The General Assembly of North Carolina do enact :

SECTION 1. That the board of commissioners of McDowell county be and they are hereby authorized and it shall be their duty to levy a special tax not exceeding fifteen cents on the hundred dollars worth of property and not exceeding forty-five cents on the poll annually for two years, one thousand eight hundred and ninety-three and one thousand eight hundred and ninety-four, to build bridges across the Catawba river, Crooked creek and Muddy creek in said county.

Commissioners of McDowell county authorized to levy special tax to build bridges.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1893.

CHAPTER 113.

An act to amend section five, chapter three hundred and twenty, laws of one thousand eight hundred and ninety-one, by authorizing the railroad commission to provide rules and regulations for the handling of baggage.

The General Assembly of North Carolina do enact :

Chapter 320, laws 1891, amended. Railroad Commissioners to make rules to prevent careless handling of baggage, &c.

SECTION 1. That section five, chapter three hundred and twenty of the laws of one thousand eight hundred and ninety-one be amended by inserting in line seventeen between the word "preventing" and the word "unjust" the words "the careless handling of and damage to any parcel of baggage to which a check may be affixed as provided in section one thousand nine hundred and seventy of The Code of North Carolina."

To make rules for carrying this act into effect.

SEC. 2. That section five of said act of one thousand eight hundred and ninety-one be amended by adding after the word "state" at the end of said section the following: "And shall make all just and reasonable rules, regulations and orders as may be necessary for carrying into effect the provisions of this act." Any company refusing to comply with any rule, regulation or order of the said railroad commission made in pursuance of this section shall incur a penalty, to be fixed as provided in section twenty of said act of one thousand eight hundred and ninety-one, and all penalties fixed by the railroad commission in any case shall be recovered as provided in the tenth section of said act of one thousand eight hundred and ninety-one.

Penalty on company refusing to comply with rules, &c., of Commission.

Recovery of penalty.

Title of actions.

Whenever an action is instituted by the said railroad commission against any company, the cause shall be entitled "State of North Carolina on the relation of the railroad commission against said company," and whenever such action is instituted upon the complaint of any injured person or corporation the case shall be entitled "State of North Carolina on the relation of the railroad commission upon the complaint of such injured person or corporation against said company."

Sec. 29 amended. Appeal direct to Supreme Court. When no exception to facts.

SEC. 3. That section twenty-nine of said act of one thousand eight hundred and ninety-one be amended by striking out all of said section after the word "therefore" in line seven and adding the following, "or provided in section seven of this act, and when no exception is made to the facts as found by the railroad commission, then the appeal shall be taken direct to the supreme court."

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1893.

CHAPTER 114.

An act to amend section five hundred and eighty-one of The Code.

The General Assembly of North Carolina do enact :

SECTION 1. That section five hundred and eighty-one (581) of The Code be and the same is hereby amended by inserting in line seven after the word "judge" the words "or court."

Code, section 581, amended.
Examination of party before trial; judge or court may make order as to notice.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 14th day of February, A. D. 1893.

CHAPTER 115.

An act for the protection of fish in Ramon's creek, Camden county.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person or persons to fish with seine or dragnet in the waters of Ramon's creek in Camden county between the first day of November and the first day of March.

Unlawful to fish with seine, &c., in Ramon's creek, Camden county, between certain dates.
Misdemeanor.

SEC. 2. Any person violating this act shall be guilty of a misdemeanor and fined not less than five dollars nor more than twenty dollars, or imprisoned not less than five days nor more than twenty days, or both, at the discretion of the court.

SEC. 3. That this act shall be in force from and after its ratification.
Ratified the 14th day of February, A. D. 1893.

CHAPTER 116.

An act to compel butchers in Richmond county and Warsaw township in Duplin county to keep registration.

The General Assembly of North Carolina do enact :

SECTION 1. That the provisions of chapter three hundred and eighteen of the laws of one thousand eight hundred and eighty-nine shall apply to Richmond county and to Warsaw township, Duplin county.

Chapter 318, laws 1889, applicable to Richmond county and Warsaw township, Duplin county.
Butchers to keep registration books for cattle &c., purchased.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 14th day of February, A. D. 1893.

CHAPTER 117.

An act to repeal "An act to provide for the improvement and maintenance of a portion of the road known as the Hendersonville road in Buncombe county," the same being chapter five hundred and forty-three, laws of eighteen hundred and ninety-one.

The General Assembly of North Carolina do enact :

Chapter 543, laws 1891 (providing for improvement of Hendersonville road, Buncombe county) repealed.

SECTION 1. That chapter five hundred and forty-three of the laws of eighteen hundred and ninety-one is hereby repealed.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1893.

CHAPTER 118.

An act to repeal chapter seventy-nine of the laws of eighteen hundred and ninety-one.

The General Assembly of North Carolina do enact :

Chapter 79, laws of 1891, making it unlawful to kill, &c., certain birds between March 15 and Nov. 1, not to apply to Granville and Bertie counties.

SECTION 1. That chapter seventy-nine (79) of the laws of eighteen hundred and ninety-one entitled "An act to amend section two thousand eight hundred and thirty-four of the Code," be and the same is hereby repealed: *Provided*, this act shall only apply to the counties of Granville and Bertie.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 14th day of February, A. D. 1893.

CHAPTER 119.

An act to provide an official seal for the office of register of deeds.

The General Assembly of North Carolina do enact :

County commissioners to provide official seal for register of deeds.

SECTION 1. That the office of register of deeds for every county in the state shall have and use an official seal, which seal shall be provided by the county commissioners of the several counties and shall be of the same size and design as the seals now used by the clerk of the superior court with the words office of register of deeds, the name of the county and the letters North Carolina surrounding the figures.

Certified copy of deed, &c., admissible in evidence.

SEC. 2. That a copy of the record of any deed, mortgage, power of attorney, or other instrument required or allowed to be registered or recorded, duly authenticated by the certificate and official seal of the register of deeds of the county where the original or duly certified

copy has been registered, may be given in evidence in any of the courts of the state where the original of such copy would be admitted as evidence, unless the court, as now provided for by section one thousand two hundred and fifty-one (1251) of The Code, shall require the production of the original or its absence to be duly accounted for.

SEC. 3. That a copy of the record of any deed, mortgage, power of attorney or other instrument required or allowed to be registered from the office of the register of deeds of any county in the state duly authenticated by the certificate and official seal of the register of deeds of such county, may upon presentation to the register of deeds of any other county be registered without further proof, and the record thereof, or a duly certified copy of the same, may be given in evidence in any court in the state where the original of such copy would be admitted as evidence unless the court, as now provided for by section one thousand two hundred and fifty-one (1251) of The Code, shall require the production of the original or its absence to be duly accounted for.

Registration of
certified copy of
deed, &c.

Evidence.

SEC. 4. That this act shall be in force from and after its ratification.
Ratified the 14th day of February, A. D. 1893.

CHAPTER 120.

An act to repeal chapter seventy, laws of one thousand eight hundred and ninety-one.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter seventy (70), laws of one thousand eight hundred and ninety-one (1891), be and the same is hereby repealed.

SEC. 2. That all entries made in accordance with The Code as amended by subsequent acts of the General Assembly of North Carolina be and the same are in all respects validated and made effectual.

SEC. 3. That any and all entries of vacant land made in accordance with section two thousand seven hundred and sixty-five of The Code as amended by chapter one hundred and thirty-two (132), laws of one thousand eight hundred and eighty-five, be and the same are in all respects validated and the secretary of state authorized to issue grants on the same: *Provided*, this act shall apply only to Macon county.

Chapter 70, laws
1891 (repealing
chapter 132, laws
1885, requiring
entry-taker to
deliver warrant
and copy of entry
to surveyor)
repealed.
Entries in accord-
ance with Code
validated.
Entries in accord-
ance with Code,
section 2765, as
amended by
chapter 132, laws
1885, validated.

SEC. 4. That this act shall be in force from and after its ratification.
Ratified the 14th day of February, A. D. 1893.

CHAPTER 121.

An act to amend the act constituting the railroad commission a board of appraisers for railroads, ratified the ninth day of March, one thousand eight hundred and ninety-one, in respect to the manner of assessing property and giving the commission authority to assess steamboat property.

The General Assembly of North Carolina do enact :

Chapter 326, laws
1891, amended.

Railroad Com-
missioners to
assess value of
railroad stock,
rolling stock, &c.

SECTION 1. That chapter three hundred and twenty-six, section forty-seven, laws of one thousand eight hundred and ninety-one, be and the same is hereby amended by striking out all of said section down to and including the words "as thus determined" in line ten and inserting in lieu thereof the following: "The said commissioners shall determine the value of railroad stock as defined in section forty-five and the value of the rolling stock, ascertaining such value from the earnings as compared with the operating expenses and taking into consideration the value of the franchise as well as other conditions proper to be considered in arriving at the true value of the property as in the case of private property and the aggregate value as thus determined."

Sec. 52 amended.
Commissioners
to assess property
of canal and
steamboat com-
panies.

SEC. 2. That section fifty-two of said act be and the same is hereby amended by striking out all of said section down to and including the word "assessed" in line five and inserting in lieu thereof the following: "The property of all canal and steamboat companies shall be assessed for taxation as above provided for railroads."

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 14th day of February, A. D. 1893.

CHAPTER 122.

An act to authorize the payment of school order of Miss Nannie Bingham out of the school funds of Randolph county.

The General Assembly of North Carolina do enact :

Treasurer of
Randolph county
authorized to pay
Miss N. Bingham
\$11.75.

SECTION 1. That the treasurer of Randolph county is hereby authorized and empowered to pay Miss Nannie Bingham the sum of eleven dollars and seventy-five cents, the balance due her as teacher in district number forty-eight (white race), Randolph county, for the year eighteen hundred and ninety-two, out of any school funds now due or may hereafter be due said district.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 14th day of February, A. D. 1893.

CHAPTER 123.

An act to protect the owners of live stock from the depredations of thieves.

The General Assembly of North Carolina do enact :

SECTION 1. That the Brunswick Bridge and Ferry Company, its agents, lessees or assigns, are hereby required to take and keep in a book provided for that purpose, the ear mark, color, brand and sex of any and all live stock which may be transported by it or them across the ferry owned by said company at Wilmington, and the date at which the same were delivered to it for transportation, and shall take and record the name and color of the person or persons bringing the same for transportation.

Brunswick Bridge and Ferry Company required to keep record of description of live stock, &c., crossing ferry.

SEC. 2. That upon the request of any person who alleges he has lost or had stolen from him or them any cattle, sheep, hogs, horses or other live stock, the said The Brunswick Bridge and Ferry Company, its agents, lessees or assigns, shall exhibit and show to any such person the aforesaid mark and particulars imposed by this act.

Inspection of record.

SEC. 3. That any wilful failure or neglect by the said The Brunswick Bridge and Ferry Company, its agents, lessees or assigns, to take and keep a record of the said particulars required by section one (1) of this act, and any wilful failure and refusal to give the same to any person demanding the same, as provided in section two of this act, shall be guilty of a misdemeanor.

Misdemeanor.

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

Ratified the 14th day of February, A. D. 1893.

CHAPTER 124.

An act to amend section one thousand nine hundred and fifty-nine of The Code, requiring railroad companies to render annual reports to the governor of the operations for the year.

The General Assembly of North Carolina do enact :

SECTION 1. That section one thousand nine hundred and fifty-nine of The Code be and the same is hereby amended by adding the following at the end of said section : “ *Provided*, that if the report herein mentioned shall be made to the board of railroad commissioners instead of to the governor, it shall be deemed a sufficient compliance with the requirements of this section.”

Code, section 1959, amended.

Annual reports of railroad companies may be made to Railroad Commissioners.

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

Ratified the 14th day of February, A. D. 1893.

CHAPTER 125.

An act to allow George Blankenship of Yancey county to attend the institution for the blind.**Preamble.**

WHEREAS, George Blankenship, a blind person and citizen of Yancey county, is over the age of twenty-one years, but has never attended the institution for the blind, and is desirous of doing so; therefore,

The General Assembly of North Carolina do enact :

Geo. Blankenship of Yancey county, allowed to attend institution for the blind.

SECTION 1. That the said George Blankenship be and he is hereby allowed to attend said institution for the blind, and the authorities thereof are directed to receive him as a pupil upon the same terms and conditions as other pupils are received.

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

Ratified the 14th day of February, A. D. 1893.

CHAPTER 126.

An act to amend chapter twenty, laws of eighteen hundred and ninety-one, to protect the public roads of Sampson county.

The General Assembly of North Carolina do enact :

Chapter 20, laws 1891, amended. Provisions of chapter 503, laws 1889, in regard to recovery of damages to public roads by hauling logs, to apply to Sampson county.

SECTION 1. That chapter twenty, laws of eighteen hundred and ninety-one, be and the same is hereby amended by inserting after the word "inserting" in line three of section one, and before the word "and" in said line three, the word "Sampson."

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

Ratified the 14th day of February, A. D. 1893.

CHAPTER 127.

An act to amend chapter two hundred and seventy (270), section seven of the public acts of eighteen hundred and ninety-one (1891).

The General Assembly of North Carolina do enact :

Chapter 270, laws 1891, amended. Compensation of sheriff of Mecklenburg county for collecting taxes.

SECTION 1. That chapter two hundred and seventy (270) of the public acts of eighteen hundred and ninety one (1891) be and the same is hereby amended by striking out the word "one" in line five of section seven of said act and inserting in lieu thereof the word "two:" *Provided*, this act shall only apply to the county of Mecklenburg.

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

Ratified the 14th day of February, A. D. 1893.

CHAPTER 128.

An act to amend chapter three hundred and twenty of the laws of eighteen hundred and ninety-one, entitled an act to provide for the supervision of railroads, steamboats or canal companies, express and telegraph companies doing business in the state of North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter three hundred and twenty (320) of the laws of eighteen hundred and ninety-one, be and the same is amended by inserting in section twenty-five (25) of said act between the words "transportation" and "or" in the sixth line thereof the following: "Or the free transportation of persons travelling in the interest of orphan asylums or any department thereof."

Chapter 320, laws 1891, amended. Free carriage to persons traveling for orphan asylums.

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

Ratified the 14th day of February, A. D. 1893.

CHAPTER 129.

An act to protect the public bridges in Edgecombe and Jones counties.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person or persons to ride or drive any horse, mule or other stock over any public bridge across Tar river in Edgecombe county, or Trent river in Jones county, faster than a walk.

Unlawful to ride, &c., any horse, &c., faster than a walk over certain bridges in Edgecombe and Jones counties. Misdemeanor.

SEC. 2. That any person or persons violating this act shall be guilty of a misdemeanor and fined five dollars for each and every offence.

SEC. 3. The county commissioners of the above named counties shall post in a conspicuous place at each end of all the bridges over said rivers in said counties a notice of the penalty herein set forth.

Commissioners to post notice.

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

Ratified the 14th day of February, A. D. 1893.

CHAPTER 130.

An act to validate certain probates in which the word "previously" is used for the word "privately."

The General Assembly of North Carolina do enact :

SECTION 1. That all probates of deeds, letters of attorney or other instruments requiring registration to which married women were parties, heretofore had and taken, in which probates it appears that such married women were "previously examined" instead of "privately examined," be and the same are hereby validated.

Probates of deeds, &c., from married women, where the words "previously examined" were incorrectly used, validated.

vately examined," are hereby validated and confirmed, and the same shall be effectual and binding on such married women as if it appeared on the face of said probate "privately examined."

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

Ratified the 14th day of February, A. D. 1893.

CHAPTER 131.

An act to amend section three, chapter three hundred and ninety-nine, laws of eighteen hundred and ninety-one, relating to qualifications and duties of the superintendent of the North Carolina school for the deaf and dumb.

The General Assembly of North Carolina do enact:

Chapter 399, laws
1891, amended.

President and
board of direc-
tors to N.C.school
for deaf and
dumb.
Superintendent
and other officers.

Compensation.

Qualifications of
superintendent.

Duties.

Teachers, &c.,
elected by con-
sent of superin-
tendent.
Conflicting laws
repealed.

SECTION 1. That section third (3) of chapter three hundred and ninety-nine (399), laws of eighteen hundred and ninety-one (1891), be amended to read as follows: "The board of directors shall organize by appointing one of their number president and three an executive committee, who shall hold for two years; they shall elect a superintendent, who shall be *ex officio* secretary of the board and whose term of office shall be three years, and such other officers, teachers and agents as shall be deemed necessary. The compensation for officers, teachers and agents shall be fixed by the board and shall not be increased or reduced during their term of service. The superintendent shall be a teacher of knowledge, skill and ability in his profession and experience in the management and instruction of mutes. He shall possess good executive ability and shall be the chief executive officer of the institution. He shall devote his whole time to the supervision of the institution, and shall see that the pupils are properly instructed in the branches of learning and industrial pursuits as provided for in this act and under the supervision of the board."

SEC. 2. The board shall elect all teachers and subordinate officers by and with the consent and recommendation of the superintendent.

SEC. 3. All laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified the 15th day of February, A. D. 1893.

CHAPTER 132.

An act to amend chapter one hundred and twenty-five, laws eighteen hundred and ninety-one, in regard to roads in Buncombe county.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and twenty-five of the laws of eighteen hundred and ninety-one be amended by striking out section four of said chapter and inserting in lieu thereof "every person who may be liable to work on the public roads in said county as in this act provided may, when summoned to perform such labor, tender and pay to the overseer in lieu of such labor a sum of money equal to not less than seventy-five cents for each day he may be required to work; and it shall be the duty of the overseer to receive said sum and give a receipt therefor, and the said overseer shall give a receipt to, every person who shall perform labor or pay money in lieu thereof under this act, and his receipt for four days labor on the public roads, or for a sum of money not to exceed four dollars paid in lieu of such labor, shall be a sufficient voucher to the person holding the same against all demands for labor in any one year as provided for in this act."

Chapter 125, laws 1891, amended.

Payment of money in lieu of work on public roads in Buncombe county.

SEC. 2. Strike out section eleven and insert in lieu thereof "that said board of county commissioners shall appoint a county superintendent of roads for a term not to exceed two years, who shall receive such compensation as the said commissioners shall prescribe to be paid out of the road fund; he shall, under the direction of the county commissioners, superintend the working of county roads, direct the overseers in the performance of their duties, indorse, if correct, all reports made by them to the county commissioners and do such other work as the county commissioners may direct: *Provided*, that for just cause the county commissioners may, after ten days notice to the county superintendent, remove him and appoint his successor."

County superintendent of roads.

Compensation.

Duties.

Removal.

SEC. 3. Add section 12: That the said county commissioners shall divide up the roads of said county into sections, appoint an overseer for each section, prescribe his duties in writing, and, overseeing work, giving receipts for labor done or money paid in lieu thereof, caring for live stock, tools, or for any property that may belong to the said county as provided for under this act; and the said overseers shall make reports to the county superintendent of roads or to the county commissioners in manner and form as said commissioners may direct, and for all services they shall receive such compensation as the said commissioners may prescribe.

Duty of county commissioners.

Duties of overseer.

Compensation.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 15th day of February, A. D. 1893.

CHAPTER 133.

An act to allow W. A. Queen to peddle in certain counties without paying a tax.

The General Assembly of North Carolina do enact :

W. A. Queen
allowed to peddle
in Jackson and
Swain counties
without paying
tax.
Proviso.

SECTION 1. That W. A. Queen, a citizen of Jackson county, be and he is hereby authorized and allowed to peddle in the counties of Jackson and Swain without paying a license tax: *Provided*, nothing herein contained shall be construed to allow him to sell intoxicating spirits.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 15th day of February, A. D. 1893.

CHAPTER 134.

An act to amend chapter two hundred and fifty-one of the laws of eighteen hundred and eighty-nine.

The General Assembly of North Carolina do enact :

Chapter 251, laws
1889, amended.

What hands to be
furnished by
landowners
under law concern-
ing drainage
of Mud creek,
Henderson
county.
Action against
landowner.

SECTION 1. That section three of chapter two hundred and fifty-one of the laws of North Carolina, enacted at the session of eighteen hundred and eighty-nine, be amended by striking out the words "amounting to five acres" in the tenth line thereof; and that said section be further amended by adding to the same the following, to-wit: "or the said landowner may be sued by the said overseer and judgment taken against him before a justice of the peace in Henderson county for the amount due on account of his failure to furnish said hand or hands, and if the said landowner be not a resident of the state, the summons in said action may be served by publication as in proceedings in attachments against non-residents; but should the said landowner reside within the state, but without the county of Henderson, the summons in this case, duly certified by clerk of the superior court for Henderson county as to signature of the justice of the peace, [may] be served by any sheriff within the state to whom it may be directed."

Canal, after com-
pletion, to be
kept open, &c.

SEC. 2. That the aforesaid chapter be further amended by adding thereto the following section: "That after the completion of the said canal, the said commissioners and their successors shall have authority to cause the canal cut under the provisions of this act to be kept open and cleaned out in the same manner as they are employed under the provisions hereof to cut and open said canal in the first instance."

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 15th day of February, A. D. 1893.

CHAPTER 135.

An act regulating the sale of wine and cider in Greene county.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be lawful for any person or persons to sell the juice of apples, peaches, grapes and wine, when not mixed with distilled spirits, without license in the county of Greene.

Lawful to sell
cider in Greene
county.

SEC. 2. That all laws or parts of laws in conflict with this act are hereby repealed.

Conflicting laws
repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 15th day of February, A. D. 1893.

CHAPTER 136.

An act to amend chapter three hundred and sixty-two of the laws of eighteen hundred and eighty-nine.

The General Assembly of North Carolina do enact :

SECTION 1. That section one, chapter three hundred and sixty-two of the laws of eighteen hundred and eighty-nine, be amended by striking out of said section the words "two miles" and inserting in lieu thereof the words "one-half mile": *Provided*, that this act shall only apply to Salem, Bethlehem Methodist Episcopal and Bethlehem Baptist churches in McDowell county.

Chapter 362, laws
1889, amended.
Prohibitory law
at certain church-
es in McDowell
county.

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

Ratified the 20th day of February, A. D. 1893.

CHAPTER 137.

An act to amend section twenty-two hundred and thirty-four of The Code.

The General Assembly of North Carolina do enact :

SECTION 1. That section twenty-two hundred and thirty-four of The Code of North Carolina be amended by striking out the word "married" in line four thereof.

Code, section 2231,
amended.
Principal of deaf
and dumb and
blind asylum not
required to be a
married man.

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

Ratified the 20th day of February, A. D. 1893.

CHAPTER 138.

An act to extend the provisions of section nineteen hundred and eighty of The Code, relating to the time within which corporations shall begin construction of their roads, and to amend the charter of the Norfolk, Wilmington and Charleston Railroad Company.

The General Assembly of North Carolina do enact :

Limit of time prescribed in Code, section 1880, extended to Norfolk, Wilmington and Charleston R. R. Co. to begin construction.

Chapter 275, laws 1891, amended.

SECTION 1. That the limit of time provided in section eighteen hundred and eighty of The Code for any railroad company to begin construction of its road after the articles of association are filed in the office of secretary of state, or the passage of its charter, be and the same is hereby extended for two years to the Norfolk, Wilmington and Charleston Railroad Company to commence operations.

SEC. 2. That section fourteen of chapter two hundred and seventy-five of the acts of eighteen hundred and ninety-one, laws of North Carolina, be amended by striking out the word "two" in said section and inserting the word "four" in lieu thereof.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 20th day of February, A. D. 1893.

CHAPTER 139.

An act to repeal chapter two hundred and eighty-nine, laws of eighteen hundred and eighty-nine.

The General Assembly of North Carolina do enact :

Chapter 289, laws 1889 (to establish dividing line between Mitchell and Yancey counties) repealed.

SECTION 1. That chapter two hundred and eighty-nine, laws of eighteen hundred and eighty-nine, be and the same is hereby repealed.

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

Ratified the 21st day of February, A. D. 1893.

CHAPTER 140.

An act to amend chapter fifty-one, laws of eighteen hundred and ninety-one, in relation to a special tax for Polk county.

The General Assembly of North Carolina do enact :

Chapter 51, laws 1891, amended. Special tax to be levied at annual meetings of commissioners and magistrates.

SECTION 1. That the preamble to chapter fifty-one, laws of eighteen hundred and ninety-one, in relation to a special tax for Polk county, be stricken out. Amend section one by striking out the word "next" in line three, and by adding the letter "s" to the word meeting.

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

Ratified the 21st day of February, A. D. 1893.

CHAPTER 141.

An act to repeal chapter five hundred and forty-three of the laws of eighteen hundred and eighty-nine in regard to public roads.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter five hundred and forty-three of the laws of eighteen hundred and eighty-nine be and the same is hereby repealed.

Chapter 543, laws 1889 (repealing chapter 78, laws 1887, and amending Code, section 2040) repealed.

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

Ratified the 21st day of February, A. D. 1893.

CHAPTER 142.

An act to amend chapter two hundred and thirty-four of the laws of eighteen hundred and eighty-five.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter two hundred and thirty-four (234) of the laws enacted by the general assembly of this state at its session of eighteen hundred and eighty-five be amended by adding to the end of said section the following: "After this road law has been heretofore or hereafter adopted by any township and been in force therein for one year, said commissioners are authorized and required to submit the question of its repeal to the voters of that township on a day named in a petition to said commissioners, for that purpose, signed by twenty-five voters of said township."

Chapter 234, laws 1885, amended.

Election on repeal of road-law in townships in Cabarrus county.

SEC. 2. That section two of said chapter be amended by adding to the end thereof the following: "That at said election on the question of repealing this road law those in favor of its repeal shall vote a ballot upon which is written or printed 'For repeal,' and those opposed thereto shall vote a ballot upon which is written or printed 'Against repeal,' and said election on the question of repealing this road law shall be conducted under the same rules and regulations as are prescribed by the general election law of this state for the election of county officers, and when the result is announced if a majority of the ballots cast at said election shall have written or printed thereon 'For repeal' this road law shall no longer be in force and effect in said township, but there shall immediately be in force and effect in such township that road law which may be in force in a majority of the townships of said county.

Ballots.

Election, how conducted.

On majority vote, what road law to be in force.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 21st day of February, A. D. 1893.

CHAPTER 143.

An act to provide lumber inspectors for the counties of Buncombe, Madison, McDowell, Mitchell and Yancey.*The General Assembly of North Carolina do enact :*County commis-
sioners may ap-
point inspectors
of logs, &c.

Term of office.

Duties.

Record book.

Open to inspec-
tion.

Oath of inspector.

Bond.

What inspections
valid.Compensation of
inspector.

SECTION 1. That the board of commissioners of the several counties at any meeting of their respective boards upon petition of any three freeholders of a township may appoint one or more, not exceeding three, qualified electors of such township as inspectors and measurers of logs, timber and lumber in and for the county wherein said township is situate, who shall hold office until the thirty-first day of the second December next after their appointment and qualification or until their successors may be qualified, whose duty it shall be, upon request of any purchaser or seller of logs, timber, lumber sold within the township where such inspector resides, to inspect and measure such logs, timber and lumber according to the established rules of timber and lumber measurement, and to furnish each party to the transaction with a certificate of the result of such inspection and measurement; and said inspector shall keep in a suitable bound book a record of all logs, timber and lumber inspected and measured by him, together with the marks or brands, if any, and the names of the purchaser and seller, the number of feet and the date of said inspection and measurement, which record shall be open to the inspection of the public and preserved and delivered to his successor in office.

SEC. 2. That inspectors appointed under this act before entering upon the discharge of their duties as such shall take and subscribe to an oath before the board of county commissioners appointing therein to faithfully discharge the duties of their office, and shall also enter into bond with good and sufficient sureties in the sum of five hundred dollars payable to the state of North Carolina, conditioned to be void if such inspector shall faithfully and honestly discharge the duties of his office; such oath and bond to be recorded in the office of the register of deeds of the county in a book to be kept for that purpose, and the register shall be entitled to a fee of twenty-five cents for recording the oath and bond of each inspector.

SEC. 3. That no inspection or measurement of logs, timber or lumber by any other person than an inspector created by this act shall be valid or binding in any sale of logs, timber or lumber, unless the same shall be mutually agreed upon prior to such sale by the parties thereto.

SEC. 4. That the inspector shall be allowed for his services ten cents per thousand feet for logs and timber measured and inspected and forty cents per thousand feet of lumber, to be paid one-half by each

party to the sale: *Provided*, that no inspector shall receive more than Proviso.
three dollars for any one days service.

SEC. 5. That this act shall only apply to the counties of Buncombe, Act applicable
Madison, McDowell, Mitchell and Yancey. only to certain
counties.

SEC. 6. That this act shall be in force from and after its ratification
Ratified the 21st day of February, A. D. 1893.

CHAPTER 144.

An act amending chapter four hundred and eighty-seven of the laws of
eighteen hundred and ninety-one, concerning gamekeepers.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter four hundred and eighty- Chapter 487, laws
seven of the laws of eighteen hundred and ninety-one be amended by 1891, amended.
adding after the word "fowl" and before the word "his" in line six
the words: "*Provided*, the person so appointed gamekeeper shall, Bond of game-
before entering upon his duties as such officer, give bond in the sum keeper appoint-
of one thousand dollars to the state of North Carolina for the faith- ed by commis-
ful performance of his duties as gamekeeper and shall also take the sioners of Curri-
usual oath required by officers." tuck county.

SEC. 2. That section three of said chapter four hundred and eighty- Oath.
seven be amended by adding after the word "assistants" and before Deputy game-
the word "as" in line two "not to exceed ten." keepers limited
in number.

SEC. 3. That this act shall be in force from and after its ratification. When act to take
Ratified the 21st day of February, A. D. 1893. effect.

CHAPTER 145.

An act to establish a state motto.

WHEREAS, Contrary to the uságe of nearly all the states of the Preamble.
American Union the coat-of-arms and the great seal of this state bear
no motto; and whereas, a suitable motto, expressive of some noble
sentiment and indicative of some leading trait of our people, will be
instructive as well as ornamental, and the state should also keep in
perpetual remembrance the immortal declaration of independence
made at Charlotte; now therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the words "*esse quam videri*" are hereby adopted State motto.
as the motto of this state, and as such shall be engraved on the great
seal of North Carolina and likewise at the foot of the coat-of-arms of
the state as a part thereof.

In addition,
“ May the 20th,
1775,” to be in-
scribed on the
coat-of-arms.

SEC. 2. That on the coat-of-arms, in addition to the motto at the bottom, there shall be inscribed at the top the words “ May the 20th, 1775.”

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 21st day of February, A. D. 1893.

CHAPTER 146.

An act to amend sections thirty-six hundred and thirty-one, thirty-six hundred and thirty-two and thirty-six hundred and thirty-three of The Code, relating to the printing and distribution of the laws.

The General Assembly of North Carolina do enact :

Code, section 3631,
amended.
Public and pri-
vate laws to be
printed in sepa-
rate volumes.

SECTION 1. That section thirty-six hundred and thirty-one of The Code be amended by striking out in the last line the words “the same volume” and inserting in lieu thereof the words “separate volumes.”

Section 3632
amended.

SEC. 2. That section thirty-six hundred and thirty-two of The Code as amended by chapter eighty-two of the acts of eighteen hundred and eighty-five be amended by striking out in the first line the words “and private,” and at the end of the said section insert “of the private laws there shall be printed two thousand volumes, to be distributed as now provided by law, except that the same shall not be distributed to the justices of the peace of the several counties.”

Number of vol-
umes of private
laws.

Binding.

SEC. 3. That sections thirty-six hundred and thirty-three of The Code shall be amended so as to read as follows : “That all the public and private laws required to be printed shall be bound in half sheep.”

Conflicting laws
repealed.

SEC. 4. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 21st day of February, A. D. 1893.

CHAPTER 147.

An act to protect fishermen in Perquimans county.

The General Assembly of North Carolina do enact :

Unlawful to fish
with seine, &c.,
in certain waters
in Perquimans
county.

SECTION 1. That it shall be unlawful for any person to fish with any seine, or set any dutch net or hedge within one mile of a straight line commencing at Stephenson's point on the north side of Perquimans river and running in a southwesterly direction to the nearest point of land on the south side of said river known as Belgrade bluff.

SEC. 2. That no person shall haul any seine or set any dutch net so as to extend beyond the middle of said river. Unlawful to haul seine, &c., beyond middle of river.

SEC. 3. That nothing in section thirty-four hundred and fourteen of The Code of North Carolina, chapter forty-three, volume two, shall apply to Perquimans river. Code, section 3414, not to apply to Perquimans county.

SEC. 4. That any person violating this act shall be guilty of a misdemeanor and shall be fined not less than twenty-five nor more than fifty dollars for each offence, or be imprisoned, or both, more than thirty days. Misdemeanor.

SEC. 5. That all laws and clauses of laws in conflict with this act are hereby repealed. Conflicting laws repealed.

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

Ratified the 21st day of February, A. D. 1893.

CHAPTER 148.

An act to secure the right of trial by jury in certain cases.

The General Assembly of North Carolina do enact :

SECTION 1. That in any action or proceeding by any railroad or other corporation to acquire rights-of-way or real estate for the use of such railroad or corporation, and in any action or proceeding by any city or town to acquire rights-of-way for streets, any person interested in the land, or the city, town, railroad or other corporation shall be entitled to have the amount of damages assessed by the commissioners or jurors heard and determined upon appeal before a jury of the superior court in term, if upon the hearing of such appeal a trial by a jury be demanded. On appeal from assessment of damages for rights-of-way by commissioners, &c., any party entitled to trial by jury.

SEC. 2. That this act shall be in force from and after its ratification, and shall apply to any pending action or proceeding. Act applicable to pending actions.

Ratified the 14th day of February, A. D. 1893.

CHAPTER 149.

An act to provide for the re-allotments of homesteads.

The General Assembly of North Carolina do enact :

SECTION 1. That any judgment creditor of a debtor whose homestead has been allotted may apply in writing to the clerk of the superior court of the county in which such homestead lies for an order for the re-allotment of said homestead: *Provided*, there be in the hands of the sheriff of that county an execution issued from the proper court against said debtor. Judgment creditor may apply to clerk of superior court for order for re-allotment of homestead. Proviso.

Affidavit to accompany application of increase in value of homestead fifty per centum.

Notice to judgment debtor.

Clerk to adjudge question of increase in value.

If increase fifty per centum, to command sheriff to re-allot homestead.

Excess, how disposed of.

Appeal from order of clerk.

Costs.

Construction of act.

SEC. 2. That said application shall be accompanied by the affidavits of three disinterested freeholders of the county in which said homestead lies, setting forth that, in their opinion, said homestead has increased in value fifty per centum or more since the last allotment thereof.

SEC. 3. That upon the filing of said application and affidavit the clerk shall issue notice to the judgment debtor to appear before him on a day not more than five days from the day of the service of said notice and show cause why said homestead shall not be re-allotted. Said notice shall state upon whose application the notice is issued.

SEC. 4. That upon the return day of said notice the said clerk shall consider the affidavit filed, as heretofore required, and such additional affidavits as may be filed by either party, and if, after hearing and considering the same, he is of opinion that the said homestead has probably appreciated in value fifty per centum or more since the last allotment, he shall command the sheriff to allot to the judgment debtor his homestead in the same manner and as if no homestead had been allotted. And if upon such allotment any excess is found, it shall be disposed of by the sheriff as in ordinary cases of execution and levy.

SEC. 5. That from the order of the clerk commanding a re-allotment, or refusing the same, either party may appeal to the judge holding the court of the district, or to the judge of the district, either of whom shall hear the same in chambers in any county of the judicial district to which the county in which the proceedings were instituted belongs. And in all other respects the proceedings upon such appeal shall be as now provided by law for appeals from the clerk on issues of law.

SEC. 6 That the costs of such proceedings shall be paid as the court shall direct.

SEC. 7. That this act shall not be construed to prevent the judgment creditor from resorting to the equity jurisdiction of the courts for a re-allotment of the homestead of his judgment debtor in any case.

SEC. 8. That this act shall be in force from and after its ratification. Ratified the 20th day of February, A. D. 1893.

CHAPTER 150.

An act to change the terms of the superior courts of Cabarrus county.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter one hundred and eighty of the laws of eighteen hundred and eighty-five be and the same is hereby amended by striking out all after the word "Cabarrus" down to and including

the word "terms" on page three hundred and thirty-eight, and insert in lieu thereof the words "sixth Monday before the first Monday in March and September, each term to continue two weeks."

Terms of Cabarrus superior court, when held.

Process of all kinds which have been or may be made before the ratification of this act returnable to the May term, eighteen hundred and ninety-three of said court, are hereby made returnable to the term beginning on the sixth Monday before first Monday in September, eighteen hundred and ninety-three.

Return of process.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 21st day of February, A. D. 1893.

CHAPTER 151.

An act to amend section one hundred and fifty-nine of The Code.

The General Assembly of North Carolina do enact:

SECTION 1. That section one hundred and fifty-nine of The Code be amended by adding thereto the following: "The limitations prescribed in this chapter shall apply to a civil action brought against an undisclosed partner only from the time when such partnership became known to the plaintiff."

Code, section 15, amended.
When statute of limitation to run in favor of undisclosed partner.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 20th day of February, A. D. 1893.

CHAPTER 152.

An act to provide a uniform rule for the limitations of actions against railroad companies for damages for on and occupation of lands.

The General Assembly of North Carolina do enact:

SECTION 1. That no suit, action or proceeding shall be brought or maintained against any railroad company owning or operating a railroad in this state for damages or compensation for right-of-way or use and occupancy of any lands by said company for use of its railroad unless such suit, action or proceeding shall be commenced within five years after said lands shall have [been] entered upon for the purpose of constructing said road, or within two years after said road shall be in operation: *Provided*, that any person who would be sooner barred by this act, shall not be thereby barred for two years from the passage hereof: *Provided*, that nothing in this act shall affect the

Actions against railroad companies for damages for right-of-way, &c.; when to be brought.

Proviso.

Proviso.

right of action of any one under disability under existing law within the times limited in this action after the removal of the disability.

To what actions
act applicable.

SEC. 2. That this act shall not apply or be deemed to apply to any action or proceeding pending at the time of the passage of this act, nor shall the provisions of this act apply to railroads chartered prior to January first, eighteen hundred and sixty-eight.

Conflicting laws
repealed.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 21st day of February, A. D. 1893.

CHAPTER 153.

An act to amend sections one thousand eight hundred and forty-four and one thousand eight hundred and forty-five of The Code, in regard to the consequences of adultery or of a divorce a mensa on the property of husband and wife.

The General Assembly of North Carolina do enact :

Code, section 1844,
amended.
Wife abandoning
husband, &c., to
lose all interest in
husband's proper-
ty, &c.

SECTION 1. That section one thousand eight hundred and forty-four of The Code be amended by inserting between the word "adulterer" in the first line thereof and the word "and" in the beginning of the second line thereof the following words, "or shall wilfully and without just cause abandon her husband and refuse to live with him."

Wife to lose
interest in hus-
band's property
on divorce from
bed and board
granted on hus-
band's applica-
tion.

SEC. 2. That said section one thousand eight hundred and forty-four be amended by inserting between the words "death" and "she" in the second line thereof the following words, "or if a divorce from bed and board be granted on the application of the husband."

Husband may
convey real
estate as if
unmarried.

SEC. 3. That said section be amended by adding thereto the following: "And in case of such elopement, abandonment, or divorce, the husband may sell and convey his real estate as if he were unmarried, and the wife shall thereafter be barred of all claim and right of dower therein."

Section 1845
amended.
When husband to
lose his interest
in wife's proper-
ty, &c.

SEC. 4. That section one thousand eight hundred and forty-five of The Code be amended so as to read as follows: "If any husband shall separate from his wife and live in adultery or shall wilfully and without just cause abandon his wife and refuse to live with her and such conduct on his part is not condoned by her, or if a divorce from bed and board be granted on the application of the wife, he shall thereby lose all right to courtesy in the real property of the wife and also all right and estate of whatever character in and to her personal property, as administrator, or otherwise; and also any right and estate in the property of the wife which may have been settled upon him

solely in consideration of the marriage by any settlement before or after marriage, and in case of such adultery and abandonment or divorce, the wife may sell and convey her real property as if she were unmarried, and the husband, if there has been no condonation at the time of the conveyance, shall thereafter be barred of all claim and right to courtesy in such real property."

Conveyance by wife as if unmarried.

SEC. 5. That the said section as amended shall apply to existing cases,

Act to apply to existing cases.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 21st day of February, A. D. 1893.

CHAPTER 154.

An act for the relief of J. B. Smith, sheriff of Cumberland county.

THAT WHEREAS, J. B. Smith, sheriff of Cumberland county during the year eighteen hundred and ninety, collected as sheriff of said county the sum of two thousand four hundred and fifty-four dollars and forty-two cents (\$2,454.42), which was by him and in his name as sheriff of said county duly deposited in the People's National Bank of Fayetteville, North Carolina, for safe keeping; and whereas the said bank was at the time of the said deposit considered a safe and thoroughly solvent institution, and was generally used by business men as a place of deposit; and whereas the said bank on the thirty-first day of December, eighteen hundred and ninety, failed and was placed in the hands of a receiver duly appointed and qualified under the national banking laws of the United States; and whereas it appears that the said J. B. Smith, in the exercise of his official duties used due caution in depositing the same in the said bank; and whereas he has been unable to collect the same in full, but has collected only the sum of eight hundred and fifty-nine dollars and four cents (\$859.04) thereon; and whereas the board of county commissioners of said county have agreed to receive the certificate of the receiver of the said bank in payment of the county taxes so far as they are authorized and empowered to do; now, therefore,

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners of Cumberland county be and they are hereby authorized to accept said receiver's certificate as a payment by the said J. B. Smith, sheriff, on county taxes collected by him for the year eighteen hundred and ninety, upon a transfer by him to the treasurer of said county of the receiver's

* Commissioners of Cumberland county authoriz'd to accept certificate of receiver of People's National Bank in settlement of taxes deposited in bank by J. B. Smith, sheriff, &c.

certificate of deposit held by him, and the said transfer shall convey the sheriff's claim to said fund, and the dividends hereafter paid shall be collected by said treasurer for the use and benefit of said county.

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

Ratified the 25th day of February, A. D. 1893.

CHAPTER 155.

An act to authorize the commissioners of Mitchell county to levy a special tax.

The General Assembly of North Carolina do enact:

Commissioners of Mitchell county authorized to levy special tax when construction of bridge across Catawba river is begun.

SECTION 1. That whenever the board of commissioners of McDowell county shall begin the construction of a bridge across the Catawba river on the public road leading from Marion to Bakersville, the board of commissioners of the county of Mitchell shall be empowered and it shall be its duty to levy a special tax during the years eighteen hundred and ninety-three and eighteen hundred and ninety-four, of ten cents on the one hundred dollars valuation of property and thirty cents on each poll, for the purpose of building a bridge across North Toe river at or near the Peachtree ford in said county of Mitchell.

Collection of tax.

SEC. 2. That said special tax shall be collected under the same rules and regulations and under the same penalties prescribed by law for the collection of taxes.

Appropriation of surplus.

SEC. 3. That if any surplus remain after said bridge shall have been fully completed and paid for, it shall go into the general fund and be used by said board in defraying the current expenses of said county.

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

Ratified the 25th day of February, A. D. 1893.

CHAPTER 156.

An act to amend chapter four hundred and eighteen, laws of eighteen hundred and eighty-seven, in regard to the protection of fish in Hertford county.

The General Assembly of North Carolina do enact:

Chapter 418, laws 1887, amended. Misdemeanor to fish with seines, &c., without permission in certain mill ponds in Hertford county.

SECTION 1. That the laws of eighteen hundred and eighty-seven, chapter four hundred and eighteen, be amended by adding after the word "Evans" in line four and "mill" in the same line the words "Mount Pleasant and Norwell and Marsh or Holloman."

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

Ratified the 25th day of February, A. D. 1893.

CHAPTER 157.

An act to amend chapter twenty-three of the laws of eighteen hundred and eighty-seven.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter twenty-three, section one, page seventy-four of the laws of eighteen hundred and eighty-seven, be and the same is hereby amended by striking out the word "alone" in line ten of said section and insert in lieu thereof the words "peace warrants, cases of bastardy and such civil cases as are tried by consent."

Chapter 23, laws 1887, amended. First weeks of Union superior court to be for trial of criminal and certain other cases.

SEC. 2. That all laws in conflict with this act are repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 25th day of February, A. D. 1893.

CHAPTER 158.

An act to repeal chapter five hundred and sixty-one, laws of eighteen hundred and ninety-one, in relation to holding courts in twelfth judicial district, and to amend section one, chapter one hundred and eighty, laws of eighteen hundred and eighty-five.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter five hundred and sixty-one of the laws of eighteen hundred and ninety-one be and the same is hereby repealed, and the following enacted instead thereof, namely: "That section one of chapter one hundred and eighty of the laws of eighteen hundred and eighty-five, under the head of twelfth district, of page three hundred and forty-one of said laws, be and the same is hereby amended as follows: Cherokee, eleventh Monday after the first Monday in March, to continue two weeks; sixth Monday after first Monday in September, to continue two weeks. Graham, thirteenth Monday after first Monday in March; tenth Monday after first Monday in September. Swain, fourteenth Monday after first Monday in March; eleventh Monday after first Monday in September, the last to continue two weeks."

Chapter 561, laws 1891, amended.

Cherokee superior court, when held.

Graham superior court, when held.

Swain superior court, when held.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 25th day of February, A. D. 1893.

CHAPTER 158.

An act to amend chapter two hundred and eighty of the laws of eighteen hundred and eighty-nine.

The General Assembly of North Carolina do enact :

Chapter 280, laws
1889, amended.
Unlawful for em-
ployers to issue
non-transferable
scrip to laborers
in Durham coun-
ty.

SECTION 1. That section two of chapter two hundred and eighty of the laws of eighteen hundred and eighty-nine be and the same is hereby amended by adding after the word "Gaston" and before the word "and" in line seven of said section the word "Durham."

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 25th day of February, A. D. 1893.

CHAPTER 159.

An act to amend chapter sixteen, section six hundred and sixty-six, of The Code.

The General Assembly of North Carolina do enact :

Code, section 666,
amended.
Companies organ-
ized for sheep,
&c., growing, may
hold more than
three hundred
acres and for
longer than thirty
years.

SECTION 1. That section six hundred and sixty-six, chapter sixteen of The Code, be amended as follows: Insert in line four after the word "companies" the words "and companies organized for the purpose of sheep and wool growing."

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 25th day of February, A. D. 1893.

CHAPTER 160.

An act to amend chapter five hundred and forty-two of the laws of eighteen hundred and ninety-one.

The General Assembly of North Carolina do enact :

Chapter 542, laws
1891, amended.
Unlawful to hunt
opossums in Dur-
ham county
between Februa-
ry 1 and October 1.

SECTION 1. That section one of chapter five hundred and forty-two of the laws of eighteen hundred and ninety-one be and the same is hereby amended by striking out the word "Durham" in line two of said section.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 25th day of February, A. D. 1893.

CHAPTER 161.

An act to amend sections thirty-six twenty (3620), thirty-six twenty-four (3624), thirty-six thirty-four (3634), thirty-six thirty-five (3635) and thirty-six forty-six (3646) of The Code in regard to price of public printing.

The General Assembly of North Carolina do enact :

SECTION 1. That nothing in sections thirty-six twenty (3620), thirty-six twenty-four (3624), thirty-six thirty-four (3634), thirty six thirty-five (3635) and thirty-six forty-six (3646) of The Code shall prevent the joint committee on printing from making a contract for less prices than those named in the above sections of The Code.

Certain sections of Code not to prevent contract for public printing for less prices than named in Code.

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

Ratified the 25th day of February, A. D. 1893.

CHAPTER 162.

An act to amend chapter eighty-one, laws of eighteen hundred and ninety-one.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter eighty-one, section one, be amended by striking out in line one the word "and" and inserting in said line before the word "of" these words, "and registrars."

Chapter 81, laws 1891, amended. Compensation of registrars of election.

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

Ratified the 25th day of February, A. D. 1893.

CHAPTER 163.

An act for the relief of W. C. Kiser, of Lincoln County.

The General Assembly of North Carolina do enact :

SECTION 1. That said W. C. Kiser, a physician of Lincoln County, be and is hereby permitted to register as is required by chapter one hundred and eighty-one, laws of eighteen hundred and eighty-nine, as amended by chapter four hundred and twenty, laws of eighteen hundred and ninety-one. This act shall not be construed to release the said W. C. Kiser from any of the qualifications for registrations required in said laws, except to extend to him the time to the 20th of May, eighteen hundred and ninety-three.

Dr. W. C. Kiser permitted to register under chapter 181, laws 1889.

Construction of act.

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

Ratified the 25th day of February, A. D. 1893.

CHAPTER 164.

An act to incorporate "The Thomas M. Holt Manufacturing Company."*The General Assembly of North Carolina do enact :*

Incorporators.

SECTION 1. That Charles T. Holt, B. S. Robertson and Alfred W. Haywood, together with all other persons and corporations as shall be associated with them and become stockholders in the corporation hereby incorporated, their successors or assigns, be and they are hereby created and constituted a body politic and corporate by and under the name and title of "The Thomas M. Holt Manufacturing Company," by which name the said corporation may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of law or equity whatsoever, and in all suits and actions, may contract and be contracted with, and shall have the privileges and rights hereby specially granted and such as may be necessary to the full exercise and enjoyment of the same. The said corporation shall exist for a term of sixty years and enjoy all the rights and privileges, liberties and immunities, franchises and powers conferred upon and pertaining to other corporate bodies and not forbidden by the laws of the United States and of North Carolina.

Corporate name.

Corporate powers.

Common seal.

SEC. 2. That said corporation shall have the right to and may make and use a common seal and alter the same at pleasure.

Corporate powers.

SEC. 3. That said corporation is hereby authorized and empowered to conduct, transact and carry on in all its branches the manufacture and sale of cotton goods and woolen goods, either or both of all descriptions whatsoever ; also any and all goods, wares and merchandise of any and every kind and sort made out of jute, hemp, flax and leather or any other material whatever, to spin, dye, weave, print, bleach and finish, manufacture and sell all kinds of cloths, prints, warps, yarns, and all goods, wares and merchandise of every kind, sort and description, made out of wool or cotton or of which wool, cotton or other fibrous articles may form a part, and any other articles of like nature and kind whatsoever. And said corporation may buy and sell and deal in goods, wares and merchandise of every kind and description at its will and pleasure, and may erect, own and operate, or cause to be run and operated, saw-mills, all kinds of mill buildings, machine and workshops, stores, dwellings and other business premises, and may maintain them, as may be requisite or necessary to carry on its business. And said corporation is hereby authorized to carry on the business of tanning and currying ; to gin cotton and to manufacture and repair agricultural and mechanical tools and implements, wagons and any and all other things whatever may seem fit, out of iron, wood or other material of [or] thing or the combination of any or all other materials or things, and to buy, manufacture and sell and deal in any or all of the matters or things herein mentioned,

alluded to or intended, and all kinds of property, and to engage in any species of manufacturing enterprises.

SEC. 4. The said corporation, its successors or assigns, is hereby authorized and empowered to take by purchase or other operation of law, to hold, own, lease or otherwise acquire, and to sell and convey, mortgage and lease, lands, tenements and hereditaments and all manner of real and personal property, including cotton mills and factories, houses, water-powers, canals, aqueducts, wasteways, wells, watercourses, bridges or other ways, mineral rights, roads, tramways, or any other kind of property whatsoever, to such an amount as to it shall seem proper, and as fully as citizens of this state can or may do, and as is not contrary to law. And said corporation is hereby authorized to pay for such real and personal property as it may purchase or otherwise acquire with and by its capital stock. Corporate powers.

SEC. 5. That said corporation shall likewise have the right, power and authority to lay out, build, and construct and equip with rolling and other stock, and to operate such roads, whether tram, plank or turnpike, and also such canals, aqueducts, wasteways, wells, watercourses, bridges, or other ways for the transportation of its property or trade, and to construct such dams and obstructions in and across Haw river, and such reservoirs as shall be needful to the supply of water for its mills, manufactories and other works, or for any purpose found necessary: *Provided*, that in so doing the vested rights of any other corporation or person are not interfered with in any material or unreasonable manner. And said corporation shall have the right to erect, establish and maintain such telegraph and telephone lines and apparatus as may be necessary; and shall likewise have the right, power, charter and franchise hereby to charge such tolls, fees, and compensation as is reasonable for the use, service or travel over such telegraph and telephone lines, roads, turnpikes or bridges and canals as it may erect and construct. Corporate powers.
Proviso.

SEC. 6. The stockholders may, at a regular general meeting or at a meeting called for that purpose, after a notice of at least ten (10) days given each stockholder by circular or advertisement in some newspaper published in Alamance county, state of North Carolina, by resolution authorize money to be borrowed by the corporation for the purpose of aiding the conduct of its business, and shall prescribe how much and how the same shall be borrowed, and how secured. Authorized to borrow money.

SEC. 7. The capital stock of said corporation shall be for such total sum and be divided into such number of shares, and of such amount for each share, as a majority of the stockholders in general meeting may determine: *Provided*, that such capital stock shall not be less than thirty thousand dollars (\$30,000) or exceed two hundred thousand dollars (\$200,000), and that said corporation shall have authority to organize and transact business whenever thirty thousand dollars of its capital stock is subscribed for and paid up in any Capital stock.
Proviso.
Organization.

- kind of property in this section hereinafter mentioned, or when property to the value of thirty thousand dollars shall have been purchased for the purposes of said corporation. That said corporation may issue stock, both common and preferred, with such regulations as to such stock as may be prescribed by a majority of the stockholders. The certificates for shares of stock shall be issued only when fully paid for and shall not thereafter be liable to assessments
- Stock certificates.** for any purposes whatsoever, the shares of stock shall be deemed personal property, and be transferable upon the books of said corporation in the method provided in any by-law made in that behalf, and such
- Transfer of stock.** certificates of shares of stock may be so issued and granted for money or in payment for lands, materials, services, labor, work, buildings, machinery, easements, ways, and all other kinds of real and personal property, and at such rate and upon such terms as the said corporation by its board of directors may deem fit and best, and may agree upon. The capital stock may be increased from time to time to such an amount as may be deemed proper, until the limit of two hundred thousand dollars is reached, and may also be retired or decreased; but if it shall at first be determined by a majority of the shareholders to issue less than two hundred thousand dollars of stock, the issue of stock shall not be increased from the amount at first determined upon, without the consent of a majority of the shareholders, to be given at any general annual meeting, or at any special meeting called as in this act provided for, for the purpose of considering any proposed increase of such capital stock; and such increase of the capital stock shall not be made, except for the purpose of providing a working capital; and in case of such increase, no stock shall be sold for less than the par value thereof.
- Subscriptions, how made.**
- Increase of capital stock, &c.**
- Stockholders not personally liable for corporate debts.** SEC. 8. That the directors, corporators and stockholders of said corporation, their successors and assigns, shall not be individually or personally liable or responsible for the accounts, debts, liabilities, contracts, engagements, defaults, omissions or torts of the corporation, or for any claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the corporation. And no stockholder shall be liable to pay for more stock than he subscribed for.
- Place of business.** SEC. 9. That the principal place of business of said corporation shall be at Haw River, in the county of Alamance, state of North Carolina, but said corporation shall have the right to hold its annual or other meetings at such other places in North Carolina as may be deemed most convenient by the stockholders of said corporation.
- Annual meetings.**
- President, &c.** SEC. 10. The affairs of said corporation shall be managed by a president, and in his absence by a vice-president and a board of directors. The persons named in the first section of this act are hereby constituted provisional directors of the corporation, of whom a majority shall be a quorum, and shall hold office as such until the first election
- Provisional directors.**

of directors under this act, and shall have power forthwith to open stock books and procure subscription of stock in the said corporation. When and so soon as shares to the amount of thirty thousand dollars in the capital stock of the corporation have been subscribed, any one of the provisional directors shall call a general meeting of the subscribers to the said capital stock at Haw River, North Carolina, for the purpose of organizing the corporation, electing directors, etc., giving at least ten (10) days previous notice, by circular, to the subscribers of stock of the time and place and purpose of said meeting. At such general meeting the shareholders may choose not more than seven or less than three persons to be directors of the corporation, one of whom must be a citizen and resident of the state of North Carolina, and a majority of whom shall be and constitute a quorum. The directors shall be annually elected by ballot at a regular general meeting of the stockholders, and shall act under such by-laws and regulations as the corporation may from time to time adopt, and shall hold office until their successors are elected. No person shall be a director of the corporation unless he or she is the owner and holder in his or her own right of at least five (5) shares in the stock of the corporation. Thereafter the regular general meetings of the stockholders of the corporation for the transaction of business, election of directors and other general purposes shall be held once in each and every year at such place and on such day and upon such notice as may be provided for in the by-laws of the corporation. At all meetings of the stockholders of the corporation every stockholder shall be entitled to as many votes as he or she owns shares in the corporation, and may constitute another shareholder his or her proxy to vote for him or her by an instrument of writing to that effect. At all meetings of the stockholders a majority of the stock subscribed for and paid in shall be necessary to constitute a quorum for the transaction of business and election of directors. The stockholders of the corporation shall have full power to make all by-laws, rules and regulations for their own government and for the transaction of business: *Provided*, that said by-laws, rules and regulations shall not be in conflict with the constitution and laws of this state or of the United States. For the adoption and amendment of by-laws and regulations a two-thirds vote of the capital stock which has been subscribed for and paid in will be required, but the number of shares to constitute a quorum for any purpose may be changed at any regular general meeting of the stockholders after notice given by resolution at the previous regular general meeting. The president, or stockholders owning and holding at least a fourth part of the capital stock of the corporation, shall at all times have the right to call meetings for general or special purposes, to be specified in a written requisition to that effect, and upon giving twenty days notice to each stockholder by circular, or by twenty days advertisement in some newspaper

Books of subscription.

Organization.

Directors.

Stock vote.

Quorum.

By-laws, &c.

Proviso.

Special meetings.

published in Alamance county, of the time and place of holding said meeting.

Meetings of directors.

Powers.

Officers.

Vacancies.

Corporation not dissolved by failure to elect directors.

Bonds.

Removal of officers.

Dividends.

Transfer of stock.

SEC. 11. The board of directors shall hold their meetings in such manner and at such times as the by-laws may direct, and they shall have full power to administer the affairs of the corporation and to make or cause to be made for the corporation any description of contract which the corporation by law may enter into, and which is not otherwise provided for in this act. They shall annually elect from among themselves a president and vice-president and a secretary, who may also be treasurer, and they shall also name all other officers thereof and shall prescribe their duties, compensation and terms of service. Vacancies occurring in the board of directors may be filled for the unexpired remainder of the term by the board from among the qualified stockholders of the corporation. If at any time an election of directors is not held or does not take effect at the proper time, the corporation shall not be held to be thereby dissolved, but such election may take place at any general meeting of the corporation called for that purpose, and the retiring directors shall continue in office until their successors are appointed.

SEC. 12. The board of directors of the corporation may require of any of the officers thereof such bonds conditioned for the faithful discharge of their duty and payable to the corporation as by said board of directors may be deemed advisable, and may sue upon the same for any breach thereof.

SEC. 13. The stockholders in any meeting called in pursuance to the provisions of this act may remove the president or any or all of the directors or officers of the corporation, in case the interest of the corporation demands such removal.

SEC. 14. The directors of the corporation shall not declare or pay any dividends when the corporation is insolvent, or any dividend the payment of which renders the corporation insolvent or diminishes the capital stock thereof.

SEC. 15. No transfer of stock, unless made by sale under execution, shall be valid for any purpose whatever, save only as exhibiting the rights of the parties thereto towards each other and as rendering the transferee liable *ad interim*, jointly and severally with the transferer, to the corporation and its creditors, until the entry has been duly made in such book or books as the directors may provide for that purpose. The corporation shall not be bound to see to the execution of any trust, whether express or implied or constructive, in respect of any share, and the receipt of the shareholder in whose name the same stands on the books of the corporation shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share, whether or not notice of such trust has been given to the corporation, and the corporation shall not be bound to see to the application of the money paid upon such receipt. Every

executor, administrator, tutor, curator, guardian or trustee, shall represent the stock in his hands at all meetings of the corporation and may vote accordingly as a shareholder. The capital stock may be transferred in such manner and form as may be provided by the by-laws, and shall be evidenced by certificates to be issued in accordance with the said by-laws, and when any stockholder shall have transferred his stock in this corporation he shall cease to be a member of and stockholder in the corporation, and the purchaser of said stock shall be entitled to all the rights and privileges and be subject to all the liabilities of the former owner of said stock as a stockholder.

Stock representation by executors, &c.

Transfer of stock.

SEC. 16. That this corporation may change its name and adopt any other which the board of directors may select, at any time after six months publication of the purpose so to do in some newspaper published in Alamance county, and under that name enjoy all the powers herein conferred upon the above-named corporation.

Change of name.

SEC. 17. This act shall be deemed and taken as a public act, and a copy of any by-law of the corporation under its seal and purporting to be signed by the president or vice-president of the corporation shall be received as *prima facie* evidence of such by-law in all courts of law or equity in North Carolina.

Act to be deemed a public act.

SEC. 18. That this act shall be in force from and after its ratification. Ratified the 25th day of February, A. D. 1893.

CHAPTER 165.

An act to review and improve the public road from Elkin, in Surry county, to Sparta, in Alleghany county.

The General Assembly of North Carolina do enact :

SECTION 1. That T. L. Gwyn, of Surry county, Wesley Joines, of Wilkes county, and F. P. Fields, of Alleghany county, are hereby appointed commissioners, whose duty it shall be to review the public road from the town of Elkin, in Surry county, by way of Roaring Gap to Sparta, in Alleghany county, and to make and designate such changes and alterations as they may deem expedient and proper to improve the grade of said road between Elkin and Sparta, and that the review and location shall be made by Roaring Gap on the Blue Ridge.

Road commissioners.

To review road from Elkin to Sparta and designate changes, &c.

To go by Roaring Gap.

SEC. 2. That after discharging their duties under this act, said three commissioners shall make three reports of their work, itemized and in detail, and to the board of county commissioners of each of the three counties, Surry, Wilkes and Alleghany, and in said reports they shall state what damages each person, through whose lands the said alterations have been made, has sustained by reason of such change; and said commissioners in arriving at such damages shall have the right to take into consideration the benefits of such changes

Commissioners to report to commissioners of Surry, Wilkes and Alleghany counties.

What reports to state.

to such landowners, and such damages in each case shall be paid to such landowners by the county in which the land is situated; and the county commissioners of the respective counties shall pay said road commissioners for all the time spent in locating said road in each county, respectively, an amount not to exceed one dollar and fifty cents per day each whenever said report is filed with such county commissioners.

Compensation of road commissioners.

County commissioners to call out hands, &c.

Overseers.

How road to be laid off.

When road to be finished.

Proviso.

What hands to be liable, &c.

County commissioners to receive road. ~~SEC. 6.~~

Overseers to be appointed.

Notice.

Quorum of road commissioners.

SEC. 3. That the board of county commissioners of the respective counties shall have power, and it shall be their duty, to call out the hands in their respective counties living within five miles of said road or any portion thereof by a straight line, to aid in constructing and making said road according to the alterations of said commissioners hereinbefore named; and the said boards of county commissioners shall appoint overseers over the portion of said road lying in their respective counties. The said three commissioners appointed herein to lay off and review said road may adopt such portions of the present road as they deem expedient, and said road shall be laid off and made twenty feet wide where there are no side cuttings, and sixteen feet wide where there are such cuttings, and the grade of such road shall not rise more than one and one-half feet in twenty feet distance, except where said three commissioners believe the cost of making such grade would overrun the benefits to be derived from it.

SEC. 4. That the said road shall be laid off, changed and made according to the provisions of this act by the first day of April, 1895: *Provided*, that no person shall be compelled to work on it more than twenty days, nor at a time where [when] it would materially interfere in the working and saving his crops.

SEC. 5. That all hands subject to road duty under existing laws, and subject to work on said road according to the provisions of this act, shall be liable to all the penalties and laws now in force or that may be in force for failing to work on public roads.

SEC. 6. That when the alterations in said road have been constructed as provided for in this act, then it shall be the duty of the county commissioners of their respective counties through whose county said road is located to receive the same, and overseers and hands shall be appointed by the authorities in the respective counties, whose duty it shall be to appoint overseers and assign hands over the other public roads of such counties, and the said boards of county commissioners in their respective counties shall, when said road is completed in such county, give notice of the same to such officers whose duty it is to appoint overseers and assign hands.

SEC. 7. That a majority of said three road commissioners shall at all times constitute a working quorum, and such majority shall have power to lay off said road.

SEC. 8. That this act shall be in force from and after its ratification. Ratified the 25th day of February, A. D. 1893.

CHAPTER 166.

An act to repeal chapter one hundred and ninety-nine of the laws of eighteen hundred and eighty-nine.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter one hundred and ninety-nine of the laws of eighteen hundred and eighty-nine be and the same is hereby repealed. Chapter 199, laws 1889 (amending the school law) repealed.

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

Ratified the 25th day of February, A. D. 1893.

CHAPTER 167.

An act to authorize the commissioners of Rutherford county to purchase a farm for paupers of said county.

The General Assembly of North Carolina do enact :

SECTION 1. That the county commissioners of Rutherford county shall have full power and authority to purchase for said county, at a price not exceeding six thousand dollars (\$6,000), a farm lying therein for the maintenance of the poor and paupers of the county, on such terms as to cash or credit or both as they may deem advisable. Commissioners of Rutherford county authorized to purchase farm for paupers, &c.

SEC. 2. Said commissioners shall have further power and authority to sell, and make title in fee to the purchaser, the farm now owned and used by the county for the support of its paupers. Authorized to sell present farm.

SEC. 3. It shall be the duty of the said commissioners at any meeting of the justices of the peace of the county on the first Monday in June of any year, or at any called meeting of the justices of the peace, to submit the proposed purchase of farm to the consideration of said justices of the peace, and, a majority concurring, the said commissioners and justices of the peace shall have power to provide funds for the purchase of the farm contemplated in the first section of this act by taxation, to be assessed, levied and collected as other taxes are assessed, levied and collected on the real and personal property and polls of the county: *Provided*, that the constitutional equation of taxation be observed in said levy. Commissioners and justices authorized to levy special tax.

How levied and collected.
Proviso.

SEC. 4. It shall be the duty of the said commissioners to submit to the justices of the peace, as provided in section three, their proposed sale of the farm now owned by the county as a poor or pauper farm, and on consent by ballot of a majority of the justices of the peace the said commissioners may complete the sale. Sale of present farm to be submitted to justices.

Proceeds of sale
to be applied to
purchase of new
farm.

SEC. 5. All moneys and credits, so far as they can be so applied, arising from sale aforesaid shall be applied to the purchase of a farm contemplated in section one of this act, but the purchase may be made independent of a sale, and a sale independent of a purchase.

SEC. 6. That this act shall be in force from and after its ratification.
Ratified the 25th day of February, A. D. 1893.

CHAPTER 168.

An act authorizing the commissioners of Bladen county to issue bonds.

The General Assembly of North Carolina do enact:

Commissioners
of Bladen county
authorized to
issue bonds not
exceeding \$16,000
to build court-
house, &c.

SECTION 1. That the board of commissioners of Bladen county are authorized to issue bonds not exceeding sixteen thousand dollars, and not to run over ten years, to build court-house, restore records, and pay any other expenses incidental to the loss caused by the burning of the court-house.

Bonds, how
issued.

SEC. 2. That said bonds shall be issued in amounts not less than fifty nor more than one thousand dollars, bearing interest at a rate to be specified in said bonds not greater than seven per centum interest to be paid semi-annually.

Special tax.

SEC. 3. That the board of commissioners and board of magistrates shall, for the purpose of paying off said bonds and interest, levy a special tax annually of fifteen cents on the hundred dollars worth of real and personal property and forty-five cents on the poll until a sufficient amount shall have been levied to pay off said bonds and all interest that shall have accrued thereon.

Sale of bonds.

SEC. 4. That the chairman of the board of commissioners under the direction of the board of commissioners is authorized to negotiate the sale of said bonds: *Provided*, no bond shall be sold for less than its par value.

Application of
moneys arising
from sale of
bonds.

SEC. 5. That all moneys arising from the sale of said bonds shall be paid over to the county treasurer, who shall disburse the same under the direction of the board of county commissioners, and the taxes so levied and collected under this act shall be set apart and solely applied to the payment of said bonds and coupons, and to pay any necessary expense arising from the burning of the court-house.

Payment of
bonds.

SEC. 6. That the board of commissioners shall have the right to call in and pay off said bonds or any of them from time to time and at any time after the expiration of two years from their respective dates. And when the said board shall determine so to call in and pay any of said bonds, they shall publish once a week for four suc-

Notice.

cessive weeks in some newspaper of this state, a notice giving the number, dates and amounts of the bonds so called in, and the day and place when and where they will be paid on presentation, and all interest upon the bonds named and mentioned in any such notice so published shall cease and stop from and after the day set and appointed as aforesaid for the payment of the same. When interest to stop.

SEC. 7. That this act shall be in force from and after its ratification. Ratified the 25th day of February, A. D. 1893.

CHAPTER 169.

An act to authorize the citizens of Swain county to send their children to school in Graham county, and for other purposes.

WHEREAS, a few settlers in Swain county, living on Twenty Mile creek, and a few other citizens of Graham county living contiguous to the aforesaid settlers, neither of which are of sufficient numerical strength to maintain a common school for any reasonable time, both being isolated from other settlements in their respective counties; therefore, Preamble.

The General Assembly of North Carolina do enact :

SECTION 1. That all persons of lawful school age living in Swain county in the following boundary, to-wit: Beginning at the mouth of Welch Cove creek and running with the line of the eighteenth school district, in Graham county, to the State line of Tennessee to the Dalton Gap, on the Swain county side of Tennessee river; thence an eastwardly course to the Shuck Stack Gap, so as to include all settlers on Twenty Mile creek; thence with the main lead of the mountain to the Tennessee river, opposite the mouth of Welch Cove creek, are hereby authorized and empowered to attend and receive instruction in the common schools of Graham county under the same rules and regulations of other public common schools in this State: *Provided*, that nothing in this act shall be construed to prohibit any school children in the boundary lines set forth from attending the public schools in Swain county in their respective districts: *Provided further*, that no money shall be paid under the provisions of this act to any teacher in Graham county more than the *pro rata* part of such school children from Swain county in the within boundary as shall actually attend the public schools in Graham county, and all other moneys due school children in the within boundary shall be payable in the district to which it belongs in Swain county. Certain persons in Swain county authorized to attend public schools in Graham county.

Proviso.

Proviso.

School commit-
teemen in Swain
county to draw
warrant for bene-
fit of teachers, &c.

SEC. 2. That it shall be the duty of the school committeemen of Swain county and district from which said persons are hereby detached for this express purpose upon proper certificate from the teacher or teachers of such school, and said certificate regularly signed by the school committeemen of said district in Graham county, to draw their warrant on the treasurer of Swain county for the *pro rata* share of the common school fund of Swain county due or allotted to all persons living or residing in the boundary set forth in section one of this act.

Superintendent
of schools in
Swain county to
approve orders,
&c.

SEC. 3. That it shall be the duty of the superintendent of public common schools of Swain county to approve and countersign all drafts or orders coming up and presented to him for such countersignment for all moneys due from the treasurer of Swain county to such teacher or teachers under the provisions of this act.

Treasurer of
Swain county to
pay orders, &c.

SEC. 4. That it shall be the duty of the treasurer of Swain county to pay all moneys on orders drawn on him under the provisions of this statute, as if the same had come regularly to him from a common school district in Swain county.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 25th day of February, A. D. 1893.

CHAPTER 170.

An act authorizing Swain county to issue bonds.

The General Assembly of North Carolina do enact :

Commissioners
of Swain county
authorized to
issue bonds not
exceeding \$25,000
to pay county
indebtedness.

SECTION 1. That in order to liquidate, pay off and discharge the indebtedness of Swain county, the board of county commissioners in said county, together with the concurrence of a majority of the justices of the peace, are hereby authorized and empowered by this act to issue coupon bonds of denominations not less than one hundred nor more than one thousand dollars each, to an amount not exceeding twenty-five thousand dollars, to be made payable at any period not more than thirty years from date of said bonds, and bearing interest at not exceeding six per centum per annum, payable semi-annually; and the said bonds shall be signed by the chairman of the board of commissioners of Swain county and countersigned by the register of deeds for said county and shall have the seal of the county placed on each bond, and the said chairman of the board of commissioners shall sign the said coupons and the register of deeds shall countersign them, and the said coupons shall be payable semi-annually as aforesaid on day to be fixed by said board, and the time of payment shall be printed in said coupons: *Provided*, that the exact signatures of the said chairman of the board of commissioners and

How issued.

Proviso.

the register of deeds may be lithographed on the said coupons instead of being actually signed, if the board of commissioners shall so direct.

SEC. 2. That the bonds issued by virtue of this act shall be for the purpose of paying off the indebtedness of Swain county, including the bonds issued by act of general assembly, chapter one hundred and sixty-one, laws of eighteen hundred and ninety-one, and all other outstanding liabilities of the said county of Swain, and the same shall not be taken, construed, deemed or held as the creation of new debts nor liabilities, but as a continuation of the outstanding debts and liabilities.

Proceeds of bonds, how applied.

SEC. 3. That in case any of the owners of any of outstanding bonds or other evidences of debts on Swain county shall desire to exchange the same for the bonds issued by virtue of this act, then the county commissioners shall have power and authority to execute the bonds as herein provided and exchange the same for a like amount of bonds or other lawful debts against the said county, and the said old bonds or evidences of debt so received by the board of county commissioners shall be cancelled and filed with the treasurer of Swain county.

Exchange of old bonds for new bonds.

SEC. 4. That in case the holders of the outstanding bonds or other liabilities do not desire to make the exchange of bonds as provided in section three of this act, then and in that event it shall be lawful, and the board of county commissioners and justices of the peace are hereby authorized and empowered, to issue the said bonds as herein provided, and the county commissioners shall have power to sell the same and out of the moneys so received from such shall pay off and discharge all of the outstanding bonds or other lawful liabilities of said county.

Sale of bonds and payment of old bonds.

SEC. 5. That for the purpose of paying off the coupons attached to the said bonds as they shall respectively fall due and payable, it shall be the duty of the county commissioners and justices of the peace to levy and collect as other taxes a tax annually upon all the property and polls and other subjects of taxation in said county sufficient to meet and discharge the said coupons as they become due and payable, and the sheriff of said county shall collect the same as required by law and turn the same over to the treasurer of said county.

Special tax to pay interest.

SEC. 6. That the county commissioners and justices of the peace shall at any time, not later than ten years from the date of issuing said bonds, levy annually and collect as other taxes a tax on all the property and polls and subjects of taxation in said county twenty cents on the hundred dollars worth of property and sixty cents on the polls, and which shall be held and deemed a sinking fund for paying off said bonds, and the county treasurer shall, by consent of the board of county commissioners, pay off annually any of said bonds to the amount so collected: *Provided*, the same shall not exceed the par value, and in case it is impossible to pay off the said

Special tax to create sinking fund.

Proviso.

bonds as provided in this section, then the county commissioners shall invest the amount so collected as a sinking fund at interest in such a way as to always have the same ready at any time any of said bonds can be paid off and discharged: *Provided*, the said bonds and coupons may be made payable at the county treasury of Swain county or at any bank to be designated by the board of county commissioners, and the place of payment shall be designated in the bonds and the coupons.

Proviso. **Registration of bonds.** SEC. 7. That when the said bonds are issued under this act it shall be the duty of the register of deeds for Swain county to register the same in a book to be provided for that purpose, which registration shall be as follows: number of bond, amount, date, and to whom issued.

Commissioners and justices to determine whether bonds shall be issued, &c. SEC. 8. That at the annual meeting in June the justices of the peace and county commissioners shall determine whether or not the bonds shall be issued by virtue of this act, and if so issued, the board of county commissioners shall adopt a plan for the issuance of the same, and the said board shall confer with all persons holding any bonds on Swain county and ascertain whether or not the exchange as herein provided can be made, and said board shall issue said bonds and make such exchange in case it can be done, and if not, shall take such steps as they may deem proper, and place the same on the market for sale. And when sold, the indebtedness of Swain county shall be paid off and discharged as said board may direct to best advantage to the said county.

Application of special taxes. SEC. 9. That the taxes levied and collected by virtue of this act shall be used for no other purpose than the one herein specified, and any failure to levy, collect or apply the same as herein provided shall be a misdemeanor.

Misdemeanor. SEC. 10. That the said coupons shall be receivable in county taxes.

Coupons receivable for county taxes. SEC. 11. That this act shall be in force from and after its ratification.

Ratified the 25th day of February, A. D. 1893.

CHAPTER 171.

An act to make it unlawful for live stock to run at large in certain portions of Cumberland county.

The General Assembly of North Carolina do enact:

Unlawful for live stock to run at large in portions of Cumberland county. SECTION 1. That it shall be unlawful for live stock, that is to say, horses, mules, jacks, jennies, colts, bogs, cows, calves, sheep, goats, and all neat cattle and swine, and geese, to run at large in that portion of Cumberland county that is embraced within the following boundaries, viz.: Beginning on the east bank of Cape Fear river,

Boundaries.

near the old ferry, and running thence with Kelly Sessom's fence, E. H. Evans' fence, and J. D. Williams' fence, to what has been heretofore known as "Major Jonathan Evans' place"; then along the east side of "the Plummer old field" to the Evans' road; then with it to T. J. Haywood's fence on the big ditch; and then with it and Haywood's lane to Haywood's gin; then with James M. Daniels' fence, and Guilford Horne's fence, and Chap Wells' fence, with Mrs. Willie McDaniels' newground fence to Lock's creek; and then to and with W. B. Draughon's fence to the Clinton road, near Bullard and Draughon's corner; then with the said road to the lumber road, and then to Owen Butler's swamp field, and then to John Culbreth's field and to George T. Cadis and Joseph Cadis' fences to Lord's creek; and then crossing said creek to and with Mrs. Fisher's fence to the fork of the Raleigh road and river road; then with Mrs. Fisher's fence to the Cape Fear river, and then down the river about six miles to the beginning. It is intended by the above boundaries to follow the stock-law fence as now existing from the Clinton road to Lord's creek, as above called for. The Cape Fear river is hereby declared to be a lawful fence; and when a substantial fence, not less than four and a half feet high, is built along or near the other boundaries as above given, any person who shall allow his or her stock to run at large within said limits shall be guilty of a misdemeanor.

Intention of boundary.

Cape Fear river a lawful fence.

When act to take effect.

SEC. 2. That E. S. Sanders and George T. Cade and H. E. Smith are hereby appointed fence commissioners, and as such it shall be their duty to cause to be built, as soon as practicable, a fence, as above contemplated, with suitable gates at every crossing of a public road, and to keep the same in repair. They shall have the right and authority, for the purpose of building said fence, to enter upon the lands along the proposed route, by themselves and those contracting to work for them, and for the right-of-way for said fence a strip of land not exceeding fifteen feet in width may be condemned and used; and they may take from the land along the line of the fence enough of such suitable timber thereon as may be required to build or repair the fence: *Provided*, that an undue proportion shall not be taken from the land of any particular person: *And provided further*, that it shall be taken from the land of some one who is interested in keeping up the fence.

Fence commissioners.

Duties.

Right of entry, &c.

Proviso.

Proviso.

SEC. 3. Said fence commissioners shall at once choose one of their number as chairman, and any two of them may act; it shall be their duty to report on or before the first Monday in June, eighteen hundred and ninety-three, and in each year thereafter, the condition of said fence, and what amount is necessary to be raised to keep same in proper repair; and thereupon it shall be the duty of the board of county commissioners and magistrates to levy a tax upon all real estate situate within said territory, sufficient to raise the requisite amount, which tax shall in no case exceed twenty-five cents on the

Chairman.

Reports.

Levy of special tax.

How levied and collected, &c.	hundred dollars worth of real estate. Said tax shall be levied and collected as other county taxes and paid to some person to be appointed
Disbursement.	by the fence commissioners to be disbursed upon their order for the purposes contemplated by this act. The person so designated by the fence commissioners to receive said fund, who may be one of themselves, shall give bond in the sum of five hundred dollars, payable to the state of North Carolina, conditioned for the faithful disbursement and accounting for any moneys that may go into his hands.
Bond.	
Impounding of live stock.	SEC. 4. Any live stock, as above defined, that may be found running at large within said territory may be taken up, impounded and dealt with as provided in chapter twenty of The Code, volume two, entitled fences, and any person injuring the fences or gates or leaving open the gates or rescuing or releasing impounded stock shall be guilty of a misdemeanor as provided in chapter twenty of The Code, volume two. And the provisions of said chapter twenty of the second volume of The Code of North Carolina are hereby made applicable as far as may be to the above described territory, in the same manner as if it had been established under said chapter: <i>Provided, however,</i> that the punishment for all offences against this act and of said chapter twenty, volume two of The Code, so as far as applicable to said territory, shall not in any case exceed a fine of fifty dollars or imprisonment for thirty days.
Proviso.	
Term of office of fence commissioners.	SEC. 5. The fence commissioners appointed by this act shall hold their office so long as they faithfully perform the duties contemplated by this act until January first, eighteen hundred and ninety-five, and until their successors shall have been duly appointed and qualified, and upon any vacancy occurring by death, resignation, expiration of term, or otherwise, such vacancy shall be filled by the board of commissioners of Cumberland county from qualified persons residing and owning land within said territory.
Vacancy.	
Oath.	SEC. 6. The fence commissioners hereby appointed and all subsequent appointees shall, before entering upon the discharge of their duties, take an oath before some person qualified to administer oaths that they will faithfully and impartially perform the duties of their said office. They shall as soon as the fence is built as above contemplated give notice by posters at five suitable places within said territory, and this act shall go into effect ten days after the posting of such notice.
Notice.	
When act to take effect.	SEC. 7. That this act shall be in force from and after its ratification. Ratified the 25th day of February, A. D. 1893.

CHAPTER 172.

An act to authorize the county of Buncombe to fund its bonded indebtedness.

The General Assembly of North Carolina do enact :

SECTION 1. That the board of commissioners of the county of Buncombe are authorized and empowered to issue coupon bonds bearing interest, payable semi-annually, at a rate not exceeding six per centum per annum, in such denominations as they may deem best and to an amount sufficient for the purposes hereinafter specified, but not to exceed the amount of the bonded indebtedness of the said county which will mature in the year eighteen hundred and ninety-five; the said indebtedness having been created in the year eighteen hundred and seventy-five under proper authority to pay for the subscription of the said county to the stock of the Spartanburg and Asheville Railroad Company.

Commissioners of Buncombe county authorized to issue bonds.

SEC. 2. That said bonds may be issued in such form as the said board of commissioners may prescribe, and shall have coupons attached for interest at the rate to be fixed as aforesaid, payable semi-annually; and they shall be made payable at such time, not exceeding twenty years from their date, and at such place or places as said board may determine. They shall be signed by the chairman of the board and countersigned by the clerk.

Bonds, how issued.

SEC. 3. That said bonds may, in the discretion of said board of commissioners, have expressed on their face that the principal and interest are payable in gold coin of the United States of the present standard of weight and fineness, and when issued they shall be regarded and held as a continuation of the bonded indebtedness of the said county created for the purposes aforesaid; and they shall not be exchanged or sold for less than their par value.

Bonds may be made payable in gold.

To be regarded as continuation of bonded indebtedness of county.

SEC. 4. That the said board of commissioners are authorized to issue said bonds at any time after the passage of this act, and they may from time to time exchange the same for like amounts of the bonded indebtedness aforesaid of the said county, or they may sell said bonds and use the proceeds of such sales in the purchase or payment of said bonded indebtedness, but said bonds shall under no circumstances be issued for any other purposes than those just stated.

When bonds to be issued.

Exchange for present bonds.

Sale.

SEC. 5. That the board of commissioners and justices of the said county, or other persons or body having power and authority to levy taxes in said county, shall provide by taxation upon the taxable property of the county from year to year the amount necessary to meet the interest on said bonds and to pay the principal thereof when they shall become due and payable, and said taxes shall be collected

Special tax.

Collection of tax.

in like manner as other county taxes and be paid into the hands of the county treasurer to be used for the purposes aforesaid.

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

Ratified the 25th day of February, A. D. 1893.

CHAPTER 173.

An act to make valid certain state grants.

Preamble.

WHEREAS, upon certain entries or applications for lands on John's river, Wilson's creek, and their tributaries in Caldwell county, in the state of North Carolina, made and filed in the entry taker's office in said county, the following grants were issued by the state of North Carolina to G. N. Folk, to-wit: Those numbered from eight hundred and seventy-one to nine hundred and twenty-three, both inclusive, being fifty three in number; those numbered from nine hundred and twenty-five to nine hundred and forty-seven, both inclusive, being twenty-two in number; and those numbered from nine hundred and forty-eight to nine hundred and fifty-eight, both inclusive, being eleven in number; and whereas, there are certain variations and differences between the descriptions of the lands, as set forth in the entries, and the descriptions of the lands as set forth in the grants subsequently issued thereon; and whereas, the descriptions in the grants are the true and proper descriptions; now, therefore,

The General Assembly of North Carolina do enact:

Certain grants to
G. N. Folk vali-
dated.

SECTION 1. That the lands conveyed, described and embraced in said above-mentioned grants shall be and remain firm and stable to the said G. N. Folk and his grantees, his and their heirs and assigns forever, free and discharged from all rights, title or interest which the state of North Carolina has or may have therein or to any part thereof.

Rights of inno-
cent grantors
protected, &c.

SEC. 2. Provided, however, that the rights of any person or persons who may subsequently have perfected their entries and received from the state grants for any part of said lands shall not be prejudiced by this act.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 25th day of February, A. D. 1893.

CHAPTER 174.

An act to authorize the commissioners of Haywood county to levy a special tax.

The General Assembly of North Carolina do enact :

SECTION 1. That the commissioners of Haywood county be and they are hereby authorized and empowered at their regular meeting on the first Monday in June in the year eighteen hundred and ninety-three to levy a special tax not to exceed fifteen cents on every one hundred dollars worth of property and forty-five cents on every taxable poll in said county, for the purpose of paying off and discharging the balance due on indebtedness incurred by the said county in building iron bridges across Pigeon river and the forks thereof in said county.

Commissioners of Haywood county authorized to levy special tax to pay balance of indebtedness for building bridges across Pigeon river.

SEC. 2. That the commissioners of the said county of Haywood be and they are hereby authorized and empowered to sell the county jail in Waynesville and lot on which it stands on such terms as they may deem to the best interest of said county, and invest the proceeds arising therefrom, together with the special tax moneys hereinafter provided for, in the purchase of a site and the erection thereon of a new county common jail in the said town of Waynesville.

Authorized to sell jail.

Proceeds to be invested in aid of new jail.

SEC. 3. That the commissioners of the said county of Haywood be and they are hereby authorized and empowered, either at their regular meeting on the first Monday in June in the year eighteen hundred and ninety-three, or the year eighteen hundred and ninety-four, as they may deem expedient, to levy a special tax not to exceed twenty cents on the hundred dollars worth of property and sixty cents on every taxable poll in said county, and the moneys arising from said levy, together with the sum realized from the sale of the old jail and the lot on which it stands, shall be used in the purchase of a site and the erection thereon of a new county common jail at Waynesville, as provided in section two of this act.

Authorized to levy special tax for purchase of site and building jail.

SEC. 4. That the special taxes to be levied by virtue of sections one and three of this act shall be collected by the sheriff or tax collector of the said county of Haywood in the same manner and under the same rules and regulations as are provided by law for the collection of state and county taxes.

Collection of tax.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified the 27th day of February, A. D. 1893.

CHAPTER 175.

An act to amend section three of an act of the general assembly of North Carolina, ratified the ninth of March, eighteen hundred and ninety-one, entitled, "An act in relation to money received from the United States under the act of congress refunding the direct tax to the state in trust for certain of its citizens."

The General Assembly of North Carolina do enact :

Chapter 513, laws
1891, amended.
Action to deter-
mine right to
direct taxes
claimed by ad-
verse claimants.

SECTION 1. That at the end of section three of said act the following words be added (that is to say): "If any part of the said direct tax shall be claimed by two or more different persons and the governor shall refuse to pay it to either of them, then either of said parties may institute against the other of them an action in the superior court for the purpose of determining the right to the said tax, and any issue of fact found between said parties by the pleadings may be tried by a jury, and the verdict of the jury and judgment of the court shall be certified to the governor, who shall pay said tax to the party so ascertained to be entitled. The venue of such actions shall be according to the provisions of section one hundred and ninety-two of The Code of Civil Procedure."

Venue of action.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 27th day of February, A. D. 1893.

CHAPTER 176.

An act to provide for the furnishing and completing of the executive mansion.

The General Assembly of North Carolina do enact :

\$2,500 appropri-
ated to furnish Ex-
ecutive Mansion.

SECTION 1. That the sum of twenty-five hundred dollars is hereby appropriated from the public treasury for the purpose of providing necessary furniture for the executive mansion.

\$1,500 appropri-
ated to complete
Mansion.

SEC. 2. That the sum of fifteen hundred dollars is hereby appropriated from the public treasury for the purpose of completing and repairing the executive mansion.

Treasurer to pay
warrants, &c.

SEC. 3. That the treasurer of the state is hereby directed to pay said amounts out of any money not otherwise appropriated upon a warrant drawn upon the treasurer by the governor and his council for the purposes aforesaid.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 27th day of February, A. D. 1893.

CHAPTER 177.

An act to submit the question of toll-bridges to the voters of Tyrrell county.

WHEREAS, The cost to the taxpayers of Tyrrell county for the keeping in good condition the Columbia bridge and the Cross Landing bridge across the Scuppernong river is burdensome and it would be a relief to said taxpayers to make the same toll-bridges ; therefore,

The General Assembly of North Carolina do enact :

SECTION 1. The commissioners of Tyrrell county shall submit to the qualified voters of said county, at some time not later than eighteen hundred and ninety-three, the question whether the Columbia bridge and Cross Landing bridge across the Scuppernong river shall be made toll-bridges ; if a majority of said votes shall be cast for toll-bridges, then the said commissioners are hereby authorized to lease the said bridges for a term of ten years under such stipulations as they may deem best. The commissioners to stipulate the tolls to be collected by lessee or lessees.

Preamble.

Election in Tyrrell county on question of making certain bridges over Scuppernong river toll-bridges.

Duty of commissioners on affirmative vote.

Tolls.

SEC. 2. Said elections to be held under the same regulations as elections for members of the general assembly. Tickets to be voted shall be marked "toll-bridge" or "no toll-bridge."

Election, how held.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 27th day of February, A. D. 1893.

CHAPTER 178.

An act to appoint an additional justice of the peace for High Shoal township in Rutherford county.

The General Assembly of North Carolina do enact :

SECTION 1. That James O. Simmons be and he is hereby appointed a justice of the peace in and for High Shoal township, Rutherford county, for the term of four years from the first Monday in April, eighteen hundred and ninety-three, with the powers and duties as other justices have for said county.

J. O. Simmons appointed justice of the peace for High Shoal township, Rutherford county.

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

Ratified the 27th day of February, A. D. 1893.

CHAPTER 179.

An act to amend chapter three hundred and sixty-one, laws of eighteen hundred and eighty-nine, in regard to public roads, said amendments only to be applicable to Forsyth county.

The General Assembly of North Carolina do enact:

Chapter 361, laws 1889, amended. Levy of special tax in counties adopting alternative road-law.

Limitation of tax.

Poll-tax.

Liability to road duty.

Act only applicable to Forsyth county.

SECTION 1. That section two (2) of chapter three hundred and sixty-one (361) of the public laws of eighteen hundred and eighty-nine be amended by striking out the word "may" in line two of said section and inserting the word "shall," and by striking out in line four of said section the words "not exceeding fifteen" and inserting in lieu thereof the words "not less than five nor more than ten," and by striking out in line ten (10) of said section the words "not exceeding forty-five cents" and inserting in lieu thereof "not less than fifteen nor more than thirty cents, observing the constitutional equation."

SEC. 2. That section three (3) be amended by striking out in line five the word "four" and inserting in lieu thereof the word "two," and by striking out the word "shall" in line three and inserting in lieu thereof the word "may."

SEC. 3. The changes made in said chapter of the laws of eighteen hundred and eighty-nine shall only be applicable to the county of Forsyth.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 27th day of February, A. D. 1893.

CHAPTER 180.

An act to prohibit fast riding and driving over the iron bridge over Townfork at Walnut Cove, Stokes county.

The General Assembly of North Carolina do enact:

Misdemeanor to wilfully ride, &c., faster than a walk across Townfork bridge at Walnut Cove.

Proviso.

SECTION 1. That if any person shall wilfully ride or drive any horse, mule, or other animal, faster than a walk over the iron bridge across Townfork creek at Walnut Cove, Stokes county, he shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days: *Provided*, that no person shall be indicted or prosecuted under the provisions of this act until posters have been put up where they can be seen at each end of the bridge. The posters shall be plainly written or printed and contain the following words: "All persons are forbidden by law to ride or drive over this bridge faster than a walk."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 27th day of February, A. D. 1893.

CHAPTER 181.

An act for the repairs of the buildings of the University of North Carolina, for supplying the same with water and sanitary conveniences, for the training of teachers and druggists, and for other purposes.

WHEREAS, By section six, article nine of the constitution of this Preamble.
state, the general assembly may make such provisions, laws and regulations as may be necessary and expedient for the maintenance and management of the University; and whereas, it is further provided in section fourteen of said article, that as soon as practicable after the adoption of the constitution the general assembly shall establish and maintain in connection with the University a department of normal instruction; and whereas, the public buildings of said University need immediate and extensive repairs and a supply of water is essential for cleanliness and health; and whereas, there is urgent need of an infirmary for the proper care and comfort of the sick; and whereas, an efficient system of public schools cannot be maintained without provision for the training of teachers for the same; and whereas, the health and safety of the people of the state require the proper training of those seeking to become druggists: therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the sum of ten thousand dollars shall be appropriated out of any moneys in the treasury not otherwise appropriated, payable to the treasurer of the University of North Carolina in equal quarterly installments on the first days of April, July, October and January of each and every year, beginning with the first day of April, eighteen hundred and ninety-three, said money, as well as that appropriated by former acts, to be used by the trustees of said University for the purposes aforesaid and to the maintenance of the University: *Provided*, this act shall only apply to the years eighteen hundred and ninety-three and eighteen hundred and ninety-four, and the funds herein appropriated shall be used exclusively in repairs on the building and water-works.

\$10,000 appropriated to repair buildings at University of N. C., and for water-works.

Proviso.

SEC. 2. It shall be the duty of the said trustees to make annual reports of the expenditures of the aforesaid appropriation to be transmitted to the general assembly, which reports shall show the receipts of the institution from all sources, and the expenditures thereof, with the objects for which said expenditures shall have been made.

Annual reports of expenditures.

Ratified the 27th day of February, A. D. 1893.

CHAPTER 182.

**An act to provide for the completion, enlargement and maintenance of
The Normal and Industrial School at Greensboro.***The General Assembly of North Carolina do enact :*

\$2,500 appropriated annually to complete, &c., Normal and Industrial School at Greensboro.

SECTION 1. That for the purpose of completing, enlarging and maintaining the Normal and Industrial School there is hereby appropriated, in addition to the appropriation heretofore made, the annual sum of twenty-five hundred dollars out of any moneys in the treasury not otherwise appropriated.

\$4,500 appropriated annually for two years to pay indebtedness.

SEC. 2. That for the purpose of discharging the indebtedness of the Normal and Industrial School there is hereby appropriated out of any funds in the state treasury not otherwise appropriated the annual sum of forty-five hundred dollars for two years; and further, that the state board of education be and it is hereby directed to invest nine thousand dollars (\$9,000) of the North Carolina state bonds of the educational fund in the state treasury in payment of the mortgage debt due to R. S. Pullen and R. T. Gray for the property purchased from them by the Normal and Industrial School, and the said property shall be conveyed to the state board of education, to be held by it in trust: First, to secure the annual payment by said school of four per centum interest on nine thousand dollars (\$9,000) to the state treasurer for the general educational fund; and second, to reconvey said property to said school upon its repaying the said sum of nine thousand dollars advanced as aforesaid from the educational fund.

\$9,000 N. C. State bonds of educational fund to be invested in payment of mortgage debt.

Property to be conveyed in trust to State Board of Education.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 27th day of February, A. D. 1893.

CHAPTER 183.

An act to authorize the board of county commissioners of Northampton county to issue bonds and levy a special tax.*The General Assembly of North Carolina do enact :*

SECTION 1. That for the purpose of raising money to pay the indebtedness and current expenses of Northampton county, the board of county commissioners for said county are hereby authorized and empowered to issue bonds to an amount not exceeding the sum of five thousand dollars (\$5,000). Said bonds shall bear six (6) per centum interest per annum, which interest shall be payable annually, and each bond shall have coupons attached for the amount of

Commissioners of Northampton county authorized to issue bonds not exceeding \$5,000 to pay county indebtedness, &c.

interest due thereon each year, and said coupons, after their maturity, shall be receivable in payment of county taxes. Said bonds shall be in denominations of two hundred or five hundred dollars, or both, at the discretion of said board.

Coupons receivable for county taxes.

SEC. 2. The said bonds shall mature and be made payable as follows, to-wit: Part of them in one year from the date of their issue, a part in two years, a part in three years, a part in four years and all the balance in five years; and the said board of commissioners is authorized and empowered to fix the amounts which shall fall due each year. Said bonds shall be made payable at such place as said board of commissioners may determine, and shall all be signed by the chairman of said board and countersigned by the clerk of said board, and said clerk shall keep a record of the number and amount of each bond issued, the date of its issue, when the same matures, and to whom payable.

When bonds to mature.

Where payable.

How executed.

Record.

SEC. 3. Said bonds shall not be sold for less than par, and the moneys arising from the sale thereof shall be applied to the payment of the present indebtedness and current expenses of said county.

Bonds not to be sold for less than par.
Application of proceeds.
Special tax.

SEC. 4. To pay the annual interest on said bonds as they mature the said board of commissioners, in joint session with the justices of the peace thereof, are hereby authorized and empowered to levy a special tax upon all the taxable property and polls in said county for each and every year until all of said bonds shall be paid; and said tax shall be collected in the same manner, at the same time and by the same officers as the other taxes for the county are collected, and the constitutional equation between the tax on property and on polls shall be observed in levying and collecting said tax.

How collected.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified the 27th day of February, A. D. 1893.

CHAPTER 184.

An act to create a new township in Stokes county.

The General Assembly of North Carolina do enact:

SECTION 1. That a new township to be called Danbury township is hereby created in the county of Stokes, to be taken from the township of Meadows and bounded as follows: Beginning on the top of Sauratown mountain at a point where Meadows township crosses said mountain and runs to the public road near Jack Galding's, including A. P. Baker, J. W. Baker and Franklin Baker, in the new township of Danbury; then with crest of Flat Shoals mountain to the ford of Flat Shoals creek near Mrs. Caleb Hill's; then with the public road through the poor-house farm to the Red Shoals road and

Danbury township, Stokes county, established.
Boundaries.

crossing said road to the head of a branch ; then with said branch to the line of Sauratown township ; then with said Sauratown township line to Dan river, and then with the line of the present Meadows line to the beginning.

Township rights,
&c.

SEC. 2. That the said township shall have all the rights, powers and privileges now granted to the townships by law, and the place of voting therein shall be at Danbury.

Voting place.

Justices of the
peace.

SEC. 3. That S. B. Taylor, T. J. Davis, James H. Tuttle, John H. Hart and N. A. Martin be and they are hereby appointed justices of the peace for said township from and after the ratification of this act. That the successors of S. B. Taylor and T. J. Davis shall be elected by the general assembly of eighteen hundred and ninety-five ; the successors of James H. Tuttle and John H. Hart by the general assembly of eighteen hundred and ninety-seven ; the successors of N. A. Martin by the general assembly of eighteen hundred and ninety-nine.

Election of suc-
cessors.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 27th day of February, A. D. 1893.

CHAPTER 185.

An act for the relief of James F. Smith, railroad tax collector in Sauratown township, Stokes county.

The General Assembly of North Carolina do enact :

J. F. Smith, tax
collector Saura-
town township,
Stokes county,
authorized to
collect arrears of
railroad taxes.

SECTION 1. That James F. Smith, tax collector of railroad taxes in Sauratown township, Stokes county, is hereby authorized and empowered to collect arrears of railroad taxes (Roanoke and Southern Railway) for said township for the years eighteen hundred and eighty-nine and eighteen hundred and ninety, both inclusive, under such rules and regulations as are or may be prescribed by law for the collection of taxes.

Certain persons
not compelled to
pay.

SEC. 2. That no person shall be compelled to pay any tax under the provisions of this act who will make oath before any one authorized to administer oaths that the tax attempted to be collected has been paid, nor shall any executor or administrator be compelled to pay any arrears of taxes under this act.

When authority
to cease.

SEC. 3. That the authority herein given shall cease and determine on the first day of January, eighteen hundred and ninety-five.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1893.

CHAPTER 186.

An act to relieve Z. V. Welch, late sheriff of Swain county.

The General Assembly of North Carolina do enact :

SECTION 1. That the board of county commissioners for Swain county are hereby authorized and empowered to release Z. V. Welch, late sheriff of Swain county, from all interest and penalties in his settlement with the county over and above six per centum per annum.

Commissioners of Swain county authorized to release Z. V. Welch, late sheriff, from penalties, &c.

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

Ratified the 28th day of February, A. D. 1893.

CHAPTER 187.

An act to enable clerks of the superior courts to attend the world's fair.

The General Assembly of North Carolina do enact :

SECTION 1. That the several and respective clerks of the superior courts of North Carolina are hereby authorized to be absent from their several and respective offices for thirty consecutive days during the year eighteen hundred and ninety-three to enable them to attend the Columbian Exposition at Chicago; said thirty days may include the first Monday in a month, but shall not include a term of court.

Superior Court Clerks authorized to be absent from office thirty consecutive days during 1893.

SEC. 2. That in case any clerk see fit to so absent himself he shall leave his office in charge of a competent deputy, which deputy during such absence of his principal shall be invested with full judicial power to take proof or acknowledgment of all deeds and other instruments required to be probated and registered and to order the same to registration to the same extent that the clerk might do were he present in person, and all such probate and registration thereunder shall be valid.

To leave competent deputy in office.
Powers of deputy.

SEC. 3. The clerk shall enter upon the record of his office the day of his departure and the day of his return, and the deputy clerk in all certificates of probate and in all orders of registration shall recite in such certificate and order that the same is done by virtue of act of assembly of eighteen hundred and ninety-three, which certificate and recital shall in all cases be spread upon the registry wherein such deed or other instrument is recorded.

Record of absence.

Duty of deputy in respect to certificates of probate, &c.

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

Ratified the 28th day of February, A. D. 1893.

CHAPTER 188.

An act to repeal chapter one hundred and twenty-eight, laws of eighteen hundred and eighty-five, and to amend section three thousand three hundred and seventy-seven of The Code.

The General Assembly of North Carolina do enact :

Chapter 128, laws 1885 (amending Code, sec. 3377, as to time for catching terrapin) repealed. Code, section 3377, amended.

Unlawful to catch, sell, &c., diamond-back terrapin between certain dates and under certain size.

Quantum of fine.

Imprisonment.

Penning and pounding prohibited.

SECTION 1. That chapter one hundred and twenty-eight of the public laws of eighteen hundred and eighty-five be and the same is hereby repealed.

SEC. 2. That section three thousand three hundred and seventy-seven be amended as follows, namely: Strike out all the words in lines two, three, four and all the words in line five down to and including the word "shell" and insert in lieu thereof the following: "buy, sell, pen or pound on land or in water diamond-back terrapins between the first day of April and the thirtieth day of November in each year, or any diamond-back terrapins, at any time, of a less size than five inches in length upon the bottom shell." Also strike out in said section three thousand three hundred and seventy-seven above-mentioned in line nine the word "five" and insert in lieu thereof the words "twenty-five," and also strike out in said line nine the word "ten" and insert in lieu thereof the word "fifty," also insert in said line nine between the second word "dollars" and the word "for" "or shall be imprisoned not exceeding thirty days;" also insert in line ten of said section thirty-three hundred and seventy-seven after the word "caught" the words "penned or pounded."

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1893.

CHAPTER 189.

An act to amend chapter one hundred and fifty-seven of the acts of the general assembly of North Carolina in the year eighteen hundred and eighty-three.

The General Assembly of North Carolina do enact :

Chapter 157, laws 1883, amended. "For whites" stricken out of Fayetteville graded school law.

Election in Cross-Creek township upon question of special tax for support of school.

SECTION 1. That the caption and sections one and two of chapter one hundred and fifty-seven of the acts of the general assembly of North Carolina in the year eighteen hundred and eighty-three be amended by striking out the words "for whites" whenever they occur, and that sections three and four of the same be repealed.

SEC. 2. That the board of commissioners of the county of Cumberland are hereby required to submit to the qualified voters of Cross-Creek township in said county, on the second Tuesday in April of the

year eighteen hundred and ninety-three, whether an annual tax of not to exceed one-fourth of one per centum on property and seventy-five cents on the poll shall be levied therein for the support of graded public schools for the children in said township. Each voter in favor of the tax shall vote a written or printed ballot with the words "for school" thereon and those opposed to it a ballot with the words "no school" thereon; and said election shall be conducted under the same rules, regulations and penalties as are prescribed by law for the election of members of the general assembly, except as hereinafter provided.

Ballots.

Election, how held.

SEC. 3. That the board of commissioners of Cumberland county at their regular meeting in March, eighteen hundred and ninety-three, shall order a special registration of the voters of said township and appoint a registrar and two judges to conduct the election herein provided for, and it shall be the duty of the registrar so appointed to open books for the registration of qualified voters in said township ten days, exclusive of Sunday, prior to the date hereinbefore mentioned for holding of said election, and shall give twenty days notice of the opening of said books for said registration. The said registrar and judges of election shall count the votes cast at said election and make return of the same to the said board of commissioners at their regular meeting in May, eighteen hundred and ninety-three, who shall then canvass the same and declare the result.

Special registration.

Registrar and judges of election.

Registration books.

Canvass of vote.

SEC. 4. That in case a majority of the voters in said township, qualified as provided for in section three of this act, shall vote "for school," then the tax herein provided for shall be levied and collected in the same manner as provided by law for levying and collecting state and county taxes, and the sheriff of Cumberland county shall collect and pay over the same to the county treasurer under the same liabilities as are now provided by law for the collection and paying over of county school taxes; and the county treasurer shall pay over the taxes so collected to the treasurer of the trustees of the "Fayetteville public graded and normal school."

Tax to be levied on affirmative vote.

Collection, &c.

Payable to treasurer of trustees.

SEC. 5. That the terms of office of the present trustees of said school shall expire on the first Monday in May, eighteen hundred and ninety-three, or when their successors shall qualify, and at the same time as provided for the election hereinbefore directed to be held. The said qualified voters shall elect fourteen persons as trustees who shall hold their office for two years beginning on the first Monday in May, eighteen hundred and ninety-three, and shall succeed to all the powers and duties of the present board of trustees of said school; and an election shall be held under the direction of the board of commissioners of Cumberland county on the first Monday in May, eighteen hundred and ninety-five, and every two years thereafter, to fill said office of trustees.

Terms of office of present trustees.

Election of new trustees.
Terms of office.

Election every two years.

Special tax, how
expended.

SEC. 6. That the special taxes thus levied and collected shall be expended in keeping up separate public graded schools for the white and colored children in said township between the ages of six and twenty-one years; and the schools for each race herein provided for shall have the same length of school terms.

Public school
money, how
applied.

SEC. 7. That the public school money of said township, which shall from time to time be apportioned, shall also be paid over to the said board of trustees and shall be applied to the purposes of said schools.

SEC. 8. That this act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1893.

CHAPTER 190.

An act for relief of W. J. Hardison, late sheriff of Martin county.

The General Assembly of North Carolina do enact :

Time extended
for settling bal-
ance of county
taxes to W. J.
Hardison, late
sheriff Martin
county.
Suspension of
fines, &c.

SECTION 1. That the time for settling the balance of county taxes of Martin county by W. J. Hardison, late sheriff of said county, be and the same is hereby extended to the first day of August, eighteen hundred and ninety-three.

SEC. 2. That all fines, forfeitures and penalties that are imposed under the general law for failure to collect and pay over such taxes at the proper time are hereby suspended in favor of said Hardison, until after the said first day of August, eighteen hundred and ninety-three.

SEC. 3. That this act shall take effect from its ratification. Ratified the 28th day of February, A. D. 1893.

CHAPTER 191.

An act to prohibit bodies of men known and designated as detectives from going armed in this state.

The General Assembly of North Carolina do enact :

Unlawful for de-
tectives in parties
of more than
three to go armed.

SECTION 1. That no body of men composed of more than three persons calling themselves detectives or claiming to be in the employ of any detective agency or known and designated as detectives shall go armed in this state.

Misdemeanor.

SEC. 2. That any person or persons offending against this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1893.

CHAPTER 192.

An act to amend section twenty-eight hundred and fifty of The Code in reference to notice in contested election cases.

The General Assembly of North Carolina do enact :

SECTION 1. That section twenty-eight hundred and fifty of The Code be amended as follows: Insert in line four between the word "writing" and the word "which" the words "prior to the meeting of the general assembly."

Code, section 2850, amended.
Notice of contest for seat in general assembly to be given thirty days prior to session.

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

Ratified the 28th day of February, A. D. 1893.

CHAPTER 193.

An act to create in Union county an additional or new township to be known as Marshville township.

The General Assembly of North Carolina do enact :

SECTION 1. That a new township in Union county, North Carolina, be and the same is hereby established, said township to be known as Marshville township and to be composed of the southern portion of New Salem township and the northern portion of Lane's Creek township, and the boundaries of said new township to be as follows, to-wit: Beginning at the northeastern corner of Monroe township and southeastern corner of Goose Creek township and runs thence in an easterly direction parallel with the dividing line between New Salem and Lane's Creek townships to the dividing line between Union and Anson counties, and thence a southerly direction with said dividing line between Union and Anson counties to the public road leading from White's store to Monroe, and thence along and with said road to the dividing line between Lane's Creek and Monroe townships, and thence in a northerly direction with said dividing line between Lane's Creek and Monroe townships and dividing line between Monroe and New Salem townships to the beginning.

Marshville township, Union county, established.

Boundaries.

SEC. 2. That the commissioners for said county of Union be and they are hereby authorized to have the northern boundary of said new township run and marked by the county surveyor of said county, whose report as to the location and length of said line shall be filed and recorded in the office of the register of deeds for said county.

Survey of northern boundary.

SEC. 3. That the voting or polling place in New Salem township known as Hamilton is hereby discontinued, and the voting or polling place heretofore situated in Lane's Creek township and known as

Voting place.

Beaver Dam is hereby established and made the voting or polling place for said new township above named.

Justices of the peace.

SEC. 4. That A. J. Brooks and T. C. Griffin, who are now acting justices of the peace in and for said Marshville township, shall continue to act as such till their respective terms of office shall expire according to law.

Township rights.

SEC. 5. That said township shall have the right, powers and privileges now granted to other townships by law.

Conflicting laws repealed.

SEC. 6. That all laws in conflict with this act are hereby repealed.

SEC. 7. That this act shall be in force from and after its ratification.

Ratified the 28th day of February, A. D. 1893.

CHAPTER 194.

An act to place the Big Bridge ferry under the jurisdiction of the board of commissioners of Pender county.

The General Assembly of North Carolina do enact:

Commissioners of Pender county authorized to fix toll at Big Bridge ferry, &c.

SECTION 1. That the board of commissioners of Pender county are hereby authorized to fix the rates for transferring passengers and property across the Northeast river at what is known as the Big Bridge ferry, and are empowered to make all necessary regulations for the regular, speedy and safe transferring of persons and property across said river at said ferry.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 28th day of February, A. D. 1893.

CHAPTER 195.

An act to secure the better drainage of Town Fork creek in Stokes county.

The General Assembly of North Carolina do enact:

Drainage commissioners.

SECTION 1. That W. P. Bynum, Abe Martin, W. N. Blackburn, M. R. Banner, A. G. Jones, William Moonfield and Albert Morris be and they are hereby appointed commissioners to superintend and direct the better drainage and cleaning out of Town Fork creek in Stokes county from Morris' mill-dam near Germanton down to where it empties into Dan river. And said commissioners, or a majority of them, shall as soon after the ratification of this act as may be practicable meet and elect a chairman, and may if they deem proper elect one or more overseers to take charge of the work hereinafter mentioned who need not be one of the commissioners, and they may pre-

Chairman.

Overseers.

scribe his duty, term of office and compensation ; and the term of office of commissioners herein appointed shall be two years from the ratification of this act.

Term of office of commissioners.

SEC. 2. It shall be the duty of these commissioners to inspect the lands on both sides of Town Fork creek between Morris' mill-dam and Dan river, and point out to the owners of said lands on said creek any and all obstructions and hindrances to the flow of water in said creek, and they may order the removal of same by the landowners.

Duty of commissioners.

Removal of obstructions.

SEC. 3. It shall be the duty of the landowners along said creek between the points specified in section one of this act to keep the channel of said creek clear of all stumps, trees, logs, drifts and trash, and no landowner shall allow any stump, log or other substance to project into the stream, nor shall any creek, branch or ditch flowing into Town Fork creek be left in such condition as in the judgment of [the] commissioners will hinder or delay the flow of said stream.

Duty of landowners to keep channel clear, &c.

SEC. 4. That said commissioners shall have full power to declare what is an obstruction in said creek or in the creeks, branches or ditches emptying into same and may order the same removed, and upon failure of landowner to remove after five days notice the commissioners may have the same removed at the cost of the landowners, and may recover judgment in the name of [the] commissioners before a justice of the peace for the cost of such removal, which judgment and costs shall be a lien on the lands of the defendant landowner.

Powers of commissioners as to obstructions.

Action against landowner for cost, &c.

SEC. 5. That any person wilfully obstructing the flow of said stream by felling timber into the same or otherwise obstructing the flow of current between the points heretofore mentioned, shall be guilty of a misdemeanor and fined not more than twenty-five nor less than five dollars or be imprisoned not more than thirty days.

Wilful obstruction of stream a misdemeanor.

SEC. 6. That if any landowner along said stream between the points heretofore mentioned shall wilfully obstruct said stream or allow any obstructions to remain after ten (10) days notice by commissioner or commissioners or the overseer to remove the same, he shall be guilty of a misdemeanor and fined not less than five nor more than twenty-five dollars or imprisoned not more than thirty days.

Wilful obstruction of stream by landowner or permitting obstruction to remain a misdemeanor.

SEC. 7. That all fines realized under this act shall be paid to the chairman of the commissioners and expended by him in the work upon said stream.

Fines, how paid and expended.

SEC. 8. That the successors to the commissioners herein appointed, as well as the vacancies caused by death, shall be elected by the county commissioners of Stokes county upon petition of five or more of the landowners along said stream. And no one shall be eligible to the office of commissioner unless he shall own lands abutting upon said creek between the points heretofore mentioned. The commissioners herein appointed shall hold their office till their successors are elected.

Successors to drainage commissioners, how elected, &c.
Eligibility.

SEC. 9. That this act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1893.

CHAPTER 196.

An act supplemental to "An act to provide a stock law for the county of New Hanover," passed at the present session of the general assembly of North Carolina.

The General Assembly of North Carolina do enact :

Chapter 57 ante,
amended.
New Hanover
stock law to take
effect from March
1st, 1895.

SECTION 1. That section one of "An act to provide a stock law for the county of New Hanover," enacted at the present session of the general assembly of North Carolina, be and the same is hereby amended by striking out the word "three" after the word "ninety" in the second line of said section one and substituting in lieu thereof the word "five."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1893.

CHAPTER 197.

An act to prohibit fishing for trout in Howard's creek in Watauga county.

The General Assembly of North Carolina do enact :

Unlawful to catch
trout in Howard's
creek and tribu-
taries in Watauga
county for two
years.

SECTION 1. That it shall be unlawful for any person to take or catch trout from Howard's creek or any of its tributaries in Watauga county by means of hook, trap, seine, gig or in any other way for two years from and after the passage of this act.

Misdemeanor.

SEC. 2. That every person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five nor more than ten dollars or imprisoned not less than five nor more than twenty days at the discretion of the court.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1893.

CHAPTER 198.

An act to authorize the commissioners of Currituck county to levy a special tax.

The General Assembly of North Carolina do enact :

Commissioners
and justices of
Currituck county
authorized to
levy special tax
to build, &c.,
court-house.

SECTION 1. That the board of commissioners of Currituck county be and they are hereby authorized and empowered, by and with the consent of a majority of the justices of the peace of said county, at their regular meeting on the first Monday in June, eighteen hundred and ninety-three, eighteen hundred and ninety-four and eighteen

hundred and ninety-five, to levy a special tax upon the taxable property and polls of said county for the purpose of building a new or repairing the old court-house, as they may decide, to pay deficiency in county general tax.

SEC. 2. That the amount of tax to be levied under this act shall be determined by the said board of county commissioners and justices of the peace, but shall not exceed twenty cents on the one hundred dollars worth of property and sixty cents on the poll. The said county commissioners and justices of the peace shall observe the constitutional equation between the property and poll in making said levy. Limitation of tax.

SEC. 3. That said tax shall be collected and accounted for by the sheriff or tax collector of said county in the same manner and under the same penalties prescribed for the collection of other taxes in said county. Collection of tax

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 23th day of February, A. D. 1893.

CHAPTER 199.

An act to amend section seven hundred and six, chapter seventeen of The Code of North Carolina, with reference to special meetings of the Board of Commissioners for the county of Mecklenburg.

The General Assembly of North Carolina do enact :

SECTION 1. That section seven hundred and six, chapter seventeen of The Code of North Carolina, be and the same is hereby amended by striking out the word "two" in line five of said section and substituting therefor the word "four." Commissioners of Mecklenburg county authorized to continue in session not exceeding four days.

SEC. 2. That this shall apply only to the county of Mecklenburg. Act applicable only to Mecklenburg county.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1893.

CHAPTER 200.

An act to divide the township of Whitakers in Nash county.

The General Assembly of North Carolina do enact :

SECTION 1. That the township of Whitakers, in the county of Nash, be and the same is hereby divided into two townships, that part lying on the north side of Swift creek to be known as North Whitaker's township, and that on the south side of said creek to be known as South Whitaker's. Whitaker's township, Nash county, divided into North Whitaker's and South Whitaker's townships.

Township rights. SEC. 2. That each of the two new townships thus created shall have all the rights, powers and privileges now granted to townships by law.

Voting places. SEC. 3. That the voting place of the northern precinct at Whitaker's shall be the permanent place of voting for North Whitaker's township, and the voting place for southern precinct of Whitakers shall be the permanent voting place for South Whitaker's township.

Justices of the peace. SEC. 4. That the following justices of the peace are appointed to hold their offices for six years for North Whitaker's township: R. W. Arrington, W. R. Mann, E. B. Hilliard, T. E. Powell, J. H. Burnett, and B. D. Mann. For South Whitaker's township: M. C. Braswell, J. A. Whitaker, S. R. Hilliard, E. J. Braswell, E. T. Barkley, and C. F. Eller.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1893.

CHAPTER 201.

An act for the relief of C. M. Pace, clerk of the superior court of Henderson county.

The General Assembly of North Carolina do enact :

Code, section 114 (requiring Superior Court Clerks to keep office open for probate business) not applicable to clerk of Henderson county. Proviso. Act to be in force only for three weeks from March 1st, 1893.

SECTION 1. That the provisions of section one hundred and fourteen of The Code shall not apply to the clerk of the superior court of Henderson county: *Provided*, that this act shall not be construed to relieve said clerk from any liabilities under his said bond.

SEC. 2. That this act shall be in force from and after the first day of March, one thousand eight hundred and ninety-three, and continue three weeks only.

Ratified the 28th day of February, A. D. 1893.

CHAPTER 202.

An act to enable the commissioners of Graham county to build a courthouse and jail, and for other purposes.

The General Assembly of North Carolina do enact :

Commissioners of Graham county authorized to issue bonds not exceeding \$25,000.

SECTION 1. That the commissioners of Graham county are hereby authorized to issue coupon bonds of said county in an amount not exceeding twenty-five thousand dollars in denominations of not less than twenty-five nor more than five hundred dollars, the numbers of said bonds and the denomination thereof to be at the discretion of the board of county commissioners.

SEC. 2. That said bonds shall bear interest at the rate not to exceed six per centum per annum, and the coupons attached thereto shall call for the payment of the interest thereon and such part of the principal as shall be determined by the board of county commissioners, said interest and said part of principal (should the commissioners in their discretion wish to pay a part of principal before maturity) to be payable on the first day of January and July of each year while said bonds are in force at the office of the treasurer of said county or at any other place that may be designated by the board of county commissioners of said county, which place shall be designated by resolution of said board and spread upon the minute docket of said commissioners.

Description of bonds.

SEC. 3. Said bonds shall be signed by the chairman of the county commissioners and countersigned by their clerk, and shall be payable as to the principal thereof in not more than thirty years from the date thereof, as shall be determined by the board of county commissioners: *Provided*, said bonds may be paid off, partial payments of the principal thereof, as hereinbefore provided, and each bond shall have written across the face thereof, "this bond is redeemable after five years at the option of the county."

Execution of bonds.

When payable.

Proviso.

SEC. 4. That the clerk of the board of commissioners shall keep a book in which he shall keep an account of numbers and denominations of said bonds issued as aforesaid, and the person to whom the same are payable. Said clerk shall also keep an accurate account of the bonds and the coupons attached thereto which shall be paid, taken in or otherwise cancelled, so that by inspection of said book the true state of the bonded debt of the county herein provided for may be readily ascertained; said book shall be at all times open to the inspection of any taxpayer of said county.

Record book.

Open to inspection.

SEC. 5. That said coupon shall be receivable in payment of all county taxes.

Coupons receivable for county taxes.

SEC. 6. That said bonds shall not be disposed of for less than their par value.

Bonds not to be sold for less than par.

SEC. 7. That said commissioners and justices, in order to provide for the payment of said bonds and coupons, are hereby authorized and empowered, if they shall deem it necessary, to levy a special tax of not more than fifteen cents on the hundred dollars worth of property in said county nor more than forty-five cents on each poll, observing the constitutional equation and limitations in the levy and collection of said tax.

Special tax.

SEC. 8. That said commissioners, if they shall determine that the said bonds shall not be paid by partial payments of the principal thereof by means of said coupons as hereinbefore provided, may out of the ordinary revenue and general fund of said county, or out of the amount raised by the levy and collection of said special tax, as the case may be, so set aside year by year an amount sufficient in the

Sinking fund.

Purchase of bonds.	aggregate thereof to run to pay the principal of said bonds, which amount so set aside may from time to time, when opportunity may offer, be applied to the purchase and cancellation of said bonds, and in case the said commissioners should be unable with said amount to purchase said bonds at par value then they may safely invest the said amounts at the best rate of interest obtainable for and on account of the board of commissioners of Graham county.
Investment of sinking fund.	
Sale of bonds.	SEC. 9. That as soon as said bonds are issued, signed and countersigned as hereinbefore provided, the said commissioners shall place the same in the hands of the county treasurer, who shall also countersign the same, and the said treasurer shall thereupon, under direction and supervision of the said county commissioners, sell and dispose of the same as hereinbefore provided, making out and returning to the said commissioners an accurate account of the number and denomination of the said bonds, and to whom sold; and thereupon the said treasurer shall receive all the proceeds of the sale of said bonds, hold the same subject to the order and direction of said board of commissioners and be responsible for the safe custody and keeping of said proceeds, as by law is now provided in case of other funds coming into his hands by virtue of his office.
Proceeds to be held by Treasurer.	
Election upon question of issuing bonds.	SEC. 10. That the county commissioners of Graham county may at any time after the ratification of this act call an election, giving thirty days notice by posters in at least three public places in each township in Graham county of the day and purpose of said election, which election shall be held under the laws governing elections in this state, at which election all persons who are electors may vote on a written or printed ballot. Those voting for bonds shall have the words "For bonds;" those against bonds shall have written or printed on the same "Against bonds." The county canvassers shall return and canvass the same at the court-house in the town of Robbinsville on the third day after such election is held in said county. Then in the event that a majority of the votes cast are "for" bonds the commissioners shall proceed at once to carry out the provisions of this act after so declaring at the court-house door the result of said election.
Ballots.	
Canvass of vote.	
	SEC. 11. That this act shall be in force from and after its ratification. Ratified the 28th day of February, A. D. 1893.

CHAPTER 203.

An act to provide for laying out and constructing a public road from Roaring river, in the county of Wilkes, to the Meadow Fork road, in the county of Alleghany.

The General Assembly of North Carolina do enact :

SECTION 1. That F. H. Alexander of the county of Wilkes and William T. Upchurch of the county of Alleghany are hereby appointed commissioners to lay off and grade a public road from the public road near J. T. Alexander's mill in the county of Wilkes, running up the middle prong of Roaring river and crossing the Blue Ridge at the most practical gap or point, and thence the best and most practical route to intersect the Meadow Fork road between Eli Richardson's and Eli Lang's. The width of said road shall be twelve feet and the grade shall not exceed five degrees in elevation.

Road commissioners.

Location of road.

Width and grade.

SEC. 2. That after discharging their duties under this act said road commissioners shall make reports of their work to the boards of county commissioners of the respective counties; and in said report they shall designate what damage any person through whose land said road is laid out has sustained, which damage shall be paid by the county in which the land is situate when the road is constructed over the same.

Reports to commissioners of Wilkes and Alleghany counties.

Damages to land-owners.
How paid.

SEC. 3. That in order to construct said road the boards of county commissioners of the respective counties shall have power, and it shall be their duty, to call out the hands in their respective counties living within three miles thereof in the county of Wilkes, and within such distance in the county of Alleghany as the board of commissioners of that county may deem expedient, and the hands in each county shall construct the road within that county.

What hands liable to work on road.

SEC. 4. That said road shall be laid off and constructed under the provisions of this act within two years from its ratification; and when the road is completed the overseers in each county shall make report thereof to the board of commissioners of the respective counties; and township supervisors of the townships through which said road is constructed shall keep up the same as in other cases.

Road to be constructed in two years.
Overseers to make report, &c.

SEC. 5. That all hands subject to road duty according to the provisions of this act shall be liable to all the penalties and laws now in force for failing to work public roads.

Liability of hands to penalties, &c.

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

Ratified the 28th day of February, A. D. 1893.

CHAPTER 204.

An act to protect the fish interest of New river in the county of Onslow.

The General Assembly of North Carolina do enact :

Unlawful to fish with seines, &c., within one-fourth mile of New river bar, or inside of bar, &c.

SECTION 1. That it shall be unlawful for any person or persons to fish with seines or nets of any description within one-fourth ($\frac{1}{4}$) mile of New river bar on the eastern or western beach of said bar, and it shall be unlawful to fish with seines or nets of any description on the inside of said bar anywhere below Hatcher's rock, except Howard's and Chadwick's bays, and also to prohibit the use of haul or drag seines or purse nets anywhere in the waters of New river from the fork of the river five miles below Jacksonville and the mouth of said New river.

Misdemeanor.

SEC. 2. Any person or persons violating section one (1) of this act shall be guilty of a misdemeanor, and fined not less than fifty dollars nor more than two hundred dollars or be imprisoned thirty days or both.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 1st day of March, A. D. 1893.

CHAPTER 205.

An act to authorize the commissioners and magistrates of Mitchell county to levy a special tax to pay county indebtedness.

The General Assembly of North Carolina do enact :

Commissioners and justices of Mitchell county authorized to levy special tax to pay county indebtedness.

SECTION 1. That the commissioners of Mitchell county, by and with the consent of the board of justices of the peace of said county assembled in joint session with said commissioners at their regular annual meetings on the first Monday in June, eighteen hundred and ninety-three and eighteen hundred and ninety-four, are hereby authorized to levy a special tax to pay the outstanding indebtedness of said county, to be levied and collected as other taxes are levied and collected: *Provided*, said levy shall not exceed in either of said years forty-five cents on the poll and fifteen cents on the one hundred dollars worth of property.

Proviso.

Claims against county to be presented to register, &c.
Record book.

SEC. 2. All persons holding claims against said county shall present the same to the register of deeds of said county in his capacity of clerk to said board of commissioners, and he shall record in a book to be kept for that purpose the number, date and amount of each claim, together with the name of the holder thereof. And said claims

shall be paid out of the fund arising from the collection of said special tax according to their priority : *Provided*, the sheriff or tax collector of said county shall receive any claims against said county from any *bona fide* holder of the same in payment of the taxes of said holder for the said years eighteen hundred and ninety-three and eighteen hundred and ninety-four. And said sheriff or tax collector shall apply out of the funds arising out of said special tax an amount equal to the aggregate amount of all such claims received in payment of taxes to the several tax funds of said county *pro rata*.

Payment of
claims.
Proviso.

SEC. 3. Upon the levying of said tax on the first Monday in June, eighteen hundred and ninety-three, in case the same shall be levied, the said board of county commissioners shall give notice to all holders of claims against said county of Mitchell to present the same to the register of deeds to be recorded as hereinbefore provided. Said notice shall be posted at the court-house door and every post-office in said county, and shall be published once a week for six weeks in some newspaper published in said county.

Notice to holders
of claims.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 1st day of March, A. D. 1893.

CHAPTER 206.

An act in relation to parties to actions and special proceedings.

The General Assembly of North Carolina do enact :

SECTION 1. That in all actions and proceedings by administrators or executors for a final settlement of their estates and trusts, whether at the instance of distributees, legatees or creditors or of themselves, if the personal representative die or be removed pending such actions or proceedings the administrator *de bonis non* or administrator with the will annexed, as the case may be, shall be made party as provided in other cases or in such way as the court may order, and the action or proceeding shall be conducted to its end, and such judgment shall be rendered on the confirmation of the report, or upon the terms of settlement, if any shall be agreed upon by the parties, as will fully protect and discharge all parties to the record.

In actions for
settlement of
administrators,
&c., estates on
death of personal
representative,
administrator
d. b. n. to be made
party and action
to be conducted
to judgment, &c.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 1st day of March, A. D. 1893.

CHAPTER 207.

An act to amend section three thousand eight hundred and forty-one, volume two, of The Code.

The General Assembly of North Carolina do enact :

Code, section 3841, amended.
Standard-keeper to visit persons keeping weights, &c., once every two years.

SECTION 1. That section three thousand eight hundred and forty-one of volume two of The Code be amended as follows: Strike out all of said section from the word "every" in line one down to and including the word "standard" in line five and insert in lieu thereof the following: "It shall be the duty of the standard-keeper to visit every person using weights, measures, steelyards or other instruments used in weighing or measuring at least once in every two years."

Conflicting laws repealed.

SEC. 2. That all laws or clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall apply only to Guilford county.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 1st day of March, A. D. 1893.

CHAPTER 208.

An act to provide for working the public roads in Macon county, and for other purposes.

The General Assembly of North Carolina do enact :

Roads and ferries duly laid out, &c., declared public roads and ferries.

Justices of the peace in each township to have supervision.
Incorporated.

Corporate name.

Corporate powers.

Township trustees and county commissioners empowered to order laying out of roads, &c.

Proviso.

SECTION 1. That all roads and ferries that have been laid out, appointed or established by virtue of any act of assembly, or any order of a court having jurisdiction, are hereby declared public roads and ferries. The justices of the peace in each township shall have the supervision and control of the public roads in their respective townships; they are hereby incorporated, and the board of township trustees shall be their corporate name; they shall have the right to sue and be sued, plead and be impleaded in any of the courts of this state. The board of township trustees in any township and the board of county commissioners shall have full power and authority to order the laying out, building and repairing of the public roads and to discontinue such roads as may be found useless, and also to appoint where bridges or bridges and fords may be made: *Provided*, the concurrence of a majority of the board of trustees of any township in which such road or roads are to be laid out, built or repaired, or bridges made shall be sufficient.

SEC. 2. The board of township trustees shall meet in some place in their respective townships, to be agreed upon by themselves, or in the absence of such agreement, to be made by their chairman on the first Saturday of May and November; and such other times as a majority of them shall deem advisable. Notice of such meeting to be given to each member. They shall keep a record of their proceedings, and shall annually, at their meeting elect one of their number chairman. The board of trustees shall be exempt from any work on the roads. It shall be the further duty of the trustees carefully to examine into the condition of the public roads in their respective townships at least twice in each year, and make a truthful report of the condition of said roads, and present said report at the spring and fall terms of the superior courts, to the clerk of the court, who shall turn the same over to the solicitor, whose duty it shall be to inquire into the matter. That the board of county commissioners, justices of the peace, or board of township trustees, or supervisor who shall neglect or refuse to perform each and every duty enjoined by this act shall be guilty of a misdemeanor and punished in the discretion of the court; and it is hereby made the duty of the solicitor to prosecute said offences.

Meetings of township trustees.

Record.

Chairman.
Exemption from road duty.
Duty of trustees.

Neglect of duty a misdemeanor.

SEC. 3. The township trustees of the several townships in Macon county shall on the first Saturday in May next, or within twenty days thereafter, divide their respective townships into suitable and convenient road districts, and annually thereafter may make such alterations therein as they may deem proper, and cause a brief description thereof to be made on the township records, and also furnish each supervisor with a plat of his road district. They shall, at their May meeting and annually thereafter, elect one supervisor for each road district in said county; and each supervisor who neglects to qualify and serve, or refuses to do so, shall be guilty of a misdemeanor. That when any vacancy shall occur in the office of supervisor, the trustees of the township shall appoint some suitable person to fill the vacancy.

Division of townships into road districts.

Supervisors.

Misdemeanor for supervisors to neglect to qualify.
Vacancies.

SEC. 4. The road-bed shall be not more than sixteen feet wide unless so ordered by the board of county commissioners, and in opening new roads not more than five jurors shall be necessary or required, and it shall be the duty of every supervisor to open or cause to be opened all public roads and highways which shall have been or may hereafter be laid out and established in his road district, the same to keep in repair and remove or cause to be removed all obstructions that may from time to time be found therein, for which purpose the supervisors are hereby authorized to enter upon any uncultivated lands or improved land unincumbered by crops near to or adjoining such road to cut and carry away timber, except trees or groves on improved land planted or left for ornamental purposes; to dig or cause to be dug and carry away any gravel, sand or stone which

Width of road.

Jurors for opening new road.
Duties of supervisors.

Entry on land.

may be necessary to make, improve or repair said road, and to enter on any lands adjoining or lying near the road to make such drains or ditches through the same as he may deem necessary for the benefit of the roads, doing as little injury to said land and the improvements thereon as possible; and the drains and ditches so made shall be kept open by such supervisor, and any person or persons obstructing the same shall be guilty of a misdemeanor and fined at the discretion of the court.

Misdemeanor.

Who liable to road duty.

SEC. 5. That all able-bodied male persons, and all male persons able to perform or cause to be performed the labor herein required, between the ages of eighteen and forty-five years, except persons permanently disabled in the military service of the state or those exempted by existing law, shall be liable annually to do and perform six days labor on the public roads under the direction of the supervisor of the road district in which he shall reside: *Provided*, that if any person subject to road duty shall pay to the supervisor the sum of seventy cents per day for the time such person prefers not to work, the same shall be received in lieu of his labor for said time and shall be applied by the supervisor for the improvement of his road district; and if he wilfully fails or refuses to apply said money according to the requirements of this section, or converts the same to his own use, he shall be guilty of a misdemeanor and punished in the discretion of the court.

Proviso.

Misdemeanor.

When hands to be ordered out.

SEC. 6. That it shall be the duty of every supervisor to order out every such person resident as aforesaid between the first day of February and the first day of December annually to do and perform the work aforesaid, and if any such resident, being personally warned by such supervisor or by leaving a written notice at his usual place of abode, shall refuse or neglect, having had at least two days notice, to attend by himself or substitute acceptable to the supervisor, or having attended shall refuse to obey directions of the supervisor, or shall spend the time in idleness or any inattention to the duties assigned him, shall be guilty of a misdemeanor and fined not more than five dollars nor less than two dollars, or be imprisoned not more than thirty days, and it is hereby made the duty of the supervisor to prosecute such delinquent: *Provided*, that no person shall be released from work on the public roads by reason of the neglect of the supervisor to order out such person on or before the first day of December.

Misdemeanor.

Proviso.

Removal from one district to another of person having performed labor.

SEC. 7. That in case any person shall remove from one district to another who has prior to such removal performed the whole or any part of the labor aforesaid, or in other way has paid the whole or any part of the amount aforesaid, and shall produce a certificate of the same from the supervisor of the proper district, such certificate shall be a discharge for the amount therein specified.

Hands to appear with tools, &c.

SEC. 8. Every person liable to work on the road who has been summoned as herein required shall appear at the time and place named and with the implements directed, and shall work as required by

this act : *Provided*, that no hand shall be required to work for a less time than seven hours nor a longer time than ten hours for a day's work.

SEC. 9. That the residence of any person who has a family shall be deemed to be where his family resides, and the residence of any other person shall be held to be where he boards, in any road district in said county of Macon.

SEC. 10. Every supervisor shall at the May and November meetings of [the] board of township trustees of his township, make a report to said board of the present condition of his road, of the number of days worked on his section since last meeting, of the number of hands who attended and worked each day, of the number and names of hands who failed to attend or having attended failed to work, whether or not they were legally summoned and whether or not they paid the money as aforesaid. The said supervisor shall, before some person authorized to administer oaths, make written affidavit that the report is true and correct; upon this report sworn to as aforesaid if it shall appear that any of the hands after being legally summoned have failed to attend and work on said road and that they did not pay the amount hereinbefore named, then it shall be the duty of the said trustees or any one of them to issue a warrant for any such hand and shall put him on trial for said offence : *Provided*, that nothing herein contained shall prevent the supervisor from prosecuting at any time after the offence has been committed any hand for failure to work on the road, and such cases of prosecution shall be stated in his report to the board of trustees that they may not prefer another prosecution for the same offence.

SEC. 11. That chapter fifty (50) of The Code entitled "Roads, Ferries and Bridges," be amended by striking out the words "board of supervisors" wherever they occur and inserting in lieu thereof the words "board of township trustees," and by striking out the word "overseer" wherever it occurs in said chapter and inserting in lieu thereof the word "supervisor," and that the provisions of said chapter not inconsistent with this act are hereby declared to be in force in Macon county : *Provided*, that the fines and penalties for violations of said chapter shall not be cumulative to those mentioned for the same offences in this act.

SEC. 12. That so much of chapter three hundred and fifty-four (354) of [the] laws of eighteen hundred and ninety-one, entitled "an act to provide for the working [of] the public roads and highways of Clay and other counties" as is not incorporated in this act is hereby repealed.

SEC. 13. That chapter three hundred and seventy-seven, laws of one thousand eight hundred and eighty-five (1885) entitled "an act in relation to the Western Turnpike road in Macon county" be and the same is hereby repealed and said road is hereby made a county charge: *Provided*, nothing herein contained shall prevent the assignment of

Proviso.

Residence.

Supervisors to make reports, &c.

Report to be verified.

Warrant against hands refusing to work, &c.

Proviso.

Code, chapter 50, amended.
Duties of board of supervisors to be performed by township trustees and of overseers by supervisors.
Provisions of Code, chapter 50, in force in Macon county.
Proviso.

Provisions of chapter 354, laws 1891 (not incorporated in this act) repealed.

Chapter 377, laws 1885, repealed.

Proviso.

hands on said road or any part thereof, nor release said hands in case of assignment from the labor herein required.

Commissioners of Macon county authorized to levy special tax.

SEC. 14. That the county commissioners of Macon county be and they are hereby authorized and directed to levy a special tax for the year one thousand eight hundred and ninety-three (1893), and each successive year thereafter, of not less than five cents nor more than twenty cents on each one hundred dollars worth of property and not less than fifteen cents nor more than sixty cents on each poll for road and bridge purposes, to be faithfully applied as a supplement to the labor hereinbefore required; and the amount of money raised each year under this act shall be in addition to the ordinary levy for county purposes and shall be kept by the treasurer of said county separate and distinct from all other moneys in his hands, and shall be held and deemed a special tax and faithfully applied to the building of bridges and grading, making and keeping in repair the public roads in Macon county where the six days labor hereinbefore specified is insufficient or where said commissioners may take charge of any road under the provisions of section fifteen of this act.

Application of tax.

New roads, regrading roads, &c.

SEC. 15. That the county commissioners of said county, with the concurrence of a majority of the board of township trustees of any township, may order the laying out and constructing of new roads in such township, may cause those already laid out and constructed to be regraded, and if in the judgment of a majority of the board of county commissioners the services of an engineer are necessary, they may employ one at a reasonable compensation and pay him out of the road fund of the county. That in making new roads or changing those already made all persons in the township subject to road duty, who have not put in the six days work above mentioned on the public roads, may be required to work on the same: *Provided*, in no case shall any person be required to work more than six days on the public roads in any one year, and no hand who has put in the six days labor on the public roads shall be called out to work between the first day of December and the first day of February. The county commissioners shall have the power and are hereby authorized, if convenience of hands or other necessity requires, to withdraw from the control of the board of township trustees of any township any road or road district or part of road district, and in event of so doing they shall keep the same in good condition out of the road fund of the county; in such case the supervisor and hands may be taken from said road or part of road and assigned to duty on other roads or other parts of roads in their respective townships. That the said commissioners are also authorized to make any and all contracts relative to the improvement of any road or part of road that they may deem necessary to make with the tax money arising under this act, taking care that the money should be placed on those roads or parts of roads most essential to public necessity and convenience. They are further author-

Engineer.

Hands on new roads, &c.

Proviso.

County commissioners authorized to withdraw control of roads from township trustees.

Commissioners authorized to contract for improvement of roads, &c.

ized to let the contract to improve such roads or parts of roads to the lowest responsible bidder or otherwise as they may deem best, and if the contractor shall faithfully comply with his contract, the commissioners shall pay him by drawing their order on the county treasurer (as all other debts arising under this act shall be paid) and the treasurer shall pay the same. The commissioners shall make diligent inquiry as to the faithful performance of the contract by such person or persons who undertake the work before they shall pay for the same, and the failure on the part of said commissioners faithfully to carry out the provisions of this act in so far as it is herein made their duty so to do, shall render them guilty of a misdemeanor and subject to be fined at the discretion of the court. They may furnish blasting material and tools of all kinds necessary whenever and wherever they may deem needful and proper and pay for the same out of the road fund.

To let contract to lowest bidder, &c.

How paid.

Duty of commissioners to make inquiry before paying.

Misdemeanor.

Blasting material, tools, &c.

SEC. 16. The bond of the county treasurer or the person acting as county treasurer of Macon county, shall be liable for all funds arising under this act that may go into his hands, and he shall have the same compensation for receipts and disbursements of said funds as is now allowed by law in the disbursement of other public funds.

Liability for funds arising under this act.

Compensation.

SEC. 17. The said county commissioners are hereby expressly authorized to provide for the building of a bridge across the Tennessee river at the most practicable place near the Iola ford in Macon county and to pay for the same out of the road fund of the county not otherwise appropriated.

Bridge across Tennessee river.

SEC. 18. That nothing herein contained shall change the present method of keeping up roads and streets in incorporated towns and that none of the money arising under this act shall be applied to the same.

Streets, &c., in towns not affected by this act.

SEC. 19. That the secretary of state shall on or before the first day of May in the present year furnish the register of deeds for Macon county at least two hundred copies of this act for distribution among magistrates and supervisors of said county.

Secretary of State to furnish copies of act to register of Macon county.

SEC. 20. This act shall apply only to Macon county, and be in force from and after its ratification.

Act applicable only to Macon county.

Ratified the 1st day of March, A. D. 1893.

CHAPTER 209.

An act in regard to the confirmation of reports in special proceedings.

The General Assembly of North Carolina do enact :

SECTION 1. That every order or judgment in a special proceeding imposing any duty on commissioners or jurors shall prescribe the time within which such duty shall be performed, except in cases where the time is prescribed by statute.

Orders, &c., in special proceedings imposing duties on commissioners to prescribe time for performance, except when prescribed by statute.

When reports to be filed.

SEC. 2. That the commissioners or jurors shall within twenty days after the performance of such duty file their report with the clerk of the superior court.

Confirmation of reports.

SEC. 3. That if no exception is filed to such report within twenty days, the court may proceed to confirm the same on motion of any party and without special notice to the other parties.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 1st day of March, A. D. 1893.

CHAPTER 210.

An act authorizing the state treasurer to pay shell-fish commissioners for service.

The General Assembly of North Carolina do enact :

Treasurer authorized to pay \$150 to shell-fish commissioners.

SECTION 1. That the state treasurer be and is hereby authorized to pay W. J. Griffin, Israel B. Watson and W. T. Caho each the sum of one hundred and fifty dollars for services rendered as shell-fish commissioners out of any moneys in the state treasury not otherwise appropriated.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 1st day of March, A. D. 1893.

CHAPTER 211.

An act in relation to the superior courts of Bladen county.

The General Assembly of North Carolina do enact :

Chapter 239, laws 1887, amended. Spring term Bladen Superior Court, when held.

SECTION 1. That the subdivision headed "Bladen," of section first of chapter two hundred and thirty-nine of the laws of eighteen hundred and eighty-seven be amended so as to read, "Tuesday after the third Monday in March, to continue two weeks; the Tuesday following the seventh Monday after the first Monday in September."

Section 2, chapter 304, laws 1889, stricken out. Fall term held 6th Monday after 1st Monday in September.

SEC. 2. That section second, chapter three hundred and four, page three hundred and thirteen of the acts of 1889, be stricken out.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 1st day of March, A. D. 1893.

CHAPTER 212.

An act to authorize the board of commissioners of Edgecombe county to submit to the voters of Tarboro township the levying of a tax for the schools of said township.

The General Assembly of North Carolina do enact :

SECTION 1. That the board of commissioners of the county of Edgecombe be and they are hereby authorized and required to submit to the qualified voters of Tarboro township in said county on the first Monday in May, eighteen hundred and ninety-three, under such rules and regulations as said board may prescribe, whether an annual tax shall be levied therein for the support of public schools for the children in said township. Each voter shall vote a written or printed ballot with the words "For schools" or "Against schools," and said election shall be conducted under the same rules, regulations and penalties as are prescribed by law for the election of members of the general assembly. The board shall submit such amount of taxation as the Tarboro school-board shall by resolution request, not to exceed twenty cents on the one hundred dollars of property and sixty cents on the poll, the said tax to be in lieu of the present special tax.

Commissioners of Edgecombe county authorized to submit to voters of Tarboro township, question of annual tax for public schools.

Ballots.

Election, how conducted.

Amount of tax.

SEC. 2. That in case a majority of the qualified voters of said township shall vote for said tax, the same shall be levied and collected in the manner provided by law for levying and collecting state and county taxes, and the sheriff of Edgecombe county shall collect and pay over the same to the treasurer of the Tarboro school-board by the first of January in each year under the same liabilities as are now provided by law for the collection and paying over of county taxes.

Tax to be levied on majority vote.

Collection of tax.

Payable to treasurer of Tarboro school-board.

SEC. 3. That for any year after eighteen hundred and ninety-three the board of commissioners, upon resolution requesting them so to do by the Tarboro school-board, shall submit to the qualified voters, as provided in section one, such increase of said taxes as said school-board may deem necessary, not to exceed in all thirty cents on the one hundred dollars and ninety cents on the poll, under the rules and regulations and with the consequences prescribed herein.

Election upon question of increase of tax.

SEC. 4. In addition to the above taxes, and subject to all the foregoing provisions, a tax of ten cents on the one hundred dollars and thirty cents on the poll may be levied, collected and distributed, if authorized as above, to make additions and repairs to the school buildings.

Special tax for making additions and repairs to school buildings.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 1st day of March, A. D. 1893.

CHAPTER 213.

An act to establish the stock law in certain parts of Cumberland county.

The General Assembly of North Carolina do enact:

Unlawful for live stock to run at large within certain part of Cumberland county.

Boundaries.

SECTION 1. That it shall be unlawful for any live stock, viz.: Horses, mules, asses, colts, cows, hogs, goats, sheep, or any neat cattle or swine to run at large within that part of Cumberland county, North Carolina, that is included within the following boundaries, viz.: Beginning on the eastern bank of Cape Fear river, near Kyle's Landing, and running thence by the most practicable route to the railroad near Wade Station; and thence to and with what is known as Cook's road to the Raleigh plank road, near Josiah Cook's; and thence with the said Raleigh plank road to the Clarendon bridge; and then up the river to the beginning: *Provided*, that the fence commissioners hereinafter appointed, may in building their fence connect it with the fence surrounding any other stock-law territory at such convenient point as may be agreed upon without being required to carry it to the Clarendon bridge or to Cape Fear river.

Fence commissioners.

Duty to build fence, &c.

Cape Fear river a lawful fence.

SEC. 2. That W. J. McPhail, H. H. Bolton, J. C. Geddic, S. B. Godwin, and N. G. Wade are hereby appointed fence commissioners, and as such it shall be their duty to provide for the building and keeping in repair a suitable fence not less than four and a half feet high, with suitable gates at every passing of a public road along or near the above-stated boundaries, except where the Cape Fear river is the boundary, which river is hereby declared to be a lawful fence. Said commissioners may employ laborers to do the work, or may contract with one or more persons to do the work.

Chairman.

Quorum.

Vacancies.

SEC. 3. The fence commissioners shall elect one of their number as chairman, and any three of them shall constitute a quorum with power to act on any matter before them. And upon any vacancy occurring by death, resignation or failure to qualify, or otherwise, shall be filled by the board of county commissioners of Cumberland county from among the citizens living within and owning land in said territory.

Fence commissioners to make annual report to county commissioners.

County commissioners and justices to levy special tax.

SEC. 4. The fence commissioners shall make an annual report to the board of commissioners of Cumberland county on or before the first Monday in June, giving as near as may be the cost of building said fence and gates as above contemplated, or of keeping the same in repair, as the case may be; and it shall be the duty of the board of commissioners of Cumberland and the justices at their meeting in June, in each year when other taxes are levied, to levy a tax upon all real estate situate in said territory sufficient to defray the cost of said fence, which said tax shall in no case exceed a tax of one-fourth

of one per centum or twenty-five cents on one hundred dollars worth of real estate in said territory.

SEC. 5. Said tax so levied shall be collected by the sheriff or some lawful deputy and paid to the county treasurer under the same rules, regulations and charges as may be prescribed for the sheriff in collecting other taxes, and the treasurer of Cumberland county shall receive and disburse the moneys so paid to him, retaining only his lawful commissions, upon the order of the fence commissioners for the purpose of providing and keeping in repair the fences and gates as above contemplated.

Collection of tax.

County treasurer to disburse moneys on order of fence commissioners.

SEC. 6. Any person who shall wilfully misappropriate any funds so raised shall be guilty of a misdemeanor and upon conviction shall be punished in the discretion of the court.

Misappropriation of funds a misdemeanor.

SEC. 7. The fence commissioners shall have the power to take the necessary timber for constructing and repairing said fence from the lands adjacent to the line of said fence, but the taking of such timber shall be in such manner as to cause as little damage to the land as practicable, and said fence commissioners may provide, where the landowner shall require it, to pay such reasonable price for the timber as may be agreed upon. The fence commissioners shall have the power to condemn as a fence-way a strip of land not exceeding fifteen feet in width along the route selected for said fence.

Entry on land for timber, &c.

Compensation.

Condemnation of land.

SEC. 8. Any person owning land in said territory may at his own expense erect such gate as his convenience may require in the line of said fence, and any gate so erected shall be kept in good and sufficient repair by such landowner.

Erection of gates by landowners.

SEC. 9. The provisions of the stock law as contained in The Code of North Carolina, volume two, chapter twenty, so far as consistent with this act, are hereby adopted and made part of this act, and are made applicable to said territory and to all persons and stock therein in the same manner as if said territory had adopted the stock law in the manner prescribed in said chapter of The Code.

Provisions of chapter 20, vol. 2, Code, made part of this act.

SEC. 10. This act shall take effect not earlier than the first of October, eighteen hundred and ninety-three, and it shall be the duty of the fence commissioners to give public notice by posters at five public places in said territory that the proposed fence and gates have been completed, and after such notice has been posted ten days this act shall be in full force and effect.

When act to take effect.

Notice.

Ratified the 1st day of March, A. D. 1893.

CHAPTER 214.

An act relating to the board of health.

The General Assembly of North Carolina do enact :

North Carolina
Board of Health,
how appointed.

SECTION 1. That the medical society of the state of North Carolina shall choose from its numbers by ballot four members, and the governor of the state shall appoint five other persons (one of whom shall be a sanitary engineer) and they shall constitute "The North Carolina Board of Health."

Term of office of
members elected
by State Medical
Society.

SEC. 2. The members of the board of health elected by the State Medical Society shall be chosen to serve two years. Their term of office shall begin immediately upon the expiration of the meeting at which they were elected. Those appointed by the governor shall serve two years, their term of office beginning with the first regular meeting of the board after their appointment. In case of death or resignation the board shall elect new members to fill the unexpired term: *Provided*, the governor shall fill such vacancies as may occur where he has made appointments.

Term of office of
members ap-
pointed by gov-
ernor.

Vacancies.

Proviso.

Duties.

SEC. 3. That the North Carolina Board of Health shall take cognizance of the health interest of the people of the state, shall make sanitary investigations and inquiries in respect to the people, employing experts when necessary: shall investigate the causes of disease dangerous to the public health, especially epidemics, the sources of mortality, the effect of locations, employments and conditions upon the public health. They shall gather such information upon all these matters for distribution among the people, with the especial purpose of informing them about preventable diseases. They shall be the medical advisers of the state and are herein specially provided for, and shall advise the government in regard to the location, sanitary construction and management of all state institutions, and shall direct the attention of the state to such sanitary matters as in their judgment affect the industries, prosperity, health and lives of the people of the state. They may make an inspection once in each year, and at such other times as they may be requested to do so by the State Board of Charities, of all public state institutions, including all convict camps under the control of the state penitentiary, and make a report as to their sanitary condition, with suggestions and recommendations to their respective boards of directors or trustees: and it shall be the duty of the officials in immediate charge of said institutions to furnish all facilities necessary for a thorough inspection. The secretary of the board shall make biennially to the general assembly, through the governor, a report of their work.

Inspection of
State institutions.

Reports to boards
of directors.

Biennial report to
general assembly.

Officers.

SEC. 4. The state board shall have a president and a secretary, who shall also be treasurer, to be elected from the members composing the board. The president shall serve two years and the secretary-

treasurer two years. The secretary-treasurer shall receive such yearly compensation for his services as shall be fixed upon by the board, not to exceed one thousand dollars, but the other members of the board shall receive no pay, except that each member shall receive four dollars a day and necessary travelling and hotel expenses when on actual duty attending the meetings of the board or pursuing special investigations in the state, but when attending important sanitary meetings in other sections, the number of delegates thereto being limited to two, only actual travelling and hotel expenses shall be allowed. These sums shall be paid by the treasurer on authenticated requisition approved and signed by the president.

Terms of office.
Compensation of
secretary and
treasurer.

Compensation of members.

How paid.

SEC. 5. There shall be an auxiliary board of health in each county in the state. These boards shall be composed of all registered physicians resident in the county, the mayor of the county town, the chairman of the board of county commissioners and the city surveyor, when there is such an officer, otherwise the county surveyor. From this number one physician shall be chosen by ballot to serve two years, with the title of superintendent of health. His duty shall be to gather vital statistics upon a plan designated by the state board of health. He shall always promptly advise the secretary of the state board of the unusual prevalence of disease in his county, especially of typhoid fever, scarlet fever, diphtheria, yellow fever, small-pox, or cholera. His reports shall be made regularly, as advised by the state board, through their secretary; and he shall receive and carry out as far as possible such work as may be directed by the state board of health. He shall make the medico-legal post-mortem examination for coroners' inquests, and attend the prisoners in jail, home for the aged and infirm, and house of correction, and make an examination of lunatics for commitment. He shall be the sanitary inspector of the jail and home of his county, making monthly reports to the board of county commissioners: *Provided*, that if for any cause the county board of health should fail to meet as hereinafter set forth and elect a superintendent, the county commissioners shall elect from those physicians resident in the county eligible to membership in the county board a superintendent of health: *Provided further*, that it shall be unlawful for said county commissioners to elect any one not eligible to membership in the county board to the office of county superintendent of health, if any such qualified physician can be found in the county willing to accept the office.

County auxiliary
board of health.

Superintendent
of health.
Duties.

Reports.

Duties.

Sanitary inspect-
or of jail, &c.
Proviso.

Proviso.

SEC. 6. Monthly returns of vital statistics, upon a plan to be made by the state board of health or their secretary acting under their instructions, shall be made by the county superintendent to the secretary of the state board, and a failure to report by the tenth of the month for the preceding month shall subject the delinquent to a fine of one dollar for each day of delinquency, and this amount shall be deducted from the salary of the superintendent by the board of

County superintendent to make monthly returns of vital statistics to State board. Penalty for failure.

Notice to chairman of county board.

County superintendent to report to Secretary of State presence of smallpox, &c. Penalty for failure.

Salary of county superintendent, how paid.

Proviso.

Election of officers for State Board of Health.

Election of officers for county boards.

Term of county superintendents.

Secretary of State bound to give notice, &c.

Inland quarantine. Duty of county superintendents.

county commissioners on the statement of such delinquency by the secretary of the state board of health; and the said secretary is hereby required to notify on the eleventh day of each month the chairman of the board of county commissioners of such delinquency. The county superintendent shall report to the secretary of the state board the presence in his county of any case of smallpox, yellow fever, typhus fever or cholera within twenty-four hours after it has come to his knowledge, and upon failure to make such report within the prescribed time the county commissioners shall deduct five dollars from his salary for each day of delay in reporting.

SEC. 7. The salary of the county superintendent of health shall be paid out of the county treasury upon requisition and the proper vouchers as follows: The salary of the superintendent of health or any other member of the board who is required to do the service assigned him shall be in accordance with the medical fees usual in his county, and for each inspection of the jail and county home, which he shall make monthly, he shall be paid as for one medical visit: *Provided*, that a definite salary of not less than ten nor more than one thousand dollars may be paid in lieu of fees if mutually agreeable to the board of county commissioners and the county superintendent.

SEC. 8. The biennial meeting for the election of officers shall be, for the state board of health, on the second day of the annual meeting of the Medical Society of the State of North Carolina in eighteen hundred and ninety-three and every two years thereafter; for the county boards it shall be held in the county court-house between the hours of 12 M. and 1 P. M. on the first Monday in September, eighteen hundred and ninety-three, and each two years thereafter: *Provided*, that the two-year term of office of any superintendent shall not be curtailed thereby; but his successor, who shall be elected at the meeting on the first Monday in September, eighteen hundred and ninety-three, shall qualify upon the expiration of said term and hold office until the first Monday in September, eighteen hundred and ninety-five, when all county superintendents shall be elected for the full term of two years, beginning and ending with the first Monday in September. In order to secure uniformity and certainty of action it shall be the duty of the secretary of the state board of health to mail to every person in the state eligible to membership in the county boards of health, whose address can be obtained, on or before the twentieth day of the August next preceding the time of meeting hereinbefore appointed, a printed notice of said meeting setting forth time and place.

SEC. 9. Inland quarantine shall be under the control of the county superintendent of health, who shall see that diseases, especially dangerous to the public health, viz.: smallpox, diphtheria, scarlet fever, yellow fever, typhus fever and cholera, are properly quarantined and

isolated within twenty-four hours after the case is brought to his knowledge; and that after the death or recovery or removal of a person sick of either of the diseases mentioned, the rooms occupied and the articles used by the patient are thoroughly disinfected in the manner set forth in the printed instructions, both as to quarantine and disinfection, which shall be furnished him by the secretary of the state board of health. The expense of the quarantine and of the disinfection shall be borne by the householder in whose family the case occurs, if able, otherwise by the city, town or county of which he is a resident. The failure on the part of a county superintendent of health to perform the duties imposed in this section shall be punished by the deduction of five dollars for each day of delinquency from his salary by the board of county commissioners; and if it shall appear to the satisfaction of the county board of health that the death of any person from the spread of the disease can justly be attributed to such failure of duty on his part, he shall be deposed from office and a successor immediately elected to fill out his unexpired term. Any person neglecting or refusing to comply with or in any way violating the rules promulgated in the manner above set forth on the subjects of quarantine and disinfection, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, at the discretion of the court, not less than five nor more than fifty dollars, or less than ten nor more than thirty days. In case the offender be stricken with the disease for which he is quarantinable, he shall be subject to the penalty on recovery, unless in the opinion of the superintendent it should be omitted: *Provided, however*, that in any city or incorporated town having a regularly appointed medical health officer who is a member of the county board of health, the duties assigned in this section to the county superintendent of health shall be performed by the said medical health officer for the people of his city or town, and he shall be subject to the same penalties for dereliction of duty at the hands of the board of aldermen or town commissioners as are directed to be imposed by the county commissioners and county board of health upon the superintendent: *Provided further*, that the quarantine of ports shall not be interfered with, but the officers of the local and state boards shall render all aid in their power to quarantine officers in the discharge of their duties upon the request of the latter: *Provided*, that the custody and care of any child or other person may remain in custody of parent or family.

Expenses, how paid.

Penalty for failure by county superintendent.

When deposed from office.

Neglect, &c., to comply with quarantine rules a misdemeanor.

Proviso.

Proviso.

Proviso.

Householder to give notice of certain diseases in his family.

Disinfection.

SEC. 10. When a householder knows that a person within his family is sick with either of the diseases enumerated in section nine, he shall immediately give notice thereof to the health officer or mayor, if he resides in a city or incorporated town, otherwise to the county superintendent of health, and upon the death or recovery or removal of such person, the rooms occupied and the articles used by him shall be disinfected by such householder in the manner indicated in section

Misdemeanor.	nine. Any person neglecting or refusing to comply with any of the above provisions shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than one dollar nor more than fifty dollars.
Physician to give notice of patient infected with certain diseases, to health officer, &c.	SEC. 11. When a physician knows that a person whom he is called to visit is infected with smallpox, diphtheria, scarlet fever, typhus fever, yellow fever or cholera he shall immediately give notice thereof to the health officer or mayor, if the sick person be in a city or incorporated town, otherwise to the county superintendent of health, and if he refuses or neglects to give such notice of it in twenty-four hours he shall be guilty of a misdemeanor and shall be fined for each offence not less than ten nor more than twenty-five dollars.
Misdemeanor.	And it shall be the duty of the said county superintendent, health officer or mayor receiving such notice of the presence of a case of smallpox, yellow fever, typhus fever or cholera within his jurisdiction to communicate the same immediately by mail or telegraph to the secretary of the state board of health. A failure to perform this duty for twenty-four hours after the receipt of the notice shall be deemed a misdemeanor, and shall subject the delinquent upon conviction to a fine of not less than ten nor more than twenty-five dollars.
Health officer, &c., to notify secretary of State board.	
Misdemeanor.	SEC. 12. The county superintendents of health, or the board of health in the several cities and towns where organized, otherwise the authorities of said cities or towns, shall cause a record to be kept of all reports received in pursuance of the preceding sections, and such records shall contain the names of all persons who are sick, the localities in which they live, the diseases with which they are affected, together with the date and names of all persons reporting any such cases. The boards of health of cities and towns wherever organized, and where not the mayors of the same, and in other cases the county superintendent of health, shall give the school committee of the city or town, the principals of private schools and the superintendent of public instruction of the county, when the schools are in session, notice of all such cases of contagious diseases reported to them according to the provisions of this act. A failure to perform this duty for twenty-four hours after the receipt of the notice shall be deemed a misdemeanor, and subject the delinquent upon conviction to a fine of not less than ten nor more than fifty dollars.
Record of reports to be kept.	
What records to contain.	
Notice of contagious diseases to be given to school committees, &c.	
Misdemeanor.	
School committees, &c., not to allow pupils to attend schools while members of their household sick with certain diseases, &c.	SEC. 13. The school committees of public schools, superintendents of graded schools and the principals of private schools shall not allow any pupil to attend the school under their control while any member of the household to which said pupil belongs is sick of either smallpox, diphtheria, measles, scarlet fever, yellow fever, typhus fever or cholera, or during a period of two weeks after the death, recovery or removal of such sick person; and any pupil coming from such household shall be required to present to the teacher of the school the pupil desires to attend a certificate from the attending physician, city
Pupils to present certificates from physicians, &c.	

health officer or county superintendent of health of the facts necessary to entitle him to admission in accordance with the above regulations. A wilful failure on the part of any school committee to perform the duty required in this section shall be deemed a misdemeanor, and upon conviction shall subject each and every member of the same to a fine of not less than one nor more than twenty-five dollars: *Provided*, that the instructions in accordance with the provisions of this section given to the teachers of the schools within twenty-four hours after the receipt of each and every notice shall be deemed performance of duty on the part of the school committee. Any teacher of a public school and any principal of a private school failing to carry out the requirements of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than one nor more than twenty-five dollars.

SEC. 14. When a person coming to a city or a town from abroad or from some other place in this state [which] is infected or has lately been infected with either of the diseases mentioned in section nine, the local board of health where such exists, otherwise the board of aldermen or board of town commissioners, shall make effective provision in the manner which it judges best for the safety of the inhabitants by removing such person to a separate house or otherwise, and by providing nurses and other assistance and necessities, which shall be at the charge of the person himself or his parents, where able, otherwise at the charge of the city, town or county to which he belongs.

SEC. 15. The board of health, or in case there is no board of health, the board of aldermen or town commissioners of a city or town near to or bordering upon either of the neighboring states, may appoint, by writing, suitable persons to attend at places by which travelers may pass from infected places in other states, who may examine such travelers as may be suspected of bringing any infection dangerous to the public health, and if it need be may restrain them from traveling until licensed thereto by the board of health or board of aldermen or town commissioners of the city or town to which they may come. A traveler coming from such infected place who without such license, travels within this state (except to return by the most direct route to the state whence he came) after he has been cautioned to depart by the persons so appointed, shall be isolated or ejected, at the discretion of the local city or town or county board of health; and upon refusal to comply with the regulations of the said boards of health or either of them on this subject shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five nor more than fifty dollars or imprisoned not more than thirty days. And all common carriers bringing into this state any such persons as named above are hereby required to return them to some point without this state, if required by a city, town or county board of health. Nothing in this section shall prevent the state board

Misdemeanor.

Proviso.

Teacher, &c., failing to carry out provisions of this section guilty of misdemeanor.

Persons infected with certain diseases, coming to a city, &c., to be quarantined.

Expenses, how paid.

Examination of travelers coming from infected places in other States.

Restraint from traveling. License.

Isolation or ejection from city, &c., of travelers without license.

Misdemeanor.

Common carriers required to return travelers when required by city, &c., boards of health.

Additional examiners appointed by State board in time of epidemics.

Common carriers prohibited from transporting bodies of persons dying of certain diseases unless disinfected, &c.

Local permits for removal of bodies not to be given except on certificate of board of health.

What certificate to State &c.

When transportation companies to furnish blank certificates. Duty of common carriers as to water-closets during epidemic of cholera.

Penalty.

Jurisdiction of State Board of Health during epidemics.

Jurisdiction of State Board of Health over inland water supplies.

Employment of experts.

State board to advise directors of State institu-

of health in time of epidemics from appointing such additional examiners as they may deem necessary to the preservation of the public health.

SEC. 16. No railroad corporation or other common carrier or persons shall convey or cause to be conveyed through or from any city, town or county in this state the remains of any person who has died of smallpox, measles, scarlet fever, diphtheria, typhus fever, yellow fever or cholera until such body has been disinfected and encased in such manner as shall be directed by the state board of health, so as to preclude any danger of communicating the disease to others by its transportation; and no local registrar, clerk or health officer or any other person, shall give a permit for the removal of such body until he has received from the board of health of the city or from the board of aldermen or town commissioners, the county superintendent of the city, town or county where the death occurred, a certificate stating the cause of death and that the said body has been prepared in the manner set forth in this section; which certificate shall be delivered in duplicate to the agent or person who receives the body and one copy shall be pasted on the box containing the corpse; said certificate shall be furnished in blank by the transportation company when no local board of health exists. During an epidemic of cholera all common carriers shall so arrange their water-closets as to catch in watertight receptacles the dejections of all persons using the same and shall disinfect the said dejections in a manner satisfactory to the state board of health before emptying them. Any person violating the provisions of this section shall be punished by fine not exceeding twenty-five dollars.

SEC. 17. In times of epidemics of smallpox, yellow fever, typhoid fever, scarlet fever, diphtheria, typhus fever, cholera, the state board of health shall have sanitary jurisdiction in all cities and towns not having regularly organized local boards of health, and are hereby empowered to make all such regulations as they may deem necessary to protect the public health and to enforce in courts of justices of the peace the same by the imposition of such penalties as come within the jurisdiction of a justice of the peace.

SEC. 18. *Water and water supply.*—The state board of health shall have the general oversight and care of all inland waters and shall from time to time, as it may deem expedient, cause examinations of the said waters to be made for the purpose of ascertaining whether the same are adapted for use as sources of domestic water supplies, or are in a condition likely to impair the interests of the public or persons lawfully using the same, or imperil the public health. For the purposes aforesaid it may employ such expert assistance as may be necessary.

SEC. 19. The said board shall from time to time consult with and advise the boards of directors of all state institutions, the authorities

of cities and towns, corporations or firms already having or intending to introduce systems of water-supply, drainage or sewerage, as to the most appropriate source of supply, the best practicable method of assuring the purity thereof, or of disposing of their drainage or sewerage, having regard to the present and prospective needs and interests of other cities, towns, corporations or firms which may be affected thereby. All such boards of directors, authorities, corporations and firms are hereby required to give notice to said board of their intentions in the premises and to submit for its advice outlines of their proposed plans or schemes in relation to water-supply and disposal of sewerage, and no contract shall be entered into by any state institution, city or town for the introduction of a system of water-supply or sewerage disposal until said advice shall have been received and considered: *Provided, however*, that any city or town having a regularly organized board of health may seek advice therefrom or from its county board of health in lieu of that of the state board.

SEC. 20. Whoever wilfully or maliciously defiles, corrupts or makes impure any well, spring or other source of water-supply or reservoir, or destroys or injures any pipe, conductor of water or other property pertaining to an aqueduct, or aids and abets in any such trespass, shall be guilty of a misdemeanor, and on conviction shall be fined not exceeding one thousand dollars or imprisoned not exceeding one year.

SEC. 21. Any householder in whose family there is to his knowledge a person sick of cholera or typhoid fever, who shall permit the bowel discharges of such sick person to be emptied without first having disinfected them according to the instructions to be obtained from the attending physician or the county superintendent of health shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two nor more than twenty-five dollars, or imprisoned not less than ten nor more than thirty days. And in cases where such undisinfected discharges are emptied on the water-shed of any stream or pond furnishing the source of water-supply of any public institution, city or town the penalty shall be a fine of not less than twenty-five nor more than fifty dollars, or imprisonment for not more than thirty days. And any physician attending a case of cholera or typhoid fever who refuses or neglects to give the proper instructions for such disinfection as soon as the diagnosis is made shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than ten nor more than fifty dollars.

SEC. 22. Whenever and wherever a nuisance upon premises shall exist which in the opinion of the county superintendent of health is dangerous to the public health, it shall be his duty to notify in writing the parties occupying the premises (or the owner, if the premises are not occupied) of its existence, its character and the means of abating it. Upon this notification the parties shall proceed to abate the

tions, city, &c., authorities, &c., concerning systems of water-supply, sewerage, &c.

Notice to be given State board in regard to intended systems of water-supply, sewerage, &c.

Proviso.

Wilful defilement, &c., of well, &c., a misdemeanor.

Penalty.

Householder failing to disinfect cholera discharges, &c. guilty of misdemeanor.

Penalty.

Penalty when undisinfected discharge emptied on water-shed of stream furnishing water-supply, &c. Physician failing to instruct as to disinfection, &c., guilty of misdemeanor.

County superintendent to give notice of nuisance to owner of premises.

Failure to abate nuisance a misdemeanor.

Proviso.

Proviso.

Free vaccination by superintendent on appearance of smallpox.

Vaccination of persons in public institutions.

County commissioners to provide vaccine. Regulations for vaccination by city, &c., authorities.

Penalties.

County commissioners and magistrates authorized to levy special tax for preservation of the public health.

City, &c., authorities authorized to make regulations, &c., for protection of the public health.

Bulletins concerning outbreaks of disease to be issued by State board. Enquiry to be made by board.

nuisance, but failing to do this shall be adjudged guilty of a misdemeanor and shall pay a fine of one dollar a day dating from twenty-four hours after the notification has been served, the amounts so collected to be turned over to the county treasurer : *Provided, however*, that if the party notified shall make oath or affirmation before a justice of the peace of his or her inability to carry out the directions of the superintendent, it shall be done at the expense of the town, city or county in which the offender lives. In the latter case the limit of the expense chargeable to the city, town or county shall not be more than one hundred dollars in any case : *Provided further*, that nothing in this section shall be construed to give the superintendent the power to destroy or injure property without a due process of law as now exists for the abatement of nuisances.

SEC. 23. *Vaccination*.—On the appearance of a case of smallpox in any neighborhood all due diligence shall be used by the superintendent of health that warning shall be given, and all persons not able to pay shall be vaccinated free of charge by him, and the county superintendent shall vaccinate every person admitted into a public institution (jail, county home, public school) as soon as practicable, unless he is satisfied upon examination that the person is already successfully vaccinated ; the money for vaccine to be furnished by the county commissioners. The authorities of any city or town, or the board of county commissioners of any county, may make such regulations and provisions for the vaccination of its inhabitants under the direction of the local or county board of health or a committee chosen for the purpose, and impose such penalties as they may deem necessary to protect the public health.

SEC. 24. The board of county commissioners of each county is hereby authorized at any time to call a meeting of the county board of magistrates or justices of the peace to take into consideration the health interest of the people of their county, and, with the approval of the said board of magistrates, to levy a special tax to be expended under the direction of a committee composed of the chairman of the board of county commissioners, the mayor of the county town and the county superintendent of health for the preservation of the public health.

SEC. 25. The authorities of any city or town are hereby authorized, not already authorized in its charter, to make such regulations, pay such fees and salaries and impose such penalties as in their judgment may be necessary for the protection and the advancement of the public health.

SEC. 26. Bulletins of the outbreak of disease dangerous to the public health shall be issued by the state board whenever necessary, and such advice freely disseminated to prevent and check the invasion of disease into any part of the state. It shall also be the duty of the board to inquire into any outbreak of disease by personal visits or by

any method the board shall direct. The compensation of members on such duty shall be four dollars a day and all necessary traveling and hotel expenses. Compensation of members while making inquiry.

SEC. 27. Special meetings of the state board of health may be called by the president through the secretary. The regular annual meetings shall be held at the same time and place as the state medical society, at which time the secretary shall submit his annual report. Special meetings of State board. Regular annual meetings.

SEC. 28. For carrying out the provisions of this act two thousand dollars, or so much thereof as may be necessary, are hereby annually appropriated, to be paid on requisition to be signed by the secretary and president of the state board of health; and the printing and stationery necessary for the board to be furnished upon requisition upon the state printer. A yearly statement shall be made to the state treasurer of all moneys received and expended in pursuance of this act. \$2,000 appropriated annually to carry out provisions of this act. How paid. Printing and stationery. Annual statement of receipts and disbursements.

SEC. 29. A contingent fund of five thousand dollars is hereby appropriated, subject to the governor's warrant, countersigned and recorded by the auditor of the state, to be expended in pursuance of the provisions of this act when rendered necessary by a visitation of cholera or any other pestilential disease. \$5,000 appropriated as a contingent fund. How expended.

SEC. 30. All previous acts conflicting with this act, and also all previous acts of appropriation for the public health, are hereby repealed upon the passage of this act. *Provided*, that nothing herein shall operate as a repeal or abridgement of powers conferred by any special act on any local board of health. Conflicting laws and previous appropriations repealed. Proviso.

SEC. 31. That this act shall be in force from and after its ratification. Ratified the 1st day of March, A. D. 1893.

CHAPTER 215.

An act in reference to fences in Beaufort and Pamlico counties.

The General Assembly of North Carolina do enact:

SECTION 1. That any two or more persons who may own lands contiguous to the other or others may have and maintain a common fence surrounding the outside boundaries of the several tracts of land in the manner herein provided. Adjoining land-owners may have common fence around outside boundaries.

SEC. 2. A majority of the said landowners within the boundaries proposed to be enclosed by a common fence may apply by petition to the superior court of the county in which such lands lie, setting forth the lands proposed to be enclosed, the extent and general courses of the outside boundaries, the reasons for the application, and the names of the proprietors of all such lands; whereupon a summons shall be served on each of said proprietors not named as petitioners. The Proceedings by majority of land-owners within boundaries to obtain fence. What petition to set forth. Summons.

To be a special proceeding. Court to appoint three commissioners.

Commissioners, after notice to landowners, to determine question as to common fence.

If affirmative decision, then commissioners to determine route of fence, &c.

Commissioners to report to court. Confirmation of report.

If landowners cannot agree, court to appoint person to construct fence, &c.

Judgment against landowner failing to contribute, &c.

Procedure in matter of repairs.

Landowner not intending to use land for pasture, &c., not bound by proceeding.

Landowner not intending to cultivate his land, &c., not liable for contribution to maintain fence.

Code, vol. 2, chap. 20, applicable to territory described in this act. Exception.

same shall be a special proceeding, and shall be governed by the same laws and procedure as other special proceedings. On the return day thereof when the petition shall be heard the court shall appoint three commissioners, who shall be duly sworn to do justice between the parties.

SEC. 3. The commissioners, or a majority of them, on a day of which each proprietor of land aforesaid shall receive (5) five days notice, shall meet on the premises and view the lands proposed to be enclosed by a common fence, and shall determine whether such lands can so conveniently and to the best interests of such landowners be enclosed by a common fence; and if they shall decide in the affirmative they shall determine the course and route of said fence, and also the proportion of the whole cost which each landowner shall bear and pay in the construction of said fence and in the future maintenance of the same in good condition.

SEC. 4. The said commissioners shall report in writing under their hands within twenty days the whole matter to the court, which shall confirm the same unless good cause be shown to the contrary. If the said landowners cannot subsequently agree as to the manner of constructing such fence, or which of their number shall superintend the construction of the same, or shall refuse to pay their proportionate part of the cost of same, then upon ten days notice by the court to all such landowners the court shall, on motion, appoint one of said landowners or some disinterested person with authority to construct said fence, who shall report his action to the court; and if any landowner shall fail to contribute his proportion of labor or money and the same be shown on oath the court shall, unless good cause be shown on return of notice to the party, render judgment for the same with interest and cost. The same procedure shall govern in all repairs to said fence, and the provisions of this act shall apply to all future owners or occupiers of said lands.

SEC. 5. If any such landowner in such proceeding shall state that he does not intend to use his land for pasture or cultivate his land he shall not be bound by such proceeding, but he shall maintain his division fences as provided by The Code, sections two thousand eight hundred to two thousand eight hundred and seven, inclusive; and if any such landowner shall determine neither to cultivate his land nor to permit his stock to run thereon he may give each of such other landowners three months notice of such intention between December one and March fifteen, when he shall no longer be liable to contribute to the maintenance of such common fence.

SEC. 6. The provisions of The Code, volume two, chapter twenty, regarding the running of stock at large, not inconsistent herewith, shall apply to the territory embraced within such common fence, except that by the unanimous consent in writing of all such landowners the stock of one or more thereof may run at large or pasture

within said territory between the first day of January and the first day of March of each year.

SEC. 7. Whenever a majority of such landowners shall petition the court to revoke the order theretofore made and discontinue such common fence the court shall hear the same, and in its discretion grant the prayer of the petition.

Revocation of order and discontinuance of fence.

SEC. 8. This act shall only apply to Beaufort and Pamlico counties.

Act applicable only to Beaufort and Pamlico counties.

SEC. 9. That this act shall be in force from and after its ratification.

Ratified the 1st day of March, A. D. 1893.

CHAPTER 216.

An act to prohibit the setting of pound nets, dutch nets and hedge nets in certain waters of Dare county.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person or persons to set any pound net, dutch net or hedge net within two miles of Oregon inlet or Hatteras inlet or within ten miles of New inlet in Dare county, North Carolina.

Unlawful to set nets in certain waters in Dare county.

SEC. 2. That any person or persons violating the provisions of this act shall be guilty of a misdemeanor and shall be fined not less than fifty dollars nor more than one hundred dollars, or imprisoned not less than thirty days nor more than sixty days, or both at the discretion of the court.

Misdemeanor.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 1st day of March, A. D. 1893.

CHAPTER 217.

An act for the relief of tax collectors and their securities for the town of Murphy, Cherokee county.

The General Assembly of North Carolina do enact :

SECTION 1. That the several tax collectors for the town of Murphy, Cherokee county, or their securities, are hereby allowed until the first day of September, eighteen hundred and ninety-three, to collect the taxes remaining unpaid upon the tax books of said town for the years eighteen hundred and eighty-nine, eighteen hundred and ninety, eighteen hundred and ninety-one and eighteen hundred and ninety-two, with like authority and power to collect said taxes as is provided for the collection of the town tax under chapter two hun-

Tax collectors, &c., of Murphy, allowed until Sept. 1st, 1893, to collect arrears of taxes for certain years.

dred and thirty-nine, section twenty-one, laws of eighteen hundred and eighty-nine, incorporating said town.

Sales of real estate.

SEC. 2. That no sale of real estate under this act shall affect purchase for value and without notice of unpaid taxes, and no sale of any property shall be made when the party charged with unpaid tax shall make oath before some person authorized to administer the same that he, she or they have paid the same.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 1st day of March, A. D. 1893.

CHAPTER 218.

An act to repeal chapter four hundred and thirty-five of the laws of eighteen hundred and ninety-one, concerning netting birds in Davidson county.

The General Assembly of North Carolina do enact:

Chapter 435, laws 1891 (amending Code, section 2834, and prohibiting netting of birds in Davidson county) repealed.

SECTION 1. That chapter four hundred and thirty-five of the laws of eighteen hundred and ninety-one be and the same is hereby repealed.

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

Ratified the 1st day of March, A. D. 1893.

CHAPTER 219.

An act to authorize the commissioners of Richmond county to sell the present poor-house property in said county, to purchase other lands upon which to build, and to issue bonds to build a house for the aged and infirm in said county.

The General Assembly of North Carolina do enact:

Commissioners of Richmond county authorized to sell home for aged, &c., and purchase other lands.

SECTION 1. The board of commissioners of Richmond county are hereby invested with the power to sell the lands and buildings now used as a home for the aged and infirm by said county, and to purchase such other lands and erect such other houses and improvements as may be more convenient, and as may be for the better ordering and keeping the poor of said county. And the said commissioners are authorized to expend such an amount as they may think proper, not to exceed the sum of six thousand dollars exclusive of the proceeds of sale of present property now used as poor-house.

Authorized to expend \$6,000 additional.

SEC. 2. That said commissioners of Richmond county, for the purpose of building a home for the aged and infirm in said county and buying other lands therefor, are hereby authorized and empowered to issue bonds bearing interest at the rate of six per centum per annum to the amount of six thousand dollars, of the denomination of one hundred dollars, to each and every of which shall be attached coupons representing the interest on said bonds, which said coupons shall be due and payable on the first day of January and July of each year until the bonds shall become due. The bonds so issued by the said commissioners shall be numbered from one to sixty consecutively, and the coupons shall bear the number corresponding to the bonds to which they are attached and shall declare the amount of interest which they represent and when the interest is due, and shall be receivable in payment of all county taxes. The bonds shall run for a period of twenty years.

Authorized to issue bonds to amount of \$6,000.

Coupons receivable for county taxes.

SEC. 3. That said bonds shall be issued under the signature of the chairman of the board of county commissioners, and shall be attested by the register of deeds under the official seal of the board of county commissioners of said county; and the said chairman of county commissioners shall, under the direction of said board of commissioners of said county, dispose of said bonds as the necessity for the prosecution of the works may require at a term not less than their par value: *Provided*, that the issue of said bonds shall cease at the discretion of the said board of county commissioners.

Bonds, how executed.

Sale of bonds

Proviso.

SEC. 4. That for the purpose of paying the interest as it falls due on said bonds, and of providing a sinking fund for the redemption of said bonds, it shall be the duty of the county commissioners to levy, and cause to be collected annually as other county taxes are levied and collected, a tax upon the real and personal property of said county, not exceeding ten cents on the hundred dollars worth of property and thirty cents on the poll.

Special tax.

SEC. 5. That in order that the commissioners of Richmond county may use the excess of the funds raised by taxation under this act after paying the annual interest accrued on said bonds, they are authorized and empowered to purchase annually one-tenth of said bonds so issued at a sum not exceeding their par value, and in case no one shall offer to sell one-tenth of said bonds at par, then the said commissioners are authorized to designate such bonds, not exceeding one-tenth of the whole number issued, as they may desire to purchase; and after the designation of said bonds and a notice thereof through a newspaper published in Richmond county, if the holder of the bonds shall refuse to surrender the same and receive their par value, with interest accrued at the time of such notice, then the holder shall not receive any interest subsequently accruing: *Provided*, the said bonds shall be affected with the conditions of this act only when conditions are expressed upon the face of the bonds.

Redemption of bonds.

When interest to stop.

Proviso.

Record of bonds.

SEC. 6. That the commissioners of said county shall provide a record which shall be kept by their clerk in which shall be entered the name of every purchaser of a bond, and the number of the bond purchased. They shall also cause to be kept a record of the bonds redeemed annually, and the bonds when redeemed and recorded shall be destroyed by fire in the presence of the board of commissioners by some one of their number, or by their clerk under their direction.

Destruction of bonds redeemed.

Any new county created out of Richmond by this general assembly excepted from this act.

SEC. 7. That if the present general assembly shall create a new county which embraces any part or portion of said county of Richmond, in that event the territory so cut off from Richmond county shall be in no way affected by the provisions of this act, and shall not be subject to any taxation by reason of the passage of this act.

SEC. 8. That this act shall be in force from and after its ratification. Ratified the 2d day of March, A. D. 1893.

CHAPTER 220.

An act to amend section three thousand four hundred and five of The Code and repeal chapter three hundred and twelve, laws of eighteen hundred and eighty-nine.

The General Assembly of North Carolina do enact :

Code, section 3405, amended.

Penalty for using dynamite cartridges that destroy old and young fish; not less than \$50 nor more than \$100 fine, and imprisonment at discretion of court. Chapter 312, laws 1889, and all other conflicting laws repealed.

SECTION 1. That section three thousand four hundred and five of The Code be amended as follows: Strike out in line four the word "five" and insert instead thereof the word "fifty," and in same line strike out "twenty-five" and insert "one hundred," and add after the word "used" in last line "and be imprisoned, in the discretion of the court."

SEC. 2. That chapter three hundred and twelve, laws of eighteen hundred and eighty-nine, and all other laws in conflict with this section of The Code as herein amended, be and the same are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 2d day of March, A. D. 1893.

CHAPTER 221.

An act to collect taxes due in the county of Wake.

Preamble.

WHEREAS, under the laws of North Carolina the county commissioners of Wake county were permitted to purchase lands sold for taxes at sheriff's sale, and to take deeds for the same; and whereas, the said commissioners of said county did not purchase lands exposed to sale by the sheriff of said county during the years eighteen hun-

dred and eighty-seven, eighteen hundred and eighty-eight, eighteen hundred and eighty-nine, eighteen hundred and ninety, eighteen hundred and ninety-one and eighteen hundred and ninety-two, and there is due to the county of Wake and the state of North Carolina a large amount of back taxes from persons who failed to pay the same during said years: now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners of Wake county, in addition to their regular duties as such for the year eighteen hundred and ninety-three, in revising and making out the tax lists, are hereby authorized, empowered and required to place upon a separate tax list for eighteen hundred and ninety-three the names of the owners of lands against whom taxes were assessed during the years named in the preamble, and whose lands were not sold for taxes during said years, together with the sums assessed each of said years against the property of the said persons, and place the same in the hands of the tax collector hereinafter provided for at the time when the regular tax lists for eighteen hundred and ninety-three are placed in the hands of the sheriff of said county for collection, and the said list shall have the effect of continuing in force the original assessments, judgments and liens for the taxes due during said years respectively; and the said tax collector shall proceed to collect the said taxes at the same time, in the same manner and in all respects under the same laws as then shall be in force for the collection of the regular taxes for said county by said sheriff for the year eighteen hundred and ninety-three, and said tax collector shall account for the said taxes as required by law of sheriffs, except as is hereinafter provided: *Provided*, that if any of said persons be dead, or if any of said persons shall make affidavit that said taxes have been paid, the names of such persons shall be stricken from said tax list: *Provided further*, that no greater amount shall be imposed or collected than that which was levied for state and county purposes during each of said years respectively.

SEC. 2. That the board of commissioners of said county shall on or before the first Monday in June, eighteen hundred and ninety-three, appoint some suitable person as tax collector for the collection of the taxes herein provided for, and shall require of him a bond payable to the state of North Carolina, in such penalty and with such sureties as to them shall seem proper, conditioned for the faithful performance of his duties under the act, and shall allow him such reasonable compensation for his services as to them shall seem proper or as may be agreed upon between them and the said tax collector, the said compensation so paid to be borne by the state and county in proportion to the sums collected for each.

SEC. 3. That in the event that the county of Wake shall buy any lands that may be sold by said tax collector for the collection of said

Commissioners of Wake county authorized to place on separate tax list for 1893, names of land-owners owing taxes assessed for certain previous years.

Tax list to be placed in hands of tax collector.

Effect of tax list.

Tax collector to collect under existing law.

Proviso.

Proviso.

Commissioners to appoint tax collector.

Bond.

Compensation.

County buying land to account for taxes due State.

taxes, it shall account to the state of North Carolina for the taxes due it only when the same are thereafter collected and paid to said county.

Act applicable to certain other years.

SEC. 4. That the provisions of this act shall apply to the uncollected taxes due said county of Wake for the years eighteen hundred and eighty-four, eighteen hundred and eighty-five and eighteen hundred and eighty-six, during which years lands were sold for taxes and purchased by said county.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified the 2d day of March, A. D. 1893.

CHAPTER 222.

An act for the maintenance and improvement of the hospitals and insane asylum of the state.

The General Assembly of North Carolina do enact :

Appropriations for N. C. Insane Asylum at Raleigh.

SECTION 1. That the sum of fifty-two thousand five hundred dollars per annum be and is hereby appropriated for the support of the patients in the North Carolina Insane Asylum at Raleigh ; for the payment of outstanding accounts, five thousand three hundred and fifty-two dollars and twenty-six cents (\$5,352.26) ; for improvements and repairs to laundry two thousand dollars ; for erection and completion of congregated dining-room for female patients with wards above, eight thousand dollars for the year eighteen hundred and ninety-three and six thousand five hundred dollars for the year eighteen hundred and ninety-four ; three thousand dollars for electric light plant ; four thousand dollars for engineering department : *Provided*, the same shall be decided necessary by a disinterested expert selected by the governor.

Proviso.

Appropriation for State Hospital at Morganton.

SEC. 2. That the sum of six thousand dollars for the year eighteen hundred and ninety-three and six thousand dollars for the year eighteen hundred and ninety-four, in addition to the sum as provided for in chapter three hundred and sixty-eight of the laws of eighteen hundred and eighty-nine for the support of the State Hospital at Morganton, be and the same is hereby appropriated for the erection of a congregated dining-room for male patients with wards above.

Appropriations for Eastern Hospital at Goldsboro.

SEC. 3. That the sum of thirty-three thousand dollars per annum be and the same is hereby appropriated for the support of the Eastern Hospital at Goldsboro ; and the necessary repairs and improvements for the erection and completion of a congregated dining-room for male patients with wards above, six thousand five hundred dollars for the year eighteen hundred and ninety-three and six thousand five hundred dollars for the year eighteen hundred and ninety-four ; for the purchase of land adjoining the grounds of the hospital, two

thousand dollars ; for difference in exchange of boilers, five hundred dollars: *Provided*, if the sum herein appropriated for maintenance shall be exhausted by reason of an increased number of patients, an amount not exceeding three thousand dollars may be taken from the appropriations for building congregated dining-room to supplement said appropriation and supply the deficiency. Proviso.

SEC. 4. That the appropriations herein made shall be drawn out by the auditor upon his warrant and be placed by the treasurer to the credit of said institutions for which said applications are made respectively. Appropriations,
how drawn, &c.

SEC. 5. That all laws and clauses of laws in conflict with this act are hereby repealed. Conflicting laws
repealed.

SEC. 6. That this act shall be in force from and after its ratification.
Ratified the 2d day of March, A. D. 1893.

CHAPTER 223.

An act to authorize the commissioners of Wake county to issue bonds to pay and fund its present bonded indebtedness at a lower rate of interest, and for other purposes.

The General Assembly of North Carolina do enact :

SECTION 1. That for the purpose of paying off, taking up, retiring and cancelling or funding at a lower rate of interest the present bonded indebtedness of the county of Wake at or before the maturity thereof, the commissioners of the county of Wake are hereby authorized and empowered, with the approval of the board of justices of the peace first had and obtained, to issue its bonds to an amount not to exceed in the aggregate the sum of twenty thousand dollars (\$20,000) of denominations not less than twenty-five nor greater than one thousand dollars, with coupons attached calling for interest at a rate not greater than five and one-half per centum per annum on the principal of each bond, said coupons to be due and payable on the first day of April in each and every year. Commissioners
of Wake county,
with approval of
justices, author-
ized to issue
bonds not exceed-
ing \$20,000, to pay
or fund bonded
indebtedness.

Description of
bonds.

SEC. 2. That said bonds shall be dated as of the first day of April, one thousand eight hundred and ninety-three, and shall be due thirty years after date, that is to say, on the first day of April, one thousand nine hundred and twenty-three, and said county shall have the right to call in and pay off any or all of said bonds after the first day of April, one thousand nine hundred and three; that said bonds shall be signed by the chairman of the board of commissioners and countersigned by the clerk of said board of commissioners of Wake county. Said clerk of the board shall keep a book suitable for the purpose, in which he shall keep an accurate account of the number of bonds When bonds to
be dated, &c.

Redemption of
bonds.
How executed.

Record book.

Books open to inspection.

Misdemeanor.

For what purposes bonds to be issued, &c.

Bonds and coupons receivable for county taxes.

Bonds not to be sold for less than par.

Chapter 223, laws 1891 (authorizing commissioners to issue bonds) repealed.

issued, the amount of each bond and the name of the person to whom payable ; he shall also keep an accurate account of the coupons and bonds which shall be paid, taken or otherwise cancelled, so by inspection of said books the true state of the bonded debt herein provided for may be seen and easily ascertained. Said books shall at all times be open to the inspection of any taxpayer of the county, and any clerk of the board, county officer or other person having custody of said books, who shall refuse or wilfully neglect to afford such inspection, shall be guilty of a misdemeanor, and on conviction shall be fined or imprisoned in the discretion of the court.

SEC. 3. That none of the bonds authorized in the first section hereof shall be issued or disposed of either by sale, exchange, hypothecation or otherwise, for any purpose whatever, other than the payment, taking up, retiring or cancellation of a corresponding and equivalent amount of bonds issued under the provisions of chapter two hundred and fifteen of the laws of North Carolina, passed at the session of the general assembly of one thousand eight hundred and eighty-one.

SEC. 4. The bonds or the coupons provided for by this act shall be receivable in payment of all county taxes, which shall so be expressed on their face.

SEC. 5. That none of the bonds issued under authority granted by this act shall be sold for less than par value.

SEC. 6. That chapter two hundred and twenty-three of the laws of North Carolina of eighteen hundred and ninety-one, ratified the third day of March, eighteen hundred and ninety-one, be and the same is hereby repealed.

SEC. 7. That this act shall be in force from and after its ratification. Ratified the 2d day of March, A. D. 1893.

CHAPTER 224.

An act to provide for the North Carolina institution for the deaf, dumb and the blind.

The General Assembly of North Carolina do enact :

Annual appropriation for N. C. Institution for Deaf, Dumb and Blind.

SECTION 1. That the sum of forty thousand dollars be and the same is hereby appropriated annually, beginning December the first, one thousand eight hundred and ninety-two, for the support of the North Carolina institution for the deaf, dumb and the blind.

Appropriation for repairs, &c.

SEC. 2. That the sum of five thousand dollars be and the same is hereby appropriated for the repairs and improvements necessary at both the white and colored departments of said institutions for the fiscal year beginning December first, one thousand eight hundred and ninety-two, and ending November thirtieth, one thousand eight hun-

dred and ninety-three; and the same amount is hereby appropriated for repairs and improvements of said institutions for the year beginning December first, one thousand eight hundred and ninety-three, and ending November thirtieth, one thousand eight hundred and ninety-four.

SEC. 3. That the public treasurer is hereby authorized and directed to pay the sums appropriated by sections one and two of this act out of any funds in the treasury not otherwise appropriated, upon the warrant of the board of trustees of said institution or the executive committee thereof.

Treasurer to pay
on warrant of
board of trustees,
&c.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 2d day of March, A. D. 1893.

CHAPTER 225.

An act for the relief of J. B. Troy, treasurer of Cumberland county.

WHEREAS, The Peoples National Bank of Fayetteville, in this state, closed its doors on December thirty-first (31st), eighteen hundred and ninety, and was afterwards placed in the hands of a receiver on account of its insolvency; and whereas, J. B. Troy, treasurer of Cumberland county, had deposited in said bank at the time of its failure, as treasurer, the sum of five hundred and eighty-five dollars and twenty-eight cents; and whereas, he has collected the sum of two hundred and four dollars and eighty-two cents in dividends paid by said receiver on said sum so deposited, and there is now due on the certificate issued said J. B. Troy, treasurer as aforesaid, for said deposits the sum of three hundred and eighty dollars and forty-six cents; and whereas, said institution was used as a place of deposit by other officers and by the merchants of Fayetteville, and was considered to be a safe and solvent institution; and whereas, the board of commissioners of Cumberland county at their December meeting, eighteen hundred and ninety-two, passed resolutions requesting the representatives in the general assembly to endeavor to pass an act for the relief of said J. B. Troy, treasurer as aforesaid, and to allow the said commissioners to receive said certificate in settlement of his account with said county: now, therefore,

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Cumberland county are hereby empowered to receive the certificate of the receiver of the Peoples National Bank, of Fayetteville, North Carolina, issued to J. B. Troy, treasurer of said county, for funds of said county deposited in said bank at the time of its failure, and as referred to in the

Commissioners
of Cumberland
authorized to
receive from J. B.
Troy, county
treasurer, certifi-
cate of receiver

of Peoples National bank in settlement, &c.

preamble of this act, in settlement of his accounts as treasurer of said county to the amounts which may now be due on said certificate upon a proper transfer of said certificate to the board of commissioners of said county, the chairman of which board shall collect all future dividends which shall hereafter be paid on said certificate and pay the same over to the treasurer of said county.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 2d day of March, A. D. 1893.

CHAPTER 226.

An act amending The Code, section one thousand two hundred and twenty-nine, in regard to continuing a term of court expiring during progress of trial.

The General Assembly of North Carolina do enact :

Code, section 1229, amended.
Judge empowered to continue term of court expiring during progress of trial of any action, civil or criminal. Proviso.

SECTION 1. That section one thousand two hundred and twenty-nine (1229) of The Code be and the same is hereby amended by adding to end of said section the following : " And he may in his discretion exercise the same power in the trial of any other cause under the same circumstances" : *Provided*, this shall not apply to any civil action begun after Thursday of the last week.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 2d day of March, A. D. 1893.

CHAPTER 227.

An act to authorize the boards of commissioners for the counties of Mecklenburg and Gaston to establish a public bridge over the Catawba river at Rozzell's ferry.

The General Assembly of North Carolina do enact :

Commissioners of Mecklenburg and Gaston counties authorized to erect public bridge across Catawba river.

SECTION 1. That the boards of commissioners for the counties of Mecklenburg and Gaston be and they are hereby authorized and empowered to establish and cause to be erected a public bridge across the Catawba river at or near the place known as " Rozzell's ferry," in the counties aforesaid, for the purpose of connecting the public road in the county of Mecklenburg leading to said ferry on the east

side of said river with the public road in the county of Gaston leading to said ferry on the west side of the same, and to that end said commissioners are hereby fully authorized and empowered to condemn and appropriate to public use a right-of-way not more than one hundred feet wide across said river at the place where the Charlotte and Lincolnton plank-road bridge was *formerly* located, including the stone piers or pillars formerly used for a support or foundation for said plank-road bridge, as well as right-of-way of like width on either side of said river from said bridge to the respective public roads aforesaid as now located.

Location of
bridge.

Condemnation of
right-of-way.

SEC. 2. That in case said commissioners shall determine to establish and build said public bridge according to the provisions of this act, they shall cause the right-of-way for the same, including the approaches thereto, to be surveyed by some competent surveyor or civil engineer, who shall prepare plats of said survey, showing the location for said bridge and its approaches, the width thereof, as well as all lands necessary to be used or occupied for or by said bridge and the approaches aforesaid, and when said plats have been filed with the respective boards of commissioners as aforesaid they shall each cause their respective chairman to issue a writ to the sheriff of his county, commanding said sheriff to summon three freeholders from the body of his county to appear on a day to be named in said writ at the place designated for the location of said bridge to view the right-of-way as laid off by said survey; and when the freeholders from each of said counties shall have so appeared and assembled they shall together constitute the jury to assess the damages, if any, sustained by the owner or owners of the land over which said right-of-way shall have been surveyed as aforesaid; and after having been duly sworn to do equal justice between the parties said jury shall proceed to ascertain and assess the damages, if any, sustained by the owner or owners of the land condemned for said right-of-way, including the stone piers or pillars as aforesaid; and after so ascertaining and assessing said damages said jury shall make due report of their said proceedings, under their hands and seals, within ten days thereafter to the respective boards of commissioners as aforesaid, which said reports, with the plats aforesaid, shall be filed; and the chairman of each of said boards of commissioners shall cause notice to issue to the owner or owners of the lands and property condemned as aforesaid, situate in his county, to appear before said board within thirty days from the service of said notice and except or agree to said report. He shall file his said exceptions in writing, setting forth the grounds thereof, whereupon the said board of commissioners shall immediately transfer the report of the jury, the exceptions and all papers connected therewith to the superior court, where the issue of damages shall be tried in term time by a jury, and the court shall give judgment

Survey of right-
of-way, &c.

Assessment of
damages.

Report to be
made to commis-
sioners.

Notice to land-
owners.

If exceptions to
reports filed, pro-
ceeding to be
transferred to
superior court.

Appeal to supreme court.

Costs and expenses, how paid.

Damages, how paid.

Construction of act as to ownership of right-of-way, &c.

thereon, from which either party may appeal to the supreme court in the manner now provided by law.

SEC. 3. That each of the counties of Mecklenburg and Gaston shall pay the costs and expenses of building said bridge in such manner and proportion as they shall mutually agree between them, as well as any damages that may be assessed according to the provisions of section two of this act; and the commissioners of said counties are hereby authorized to apply any funds in the treasury of their respective counties, not otherwise appropriated, for that purpose.

SEC. 4. Nothing herein contained shall be construed so as to admit the ownership in said right-of-way to be vested in any person or persons other than the counties aforesaid, or to prevent the county authorities from establishing a public bridge at the place hereinbefore described according to the provisions of existing laws, in case they shall so elect.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 2d day of March, A. D. 1893.

CHAPTER 228.

An act to provide rooms for the railroad commission.

The General Assembly of North Carolina do enact :

Certain rooms set apart for exclusive use of railroad commission. Proviso.

SECTION 1. That the three rooms now occupied by the Railroad Commission, together with the room in the rear of the large room now occupied by the said commission, be and the same are hereby set apart for the exclusive use of said railroad commission: *Provided*, that in the event the commission shall hereafter be provided with other and better apartments, or from any cause shall cease to occupy the rooms above described, the said rooms shall revert to the control and management of the State Board of Agriculture.

Conflicting laws repealed.

SEC. 2. That any laws or parts of laws conflicting with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 2d day of March, A. D. 1893.

CHAPTER 229.

An act to prevent the sale of wine, hard cider, or other intoxicating drinks within two miles of Trinity M. E. Church, in Falling Creek township, Lenoir county.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person or persons to sell or otherwise dispose of wine, hard cider or other intoxicating drinks in less quantities than five gallons within two miles of Trinity Methodist Church in Falling Creek township, Lenoir county, North Carolina.

Unlawful to sell wine, &c., in quantities less than five gallons within two miles of Trinity Methodist church, Lenoir county.

SEC. 2. That any person violating the provisions of this act shall, on conviction thereof, be deemed guilty of a misdemeanor and shall be fined not less than five nor more than ten dollars or imprisoned not less than five nor more than twenty days.

Misdemeanor.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 2d day of March, A. D. 1893.

CHAPTER 230.

An act to amend chapter ninety-seven of the laws of eighteen hundred and eighty-seven.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter ninety-seven of the laws of eighteen hundred and eighty-seven be amended by adding after the word "the" in line one, section two, and before the word "of" in same line and section the word "counties," and add after the word "Columbus" in section two the words "Bertie" and "Hertford."

Chapter 97, laws 1887, amended. When townships in Bertie and Hertford counties subscribe to railroads, moneys raised by taxation of railroads in such townships applied to subscriptions.

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

Ratified the 2d day of March, A. D. 1893.

CHAPTER 231.

An act to authorize the commissioners of Pender county to compromise and fund the debt of said county.

The General Assembly of North Carolina do enact :

SECTION 1. That the board of commissioners of Pender county are hereby authorized to compromise, adjust and settle the outstanding indebtedness known as the "old debt" of said county on such terms as may be agreed upon between them and the creditors and holders of such old claims.

Commissioners of Pender county authorized to compromise, &c., outstanding county indebtedness.

Authorized to sell such part of land purchased with "poor-house fund" as may not be necessary for poor-house purposes.
 Authorized to sell other lands.
 Proceeds of sale and certain taxes applicable to payment of compromise debts.

Special fund.

SEC. 2. That in order to provide a fund with which to pay off such debts as they may be able under the provisions of this act to compromise, adjust and settle, they are hereby authorized to sell so much of the land purchased by the county with the special poor-house fund as may not in their judgment be necessary for poor-house purposes, and also such other lands owned by the county as are not necessary for public or county purposes, and the proceeds of the sale of said lands, together with all such moneys as may be derived from the collection of back taxes, excepting therefrom five hundred dollars which may be used by them to carry into effect the provisions of chapter three hundred and forty-five of the laws of eighteen hundred and ninety-one, due the county for years prior to the passage of this act; and all such moneys, taxes and revenues above the expenses incident to the same as may hereafter be derived by the county from sources subjects of taxation, and property from which no revenues have heretofore been received by the county, may be appropriated by the said board of commissioners to the payment of the debts adjusted by them; and when the said moneys shall be so appropriated by the said board of commissioners the same shall constitute in their hands a special fund applicable only to the payment of the debts adjusted by them until the said debts shall have been paid and satisfied.

SEC. 3. That this act shall be in force from and after its ratification.
 Ratified the 2d day of March, A. D. 1893.

CHAPTER 232.

An act to regulate trapping and deer hunting in Columbus county.

The General Assembly of North Carolina do enact:

Chapter 345, laws 1889 (amending Code, section 2332, as to close season for deer in Brunswick and Columbus counties) repealed.
 Code, section 2332, amended.
 Unlawful to hunt, &c., deer between Jan. 1st and Sept. 1st.

SECTION 1. That chapter three hundred and forty-five of the public laws of eighteen hundred and eighty-nine be and the same is hereby repealed.

SEC. 2. That section two thousand eight hundred and thirty-two of The Code be amended by striking out in line three thereof all the words after the word "between" in said line three and down to and including the word "August" in line four of said section, and insert in lieu thereof the words, "the first day of January and the first day of September."

Unlawful to set steel-traps, &c., for wild animals between March 1st and Dec. 1st.

SEC. 3. That it shall be unlawful for any person to set any steel-traps, dead-falls or other kind of traps whatsoever in the open woods or swamps for the purpose of catching wild animals between the first day of March and the first day of December next thereafter ensuing:

Provided, this section shall not apply to persons setting traps to catch birds or other wild fowls. Any person violating the provisions of this section shall be guilty of a misdemeanor and on conviction shall be fined not less than ten nor more than fifty dollars, or be imprisoned not less than five nor more than thirty days.

SEC. 4. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed: *Provided*, this act shall apply to Columbus county only.

Provido.
Misdemeanor.
Conflicting laws repealed.
Act applicable only to Columbus county.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 2d day of March, A. D. 1893.

CHAPTER 233.

An act to allow the commissioners and magistrates of Bladen county to purchase the ferries at White Hall and Elizabethtown in Bladen county.

The General Assembly of North Carolina do enact :

SECTION 1. That the commissioners and magistrates of Bladen county are hereby authorized and empowered to purchase the ferries across the Cape Fear river at White Hall and Elizabethtown in Bladen county, and in case the said commissioners and owners cannot agree as to the price, then and in that event they are authorized and empowered to condemn the same.

Commissioners and magistrates of Bladen county authorized to purchase certain ferries across Cape Fear river. Right of condemnation.

SEC. 2. That in case said ferries are purchased or condemned the commissioners may let the same to the lowest bidder, who shall be required to give such bond as the said commissioners may require for damages, and the keeping of good and sufficient boats and flats for doing the business of said ferries, and the faithful performance of his duties as ferryman.

Commissioners to let ferries to lowest bidder. Bond.

SEC. 3. That said commissioners and magistrates are hereby authorized and empowered to levy a special tax, to be collected as other taxes, for the purpose of purchasing said ferries, or for paying the ferryman for keeping said ferry.

Special tax.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 2d day of March, A. D. 1893.

CHAPTER 234.

An act to amend chapter two hundred and thirty-six, laws of eighteen hundred and ninety-one, in regard to the county line between Ashe and Alleghany.

The General Assembly of North Carolina do enact :

Chapter 236, laws 1891, amended.

Dividing line between Ashe and Alleghany counties.

SECTION 1. That chapter two hundred and thirty-six (236) of the laws of eighteen hundred and ninety-one (1891), amendatory to chapter two hundred and fifty-six of the laws of eighteen hundred and eighty-nine, be amended so as to read as follows : That the dividing line between the counties of Ashe and Alleghany be changed as follows : Beginning in the old county line of Ashe and Alleghany in the gap of Peach Bottom mountain north of A. M. Reeves', running on the east bank of the public road to the forks of Ore Knob and Jefferson road east of and near Isom Coxe's ; then a straight line to the nearest point of Cranberry creek ; then up said creek to the junction of Piny Fork and Meadow Fork creek ; then up Meadow Fork creek to the mouth of a branch south of John Scott's ; then up said branch to the public road ; then running on east bank of said road to the forks of the road at a branch north of Lewis Wyatt's ; then southward to T. F. Rose's and including said Rose in Alleghany county ; then southward to the Wilkes county line on south side of the Blue Ridge so as to include William Rose in Alleghany county.

Line to be eastern boundary of Peak Creek township, Ashe county. Ashe county to pay Alleghany county \$75.

SEC. 2. That said line shall be the eastern boundary of Peak Creek township in Ashe county.

SEC. 3. That the county of Ashe shall pay the county of Alleghany the sum of seventy-five dollars (\$75), being a portion of the money paid by the county of Alleghany to the county of Ashe under the provisions of chapter two hundred and fifty-six (256) of the laws of eighteen hundred and eighty-nine (1889).

When act to take effect.

SEC. 4. That this act shall be in force from and after the payment or arrangement of the above-named amount between the said counties, as specified in section three (3) of this act.

Ratified the 2d day of March, A. D. 1893.

CHAPTER 235.

An act to provide for the support and improvement of the Soldiers' Home.

The General Assembly of North Carolina do enact :

Additional annual appropriation for Soldiers' Home.

SECTION 1. That there is hereby appropriated from the public fund for the support and maintenance of the Soldiers' Home, in addition to the amount heretofore authorized for that purpose, the sum of five thousand dollars, to be paid during the year eighteen hundred

and ninety-three and annually thereafter, and to be paid by the public treasurer, disbursed and accounted for under the provisions of existing laws : *Provided*, that if in any year any part of this appropriation is not actually needed it shall not be drawn from the treasury.

How disbursed,
&c.

SEC. 2. That there is hereby appropriated for the purpose of erecting a hospital and other needed buildings and making necessary improvements on the premises of the Soldiers' Home the sum of three thousand dollars, to be drawn and disbursed as aforesaid, not more than two thousand dollars of which shall be drawn during the year eighteen hundred and ninety-three and the balance, if needed, to be drawn during the year eighteen hundred and ninety-four.

Appropriation for
hospital, &c.

SEC. 3. That this act shall be in force from and after its ratification.
Ratified the 2d day of March, A. D. 1893.

CHAPTER 236.

An act to correct state grant number one hundred and twenty in Swain county.

The General Assembly of North Carolina do enact :

SECTION 1. That land grant number one hundred and twenty in Swain county, formerly in Jackson county, be and the same is hereby corrected so that the calls shall agree with the plat, as follows : Beginning on a spruce pine six hundred and fifty poles north of the mouth of Noland's creek and near said creek, and runs thence south one hundred poles to a stake, thence north eighty degrees east one hundred and forty-five poles to a stake, thence south two hundred and twenty poles to a stake, thence south eighty degrees west three hundred and sixty-eight poles to a stake, thence north three hundred and twenty-two poles to a stake, thence north eighty degrees east two hundred and twenty poles to the beginning.

Land grant No.
120, Swain county,
corrected.

Description of
land.

SEC. 2. That the secretary of state be and he is hereby authorized to correct said grant upon the records in his office, and that the register of deeds of the county of Swain, upon the presentation to him of a duly certified copy of this act, be and he is hereby authorized to correct said grant upon the records of his office and record the same thereon by re-registration thereof in accordance with this act (the said grant having been registered in Jackson county before Swain county was established).

Correction of
records.

SEC. 3. That this act shall be in force from and after its ratification.
Ratified the 2d day of March, A. D. 1893.

CHAPTER 237.

An act to provide the manner of laying out public roads in Alleghany county.

The General Assembly of North Carolina do enact :

Proceeding to establish a public road by petition to county commissioners, &c.

SECTION 1. That when any person or persons wish to have a public road established they shall file a petition in writing with the board of commissioners of the county within which the road is to be located; and after having given twenty days notice to every person over whose land said road shall be located, setting forth the proposed *termini* of said road, and shall designate one person qualified to act as a juror whom they may desire to act as commissioner in locating said road; and [if] after a hearing the board of commissioners shall order the road to be laid out, they shall appoint another commissioner or juror and direct the sheriff of said county to summon a third, and the three so selected shall constitute a jury who shall lay off the proposed road to the greatest advantage to the public or individuals, as the case may be, which laying out and such damages as private persons may sustain shall be done and ascertained by the jury on oath, and all of which shall be reported to the board of commissioners of such county; and if said report is confirmed, the damages assessed shall be paid by the county.

Damages, how paid.

Right of appeal.

SEC. 2. That all persons dissatisfied with any order of the board of commissioners in relation to the laying out of roads may appeal, as provided for like cases in chapter fifty, volume one, of The Code.

Conflicting provisions of chapter 50, Code, repealed. Act applicable only to Alleghany county.

SEC. 3. That chapter fifty of The Code, in so far as it conflicts with the provisions of this act, is hereby repealed.

SEC. 4. That the provisions of this act shall apply only to the county of Alleghany.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 2d day of March, A. D. 1893.

CHAPTER 238.

An act to amend chapter three hundred and twenty-seven, laws of one thousand eight hundred and ninety-one, permitting sale of liquor at Ayden, Pitt county.

The General Assembly of North Carolina do enact :

Chapter 327, laws 1691 (omnibus prohibitory law) not to apply to Ayden in Pitt county.

SECTION 1. That chapter three hundred and twenty-seven of the laws of one thousand eight hundred and ninety-one be amended by adding thereto: *Provided*, this law shall not apply to the town of Ayden, in Pitt county.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 2d day of March, A. D. 1893.

CHAPTER 239.

An act to amend section two thousand eight hundred and thirty-four of
The Code.*The General Assembly of North Carolina do enact :*

SECTION 1. That section two thousand eight hundred and thirty-four of The Code be amended by striking out the words "doves and larks" in line two of said section.

Code, section 2834,
amended.
Lawful to kill
doves and larks
at any time in
Wilson county.

SEC. 2. That this act shall apply only to Wilson county.

SEC. 3. That this act shall be in force from and after its ratification.
Ratified the 2d day of March, A. D. 1893.

CHAPTER 240.

An act concerning the trial of civil actions in Stanly county.

The General Assembly of North Carolina do enact :

SECTION 1. That no civil suit shall be called or tried in the superior court of Stanly county before Wednesday of the first week of each term.

No civil action to
be called for trial
before Wednes-
day of first week
in Stanly superior
court.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 2d day of March, A. D. 1893.

CHAPTER 241.

An act to make New river from Virginia state line above the mouth
of Wilson creek up to the forks of the river a lawful fence.*The General Assembly of North Carolina do enact :*

SECTION 1. That New river shall be a lawful fence from the Virginia state line just above mouth of Wilson creek to the forks of said river just below R. K. Pierce's from and after the ratification of this act.

New river to be a
lawful fence be-
tween certain
points.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 2d day of March, A. D. 1893.

CHAPTER 242.

An act to correct a clerical error in a grant to Elisha Sims for one hundred and fifty-five acres of land in Watauga county, dated the second day of March, eighteen hundred and eighty-two, number two thousand and seventeen.

The General Assembly of North Carolina do enact:

Land grant number 2017, to Elisha Sims, corrected.

SECTION 1. That the word "east" in the eighth call of a grant, number two thousand and seventeen, issued by the state of North Carolina to Elisha Sims on the second day of March, one thousand eight hundred and eighty-two, for one hundred and fifty-five acres of land on the head waters of John's river, in Watauga county, be changed to "west," thereby correcting an error in said grant.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 2d day of March, A. D. 1893.

CHAPTER 243.

An act to amend section eighteen of chapter three hundred and thirty-seven, laws of one thousand eight hundred and ninety-one, including Wake county in the provisions of said chapter relating to the establishment of Children's Home.

The General Assembly of North Carolina do enact:

Chapter 337, laws 1891, (authorizing county commissioners to establish indigent children's home) made applicable to Wake county.

SECTION 1. That chapter three hundred and thirty-seven of the laws of one thousand eight hundred and ninety-one be amended by adding after the word "county" in section eighteen the words "and to Wake county."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 2d day of March, A. D. 1893.

CHAPTER 244.

An act to amend chapter two hundred and fifty-seven of the laws of one thousand eight hundred and ninety-one.

The General Assembly of North Carolina do enact:

Chapter 257, laws 1891, amended. Corporations formed before clerk; shares not to be less than two dollars each.

SECTION 1. That chapter two hundred and fifty-seven of the laws of one thousand eight hundred and ninety-one be amended by striking out the word "five" at the end of section one and inserting the word "two" instead thereof, and by adding to said section the fol-

lowing: "All charters heretofore formed before the clerk of the superior courts of this state, where the shares of the capital stock have been fixed at two dollars per share or over that sum, are hereby declared to be valid to all intents and purposes as if the amount of said shares had been fixed at an amount allowed by law at the time of their formation."

Charters heretofore obtained from clerk with shares at two dollars or more, validated.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 2d day of March, A. D. 1893.

CHAPTER 245.

An act to authorize the commissioners of Rutherford, Henderson and Buncombe to declare the Hickory-nut turnpike road a public road.

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners of the counties of Rutherford, Henderson and Buncombe are hereby empowered and authorized to declare such portions of the Hickory-nut turnpike road as it exists in these counties respectively a public road on expiration of its charter.

Commissioners of Rutherford, Henderson and Buncombe counties authorized to declare Hickory-nut turnpike road a public road, &c.
Road supervisors to take charge of road.

SEC. 2. That the supervisors of the several townships through which said road passes are hereby empowered and required to take charge of such portion of said road as may be found in such townships respectively and have the same worked in accordance with existing road laws.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this act shall be in force from and after the third day of March, eighteen hundred and ninety-three.

When act to take effect.

Ratified the 2d day of March, A. D. 1893.

CHAPTER 246.

An act to amend the laws of eighteen hundred and ninety-one, chapter three hundred and forty.

The General Assembly of North Carolina do enact:

SECTION 1. That the criminal court of Hertford county shall have concurrent jurisdiction with the superior court to hear and determine all criminal matters arising in said county, and the judge of said criminal court shall have the same powers of the several judges of the superior courts of the state to hear and determine all criminal causes arising within said county, and the like powers to issue war-

Jurisdiction of Hertford criminal court.

Powers of judge.

rants or precepts for the arrest of criminals anywhere within the state, administer oaths, issue writs of *habeas corpus* and hear and determine the same in the same manner as the judges of the superior courts.

Judge to be commissioned by governor.

SEC. 2. That the judge of said court, when duly elected as required by law, shall be commissioned by the governor in like manner as the judges of the superior courts, upon such election being certified to him by the chairman of the board of county commissioners of said county.

Binding over to court of criminals by justices of the peace.

SEC. 3. That the justices of the peace of said county shall not be required to bind over criminals to the superior court when the term of that court next follows the binding over, but they may recognize said criminal to the criminal court for trial.

Persons in jail, when and where tried.

SEC. 4. That any person in the jail of said county awaiting trial on any criminal charge shall be tried in the first court having jurisdiction of the offence that convenes in said county.

Removal of criminal actions to superior court.

SEC. 5. That the judge of said criminal court may order, for good cause shown him, the removal of any criminal action in his court to the superior court of said county for trial.

Conflicting laws repealed.

SEC. 6. That all laws in conflict with this act are hereby repealed.

SEC. 7. That this act to take effect from and after its ratification.

Ratified the 2d day of March, A. D. 1893.

CHAPTER 247.

An act to alter and improve portions of the public road leading from North Wilkesboro to mouth of Wilson, Virginia.

The General Assembly of North Carolina do enact:

Commissioners appointed to examine part of road.

SECTION 1. That in order to improve a section of the public road leading from North Wilkesboro to the mouth of Wilson, undertaken and partly completed under the provisions of chapter four hundred and fifty-five of the laws of one thousand eight hundred and ninety-one, D. M. Hall of the county of Wilkes, S. M. Transol of the county of Ashe and J. H. Doughton of the county of Alleghany are hereby appointed commissioners, whose duty it shall be to review that portion of said public road lying between Cranberry church and the point where the new grade intersects the old grade of said road near Nathan Taylor's on the south side of the Blue Ridge. And it shall be the duty of said commissioners to lay off and designate such changes and improvements between the points aforesaid as they may deem expedient and beneficial to public interests; said road to be laid out

To designate necessary changes, &c.

by way of W. R. Gentry's and the present ford of Meadow Fork creek Route. near Washington Long's.

SEC. 2. That after discharging their duties under this act said commissioners shall make three reports of their work, one to the board of commissioners of each of the said counties, and in said report they shall designate what damage any person through whose land said alterations have been made has sustained, which damage shall be paid by the county in which the land is situated.

Commissioners to make reports to commissioners of Wilkes, Ashe and Alleghany counties.

Damages, how paid.

SEC. 3. That said commissioners, or a majority of them, shall have power to determine what portion of said road upon the Blue Ridge mountain shall be made by the hands living in the counties of Ashe and Alleghany on the north side of said review, and what portion shall be made by the county of Wilkes on the lower end of said review; and in apportioning said work upon the said mountain the commissioners shall consider the benefits to be derived by the people living in the respective counties; and they shall not in apportioning the work upon said mountain be governed by county lines further than they deem just and right.

Commissioners to determine what hands shall work on portion of road on Blue Ridge mountain.

SEC. 4. That the board of commissioners of the respective counties, in order to construct said road, shall have power, and it shall be their duty, to call out the hands subject to road duty in their respective counties living within four miles of said road or any part thereof by a straight line to aid in constructing and making said road according to the alterations of said road commissioners above named: except the hands that are assigned to the Greasy Gap road. And said county commissioners shall appoint overseers over the portion of said road lying and being in their respective counties, or the portion allotted and designated by said road commissioners under the provisions of this act. It shall be the duty of said road commissioners to adopt such portions of the present road between the *termini* hereinbefore mentioned as are practicable, having in view a road of good grade, and the alterations when made shall be equal in width to the present road when first made.

County commissioners empowered to call out hands, &c.

Exception.
Overseers.

What portions of present road to be adopted.

Width of road.

SEC. 5. That said alterations shall be laid off, changed and completed under the provisions of this act within twelve months from the ratification of this act; but no person shall be compelled to work on said road more than ten days, nor at a time that would materially interfere in making the crops.

When alterations to be completed.

Work on road by hands.

SEC. 6. That all hands subject to road duty according to the general road law or the provisions of this act shall be liable to all the penalties and laws now in force for failures to work public roads.

Road hands liable to penalties, &c.

SEC. 7. That when the alterations and changes provided for in this act have been constructed it shall be the duty of the township supervisors of the respective townships to receive the same and make report thereof to the county commissioners of their respective coun-

Township supervisors to receive road when alterations completed.

Maintenance of road.

Work on road by road hands in Ashe and Alleghany counties.

Grade of road in Wilkes county.

Commissioners of Wilkes county empowered to order out hands, &c.

Penalties.

ties, and then said road shall be kept up in the manner now provided by the general road law.

SEC. 8. That in the construction of said road the hands of Ashe and Alleghany counties may be ordered out and compelled to work said road by their respective boards of county commissioners without reference to the county line between the counties; that is to say, the hands in each county may be required to do work upon said road as though no county line existed.

SEC. 9. That it shall be the duty of the board of county commissioners of Wilkes county to have the road from the said point in the mountain near Nathan Taylor's to D. M. Hall's completed upon the grade laid out by N. C. Shepherd and others under the provisions of chapter four hundred and fifty-five of the laws of one thousand eight hundred and ninety-one, and they are hereby given power to order out such a number of hands in their county and for such time as they may deem necessary to complete the said road between the said points; and all persons refusing to obey their orders shall be liable to the penalties for refusing to work roads under the general road law.

SEC. 10. That this act shall be in force from and after its ratification.

Ratified the 3d day of March, A. D. 1893.

CHAPTER 248.

An act to provide for laying out and constructing a public road from Roaring river depot to the Wilkesboro and Trap Hill road between 'Dockery post-office and T. P. Hanks'.

The General Assembly of North Carolina do enact:

Road commissioners. To lay out, &c., road from Roaring river depot to Wilkesboro and Trap Hill road.

SECTION 1. That Hamp Wiles, J. P. Waters and Wesley Joines are hereby appointed commissioners whose duty it shall be to lay out and grade a public road from Roaring river depot in the county of Wilkes running up the east side of said river to the Green Horn road near the fork of said river, then the most practicable route to intersect the Wilkesboro and Trap Hill road between Dockery post-office and T. P. Hanks'.

Commissioners to make report to county commissioners of Wilkes.

SEC. 2. That after discharging their duties under this act said commissioners shall make a report of their work to the board of commissioners of said county, in which report they shall specify what dam-

age any person through whose land said road laid out by them has sustained, which damage shall be paid by the county. Damages, how paid.

SEC. 3. It shall be the duty of the board of commissioners of said county to call out all persons liable to road duty in their county who live on the north side of the Yadkin river living within one and a half miles of said road by a straight line to construct said road, and said county commissioners shall appoint such overseers as they may deem expedient in order to make said road; the road hands shall not be liable to do any work in blasting on said road. [By mutual agreement W. H. Rives, J. R. Combs and R. A. Rives agree to furnish all the material and do all the blasting necessary to be done between Roaring river depot and the Green Horn road.] What road hands to be called out by county commissioners.

Overseers.

Agreement as to blasting.

SEC. 4. That said road shall be laid off and made according to the provisions of this act within twelve months from its ratification, and shall be of the usual width of public roads. When road to be completed.

Width.

SEC. 5. That all hands subject to road duty under the provisions of this act shall be liable to all the penalties and general laws now in force for failing to work public roads; after said road is completed under the provisions of this act a report thereof shall be made by the overseers to the board of county commissioners of said county, and their said road shall be kept up as other public roads. Road hands liable to penalties.

Overseers to make report when road completed.

Maintenance of road.

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

Ratified the 3d day of March, A. D. 1893.

CHAPTER 249.

An act to repeal chapter two hundred and ninety of the public laws of North Carolina of one thousand eight hundred and ninety-one, relating to the redemption of unused railroad tickets.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and ninety of the public laws of North Carolina of one thousand eight hundred and ninety-one be and the same is hereby repealed. Chapter 290, laws 1891 (requiring railroads to redeem unused tickets, &c.), repealed.

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

Ratified the 3d day of March, A. D. 1893.

CHAPTER 250.

An act to prohibit fishing on Sunday in Dare county.*The General Assembly of North Carolina do enact :*

Unlawful to fish
in Dare county
on Sunday.

SECTION 1. That it shall be unlawful for any person or persons to fish in any of the waters of Dare county with nets or in any other way on Sunday.

Misdemeanor.

SEC. 2. Any person violating the provisions of the preceding section shall be guilty of a misdemeanor and shall be fined twenty-five dollars or imprisoned twenty days.

SEC. 3. That this act shall be in force from and after its ratification.
Ratified the 3d day of March, A. D. 1893.

CHAPTER 251.

An act to allow judgment for damages on injunction bonds.*The General Assembly of North Carolina do enact :*

Code, section 341,
amended.
Judgment dissolv-
ing injunction
to carry
judgment for
damages without
the requirement
of malice or want
of probable cause.

SECTION 1. That section three hundred and forty-one of The Code be amended by adding thereto the following : " Judgment dissolving the injunction shall carry with it judgment for such damages against the plaintiff and his sureties on said undertaking without the requirement of malice or want of probable cause in procuring the injunction."

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 3d day of March, A. D. 1893.

CHAPTER 252.

An act to provide funds for the completion of the Agricultural and Mechanical College, colored.*The General Assembly of North Carolina do enact :*

Appropriation for
completion, &c.,
of N. C. Agricul-
tural and Me-

SECTION 1. That the sum of five thousand dollars per year for the years of eighteen hundred and ninety-three and eighteen hundred and ninety-four is hereby appropriated from funds in the public

treasury of this state not otherwise appropriated for the purpose of completing, erecting and furnishing said building for the use of the North Carolina Agricultural and Mechanical College for the colored race.

chanical College
for colored race.

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

Ratified the 3d day of March, A. D. 1893.

CHAPTER 253.

An act to continue in force, re-enact and amend chapter three hundred and sixty-four of the laws of eighteen hundred and ninety-one.

The General Assembly of North Carolina do enact :

SECTION 1. Amend by adding to section "twelve" after the word "situated" in last line of said section the following: That each of said counties shall pay said road commissioners for all their services in locating and laying out said road in the respective counties where such work is done, and it shall be the duty of the county commissioners of such counties to provide for the payment of the same to each of said road commissioners on demand whenever such report is filed, showing the number of days worked in said county, at the rate of one dollar and fifty cents per day."

Section 12 (?)
Chapter 364, laws
1891 (act to estab-
lish road from
New Wilkesboro
to Tennessee line)
amended.
Compensation of
road commis-
sioners.
When payment
to be made.

SEC. 2. That section four of said chapter be amended by striking out the word "and" in line two of said section and inserting in lieu thereof the word "all."

All hands within
five miles of road
liable to duty,
&c.

SEC. 3. Amend section *five* by striking out all after the word "within" in line *two* of said section down to and including the word "act" in third line of said section and inserting in lieu thereof the words "on or by the first day of March, eighteen hundred and ninety-five," and strike out in fourth line of said section the words "in said time" and add after the word "days" in *fourth* line of said section the words "at a time."

Road to be com-
pleted by March
1, 1895.

SEC. 4. That said chapter three hundred and *sixty-four* of the laws of eighteen hundred and ninety-one, as hereinbefore amended, is hereby re-enacted and continued in force, and the same shall be in full force from and after its ratification.

No person liable
to work on road
more than ten
days at a time.

Chapter 364, laws
1891, re-enacted.

Ratified the 3d day of March, A. D. 1893.

CHAPTER 254.

An act to prohibit the sale of liquors within two miles of Hickory Hill school and meeting-house in Onslow county.

The General Assembly of North Carolina do enact :

Unlawful to sell,
&c., liquors with-
in two miles of
Hickory Hill
school, near
Winona, Onslow
county.
Misdemeanor.

SECTION 1. That it shall be unlawful for any person to sell or dispose of with a view to remuneration any spirituous, vinous or malt liquors within two miles of Hickory Hill school and meeting-house, located near Winona in Onslow county.

SEC. 2. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined or imprisoned at the discretion of the court.

When act to take
effect.

SEC. 3. That this act shall be in force from and after the first day of May.

Ratified the 3d day of March, A. D. 1893.

CHAPTER 255.

An act to prohibit the taking of fish from the waters of Cane creek in Buncombe county.

The General Assembly of North Carolina do enact :

Unlawful to take
fish from Cane
creek, Buncombe
county, except by
hook and line.
Misdemeanor.

SECTION 1. That the taking of fish from the waters of Cane creek in Buncombe county is hereby prohibited, except by hook and line, for the period of ninety-nine years.

SEC. 2. That any violation of this act shall be deemed a misdemeanor, punishable by fine and imprisonment at the discretion of the court.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 3d day of March, A. D. 1893.

CHAPTER 256.

An act to authorize the board of commissioners of Johnston, Wayne and Lenoir counties to have drift trash along the Neuse river cleaned out and burned.

The General Assembly of North Carolina do enact :

Commissioners of
Johnston, Wayne
and Lenoir coun-
ties authorized

SECTION 1. That the boards of commissioners of Johnston, Wayne and Lenoir counties respectively are hereby authorized in their discretion to have all accumulations of drift trash in or near the bed of

Neuse river in said counties cleaned out and burned at the expense of their respective counties.

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

Ratified the 3d day of March, A. D. 1893.

to have drift trash in Neuse river cleaned out and burned.

CHAPTER 257.

An act to pay D. B. Johnson, of Rutherford county, a certain school claim.

The General Assembly of North Carolina do enact:

SECTION 1. That John L. Yelton, E. A. Melton and Joseph Brandle, committee of school district number forty-seven (47) for the white race in Rutherford county, North Carolina, be and are hereby authorized to draw an order on the treasurer of said county in favor of D. B. Johnson for services as teacher in said district in the year one thousand eight hundred and eighty-six (1886).

School committee district forty-seven, Rutherford county, authorized to draw order on county treasurer in favor of D. B. Johnson.

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

Ratified the 3d day of March, A. D. 1893.

CHAPTER 258.

An act in relation to the collection of taxes in the county of Edgecombe.

The General Assembly of North Carolina do enact:

SECTION 1. That the sheriff or tax collector [of the] county of Edgecombe shall have the tax collection books in each township of said county on or before the first day of December in each year for the purpose of collecting taxes, and that he authorize or appoint a person for that purpose: *Provided*, said appointee shall not have charge of more than two townships: *And provided further*, that this act shall not be so construed as to exclude said sheriff or tax collector from the performance of such duties as said appointee or appointees may discharge.

Tax collection books in Edgecombe county to be in each township by December first.

Proviso.

Proviso.

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

Ratified the 3d day of March, A. D. 1893.

CHAPTER 259.

An act to allow the commissioners of Wilkes county to pay for a bridge across the Yadkin river between Wilkesboro and North Wilkesboro, North Carolina. .

The General Assembly of North Carolina do enact :

Commissioners of Wilkes county authorized to pay balance due for bridge across Yadkin river.

SECTION 1. That the commissioners of Wilkes county are hereby authorized to pay out of any funds now in the treasury of Wilkes not otherwise appropriated the sum of money necessary to pay the balance now owing for the county bridge between Wilkesboro and North Wilkesboro.

If sufficient fund not on hand, commissioners authorized to levy special tax.

SEC. 2. That in case there shall not be a sufficient amount of money on hand not needed for other purposes to pay for said bridge, then the county commissioners of Wilkes county are hereby authorized to levy a special tax to pay for said bridge erected between Wilkesboro and North Wilkesboro and now used by the county of Wilkes: *Provided*, that the special tax shall not exceed the sum of eighteen hundred dollars.

Proviso.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 3d day of March, A. D. 1893.

CHAPTER 260.

An act to amend chapter one hundred and thirty-four (134) of the public laws of eighteen hundred and eighty-five, concerning roads and highways.

The General Assembly of North Carolina do enact :

Chapter 134, laws 1885 (Mecklenburg road law) amended. Powers conferred by sections one and four to be exercised in Charlotte township by township trustees. Joint powers given in act to county commissioners and township trustees, to be exercised in Charlotte township by trustees exclusively.

SECTION 1. That an act entitled "an act concerning roads and highways," chapter one hundred and thirty-four (134) of the public laws of eighteen hundred and eighty-five, be amended as follows: That the power and authority given by sections one and four of said act shall, in Charlotte township, be exercised by the board of trustees of the township, and whenever in said act authority or power is given to the board of county commissioners, or to said board and the board of trustees jointly, the same shall belong to and be exercised in Charlotte township by the board of trustees of that township; but this amendment shall not affect the provisions of section seventeen (17) of said act which shall remain in full force, and the taxes levied for road purposes under said section shall be levied and collected as therein

provided and applied as hereinafter directed : *Provided*, that nothing contained in said act or in this, or any other amendment thereto, shall be so construed as to prevent the county commissioners of Mecklenburg county working the convict forces or "chain gang" upon any public road in said township at such times, in such manner, in such way as they may consider most advisable, and defraying the expenses of such convict labor out of any general funds that may come into their hands, or from funds raised according to the provisions of section six (6), chapter three hundred and fifty-five, laws of eighteen hundred and eighty-seven, the right to do which is hereby granted.

Exception.
Levy and collec-
tion of taxes.
Proviso.

SEC. 2. That all money raised or collected by taxation under the provisions of section seventeen (17) of said act in Charlotte township shall be used and applied under the sole direction of the board of trustees of said township in such manner and for such purposes as said board of trustees may deem best for the construction, preservation, improvement and repair of the public roads of said township, and no money raised and collected as aforesaid shall be paid out except upon order, to be signed by the chairman of the said board of trustees for Charlotte township and countersigned by the secretary : *Provided*, that this act shall not affect the right of the county authorities to levy a special tax to defray the expenses of working convicts upon the public roads of said county in the manner provided by chapter three hundred and fifty-five (355) of the public laws of eighteen hundred and eighty-seven, and all acts amending the same, which acts shall be and remain unrestricted by any provision herein contained.

Money raised by
taxation, how
used and applied.

How disbursed.

Proviso.

SEC. 3. That the board of trustees of Charlotte township shall have the power to employ a superintendent or general supervisor of roads in said township and prescribe his duties and fix his compensation ; and they shall also have the power to purchase machinery, material and all other things deemed necessary by them for the proper performance of their duties ; and they may employ laborers and servants to work on the roads of said township ; and they shall have and possess all other power which may enable them to discharge the duties imposed by said act and this amendment : *Provided*, that said superintendent or supervisor shall exercise no control over the convicts or the work done by them on the public roads.

Trustees of Char-
lotte township
authorized to em-
ploy superinten-
dent of roads, pur-
chase machinery,
employ laborers,
&c.

Proviso.

SEC. 4. This act shall apply only to Charlotte township, in Mecklenburg county.

Act applicable
only to Charlotte
township.

SEC. 5. This act shall take effect and be in force from and after its ratification.

Ratified the 3d day of March, A. D. 1893.

CHAPTER 261.

An act for the improvement of the public roads of New Hanover county,
and for other purposes.

The General Assembly of North Carolina do enact :

Department in
New Hanover
county home to
be set apart for
criminals con-
victed of misde-
meanor.

Title.

Warden.
Powers.

Liability for
escapes.

Certain criminals
convicted in
courts of New
Hanover county
to be sentenced to
house of correc-
tion.

County commis-
sioners to have
supervision, &c.

Convicts to be
employed at hard
labor on public
roads of county.

Overseers, guards,
&c.

Expenses, how
paid.

SECTION 1. That a department of the institution known as the county home of New Hanover county shall be from and after the ratification of this act set aside and fitted up for the confinement and maintenance of all criminals and persons adjudged guilty of misdemeanors in the criminal court and the superior court of said county, or in any of the several courts of the justices of the peace of said county; and this department shall be styled the house of correction of New Hanover county.

SEC. 2. That the superintendent of said county home shall be the warden of said department, and shall have all the authority which now is or may hereafter be invested by law in the sheriff of said county for the confinement, maintenance and protection of such persons as may be legally sent to said department, and shall be liable to the same penalties for the escape of any of the prisoners so sent as the said sheriff now is for escapes from his custody.

SEC. 3. That the judges of the criminal court and of the superior court of said county be empowered and are hereby required to sentence to said department all convicts in said courts, except such as shall be convicted of murder, manslaughter, rape, attempt to commit rape or arson, and except such other convicts as the said judges may in their discretion deem advisable to send to the state penitentiary as now provided by law.

SEC. 4. That the board of commissioners of said county shall have supervision of said department, and it shall be their duty to supervise the management and control thereof under such rules and regulations as they may from time to time make and adopt.

SEC. 5. That the said board of commissioners shall be authorized and empowered and are hereby required to direct the said superintendent to employ at hard labor all persons who shall be legally convicted and sentenced to said department upon the public roads of said county, in accordance with the terms of sentences of the said respective persons. And for this purpose the superintendent of the said county home may employ one or more overseers, and may employ all guards that may be necessary, and may purchase all implements, tools, machinery and animals as may be necessary; and for this service rendered by the said superintendent, and for such sums as he may have to expend in performing the same, he shall be allowed and paid an amount of money which may be agreed upon by the board of commissioners and the board of justices of the peace of said county.

SEC. 6. And the chairman of the board of supervisors of public roads of each township in said county shall consult and co-operate with the board of commissioners as to the requirements and work to be done on the said roads; and when the board of commissioners shall direct the warden of the house of correction to work the inmates thereof on the public roads of any particular township, such labor shall be done under the general supervision of the chairman of the board of supervisors of public roads of such township, or under the supervision of such person as such board of supervisors shall elect and appoint for that purpose. And such chairman, or such other person as the said supervisors shall elect and appoint, shall receive for his services such an amount per diem as the board of commissioners of New Hanover county may allow.

Chairman of township road supervisors to co-operate as to work on roads, &c.

Compensation.

SEC. 7. That a competent civil engineer shall be employed, at the discretion of the said board of county commissioners, on such roads as they may deem it necessary, who shall be paid for such work as he may perform.

Employment of civil engineer.

SEC. 8. That by and with the consent of a majority of a quorum of the board of justices of the peace of said county, the said board of commissioners may, in their discretion at any time, discontinue the employment of the said convicts, as hereinbefore provided; and when the said board of commissioners shall determine to so discontinue their employment, they shall officially inform the judge of said criminal and superior courts of their determination; and after the said judges shall be so notified, they shall cease to sentence the prisoners to said department, and shall sentence the same as is now provided by law, except that they may in their discretion sentence such prisoners to said department as shall have been adjudged guilty of misdemeanors.

Commissioners and justices may discontinue employment of convicts, &c.

Judges to be notified.

Sentencing of criminals.

SEC. 9. That the board of commissioners and the board of justices of the peace of said county shall be authorized to levy a tax according to law for the purpose of providing the means of carrying into effect the provisions of this bill, and for no other purpose.

Special tax.

SEC. 10. That the superior courts of Pender and Brunswick counties are authorized, empowered and required to sentence to the house of correction of New Hanover county all convicts in said courts except such as shall be convicted of murder, manslaughter, rape, attempt to commit rape, or arson, and except such other convicts as the said courts in their discretion shall deem it advisable to send to the state penitentiary as now provided by law, and except such as may by the legally constituted authorities of said counties be required to work on the public roads of said counties or other purposes. But it is specially provided that the courts mentioned in this section shall not so sentence the said criminals until and unless the board of commissioners of said county of New Hanover shall make application for such convicts for the purpose of working on the said public roads

Certain convicts in Pender and Brunswick counties to be sentenced to New Hanover house of correction. Exception.

Exception.

Commissioners of New Hanover to make application.

Discontinuance of employment of convicts from Pender and Brunswick counties.

of New Hanover county. And if at any time the said board of commissioners of New Hanover county shall in their discretion deem it to the public benefit of the said county to discontinue the employment of convicts of Brunswick and Pender counties, the said board of commissioners shall notify the said courts of Brunswick and Pender counties of their determination; and after such notification the judges of the courts of Brunswick and Pender shall cease to sentence such prisoners to said house of correction, and shall sentence the same as is now provided by law.

Bond of warden of house of correction.

SEC. 11. That the said board of commissioners of New Hanover county shall exact a bond of the warden of said house of correction in a sum of ten thousand dollars, conditioned for the faithful discharge of the duties imposed upon him by this act; and if the said superintendent or warden shall not comply with the provisions of this section, then, and in that event, the board of commissioners of said county of New Hanover are authorized, empowered and required to employ a warden for the said house of correction, who shall discharge all the duties imposed by this act upon the said superintendent or warden, and under the same penalties, and shall give the bond required by this section for the faithful discharge of the duties imposed upon him.

Failure to give bond.

Employment of another warden.

SEC. 12. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1893.

CHAPTER 262.

An act to re-enact chapter fifty of The Code for Mitchell county relating to public roads.

The General Assembly of North Carolina do enact :

Chapter 511, laws 1889, and chapter 448, laws 1891 (Mitchell county road law), repealed. Chapter 50 Code re-enacted. Act applicable only to Mitchell county. When act to take effect.

SECTION 1. That chapter five hundred and eleven, laws of eighteen hundred and eighty-nine, and chapter four hundred and forty-eight, laws of eighteen hundred and ninety-one, be and the same are hereby repealed, and chapter fifty of The Code entitled "roads, ferries and bridges," is hereby re-enacted: *Provided*, this act shall apply only to Mitchell county.

SEC. 2. That this act shall be in force from and after July the first, eighteen hundred and ninety-three.

Ratified the 3d day of March, A. D. 1893.

CHAPTER 263.

An act to require the officers and managers of all state penal and charitable institutions to report annually the names of officers and employees, with amounts paid each.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be the duty of the president, manager or superintendent of all the state penal and charitable institutions to embody in their annual reports the names of all officers and employees of the respective institutions, and they will report amounts paid each of said officers and employees.

Reports of president, &c., of state institutions to state names and salaries of officers and employees.

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

Ratified the 3d day of March, A. D. 1893.

CHAPTER 264.

An act to prevent the netting or seining for fish in the waters of Jonathan creek or its tributaries, in Haywood county.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person or persons to take, catch or capture with nets or seines any fish in the waters of Jonathan creek or its tributaries, in the county of Haywood.

Unlawful to fish with nets, &c., in Jonathan creek, &c., Haywood county.

SEC. 2. That any person or persons violating the provisions of this act shall be guilty of a misdemeanor and fined not exceeding fifty dollars nor imprisoned more than thirty days.

Misdemeanor.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 3d day of March, A. D. 1893.

CHAPTER 265.

An act to create a new township in Wilkes county.

The General Assembly of North Carolina do enact :

SECTION 1. That a new township be and the same is hereby created in Wilkes county, to be taken from Moravian Falls, Beaver Creek, Lewis Fork and Reddie's River townships.

New township created in Wilkes county.

Boundaries.

SEC. 2. That the boundaries of said new township shall be as follows: Beginning at the Marley ford on the north bank of the Yadkin river in Lewis Fork township, running north to the fork of Lewis Fork creek, in Lewis Fork township; thence east with the Tar Kiln road to the Tar Kiln in Reddie's River township; thence south with the leading ridge to the mouth of the branch of the Yadkin river at the lower end of J. L. Church's field, Reddie's River township; thence south crossing the Yadkin river to the lower end of B. F. Williams' field in Moravian Falls township; thence running south with the top of the ridge to the top of Berry's mountain at old Mount Carmel church in Moravian Falls township; thence west with the top of the mountain to the top of Gill's mountain in Moravian Falls township; thence west to the top of the John Miller hill in Beaver creek township; thence west to the top of Morris's knob in Beaver Creek township; thence north with the top of the mountain to the Marley ford or beginning.

Named Goshen township.

SEC. 3. That the territory within the said boundary lines of section second of this act shall be called Goshen township, Wilkes county.

Voting precinct.

SEC. 4. That the voting precinct of said township shall be at Goshen.

Justices of the peace.

SEC. 5. That C. M. Carlton, J. C. Triplett, W. L. Forester, W. B. Reves and W. T. Minton be and they are hereby appointed justices of the peace for said township of Goshen.

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

Ratified the 3d day of March, A. D. 1893.

CHAPTER 266.

An act to amend section one of chapter three hundred and ninety-four, laws of eighteen hundred and ninety-one, entitled "An act to protect wild fowl in the waters of Core sound, Carteret county."

The General Assembly of North Carolina do enact :

Chapter 394, laws 1891, amended. Unlawful to shoot wild fowl from battery, &c., in Carteret county. Unlawful to shoot rifle across Core sound between certain dates. Conflicting laws repealed.

SECTION 1. That section one of chapter three hundred and ninety-four, laws of eighteen hundred and ninety-one, be amended by striking out all the words after "waters of" in line four and inserting the words "Carteret county, and it shall be unlawful for any person to shoot a rifle across the waters of Core sound between the first day of November and the thirty-first day of March of each year."

SEC. 2. All laws and sections of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 3d day of March, A. D. 1893.

CHAPTER 267.

An act regarding agricultural statistics.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter five hundred and eighty-six (586), public laws of one thousand eight hundred and ninety-one, be and the same are [is] hereby repealed.

Chapter 586, laws 1891 (requiring tax listers to fill blanks relating to agricultural statistics, &c.), repealed.

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

Ratified the 3d day of March, A. D. 1893.

CHAPTER 268.

An act to amend chapter two hundred and seventy-seven, act of eighteen hundred and eighty-seven, concerning fish in Currituck sound.

The General Assembly of North Carolina do enact:

SECTION 1. Amend section one by striking out in line four after the word "for" and before the word "foreign" the words "home or," and at the end of section one add "this act shall not apply to hand seines fished from the shore: *Provided*, that no fisherman shall sell or give to any person more than ten pounds at one time."

Chapter 277, laws 1887, amended. Unlawful to take fish with nets, &c., in Currituck sound, &c., for foreign markets between March 31 and October 15, except mullets, herring and shad. Act not applicable to hand seines from shore. Limitation of sales, &c.

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

Ratified the 3d day of March, A. D. 1893.

CHAPTER 269.

An act in regard to the probate of wills when attesting witnesses cannot be found within the state.

The General Assembly of North Carolina do enact:

SECTION 1. That section twenty-one hundred and forty-eight (2148) of The Code be and the same is hereby amended by inserting after the word "state" and before the word "or" in the sixth line of said section the words "or cannot after due diligence be found within the state."

Code, section 2148, amended. On probate of wills, when one or more of the witnesses, after due diligence, cannot be found within the state, proof may be taken of the handwriting, &c.

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

Ratified the 3d day of March, A. D. 1893.

CHAPTER 270.

An act to repeal chapter seventy, laws of one thousand eight hundred and ninety-one.

The General Assembly of North Carolina do enact :

Chapter 70, laws 1891 (repealing chapter 132, laws 1885), repealed. Entries made in accordance with Code as amended, validated. Entries made in accordance with Code, section 2765, as amended by chapter 132, laws 1885, validated.

Secretary of state to issue grants. Act applicable only to Lincoln county.

SECTION 1. That chapter seventy (70), laws of one thousand eight hundred and ninety-one (1891), be and the same is hereby repealed.

SEC. 2. That all entries made in accordance with The Code as amended by subsequent acts of general assembly of North Carolina be and the same are in all respects validated and made effectual.

SEC. 3. That any and all entries of vacant land made in accordance with section two thousand seven hundred and sixty-five of The Code, as amended by chapter one hundred and thirty-two (132), laws of one thousand eight hundred and eighty-five (1885), be and the same are in all respects validated, and the secretary of state is authorized to issue grants on the same: *Provided*, this act shall apply only to Lincoln county.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1893.

CHAPTER 271.

An act for the relief of Milton Mc Niel, clerk of the superior court of Wilkes county.

The General Assembly of North Carolina do enact :

Code, sections 114 and 115 (requiring superior court clerks to keep offices open Mondays &c.), not to apply to M. Mc Niel, clerk of Wilkes county, as to certain Mondays in 1893 and 1894. Proviso.

SECTION 1. That the provisions of sections one hundred and fourteen and one hundred and fifteen of The Code shall not apply to Milton Mc Niel, clerk of the superior court of Wilkes county, on the second and third Mondays in July and August in the year one thousand eight hundred and ninety-three and one thousand eight [hundred] and ninety-four: *Provided, however*, that said Milton Mc Niel, when absent from his said office at the times above mentioned, leave a competent and legal deputy at his office for the transaction of business.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1893.

CHAPTER 272.

An act to amend section six, chapter one hundred and nineteen, of the laws of eighteen hundred and eighty-seven.

The General Assembly of North Carolina do enact :

SECTION 1. That section six, chapter one hundred and nineteen, of the laws of eighteen hundred and eighty-seven, be amended by striking out in line thirty-seven all after the word "marriage" in said section and insert in lieu therefor the following: "That all that territory within the provisions of this act and lying more than two miles from the main land or any island shall not be subject to entry by any person."

Chapter 119, laws 1887, amended. Territory within provisions of "act to promote the cultivation of shell-fish," and more than two miles from main land or island, not subject to entry.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1893.

CHAPTER 273.

An act supplemental to an act to amend an act in relation to fence tax in Robeson county, ratified February tenth, eighteen hundred and ninety-three.

The General Assembly of North Carolina do enact :

SECTION 1. That section one of chapter four hundred and eleven of the laws of eighteen hundred and ninety-one be amended by striking out the word "majority" in line five and insert "five." Strike out the word "one" after the word "ninety" in line thirteen and insert "two" and "hereafter."

Chapter 411, laws 1891, amended. Levy of special tax for stock law fence in Robeson county to be made on petition of five land-owners in stock law territory, &c.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1893.

CHAPTER 274.

An [act] to prevent violations of the insurance law and protect the finance of the state.

The General Assembly of North Carolina do enact :

SECTION 1. That section three thousand and seventy-eight of chapter twenty-nine of The Code be and the same is hereby amended by adding after the word "agent" in first line in said section "or pretending to be such."

Code, section 3078, amended. Person pretending to be agent, &c., of insurance

company soliciting, &c., risks, &c., liable to penalty. Agent, or pretended agent, &c., of insurance company, soliciting, &c., risks, &c., without complying with Code, chapter 29, vol. 2, guilty of misdemeanor. Conflicting laws repealed.

SEC. 2. Strike out all of said section after the word "permits" in seventh line thereof and insert in lieu thereof the words "shall be deemed guilty of a misdemeanor, and on conviction shall pay a fine of two hundred dollars or be imprisoned ninety days, or both, at the discretion of the court."

SEC. 3. That all laws or parts of laws in conflict with this act are hereby repealed.

SEC. 4. That this act shall take effect from its ratification.

Ratified the 3d day of March, A. D. 1893.

CHAPTER 275.

An act to authorize the various stock law commissioners in Wilkes county to sell stock law fences, etc.

The General Assembly of North Carolina do enact:

Stock law commissioners in Wilkes county authorized to sell fences, &c., which have become useless, &c. Application of money.

SECTION 1. That the various stock law commissioners of Wilkes county in their respective districts are hereby authorized to sell any stock law fences or gates that enclose their districts where the said fences or gates have become useless or unnecessary by reason of the district being enlarged, and apply the money realized from such sales to pay the arrears of stock law taxes in their respective districts, and the surplus money, if any, to be placed to the use of the public free schools in their respective stock law districts.

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

Ratified the 3d day of March, A. D. 1893.

CHAPTER 276.

An act to correct state grant number eleven hundred.

The General Assembly of North Carolina do enact:

Grant No. 1190, issued to Carolina Trammell, corrected.

Boundaries.

SECTION 1. That state grant number eleven hundred, issued to Carolina Trammell for one hundred acres of land in Macon county, dated tenth day of December, eighteen hundred and fifty-two, be corrected so as to contain the following calls, to-wit: Beginning at a white-oak corner of the Barnes entry on the Briartown creek and runs north thirty-five degrees east one hundred poles to a stake; then north

thirty-five degrees west one hundred poles to a stake; then south thirty-five degrees west one hundred poles to a stake; then south thirty-five degrees east one hundred poles to the beginning.

SEC. 2. That the secretary of state be and he is hereby authorized to correct said grant upon the records of his office so as to conform with the calls in section one of this act, and the register of deeds in Macon county is hereby authorized to make corrections as herein provided in the calls of the aforesaid grant on his records when the same is registered, upon presentation to him of a certified copy of this act.

Secretary of state
and register of
Macon county to
correct records.

SEC. 3. That this act shall be in force from and after its ratification.
Ratified the 3d day of March, A. D. 1893.

CHAPTER 277.

An act to amend chapter two hundred and seventeen, laws of eighteen hundred and ninety-one, in regard to stock law in Pamlico county.

The General Assembly of North Carolina do enact:

SECTION 1. That all after the word "of" in line four, section one, chapter two hundred and seventeen, laws of eighteen hundred and ninety-one, be stricken out and the following words inserted in lieu thereof, to-wit: "Charles S. Weskett a distance of about three miles be and is hereby declared a lawful fence so as to make the glade and briery grounds from M. Hahn's line to C. S. Weskett's line a lawful fence."

Chapter 217, laws
1891, amended.
A certain glade in
Pamlico county
declared a lawful
fence.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 3d day of March, A. D. 1893.

CHAPTER 278.

An act to prevent fast driving over the public bridge across the Yadkin river at Wilkesboro, Wilkes county.

The General Assembly of North Carolina do enact:

SECTION 1. That any person or persons who shall ride or drive any horse, horses, mule or mules or other animal out of a walk over the public bridge across the Yadkin river at Wilkesboro that connects Wilkesboro with North Wilkesboro shall be guilty of a misdemeanor,

Fast riding, &c.,
over public bridge
at Wilkesboro
across Yadkin
river a misde-
meanor.

Proviso.

and on conviction thereof shall be fined not less than five dollars nor more than twenty-five dollars, or imprisoned not more than thirty days: *Provided*, that it shall be the duty of the county commissioners to keep posted at each entrance of said bridge a notice containing the substance of this statute.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1893.

CHAPTER 279.

An act to provide [for] constructing and keeping in repair the public roads in Mitchell county.

The General Assembly of North Carolina do enact :

Public roads in Mitchell county; how constructed and maintained.

SECTION 1. That from and after the passage of this act the public roads in the county of Mitchell shall be constructed and kept in repair, partly by labor and partly by taxation, in the manner hereinafter provided.

Who liable to duty as road hands.

SEC. 2. That all able-bodied male persons between the ages of twenty-one and forty-five years, except the members of the board of supervisors of public roads and such persons as may be exempted by the general assembly or by the board of supervisors of the township on account of personal infirmity, of which the said board shall be the sole judge, shall be required to work on the public roads not more than six nor less than four days in each year under such rules and regulations as are hereinafter prescribed.

Time of service.

Township superintendents.

SEC. 3. That the board of county commissioners shall elect in each township a competent superintendent of public roads, who shall hold his office for two years or until his successor is elected and qualified, who shall execute a bond, with good and sufficient sureties, in a sum not less than five hundred dollars, justified in the manner required by law for the justification of official bonds, conditioned for the faithful discharge of the duties enjoined upon him by the provisions of this act and also for the faithful accounting for all moneys which may come into his hands by reason of his said office as superintendent of public roads, and shall also take and subscribe an oath that he will honestly and faithfully discharge all the duties imposed upon him by the provisions of this act as superintendent of public roads in his township; said superintendent of public roads to receive such compensation for his services as may be prescribed by the board of county commissioners to be paid out of the fund for public roads or road fund.

Term of office.

Bond.

Oath.

Compensation.

SEC. 4. That it shall be the duty of the superintendent provided for in this act, as soon as may be, to cause to be enrolled or entered in a book kept for this purpose the names of all able-bodied male persons liable to work on the public roads in his township in alphabetical order, giving the age of such person, which list shall from time to time be revised so as to contain only the names of such persons as are liable to work on the public roads.

Duty of superintendents to make roll of road hands.

SEC. 5. That it shall be the duty of each superintendent of public roads in the several townships to call on all persons liable to work on the roads to perform at least four days labor in each year by giving them a summons at least two days before the day named for work, and shall state the hour and place named for meeting of the hands and the kind of implement the hand shall bring with him. Every person liable to work on the road who has been summoned shall appear at the time and place named and with the implement directed, and shall work on the road under the direction of the superintendent or under such foreman as he may direct until discharged by him: *Provided*, that no less than eight hours shall be taken for one day, and no hand shall be required to work for a longer time than ten hours in any one day: *Provided further*, that any person summoned to work as aforesaid who shall by twelve o'clock of the day preceding pay to the superintendent the sum of seventy-five cents shall be relieved from work on the road for one day or shall furnish one able-bodied substitute with the implement directed, shall be relieved in like manner. The superintendent shall give his receipt for all moneys received by him in lieu of labor, and shall also enter the same in a book to be kept for this purpose, and shall make monthly itemized statements of all moneys so received, giving the names of the persons from whom received, dates and amounts from each person. Moneys thus realized, together with all other moneys which may come into his hands, shall be expended for work on the public roads for day labor or labor performed by the day.

Duty of superintendents to summon road hands for labor, &c.

What summons to state. Duty of person summoned to appear, &c.

Proviso.

Proviso.

Superintendent to give receipt for moneys paid in lieu of labor, and keep record, &c.

Moneys, how expended.

SEC. 6. Every superintendent of public roads shall at each quarterly meeting of the board of supervisors of his township, or oftener if required by said board, make report to them of the present condition of the roads in his township, of the number of days worked in his township since last meeting, of the number of hands who attended and worked each day, and shall enter on his book, opposite each name, the number of days or fractions of days worked by each hand in each year, of the number and names of hands who failed to attend and work, whether or not they were duly summoned and whether or not they paid the seventy-five cents per day or furnished a substitute, the said superintendent to make oath or written affidavit that the report is true and correct. Upon this report, sworn to as aforesaid, if it shall appear that any of the hands, after being legally summoned, have failed to attend and work on said road, or having

Superintendents to make quarterly reports to board of supervisors of condition of roads, &c.

Report to be verified. Supervisors to issue warrants for arrest of hands failing to work, &c.

Proviso.

Superintendents to make quarterly reports to supervisors of receipts and disbursements.

Report to be verified.

Failure to report, &c., a misdemeanor.

False, &c., report, embezzlement of money, &c., a misdemeanor.

Penalty.

Refusal to work on roads a misdemeanor.

County commissioners to provide fund for roads by special tax.

Poll-tax.

When and how levied.
How collected.

How expended.

Proviso.

attended refused to work and did not pay the seventy-five cents per day or furnish an able-bodied substitute, then it shall be the duty of said supervisors or any one of them forthwith to issue his warrant for the arrest of any such hand: *Provided*, nothing herein shall prevent the superintendent from prosecuting at any time after the committing of the offence; and if prosecution has been commenced the report should so state that they may not prefer another prosecution for the same offence.

SEC. 7. Every superintendent of public roads shall at each quarterly meeting of the board of supervisors of his township make report of all moneys which may have come into his hands as superintendent of public roads, and also make report of all expenditures made by him for work on the roads in his township, with the amounts paid to each person, the date of payment, and shall also produce receipts as vouchers for all moneys expended. He shall also make affidavit in writing that the report is true and correct which, together with the report, shall be kept on file in the office of the township board of supervisors. If any superintendent of public roads shall fail to make any report required, or fail to discharge any of the duties imposed by this act, he shall be guilty of a misdemeanor, and on conviction shall be fined or imprisoned or both, in the discretion of the court; and if any such superintendent of public roads shall make or cause to be made any false or fraudulent report, or shall fraudulently misappropriate or embezzle any money which may come into his hands by virtue of his office, he shall be guilty of a misdemeanor, and on conviction shall be punished as in cases of embezzlement by other public officers. Section one thousand and fourteen of The Code.

SEC. 8. That any person refusing to work said roads as prescribed in section five (5) of this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

SEC. 9. That the board of county commissioners of Mitchell county shall provide a fund for aiding in constructing and keeping in repair the public roads in said county by levying a special tax which shall not exceed fifteen cents on the hundred dollars valuation upon all property in said county subject to taxation for state and county purposes, and not less than ten cents on the one hundred dollars valuation, and said board of commissioners shall also levy a poll-tax upon all persons not exempt by law from the payment of poll-taxes, not exceeding forty-five cents and not less than thirty cents, which taxes shall be levied annually at the time fixed by law for the levy of other county taxes, and shall be included in a separate column on the tax books and shall be collected by the sheriff as other taxes are collected, and which taxes shall be kept separate and shall constitute when collected the county road fund, to be expended only in the construction and repair of the public roads or bridges in said county: *Provided*,

that any person may pay the road tax herein provided for in labor at seventy-five cents per day, by applying to the superintendent of public roads in the township where the taxpayer resides or marshal of the town where he resides, and a certificate made by the said superintendent or town marshal that the amount has been paid in labor on the public roads in his township or town shall be accepted by the sheriff in discharge of his road tax, and shall constitute a voucher in the hands of the sheriff in his settlement of the road taxes with the county treasurer.

SEC. 10. The road fund realized under the provisions of this act shall be expended in constructing and keeping in repair the public roads in the county, and be expended in each township and incorporated town as near as may be in proportion to the amount paid by each township and incorporated town, due regard first being had to the construction and keeping in repair of the thoroughfares in the county, viz., the main road leading from the top of Iron mountain at the Tennessee state line via Bakersville to Gillespie gap in the Blue Ridge at McDowell county line, and from Elk Park via Bakersville to Peterson's ford on Toe river on the Yancey county line: *Provided*, that the board of commissioners shall have discretionary power to make an appropriation out of the road fund for putting in repairs or constructing a road in any place in any public road requiring more than ordinary expenditure of money or labor by the road hands, and money thus apportioned or appropriated shall be expended and paid out for day labor by and under the supervision of the superintendent of public roads and marshals of the towns in the townships or towns where the same is expended, and may be paid by the county treasurer to the superintendent of public roads in the townships where the same is to be expended, and marshals of incorporated towns upon the application of the township board of supervisors or mayor of any town, which application must be approved and countersigned by the chairman of the board of county commissioners.

Expenditure of road fund.

Repair of roads and construction of new roads.

Application to be approved by county commissioners.

SEC. 11. The board of county commissioners shall have the power to relocate or change any public road or any part thereof when in their judgment such relocation or alteration shall be advantageous to travel, and for this purpose may employ a competent engineer to be paid out of the road fund; and may in their discretion purchase any of the improved road machines and such other tools and implements as may be deemed necessary or useful in construction and keeping in repair the public roads.

Relocation or change of road.

Purchase of road machines, &c.

SEC. 12. The road from top of Iron mountain, at the Tennessee state line via of Bakersville, to the Gillespie gap of Blue Ridge on the McDowell county line and the road from the Tennessee state line via Elk Park, Cranberry and Bakersville to Peterson's ford on Toe river in the Yancey county line (except where the same is causewayed or through deep cuts or deep side cuttings where rocks intervene),

Width of certain roads.

shall be made and kept not less than eighteen (18) feet wide, clear of trees, logs, fences or other obstructions to the passage of ordinary vehicles; and there shall be at least ten feet in width in the centre of the roadway clear of stumps and runners, loose stones or stationary stones of greater height than four inches above the surface level of the road-bed. In deep cuts and deep side cutting, where rock cliffs intervene, the roads aforesaid shall be made and kept at least fourteen feet wide and constructed in the manner provided in this section. There shall also be made and kept open side ditches, culverts, or underdrains constructed in such manner as to prevent the washing out of gutters in the road-bed.

Side ditches, &c.

Alterations, &c., in Bakersville and Cranberry road to be made by engineer, &c.

SEC. 13. The board of county commissioners shall within sixty days after the passage of this act cause to be made by a competent engineer or surveyor such alterations and amendments in the grading and locating of the road between Bakersville and Cranberry so that no portion of the said road shall have a greater rise or fall in ascending or descending any hill or mountain than one foot in fourteen (14); and when so laid out shall cause the same to be made and constructed in the manner provided in this act for constructing and keeping in repair the public roads in the county.

County commissioners and justices to determine width and grade of roads.

SEC. 14. That other public roads in Mitchell county which are now or may be hereafter laid off and established shall be made of such width and upon such grade as the county commissioners and justices of the peace in joint session may prescribe.

Wilful obstruction, &c., of roads a misdemeanor.

SEC. 15. If any person shall wilfully obstruct any public highway by felling timber or otherwise, or shall place or erect any fence, gate, or other obstruction within a less distance than nine feet from the center of the road-bed on the thoroughfares or roads specially named in this act, or in less distance from the center than one-half the distance prescribed for other public roads, shall be guilty of a misdemeanor, and on conviction shall be fined or imprisoned, in the discretion of the court.

"Snaking logs" on road a misdemeanor.

SEC. 16. Any person engaged in hauling or transporting saw-logs or other timbers on any public road who shall transport or cause to be transported by means of chains and "grab-hooks" or other means, and be made to slide on the road-bed by a method known among lumbermen as "snaking logs," shall be guilty of a misdemeanor and on conviction shall be subject to the punishment prescribed in section fifteen of this act, and shall also be liable for any special damage done to the road-bed or culverts not to exceed five dollars, which may be secured by action prosecuted in the name of the superintendent of public roads before any justice of the peace of said county, to the use of the road fund.

Liability for special damage.

Jurisdiction of township supervisors over cartways, &c.

SEC. 17. The township board of supervisors shall have jurisdiction over cartways and may order the laying out or discontinuance of the same, and may also order the laying out or discontinuance of

roads to any church as now prescribed by law. Any person over whose land a cartway, mill road or private way, the right to the use of which any person or persons may have acquired by immemorial use or prescription, may erect gates across the same, and if any person shall leave open, break down or otherwise injure the same he shall forfeit and pay ten dollars to the person erecting such gate, or his assignees, for every such offence, and if the offence be wilfully done shall be guilty of a misdemeanor, and on conviction may be fined or imprisoned, at the discretion of the court.

Gates may be erected by land-owner over whose land right-of-way acquired by prescription, &c.

Penalty for leaving open gates, &c.

Misdemeanor.

SEC. 18. The secretary of state shall furnish the register of deeds of Mitchell county with sixty-five (65) copies of this act on or before the first Monday in June, eighteen hundred and ninety-three.

Secretary of State to furnish copies of act to register of Mitchell county.

SEC. 19. That nothing herein contained shall prevent the commissioners and justices of the peace from adopting chapter fifty of volume one of The Code entitled "Roads, Ferries and Bridges" as the road law for Mitchell county at the June meeting, eighteen hundred and ninety-three.

Commissioners and justices may adopt chapter 50, vol. 1, Code, as road law for Mitchell county.

SEC. 20. This act shall be in force from and after the first day of July, eighteen hundred and ninety-three.

When act to take effect.

Ratified the 3d day of March, A. D. 1893.

CHAPTER 280.

An act to amend an act to provide an alternative method of constructing and keeping in repair the public roads of Buncombe county, passed eighteen hundred and ninety-one.

The General Assembly of North Carolina do enact :

SECTION 1. That section five of an act to provide an alternative method of constructing and keeping in repair the public roads of Buncombe county, chapter one hundred and twenty-five, page one hundred and eight of the laws of eighteen hundred and ninety-one be amended as follows: Strike out in line five the word "five" and insert "ten," so it will read "not less than ten years," and add at the end of said section as follows: "And likewise upon the application of said commissioners to the judge of the superior court for the judicial district in which said county is situated, he shall assign from other counties in the district such convicts as may not be wanted in the counties where they are sentenced, to the commissioners of Buncombe county for said purposes, who shall duly feed, clothe and guard said convicts: *Provided*, that the commissioners of Buncombe county shall

Chapter 125, laws 1891, amended.

Convicts sentenced to State prison for less than ten years, liable to work on roads.

Certain convicts from other counties to be assigned to road work in Buncombe county.

To be fed, &c., by commissioners of Buncombe. Proviso.

Proviso.

not be required to take a greater number of said convicts than they can feed, clothe and guard in a proper and comfortable manner: *Provided further*, that the convicts received from other counties shall be turned over to them when called for."

SEC. 2. This act shall be in full force and effect on and after the date of its ratification.

Ratified the 4th day of March, A. D. 1893.

CHAPTER 281.

An act supplemental to an act entitled an act to divide the crime of murder into two degrees and define the same.

The General Assembly of North Carolina do enact:

Chapter 85, *ante*,
amended,
Murder committed
in attempt to
perpetrate arson,
&c., to be murder
in first degree.

SECTION 1. That an act to divide the crime of murder into two degrees and define the same, passed by the general assembly of eighteen hundred and ninety-three, and ratified February eleventh, eighteen hundred and ninety-three, be amended by striking out the word "perpetuate" in line eight of section one, and insert in lieu thereof the word "perpetrate."

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

Ratified the 4th day of March, A. D. 1893.

CHAPTER 282.

An act to establish a true meridian in the several counties of the state for the correct retracing of surveys.

The General Assembly of North Carolina do enact:

Secretary of State
to have erected in
each county, on
request of com-
missioners, two
meridian monu-
ments.

Description of
monuments.

SECTION 1. That the secretary of the state, within six months after having been requested as provided in section seven of this act, shall cause to be erected in that county the commissioners of which shall make such request, at some suitable and convenient point as near or [as] may be upon grounds having a regular and uniform grade, two monuments in a meridian or true north and south line with each other, of cut stone not less than seven feet long, twelve inches square at the base and four inches at the top, let into the ground three feet,

set firm and plumb, one of the vertical angles of each directed towards one of the vertical angles of the other, at a distance of not less than three hundred and thirty feet; that is to say, five greater chains from center to center, and in the center of the top of each there shall be firmly set and leaded a bolt of brass let into the stone vertically five inches and rising above the stone one inch; such bolt shall not be less than one-half inch square below and shall be buried conical above the surface of the monument.

SEC. 2. Every surveyor operating in any of the counties of this state with magnetic instruments, whether in a public or private capacity, shall between the first and thirty-first days of December in each and every year, carefully test his needle upon said meridian by adjusting his instrument upon one of the corners of said monuments and sighting to the other, noting the variation of the magnetic from the true meridian and the direction thereof; and shall test the chain or other instrument of line or measurements upon the distance from center to center of said monuments on some established subdivision thereof, noting the error of such instruments as compared with the standards of the monuments. Such tests or the corrections, if any, resulting therefrom, shall be returned by the surveyor in writing and under oath to the register of deeds for the county in which such meridian is situate, within ten days from the taking the observation aforesaid, setting forth the name of the surveyor, his residence, the character of the instruments tested, the date of the observation, the variation east or west of the magnetic needle from the true meridian, and the variation of the chain or other instrument of line or measurements from the true standard of the monuments, together with a fee of ten cents for filing and recording the same; and such return shall be filed and recorded by the register of deeds in a book properly ruled and lettered, to be furnished by the board of commissioners of the county to be used for such purpose exclusively and entitled "The Meridian Record."

SEC. 3. It shall be the duty of the board of county commissioners to maintain such meridian monuments in good order and condition, and no survey made more than six months after the passage of this act in any county adopting the provisions of this act shall be legal or binding upon any party in interest, unless it shall appear upon the meridian record of the county in which such survey is made that such observations have been taken and recorded within the current year.

SEC. 4. Any person or persons who shall in any manner injure, deface, remove or destroy such monuments or any part thereof, or who shall fail, neglect or refuse to do and perform any act, matter or thing by this act required of him or them to be done shall be guilty of a misdemeanor, and upon conviction thereof shall pay a fine for

Surveyors to test needles in December of each year, &c.

To test chains, &c.

Surveyor to return tests, &c., under oath to register.

What return to set forth.

Register's fee.

Register to record return.

Commissioners to keep monuments in good order.

Surveys made more than six months after this act in counties adopting act; when legal.

Misdemeanor to injure, &c., monuments.

every such offence of not less than fifty dollars or imprisoned not more than five days.

Commissioners to purchase surveyor's instrument and chain for county surveyor.
Bond of surveyor.

SEC. 5. The county commissioners of the several counties in this state shall be required to purchase a surveyor's instrument and chain, which shall be delivered to the county surveyor upon his qualification to office, and surveyor's bond shall be conditioned for the safe keeping of the said surveyor's instrument and chain and its delivery to his successor.

Expenses, how paid.

SEC. 6. The expense incurred by any county under this act shall be paid by the board of commissioners of said county out of the county treasury.

When Secretary of State to carry out provisions of act.

SEC. 7. That the secretary of state shall not carry out the provisions of this act in any county until he is requested so to do by the board of commissioners of such county.

SEC. 8. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

CHAPTER 283.

An act to provide for the government of the state's prison or penitentiary.

The General Assembly of North Carolina do enact:

Board of directors.

SECTION 1. That there shall be a board of directors of the state's prison or penitentiary, appointed by the governor, with the advice and consent of the senate, composed of five persons, whose terms of office shall be four years from and after the third Wednesday in March, one thousand eight hundred and ninety-three, and every four years thereafter, and whose compensation for services rendered shall be four dollars for each day necessarily spent in discharge of official duty, and five cents per mile for every mile necessarily traveled in going to and returning from the place of their meetings.

Powers of directors.

SEC. 2. That the board of directors shall have general supervision of the state's prison or penitentiary and of the employment of all convicts sentenced to imprisonment therein by the courts of the state.

Superintendent of state's prison.

SEC. 3. That the governor shall, by and with the advice and consent of the senate, appoint a chief executive officer of the state's prison or penitentiary, who shall be known as the "superintendent of the state's prison," whose term of office shall be four years from and after the third Wednesday in March, one thousand eight hundred and ninety-three, and every four years thereafter, and whose compensation shall be a salary of twenty-five hundred dollars per annum. The superintendent shall have charge of the internal police and general manage-

Term of office.

Salary.

ment of the institution, and shall give a bond payable to the state in the sum of thirty thousand dollars, with two or more sufficient sureties, conditioned for the faithful discharge of his duties as prescribed by this act and approved by the auditor of the state.

To have supervision of state's prison.
Bond.

SEC. 4. That it shall be the duty of the superintendent of the state's prison :

Duties of superintendent.

(1). To receive and keep in custody all convicts sentenced to imprisonment in the penitentiary by the courts of this state until discharged according to law.

Custody of convicts.

(2). To employ all convicts in his custody within the penitentiary or on farms leased or owned by the institution and to make contracts on remunerative terms with persons or corporations in order to employ and support as many of the able-bodied convicts on public works as the interests of the state and the constitution will permit.

Employment of convicts.

(3). To purchase at the lowest wholesale prices when practicable all articles necessary to feed, clothe, work and take care of the convicts.

Purchase of supplies.

(4). To sell at the highest market prices all articles manufactured and products produced by the convicts not deemed necessary for their use and comfort for the next ensuing year as and when he may deem best; but any article or products held more than two months for better prices shall be sold when the board of directors shall direct.

Sale of products.

(5). To receive and account for all funds derived from the sale of articles produced or manufactured by the convicts and all earnings from whatsoever source, and to make a deposit of the same as often as practicable, and at least once every month, with the treasurer of the state, who shall keep said funds separate from other public funds and shall disburse the same on account of the state's prison or penitentiary by check or draft upon vouchers consisting of an itemized account of the claim and an order of payment by said superintendent. Duplicates of such vouchers shall be kept and filed in his office by the superintendent, and the originals thereof shall be kept and filed, when paid, in the office of the state treasurer for the inspection and approval of the board of directors.

Receipts and disbursements.

Duty of state treasurer.

(6). To act as custodian of the property belonging to the state's prison or penitentiary, and in the name of the state to take all necessary legal measures to enforce and protect the rights of the state in and to such property, and to that end to commence and prosecute suits for the collection of claims as well as for the recovery of property.

Custodian of property.

(7). To appoint, with the consent or approval of the board of directors, a sufficient number of wardens, physicians, supervisors, overseers, guards and employees for the purpose of employing and managing the convicts, preserving order among them, preventing their escape, and to require all persons so appointed to take the oath prescribed by subsection forty-seven of section three thousand three

Appointment of officers and employees.

hundred and fifteen of The Code, in addition to those to support the constitution of the state and of the United States.

Annual account. (8). To state and render to the board of directors at the end of each fiscal year a general account between the state and the institution for such year, in which the latter shall be charged with the value of all stock, crops, tools, goods, machinery, fixtures and materials on hand at the commencement of the year, all supplies furnished to the convicts and all salaries and wages paid to the officers and guards, together with all contingent expenses of the penitentiary during such year, and in which it shall be credited with all work done by the convicts in making permanent improvements on the state's prison, its farms or other public property, with all earnings from other work of the convicts, with the value of all stock, crops, tools, goods, machinery, fixtures and materials on hand at the end of the year, and with all other credits necessary to show a true balance on the account.

Directors to appoint clerks.
Oath.
Term of office.
Salary.
Duties.

SEC. 5. That the board of directors shall appoint a clerk of the state's prison, who shall take the same oath as other officers of the institution, hold office for one year and receive such salary as may be fixed by the board. He shall keep the journal of the board of directors at every meeting, and daily inspect all books of the institution to see that all entries are correctly made. He shall be an expert accountant and shall keep the books of account of the institution according to an approved system of bookkeeping, so that the financial condition of the institution may be ascertained at each meeting of the board of directors. He shall also prepare such statistical tables and documents as the superintendent may desire to accompany his annual report, and shall perform all other clerical duties required by the superintendent or board of directors. He shall have full power as clerk of the state's prison to administer oaths to officers and guards appointed by the superintendent and to all persons required to take oaths in all meetings of the board of directors.

Empowered to administer oaths.

Meetings of directors.

SEC. 6. That the board of directors may hold regular meetings in Raleigh on the third Wednesday in January, March, July, September and November of each year, and may meet at such other times as the superintendent may request, or a majority of the directors may think necessary; but they shall not at any meeting continue in session more than four days. At their regular meeting they shall receive the bimonthly report of the superintendent, showing, under oath, an itemized account of his receipts from all sources and his disbursements of every kind during the two months preceding, and after examining said account by items and compare the disbursements with the original voucher of payment filed in the office of the state treasurer, they shall, if it appears correct in all particulars, approve the same. They shall also approve or reject the appointment of officers and guards made by the superintendent since the

Bimonthly report of superintendent.

Authorized to approve or reject appointments by superintendent, &c.

last meeting, adjust salaries or wages of all appointees, and hear the reports of all officers as to the manner in which the rules for enforcing discipline have been executed.

SEC. 7. That an investigation may be ordered at any time by the governor or by the board of directors as to a matter concerning the institution or the conduct of persons connected with its management, whereupon the clerk, by order of the board, shall have authority to issue a summons directed to the sheriff of any county in which a material witness may reside commanding him to summon such witness as may be named to appear at a specified time and place to give evidence before the board touching the matter under investigation. Whenever such investigation shall disclose any malfeasance in office or incompetency in the discharge of duties on the part of any officer of the institution the board of directors shall forthwith order his removal from the office.

Investigation of matters concerning institution.

Method of proceeding.

Removal from office for malfeasance, &c.

SEC. 8. That the fiscal year of the institution shall end on the thirty-first day of December of each and every year, whereupon the superintendent shall take and file under oath an inventory of all property of every kind on hand are credited in his general annual account between the state and the penitentiary for such year, and the board of directors shall make an annual report to the governor showing the financial condition of the institution by the inventory and accounts of the superintendent, and also the condition and residence of the convicts. The annual report shall also contain the prices paid for the principal supplies and received for the principal products each month, and also a classification of persons on the pay-roll with the rate of wages paid to each. From the whole number printed for distribution two hundred copies of such annual report shall be preserved for the use of the general assembly.

Fiscal year.

Superintendent to file inventory.

Annual report by directors to governor.

Two hundred copies for general assembly.

SEC. 9. That the condition of the penitentiary, its farms and camps shall be inspected at least semi-annually by two or more members of the board, and the same shall be examined and reported upon biennially by a joint committee of the general assembly, composed of two senators and three representatives, selected by the chairmen of the committees on penal institutions from both branches respectively; and directors shall have for such inspection the same per diem and mileage as in attendance of meetings.

Semi-annual inspection of farms, &c., by directors. Annual examination by committee of general assembly.

Compensation of directors.

SEC. 10. That the superintendent may, with the consent of the governor and by order of the board of directors, erect additional shops within the walls of the prison for employment of convicts confined therein, and may lease and equip farms whenever it may become necessary to keep the able-bodied convicts employed: *Provided*, that only the funds already appropriated for the support and employment of the convicts shall be applied to this purpose.

Erection of additional shops, &c.

Proviso.

SEC. 11. That the offices of architect and warden and of steward are hereby abolished, and the chief warden or supervisor within the walls

Certain offices abolished.

Compensation of chief warden. of the state's prison shall not receive greater compensation than any supervisor of a farm belonging to the penitentiary.

Code, section 3427, and conflicting laws repealed. SEC. 12. That section three thousand four hundred and twenty-seven of The Code, all laws amendatory thereto, and all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

SEC. 13. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 284.

An act to amend chapter three hundred and thirty-eight of the laws of eighteen hundred and ninety-one, entitled "an act to promote and protect the oyster interest of the state."

The General Assembly of North Carolina do enact :

Chapter 338, laws 1891 (to promote the oyster interests, &c.), amended.

Instrument, where use is forbidden, found on boat actually engaged in catching, &c., oysters, *prima facie* evidence. Definition of "public oyster grounds."

Fee of clerk for issuing license to use boat in which to catch oysters, &c.

Fee of clerk of court granting license, twenty-five cents.

Oysters taken from public grounds from Oct. 1 to May 10, to be culled on grounds, &c. Oysters measuring over two

SECTION 1. That chapter three hundred and thirty-eight of the laws of eighteen hundred and ninety-one be amended as follows :

Article one, section one. By inserting the word "actually" after the word "boat" in line sixteen of said section, and add the following provision : "*Provided*, the words 'public oyster grounds' in this section shall be construed to mean all grounds of the state on which oysters may grow which have not been entered in accordance with law, surveyed and for which grants have not been obtained, and on which oysters have not been planted and cultivated." In article one, section four, strike out all after the word "months" in line six, and insert the following : "Every applicant for such license shall pay to the clerk of the court issuing such license, and before the same is granted, a fee of twenty-five cents for issuing said license and taking all affidavits required by this act."

Section five of article one. Strike out all after the word "same" in line six down to the words "a clerk's fee" in line seven. Strike out the word "additional" in line seven and insert "for issuing said license and administering all oaths required by this act." Strike out all after the word "months" in line eleven down to and including the word "act" in line seventeen.

Article two, section one. Strike out the word "first" in line two and insert "tenth." Strike out "more than two inches" in line four and insert "less than two and one-half inches."

Article two, section four. Strike out "one cent" in line one and insert "two cents." Strike out "fifty" in line six and insert "thirty."

Strike out "fifty" in line seven and insert "thirty." In line eight strike out "chief commissioner herein provided for" and insert "state treasurer."

Article two, section five. Strike out "first" in line two and insert "tenth;" in line eighteen strike out "first" and insert "tenth."

Section six. Strike out "first" in line two and insert "tenth."

Article four, section one. Strike out in line six all after the word "three" down to and including the word "hands" in line nineteen and insert "he shall receive as a salary the sum of eight hundred and forty dollars per annum in installments of seventy dollars per month, which shall be paid to him by the state treasurer from any money in his hands belonging to the oyster fund." "Within thirty days after appointment he shall enter into a justified bond, with two good and sufficient sureties, in the sum of one thousand dollars; the bondsmen to justify before a notary public, justice of the peace or clerk of the superior court of the county wherein said commissioner may reside, and the said clerk shall affix his certificate that said bond is good and sufficient and forward the same to the secretary of state. Said bond shall be given for the faithful performance of duty."

Section two. Strike out "chief commissioner" in line eleven and insert "state treasurer."

Section three. Strike out "chief commissioner" in line six and insert "state treasurer."

Section four. Strike out in line one "chief commissioner" and insert the "state treasurer." In line eight strike out "he" and insert the "chief commissioner." In line thirteen strike out "he" and insert the "state treasurer." In line sixteen strike out "he" and insert the "chief commissioner."

Section five. Strike out all this section and insert the following: "All money received by the state treasurer under this act shall be kept separate and apart as the oyster fund, and shall be paid out only upon the warrant of the chief commissioner as provided in this act. He shall annually on the first day of October make to the board of shell-fish commissioners a certified report of all moneys received and paid from the oyster fund, and shall file a copy of the same with the secretary of state. The chief commissioner shall also make to the board of shell-fish commissioners a detailed report of all reports of the inspectors and of the clerks of the different counties, and shall file a copy of the same with the secretary of state, which shall be published and constitute the statistics of the oyster industry."

Section six. Strike out in line seven "seven hundred and twenty" and insert "four hundred and eighty." In line eight strike out "chief commissioner" and insert "state treasurer." In line nine strike out "sixty" and insert "forty."

Section seven. Strike out in line eight "chief commissioner" and insert "the state treasurer."

and a half inches to be returned upon grounds, &c.

Compensation of inspectors. Excess over \$30 per month to be forwarded to State Treasurer. Unlawful to take oysters from public grounds between May 10 and Oct. 1. Marketable oysters properly inspected, may be sold beyond state limits between May 10 and Oct. 1. Misdemeanor to take oysters between May 10 and Oct. 1, except to plant. Salary of chief commissioner. Board of chief commissioner.

Superior court clerks to report licenses, fines, &c., to state treasurer. Clerk to forward fines collected by justices to state treasurer. Respective duties of state treasurer and chief commissioner.

State treasurer to keep oyster fund separate, &c. How disbursed.

To report annually to board of shell-fish commissioners. To file copy with secretary of state. Chief commissioner to report to board of shell-fish commissioners. To file copy with secretary of state. To be published, &c. Salary of associate commissioner. To be paid by state treasurer. Payable \$10 monthly. Expenses of professor of natural history state uni-

versity, *ex officio*
an associate com-
missioner, pay-
able by state
treasurer.

Wages of patrol-
men payable by
state treasurer.
Expenditures of
captain of patrol,
payable by state
treasurer.

Commutation for
ratifications of officers,
&c., of patrol
boat payable by
state treasurer.
To be approved
by chief com-
missioner.

Chief commis-
sioner to draw on
state treasurer
for necessary
funds, &c.
Chapter 349, laws
1891, and conflict-
ing laws repealed.

When act to take
effect.

Article five, section two. Strike out in line eleven "him" and insert "the state treasurer."

Section three. Strike out all after the word "shall" down to and including the word "incurred" in line nineteen, and insert "forward the same to the state treasurer, to be paid by him out of any money in his hands belonging to the oyster fund."

Section four. Strike out in line one "chief commissioner" and insert "state treasurer." In line two, after the word boat, insert "with the approval of the chief commissioner."

Section five. Strike out in line five all after the word "may" down to and including the word "hands" in line six, and insert "draw upon the state treasurer for such amounts of money belonging to the oyster fund as may be necessary to carry out the spirit and intention of this act."

SEC. 2. Chapter three hundred and forty-nine, laws of eighteen hundred and ninety-one, and all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall take effect from and after the first day of October, eighteen hundred and ninety-three.

Ratified the 4th day of March, A. D. 1893.

CHAPTER 286.

An act to protect wild fowl in Currituck county.

The General Assembly of North Carolina do enact :

Decked boats, &c.,
for hunting wild
fowl to be moored
in shoal water
on west side of
Currituck Sound
between certain
points.

Unlawful to shoot
over decoys be-
tween certain
dates.

Unlawful to sell
or ship between
certain dates.

Unlawful to put
out decoys before
sun-up or after
sundown, &c.
Unlawful to put
out decoys on
certain days.

SECTION 1. That all decked boats or float-houses or houses built over the water used to live in for the purpose of hunting wild fowl or fishing in the waters of Currituck Sound shall be moored or anchored in the shoal water on the west side of the sound from the north end of Church's Island to the south end of Powell's Point.

SEC. 2. It shall not be lawful to shoot over decoys of any kind in the waters of said sound between the twentieth day of March and the tenth day of November of each year or to sell or to ship any wild fowl between the said twentieth day of March and tenth day of November of each year.

SEC. 3. No person shall put out decoys in the waters of said sound before sun-up or let them remain after sundown of any day between the tenth day of November and the twentieth day of March each year and on every Wednesday and every Saturday between the tenth day of November and the twentieth day of March of each year, no person shall put out decoys of any kind in the waters of said sound.

SEC. 4. No person between the tenth day of November and the twentieth day of March of each year shall sail or row or propel a boat in any way after wild fowl in the waters of said sound for the purpose of forcing them on the wing or shoot them with rifle or shot-gun while sailing at any time.

Unlawful to sail, &c., boat after wild fowl, &c., between certain dates.

SEC. 5. All battery boats shall, at sundown of days allowed by this act to put out decoys, go to some landing and shall not leave said landing for the purpose of hunting wild fowl until sunrise.

Battery boats to go to landing at sundown of certain days.

SEC. 6. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned or both, in the discretion of the court.

Misdemeanor.

SEC. 7. This act shall be in force from and after the first day of April, A. D. 1893.

When act to take effect.

Ratified the 4th day of March, A. D. 1893.

CHAPTER 287.

An act to amend the law in regard to license and grants for oyster beds.

The General Assembly of North Carolina do enact :

SECTION 1. That a natural oyster or clam bed, as distinguished from an artificial oyster or clam bed, shall be one not planted by man, and is any shoal, reef or bottom where oysters are to be found growing in sufficient quantities to be valuable to the public.

Difference between natural and artificial oyster or clam bed.

SEC. 2. That section three thousand nine hundred and ninety-one of The Code be stricken out and the following inserted in lieu thereof: The clerk of the superior court of the county wherein the proposed oyster or clam bed may be, may in his discretion grant license to make such oyster or clam bed to any inhabitant of this state who shall apply therefor as herein provided; such applicant shall first stake off the proposed oyster or clam bed as provided in section three thousand three hundred and ninety of The Code, and shall publish a notice for thirty days at the court-house door of the county wherein said bed is proposed, designating the location thereof as near as may be and the day when he will apply for the issuing such license. Upon the day named in said notice, upon which application for such license is to be made, any inhabitant of such county shall have the right to appear before said clerk and object to the issuing of such license by filing an affidavit stating that the proposed oyster or clam bed is a natural oyster or clam bed. If the said applicant shall refuse to file an affidavit denying that the proposed oyster or clam bed is a natural

Code, section 3991, (?) amended.

Superior court clerks to grant license to make oyster or clam beds.

Duty of applicant to give notice, &c.

Objection may be made upon affidavit, &c.

If no counter affidavit filed, clerk to refuse license.

If counter affidavit filed, clerk to transmit affidavits to superior court.
Trial of issue.

Applicant to give notice before applying for grant of oyster or clam bed.

Duty of solicitor to bring action to vacate grant covering natural oyster or clam bed.

Proviso.

Proviso.

bed, the said clerk shall refuse to grant such license. If such applicant shall file an affidavit denying that such proposed bed is a natural bed, it shall be the duty of such clerk to transmit said affidavits to the next term of the court of said county, and at said term the issue shall be tried to determine whether the proposed bed is a natural bed; and after such trial the said clerk shall grant or refuse said license in accordance with the judgment rendered upon the determination of such issue.

SEC. 3. That before entry of any oyster or clam bed is made, and before any application for a grant for the same is applied for, the applicant therefor shall publish at the court-house door of the county wherein such bed is located a notice for thirty days.

SEC. 4. That it shall be the duty of the solicitor of the judicial district in which any county is situated wherein there is any license entry or grant for any oyster or clam bed, upon an affidavit being filed with him sworn to and subscribed by five inhabitants of such county stating that such license, entry or grant includes a natural oyster or clam bed, forthwith to institute an action in the superior court of such county in the name of the state of North Carolina upon the relation of such solicitor to vacate and amend such license, entry or grant, and to prosecute the same to judgment.

SEC. 5. *Provided*, that such action to vacate any license, entry or grant heretofore issued shall be instituted within twelve months from the ratification of this act: *And, provided further*, that such action to vacate any license, entry or grant hereafter issued shall be instituted within twelve months from the issuing of such license, entry or grant.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

CHAPTER 288.

An act to amend chapter three hundred and twenty, section twenty-eight, of the act to provide for the general supervision of railroads, steamboat or canal companies, express and telegraph companies doing business in North Carolina.

Preamble.

WHEREAS, The clerical work of the office of the railroad commissioners has greatly increased; the duties of the office of the clerk are intricate; the work is such as to require experience and talent peculiarly suited for the discharge of the many varied and complex duties incident to the office; therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That section twenty-eight, chapter three hundred and twenty, laws of eighteen hundred and ninety-one, be amended by adding at the end of said section after the word "annually" the following: "*And provided further*, whenever by reason of extraordinary efficiency or fitness that may be required to discharge the duties of the office of the clerk properly, efficiently and satisfactorily to the commissioners, and the amount provided for in section two of the act should be inadequate to obtain this service, and not otherwise, the commissioners may allow and pay to the clerk of said commission out of the remainder of said fund an extra allowance not exceeding twenty-five per centum above his regular salary in such manner as in their judgment they may deem expedient."

Chapter 320, laws 1891 amended.

Extra allowance to clerk of railroad commissioners.

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

Ratified the 4th day of March, A. D. 1893.

CHAPTER 289.

An act for the relief of T. H. Galloway, of Transylvania county.

The General Assembly of North Carolina do enact:

SECTION 1. That the provisions of chapter one hundred and fourteen and one hundred and fifteen of The Code shall be suspended for thirty days for the benefit of T. H. Galloway, superior court clerk of Transylvania county, on account of ill health: *Provided*, the said clerk as aforesaid shall furnish an efficient deputy clerk during said thirty days or inability: *Provided further*, that the said suspension shall not operate to relieve any of the obligations or liabilities under said officer's bond as superior court clerk of Transylvania county.

Code, sections 114 and 115 (requiring superior court clerks to keep office open on Mondays) suspended for thirty days as to T. H. Galloway, clerk Transylvania superior court. Proviso. Proviso.

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

Ratified the 4th day of March, A. D. 1893.

CHAPTER 290.

An act to amend chapter four hundred and forty-nine, laws of eighteen hundred and ninety-one, in regard to public weighers in town of Tarboro.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four hundred and forty-nine, laws of eighteen hundred and ninety-one, be amended as follows: After section six of said act insert the following: "That it shall be the duty of said

Chapter 419, laws 1891, amended.

Duty of public weighers in township No. 1, Edgecombe county, and town of Tarboro, to weigh rice, &c.
Compensation.

weighers to weigh all rice in sacks and coal by load on same conditions and under same penalties as are set forth in section six, and receive two cents for each sack of rice and two cents for each load of coal so weighed.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 4th day of March, A. D. 1893.

CHAPTER 291.

An act to establish a free ferry across the North East river.

The General Assembly of North Carolina do enact:

Commissioners of New Hanover and Pender counties authorized and required to establish, &c., free ferry on N. E. branch Cape Fear river.

SECTION 1. That the board of commissioners of the counties of New Hanover and Pender are hereby authorized, empowered, required and instructed to establish and maintain at the joint expense of the counties of New Hanover and Pender a free ferry between said counties at some eligible and convenient point on the North East branch of the Cape Fear river, between where the Wilmington and Weldon railroad crosses said river and the mouth of Turkey creek, or at some suitable place above said bridges.

Location.

Joint meeting of commissioners.

SEC. 2. That the board of commissioners of the said two counties are hereby empowered, ordered and directed to have and hold a joint meeting at Castle Haynes, in the county of New Hanover, on the first Wednesday in June, one thousand eight hundred and ninety-three, for the purpose of carrying out the provisions of this act; and at said meeting shall proceed to have said free ferry established and provide for the cost of the same and the maintenance of the same thereafter.

Duty to establish ferry, &c.

Sessions of joint meeting.

SEC. 3. That the said board shall have power to adjourn from day to day or to such other time as they may deem necessary to carry out the provisions of this act, and shall have the right to employ such agents and employees as may be necessary.

Agents and employers. Authorized to buy existing ferry.

SEC. 4. That in the discretion of the said boards they shall have the right to buy any existing ferry at the cost of the said two counties, and maintain the same as a free ferry, as fully as should the same be laid out and established as a new ferry.

Vested rights of ferry owners.

SEC. 5. That nothing herein shall be construed to deprive M. Sophia Blossom or any other owner of an existing ferry of any vested right now enjoyed by him or her under any law authorizing any such ferry without the consent of said owner.

SEC. 6. That this act shall be in force from and after its ratification.
Ratified the 4th day of March, A. D. 1893.

CHAPTER 292.

An act to authorize the board of commissioners of Cumberland county to issue bonds for the purpose of building a court-house, and for other purposes.

WHEREAS, The commissioners and magistrates of Cumberland county at a joint meeting duly held on the first Monday in February, eighteen hundred and ninety-three, duly resolved that the building of a court-house and vaults for the protection of public records and for the comfort of the courts and general purpose is a necessary expense, and also resolved that all taxes that might be collected from the Wilmington and Weldon Railroad Company should be appropriated to the construction of a new court-house with fire-proof vaults not to exceed twenty thousand dollars (\$20,000); therefore.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Cumberland county, North Carolina, are authorized and empowered to issue bonds in denominations of not less than one hundred dollars and not more than five hundred dollars, to an amount not exceeding *twenty thousand dollars*, bearing six per centum interest, with semi-annual coupons for said interest to be payable on the first days of June and December in each and every year until said bonds mature. The bonds shall be dated June first, eighteen hundred and ninety-three, and mature in twenty years, and shall be signed by the chairman of the board of commissioners and countersigned by the register of deeds as clerk of said board, and he shall keep a record of the number, date and amount of each and when and to whom issued, and before any bond is issued the seal of the county shall be affixed; and when any one of said bonds is paid as hereinafter provided a like record shall be kept of the number and amount, and when and to whom paid. The coupons for semi-annual interest when due shall be receivable in payment of all taxes that may be due the county of Cumberland. The said bonds and interest may be payable at such place as the commissioners may designate, and it is especially provided that said bonds shall not be sold or disposed of in any way for less than par.

SEC. 2. That it shall be the duty of the board of commissioners and the justices of said county of Cumberland, North Carolina, to provide for paying the interest on said bonds, and for creating a sinking fund for their final redemption, by levying and collecting in each year a sufficient tax for that purpose; and in accordance with the above recited resolutions of the said commissioners and justices at their meeting in February, eighteen hundred and ninety-three, it shall be lawful and it is hereby enacted that all taxes that is due or that shall

Commissioners of Cumberland county authorized to issue bonds not exceeding \$20,000.

Bonds, how issued, &c.

Record of bonds to be kept.

Coupons receivable for county taxes.

Bonds not to be sold for less than par.

Commissioners and justices to levy special tax.

Taxes collected from W. & W. R. R. Co., &c., applicable to payment of interest and to create sinking fund.

Use of such taxes for other purpose unlawful.

When other special tax to be collected.

Surplus of proceeds of sale of bonds, how used, &c.

Limitation of sale of bonds.

Accumulation of fund, how invested, &c.

become due and collected from the Wilmington and Weldon Railroad Company or any of its branch roads, or any person or corporation using said railroads or that may be in any way responsible for the taxes that may be assessed against it, shall by said board of commissioners be faithfully applied to the payment of the interest that become due on said bonds, and for the creation of a sinking fund for the final redemption and payment of the bonds issued under this act; and it shall be unlawful for the treasurer or any officer of said county to use or permit to be used any funds arising under the provisions of this act for any purpose other than as above contemplated, and no other tax shall be levied or collected until it shall be made to appear that the amount so to be received from said railroad tax is insufficient for the purpose.

SEC. 3. That so much of the proceeds of the sale of said twenty thousand dollars of bonds as may not be necessary in building the court-house and vaults and furnishing the same may be used by said board of commissioners, the justices concurring, in repairing the jail and making it suitable for the keeping of prisoners. But the commissioners are not authorized to sell any more of said bonds than shall be necessary to carry out the purposes of this act as above set forth.

SEC. 4. The board of commissioners shall from time to time cause all accumulations of said funds not absorbed in paying the interest on said bonds to be invested in buying the said bonds at any rate not exceeding par, or in such other safe securities as may be deemed advisable, and said sinking fund and all its investments shall be safely kept for the final redemption and payment of said bonds at maturity.

SEC. 5. That this act shall be in force from and after its ratification.

Ratified the 4th day of March, A. D. 1893.

CHAPTER 293.

An act to validate certain probate and registration of deeds.

The General Assembly of North Carolina do enact :

In cases where deeds, &c., have been acknowledged by husband before or subsequent to examination of wife and where probates have been taken by justice of county other than county in which grantor resides, and duly admitted to probate and

SECTION 1. That in all cases, whether under a commission or otherwise, when the acknowledgment of a husband has been taken before or subsequent to the acknowledgment and privy examination of his wife, and in all cases in which examinations and probates have been taken and had by a justice of the peace of a county other than the county in which the grantor makes or subscribing witness resides, and such probate or examination had and taken by such justice of the peace is in other respects according to law, a deed, mortgage, power of attorney or other instrument requiring registration in this state, and such deed, mortgage, power of attorney or other instru-

ment has been admitted to probate by the proper probate judge, clerk of the superior court or official having jurisdiction and by him ordered to be registered, and the same has been registered, such acknowledgment, privy examination, probate and registration are hereby made valid and binding.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 294.

An act to raise revenue.

The General Assembly of North Carolina do enact :

SCHEDULE A.

SECTION 1. That the taxes hereinafter designated are payable in existing national currency, and shall be assessed and collected under the rules and regulations prescribed by law and applied to the payment of the expenses of the state government, the appropriations to charitable and penal institutions, other specific appropriations made by law, and the interest on the four per centum consolidated debt of the State.

Taxes, how payable.
Assessment and collection of taxes.
Applicable to expenses of state government, public institutions, specific appropriations and interest.
Poll-tax.

SEC. 2. On each taxable poll or male between the ages of twenty-one and fifty years, except the poor and infirm whom the county commissioners may declare and record fit subjects for exemption, there shall be annually levied and collected a tax of one dollar and twenty-four cents, the proceeds of such tax to be devoted to the purposes of education and the support of the poor, as may be prescribed by law not inconsistent with the apportionment established by section two of article five of the constitution of the state.

Exemptions.
Applied to education and the poor.

SEC. 3. There shall be levied and collected annually an *ad valorem* tax of twenty-two cents for state purposes, three and one-third cents for pensions, sixteen cents for public schools, making forty-one and one-third cents on every one hundred dollars value of real and personal property in this state, and moneys, credits, surplus, reserve funds, undivided profits, investments in bonds, stocks, joint stock companies, or otherwise, required to be listed in "an act to provide for the assessment of property and collection of taxes," subject to exemptions made by law; and no city, town or other municipal corporation shall have power to impose, levy or collect any greater sum on real and personal property than one per centum of the value thereof, except by special authority from the general assembly.

Ad valorem tax.
Subjects of taxation.

SEC. 4. The taxes imposed for state purposes upon the shares of stock in any bank or banking association (whether state or national)

Restrictions on municipal taxation.
Tax on bank stock.

Payable by cashier to state treasurer.

On failure to pay, treasurer to institute action.

County commissioners to assess county and school tax.

Value of stock held by non residents not deducted from aggregate value, income taxes.

From property not taxed.
From salaries and fees.
From other sources.

Exemptions from taxation of corporations repealed.

Exceptions.

Proviso.

Investment by railroad companies, &c., in stock of other corporations, &c., taxable upon value of investment.

in this state shall be paid by the cashier of such bank or banking association directly to the state treasurer within thirty days after the first day of July in each year, and upon failure to pay the state treasurer as aforesaid, he shall institute an action against the bank to enforce the same in the county of Wake, or in the county in which the bank is located. The board of commissioners of the county in which such banks are located shall assess against the value of shares of stock of residents of that county the tax imposed for school purposes and those imposed for county purposes, which shall be paid to the sheriff of that county, and the value of shares of stock in national, state and private banks held by non-residents shall not be deducted from the aggregate value of the shares thereof.

SEC. 5. On the gross profits and incomes derived from property not taxed, five per centum; on the gross incomes derived from salaries and fees, public or private, one-half of one per centum on the excess over one thousand dollars; on the gross incomes derived from other sources, except such as are derived solely from property taxed, one-fifth of one per centum on the excess over one thousand to five thousand dollars, one-fourth of one per centum on the excess over five thousand to ten thousand dollars, one-half of one per centum on the excess over ten thousand to twenty thousand dollars, and one per centum on the excess over twenty thousand dollars.

SEC. 6. Whenever in any law or act of incorporation granted either under the general law or by special act, before or since the fourth of July, one thousand eight hundred and sixty-eight, there is any limitation or exemption of taxation, the same is hereby repealed; and all the property and effects of all such corporations shall be liable to taxation except property belonging to the state and municipal corporations and property held for the benefit of churches, religious societies, associations or organizations, and property held for the benefit of charitable, educational, literary or benevolent institutions or orders, and also cemeteries: *Provided*, that no property whatever held or used for investment, speculation or for rent shall be exempt; any and all investments made by any railroad company or other corporation in the stock, bonds or other securities of other corporations or loans shall be taxable upon the amount of the value of such investments, irrespective of the market or other value of a single share of such stock.

SCHEDULE B.

License taxes.

SEC. 7. The taxes in this schedule shall be imposed as license tax for the privilege of carrying on the business or doing the act named, and nothing in the schedule contained shall be construed to relieve any person from the payment of the *ad valorem* tax on his property as required in the preceding schedule. The licenses issued under

this schedule shall be for twelve months, unless otherwise specially provided in any section imposing a tax. Term of license.

SEC. 8. On each room or hall used as a theater or opera house where public exhibitions or performances are given for profit, in a city or town having more than ten thousand inhabitants, one hundred and fifty dollars per annum; less than ten thousand inhabitants and over five thousand, one hundred dollars; under five thousand inhabitants and not less than twenty-five hundred, fifty dollars; less than twenty-five hundred inhabitants and over one thousand, twenty-five dollars; less than one thousand inhabitants, fifteen dollars. The licenses under this section shall be issued by the sheriff, and said halls shall not be liable to any other license tax by the county; but the said tax shall be divided, and one-half paid to the state and one-half to the county. Companies or individuals performing or exhibiting in halls licensed in this section shall not be required to pay either county or state tax. Hall used for theatres, &c. Graded according to population of town. Sheriff to issue license. Not liable to other tax. Tax divided between state and county. Companies exhibiting not required to pay tax.

SEC. 9. On every traveling theatrical company giving exhibitions or performances in any hall not licensed as provided in the next preceding section, ten dollars on each exhibition or performance, and the owner of the hall shall be responsible for said tax. Traveling companies in unlicensed hall. Owner liable.

SEC. 10. On each concert or musical entertainment for profit not given in a hall licensed as provided in section eight of this act, unless the same be given for the sole benefit of religious, charitable or educational purposes, three dollars, and the owner of the hall shall be responsible for said tax. Concerts, &c. Exceptions.

SEC. 11. On each lecture for reward, three dollars, unless the same be given for the sole benefit of religious, charitable or educational purposes, or in a licensed hall, and the owner of the hall shall be responsible for said tax. Lectures. Exceptions.

SEC. 12. On museums, wax-works or curiosities of any kind, natural or artificial, on each day's or night's exhibition three dollars, unless given for the sole benefit of religious, charitable or educational purposes, and the owner of the hall shall be responsible for said tax. Museums, &c. Exceptions.

SEC. 13. On every exhibition of a circus or menagerie, for each day or part of a day one hundred dollars, and each side show fifty dollars; and on every show given under canvas in which animals are exhibited and trapeze and juggling performances are given, for each day or part of a day fifty dollars, whether free or otherwise; and the counties shall levy the same amount and no more. Circuses, &c. Side shows. County tax.

SEC. 14. On all companies or persons whatever who exhibit or give entertainments for amusement of the public or for reward otherwise than is mentioned in the five preceding sections, five dollars for each exhibition or performance. Exhibitions or entertainments given for the sole benefit of religious, charitable or educational objects shall be exempt from taxation: *Provided*, no part or clause of this section shall be so construed as to exempt from taxation persons claiming to Other exhibitions. Exemptions. Spiritualists, &c., not exempt.

be spiritualists or mediums of communication between the material and the immaterial worlds and giving public exhibitions.

Gift enterprises,
&c.

SEC. 15. On every gift enterprise, or any person or establishment offering any article for sale and proposing to present purchasers with any gift or prize as an inducement to purchase, ten dollars; on any lottery, whether known as a beneficial association, gift concert, or otherwise, one thousand dollars; on every itinerant dealer in prize photographs or prizes of any kind, one hundred dollars in each county in which the business is conducted. The taxes in this section shall be paid to the sheriff or tax collector of the county, but shall not be construed as giving license or relieving such persons or establishments from any penalties incurred by a violation of the law.

Lotteries, &c.

Itinerant dealer
in prizes.

Tax, how pay-
able.

Not construed as
license to violate
law.

Billiard tables,
bowling alleys,
&c.

SEC. 16. On each billiard or pool-table, bowling alley, or alley of like kind kept for public use, if in connection with any place where liquor is sold, seventy-five dollars; and on all other billiard or pool-tables, bowling alleys or alleys of like kind kept for public use, fifteen dollars.

Skating rinks,
&c.

SEC. 17. On each skating-rink, bagatelle table, merry-go-round, hobby horses, switch back railway, or stand or place for any other game or play, with or without a name (unless used for private amusement or exercise alone), whether kept in connection with or separate from any place where liquor is sold, twenty dollars in each county where the business is carried on.

Public ferries,
bridges, &c.

SEC. 18. On every public ferry, bridge and toll-gate across highways, five dollars and one-half of one per centum on gross receipts, and any person or company operating any such ferry, bridge or toll-gate shall make return of receipts to the register of deeds within ten days after the first day of January, and at the same time pay to the sheriff the tax herein imposed.

Livery stables,
&c.

SEC. 19. On every person who keeps horses or mules to hire or to let, with or without vehicles, fifty cents for each six months for every horse or mule kept for that purpose. Such person shall, on the first day of January and July of each year, furnish the register of deeds a sworn statement of the number of horses and mules so kept at any time during the preceding six months, the taxes to be collected by the sheriff or tax collector: *Provided*, that this section shall not apply to draymen who drive their own team.

Sworn state-
ments.

Proviso.

Commission mer-
chants, &c.

SEC. 20. On every commission merchant, broker or dealer buying or selling for another, one per centum on his commissions. On every mercantile agency or association which has for its object the rating and commercial status of parties, firms or corporations engaged in business, manufacture or otherwise, the sum of five dollars for every state or territory embraced in the reports furnished by such agency or association, the same to be determined by the reference books published by such agency or association in printed form or otherwise: *Provided, however*, that on any agency or association having offices

Mercantile agen-
cies.

Proviso.

located in more than one county in charge of agents or servants, the same shall not be held liable for more than the above sum for the state of North Carolina.

SEC. 21. Every merchant, jeweler, grocer, druggist or other dealer who shall buy and sell goods, wares and merchandise of whatever name or description not specially taxed elsewhere in this act, shall, in addition to his *ad valorem* tax on his stock, pay as a license on the total amounts of purchases in or out of the state (except purchases of farm products from the producer) for cash or credit, whether such persons herein mentioned shall purchase as principal or through an agent or commission merchant, the following tax on his purchases for the preceding six months. to-wit: Those whose purchases are one thousand dollars or less, fifty cents; between one thousand dollars and two thousand dollars, one dollar; between two thousand dollars and five thousand dollars, two dollars; between five thousand dollars and ten thousand dollars, four dollars; between ten thousand dollars and twenty thousand dollars, eight dollars; between twenty thousand dollars and forty thousand dollars, twelve dollars; between forty thousand dollars and sixty thousand dollars, sixteen dollars; between sixty thousand dollars and eighty thousand dollars, twenty dollars; on eighty thousand and above, twenty-four dollars. Every person mentioned in this section shall, within ten days after the first days of January and July in each year, deliver to the clerk of the board of county commissioners a sworn statement of the total amount of his purchases for the preceding six months ending on the thirty-first day of December or the thirtieth day of June. The sheriff shall require every transient dealer to furnish him with a statement of his purchases as often as may be necessary to secure the immediate payment of the tax on said purchases, and the sheriff shall collect said tax without delay. The sheriff shall furnish the statement to the clerk of the board of county commissioners, who shall record the same in the book kept as required in this section. Any agent or commission merchant making such purchases, shall, for his principal, make and deliver the statement as therein required: *Provided*, that the persons mentioned in this section, except transient dealers, may make out in writing a list of their purchases and swear to them before any justice of the peace for the county, and return the same list to the clerk of the board of county commissioners. The clerk shall keep a book in which shall be recorded the list given in to him as herein required, and shall furnish the sheriff with a copy of said list within ten days after the same are given in. It shall be the duty of the sheriff to collect from every person on the list furnished him by the clerk as aforesaid the taxes embraced therein. The board of county commissioners shall have power to require the merchant or dealer making his statement to submit his books for examination to them, and the board may also require any and all persons who shall

Merchants, &c.

License tax on purchases.

Sworn statement to clerk of commissioners.

Sheriff to require statement from transient dealers.

Duties of sheriff. Agent, &c., to make statement for principal. Proviso.

Clerk to keep list and furnish copy to sheriff.

Sheriff to collect.

Commissioners empowered to require production of books and to examine witnesses.

Penalty for failure to render list, &c.

Duty of chairman of commissioners to prosecute.

Fees of clerk.

Liquor dealers.

Peddlers.

Amount of license tax.

Itinerant salesmen.

Peddlers to apply in advance for license.

Term of license.

Discretionary with commissioners to issue license.
Clerk to countersign license.

Sale of certain articles permitted without license.

have knowledge or information upon this subject to make his statement or exhibit his books for examination by them. Every merchant or dealer failing to render such list or refusing on demand to submit his books for such examination shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days. It shall further be the duty of the chairman of the board of county commissioners to prosecute every merchant or dealer refusing as aforesaid to the end of obtaining such information and compelling payment of the proper tax. For the services required of the clerk of the board of county commissioners in this section he shall receive a fee of fifteen cents from each person on making his first return of purchases for each year, also a fee of fifteen cents for the second return of each year, which last mentioned fee shall be allowed by the board of county commissioners and paid by the county treasurer.

SEC. 22. Every person who shall buy for the purpose of selling spirituous liquors, vinous or malt liquors shall, in addition to *ad valorem* tax on his stock, pay as a license tax one per centum on the total amount of purchases in or out of the state, for cash or on credit, whether such person shall purchase as principal or through an agent or commission merchant, to be returned and collected as prescribed in the preceding section.

SEC. 23. Every person authorized to do business in this state who as principal or agent peddles drugs, nostrums, medicines or goods, wares or merchandise of whatever name or description, shall pay a license tax as follows, to-wit: Each peddler on foot, ten dollars for every county; each peddler with one horse, ox or mule, with or without a vehicle, thirty dollars for every county; each peddler with two or more horses, oxen or mules, with or without vehicle, forty dollars for every county; every itinerant salesman who shall expose for sale either on the street or in houses rented temporarily for that purpose goods, wares or merchandise, shall pay a tax of fifty dollars in each county in which he shall carry on such business, whether as principal or as agent for any other person. Every person mentioned in this section shall apply in advance to the board of county commissioners of the county in which he proposes to peddle or sell for a license, and the board of county commissioners may issue the license upon the payment of the tax to the sheriff, which shall expire at the end of twelve months from its date: *Provided*, it shall be discretionary with the board of county commissioners whether they issue license or not. The license issued as herein provided shall not be valid until it shall be exhibited to and countersigned by the clerk of the board of county commissioners, by whom a permanent record of all such licenses shall be kept. Any person may sell under this section without payment of tax as peddler salt, vegetables, chestnuts, peanuts, fruits or other products of the farm or dairy, oysters, fish,

books, printed music or articles of his own manufacture. It shall be the duty of every person receiving a license under this section to exhibit the same upon demand of any constable or justice of the peace of any township in which he may vend or offer to vend any of the articles taxed in this section, and upon failure to do so every such person shall be presumed to be peddling without license, and shall be arrested and held to answer the charge; and it shall be the duty of any constable or justice of the peace to arrest all persons peddling without license required by law and hold them to answer the charge of misdemeanor, and upon conviction shall be punished as prescribed in section thirty-five of this act; and any person who shall transfer or assign a license shall be subject to like punishment. The board of county commissioners shall have power at their discretion to exempt from tax under this section any poor and infirm person who has no other means of support. The clerk of the board of county commissioners shall be entitled to a fee of twenty-five cents for each license recorded under this section, to be paid by the person applying for the license.

Duty of peddler to exhibit license, &c.

Effect of failure.

Duty of constable, &c., to arrest.

Penalty.

Penalty for transferring license.

Exemption of poor and infirm.

Fee of clerk.

SEC. 24. Every person, company or manufacturer who shall engage in the business of selling sewing machines in this state shall, before selling or offering for sale any such machines, pay to the state treasurer a tax of two hundred and fifty dollars and obtain a license which shall operate one year from its date, and all licenses provided for in this section shall be countersigned by the state auditor and shall not be valid unless so countersigned. It shall be the duty of the state treasurer to have this section printed on the face of each license issued under this act for the information and protection of parties to whom the same may be issued. A separate tax shall be paid by every person, company or manufacturer for every class or style of machine having a separate or distinct name sold by him or them. Every manufacturer, company, general manager or general agent to whom a license shall be issued as provided in this section shall have authority to employ an unlimited number of subagents to sell the class of machine designated by name in the license of the state treasurer. The parties obtaining license issued under this section shall not be taxed by any county, city or town government. Any person required to take out license under this section who shall sell or attempt to sell any machine without having obtained license shall be guilty of a misdemeanor, and upon conviction shall be fined one hundred dollars or imprisoned not exceeding thirty days, the fine to be paid into the state treasury as other taxes. In addition to the said fine or imprisonment any person violating the provisions of this section shall pay a penalty to the officer making the arrest of two hundred dollars, one hundred thereof to be paid into the treasury as other taxes and one hundred dollars to the officer making the arrest. It shall be the duty of all county, town and township bonded officers to prosecute for

Dealers in sewing machines.

License tax payable to state treasurer.

Auditor to countersign license.

This section to be printed on license.

Separate tax on each class of machine with distinct name.

Unlimited number of subagents.

No tax by county, city or town. Penalty for sale, &c., without license.

Fine payable to state treasurer.

Additional penalty. To whom payable.

Duty of officers to prosecute.

- Section not applicable to merchants dealing in machines on which tax has been paid. penalties under this section. This section shall not apply to merchants who buy and sell sewing machines on which a license tax has been paid as herein provided, and who keep the said machines in their general stock of merchandise and sell and deliver them at their place of business.
- Dealers in pianos and organs. SEC. 25. Every person, company or manufacturer who shall engage in the business of selling pianos or organs, by sample, list, or otherwise, in this state, shall, before selling or offering for sale any such instruments, pay to the state treasurer a tax of two hundred and fifty dollars, and obtain a license which shall operate for one year from its date, and all such licenses shall be countersigned by the auditor, and no other license tax shall be required by counties, cities or towns: *Provided*, that no license tax shall be required of resident merchants who pay a purchase and property tax upon such instruments handled by them.
- Tax payable to state treasurer.
- Term of license. No tax by county, city or town. No tax on resident merchants, &c.
- Gypsies, &c. SEC. 26. Every company of gypsies or strolling company of persons or any person who receives reward for pretending to tell fortunes, one hundred and fifty dollars for each county in which they offer to practice any of their craft, recoverable out of any property belonging to any of the company, but nothing herein contained shall be so construed as to exempt them from indictment or penalties imposed by law.
- No exemption from indictment.
- Itinerant lightning-rod dealers. SEC. 27. On every itinerant who puts up lightning rods, fifty dollars annually for each county in which he carries on business.
- Clock and stove peddlers. SEC. 28. On every itinerant person or company peddling clocks, stoves or ranges, fifty dollars annually on each wagon (if wagons are used) in each county where he or they may peddle. If wagons are not used the tax shall be paid on each agent.
- Insurance companies. SEC. 29. The fee for license issued to any insurance company to do business in this state shall be one hundred dollars per annum. Every such company shall pay a tax of two per centum upon the amount of its gross receipts in this State: *Provided*, if any general agent shall exhibit to the secretary of state a sworn statement of investments in real property in this state by his principals, or like statement of loans secured by mortgage to citizens of this state of an amount equal to one-half of such gross receipts, the tax shall be only one per centum thereon. No county or corporation shall be allowed to impose any additional tax, license or other fee. The license fee and taxes imposed in this section shall be paid to the secretary of state.
- Tax on gross receipts. Amount of tax when one-half gross receipts invested in state.
- No county or municipal tax. Payable to secretary of state.
- State banks, brokers, &c. SEC. 30. Every state bank, savings bank or association conducting a business as contemplated in this section, any private banker, every money, exchange, bond or note broker, whether operating as corporations or associations, or privately as individuals, in addition to the *ad valorem* tax on their capital invested, shall pay annually to the state treasurer a tax according to capital employed as follows: On a capital of twenty of twenty-five thousand dollars or less, fifty

dollars, and two dollars for each one thousand dollars of capital stock in excess of twenty-five thousand dollars; also twenty-five dollars additional for each county in which any of said banks, associations, bankers or brokers have an agency. On failure to comply with the provisions of this section the banks, associations, or persons mentioned shall pay as taxes two thousand dollars, to be collected by the state treasurer. Every building and loan association conducting business in the state shall pay annually to the state treasurer a tax according to the paid in capital as follows: A paid in capital of two hundred thousand dollars (\$200,000) or more, one hundred dollars (\$100); on paid in capital of fifty thousand dollars (\$50,000) and less than two hundred thousand dollars (\$200,000), fifty dollars (\$50); on a paid in capital of twenty-five thousand dollars (\$25,000) and less than fifty thousand dollars (\$50,000), twenty-five dollars (\$25); on a paid in capital of five thousand dollars (\$5,000) and less than twenty-five thousand dollars (\$25,000), ten dollars (\$10); on a paid in capital of less than five thousand dollars (\$5,000), five dollars (\$5): *Provided*, that no counties or corporation shall be allowed to add any additional tax, license or other fee. Any building and loan association which does business in this state without paying such tax shall be guilty of a misdemeanor.

Tax according to capital.
Tax on agencies.

Penalty.

Building and loan associations.

Tax according to paid in capital.

No county or municipal tax.

Misdemeanor.

SEC. 31. Every auctioneer upon all goods, wares or merchandise sold by himself or agents, whether by ascending or descending bids or at public outcry, shall pay one-fourth of one per centum on the gross amount of his sales, subject to all the regulations and exemptions set forth in chapter three of The Code of North Carolina entitled "Auctioneers."

Auctioneers.

SEC. 32. Every person or company engaged in the business of receiving property in pledge or as security for money or other thing advanced to the pawnor or pledger shall be held to be a pawnbroker, and shall at the time required by this chapter return under oath the value of all property pledged and held by him as a pawnbroker on hand on the first of June annually, and taxes shall be charged upon the fair cash value of such property to such pawnbroker the same as other property.

Regulations and exemptions.

Pawnbrokers.

Verified return of value of property pledged.

How taxes assessed.

SEC. 33. Every person, company or firm for selling spirituous, vinous or malt liquors or medicated bitters shall pay a license tax semi-annually in advance on the first day of January and July as follows: First, for selling in quantities of five gallons or less, fifty dollars for each six months, to be collected by the sheriff and paid to the treasurer of the county board of education for the benefit of the fund for public schools in such county; second, for selling in quantities of five gallons or more, one hundred dollars for each six months, to be collected by the sheriff and paid to the treasurer of the state; third, for selling malt liquors exclusively, ten dollars for each six months, to be collected by the sheriff and paid to the treasurer of the county board of

Liquor dealers.

Tax payable semi-annually.

Five gallons or less.
For county school fund.

Five gallons or more.

Payable to state treasurer.
Malt liquors.
For county school fund.

Construction of license.

Exemption as to person selling wine of his own manufacture.

Application for license to commissioners.

To be in writing and accompanied by affidavit of six freeholders, &c.

Commissioners to grant order for license without exercise of discretion. Exceptions.

License in incorporated towns, &c., to be first granted by town, &c., authorities. Revocation of license.

Proceeding to revoke license.

Limitation of county tax.

License to be posted.

education for the benefit of the fund for the public schools in such county. No license taken out under this section shall authorize any sale of any greater or less quantity than is specified in said license. Nothing in this section shall prevent any person selling wines of his own manufacture at the place of manufacture or within one hundred yards thereof in quantities of not less than one quart, or spirits in quantities of not less than one gallon. Every person, company or firm wishing to sell liquors under this section, except manufacturers, shall apply to the board of county commissioners for an order to the sheriff to issue a license, and shall specify the particular building in which the business carried on under such license is to be transacted. Every such application shall be in writing, signed by the applicant and accompanied by the affidavit of six freeholders, residents of the voting precinct in which the applicant proposes to do business, all of whom shall declare on oath that the applicant is a proper person to sell spirituous, vinous or malt liquors, and that the building specified is a suitable place for the business to be carried on. Upon the filing of such application and affidavit the board of county commissioners shall, without the exercise of discretion, grant an order to the sheriff to issue such license, except in territory where the sale of liquors is prohibited by law: *Provided, however,* that the board of county commissioners, upon satisfactory evidence that such applicant has been convicted or has been found to have confessed his guilt in a court of competent jurisdiction of any violation of the laws of this state or any other state regulating the sale of spirituous liquors, or that the building specified is without the limits of an incorporated town or city, or is within two hundred feet in a direct line from any church edifice or the premises pertaining thereto, may refuse to grant an order to the sheriff to issue license to such applicant; that the license authorized within an incorporated town or city under this section shall first be granted by the authorities of such town or city: *Provided further,* that the board of county commissioners may, upon complaint made by any resident of the county that any person, company or firm holding a license under this section has violated the laws of this state regulating the sale of spirituous liquors, and upon satisfactory evidence of his or their conviction or such confession of such violation in a court of competent jurisdiction, revoke any license theretofore granted by them. Upon complaint made as aforesaid the board of county commissioners shall forthwith summon such person, company or firm to appear before them at a given time within thirty days to show cause why such license and the order to issue the same should not be revoked: *Provided further,* that counties may levy not more than as much tax as the state under the provisions of this section. All persons taking out license to sell spirituous, vinous or malt liquors under the provisions of this section shall post up in some public part of their place of business the license issued to

them with a revenue stamp attached thereto. The license and stamp shall be printed in such form as the treasurer of the state may prescribe and furnished by the register of deeds to the sheriff. Any person failing to post up the license and stamp as provided in this section shall be considered as doing business without license. The sheriff and register of deeds, for their services under this section, shall each be allowed a fee of twenty-five cents, to be paid by the person taking out the license. Any person, company or firm taking out license as provided in this section on any date after the first day of January or the first of July shall pay the whole amount of tax for the six months ending the thirty-first day of December or the thirtieth day of June, as the case may be, after the date of the license: *Provided further*, that no license shall be issued to any applicant under this section who is not a *bona fide* citizen of the United States and a legal voter of North Carolina.

SEC. 34. Every person required in this act to pay a merchant's license tax as provided in section twenty-two of this act, and every person required in this act to pay a tax on purchases or sales, shall list on oath to the clerk of the board of county commissioners on the first day of January and July in each year the amount of purchases or sales for the preceding six months, and the clerk shall keep a record of the same in a book kept for that purpose. The clerk shall within ten days after the lists are given in furnish the sheriff with a copy of said list, and the sheriff shall immediately proceed to collect the taxes imposed upon the copy of list furnished. Any person failing to list his purchases or sales as required in this section shall be subject to a double tax, to be charged against him by the clerk and collected by the sheriff. And it shall be the duty of the sheriff to report all persons to the clerk who fail to list as required by law. The board of county commissioners shall have the same power to compel such persons to submit their books for inspection as is conferred upon them in section twenty-two of this act in respect to merchants, etc., and the same penalties prescribed in said section twenty-two of this act are hereby imposed for refusal on the part of any person referred to in this section to submit his books for inspection when demanded.

SEC. 35. Every person who shall practice any trade or profession, or use any franchise taxed by the laws of North Carolina without having paid the tax and obtained a license as required in this act, shall be deemed guilty of a misdemeanor, and punished by fine not exceeding fifty dollars or imprisoned not exceeding thirty days, and shall also forfeit and pay a penalty of fifty dollars, which penalty the sheriff of the county in which it has occurred shall cause to be recovered before any justice of the peace of the county for the benefit of the school fund of the county.

Form of license, &c.

Penalty for failure to post.

Fees of sheriff and register.

Tax, how and when payable.

To whom license may be issued.

Merchants to list purchases and sales on oath to clerk of commissioners.

Clerk to keep record. To furnish list to sheriff.

Sheriff to collect.

Penalty for failure to list.

Sheriff to report delinquents.

Commissioners empowered to compel production of books.

Penalties.

Misdemeanor to practice trade, &c., without license.

Penalty.

Recoverable by sheriff for benefit of county school fund.

SCHEDULE C.

Privilege taxes.	SEC. 36. The taxes embraced in this schedule shall be listed and paid as especially therein directed, and shall be for the privilege of carrying on the business or performing the acts named.
Railroad, &c., companies.	SEC. 37. Every railroad, steamboat or canal company incorporated under the laws of this state doing business in this state shall pay to the state a tax on the corporation equal to the sum of one per centum upon the gross receipts of said company. The said tax shall be paid semi-annually upon the first days of July and January; and for the purpose of ascertaining the amount of the same, it shall be the duty of the treasurer of said company to render to the treasurer of the state, under oath or affirmation, a statement of the amount of gross receipts of said company during the preceding six months; and if such company shall refuse or fail for a period of thirty days after such tax becomes due to make returns or to pay the same, the amount thereof, as near as can be ascertained by the state treasurer, with an addition of ten per centum thereto, shall be collected for the use of the state: <i>Provided</i> , that when a line of railroad or canal belonging to any company liable to this tax lies partly in this state and partly in an adjoining state or states, the part or share of such earnings of the company only shall be subject to the tax as will be in that proportion to the whole receipts which the length of the road or canal within the limits of the state shall bear to the whole length of such road or canal. No railroad or canal company shall be liable to this tax if its property is taxed, but every railroad or canal company incorporated under the laws or doing business in this state which is liable to a tax upon the value of shares of capital stock and personal property, but exempt from tax upon its real estate held for right-of-way, station places and workshop location shall, in addition to other taxes, pay a tax upon said corporation equal to one-half of one per centum upon the gross receipts of said company.
Tax payable semi-annually.	
Treasurer to render statement of receipts to state treasurer.	
Penalty for failure to make return or pay tax.	
Railroads lying in two states.	
Companies not liable if property taxed.	
Tax upon companies whose real estate, &c., is exempt.	
Tax upon leased railroad payable by lessee.	SEC. 38. When a railroad is operated in this state by a corporation, person or persons, by virtue of a lease or contract, the aforesaid tax shall be paid by the lessee of such railroad or holder of such contract, as the case may be, and the said tax shall be charged against and deducted from any payments due or to become due the lessor of such, or person or corporation granting such contract, as the case may be, on account of such lease or contract, unless in the provisions of such lease or contract it is stipulated otherwise.
How collected.	
Express, telegraph, &c., companies.	SEC. 39. Every express, telegraph or telephone company doing business in this state shall pay a tax of two per centum on its gross receipts within the state. The superintendent, general manager or other chief officer of every such company shall make return under oath to the treasurer of the state within ten days after the first day of January, April, July and October, of the amount of gross receipts of
Superintendent, &c., to make verified return to state treasurer.	

the company for the quarter ending on the last day of the month immediately preceding, and pay to the treasurer the tax herein imposed at the time of making such return. It shall be the duty of each sheriff to report to the treasurer any such company doing business in his county. In case of default of such return and payment of tax the company shall pay a penalty of one thousand dollars, to be collected by such sheriff as the treasurer of the state shall designate, by distress or otherwise.

Tax payable to treasurer.
Duty of sheriff.
Penalty for failure to make return or pay tax.
How collected.

SEC. 40. Whenever the seal of the state, of the treasury department, or other public officer required by law to keep a seal (not including clerks of courts, other county officers and notaries public), shall be fixed to any paper the tax shall be as follows, to be paid by the party applying for the same: For the seal of the state on any commission, one dollar, except judges' and magistrates' commissions, which shall be without fee, to be collected and paid into the treasury by the private secretary of the governor, and no other tax or fee shall be charged on such commission; for the seal of the state department, fifty cents, to be collected by the secretary of state and paid by him into the treasury; for the seal of the state treasurer, to be collected by him and accounted for as other public moneys, fifty cents. Said officers shall keep an account of the number of times their seals may be used, and shall deliver to the proper officer a sworn statement thereof. Whenever a scroll is used in the absence of a seal by any of said officers, the said tax shall be on the scroll. Seals affixed for the use of any county or state or other government, or used on commissions of officers in the militia, justices of the peace, or any other public officer not having a salary, or under the pension law, or upon any process of court, shall be exempt from taxation. The officers collecting the said taxes may retain as compensation five per centum, except in the case of sheriffs, whose commissions shall be allowed by the auditor. Any person receiving taxes under this section and wilfully refusing or neglecting to pay the same as required shall be fined not more than five hundred dollars or imprisoned, at the discretion of the court.

Official seals.
Seal of state.
Seal of state department.
Seal of treasurer.
•
Officers to keep account.
Scrolls.
Exemptions.
•
Compensation to officers.
Penalty.

SEC. 41. On each marriage license, one dollar. The tax on marriage licenses shall be paid to the register of deeds. It shall be the duty of the register of deeds to render annually to the sheriff during the second week of the month of November sworn statements in detail of taxes received by him under this section and at the same time pay him the money thus received, and thereupon the sheriff shall file the statement of the register of deeds with the clerk of the superior court.

Marriage licenses.
Payable to register.
Register to render annual statement to sheriff, &c.
•
Sheriff to file statement with clerk.

SEC. 42. Whenever any officer, including justices of the peace, receives or collects a fine, penalty or forfeiture in behalf of the state, or any tax imposed on licenses to retailers of wines, cordials, malt or spirituous liquors, and auctioneers, he shall within thirty days after

Duty of officer collecting fine, license tax, &c., to pay to county treasurer within thirty days, &c.

such reception or collection pay over and account for the same to the treasurer of the county board of education for the benefit of the fund for common schools in such county.

Embezzlement. SEC. 43. Any officer, including justices of the peace, convicted of violating the preceding section, or of appropriating to his own use the state, county, school, city or town taxes, shall be guilty of embezzlement, and may be punished not exceeding five years in the state prison, at the discretion of the court.

Penalty. SEC. 44. All laws imposing taxes, the subjects of which are revised in this act, are hereby repealed: *Provided*, that this repeal shall not extend to the provisions of any laws so far as they relate to the taxes listed, or which ought to or would have been listed, or which may be due previous to the ratification of this act.

Prior tax laws repealed. Exception. SEC. 45. The auditor of the state shall not make or cause to be made any headings or blanks to or on the forms which he is required to supply to the several counties of this state other than such as are required and are indispensably necessary under the provisions of this act, or as may be hereafter required by law; nor shall any taxes be levied directly or indirectly by the said auditor, any law heretofore passed to the contrary notwithstanding, and if the auditor shall be guilty of any violation of this section he shall on conviction be punished in the discretion of the court.

Duty of auditor in regard to blanks. SEC. 46. That the auditor of the state is hereby required to reject the annual returns of any sheriff when he has good reason to believe said returns are not entirely correct and contain material omissions in schedules "B" and "C" in any of the subjects of taxation therein provided, and may make investigations as to such omissions, and for this purpose may send for persons and papers.

No tax to be levied by auditor. SEC. 47. A sum not to exceed twenty-five hundred dollars is hereby appropriated out of any moneys in the treasury not otherwise appropriated, to be expended by the treasurer of the state as he may deem best and necessary to secure the proper and prompt collection of the taxes.

Penalty. SEC. 48. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

Auditor to reject returns in certain cases.

To make investigation.

Appropriation to enable treasurer to secure prompt collection of taxes.

CHAPTER 295.

An act to amend section sixty-seven (67) of The Code.

The General Assembly of North Carolina do enact:

SECTION 1. That section sixty-seven of The Code be and the same is hereby amended by striking out all between the word "parties" in line ten and the word "petitions" in line sixteen.

SEC. 2. That the provisions of this act shall apply to existing actions, special proceedings, motions and petitions now pending to declare or establish the contents of a deed, will, or any matter of record lost or destroyed.

SEC. 3. That this act shall be in force from and after its ratification.

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

Code, section 67, amended.
Law prohibiting petition to declare contents of deed or will, &c., after five years from loss, &c., repealed.
Act applicable to existing actions, &c.

CHAPTER 296.

An act to provide for the assessment of property and the collection of taxes.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of the several counties shall have power to exempt any person from the payment of a poll-tax on account of both poverty and infirmity; and when any such person has been once exempted he shall not be required to renew his application unless the commissioners shall revoke the exemption. When such exemption shall have been made the clerk of the commissioners shall furnish the person with a certificate of such action, and the person to whom it was issued shall be required to list his poll; but upon exhibition of such certificate the list-taker shall annually enter in the column intended for the poll the word "exempt," and the poll shall not be charged in computing the list. If any poll-tax or other taxes shall not be paid within sixty days after the same shall be demandable, it shall be the duty of the sheriff, if he can find no property of the person liable sufficient to satisfy the same, to attach any debt, or other property incapable of manual delivery, due or belonging to the person liable, or that may become due to him before the expiration of the calendar year, and the person owing such debt or having such property in possession shall be liable for said tax. For the purpose of carrying into effect the provisions of this section the following form shall be used as an attachment, viz.:

Exemptions from poll-tax.

Clerk of commissioners to furnish certificate.

Duty of list takers.

Collection of poll-tax by attachment.

To A. B.: Take notice, that this is to attach any debt that is now due or may become due to C. D., a delinquent in his poll (or property tax) for the year 18...., and you are hereby summoned to appear before E. F., an acting justice of the peace for county, and disclose any indebtedness which is or may be due said delinquent by you during the present calendar year, and to show cause why judgment should not be rendered against you for said delinquent tax and cost of this proceeding.

Form of attachment.

.....day of.....18....

A..... B....., Sheriff or Tax Collector.

Fees.

For serving notice the sheriff shall receive twenty-five cents, and if judgment is rendered the justice shall receive twenty-five cents as costs.

LIST-TAKERS AND ASSESSORS.

Township assessors.

SEC. 2. The board of commissioners of each county shall, at their session held in the month of April, one thousand eight hundred and ninety-five, and every fourth year thereafter, appoint three discreet freeholders in each township who shall list and assess the real and personal property in said township for taxation. The list-takers and assessors shall ascertain the true value in money of every tract or parcel of land or other real estate, with the improvements thereon, and personal property, and assess the same in accordance with said valuation. Said board of list-takers and assessors shall meet at some place in their respective townships on or before the second Monday in May and elect one of their number chairman. The board is hereby authorized and empowered to administer oaths in all cases necessary to obtain full and correct information concerning any taxable real and personal property in their respective townships so as to secure a proper assessment of said property. The assessment when made shall be in force during the four years preceding a reassessment, or until altered as provided by this act by reason of structures erected or destroyed.

Duty of list-takers and assessors.

Chairman.

Board authorized to administer oaths.

Duration of assessment.

List-takers and assessors for towns or cities of more than 2,000 inhabitants.

SEC. 3. The board of county commissioners shall have power to appoint one or more list-takers and assessors for years in which there shall be an assessment of property for any town or city in their respective counties having more than two thousand inhabitants, and one or more list-takers for such town or city for the years in which there shall not be an assessment of property. The board shall have power to appoint three assessors and list-takers for each ward in any city or town in their respective counties.

For wards in cities, &c.

Notice to taxpayers to list property, &c.

SEC. 4. Each township board of list-takers and assessors shall advertise in five or more public places in the township immediately after their appointment, notifying all taxpayers to return to said list-takers and assessors all the real and personal property which each taxpayer shall own on the first day of June, requiring said return to be made to said list-takers and assessors during the month of June, under the pains and penalties imposed by law. Each of said list-takers and assessors shall attend at two or more places in the township for the purpose of listing and assessing the property.

When return to be made.

List-takers and assessors to attend at two or more places in township. Returns of assessments to be made on or before first Monday in July.

Affidavit.

SEC. 5. The board of list-takers and assessors shall make a complete return of their assessments, embracing an abstract of the taxable property of their respective townships to the board of county commissioners on or before the first Monday in July, and annex the following affidavit, subscribed and sworn to before a justice of the peace, who shall certify the same :

"We, the list-takers and assessors of ----- township, of ----- county, make oath that the foregoing list contains, to the best of our knowledge and belief, all the real and personal property required by law to be assessed in said township, and that we have assessed every tract or parcel of land or other real and personal property at its true value in money, and have endeavored to do equal justice to the public and to the taxpayers concerned."

SEC. 6. The board of county commissioners and the chairman of the board of list-takers and assessors of the several townships and wards of cities and towns, shall constitute a board of equalization for the county and shall meet on the first Monday in July. The chairman of the board of county commissioners shall be chairman of said board of equalization, and shall lay before the board of equalization the returns of the list-takers and assessors. Said board shall equalize the valuations so that each tract or lot or article of personal property shall be entered on the tax list at its true value in money, and for this purpose they shall observe the following rules:

(1). They shall raise the valuation of such tracts or lots of real property or articles of personal property as in their opinion have been returned below their true value to such price or sum as they may believe to be the true value thereof.

(2). They shall reduce the valuation of such tracts and lots or articles of personal property as in their opinion have been returned above their true value as compared with the average valuation of real or personal property of such county. In regard to real property they shall have due regard to the relative situation, quality of soil, improvement, natural and artificial advantages possessed by each tract or lot.

SEC. 7. The board of county commissioners shall allow each list-taker and assessor such compensation as said board shall deem just and proper for each day actually engaged in the performance of his duties. Said board of county commissioners shall also allow each member of the board of equalization such per diem for the number of days actually engaged in the performance of his duties as the said board of commissioners shall deem just and proper, and in addition thereto mileage at the rate of five cents for each mile necessarily traveled in attending the meeting of the board of equalization. The per diem and mileage allowed as provided in this section shall be paid by the county.

SEC. 8. The board of county commissioners shall annually at their session in the month of April, except in the year when there shall be an assessment of property, appoint one competent person in each township to list the lands therein at the valuation previously assessed on the same, and all personal property in said township: *Provided*, said board of county commissioners may appoint a list-taker for the purposes mentioned in this section for each ward in any city or town in their respective counties. Said board of commissioners shall allow

County board of equalization.

Chairman.

Duties.

Increase of valuation.

Reduction of valuation.

Real property.

Compensation of list-takers and assessors.

Compensation of board of equalization.

How paid.

List-takers in years when there is no assessment.

City, &c., wards

Compensation of list-takers.

How paid.	the list-takers such compensation for their services as the board shall deem just and proper, and the same shall be paid by the county treasurer.
Accounts of list-takers and assessors, how made out.	SEC. 9. List-takers and assessors shall make out their accounts in detail, giving the date of each day which they shall have been employed, which account they shall verify under oath. The assessor shall not be entitled to compensation until he shall have filed the lists, schedules, statements and books appertaining to the assessment of property for such year in the office of the clerk of the commissioners, the books to be accurately made and added up. The list-takers and assessors shall not be entitled to pay unless they have performed the labor and made return in strict compliance with the law:
When entitled to compensation.	<i>Provided</i> , the county commissioners shall be the judge of the number of days actually necessary for taking the list, and may regulate the same when a greater number of days are charged for than they may deem necessary.
Proviso.	
Township list-takers to give notice to tax payers.	SEC. 10. Each township list-taker appointed under the authority of section eight of this act shall advertise in five or more public places within the township immediately after his appointment, notifying all taxpayers to return to him all the real and personal property which each taxpayer shall own on the first day of June, and said returns shall be made to the list-taker during the month of June, under the pains and penalties prescribed by law. Each list-taker shall attend at two or more places in each township for the purpose of taking a list of property for taxation.
when returns to be made. List-takers to attend at two or more places.	
Taxpayer to list verified statement of taxable property.	SEC. 11. Every person owning property is required to list, and shall make out, sign and deliver to the list-taker a statement verified by his or her oath of all the real and personal property, moneys, credits, investments in bonds, stocks, joint stock companies, annuities or otherwise, and the value of improvements on real estate since the same was assessed, in his or her possession, or under his or her control on the first day of June either as owner or holder thereof, or as parent, guardian, trustee, executor, executrix, administrator, administratrix, receiver, accounting officer, partner, agent, factor or otherwise: <i>Provided</i> , that whenever personal property has been conveyed in trust and the trustee resides outside of the state but the trustor resides within the state, then and in that case such property shall be listed for taxation in this state by such trustor where the property is situate. In all cases where a guardian, executor or executrix, administrator or administratrix resides in a city or incorporated town, all personal property in the hands of such guardian, executor or executrix, administrator or administratrix shall be listed for taxation only where their wards resided on the first day of June, and where the deceased persons resided at the date of their death, unless such wards or deceased persons were non-residents of the state on the first day of June or at the day of death, in which case the guardian, exec-
Personal property held by non-resident trustee, how listed, &c.	
Personal property held by guardian, &c., where listed.	

utor or executrix, administrator or administratrix shall list the said property where he or she resides on the first day of June: *Provided*, the guardian shall be exempt from municipal taxation on the personal property of his or her ward where the ward resides outside the corporate limits of the city or town: *Provided*, that anyone who, to evade the payment of taxes, surrenders or exchanges his or her certificates of deposit in any bank in this state or elsewhere for non-taxpaying securities, and after the date for listing property has passed takes said certificates back and gives up such non-paying securities, shall be guilty of a misdemeanor.

SEC. 12. The list shall be given in by the person charged, or his or her agent, during the month of June, as herein prescribed: *Provided*, that agents for the purpose of listing property shall be appointed only by females or non-residents of the township where the property is situated, or by persons physically unable to attend and file their lists at any time during the month of June. The property of a corporation shall be given in by the president, cashier, treasurer or other person appointed for that purpose: *Provided*, that the cashier of every bank in North Carolina shall furnish to the board of county commissioners of each county wherein any of its stockholders reside the number of shares and market value of such shares held by each stockholder.

SEC. 13. All real property and all stock, farming utensils and other personal property used in connection with the cultivation of a farm subject to taxation shall be listed in the township in which said property is situated on the first day of June. Stock which shall be grazing in a county other than that in which the owner resides, shall be listed in the county where the owner resides on the first day of June. Where the fee of the soil of any tract, parcel or lot of land is in any person or persons, natural or artificial, and the right to any minerals, quarry or timber therein is in another or others, the same shall be valued and listed agreeably to such ownership in separate entries, specifying the interest listed, and shall be taxed to the parties owning the different interests respectively. In listing mineral, quarry or timber interests the owner thereof shall describe in his list, together with the separate value of the same on each separate tract or parcel of land in or on which the same shall be situated or located, and the list-taker shall be particular to enter the same on the tax list according to the return. An owner of separate timber interest shall list the same whether the timber shall be attached to or detached from the soil.

SEC. 14. All taxable polls and all personal property, except such shares of capital stock and other property as are directed to be listed otherwise in this act, shall be listed in the township in which the person so charged resides on the first day of June. The residence of a corporation, partnership or joint stock association, for the pur-

Exemption from municipal taxation in certain cases.
Misdemeanor to surrender certificates of deposit, &c., to evade payment of taxes.

When and by whom list to be given in.

By whom agents may be appointed.

By whom property of corporation to be listed.

Bank cashier to furnish list of shareholders, &c., to commissioners.

Real property, farming stock, where listed.

Separate entries, when ownership of soil is in one, and mineral, &c., rights in another.

Mineral, &c., rights, how listed.

Separate timber interest.

Polls and personal property, where listed.

Residence of corporation, &c.

Shares of stock in corporations, how listed.	<p>poses of this act shall be deemed to be in the township in which its principal office or place of business is situated. If, however, the corporation, partnership or association have separate places of business in more than one township, it shall give in in each township the property or effects therein. Persons owning shares in incorporated companies taxable by law are not required to deliver to the list-taker a list thereof but the president or other chief officer of such corporation shall deliver to the list-taker a list of all shares of stock held therein and the value thereof, except banks. The tax assessed on shares of stock embraced in said list shall be paid by the corporations respectively. The shares in any branch bank shall be returned and the taxes thereon paid in the counties where such branches are located.</p>
Banks excepted. Tax payable by corporation. Branch banks.	<p>SEC. 15. At the time and place appointed by the list-taker the taxpayer in person, except as provided in section twelve, shall attend and shall file with the list-taker on a blank to be prepared and furnished by the state treasurer, a verified statement of all the property of every kind and description owned by the taxpayer. The taxpayer shall also swear to the true value of his or her property and choses in action, except land, which oath shall be in the following form, to-wit: "I do solemnly swear (or affirm) that the list furnished by me contains a true and accurate list of all property which by law I am required to list for taxation, and the value affixed thereon by me is a true valuation of the same, and the amount of solvent credits given in by me is the full and correct amount of same, according to my best knowledge, information and belief: so help me, God." Any person making a false return shall be deemed guilty of perjury. Property held in trust, or as agent, guardian, executor or executrix, administrator or administratrix, or in right of a <i>feme covert</i>, shall be returned on a separate list.</p>
Tax-payer to list property on oath.	
Form of oath.	<p>SEC. 16. The list-taker shall state all the property of the person giving in and also the age of the party, if a male, with reference to his liability to a poll-tax, and shall refer to the first day of June in that year:</p> <p>(1). The quantity of land owned in the township, and the land shall be described by name if it has one, otherwise in such a way that it may be identified.</p> <p>(2). The number of horses, mules, jacks and jennies in one column, goats, cattle, hogs and sheep separately, with the true value thereof.</p> <p>(3). Farming utensils, tools of mechanics, household and kitchen furniture, provisions, firearms, libraries and scientific instruments, specifying the articles separately at the true value thereof.</p> <p>(4). Money on hand, including all funds invested within thirty days before in United States bonds or other non-taxable property whatever.</p> <p>(5). The amount of credits, including accrued interest uncollected owing to the party, whether in or out of the state, whether owing by mortgage, bond, note, bill of exchange, certificate, check, open</p>
Perjury. Property held in trust, &c., how listed.	
What tax-list shall state.	
Land.	
Live stock.	
Farming utensils, furniture, &c.	
Money on hand, &c.	
Solvent credits.	

account, or due and payable; whether owing by any state or government, county, city, town or township, individual, company or corporation. Any certificate of deposit in any bank, whether in or out of the state, and the value of cotton, tobacco or other property in the hands of commission merchants or agents in or out of the state, shall be deemed credits within the meaning of this act. If any credit be not regarded as entirely solvent it shall be given in at its current or market value. The party may deduct from the amount of his credits owing to him the amount of collectible debts owing by him as principal debtor.

Deductions.

(6). Money, investments, stocks and bonds of whatever nature, except bonds of this state and the United States, and such other bonds as may have been expressly exempted from taxation by the law of this state, and such shares of stock in incorporated companies as may have been listed by the corporation.

Investments, &c.

Exceptions.

(7). All other personal property whatever, including therein all cotton in seed or lint, tobacco, either in leaf or manufactured, turpentine, rosin, ar, brandy, whisky, musical instruments, bicycles, goods, wares, and merchandise of all kinds, plated and silverware, and the watches and jewelry possessed by the party, or any minor child, at their value.

Other personal property.

(8). The gross income of the party the twelve months next preceding the first day of June in the current year derived from property not already taxed by the laws of this state, with a statement of the source or sources from which it was derived, and also his income over one thousand dollars, derived from salaries, or fees, or both.

Gross incomes.

(9). If the party be a non-resident of the county and owns lands therein the list-taker shall state his or her address, and may name any agent in the county to whom notice may be given respecting his or her taxes.

Land owned by non-resident.

SEC. 17. The list-taker shall be particular to examine each person on oath as to whether he or she has other property than that stated in his or her return which he or she may claim is not liable to taxation. Such property, except bonds of the United States and of this state, shall be entered and noted on the tax-list, and if the board of commissioners shall be unable to decide the legal questions involved it shall be their duty to consult the state treasurer about the matter and to be governed by his decision, and it shall be the duty of the state treasurer to decide all questions presented to him which may arise in the execution of this act or the act to raise revenue. Every list-taker who shall fail to examine each person listing his or her property as required in this section shall be guilty of a misdemeanor and fined and imprisoned at the discretion of the court.

List-takers to examine taxpayer on oath.

Commissioners to consult treasurer as to doubtful questions.

Treasurer to decide questions.

Failure of list-taker to examine taxpayer a misdemeanor.

SEC. 18. If any person liable to be charged with taxes shall refuse to answer any questions respecting his or her property, or shall refuse to fill, sign and swear to his or her returns, he or she shall be guilty

Refusal of taxpayer to answer questions, &c., a misdemeanor.

Duty of list-taker to prosecute.
Power to send for persons and papers, &c.

List-taker to correct assessments of land on which buildings have been erected or destroyed.

Exemptions.

Public property.

Property of university, colleges, benevolent orders, churches, &c.

Proviso.

Proviso.

Graveyards, &c.

\$25 personal property.

Auditor to provide forms.

How often furnished.

of a misdemeanor and on conviction liable to be punished by a fine not exceeding fifty dollars, or imprisoned not exceeding thirty days, or both, and it shall be the duty of the list-taker to have the offender prosecuted. Every list-taker and chairman of the board of county commissioners shall have power to send for persons and papers, and to examine witnesses and to administer oaths.

SEC. 19. Each list-taker shall correct any parcel of real property on which any structure of over one hundred dollars in value may have been erected, or on which any structure of the like value shall have been destroyed, agreeably to the return made in accordance with the provisions of this act.

SEC. 20. The property mentioned in this section shall be exempt from taxation, to-wit:

(1). That belonging to the United States or this state, or to any county or incorporated town and used for public purposes;

(2). The property belonging to and set apart and exclusively used for the university, colleges, institutions of learning, academies, the Masonic fraternity, Order of Odd Fellows, Knights of Pythias, Independent Order of Mechanics, Good Templars and Friends of Temperance, Knights of Honor, Good Samaritans and Brothers and Sisters of Love and Charity, Royal Arcanum, Hibernian Benevolent Society of Wilmington, the Israel and Priscilla Tent of Wilmington, schools for the education of the youth or support of the poor and afflicted, orphan asylums, such property as may be set apart for and appropriated to the exercise of divine worship or the propagation of the gospel, or used as parsonages, the same being the property of any religious denomination or society: *Provided*, that a property not used exclusively for religious, charitable or educational purposes, or which is held for the purpose of speculating in the sale thereof, investment or for rent, shall not be exempt: *Provided further*, that when the rental from such property is applied exclusively to the support of the gospel the property shall not be taxed.

(3). Such property as may be set apart for graveyards or burial lots, except such as is held for the purpose of speculating in the sale thereof.

(4). Twenty-five dollars of personal property of each individual taxpayer.

SEC. 21. The auditor of the state shall prepare forms to be used in assessing and listing property for taxation by the assessors and list-takers. He shall transmit said forms to the clerk of the board of commissioners of each county by the fifteenth day of May, and the clerk shall deliver to each board of list-takers and assessors the necessary number of the forms for their respective use. The assessors' forms shall be furnished every fourth year and the list-takers' forms annually.

SEC. 22. The list-taker shall on or before the first Monday in July in each year return the tax lists to the clerk of the board of commissioners. He shall also return a list of the property in the township not given in for taxation with a description and valuation thereof made by himself and the names of the occupant and supposed owner, and a list of the taxable polls of the township not given in for taxation. The returns so made shall be open to the inspection of all persons interested, and the clerk shall give to any person desiring it a copy of so much thereof as relates to his property on paying a fee of ten cents.

List-takers to return tax list and unlisted property and polls to clerk, &c.

Returns open to inspection.

SEC. 23. The list-taker, upon making return to the board of commissioners of the list and statements, shall take and subscribe an oath to the effect following, which may be administered by the chairman of the board of commissioners or any other officer authorized to administer oaths: "I, list-taker of, in the county of, do solemnly swear that the value of all real and personal property, moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise, of which a statement has been made to me by the persons required by law to list the same is truly returned as set forth in such statement; that in every case where by law I have been required to ascertain the items and value of the real and personal property, moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise, of any person, company or corporation, I have diligently and by the best means in my power endeavored to ascertain the real value thereof, and that I verily believe a full list, with the value thereof estimated by the rules prescribed by law, is set forth in the annexed returns; that in no case have I knowingly omitted to receive of any person of whom by law I was required to receive a statement of the description and value of real and personal property or of the amount of moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise, which he was required to list or in any way connived at any violation or evasion of any of the requirements prescribed by law in relation to the listing or valuation of property, moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise, of any kinds for taxation, and that I have returned to the board of commissioners the original returns made to me, or which I have made or which by law I am required to procure and return." Any list-taker making a false return as aforesaid shall be deemed guilty of perjury.

Oath of list-taker.

Perjury.

SEC. 24. The board of commissioners of each county after notice in one newspaper or by posters put up shall meet on the second Monday in July and revise the tax list and valuation reported to them, and complete the list by computing the tax payable by each person and affixing the same opposite his name. They shall sit for one day at least, and when necessary shall sit until the revision is complete and shall hear all persons objecting to the valuation of their property

Commissioners to revise tax-list, after notice.

or to the amount of tax charged against them. They shall have power to summon and examine witnesses, and shall correct the lists of the list-takers as may be right and just and so that the valuation of similar property throughout the county shall be as near uniform as possible. They shall have power, after notifying the owner or agent, to raise the valuation of such property as they shall deem unreasonably low. The said board of commissioners on tendering the prescribed oath may take the list of any person applying to list his or her taxables at any meeting of the commissioners held on or before the second Monday in July, upon his or her paying the clerk twenty-five cents for recording the same. The board of commissioners shall ascertain the valuation of his or her property by the examination of witnesses or otherwise and insert it in the abstract, and, without satisfactory excuse, they may add to the tax of the person so allowed to give in five per centum on the regular amount of his or her tax for that year.

Taxpayer may list before commissioners.

Increase of tax.

Complaints of overvaluation or excessive taxation.

SEC. 25. If any person shall complain before the board of commissioners that his or her property, either real or personal, has been improperly valued, or that he or she is charged with an excessive tax, he or she shall present his or her claim in writing, and they shall hear any evidence adduced by him or her, and shall summon and examine any witnesses necessary for a just decision of the question, including the assessors or list-taker who made the valuation. If the board of commissioners shall find that he or she has cause for complaint they shall direct their clerk to render a true account thereof, and the account thus rendered, certified by the clerk, shall be transmitted to the auditor, who shall credit the sheriff with the overcharge in his settlement for that year.

Application for relief after settlement by sheriff.

SEC. 26. If the application for relief be made to the board of commissioners after the sheriff shall have settled the accounts with the state and county, the commissioners shall carefully examine the case, and if in their opinion the applicant is entitled to relief, shall direct the clerk to record on the record book the cause of complaint and the amount which in the opinion of the commissioners should be refunded to the applicant. The clerk shall make out a copy of such record, certify the same under the seal of the commissioners and deliver it to the applicant, who shall pay the clerk a fee of twenty-five cents. Such copy shall be transmitted to the auditor of the state, who, on finding the proceedings in conformity with the requirements of the order, shall issue a warrant on the treasurer of the state for the amount of state tax specified. The treasurer shall, on presentation of such warrant, pay to the holder of the same the amount to be refunded.

Reimbursement of sheriff paying treasurer more taxes than are properly chargeable against him.

SEC. 27. If a sheriff or tax collector shall, in consequence of an error in the abstracts of taxes sent to the auditor or otherwise, be charged with more than the true amount with which he should be chargeable, and pay the amount so charged in excess to the treasurer of the state,

the auditor shall, upon the certificate of the board of county commissioners setting forth the nature of such error, give his warrant upon the treasurer of the state for the amount so paid in excess, and the treasurer shall pay the same.

SEC. 28. The chairman of the board of county commissioners shall examine the tax list from each township for the previous year and insert in said list the description and valuation of all property not given in, with the names of the persons supposed to be liable for a poll-tax who failed to give themselves in, and shall charge all such persons with double the tax with which they would otherwise be chargeable, unless satisfactory excuse therefor be rendered to the board of county commissioners on or before the first Monday in October; and all persons who are liable for poll-tax and shall wilfully fail to give themselves in, and all persons who own property and wilfully fail to list it within the time allowed before the list-taker or the board of commissioners, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not more than fifty dollars or imprisoned not more than thirty days. The list-taker shall report to the chairman of the board of county commissioners any change he may make to the tax list as to real estate as provided in this section, and the chairman shall note such changes in a book to be kept for that purpose.

Double tax on unlisted property and polls.

Wilful failure to list, &c., a misdemeanor.

Duty of list-taker to report changes as to real estate.

SEC. 29. In all cases where the board of commissioners shall have omitted, or in any future year shall omit, to enter upon the duplicate of their county any land or town lots situated within their county subject to taxation, it shall be their duty when they enter the same on the duplicate of the next succeeding year to add to the taxes of the current year the simple taxes of each and every preceding year in which such lands or town lots shall so have escaped taxation, with twenty-five per centum in addition thereto, as far back as the said lands have escaped taxation. Where no assessment has been made for the years in which said property has so escaped taxation, the board of commissioners shall be authorized to value and assess the same for those years.

Unlisted land.

Back taxes.

Additional tax.

Assessment.

SEC. 30. The board of commissioners shall cause to be made out two copies of the tax list for each township as revised and settled by them according to a form to be furnished to them by the auditor of the state. Such form shall show in different columns the sums due by each taxpayer to the state and to the county, and also in separate columns the total amount of school poll-tax levied by the general assembly and county authorities due by each taxpayer, and the total amount of property school-tax levied by the general assembly and the county authorities due by each taxpayer. One of said copies shall remain in the office of the clerk of the commissioners, the other shall be delivered to the sheriff or tax collector on or before the first Monday in September in each year, and he shall receipt for the same.

Commissioners to make out two copies of revised tax list for each township. What list to show.

Order of collection to be endorsed on copy given to sheriff.

Appeals to be noted.

The clerk shall endorse on the copies given to the sheriff an order to collect the taxes therein mentioned, and such order shall have the force and effect of a judgment and execution against the real and personal property of the person charged in such list. In such list the clerk shall note all appeals from the judgment of the commissioners which have been perfected by the giving of a bond. Said order shall be in the following or some similar form :

STATE OF NORTH CAROLINA, COUNTY.
OFFICE BOARD OF COMMISSIONERS, COUNTY.

Form of order of collection.

To the Sheriff of County :

You are hereby commanded to collect the taxes herein mentioned according to the provisions and requirements of the existing law.

In witness whereof, I hereunto set my hand and seal, day of, 18....

.....
Clerk of Board of Commissioners.

Duplicates of tax list, &c.

The board of county commissioners shall also cause duplicates of the tax list to be made in stub books with blank receipts for the use of the sheriff or tax collector.

Lien of agent paying tax, &c.

SEC. 31. When property is assessed to any person as agent for another, or in a representative capacity, such person shall have a lien upon such property or any property of his principal in his possession until he is indemnified against the payment thereof, or if he has paid the tax until he is reimbursed for such payment.

Clerk to return abstract of tax list to auditor by first Monday in November.

SEC. 32. The clerk of the commissioners on or before the first Monday in November after the lists are completed by the commissioners and deposited with him, shall return to the auditor an abstract of the same showing the number of acres of land and their value, and the value of town lots, and the number of white and colored polls separately, and specify every other subject of taxation, and the amount of state and county tax paid on each subject, and the amount paid on the whole. At the same time the clerk shall return to the auditor an abstract of the list of the poor, county and school taxes paid in his county, setting forth separately the tax levied on each poll and on each one hundred dollars value of real property for each purpose, and also the gross amount of taxes of every kind levied for county purposes.

Penalty for default of clerk to perform duties.

SEC. 33. If any clerk shall make a default of any of the duties prescribed in the preceding section, or shall fail to deliver to the auditor a copy of the sheriff's return of taxes received under Schedules B and C of an act to raise revenue, and a copy of the settlement of state tax account between the board of county commissioners and the sheriff or tax collector, made, sworn to and subscribed, he shall for-

feit and pay to the state one thousand dollars, to be recovered against him and the sureties of his bond in the superior court of Wake county, before the clerk thereof, on motion of the state solicitor; and it shall be the duty of the auditor to inform the solicitor of such default and at the same time furnish him with a certified copy of the official bond of said clerk. The clerk of the superior court shall transmit to the auditor on or before the second Monday in October in each year a certified copy of the official bond of the register of deeds and his sureties, under the same penalties for default as are prescribed in section one hundred and eight of this act. The register of deeds shall transmit to the auditor annually a copy of the bond of the clerk of the superior court.

How recovered.

Duty of auditor.

Duty of superior court clerk.

Penalty.

Duty of register.

SEC. 34. In case within the interval between the regular periods for the valuation of lands on real property any piece of land or real property shall become divided in ownership, either by partition or sale of a portion thereof, or otherwise, either of the part owners may at any time, upon five days notice to the other part owners, apply to the commissioners for an apportionment of valuation, which shall be allowed as may be just, and all persons having tax lists are required to amend the same according to the assessment of said board on the production of a certified copy thereof: *Provided*, that no amendment made after a tax on the land has become due shall operate to affect that tax.

How valuation of land apportioned in case of division.

Proviso.

SEC. 35. All taxes shall be due on the first Monday in September in each year. When paid, the sheriff or tax collector shall note on the tax list against the name of the party the date of payment and the amount paid. He shall also give receipt to the parties, stating the amount of the state and county tax separately, and the date of payment; and for failure to give such receipt, stating the state and county tax separately, he shall be guilty of a misdemeanor, and on conviction be fined at the discretion of the court: *Provided*, the sheriff or tax collector shall not collect the taxes for any years until he shall have settled in full with the state and county for the taxes of the previous year (if he was the sheriff or tax collector) and given the bond required by law; and if, upon examination, the commissioners are not satisfied with the solvency of the surety to said bonds, they may require new bonds to be given. Before receiving the tax list he shall produce the receipts of the state and county (if he was the sheriff or tax collector for the previous year) to the clerk of the board of commissioners, and in the event the sheriff fails to produce the aforesaid receipts or give the required bond, the board of commissioners shall appoint a tax collector, who shall give bond as required of the sheriff to faithfully collect and pay over the taxes according to law. When the sheriff shall collect by his deputies they shall, before the clerk of the board of commissioners or before a justice of the peace of the county, take and subscribe an oath faithfully and honestly to account

Taxes, when due.

Sheriff to give receipts.

Misdemeanor.

Proviso.

Sheriff to produce receipts for previous year before receiving tax list.

On failure, tax collector to be appointed.

Oath of deputy sheriff.

Misdemeanor.	for the same with the sheriff or other person authorized to receive the same. Said oath shall be filed with the clerk and kept in the office of the board of commissioners, and for failure of any deputy sheriff to pay over such taxes as he may collect, he shall be guilty of a misdemeanor.
When and where sheriff, &c., to attend for collection of taxes.	SEC. 36. The sheriff, or his deputy or tax collector, shall attend at the court-house or his office in the county town, during the months of September and November for the purpose of receiving taxes. He shall also in like manner attend at least one day during the month of
Notice.	October at some one or more places in each township, of which fifteen days notice shall be given by advertisement at three or more public places and in a newspaper, if one be published in the county : <i>Pro-</i>
Proviso.	<i>vided</i> , that nothing in this section shall be construed to prevent the collecting officer from levying and selling after the first day of November, but he shall not sell before that day. A sheriff or tax collector shall be entitled to fifty cents for each actual levy or sale and
Fees.	fifteen cents for each advertisement, but in no case shall said sums be collected where no levy or sale or advertisement is made on real or
When sheriffs to levy in certain counties.	personal property : <i>Provided</i> , that the sheriffs of the counties mentioned in chapter one hundred and fifty of the laws of one thousand
When sheriffs to attend in township for collection of taxes, &c.	eight hundred and eighty-three, as amended by subsequent acts, shall not levy on property or sell the same under execution until after the fifteenth day of March. The sheriffs of said counties, or their
Costs, &c.	regularly authorized deputies, shall attend one day during the month of March, before the fifteenth day of said month, at one or more places in each township, for the purpose of collecting the taxes which still
How sheriff to collect.	remain unpaid, of which ten days notice shall be given by advertisement at three or more public places and in a newspaper, if one be
Sale of personal property.	published in the county. No costs shall accrue or fees be collected by the sheriffs of said counties, except in cases of actual levy or advertisement and sale of property as prescribed in this proviso.
Insolvent taxes, when and how allowed sheriff.	SEC. 37. Whenever the taxes shall be due and unpaid, the sheriff shall immediately proceed to collect them as follows : (1.) If the party charged have personal property of a value equal to the tax charged against him, the sheriff shall seize and sell the same as he is required to sell other property under execution. (2.) And no tax due from insolvents shall be credited to the sheriff in the settlements with the auditor except such as shall be allowed by the board of commissioners, a list whereof, containing the names and amounts and subscribed by the sheriff, shall be returned by the sheriff to the board of commissioners, and the same shall be allowed only on his making oath that he has been at the dwelling house or usual abode of each of the taxpayers and could not there or elsewhere in the county find property wherewith to discharge his taxes or such part thereof as is unpaid, and that the persons contained in the lists were insolvent at and during the time when by law he ought to have

endeavored to collect the taxes. Such list shall be recorded in the commissioners' docket, and a copy thereof shall be returned to the auditor of the state on or before the day of the settlement of the sheriff with the treasurer.

SEC. 38. Whenever any sheriff or tax collector shall be credited on settlement with any tax or taxes by him returned as insolvent, dead or removed, he shall forthwith make publication at the court-house door of a complete list of the names of such insolvent, dead or removed delinquents, with the amount of the tax due from each, and the sum total so credited, and at least one public place in each township, a list of such delinquents of said township. Such complete list, by the order of the board of commissioners, may also be published in any newspaper printed in the county, in which case the expense of the advertisement for such time as may be directed shall be paid by the county. Any sheriff or tax collector failing to comply with the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten nor more than one hundred dollars.

Sheriff to publish list of insolvents, &c., at court-house door, &c.

Misdemeanor.

LISTING PROPERTY OF CORPORATIONS.

SEC. 39. Bridge, express, ferry, gas, manufacturing, mining, savings bank, stage, steamboat, street railroad, transportation and all other companies and associations incorporated under the laws of this state, except insurance companies, shall, in addition to the other property required by this act to be listed, make out and deliver to the assessor a sworn statement of the amount of its capital stock, setting forth particularly :

Corporations (except insurance companies) to furnish statement of capital stock.

- (1). The name of the location of company or association.
- (2). The amount of capital stock authorized, and the number of shares into which such capital stock is divided.
- (3). The amount of capital stock paid up.
- (4). The market value, or if no market value, then the actual value of the shares of stock.
- (5). The assessed valuation of all its real and personal property (which real and personal property shall be listed and valued as other real and personal property is listed and assessed under this chapter).

What statement to show.

How listed.

The aggregate of the fifth item shall be deducted from the aggregate value of its shares of stock as provided by the fourth item, and the remainder, if any, shall be listed by list-taker in the name of such company or corporation as capital stock thereof. In all cases of failure or refusal of any person, officer, company or association to make such return or statement, it shall be the duty of the list-taker to make such return or statement from the best information which he can obtain.

Stockholders in banks, how and where taxed.	SEC. 40. The stockholders in every bank located within this state, whether such bank has been organized under the laws of this state or of the United States, shall be assessed on the actual value of the shares of stock therein in the county, town, precinct, village or city where such bank or banking association is located for the purpose of taxation for the state. Such shares shall be listed in the name of the corporation by the cashier or other principal officer of any bank, and the tax due the state on the value of said shares shall be paid directly to the state treasurer as provided in section four of an act to raise revenue, except that the portion of shares of stock in national, state and private banks held by non-residents shall not be deducted. The assessment herein provided shall be with regard to the value of the stock on the first day of June annually, subject to the restriction that taxation of such shares shall not be at a greater rate than is assessed upon any other moneyed capital in the hands of individual citizens of this state in the county, town, precinct, village or city where such banks are located. The owners of shares in any bank shall list the value of their respective shares in the county, town, precinct, village or city where they reside for the purpose of county, school and municipal taxation.
Stock, how listed.	
Payment of state tax.	
Rate of taxation.	
How listed for county, school and municipal taxation.	

PRIVATE BANKS AND BANKERS.

Private banks, &c., to furnish sworn statement. SEC. 41. Every bank (not incorporated), banker, broker or stock jobber shall, at the times fixed by this chapter for listing personal property, make out and furnish the assessor a sworn statement, showing:

- (1). The amount of property on hand or in transit.
- (2). The amount of funds in the hands of other banks, bankers, brokers subject to draft.
- (3). The amount of checks or other cash items, the amount thereof not being included in either of the preceding items.
- (4). The amount of bills receivable, discounted or purchased, and other credits due or to become due, including accounts receivable and interest accrued but not due, and interest due and unpaid.
- (5). The amount of bonds and stocks of every kind, state and county warrants and other municipal securities and shares of capital stock or joint stock on other companies or corporations held as an investment or any way representing assets.
- (6). All other property appertaining to said business other than real estate, which real estate shall be listed and assessed as other real estate is listed and assessed under this act.
- (7). The amount of deposits made with them by other parties.
- (8). The amount of all accounts payable other than current deposit accounts.

(9). The amount of bonds and other securities exempt by law from taxation, specifying the amount and kind of each, the same being included in the preceding fifth item. The aggregate amount of the first, second and third items in said statement shall be listed as moneys. The amount of the sixth item shall be listed the same as other similar personal property is listed under this chapter. The aggregate amount of the seventh and eighth items shall be deducted from the aggregate amount of the fourth item of said statement, and the amount of the remainder, if any, shall be listed as credits. The aggregate amount of the ninth item shall be deducted from the aggregate amount of the fifth item of such statement, and the remainder shall be listed as bonds or stocks.

Property, how listed.

RAILROADS.

SEC. 42. The commissioners elected from time to time under the authority of "An act to provide for the general supervision of railroads, steamboat or canal companies, express and telegraph companies doing business in the state of North Carolina," shall constitute a board of appraisers and assessors for railroad, telegraph, canal and steamboat companies.

Railroad commissioners to constitute board of appraisers for railroad, telegraph, &c., companies.

SEC. 43. The president, secretary, superintendent or other principal accounting officer within this state of every telegraph and railroad company, whether incorporated by any law of this state or not, shall return to the said commissioners for assessment and taxation, verified by the oath or affirmation of the officer making the return, all the following described property belonging to such corporation on the first day of June of each year within this state, viz., the number of miles of such telegraph and railroad lines in each county in this state and the total number of miles in the state, including the road bed, right-of-way and superstructures thereon, main and side tracks, depot buildings and depot grounds, section and tool houses, rolling stock and personal property necessary for the construction, repairs or successful operation of such telegraph and railroad lines, including also all Pullman or sleeping-cars owned by them or operated over their lines: *Provided, however,* that all machine and repair shops, general office buildings, storehouses, and also all real and personal property outside of said right-of-way and depot grounds as aforesaid, of and belonging to any such railroad and telegraph companies, shall be listed for purposes of taxation by the principal officers or agents of such companies with the list-takers of the county where said real or personal property may be situated, in the manner provided by law for the listing and valuation of real and personal property. It shall be the duty of the list-takers, if required so to do by the said commissioners, to certify and send to the commissioners on or before the third Monday in June in each year a statement giving the description

President or other officer to make returns to board.

What property to be listed.

What property to be listed with county list-takers.

List-takers to send statement to board if required.

To send statement to auditor.	<p>of the property mentioned in the foregoing proviso, and showing the assessed valuation thereof. The list-taker shall also, on or before the same day, send to the auditor of state a like certificate of the assessed valuation and character of said property. The list-takers and assessors shall also certify to the commissioners the local rate of taxation for county purposes as soon as the same shall be determined, and such other information obtained in the course of the performance of the duties of their office as the said commissioners shall require of them, and the mayor of each city or town shall cause to be sent to the said commissioners the local rate of taxation for municipal purposes.</p>
To send local rate of taxation to board.	<p>SEC. 44. The movable property belonging to a railroad company shall be denominated for the purpose of taxation, "rolling stock." Every person, company or corporation owning, constructing or operating a railroad in this state shall, in the month of June annually, return a list or schedule to the commissioners, which shall contain a correct detailed inventory of all the rolling stock belonging to such company, and which shall distinctly set forth the number of locomotives of all classes, passenger cars of all classes, sleeping and dining cars, express cars, horse cars, cattle cars, coal cars, platform cars, wrecking cars, pay cars, hand cars and all other kinds of cars and the value thereof. And a statement or schedule as follows:</p>
Mayors to send rate of municipal taxation.	<p>(1). The amount of capital stock authorized and the number of shares into which such capital is divided.</p>
Rolling-stock, when and how listed.	<p>(2). The amount of capital stock paid up.</p>
Schedule.	<p>(3). The market value, or if no market value, then the actual value of the shares of stock.</p>
	<p>(4). The length of line operated in each county and the total in the state.</p>
	<p>(5). The total assessed valuation of all its tangible property in this state.</p>
	<p>(6). And all the information heretofore required to be annually reported by section nineteen hundred and fifty-nine of The Code.</p>
Board to prescribe instructions and forms.	<p>Such schedules shall be made in conformity to such instructions and forms as may be prescribed by the commissioners and with reference to amounts and values on the first day of June of the year for which the return is made.</p>
Method of valuation by board.	<p>SEC. 45. The said commissioners shall first determine the value of each railroad, and the aggregate value thus determined shall be apportioned in the same proportion that the length of such road in each county bears to the entire length thereof; and the commissioners shall certify to the chairman of county commissioners and the mayor of each city or incorporated town the amount apportioned to his county, city or town, and the commissioners shall make and forward a like certificate, together with all the reports of the various railroad officers or copies thereof, and other papers and evidence which formed the basis of the valuation, to the auditor of the state. All taxes due</p>
Duty of board.	

the state from any railroad company, except the tax imposed for school purposes, shall be paid by the treasurer of each company directly to the state treasurer within thirty days after the first day of July of each year, and upon failure to pay the state treasurer as aforesaid he shall institute an action to enforce the same in the county of Wake or any county in which such railroad is located. The board of county commissioners of each county through which said railroad passes shall assess against the same only the tax imposed by the state for school purposes and those imposed for county purposes and pensions.

Taxes due state,
how paid.

When treasurer
to institute
action.

What taxes to be
assessed by county
commission-
ers.

SEC. 46. When any railroad has part of its road in this state and part thereof in any other state, the commissioners shall ascertain the value of railroad track, rolling stock and shares of capital stock of such company, and divide it in the proportion the length of such road in this state bears to the whole length of such road, and determine the value of such railroad track, rolling stock and shares of capital stock in this state accordingly.

Railroad partly
in this State and
partly in another,
how assessed.

SEC. 47. Any railroad company claiming exemption from taxation under this act by reason of any contract with the state shall, together with and in addition to the return required by the last section, make a further return specifying the act or acts of the general assembly by which such contract is claimed to have been created, and also specifying what portion of the property of said railroad company is claimed to be exempt from taxation under this act, and the particulars as to character, location and value of property, if any, admitted to be liable under this act. Such returns shall be in no manner conclusive as to any of the facts therein stated, but said commissioners shall investigate and determine whether any, and if any, what portion of the property of such company is beyond the power of the state to tax under this act. The residue of said property, after deduction of that which is exempt, shall be taxed pursuant to the provisions of this act. After the first Monday in July the commissioners shall give a hearing to all companies interested touching the valuation and assessment of their property. The commissioners may, if they see fit, require all arguments and communications to be presented in writing.

Railroad claim-
ing exemption
from taxation to
make return.

What return to
show.

Board to investi-
gate, &c.

Taxation of resi-
due.

Board to give
hearing, &c.

SEC. 48. If the property of any railroad company be leased or operated by any other corporation, foreign or domestic, the property of the lessor or company whose property is operated shall be subject to taxation in the manner hereinbefore directed, and if the lessee or operating company, being a foreign corporation, be the owner or possessor of any property in this state other than that which it derives from the lessor or company whose property is operated, it shall be assessed in respect of such property in like manner as any domestic railroad company.

Leased roads,
how assessed.

Board empowered to summon witnesses, &c.

Refusal of officer to attend, &c., a misdemeanor.

Penalty.

Proceeding for contempt.

Stock in canal company, how assessed.

On failure of officer to return property, board to assess.

SEC. 49. The commissioners shall have power to summon and examine witnesses and require that books and papers shall be presented to them for the purpose of obtaining such information as may be necessary to aid in determining the valuation of any railroad property. Any president, secretary, receiver or accounting officer, servant or agent of any railroad or steamboat company having any portion of its property or roadway in this state who shall refuse to attend before the commissioners when required to do so, or to refuse to submit to the inspection of said commissioners any books or papers of such railroad company in his possession, custody or control, or shall refuse to answer such questions as may be put to him by said commissioners or order touching the business, property, moneys and credits and the value thereof of said railroad company, shall be guilty of a misdemeanor, and on conviction thereof before any court of competent jurisdiction shall be confined in the jail of the county not exceeding thirty days and be fined in any sum not exceeding five hundred dollars and costs; and any president, secretary, receiver, accounting officer, servant or agent aforesaid so refusing as aforesaid shall be deemed guilty of contempt of such commissioners and may be confined by order of said commissioners in the jail of the proper county until he shall comply with such order and pay the cost of his imprisonment.

SEC. 50. The value of the shares of capital stock of any canal company in this state over and above the value of its real and personal property shall be assessed as above provided for railroads, and the real and personal property as other property in this state is assessed. In case any officer fails to return the property as provided in this section, the commissioner shall ascertain the length of such property in this state and shall assess the same in proportion to length at the highest rate at which property of that kind is assessed by them.

SALE OF REAL ESTATE FOR TAXES.

Notice of sale to be given by sheriff.

SEC. 51. Before real estate shall be sold for taxes the sheriff or tax collector shall give notice to the delinquent taxpayers through the mail of such sale as well as by publication thereof once a week for four consecutive weeks preceding the sale in a newspaper in his county having a general circulation therein, which newspaper shall be designated by the board of county commissioners; and if there be no newspaper published in his county he shall give notice of such sale by a written or printed notice posted on the door of the courthouse or building in which the courts are commonly held for four consecutive weeks previous to the sale, and he may adjourn the sale from day to day until all the property advertised has been offered. The notice shall contain a notification that all the lands on which the taxes of the preceding year, naming it, remain unpaid will be sold

What notice to contain.

and the time and place of sale, and said notice must contain a list of the lands to be sold and the amount of taxes due thereon. The sheriff shall add to each description of land and town lots so advertised the sum of twenty cents to defray the expenses of advertising, which sum shall be added to the amount due on said land or town lots for taxes due, collected in the same manner as the taxes.

Expense of advertising, how paid.

SEC. 52. The person purchasing any parcel or portion thereof shall forthwith pay to the sheriff the amount of taxes and costs charged thereon, and on failure to do so the said parcel shall at once again be offered as if no such sale had been made.

Purchaser to pay taxes and costs.

Resale.

SEC. 53. The sheriff shall keep a sale book showing the land sold, the name of the purchaser, and the sum for which each tract was sold, and on or before the first Monday of May following the sale of real property he shall file in the office of the clerk of the board of county commissioners a return thereof as the same shall appear on said sale book, and such certificate shall be an evidence of the regularity of the proceedings.

Sheriff to keep sale book.

To file returns with clerk.

Evidence of regularity.

SEC. 54. If any sheriff shall fail to attend any sale of lands as required by this act, either in person or by competent deputy, he shall be guilty of a misdemeanor and liable to a penalty of three hundred dollars, to be recovered by an action in the superior court against the sheriff and his bondsmen. And if such officer or deputy shall sell or assist in selling any real property, knowing the same not to be subject to taxation, or that the taxes for which the same is sold have been paid, or shall knowingly and wilfully sell or assist in selling any real property for payment of taxes to defraud the owner of such real property, or shall knowingly or wilfully execute a deed for property so sold, he shall be liable to a fine of not less than one thousand nor more than three thousand dollars, or to imprisonment not exceeding one year, or to both fine and imprisonment and to pay the injured party all damages sustained by any such wrongful act, and all such sales shall be void.

Sheriff failing to attend sale guilty of misdemeanor.

Penalty.

Penalty for knowingly selling real estate not subject to taxation, &c.

SEC. 55. If any sheriff shall hereafter be, either directly or indirectly, concerned in the purchase of any real property sold for the payment of taxes, he shall be liable to a penalty of not more than one thousand dollars, to be recovered in an action in the superior court brought in the name of the county against such sheriff and his bondsmen, and all such sales shall be void.

Sales to be void.

Penalty for sheriff being interested in purchase of real estate sold for taxes.

SEC. 56. When it becomes necessary to charge the tax on personal property against real property, the sheriff or collector shall select for that purpose some particular tracts or lots of real property owned by the person owing such personal property tax, and in his advertisement for sale shall designate the particular tract or lots of real property against which sum such personal property tax is charged.

Sales to be void.

How tax on personal property charged against real estate.

SEC. 57. The purchaser of any tract of land sold by the sheriff for taxes will be entitled to a certificate in writing describing the land

Purchaser entitled to certificate.

Presumptive evidence.
Lien.
Additional lien for other taxes.

Tax receipt.

Purchaser of more than one parcel of land.

so purchased, the sum paid and the time when the purchaser will be entitled to a deed, which certificates shall be signed by the sheriff in his official capacity and shall be presumptive evidence of the regularity of all prior proceedings. The purchaser acquires a perpetual lien of the tax on the land, and if after the taxes become delinquent he subsequently pays any taxes levied on the same, whether levied for any year or years previous or subsequent to such sale, he shall have the same lien for them and may add them to the amount paid by him in the purchase, and the treasurer of the county shall make out a tax receipt and duplicate for the taxes on the real estate mentioned in such certificate the same as in other cases, and shall write thereon "sold for taxes." If any person shall become the purchaser of more than one parcel of property he may have the whole included in one certificate, but each parcel shall be separately described and the amount paid may be entered in gross in said certificate. Such certificate shall be substantially in the following form, to-wit:

CERTIFICATE OF SALE.

Form of certificate.

STATE OF NORTH CAROLINA, COUNTY.

I,, sheriff of the county of, in the state of North Carolina, do hereby certify that the following described real estate in said county and state, to-wit (describing the same): was, on the day of, 18...., duly sold by me in the manner provided by law for the delinquent taxes for the year 18.... thereon, amounting to dollars, including interest and penalty thereon and the costs allowed by law, to for the said sum of dollars, he being the highest and best bidder for the same. And I further certify that unless redemption is made of said estate in the manner provided by law the said, heirs or assigns, will be entitled to a deed therefor on and after the day of, A. D. 18...., on surrender of this certificate.

In witness whereof, I have hereunto set my hand this day of, A. D.

Sheriff.

Certificate assignable.

Statement in sheriff's deed presumptive evidence.

Sheriff's fees and deed.

SEC. 58. The certificate of purchase shall be assignable by endorsement, and an assignment thereof shall vest in the assignee or his legal representative all the right and title of the original purchaser, and the statement in the sheriff's deed of the fact of the assignment shall be presumptive evidence of such assignment.

SEC. 59. The sheriff is authorized to demand fifty cents for each deed or certificate made by him on such sale, but any number of parcels of land bought by any one person may be included in one deed as may be desired by the purchaser; and whenever the sheriff makes

a deed to any land sold for taxes, he shall enter an account thereof in the sale book opposite the description of the land conveyed.

SEC. 60. The owner or occupant of any land sold for taxes, or any person having a lien or interest thereon, may redeem the same at any time within one year after the day of such sale by paying the sheriff for the use of such purchaser, his heirs or assigns, the sum mentioned in his certificate, with interest thereon at the rate of twenty per centum per annum from the date of purchase, together with all other taxes subsequently paid, whether for any year or years previous or subsequent to said sale, and interest thereon at the same rate from the date of such payment, and the sheriff shall enter a memorandum of the redemption in the list of sales and give a receipt therefor to the person redeeming the same, for which he may charge a fee of twenty-five cents, and shall hold the redemption money paid subject to the order of the purchaser, his agent or attorney: *Provided*, that infants, idiots and insane persons may redeem any land belonging to them from such sale within one year (after the expiration of such disability on like terms as if the redemption had been made within one year) from the date of said sale and from the date of each subsequent payment of taxes thereon at the rate of twenty per centum per annum on the several amounts so paid by the purchaser until redemption. Any redemption made shall inure to the benefit of the person having the legal or equitable title to the property redeemed, subject to the right of the person making the same to be reimbursed by the person benefited.

Sheriff to make memorandum of deed in sale book.

Redemption of land sold for taxes.

Sheriff to make " memorandum of redemption, &c.

Redemption of land of infants, &c.

To whose benefit redemption to inure.

SEC. 61. If any purchaser of real estate sold for taxes under the provisions of this act shall suffer the same to be again sold for taxes before the expiration of the last day of the annual sale thereafter, such purchaser shall not be entitled to a deed for such real property until the expiration of a like term from the date of such sale, during which time the land shall be subject to redemption upon the terms and conditions prescribed in this chapter; but the person redeeming shall only be required to pay for the use of such first purchaser the amount paid by him, with interest at the rate of ten per centum per annum. The second purchaser shall be entitled to the amount paid by him with interest as provided in the preceding section, and unless paid by the first purchaser he shall forfeit his rights to a deed for said land.

Effect of second sale of real estate for taxes.

SEC. 62. Any person claiming an undivided part of any land sold for taxes may redeem the same on paying such proportion of the purchase money, interest, principal and subsequent taxes as he shall claim of the land sold..

Partial redemption by person claiming an undivided interest.

SEC. 63. In every case of a partial redemption pursuant to the last section, the quantity sold shall be reduced in proportion to amount paid on such partial redemption, and the sheriff shall convey accordingly.

Effect of partial redemption.

When deed to be executed to purchaser.

SEC. 64. At any time within one year after the expiration of one year from the date of sale of any real estate for taxes, if the same shall not have been redeemed, the sheriff, on request and on the production of the certificate of purchase, shall execute and deliver to the purchaser, his heirs or assigns, a deed of conveyance for the real estate described in such certificate; and in case of the loss of any certificate, on being fully satisfied thereof by due proof, the sheriff may execute and deliver the proper conveyance.

TAX DEEDS AND RIGHTS OF PURCHASERS.

Registration and effect of deed.

SEC. 65. The deed so made by the sheriff shall be recorded in the same manner as other conveyances of real estate, and shall vest in the grantee, his heirs and assigns the title of the property therein described without further acknowledgment or evidence of such conveyance, and said conveyance shall be substantially in the following form:

Form of deed.

STATE OF NORTH CAROLINA, COUNTY.

Whereas, at a sale of real estate for the non-payment of taxes made in the county aforesaid on the day, A. D. 18...., the following described real estate was sold to-wit (here place description of real estate conveyed): and whereas, the same not having been redeemed from such sale, and it appearing that the holder of the certificate of purchase of said real estate has complied with the laws of North Carolina necessary to entitle (insert him, he or them) to a deed of said real estate: Now, therefore, know ye that I,, sheriff of said county of, in consideration of the premises and by virtue of the statutes of North Carolina in such cases provided, do hereby grant and convey unto, his heirs and assigns forever, the said real estate hereinbefore described, subject, however, to any redemption provided by law.

Given under my hand and seal this day of, Anno Domini 18....

.....,
Sheriff.

Deed to be presumptive evidence of certain facts.

SEC. 66. Deeds made by the sheriff as aforesaid shall be presumptive evidence in all courts of this state in all controversies and suits in relation to the rights of the purchaser, his heirs or assigns, to the lands thereby conveyed of the following facts:

- (1). That the real property conveyed was subject to taxation for the year or years stated in the deed.
- (2). That the taxes were not paid at any time before the sale.
- (3). That the real property conveyed had not been redeemed from the sale at the date of the deed.

- (4). That the property had been listed and assessed.
- (5). That the taxes were levied according to law.
- (6). That the property was sold for taxes as stated in the deed.
- (7). That notice had been served and due publication had before the time of redemption had expired.

And it shall be conclusive evidence of the following facts :

To be conclusive evidence of certain facts.

(1). That the manner in which the listing, assessment, levy and sale were conducted was in all respects as the law directed.

(2). That the grantee named in the deed was the purchaser or his assignee.

(3). That all the prerequisites of the law were complied with by all the officers who had or whose duty it was to have had any part or action in any transaction relating to or affecting the title conveyed or purporting to be conveyed by the deed, from the listing and valuation of the property up to the execution of the deed, both inclusive, and that all things whatsoever required by law to make a good and valid sale and to vest the title in the purchaser were done, except in regard to the points named in this section wherein the deed shall be presumptive evidence only.

And in all controversies and suits involving the title of real property claimed and held under and by virtue of a deed made substantially as aforesaid by the sheriff, the person claiming title adverse to the title conveyed by such deed shall be required to prove, in order to defeat the said title, either that the said real property was not subject to taxation for the year or years named in the deed, that the taxes had been paid before the sale, that the property had been redeemed from the sale according to the provisions of this act, and that such redemption was had or made for the use and benefit of persons having the right of redemption under the laws of this state, or that there had been an entire omission to list or assess the property, or to levy the taxes, or to sell the property ; but no person shall be permitted to question the title acquired by a sheriff's deed without first showing that he or the person under whom he claims title had title to the property at the time of the sale, and that all taxes due upon the property have been paid by such person or the person under whom he claims title as aforesaid : *Provided*, that in any case where a person has paid his taxes and, through mistake in the entry made in the sheriff's books, or in the receipts, the land upon which the taxes were paid was afterwards sold, the sheriff's deed shall not convey the title : *Provided further*, that in all cases where the owner of lands sold for taxes shall resist the validity of such tax title, such owner may prove fraud committed by the officer selling the same, or in the purchaser, to defeat the same, and if fraud is so established such sale and title shall be void.

In controversies concerning title, what adverse claimant required to prove.

Proviso.

Proviso.

SEC. 67. When by mistake or wrongful act of the sheriff or other officer land has been sold on which no tax was due at the time, or

County to hold purchaser harmless in certain cases.

Liability of
sheriff, &c.

County to have
credit for state
taxes paid to
purchaser.

Duty of sheriff
when land not
subject to taxa-
tion, &c., is sold.

Action for land
sold for taxes to
be brought within
three years.

Proviso.

Validity of acts
of officers *de
facto*.

Sale of real estate
charged in other
name than that
of owner.

Evidence of sale
by records, &c.

Sale not invalida-
ted by irregulari-
ties in assess-
ment, &c.

whenever land is sold in consequence of error in describing such land in the tax receipt, the county is to hold the purchaser harmless by paying the amount of principal and costs paid with eight per centum interest thereon, and the sheriff or other officer and their bondsmen will be liable to the county to the amount on their official bond; or the purchaser or his assignee may recover directly of the sheriff or other officer in an action brought to recover the same in any court having jurisdiction of the amount, and judgment shall be against him and his bondsmen, but the sheriff or other officer and their bondsmen shall be liable only for their own and deputies' acts, and any amount so paid by the county for state taxes shall, on proper certificate from the chairman of the board of county commissioners, be allowed by the auditor and paid by the state treasurer.

SEC. 68. Whenever it shall be made to appear to the satisfaction of the sheriff either before the execution of a deed for real property sold for taxes, or if the deed be returned by the purchaser, that any tract or lot was sold which was not subject to taxation, or upon which the taxes had been paid previous to the sale, he shall make an entry opposite such tract or lot on the record of sale that the same was erroneously sold, and such entry shall be evidence of the fact therein stated. And in such cases the purchase-money shall be refunded to the purchaser as provided by this act.

SEC. 69. No action for the recovery of real property sold for the non-payment of taxes shall lie unless the same be brought within three years after the sheriff's deed is made as above provided: *Provided*, that where the owner of such real property sold as aforesaid at the time of such sale be a minor or insane, or convict in the penitentiary, or under any other legal disability, three years after such disability shall be removed shall be allowed such person, his heirs or legal representatives, to bring action.

SEC. 70. In all suits and controversies involving the question of title to real property held under and by virtue of a sheriff's deed, all acts of assessors, sheriffs, clerks, supervisors, commissioners and other officers *de facto* shall be deemed and construed to be of the same validity as acts of officers *de jure*.

SEC. 71. No sale of real property for taxes shall be considered valid on account of the same having been charged in any other name than that of a rightful owner, if the said property be in other respects sufficiently described.

SEC. 72. The books and records belonging to the offices of the register or sheriff, or copies thereof properly certified, shall be deemed sufficient evidence to prove the sale of any real property for taxes, the redemption thereof or the payment of the taxes thereon.

SEC. 73. Irregularities in making assessments and in making the returns thereof in the equalization of property as now provided by law shall not invalidate the sale of any real estate when sold by the

sheriff for delinquent taxes due thereon, nor in any manner invalidate the tax levied on any property or charged against any person.

SEC. 74. The following defects, omissions and circumstances occurring in the assessment of any property for taxation, or in the levy of taxes, or elsewhere in the course of the proceeding from and including the assessment and to and including the execution and delivery of the deed of property sold for taxes, shall be taken and deemed to be mere irregularities within the meaning of the preceding section: The failure of the assessor to take or subscribe an oath or attach one to any assessment roll; the omission of a dollar mark or other designation descriptive of the value of figures used to denote an amount assessed, levied or charged against any property or the valuation of any property upon any record; the failure to make or serve any notice mentioned in this act; the failure or neglect of the sheriff to offer any real estate for sale for delinquent taxes thereon at the time mentioned in the advertisement or notice of such sale; and the failure of the sheriff to adjourn such sale from day to day, or any irregularity or informality in such adjournment, and any irregularity or informality in the manner or order in which real estate may be offered for sale; the failure to assess any property for taxation or to levy any tax within the time provided by law, and any irregularity, informality or omission in any such assessment or levy and defect in the description upon any assessment book, tax collector's book or other record of real or personal property assessed for taxation, or upon which any taxes are levied, or which may be sold for taxes, provided such description be sufficiently definite to enable the sheriff, tax collector or other officer, or any person interested, to determine what property is meant or intended by the description; and in such case a defective or indefinite description on the assessment or collector's book, or in any notice or advertisement, may be made definite by the sheriff in the deed by which he may convey such property if sold for taxes by conveying by a proper and definite description the property so defectively or indefinitely described; any other irregularity, informality or neglect or omission on the part of any officer or in any proceeding, whether mentioned in this section or not; the neglect or omission to tax or assess for taxation any other person or property; the over-taxation of persons or property liable to be taxed, including in an assessment a tax for an illegal purpose.

Certain defects, omissions, &c., to be deemed mere irregularities,

DELINQUENT CORPORATIONS.

SEC. 75. That when any corporation doing business in this state shall fail or neglect to pay any tax assessed or charged against it, when the same shall become delinquent, it shall be lawful for the sheriff to notify any agent or officer of said company in the county where such tax is delinquent that the same is delinquent, and the

Corporations failing to pay taxes.

Sheriff to notify officers to pay over moneys in his hands, &c.

Failure to pay a misdemeanor.

Forfeiture of charter, &c.

amount due, and shall further notify such officer or agent to pay over all moneys that may be in his hands or that may afterwards come into his hands belonging to such corporation not exceeding the amount of tax due to such sheriff; and if such agent or officer shall fail to pay over said moneys to the sheriff, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars nor more than five hundred dollars. And if any corporation shall be delinquent for taxes for six months after they become due, its charter shall be forfeited and a receiver appointed by the clerk of the superior court to wind up the affairs of such corporation, upon suit brought by the attorney general, if such corporation was chartered by the general assembly; and if by letters of incorporation issued from the clerk's office, upon an affidavit made by the sheriff that he cannot collect taxes due the letters shall be revoked and publication made to that effect, the cost of which shall be paid by the county.

INJUNCTION, WHEN GRANTED, AND SUIT TO RECOVER TAXES.

Injunction to restrain collection of taxes, when granted.

When action for claim and delivery will lie against sheriff.

Duty to pay tax claimed to be invalid and afterwards bring action, &c.

Judgment, how collected.

SEC. 76. No injunction shall be granted by any court or judge in the state to restrain the collection of any tax or any part thereof hereafter levied, nor to restrain the sale of any property for the non-payment of any such tax, except such tax or the part thereof enjoined be levied or assessed for an illegal or unauthorized purpose, or be illegal or invalid, or the assessment be illegal or invalid; nor shall any person be permitted to recover by claim and delivery or other process any property taken or distrained by the sheriff or any tax collector for the non-payment of any tax, except such tax be levied or assessed for an illegal or unauthorized purpose; but in every case the person or persons claiming any tax or any part thereof to be for any reason invalid, or that the valuation of the property is excessive or unequal, who shall pay the same to the tax collector or other proper authority in all respects as though the same was legal and valid, such person may at any time within thirty days after such payment demand the same in writing from the treasurer of the state, or of the county, city or town for the benefit or under the authority or by the request of which the same was levied, and if the same shall not be refunded within ninety days thereafter may sue such county, city or town for the amount so demanded, including in his suit against the county both state and county tax; and if upon the trial it shall be determined that such tax or any part thereof was levied or assessed for an illegal or unauthorized purpose, or was for any reason invalid or excessive, judgment shall be rendered therefor, with interest, and the same shall be collected as in other cases, and the amount of state tax overpaid or declared invalid certified by the clerk and refunded by the state treasurer.

SEC. 77. No county, city council or town commissioners shall have power to release, discharge, remit or commute any portion of the taxes assessed and levied against any person or property within their respective jurisdiction for any reason whatever. And any taxes so discharged, released, remitted or commuted may be recovered by civil action from the members of any such board at the suit of any citizen of the county, city or town, as the case may be, and when collected shall be paid into the proper treasury. Nothing in this section shall be construed to prevent the proper authorities from refunding taxes paid as provided in this act, nor to interfere with the powers of any officers or boards sitting as a board from the equalization of taxes.

Counties, &c., not authorized to remit, &c., taxes.

Action against commissioners.

Exception.

TAXES STRICKEN FROM LIST.

SEC. 78. Whenever it shall appear from the return of the sheriff that any person charged with taxes on personalty has removed out of the county, or has deceased and left no property out of which taxes can be made, or if from any other cause it be impossible to collect such taxes, it shall be the duty of the county commissioners to cause the same after the expiration of two years, in which time the sheriff shall use due diligence to collect the same, to be stricken from the tax list, and the clerk of the board of county commissioners shall certify the amount due the state so stricken off to the auditor, who shall credit the county therewith for taxes due the state, and upon his warrant the same shall be paid by the state treasurer.

Taxes on personal property not collectible, stricken from list, &c.

Auditor to give credit and treasurer to pay.

SEC. 79. No city or town collector of taxes shall, either directly or indirectly, contract for or purchase any warrant or order or orders issued by the county or municipal corporation of which he is collector at any discount whatever upon the sum due on such warrant or order or orders, and if any sheriff or collector of taxes shall so contract for or purchase any such order or warrant, he shall not be allowed in settlement the amount of said order or warrant or any part thereof, and shall also forfeit the whole amount due on such order or warrant, to be recovered by civil action at the suit of proper authority for the use of the school fund of the county or benefit of such municipal corporation.

Unlawful for city or town collector to discount county, &c., warrant.

Penalty.

FORECLOSURE.

SEC. 80. The owner of any certificate or certificates of tax sale upon any tract of land or town lot shall be deemed to be the assignee or owner of all the liens for taxes of the state or county for which such tract or lot was sold, and may, instead of demanding a deed therefor as provided in this act, proceed by action at any time before the expiration of two years from the date of such certificate to foreclose the same, and cause the tract or lot to be sold for the satisfaction thereof and of all prior and subsequent taxes paid thereon, in all respects as

Owner of certificate of tax sale authorized to bring action to foreclose.

far as practicable in the same manner and with like effect as though the same were a mortgage executed to the owner of such certificate or certificates for the amount named therein, together with subsequent and prior taxes paid thereon by the person having or owning the title to said land or lot adverse thereto. More than one certificate on the same property may be included in the same action, but each, together with prior and subsequent taxes paid thereon, shall be deemed and stated as a separate cause of action: *Provided*, that no action to foreclose any such lien shall be maintained unless the owner of any such certificate shall have served notice on the occupant or owner of the land mentioned therein.

Proviso.

Certificate invalidated if owner fail to demand deed or bring action within two years.

SEC. 81. If the owner of any such certificate shall fail or neglect either to demand a deed thereon or to commence an action for the foreclosure of the same as provided in the preceding section, within two years from the date thereof, the same shall cease to be valid or of any force whatever, either as against the person holding or owning the title adverse thereto, and all other persons, and as against the state, county and all other municipal subdivisions thereof.

Interest.

SEC. 82. In any case in which the plaintiff shall recover in an action for the foreclosure of tax liens as provided in this act, he shall be entitled to interest on each amount paid by him and evidenced by his certificates of tax sales and receipts for taxes paid at the rate of twenty per centum per annum from the date of each payment until the rendition of the decree of foreclosure, which decree shall draw interest as in other cases.

DEFINITIONS.

Definitions.

SEC. 83. The words and phrases following, whenever used in this act, shall be construed to include in their meaning the definitions set opposite the same in this section whenever it shall be necessary to the proper construction of this act:

Banks, &c.

(1). *Bank—Banker—Broker—Stock-Jobber.*—Whoever has money employed in the business of dealing in coin, notes or bills of exchange, or in any business of dealing in or buying or selling any kind of bills of exchange, checks, drafts, bank notes, promissory notes, bonds, warrants or other writing obligatory, or stocks of any kind or description whatsoever, or receiving money on deposit.

Collector.

(2). *Collector—Collectors.*—County and deputy collectors, including sheriffs.

List-taker, &c.

(3). *List-takers and Assessors.*—Have all authority conferred upon list-takers in this act.

Credits.

(4). *Credits.*—Every claim or demand for money, labor, interest or other valuable thing due or to become due, including money on deposit.

"He."

(5). *He.*—Male, female, company, corporation, firm, society, singular or plural number.

(6). *Real Property—Real Estate—Land—Tract—Lot.*—Not only the land itself, whether laid out in town or city lots or otherwise, with all things contained therein, but also all buildings, structures and improvements and other permanent fixtures of whatsoever kind thereon, and all rights and privileges belonging or in anywise pertaining thereto, except where the same may be otherwise denominated by this act. Real property.

(7). *Shares of Stock—Shares of Capital Stock.*—The shares into which the capital or stock of every incorporated company or association may be divided. Shares of stock.

(8). *Tax—Taxes.*—Any tax, special assessments or costs, interest or penalty imposed upon property. Tax—Taxes.

MISTAKES IN ASSESSMENTS.

SEC. 84. If on the assessment roll there be an error in the name of the person assessed, or any taxable property shall not be entered thereon, the name may be changed or the property entered on the list by the assessor after the roll has been returned to the clerk of the board of county commissioners, or such error may be corrected or the omission supplied by the county commissioners upon satisfactory evidence of such error or omission at a regular meeting of the board, and the board may make an order requiring the person to be affected to show cause, at a day to be therein appointed, why the error shall not be corrected or omission supplied and his name and the property be entered on the tax list. Such order shall be served upon the party or posted upon the property thirty days before the day appointed therein for showing cause. If no cause or no sufficient cause be shown to the contrary the commissioners shall assess such property and order such error corrected or omission supplied and the name of the person and description of the property entered on the tax list, and the tax shall be collected as in other cases; but proceedings to correct such error or supply such omission must be instituted within six months from the time the taxes would, if regularly assessed, have become delinquent. Correction of errors on assessment roll by commissioners.

Notice to person affected.

When proceeding to correct error to be instituted.

PURCHASE AT TAX SALE BY MUNICIPAL OFFICERS.

SEC. 85. That at all tax sales provided for by law the commissioners of the several counties of this state may purchase, for the use and benefit and in the name of their respective counties, any real estate therein advertised and offered for sale when the same remains unsold for want of other bidders. The respective sheriffs shall issue certificates of purchase of the real estate sold in the name of the proper county. Such certificates shall remain in the custody of the sheriff, and at any time the county commissioners may assign such certificates of purchase to any person wishing to buy for the amount Purchase of real estate sold for taxes by commissioners for use of county.

Sheriff to issue certificate.

Assignment of certificate.

expressed on the face of the certificate and interest thereon at the rate per centum which the taxes were drawing at the time of purchase, or for the total amount of all tax on such real estate. Such assignment may be made by the endorsement of the chairman of his name on the back of each certificate, and such endorsement shall be made when requested by the county commissioners.

When commissioners may assign certificates, &c.

SEC. 86. Whenever the county commissioners of any county in this state have purchased any real estate in two successive years for delinquent taxes, or when there are three years or more delinquent taxes due on any real estate, and the county commissioners have purchased the same for the delinquent taxes due thereon at a single sale, they may sell and assign the tax certificates issued upon such purchase for an amount not less than fifty per centum of the amount expressed in such certificates: *Provided*, that if such real estate shall consist of lot or lots in any city, town or village in this state, the taxes upon which have been delinquent for any three years and which so remain delinquent at the time of sale, the county commissioners may purchase such lot or lots at any time for the amount of such delinquent taxes without the interest, and may sell and assign the tax certificate therefor for an amount not less than fifty per centum of the amount expressed in such certificate.

Lots in cities, &c.

Mayors of cities, &c., authorized to purchase, &c.

SEC. 87. In case such real estate be within the corporate limits of any city or town the mayor shall have the same power and is authorized to purchase any real estate in such city or town in like manner as the county commissioners may purchase as specified in section eighty-seven of this act, and the said mayor may assign such certificate of sale (to be issued to him by the sheriff on request) by the endorsement of his name on the back of each certificate when ordered to do so by the city council or town commissioners, but no such certificate shall be issued to the city or town by the sheriff when a certificate for the same tract or lot has been issued to the county commissioners.

Assessment.

When and how sheriff to account to state treasurer for taxes on real estate purchased by county.

SEC. 88. Whenever real estate is purchased by county commissioners or by the city or town the sheriff of the county wherein the real estate is situated shall not be obliged to account to the state treasurer or to any person for the amount of taxes due until the county commissioners or city or town authorities have sold the certificate or certificates of purchase of the real estate sold. And in all cases where such certificate or certificates of purchase of the real estate sold shall have been sold and assigned by the county commissioners for an amount not less than fifty per centum of the amount expressed in such certificates, and in all cases where real estate has been sold by the sheriff of a county at a minimum valuation fixed thereon by the county commissioners, in cases where the amount of taxes due exceeds the valuation of said real estate, and in all cases where the tax lien is foreclosed by the county commissioners, the sheriff shall

be required to account to the state treasurer or any city treasurer or person for the proportion only of the amount actually received, due the state or otherwise, and the sheriff shall receive credit for the full amount of the taxes charged up by the state or city or town against said real estate.

SEC. 89. Whenever there is more than one year's tax due upon city or town real estate, the certificate of purchase may be assigned by the mayor at not less than fifty per centum of the tax due, and when such certificate is assigned by the mayor, and not before, he shall pay to the sheriff the due proportion of the state and county tax.

When and how mayor to assign certificates and pay state and county taxes.

FORECLOSURE OF TAX LIENS BY COUNTY COMMISSIONERS.

SEC. 90. That in all cases whenever the county commissioners of any county in this state have purchased or shall hereafter purchase any real estate for taxes of any kind delinquent for one year or more and after the time of redemption from such sale has expired, they may, in the name of their respective counties, proceed by action at any time before the expiration of two years from the date of such sale to foreclose such certificates or liens in the superior court of such county and to cause the tract or lot to be sold for the satisfaction thereof and of all prior and subsequent taxes due thereon, in all respects as far as practicable, in the same manner and with like effect as though the same were a mortgage executed by the owner or owners of such real estate to the owner and holder of such certificates of liens for the amount therein expressed, together with such subsequent and prior taxes due thereon, and that at such sale the county commissioners may, if they deem best, purchase in the name of their respective counties such real estate.

County commissioners authorized to bring actions to foreclose, &c.

May purchase for county.

SEC. 91. That any assignee of such tax certificate or tax lien may foreclose the same in the same manner and with like effect as in cases where such county commissioners may, under the provisions of this act, proceed to foreclose the same, and any person whomsoever may purchase real estate at such foreclosure sale.

Action to foreclose by assignee of tax certificate.

FORECLOSURE OF TAX LIENS BY OWNERS OF CERTIFICATES.

SEC. 92. That any person, persons or corporation having by virtue of any provision of the tax or revenue laws of this state a lien upon any real property for taxes assessed thereon may enforce such lien by an action in the nature of a foreclosure of a mortgage for the sale of so much real estate as may be necessary for that purpose and costs of suit.

Action to enforce lien on real estate for taxes.

SEC. 93. That any person, persons or corporation holding or possessing any certificate of purchase of any real estate at public tax sale or any tax deed shall be redeemed entitled to foreclose such lien under the

Holders of certificates of purchase entitled to foreclose.

Proviso.

provision of this act within any time not exceeding two years from the date of tax sale (not deed) upon which such lien is based: *And provided*, that the taking out of a tax deed shall in nowise interfere with the rights granted in this act.

PROVISIONS FOR COLLECTING TAX AND BY WHOM TO BE PAID.

Lien of taxes upon railroads.

SEC. 94. That taxes upon any and all railroads in this state, including road-bed, right-of-way, depots, side tracks, ties and rails, now constructed or hereafter to be constructed, are hereby made a perpetual lien thereupon, commencing from the first day of June in each current year, against all claims or demands whatsoever of all persons or bodies corporate except the United States and this state, and the above described property or any part thereof may be taken and held for the payment of all the taxes assessed against said railroad company in the several counties in this state.

Road-bed, &c., declared personal property.

SEC. 95. The property mentioned in the preceding section is hereby declared to be personal for the purpose of taxation and collection of the same.

Penalty for removal of personal property, &c., to avoid listment.

SEC. 96. Any person who shall remove personal property or cause the same to be removed from the precinct of his or her residence or usual place of use or business or place of keeping or deposit of the same, for the purpose of avoiding listment of said personal property for taxation, or any person who shall fail or refuse to list such personal property as required by law, when the same shall be temporarily removed from the precinct, place of residence of the owner or other place where the same shall usually be kept or used, said owner, or agent of said owner, or either of them, or in case of a corporation the manager or other person in charge or possession of such property, shall on conviction be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Construction of "person" and "his or her" as affecting corporations.

SEC. 97. The words "person" and "his or her," where they occur in the foregoing section, shall be construed where the same is applicable to mean any and all corporations who have personal property liable to taxation.

Liability of life-tenants, &c., for taxes.

SEC. 98. Every person shall be liable to pay tax for the lands or town lots of which he or she may stand seized for life by courtesy, dower or by a husband in right of his wife, or may have the care of as guardian, executor or as agent or attorney having funds of the principal in his or her hands.

Failure of life-tenant, &c., to pay.

SEC. 99. If any person who shall be seized of land as tenants by courtesy or dower, or who shall be seized of lands for life, or in the right of his wife, shall neglect to pay the taxes thereon so long that such lands shall be sold for the payment of the taxes, and shall not within one year after such sale redeem the same according to law, such person shall forfeit to the person or persons next in title to such lands in remainder or reversion all the estate which he or she so neg-

Sale of land.

Estate forfeited to remainderman, &c.

lected as aforesaid may have in said lands, and the remainderman or reversioner may redeem said lands in the same manner that other lands may be redeemed after having been sold for taxes within one year after such forfeiture; and moreover, the person so neglecting as aforesaid shall be liable in action to the person next in title to the estate for all damages such persons may have sustained by such neglect.

Remainderman, &c., may redeem.

Action for damages.

SEC. 100. Any person having a lien upon real estate may pay the taxes thereon in so far as the same are a lien upon such real estate, and the amount of taxes so paid shall from the time of payment operate as a lien upon such real estate in preference to all other liens, and the money so paid may also be recovered by action for moneys paid to his use against the person or persons legally liable for the payment of such taxes.

Person having a lien on land may pay taxes, &c.

SEC. 101. In all cases where any tract of land may be owned by two or more persons as joint tenants, as copartners, or tenants in common, and one or more of the proprietors shall have paid or may hereafter pay the tax or tax and penalty charged or chargeable on his or their proportion or proportions of such tract, and one or more of the remaining proprietors shall have failed or may hereafter fail to pay his or their proportion of the tax and penalty charged or chargeable on said land, and partition of said land has or shall be made between them, the tax or tax and penalty paid as aforesaid shall be deemed to have been paid on the proportion or proportions of said tract set off to the proprietor or proprietors who paid his or their proportion of said tax or tax and penalty; and the proprietor or proprietors so paying the tax or tax and penalty as aforesaid shall hold the proportion or proportions of such tract set off to him or them as aforesaid free from the residue of the tax or tax and penalty charged on said tract before partition, and the proportion or proportions of said tract set off to the proprietor or proprietors who shall not have paid his or their proportion of said tax or tax and penalty shall be charged with and held bound for the proportion of said tax or tax and penalty remaining unpaid in the same manner as if said partition had been made before said tax or tax and penalty had been assessed, and said proportion or proportions of said tract originally listed for taxation in the name or names of said delinquent proprietor or proprietors; and whenever any lands so held by tenants in common shall be sold upon proceedings of partition, or shall be taken by the election of any of the parties to such proceedings, or where any real estate shall be sold at judicial sale, or by administrators, executors, guardians or trustees, the court shall order the taxes and penalties, and the interest thereon against such lands to be discharged out of the proceeds of such sale or election; and any part owner who shall pay the tax on the whole tract or tracts of which he is part owner shall have a lien on the shares or parts of the other part

Payment of proportionate parts of tax on lands by joint tenants, &c.

Taxes on land sold at partition sale, &c., to be paid out of proceeds of sale.

Lien of part owner paying tax on whole tract.

owner of the tax paid in respect of their shares or parts, which, with interest thereon, he shall be entitled to receive on sale or partition of such lands, and the collection of which, with interest, he may enforce like any other lien or charge.

SHERIFF TO KEEP RECORD—SETTLEMENT OF TAXES.

Sheriff to keep record of taxes collected on unlisted property.

To make annual statement to commissioners.

Clerk to record statement and send abstract to auditor.

To post copy.

When and how sheriff to settle state taxes.

Duty of commissioners.

Duty of treasurer.

Sheriff to file duplicate list with commissioners.

How sheriff to be charged.

Duty of auditor.

SEC. 102. Every sheriff shall keep a record of the taxes collected by him from the clerk of the court, register of deeds, and under Schedule "B" of the revenue act, and all forfeitures, arrears from insolvents, double taxes and taxes on unlisted subjects, and on the first Monday in December in each year shall deliver, on oath to the board of commissioners a statement setting forth all sums received to that date not previously accounted for, the date of such receipts, the person from whom received, the amount received from each person, the subjects on which received and the aggregate amounts, accompanied by an affidavit taken and subscribed before the clerk of the commissioners, and attested by him that the statement is correct and that no receipts have been omitted, and the clerk shall record the same in a book to be kept for that purpose, and shall by the second Monday in December send an abstract of such statement, with the affidavit, to the auditor of the state, on a blank to be furnished by the auditor, register the same in a book kept in his office for the purpose, and keep a copy of the same in a conspicuous place in the court-house until the first of January next ensuing.

SEC. 103. The sheriff or other accounting officer shall, on or before the second Monday in January in each year, settle his state tax account with the commissioners of his county, and pay the amount for which said sheriff or collector is liable to the treasurer of the state in such manner or at such place as he shall direct. The commissioners shall forthwith report to the state auditor the amount due from such accounting officer, setting forth therein the net amount due to each fund, and the treasurer, upon a statement from the auditor, shall open an account against such officer and debit him accordingly. The sheriff or tax collector, in making his settlements as aforesaid, shall file with the commissioners a duplicate of the list required in section one hundred and four of this act. In such settlement the sheriff or other officer shall be charged with the amount of public tax as the same appears by the abstract of the taxables transmitted to the auditor; also with all double tax and taxes on unlisted property by him received, and with other tax which he may have collected or from which he is chargeable. The auditor shall give to each sheriff or tax collector a certified statement embracing the subjects of taxation contained in both lists and the amount of tax on each subject, which the sheriff or tax collector shall deposit with the clerk of the commissioners of his county for public inspection.

SEC. 104. The auditor, in making the settlement of the amount due from the sheriff or tax collector aforesaid, shall deduct from the list returned :

(1). Taxes on personal property certified by the clerk of the commissioners of the county by order of the commissioners to be insolvent and uncollectible. Insolvent taxes on personal property.

(2). All overpayments made in former settlements by reason of any error in the clerk's abstract of tables. Overpayments in former settlements.

(3). Five per centum of commissions on the amount collected. Commissions.

SEC. 105. For his settlement with the state treasurer the sheriff or tax collector shall be paid three dollars for each [day] he may be actually and necessarily engaged therein with the commissioners at the county seat and ten cents per mile by the usual route of travel for twice the distance between the court-house and the place designated by the state treasurer, to be paid by him on the warrant of the auditor upon the certificate of the sheriff or tax collector duly verified before the board of commissioners. Compensation of sheriff for settlement with treasurer.

SEC. 106. In every case of failure by the sheriff or other accounting officer to settle his account within the time prescribed by this act for such settlement, and to take the oath required in his settlement, and pay the amount due to the treasurer, the auditor shall forthwith

report to the treasurer the account of such sheriff or officer, deducting therefrom nothing for commissions of insolvents, but adding thereto one thousand dollars and ten per centum of the amount of taxes with which said sheriff is charged for the amount of taxes supposed not to appear in the list transmitted by the clerk, and furnish him with a copy of the official bond of said officer and his sureties, and if the whole amount be not paid the treasurer, on motion of the

solicitor of the fourth judicial district in the superior court of Wake county before the clerk thereof, within twenty days after the default shall have occurred, shall recover judgment against him and his sureties without other notice than is given by the delinquency of the officer ; and to the end that their obligations and names may be known the clerk of the superior court shall, on or before the second Monday in October in each year, transmit to the auditor a copy, certified under seal of the court, of the bond of the sheriff and his sureties upon pain for his default or forfeiting to the state one thousand dollars, which the auditor shall and is hereby specially charged to collect in like manner and at such times as is provided in this section. Failure of sheriff to settle. Duty of auditor.

If the sheriff or other accounting officer shall fraudulently and corruptly fail to account as aforesaid, or shall fraudulently make any deed to the contrary under section eighty-seven of this act, he shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction shall be sentenced to pay a fine in the discretion of the court and be imprisoned not less than three nor more than twelve months. Treasurer to recover summary judgment. Superior court clerks to furnish copy of sheriff's bonds to auditor. Penalty.

Penalty. Fraudulent failure of sheriff to account.

Penalty.

When and how
sheriff to settle
county taxes.

Penalty for re-
taining taxes.
Monthly state-
ment to commis-
sioners.
To account with
county treasurer.

Penalty.

Proviso.

State treasurer,
with approval of
attorney general,
may grant indul-
gences.

Account of sheriff
for county taxes,
how stated.

Extension of
time.

Penalty for
exhibiting in
account money
not derived from
taxes.

Penalty for using
taxes otherwise
than as directed
by law.

SEC. 107. The sheriff or the tax collector shall pay the county taxes to the county treasurer or other lawful officer. He shall at no time retain in hand over three hundred dollars for a longer time than ten days, under a penalty of ten per centum per month to the county upon all sums so unlawfully retained, and shall on oath render a statement to the commissioners at their monthly meetings of the amount in his hands. On or before the first Monday of February in each year the sheriff shall account with the county treasurer or other lawful officer for all taxes due the county for the fiscal year, and on failing to do so he shall pay the county treasurer a penalty of two per centum per month on all sums unpaid, and this shall be continued until final settlement: *Provided*, the board of county commissioners may, in their discretion, relieve the sheriff or tax collector of said penalty of two per centum per month upon payment in full of the county taxes.

SEC. 108. The treasurer of the state, with the advice and approval of the attorney general, is hereby authorized, when in the judgment of these officers it may be best to secure the interests of the state, and will not lose any lien held by the state, to grant indulgence to defendants in execution and relinquish penalties upon payment of amount of dues owing to the state, and likewise to bid for in behalf of the state and purchase property of said defendants when deemed necessary to secure the payment of the public dues.

SEC. 109. The sheriff or tax collector shall be charged with the sums appearing by the tax lists as due for the county taxes, and shall be allowed to deduct therefrom in like manner as is prescribed in this act in regard to his settlement of state taxes, all insolvents and uncollectible poll-taxes, and also the amount of county tax on the lands bid off by the county, and costs and fees, which shall be : for making a deed, fifty cents ; for registering, twenty-five cents ; and such other necessary sums as were actually paid by the sheriff: *Provided*, a majority of any board of county commissioners may extend the time for the collection and settlement of the county taxes in their respective counties to such time as they may deem expedient, not to extend beyond the first of May in the year following that in which taxes were levied: *Provided*, that it shall be unlawful for any sheriff or tax collector in accounting with the board of county commissioners for either the state or county taxes, to exhibit or present in said county any money not actually derived from the collection of taxes, and any such sheriff or tax collector so offending shall forfeit a penalty of five hundred dollars, one-half of which shall belong to any person who shall sue for the same and the other half to the county in which the sheriff resides: *Provided further*, that any sheriff, tax collector or county treasurer who shall use any part of the county or state taxes otherwise than is directed by law, shall forfeit double the amount of his commissions on the county and state taxes for the year in which

he so misused said taxes, one-half to belong to any person suing for the same and the other half to the county in which said sheriff resides.

SEC. 110. The board of county commissioners at their last regular or subsequent meeting in each year shall appoint one or more of their number, not to exceed three, to be present at the accounting and settlements between the sheriff and county treasurer provided for in the next preceding section, and also to audit and settle accounts of the county treasurer and of all other county officers authorized to receive or disburse county funds. The accounts so audited shall be reported to the board of commissioners, and when approved by them shall be filed with the clerk and recorded on his book and shall be *prima facie* evidence of their correctness and impeachable only for fraud or special error: *Provided*, the compensation allowed such committee for their services shall not exceed two dollars per day each for the time actually spent in said settlements, and there shall be no allowance for extra clerical aid.

Commissioners to appoint committee to assist at settlement of sheriff.

Accounts, when audited, to be reported and filed.

Prima facie evidence. Compensation of committee.

SEC. 111. In case the sheriff of a county shall fail, neglect or refuse to account with the county treasurer and assistant committee as above required, or to pay what may be rightfully found due in such accounts, he shall forfeit and pay to the state for the use of the county a penalty of twenty-five hundred dollars. It shall be the duty of the county treasurer, and if he neglect or refuse to perform it, the chairman of the board of commissioners, to cause an action to be brought in the superior court of the county on the bond of the sheriff against him and his sureties to recover the amount owing by him and the penalty aforesaid; if the sheriff shall fraudulently and corruptly fail to account as aforesaid, he shall be criminally liable thereupon in like manner and with same penalties imposed for such criminal defalcation in section one hundred and eight of this act.

Penalty for failure of sheriff to settle.

Action on bond.

Penalty for fraudulent failure to account.

SEC. 112. In each year the county treasurer shall give five days notice to all the county officers (except the sheriff) authorized to receive or disburse the county funds to appear at the court-house on a certain day during the first ten days in January before him and the committee appointed by the board of commissioners, and present an account of all sums received or disbursed for the county, with their vouchers, and any officer failing to attend and account shall be deemed guilty of a misdemeanor. The accounts, when audited, shall be reported to the board of commissioners at their next meeting, and if approved shall be filed with the clerk and recorded in their proceedings, together with their approval, and shall be deemed *prima facie* correct.

When and how other county officers to settle.

Misdemeanor. Accounts to be reported and filed.

SEC. 113. Whenever in this act a duty is imposed upon a sheriff of a county for which a tax collector has been or may be appointed, it shall be incumbent upon the tax collector to perform the said office instead of the sheriff, and such tax collector shall collect all taxes, have all the emoluments and be subject to all the penalties as pro-

Duties of tax collector.

Compensation and penalties.

vided in the case of sheriffs in this act, and it shall be the duty of all persons having tax moneys in hand to account for and settle with said tax collector.

Sureties to collect if sheriff dies.

SEC. 114. If any sheriff shall die during the time appointed for collecting the taxes, his sureties may collect them, and for that purpose shall have all powers and means for collecting the same from the collectors and taxpayers as the sheriff would have had, and shall be subject to all the remedies for collection and settlement of the taxes on their bond, or otherwise, as might have been had against the sheriff if he had lived.

Time within which taxes to be collected.

SEC. 115. The sheriff (and in case of his death the sureties) shall have one year and no longer from the day prescribed for his settlement and payment of the state taxes to finish the collection of all taxes; but the extension of time for collection shall not extend the time of his settlement of the taxes.

Distribution of this act and revenue act by secretary of state.

SEC. 116. The secretary of state shall have printed five thousand copies of "an act to raise revenue" and "an act to provide for the assessment of property and the collection of taxes," and distribute the said acts among all the officers whose duty it is to execute or carry into effect any portion thereof.

Copies for members of general assembly.

SEC. 117. The secretary of state shall, in like manner, have printed five copies of said acts for each member of the general assembly and forward the same to them by mail.

Treasurer to furnish blanks to county commissioners.

SEC. 118. The state treasurer shall prepare and furnish to the board of commissioners of each county a sufficient number of blank forms or lists, with the proper oath added thereto, on which each taxpayer in the state shall make out under oath a true statement and return of all his property, with the value thereof, according to the provisions of this act.

Conflicting laws repealed. Proviso.

SEC. 119. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed: *Provided*, that such repeal shall not in any manner affect any rights heretofore acquired, or the collection of any taxes heretofore levied or assessed, or the validity of any sales for taxes heretofore made, or any right heretofore acquired under any law of this state.

SEC. 120. That this act shall be in force from and after its ratification.

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

CHAPTER 298.

1248.357

An act to prohibit the sale of spirituous liquor in various localities.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person to sell or otherwise dispose of with a view to remuneration any spirituous liquor or substance that produces or may produce intoxication within two miles of the following places :

Sale, &c., of liquor prohibited within certain localities. Within two miles.

Alexander.—Bethlehem, Mt. Bethel and Shiloh churches.

Alleghany.—School-house number eighteen and Elk Creek church.

Anson.—Cedar Hill M. E. church and Rocky Mt. Baptist church.

Ashe.—Rock Creek church and school-house, Baptist Home church.

Beaufort.—Idalia Male and Female Academy.

Bladen.—Bladenboro Academy, Bladenboro Presbyterian church.

Burke.—Public school-house number sixty-three.

Camden.—Wesley Chapel M. E. church and Pleasant Grove Baptist church : *Provided*, this shall reach only to the Currituck county line.

Catawba.—May's Chapel and Houck's Chapel M. E. churches, Piedmont school-house, Mull's chapel, Corinth, Ebenezer and Friendship Methodist church, south.

Cherokee.—Any church in Beaverdam and Shoal Creek townships.

Durham.—Duke's chapel, Berea and Yates Baptist churches.

Granville.—Antioch Baptist church.

Lenoir.—Spring Hill and Fields churches.

Lincoln.—Mt. Welcome church and school-house, Mt. Zion Baptist church, public school-house in district number one, Mackpelah and Bethel church and New Hope M. E. church.

Mitchell.—Pisgah church.

Moore.—Union Presbyterian church, Ingram branch school-house, Cool Spring M. E. church, Poplar Springs Baptist church and Summer Hill school-house.

Nash.—Lee's Missionary Baptist church.

Perquimans.—Oak Grove church.

Person.—Sunnyside church and school-house, Winstead Alliance Hall and Female Academy.

Randolph.—Shiloh M. P. church.

Rowan.—Franklin Presbyterian church.

Stanly.—Salem M. E. church, south.

Surry.—Mountain View and Mount Pleasant Baptist churches.

Union.—Marvin M. E. church, Bank's Presbyterian church and Bond's school-house, Clarksville church and camp ground, Mt. Gilboa M. E. church and Bethel Baptist church.

Wake.—Leesville Baptist church, Rock Spring Free Will Baptist church, White Oak township.

Warren.—Zion M. E. church.

Wilkes.—Bethel Baptist church.

Wilson.—Rock Ridge Academy.

Making, sale, &c.,
of spirituous
liquor within
two miles.

SEC. 2. It shall be unlawful to make, sell, or dispose of any spirituous liquors with a view to remuneration within two miles of the following places:

Alamance.—McCrary Primitive Baptist church, Shiloh M. E. church, Mt. Vernon M. E. church, Long's chapel.

Alexander.—Shady Grove church.

Ashe.—Pleasant Home church and school-house and Mission Home Baptist church.

Buncombe.—Flat Creek Baptist church.

Burke.—St. John's Baptist church.

Cabarrus.—St. Stephen's E. L. church.

Caldwell.—Bethany Grace chapel, Pisgah, Rocky Mount, Collier, Mt. Herman, Cedar Valley and Ebenezer churches.

Catawba.—Plateau M. E. church, south.

Lincoln.—Zion Methodist church.

Randolph.—Pleasant Grove (Christian) church and academy.

Surry.—Hollow Springs, Laurel Hill, Oak Grove and Indian Grove churches, Westfield church, Shoals Academy and Bean Shoals Baptist church, White Plains (Friends) church.

Union.—New Salem M. E. church and Salem Ridge school-house.

Watauga.—Valle Crucis Methodist church and Dutch Creek school-house.

Wilkes.—Concord church and school-house.

Making, sale, &c.,
of spirituous
liquor on days of
public worship
within two miles.

SEC. 3. It shall be unlawful to make, sell, or give away on days of public worship any spirituous liquors within two miles of Boilston and Mt. Gilead Baptist churches and Fanning's and Mills River chapels in Henderson county.

Sale, &c., of spirit-
uous liquor with-
in three miles.

SEC. 4. It shall be unlawful to sell or dispose of any spirituous liquors with a view to remuneration within three miles of the following places:

Alexander.—Bethlehem Baptist church.

Caldwell.—Laurel Hill church.

Catawba.—Mountain View M. E. church, south.

Craven.—Bethany and Friendship churches.

Cumberland.—Tabor M. E. church, south, and Cumberland Union Baptist church.

Grenville.—Hunt's, Zion's, Mountain and Breedlove's school-houses, district number thirty-two, school for white race.

Haywood.—Waynesville High School.

Robeson.—Aberdeen Sunday-school school-house, Edinboro Sunday-school house.

Onslow.—Haw Branch church.

SEC. 5. It shall be unlawful to make, sell or dispose of any spirituous liquors with a view to remuneration within three miles of the following places :

Alamance.—Stony Creek Presbyterian church.

Caldwell.—Marias Chapel M. E. church.

Cleveland.—Bellemont Methodist chapel.

Columbus.—New Hope Baptist church.

Harnett.—School-house in district forty-one.

Robeson.—Barker's M. E. church and Olive M. E. church, south.

Stanly.—Friendship M. P. church.

Surry.—White Plains church.

Wayne.—Woodland church.

SEC. 6. It shall be unlawful to sell intoxicating liquors of all kinds within three miles of the following places : *Provided*, this shall not apply to the sale of said liquors in original packages (barrels or casks) by manufacturers.

SEC. 7. It shall be unlawful to make, sell or dispose of any spirituous liquors with a view to remuneration within three and one-half miles of China Grove Presbyterian church and Gourd Spring Baptist church in Harnett county.

SEC. 8. It shall be unlawful to sell or dispose of any spirituous liquors with a view to remuneration within two and one-half miles of Wilderness school-house in Ashe county.

Moore.—Union Presbyterian church.

Wake.—Tucker's Grove M. E. church.

SEC. 9. It shall be unlawful to make, sell or dispose of any spirituous liquors with a view to remuneration within two and one-half miles of Brushy Fork M. E. church in Ashe county.

SEC. 10. It shall be unlawful to sell or dispose of any spirituous liquors with a view to remuneration within one and one-half miles of Antioch Baptist church in Burke county.

Camden.—Sawyer's Creek Baptist church: *Provided*, this shall not apply to Camden Court-house.

Moore.—Turner's Chapel and Page's Chapel (colored).

Randolph.—Providence (Friends) church.

Rockingham.—Any church in Leaksville.

Transylvania.—Brevard Baptist church, Rocky Hill Baptist church.

SEC. 11. It shall be unlawful to sell or dispose of any spirituous liquors with a view to remuneration within one mile of the following places :

Alexander.—Mt. Olive Baptist and Salem Lutheran churches.

Ashe.—Scotsville post-office.

Burke.—Antioch church.

Forsyth.—Tabernacle church.

Halifax.—Neal station.

Sale, &c., of spirituous liquor within three miles.

Sale of intoxicating liquor within three miles. *Provido*.

Making, sale, &c., of spirituous liquor within three and one-half miles.

Sale, &c., of spirituous liquor within two and one-half miles.

Making, sale, &c., of spirituous liquor within two and one-half miles.

Sale, &c., of spirituous liquors within one and one-half miles.

Sale, &c., of spirituous liquor within one mile.

recd, 357

Lincoln.—Trinity Methodist church.

Martin.—Weir's chapel.

Mitchell.—Pine Grove Methodist church.

Polk.—Nelson's chapel camp-ground.

Randolph.—Pleasant Hill Methodist church, Bethel M. P. church.

Rowan.—Trading Ford, St. Matthew's E. L. church and Liberty M. E. church, number three public school-house (white), Morris chapel colored church, Pillsbury Presbyterian colored church, South River Methodist church.

Wayne.—M. E. church at Saulston cross-roads.

Wilkes.—Center Baptist church, Wright's school-house, Gwyn's Chapel Episcopal church, Mt. Carmel Baptist church, Fishing Creek Arbor church and Union M. E. church and Fair Plains church.

Wilson.—Buckhorn church.

Cherokee.—It shall be unlawful to make or sell spirituous, vinous or malt liquors within one mile of the Notia Masonic hall, the public school-house in district thirty-nine, New Liberty Baptist church and Macedonia church in Cherokee county.

Sale, &c., of spirituous liquor within one-half mile.

SEC. 12. It shall be unlawful to sell or dispose of any spirituous liquors with a view to remuneration within one-half mile of Egypt church in Chatham county.

Misdemeanor.

SEC. 13. That any person, firm or corporation violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, at the discretion of the court.

Code, sections 3111 and 3112, not applicable to this act.

SEC. 14. That none of the provisions or requirements of sections three thousand one hundred and eleven and three thousand one hundred and twelve of The Code that may not have been complied with in this act shall be so construed as to invalidate any of the provisions herein contained, and that the provisions of said sections shall not apply to this act.

Conflicting laws repealed.

SEC. 15. That all laws in conflict with this act are hereby repealed.

SEC. 16. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 299.

An act to amend the insurance law.

The General Assembly of North Carolina do enact :

That the insurance law of this state be amended by adding thereto the following :

Secretary of state to make biennial visits to insurance companies

SECTION 1. The secretary of state shall, at least once in every two years, visit each insurance company incorporated and doing business under the laws of this state, thoroughly examine its financial condi-

tion and ascertain whether or not it has complied with all the provisions of law. The secretary of state shall in like manner examine any insurance company not incorporated in this state but doing business therein whenever he has reason to doubt its solvency, and may employ such assistance as may be necessary in making such examination, and all expenses of such examination shall be paid by the company so examined.

SEC. 2. For such purposes the secretary of state or others employed by him shall have free access to all books and papers of any insurance companies doing business in this state, and may examine under oath its officers or agents in relation to its condition; and if any company, its agents or officers, refuse to submit to such examination, or to comply with any provision of the insurance law of this state, the authority of such company to do business in this state shall cease.

SEC. 3. The secretary of state may refuse license to any company applying for the same about the solvency of which he may have a well founded doubt. In such cases he may make an investigation in person or by expert, into the financial condition and general management of such company, the expenses of which shall be borne by said company.

SEC. 4. The secretary of state shall annually publish a report of his official acts as insurance commissioner, showing the condition of all insurance companies doing business in this state, with a condensed statement of their reports made to him.

SEC. 5. Every agent of any insurance company authorized to do business in this state shall be required to obtain annually from the secretary of state a certificate under the seal of his office, showing that the company for which he is agent is licensed to do business in this state and that he is an agent of said company and duly authorized to do business for it. And every such agent shall exhibit the said certificate to every person from whom he shall solicit insurance. Any failure to exhibit such certificate shall render said agent liable, on conviction before a justice of the peace, to a fine of five dollars or imprisonment for ten days for each offence. And the said agent shall pay to the secretary of state the sum of fifty cents for the said certificate. There shall be no charge for the seal affixed to such certificate.

SEC. 6. The "Standard fire insurance policy" as prescribed and set out in section one hundred and twenty-one of the insurance law of New York shall be exclusively used in this state by all fire insurance companies from and after the first day of May, eighteen hundred and ninety-three. The secretary of state shall keep a form of said policy on file in his office for comparison and inspection: *Provided*, where two or more companies (each having previously complied with the laws of this state) unite to issue a joint policy, there may be expressed in the heading of such policy the fact of the severalty of the contract; also the proportion of premiums to be paid to each company, and the

incorporated in this State, examine financial condition, &c.

To examine foreign insurance companies doing business in this State when solvency is doubtful, &c.

Employment of assistance.

Expenses, how paid.

Access to books and papers.

Examination of officers.

Penalty for refusal to submit to examination, &c.

Refusal of license to company of doubtful solvency.

Investigation.

Secretary of state to publish annual report as insurance commissioner.

Agents to obtain annual certificate from secretary of state showing license, &c.

Exhibition of license by agent.

Penalty for failure.

Fee for certificate.

Exclusive use of "standard fire insurance policy."

Secretary of state to keep form of policy. Proviso.

Joint policy.

proportion of liability which each company agrees to assume. And in the printed conditions of such policy the necessary change may be made from the singular to the plural number, when reference is had to the companies issuing such policies.

Effect of submission to arbitration of amount, &c., of loss.

SEC. 7. Whenever any fire insurance company shall submit to arbitration the amount or value of any loss upon a building, such submission shall be deemed a waiver of the right to rebuild said building.

Construction of contracts of insurance.

SEC. 8. All contracts of insurance the application for which is taken within this state, shall be deemed to have been made within this state and subject to the laws thereof.

Statements, &c., in applications, how taken.

SEC. 9. All statements or descriptions in any application for a policy of insurance, or in the policy itself, shall be deemed and held representations and not warranties; nor shall any misrepresentation, unless material or fraudulent, prevent a recovery on the policy.

Secretary of state, as insurance commissioner, to make reports to general assembly.

SEC. 10. The secretary of state shall submit to the general assembly at the beginning of every session thereof a report of his acts as insurance commissioner for the preceding two years, together with such recommendations as he may deem necessary.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified the 4th day of March. A. D. 1893.

CHAPTER 300.

An act in regard to the execution of bonds and other instruments by surety companies.

The General Assembly of North Carolina do enact :

Bonds of trustees, guardians, &c., may be executed on conditions, guaranteed by surety company.

SECTION 1. That whenever by the laws of North Carolina or by the regulations of any board, body or organization in this state any bond recognizance, obligation or undertaking is required of, permitted to be made, given, tendered, or filed by any trustee, receiver, guardian, administrator, executor, assignee, or any other fiduciary, or any party to a civil action or proceeding, either for the prosecution thereof or for any other purpose whatsoever in the course of the action, or by any officer or any town or city conditioned for the doing or not doing of anything, in such bond, recognizance, obligation or undertaking specified any and all clerks of the superior courts, municipal officer, boards, court and judges, now or hereafter permitted to accept, approve or pass upon the sufficiency of such bond, recognizance, obligation or undertaking, may in the discretion of such clerk, municipal officer, board, court or judge, accept such bond, recogni-

zance, obligation or undertaking and approve the same whenever the same is executed or the conditions thereof are guaranteed by a corporation which under its charter is authorized to guarantee the fidelity of persons holding places of public and private trust, to guarantee the performance of contracts other than insurance policies, and to execute and guarantee bonds and undertakings required or permitted in actions or proceedings or by law allowed. Whenever any such bond, recognizance, obligation or undertaking is so required or permitted to be made, given, tendered or filed with one surety, or with two or more sureties, the execution of the same, or the guaranteeing of the performance of the condition thereof, shall be sufficient where executed or guaranteed solely by such company so authorized, and shall be in all respects a full and complete compliance with every requirement of every law, rule and regulation that each bond, recognizance, obligation or undertaking shall be executed by one surety or two sureties, and that such surety or sureties shall be residents or freeholders, and such bond, recognizance, obligation or undertaking may be accepted and approved when executed by such company. All such corporations are hereby vested with full power and authority to execute or guarantee such bond, recognizance, obligation or undertaking, whether given under the laws of this state or the United States or any other state or country. *Provided, nevertheless*, that nothing herein contained shall justify or permit any bond to be executed by such corporation guaranteeing the fidelity of any clerk of the superior or other court, sheriff, register of deeds, treasurer, coroner, surveyor, tax collector or other county officer, or to permit the execution of any bond for any officer of any city or town, unless the board of commissioners or aldermen of such city or town shall by ordinance authorize the execution of such bond or other obligation by such corporation.

Corporate powers required in surety company.

Execution &c., of bond by surety company sufficient, &c.

Proviso.

SEC. 2. That before any such corporation shall be authorized to execute such bond, obligation or undertaking it shall appoint and keep a general agent resident in North Carolina upon whom all service or process may be made, and it shall exhibit to the secretary of state a full statement of its assets and liabilities; and the secretary shall examine into the solvency of said corporation, and shall, if he deems it necessary, at the expense of such corporation, cause an examination to be made at the home office of such corporation of its assets and liabilities. This examination shall be made from time to time whenever the secretary of state shall deem it necessary, at least semi-annually; after such examination shall have been made the certificate of the secretary of state that the said corporation is solvent to an amount not less than one hundred thousand dollars and at least four times the penalty of the purposed bond, obligation or undertaking, shall be and the same is hereby made equivalent to the justification of sureties required by law.

Surety company to keep general agent in state, &c.

To exhibit financial condition to secretary of state. Secretary of state to examine as to solvency.

Examination, when and how made. Certificate of secretary of state as to solvency equivalent to justification of sureties.

License fee.

SEC. 3. Any corporation authorized to execute such contracts by its charter as expressed in section one, before doing business in North Carolina shall pay a license fee of one hundred dollars and shall deposit in the office of the treasurer of the state bonds or other securities, to be approved by the treasurer, of the value of at least ten thousand dollars and of par value of that amount, which shall be liable to pay any judgment or recovery entered against such corporation, and whenever the amount of this deposit shall be diminished such corporation shall be required to make the same good and to maintain the value of ten thousand dollars.

Deposit of \$10,000 with state treasurer.

Fiduciary giving surety, &c., allowed one-half of expense, &c.

SEC. 4. Any receiver, assignee, trustee, committee, guardian, executor or administrator or other fiduciary required by law to give a bond as such may include as a part of his lawful expenses one-half of such reasonable sum paid to such company for such suretyship, not exceeding one-half of one per centum per annum, on the amount of such bonds as the clerk, court, judge, may allow.

Release of surety company from liability.

SEC. 5. Any company executing such bond, obligation or undertaking may be released from its liability as surety on the same terms as are or may be by law prescribed for the release of individuals upon any such bonds, obligation or undertaking.

Surety company estopped to deny corporate power, &c.

SEC. 6. Any company which shall execute any bond, obligation or undertaking under the provision of this act shall be estopped from any proceeding to enforce the liability which it shall assume to incur, to deny its corporate power, to execute such instrument or assume such liability.

Conflicting laws repealed.

SEC. 7. That all laws and parts of laws inconsistent herewith are hereby repealed, and this shall be in force from and after its ratification.

Ratified the 4th day of March, A. D. 1893.

CHAPTER 301.

An act to prevent the obstruction of certain streams in Moore county.

The General Assembly of North Carolina do enact :

Obstruction of certain streams in Moore county a misdemeanor.

SECTION 1. That if any person shall unlawfully and wilfully obstruct the free passage of the waters in the north prong of Little river or its tributaries in Moore county, or of McLendon's creek or its tributaries in Moore county, or the channels of said stream by depositing therein logs, brush, sawdust, or by any other means, except for necessary and useful purposes, such person shall be guilty of a misdemeanor and fined not more than fifty dollars or imprisoned not more than thirty days.

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

Ratified the 4th day of March, A. D. 1893.

CHAPTER 302.

An act in aid of the North Carolina School for the Deaf and Dumb at Morganton, North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That the sum of thirty-five thousand (\$35,000) dollars for each of the years one thousand eight hundred and ninety-three and one thousand eight hundred and ninety-four be and the same is hereby appropriated for the support, completion and improvement of the North Carolina School for the Deaf and Dumb located at Morganton, North Carolina: *Provided*, that if the white deaf and dumb children shall be removed to said Morganton institution before the close of the fiscal year one thousand eight hundred and ninety-four, the board of directors of the Institution for the Deaf and Dumb and Blind at Raleigh shall pay to the board of directors of the Institution at Morganton the sum of five hundred dollars per month until the close of said fiscal year.

Appropriation for support, &c., of N. C. School for Deaf and Dumb at Morganton.

Proviso.

SEC. 2. That the appropriation herein made for the support, completion and improving of the Deaf and Dumb School for whites at Morganton, North Carolina, shall be drawn out by the auditor upon his warrant and be placed by the treasurer to the credit of the said Institution.

Appropriation, how drawn, &c.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

CHAPTER 303.

An act to create a stock law in a portion of Bladen county.

The General Assembly of North Carolina do enact:

SECTION 1. That a good and sufficient fence at least four and one-half feet high when made of rails and four feet high when made of boards, plank, slats or wire shall begin on the south bank of the Cape Fear river just below Elizabethtown, Bladen county, the terminus of a line running north eighteen east from the lower corner of George Mussel White's field and running thence with said line to the public road leading from Elizabethtown to Wilmington; then with said public road on the east side thereof in the direction of Wilmington to Mrs. M. M. Wooten's lower fence corner; then with her said fence to the river.

Location of fence.

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Territory within fence and Cape Fear river to be stock law territory.
Liability of owner of stock for damages.

Misdemeanor to knowingly permit stock to go at large.

Commissioners to appoint registrar.

Duty to register stock impounded.

Registry open for inspection.

Removal of registrar.

• Impounding of stock.

Fees.

Proviso.

Stock may be kept until fees paid.

Sale of impounded stock.

Application of proceeds.

Proceeding to recover damages for injuries done by live stock running at large.

SEC. 2. The said fence and the Cape Fear river shall be the only fence required by law for the protection of crops in the district enclosed by said fence and river, and all owners of stock of any kind shall prevent said stock from running at large within said district. Owners of stock shall be liable for all damages done by said stock in said district, and shall for knowingly and negligently permitting any stock to go at large within said district be guilty of a misdemeanor for each offence, and upon conviction thereof shall be fined not more than twenty-five dollars or imprisoned not more than thirty days.

SEC. 3. The board of commissioners for Bladen county shall, on the first Monday in April of each and every year, or at the next regular meeting thereafter, appoint one registrar in said district whose duty it shall be to register all descriptions of live stock taken up or impounded, and shall receive ten cents for all registrations so made. Said registrar shall keep said register open at all times for inspection, Sundays excepted.

SEC. 4. The commissioners of said county may at any time remove said registrar and appoint his successor.

SEC. 5. That it shall be lawful for any person to take up any live stock running at large in said district, and to impound the same, and the person taking up said stock shall immediately file a description of said stock with the registrar of said district, and such person taking up and impounding the said stock may demand for every horse, mule or cow so taken up twenty-five cents and twenty-five cents a day for each day said stock is kept impounded, and ten cents per head for taking up all other kinds of stock and ten cents additional for each day such stock is kept impounded: *Provided*, the person taking up said stock shall feed, water and care for the same. The person taking up said stock may keep the same until the registration fee and all legal charges for taking up and impounding the same are paid.

SEC. 6. That if the owner of any live stock so impounded shall neglect to redeem said stock within twenty days after said description is filed with the registrar, the impounded stock after ten days written notice posted at three or more public places in said district where said stock is impounded, describing the same and stating the place, day and hour of sale, shall sell said stock at public auction and apply the proceeds to the payment of all costs, charges and registration fees provided for in this act, and the balance he shall turn over to the owner, if the owner [be] known, and if not known said balance shall be applied to keeping up said boundary fence.

SEC. 7. That upon the written application under oath of any person stating that he has suffered damages by reason of any stock running at large in the said enclosed district, any justice of the peace in the township in which the damage is alleged to have been sustained shall appoint three disinterested freeholders to estimate said damages, which shall be paid by the person claiming said stock before it is

delivered, and, in case of sale, before the owner shall be entitled to demand any part of the proceeds of said sale. Any person who may suffer damages by said stock running at large therein may recover the amount of damages sustained by an action against the owners of said stock; and if any person shall with gun, dogs, or otherwise, unreasonably chase, worry, maim or kill any such stock when trespassing upon his lands or crops, he shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Action against owner.

Injury to live stock a misdemeanor.

SEC. 8. That any impounder wilfully misappropriating money that he may receive under this act, or in any manner violating any of its provisions, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Wilful misappropriation of money by impounder a misdemeanor.

SEC. 9. The word "stock" in this act shall be construed to mean horses, mules, jacks, jennets, colts, cows, calves, sheep, goats, hogs, and all such cattle or swine.

Definition of "stock."

SEC. 10. The commissioners of said county shall at their first sitting in July, eighteen hundred and ninety-three, or at any regular meeting prior to the first Monday in September, appoint one or more landowners of said district for overseers for one year, and they shall have said fence put up and gates erected by the first of November, eighteen hundred and ninety-three, and shall apportion the cost of constructing said fence and gates among the landowners of said district according to their land tax in the district. Should any one refuse or fail to pay for one month after demand, the overseer shall deliver the amount to the sheriff, who shall collect the same as other taxes and be entitled to the same fees.

Overseers.

To erect fence, &c.
Cost, how paid.

Sheriff to collect.

SEC. 11. That said commissioners in their first meeting in each and every year shall appoint some landowner in said district overseer of said fence, whose duty it shall be to keep it in good repair at the expense of said landowners by the measure aforesaid, and shall not be compelled to serve more than one year in four. For a wilful neglect of the duties imposed in this section he shall be guilty of a misdemeanor.

Fence overseers.

Duties.

Misdemeanor.

SEC. 12. Said overseer shall have the power to take the necessary timber from the landowners of said district to construct and repair said fence. The owner of said timber may receive for it what may be agreed upon, or if there be a disagreement, what two men may say it is worth, one of said persons to be elected by the overseer and the other by the owner of the timber, and if the two do not agree, they shall select a third person, or umpire.

Authority to take timber.

Compensation, how determined.

SEC. 13. Said fence shall be built with gates at convenient intervals, and where cartways enter said public road, and when completed it shall be the duty of the overseers to give public notice in three public places in said district of the establishment of said fence, and

Fence, how built, &c.

Notice.

When act to take effect. from and after ten days from such publication the provisions of this act shall go into operation and effect.

Erection of gates. SEC. 14. It shall be lawful to erect gates across the public roads in said district, and any one owning land in the enclosed district shall have the privilege of erecting at his own expense private gates in said line of fence.

Injury to fence, &c., a misdemeanor. SEC. 15. That any person who shall wilfully leave open, impair or destroy any fence or gate provided for in this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

SEC. 16. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

CHAPTER 304.

An act to regulate fishing in Juniper swamp in Wayne county.

The General Assembly of North Carolina do enact :

Unlawful to fish with seine, &c., in Juniper swamp between certain points. Misdemeanor. SECTION 1. That it shall be unlawful to fish with a seine, net or trap, or by the process known as muddying, in Juniper swamp from its mouth to Langley's mill in Johnston county.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined not more than fifty dollars or imprisoned not more than thirty days.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

CHAPTER 305.

An act to prevent the destruction of certain game birds.

The General Assembly of North Carolina do enact :

Unlawful to kill, &c., certain birds in certain counties between March 4 and Nov. 1, 1893. SECTION 1. That no person shall kill or shoot or net any partridges, quail, doves, robins, larks, mocking-birds or wild turkeys from and after the ratification of this act until the first day of November, eighteen hundred and ninety-three: *Provided*, this act shall apply

only to the counties of Halifax, Warren, Vance, Robeson and Chatham.

SEC. 2. Any person violating section first of this act shall be guilty of a misdemeanor, and shall be fined not less than ten dollars or imprisoned not more than twenty days.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 4th day of March, A. D. 1893.

CHAPTER 306.

An act to allow the supreme court to employ a servant.

WHEREAS, The justices of the supreme court have found it necessary to dispense with the only servant employed exclusively to wait upon the court, and to rely upon a servant whose duty it is to wait upon the attorney general and reporter and clerk of the court; therefore,

Preamble.

The General Assembly of North Carolina do enact :

SECTION 1. That the justices of the supreme court be allowed to employ a servant at the rate heretofore paid servants employed to wait upon the court.

Justices of supreme court allowed to employ servant.

SEC. 2. That this act shall take effect from and after its ratification.

Ratified the 4th day of March, A. D. 1893.

CHAPTER 307.

An act to prohibit the manufacture and sale of spirituous liquors within three miles of the town of Fair Bluff in Columbus county.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful to manufacture, sell or dispose of any spirituous liquors with a view to remuneration within three miles of the limits of the town of Fair Bluff in the county of Columbus: *Provided*, this act shall not apply to the manufacture and sale of wines made from grapes, blackberries, currants, gooseberries, raspberries and strawberries raised in this state, nor shall this act apply to the manufacture and sale of cider made from fruit raised in

Unlawful to manufacture, &c., spirituous liquor within three miles of Fair Bluff, Columbus county. Proviso.

this state, but this proviso shall not apply to wines which contain any foreign admixture of spirituous liquors and shall only apply to such wines as derive their ardent spirits from vinous fermentation.

Misdemeanor.

SEC. 2. That any person, firm or corporation violating the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined or imprisoned at the discretion of the court.

When act to take effect.

SEC. 3. That this act shall take effect from and after the first day of July, one thousand eight hundred and ninety-three.

Ratified the 4th day of March, A. D. 1893.

CHAPTER 308.

An act to amend chapter two hundred and forty-nine, laws of eighteen hundred and ninety-one, and to allow the commissioners of Pamlico county to levy a special tax for the years eighteen hundred and ninety-four and eighteen hundred and ninety-five to build a court-house and jail.

Preamble.

WHEREAS, the general assembly of North Carolina passed an act at its session of eighteen hundred and ninety-one authorizing the board of county commissioners and justices of the peace to levy a special tax for the years of eighteen hundred and ninety-one, eighteen hundred and ninety-two and eighteen hundred and ninety-three, not to exceed twenty-five cents on the one hundred dollars valuation of property, for the purpose of building a jail and a court-house; and whereas, the county commissioners have contracted for the building of the said jail and court-house; and whereas, the sum derived from the levy of said tax of twenty-five cents on the one hundred dollars valuation of property is insufficient to meet and pay off the indebtedness incurred for the building of said court-house and jail; and whereas, the continuation of the levy for two years longer will enable the commissioners to pay off said indebtedness; therefore,

The General Assembly of North Carolina do enact :

Chapter 249, laws 1891, amended. Authority given commissioners and justices of Pamlico county to levy special tax to build court-house, &c., extended for two years.

SECTION 1. That chapter two hundred and forty-nine (249), laws of eighteen hundred and ninety-one, be amended by inserting in section one of said chapter, between the figures ("1893") and the word "the" in line seven (7), the following words and figures: "one thousand eight hundred and ninety-four (1894) and one thousand eight hundred and ninety-five (1895)."

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

Ratified the 4th day of March, A. D. 1893.

CHAPTER 309.

An act to protect minors.

The General Assembly of North Carolina do enact:

SECTION 1. That whenever any person having a contract with any corporation, company or person for the manufacture or change of any raw material by the piece or pound shall hire and employ any minor to assist in said work upon the faith of and by color of said contract and with intent to cheat and defraud said minor, and shall secure the contract price and shall wilfully fail to pay said minor when he shall have performed his part of said contract work, whether done by the day or by the job, the person so offending shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Person having contract for manufacture, &c., of raw material by the piece, &c., who shall employ minor to assist, &c., with intent to cheat minor, and shall fail to pay minor after receiving price, &c., guilty of misdemeanor.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 4th day of February, A. D. 1893.

CHAPTER 310.

An act to amend section two, chapter three hundred and sixty-two, laws of one thousand eight hundred and eighty-nine, concerning the sale of spirituous liquors in Brunswick county.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter three hundred and sixty-two, laws of one thousand eight hundred and eighty-nine, be amended by striking out the word "three" in line two of section two and inserting in lieu thereof the word "two."

Chapter 302, laws 1889, amended. Unlawful to sell spirituous liquors within two miles of Friendship and Beulah Baptist churches, Brunswick county.

SEC. 2. That this act shall only apply to the county of Brunswick.

SEC. 3. That this act shall be in force from and after its ratification.
Ratified the 4th day of March, A. D. 1893.

CHAPTER 311.

An act to authorize disabled ex-confederate soldiers to peddle without a license.

The General Assembly of North Carolina do enact:

SECTION 1. That disabled ex-confederate soldiers are hereby authorized as herein provided to peddle without a license.

SEC. 2. That such ex-confederate soldiers disabled as above set forth shall be a citizen of the state, who, after making proof of his disability and service in the army, before the clerk of the superior or

Disabled ex-confederate soldiers may peddle without license. To make proof before clerk and obtain certificate, &c.

Commissioners
to issue license,
&c.

criminal court of his county, shall be entitled to a certificate thereof from such clerk; on the presentation of said certificate the county commissioners are authorized to issue said license for selling merchandise generally, medicines, etc.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

CHAPTER 312.

An act to repeal chapter four hundred and fourteen of the laws of one thousand eight hundred and ninety-one, relating to the public roads of Franklinton township, in the county of Franklin.

The General Assembly of North Carolina do enact:

Chapter 414, laws
1891 (Franklin
county road-law)
repealed.

SECTION 1. That chapter four hundred and fourteen of the laws of one thousand eight hundred and ninety-one be and the same is hereby repealed.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

CHAPTER 313.

An act to repeal chapter three hundred and fifty-four, laws of eighteen hundred and ninety-one, and for other purposes.

The General Assembly of North Carolina do enact:

Chapter 354, laws
1891 (road-law for
certain counties)
repealed as to
Clay and Graham
counties.

SECTION 1. That chapter three hundred and fifty-four (354), laws of eighteen hundred and ninety-one, in its application and as far as the same may be construed to apply to Clay and Graham counties is hereby repealed.

Code, vol. 1, chap.
50, re-enacted as
to Clay and Gra-
ham counties.

SEC. 2. That chapter fifty (50), section two thousand and fourteen of The Code, as amended in chapter seventy-three of the laws of one thousand eight hundred and eighty-seven, including all other sections of The Code in chapter fifty, be and the same are hereby re-enacted and declared to be in full force and effect in the counties of Clay and Graham.

SEC. 3. That the respective boards of county commissioners of Clay and Graham counties are hereby authorized and empowered to levy a special tax of not more than five cents on the one hundred dollars worth of property nor more than fifteen cents on each taxable poll, preserving the equation between property and poll, said special tax to be levied and collected at the same time of other taxes for state and county purposes, and under the same rules and regulations that govern and regulate the collection of taxes under general laws, subject to all restrictions, pains and penalties provided therein.

Commissioners of Clay and Graham counties authorized to levy special tax.

SEC. 4. That the treasurer of the county of Clay and the treasurer of the county of Graham shall apply the taxes collected under this special act for no other purpose than that of buying powder and other blasting material and tools for working on the roads in each of the aforesaid counties, and for the further purpose of paying for labor done on said county roads under the direction of each board of county commissioners respectively.

Application of special tax.

SEC. 5. That all laws and clauses of laws in conflict with this act or in reference to any road duty in Clay or Graham counties are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this act shall be in force from and after its ratification.
Ratified the 4th day of March, A. D. 1893.

CHAPTER 314.

An act to amend section two thousand one hundred and thirteen of The Code.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand one hundred and thirteen of The Code be amended by adding to the end thereof the following: That when the husband died seized and possessed of lands in other counties than that in which dower is to be assigned, the clerk of the superior court of the county in which dower is to be assigned shall, upon application of the widow entitled to dower, issue a commission to the sheriff of such other counties authorizing him and he is hereby required to summons three or more persons, as may be asked in said application, qualified to act as jurors, to go upon the lands of said husband in the county of said sheriff and assess the value of the same after being duly sworn by the sheriff for that purpose, and report their assessment under their hands and seals through said sheriff, who shall countersign the same as their report to the clerk issuing said

Code, section 2113, amended.

In assignment of dower, if husband died seized of land in another county, clerk to issue commission to sheriff of such county to summon jury to assess value of land.

Sheriff to report assessment.

Report in hands of jury allotting dower to be true valuation of lands mentioned, &c.

commission; and said report in the hands of the jury summoned to assign the dower shall be considered by them a true valuation of the lands mentioned in the report, and said last mentioned jury shall be deemed to have met on the lands thus assessed and shall assign the dower accordingly.

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

Ratified the 4th day of March, A. D. 1893.

CHAPTER 315.

An act for the relief of T. J. King, of Franklin county.

The General Assembly of North Carolina do enact:

Reward offered for apprehension of James Rhodes to be paid to T. J. King.

SECTION 1. That the auditor draw his warrant upon the treasurer of North Carolina in favor of T. J. King, of Franklin county, and that the treasurer do pay to the said T. J. King the sum of two hundred, dollars due him in accordance with a proclamation of reward made by his Excellency Governor Thomas M. Holt for the apprehension, arrest and conviction of James Rhodes, fugitive from justice, charged with burning a barn.

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

Ratified the 4th day of March, A. D. 1893.

CHAPTER 316.

An act allowing the commissioners of Nash county to levy a special tax.

The General Assembly of North Carolina do enact:

Commissioners of Nash county authorized to levy special tax to pay for stock law fence.

Territory in which tax to be levied.

SECTION 1. That the commissioners of the county of Nash are hereby authorized, if they deem it necessary, to levy a special tax or assessment for the purpose of paying for the fence surrounding the territory now covered by the operations of the stock law on the real property in said territory. Said tax not to exceed ten cents on the hundred dollars on the value of said property. The said tax to be levied on the said property in the following area: Beginning on the south side of Tar river at the eastern boundaries of the lands of G. D. Ricks;

thence south along his line to the line of Raleigh and Tarboro road ;
thence along said road to Old Stanhope ; thence along the Hillsboro
road to a point near the Frazier place ; thence north to Z. T. Strick-
land's line ; thence along his line to Tar river ; thence down the south
bank of Tar river to the beginning ; the same being a part of Jackson
and Terrell's township, Nash county.

SEC. 2. That the taxes levied under the provision of this act shall be collected by the sheriff of Nash county as other taxes are collected, and shall be applied by the said county commissioners to the payment of expenses of putting up the above described fence ; and when said fence shall be paid for it shall thereafter be kept up by an assessment under the general law upon the real property of all persons in said stock law territory, the boundaries of which are given above.

Collection of tax.

How applied.

SEC. 3. That this act shall be in force from and after its ratification.
Ratified the 4th day of March, A. D. 1893.

CHAPTER 317.

An act to amend section one thousand five hundred and twenty-six of
The Code.

The General Assembly of North Carolina do enact :

SECTION 1. That section one thousand five hundred and twenty-six of The Code be amended by adding after the last word in said section the following: *Provided*, that when the party entitled to the money has not been heard of for seven years or more the fund shall be distributed among the next of kin of the absent deceased person as prescribed by statute when a verified petition shall have been filed setting forth the facts with names of the parties entitled and such other evidence as may be required by the clerk in whose office said funds was deposited and the proceedings conducted or other special proceedings, and the order disposing of fund shall be approved and confirmed by the judge, either in term or at chambers, provided the administrator shall be appointed and made a party to this special proceeding.

Code, section 1523, amended.
Fund in hands of executor, &c., belonging to party who has not been heard of for seven years, payable to next of kin.
Special proceeding to be instituted.

Order disposing of fund to be approved by judge, &c.
Administrator to be a party.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 4th day of March, A. D. 1893.

CHAPTER 318.

An act to amend section six hundred and seventy-nine of The Code and to regulate the formation of private corporations.

The General Assembly of North Carolina do enact :

Code, section 679, amended.
Clerk to send articles of agreement to secretary of state.

Secretary of state to record articles and issue letters patent, &c.

Letters patent to be recorded in clerk's office.

Corporations heretofore formed to send copies to secretary of state.

Letters patent.

Secretary of state to report number of corporations, &c.

Fees of secretary of state.

Bills introduced in general assembly to incorporate any company, to be accompanied by treasurer's receipt for \$50.
Conflicting laws repealed.
When act to take effect.

SECTION 1. That section six hundred and seventy-nine of The Code be amended so that the same will read as follows : " After the said articles of agreement shall have been recorded, the clerk of the superior court shall send a copy of the same, certified under the seal of said court, to the secretary of state. The secretary of state shall thereupon cause said articles of agreement to be recorded in his office in a book kept for that purpose and known as the ' corporation book,' and shall issue letters patent under the great seal of the state declaring said persons signing such articles of agreement a corporation for the purpose and according to the conditions of said articles, which said letters shall be recorded in the clerk's office where such articles of agreement are recorded."

SEC. 2. That all corporations heretofore formed under the provisions of the general law may cause copies of the articles of agreement under which corporations were formed to be filed in the office of the secretary of state, attested by the clerk of the superior court of the county in which such articles were filed under the seal of said court. On receipt of such copies the secretary of state shall at once cause the same to be recorded in the corporation book and shall thereupon issue letters patent as prescribed in the foregoing section.

SEC. 3. That the secretary of state shall in his semi-annual report include a statement showing the number of corporations which have filed articles of agreement in accordance with this act, and the amount of the capital stock of each.

SEC. 4. That to pay for the extra labor necessarily incurred in carrying out the provisions of this act the secretary shall collect and retain the following fees, viz : For recording the articles of agreement, one dollar for the first three copy sheets and ten cents for each copy sheet in excess thereof ; for copying, the same fees as per recording ; for issuing and recording the letters patent, including the great seal, two dollars.

SEC. 5. That every bill introduced in either house of the general assembly to incorporate any company, including railroad companies, shall be accompanied by a receipt from the state treasurer for fifty dollars.

SEC. 6. That all laws and clauses of laws in conflict with this act are hereby repealed, and this act shall be in force from and after the first day of July, eighteen hundred and ninety-three.

Ratified the 4th day of March, A. D. 1893.

CHAPTER 319.

An act to amend section one, chapter three hundred and twenty-seven, laws of eighteen hundred and ninety-one, relative to sale of wine and cider in certain localities.

The General Assembly of North Carolina do enact :

SECTION 1. That section one (1), chapter three hundred and twenty-seven, laws of eighteen hundred and ninety-one, referring to New Bethel Baptist church and Mount Pleasant Academy in Wake county, be amended by adding after the words "Mount Pleasant Academy" the following, to-wit: "Pure wine and cider excepted."

Chapter 327, laws 1891, amended. Sale of pure wine and cider permitted within two miles of New Bethel church and Mt. Pleasant Academy, Wake county.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

CHAPTER 320.

An act to establish a stock law in a certain portion of Pamlico county.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any live stock to run at large in Pamlico county within the following boundaries, to-wit: Beginning at the intersection of the Stonewall stock law district at the southeast corner of John F. Crowell's land near the head of Neal's creek; thence westwardly with the glade on briery pocosin to William Brinson, southwest corner of his farm, near the sand hills, so as to include the said Brinson's farm; thence with his westward line of his farm fence and along the westward line of the fences of the farms of others to the new ditch road at the gate near J. F. Paul's residence; thence across the said new ditch road and with the fences of the farms along the line of fences between the swamp farms and the sand hills in a northwardly direction to the county line dividing Pamlico and Beaufort counties; thence with the county line and briery glade or pocosin eastwardly to the northwest corner of the Bayboro stock law district and connecting with said district; thence with the various fence lines of the said Bayboro stock law district to Bay river; thence up the said Bay river to the mouth of Neal's creek, connecting with the Stonewall stock law district; thence with the line of said stock law district up Neal's creek to the beginning, at the southeast corner of J. F. Cowell's land, near the head of said Neal's creek.

Unlawful for live stock to run at large within certain boundaries in Pamlico county.

Misdemeanor
to wilfully permit
stock to run at
large.

SEC. 2. That any person wilfully permitting his or her stock to run at large within the aforesaid boundaries shall be deemed guilty of a misdemeanor, and on conviction may be fined not to exceed ten dollars or imprisoned not to exceed ten days, one or both, at the discretion of the court for each and every offence.

Wilful injury,
&c., to fence, &c.,
a misdemeanor.

SEC. 3. That any person who shall wilfully tear down any fence or break or tear down any gate or leave open any gate established across any road pursuant to this act, or shall break any enclosure within any boundary where this act is in force or where any stock is confined, so that the stock may escape therefrom, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished as provided in section two of this act.

Fence commis-
sioners.

Duties.

SEC. 4. That George M. Lewis, George Dees, Charles A. Banks, William W. Hooker, Lawrence Miller be and they are hereby appointed fence commissioners, whose duty it shall be to look after and supervise the erection of the fence or fences and gates across the public roads as shall be required by this act, and shall assess upon the lands of the landowners within this stock law territory the necessary rate or per centum of tax on the one hundred dollars valuation to build and keep in repair the fence or fences and gates required by this act, and report the assessment to the board of county commissioners on the first Monday in June in each year. It shall also be the duty of the said fence commissioners to locate and designate the route of the fence or fences necessary to enclose this stock law territory, and to see that the violators of this law are prosecuted for such violations, and to have general control and supervision of the gates and fences erected under this act.

Term of office.

SEC. 5. That the term of office of the commissioners appointed in section four (4) of this act shall expire on the first Monday in June, eighteen hundred and ninety-four, when their successors shall be appointed by the board of county commissioners for the term of one year; and the board of county commissioners shall annually thereafter on the first Monday in June appoint their successors, and shall from time to time fill any vacancies that may occur in the said board from death or resignation.

County commis-
sioners to appoint
successors.

Vacancies.

Special tax.

SEC. 6. That it shall be the duty of the board of county commissioners to cause to be levied on the first Monday in June in each year such sum as may be reported necessary, and assessed by the board of fence commissioners for the purpose of making and repairing said fences and gates, and the said taxes shall be collected by the sheriff or tax collector in the same manner as the collection of other taxes.

Collection of tax.

Impounding of
stock.

SEC. 7. That all stock caught running at large in this stock law territory may be impounded by any person living in the said stock law district, and the owner of such stock shall pay to the person impounding the same the sum of twenty-five cents and the further sum of twenty-five cents per day or fraction of a day for each day they

may have been impounded; and any person or persons impounding any stock shall, if he knows the owner of the stock, notify him, or if the owner be not known he shall advertise the same at post-office in Bayboro, Alliance and Grantsboro, describing the stock, for ten days, at the expiration of which time, if no person claims the property or the owner refuses to pay the charges, the person impounding the same may sell it, after advertising the sale for ten days by posting the same at the three post-offices above named, to the highest bidder for cash, and after deducting the charges for impounding and keeping said stock pay the balance to the owner if known, and if not known pay the balance over to the county treasurer, to be held by him as other moneys derived from the sale of strays, as provided by chapter sixty (60), volume two of The Code, entitled "Strays."

Notice to owner, &c.

Sale of impounded stock.

Charges deducted. Payment of balance.

SEC. 8. That for the purposes of this act the glade and briery ground or pocosin, from where the fence enters the same at the Beaufort county line, shall be declared a lawful fence down to and where it connects with the Bayboro stock law district at Charles S. Wesket's land.

A certain glade declared a lawful fence.

SEC. 9. That the glade and briery ground or pocosin from the stone-wall stock law territory at John F. Cowell's land to William Brinson's southwest corner of his farm shall be declared a lawful fence.

A certain glade declared a lawful fence.

SEC. 10. That Bay river be declared a lawful [fence] up as far as the Lupton bridge. That Neal's creek be declared a lawful fence from its mouth to the glade. That Raccoon creek be declared a lawful fence from the bridge on the main road near Mrs. Henry's farm to its mouth.

Certain streams declared lawful fences.

SEC. 11. That the word stock in this act shall be construed to mean horses, mules, colts, oxen, cows, calves, sheep, goats, jennets, hogs, and all neat cattle and swine of all kinds and description.

Definition of "stock."

SEC. 12. That this law shall not go into effect until the said fence commissioners appointed by this act, or their successors, or a majority of them, shall have the territory enclosed by a good and lawful fence with good and sufficient gates across the public roads wherever the same shall be required: *Provided*, that no fence shall be required to be made where any glade, briery ground, pocosin, rivers or creeks shall have been declared a lawful fence.

When act to take effect.

Proviso.

SEC. 13. That the said fence commissioners shall, after they have enclosed the said territory with a lawful fence as herein provided, give notice for thirty days by posting at Bayboro, Grantsboro, John F. Paul's store and Alliance post-office that the said stock law territory has been enclosed with a lawful fence, and that on and after ----- day of -----, this law will be in full force; and from and after the day designated in said notice the provisions of this act shall go into operation and take effect: *Provided*, that the day mentioned in said notice shall not be less than thirty days from the posting of the same.

Public notice of completion of fence, &c.

Proviso.

Construction of
act.

SEC. 14. That this act shall not be construed as repealing any part of chapter twenty (20) of The Code, entitled "Fence and stock law," but that the same shall be construed jointly with this act, except when the same is in direct conflict with this act.

SEC. 15. That this act shall be in force as herein provided from and after its ratification.

Ratified the 4th day of March, A. D. 1893.

CHAPTER 321.

An act to allow the board of commissioners of Greene county to levy a special tax.

The General Assembly of North Carolina do enact :

Commissioners
and magistrates
of Greene county
authorized to
levy special tax.

SECTION 1. That the county commissioners in joint session with the magistrates of the county of Greene are hereby authorized to levy a special tax for the year one thousand eight hundred and ninety-three and one thousand eight hundred and ninety-four, at the same time other taxes are levied, upon the taxable property and polls and other subjects of taxation in said county, not to exceed the sum of three thousand dollars, one-half of which shall be collected each year, observing the equation prescribed in the constitution, for the purpose of paying off the indebtedness of the county and for building and repairing bridges of the county.

How collected.

How applied.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 4th day of March, A. D. 1893.

CHAPTER 322.

An act to authorize the commissioners of Mecklenburg county to appoint a committee of audit and finance.

The General Assembly of North Carolina do enact :

Commissioners of
Mecklenburg
county author-
ized to appoint
"committee of
audit and
finance."

SECTION 1. That the commissioners of Mecklenburg county be and they are hereby authorized to appoint at their regular meeting in June in each and every year three discreet, intelligent, tax-paying citizens to be known as "the committee of audit and finance," which

said committee shall be vested with all the rights, powers and privileges and subject to all the duties and obligations conferred and imposed upon the present finance committee by chapter eighteen of The Code of North Carolina not in conflict with the provisions of this act.

Powers, &c., of committee.

SEC. 2. That it shall be the duty of said committee to audit and pass upon the accounts of the several county officers, and to annually or oftener in the discretion of the county commissioners examine into and inspect the books of the sheriff, tax collector, county treasurer, clerk of the superior court, register of deeds and all other officers of said county, and make due reports of the status of the accounts of said officers to the board of commissioners for said county.

Duty of committee to audit accounts of county officers, &c.

SEC. 3. That said committee shall do and perform any and all things now required to be done and performed by any finance or auditing committee within said county, and there shall be no other auditing or finance committee appointed by any of the county authorities.

County finance committee abolished.

SEC. 4. That all laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

CHAPTER 323.

An act to empower the board of commissioners of Beaufort county to issue bonds to construct a jail.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Beaufort county are hereby authorized and empowered to issue bonds in such denominations as it may determine, not exceeding a sum total of eight thousand dollars, bearing a rate of interest not greater than six per centum. The interest upon each bond shall be payable annually on April first of each year. At the end of fifteen years from the date of issue one-fifteenth part of the principal of each bond shall become due and payable on the first day of April of each year after the expiration of the said period, and one-fifteenth part of the principal shall be annually paid on said date until the whole be paid. Said bonds shall have the foregoing provision incorporated therein, and shall be signed by the chairman of said board, and the register of deeds as clerk of said board. In case the general revenues of said county are insufficient to pay said annual interest and also the portion of the principal to fall due each year after expiration of said period herein-

Commissioners of Beaufort county authorized to issue bonds not exceeding \$8,000.

Special tax.

before provided, the said board shall levy a special tax as other county taxes are levied, sufficient to meet said annual interest; and at the expiration of said period also sufficient to pay the fifteenth part of the principal annually until fully paid. Said special tax, if levied, shall be applied to the payment of the interest and principal of said bonds and to nothing else. It shall be a misdemeanor punishable by law and to otherwise apply the same.

Proceeds of bonds to be applied to building jail.

SEC. 2. Said board shall apply the proceeds of the sale of said bonds to the necessary expenses of building a jail for said county, and shall issue no greater amount than is necessary for such purpose. The said bonds shall not be sold at less than their par value.

Bonds not to be sold for less than par.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 4th day of February, A. D. 1893.

CHAPTER 324.

An act to amend section one of chapter one hundred and twenty-three of the laws of eighteen hundred and eighty-seven.

The General Assembly of North Carolina do enact:

Chapter 123, laws 1887 (to drain low-lands in Iredell county), amended.
When act to apply to Third creek.

SECTION 1. That section one of chapter one hundred and twenty-three of the laws of eighteen hundred and eighty-seven be and the same is hereby amended by adding the following at the end of said section: *Provided*, that this act shall only apply to Third creek when said creek is opened and cleaned out according to the provisions of this act, for five miles below the Iredell and Rowan county line: *Provided further*, that when a majority of the landowners on said creek in the county of Iredell shall petition the board of county commissioners according to this act, it shall be the duty of said petitioners to commence at any point on said creek that has been cleaned out according to the provisions of this act.

At what point petitioners to commence.

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

Ratified the 4th day of February, A. D. 1893.

CHAPTER 325.

An act to provide for working the public roads of Edgecombe county.

The General Assembly of North Carolina do enact :

SECTION 1. That the board of commissioners and justices of the peace of the county of Edgecombe at their regular joint session on the first Monday in June of each year shall levy a special *ad valorem* tax on all property subject to taxation under state law in said county not exceeding fifteen cents on the hundred dollars of property, and a poll-tax on all liable under the general law not exceeding forty-five cents, the constitutional equation at all times to be observed ; said taxes to be collected as all other taxes are and to be applied to the constructing and keeping in good order and repair the public roads in Edgecombe county.

Commissioners and justices of Edgecombe county authorized to levy special tax.

How collected and applied.

SEC. 2. That said taxes shall be included in a separate column on the tax books, and when collected shall be kept separate and distinct and be expended for the purpose above specified and none other.

Taxes to be kept separate, &c.

SEC. 3. That [at] said joint meeting of the boards of commissioners and justices of the peace there shall be elected annually a supervisor of highways for said county, whose duty it shall be to supervise, direct and have charge of the constructing and repairing of all public roads in said county with the advice of the board of commissioners, to whom he shall report monthly the condition of the roads of the county.

Commissioners and justices to elect supervisor of highways. Duties.

SEC. 4. That the board of commissioners for said county shall appoint for such term as said board shall deem necessary, with power at any time to remove or discontinue, a supervisor for the roads of each township in the county, who shall act under the direction of the county supervisor of roads.

Township supervisors.

SEC. 5. The compensation of said county and township supervisors shall be fixed by the county commissioners.

Compensation of supervisors.

SEC. 6. That the taxes raised under this act shall constitute a general fund for the improvement of the roads of the county, and shall be expended according to the judgment and discretion of said board of county commissioners, and shall be paid out on the order of the county supervisor approved by the said board of commissioners.

Special tax to constitute fund for improvement of roads, &c.

SEC. 7. That all laws and parts thereof in conflict herewith are hereby repealed, and this act shall be in force from and after its ratification : *Provided*, the present system of working the public roads in said county shall be continued until first November, eighteen hundred and ninety-three.

Conflicting laws repealed.

Ratified the 4th day of March, A. D. 1893.

CHAPTER 326.

An act to enable Chatham county to issue bonds.

The General Assembly of North Carolina do enact:

Commissioners
and magistrates
of Chatham county
authorized to
issue bonds not
exceeding \$10,000.;

SECTION 1. That the board of county commissioners of Chatham county shall have full power and authority, with the consent of the board of magistrates, to issue coupon bonds to an amount not to exceed ten thousand dollars, to be due one-tenth every year for ten years, bearing interest at the rate of six per centum per annum, and to be of the denomination of fifty, one hundred, and five hundred dollars, in such proportion for each year when the same shall mature as the said county commissioners may determine; said bonds to have coupons attached for the amount of interest due, which shall be received by the sheriff or tax collector of said county in payment of county taxes at any time after maturity of the same: *Provided*, that the bonds so issued shall not be sold for less than par value, and *provided further*, that the proceeds of the sale of such bonds shall be applied exclusively to the payment of the outstanding indebtedness of the county.

Not to be sold for
less than par.
Applicable to
payment of county
indebtedness.

Bonds and coupons
to be paid
promptly.

Special tax.

SEC. 2. It shall be the duty of the board of justices of said county to provide for the prompt payment of the bonds and coupons provided for in section one of this act upon their maturity, and if necessary for this purpose they are hereby authorized and empowered to levy a special tax annually for ten years which shall be sufficient to pay the said bonds and coupons as they fall due, and which shall be collected at the same time and in the same manner as the general taxes: *Provided*, that in the levy of the same they shall observe the constitutional equation between the tax on property and on the poll.

Proviso.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

CHAPTER 327.

An act to amend chapter five hundred of the laws of one thousand eight hundred and ninety-one.

The General Assembly of North Carolina do enact:

Chapter 500, laws
1891 (drainage act
for Lincoln and
Catawba counties)
amended.

SECTION 1. That chapter five hundred of the laws one thousand eight hundred and ninety-one be amended as follows: After the word "thereto" in line twenty-six of section four strike out all the remainder of said section and insert in lieu thereof the following: The court shall confirm the same and may make such order in regard

to costs as to it seems proper, and shall order the petitioners to pay to the owners of the dam, or into court for such owners, such sum as the jury has appraised; upon the payment into court of the sum appraised by the jury, or upon the exhibition to the court of the receipt of the dam owners in full for such sum, the court shall immediately issue an order to the sheriff of the county in which such dam is situated to remove and tear down the said dam, which order the sheriff shall forthwith execute and return to the court; and the said sheriff shall receive as fees for his services, in addition to the ordinary execution fees, one dollar per day for each day's services and all such sums as he may expend in employing assistance in removing said dam, to be taxed by the court as part of the costs of the case. The commissioners to assess the value of the dam shall each receive two dollars per day for each day they are engaged in the performance of their duty, to be taxed as part of the costs of the case.

Confirmation of commissioners' report as to damages on removal of dam, &c. When court to order removal of dam.

Fees of sheriff.

Compensation of commissioners.

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

Ratified the 4th day of February, A. D. 1893.

CHAPTER 328.

An act to amend chapter three hundred and twelve of the laws of eighteen hundred and eighty-nine in regard to killing fish with dynamite.

The General Assembly of North Carolina do enact :

SECTION 1. That section one, chapter three hundred and twelve, laws of eighteen hundred and eighty-nine, be amended by striking out the word "fifty" at the end of the second line and inserting "ten," and by striking out "thirty" in the third line and inserting "ten": *Provided*, this shall not apply to Cherokee and Clay counties.

Chapter 312, laws 1889 (prescribing penalty for using dynamite to kill fish) amended.

Penalty reduced to ten dollars fine or ten days imprisonment except as to Cherokee and Clay counties.

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

Ratified the 4th day of March, A. D. 1893.

CHAPTER 329.

An act to amend chapter ninety-three of the laws of one thousand eight hundred and eighty-seven in regard to the public roads of Wake county.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter ninety-three of the laws of one thousand eight hundred and eighty-seven be amended by striking out sections one and two: *Provided, however*, that this shall apply only to Wake county.

Chapter 93, laws 1887, amended.

In Wake county road supervisors to divide roads into sections, &c., at annual meeting in February. Overseers to report to February meeting of supervisors.

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

Ratified the 4th day of March, A. D. 1893.

CHAPTER 330.

An act to empower the commissioners of Haywood county to levy a special tax.

The General Assembly of North Carolina do enact :

Commissioners of Haywood county authorized to levy special tax to build bridge.

SECTION 1. That the commissioners of Haywood county are hereby empowered to levy a special tax, observing the constitutional equation, for the purpose of building a bridge across Jonathan's creek at or near Boyd's ford, the levy to be made at the June session of the commissioners of eighteen hundred and ninety-three or eighteen hundred and ninety-four. It shall be under the same rules and regulations as are provided for the collection of other taxes.

Collection.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

CHAPTER 331.

An act to amend section one thousand nine hundred and seventy-one of The Code.

The General Assembly of North Carolina do enact :

Code, section 1971, amended. Baggage, &c., cars not to be placed in rear of passenger cars except in certain cases.

SECTION 1. That section one thousand nine hundred and seventy-one of The Code be amended as follows: By inserting after the words "passenger cars" in line three the following, "except in case of accident or when the cars are provided with automatic couplers or brakes."

Conflicting laws repealed.

SEC. 2. That all laws or parts of laws in conflict with this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

CHAPTER 332.

An act to amend section five hundred and fourteen (514) of The Code.

The General Assembly of North Carolina do enact :

Code, section 514, amended. When persons die (homestead not having been set apart) widow or

SECTION 1. That section five hundred and fourteen (514) of The Code be amended so as to read: "If any person entitled to a homestead exemption die without such homestead having been set apart, his widow, if he leave no children, or his child or children under the age

of twenty-one years, if he leave such, may proceed to have said homestead exemption laid off according to section five hundred and eleven and five hundred and twelve, and if such widow, child or children, being entitled to a homestead exemption as aforesaid, shall have failed to have the same set apart in the manner hereinbefore provided, then and in such event, if it shall be competent, in an action brought by the personal representative of such decedent to subject the realty of his testator or intestate to the payment of debts and charges of administration, for the court to appoint three disinterested freeholders to set apart to such widow, child or children entitled to a homestead exemption as aforesaid a homestead exemption under metes and bounds in the lands of such decedent, who shall under their hands and seals make return of the same to the court, and which shall be registered in the same manner as is now required by law in the homestead exemptions.

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

Ratified the 4th day of March, A. D. 1893.

children may have homestead exemption laid off. If widow or children fail to have homestead set apart, court may have same allotted in action by personal representative to make real estate assets, &c.

CHAPTER 333.

An act for the relief of A. L. Byrd, treasurer of Harnett county.

The General Assembly of North Carolina do enact :

SECTION 1. That the boards of education, county commissioners and magistrates of Harnett county be and they are hereby authorized to release, acquit and discharge A. L. Byrd, late treasurer of the board of education of said county, of a deficiency of seven hundred dollars in the school fund: *Provided*, a resolution to that effect shall be ratified and approved by a majority of all members of each of said boards on the first Monday in June, eighteen hundred and ninety-three, and that the vote of each and every member of each of said boards voting for or against said resolution shall be recorded upon the minutes of the boards of education, county commissioners and magistrates respectively.

Commissioners, &c., of Harnett county authorized to release A. L. Byrd, late treasurer, of a certain deficiency. *Proviso.*

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

Ratified the 4th day of March, A. D. 1893.

CHAPTER 334.

An act to prohibit the setting of Dutch nets in the waters of Pamlico county.

The General Assembly of North Carolina do enact :

Misdemeanor to set Dutch nets, &c., in Pamlico county.

SECTION 1. That it shall be unlawful for any person or persons to set any Dutch nets or pod nets in the waters of Pamlico county; and any person violating this section shall be guilty of a misdemeanor, and shall be fined not less than fifty dollars or be imprisoned not less than thirty days.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

CHAPTER 335.

An act to repeal chapter four hundred and seventy-five of the laws of eighteen hundred and ninety-one, allowing certain citizens of Jackson county to attend the public school at Whittier.

The General Assembly of North Carolina do enact :

Chapter 475, laws 1891 (allowing certain pupils of Jackson county to attend school at Whittier, Swain county) repealed.

SECTION 1. That chapter four hundred and seventy-five of the laws of one thousand eight hundred and ninety-one, entitled "An act to allow certain persons in Jackson county to attend public school in Whittier and Swain county," is hereby repealed.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

CHAPTER 336.

An act to allow citizens of certain townships in Rutherford county to vote upon the question of manufacturing spirituous liquors therein.

The General Assembly of North Carolina do enact :

Commissioners of Rutherford county, upon petition, &c., to order election in certain townships upon question of manufacturing whisky, &c.

SECTION 1. It shall be the duty of the board of commissioners of Rutherford county, upon petition of one-fifth of the qualified voters of either of the following townships in said county, to-wit, High Shoals, Sulphur Springs, Colfax and Cool Spring, to order an election in the township from which such petition is presented, to be held on the first Monday of of any year to ascertain whether or not

whisky may be manufactured in such township. The petition shall set forth the length of time it is proposed to prohibit the manufacture of whisky, and notice thereof shall be posted at the court-house door and at three public places in the township in which such election is proposed to be held at least thirty days prior to the election. Notice.

SEC. 2. Such election when so ordered shall be held and returns made under the same rules and regulations as prescribed for holding elections for members of the general assembly so far as the same may be applicable, except as herein modified. Election, how held, &c.

SEC. 3. Any person allowed to vote in such townships for members of the general assembly shall have the right to vote at such election, and every such voter who favors the prohibition of the manufacture of whisky in such township shall vote a ticket on which shall [be] written or printed the word "Prohibition," and every such voter who favors such manufacture shall vote a ticket on which shall be written or printed the words "No prohibition." Electors.
Ballots.

SEC. 4. That the returns of said election shall be made to the board of commissioners of Rutherford county at the regular meeting next after such election, and the result thereof shall be declared by said board of commissioners. Returns, how made.

SEC. 5. If a majority of the votes cast at any such election shall have written on them the word "Prohibition" then it shall be unlawful for any person to manufacture whisky in the township in which such election is held for the period mentioned in the petition, and any person manufacturing whisky in such township during the period mentioned in the petition shall be guilty of a misdemeanor, and upon conviction shall be fined not more than thirty dollars or imprisoned not more than thirty days: *Provided*, that each day such person so manufactures whisky shall be a separate offence. On majority vote, unlawful to manufacture whisky, &c.
Misdemeanor.
Proviso.

SEC. 6. That nothing herein contained and no election held under this act shall affect the provisions of chapter thirty-two, volume two of The Code, and the amendments thereunder. Chapter 32, vol. 2, Code, not affected by this act.

SEC. 7. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

CHAPTER 337.

An act to change the boundary line of St. Mary's township, Wake county, North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That hereafter the boundary line between the townships of St. Mary's, St. Matthew's and Mark's Creek, Wake county, shall be the Neuse river, and that the portion of St. Mary's cut off by such change and laying northward of said river shall be divided and Boundary line of St. Mary's township, Wake county.

attached to St. Matthew's and Mark's Creek townships in such manner and proportions as will be effected by extending the boundary line between the two in a continuous direction.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

CHAPTER 338.

An act to authorize the commissioners of Warren county to levy a special tax.

The General Assembly of North Carolina do enact :

Commissioners and justices of Warren county authorized to levy special tax to pay county indebtedness.

SECTION 1. That the board of commissioners of Warren county are hereby authorized and empowered by and with the concurrence of a majority of the justices of the peace of said county at their regular meeting on the first Monday in June in the year one thousand eight hundred and ninety-three to levy a special tax upon the taxable property, real and personal and the polls of said county, for this [the] special purpose [of paying the] outstanding indebtedness of said county.

Tax, how levied, &c.

SEC. 2. Said tax shall be levied in like manner with the state and general county taxes, and shall not exceed five cents on the one hundred dollars worth of property and fifteen cents on the poll, and the constitutional equation between the property and the poll shall be observed in making the levy.

Tax, how collected.

SEC. 3. That said tax shall be collected and accounted for by the sheriff or tax collector of said county in the same manner at the same time and under the same penalties as prescribed for the collection of other taxes in said county.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

CHAPTER 339.

An act to amend section two thousand eight hundred and thirty-four (2834) of The Code.

The General Assembly of North Carolina do enact :

Code, section 2834, amended. Lawful to shoot robins in Cabarrus county.

SECTION 1. That section two thousand eight hundred and thirty-four of The Code be and the same is hereby amended by striking out the word "robins": *Provided*, this act shall apply only to Cabarrus county.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

CHAPTER 340.

An act to correct state grant number seventeen hundred and sixty-four,
issued to William Sloan.

The General Assembly of North Carolina do enact:

SECTION 1. That state grant number seventeen hundred and sixty-four (1764) issued to William Sloan on the twentieth (20) day of February, one thousand eight hundred and fifty-five (1855), recorded in Jackson county, in Book A, Number one, page three hundred and forty-three (343), be corrected in the courses and distances in said grant, so that they shall read as follows: Beginning at a pine, runs south sixty-eight east one hundred poles to a chestnut; then north twenty-two east one hundred and sixty poles to a stake; then north sixty-eight west one hundred poles to a stake; then south twenty-two west one hundred and sixty poles to the beginning.

State grant No.
1764, issued to
W. Sloan, cor-
rected.

SEC. 2. That the secretary of state and also the register of deeds in the counties where said grant may have been recorded are hereby authorized and instructed to correct their said records in conformity to the courses and distances set forth in section one of this act.

Secretary of state
and register to
correct records.

SEC. 3. That this act shall be in force from and after its ratification.
Ratified the 4th day of March, A. D. 1893.

CHAPTER 341.

An act to amend section one thousand nine hundred and nine of The Code.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand nine hundred and nine of The Code be and the same is hereby amended by inserting between the words "sold" and "under" in second line thereof the words "or divided in severalty by actual partition," and by inserting immediately before the word "and" in the fourth line of said section the following: "The land to be divided in severalty shall be allotted to the tenants in common, subject to the dower right or dower aforesaid, and either may be asked and assigned at the same time that partition thereof is made and by same commissioners."

Code, section 1909,
amended.

Apportionment
of dower rights in
land divided in
severalty by
actual partition.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 4th day of March, A. D. 1893.

CHAPTER 342.

An act to protect citizens of Transylvania county against damages caused by floating logs, timber and rafts in French Broad river and its tributaries.

The General Assembly of North Carolina do enact :

Persons floating,
&c., logs in
French Broad
river, &c., Trans-
ylvania county,
liable for dam-
ages.

Who deemed to
be owners.

Persons desiring
to float logs, &c.,
to file bond.

Landowner au-
thorized to seize
and hold logs,
&c., until dam-
ages paid.

Sale of logs, &c.

Failure to file
bond after notice,
a misdemeanor.

SECTION 1. That any person or corporations floating or rafting logs or timber in the waters of the French Broad river or its tributaries in the county of Transylvania shall be liable for any and all damages which may accrue in consequence thereof to any bridges, lands, or other property in said county; and the person or persons or corporations placing or causing to be placed in the streams aforesaid any logs, timbers or rafts shall be deemed to be the owners thereof, and shall be liable to any person or persons or corporations sustaining damages as aforesaid, to be recovered in any court of this state having jurisdiction thereof.

SEC. 2. That the board of county commissioners shall require any person or persons or corporations desiring to engage in floating logs, timbers or rafts in any of said streams in said county of Transylvania to file with them a sufficient bond in such sum as they may deem reasonable and just, conditioned to pay all such damages as may be sustained by the said county, or any person or persons or corporations, in consequence of such placing logs, timber or rafts in any of said streams.

SEC. 3. That whenever any such logs, timbers or rafts, placed in any of said streams shall be lodged or thrown upon the land of any person or persons or corporations in consequence of which the owner or occupant of said land shall suffer any damage, it shall be lawful for such owner or occupant to seize such logs, timbers or rafts and hold the same until the owner shall pay all such damages as the owner or occupant may sustain: *Provided*, that if such owner shall fail to claim such logs, timbers or rafts for thirty days, or shall fail or refuse to pay such damages as the owner or occupant shall sustain, the same may be advertised for sale by said owner or occupant under the same rules and regulations as are now provided by law for the sale of personal property under execution; and the proceeds of such sale, or so much thereof as may be necessary, shall be applied to the satisfaction of any judgment that may be recovered by such owner or occupant for any damages he may sustain against the owner of such logs, timber or rafts in any court of competent jurisdiction.

SEC. 4. That any person or corporation failing to file the bond required by section two of this act, after being notified to do so by the county commissioners for the period of ten days, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, in the discretion of the court.

SEC. 5. That all laws in conflict with the provisions of this act are hereby repealed. Conflicting laws repealed.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

CHAPTER 343.

An act to authorize levy of special tax in Anson county.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners and justices of the peace for Anson county be and they are hereby authorized and empowered to levy special tax in the years one thousand eight hundred and ninety-three and eighteen hundred and ninety-four at the same time with other levies in said years on all subjects of taxation in said county, the said special tax not to exceed ten cents on the hundred dollars of property and thirty cents on the poll, said tax being required to meet the ordinary expenses of the county. Said tax shall be collected and accounted for by the sheriff or other tax collector of said county in the same manner under the same penalties and within the time as the other taxes levied for said county. Commissioners and justices of Anson county authorized to levy special tax for county expenses. ~~as per~~

How collected.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

CHAPTER 344.

An act to facilitate banking.

The General Assembly of North Carolina do enact:

SECTION 1. That when any deposit shall be made in any savings bank or banking institution in [this] state by any person being a minor or *feme covert*, the said corporation may at its discretion pay to such minor or *feme covert* such sums as may be due to him or her, and the receipt or acquittance of such minor or *feme covert* shall be to all intents and purposes valid in law to fully discharge said corporation from any and all liability on account thereof. Banks, &c., may pay to minors and married women deposits made by them.

Receipts, &c., for
goods stored in
warehouse, &c.,
companies, nego-
tiable.

SEC. 2. That any company or corporation chartered under the laws of North Carolina with the right to do a general warehouse and storage business may issue receipts or certificates for goods received on storage, and the said receipts or certificates shall be negotiable and transferable in like manner as bills of exchange—if payable to order, by endorsement; if to bearer, by delivery.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 4th day of March, A. D. 1893.

CHAPTER 345.

An act to settle a debt due by the state to Mary Hinton, executrix of David Hinton, deceased.

Preamble.

WHEREAS, On the thirtieth day of January, one thousand eight hundred and sixty-three, the public treasurer of the state was destitute of the funds necessary to meet the urgent demands made upon it for the expenses of the various civil departments of the government, particularly for the maintenance of the asylums for the insane and the deaf, dumb and blind; and whereas, by authority of law the late Jonathan Worth, then public treasurer, borrowed from David Hinton the sum of twelve thousand dollars, for the repayment of which the state of North Carolina, by the public treasurer aforesaid, executed and delivered to the said David Hinton its obligation, bearing interest from January the thirtieth, one thousand eight hundred and sixty-three; and whereas, the said sum of twelve thousand dollars was received by the state and faithfully applied to said civil purposes, and no part thereof has ever been paid.

The General Assembly of North Carolina do enact:

Treasurer directed to pay Mary Hinton, executrix, \$1,792 in settlement of claim.

SECTION 1. That the public treasurer of North Carolina be and he is hereby authorized and directed to pay to the said Mary Hinton, executrix of David Hinton, deceased, out of any moneys not otherwise appropriated, the sum of one thousand seven hundred and ninety-two dollars (\$1,792), in full discharge of said indebtedness: *Provided*, that said Mary Hinton, executrix, shall within six months after the adjournment of this general assembly, surrender said obligation to the state treasurer and accept the amount authorized to be paid by this act in full of said obligation, and the state treasurer is not authorized to pay any money under this act unless said obligation is surrendered within six months after the adjournment of this session of the general assembly.

Proviso.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 346.

An act to amend sections one thousand four hundred and ten, one thousand four hundred and thirteen and one thousand four hundred and fourteen of "The Code" of North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That sections one thousand four hundred and ten of "The Code" be amended by adding to the end thereof the words:

Provided, that when personal property shall consist of cotton, tobacco, goods, wares and merchandise; state, national or municipal bonds, or the stocks in incorporated companies, the executor or administrator may, upon application to the clerk of the superior court, obtain an order to sell and may sell such personal property at private sale for the best price that can be obtained, and report such sale in the same manner as under an order to sell personal property for cash.

Code, sections 1410, 1413 and 1414, amended.

Executor, &c., may sell certain personal property at private sale by obtaining order from clerk, &c.

SEC. 2. That section one thousand four hundred and thirteen of "The Code" be amended by inserting after the word "auction" and before the word "shall" in the second line thereof the words "or privately."

Proceeds of private sales of personal property by executors, &c., to be secured by bond, &c.

SEC. 3. That section one thousand four hundred and fourteen of "The Code" be amended by inserting between the words "all" and "sales" in the first line thereof the word "public," and by inserting after the word "made" and before the word "and" in line four thereof the words "except" that in towns or cities of more than five thousand inhabitants, public sales of goods, wares and merchandise, may be continued till the hour of ten o'clock P. M.

Public sales of personal estate by executors, &c., to be between 10 o'clock a. m., and 4 o'clock p. m.

In towns, &c., sales of goods, &c., may be continued until 10 o'clock p. m.

SEC. 4. All laws inconsistent with this act are hereby repealed.

SEC. 5. That this act shall be in force from and after its ratification.

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

CHAPTER 347.

An act to prevent the wrongful occupancy of dwelling-houses.

The General Assembly of North Carolina do enact :

SECTION 1. That if any person shall enter upon the lands of another and take possession of any house or building being thereof, without permission of the owner or agent and without a *bona fide* claim of right or title so to enter and take possession, such person shall be guilty of a misdemeanor and fined or imprisoned at the discretion of

Entry upon land of another and taking possession of house, &c., without permission and without *bona fide* claim of

right, and refusing to vacate, &c., a misdemeanor. Persons having heretofore entered and taken possession of house and refusing to vacate, &c., guilty of misdemeanor.

the court if he fails or refuses to vacate said premises within ten days after being notified personally in writing to quit said premises.

SEC. 2. That all persons who may have heretofore entered on the land of another and taken possession of any house thereon without leave of the owner or his agent and without a *bona fide* claim of title, shall vacate such house and premises within ten days after the service on such person of a written notice by the owner or agent of such owner to vacate said house and premises, that any such person violating this section shall be guilty of a misdemeanor.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 348.

An act to amend chapter three hundred and forty-four of the laws of eighteen hundred and eighty-nine.

The General Assembly of North Carolina do enact:

Chapter 344, laws 1889, amended.

Unlawful to land more than one seine on one beach on Roanoke and Middle rivers, &c.

Sections, 2, 3 and 4 repealed.

Chapter 284, laws 1891 (regulating fishing in Roanoke river) repealed. Misdemeanor.

Conflicting laws repealed.

SECTION 1. That chapter three hundred and forty-four of the laws of eighteen hundred and eighty-nine be amended by adding after section one, and as section two, the following: That it shall be unlawful for any person or persons to land more than one seine on any one beach on the Roanoke or Middle rivers, or draw or haul more than one seine on the same bottom or fish ground on the same rivers, or use a trip-block or other device attached to any object on the opposite side of the river from the fishing beach.

SEC. 2. That sections two, three and four of said chapter three hundred and forty-four, laws of eighteen hundred and eighty-nine, be and they are hereby repealed.

SEC. 3. That chapter two hundred and eighty-four of the laws of eighteen hundred and ninety-one be hereby repealed.

SEC. 4. That any person violating any provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, in the discretion of the court.

SEC. 5. That all laws and clauses of laws coming in conflict with this act are hereby repealed.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 349.

An act supplemental to an act entitled "An act to regulate the building of wharfs," ratified February second, eighteen hundred and ninety-three.

The General Assembly of North Carolina do enact :

SECTION 1. That at the end of section one of the act entitled "An act to regulate the building of wharfs," ratified February second, eighteen hundred and ninety-three, be added the following words: "Provided, that this act shall not affect existing entries, existing rights or pending suits."

Chapter 17, ante, amended.
Act not to affect existing entries, pending suits, &c.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 6th day of March, A. D. 1893.

CHAPTER 350.

An act for the relief of Wm. M. Monroe.

The General Assembly of North Carolina do enact :

SECTION 1. That the board of commissioners of Guilford county be and they are hereby empowered to audit and pass a claim in behalf of Wm. M. Monroe for the sum of one hundred and seventy-five dollars as a part of the costs incurred in the prosecution of George H. Wylde for bigamy; and that upon such auditing and passing of said claim, the same may be paid in full to the said Wm. M. Monroe by the said county of Guilford from its general fund.

Commissioners of Guilford county authorized to audit, &c., claim of W. M. Monroe for costs, &c.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 6th day of March, A. D. 1893.

CHAPTER 351.

An act to regulate and provide for the public printing.

The General Assembly of North Carolina do enact :

SECTION 1. That hereafter all printing and binding required for the state shall be let by contract, to run two years, to the lowest responsible bidder, unless otherwise hereinafter provided for.

State printing, &c., to be let by contract to lowest bidder.

SEC. 2. That for the purpose of carrying out the provisions of section one of this act, the following regulations are hereby prescribed: The secretary of state shall for four weeks prior to January the first,

Regulations.

Duty of secretary of state.	eighteen hundred and ninety-five, and every two years thereafter, advertise in the daily paper in the city of Raleigh having the largest <i>bona fide</i> circulation for sealed proposals to do the public printing and binding. He shall prepare printed forms of proposals for printing and binding, showing the character and class of work to be contracted for, and shall furnish the same upon application free of cost to parties desiring to become bidders. Proposals must be forwarded by bidders to the secretary of state so as to reach him not later than the second Wednesday in January. Each proposal shall be accompanied by a certified check, payable to the secretary of state or order, in the sum of five hundred dollars. Every proposal shall be sealed or enclosed in an envelope and plainly marked on the outside "Proposals for printing and binding for the year". The secretary of state shall keep such sealed proposals until both houses of the general assembly elected in the previous November are duly organized. They shall then be opened in the presence of such joint committee of the general assembly as may be designated for the purpose, and in the presence of such bidders as may desire to be present, and the bids declared. Within seven days thereafter the lowest responsible bidder shall be awarded the contract by the committee to do the printing and binding for the ensuing two years, or until a new contract shall have been entered into: (<i>Provided</i> , that in such award there be no violation of section three of this act.) The contractor shall file a justified bond, with two or more sureties, in the sum of ten thousand dollars for the faithful and honest discharge of his contract, which bond, together with the contract, shall be examined by the attorney general, who shall make his endorsement thereon that the same are correct in substance and form. The sufficiency of the bond having been shown to the satisfaction of the secretary of state, he, together with the chairman of the joint committee of the general assembly, shall sign the contract on behalf of the state. Upon the letting of the contract, or the rejection of a bid, the certified check or checks shall be endorsed back to the contractor or bidder and the same delivered to them by the secretary of state.
Proposals, how made.	
Proposals to be opened by joint committee of general assembly.	
Contract to be awarded to lowest responsible bidder.	
Proviso.	
Board of contractors.	
Execution of contract.	
Checks accompanying bids to be endorsed back, &c.	
Contract not to be awarded to person, &c., living at too great a distance from Raleigh.	SEC. 3. The contract as hereinbefore provided shall not be awarded to any person, firm or corporation proposing to do the said printing and binding, at such a distance from the capital of the state as to cause inconvenience or delay in the prompt execution and delivery of the work, notwithstanding such person, firm or corporation may be the actual lowest bidder.
In certain contingencies, joint committee to contract privately, &c.	SEC. 4. In case there be no bids, or if the bids be excessive as to rates, or the parties bidding be not responsible, then the said joint committees of the two houses of the general assembly as aforesaid may contract privately with some responsible party to do the public printing and binding at a rate not exceeding the amount that would

be charged private persons for similar work, upon executing bond as provided in section two.

SEC. 5. That the secretary of state shall from time to time examine the printing and binding to see if the same is being done according to contract and in neat and workmanlike manner, and shall have general supervision of the same, and upon failure or neglect of the contractor to perform the work according to contract, he shall condemn such faulty work and report the fact to the governor, who may direct the auditor to withhold payment for the same until the contract shall have been complied with. All accounts shall be approved by the secretary of state before the auditor shall draw his warrant for the payment of the same.

Secretary of state to supervise printing, &c.

Condemnation of work, &c.

Secretary of state to approve accounts.

SEC. 6. None of the accounts for printing shall contain any item for paper or any other thing except printing and binding, and all accounts for paper shall be rendered separately and be approved by the secretary of state as provided in section five of this act.

Accounts for paper, &c., to be rendered separately.

SEC. 7. That this act shall not affect any contract entered into for printing and binding by the general assembly of eighteen hundred and ninety-three.

Present contract not affected.

SEC. 8. That all laws and parts of laws in conflict with this act be and the same are hereby repealed except sections three thousand six hundred and twenty-two and three thousand six hundred and twenty-three of The Code.

Conflicting laws repealed. Exception.

The above section shall be in full force and effect.

SEC. 9. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 352.

An act to amend chapter five hundred and thirty-eight of the laws of one thousand eight hundred and eighty-nine, relating to hunting deer in Caldwell county.

The General Assembly of North Carolina do enact :

SECTION 1. That section one of chapter five hundred and thirty-eight, laws of one thousand eight hundred and eighty-nine, is hereby stricken out and the following inserted in lieu thereof, that is to say: "That it shall be unlawful for any person or persons to chase or kill, with dog or dogs, or to hunt with firearms, or to shoot any wild deer in Caldwell county until after the eleventh day of March, one thousand eight hundred and ninety-seven."

Chapter 538, laws 1889, amended.

Unlawful to hunt, &c., deer in Caldwell county until after March 11, 1897.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 353.

An act to change the time of holding the fall terms of the superior court for Alamance and Caswell counties.

The General Assembly of North Carolina do enact :

Chapter 197, laws 1891, amended. Fall term Alamance superior court; 10th Monday after 1st Monday in September. Chapter 351, laws 1887, amended. Fall term Caswell superior court; 7th Monday after 1st Monday in September.

SECTION 1. That chapter one hundred and ninety seven of the laws of eighteen hundred and ninety-one be amended by striking out the word "seventh" in line twelve of section one and insert in lieu thereof the word "tenth." And that chapter three hundred and fifty-one of the laws of eighteen hundred and eighty-seven be amended by striking out the word "tenth" in line three of paragraph headed "Caswell," on page six hundred and twenty-six, and insert in lieu thereof the word "seventh."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 354.

An act to repeal chapter three hundred and ninety-one, laws of one thousand eight hundred and eighty-five.

The General Assembly of North Carolina do enact :

Chapter 391, laws 1885 (permitting use of traps in Neuse river) repealed.

SECTION 1. That chapter three hundred and ninety-one, laws of one thousand eight hundred and eighty-five, be and the same is hereby repealed.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 355.

An act for the improvement of the public roads of Wake county.

The General Assembly of North Carolina do enact :

Commissioners empowered to change road-beds upon petition, &c.

SECTION 1. That the board of county commissioners of Wake county shall have the power, upon the petition of ten freeholders, to change the bed of any of the public roads in said county whenever and wherever it may be in the judgment of said board necessary so to do: *Provided*, that whenever any such change is desired to be made thirty

days notice shall be given to the owner or owners of the land over which the new road is to run, to show cause, if any they have, why said change should not be made; and if any change is ordered the said board at the time shall appoint one freeholder and the owner of the land one freeholder to assess the damages, and if the two cannot agree then they shall call in an umpire and they shall meet upon the premises and assess the damages, and the said board shall pay the sums so assessed to the owner or owners of said land: *Provided*, that either party may appeal to the superior court from such assessment.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

Notice to land-owners.

Assessment of damages.

Payment of damages.

Right of appeal.

CHAPTER 356.

An act to change certain courts in the sixth judicial district.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter one hundred and eighty of the laws of one thousand eight hundred and eighty-five, under the division headed "Sixth district" in clause headed "Duplin," be amended by striking out the words "third Monday before the first Monday in March," and inserting instead thereof the words "Second Monday before the first Monday in March," the said term of court to last for one week.

Chapter 180, laws 1885, amended.

February term Duplin superior court, when held.

SEC. 2. That section one of chapter one hundred and eighty of the laws of one thousand eight hundred and eighty-five, under the division headed "Sixth district" in clause headed "Sampson," be amended by striking out the words "First Monday before the first Monday in March to be for the trial of civil cases alone," and inserting instead thereof the words "Fourth Monday before the first Monday in March," the said term to continue for two weeks and be for the trial of criminal and civil actions.

February term Sampson superior court, when held.

SEC. 3. That section three of chapter two hundred and ninety-one of the laws of one thousand eight hundred and ninety-one be amended by striking out the words "The seventh Monday before the first Monday in March" and the words "Fifth Monday after the first Monday in March," and inserting instead thereof the words "First Monday before the first Monday in March" and the words "The second Monday in August," the same to continue for one week.

Chapter 291, laws 1891, amended.

February and August terms of Greene superior court, when held.

SEC. 4. That the words "and the fourteenth Monday after the first Monday in September" in the last two lines of paragraph headed

Chapter 180, laws 1885, amended.

December term
Sampson supe-
rior court abol-
ished.

“Sampson” in the subdivision headed “Sixth district” of section first of chapter one hundred and eighty of the laws of eighteen hundred and eighty-five be stricken out so as to abolish the December term of Sampson county superior court.

When act to take
effect.

SEC. 5. This act shall be in force and take effect from and after the first day of September, one thousand eight hundred and ninety-three.
Ratified the 6th day of March, A. D. 1893.

CHAPTER 357.

An act to create a lien on vessels, boats, scows, lighters, flats, rafts, and other water crafts, for the payment of towage.

The General Assembly of North Carolina do enact:

Lien on vessel,
&c., for towage.

SECTION 1. That every vessel, boat, scow, lighter, flat, raft or other water craft, shall be subject to a lien for the payment of towage done by any steamboat or tug boat.

Lien, how filed
and enforced.

SEC. 2. That the lien provided for in this act shall be filed and enforced as is provided for other liens.

SEC. 3. That this act shall be in force from and after its ratification.
Ratified the 6th day of March, A. D. 1893.

CHAPTER 358.

An act to repeal chapter two hundred and thirty-four of the laws of eighteen hundred and ninety-one in relation to the killing of deer in Wayne county.

The General Assembly of North Carolina do enact:

Chapter 234, laws
1891 (fixing pen-
alty for hunting
deer in Wayne
county between
February 1 and
November 1)
repealed.

SECTION 1. That chapter two hundred and thirty-four of the laws of eighteen hundred and ninety-one be and the same is hereby repealed.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 6th day of March, A. D. 1893.

CHAPTER 359.

An act for the relief of Harlee Baxley.

The General Assembly of North Carolina do enact :

SECTION 1. That Harlee Baxley, a helpless confederate soldier, be placed on the roll of first-class pensioners. H. Baxley placed on pension list.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 6th day of March, A. D. 1893.

CHAPTER 360.

An act to amend section thirteen hundred and fifty-seven of The Code of North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That section thirteen hundred and fifty-seven (1357) of "The Code of North Carolina" be amended by inserting in line thirty-six between the words "whereof" and "shall" the following, "or the judge holding the court, if the clerk is a party to the action," and by inserting in line forty-one between the words "order" and "shall" the following, "or by the judge holding court when the clerk is a party to the action." Code, section 1357, amended.
Judge to open and pass upon depositions in actions to which the clerk is a party.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 6th day of March, A. D. 1893.

CHAPTER 361.

An act to amend chapter seventy-nine of the laws of one thousand eight hundred and ninety-one.

The General Assembly of North Carolina do enact :

SECTION 1. That section one of chapter seventy-nine of the laws of one thousand eight hundred and ninety-one be and the same is hereby amended by striking out the word "first" in the last line of said section and inserting in lieu thereof the word "fifteenth": *Provided*, this act shall only apply to the county of Cabarrus. Chapter 79, laws 1891, amended.
Unlawful to kill certain birds (Code, section 2834) in Cabarrus county between March 15 and November 15.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 6th day of March, A. D. 1893.

CHAPTER 362.

An act to prevent hunting or killing deer in the county of Haywood.

The General Assembly of North Carolina do enact :

Misdemeanor to hunt, &c., deer in Haywood county for three years after March 6, 1893.

SECTION 1. That any person who shall hunt with gun or chase with a dog or dogs, or shall kill or destroy any deer running wild in the woods, for three years after the ratification of this act, shall be guilty of a misdemeanor, and shall be fined or imprisoned at the discretion of the court: *Provided*, this act shall only apply to the county of Haywood.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 363.

An act to amend section three hundred and fifty-two, volume one of The Code, in relation to attachments.

The General Assembly of North Carolina do enact :

Code, section 352, amended. In proceedings by attachment before justice, advertisement at court-house door and four other public places in county for four successive weeks, sufficient.

SECTION 1. That section three hundred and fifty-two of volume one of The Code be amended by inserting in line twenty after the word "county" "for four successive weeks."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 364.

An act to review, lay out and amend the public road from Miller's Creek post-office in Wilkes county to Creston post-office in Ashe county.

The General Assembly of North Carolina do enact :

Commissioners to locate road.

SECTION 1. That James F. Somers of Wilkes county, E. E. Phillips of Ashe county, and A. F. Davis of Watauga county, are hereby appointed commissioners, who are hereby authorized and empowered to review, locate and establish the public road leading from Miller's

Creek post-office in Wilkes county, by the way of Parlies' post-office, Route. Stony Hill post-office, Parsonville post-office, Summit post-office in Wilkes county; thence northwest to the county line, between Ashe and Wilkes counties, through Phillips Gap; thence by Idlewild post-office, Gap Creek post-office, Riverside post-office, Elk Cross Roads post-office; thence the surest practicable route across Three Tops mountains to Creston post-office in Ashe county.

SEC. 2. That after discharging their duties under this act the said commissioners shall make out and sign three reports of their location of said road and file one with the board of commissioners of each of the said counties herein named, and any damages they may assess shall be paid by the county in which the land is situated.

Road commissioners to report to county commissioners.

Damages, how paid.

SEC. 3. That said road commissioners shall have power to determine what portion of said road the hands living in the different counties shall construct, and shall have the power to apportion the same, they not taking hands further than three miles on either side of said road.

Road commissioners to apportion hands.

SEC. 4. That the board of county commissioners shall have the power and it shall be their duty to order out the hands in their respective counties living within three miles of either side of said road by a straight line, and to appoint overseers on said road running through their respective counties, and apportion the hands liable to work said roads to each overseer they shall appoint.

County commissioners to order out hands.

Overseers.

SEC. 5. That the said road shall be laid off, changed and made according to the provisions of this act within two years from the ratification of this act: *Provided*, that the said road shall be constructed during the summer and fall months.

Road to be laid off, &c., within two years. Proviso.

SEC. 6. That all persons subject to the provisions of this act, including the county commissioners, road commissioners, road overseers and hands apportion[ed] to work said road, who shall wilfully fail or neglect to comply with the provisions of this act, shall be guilty of a misdemeanor, and on conviction thereof shall be fined and imprisoned at the discretion of the court.

Failure to comply with provisions of act a misdemeanor.

SEC. 7. That the said road to be constructed by authority of this act shall be sixteen feet wide, clear of stumps and runners.

Width of road, &c.

SEC. 8. That when said road shall be completed as provided under the provisions of this act it shall be the duty of the road overseers to report the same to the board of county commissioners of the respective counties through which said road shall run, and if accepted by them it shall be the duty of said county commissioners to turn the same over to the road supervisors of their respective counties.

Road commissioners to report completion of road.

Road to be turned over to road supervisors.

SEC. 9. That this act shall be in force from and after its ratification.

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

CHAPTER 365.

An act to provide for the employment and support of convicts in the penitentiary.

Preamble.

WHEREAS, From the report of the board of directors of the state's prison or penitentiary, it appears that a cessation of railroad construction in this state has left about five hundred convicts without remunerative employment, the greater part of which number is now temporarily employed in making permanent improvements on the farms of the penitentiary; and whereas, a failure in future to secure such remunerative employment would leave the institution without adequate support or means for equipments in extending its farming business; now therefore,

The General Assembly of North Carolina do enact:

Appropriation
for support of
convicts.

SECTION 1. That the sum of twenty-five thousand dollars be and the same is hereby appropriated out of any funds in the public treasury not otherwise appropriated, for the support and employment of the convicts for the two years ending on the thirty-first day of December, one thousand eight hundred and ninety-four.

When and how
appropriation to
be available.

SEC. 2. That no part of the sum hereby appropriated shall be placed on the account of the penitentiary, or drawn for the use and purpose aforesaid, except upon the recommendation of the board of directors and approval thereof by the governor.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 366.

An act to change time of holding spring term of Pender superior court.

The General Assembly of North Carolina do enact:

Chapter 186, laws
1885, amended.

SECTION 1. That section one of chapter one hundred and eighty of the laws of one thousand eight hundred and eighty-five, under the division "Sixth district" and under head "Pender," be and is hereby amended by striking out the words "second Monday in March" and inserting "first Monday in March."

When act to take
effect.

SEC. 2. This act to take effect on the first day of July, one thousand eight hundred and ninety-three.

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

CHAPTER 367.

An act to authorize the county commissioners of Buncombe to have erected suitable buildings in which to hold the elections.

The General Assembly of North Carolina do enact:

SECTION 1. That the county commissioners of Buncombe county are hereby authorized and empowered to have erected, rent or otherwise provide, as in their judgment may seem best, at each polling place in the county a suitable building in which to hold the elections: *Provided*, that a majority of the registered voters of the township in which it is desired to erect the building shall petition for the same.

Commissioners of Buncombe county authorized to provide buildings for election purposes. Proviso.

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

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

CHAPTER 368.

An act to extend the provisions of the stock law to the entire county of Davidson.

The General Assembly of North Carolina do enact:

SECTION 1. That on and after the fifteenth day of December, eighteen hundred and ninety-three, it shall be unlawful for any person or persons to allow any and all kinds of live stock to run at large in the county of Davidson.

Unlawful to permit live stock to run at large in Davidson county after Dec. 15, 1893.

SEC. 2. That on and after the fifteenth day of December, eighteen hundred and ninety-three, the stock law, or no fence law, as it now exists in certain sections of the county of Davidson shall be in full force and effect all over said county of Davidson, and the machinery used in putting in operation the no fence law in the county of Davidson shall apply to this act.

After Dec. 15, 1893, stock law to be in force in entire county.

SEC. 3. That this act shall be in force from and after December fifteenth, eighteen hundred and ninety-three.

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

CHAPTER 369.

An act to amend chapter three hundred and seventeen, public laws of eighteen hundred and ninety-one.

The General Assembly of North Carolina do enact:

Chapter 317, laws 1891, amended.

Act to improve method of grading public roads in Rutherford county made applicable also to Polk county.

SECTION 1. That chapter three hundred and seventeen of the public laws of eighteen hundred and ninety-one, entitled an act to improve the method of grading public roads in Rutherford county, be and the same is hereby amended as follows: Strike out of the proviso at the end of section two of said act the words "county of Rutherford" and insert in place of said words the following words, "counties of Rutherford and Polk"; and amend the title of said act by striking out the word "county" at the end of the title and insert in place of same the words "and Polk counties."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 370.

An act to regulate the discharge of convicts.

The General Assembly of North Carolina do enact:

Transportation to be furnished convicts whose terms expire, to one of certain counties.

Cost, how payable.

Certificates of transportation, &c., to be made non-transferable.

When act to take effect.

SECTION 1. That the superintendent of the state's prison shall furnish to every convict whose term of imprisonment is about to expire, a certificate of transportation or railroad ticket to the county in which such convict was convicted, or to any other county less distant, which such convict may designate, and in which the penitentiary may not have convicts employed, and shall pay the cost thereof out of commutation money, if there be any to the credit of such convict, under section three thousand four hundred and forty-five of The Code.

SEC. 2. That the superintendent shall so countersign such certificates or tickets as to render them non-transferable, and shall compel every convict, as the proper holder thereof, to take passage upon the train or steamboat bound for the destination of such convict.

SEC. 3. That this act shall be in force from and after the first day of April, A. D. 1893.

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

CHAPTER 371.

An act to include Halifax and Warren counties in the opossum law.

The General Assembly of North Carolina do enact :

SECTION 1. That the counties of Halifax and Warren be included in the opossum law passed by the general assembly of one thousand eight hundred and ninety-one.

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

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

Halifax and Warren counties included in opossum law (chapter 542, laws 1891) prohibiting hunting of opossums between Feb. 1 and Oct. 1.

CHAPTER 372.

An act to certify as teachers in the public schools of the state the graduates of Peabody Norman College of Nashville, Tennessee.

The General Assembly of North Carolina do enact :

SECTION 1. That the graduates from Peabody Norman College, Nashville, Tennessee, in the degree of Licentiate of Instruction, and any higher degrees conferred by said institution, shall be recognized in this state as certified for life as teachers in any and all public schools.

Graduates from Peabody College, Nashville, Tenn., to be recognized as certified for teachers, &c.

SEC. 2. That this privilege is subject to revocation by the state superintendent of public instruction, or by the state board of education, at his or their discretion, for cause.

Liabie to revocation.

SEC. 3. That this act shall be in force from and after its ratification.

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

CHAPTER 373.

An act to amend chapter seventy-nine, laws of one thousand eight hundred and ninety-one.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter seventy-nine (79), laws of one thousand eight hundred and ninety-one, be amended so as to allow the shooting of quail and partridges from the fifteenth of October to the twentieth of March in each year.

Chapter 79, laws 1891, amended. Shooting of quail, &c., allowed in Beaufort and Hyde counties from October 15 to March 20.

SEC. 2. This act shall only apply to the counties of Beaufort and Hyde.

SEC. 3. That this act shall be in force from and after its ratification.

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

CHAPTER 374.

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

The General Assembly of North Carolina do enact :

Who liable to militia duty.

Divided into two classes.

Active militia.

Inactive militia.

Exemptions.

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

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

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

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

Separate enrollment of white and colored militia.

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

Active militia first ordered into service.

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

How ordered into service.

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

Arrest of militia-men failing to attend.

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

designated, may be arrested by order of the commander-in-chief, or any officer in command, or with troops ordered out, or drafted, and punished by a court-martial as for desertion. The portion of the militia ordered out or accepted shall be mustered into service for such period as the commander-in-chief may require, and may be assigned to existing organizations of the active militia, or organized as the exigencies of the occasion may require.

Period of service.

Assignment to duty.

SEC. 5. The commander-in-chief shall appoint and commission all officers for the militia when any portion thereof is ordered into active service.

Commander-in-chief to commission officers.

SEC. 6. The governor is the commander-in-chief of the militia of the state of North Carolina, both active and inactive. He may from time to time prescribe such orders, rules, regulations, forms and proceedings as he may think proper for the use, government and instruction of the militia. He shall have power to call out the militia, both active and inactive, to execute the laws, suppress riots, rebellions or insurrections and to repel invasion, or whenever, in his opinion, there is reasonable necessity for its use.

Governor to be commander-in-chief.

Powers.

SEC. 7. Every commissioned officer of the militia, before entering upon his duties, shall take and subscribe before a justice of the peace, or other qualified officer, the oath prescribed by the constitution, which shall at once be forwarded to the adjutant general.

Oath of commissioned officer.

SEC. 8. Courts-martial for the militia shall be formed and governed according to the laws and regulations of the United States.

Courts-martial.

SEC. 9. That the military staff of the state of North Carolina shall be appointed and commissioned by the governor and shall hold office until their successors are appointed and qualify, but may be removed at any time by the governor. It shall be divided into two kinds, to-wit: The personal staff of the commander-in-chief and the general staff. The personal staff of the commander-in-chief shall consist of four aides-de-camp with the rank of colonel, and the governor may appoint his private secretary as his military secretary and commission him with the rank of major. The general staff shall consist of an adjutant general with the rank of brigadier general, one inspector general, one quartermaster general who shall be chief of ordnance, one surgeon general, one commissary general, one chief engineer, one inspector of small arms practice, one judge advocate general, one paymaster general, each with the rank of colonel. The commander-in-chief may appoint additional assistants to each of said offices with rank not higher than that of lieutenant colonel, if in his judgment it is best for the interest of the service.

Military staff.

Personal staff of commander-in-chief.

General staff.

Additional assistants.

SEC. 10. The adjutant general shall be chief of staff and shall receive an annual salary of six hundred dollars.

Adjutant general.

Salary.

SEC. 11. The adjutant general shall preserve in his office all records, books, papers, documents and other matters relating to the militia; he shall keep a roster of the names and dates of the commissioned

Duties of adjutant general.

officers of the militia; he shall keep a record of all enlistments made in any branch of the militia and all discharges; he shall distribute all orders from the commander-in-chief of the state to the several corps, and shall preserve the originals of all such orders, attend all such public reviews or encampments as he may be required by the commander-in-chief, obey all orders from him relative to carrying into execution and perfecting the system of military discipline established by law, furnish all necessary blank books for the use of the several corps and blanks for all returns required by law or regulations to be made, explaining the principal upon which they shall be used or made; receive from the several officers of the different corps throughout the state all such returns as may be required, reporting the number and names of men in their commands in active duty or in the active militia, the actual situation and condition of all arms and equipments in their possession and their delinquencies, and all other things that may be for the good of the militia, its advancement and discipline; all which said returns the several officers in the militia are required to make as they may be directed; to make an annual report of the condition of the active militia, all of the public arms and property to the governor, and a biennial report to the general assembly, together with such suggestions for the improvement of the militia, both active and inactive, as he may deem necessary. The adjutant general shall also make all returns that may be required by the laws of the United States to the president of the United States, or such other officer as the law may direct. A copy of all such reports shall be sent to the commander-in-chief and filed in the adjutant general's office. All orders or returns may be transmitted by mail or telegraph. The adjutant general shall be allowed all such necessary expenses as may be incurred in printing, clerk hire and making the blanks, books, orders and reports, not to exceed five hundred dollars.

Allowance for expenses.

Duties of other staff officers.

Bonds of disbursing officers.

Active militia.

Title.

Enlistment in state guard.

SEC. 12. The duties of the other staff officers shall be such as are discharged by similar officers in the United States army, and such other duties as they may be directed to perform by order of the commander-in-chief. And in the case of disbursing officers, the governor shall have power to prescribe form of bond for the faithful performance of duty, which shall not exceed in amount twice the sums passing annually into their hands.

SEC. 13. The active militia shall be subject at all times to the orders of its officers, shall be the National Guard of North Carolina, and shall be designated the "North Carolina State Guard." Able-bodied men of good moral character who can read and write, between the ages of eighteen and forty-five years, may enlist in the state guard; such enlistments shall be for a period of five years and made by signing duplicate enlistment papers in such form as may be prescribed by the adjutant general, one to be forwarded to him by the enlisting

officer and one to be filed with the records of the company in which enlistment is made.

SEC. 14. The state guard shall be liable at all times to be ordered into active service, and shall first be called on by the commander-in-chief for military service. In time of war, rebellion, invasion, insurrection, riot, or for any other reasonable cause, the commander-in-chief may order out for active service such portion of the state guard and the inactive militia as he may deem necessary.

State guard; how and when ordered into active service.

SEC. 15. The state guard of North Carolina shall not in time of peace consist of more than five thousand officers and enlisted men.

Number of state guard limited in time of peace.

SEC. 16. The commander-in-chief may organize the state guard into such brigades, regiments, battalions, companies or unattached companies as he may think best for the public service, and may make and prescribe such rules and regulations for the state guard as he may deem necessary, not inconsistent with the law as contained in this act.

Organization of state guard.

SEC. 17. That there shall be to each regiment, battalion, troop of cavalry or battery of light artillery the same commissioned and non-commissioned officers as are prescribed for the United States army.

Commissioned and non-commissioned officers.

SEC. 18. That whenever any company of the state guard for a period of ninety days is found to contain less than the minimum number of men prescribed by regulations, or upon a duly ordered inspection shall be found to have fallen below a proper standard of efficiency, the commander-in-chief may disband the same and grant honorable discharges to the officers and enlisted men of such company.

Companies, when disbanded.

SEC. 19. That all officers shall be commissioned by the governor of the state. In time of peace, or when not in active service, they shall be previously elected or nominated as herein provided.

Governor to commission officers.

SEC. 20. That the brigadier general of the several brigades shall be appointed by the governor. The staff officers of the brigade shall be nominated by the permanent commander thereof.

Appointment of brigadier generals and brigade staff officers.

SEC. 21. That the field officers of the several regiments and battalions shall be elected quadrennially from and after the first Thursday in December, eighteen hundred and ninety-four, by the written vote of the company officers of the respective regiments and battalions. That the captains and lieutenants of the companies shall be elected by the written votes of the enlisted men of the respective companies biannually from and after the first Thursday in December, eighteen hundred and ninety-four.

Election of field officers.

Election of captains and lieutenants.

SEC. 22. That every person accepting an election or nomination as an officer in the state guard shall, within six months thereafter, if ordered by the commander-in-chief, appear before an examining board, to be appointed by the commander-in-chief, which board shall examine said officer as to his military and other qualifications. If any officer shall fail to appear before the board of examination within thirty days after being notified, or shall fail to pass a satisfactory exam-

Examination of officers-elect.

Penalty for failure to appear for examination, &c.

New election.	ination, the facts shall be certified to the commander-in-chief, who shall thereupon declare the election or nomination of such officer null and void, revoke his appointment and order a new election to fill the vacancy.
Elections to fill vacancies.	SEC. 23. The commander-in-chief shall order elections to fill all vacancies occurring among the line officers of the state guard.
Honorable discharge of officers.	SEC. 24. That a commissioned officer may be honorably discharged upon tender of resignation, upon disbandment of the organization to which he belongs, upon the report of the board of examination, or for failure to appear before such board when ordered. He may be dismissed upon the sentence of a court-martial or conviction in a court of justice of an infamous offence.
Dismissal.	SEC. 25. That no enlisted man shall be honorably discharged before the expiration of his term of service, except by order of the commander-in-chief and for the following reasons: Upon his own application, approved by the commanding officer of his company and by superior commanders; upon removal from the county in which the organization of which he is a member is situated; upon disability, established by certificate of medical officer; to accept promotion by commission, whenever in the opinion of the commander-in-chief the interest of the service demands such discharge.
Honorable discharge of enlisted men.	SEC. 26. That enlisted men shall be dishonorably discharged by order of the commander-in-chief: To carry out a sentence of court-martial; upon conviction of felony in a civil court; upon expulsion from his company, in accordance with its by-laws and regulations; upon discovery of re-enlistment after previous dishonorable discharge.
Dishonorable discharge of enlisted men.	SEC. 27. That every soldier discharged from the service shall be furnished with a certificate of such discharge, which shall state clearly the reasons therefor. Dishonorable discharges will have the word "Dishonorable" written or printed diagonally across their faces in large characters with red ink, and the re-enlistment clause will be erased by a line.
Certificates of discharge.	SEC. 28. That the uniform, arms and equipments of the state guard shall be prescribed and ordered by the commander-in-chief. All companies of the state guard are required to wear the regulation dress upon all public occasions, parades or drills.
Uniform, arms, &c.	SEC. 29. That every officer receiving public property or money for military use shall be accountable for the articles so received by him, and make return of such property or money at such times and in such manner and on such forms as may be prescribed. He shall be liable to trial by court-martial upon neglect of duty, and also make good the value of all such property or money, defaced, injured, destroyed or lost by any neglect or default on his part, to be recovered in an action at law to be instituted at the order of the adjutant general. All money received on account of such loss or damage shall be paid to the paymaster general and shall be accounted for in his return.
Accountability of officer for public property, &c.	
Liability to court-martial, &c.	
Recovery of damages for property injured, &c.	

SEC. 30. That any officer, soldier, or other person, who shall sell, dispose of, pawn or pledge, destroy or injure, or retain after proper demand made, any public property or money issued under the provisions of this act shall be guilty of a misdemeanor and punished as a court-martial may direct.

Misdemeanor to sell, &c., public property.

Punishment.

SEC. 31. That any organization of the active militia, with the approval of the commander-in-chief, may adopt a "corps" dress other than that prescribed by the commander-in-chief, provided such uniform shall not be worn when such organization is on duty under orders of the commander-in-chief, or upon any of the drills or parades or encampments required by law or the regulations prescribed for the government of the state guard.

Corps dress.

Proviso.

SEC. 32. That organizations of the state guard shall have the right to own and keep personal property, which shall belong to and be under the control of the active members thereof; and the commanding officer of any organization may recover for its use any debts or effects belonging to it, or damages for injury to such property, action for such recovery to be brought in the name of the commanding officer thereof before any court of justice within the state, and no suit or complaint pending in his name shall be abated by his ceasing to be commanding officer of the organization; but upon motion of the commander succeeding him such commander shall be admitted to prosecute the suit or complaint in like manner and with like effect as if it had been originally commenced by him.

Right to own personal property.

Recovery of debts, &c.

SEC. 33. An annual inspection and muster of all organizations of the state guard shall be made by the inspector general, or his assistants, at such time and place as the commander-in-chief may order and direct. No person shall be mustered at the annual inspection, and muster or be permitted in the ranks in any parade or drill required by orders or regulations, who does not appear uniformed, armed and equipped according to the provisions thereof. Any officer who knowingly or wilfully shall place, or cause to be placed, on any muster roll the name of any person not regularly or lawfully enlisted, or the name of any enlisted man who is dead or who has been discharged, transferred, expelled or has lost membership for any cause whatsoever, or who has been convicted of any infamous crime, shall be guilty of a misdemeanor, and on conviction by a court-martial be dishonorably dismissed from the service. If any officer or soldier shall absent himself from any of the military duties required by orders or regulations without first having obtained the written permission of the commanding officer, or without a reasonable excuse, he shall be guilty of a breach of discipline and fined such sum as the majority of the company may by their by-laws have fixed, not exceeding the sum of five dollars, or may be imprisoned for a term not exceeding five days.

Annual inspection and muster.

Misdemeanor to knowingly place on roll name of person not regularly enlisted, &c.

Punishment.

Penalty for being absent without excuse, &c., from military duties.

Company rules,
&c.

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

Allowance to
brigadier general
and colonel.

Allowance to
companies.

How applied.

Monthly state-
ment.

What companies
to receive allow-
ance.

Proviso.

Proviso.

Proviso.

Annual encamp-
ment.

When and where
held.

Appropriation
for expenses.

Proviso.

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

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

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

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

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

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

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

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

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

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

CHAPTER 375,

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

The General Assembly of North Carolina do enact :

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

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

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

CHAPTER 376.

Rec'd 791

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

The General Assembly of North Carolina do enact :

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

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

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

CHAPTER 377.

An act to establish the state banking system of North Carolina.

The General Assembly of North Carolina do enact :

ARTICLE I.—GENERAL PROVISIONS.

Title of chapter. To whom applicable.	SECTION 1. <i>Title</i> .—This chapter shall be known as "The State Banking Law," and shall be applicable to all corporations and individuals specified in the next two sections.
Definition of "bank."	SEC. 2. <i>Definitions</i> .—The term bank, when used in this chapter, means any moneyed corporation authorized by law to issue bills, notes or other evidences of debt for circulation as money, or to receive deposits of money and commercial paper and to make loans thereon, and to discount bills, notes or other commercial paper, and to buy and sell gold and silver bullion or foreign coin or bills of exchange.
Definition of "individual banker."	SEC. 3. The term individual banker, when so used, means a person who has complied with the requirements of law and is authorized by the banking department to engage in the business of banking, and is subject to the supervision of the comptroller and the banking law.
Banking department established.	SEC. 4. <i>The Banking Department</i> .—There shall be a banking department, charged with the execution of the laws relating to the corporations and individuals to which this chapter is applicable.
Comptroller.	SEC. 5. <i>Comptroller</i> .—The chief officer of this department shall be a comptroller, known as the comptroller of banks, who shall be elected by the general assembly and shall hold his office for the term of four years and until his successor shall be elected and qualified.
Election.	In case of his death, resignation, inability to perform his duties, or a vacancy in the office, his successor shall be appointed by the governor to hold office until the next general assembly shall elect a successor; or in case the votes pass favorably on the proposition to issue banking bonds as hereinafter set forth, the governor shall appoint the comptroller, who shall hold his office till the next general assembly shall meet. He shall receive an annual salary of three thousand dollars, to be paid by the state treasurer as other state officers are paid.
Term of office.	He shall, within fifteen days from his election, take and subscribe the constitutional oath of office, and execute to the state a bond in the penalty of twenty-five thousand dollars, with such security as shall be approved by the governor and treasurer of the state, conditioned for the faithful discharge of his duties.
Vacancy.	SEC. 6. <i>Powers of Comptroller</i> .—Every corporation and individual banker shall be subject to the inspection and supervision of the comptroller. He shall, either personally or by some competent person or persons appointed by him, to be known as examiners, visit and examine every such corporation and individual banker at least once in each year. On every such examination inquiry shall be made as to
Salary.	
Oath.	
Bond.	
Powers and duties of comptroller.	

the condition and resources of the corporation or individual banker, the mode of conducting and managing its and his affairs, the action of its directors, the investment of its funds, the safety and prudence of its management, the security afforded to those by whom its engagements are held, and whether the requirements of its charter and of law have been complied with in the administration of its affairs, and as to such other matters as the comptroller may prescribe.

Examination of bonds, &c.

SEC. 7. He shall have power, in like manner, to examine every corporation and individual banker whenever in his judgment the condition and management is such as to render an examination of its affairs necessary or expedient.

Examination of corporations, &c.

SEC. 8. The comptroller and every such examiner shall have power to administer an oath to any person whose testimony may be required on any such examination, and to compel the appearance and attendance of any such person for the purpose of any such examination. No charge shall be made for such examination, except for necessary traveling and other actual expenses, which shall be paid by the bank or individual banker so examined into.

Authority to administer oaths, compel attendance of witnesses, &c.

Expenses, how paid.

SEC. 9. *Annual Report of Comptroller.*—The comptroller shall make an annual report to the general assembly at the commencement of its session, exhibiting—

Annual report of comptroller.

First. A summary of the state and condition of every corporation and individual banker from which reports have been received the preceding year at the several dates to which such reports refer, with an abstract of the whole amount of capital returned by them, the whole amount of their debts and liabilities, specifying particularly the amount of circulating notes outstanding and the total amount of means and resources, specifying the amount of specie held by them at the times of their several returns, and such other information in relation to such corporations and bankers as in his judgment may be useful.

Second. A statement of all banks and individual bankers authorized by him to do business during the previous year.

Third. A statement of the banks and individual bankers whose business has been closed during the year, with the amount of their circulation redeemed and the amount outstanding.

Fourth. Any amendment to the banking law which, in his judgment, may be desirable.

Fifth. The names and compensation of the clerks employed by him, and the whole amount of the expenses of the department during the year.

SEC. 10. *Annual Report Printed.*—Such report shall be made by or before the last day of the year, and the usual number of copies for the use of the general assembly shall be printed and in readiness for distribution by the public printer.

When report to be made. Copies to be printed.

Reports of comptroller to be presumptive evidence, &c.

SEC. 11. *Reports, Presumptive Evidence.*—Every official report made by the comptroller to the attorney general, and every report duly verified of any examination made, shall be presumptive evidence of the facts therein stated in all motions in any action or proceeding for the appointment of a temporary receiver of any corporation or individual banker to which such report relates.

Official seal.

Certified papers to be received in evidence, registered, &c.

SEC. 12. *Official Seal of Comptroller.*—The comptroller shall have an official seal. Every paper executed by him as comptroller in pursuance of authority conferred on him by law and sealed with his seal of office shall be received in evidence, and may be recorded in the proper recording office in the same manner and with the like effect as a deed regularly acknowledged or proven.

Deputy Comptroller.

SEC. 13. *Deputy Comptroller.*—There shall be in the banking department a deputy comptroller, to be appointed by the governor on the recommendation of the comptroller, who shall be entitled to a salary of fifteen hundred dollars a year, and who shall possess the power and perform the duties attached by law to the office of comptroller during a vacancy in the office, or during the absence or inability of the comptroller.

Oath.

Bond.

SEC. 14. The deputy comptroller shall also take and subscribe the constitutional oath of office and shall execute a like bond to the people of the state in the penalty of twenty-five thousand dollars, before he shall act as comptroller as provided in section thirteen.

Clerks and examiners.

Duties.

Compensation.

SEC. 15. *Clerks.*—The comptroller shall employ from time to time such clerks and examiners as he may need to discharge in a proper manner the duties imposed upon him by law. They shall perform such duties as he shall assign them. He shall fix their compensation, which shall not exceed the compensation for like service in other departments of the state government.

Examiners.

SEC. 16. *Examiners.*—Every examiner shall, before entering upon the duties of his appointment, take and file in the office of the clerk of the county where he resides the constitutional oath of office, and he shall forthwith examine fully into the books, papers and affairs of the corporation or individual banker specified in his appointment, and report on oath to the comptroller the result of such examination.

Not to be appointed receiver.

No such examiner shall be appointed receiver of any corporation or individual banker whose books, papers and affairs he shall have examined pursuant to such appointment.

Examiner's reports to be published at Comptroller's discretion.

SEC. 17. *Publication of Examiner's Report.*—Whenever the comptroller shall deem it proper, a copy of any report made by any examiner shall be published in at least one newspaper published in the county where the principal place of business of such corporation or individual banker is located.

Offices and furniture for Comptroller.

SEC. 18. *Rooms and Furniture.*—The officer having the custody of the public buildings at the state capital shall assign to the comptroller suitable rooms therein for conducting the business of the banking

department, and the comptroller shall from time to time furnish the necessary furniture, stationery, fuel, lights, attendance and other proper conveniences for the transaction of the business of his office.

SEC. 19. *Expenses, How Defrayed.*—All the expenses incurred in and about the conduct of the business of the banking department, including the salary of the comptroller and deputy comptroller, compensation of clerks and examiners, shall be paid out of the tax on the circulation and deposits of said banks and individual bankers herein-after provided.

Expenses, how paid.

SEC. 20. *Exchange of Securities.*—The securities deposited by any corporation or individual banker pursuant to the provisions of this chapter with the comptroller to secure circulation may be exchanged from time to time for other securities receivable as provided in this chapter, and so long as the corporation or individual banker so depositing shall continue solvent and comply with the laws of the state, it or he may be permitted by the comptroller to collect the interest or dividends on such deposits, and from time to time to withdraw any of such securities on depositing with the comptroller other like securities, the par and market value of which shall be equal to the par and market value of such as may be withdrawn.

Exchange of securities deposited to secure circulation.

Collection of interest.

Withdrawal of securities.

SEC. 21. *Impairment of Capital.*—Whenever the comptroller shall have reason to believe that the capital stock of any corporation or individual banker is reduced by impairment, or otherwise, below the amount required by law or by its certificates or articles of association, he shall require such corporation or individual banker to make good the deficiency. He may examine, or cause to be examined, any such corporation or individual banker to ascertain the amount of any such impairment or reduction of capital, and whether the deficiency has been made good by him.

Impairment of capital, deficiency to be made good.

Examinations.

SEC. 22. If any such corporation or individual banker shall neglect for sixty days after the comptroller shall have required such deficiency to be made good to comply with such request, the comptroller shall report the fact to the attorney general, who shall institute such action or proceeding against such corporation or individual banker as is now authorized in the case of insolvent corporations.

Action against bank, &c., refusing to make good deficiency, &c.

SEC. 23. If from any examination and report the comptroller shall have reason to believe that any such bank or individual banker is in an unsound or unsafe condition to do banking business, he may forthwith take possession of such bank or individual banker's property and business and retain such possession until the termination of the action or proceeding instituted by the attorney general; and he shall forthwith communicate the facts to the attorney general, who shall thereupon institute such proceedings against said corporation or individual banker as are authorized in the case of insolvent corporations, or such proceedings as the nature of the case may require.

When comptroller to take possession of bank, &c.

Duty of attorney general.

Action against bank refusing to submit books, &c., to inspection of comptroller, &c.

SEC. 24. *Delinquent Corporations.*—If any bank or individual banker shall refuse to submit its books, papers and concerns to the inspection of the comptroller or any examiner, or if any officer of any bank or individual banker shall refuse to submit to be examined upon oath touching the concerns of such bank or individual banker, or if it or he shall be found to have violated its charter or any law of the state binding upon it or him, the comptroller may report the fact to the attorney general, who shall institute such action or proceeding against such bank or individual banker as is authorized in case of insolvent corporations, or such other proceedings as the nature of the case may require.

Action against banks, &c., violating charter, &c.

SEC. 25. If it shall appear to the comptroller that any bank or individual banker has violated its charter or any law of this state, or is conducting business in an unsafe or an unauthorized manner, and that it is unsafe and inexpedient for such bank or banker to continue business, he shall communicate the facts to the attorney general, who shall thereupon institute such proceedings against the bank or banker as are authorized in the case of insolvent corporations, or such other proceedings as the nature of the case may require.

Examination of bank, &c., by order of court on petition of stockholders or creditors.

SEC. 26. *Examination by Order of Court.*—The stockholders of any bank, and the creditors of any individual banker whose shares or claims amount to five hundred dollars, may make application to the judge of the superior court of the judicial district in which said bank or individual banker conducts its business, by a verified petition setting forth facts showing that an examination of the affairs of the bank or individual banker should be made, and the court may thereupon, in its discretion, order such an examination to be made by a referee for the purpose of ascertaining the safety of the investment and the prudence of the management of the corporation. The result of such examination, together with the opinion of the referee thereon, shall be made to the court, and the latter shall make such order in respect to the expenses of the examination and publication of the report as it may deem proper.

Reports by banks, &c., to comptroller.

SEC. 27. *Reports to Comptroller.*—Every bank and individual banker shall make not less than four written reports each year to the comptroller, in such form and containing such matter as he shall prescribe; every such report shall be verified by the oath or affirmation of the president or cashier of such bank or banker to the effect that the same is true and correct in all respects; and every such report shall exhibit in detail and under appropriate heads the resources and liabilities of the bank or banker at the close of business on any past day by the comptroller specified, and shall be transmitted to the comptroller within ten days after the receipt of a request or requisition therefor from him, and in the same form in which it was made to the comptroller shall be published in a newspaper circulating in

When to be made,

the place where such bank or banker is established, and at the expense of said bank or banker.

SEC. 28. *Penalties for Failure to Report.*—If any bank or individual banker shall fail to make and transmit such report within ten days from the day he receives notice to make such report, or fail to include therein any matter required by the comptroller, every such delinquent bank or banker shall forfeit to the state, to be recovered by suit brought by the attorney general, on notice to him by the comptroller of such delinquency, ten dollars for every day for which such report shall be delayed or withheld, and for every day that such omitted matter shall remain unreported.

Penalty for failure to report.

How recovered.

SEC. 29. The moneys forfeited by this section, when recovered as provided in section twenty-eight, shall be paid into the state treasury, to be and become a part of the "safety fund" hereinafter provided for.

Recovery payable to treasurer.

SEC. 30. In case of the failure of any bank or individual banker to make any report required of him by law, the comptroller shall immediately cause the books, papers and affairs of such bank or individual banker to be examined.

On failure to report, comptroller to examine books, &c.

SEC. 31. *Restrictions.*—No bank or individual banker shall make any loan or discount to any person, company, corporation or firm, or upon paper upon which any such person, company, corporation or firm may be liable, to an amount exceeding the one-fifth part of its capital stock actually paid in and surplus; but the discount of bills of exchange, drawn in good faith and against actually existing values, or of commercial or business paper actually owned by the person negotiating the same, shall not be considered as part of any such loan or discount.

Restrictions upon loans and discounts.

SEC. 32. *Calculation of Profits.*—Interest unpaid, although due or accrued on debts owing to the bank or individual banker, shall not be included in the calculation of profits previous to a dividend. The surplus profits, from which alone a dividend can be made, shall be ascertained by charging in the account of profit and loss and deducting from the actual profits—

Profits, how calculated previous to declaring dividend.

(1). All expenses paid or incurred attending the management of its affairs and transaction of its business.

(2). The interest paid or then due and accrued, or debts owing by it.

(3). All losses sustained by it. In the computation of such losses all debts owing to it shall be included which shall have remained due without prosecution and upon which no interest shall have been paid for more than one year, or on which judgment shall have been recovered that shall have remained for more than two years unsatisfied.

SEC. 33. *Losses in Excess of Profits.*—All losses sustained by any bank or individual banker in excess of its individual profits and surplus then realized and possessed shall be charged as a reduction of

Losses in excess of profits, how charged, &c.

its capital stock, and no dividend shall thereafter be made on its shares of stock until the deficit of capital so created shall be made good, either by the recovery of the moneys charged as lost, or upon the subsequent accruing profits of the corporation.

Payments to treasurer in lieu of taxes; fund to pay expenses of banking department; balance to constitute safety fund, &c.

SEC. 34. *Safety Fund—Duty on Circulation and Deposits.*—In lieu of all taxation on the franchises of banks and individual bankers, and to create a fund out of which all expenses of the banking department shall be paid, the balance to form a fund to be known as "The Safety Fund," with which to redeem the notes of the defaulting banks or individual bankers, each bank and individual banker shall pay to the state treasurer, upon receiving its or his circulation, a tax of one-half of one per centum upon the amount of such notes delivered, and thereafter semi-annually, on the first day of April and October of each year, a like tax of one-eighth of one per centum upon the average amount of its notes in circulation, and a like tax of one-eighth of one per centum upon the average amount of its deposits.

Semi-annual returns by banks, &c., to treasurer.

SEC. 35. In order to enable the treasurer to assess the duties imposed by the preceding section, each bank and individual banker shall, within ten days from the first day of April and October of each year, make a return, under the oath of its president or cashier, to the treasurer of the state, in such form as the treasurer may prescribe, of the average amount of its notes in circulation, and of the average amount of its deposits for the six months next preceding the most recent first day of April or October. Every bank or individual banker who fails so to make such return shall be liable to a penalty of two hundred dollars, to be reserved out of the interest as it may become due such bank or individual banker on the bonds or other securities with the comptroller to secure circulation or, at said treasurer's option, it shall be collected in the manner in which penalties are to be collected of other corporations under the laws of the state, viz., by action brought by the attorney general.

Penalty for failure to make return.
How collected.

Assessment against bank, &c., failing to make return.

SEC. 36. Whenever any bank or individual banker fails to make the half-yearly return required by the preceding section, the taxes or duties to be paid by such association shall be assessed upon the amount of notes delivered to such bank or individual banker by the comptroller, and upon the highest amount of deposits of said bank or individual banker, to be ascertained in such manner as the treasurer may deem best.

Incorporation and powers of banks, &c.

ARTICLE II.—INCORPORATION AND POWERS OF BANK AND INDIVIDUAL BANKERS.

Banks, how organized.

SEC. 37. *Articles of Association.*—Five or more natural persons may become a bank by making, acknowledging and filing in the office of the clerk of the superior court of the county where such bank is to be established, and in the office of the comptroller, articles of association in duplicate, which shall state—

(1). The name by which such bank is to be known, which name shall be subject to the approval of the comptroller.

(2). The particular city, town or village where its operations of discount and deposit are to be carried on.

(3). The amount of capital stock, which shall not be less than twenty-five thousand dollars (\$25,000) and divided into shares of fifty dollars each.

(4). The names and places of residence of the stockholders, and the number of shares held by each.

(5). The fact that the certificate is made to enable such persons to avail themselves of the privileges of the banking law of North Carolina.

(6). The dates at which such corporation shall commence and terminate.

(7). The number of directors of the bank, which shall not be less than five, and the names of the stockholders, who shall be directors for the first year of its incorporation.

SEC. 38. *Organization Certificate*.—The organization shall be acknowledged before any clerk of the superior court in the state or a notary public, and authenticated by the seal of such clerk or notary public, and one copy delivered to the clerk of the superior court of the county where the bank is established to be recorded in the book in his office kept for the record of certificates of incorporation, and one copy transmitted to the comptroller to be recorded in a book kept in his office for that purpose.

Organization,
how authenticated,
&c.

Recorded in
offices of clerk
and comptroller.

SEC. 39. *Certificate of Individual Banker*.—Every individual banker shall file in the office of the comptroller a certificate stating the town, city or village in which he resides, the amount of capital he will use in the business, and who are his partners, if any; and no individual banker shall transact business under the provisions of this chapter in any other place than the one thus designated, under a penalty of five hundred dollars.

Certificate of
individual banker
to be filed with
comptroller.

Penalty for doing
business in other
place than one
designated.

SEC. 40. *Increase of Capital Stock*.—Any bank or individual banker formed under this chapter may provide in its articles of association for any increase of its capital from time to time as the stockholders and the individual banker may deem expedient, but no increase of capital shall be valid until the whole amount of such increase has been paid in and notice thereof has been transmitted to the comptroller and his certificate obtained specifying the amount of such increase of capital stock, with his approval thereof, and that it has all been duly paid in as additional capital of said bank. A certified copy of this certificate shall be sent to the superior court clerk of the county where said bank or individual banker is established to be duly recorded.

Increase of
capital stock.

SEC. 41. *Decrease of Capital Stock*.—Any bank or individual banker may reduce its capital to any sum not below twenty-five thousand

Decrease of
capital stock.

dollars, but no reduction shall be made in the case of a bank, except by a vote of its stockholders owning two-thirds of its capital stock; and in no case shall such reduction be made until the amount of the proposed reduction has been reported to the comptroller and his approval thereof obtained; and no reduction shall be made which will reduce the capital below the amount of outstanding circulation.

No bank, &c., to do business until authorized by comptroller, &c.

SEC. 42. *Approval of Comptroller.*—No bank or individual banker shall transact any business, except such as is incidental and necessarily preliminary to its organization until it or he has been authorized by the comptroller to commence the business of banking, which authority shall be recorded in the office of the comptroller in a book to be kept by him for that purpose, and a certified copy thereof filed in the office of the superior court clerk of the county where the bank or individual banker is to be established.

Incorporation.

SEC. 43. *Corporate Powers.*—Upon duly making and filing the articles of association and the authorization certificate of the comptroller, the association shall become, as from the date of the execution of its organization certificate, a body corporate; and as such, and in the name designated in the organization certificate, it shall have power—

Corporate powers.

- (1). To use and adopt a common seal.
- (2). To make contracts.
- (3). To sue and be sued, complain and defend in any court of law or equity as natural persons.
- (4). To elect or appoint directors, and by the board of directors to appoint a president, vice-president, cashier and other officers, define their duties, require bonds of them and fix the penalty thereof, to dismiss such officers for causes deemed just and appoint others to fill their places.
- (5). To prescribe by the board of directors by-laws, not inconsistent with law, regulating the manner in which its stock shall be transferred, its directors elected or appointed, its officers appointed, its property transferred and its general business.
- (6). To have succession for the period of sixty years from its date of organization, unless it is sooner dissolved under the voluntary action of the corporation, or its franchise becomes forfeited by reason of some violation of law.
- (7). To exercise by its board of directors or duly authorized agents or officers, subject to law, all such incidental power as shall be necessary to carry on the business of banking by discounting and negotiating promissory notes, drafts, bills of exchange and other evidences of debt, by receiving deposits, by buying and selling exchange, coin and bullion, by loaning money on personal security or real property, by issuing and circulating notes under the provisions of this act.
- (8). To take and become the owner of any stocks or bonds or interest-bearing obligations of the United States or of the state of North

Carolina, or of any city, county, town or village of this state, the interest on which is not in arrears.

(9). To purchase, hold and convey real property for the following purposes :

(a). Such as shall be necessary for its immediate accommodation in the convenient transaction of its business.

(b). Such as shall be mortgaged to it in good faith by way of security for loans made by or moneys due to such corporation.

(c). Such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its dealings.

(d). Such as it shall purchase at sales under judgments, decrees or mortgages held by it.

No such corporation shall purchase, hold or convey real property in any other case or for any other purpose, and all conveyances of real property shall be made to it directly and by name. All such corporations and all individual bankers shall be banks of discount and deposit as well as of circulation, and the usual business of banking of such corporations or individual bankers shall be transacted at the place where such corporations or individual bankers shall be located, agreeably to the location specified in the certificates required by law to be made by them respectively and filed in the office of the comptroller of banks, and not elsewhere, except as otherwise provided in this chapter in relation to the redemption of circulating notes by agents.

SEC. 44. *Lawful Money Reserve*.—Every bank and individual banker shall at all times have on hand in lawful money of the United States an amount equal to ten per centum of its deposits. The amount thus to be kept on hand shall be called its "lawful money reserve." One-half of such lawful money reserve may consist of moneys on deposit, subject to call, with any bank or trust company in this state approved by the comptroller, as a depository of lawful money reserve.

SEC. 45. If the lawful money reserve of any bank or individual banker shall be less than the amount required by law, the comptroller shall notify such bank or individual banker to make good such reserve; and if it or he fail for thirty days thereafter to make good such reserve, such bank or individual banker shall be deemed insolvent, and may be proceeded against as an insolvent corporation.

SEC. 46. *Subscriptions to Capital Stock*.—Corporations as well as natural persons may subscribe to the capital stock of banks organized under this chapter; and the state of North Carolina shall be entitled to subscribe to the capital stock of every such bank to the extent of one-third the capital stock of said banks; said subscription on the part of the state shall be made by the treasurer and shall consist of North Carolina state bonds hereinafter provided for, which bonds shall be deposited with and transferred to the comptroller as security for the issue to said bank of their face value in circulating notes.

Limitation as to purchase, &c., of real estate.

Conveyances, how made. To be banks of discount, &c. Place of business.

Amount &c., of lawful money reserve.

Impairment of reserve to be made good.

Penalty for failure.

Subscriptions to capital stock.

Subscription by state in bonds, &c.

Treasurer to provide coupon bonds for subscription by state.

SEC. 47. To provide the bonds required by the above section, the treasurer of the state is hereby empowered and directed to have engraved and printed coupon bonds of the state to run for a period of fifty years, bearing four per centum interest per annum, payable semi-annually on the first days of July and January in each year to an amount sufficient for the above purpose, but not to exceed four millions of dollars. Said bonds to be known as "banking bonds," and are to be retained in the custody of the state treasurer, and subscribed by him as occasion requires, as provided in section forty-six. Said bonds shall be signed by the governor and treasurer respectively, and be in denominations of five hundred dollars each.

Limitation.
To be known as
"banking bonds,"
&c.
When to be sub-
scribed.
How executed.

When capital
stock to be paid
in.

SEC. 48. *Payment of Capital Stock.*—At least fifty per centum of the capital stock of every bank shall be paid in before it shall commence business, and the remainder of its capital stock shall be paid in installments of at least ten per centum each on the whole amount of the capital as frequently as one installment at the end of each succeeding month from the time it shall be authorized by the comptroller of banks to commence business, and the payment of each installment shall be certified to the comptroller, under oath, by the president or cashier of the corporation.

Payments to be
certified to
comptroller.
Enforcement of
stock subscrip-
tions.

SEC. 49. The board of directors shall prescribe rules and by-laws for enforcing the payment of stock made payable in installments by providing for the sale and forfeiture of the same in addition to the legal remedies in such cases. If no purchaser can be found for said stock it shall within thirty days be cancelled and deducted from the capital stock. If any such cancellation and reduction reduces the capital stock of the bank below the minimum of capital required by law, the capital stock shall within thirty days thereafter be increased to the required amount, in default of which a receiver may be appointed.

Election of
directors.

SEC. 50. *Directors.*—(1). The affairs of each association shall be managed by not less than five directors, who shall be elected by the shareholders at a meeting to be held at any time before the association is authorized to commence the business of banking, and afterwards on such day in each year as is specified therefor in the articles of association; and the directors shall hold office for one year, and until their successors are elected and qualified.

Term of office.

Qualifications.

(2). Every director shall be the owner, in his own right, of at least ten shares of the association of which he is a director; and every director who shall cease to be the owner of ten shares shall at once vacate his place.

Oath.

(3). Every director, president, cashier or other officer or clerk shall make and subscribe an oath that he will, so far as the duty devolves on him, diligently and honestly administer the affairs of the association; and will not knowingly violate, or willingly permit to be violated any of the provisions of this act, and that he is the *bona fide*

owner in his own right of the number of shares required by this act standing in his name on the books of the association; and that the same are not hypothecated or in any way pledged as security for any debt or loan. Such oath subscribed by the officer making it, and certified by the officer before whom it is taken, shall be immediately transmitted to the comptroller, and shall be filed and preserved by him in his office.

Oath to be certified to comptroller.

(4). Any vacancy in the board of directors shall be filled by appointment by the remaining directors, and any director so appointed shall hold his office until the next regular election for directors and until his successor is duly elected and qualified.

Vacancies.

(5). The state shall be entitled to one-third the number of directors in every bank in which it owns stock, the same to be appointed by the governor on the recommendation of the comptroller.

Directors on behalf of state.

SEC. 51. *Individual Liability of Stockholders.*—The stockholders of every bank organized under this chapter shall be individually responsible, equally and ratably, and not one for another, for all contracts, debts and engagements of such corporation to the extent of the amount of their stock therein at the par value thereof in addition to the amount invested in such shares. The term stockholder, when used in this chapter, shall apply not only to such persons as appear by the books of the corporation to [be] stockholders, but also to every owner of stock, legal or equitable, although the same may be on such books in the name of another person, but not to a person who may hold the stock as collateral security for the payment of a debt.

Individual liability of stockholders.

Definition of "stockholder."

SEC. 52. *Limitation of Liability of Stockholders.*—No person who has in good faith, and without any intent to evade his liability as a stockholder, transferred his stock on the books of the corporation when solvent to any person of full age previous to any default in the payment of any debt or liability of the corporation, shall be subject to any personal liability on account of the non-payment of such debt or liability of the corporation, but the transferee of any stock so transferred previous to such default shall be liable for any such debt or liability of the corporation to the extent of such stock in the same manner as if he had been the owner at the time the corporation contracted such debt or liability.

Non-liability of stockholder transferring stock

Liability of transferee.

SEC. 53. *Elections.*—In all elections and in deciding all questions at meetings of shareholders, each shareholder shall be entitled to one vote for each share of stock held by him, and shareholders may vote by proxy, duly authorized in writing.

Stock vote.
Proxies.

SEC. 54. *Contracts.*—All contracts made by any bank, and all notes and bills by it issued and put in circulation as money, shall be signed by the president or vice-president and cashier thereof.

Execution of contracts.

SEC. 55. *Circulating Notes.*—Any bank or individual banker may deposit with and transfer to the comptroller any lawful money of the United States, or any interest-bearing United States bonds or bonds

Securities for circulating notes; to be deposited with comptroller.

of the state of North Carolina, or coupon notes, to run for not less than five years, secured by mortgage on productive unencumbered real property in the state of North Carolina, assessed for taxation one hundred per centum more than the amount of such subscription : *Provided*, that no such bonds shall be received by the comptroller at a rate above their par value, or whose current market value is not equal to par : *And provided further*, that not more than one-third of the notes issued to said bank shall be based on real estate.

Proviso. SEC. 56. Upon the deposit with and transfer to the comptroller of such stocks, bonds and mortgage notes as provided in section fifty-five, the comptroller may thereupon issue to such bank circulating notes in the similitude of bank notes in blank, countersigned, numbered and registered as hereinafter provided. The aggregate amount of notes thus issued to any bank or individual banker shall not exceed the paid-up capital of said bank or individual banker, and shall not exceed the par value of the stock, bonds or other securities so deposited with or transferred to the comptroller by such bank or individual banker. The securities so deposited with and transferred to the comptroller shall be held by him as security for such circulating notes, and exclusively for their redemption, and until the same are paid.

Proviso. The plates, dies and materials procured by the comptroller for printing and making such circulating notes shall remain in his custody and under his direction.

On deposit of securities, comptroller to issue circulating notes. SEC. 57. In order to furnish suitable notes for circulation the comptroller shall cause to be engraved in such a manner as is best calculated to prevent counterfeiting or alteration, and have printed therefrom and numbered, such quantities of circulating notes in blank, in denominations of one, three, five, twenty, fifty, one hundred and five hundred dollars, as may be required to supply the bank and bankers entitled to receive the same. Such notes shall express upon their face that the payment in lawful money of these is guaranteed by the state of North Carolina by the written or engraved signature of the treasurer and comptroller ; shall bear the imprint of the seal and coat-of-arms of the state, and a vignette, to be adopted for each denomination of notes by the comptroller, and shall also express upon their face the promise of the bank or individual banker to pay, on demand, in lawful money of the United States, the amount of the face value of each note. They shall also bear the genuine signature of the president or vice president and cashier of the bank receiving the same, and they shall bear such other devices and such other statements and shall be in such form and size as the comptroller may by regulations adopt.

Amount to be issued. SEC. 58. After any bank receiving circulating notes under the provisions of this act has caused its promise to pay such notes on demand in the lawful money of the United States to be signed by the president or vice-president and cashier on presentation at its place of

Securities held to secure notes.

Plates, &c., to be held by comptroller.

Comptroller to have notes engraved, &c.

What notes to express on face, &c.

When bank to issue and circulate notes as money.

business such bank may issue and circulate such notes as money, and the same shall be received at par in all parts of the state in payment of taxes, excises, costs, fines and penalties in criminal actions, and for all other debts or demands owing to the state; and for all salaries, payments or demands owing by the state, except payment on the principal and interest of its public debt. And the faith of the state of North Carolina is hereby solemnly pledged to the payment and redemption of the circulating notes provided for in this act in the lawful money of the United States, and no bank or individual banker shall issue any other notes to circulate as money than such as are provided for by this chapter.

SEC. 59. *Circulating Notes of Individual Banker.*—The circulating notes delivered to an individual banker shall express only the individual liability of the banker, and shall be signed by him only and not by any attorney or agent. Any banker, or person acting as his attorney or agent, who shall violate any provision of this section shall forfeit to the state one hundred dollars for each offense, to be collected and paid into the treasury to defray the general expenses of the banking department. The comptroller shall not issue circulating notes to any individual banker, designated [designating] such individual as a bank, unless as an addition to his own proper name. If such individual shall have partners in the business of banking at the time of commencing the same such fact shall be shown by the words “and company,” to be added to his own proper name upon every note issued to him or them from the banking department. If it shall appear by the return of any individual banker, or by the report of any person designated by the comptroller, that any other person is interested with such individual banker, directly or indirectly, in the securities deposited by him for the purpose of obtaining circulating notes, or in the business of circulating such notes, or in the benefits or advantages thereof, the comptroller shall withhold all interest and dividends on the securities deposited with him by such banker, and all circulating notes from such banker, until he shall have filed in the banking department a certificate, signed and acknowledged by every person so returned or reported as interested in such securities, stating that such person is interested with such individual banker in the circulating notes obtained or to be obtained by him, and in the benefits and advantages of circulating the same. Such certificate shall be evidence that the person signing and acknowledging the same is a general partner with such banker in the business of banking, and as such is liable with him individually for all the debts and obligations created or made by such individual banker in his business.

SEC. 60. *Banks to Receive Notes of other Banks.*—Every bank and individual banker formed or existing under this act shall take and receive at par for any debt or liability to it, any and all notes or bills

To be received at par for taxes, debts due state, &c.

Exception.

Faith of state pledged to payment and redemption of notes.

No bank, &c., to issue any other notes.

Notes delivered to banker to express only his individual liability. Penalty for violation of this section.

Duty of comptroller as to notes issued to banker. Notes issued to partners.

Duty of comptroller when other persons than banker interested in securities deposited.

Banks, &c., to receive notes of other banks, &c., in payment of debts, &c.

Notes of banks formed under this act legal tender in suits brought, &c.

If tender refused, no costs recoverable.

Judgments payable in notes.

Stay of execution if tender refused.

Banks to keep agent in Raleigh to redeem notes, &c.

Who may be agent.
When comptroller to appoint agent.
Comptroller to publish list of agents.

Penalty for refusal, &c., of agent to redeem notes.

Comptroller to proceed against bank, &c.

issued by the comptroller to any lawfully organized bank or individual banker.

SEC. 61. *Execution on Judgment, when Enjoined.*—It shall be lawful for any defendant in any suit hereinafter brought in any court in this state, before issue joined in said action, to make tender of the debt, claim or money due in the circulating notes of any bank or individual banker formed or existing under this act; and should the plaintiff decline to receive said notes in payment and satisfaction of debt, claim or money due, he shall not recover any costs, fees or disbursements whatever against the defendant in such action. And whenever the defendant in any judgment obtained in any action in the courts of this state shall tender payment of the same in said notes, and such payment is declined, it shall be lawful for the court, upon petition of said defendant alleging the fact that said plaintiff refuses to accept said notes in payment and satisfaction of said judgment, and upon satisfactory proof to the court that said allegation is true, to stay execution upon said judgment for the period of two years from the filing of said petition.

SEC. 62. *Redemption Agency.*—Every bank or individual banker issuing circulating notes shall forthwith appoint in writing an agent, who shall keep an office in the city of Raleigh for the redemption of all circulating notes issued by it or him which shall be presented to such agent for payment or redemption, and such appointment shall be delivered to the comptroller forthwith and filed in his office. Any bank or individual banker or other person may be such agent. If any such bank or banker shall omit to appoint such agent forthwith, the comptroller shall appoint such agent for such bank or banker and file such appointment in his office. The comptroller shall, immediately after such appointment and filing thereof in his office, publish, during such time as he may deem proper, a list of such agents in at least two daily newspapers in the city of Raleigh. If the agent of any bank or banker shall neglect or refuse to redeem its notes on demand, such bank or banker shall pay to the person making such demand interest on such notes at the rate of twenty-four per centum per annum. If such redemption and payment of interest is not made at such redemption office within twenty days from the time when first demanded, such bank or individual banker may be proceeded against by the comptroller in the same manner and with the like effect as though insolvent; and such bank or banker shall not issue or put in circulation any bills or notes, and the comptroller shall also proceed in the manner directed in section sixty seven of this chapter.

ARTICLE III.—DISSOLUTION AND RECEIVERSHIP.

Notice by bank to comptroller of intention to close business.

SEC. 63. *Banks Closing Business.*—Any bank or its receiver, trustee or legal representative, and any individual banker or his assigns, administrators, personal representative or successor, may give notice

to the comptroller of the intention of such bank or individual banker to close the business of banking, and thereupon such bank or individual banker shall be entitled to deposit with the comptroller, and he may receive, a deposit of money equal to the amount of the outstanding circulation at the time of such deposit, to be placed by him in some bank in the city of Raleigh in good credit, upon the receipt of which the comptroller may return and retransfer to such bank or individual banker all securities in his hands theretofore deposited with him for the redemption of circulating notes by such bank or individual banker. Upon the receipt of such deposit the comptroller shall immediately cause to be published in at least one newspaper in Raleigh, and in the county where such bank or banker shall have been located or doing business at least once a week for six months, a notice that the notes of such bank or banker will be redeemed by him at par by the bank where such deposit is made, and that all the outstanding circulating notes of such bank or banker must be so presented for redemption within six years from the date of such notice, and that all notes which shall not be thus presented for redemption and payment within the time specified in such notice shall cease to be a charge upon the fund in the hands of the comptroller for that purpose. After the expiration of such notice, the comptroller may surrender to such bank or banker, and such bank or banker, or any receiver, assignee, trustee or legal representative thereof shall be entitled to receive from the comptroller, all the money remaining in his hands after such redemption, except so much thereof as may be necessary to pay the reasonable expenses chargeable against such bank or banker, including the payment for the publication of such notices. All circulating notes of such bank or banker which shall not have been presented for payment within the period prescribed in such notice, shall, at the expiration thereof, cease to be a lien or charge upon the property of such bank or banker in the hands of any such receiver, assignee, trustee or legal representatives; and all liability of such receiver, assignee, trustee, bank or banker for or on account of any circulating notes which shall not have been presented within such time shall cease. Any such trustee, receiver, assignee, bank or banker may, after the full payment of all the circulating notes issued by them respectively which shall have been presented within the time required by such notice, and of all other lawful claims and demands against such bank or banker, divide the remaining property of the bank or banker among the stockholders thereof, their personal representatives or assigns, according to their respective shares or interest therein. If the bank so designated shall at any time fail or refuse to redeem such notes at par when presented, they shall be protested as required by this chapter, and the comptroller shall thereupon in the manner required in this chapter for the redemption of circulating notes provide for the redemption of such notes.

To deposit with
comptroller
amount equal to
circulation.

Return of securi-
ties.

Notice of redemp-
tion of notes.

Surplus of deposit
to be repaid to
bank, &c.

Notes not pre-
sented for pay-
ment to cease to
be a lien, &c.

Division of
property among
stockholders.

Redemption of
notes by comp-
troller.

When notes returned to comptroller and destroyed, proportionate amount of securities returnable to bank.

When lien of notes on securities to cease.

When comptroller to destroy plates, &c.

Duty of public officer obtaining counterfeit bank-note plates.

Duty of comptroller.

Exchange of mutilated notes.

Penalty for mutilating, &c., notes.

Protest of notes for non-payment, &c.

SEC. 64. *Securities to be Returned when Notes are Destroyed.*—On the return to the comptroller and the destruction by him of any of the notes of any bank or individual banker, or its legal representatives, shall be entitled to receive from him a proportionate amount of the securities so deposited. At the expiration of six years from the date of the notice given by the comptroller for the redemption of the circulating notes of banks or individual bankers closing business, such notes shall cease to become a lien upon the securities so deposited, and the same shall be surrendered to the lawful claimant thereof.

SEC. 65. *Destruction of Plates and Counterfeit Notes.*—The comptroller shall destroy or cause to be destroyed all bank-note plates in his custody of banks or individual bankers becoming insolvent, or which have given notice of closing their business, and any impressions made therefrom on hand. Hereafter when any bank or individual banker shall become insolvent or discontinue the business of banking, the comptroller shall destroy or cause to be destroyed, all plates and impressions belonging to such bank or individual banker, and include in his next annual report a statement of the plates so destroyed. Every public officer into whose hands shall come any counterfeit bank-note plate or other device for counterfeiting bank notes, or any counterfeit or spurious bank notes, immediately after using them when necessary in evidence against the parties implicated shall surrender the same to the comptroller to be destroyed under his supervision, and he shall destroy all such plates, devices or notes thus surrendered to him in the same manner as in cases of banks whose charters have expired or which have become insolvent, and report the same to the legislature in his annual report.

SEC. 66. *Exchange of Mutilated Notes.*—The comptroller shall receive mutilated circulating notes issued by him and issue in lieu thereof other circulating notes to the same amount. Every person who shall mutilate, cut, deface, disfigure or perforate with holes, or shall unite or cement together, or do any other thing, any bank bill, draft, note or other evidence of debt issued by a bank or banker, or shall cause or procure the same to be done, with intent to render such bank bill, draft, note or evidence of debt unfit to be reissued by such bank or banker, shall forfeit fifty dollars to the bank or banker injured thereby.

SEC. 67. *Protests of Notes and Proceedings Thereon.*—If the maker of any circulating notes countersigned and registered as herein provided shall at any time hereafter on lawful demand during the usual hours of business, between the hours of ten and three o'clock, at the place where such notes are payable, fail or refuse to redeem such notes in the lawful money of the United States, the holder thereof making such demand may cause the same to be protested in one package for non-payment by a notary public under his seal of office

in the usual manner, unless the president, cashier or teller of the bank shall offer to waive demand and notice of the protest, and shall in pursuance of such offer make, sign and deliver to the party making such demand an admission in writing, stating the time of the demand, the amount demanded and the facts of the non-payment thereof. The comptroller on receiving and filing in his office such admission or protest, together with such notes, shall forthwith give notice in writing to the maker thereof to pay the same, and if such maker shall omit to do so for fifteen days after such notice the comptroller shall immediately, unless satisfied that there is a good and legal defense to the payment of such notes, give notice in some paper that all the circulating notes issued by such bank or banks will be redeemed out of the trust fund in the state treasurer's hands for that purpose. And thereupon the circulating notes which have been issued by such bank or banker shall be redeemed and paid at the treasury of North Carolina in the manner above provided for. For any deficiency in the proceeds of all the securities of such bank or banker to reimburse the state of North Carolina the amount expended in paying the circulating notes of said bank or bankers the state shall have a paramount lien upon all its assets, and such deficiency shall be made good out of such assets, in preference to any and all other claims whatsoever, except the necessary costs and expenses of administering the same.

Duty of comptroller to give notice.

Redemption of all outstanding notes of bank refusing payment by treasurer.

Lien for deficiency.

SEC. 68. If payment of such notes is not made for a period of ten days after the first publication of such notice the comptroller shall sell at public auction the securities so pledged, or any of them, and out of the proceeds of such sale pay and cancel such notes.

Sale of securities at auction.

SEC. 69. *Damages on Protest.*—Damages for non payment of any such notes in lieu of interest at the rate of twelve per centum per annum from the time of refusal of payment until their redemption shall be paid.

Damages for non-payment in lieu of interest.

SEC. 70. All fees for protesting any such notes shall be paid by the person procuring the service to be performed, and the bank or banker issuing such notes shall be liable for the same.

Protest fees.

SEC. 71. *Receivers—Appointment and Duties of.*—On becoming satisfied, as specified in sections sixty-seven and sixty-eight, that any bank or individual banker has refused to pay its circulation notes as therein mentioned, and is in default, the comptroller may forthwith appoint a receiver and require of him such bond and security as he deem proper. Such receiver, under direction of the comptroller, shall take possession of the books, records and assets of every description of such bank or banker, collect all debts, dues and claims belonging to it or him, and upon the order of a court of record of competent jurisdiction, may sell or compound all bad or doubtful debts, and in a like order may sell all the real and personal property of such bank or banker, on such terms as the court shall direct; and may, if neces-

When comptroller to appoint receiver for bank, &c.

Bond.

Duties of receiver.

Moneys payable
to treasurer.
To report to
comptroller.

Notice to credit-
ors of bank, &c.

Counsel.

Expenses, how
paid.

Action by bank,
&c., to enjoin
receiver.

When and how
comptroller to
distribute funds
of insolvent
banks, &c.

sary to pay the debts of such bank, enforce the individual liability of the stockholders. Such receiver shall pay all money so made to the treasurer, subject to the order of the comptroller, and also make report to the comptroller of all his acts and proceedings.

SEC. 72. The comptroller shall, upon appointing such receiver, cause notice to be given by advertisement in such newspapers as he may direct, for three consecutive months, calling on all persons who may have claims against such bank or individual banker to present the same and to make legal proof thereof, and said comptroller shall be authorized to employ such necessary legal counsel and pay such fees as may be agreed upon between him and the attorney. All the expenses of any receivership shall be paid out of the assets of such bank or banker before distribution of the proceeds thereof.

SEC. 73. *Injunction upon Receivership.*—Whenever a bank or individual banker against whom proceedings have been instituted on account of any alleged refusal to redeem its circulating notes afore-said denies having failed so to do, it or he may, within any time within ten days after it or he has been notified of the appointment of a receiver, as provided in section seventy-one, apply to the judge of the judicial district in which said bank or banker is established to enjoin future proceedings in the premises; and such judge, after citing the comptroller to show cause why further proceedings should not be enjoined, and after the decision of the court finding that such bank or banker has not refused to redeem the circulating notes, when legally presented, in the lawful money of the United States, shall make an order enjoining the comptroller, and any receiver acting under his directions, from all further proceedings on account of such alleged refusal.

SEC. 74. *Distribution of Funds of Insolvent Banks.*—The comptroller shall make a final distribution of the funds in his hands arising from the sale of securities deposited with him by banks and individual bankers which have failed or may hereafter fail to redeem their circulating notes. At the expiration of six years after the first sale made by the comptroller of such securities, he shall issue a final notice to the holders of the circulating notes issued by said bank or banker requiring the presentation thereof within six months after the date of the notice, and any of such notes which shall not be presented within the time thus specified shall cease to be a charge or claim upon the fund of such bank or banker remaining in the hands of the comptroller. Any such notes which shall be presented within the period above limited shall be received and paid by the comptroller at the same rate which shall have been paid on like notes previously presented, and if all the notes of any bank or individual banker so presented shall have been redeemed at their par value, he shall pay to such bank or banker the residue of such funds remaining in his hands belonging thereto. If such notes shall not have been redeemed

at par, then the holder shall be entitled to a certificate showing the balance, if any, due thereon.

SEC. 75. *Distribution of Residue.*—At the expiration of the notice required by the preceding section, the comptroller shall ascertain the amount of the residue of the fund remaining in his hands belonging to the creditors of such bank or banker, and after deducting therefrom the expenses justly chargeable thereon he shall make a *pro rata* distribution of the residue upon the outstanding certificates given for the balance due to the holders of the circulating notes of such bank or individual banker which shall have been redeemed in part, and he shall issue a notice to the holders of such certificates stating the rate or amount payable thereon, and requiring them to present the same within six months after the date of such notice. Any certificate not presented within that time shall cease to be a charge or claim upon the residuary fund in the hands of the comptroller. After making the final distribution herein directed, if any portion of such fund shall remain unclaimed, it shall be deposited in the treasury and become a part of the safety fund.

Distribution of residue among creditors.

SEC. 76. *Publication of Notices.*—The notices required to be given by this chapter to the creditors of an insolvent bank or banker shall be published at least six weeks in one or more newspapers which the comptroller shall deem best calculated to inform such creditors, and the cost of such publication shall be defrayed out of the fund to which said notice shall refer.

Notices, when and how published.

SEC. 77. *Destruction of Bank Notes.*—When any circulating notes of any bank or individual banker shall be returned to the comptroller for destruction the same shall be burned by or under the direction of the comptroller; and such bank or individual banker shall procure the attendance of an agent to witness the counting and destruction of such circulating notes at the department and sign a certificate thereof. If such bank or banker shall refuse or neglect to appoint or procure the attendance of such agent within ten days after the receipt of the bills at the department, the comptroller shall select and appoint some indifferent person, who shall, as the agent of such bank or individual banker, witness and certify the counting and destruction of such notes, and such bank or individual banker shall forthwith pay on demand to the person so appointed, witnessing and certifying, such compensation therefor as the comptroller shall certify to be just and reasonable.

Method of destroying notes returned to comptroller.

ARTICLE IV.—CRIMES AND THEIR PUNISHMENT.

SEC. 78. No officer acting under the provisions of this act shall countersign or deliver to any bank or individual banker, or to any other company or person, any circulating notes contemplated by this act, except in accordance with the true intent and meaning of its provisions. Every officer who violates this section shall be deemed

Officer countersigning, &c., notes otherwise than in accordance with act, guilty of felony.

Misdemeanor to design, &c., any thing in likeness of notes.

Counterfeiting, uttering, &c., notes a felony.

guilty of a felony, and shall be fined not more than double the amount so countersigned and delivered, and shall be imprisoned not less than one year and not exceeding fifteen years.

SEC. 79. That it shall not be lawful to design, engrave, print, or in any manner make or execute, or to utter, issue, distribute, circulate or use any business or professional card, notice, placard, circular, hand-bill or advertisement in the likeness or similitude of any circulating note issued under the provisions of this act. Every person violating this section shall be guilty of a misdemeanor and punished at the discretion of the court.

SEC. 80. And it is further enacted that every person who falsely makes, forges or counterfeits, or causes or procures to be made, forged or counterfeited, or willingly aids or assists in making, forging or counterfeiting any note in imitation of the circulating notes issued by any banking association hereafter organized and acting under the laws of this state; or who passes, utters or publishes any false, forged or counterfeited note purporting to be issued by any such association doing a banking business, knowing the same to be falsely made, forged or counterfeited; or who falsely utters or causes or procures to be falsely uttered, or willingly aids or assists in falsely obtaining any such circulation; or passes, utters or publishes, or attempts to pass, utter or publish as true any falsely altered or spurious circulating note issued or purporting to have been issued by any such banking association, knowing the same to be falsely altered or spurious, shall on conviction be deemed guilty of a felony and be imprisoned at hard labor for not more than fifteen years and fined not more than one thousand dollars, at the discretion of the court trying the same.

Misdemeanor to buy large number of notes to present for payment, &c.

SEC. 81. It shall not be lawful for any person or body corporate, either singly or by conspiring together with any other person or corporation jointly so to do, to buy up any considerable amount of the circulating notes issued under this act with the intent to present the same for payment out of the usual course of business, and with the intent to create an unnatural demand on said bank or bankers for the payment of said notes. Every person or body corporate violating this section shall be guilty of a misdemeanor, and on conviction shall be fined not more than one thousand dollars and imprisoned not more than five years, at the discretion of the court.

ARTICLE V.—MISCELLANEOUS PROVISIONS.

Not lawful for bank to pay out for paper discounted, notes not receivable at par by such bank.

SEC. 82. *Notes not Receivable at Par not to be Paid Out.*—No bank or individual banker authorized to carry on the business of banking under the laws of this state shall, directly or indirectly, lend or pay out for paper discounted or purchased any bank bill or note, or other evidence of debt which is not received at par by such bank or banker for debts due to such bank or banker.

SEC. 83. *Bills or Notes Must be Payable on Demand.*—No bank or individual banker shall issue or put in circulation any bill or note of such bank or banker unless the same shall be payable on demand and without interest, except bills of exchange on foreign countries or places beyond the limits or the jurisdiction of the United States, which bills may be made payable at or within the customary usance or at or within ninety days sight, and except certificates of deposit payable on presentation with or without interest to bearer or to the order of a person named therein; but no such certificate of deposit shall be issued except as representing money actually on deposit.

Not lawful for bank to issue note unless same payable on demand, &c.
Exceptions.

SEC. 84. *When Bills of Exchange to be Without Grace.*—All checks, bills of exchange or drafts appearing on their face to have been drawn upon any bank or individual banker carrying on banking business under the laws of this state, which are on their face payable on any specified day or in any number of days after the date or sight thereof, shall be deemed due and payable on the day mentioned for the payment of the same without any days of grace being allowed, and it shall not be necessary to protest the same for non-acceptance.

Drafts, &c., payable on day named without days of grace.

SEC. 85. *Rate of Interest.*—Every bank and individual banker doing business in this state may take, receive, reserve and charge on every loan or discount made, or upon any note, bill of exchange or other evidence of debt, interest at the rate of six per centum per annum; and such interest may be taken in advance, reckoning the days for which the note, bill or evidence of debt has to run. The knowingly taking, receiving, reserving or charging a greater rate of interest shall be held and adjudged a forfeiture of the entire interest which the note, bill or other evidence of debt carries with it, or which has been agreed to be paid thereon. If a greater rate of interest has been paid, the person paying the same, or his legal representatives, may recover back twice the amount of the interest thus paid from the bank or individual banker taking or receiving the same, if such action is brought within two years from the time the excess of interest is taken. The purchase, discount or sale of a *bona fide* bill of exchange, note or other evidence of debt payable at another place than the place of such purchase, discount or sale at not more than the current rate of exchange for sight drafts, or a reasonable charge for the collection of the same in addition to the interest, shall not be considered as taking or receiving a greater rate of interest than six per centum per annum.

No protest for non acceptance necessary.

Rate of interest.

Discount.

Penalty for usury.

Recovery of double amount of interest paid.

What not considered usury.

SEC. 86. *Provided*, that when the loan or forbearance shall be for as short a time as thirty days, the rate of interest may be as shall be agreed on by the parties, not exceeding eight per centum, but this shall only apply to merchants and business men and not to ordinary loans, and this section shall not be construed to be a contract but may be at any time altered.

Rate of interest for short loans, &c.

How section construed.

Rate of interest
on advances on
warehouse re-
ceipts, &c.

SEC. 87. *Demand Loans on Warehouse Receipts.*—Upon advances of money repayable on demand, upon warehouse receipts, bills of lading, certificates of stock, certificates of deposit, bills of exchange, bonds, notes, or other negotiable instruments pledged as collateral security for such repayment, any bank or individual banker may receive or contract to receive and collect as compensation for making such advances any sum, to be agreed upon in writing by the parties to such transaction, not exceeding eight per centum, but this rate may be altered at any time by law.

Method by which
national banks
may become state
banks.

SEC. 88. *National Bank may Become a State Bank.*—Whenever any banking corporation organized and doing business under the laws of the United States shall, under the provisions of any act of congress, be authorized to dissolve its organization as such national bank corporation, and shall have taken the action required to effect such dissolution, a majority of the directors of such dissolved corporation may, upon the authority in writing of the owners of two-thirds of its capital stock, execute the certificate of incorporation required by sections thirty-seven and thirty-eight of this chapter. Upon the execution and proof or acknowledgment of such certificate, which shall also set forth the authority in writing of the stockholders as required by this section, and upon filing a copy thereof in the office of the comptroller of banks, with proof that the original is duly recorded in the office of the clerk of the county where any office of such corporation shall be located, such corporation shall be held and regarded an incorporated bank under and in pursuance of the laws of this state, and shall be entitled to all the privileges and be subject to all the liabilities of banks so incorporated; and thereupon all the property of the dissolved national bank corporation shall immediately, by act of law, and without any conveyance or transfer, be vested in and become the property of such state bank. The directors of the dissolved corporation at the time of such dissolution shall be the directors of the bank created in pursuance hereof with the first annual election of directors thereafter, and shall have power to take all necessary measures to perfect its organization and to adopt such regulations concerning its business and management as may be proper and just and not inconsistent with law.

Transfer of
property.

Directors.

Powers.

Unauthorized
banking pro-
hibited.

SEC. 89. *Unauthorized Banking Prohibited.*—No person unauthorized by law shall subscribe to or become a member of or be in any way interested in any association, institution or company formed or to be formed for the purpose of issuing notes or other evidences of debt to be loaned or put in circulation as money; nor shall any such person subscribe to or become in any way interested in any bank or fund created or to be created for the like purposes, or either of them. No corporation, without being authorized by law, shall employ any part of its property or be in any way interested in any fund which shall be employed for the purpose of receiving deposits, making dis-

counts or issuing notes or other evidences of debt to be loaned or put into circulation as money. All notes and other securities for the payment of any money or the delivery of any property made or given to any such association, institution or company, or made or given to secure the payment of any money loaned or discounted by any corporation or its officers contrary to the provisions of this section shall be void.

Notes, &c., given to unauthorized bank, &c., void.

SEC. 90. *Restrictions as to Foreign Corporations.*—No foreign corporation other than a national bank shall keep any office for the purpose of receiving deposits or discounting notes or bills, or issuing any evidence of debt to be loaned or put in circulated [circulation] as money within this state.

Foreign corporations (except national banks) not to keep office in this state to receive deposits, &c.

SEC. 91. *Restrictions as to Banks and their Officers.*—No bank in this state, nor any officer or director thereof, shall open or keep an office of deposit or discount other than at its usual place of business. Every such officer or director violating the provisions of this section shall forfeit to the state the sum of one thousand dollars for every such violation. This act shall in no way apply to bank or bankers which do not desire to issue currency.

Banks, &c., not to keep office for deposits, &c., except at place of business. Penalty.

SEC. 92. The comptroller shall make such rules and regulations for determining the validity of the title of all real estate securing said coupon mortgage notes, and for ascertaining the assessed value of said real estate, and for protecting the improvements on the same, whatever they may be, from loss by fire as shall be deemed by him necessary and proper, and all expense incurred under this section shall be paid by the bank or individual banker depositing said coupon notes for circulation as aforesaid.

Comptroller to make rules for determining title of real estate securing notes, &c.

SEC. 93. To comply with the requirements of the state constitution, and thus legalize the issue of said "banking bonds," provided for in section forty-seven, and the state's guarantee of the payment of said circulating notes, the two following questions shall be submitted to the qualified voters of the state, to be separately voted upon at an election to be held within ninety days after the repeal by congress of the tax on the issues of state banks. And it shall be the duty of the governor, within thirty days after said repeal by congress, to issue his proclamation appointing the time at which said election shall be held.

Expenses, how paid.

State election to be held to determine two questions, if Congress repeals tax on state bank issue.

First Question. "Shall coupon of the state, to run for a period of fifty years, to bear four per cent. interest, payable semi-annually, be issued, not exceeding in amount four million dollars, which bonds shall be used only as a basis to secure the circulating notes of banks and individual bankers organized under this act?"

When held.

Governor to issue proclamation.

First question.

Second Question. "Shall the state guarantee the payment of said notes in the lawful money of the United States on default of payment by the bank or banker issuing them?" Should a majority of those voting at said election vote "No" on both of said questions, then the state shall not subscribe for any part of the capital stock of

Second question.

Consequence of negative vote.

Consequence of affirmative vote.

Consequence of affirmative vote on first question and negative vote on second.

Consequence of affirmative vote on second question.

Sheriffs to make returns of election to governor. Governor to issue proclamation of result.

Certain sections of Code and conflicting laws repealed.

said banks, and shall not guarantee the payment of said circulating notes. Should a majority of those voting at said election vote "Yes" on both of said propositions, then the state shall be authorized to subscribe one-third of the capital stock of banks formed under this act, said subscriptions to be paid in said banking notes; and the state shall also guarantee the payment of said circulating notes. Should the first of said two questions receive a majority of those voting at said election, and the second question fail to do so, then said banking bonds shall be issued, but shall be sold only to banks and individual bankers desiring to purchase the same as security for their circulation as provided in this act; and the moneys arising from the sale of said banking bonds shall be used by the state treasurer in retiring the outstanding bonded indebtedness of the state. Should the second of said questions receive a majority of those voting at said election the state shall guarantee the payment of said circulating notes as provided in sections fifty-eight and fifty-nine. The sheriff of the respective counties in the state shall within ten days after said election send in his verified return to the governor of the result of said voting, and within ten days thereafter the governor shall issue his proclamation, stating how many votes were cast "No" and how many were cast "Yes" on said two questions, which shall be an authoritative declaration of the result of the same.

SEC. 94. That sections number twenty-four hundred and ninety-one, twenty-four hundred and ninety-two, twenty four hundred and ninety-three and twenty-four hundred and ninety-four of The Code, and all laws in conflict with this act, be and the same are hereby repealed.

SEC. 95. That this act shall be in force from and after its ratification.

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

CHAPTER 378.

An act to provide for the support and maintenance of the North Carolina College of Agriculture and Mechanic Arts.

The General Assembly of North Carolina do enact :

Appropriation for support of College of Agriculture, &c.

SECTION 1. That the sum of ten thousand dollars annually for the years eighteen hundred and ninety-three and eighteen hundred and ninety-four be and is hereby appropriated for the support, maintenance and extension of the College of Agriculture and Mechanic Arts, to be paid on the first days of March and September of each year, out of funds in the treasury.

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

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

CHAPTER 379.

An act to amend The Code, sections thirty-three hundred and sixty-eight, thirty-seven hundred and twenty-eight and thirty-seven hundred and twenty-nine, in reference to the attorney general and supreme court reporter.

The General Assembly of North Carolina do enact :

- SECTION 1. That subsection six of section thirty-three hundred and sixty-eight of The Code is hereby repealed. Code, section 3368 (?) subsec. 6, repealed.
- SEC. 2. That section thirty-seven hundred and twenty-eight and chapter two hundred and seventy-four, acts eighteen hundred and eighty-nine, are hereby repealed, and in lieu thereof said section thirty-seven hundred and twenty-eight shall read as follows: The attorney general shall receive an annual salary of two thousand dollars and also one hundred dollars for each term of the supreme court which he shall attend and fees as now allowed by law. Code, section 3728, and chapter 274, acts 1889, repealed.
Section 3728 amended and re-enacted.
Salary of attorney general.
Fees.
- SEC. 3. Section thirty-seven hundred and twenty-nine is hereby amended as follows: The sum of three hundred dollars for each term of the supreme court is hereby appropriated for clerical assistance to the attorney general. Section 3729 amended.
Appropriation for clerk for attorney general.
- SEC. 4. The justices of the supreme court may employ a reporter of its decisions, who shall receive as compensation a sum to be fixed by said justices, not to exceed the sum of seven hundred and fifty dollars. Supreme court authorized to employ reporter.
Compensation.
- SEC. 5. That the supreme court justices shall not be required to write their opinions in full except in cases in which they deem it necessary. Supreme court not required to put opinions in writing, &c.
- SEC. 6. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 380.

An act to amend chapter sixteen of The Code to provide for amendments to charters obtained before the clerk.

The General Assembly of North Carolina do enact :

- SECTION 1. Any corporation desiring to amend its plan of incorporation, as granted under chapter sixteen of The Code, shall cause the said amendment to be certified to the clerk by the president or other chief officer thereof and attested by its secretary, showing the same to have been previously authorized and adopted by a majority Method of amending charters of corporations obtained before clerk.

Clerk's fees.

of the stockholders in meeting assembled, and the clerk shall record the same and cause notice thereof to be given as provided in section six hundred and seventy-nine of The Code. And for all his services under this act the clerk shall receive the same fees as are prescribed in section six hundred and eighty-six of The Code.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 381.

An act to regulate the trial of civil actions in the superior court of Johnston county.

The General Assembly of North Carolina do enact:

In Johnston superior court no civil action to be called before Wednesday.

SECTION 1. That in the superior court of Johnston county no civil action shall be called for trial before Wednesday of the first week of each term.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 382.

An act for the relief of the bondsmen of Elijah Murrill, late sheriff of Onslow county.

The General Assembly of North Carolina do enact:

Sureties of E. Murrill, late sheriff of Onslow county, authorized to collect arrears of taxes.

SECTION 1. That the sureties of the official bond of Elijah Murrill, late sheriff of Onslow county be and they are hereby authorized to collect arrearages of taxes due the said Eljah Murrill for the years eighteen hundred and eighty-six, eighteen hundred eighty-seven, eighteen hundred eighty-eight, eighteen hundred eighty-nine and eighteen hundred and ninety, and for that purpose a majority of said sureties may appoint one or more persons to make said collections, who are empowered to act under the same rules and regulations as are now provided for the collection of taxes, and that the power and authority hereby granted shall cease on the first day of January, A. D. one thousand eight hundred and ninety-five, and that the

When authority to cease.

names of the taxpayers appearing on the tax list not checked off shall be deemed to be *prima facie* evidence of owing such taxes, and to rebut such evidence the taxpayer shall make affidavit before some officer authorized to administer oaths, or produce a receipt, that he has actually paid the former sheriff such tax, and any one who shall falsely swear shall be deemed guilty of perjury: *Provided*, that the provisions of this act shall not apply to executors, administrators or guardians, or to innocent purchasers of property on which the tax may be due.

Evidence of indebtedness by taxpayer.

Perjury.
Proviso.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 383.

An act to authorize the commissioners of Moore county to sell the stock held and owned by Carthage township in the Carthage Railroad Company.

WHEREAS, upon the building of the railroad in Moore county, running from Cameron to Carthage, and known as the Carthage Railroad, Carthage township in said county of Moore subscribed for the building of said road the sum of ten thousand dollars, and stock was issued to the same for said amount; and whereas, said railroad road-bed, etc., have been leased by the Carthage Railroad Company to the Raleigh and Augusta Air-Line Railroad Company for a term of ninety-nine years, and the bonds issued by the township for the payment of its interest in said railroad are outstanding and unpaid:

Preamble.

The General Assembly of North Carolina do enact :

SECTION 1. That the board of commissioners of Moore county are hereby authorized and invested with the power to sell the stock and all interest of the said Carthage township in the said Carthage Railroad at such price and upon such terms as to them shall seem best for the interest of said township: *Provided*, that said stocks and interest of Carthage township in said railroad shall not be sold at less than ninety per centum of their par value.

Commissioners of Moore county authorized to sell stock belonging to Carthage township in Carthage. R. R. Co. Proviso.

SEC. 2. That any assignment or transfer of said stock and interest executed by the board of commissioners of said county shall be sufficient to pass all the title of said township in said stock interest and road, subject to the limitations in section one of this act.

How stock assigned.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 384.

**An act to prohibit the retailing of spirituous liquors within one mile of
Fair Plain church in Wilkes county.**

The General Assembly of North Carolina do enact :

Corporators.	SECTION 1. That J. F. Hutchinson, J. C. Rash and Levi Adams, and their successors in office, shall be and are hereby declared a body
Corporate name.	politic and corporate in deed and in law by the name and style of Trustees of Fair Plain Church in Wilkes county, and said corporation
Corporate powers.	shall have power to purchase and hold real estate and to acquire the same by gift or otherwise, shall have power of perpetual succession, sue and be sued, plead and be impleaded, in any court of the state having competent jurisdiction.
Term of office of trustees.	SEC. 2. The term of office of the above named trustees and their successors shall be as long as they are held as members in good standing in Fair Plain church, but should a vacancy occur by removal, death, or otherwise, such vacancy shall be filled by said
Vacancies.	church: <i>Provided</i> , the members shall not be less than three nor more than seven.
Proviso.	
Unlawful to retail liquor within one mile.	SEC. 3. It shall be unlawful for any person or persons to retail any spirituous, vinous or malt liquors within one mile of Fair Plain church in Wilkes county.
Misdemeanor.	SEC. 4. That any person or persons violating this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not to exceed twenty-five dollars or imprisoned not to exceed thirty days, or both, at the discretion of the court.
	SEC. 4. That this act shall take effect from and after its ratification. Ratified the 6th day of March. A. D. 1893.

CHAPTER 385.

An act to amend chapter four hundred and nine, laws of eighteen hundred and eighty-seven.

The General Assembly of North Carolina do enact :

Chapter 409, laws 1887, amended.	SECTION 1. That section five, chapter four hundred and nine, laws of eighteen hundred and eighty-seven, be amended by adding at the end of paragraph eleven in said section the following: <i>Provided</i> , the
Appropriation for expense of holding farmers' institutes.	expenses of holding said institutes shall not exceed five hundred dollars, which is hereby appropriated for the purpose, to be expended at the discretion of the board of agriculture.
	SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 386.

An act to correct state grant number thirty-nine.

The General Assembly of North Carolina do enact :

SECTION 1. That said state grant number thirty-nine, issued to M. J. Bailey, in Mitchell county, on the fourteenth day of March, eighteen hundred and seventy-one, be and the same is hereby corrected so that the calls in said grant shall agree with the plot as follows: Beginning on a poplar, the second corner of the said Bailey runs with Bailey's line one hundred poles to the McFalls heirs' line; thence fifty poles south to a stake; thence south twenty-five degrees west one hundred poles to a stake; thence to the beginning, containing thirty-four acres.

State Grant No.
39, issued to M. J.
Bailey, corrected.

SEC. 2. That the secretary of state be and he is hereby authorized to correct said grant upon his records so as to conform to section one of this act, and the register of deeds of Mitchell county is hereby authorized [to make] said corrections as herein provided on the records of his office.

Secretary of state
and register to
correct records.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 387.

An act to prevent deception and fraud by the owners and agents of stallions, and for other purposes.

The General Assembly of North Carolina do enact :

SECTION 1. It is hereby made unlawful for any person or persons knowingly to enter or cause to be entered for competition or to compete for any purse, prize, premium, stake or sweepstake offered or given by any agricultural or other society, association or person in this state any horse, mare, gelding, colt or filly under an assumed name or out of its proper class. Any person found guilty of a violation of the provisions of this section shall be punished by fine of not less than two hundred nor more than one thousand dollars, or imprisonment in the penitentiary for not less than one or more than five years, or both fine and imprisonment, at the discretion of the court.

Unlawful to enter
for competition
for purse, &c., at
agricultural so-
ciety, &c., any
horse, &c., under
assumed name,
&c.
Misdemeanor.
Penalty.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 388.

An act supplemental to an act entitled an act to repeal section six hundred and eighty-three, volume one of The Code.

The General Assembly of North Carolina do enact :

Chapter 84, ante, amended.
Act repealing law providing that contracts of corporations exceeding \$100, must be in writing; not to affect existing contracts, &c.,

SECTION 1. That an act entitled an act to repeal section six hundred and eighty-three, volume one of The Code, passed session eighteen hundred and ninety-three, shall not affect suits pending or contracts existing at the time of the ratification of said act.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 389.

An act to provide for compensation to the janitor of the supreme court and library building.

The General Assembly of North Carolina do enact :

Code, section 3732, amended.
Compensation of janitor of supreme court, &c., to be \$1.50 per day.

SECTION 1. That section three thousand seven hundred and thirty-two (3732) of The Code be amended by inserting after the word "janitor" in line seven the words "of capitol and supreme court and library buildings."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 390.

An act to place name of Avaline Moore, widow of Thomas L. Moore, private in the twenty-fifth North Carolina regiment in the late civil war, on the pension rolls.

The General Assembly of North Carolina do enact :

Name of Mrs. Avaline Moore placed on pension roll.

SECTION 1. That the name of Avaline Moore, widow of Thomas L. Moore, private in the twenty-fifth (25) North Carolina regiment in the late civil war, is hereby directed to be placed on the pension rolls of the state.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 391.

An act to amend chapter three hundred and twenty-seven, laws of eighteen hundred and ninety-one, relating to the sale of spirituous liquors in Wake county.

The General Assembly of North Carolina do enact :

SECTION 1. That section two of chapter three hundred and twenty-seven, laws of eighteen hundred and ninety-one, be amended by inserting after the word "liquors" in line two of said section and before the word "with" the following words, "or substance that produce or may produce intoxication": *Provided*, this act shall apply only to Pleasant Grove Methodist church, south, in Wake county.

Chapter 327, laws 1891, amended. Unlawful to sell intoxicating liquors within three miles of Pleasant Grove Methodist church, Wake county.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 392.

An act to provide for working the public roads in Swain county.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter three hundred and fifty-four of the laws of one thousand eight hundred and ninety-one be and the same is hereby repealed in all its relations as pertaining to Swain county.

SEC. 2. That chapter fifty of The Code be and the same is hereby re-enacted, so as to be made applicable to Swain county.

Chapter 354, laws 1891 (road law for certain counties) repealed as to Swain county. Chapter 50, vol. 1, Code, applicable to Swain county.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 393.

An act to make valid an election that was held pursuant to an order of the county commissioners of Madison county in numbers eighth and thirteenth townships of said county concerning a road tax in said township.

WHEREAS, the commissioners of Madison county, North Carolina, did at their July meeting, eighteen hundred and ninety-one, which was on the first Monday in July, order an election to be held in numbers eighth and thirteenth townships of said county on the third

Preamble.

Tuesday of August, eighteen hundred and ninety-one, to vote upon the question of road tax or no road tax, and to elect a tax collector and three road commissioners in said township, the purpose of said road tax being to build a public road from Bluff post-office to Hot Springs in said Madison county; and whereas, a majority of the votes at said election was cast in favor of road tax; and whereas, the people at said election did elect one C. M. Askew as tax collector, and S. W. Brown, H. B. Bolding and W. H. Plemmons as road commissioners for said township; and whereas, the said tax collector, pursuant to the directions of said road commissioners, has gone forward and collected the greater part of the taxes that were levied as per above order; and whereas, the said road commissioners have expended said tax in the building of the road aforesaid, having completed about ---- miles of the same; and whereas, doubts have arisen in the minds of the people as to whether the commissioners of said Madison county had the right to order the election aforesaid without an act of legislation authorizing them to do so; now therefore, in order to remove all doubt and the more effectually to carry out the will of the people of the aforesaid townships as expressed at the ballot box at said election,

The General Assembly of North Carolina do enact :

Action of commissioners of Madison county, ordering election in townships 8 and 13 on question of road tax, &c., validated.

Commissioners authorized to order election for tax collector and road commissioners.

Present tax collector and road commissioners to turn over moneys to new road commissioners.

Conflicting laws repealed.

SECTION 1. That the action of the commissioners of Madison county in ordering an election to be held on the third Thursday of August, eighteen hundred and ninety-one, in numbers eighth and thirteenth townships of said county to vote upon the question of road tax or no road tax, and for the purpose of electing a tax collector and three commissioners for said numbers eighth and thirteenth townships, is hereby ratified and confirmed and declared to be valid, except as to the election of tax collector and the road commissioners.

SEC. 2. That the commissioners of Madison county are hereby empowered, authorized and directed to order an election to be held in townships numbers eight and thirteen on the first Thursday of August, eighteen hundred and ninety-three, to be held under the same rules and regulations as those for the election of the members of the general assembly, for the purpose of electing a tax collector and three road commissioners for the purpose of collecting [taxes] and erecting road as specified in the preamble of this act.

SEC. 3. That said tax collector and road commissioners mentioned in the preamble of this act are hereby empowered, authorized and directed to turn over all money or moneys collected and now in their hands to the three commissioners elected according to the provisions of this act.

SEC. 4. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

SEC. 5. That this act shall be in force and effect from and after its ratification.

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

CHAPTER 394.

An act to amend chapter one hundred and ninety-eight, laws of one thousand eight hundred and ninety-nine, relative to pensions.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter one hundred and ninety-eight, laws of one thousand eight hundred and eighty-nine, be and the same is hereby amended by inserting after the word "states" in line eleven of section one the words "or within twelve months after the close thereof from wounds received or disease contracted in said service."

§ SEC. 2. The close of said war within the meaning of this act shall date from the surrender of General R. E. Lee at Appomattox on the ninth day of April, one thousand eight hundred and sixty-five.

SEC. 3. That this act shall be in force from and after its ratification.

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

Chapter 198, laws 1889 (pension law) amended. Widow, whose husband died within twelve months after close of war of wounds, &c., received in service, entitled to pension. Date of close of war.

CHAPTER 395.

An act to amend chapter five hundred and fifty-four, acts of eighteen hundred and ninety-one.

The General Assembly of North Carolina do enact :

SECTION 1. That section one of said act be amended in line three after the word "creek" and before the word Currituck by inserting Poyner's creek, Buckskin creek, Cowell's creek, New Bridge creek and Rollins' Bridge creek.

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

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

Chapter 554, laws 1891, amended. Unlawful, during herring season, to make noise on certain creeks in Currituck county.

CHAPTER 396.

An act to amend chapter forty-nine of The Code in relation to condemning land for right-of-way for railroads.

The General Assembly of North Carolina do enact :

SECTION 1. That section one thousand nine hundred and forty-four of chapter forty-nine of The Code be amended by striking out in said section all from the word "charter" in line sixteen of said section down to and including the word "constructed" in line twenty-four thereof.

Code, section 1944, amended. In petition by railroad company to condemn land, &c., not necessary to allege that company has surveyed route, located road, &c.

Section 1952 amended.
 Railroad company to serve with summons in condemnation proceedings, map of location of road, &c.

Section 1953 amended.
 Railroad company, on change of route, not required to file survey, &c., in clerk's office.
 Act not to affect pending litigation.

Operation of chapter 211 *ante* (fixing time for holding Bladen superior courts) postponed.

SEC. 2. That [section] one thousand nine hundred and fifty-two of chapter forty-nine of The Code be repealed and the following substituted in lieu thereof: That whenever it shall become necessary to condemn any land for the purposes of a railroad that at the time that the summons for such condemnation is served there shall also be served by the railroad company a map showing how the line of the road is located on the land sought to be condemned, and a profile showing the depth of the cuts and the heights of the embankments on the land so sought to be condemned, and at what points on such land such cuts and embankments are located.

SEC. 3. That section one thousand nine hundred and fifty-three of chapter forty-nine of The Code be amended by striking out from the word "thereby" in line four down to and including the word "change" in line seven of said section.

SEC. 4. That this act shall not affect any pending litigation.

SEC. 5. That this act shall be in force from and after its ratification.

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

CHAPTER 397.

An act supplemental to an act entitled an act relating to the superior courts of Bladen county.

The General Assembly of North Carolina do enact :

SECTION 1. That the time for going into effect of the act entitled an act in relation to the superior courts of Bladen county, passed at this session, be and the same is hereby postponed until after the third Monday in March, eighteen hundred and ninety-three.

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

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

CHAPTER 398.

An act to amend section twenty-six hundred and forty of The Code.

The General Assembly of North Carolina do enact :

SECTION 1. That section twenty-six hundred and forty of The Code be amended by inserting the words "or deliver" after the word "sell" in line three.

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

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

Code, section 2640, amended.
 Unlawful to deliver spirituous liquors, &c., within four miles of Chapel Hill.

CHAPTER 399.

An act to be entitled an act to establish a naval battalion of the North Carolina state guard.

The General Assembly of North Carolina do enact:

SECTION 1. In addition to the land forces and as part of the active militia as provided for by the act entitled "An act for the establishment of the state guard," ratified the twelfth day of March, eighteen hundred and seventy-seven, and the acts of the general assembly of the state passed subsequent thereto and supplemental to and amendatory thereof, there shall be allowed to be enrolled not more than eight companies, to be designated as divisions, which shall constitute the naval battalion of North Carolina state guard.

Organization of naval battalion in addition to land forces of state guard authorized.

Number of companies.
To be called "divisions."

SEC. 2. These divisions may be divided into not more than two battalions by such assignments as the commander-in-chief may elect. But should such division be made, the commander-in-chief shall appoint as commander of both an officer with the rank of captain.

Division of divisions into battalions.
Appointment of captain.

SEC. 3. A battalion of two or more divisions shall be commanded by a commander with a lieutenant commander as executive officer, and a lieutenant as navigator and ordnance officer. These latter shall be in the order named next in rank and in succession to command to the commander. A battalion of less than four divisions shall be commanded by a lieutenant commander with a lieutenant as executive officer, navigator and ordnance officer, who shall be next in rank and in succession to command to the lieutenant commander; each division shall be commanded by a lieutenant and shall contain one lieutenant junior grade, one ensign and thirty-six petty officers and enlisted men as a minimum and seventy-five petty officers and enlisted men as a maximum. To each division there may also be added eight others who shall have practical knowledge of electricity or of the management of steam machinery.

Officers of battalion.

Officers of division.

SEC. 4. The battalion officers shall be chosen by the commissioned officers of the battalion as are chosen regimental officers in the land forces; and the divisional officers by the petty officers and enlisted men of their respective divisions as are the company officers in the land forces.

Officers of battalion, how chosen.

Officers of division, how chosen.

SEC. 5. The commanding officer of each battalion shall have power to appoint a staff to consist of a surgeon, paymaster and a chaplain, each with the rank of lieutenant, and an adjutant with the rank of lieutenant junior grade, and the following petty officers: one master-at-arms, one chief boatswain's mate, one chief gunner's mate, one yeoman, one apothecary, one chief bugler.

Staff officers of battalion.

Petty officers.

SEC. 6. The rank of officers in the preceding sections is naval rank and corresponds to rank in the land forces as follows: captain with colonel; commander with lieutenant colonel; lieutenant commander

Rank of officers.

with major; lieutenant with captain; lieutenant junior grade with first lieutenant; ensign with second lieutenant; petty officers with non-commissioned officers, and enlisted men with privates.

System of discipline.

SEC. 7. The system of discipline shall conform generally to that of the navy of the United States and as closely to that of the land forces of this state as the difference in the two services will allow.

Duties.

SEC. 8. Officers and enlisted men of the naval guard shall perform the same duty in each year as is required of the land forces, except that such duty, or any part of it, may be performed afloat.

Governor to apply to president for instructors.

SEC. 9. The governor is authorized to apply to the president of the United States for the detail of commissioned and petty officers of the navy to act as inspectors and instructors.

SEC. 10. This act shall take effect from and after its ratification.

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

CHAPTER 400.

An act to amend chapter seventy-eight, laws of eighteen hundred and eighty-seven, relating to the time of collecting taxes.

The General Assembly of North Carolina do enact:

Chapter 78, laws 1887, amended. Sheriff of Haywood county not to levy, &c., for taxes until Dec. 1st, &c. Proviso.

SECTION 1. That chapter seventy-eight, laws of eighteen hundred and eighty-seven, be amended by striking out the word "March" in lines six and eight of section one of said chapter and inserting in lieu thereof the words "December the first ensuing after said taxes become due": *Provided*, that this act shall only apply to the county of Haywood.

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

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

CHAPTER 401.

An act to grant a pension to T. B. Roberts.

Preamble.

WHEREAS, Thomas B. Roberts, of Forsyth county, North Carolina, is now upwards of eighty years of age and from wounds received in battle as a confederate soldier and old age, is totally incompetent to perform manual labor in the ordinary avocations of life, and is poor and helpless:

The General Assembly of North Carolina do enact:

Name of T. B. Roberts placed on pension roll.

SECTION 1. That the name of T. B. Roberts, of Forsyth county, be placed upon the roll of totally disabled confederate soldiers and receive the pensions annually allowed as such.

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

CHAPTER 402.

An act to abolish the second week of the November term of the superior court of Harnett county.

The General Assembly of North Carolina do enact:

SECTION 1. That the second week of the superior court of Harnett county of the November term as now constituted is hereby abolished, and the court of said county for the November term of each year as now created shall only be for the first week, and the purpose of this act is only to abolish the second week of said court and not to interfere with the first week of said court as now constituted and established, but they are to be held as formerly for the first week as now.

Second week
November term
Harnett superior
court abolished.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 6th day of March, A. D. 1893.

CHAPTER 403.

An act to change the time of holding the courts of the ninth, eighth, tenth and eleventh judicial districts.

The General Assembly of North Carolina do enact:

SECTION 1. That the ninth judicial district shall be composed of the following counties, to-wit: Alleghany, Alexander, Davie, Forsyth, Rockingham, Stokes, Surry and Wilkes, and the courts thereof shall be held at the times hereinafter designated, and shall continue for the time hereinafter provided unless the business be sooner disposed of.

Ninth judicial
district.

SPRING TERM.

Alexander shall begin on the first Monday before the last Monday in January and continue one week.

Spring term
superior courts
Alexander county.
Rockingham
county.

Rockingham shall begin on the last Monday in January and continue two weeks.

Forsyth fourth Monday in February and shall continue one week. And shall begin on the twelfth Monday after the fourth Monday in February and continue two weeks.

Forsyth county.

Wilkes county shall begin on the first Monday after the fourth Monday in February and continue two weeks.

Wilkes county.

Surry county shall begin on the third Monday after the fourth Monday in February and shall continue two weeks.

Surry county.

Alleghany county.	Alleghany county shall begin on the fifth Monday after the fourth Monday in February and continue one week.
Davie county.	Davie county shall begin on the sixth Monday after the fourth Monday in February and continue two weeks.
Stokes county.	Stokes county shall begin on the eighth Monday after the fourth Monday in February and continue two weeks.

Fall term.

FALL TERM.

Alexander county.	Alexander county shall begin on the first Monday before the last Monday in July and continue one week.
Rockingham county.	Rockingham county shall begin on the last Monday in July and continue one week. And shall begin on the tenth Monday after the fourth Monday in August and continue two weeks.
Forsyth county.	Forsyth county shall begin on the first Monday in August and shall continue two weeks; and shall begin on the fourteenth Monday after the fourth Monday in August and continue two weeks.
Wilkes county.	Wilkes county shall begin on the first Monday after the fourth Monday in August and continue two weeks.
Alleghany county.	Alleghany county shall begin on the third Monday after the fourth Monday in August and shall continue one week.
Davie county.	Davie county shall begin on the fourth Monday after the fourth Monday in August and continue two weeks.
Surry county.	Surry county shall begin on the sixth Monday after the fourth Monday in August and continue two weeks.
Stokes county.	Stokes county shall begin on the eighth Monday after the fourth Monday in August and continue two weeks.

Eighth judicial district.

SEC. 2. That the eighth judicial district shall be composed of the following counties: Cabarrus, Iredell, Yadkin, Davidson, Randolph, Montgomery and Rowan.

Courts to be held as now provided. Exception. Yadkin superior court, when held.

SEC. 3. That the courts of the counties in the eighth judicial district shall be held as now provided by law, except in the county of Yadkin; and in the county of Yadkin the courts shall be held as follows: On the sixth Monday after the first Monday in March and on the sixth Monday after the first Monday in September; spring term to continue one week; fall term two weeks.

Tenth judicial district.

SEC. 4. That the following counties shall compose the tenth judicial district: Burke, Caldwell, Ashe, Watauga, Mitchell, Yancey, McDowell and Catawba.

Courts to be held as now provided. Exception. Catawba superior court, when held.

SEC. 5. That the courts in the tenth judicial district shall be held as now provided by law, except in the county of Catawba, in which county they shall be held as follows, to-wit: spring term on second Monday before first Monday in March, and continue two weeks; fall term sixth Monday before first Monday in September, and continue two weeks.

SEC. 6. The ~~eleventh~~ judicial district shall be composed of the following counties, and the superior courts thereof shall be held at the following times, to-wit: Eleventh judicial district. Courts, when held.

Union—Fifth Monday before the first Monday in March; second Monday before the first Monday in September, the former to continue three weeks and the latter two weeks, and the first week of each term to be for the trial of criminal cases alone. Union county.

Stanly—Second Monday before the first Monday in March; second Monday after the first Monday in September, each term to continue two weeks. Stanly county.

Mecklenburg—First Monday in March and September, each to continue for two weeks; and the thirteenth Monday after the first Monday in March and the fifteenth Monday after the first Monday in September, each to continue one week. All of said terms shall be for the trial of civil causes alone, and the May term for the trial of only such causes as do not require a jury. Civil process may be returnable to all of said terms. Mecklenburg county.

Gaston—Second Monday after the first Monday in March and fourth Monday after the first Monday in September, each to continue two weeks. Gaston county.

Lincoln—Fourth Monday after the first Monday in March, to continue two weeks; and sixth Monday after the first Monday in September, to continue one week. Lincoln county.

Cleveland—Sixth Monday after the first Monday in March and seventh Monday after the first Monday in September, each to continue two weeks. Cleveland county.

Rutherford—Eighth Monday after the first Monday in March and ninth Monday after the first Monday in September, each to continue for two weeks. Rutherford county.

Polk—Tenth Monday after the first Monday in March and eleventh Monday after the first Monday in September, each to continue one week. Polk county.

Henderson—Eleventh Monday after the first Monday in March and twelfth Monday after the first Monday in September, each to continue two weeks. Henderson county.

SEC. 7. That all process, whether original, mesne or final, and all summonses and recognizances, both in civil and criminal matters, returnable to any of the superior courts in said district shall under the operations of this act be returnable to the terms herein established. *Provided*, that under this act the courts of the spring term of said counties for the year one thousand eight hundred and ninety-three shall in no way be affected, and no criminal process shall be returnable to any term designated in this act for the trial of civil actions alone. Return of process &c.
Proviso.

SEC. 8. That all laws and clauses of laws in conflict with this act, and particularly all laws giving extra terms of the superior court to Conflicting laws repealed.

Proviso.

any county, be and the same are hereby repealed: *Provided*, that this section shall not apply to the criminal court of Mecklenburg county.

When act to take effect.

SEC. 9. That this act shall be in force from and after the thirtieth day of June, A. D. 1893.

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

CHAPTER 404.

An act to amend chapter four hundred and sixty-two of the public laws of eighteen hundred and ninety-one.

The General Assembly of North Carolina do enact:

Chapter 462, laws 1891, amended. Supervisors of Smithfield township, Johnston county, who are authorized to work certain prisoners on roads, empowered to hire out prisoners and use proceeds of hiring for improvement of roads.

SECTION 1. That chapter four hundred and sixty-[two] (462) of the public laws of eighteen hundred and ninety-one, be and the same is hereby amended by adding to the end of the fourth section of said act the following, to-wit: "And the board of supervisors is further empowered to hire out any of said prisoners and use the proceeds of their hire in the improvement of said roads whenever to the said board such course shall seem advantageous."

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

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

CHAPTER 405.

An act to amend chapter thirty-four of the laws of one thousand eight hundred and eighty-five, relating to stock law in Alamance county.

The General Assembly of North Carolina do enact:

Chapter 34, laws 1885, amended. Act (stock law) made applicable to whole of Alamance county.

SECTION 1. That section eight of chapter thirty-four of the laws of one thousand eight hundred and eighty-five be amended by striking out all after the words "only to" in line one of said section down to and including the word "in" in the last line of said section.

Authority to levy special tax to build fence, repealed. When act to take effect.

SEC. 2. That section nine of said act be and the same is hereby repealed.

SEC. 3. That this act shall be in force from and after the first day of April, one thousand eight hundred and ninety-three.

Ratified the 27th day of February, A. D. 1893.

CHAPTER 406.

An act to amend chapter one hundred and thirteen, section one, laws of eighteen hundred and eighty-seven.

The General Assembly of North Carolina do enact :

SECTION 1. That section one, chapter one hundred and thirteen of the laws of eighteen hundred and eighty-seven be amended by striking out all after the word "appropriated" in the third line of page one hundred and twelve of said laws down to and including the word "fertilizer" in line four on said page.

Chapter 113, laws 1887, amended. Appropriation for Bureau of Labor Statistics not payable out of fund raised by tax on fertilizers.

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

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

CHAPTER 407.

An act in relation to obstructions in Jackson swamp in Robeson county.

The General Assembly of North Carolina do enact :

SECTION 1. That it shall be unlawful for any person or persons to construct or place any fish-trap in Jackson swamp in Robeson county so as to obstruct more than one-half of said stream.

Unlawful to obstruct Jackson swamp, Robeson county, with fish-traps.

SEC. 2. Anyone violating the provisions of this act shall be guilty of a misdemeanor.

Misdemeanor.

SEC. 3. That this act shall be in force from and after its ratification.

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

CHAPTER 408.

An act making it a misdemeanor to cause false fire-alarms in the city of Wilmington, North Carolina.

The General Assembly of North Carolina do enact :

SECTION 1. That any person or persons wilfully or wantonly sending or causing to be sent over the electric fire-alarm system of said city any false fire-alarm or signal, or breaking or causing to be broken, or in any manner interfering with any of the alarm boxes or

Misdemeanor to wilfully send, &c., false fire-alarm in Wilmington, &c.

apparatus of the said system, without authority or permission so to do from the proper authorities of said city, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars nor more than two hundred dollars, or imprisoned for not less than six nor more than twelve months, or both, in the discretion of the court.

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

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

CHAPTER 409.

An act to amend the school law concerning the duties of the county superintendent of Macon county.

The General Assembly of North Carolina do enact :

Code, section 2375,
amended
Compensation,
&c., of school
superintendent of
Macon county.

SECTION 1. That section two thousand five hundred and seventy-five of the school law be amended by adding to the end thereof the following : But the county superintendent of Macon county shall not be directed nor required to visit the schools of said county, and in case he should do so he shall receive no compensation for the same. That for all his other duties now prescribed by law he shall receive such compensation as the board may think his services worth, not to exceed three dollars per day and not under two dollars per day.

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

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

CHAPTER 410.

An act to amend chapter one hundred and fifteen of laws of one thousand eight hundred and eighty-five concerning the stock law for Goldsboro township.

The General Assembly of North Carolina do enact :

Chapter 115, laws
1885, amended.
Stock law tax
collected in Fork
township to be
kept separate, &c.

SECTION 1. That section fourteen of chapter one hundred and fifteen of the laws of one thousand eight hundred and eighty five be amended by adding at the end of said section the following : *Provided*, that the assessment levied and collected within that part of said territory which is in Fork township shall be kept separate and be applied exclusively to the fences in Fork township.

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

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

CHAPTER 411.

An act to prevent felling trees in Stonington creek, Lenoir county.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to cut or fell trees in Stonington creek, Lenoir county, from the railroad bridge to Neuse river, and not remove the same within three days after such cutting.

Unlawful to fell trees in portion of Stonington creek, Lenoir county, &c.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding ten dollars for each offence.

Misdemeanor.

SEC. 3. That this act shall be in force from and after its ratification.

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

CHAPTER 412.

An act to repeal section two thousand two hundred and six of The Code.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand two hundred and six (2206) of The Code and the several sections of subsequent acts amendatory thereof be and the same are hereby repealed.

Code, section 2206 (appropriating \$500 annually from tax on fertilizers to N. C. Industrial Association) and amendatory acts, repealed.

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

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

CHAPTER 413.

An act to appropriate seventy-five dollars to purchase a pedestal for the bust of Governor Ellis.

The General Assembly of North Carolina do enact:

SECTION 1. That the secretary of state is hereby authorized to purchase a pedestal for the bust of Governor Ellis (which bust is now in the governor's mansion), and a sum of money not to exceed seventy-five dollars is hereby appropriated for that purpose out of the public moneys not otherwise appropriated.

Secretary of state authorized to purchase pedestal for bust of Governor Ellis. Appropriation.

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

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

CHAPTER 414.

An act to establish a normal institution for the training of white teachers in Robeson.

The General Assembly of North Carolina do enact :

Board of education of Robeson county authorized to hold annual teachers' normal institute for white teachers.

Institute conductor.

Instructors.

Adjoining counties may unite.

Expenses, how paid.

What institute to teach, &c.

Salary of conductor.

Diplomas.

SECTION 1. That the board of education of Robeson county be and the same are hereby authorized to hold annually in the county of Robeson a teachers' normal institute for the special instruction and training of white teachers, to be known as the Teachers' Normal Institute.

SEC. 2. That the Teachers' Normal Institute thus formed shall be held under the superintendence of one of the institute conductors of the state, or of some person appointed by the state superintendent of public instruction with the concurrence of the board of education of Robeson county and of such counties as may, as hereinafter provided, unite in said institute; and that the other instructors shall be selected by the board of education of the county or counties thus united.

SEC. 3. That any of the adjoining counties, not exceeding four, may unite with Robeson county in the formation of the said institute, under the same rules and regulations as provided in the chapter for Robeson county.

SEC. 4. That in order to defray the necessary expenses of the institute it shall be lawful for the board of education of Robeson county and of such adjoining counties as shall unite therein, to appropriate from the public school fund of each county a sum not exceeding one hundred dollars, including the fifty dollars already authorized by law for county institutes; and this fund shall be further supplemented by such sums as may be contributed by the teachers themselves and by other private contributions.

SEC. 5. That in said institute special attention shall be given to thorough instruction in the branches of education taught in the public schools of the state, to methods of instruction and school government, to which may be added such other branches of study as the instructors in charge of the work may deem necessary.

SEC. 6. That the salary and expenses of the institute conductor appointed by the state superintendent shall be paid out of the funds of the institute, except for so much of this time as the counties united in the institute would be entitled to under the law providing for county institutes.

SEC. 7. That any person who shall stand an approved examination in the branches of study and methods of instruction taught in the institute may receive a diploma, which shall be good for three years, under the same restrictions as provided for issuing certificates for three years by county institutes.

SEC. 8. That the county superintendent of Robeson county shall render such assistance as may be necessary in perfecting arrangements for holding the institute, and shall perform such other duties in connection therewith as may be required by the board of education of Robeson county.

Duties of county superintendent of Robeson county.

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

CHAPTER 415.

An act to authorize the commissioners of Buncombe county to issue bonds for public roads improvement.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of macadamizing, piking or otherwise improving certain of the public roads of Buncombe county as hereinafter provided, the county commissioners of Buncombe county are hereby authorized and empowered to issue bonds of the county to an amount not exceeding the sum of two hundred and fifty thousand dollars (\$250,000), of denominations not to exceed one thousand dollars (\$1,000) each, bearing interest from the date thereof at the rate not to exceed six (6) per centum per annum, with interest coupons attached, payable semi-annually at such times and places as may be deemed advisable by said board of county commissioners, such bonds to be of such form and tenor and transferable in such way and the principal thereof payable or redeemable at such time or times not exceeding fifty years from the date thereof, and at such place or places as the said board of county commissioners may determine.

Commissioners of Buncombe county authorized to issue bonds not exceeding \$250,000 for road improvement.

SEC. 2. That none of the bonds authorized by this act shall be disposed of either by sale, exchange, hypothecation, or otherwise, for a less price than their face value; said bonds or their proceeds shall not be used for any other purpose or purposes than that declared in this act, and if any officer of the county of Buncombe shall violate or aid or abet any person in the violation of this section, he shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than one thousand dollars (\$1,000) and be imprisoned not less than one year, and shall moreover be liable to the county of Buncombe in a sum double the amount lost to the county or diverted by such violation from the purposes herein provided.

Bonds not to be sold for less than par. Proceeds, how used.

Misdemeanor.

Penalty.

SEC. 3. That the bonds authorized to be issued by this act and their coupons shall not be subject to taxation by said county until after they shall have become due and tender of payment shall have been

When bonds to become liable to county taxation.

Coupons receivable for county taxes, &c.

When interest to cease.

Commissioners to levy special tax.

Proviso.

Proviso.

Intention.

Proviso.

Application of proceeds of sale of bonds.

Proviso.

Proviso.

made by the said county, and the coupons shall be receivable at their face value in payment of county taxes or other county dues for any fiscal year in which such coupons become due or thereafter; and if the holder of any of said bonds or coupons shall fail to present the same for payment at the time or times, and at the place or places therein named, he shall not be entitled to any interest thereon for the time they shall have been outstanding after maturity.

SEC. 4. That for the purpose of providing first for the payment of the interest accruing on and the principal at maturity of the bonds, the bonds issued under authority of this act, the board of county commissioners of said county shall annually, and at the time of levying other county taxes, levy and lay a particular tax on all subjects of taxation on which the said board of county commissioners now are or may hereafter be authorized to lay and levy taxes for any purposes whatsoever, sufficient to pay the interest on said bonds and to create a sinking fund for the payment of the principal of said bonds at maturity: *Provided*, that no tax for the purpose of creating a sinking fund for the payment of the principal of said bonds shall be levied for the period of ten years from the issuing of said bonds: *Provided further*, that the tax to be levied, both for interest and sinking fund purposes, shall never in any one year exceed a rate sufficient to realize the interest on said total issue of bonds plus one per centum of the principal of said total issue, the intention being that whatever sums the said county may save in interest by the retirement of said bonds as hereinafter provided shall be applied to sinking fund purposes: *And provided further*, that the sinking fund hereinafter provided for shall, as collected from year to year, be invested in the bonds herein provided for at their market value, not to exceed ten per centum on their face value, said bonds to be sold subject to the right of the county to redeem them for sinking fund purposes at said premium; and in the event it shall become necessary for said commissioners to exercise right of redemption, the bonds to be redeemed shall be chosen by their numbers by lot in such manner as said commissioners may provide, and the number so chosen shall be advertised for thirty days in a daily newspaper published in each and every place where said bonds or their coupons are payable, and interest on said bonds so chosen shall cease on and after the next interest day following said thirty days advertisement.

SEC. 5. That the proceeds arising from the sale of said bonds shall be applied in equal amounts to the improvement by macadamizing, piking or otherwise, in the discretion of the said board of commissioners of Buncombe county, of five of the principal public roads of said county of Buncombe, to be selected by the said board of county commissioners: *Provided*, that no part of the proceeds arising from said sale of said bonds shall be expended within the corporate limits of the city of Asheville: *And provided further*, that the said roads to

be improved under the provisions of this act shall be macadamized, piked or otherwise improved to a width of at least eighteen (18) feet.

SEC. 6. That said bonds shall be delivered and the proceeds thereof received in amounts not exceeding fifty thousand dollars (\$50 000), and no other delivery shall be made while as much as ten thousand dollars realized from the sale of said bonds shall remain on hand unexpended.

Delivery of bonds,
&c.

SEC. 7. That the provisions of this act may be submitted to a vote of the qualified voters of Buncombe county, upon the petition of twenty-five per centum of the registered vote of said county, at an election to be held in said county on a day to be designated by the board of commissioners, at any time after ninety days from and after the ratification of this act, and after a public notice of sixty days preceding the election of the time and places when and where the election shall be held, which notice shall contain the full text of this act, and which notice shall also be published at least once a week in two or more newspapers published in the city of Asheville in said county; said election shall be held and the returns thereof made under the same rules and regulations as now exist in case of elections for members of the general assembly, and the said election shall be held upon the registration for the general elections of the year one thousand eight hundred and ninety-two; those qualified voters approving the issue of the bonds and the levy and collection of the taxes hereinbefore provided for shall deposit in a ballot-box a slip containing the printed or written words "For public roads improvements," and those disapproving the same shall deposit a like ballot with the printed or written words "Against public roads improvements." If the majority of the voters shall vote "for public roads improvements" it shall be deemed and held that a majority of the qualified voters of Buncombe county are in favor of giving the board of commissioners of said county authority to issue the bonds authorized by this act and to levy the special tax so authorized, and the said board of commissioners shall have such authority; but if at any election held under the provisions of this act a majority of the qualified voters shall not vote to issue the bonds hereinbefore provided for, said commissioners shall not have such authority, but it shall not prevent the board of commissioners of said county from ordering another election under the provisions of this act at any time after the lapse of one year from the date of such election, at which the qualified voters may have voted "against public roads improvements": *Provided*, that no subsequent election shall be ordered by the said board of commissioners except upon the petition of at least twenty-five per centum of the qualified voters of said county, and if at such other election a majority of the qualified voters shall vote "For public roads improvements," it shall have the same force and effect as if no election had been previously held.

Submission of act
to voters of Bun-
combe county.

Election, how
held, &c.

Ballots.

Effect of majority
vote in affirma-
tive.

Effect of majority
vote in negative.

Another election.

Proviso.

No convict labor to be employed.	SEC. 8. That none of the proceeds arising from the said sale of the bonds provided for in this act shall be used in the employment of or payment for any convict labor in the construction, changing, macadamizing, piking, or otherwise improving of any of the five roads to be selected by the board of commissioners of Buncombe county as hereinbefore provided.
Employment of civil road engineer.	SEC. 9. That for the purpose of securing the proper location, grade and improvement of the five public roads hereinbefore provided for, the said board of commissioners shall have authority to employ a competent civil road engineer so long as his services may be required at the rate of an annual salary not exceeding the sum of two thousand dollars (\$2,000); and the grades and changes of location of said roads shall be fixed and determined under the direct personal supervision and direction of the said engineer.
Salary.	SEC. 10. That at any election on the question of issuing the bonds herein provided for there shall be elected by the said qualified voters of said county fourteen freeholders, one for each of the fourteen townships of said county, who shall be a resident of the township for which he is elected, all of whom, together with the five members of the board of county commissioners of said county, shall constitute and be known as "the road improvement commission of Buncombe county," who shall serve from the time of their election until the qualification of their successors, who shall be elected at the next succeeding general election and biennially thereafter in the same manner and for the same term as the sheriff of said county. Before entering upon the discharge of the duties of their office the said road improvement commissioners shall qualify by taking an oath before the clerk of the superior court of said county faithfully and diligently to perform all the duties imposed upon them by the provisions of this act, which said oath shall be subscribed before said clerk and by him recorded in the same manner as is now provided by law for the recording of the oath of the sheriff of said county; said road improvement commissioners shall serve without compensation as such: <i>Provided</i> , that if at any election on the question of issuing the bonds hereinbefore provided for, a majority of the qualified voters of said county shall vote "Against public roads improvement," then and in that event the election of the said fourteen freeholders at said election shall be null and void. If at any election under the provisions of this act a majority of the qualified voters of said county shall vote "For public roads improvement," the fourteen freeholders elected at such election, together with the said five commissioners of said county, shall organize as said road improvement commission of Buncombe county. The chairman of the board of commissioners of said county shall be <i>ex officio</i> chairman of said road improvement commission. There shall be elected biennially by said road improvement commission a secretary to said commission, whose compensation shall
Grades and changes in roads.	
Election of "road improvement commission."	
Term of office.	
Oath.	
No compensation.	
Proviso.	
When road commission to organize.	
Chairman.	
Secretary.	

be fixed by said commission; it shall be the duty of said secretary to Duties.

keep an accurate record of all proceedings and doings of said commission, which said record shall be at all times open to the inspection of any citizen of the said county of Buncombe. The said road improvement commission is empowered and it is hereby made its duty to administer all funds that may be realized from the sale of the bonds herein provided for, to select the roads to be improved under the provisions of this act, to determine the character of the improvements to be made, to let contracts, to hire labor, and do every and all such acts and things as may be proper and necessary to carry into effect the purposes and intentions of this act; and no bill or account for labor done or material furnished in the making of the road improvements hereinbefore provided for shall be paid, except upon the warrant of the said road improvement commission, and no warrant shall be issued except upon the order of a majority of all said road improvement commissioners. Said road improvement commissioners shall have power to fill all vacancies occurring in the body by death, resignation, removal, or otherwise, until the next election of road improvement commissioners.

Duties of road
commission.

SEC. 11. That all laws and clauses of laws in conflict with this act Conflicting laws
repealed. are hereby repealed.

SEC. 12. That this act shall be in force from and after its ratification.

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

CHAPTER 416.

An act to amend chapter five hundred and three of the public laws of one thousand eight hundred and eighty-nine relative to damaging public roads by timber and log haulers.

The General Assembly of North Carolina do enact :

SECTION 1. That section one of five hundred and three of the public laws of one thousand eight hundred and eighty-nine be amended by inserting after the word "Yates" and before the word "and" in line one the words "Columbus, Currituck, Lenoir, Clay, Pitt, Swain, Yancey, Anson, Rutherford, Perquimans, Stokes, Macon, Tyrrell, Dare and Halifax."

Chapter 503, laws
1889, amended.
Law authorizing
proceeding before
road supervisors
to recover dam-
ages for injury to
roads by hauling
logs, extended to
certain other
counties.
Section 2
amended.
Failure to repair
damage a misde-
meanor.

SEC. 2. That section two of said chapter five hundred and three be stricken out and the following inserted in lieu thereof: "Any person, company or corporation who shall damage any public road, bridge or causeway by hauling logs or saw-mill timber thereon, and shall not repair the damage done thereto within five days after being

Proviso.

notified of said damage by the overseer of said road, or by any member of the board of supervisors of the township in which said damaged road is situated, shall be guilty of a misdemeanor, and on conviction shall pay a fine of not less than ten nor more than fifty dollars, or be imprisoned not exceeding thirty days: *Provided*, if any person shall pay the damage as assessed in section one of said chapter five hundred and three, the payment of said damages shall be a complete bar to any criminal prosecution under this act, and if any criminal prosecution shall have been commenced prior to the payment of said damages, all further proceedings in said criminal prosecution may be ended by the defendant paying the cost necessarily incurred in said criminal prosecution, and satisfying the court that said damages and all proper costs have been paid.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 417.

An act to establish the dividing line between the counties of Surry and Stokes.

The General Assembly of North Carolina do enact:

County commissioners to have established boundary line between Surry and Stokes counties.

Surveyors.

Plats.

Line to be conclusive.

Penalty for neglect of commissioners.

Expenses.

SECTION 1. That it shall be the duty of the boards of commissioners of the counties of Surry and Stokes to have run and established the boundary line between said counties at some time during the year eighteen hundred and ninety-three.

SEC. 2. That to carry section one into effect each board of commissioners shall employ one competent surveyor. These surveyors shall run and mark the said dividing line. They shall make plats of said line, which shall be recorded in each county in the office of the register of deeds. The line so established shall be conclusive of the boundary between said counties.

SEC. 3. That upon the neglect of this act said commissioners shall be subject to the punishment prescribed in section seven hundred and eleven of The Code.

SEC. 4. The expenses of establishing said line shall be paid equally by each of said counties.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 418.

An act to amend section two thousand and fifteen of The Code.

The General Assembly of North Carolina do enact :

SECTION 1. That section two thousand and fifteen of The Code be amended in line five by adding after the word "August" the words "at twelve o'clock noon."

Code, section 2015, amended.

When board of road supervisors of New Hanover county to meet.

SEC. 2. This act only to apply to the county of New Hanover.

SEC. 3. That this act shall be in force from and after its ratification.

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

CHAPTER 419.

An act to amend chapter three hundred and twenty-eight of the laws of eighteen hundred and eighty-seven.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter three hundred and twenty-eight, laws of eighteen hundred and eighty-seven, be and is hereby amended by adding the following in lieu of section five of said chapter: It shall be unlawful for any person or persons to obstruct more than one-third of said Contentnea creek at ordinary water flow, or its channel, from its source to its mouth in *the Neuse river*, or to obstruct the free passage of fish in said stream, hedging or felling trees, putting wires or netting or seines, or by any other means, and that this act and the act to which it is an amendment shall apply not only to said stream but also to those portions of said stream which have been or may hereafter be diverted by cutting across bends.

Chapter 328, laws 1887, amended.

Unlawful to obstruct Contentnea creek more than one-third, &c.

Application of act.

SEC. 2. All laws and clauses of [laws] in conflict with this act shall be and are hereby repealed.

Conflicting laws repealed.

SEC. 3. That the name of Contentnea creek is hereby changed to Moccasin river.

Name changed to Moccasin river.

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

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

CHAPTER 420.

An act to invalidate an election held in the county of Haywood in eighteen hundred and eighty-seven on a question of issuing bonds to aid in the construction of the Carolina, Knoxville and Western railroad.

Preamble.

WHEREAS, There was an election held in the county of Haywood on the thirteenth day of October, eighteen hundred and eighty-seven, for the purpose of voting on the question of bonds or no bonds to the amount of one hundred thousand dollars to aid in construction of the Carolina, Knoxville and Western Railroad; and whereas, the citizens of said county were led to believe that the said railroad would be completed through the county within two years, voted at said election for bonds; now therefore, as the said railroad company have failed to comply with the implied agreement,

The General Assembly of North Carolina do enact:

Election in Haywood county on question of subscription to C. K. & W. R. R. declared invalid.

SECTION 1. That the election referred to in the preamble of this act is hereby declared invalid.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 421.

An act to put R. S. Baker of Hertford county on the pension list.

The General Assembly of North Carolina do enact:

Name of R. S. Baker placed on pension list.

SECTION 1. That R. S. Baker of Hertford county, an old confederate soldier who received serious wounds in the struggle between [the] states, and whose health is very bad, be put on the pension list.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 422.

An act to prevent fishing in the waters of Jonathan's creek in Ivy Hill township, county of Haywood.

The General Assembly of North Carolina do enact:

Unlawful to catch fish in Jonathan's creek, &c., from June 1, 1893, to June 1, 1896.

SECTION 1. That it shall be unlawful to catch fish in the waters of Jonathan's creek or its tributaries in Ivy Hill township in the county of Haywood after the first day of June, eighteen hundred and ninety-three, until the first day of June, eighteen hundred and ninety-six.

SEC. 2. That any person violating this the provision of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than fifty dollars nor imprisoned more than thirty days.

SEC. 3. That this act shall be in force from and after the first day of June, 1893.

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

CHAPTER 423.

An act to include certain portions of Rutherford county in the stock law.

The General Assembly of North Carolina do enact:

SECTION 1. That the following boundary is declared incorporated into and shall become a part of the stock law boundary, viz.: Beginning at the South Carolina line, corner of Cleveland and Rutherford counties, and runs thence up Main Broad river to Captain J. W. Clarke's place on said river; thence with the upper line of his place, the most practicable route, to the present Rutherfordton section fence; thence with said fence to Logan's Store section fence; thence with that fence to Cooper's spring; thence the most practicable route to Golden Valley school-house; thence with said section fence to Cleveland county line; thence with said line to the beginning: *Provided*, that the question be submitted to the qualified voters in said boundary on the first Thursday in August, eighteen hundred and ninety-three, under the same rules and regulations as now provided by section two thousand eight hundred and fourteen of The Code: *Provided further*, that in the event at said election a majority of the qualified voters should fail to vote for "stock law," the territory included under such law shall not be affected thereby: *Provided further*, that no person living inside the present stock law territory as at present located shall be allowed to vote, and that the commissioners of said county shall designate suitable polling places, appoint judges and otherwise provide for the execution of the law.

SEC. 2. That this act shall be in force from and after the first day of January, eighteen hundred and ninety-four.

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

Portion of Rutherford county added to present stock law territory. Boundaries.

Election.

Effect of adverse vote.

No person in present stock law territory allowed to vote. Polling places.

When act to take effect.

CHAPTER 424.

An act to require the governor and others to report to the general assembly the number of employees in their several departments and the salaries of each.

The General Assembly of North Carolina do enact :

State officers to report to general assembly names of officers, employees, &c., and salaries.

SECTION 1. That the governor and other state officers, the superintendents of the various state institutions, and the superintendents or heads of all institutions or departments of whatever kind that receive funds from the state, either directly or indirectly, shall furnish to this general assembly, and to each succeeding general assembly, a full and complete list of the names of superintendents or heads of their respective departments, assistants, secretaries, clerks, laborers and employees of whatever kind, together with the annual or monthly salaries of each.

Penalty for failure to report.

SEC. 2. That any state officer, superintendent, head of department or institution, who shall fail or refuse to make a full and complete report to the general assembly within ten days after the assembling of the same, shall forfeit and pay to the treasurer of the state the sum of twenty-five dollars for each day of delay in excess of ten days, recoverable as other forfeitures, by motion in the superior court of Wake county or before a justice of the peace, after twenty days notice to such defaulting officer.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 425.

An act to create a new township in Wilkes county.

The General Assembly of North Carolina do enact :

North Wilkesboro township created.

SECTION 1. That a new township be and the same is hereby created in Wilkes county, to be created out of part of Wilkesboro, Rock Creek and Reddie's River townships, and known as North Wilkesboro township.

Boundaries.

SEC. 2. That the boundary of said township shall be as follows : Beginning in the center of Yadkin river at the mouth of Rock creek and up the center of said creek to and including Forester's mill ; thence in a direct line to the northeast corner of Wilkesboro township ; thence in a westwardly and southwardly direction with the

Wilkesboro and Mulberry township line to Reddie's river; thence west to the Wilkesboro and Jefferson road; thence southwardly with said road to the center of Yadkin river at Curtis's ford; thence down the center of said river to the point of beginning. The voting precinct for said township shall be at the opera hall in North Wilkesboro.

SEC. 3. That the board of commissioners of Wilkesboro county shall order at their meeting the first Monday in April, eighteen hundred and ninety-three, a new registration of the voters within the boundary of the new township; and the registrars of Wilkesboro, Rock Creek and Reddie's River townships are directed to erase the names of the voters residing within said boundary from the poll books of said townships. New registration.

SEC. 4. That W. B. Henry, John T. Forrester, Jerry Cryslel, Micajah Woodruff and R. L. Church be and they are hereby appointed justices of the peace for said township. Justices of the peace.

SEC. 5. That said township shall have all the rights and privileges now granted to other townships, or that may be hereafter granted by law. Township rights

SEC. 6. That all laws or parts of laws in conflict with this act are hereby repealed. Conflicting laws repealed.

SEC. 7. That this act shall be in force from and after its ratification.

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

CHAPTER 426.

An act to authorize the commissioners of Graham county to work persons convicted of misdemeanors on the grounds to be provided for the county farm.

The General Assembly of North Carolina do enact:

SECTION 1. That any judge presiding over the superior court of Graham county is authorized and empowered in his discretion to sentence any person convicted in said court of a misdemeanor to work on the county farm of said county for such length of time as to him may seem just. Judge holding Graham superior court may sentence certain convicts to work on county farm.

SEC. 2. That the persons so sentenced shall be under the control of the county commissioners of said county, and they may direct that such person so sentenced shall be imprisoned in the county jail at any time that he may not be at work on said farm. Control and custody of convicts.

SEC. 3. That if any person shall be imprisoned in the county jail of said county in default of paying any costs or fine, then and in that event it shall be lawful for said commissioners to work such person Commissioners may work on farm certain persons in jail, &c.

on said county farm till said fine and costs shall be paid in work or money, such defendant to be credited the sum of seventy-five cents per day for the time he so works.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 427.

An act to place Thompson Robinson of Lincoln county upon the pension list.

The General Assembly of North Carolina do enact :

Name of Thompson Robinson placed on pension list.

SECTION 1. That Thompson Robinson of Lincoln county be and hereby is placed upon the pension roll in class for the blind.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 428.

An act to prevent the manufacture and sale of any spirituous, vinous or malt liquors within the county [of] Haywood.

The General Assembly of North Carolina do enact :

Unlawful to manufacture, sell, &c., liquor in: Haywood county.

Proviso.

SECTION 1. That it shall be unlawful for any person, corporation or firm to manufacture, sell or otherwise dispose of for gain any spirituous, vinous or malt liquors or other intoxicating bitters within the county of Haywood: *Provided*, this act shall not be construed to forbid the sale of such spirituous, vinous or malt liquors by a druggist for sickness upon the written prescription of a regular practicing physician having such sick person under his charge.

Place of sale.

Proviso.

SEC. 2. That the place of delivery of any spirituous, vinous or malt liquors or other intoxicating bitters within the county of Haywood shall be so construed as to mean the place of sales: *Provided*, this act shall not be construed to prevent the delivery of any spirituous, vinous or malt liquors to a druggist a sufficient quantity for medical purposes.

SEC. 3. That any person, corporation or firm violating this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, for each and every offence, in the discretion of the court. Misdemeanor.

SEC. 4. That any physician who shall make any prescription for the purpose of aiding any person to purchase any intoxicating liquors contrary to the provisions of this act shall be deemed guilty of a misdemeanor, and fined in the discretion of the court. When physician guilty of misdemeanor.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 429.

An act to establish a ferry across the Broad river in Rutherford county.

The General Assembly of North Carolina do enact:

SECTION 1. That J. J. Camp, his heirs and assigns, are hereby authorized to establish a ferry across the Broad river at what is now known as Camp's ferry in Rutherford county. J. J. Camp, &c., authorized to establish ferry across Broad river, Rutherford county. Vested right.

SEC. 2. That the right to establish and keep up said ferry be and is hereby vested in J. J. Camp, his heirs and assigns, during the full term of thirty years.

SEC. 3. That it shall be lawful for the said J. J. Camp, his heirs and assigns, to receive such tolls and rates of ferriage at said ferry as shall be prescribed and regulated by the board of county commissioners of Rutherford county. Tolls, &c.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 430.

An act to place the name of Talitha Taylor on the pension roll.

WHEREAS, Talitha Taylor, of the county of Wayne, is the widow of John N. Taylor, company D, twenty-seventh regiment of North Carolina, and as such is entitled to a pension under the laws of North Carolina; and whereas, said Talitha Taylor duly made her applica- Preamble.

tion in the year eighteen hundred and ninety-two to be placed on the pension rolls, which application was duly approved; and whereas, said application has been lost, and Talitha Taylor has received no pension from the state,

The General Assembly of North Carolina do enact:

Name of Mrs.
Talitha Taylor
placed on pension
list.
Auditor to issue
warrant.

SECTION 1. That the said Talitha Taylor be placed upon the pension roll as if her application had not been lost.

SEC. 2. That the auditor of the state is authorized, empowered and directed to issue his warrant to the said Talitha Taylor for the amount to which she would have been entitled for the year eighteen hundred and ninety-two if said application had been filed.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 431.

An act to prevent the sale of liquor within two miles of Little Rock church, Mitchell county.

The General Assembly of North Carolina do enact:

Unlawful to sell
spirituous liquor
within two
miles, &c.

SECTION 1. That it shall be unlawful for any person or persons to sell or give away any spirituous liquors within two miles of Little Rock Creek Missionary Baptist church, in Mitchell county.

Misdemeanor.

SEC. 2. That any person or persons violating the preceding section shall be guilty of a misdemeanor, and on conviction shall be fined twenty-five dollars or imprisoned for sixty days.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 432.

An act for the relief of the board of commissioners of Wake county.

The General Assembly of North Carolina do enact:

Compensation of
commissioners of
Wake county.

SECTION 1. That the members of the board of commissioners of Wake county shall be allowed for their services in attending the meetings of said board such per diem and mileage, not less than that now allowed by law, as a majority of the justices of the peace of said

county present at their June meeting of each year shall think proper, and for attending the committee meetings appointed by said board the said commissioners shall be allowed such per diem and mileage as a majority of said justices present at said June meetings shall think proper. And the special meetings that may be held by said board on the first Monday in each month may continue from day to day for as many as *three* days, unless the business is sooner disposed of. Special meetings.

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

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

CHAPTER 433.

An act to repeal section two thousand eight hundred and twenty-seven of The Code.

The General Assembly of North Carolina do enact :

SECTION 1. That section two thousand eight hundred and twenty-seven of the Code shall not apply to that part of Pamlico county between Raccoon creek and Vandemere creek in township number three of said county.

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

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

Code, section 2827, (misdemeanor for person in stock law territory to allow stock to run at large beyond territory) not to apply to certain portion of Pamlico county.

CHAPTER 434.

An act to amend chapter seven, volume second of The Code, entitled Building and Loan Associations.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter seven, volume two of The Code, be amended by adding the following sections thereto :

Sec. 2300a. That every non-resident building and loan association doing business in this state shall appoint a general agent or attorney, who shall be a citizen and resident of this state, and file a certificate of such appointment with the auditor of state, and copies of such certificates of appointment, certified by the said auditor, shall be received as sufficient evidences of such appointment before any court in this state, and such certificate shall contain a stipulation agreeing

Code, vol. 2, chap. 7, amended. Non-resident building associations to appoint resident agent, &c. What certificate of appointment to express.

- that so long as there may be any liability on the part of the applicant under any contract entered into in pursuance of any law of this state, process may be served in the absence of the principal upon such general agent or attorney: *Provided*, that service may be made upon the auditor of state, and it shall be his duty in such case to transmit at once a copy of the process to the home office of the association.
- Proviso.** Sec. 2300b. Every association doing business under this chapter shall file in the office of the auditor of state, on or before the first day of March in each year, in such form as he shall prescribe, a statement of the business standing and financial condition of the applicant on the preceding thirty-first day of December, signed and sworn to by said principal or by the chief managing agent, attorney or officer thereof before the auditor of state, or before a commissioner of affidavits for North Carolina, or before some notary public.
- Annual verified statements to be filed with auditor.** Sec. 2300c. Every association doing business under this act shall file in the office of the auditor of state a copy of the charter, articles of association, or other statement, showing the mode in which the applicant proposes to do business.
- Auditor to examine statements, publish abstract, &c.** Sec. 2300d. It shall be the duty of the auditor of state to receive and thoroughly examine each annual statement required by this act, and if made in compliance with the requirements of this act to publish an abstract of the same in one of the newspapers of the state, to be selected by the general agent or attorney making such statement, and at the expense of his principal. The auditor of state shall be entitled to a fee of five dollars, to be paid by the association filing such statement.
- Fee of auditor.** Sec. 2300e. That if the auditor of state shall become satisfied at any time that any statements made by any association licensed under this act shall be untrue, or in case a general agent shall fail or refuse to obey the provisions of this act, the auditor of state shall notify the state treasurer of such default, and the state treasurer shall thereupon have power to revoke and cancel such license.
- Revocation of license.** Sec. 2300f. It shall be the duty of any person having in his possession or control any books, accounts or papers of any association licensed under this act to exhibit the same to the auditor of state on demand, and on refusing so to do, or knowingly or wilfully making any false statement in regard to the same, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, at the discretion of the court.
- Duty to exhibit books, &c., to auditor.** Sec. 2300g. Every general agent or attorney who shall fail or refuse to perform any duty required of him by this act shall forfeit and pay to the auditor of state fifty dollars for every such refusal, to be recovered before any justice of the peace at the suit of the said auditor.
- Misdemeanor.** Sec. 2300h. Any person who shall solicit or transact any business for or concerning any association not duly licensed as in this act provided shall be guilty of a misdemeanor, and upon conviction
- Penalty for failure of agent, &c., to perform duty, &c.**
- Misdemeanor to solicit, &c., business for unlicensed association.**

thereof shall be fined or imprisoned, or both, in the discretion of the court.

SEC. 2. That no building and loan association shall be required to pay any tax or license except such as are specified in the "Act to raise revenue," passed at this session of the general assembly. License tax.

SEC. 3. That this act shall be in force from and after its ratification.

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

CHAPTER 435.

An act to increase the bond of the register of deeds of Burke county.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and sixty of the laws of eighteen hundred and eighty-seven be and the same is hereby repealed. Chapter 360, laws 1887 (excepting Bertie county from law authorizing commissioners to increase bonds, &c.) repealed. Code, section 3648, amended.

SEC. 2. That section three thousand six hundred and forty-eight of The Code be amended by adding the following proviso: *Provided*, that the board of county commissioners may at their meeting on the first Monday in November before each general election increase said bond to any amount not exceeding twenty thousand dollars, giving twenty days notice at the court-house door and in some newspaper published in the county of the amount of bond to be demanded. Commissioners of Burke county empowered to increase bond of register, &c.

SEC. 3. This act shall only apply to Burke county.

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

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

CHAPTER 436.

An act to amend section eight hundred and seventy-three of The Code.

The General Assembly of North Carolina do enact:

SECTION 1. That section eight hundred and seventy-three of The Code be amended by adding at the end of said section the following: "Justices of the peace in all cases civil may issue subpoenas to counties other than their own under the regulations of this and preceding sections, and the sheriff or constable to whom the same is Code, section 873, amended. Justices of the peace authorized to issue subpoenas to other counties, &c.

Proviso.

directed shall execute and return the same as provided in the afore-said section : *Provided*, that where witnesses attend in counties other than their own under such subpoena they shall receive the same per diem and mileage as witnesses who attend the superior courts : *Provided further*, that before issuing such subpoenas the party wanting such witness shall deposit with the justice before whom the cause is pending one day's per diem and the mileage of said witness to and returning from place of trial, which amount shall be paid to said witness on his attendance and taxed against the party cast in the trial.

Proviso.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 437.

An act to amend section one thousand and five of The Code.

The General Assembly of North Carolina do enact :

Code, section 1005, amended.
Certain members of Hampton's detective bureau exempted from law prohibiting carrying of concealed weapons. Act applicable only to Buncombe county. Conflicting laws repealed.

SECTION 1. That section one thousand and five of The Code be amended by adding after "town" and before the word "charged" in line fifteen of said section the words "and two duly accredited members in each county where organized, except in the county of Buncombe, where five members may be commissioned, of Hampton's Detective Bureau, of Asheville, North Carolina : *Provided*, that this shall only apply to the county of Buncombe."

SEC. 2 That all laws and clauses of laws in conflict with this are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

Ratified the 6th day of March, 1893.

CHAPTER 438.

An act to authorize the sale of land in Harnett county for arrears of taxes.

Preamble.

WHEREAS, certain lands have been sold in the county of Harnett for arrears of taxes, to-wit, State, school and county, which were bought by the commissioners of said county under the existing law; and whereas, the certificates and records of such sales have been

destroyed by fire in the burning of the court-house of said county; now therefore,

The General Assembly of North Carolina do enact :

SECTION 1. That the board of county commissioners of said county shall have power and authority to order a resale of all such lands for past-due taxes, together with all costs which have accrued upon said sales, and all such costs as may accrue upon same, until said sales provided for in this act are completed; such sales to be made on the first Monday in May, one thousand eight hundred and ninety-three, at the court-house door of said county, after thirty days notice in the *Central Times*, a paper published in said county.

Commissioners of Harnett authorized to resell certain lands heretofore sold for taxes, &c.

When sales to be made.

SEC. 2. That all taxpayers of said county whose lands may be sold under this act shall have twelve months from the date of such sales to redeem the same by paying the amount of such taxes and cost, together with the per centum now allowed by law upon the amount at which said lands were bid off by the purchaser, to be paid to the purchasers or to the sheriff of said county for his or their benefit.

Redemption of lands.

SEC. 3. That [if] at the end of twelve months from the date of such sales provided for in this act, after demand made, any such lands shall remain unredeemed as provided for in this act, the sheriff of said county shall execute to the purchaser at said sale, or any person to whom their bids may be assigned, a deed of conveyance, in which deed the said lands shall be described by such metes and bounds as the purchaser may be able to furnish to said sheriff.

Deeds of conveyance to purchaser.

SEC. 4. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this statute is to take effect from and after its ratification.

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

CHAPTER 439.

An act for the relief of G. W. Sibbett.

The General Assembly of North Carolina do enact :

SECTION 1. That G. W. Sibbett, of Moore county, be and is hereby relieved from the license tax imposed on photographers and daguerrean artists by the revenue law of North Carolina.

G. W. Sibbett relieved from photographer's tax.

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

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

CHAPTER 440.

An act to repeal chapter eighty-six, laws of one thousand eight hundred and ninety-one.

The General Assembly of North Carolina do enact :

Chapter 88, laws 1891, repealing chapter 31, laws 1889 (allowing compensation to road overseers in Rockingham county) repealed.

SECTION 1. That chapter eighty-six, laws of one thousand eight hundred and ninety-one, be and the same is hereby repealed.

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

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

CHAPTER 441.

An act to repeal chapter three hundred and eighty-seven of the laws of eighteen hundred and ninety-one relating to the August term of the Superior court of Caswell county.

The General Assembly of North Carolina do enact :

Chapter 387, laws 1891 (abolishing August term Caswell superior court) repealed. Term re-established.

SECTION 1. That chapter three hundred and eighty-seven of the laws of eighteen hundred and ninety-one be and the same is hereby repealed, and the August term of the superior court of Caswell county as it stood prior to the enactment of the laws of eighteen hundred and ninety-one is hereby re-established.

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

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

CHAPTER 442.

An act for the protection of deer in Burke and Mitchell counties.

The General Assembly of North Carolina do enact :

Unlawful to hunt, &c., deer, &c., in Burke and Mitchell counties for two years from March 6, 1893. Exception.

SECTION 1. That it shall be unlawful for any person to hunt with a gun, trap, or chase with a dog or dogs, or in any manner destroy any deer running wild in the woods within the limits of Burke and Mitchell counties at any time within two years from the ratification of this act, except within an enclosure at least five feet high and in the possession of such person.

SEC. 2. That it shall be unlawful after the expiration of the time prescribed in the foregoing section for any person to hunt with a gun, or chase with a dog, or kill or destroy any deer within the counties mentioned, unless within an enclosure at least five feet high and in the possession of such person, during any year from the first day of January to the first day of October.

Unlawful to hunt, &c., deer in Burke and Mitchell counties after March 6, 1895, except in enclosure, &c., between Jan. 1 and Oct. 1.

SEC. 3. That any person who shall violate the provisions of the foregoing sections shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Misdemeanor.

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

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

CHAPTER 443.

An act to drain Cheek's creek in Montgomery county.

The General Assembly of North Carolina do enact :

SECTION 1. That whenever a majority of the landowners on and within one-quarter of a mile of Cheek's creek from its mouth in Little river up to and including the Harris lands, now owned by E. D. McCallum and others, on said creek shall petition the board of commissioners of said county of Montgomery, it shall be the duty of said board of commissioners to appoint five creek commissioners from the landowners of said Cheek's creek. Said creek commissioners may employ a competent engineer or surveyor to lay off said stream into sections of convenient length, locate the best channel for the stream and measure the amount of bottom land sobbed or liable to overflow belonging to each individual owning land on said creek between the points laid off above.

Appointment of creek commissioners for portion of Cheek's creek, Montgomery county.

Engineer to divide creek into sections.

SEC. 2. That a majority of said creek commissioners shall have power to elect one of their number chairman, and may fill vacancies in their own number, and shall appoint overseers of the different sections, and in case they shall fail or neglect to fill vacancies occasioned by death or otherwise the said board of county commissioners shall, upon application being made, appoint commissioners for the purpose herein mentioned.

Chairman.
Vacancies.
Overseers.

SEC. 3. It shall be the duty of the creek commissioners to furnish the overseers appointed for each section a copy of the estimated number of acres embraced in his section, and upon notice of ten days by said overseer each of said owners of land shall furnish one able-bodied hand with appropriate tools as required by the overseer for every ten

Creek commissioners to furnish overseers, &c., with number of acres, &c. Landowners to furnish hands, &c.

Penalty.	acres of land sobbed or overflowed, and one such hand for every twenty acres of low land not sobbed, and in that proportion for any number of acres for said number of acres less than ten and twenty acres in the meaning of this act, and on failure so to do shall forfeit and pay one dollar (\$1) per day for failure on each hand, which shall be an assessment against the land of such owner, and which may be recovered by action before a justice of the peace of the county in the name of the chairman of said creek commissioners, and the lands of such owners shall not be exempt from sale under execution issued to enforce the judgment.
Recovery of penalty.	
Distribution of labor.	SEC. 4. It shall be the duty of the creek commissioners in laying off the stream and sections as provided for in section one of this act to distribute the labor among the landowners in proportion to the number of acres of sobbed or overflowed land and other low land owned by them within the estimate provided for in section three of this act as equally as may be, and allot to the overseers of each section the hands required of owners of the land embraced in this section.
Number of days hands to work, &c.	SEC. 5. It shall be the duty of each overseer, with the hands so provided, to work each and every year within the bounds of their respective sections not less than four nor more than thirty days, at the discretion of the creek commissioners, on the channels of said creek according to the survey or plan made by the surveyor, engineer or commissioners and adopted by said creek commissioners, to straighten, remove obstructions and improve the lands thereof: <i>Provided</i> , that said creek commissioners may in their discretion order any or all of the overseers with their respective hands, when deemed necessary, to work at any point on said stream.
How work to be done.	
Obstruction, &c., of creek a misdemeanor.	SEC. 6. That any person who shall wilfully and knowingly fell timber into or otherwise obstruct the waters in the channels of said creek between said points of said boundary and shall permit the same to remain therein for the space of ten days shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five nor more than ten dollars: <i>Provided</i> , that if any person or persons so offending shall pay the penalty herein mentioned to the chairman of said commissioners wherein said offence was committed before a presentment is made of the same, he or they shall not be liable to indictment for such offence.
Proviso.	
Application of penalties, &c.	SEC. 7. That all moneys arising from failing to work or furnish hands on said stream, and all penalties collected under the provisions of this act, shall be used by the commissioners, first in defraying the expenses of the engineer or surveyor for services rendered, and the residue, if any, to be used by the overseers, at the discretion of said commissioners, in improving the channel of said stream and stopping washes on either side of same, and any commissioner or overseer

failing or neglecting to perform the duties required in this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifteen nor more than thirty dollars: *Provided*, that no person shall be required without his consent to serve as commissioner or overseer more than one term of two years at one time.

Overseers, &c., failing to perform duty guilty of misdemeanor. Proviso.

SEC. 8. That the said commissioners shall also have power to stop all washes emptying into the said Cheek's creek so as to prevent the same from filling with sand, and may use timber or rock that is most convenient for stopping said washes, and may exercise such power in the same way and under the same rules and regulations as are prescribed in this act for draining the low lands of Cheek's creek by opening the streams as fully as the power given in the foregoing section.

Commissioners authorized to stop washes, &c.

SEC. 9. That nothing contained in this act shall prevent the building of public bridges or public roads across said streams, or private bridges, or water-gates by the landowners for their own convenience.

Building of bridges, &c., not prevented.

SEC. 10. That nothing herein contained shall be so construed as to exempt persons herein mentioned from working on public roads.

No exemption from work on roads.

SEC. 11. That any owner of land affected by the provisions of this act who shall wilfully obstruct the said commissioners, engineer, surveyor, overseer or hands in carrying out the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding fifty dollars or imprisoned not more than thirty days.

Wilful obstruction of commissioners, &c., a misdemeanor.

SEC. 12. That any landowner affected by the provisions of this act, either directly or indirectly, who may, at his own expense, properly clean out and care for any stream embraced within the provisions of this act, either directly or indirectly, which touches or traverses his lands, and who may keep such lands properly drained in a manner to be approved by the overseer designated herein to exercise supervision over the same, subject to an appeal to the creek commissioners herein provided for, shall be exempt from furnishing the hands provided for in this act.

Landowner cleaning, &c., stream traversing his lands, exempt from furnishing hands.

SEC. 13. That the work upon said stream or streams shall be done only in the months of July, August, September and October. Said creek commissioners shall have the power and may demand teams of said landowners in lieu of the labor of said hands at a fair valuation when necessary for the purposes herein expressed.

When work to be done.

SEC. 14. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

Teams, how obtained.

CHAPTER 444.

An act to tax certain agents and itinerants selling patented articles and exclusive rights to sell the same in Johnston county, and to provide for the collection of the same.

The General Assembly of North Carolina do enact :

Unlawful to sell, &c., in Johnston county, any patented article, &c., except under sheriff's license.

SECTION 1. That no person shall sell or offer for sale in Johnston county the exclusive rights to build, construct, use, sell, attach or put up in said county or any township or other lesser division or portion of said county any patented invention, article or appliance, or any copyrighted book, prescription or recipe; and no itinerant, agent or canvasser or other person selling from house to house shall sell or offer for sale in said county any patented article, invention or appliance, or any copyrighted book, prescription or recipe, unless the person offering to sell any of said rights or offering to sell any of said patented or copyrighted articles, inventions or books as before named shall have procured from the sheriff of said county a license to make said sales, as hereinafter provided in the succeeding section.

License to be obtained from sheriff.

SEC. 2. That every person desiring to offer for sale any of the rights or any of the articles enumerated or described in the first section of this act shall, before offering to make any such sale, apply to the sheriff of said county, and upon paying the tax hereinafter imposed and set out receive a license from said sheriff authorizing the licensee to sell the right or patented or copyrighted article, book or recipe for which the specific tax shall have been paid. Such license shall recite the name of the licensee, the right or article authorized to be sold, the time during which the license is operative, and the amount of tax paid. The license shall be signed by the sheriff and shall not be issued for a lesser period than one year.

What license to show.

Term of license.

License tax.

SEC. 3. That the taxes to be paid before the issue of any license to sell any right or article mentioned in section one hereof shall be the following, which are hereby expressly bound and imposed, to-wit:

(1). Each and every person selling or offering to sell any patented fence, churn or gate shall pay a tax of fifty dollars (\$50) annually.

(2). Each and every person selling or offering to sell any patented bee-hive, window or door fastener, or axle cutter, or any substantially similar article of different name, shall pay an annual tax of twenty-five dollars (\$25).

(3). Each and every person selling as an itinerant, or from house to house, any patented articles of whatsoever nature or kind not including in classes one and two above, or any copyrighted book, prescription, appliance or recipe of whatsoever nature or kind, shall pay an annual tax of fifteen dollars (\$15).

(4). Each and every person selling or offering to sell the exclusive right to sell, use, build, erect or attach any patented article of what-

soever nature, whether mentioned in this act or not, and upon every person selling or offering to sell the exclusive right to sell, use or manufacture any copyrighted book, prescription or recipe, shall pay an annual tax of fifty dollars (\$50).

SEC. 4. That every person selling or offering to sell as an itinerant, or by going from house to house, any patented article of any nature whatever; and every person selling or offering to sell, whether as an itinerant or otherwise, any exclusive right to sell, use, apply or construct any patented articles, or copyrighted book, recipe or prescription, without having prior to said sale or offer to sell obtained and held a valid license for the sale proposed to be made, be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or be imprisoned not exceeding thirty days, and in addition shall pay a penalty of one hundred dollars, to be recovered by any person suing for the same in a civil action and in the name of the informer. That the said informer shall be entitled to one-fourth of the recovery.

SEC. 5. That it shall [be] lawful for any officer in said county who shall by law be required to give an official bond, and for any justice of the peace, to require any person offering to make any sale mentioned in this act to exhibit the license authorizing said sale, and a failure or refusal to exhibit said license when so demanded shall be *prima facie* evidence of a violation of this act.

License to be exhibited when demanded by certain officers.

SEC. 6. That the sheriff shall receive five cents upon each dollar collected by him under this act, and the net proceeds of all taxes and penalties collected under this act shall be paid into "the turnpike road fund" of Johnston county.

Sheriff's commissions. Proceeds of license taxes payable into "turnpike road fund." Construction of act.

SEC. 7. That this act shall not be construed to prevent the selling of individual or plantation rights to use or construct any patented article of which right to sell any citizen of Johnston county is now the owner, and while he is a citizen of said county; and it shall not be construed as applying to any person selling any article under and by virtue of a license issued in accordance with the law of this state.

SEC. 8. That this act shall be in force from and after its ratification.

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

CHAPTER 445.

An act to sell the state's interest in the Caldwell and Watauga Turnpike Company and to aid in the construction of the Boone and Blowing Rock Turnpike Company road.

The General Assembly of North Carolina do enact:

SECTION 1. That the state of North Carolina's interest in the Caldwell and Watauga Turnpike Company be sold as hereinafter provided, and the sum realized from such sale be invested as herein directed.

State's interest in Caldwell and Watauga Turnpike Company to be sold.

Commissioners
to make sale, &c.

SEC. 2. That for the purpose of making such sale S. L. Patterson, J. B. Clarke and G. W. F. Harper, or any two of them, be made and constituted commissioners to represent the state and to make the sale of the state's interest in said turnpike company, and receive the moneys arising from such sale, and invest the same in the Boone and Blowing Rock Turnpike Company, as shall hereafter be provided for.

Proceeds invested
in Boone and
Blowing Rock
Turnpike Co.
Notice of sale.

SEC. 3. That said commissioners shall, on or before the first day of July, eighteen hundred and ninety-three, cause to be advertised in the *Lenoir Topic* and the *Watauga Democrat*, newspapers published at Lenoir and Boone, North Carolina, a notice setting forth that said commissioners will on a day fixed, not to be more than thirty days nor less than twenty, sell for cash the state's interest in said company as herein provided, said notice to appear in at least two issues each of said papers, and to name the place, hour and conditions of such sale: *Provided, however*, that the cost of such advertisement is not to exceed ten dollars; and should said commissioners be unable to have said notice published at the price named, then notice of such sale to be made by posting five notices each in Caldwell and Watauga counties, one of which to be posted at the court-house door in Boone and one at the court-house door in Lenoir, North Carolina, the remaining number to be posted equally in said counties at public places.

Publication of
notice.

Proviso.

Sale, how made.

SEC. 4. That on the day of sale pursuant to the advertisement made, said commissioners shall sell at public auction to the highest bidder or bidders for cash the state's interest in the said turnpike company, such sale to be made as follows: Ten shares of the state's stock in said company to be sold at a time until the same shall be exhausted, but if the stock is not exhausted by sale of ten shares at a time, and there should be a residue of less than ten shares, then the commissioners to sell such residue as the other stock.

Certificate of sale.

SEC. 5. That said commissioners shall, upon receiving the purchase-money of stock sold by him, issue to such purchasers a certificate of sale, which will entitle such holder to an interest in the Caldwell and Watauga Turnpike Company, and such person shall become a stockholder in said company to the extent of the shares he owns by virtue of his purchase, and be entitled to the same privileges and advantages enjoyed by any of the other stockholders in the same, and at the next meeting of the company after such sale the president and other proper officers of the company shall upon presentment by the purchaser of his certificate aforesaid from the commissioners issue to such purchaser certificates of stock to the extent of shares he shall be entitled to under the same.

Rights acquired
by purchaser.

Investment of
proceeds in pur-
chase of stock in
Boone and Blow-
ing Rock Turn-
pike Co.

SEC. 6. That the money derived from the sale of the state's interest in the aforesaid company shall be invested in the purchase of stock in the Boone and Blowing Rock Turnpike Company. That said commissioners shall pay the sum of money so realized from the sale of

the state's interest in the Caldwell and Watauga Turnpike Company to the treasurer of the Boone and Blowing Rock Turnpike Company, who shall give him a receipt for the same; and at the next meeting of the Boone and Blowing Rock Turnpike Company it shall issue to the state of North Carolina certificates of stock to the amount of money so paid to the treasurer, and said stock so issued shall be turned over to the said commissioners and by them transmitted to the treasurer of North Carolina for safe keeping.

SEC. 7. That no part of the money so paid to the treasurer of the Boone and Blowing Rock Turnpike Company is to be used by the same until one thousand dollars of private stock has been subscribed for by responsible and solvent parties, when said company shall be entitled to use said money in aid of construction of said Boone and Blowing Rock Turnpike Company road. That if the Boone and Blowing Rock Turnpike Company fail to organize and secure the amount of subscription mentioned in section seven of this act within two years from the passage of this act, then the money mentioned in section six is subject to the call of the state, and upon a demand upon the Boone and Blowing Rock Turnpike Company, or the commissioners, as the case may be, by the treasurer of the state, the money shall be turned over to him, and the stock so held by the said treasurer shall be returned to the company.

When Boone and Blowing Rock Turnpike Co. authorized to use money received from state.

On failure to organize, &c., within two years, money to be returned, &c.

SEC. 9. That the commissioners for their services shall be entitled to ten per centum of the moneys they receive from the sale aforesaid, and shall also be entitled to retain out of said money the cost of advertisement herein provided for.

Compensation of commissioners.

SEC. 10. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 446.

An act to amend section twenty-eight hundred and twenty-two of The Code, in regard to stock law in Yancey county.

The General Assembly of North Carolina do enact :

SECTION 1. That section twenty-eight hundred and twenty-two of The Code of North Carolina be amended as follows: By adding in line three of said section after the word "swine" the word "geese": *Provided*, this act shall only apply to "Green Mountain township," in Yancey county.

Definition of "stock" to include geese in Green Mountain township, Yancey county.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 447.

An act to protect fish in Trent river.

The General Assembly of North Carolina do enact :

Unlawful to fish
with seines, &c.,
in Trent river
between certain
points during
certain hours.

Unlawful to
extend nets, &c.

Unlawful to set,
&c., nets between
certain points
from May 16 to
August 1.

Misdemeanor.

SECTION 1. It shall be unlawful to fish with seines or set nets of any description in Trent river from its mouth to upper Tucker bridge, between the hours of twelve o'clock noon on Saturday and twelve o'clock noon on Monday of each week.

SEC. 2. No person shall at any time extend his set nets more than one-third the distance across the Trent river from either side.

SEC. 3. It shall be unlawful to set or haul a net or seine of any description between the town of Trenton and Brown's mill on said river from the sixteenth day of May to the first day of August in each year.

SEC. 4. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and shall be fined not less than five dollars nor more than ten dollars, or be imprisoned not less than ten or more than twenty days.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 448.

An act concerning Meadow and Sauratown townships of Stokes county.

The General Assembly of North Carolina do enact :

Taxes collected
on C. F. & Y. V.
R. R. in Saura-
town and Meadow
townships, Stokes
County, appli-
cable to township
purposes, &c.

SECTION 1. The commissioners of Stokes county are hereby authorized and directed to set apart from all other county taxes all the taxes paid each year as county taxes by the Cape Fear and Yadkin Valley Railroad Company on their property lying and being in Sauratown and Meadow townships respectively of said county of Stokes; and the sum so respectively paid each year on the property in each of said townships by said railroad company shall be expended exclusively within the said Sauratown and Meadow townships respectively for reforming the public roads, building bridges, extending schools, or such other purposes as the commissioners may deem best, and not otherwise.

Taxes collected
on N. & W. R. R.
in Sauratown
township; sur-

SEC. 2. The commissioners of Stokes county are authorized and directed to invest each year in interest-bearing securities which in their judgment are safe and reliable the surplus money arising from

the county taxes paid by the Norfolk and Western Railroad Company, over and above the amount required to pay interest on the bonds issued by Sauratown township in aid of said railroad, on all their property lying and being in Sauratown township in said county of Stokes, the interest on the bonds outstanding first having been paid each year before said surplus is invested; and the surplus so invested shall be a sinking fund for the redemption of the bonds at maturity, it being the intention of this act that the surplus shall not be used by the county as a part of general county fund, but for the purpose herein set forth.

plus, after paying interest on township bonds, to be invested.

Sinking fund for redemption of bonds.

SEC. 3. That whenever the bonded debt, principal and interest, of said township, constructed in aid of the Roanoke and Southern, now the Norfolk and Western Railroad, shall have been paid by said county taxes on said road and the said township fully reimbursed for what has been already paid and whenever the Meadow township shall be fully reimbursed and said taxes principal and interest the amount paid by said township that this act shall amount to be operative and all such taxes shall be paid into the general county fund.

When taxes to be paid into general county fund.

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

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

CHAPTER 449.

An act to amend section two thousand six hundred and forty of The Code.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand six hundred and forty of The Code be amended by inserting the words "or deliver" after the word "sell" in line three.

Code, section 2640, amended. Unlawful to deliver liquor, &c., within four miles of Chapel Hill.

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

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

CHAPTER 450.

An act for the relief of James H. Robinson, of Sampson county.

WHEREAS, The general assembly has by divers acts and resolutions provided for the relief and support of such soldiers as have [were] disabled by wounds received during the late war between the states; and whereas, James H. Robinson, of the county of Sampson, state of

Preamble.

North Carolina, who was captain of company A, sixty-first North Carolina regiment, Clingman's brigade, received in the battle at Battery Harrison before Petersburg on September thirtieth, eighteen hundred and sixty-four, a severe gunshot wound, the ball passing through hip and severely injuring the spine; and whereas, the said James H. Robinson has become totally disabled for all manual labor by reason of the same; therefore,

The General Assembly of North Carolina do enact:

Name of J. H.
Robinson placed
on pension list.

SECTION 1. That James H. Robinson, of Sampson county, be placed on the pension roll in class two.

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

CHAPTER 451.

An act to amend chapter one hundred and eighty of the public laws of eighteen hundred and eighty-five, and thereby change the time of holding the February and August terms of the superior court of Johnston county from the third Monday before the first Monday in March and September to the second Monday in March and the last Monday in August.

The General Assembly of North Carolina do enact:

Chapter 180, laws
1885, amended.

March and Au-
gust terms John-
ston superior
court, when held.

SECTION 1. That chapter one hundred and eighty of the public laws of eighteen hundred and eighty-five be and the same is hereby amended in the subdivision of said act entitled and headed "Fourth District," and in the last section of said subsection entitled "Johnston," by striking out of said section of said subdivision the following words: "third Monday before the first Monday in March and September," and inserting in lieu of the same the words "second Monday in March and the last Monday in August."

Return of process,
&c.

SEC. 2. That all recognizances taken and all process issued returnable to the said February and August terms as heretofore held, shall be deemed and considered as recognizances taken and process returnable to the March and August terms as provided for in this act.

November term
not affected.

SEC. 3. That the November term of said court is not changed or affected by this act.

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

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

CHAPTER 452.

An act to allow the commissioners of Wilkes county to levy a special tax to repair the court-house and county jail of said county.

The General Assembly of North Carolina do enact :

SECTION 1. That the board of commissioners, by and with the consent of a majority of all the justices of the peace of Wilkes county, for the purpose of repairing the county court-house and jail are hereby authorized to levy a special tax, not to exceed the sum of fifteen hundred dollars.

Commissioners and justices of Wilkes county authorized to levy special tax to repair court-house and jail.

SEC. 2. That if the said commissioners deem best they can levy said special tax all in the year eighteen hundred and ninety-three, or one-half for the year eighteen hundred and ninety-three and one-half for the year eighteen hundred and ninety-four.

When tax to be levied.

SEC. 3. The said special tax shall be applied alone to the repairing of said court-house and jail, and shall be collected and accounted for by the sheriff or tax collector in the same manner and under the same penalties as other taxes are collected and accounted for.

Application of tax.
Collection.

SEC. 4. That all acts in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 5. That this act shall be in force from and after its ratification.

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

CHAPTER 453.

An act to prevent fraudulent assignments.

The General Assembly of North Carolina do enact :

SECTION 1. That upon the execution of any voluntary deed of trust or deed of assignment for the benefit of creditors, all debts of the maker thereof shall become due and payable at once; a schedule of all preferred debts shall be filed under oath by the assignor in the office of the clerk of the superior court of the county in which such assignment is made, stating the name of preferred creditors, the amount due each, when the debt was made, and the circumstances under which said debt was contracted, and said schedule shall be filed within five days of the registration of such deed of assignment.

Upon execution of voluntary deed of trust, &c., all debts of maker to become due. Assignor to file verified schedule of preferred debts in office of clerk within five days, &c.

SEC. 2. That upon the execution of such deed of trust or deed of assignment, the trustee or assignee, whether named therein or appointed as hereafter provided for, shall file with the clerk of the superior court of the county in which said deed of trust or deed of

Trustee, &c., to file verified inventory in office of clerk, within ten days, &c.

assignment is registered, within ten days after the registration thereof, an inventory under oath, giving a complete, full and perfect account of all property that has come into his hands or to the hands of any person for him by virtue of such deed of trust or deed of assignment, and whenever further property of any kind not included in any previous return shall come to the hands or knowledge of such trustee or assignee he shall return the same as hereinbefore prescribed within ten days after the possession or discovery thereof.

Additional inventory.

Jurisdiction of superior court clerk as to removal of insolvent trustee, &c.

SEC. 3. That upon the complaint of any creditor of the assignor or trustee in such deed of trust or deed of assignment, alleging under oath that the assignee or trustee named therein is insolvent and asking that he be required to give bond or be removed, it shall be the duty of the clerk of the superior court of the county in which such deed of trust or deed of assignment is registered, upon a notice of not more than ten days to such trustee or assignee, to hear said complaint; and if upon such hearing said clerk shall be satisfied that such trustee or assignee is insolvent, it shall be his duty to remove such trustee or assignee and to appoint some competent person to execute the provisions of such deed of trust or deed of assignment: *Provided*, that said clerk shall not remove such insolvent trustee or assignee upon his filing with said clerk a good and sufficient bond, to be approved by said clerk, in a sum double the value of the property in said deed of trust or deed of assignment, payable to the state of North Carolina, and conditioned that such trustee or assignee shall faithfully execute and carry into effect the provisions of said deed of trust or deed of assignment: *And provided further*, that upon the removal of such insolvent trustee or assignee it shall be the duty of said clerk to require the person appointed to execute the provisions of such deed of trust or deed of assignment before entering upon his duties to file with said clerk a good and sufficient bond, to be approved by said clerk in a sum double the value of the property in said deed of trust or deed of assignment, payable to the state of North Carolina, and conditioned that such person shall faithfully execute and carry into effect the provisions of said deed of trust or deed of assignment.

Clerk not to remove insolvent trustee, if he gives bond, &c.

Bond of person appointed to execute trust in place of trustee, &c., removed for insolvency.

Sale of property conveyed in deed of trust, &c.

SEC. 4. That it shall be unlawful for any trustee or assignee, whether named in such deed of trust or deed of assignment or appointed by a clerk of the superior court, to sell any part of the property described in such deed of trust or deed of assignment within ten days from the registration thereof, unless such property or some part thereof be perishable, in which case he may sell such property as is perishable, according to the powers conferred upon him in said deed of trust or deed of assignment.

Trustee, &c., to file with clerk every three months verified account of receipts and disbursements, &c.

SEC. 5. That such trustee or assignee, whether named in the deed of trust or deed of assignment or appointed by a clerk of a superior court, shall, within three months from the registration of such deed of trust or deed of assignment, file with the clerk of the superior

court of the county in which the same is registered an account under oath, stating in detail his receipts and disbursements and his action as trustee or assignee, and at each succeeding period of three months he shall file a like account, and within twelve months he shall file his final account of his administration of his trust: *Provided*, that the clerk of the superior court shall have power upon good cause shown to extend the time within which the quarterly and final accounts herein provided for are to be filed.

To file final account within twelve months. *Proviso.*

SEC. 6. That all creditors of the maker of such deed of trust or deed of assignment shall, before receiving payment of any amount from the said trustee or assignee, file with the said clerk of the superior court a statement under oath that the amount claimed by him is justly due, after allowing all credits and offsets, to the best of his knowledge and belief.

Creditors to file with clerk verified statement of claim.

SEC. 7. That any creditor who shall knowingly swear falsely in such statement shall be guilty of a misdemeanor.

Creditor knowingly swearing falsely guilty of misdemeanor. Trustee failing to file inventory, &c., &c., guilty of misdemeanor.

SEC. 8. That any trustee or assignee who shall fail to file his inventory or return as required in this act, or shall knowingly make any false statement in such inventory or return, or shall knowingly fail to include any property therein, or shall sell any part of the property described in the deed of trust or deed of assignment within ten days unless such property so sold be perishable, or shall fail to file either of the quarterly accounts or the final accounts as required by the fifth section of this act, or shall knowingly make any false statement in such quarterly or final account, or shall knowingly fail to include any property, money or disbursement in such quarterly or final account, such trustee shall in either case be guilty of a misdemeanor.

SEC. 9. That the clerks of the superior courts shall receive the same fees for their services that are allowed by law upon inventories, accounts and proceedings of executors and administrators.

Fees of clerk.

SEC. 10. That this act shall be in force from and after the first day of January, eighteen hundred and ninety-four.

When act to take effect.

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

CHAPTER 454.

An act to amend section five of chapter one hundred and thirty-four of the laws of one thousand eight hundred and eighty-five, amending the Mecklenburg road law as it applies to Durham county.

The General Assembly of North Carolina do enact :

SECTION 1. That section five of chapter one hundred and thirty-four of the laws of one thousand eight hundred and eighty-five be and

Chapter 134, laws 1885, amended.

Age of road hands in Durham county, 21 to 45 years. the same is hereby amended by striking out the word "eighteen" in line three of said section and inserting in lieu thereof the word "twenty-one."

Act applicable only to Durham county.

SEC. 2. That this act shall only apply to Durham county.

SEC. 3. That this act shall be in force from and after its ratification.

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

CHAPTER 455.

An act to allow the killing of deer in Brown Marsh township, Bladen county.

The General Assembly of North Carolina do enact :

Citizens of Brown Marsh township, Bladen county, may hunt, &c., deer from Sept. 1 to Feb. 15.

SECTION 1. That the citizens of Brown Marsh township in Bladen county may hunt and kill deer from the first day of September till the fifteenth day of February in each and every year.

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

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

CHAPTER 456.

An act to protect fish in Contentnea creek.

The General Assembly of North Carolina do enact :

Unlawful to place nets in Contentnea creek between certain points from Feb. 1 to May 1. Misdemeanor.

SECTION 1. That it shall be unlawful for any person to place set nets in waters of Contentnea creek from its mouth to Coward's old bridge, from the first day of February to the first day of May.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor and fined not exceeding ten dollars for each and every offence.

SEC. 3. That this act shall be in force from and after its ratification.

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

CHAPTER 457.

An act to allow justices of the peace and county canvassers of election in Gaston county mileage and per diem.

The General Assembly of North Carolina do enact :

SECTION 1. That each justice of the peace of Gaston county who shall attend the annual June meeting of said justices, and each member of the board of county canvassers of said county who shall attend any meeting of said board, shall be paid by the county treasurer, on the order of the board of commissioners, one dollar per day and such mileage as is allowed jurors attending the superior court.

Compensation of justices of the peace and county canvassers in Gaston county.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 458.

An act to amend chapter two hundred and thirty-four, laws eighteen hundred and eighty-five, known as the Cabarrus road law.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter two hundred and thirty-four, laws of eighteen hundred and eighty-five, and all amendments, including those enacted by the present general assembly (eighteen hundred and ninety-three), be and the same are hereby amended by inserting immediately after the word Cabarrus wherever it occurs in said chapter the words "Lincoln and Iredell" and strike out the word "county" wherever it occurs and insert the words "counties" in lieu thereof.

Chapter 234, laws 1885 (Cabarrus county road law) amended.

Law applicable to Lincoln and Iredell counties.

SEC. 2. That all persons confined in the county jail, either under a final sentence of the court for crime or imprisonment for non-payment of costs or fines, or under final judgment in cases of bastardy, or under the vagrant acts, and all persons sentenced to the state prison for a term less than five years, shall be available to the county commissioners for such county or township, at the discretion of said commissioners, for the purpose of working said persons upon the public roads under the provisions of this act; and upon the application of said commissioners to the judge of the superior court, or if there be a criminal or inferior court for the county, or any other court in said counties, the judge or presiding officer of said court, it shall be the duty of said judge or presiding officer to assign such persons convicted in his court to such commissioners for said purpose. And

Certain convicts liable to work on roads.

Convicts from adjoining counties.

when any county or township has adopted the provisions of this act the judge of the superior court, or criminal court, or the presiding justice of the inferior court holding any court in an adjoining county which has not availed itself of the provisions of this act, may sentence persons convicted of crimes as aforesaid to work on the roads in such adjoining county, and such persons may be sent direct to such county: *Provided*, that this act shall apply to Lincoln and Iredell counties only or any township therein.

Proviso.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 459.

An act for the relief of John Flanagan, Treasurer of Pitt county.

Preamble.

WHEREAS, It has been made to appear by a petition signed by the board of education of Pitt county, and the superintendent of public instruction of said county, and the county attorney, that John Flanagan, treasurer of said county, paid on the sixth day of April, eighteen hundred and ninety-one, out of the school fund appropriated to white district number seventeen, a forged order, under circumstances which in the opinion of the petitioners entitle him to relief,

The General Assembly of North Carolina do enact :

Board of education Pitt county authorized to refund to J. Flanagan, county treasurer, certain money paid on a forged order.

SECTION 1. That the county board of education be and said board is hereby authorized and empowered to refund to said John Flanagan the sum of ninety-six dollars, the amount paid by him on said forged order out of any moneys belonging to the school funds of said county which has not been apportioned among the several districts of said county.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 460.

An act to provide compensation for certain official services in the county of Johnston.

The General Assembly of North Carolina do enact :

Compensation of certain officers in Johnston county.

SECTION 1. That hereafter in the county of Johnston the officers and persons hereinafter named shall be paid for their services out of

the treasury of said county as provided for and set out in this act; that is to say, as follows:

(1). The registrar and four judges of election at each precinct in said county for holding the election, each one dollar without mileage. Registrars and judges of election.

(2). Each member of the county board of canvassers who shall attend the meeting of said canvassing board, the sum of one dollar, together with mileage from and returning to his home at the rate of three cents per mile. County canvassing board.

(3). Each member of the board of justices of the peace who shall attend the annual June meeting of said board, the sum of one dollar and mileage as aforesaid. Board of justices.

(4). Every person who shall be summoned and who shall attend court by virtue of any special writ of *venire facias* in a capital case, unless he be afterwards, upon the same day, summoned upon a jury, the sum of one dollar with mileage as aforesaid. Special venire in capital cases.

SEC. 2. That the registrar of each election precinct shall, at the meeting of the board of county commissioners next succeeding the election, return a list of the four poll-holders who held the said election and shall swear to the same, and thereupon the board of county commissioners shall order the said judges of election and the said registrars to be paid as aforesaid, and their clerk shall issue the order; his fee for issuing the order shall be five cents for each order, to be paid by the county. If, for any reason, the registrar fails to report as aforesaid the names of the judges who served, each judge of election may present his own claim verified, and upon its approval as correct by the board of commissioners, an order shall issue for it as before: *Provided*, the orders shall be paid by the treasurer upon presentation. Duty of registrar to report names of poll-holders. Payment of registrar and poll-holders. Clerk's fee. On failure of registrar to report names, poll-holders to present claim. Proviso.

SEC. 3. That the members of the board of county canvassers and the members of the board of justices of the peace, shall each receive a ticket from the registrar of deeds, stating the amount due the holder. For issuing each ticket the register of deeds shall receive from the county five cents, and the treasurer shall pay the tickets upon presentation. Payment of county canvassers and justices. Register's fee.

SEC. 4. Members of the special *venire* shall receive their tickets from the clerk of the court as other jurors, and upon presentation the treasurer shall pay them. The cost of the special *venire* shall be considered and taxed to the use of the county as part of the cost of the action in which the said writ of *venire facias* issued. Payment of special venire.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 461.

An act to protect prisoners confined in jail under the charge of crime until they can be fairly tried by a jury of good and lawful men in open court.

The General Assembly of North Carolina do enact :

Conspiracy to break into jail, &c., to kill, &c., prisoner, &c., a felony.

Penalty.

Duty of solicitor to institute proceeding to investigate crime of breaking into jail, &c.

To subpoena witnesses.

Duty of committing magistrate, &c., on probable cause being shown, to bind prisoner to court.

Witnesses to be recognized.

Witness failing to appear or refusing to testify, guilty of misdemeanor.

Superior court of adjoining county to have jurisdiction of crime, &c.

SECTION 1. Every person who shall conspire to break or enter any jail or other place of confinement of prisoners charged with crime or under sentence for the purpose of killing or otherwise injuring any prisoner confined therein ; and every person who engages in breaking or entering any such jail or other place of confinement of such prisoners with intent to kill or injure any prisoner, shall be guilty of a felony, and upon conviction thereof or upon a plea of guilty shall be fined by the court having jurisdiction of the offence, not less than five hundred dollars, and imprisoned in the state prison or the county jail not less than two nor more than fifteen years.

SEC. 2. That whenever the solicitor of any judicial district in this state shall ascertain that a crime as defined in the first section of this act has been committed in any county in his judicial district, it shall be his duty to go to such county at the earliest possible moment, and at once institute proceedings for the investigation of the crime before the coroner of the county, some judge of the superior court, or justice of the peace, and for the apprehension of the offender. In the performance of this duty he shall cause to be issued subpoenas or other process to compel the attendance of witnesses and examine such witnesses on oath as to their knowledge or information touching the crime being investigated. In all cases where, upon preliminary investigation, it appears probable that any person is guilty of the crime charged, it shall be the duty of the coroner, judge or justice before [whom] the case is heard to bind such persons, with good security, for his appearance at the next ensuing term of the superior or criminal court of some county adjoining the county in which the crime was committed for trial, and in default of bail to commit him to the jail of such adjoining county for safe keeping, and all necessary witnesses shall be recognized to appear at such term as witnesses for the state.

SEC. 3. If any person be summoned as a witness in the investigation provided for in this act, or before the grand jury or the court, wilfully fail to attend as a witness in obedience to the process served on him, or if after being sworn he refuse to answer questions pertinent to the matter being investigated before either tribunal, he shall be guilty of a misdemeanor, and on conviction thereof shall be fined and imprisoned, one or both, at the discretion of the court.

SEC. 4. The superior court of any county in the state which adjoins the county in which the crime defined in the first section of this act shall be committed, shall have full and complete jurisdiction

over the crime and the offender to the same extent as if the crime had been committed in the bounds of such adjoining county; and whenever the solicitor of the district has information of the commission of such a crime, it shall be his duty to furnish such information to the grand juries of all adjoining counties to the one in which the crime was committed, from time to time until the offenders are brought to justice.

Solicitor to furnish information to grand juries of adjoining counties.

SEC. 5. In all investigations before a justice of the peace, coroner, judge, grand jury, or courts and jury, on the trial of the cause, as authorized by this act or under existing law, no person shall be excused from testifying touching his knowledge or information in regard to the offence being investigated, upon the ground that his answer might tend to subject him to prosecution, pains or penalties, or that his evidence might tend to criminate himself, but no discovery made by such witness upon any such examination shall be used against him in any court or in any penal or criminal prosecution, and he shall when so examined as a witness for the state be altogether pardoned of any and all participation in any crime arising under the provisions of this act or under existing law, concerning which he is required to testify.

Witness not excused from testifying because his evidence may criminate himself, &c.

Evidence not to be used against him, &c.

Witness testifying to be pardoned for participation in crime.

SEC. 6. In all cases arising under the provisions of this act, the entire cost incurred in the prosecution, unless paid by the person or persons convicted of violating this act, shall be paid by the county wherein the crime defined in section first of this act shall have been committed. And whenever any solicitor goes to a county to investigate a crime of breaking or entering a jail as set forth in the first section of this act, the county where such crime is committed shall pay the solicitor the sum of one hundred dollars for making the investigation.

Costs of prosecution, how paid.

Allowance to solicitor going to county to investigate, &c.

SEC. 7. When the sheriff of any county has good reason to believe that the jail of his county is in danger of being broken or entered for the purpose of killing or injuring a prisoner placed by the law in his custody it shall be his duty at once to call on the commissioners of the county or some one of them for a sufficient guard for the jail, and in such case, if the commissioner or commissioners fail to authorize the employment of necessary guards to protect the jail, and by reason of such failure the jail is entered and a prisoner killed, the county wherein whose jail the prisoner is confined shall be responsible in damages to be recovered by the personal representatives of the prisoner thus killed, by action begun and prosecuted before the superior court of any county in this state.

Sheriff apprehending the breaking of jail to call on commissioners for guard, &c.

If commissioners fail to furnish guard and jail is broken and prisoner killed, county liable in damages to personal representatives of deceased.

SEC. 8. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 462.

An act to amend chapter nine of the laws of one thousand eight hundred and ninety-one relating to taxes on fertilizers and exempting from taxation cotton-seed meal.

The General Assembly of North Carolina do enact :

Chapter 9, laws
1891, amended.

Cotton-seed meal
exempted from
tax on fertilizers.

SECTION 1. That section one (1), chapter nine (9) of the public laws of one thousand eight hundred and ninety-one be and the same is hereby amended by inserting in said section after the word "expedient" and before the word "each" in line nine (9) thereof the following clause : *Provided further*, that all pure cotton-seed meal produced from cotton seed in manufacturing cotton-seed oil shall be exempt from the operation of this act; and no charge, tax or other assessment shall be made or levied upon such meal, or collected from any person, firm, company or corporation manufacturing, selling, or in any way dealing in the same; nor shall any person, firm, company or corporation so manufacturing, selling or dealing in the same be required to tag or otherwise mark any bag, barrel or other package containing such meal for shipment.

Conflicting laws
repealed.

SEC. 2. That all laws or parts of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification.

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

CHAPTER 463.

An act supplemental and amendatory to an act entitled an act to encourage the killing of certain wild animals, ratified during the session of eighteen hundred and ninety-three.

The General Assembly of North Carolina do enact :

Chapter 43, *ante*
amended.
Act applicable to
Cumberland
county.

SECTION 1. That the act passed at the present session of the general assembly entitled an act to encourage the killing of certain wild animals in certain counties be and the same is hereby amended so as to include the county of Cumberland in said act.

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

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

CHAPTER 464.

An act to repeal chapter one hundred and seventy-three of the laws of one thousand eight hundred and eighty-seven and chapter two hundred and seventy of the laws of one thousand eight hundred and ninety-one.

The General Assembly of North Carolina do enact :

SECTION 1. That chapter one hundred and seventy-three, laws of one thousand eight hundred and eighty-seven, and chapter two hundred and seventy, laws of one thousand eight hundred and ninety-one, be and the same are hereby repealed.

SEC. 2. That the sheriff of Mecklenburg county shall receive three per centum commission on all taxes collected by him for county purposes.

SEC. 3. That this act shall apply only to Mecklenburg county.

SEC. 4. That this act shall take effect and be in force from and after the first day of November, one thousand eight hundred and ninety-four.

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

Chapter 173, laws 1887 (election of tax collectors in Wayne and Mecklenburg counties), and chapter 270, laws 1891 (regulating collection of taxes in said counties) repealed as to Mecklenburg county. Compensation of sheriff of Mecklenburg county. Act applicable only to Mecklenburg county. When act to take effect.

CHAPTER 465.

An act for the relief of Marshall Branch and Marcus L. Holler, aged, afflicted and indigent confederate soldiers.

The General Assembly of North Carolina do enact :

SECTION 1. That Marshall Branch, of Duplin county, and Marcus L. Holler, of Alexander county, ex-confederate soldiers, be and they are hereby made pensioners of the first grade under chapter one hundred and ninety-eight, laws of eighteen hundred and eighty-nine.

Names of M. Branch and M.L. Holler added to pension list.

SEC. 2. That this act shall be in force from and after its ratification and shall remain in force during the lives of said Marshall Branch and Marcus L. Holler, unless sooner repealed: *Provided*, that they shall annually prove their indigency as required under section two of said chapter, and shall annually prove their incapacity for manual labor.

Act to remain in force during their lives. Proviso.

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

CHAPTER 466.

An act granting a pension to Rosa Knight, of Buncombe county.

The General Assembly of North Carolina do enact :

Name of Rosa Knight placed on pension list.

SECTION 1. That the usual pension allowed to widows of soldiers in the late war be granted to Rosa Knight, of Buncombe county, North Carolina, now eighty-six years of age, and who lost three sons in the war.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 467.

An act to amend section eleven, chapter three hundred and sixty-six, acts of eighteen hundred and eighty-five.

The General Assembly of North Carolina do enact :

Chapter 366, laws 1885, amended.

Annual cost of repairing stock law fence, White Oak township, Bladen county.

SECTION 1. That section eleven, chapter three hundred and sixty-six, laws of eighteen hundred and eighty-five, be and the same is hereby amended by inserting after the word "four" in line six the following: And the overseer shall each year estimate the cost of repairing said fence and apportion the same among the landowners of the district, and such costs shall be due and collected before the repairs are made to said fence.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 468.

An act to amend section one of chapter three hundred and forty-five of the laws of one thousand eight hundred and eighty-seven.

The General Assembly of North Carolina do enact :

Chapter 345, laws 1887 (drainage act for Hogan's creek, Caswell county) amended. Portion of creek included; from Virginia line to Stubblefield's bridge.

SECTION 1. That section one of chapter three hundred and forty-five of the laws of one thousand eight hundred and eighty-seven be amended by striking out the words "Walters' mills" in line six and inserting in lieu thereof the words "Virginia line."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 469.

An act to amend chapter one hundred and sixty-six of the laws of eighteen hundred and ninety-one in relation to Alleghany and Wilkes counties.

The General Assembly of North Carolina do enact :

SECTION 1. That sections two and three of chapter one hundred and sixty-six of the laws of the general assembly of eighteen hundred and ninety-one be and the same are hereby repealed.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

Chapter 166, laws 1891 (changing dividing line between Wilkes and Alleghany counties) amended. Authority to sheriff of Wilkes to collect taxes in part of Wilkes county cut off, and making territory cut off liable for share of Wilkes railroad debt, repealed.

CHAPTER 470.

An act to amend section two thousand eight hundred and thirty-two of The Code.

The General Assembly of North Carolina do enact :

SECTION 1. That section two thousand eight hundred and thirty two of The Code be amended by striking out "fifteenth day of February" in third line of said section and insert in lieu thereof "thirty-first day of December."

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed in so far as they apply to the county of Pender.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

Code, section 2332, amended. Unlawful to hunt deer &c., between Dec. 31 and Oct. 1.

Conflicting laws repealed as to Pender county.

CHAPTER 471.

An act to limit the liability of executors, administrators, guardians and trustees in cases where stock in corporations has been transferred to them.

The General Assembly of North Carolina do enact :

SECTION 1. No person holding stock in any corporation in this state as executor, administrator, guardian or trustee, and no person holding such stock as collateral security shall be personally subject to any liability as a stockholder of such corporation; but the person pledging

Executors, &c., holding stock in corporations and persons holding stock as collateral not personally

subject to liability as stockholders. Liability of pledgor. Liability of estate in hands of executor, &c.

such stock shall be considered as holding the same and shall be liable as a stockholder accordingly, and the estate and funds in the hands of such executor, administrator, guardian or trustee shall be liable in like manner and to the same extent as the testator or intestate or the ward or the person interested in such fund would have been had he been living and competent to act and hold the stock in his own name.

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

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

CHAPTER 472.

An act to change the time of holding the courts of Washington, Tyrrell and Dare counties.

The General Assembly of North Carolina do enact :

Superior courts, when held.

SECTION 1. That the superior courts of the counties of Washington, Tyrrell and Dare shall be held as follows :

Tyrrell county.

Tyrrell—Seventh Monday after the first Monday in March and September.

Dare county.

Dare—Eighth Monday after the first Monday in March and September.

Washington county.

Washington—Ninth Monday after the first Monday in March and September.

Return of process, &c.

SEC. 2. That all processes, original, mesne or final, in civil or criminal actions, issued and returnable to the spring term of said counties as held before this act shall be returnable to the term as by this act established; and all persons who have been recognized, bound or summoned to appear at the spring term of said courts, or who shall be so recognized, bound or summoned, are hereby required to appear at the terms specified in this act.

SEC. 3. That this act shall be in force from and after its ratification.

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

CHAPTER 473.

An act to amend chapter one hundred and fifteen, laws eighteen hundred and eighty-three.

The General Assembly of North Carolina do enact :

Chapter 115, laws 1883 (drainage act for South Fork creek, Forsyth

SECTION 1. That section eight, chapter one hundred and fifteen, laws eighteen hundred and eighty-three, be and the same is hereby repealed, and the following shall be inserted in lieu thereof: "The

respective landowners along said streams shall have control and supervision over their own farms as to washes and drifting of sands into the streams, and may use such means and measures as to them may seem proper to prevent washes and the drifting or washing of sands into the main streams.”

and Davidson
counties)
amended.
Landowners to
have control of
washes, &c.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 6th day of March, A. D. 1893.

CHAPTER 474.

An act to amend section two, chapter four hundred and sixty-eight, laws of eighteen hundred and ninety-one.

The General Assembly of North Carolina do enact :

SECTION 1. That section two, chapter four hundred and sixty-eight, laws of eighteen hundred and ninety-one, be amended to read as follows :

Sec. 2. That the treasurer of the state shall pay the amount constituting the firemen's relief fund on the warrant of the auditor, three-fourths to the treasurer of the North Carolina State Volunteer Firemen's Association, properly chartered by law. That the said treasurer of the North Carolina State Volunteer Firemen's Association shall give bond, and the said association shall disburse the funds in the same manner and under the same rules as the North Carolina State Firemen's Association.

Chapter 468, laws
1891 (creating
relief fund for
disabled firemen)
amended.

Three-fourths of
fund payable to
treasurer of N. C.
State Volunteer
Firemen's Asso-
ciation.

Treasurer to give
bond, &c.

SEC. 2. That this act shall be in force from and after its ratification.
Ratified the 6th day of March, A. D. 1893.

CHAPTER 475.

An act to prohibit the manufacture of spirituous and malt liquors, and to prohibit the sale of all intoxicating liquors in Robeson county.

The General Assembly of North Carolina do enact :

SECTION. 1. That it shall be unlawful for any person to manufacture in Robeson county any spirituous or malt liquors, or in said county to sell, barter, exchange or dispose of in any manner, directly or indirectly, for gain, reward, or anything of value, any spirituous,

Unlawful to
manufacture,
sell, &c., liquor
in Robeson
county.

Proviso.	vinous, malt or fermented liquors, brandy peaches, bitters, or any liquor of any name or kind which is intoxicating: <i>Provided</i> , that any person may manufacture and sell wine and cider made from fruit raised on his premises where the same is not now prohibited by law.
Misdemeanor.	SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor, and shall be imprisoned in the county jail (or penitentiary) not exceeding two years, or fined not exceeding five hundred dollars, or both, in the discretion of the court.
875 c 273 Misdemeanor to aid in violating this act.	SEC. 3. That any person who shall in any manner, directly or indirectly, aid, abet, encourage or assist any person in the violation of any of the provisions of section one above, shall likewise be guilty of a misdemeanor, and shall be punished as provided in section two.
Obtaining U. S. license <i>prima facie</i> evidence, &c.	SEC. 4. That in all indictments or prosecutions for the violation of this statute, proof that the defendant has since the passage of this act obtained a license from the United States, either to manufacture or sell liquors in said county of Robeson, shall be <i>prima facie</i> evidence of the violation of this statute.
Effect of act.	SEC. 5. That this act shall not have the effect to repeal any law which now prohibits the manufacture or sale of any kind of liquor in any place in said county. SEC. 6. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 476.

An act to amend an act to promote the cultivation of shell-fish in Onslow county, laws of eighteen hundred and eighty-seven.

The General Assembly of North Carolina do enact:

Certain waters in Onslow county exempt from operation of chapter 293, laws 1889 (to promote cultivation of shell-fish in Onslow county.) Unlawful to enter oyster gardens, &c.	SECTION 1. That the voters from the east side of Alligator bay in Onslow county to the Pender county line are hereby exempt from all the provisions of chapter two hundred and ninety-eight, laws of eighteen hundred and eighty-nine.
Misdemeanor.	SEC. 2. That it shall be unlawful for any person or persons to enter any oyster gardens in said territory or from the waters of Pender county, or the taking of any oysters from said territory and planting them elsewhere in gardens. SEC. 3. Any person or persons violating section two of this act shall be guilty of a misdemeanor and fined at the discretion of the court. SEC. 4. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 477.

An act to amend section twelve, chapter fifteen, laws of eighteen hundred and ninety-one.

The General Assembly of North Carolina do enact :

SECTION 1. That section twelve, chapter fifteen of the laws of eighteen hundred and ninety-one, be amended by striking out all after the word "words" in line two down to the word "in" in line seven.

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

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

Chapter 15, laws 1891, amended. Law declaring that nothing in section 2255, Code, should be construed as giving priority of admission to asylum, &c., to criminal insane, &c., repealed.

CHAPTER 478.

An act to amend chapter one hundred and fifty-five of the laws of eighteen hundred and ninety-one, being an act to require banks, banking institutions and bankers within the state of North Carolina to make stated reports to the state treasurer.

The General Assembly of North Carolina do enact :

SECTION 1. That section one of chapter one hundred and fifty-five of the laws of eighteen hundred and ninety-one be amended by inserting in line thirty-seven after the word "treasurer" the following: "And if upon such report it shall appear that the condition of any bank, banking institution or banker is precarious, or in any way unsatisfactory, it shall be the duty of the said treasurer to give notice to such bank, banking institution or banker to correct any errors or irregularities, and make good any deficiencies or losses shown in such reports or otherwise, within thirty, sixty or ninety days, in his discretion, and at the end of such period the said treasurer shall order a special examination to be conducted, paid for and reported in like manner as regular examinations"; and in line thirty-eight strike out the word "such" and insert "any."

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

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

Chapter 155, laws 1891, amended.

If report of special examiner shows bank, &c., to be in precarious condition, &c., treasurer to notify bank, &c., to correct errors, &c. Special examination. If it appear to treasurer that any bank, &c., is in danger of insolvency, &c., treasurer to institute proceeding for receiver, &c.

CHAPTER 479.

An act to amend section one, chapter three hundred and twenty-seven, laws of eighteen hundred and ninety-one, concerning the sale of spirituous liquors, brandy peaches and brandy cherries, in Brunswick county.

The General Assembly of North Carolina do enact:

Chapter 327, laws 1891, amended. Unlawful to sell liquor within 1,200 yards of African Methodist church, and 600 yards of Navassa Guano factory, Brunswick county.

SECTION 1. That section one, chapter three hundred and twenty-seven, laws of eighteen hundred and ninety-one, be amended as follows: By striking out so much thereof as relates to Brunswick county and insert the following: "Twelve hundred yards from the African Methodist Church, and six hundred yards from the Navassa Guano Factory."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 480.

An act to amend section thirty-one hundred and thirteen of The Code of North Carolina.

The General Assembly of North Carolina do enact:

Code, section 3113, amended. Local option election ordered on petition of one-third of registered voters.

SECTION 1. That section thirty-one hundred and thirteen of The Code of North Carolina be and the same is hereby amended by striking out the words "one-fourth" in line two and insert in lieu thereof the words "one-third."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 481.

An act supplemental to an act ratified on the fourteenth day of February, eighteen hundred and ninety-three, and entitled "An act to amend chapter five hundred and four, laws of eighteen hundred and eighty-nine."

The General Assembly of North Carolina do enact:

Chapter 83, ante, amended.

SECTION 1. That an act ratified on the fourteenth day of February, eighteen hundred and ninety-three, and entitled "An act to amend chapter five hundred and four, laws of eighteen hundred and ninety-three," be and the same is hereby amended by inserting between the

word "four" and the word "be" in the first line the words "of the public laws of eighteen hundred and eighty-nine," so that the said act will show that it is amendatory of the said chapter five hundred and four of the public laws of eighteen hundred and eighty-nine.

Act amended to show what law was intended.

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

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

CHAPTER 482.

An act to amend chapter three hundred and twenty-one, section four of the laws of eighteen hundred and ninety-one.

The General Assembly of North Carolina do enact:

SECTION 1. That section four of chapter three hundred and twenty-one of the laws of eighteen hundred and ninety-one be amended by striking out in the fifth and sixth lines of said section the words "and on real property within the town of Greenville and the corporate limits thereof," and add in the place of the words so stricken out the words "except such real estate as may lie within the corporate limits of the town of Greenville."

Chapter 521, laws 1891 (Greenville stock law) amended. No special tax to be levied for fence, &c., in town of Greenville.

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

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

CHAPTER 483.

An act to amend chapter one hundred and seventy-four of the public laws of eighteen hundred and eighty-five, changing the time for the appointment of public school committeemen.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and seventy-four of the public laws of eighteen hundred and eighty-five be and the same is hereby amended by striking out in the fifth line of section seven the word "September" and inserting in lieu thereof the word "June"; and by striking out the word "October," the last word of said section seven, and inserting in lieu thereof the word "July," so that public school committeemen shall be appointed the first Monday in June, and whose term of office shall begin the first Monday in July thereafter.

Chapter 174, laws 1885 (amending Code, section 2553) amended. School committee to be elected in June.

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

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

Term to begin in July.

CHAPTER 484.

An act authorizing the treasurer of Randolph county to pay certain teachers.

The General Assembly of North Carolina do enact:

Treasurer of Randolph county authorized to pay certain teachers, &c.

SECTION 1. That the treasurer of Randolph county be and he is hereby authorized to pay Martha Redding twenty-seven dollars and fifty cents (\$27.50) out of the public school funds due district number eighty-five (85) white race as a residue for services rendered as teacher in said district during the school year ending June thirty, eighteen hundred and ninety; M. O. Hammond ten dollars and thirty-three cents (\$10.33) out of the public school fund due district number forty-nine (49) white race as a residue for services rendered as teacher in said district during the school year ending June thirty, eighteen hundred and ninety; H. A. Albright eight dollars and sixty-eight cents (\$8.68) out of the public school funds due district number fifty-seven (57) white race as a residue for services rendered as teacher in said district during the school year ending June thirty, eighteen hundred and ninety-one; Pattie J. Delk twelve dollars (\$12) out of the public school funds due district number forty-eight (48) white race as a residue for services rendered as teacher in said district during the school year ending June thirty, eighteen hundred and ninety-one; R. B. Ridge ten dollars and sixty-five cents (\$10.65) out of the public school funds due district number forty-nine (49) white race as a residue for services rendered as teacher in said district during the school year ending June thirty, eighteen hundred and ninety-two; and to R. B. Ridge five dollars and fifty cents (\$5.50) out of public school funds due district number forty-three (43) white race as a residue for services rendered as teacher in said district during the school year ending June thirty, eighteen hundred and ninety-one.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 485.

An act to redocket judgments in Bladen county.

Preamble.

WHEREAS, On the fourteenth (14) day of January, one thousand eight hundred and ninety-three (1893), the court-house in Bladen county and some of the records therein contained were destroyed by fire, and among those so destroyed was one of the judgment dockets in the office of the clerk of the superior court of said county;

and whereas, the minute docket of said court containing a record of all such judgments as originated in said superior court has been burned; now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the clerk of the superior court of the county of Bladen be and he is hereby empowered and directed to redocket all judgments so destroyed when the minute docket shows the judgment that was rendered.

Clerk of Bladen superior court to redocket judgments appearing on minute docket.

SEC. 2. That judgments that were docketed on transcripts from justices of the peace, and destroyed as aforesaid, may be redocketed on the parties interested obtaining other transcripts from the justice who rendered the judgment or his successor.

To redocket judgments on justices' transcripts.

SEC. 3. That said judgments when so redocketed shall have the same force and effect as priorities and liens as they had before the same were destroyed. The clerk shall in all cases give the date of the original docketing when possible.

Force, &c., of judgments when redocketed.

SEC. 4. This act shall not apply to judgments in criminal cases.

SEC. 5. The clerk shall be entitled to a fee of twenty-five cents for each judgment redocketed, to be taxed as other costs.

Act not to apply to judgments in criminal cases. Clerk's fee.

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

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

CHAPTER 486.

An act to correct state grant number twenty-three hundred and seventy, in Swain county.

The General Assembly of North Carolina do enact:

SECTION 1. That state grant number twenty-three hundred and seventy, issued on the twenty-ninth day of December, eighteen hundred and sixty, on warrant number eighty-nine hundred and ninety-six, in Macon county, the lands covered by said grant being located in that part of Macon county now belonging to Swain, to J. P. DeHart, be and the same is hereby corrected so as to read in the second call thereof "north forty-two degrees west one hundred and fifteen poles," instead of "north forty-two degrees east one hundred and fifteen poles," as shown in the calls set forth with the survey and plat attached to said grant.

State Grant No. 2370, issued to J. P. DeHart, corrected.

SEC. 2. That the register of deeds of Swain county is authorized and directed to register said grant as corrected by this act.

Registration.

SEC. 3. That this act shall be in force from and after its ratification.

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

CHAPTER 487.

An act to declare the remaining portion of High Shoals township in Rutherford county under the stock law.

The General Assembly of North Carolina do enact :

Unlawful for stock to run at large in High Shoals township, Rutherford county. Proviso.¹

SECTION 1. That it shall be unlawful for any person or persons in High Shoals township, Rutherford county, to allow stock to run at large in said township: *Provided*, the citizens of said township shall inclose their boundary with a lawful fence when it adjoins territory that is not in the stock law.

Penalties.

SEC. 2. That any person violating the provisions of this act shall be subject to all the fines and penalties that are made and provided in the general stock law of the state.

When act to take effect.

SEC. 3. That this act shall be in force from and after the first Monday in August, one thousand eight hundred and ninety-three.

Ratified the 6th day of March, 1893.

CHAPTER 488.

An act to allow John F. Hellen, a one-legged soldier, to peddle without license.

The General Assembly of North Carolina do enact :

J. F. Hellen allowed to peddle books, &c., in First Congressional district without license.

SECTION 1. That John F. Hellen, a one-legged citizen of Pitt county, be and the same is hereby permitted to peddle books, stationery and pictures in any of the counties of the first congressional district without paying a license tax.

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

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

CHAPTER 489.

An act to amend chapter fifty, section two thousand and nineteen of The Code.

The General Assembly of North Carolina do enact :

Code, section 2019, amended. Road hands to be summoned by overseers as often as supervisors require.

SECTION 1. That section two thousand and nineteen (2019) of The Code be amended by striking out in first line of said section all after the word "shall" to and including the word "section" in the third line and inserting in lieu thereof "as often as the board of supervisors

may require": *Provided*, no hand shall be required to work more than six days in a year or longer than ten hours in one day. Proviso.

SEC. 2. That this act shall apply only to the county of Pender.

Act applicable
only to Pender
county.

SEC. 3. That this act shall be in force from and after its ratification.

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

CHAPTER 490.

An act in relation to grants of land by the state.

The General Assembly of North Carolina do enact:

SECTION 1. Every grant of land hereafter made by the state of North Carolina in pursuance of the statute or statutes regulating entries and grants shall, if such land or any portion thereof has been heretofore granted by this state, so far as relates to any such land heretofore granted, be absolutely void for all purposes whatever, shall confer no rights whatever upon the grantee or grantees therein or those claiming under such grantee or grantees, and shall in no case and under no circumstances constitute any color of title whatsoever to any person or persons whomsoever. State grants for
land heretofore
granted, to be
void, &c., so far
as relates to the
land previously
granted.

SEC. 2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed. Conflicting laws
repealed.

SEC. 3. That this act shall be in force from and after its ratification.

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

CHAPTER 491.

An act to amend section three of the laws of eighteen hundred and eighty-five, in regard to impounding of stock in Edgecombe county.

The General Assembly of North Carolina do enact:

SECTION 1. That section three of chapter one hundred and six of the laws of eighteen hundred and eighty-five, be amended by striking out "fifty cents" in line five and insert "ten cents," and strike out "twenty-five cents" in line six and insert "actual cost and damages." Chapter 106, laws
1885 (Edgecombe
county stock law)
amended.
Fee for impound-
ing ten cents.
Allowance to im-
pounder; actual
cost and dam-
ages.

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

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

CHAPTER 492.

An act to protect hogs in the county of Onslow.

The General Assembly of North Carolina do enact :

Commissioners
of Onslow county
authorized to
offer reward for
bears killed.

When order for
reward to issue.

Proviso.

Duty of register
to destroy scalps,
&c.

Register's fee.

SECTION 1. That the board of commissioners of the county of Onslow are hereby authorized and empowered to offer a reward of *five dollars* for each and every *bear* killed within said county of Onslow, and it shall be lawful when the fresh scalp of a bear, with ears attached, be exhibited and delivered to the register of deeds of said county, accompanied with an affidavit stating the time, place, and by whom the bear was killed whereof said scalp so exhibited was taken, for the commissioners to issue an order to the treasurer of said county for the payment of such reward of five dollars for the scalp of every such bear killed as aforesaid : *Provided*, that the facts set forth in such affidavit are established or proven to the satisfaction of said board.

SEC. 2. That all scalps of bears exhibited and presented as aforesaid to the register of deeds under the provisions of this chapter shall be by such register destroyed, and it shall be the duty of such register to file all claims and affidavits for such reward in his office and report the same to said board at each regular monthly meeting of said board, for which service such register of deeds may charge a fee of twenty-five cents, to be paid by the claimant previous to filing of such affidavit or claim.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 493.

An act to prohibit non-residents from hunting, ducking, fishing and gathering oysters, clams and terrapins within the limits of the county of Brunswick.

The General Assembly of North Carolina do enact :

Unlawful for non-
residents to hunt,
&c., in Brunswick
county for gain,
&c., without
license.

SECTION 1. That it shall not be lawful for any non-resident of this state to engage in the business of hunting, ducking, fishing or gathering oysters, clams and terrapins for gain or for market within the limits of Brunswick county without first obtaining from the county commissioners of said county a license to carry on said business, which license may be granted by the county commissioners of said

Brunswick county upon paying to the treasurer of said county, to be used for county purposes, the sum of fifty dollars for each non-resident engaging in such business, and twenty-five dollars for each non-resident hand employed: *Provided*, that each license so granted shall be for one year and shall expire on the first day of October of each year.

License, when granted.

Proviso.

SEC. 2. That any person or persons violating the provisions of this act shall be guilty of a misdemeanor.

Misdemeanor.

SEC. 3. That this act shall only apply to Brunswick county.

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

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

CHAPTER 494.

An act to create banks of deposits for the public moneys of the state.

The General Assembly of North Carolina do enact :

SECTION 1. That any duly incorporated bank which shall be solvent and in good repute, and which shall comply with the requirements hereinafter mentioned, shall be a bank of deposit of the public moneys of the state.

What banks to be banks of deposit for public money.

SEC. 2. That when any such bank shall desire to become a bank of deposit of the public moneys of the state, it shall file a petition with the state treasurer; and thereupon it shall be the duty of such treasurer, within thirty days, to make or cause to be made a special examination of the condition and affairs of said bank filing such petition, and to file with such bank and in the office of said treasurer his report of the affairs and condition of said bank; and shall find in said report whether or not said bank is solvent and in good repute, the amount of the capital stock of said bank paid in, and the amount of said capital stock subscribed and not paid in; and thereupon the said treasurer shall, if said bank is found solvent and in good repute, order that the said bank be thereafter a bank of deposit of the public moneys of the state, and shall so ratify said bank. That the cost of such examination shall not exceed the sum of fifty dollars, and shall be paid by the bank filing the petition.

Bank to file petition with treasurer.

Treasurer to make examination.

To file report.

What report to show.

When order to be made.

Costs.

SEC. 3. That the state treasurer shall distribute to each of the banks which shall be so made banks of deposit of the public moneys which are or may hereafter come into his hands in proportion to the amount of capital stock of each shall bear to the paid up capital stock of all which may under this act become such bank of deposit; and it shall be the duty of the said treasurer to ascertain said proportion and

Distribution of public moneys on deposit.

Proviso

Proviso.

How treasurer to
check on deposits.

Banks to make
no charge on
drafts, &c.

to give notice of the same to said bank, and to deposit with and set apart to each bank the proportionate part of such of the public moneys: *Provided*, that no part of said moneys shall be deposited with any bank until it shall deposit with the state treasurer as collateral security for such public moneys, solvent bonds of the market value of one-third of the amount of the public moneys so deposited: *And provided further*, that said treasurer shall have power to call for an increase in the deposit of bonds from time to time if such bonds already deposited shall decrease in value or if the amount of the public moneys shall increase, and to withdraw any money on deposit with any bank upon failure to file such increase in the deposit of bonds.

SEC. 4. That in drawing checks upon said deposits the state treasurer shall have due regard to maintaining the proportion of said public money in each of said banks, so that at all times each of said banks shall have on deposit its proportionate amount of the same.

SEC. 5. That none of said banks shall collect or charge exchange or make other charge upon drafts of the treasurer upon said bank so deposited.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 495.

An act in regard to the delivery of freight.

The General Assembly of North Carolina do enact:

On partial de-
livery of freight
to consignee by
common carrier,
not lawful to
demand freight
charges on unde-
livered portion,
&c.

Stoppage in
transitu.
Railroad commis-
sioners to enforce
act.

SECTION 1. That whenever any goods, articles or freight of any kind shall be received by any common carrier in this state to be delivered to any consignee in this state, and a portion of the same shall not have been received at the place of destination, it shall not be lawful for the carrier to demand any part of the charges for freight or transportation due for such portion of the shipment as shall not have reached the place of destination. The carrier shall be required to deliver to the consignee such portion of the consignment as shall have been received upon the payment or tender of the freight charges due upon such portion. But nothing in this act shall be construed as interfering with or depriving a consignor, or other person having authority, to his rights of stoppage in *transitu*.

SEC. 2. The railroad commissioners shall enforce the enforcement of the provisions of this act by appropriate regulations, and this act shall be in force from and after its ratification.

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

CHAPTER 496.

An act to postpone the operation of an act entitled an act to establish the state banking system of North Carolina, passed at the session of eighteen hundred and ninety-three.

The General Assembly of North Carolina do enact :

SECTION 1. That the act of general assembly of the session of eighteen hundred and ninety-three, entitled "An act to establish the state banking system of North Carolina," passed at the present session of the general assembly of North Carolina, being House Bill number seven hundred and sixty-two, and Senate Bill number nine hundred and forty-three, be and the same is hereby amended as follows, to-wit, by striking out section ninety-six and inserting in lieu thereof the following: "Section ninety-six. This act shall go into effect as soon as the congress of the United States shall repeal the tax imposed on notes issued by state banks for circulation."

Chapter — *ante*, amended.

Act to take effect on repeal of tax on issue of state banks.

SEC. 2. This act shall take effect upon its ratification.

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

CHAPTER 497.

An act to amend chapter eighty-eight, laws of eighteen hundred and ninety-one.

The General Assembly of North Carolina do enact :

SECTION 1. That section one of chapter eighty-eight of the laws of eighteen hundred and ninety-one be amended by striking out in first line of said section "heretofore" and inserting "hereafter."

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

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

Chapter 88, laws 1891, amended. County taxes hereafter collected in Pender county from W. O. and E. O. R. R. Co. to be applied to payment of railroad subscription of Topsail township.

CHAPTER 498.

An act for the revocation of interests limited to persons not in esse.

The General Assembly of North Carolina do enact :

SECTION 1. That the grantor in any voluntary conveyance in which some future interest in real estate is conveyed or limited to a person or persons not *in esse*, may at any time before they come into being

Grantor in voluntary conveyance of real estate to person not *in esse* may revoke by deed, &c.

Registration of deed of revocation.

Grantor for consideration may revoke with joinder of person from whom consideration moved.

revoke by deed said interest so conveyed or limited. This deed of revocation shall be recorded as other deeds.

SEC. 2. That the grantor of like interests for a good or valuable consideration may, with the joinder of the person from whom the consideration moved, revoke said interest in like manner.

SEC. 3. That this act shall be in force from and after its ratification.

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

CHAPTER 499.

An act for the relief of John D. Davis, clerk of the superior court for Carteret county.

The General Assembly of North Carolina do enact :

J. D. Davis, clerk Carteret superior court, allowed to absent himself from office on first Monday in April, 1893.

Proviso.

SECTION 1. That John D. Davis, clerk of the superior court for Carteret county, be allowed to absent himself from his office of clerk on the Monday immediately following the fourth [Monday] of March, eighteen hundred and ninety-three, and be exempted from the provisions, penalties and liabilities mentioned in section one hundred and fourteen and one hundred and fifteen of The Code: *Provided*, said clerk shall leave a competent deputy to perform all duties authorized to be performed by said deputy.

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

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

CHAPTER 500.

An act to prohibit obstructing the run of Colly swamp and Harrison's creek, in Bladen county.

The General Assembly of North Carolina do enact :

Unlawful to obstruct certain waters in Bladen county.

Misdemeanor.

SECTION 1. That it shall be unlawful for any person or persons to obstruct in any way the run of Colly swamp and the run of Harrison's creek, in Bladen county.

SEC. 2. Any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than thirty dollars nor imprisoned more than thirty days.

SEC. 3. That this act shall be in force from and after its ratification.

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

CHAPTER 501.

An act relating to fishing in Ellis's creek and other waters in Bladen county.

The General Assembly of North Carolina do enact :

SECTION 1. That no person or persons shall fish in the waters of Ellis's creek and Harrison's creek, in Bladen county, except with a hook and line.

Unlawful to fish, except with hook and line, in certain waters in Bladen county. Unlawful to fish with set nets in White lake, Bladen county, from April 1 to October 1. Misdemeanor.

SEC. 2. That no person or persons shall fish with set nets in the waters of the White lake, in Bladen county, from the first of April to the first of October in each year.

SEC. 3. Any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned more than thirty days.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 502.

An act to amend section three thousand seven hundred and forty-six of The Code, eighteen hundred and eighty-three, concerning jailors.

The General Assembly of North Carolina do enact :

SECTION 1. That section three thousand seven hundred and forty-six of The Code, eighteen hundred and eighty-three, be amended by inserting after the word "exceed" in line seven and before the word "per" in line eight "one hundred."

Code, section 3746, amended. Allowance to jailors for feeding, &c., prisoners not to exceed fifty cents per day. Act applicable only to Currituck county.

SEC. 2. This act shall apply only to Currituck county.

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 503.

An act to protect sheep in Buncombe county from the ravages of dogs.

The General Assembly of North Carolina do enact :

SECTION 1. That all dogs in said county shall be listed for taxation and assessed as other domestic animals are.

Dogs in Buncombe county to be listed for taxation.

Dogs to be kept off another's premises as if under stock law.

Exception.

Penalty.

On failure to pay penalty, &c., liable to work on roads.

Jurisdiction of justice.

SEC. 2. That it shall be incumbent upon each and every owner of a dog or dogs in said county to keep the same off the premises of other persons, as other stock are required to be kept off the lands of others by the stock law in force in said county, unless said dog or dogs shall be securely muzzled or in the company of the owner thereof.

SEC. 3. That the owner of any dog violating the above section by allowing his dogs to go at large, shall be fined one dollar for each offence, and shall pay all damages done by said dog while running at large.

SEC. 4. That in case of failure to pay said fine and damages, with all costs connected therewith, the owner of each dog shall upon conviction be required to work on the public roads of said county at the rate of seventy-five cents per day until such fines, damages and costs are paid. The justices of the peace in said county shall have jurisdiction under this act.

SEC. 5. That this act shall be in force from and after the date of its ratification.

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

CHAPTER 504.

An act to amend chapter one hundred and fifty of the laws [of] one thousand eight hundred and eighty-three and chapter seventy-eight of the laws of one thousand eight hundred and eighty-seven.

The General Assembly of North Carolina do enact :

Chapter 150, laws 1883, amended. Granville county stricken from law allowing sheriffs of certain counties until May 1 to settle state taxes. Chapter 78, laws 1887, amended. Law in regard to time when sheriffs (who are allowed until May 1) shall levy, &c., not to apply to Granville county.

SECTION 1. That chapter one hundred and fifty of the laws of one thousand eight hundred and eighty-three be amended by striking out in section one the word "Granville."

SEC. 2. That chapter seventy-eight of the laws of one thousand eight hundred and eighty-seven be amended by adding after section one the following: *Provided*, this section shall not apply to Granville county.

SEC. 3. That this act shall be in force from and after its ratification.

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

CHAPTER 505.

An act to amend section twenty-nine hundred and fifteen of The Code and to repeal section twenty-nine hundred and twenty-two, to establish a North Carolina station for maritime sanitation, and to appropriate twenty thousand dollars (\$20,000) to carry said act into effect.

The General Assembly of North Carolina do enact:

SECTION 1. That section twenty-nine hundred and fifteen of The Code be amended so as to read: "There shall be established, at the nearest suitable site, opposite the present quarantine anchorage at Deepwater Point, a station to be known and designated as 'The North Carolina Station for Maritime Sanitation.' For the purpose of selecting a suitable site, the quarantine board, the chairman of the board of commissioners of navigation and pilotage of the port of Wilmington and the mayor of Southport shall constitute a board, who shall acquire by purchase, or otherwise, sufficient land and water privileges for the purpose—the title to which shall be vested in the quarantine board and their successors in office, who are hereby constituted trustees to hold said quarantine site for the state of North Carolina. Upon the site so acquired shall be erected such wharves, buildings, apparatus and machinery as are necessary for all the purposes of maritime sanitation, and the system of sanitation to be used shall be devised by and subject to the approval of a board to consist of the quarantine board and the president and secretary of the State Board of Health. The said station, with its wharves, buildings, apparatus and machinery shall be erected under the direction and be under the supervision of the quarantine board, and they shall prescribe all such rules and regulations as are necessary for its government and its maintenance, which said rules and regulations shall have the force of law, and any person violating any of them shall be guilty of a misdemeanor, and on conviction shall be fined not less than fifty or more than two hundred dollars or imprisoned for thirty days, or both, in the discretion of the court.

SEC. 2. For the purpose of carrying into effect the provisions of section two thousand nine hundred and fifteen as herein amended, the sum of twenty thousand dollars (\$20,000) is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to be paid from time to time as required in the prosecution of the work, on the requisition of the treasurer of the quarantine board and approved by its president: *Provided*, that the funds appropriated by this act shall not be paid over by the treasurer until the governor and State Board of Health of North Carolina shall certify to the treasurer that there is imminent danger of cholera visiting the city of Wilmington or other sections of the state.

Code, section 2915, amended.
N. C. Station for maritime sanitation established.

Site, how selected.

Title.

Trustees.

Erection of wharves, buildings, &c.
System of sanitation.

Supervision, &c., of station.

Rules, &c., to have force of law.

Misdemeanor.

\$20,000 appropriated.

Proviso.

To be a relief station for vessels, &c.

SEC. 3. The said quarantine station so established shall [be] and the same is hereby made a relief station to which vessels having on board persons who have been or are sick with infectious diseases, or the baggage of persons who have died of infectious disease during the voyage of said vessels applying at any other port or ports of North Carolina shall come for disinfection, whenever so directed by the quarantine officer of such other port or ports.

Code, section 2922, repealed.

SEC. 4. That section two thousand nine hundred and twenty-two of The Code be and the same is hereby repealed.

Conflicting laws repealed.

SEC. 5. That all acts or parts of acts inconsistent with the foregoing be and the same are hereby repealed.

SEC. 6. That this act shall be in force from the date of its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 506.

An act to work public roads.

The General Assembly of North Carolina do enact :

Commissioners and justices may levy special road tax.

SECTION 1. The board of commissioners and justices of the peace may at their annual meeting the first Monday in June of each year levy a tax of not less than seven cents and not more than twenty cents on the hundred dollars valuation of property as a road tax.

Code, section 2017, amended. Relief from road duty.

SEC. 2. That section two thousand and seventeen of The Code be amended by adding at the end thereof: *Provided further*, that any person may be relieved of the duty therein imposed by paying to the chairman of township supervisors of his township on or before the first Saturday in August of each year one dollar and fifty cents, taking his receipt for the same.

Moneys payable to county treasurer for road fund.

SEC. 3. That the said chairman of township supervisors shall pay the amounts so received by him to the county treasurer as a part of the road fund within thirty days after receiving the same.

General supervisors.

SEC. 4. The board of commissioners and justices of the peace may at their meeting on the first Monday in June of each year elect a general supervisor of the public roads at a salary of not more than three hundred dollars per annum, whose duty it shall be to supervise the work upon the public roads of his county, and have such labor performed as may be necessary to put and keep the public roads in good order; to hire hands by the day or month, and to contract for the performance of any specified work.

Salary.

Duties.

SEC. 5. That the overseers of the public roads shall be under the Overseers.
 direction of the chief supervisor and shall obey his orders in working
 the public roads in their respective districts and make all reports to
 him on the first Monday in December of each year.

SEC. 6. The chief supervisor shall, on the first Monday in January Supervisor to
make annual
report.
 of each year, make to the board of commissioners a detailed report
 of all contracts made and the condition of the public roads. It shall
 also be his duty to report all overseers of the public roads to the chair-
 man of the township supervisors of their respective townships who
 have failed to perform the duties required of them by law, setting
 forth the charges in his reports.

SEC. 7. That the taxes levied under this act shall be collected as Collection and
disbursement of
special tax.
 other taxes and paid to the county treasurer, who shall keep the same
 separate from other funds, and pay the same out upon the order of
 the chief supervisor, approved by the board of county commissioners.

SEC. 8. That any person convicted of any crime, excepting those Certain convicts
assigned to work
on roads.
 required by law to be confined in the penitentiary, shall be assigned
 to work out his sentence, if he refuses to pay fine and cost, upon the
 public roads in the county in which he is convicted.

SEC. 9. That any person violating any of the provisions of this act Misdemeanor.
 shall be guilty of a misdemeanor, and upon conviction shall be fined
 not more than fifty dollars or imprisoned not more than thirty days,
 or both, at the discretion of the court.

SEC. 10. That this act shall apply only to Currituck county.

SEC. 11. That this act shall be in force from and after its ratification. Act applicable
only to Currituck
county.

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

CHAPTER 507.

An act to establish a new township in Vance county, to be called Dabney township.

The General Assembly of North Carolina do enact :

SECTION 1. That a new township, to be called Dabney township, is Dabney town-
ship, Vance coun-
ty, established.
 hereby created in the county of Vance, to be taken from Henderson
 and Williamsboro townships in said county, and bounded as follows :
 Begin on the Granville and Vance county line where Flat creek
 crosses it, and runs thence with the said county line south to Kittrell
 township ; thence with Kittrell township line easterly to Ruin creek ;
 thence up Ruin creek to the bridge across the public road near J. C.
 Bobbitt's house ; thence along the said public road toward Henderson
 to the ridge path leading across to the Smerdon place ; thence by the
 said ridge path to the public road near the Smerdon place ; thence
 along said public road towards Williamsboro to Crooked run ; thence

Boundaries.

in a northwesterly direction passing between the residences of R. M. Satterwhite and Mrs. Solomon Wilson, and so as to include in Dabney township the residences of Joseph Wilson, R. H. Wilson and D. F. Barker, to the beginning.

Voting place.

SEC. 2. That the voting precinct of this township shall be at Dabney.

SEC. 3. That this act shall be in force from and after its ratification.

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

CHAPTER 508.

An act to amend chapter four hundred and twenty-six, laws of eighteen hundred and eighty-nine, as amended by chapter four hundred and fifty-eight, laws of eighteen hundred and ninety-one, relating to Wayne county.

The General Assembly of North Carolina do enact :

Chapter 426, laws 1889 (drainage act, Wayne county) amended.

Landowner failing to furnish hands; overseer failing to work, &c.; commissioner failing to furnish estimates, &c., guilty of misdemeanor.

SECTION 1. That section five, chapter four hundred and twenty-six, laws of eighteen hundred and eighty-nine, as amended by chapter four hundred and fifty-eight, laws of eighteen hundred and ninety-one, be amended [by] adding at the end thereof the following : That any owner of land failing or neglecting to furnish tools or hands as herein required, or any overseer failing or neglecting to work upon said stream as herein required, or said commissioners failing or refusing to furnish any overseer with an estimate of his section, in either case, such person or persons shall be guilty of a misdemeanor, and upon conviction shall be fined not more than five dollars or imprisoned not more than five days.

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

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

CHAPTER 509.

An act to allow John W. Carson, a crippled citizen of Pitt county, to peddle without license.

The General Assembly of North Carolina do enact :

J. W. Carson allowed to peddle without license. Proviso.

SECTION 1. That John W. Carson, a crippled and afflicted citizen of Pitt county, be and the same is hereby permitted to peddle in any of the counties of this state without paying a license tax : *Provided*, that nothing herein contained shall be construed to allow him to sell intoxicating liquors.

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

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

CHAPTER 510.

An act to amend an act to repeal chapter one hundred and ninety-nine of the laws of one thousand eight hundred and eighty-nine, passed at this session of the general assembly and ratified February twenty-fifth, one thousand eight hundred and ninety-three.

The General Assembly of North Carolina do enact :

SECTION 1. That an act entitled "An act to repeal chapter one hundred and ninety-nine of the laws of one thousand eight hundred and eighty-nine," passed at this session of the general assembly and ratified February twenty-fifth, one thousand eight hundred and ninety-three, and being chapter one hundred and sixty-six of the laws of this session as printed, be amended by striking out the words "eighty-nine" in section first, line two, and inserting in lieu thereof the words "ninety-one."

Chapter 166, *ante*, (amending the school law) amended so as to repeal chapter 199, laws 1891, instead of chapter 199, laws 1889. Prohibitory law for Ray's school house, Madison county, repealed.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 511.

An act to amend chapter three hundred and sixty-one of the laws of one thousand eight hundred and eighty-nine.

The General Assembly of North Carolina do enact :

SECTION 1. That section five of chapter three hundred and sixty-one of the laws of one thousand eight hundred and eighty-nine be and the same is hereby amended by striking out the words "an adjoining" in line sixteen and inserting in lieu thereof the word "any," and by striking out the words "such adjoining county" in line eighteen and inserting in their stead the following: "any county adopting the provisions of this act, preference to be given to that county the commissioners of which shall first make application for such person."

Chapter 361, laws 1889 (road law for certain counties) amended. Convicts sentenced by courts of adjoining counties.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 512.

An act to amend section thirteen, chapter three hundred and twenty, acts eighteen hundred and ninety-one.

The General Assembly of North Carolina do enact :

Chapter 320, laws
1891 (railroad
commission act)
amended.
Telephone com-
panies included.

To make rates for
telephone lines.

SECTION 1. That chapter three hundred and twenty, section thirteen, laws eighteen hundred and ninety-one, be amended by adding after the word "telegraph" in line five, section thirteen, the words "and telephone."

SEC. 2. That section twenty-six be amended by inserting after the word "telegraph" in line seven the words "or telephone."

SEC. 3. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 513.

An act to amend chapter five hundred and thirty, laws of one thousand eight hundred and ninety-one.

The General Assembly of North Carolina do enact :

Chapter 530, laws
1891, amended.
Appropriation for
colored orphan
asylum at Ox-
ford, N. C.

SECTION 1. That chapter five hundred and thirty of the laws of one thousand eight hundred and ninety-one be and the same is hereby amended by striking out all after the word "asylum" in line two section one of said chapter down to and including the word "orphanage" in line three of said section and inserting in lieu thereof the words "located at Oxford, North Carolina," and by striking out "one thousand dollars" and inserting the words "fifteen hundred dollars," the latter sum being the entire amount of the annual appropriation to said orphanage.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 514.

An act to prevent the sale of deadly weapons to minors.

The General Assembly of North Carolina do enact :

Unlawful to
knowingly sell,
&c., to minor
certain deadly
weapons.

SECTION 1. That it shall be unlawful for any person, corporation or firm knowingly to sell or offer for sale, give or in any way dispose of to a minor any pistol or pistol cartridge, brass knucks, bowie-knife, dirk, loaded cane, or sling-shot.

SEC. 2. That any person, corporation or firm violating this act shall be guilty of a misdemeanor, and upon conviction for each and every offence shall be fined or imprisoned, one or both, in the discretion of the court.

SEC. 3. That this act shall be in force from and after its ratification.
Ratified the 6th day of March, A. D. 1893.

CHAPTER 515.

An act to amend chapter sixty, section three, of the laws of eighteen hundred and eighty-nine.

The General Assembly of North Carolina do enact:

SECTION 1. That section three, chapter sixty of the laws of, one thousand eight hundred and eighty-nine be and the same is hereby repealed. Section 3, chapter 60, laws 1889, (reducing school age of Croatan Indians to ten years) repealed. School age for Croatan Indian children.

SEC. 2. That persons of the Croatan race of either sex who are not under thirteen years of age may attend the normal school for the Croatans: *Provided*, that children not under eleven years of age may be admitted who can stand an approved examination in spelling, reading, writing, primary geography and the fundamental rules of arithmetic.

SEC. 3. That this act shall be in force from and after its ratification.
Ratified the 6th day of March, A. D. 1893.

CHAPTER 516.

An act to provide for the working of convicts on the public roads of Wayne county.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be the duty of the county commissioners of Wayne county immediately after the passage of this act to provide means and make all necessary arrangements and rules for the working on the public roads of said county of the convicts which shall hereafter be sentenced to work thereon under the provisions of this act; and to that end it shall be lawful for the said county commis- Commissioners of Wayne county to provide means, &c., for working convicts on roads.

Expenditure of county funds.

Judges holding Wayne superior courts to sentence certain convicts to work on roads.

Judge to sentence convicts to penitentiary in his discretion.

Expenditure for machinery.

sioners to expend of the county funds annually a sum not exceeding two thousand dollars (\$2,000).

SEC. 2. It shall be the duty of the judge holding court in Wayne county to sentence to imprisonment and hard labor on the public roads of said county for such terms as are now prescribed by law for their imprisonment in the county jails or in the state prison the following classes of convicts: *First*. All persons convicted of offenses the punishment whereof would otherwise be wholly or in part imprisonment in the common jail. *Second*. All persons convicted of crimes the punishment whereof would otherwise wholly or in part be imprisonment in the penitentiary for a term not exceeding ten years. *Third*. All persons sentenced to imprisonment in jail by any magistrate, and also all insolvents who shall be imprisoned by any court in said county for non-payment of cost in criminal causes until they shall have paid the cost charged against them; and the county commissioners shall have power to fix the rate of wages for such persons.

SEC. 3. That in all cases where the judge holding courts in said county shall think it necessary for the safety of the prisoner, or necessary for any other cause, to sentence the convict to the penitentiary instead of to the public roads, it shall be lawful for him to do so.

SEC. 4. That of the two thousand dollars provided in this act it shall be lawful for the county commissioners to expend such parts thereof as they may deem necessary for the purchase of machinery and tools for the better working of said roads.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 517.

An act to amend section one thousand seven hundred and sixty-two of The Code so that it may apply to tar and lightwood.

The General Assembly of North Carolina do enact:

Code, section 1762 (landlord and tenant) amended. Not applicable to lease, &c., for use of lightwood to make tar.

SECTION 1. That section one thousand seven hundred and sixty-two of The Code be amended by inserting after the word "trees" in line two "or use lightwood for purposes of making tar."

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 518.

An act to authorize the commissioners of Catawba county to pay magistrates and poll-holders per diem in certain cases.

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners of Catawba county be and they are hereby authorized to pay each justice of the peace who shall attend the annual meeting for the purpose of levying taxes the sum of one dollar for such service. Commissioners of Catawba county authorized to pay justices attending annual meeting, &c.

SEC. 2. That said commissioners be and they are hereby authorized to pay registrars and poll-holders the [sum] of one dollar each for holding any regular election in said county. Authorized to pay registrars and poll-holders.

SEC. 3. That this act shall be in force from and after its ratification.

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

CHAPTER 519.

An act to pay justices of the peace of Wake county for certain services.

The General Assembly of North Carolina do enact:

SECTION 1. That hereafter in the county of Wake the justices of the peace for Wake county who shall attend the annual June meetings of the county prescribed for in chapter seventeen, sections seven hundred and sixteen and seven hundred and seventeen of the Code, for the various counties of this state, shall receive one dollar per day and mileage of five cents per mile each way for such attendance. Compensation of justices of Wake county attending annual meeting.

SEC. 2. The justices attending the said June meetings shall prove their attendance before the clerk of the court as in the case of witnesses, and upon the presentation of the same to the treasurer of the county they shall be paid out of any moneys unappropriated and remaining in his hands. Justices to prove attendance.
Treasurer to pay.

SEC. 3. That all laws and clauses of laws in conflict with this act are hereby repealed. Conflicting laws repealed.

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

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

CHAPTER 520.

An act to amend chapter three hundred and twenty-seven, laws of eighteen hundred and ninety-one.

The General Assembly of North Carolina do enact :

Unlawful to sell,
&c., liquor within
one and a-half
miles of New
Light Baptist
church, Wake
county.
Misdemeanor.
Chapter 327, laws
1891, amended.

SECTION 1. That it shall be unlawful for any person to sell or in any way dispose of, for remuneration, any intoxicating liquor within one and a-half miles of New Light Baptist church, in Wake county, and any person violating the provisions of this act shall be guilty of a misdemeanor.

SEC. 2. That section two, chapter three hundred and twenty-seven, laws of eighteen hundred and ninety-one, be and the same is hereby amended by striking out the words "New Light Baptist church."

Conflicting laws
repealed.

SEC. 3. All laws in conflict with the provisions of this act are hereby repealed.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 521.

An act to authorize the board of commissioners of Moore county to sell the present home for the aged and infirm.

The General Assembly of North Carolina do enact :

Commissioners of
Moore county
authorized to sell
home for aged,
&c., and purchase
other lands, &c.

SECTION 1. That the board of commissioners of Moore county are hereby invested with the power to sell the lands and buildings now used as the home for the aged and infirm by said county, and to purchase other lands and erect such other buildings and improvements thereon as may be deemed necessary by said commissioners for the proper care and protection of the poor, aged and infirm, and for this purpose they are authorized to expend such an amount as they may think proper, not to exceed the sum of one thousand dollars, to be paid out of the treasury of said county in excess of the amount they may receive from the sale of the present home.

Discretionary
powers of com-
missioners as to
sale, &c.

SEC. 2: That said board of commissioners, should they deem it best, are authorized to divide up the said lands upon which the said house is now situate into such size lots as they may think proper and sell the same, and should the said commissioners conclude that it would

be for the best interest of the county and for said "house" to sell only a part of said land now belonging to said home, they are authorized to sell such parts thereof as they may deem best, reserving a sufficient quantity for all necessary purposes for said home and use the proceeds thereof in enlarging and repairing the present buildings now used for said home and erecting such new buildings as may be necessary, and for this purpose they are authorized to expend such an amount as they may think proper, not to exceed the said sum of one thousand dollars, to be paid out of the treasury of said county, in excess of the amount they may receive from a sale of a part of the premises as aforesaid.

SEC. 3. That all deeds made or executed for lands sold by said board of commissioners under this act shall be signed by the chairman of the board of commissioners of Moore county, which shall be deemed sufficient to convey title to said property. Execution of deeds.

SEC. 4. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 522.

An act supplemental to an act entitled an act to amend an act of the general assembly, laws of eighteen hundred and eighty-nine, chapter five hundred and forty-nine, entitled an act to aid Guilford Battle-ground Company.

The General Assembly of North Carolina do enact:

SECTION 1. That not more than five hundred dollars of the money appropriated by the act, ratified the third day of February, eighteen hundred and ninety-three, and amendatory of the act of eighteen hundred and eighty-nine, chapter five hundred and forty-nine, and under chapter five hundred and forty-nine of laws eighteen hundred and eighty-nine, shall be paid to the Guilford Battle-ground Company until February second, eighteen hundred and ninety-five.

Chapter 72, *ante*, construed. When appropriation to Guilford Battle-ground Co. to be paid.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 523.

An act to repeal chapter three hundred and ninety-nine, laws of eighteen hundred and eighty-seven.

The General Assembly of North Carolina do enact :

Chapter 399, laws 1887 (amending chapter 245, laws 1885, so as to make law authorizing commissioners to increase bonds of clerk and register, not applicable to Warren county) repealed.

SECTION 1. That chapter three hundred and ninety-nine of the laws of one thousand eight hundred and eighty seven be and the same is hereby repealed.

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

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

CHAPTER 524.

An act to provide for the better working of the public roads of Cherokee county.

The General Assembly of North Carolina do enact :

Commissioners of Cherokee county to elect road commissioner.

SECTION 1. That for the purpose of keeping up and maintaining a good system of public roads in the county of Cherokee the board of commissioners of said county shall on the first Monday in April, eighteen hundred and ninety-three, and on the first Monday in April in each succeeding year, elect a road commissioner in said county, who shall be a man of good character and not in any way connected with the affairs of the county as an officer of the same.

Qualification of road commissioner.

Term of office.

SEC. 2. That said commissioner shall hold his office for the term of one year or until his successor is elected and qualified.

Duties of road commissioner.

SEC. 3. That it shall be the duty of such road commissioner to inspect the public roads in said county once quarterly in each year, giving two days in each quarter to each township. He shall have supervision of all the public roads in said county, and have authority and it shall be his duty to confer with the road overseers as to the condition of the roads which they have in charge under this act, and to make report in writing of the condition of same to the clerk of the superior court of said county quarterly, immediately after inspection as required in this act, which report shall be turned over to the solicitor of the district at the regular terms of the superior court of said county. That said reports shall contain a complete list of the overseers of public roads in said county and the condition of their respective roads at the time of filing said report.

To report quarterly to superior court clerk.

What report to contain.

- SEC. 4. That the board of commissioners of said county shall, on the first Monday in April, eighteen hundred and ninety-three, and on the first Monday in April in each year thereafter, separate and allot the roads of said county into sections, with overseers and such hands as they may designate for such section; said overseers shall hold their office for one year from appointment, and it shall be their duty to summons the hands allotted to that portion of road to which they have been assigned to work on said roads as often as may be necessary to keep the same in good repair, and on failure to do so shall be guilty of a misdemeanor.
- SEC. 5. That said roads shall be classed as first, second and third class. First class to be sixteen feet wide, clear of stumps and runners; second class to be twelve feet wide, clear of stumps and runners; third class to be ten feet wide, clear of stumps and runners; except in case of solid rock, when they must be eight feet.
- SEC. 6. That it shall be the duty of the overseers as soon as notified of their appointment to call out the hands, giving three days written notice to each, and work said roads; and any hand failing to attend and work said roads, or send an able substitute, shall pay one dollar per day in lieu of his attendance; and in case he shall not attend and work, nor pay one dollar per day as above provided, he shall be guilty of a misdemeanor.
- SEC. 7. It shall be the duty of the overseer to turn over all moneys by him collected for failure of hands to work as above set forth to the road commissioner, who shall turn the same over to the county treasurer, and the same shall be applied to paying the road commissioner as hereinafter provided, and also for such use on public roads in the county as the commissioners of the county may desire to use the same.
- SEC. 8. That it shall be the duty of the overseers appointed under this act to report to the road commissioner quarterly when he calls on them as above set forth of the number of hands, if any, who failed or refused to work on the roads after having been duly summoned as required in this act.
- SEC. 9. It shall be the duty of the road commissioner to return the report of such overseer to the clerk of the superior court of said county with the other reports hereinbefore provided for, which shall be turned over to the solicitor of the district at the regular terms of the superior court of said county. And it shall be the duty of said clerk to issue subpoenas for such witnesses as the road commissioner shall designate to appear before the grand jury at the next regular term of the superior court of said county to give evidence against such parties as have failed to do any of the duties prescribed in this act.
- SEC. 10. That it shall be the duty of the solicitor to investigate the reports of road commissioner, and in case any of the overseers or

Commissioners to divide roads into sections.

Overseers.

Duty of overseers.

Roads, how classified.

Duty of overseers to call out hands, &c.

Penalty for failure of hand to attend.

Penalties collected, how applied, &c.

Overseers to report quarterly to road commissioner.

Road commissioner to return overseer's reports to clerk, &c.

Clerk to return report to solicitor.

Subpoenas for witnesses.

Duty of solicitor.

hands have violated the law by failing or refusing to comply with the provisions of this act it shall be his duty to send such bill to the grand jury as may be proper to indict the offender without presentments.

Compensation of
road commis-
sioner.

SEC. 11. That the road commissioner provided for in this act shall receive two dollars per day while engaged in his work, which time shall not exceed two days for each township in each quarter, to be paid by the county treasurer on the warrant of the chairman of the board of commissioners of the county countersigned by the register of deeds.

Bond of road
commissioner.

SEC. 12. That the road commissioner provided for in this act shall, before he enters on the duties of his office, enter into bond in the sum of two hundred dollars, approved by the board of county commissioners of said county, conditioned for the faithful discharge of his duties, and shall also take and subscribe an oath to the same effect, which said bond and oath shall be recorded by the clerk of the board of commissioners of said county in the proper book for that purpose.

Oath.

Road hands.

SEC. 13. That the road hands provided for in this act shall be deemed to be all able-bodied male persons between the ages of eighteen and forty-five years.

Duty of person,
&c., injuring
roads by hauling,
&c., to repair
them.

SEC. 14. That when any damage may occur to any of the public roads in said county by the acts of any company, firm or person operating any saw-mill or lumber-yard by reason of hauling their logs or lumber over said road or the bridges on the same which the ordinary labor of the road hands is not adequate to repair, the road commissioner shall on receiving information of such damage give a five days written notice to such person or business agent of said company or firm of said damage, and it shall be the duty of said company, firm or person to repair such road or bridge within ten days after the expiration of the five days notice aforesaid, and any person, business agent, or other member of any such company or firm, who shall fail to repair said damage to such roads or bridges within the time above set forth after such notice, unless hindered by continued bad weather or other providential hindrance, shall be deemed guilty of a misdemeanor.

Misdemeanor.

Conflicting laws
repealed.

SEC. 15. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 16. That this act shall be in force from and after its ratification. Ratified the 21st day of February, A. D. 1893.

CHAPTER 525.

An act allowing an increase of taxation for public graded schools in Charlotte.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of aldermen of the city of Charlotte, North Carolina, shall have power to levy an annual tax for the support and maintenance of the public graded schools in said city, which annual tax shall not exceed twenty cents on the one hundred dollars value of property and sixty cents on the poll. Aldermen empowered to levy tax for public graded schools.
Limitation of tax.

SEC. 2. This act shall not take effect until it shall have been ratified by a vote of a majority of the qualified voters of the city of Charlotte, North Carolina. Act to be submitted to popular vote.

SEC. 3. That it shall be the duty of the mayor of the city of Charlotte, North Carolina, to cause publication to be made for thirty days prior to the first Monday in May, eighteen hundred and ninety-three, in at least one of the newspapers published in the city of Charlotte, North Carolina, a notice setting forth this act and giving public notice that on the said first Monday in May, eighteen hundred and ninety-three, the polls will be open at the usual polling places in the several wards for the purpose of voting for the ratification or rejection of this act. Notice of election.

SEC. 4. That on the first Monday in May, eighteen hundred and ninety-three, the polls shall be open at the usual polling places in the said several wards for the purpose of voting for the ratification or rejection of this act. That it shall be the duty of the mayor and board of aldermen of the city of Charlotte, North Carolina, to provide at each of the said several polling places a separate ballot box for the reception of such ballots. Those voting in favor of the ratification of this act shall vote a ticket bearing the word "Ratification," and those voting against its ratification shall vote a ticket bearing the word "Rejected." Election, when and how held.

Ballots.

SEC. 5. That said election shall be conducted by the same judges and in the same manner as is provided for the election of a mayor and aldermen of said city, and the ballots shall be counted and the result declared in the same manner as is now provided for the election of the mayor and board of aldermen; and if a majority of the ballots shall be found to be in favor of the ratification of this act, then this act shall be immediately in full force and effect, but in case the majority shall be found against its ratification it shall be then of no effect. Election, how conducted, &c.

Act to take effect on majority vote.

SEC. 6. That this act shall be in force from and after its ratification. Ratified the 3d day of March, A. D. 1893.

CHAPTER 526.

An act to establish graded schools in Lexington, North Carolina.

The General Assembly of North Carolina do enact :

Election upon
question of estab-
lishing graded
schools, &c.

SECTION 1. That the commissioners of the town of Lexington, Davidson county, are hereby authorized to submit to the qualified voters of said town at such time within four months after the ratification of this act and under such rules and regulations as the said commissioners may prescribe, the question of establishing graded schools in said town and whether an annual tax shall be levied for the support of such schools in said town, and they shall give thirty days notice of said election in some newspaper published in said town.

Notice.

Ballots.

SEC. 2. That at the election held under the provision of this act those voting who favor the levying of such tax shall vote a written or printed ballot without device with the words "For school" upon it, and those voting opposed to levying of such tax shall vote a written or printed ballot with the words "Against schools" upon it; and the penalties for illegal and fraudulent voting in this election shall be in all respects the same as in the annual election for mayor and commissioners of the said town of Lexington.

Penalties for
illegal voting, &c.

Schools to be
established on
vote of majority
of qualified
voters.

SEC. 3. That if a majority of said qualified voters shall vote at said election in favor of establishing said graded school, it shall be the duty of the board of commissioners of said town within thirty days after said election to elect five persons of integrity and ability, qualified voters of said town, who shall constitute the board of school commissioners and shall have the care and direction in all things pertaining to the establishment and control of said graded schools, and shall be a body corporate under the name of the Graded School Board, with power to sue and be sued, to plead and be impleaded, to contract and be contracted with, to purchase, hold and convey real and personal property for all the purposes of this act; and the election of their successors shall be held at the time and in the manner of the next annual election of mayor and commissioners and annually thereafter, and the commissioners of said town are directed to order the election of said graded school board held by the inspectors and judges of the town election, and the vote therefor canvassed in like manner as for and at the same time of holding the election of mayor and commissioners, and the five persons, if qualified electors of said town, who shall receive the highest number of votes cast at said election shall constitute the graded school board.

Board of school
commissioners.

Incorporated.

Corporate pow-
ers.

Election of suc-
cessors.

Election, how
held, &c.

Special tax.

SEC. 4. That if the majority of said qualified voters shall vote at said election in favor of establishing said graded schools, it shall be the duty of the board of commissioners of said town and their successors to levy annually a special tax, not exceeding twenty cents on the hundred dollars valuation of all the taxable property of said town

and upon the poll not exceeding sixty cents, and said taxes shall be due and collected annually by the town tax collector as and at the time other town taxes are due and collected. Collection.

SEC. 5. That said taxes shall be paid over by the said tax collector of said town to the treasurer of said town, which officers shall give bonds, the former for collection and the latter for the safe keeping and proper distribution of said special taxes and other funds that may come into his hands for the use of said graded schools; and said treasurer shall keep said school funds separate and apart from all other moneys, and shall pay out the same only upon a warrant or order stating for what use of said graded schools, signed by a majority of said school board and countersigned by the mayor of said town. Taxes payable to town treasurer.
Bonds.
How expended.

SEC. 6. For the purposes and benefits of this act the town of Lexington shall be and constitute a public school district for both white and colored; and all public school funds derived from the state and said county for the use and benefit of the public school district so constituted shall be paid to said town treasurer by the treasurer of said county for the use and benefit of said graded school. Town to constitute a public school district.
School funds payable to town treasurer.

SEC. 7. That it shall be the duty of said graded school board to establish a graded school for white and one for colored children of said town, and apportion the funds derived from said special taxes or from any other sources whatsoever between said schools for white and colored. Separate graded schools for white and colored.

SEC. 8. That it shall be the duty of said board of school commissioners to make annually a full and complete report of the operations of said graded schools to the mayor and commissioners of said town and publish the same in the newspapers published in said town; and said board shall also make to the state superintendent of public instruction and to the county superintendent all such reports as are required by the general law. Annual report of school commissioners.
Other reports.

SEC. 9. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 527.

An act to establish graded schools in the town of Rocky Mount, counties of Nash and Edgecombe.

The General Assembly of North Carolina do enact :

SECTION 1. That all that portion of the county of Nash and all that portion of the county of Edgecombe lying within the corporate limits of the town of Rocky Mount, together with house and lot now used by Israel D. Hargett for his colored school, together also with all that Town of Rocky Mount and portions of Edgecombe and Nash

counties constituted a public school district.

portion of Edgecombe county which is bound by the corporate limits and by the Tarboro county road to Soden's eastern line on said county road; thence to the east boundary of the Rocky Mount Improvement and Manufacturing Company and with the same to Tar river; and all that portion of Rocky Mount township, Nash county, lying on east side of Rocky Mount Mills railroad and including the settlement known as Little Raleigh, be and the same are hereby constituted one school district for the children of both races.

Board of trustees.

SEC. 2. That Daniel Abraham, Thomas H. Battle and William T. Muse be and they are hereby appointed a board of trustees for the two separate schools that are to be conducted in said district—one for white children, the other for colored children—and shall be a body corporate by the name and style of the board of trustees for the Rocky Mount public schools; said board shall have power to fill vacancies occurring in the board, to employ teachers and to do all such acts as may be done by school committees under the general law.

Two separate schools for white and colored.
Board incorporated.
Corporate name.
Powers.

Treasurer.

SEC. 3. That said board of trustees shall elect a treasurer, who shall hold his office for two years, and he shall give a good and sufficient bond in the sum of one thousand dollars, to be approved and accepted by the board of commissioners of Nash county, who shall record and file the same as in case of other official bonds.

Term of office.

Bond.

Public school moneys payable to treasurer.

SEC. 4. That the public school money which shall from time to time be collected under the general school law for public school purposes for the white and for the colored children in said territory shall be paid to said treasurer, and by him applied under the orders and directions of said board of trustees.

How applied.

SEC. 5. That this act shall be in force from and after its ratification. Ratified the 6th day of March, A. D. 1893.

CHAPTER 528.

An act to establish graded schools in the city of High Point.

The General Assembly of North Carolina do enact:

Constituted a graded school district.

SECTION 1. That all the territory embraced within the corporate limits of the city of High Point, Guilford county, shall be and is hereby constituted "The High Point Graded School District" for white and colored children.

Election upon question of special tax for school.

SEC. 2. The board of aldermen of the city of High Point are hereby required to submit to the qualified registered voters of said city whenever petitioned to do so by one-fourth of the qualified voters of said city the question "whether an annual tax shall be levied therein for

the support of graded public schools for said district." Said tax not to exceed fifty cents on the one hundred dollars valuation and one dollar and fifty cents on the poll. Each voter shall vote a written or printed ballot with the words "For schools" or "No schools" thereon. And said election shall be conducted under the same rules and regulations as prescribed by law for the election of municipal officers of said city.

Limitation of tax.

Ballots.

Election, how conducted.

SEC. 3. That in the event of a majority of the votes cast in said district be in favor of such tax, the same shall be levied and be collected in the same manner as provided by law for the levying and collecting of other taxes for said city. The city tax collector shall collect and pay over the same to the city treasurer under the same liabilities as now provided by law for the collection and paying over other city taxes.

Tax to be levied on majority vote.

Collection, &c.

SEC. 4. The special taxes thus levied and collected shall be expended in keeping up said graded schools for children of both sexes between the ages of six and twenty-one years.

Tax how expended.

SEC. 5. That J. W. Jones, E. A. Snow, J. J. Cox, R. C. Charles and J. J. Welch be and they are hereby constituted a board of trustees for said graded schools; that said board shall have power to fill all vacancies in said board, employ teachers, and to do all such acts as may be necessary to carry on said schools.

Board of trustees.

Powers.

SEC. 6. That the above-named trustees shall hold office until the regular election of municipal officers in May, eighteen hundred and ninety-four, at which time their successors shall be elected and annually thereafter.

Term of office.

SEC. 7. That the public school money which may from time to time be collected under the general school law for general school purposes for the children in said district shall be applied to keeping up said graded schools under the order and directions of the board of trustees for said graded schools.

Public school funds applied to maintenance of school.

SEC. 8. That the said board of trustees are hereby authorized and empowered to dispose of the public school property now located in the said city of High Point and apply the proceeds to the said graded school fund.

Trustees authorized to dispose of present school property. Application of proceeds.

SEC. 9. All laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 10. That this act shall be in force from and after its ratification.

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

RESOLUTIONS
OF THE
GENERAL ASSEMBLY,
SESSION 1893.

Resolution of instruction to our senators.

Resolved by the Senate, the House of Representatives concurring:

That our senators in congress be instructed and our representatives requested to use their best efforts to secure, as speedily as possible, the repeal of the prohibitory ten per centum tax upon state banks of issue.

Senators instructed and representatives requested to secure repeal of tax upon state banks of issue. Copy to be sent.

2d. That a copy of these resolutions be sent to each senator and representative.

Ratified the 20th day of January, A. D. 1893.

Resolution authorizing the state treasurer to pay note given for the purchase of the Steamer "Lillie."

Resolved by the Senate, the House of Representatives concurring:

That the treasurer be authorized to pay the balance due on the note held by the Citizens National Bank of six thousand six hundred and ninety-six and seven one hundredth dollars (\$6,696.07) for purchase of steamer Lillie, oyster patrol, as authorized by chapter eleven, laws of eighteen hundred and ninety-one.

Treasurer authorized to pay balance due for purchase of steamer Lillie.

Ratified the 20th day of January, A. D. 1893.

Joint resolution to create a committee to investigate the different offices of the general assembly and ascertain the help needed and make report with recommendations.

Resolved by the Senate, the House of Representatives concurring :

Special committee appointed to investigate offices of general assembly.

1st. That a committee of two upon the part of the senate and three on the part of the house be appointed, whose duty it shall be to examine and enquire into the offices of principal clerks, engrossing clerks and doorkeepers of both houses and enrolling clerk, and ascertain how many assistant clerks and employees are necessary to dispatch the business which may come before this general assembly, and report the result of their investigations to the respective houses for further action.

Ratified the 20th day of January, A. D. 1893.

A resolution to appropriate the sum of five hundred dollars to defray the expenses of the ceremonies attending the inauguration of the governor-elect and other state officers.

Resolved by the House of Representatives, the Senate concurring :

\$500 appropriated for expenses of inauguration of state officers.

That the sum of five hundred dollars be and is hereby appropriated out of the general fund for the purpose of defraying the expenses of the ceremonies attending the inauguration of the governor-elect and other state officers.

Ratified the 20th day of January, A. D. 1893.

Resolution to pay W. B. Henderson one hundred dollars, expenses in election contest.

Resolved by the Senate, the House of Representatives concurring :

\$100 allowed W. B. Henderson, contestee in Leach v. Henderson.

That the sum of one hundred dollars be paid W. B. Henderson in full of all expenses incurred in the contest of Leach vs. Henderson for seat in senate, session eighteen hundred and ninety-three.

Ratified the 27th day of January, A. D. 1893.

Resolution to pay J. H. Wright one hundred dollars, expenses in election contest.

Resolved by the House of Representatives, the Senate concurring :

That the sum of one hundred dollars be paid J. H. Wright in full, of all expenses incurred in the contest of Long vs. Wright for a seat in the house of representatives, session of eighteen hundred and ninety-three. \$100 allowed J. H. Wright, contestee in Long v. Wright.

Ratified the 27th day of January, A. D. 1893.

A resolution to have printed five hundred copies of the inaugural address of his excellency the governor.

Resolved by the House of Representatives, the Senate concurring :

That five hundred copies of the inaugural address of his Excellency Honorable Elias Carr be printed for the use of the executive department and the general assembly, and that of said number sixty copies be bound in cloth for transmission to the executive departments of the several states of this union. Copies of inaugural address of Gov. Carr to be printed, &c.

Ratified the 31st day of January, A. D. 1893.

Joint resolution to provide the judges and solicitors of the superior and criminal courts with advance copies of the public laws of this session.

Resolved by the House of Representatives, the Senate concurring :

SECTION 1. That the secretary of state is hereby directed to forward by mail or otherwise to the superior court judges and solicitors, and to the judges and solicitors of the several criminal courts of the counties where such criminal courts have been established, certified copies of all laws passed at this session of a public nature creating new offences, changing statutes of any kind of a public nature, and amending The Code or acts of eighteen hundred and eighty-five, eighteen hundred and eighty-seven, eighteen hundred and eighty-nine or eighteen hundred and ninety-one in relation to the courts immediately after their enrollment or ratification. Secretary of state to send copies of certain laws to judges and solicitors.

SEC. 2. This resolution shall take effect upon its ratification.

Ratified the second day of February, A. D. 1893.

Resolution for the relief of John M. Guyther, of Martin county, from peddler's tax.

Resolved by the House of Representatives, the Senate concurring:

J. M. Guyther
allowed to peddle
without license.

That the said John M. Guyther be and he is hereby exempted from the operations of the revenue act of this state as a peddler, and is hereby authorized to ply the said vocation of a peddler in any and all counties of this state free from tax therefor.

This shall be in force from and after its ratification.

Ratified the 4th day of February, A. D. 1893.

Resolution of instruction concerning the Nicaragua canal.

Resolved by the Senate, the House of Representatives concurring:

Senators and rep-
resentatives in-
structed to vote
for bill to com-
plete, &c., Nica-
ragua Canal.

That our senators and representatives in congress be instructed to vote for the passage of the bill formulated by the senate committee for the purpose of furthering and completing the Nicaragua canal.

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

Resolution calling for statements from Bursar of University.

Resolved by the House of Representatives, the Senate concurring:

Bursar of Uni-
versity requested
to furnish state-
ment of receipts
and disburse-
ments, &c.

That the Bursar of the University of North Carolina at Chapel Hill be and he is hereby requested to furnish the general assembly with a statement of the receipts and disbursements of the University for the past two years, beginning August fifteenth, eighteen hundred and ninety-one; the number of students receiving free tuition under section three, chapter two hundred and thirty-three, laws of eighteen hundred and eighty-seven, relating to the admission of minister's sons, candidates for the ministry, young men afflicted with bodily infirmity, and students preparing themselves for the purpose of teaching; the number of students receiving free tuition on scholarships established at the University by private philanthropy; the number and amounts of notes taken for tuition and the amounts now due on said notes and all other information concerning the finances of the institution at his earliest convenience, and to make similar reports biennially hereafter to the general assembly.

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

Resolution to purchase a bust of Honorable Jefferson Davis.

Resolved by the House of Representatives, the Senate concurring:

That the sum of twelve dollars is hereby appropriated to purchase for the state a plaster cast of the honorable Jefferson Davis, late president of the confederate states.

Appropriation for purchase of plaster cast of Jefferson Davis.

Resolved further, That when purchased the state librarian is hereby directed to have a pedestal prepared and place the same in the state library room.

Pedestal to be procured. Where placed.

Ratified the 9th day of February, A. D. 1893.

A resolution requesting our senators and representatives in congress to use their influence for the establishment of a national park in western North Carolina.

WHEREAS, There is a widely prevalent sentiment among the people of the southeastern section of the United States in favor of the establishment of a national park among the mountains of the Appalachian system similar to the Yellowstone Park, to be owned, controlled and maintained by the federal government in the interest of science; and whereas, the mountain section of the state of North Carolina has many points of high altitude which are still covered with primeval forests containing practically unimpaired the original flora of said section, and is likewise well adapted to the propagation and preservation of the original fauna thereof; therefore,

Preamble.

Resolved by the House of Representatives, the Senate concurring:

First. That our senators and representatives in congress be requested to exert their united influence in furtherance of the proposition aforesaid, and use all honorable means to bring the same to a successful issue.

Senators and representatives requested to further proposition to establish National Park among mountains of Appalachian system.

Second. That a copy of this resolution be forwarded to each of our senators and representatives aforesaid.

Ratified the 9th day of February, A. D. 1893.

A resolution for the relief of J. M. Foust.

Resolved by the House of Representatives, the Senate concurring :

\$25 refunded to J. M. Foust, corporation tax paid for charter failing to pass.

That the auditor of the state be and he is hereby directed to issue to J. M. Foust a warrant on the state treasurer for twenty-five dollars, being the amount paid by him to the treasurer of state at the session of the legislature of eighteen hundred and ninety-one, the receipt therefor being attached to a bill to incorporate the "Alliance Exchange"; and said bill failing to pass, and the treasurer is hereby authorized to pay the same back to him out of any funds not otherwise appropriated.

That this resolution shall be in effect from and after its ratification. Ratified the 9th day of February, A. D. 1893.

Resolution providing for joint special committee to ascertain the advisability of subscribing to the confederate private soldiers and sailors' monument in the capital city of the late confederacy.

Preamble.

WHEREAS, A monument to the memory of the confederate private soldiers and sailors is in process of erection in Richmond, Virginia (the late capital city of the confederacy), under the supervision of the private soldiers and sailors' monument association; and whereas, the eleven southern states, together with Missouri and Kentucky, are each requested to be represented by a block of granite in said monument to commemorate the heroism and bravery of their illustrious sons who offered their lives upon the altars of their country;

Therefore, at the recommendation of our late governor in his message to the general assembly, and out of love and respect for North Carolina's gallant sons who by their devotion and bravery added lustre and renown to her fair escutcheon:

Resolved by the House of Representatives, the Senate concurring :

Special committee appointed to consider matter of subscription to monument to Confederate private soldiers and sailors.

That a special committee of three on part of the house and two of the senate be appointed to investigate the matter and report by bill or otherwise to their respective branches of the state legislature whether it is advisable for the state to subscribe to said monument, and if so, the necessary amount of such subscription.

Ratified the 17th day of February, A. D. 1893.

Resolution to reimburse the subcommittee of the committees on insane asylums their actual necessary expenses, two hundred and forty-four dollars and ten cents, in visiting the state hospitals at Goldsboro and Morganton.

Resolved by the House of Representatives, the Senate concurring:

That the subcommittee of the joint committees on insane asylums who visited the state hospitals at Goldsboro and Morganton be paid their actual necessary expenses as per the annexed accounts, two hundred and forty-four dollars and ten cents. And the treasurer shall pay the same upon the warrant of the auditor out of any moneys in the treasury not otherwise appropriated.

Allowance for expenses of subcommittee on insane asylums.

Ratified the 20th day of February, A. D. 1893.

Resolution to pay T. M. Robertson, chairman of house committee on public printing, for expenses of subcommittee visiting Greensboro.

Resolved by the Senate, the House of Representatives concurring:

That the auditor is hereby directed to draw his warrant on the treasurer of the state in favor of T. M. Robertson for eighteen dollars and sixty cents, and the treasurer is authorized to pay the same. The above being the amount of expenses incurred by the subcommittee who visited Greensboro to investigate the cost of public printing.

Allowance for expenses of subcommittee on public printing.

Ratified the 21st day of February, A. D. 1893.

Resolution of instruction to the board of trustees of the state library.

WHEREAS, Several states of the Union have supplied this state with sets of their printed Colonial Records free; and whereas, the board of trustees of the state library did not think they had the authority, under the law directing the publication of the Colonial Records of North Carolina to furnish such states with our records; therefore,

Preamble.

Resolved by the House of Representatives, the Senate concurring:

The board of trustees are hereby requested to have forwarded the Colonial Records of North Carolina to such states as have or may hereafter supply similar documents to this state.

Colonial Records to be sent to certain states.

Ratified the 25th day of February, 1893.

A resolution to pay expenses of subcommittee appointed to visit the University and the Greensboro Normal and Industrial School.

Resolved by the House of Representatives, the Senate concurring:

Subcommittee
visiting Univer-
sity, &c., allowed
actual expenses.

SECTION 1. That the subcommittee appointed at a joint meeting of the committees on education to visit and inspect the property and buildings of the State University and the Greensboro Normal and Industrial School be and they are hereby allowed the actual necessary expenses incurred by each member of said subcommittee on their recent visit to said institutions, and that the same be paid upon warrant of auditor on the treasurer out of any moneys not otherwise appropriated: *Provided*, that the amount to be paid under this resolution shall not exceed one hundred and fifteen dollars.

Proviso.

SEC. 2. That this resolution shall take effect from and after its ratification.

Ratified the 25th day of February, A. D. 1893.

A Joint resolution in favor of Mrs. Emily Johnson, a pensioner.

Preamble.

WHEREAS, Mrs. Emily Johnson, of Durham county, widow of J. W. Johnson, who was killed at Drury's bluff on the sixteenth day of May, eighteen hundred and sixty-four, a private in company "D," sixty-first regiment North Carolina troops, failed to draw her pension for eighteen hundred and ninety by reason of mistaken advice given to her by the clerk of the superior court and the register of deeds of Durham county; therefore,

Resolved by the House of Representatives, the Senate concurring:

Allowance to
Mrs. Emily John-
son for pension.

That the auditor be and he is hereby directed to draw his warrant on the treasurer of the state in favor of Mrs. Emily Johnson, of Durham county, a widow entitled to pension for the sum of seventeen dollars and seventy-five cents, in full of her pension for the year eighteen hundred and ninety, and the state treasurer is hereby directed to pay said warrant out of any unexpended balance of pension funds in his hands.

Resolved further, that this resolution shall be in force from and after its ratification.

Ratified the 27th day of February, A. D. 1893.

Resolution to reimburse the committee appointed to visit and inspect the Colored Orphan Asylum at Oxford.

Resolved by the House of Representatives, the Senate concurring:

That the sum of seventeen dollars and eighty-five cents is hereby appropriated out of any money not otherwise appropriated to pay the actual necessary expenses of S. Erwin for the committee appointed to visit and inspect the Oxford Colored Orphan Asylum.

Committee visiting Oxford Colored Orphan Asylum allowed expenses.

Ratified the 27th day of February, A. D. 1893.

Resolution in favor of Joseph S. Davis and John W. Starnes.

Resolved by the House of Representatives, the Senate concurring:

That the treasurer is hereby authorized, upon the warrant of the auditor, to pay Joseph S. Davis, chairman of the senate branch of the Committee on Deaf and Dumb Institution at Morganton, the sum of sixty-seven dollars and forty cents, and John W. Starnes, chairman of the house branch, one hundred and thirteen dollars and seventy cents, actual expenses of said committee visiting said institution.

Committee visiting Deaf and Dumb Asylum at Morganton allowed actual expenses.

Ratified the 1st day of March, A. D. 1893.

Resolution directing the treasurer to pay the expenses of joint committee appointed to visit and investigate the state penitentiary farms on the Roanoke river.

Resolved by the Senate, the House of Representatives concurring:

That the treasurer of the state be and he is hereby directed to pay W. C. Fields, chairman, the sum of fifty-two dollars and ninety-nine cents (\$52.99), the full amount of actual expenses incurred by the subcommittee on penal institutions while discharging their duties in visiting and investigating the state farms on the Roanoke river, and the further sum of twenty-eight dollars and fifty cents for actual expenses of subcommittee in visiting Castle Hayne farm in New Hanover county.

Subcommittee visiting state farms, &c., allowed actual expenses.

Ratified the 3d day of March, A. D. 1893.

Resolution in favor of E. R. Hampton.

Resolved by the Senate, the House of Representatives concurring :

Allowance to E.
R. Hampton,
clerk, &c., for
postage.

That the treasurer, upon the warrant of the auditor, pay E. R. Hampton, clerk to the joint committee on the election of justices of the peace, three dollars and fifty cents on account of postage paid for the use of said committee.

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

Resolution for adjournment "sine die."

The General Assembly of North Carolina do enact :

Adjournment on
March 6, 1893.

SECTION 1. *Resolved by the House of Representatives, the Senate concurring,* That the general assembly do adjourn *sine die* on Monday, March 6th, eighteen hundred and ninety-three, at twelve M.

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

Resolutions directing the treasurer to pay to John Z. Neal one hundred dollars for the arrest of Linville Eller, outlaw.

Preamble.

WHEREAS, On the sixth of February, eighteen hundred and eighty-nine, his excellency Daniel G. Fowle, governor, offered a reward of one hundred dollars for the arrest and delivery of Linville Eller (an outlaw on the Tennessee border) to the sheriff of Ashe county; and whereas, on the ninth of December, eighteen hundred and ninety, one John Z. Neal, a citizen of Ashe county, in the arrest of said Eller was so fiercely assaulted by said Eller that he was forced to shoot and kill said outlaw in defence of his life; and whereas, the governor and attorney general doubt the authority of the governor to order the payment of said reward because the said outlaw was not delivered alive to the sheriff of Ashe; therefore,

Reward for arrest
of L. Eller to be
paid to J. Z. Neal.

Resolved 1. That the auditor be and he is hereby directed to issue his warrant on the treasurer in favor of said John Z. Neal for the sum [of] one hundred dollars in payment of said claim.

2. That this resolution shall take effect from and after its ratification.

Ratified the 4th day of March, A. D. 1893.

Joint resolution authorizing the state treasurer to refund taxes in certain cases.

Resolved by the House of Representatives, the Senate concurring:

That in all cases when persons apply to the general assembly for a charter and pay the tax of twenty-five dollars on such application as required by law, and fail for any cause to obtain such charter, the secretary of state shall certify the fact to the state auditor, who shall draw his warrant upon the treasurer, and upon such warrant it shall be the duty of the treasurer to refund the tax to the party paying the same.

Tax refunded to persons applying for charters and failing to obtain them.

Ratified the 4th day of March, A. D. 1893.

Resolution of thanks to Peace Institute, St. Mary's School, etc.

Resolved by the House of Representatives, the Senate concurring:

That the thanks of this general assembly be and are hereby given to Peace Institute, St. Mary's School and the Institution for the Deaf, Dumb and Blind for elegant entertainments tendered this general assembly.

Thanks tendered to certain schools.

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

Resolution in favor of Susan Gilbert, of Wilkes county.

WHEREAS, Susan Gilbert, the widow of Joshua Gilbert, has heretofore been placed upon the roll of confederate pensioners, and as such pensioner has drawn her allowance for two years; and whereas, said Susan Gilbert through oversight and ignorance failed to put in the formal proof entitling her to a pension for the year one thousand eight hundred and ninety-two; now, therefore, be it

Preamble.

Resolved by the Senate, the House of Representatives concurring:

That the said Susan Gilbert be allowed her pension for said year one thousand eight hundred and ninety-two, and the state treasurer is hereby authorized and instructed to pay her such sum as she would have been entitled to had she formally established her claim as provided by law, said sum to be paid out of the fund now in the treasury for the payment of pensions for said year.

Allowance to Susan Gilbert for pension.

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

A resolution of thanks to the joint committee on enrolled bills.

Resolved by the House of Representatives, the Senate concurring:

Thanks tendered
to joint commit-
tee on enrolled
bills.

That the thanks of this general assembly are hereby tendered to the chairman and members of the joint committee on enrolled bills for their faithful, laborious and unrewarded labors.

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

Resolution to pay Henry D. Harper, page in the senate, twenty-five dollars for extra services as messenger for the enrolling clerk.

Preamble.

WHEREAS, That Henry D. Harper, has been upon the pay-roll of the senate chamber of this general assembly as a page, and was assigned as messenger for the enrolling clerk's department; and whereas, messengers of this general assembly have been allowed two dollars and a-half per day for like services; now therefore,

Resolved by the Senate, the House of Representatives concurring:

Allowance to H.
D. Harper, page,
for extra services.

That the state treasurer, upon the warrant of the auditor, be authorized to pay to Henry D. Harper the sum of twenty-five dollars out of the funds of the state for extra services as messenger for the enrolling clerk of this general assembly.

SEC. 2. This resolution shall take effect from and after its ratification.

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

Resolution in favor of pages.

Extra allowance
to pages.

SECTION 1. *Resolved that the House of Representatives, the Senate concurring,* Authorize the auditor to draw his warrant on the treasurer for five dollars, extra allowance for each of the pages of the house and senate.

SEC. 2. That this resolution shall take effect from and after its ratification.

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

Resolution relating to the establishment of an arbor day.

Resolved by the House of Representatives, the Senate concurring :

SECTION 1. That his excellency the governor is requested to set apart in the fall of each year a day to be observed and known as arbor day, and to issue his proclamation recommending that it be observed by the people of the state in the planting of trees, shrubs and vines in the promotion of forest growth and culture in the advancement of public and private grounds, places and ways, and in such other efforts and undertakings as shall be in harmony with the general character of a day so established.

Governor requested to set apart "Arbor Day." Proclamation.

SEC. 2. That in order to secure the co-operation of the schools in carrying into effect the purpose and provisions of this resolution, it shall be the duty of the state superintendent of public instruction to prepare and issue such circulars of information and instruction as may be necessary to secure the observance of said day by said schools.

Superintendent of Public Instruction to issue circular.

SEC. 3. That on said arbor day appropriate exercises shall be introduced in all the public schools of the state, and it shall be the duty of the county and city superintendents of public instruction and schools to prepare a programme of the exercises proper to be observed on such day in all the schools in their respective jurisdictions.

Appropriate service in public schools.

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

A joint resolution of congratulation to his Excellency Grover Cleveland, president of the United States.

Resolved by the House of Representatives, the Senate concurring :

That the hearty congratulations of the general assembly of North Carolina are hereby extended to Honorable Grover Cleveland upon his again assuming the great office of president of the United States, to which he has for a second time been overwhelmingly elected by his fellow-citizens. His former illustrious administration gives assurance that during his present term of office the execution of the laws will be non-sectional, impartial and in the interest of all the people.

Congratulations extended to President Cleveland, &c.

Resolved 2d. That the speaker of the house of representatives and the president of the senate be instructed to immediately telegraph the above resolution to President Cleveland.

President of senate and speaker to telegraph resolution.

Ratified the 6th day of March, 1893.

Resolution in favor of J. C. Brewster for materials and repair to senate chamber.

Resolved by the Senate, the House of Representatives concurring :

Allowance to J. C. Brewster for fittings, &c., furnished senate chamber.

That the state treasurer be authorized to pay to J. C. Brewster, manager, upon the warrant of the auditor, eleven dollars and seventy-five cents (\$11.75), amount charged the state for fittings, fixtures and repairs for the senate chamber during the months of January and February, eighteen hundred and ninety-three.

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

Resolution in favor of W. W. Cooper, engineer of the capitol.

Preamble.

WHEREAS, W. W. Cooper, engineer and fireman of the capitol, is kept on duty to a late hour every night pending the session of the general assembly, for which extra labor he is entitled to extra compensation; now therefore,

Resolved by the Senate, the House of Representatives concurring :

Allowance to W. W. Cooper, engineer, for extra services.

That the auditor is instructed to draw his warrant for the sum of fifty dollars, payable to the said W. W. Cooper, engineer and fireman as aforesaid, and the treasurer is instructed to pay the same in full satisfaction of his said claim for extra services.

This resolution shall take effect from its ratification.

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

A resolution in favor of R. H. Bradley.

Resolved by the Senate, the House of Representatives concurring :

Allowance to R. H. Bradley for services.

SECTION 1. That R. H. Bradley be and he is hereby allowed the sum of fifty dollars (\$50) as compensation for extra services rendered during the session of the general assembly, and that the treasurer is directed, upon the warrant of the auditor, to pay the said sum to the said R. H. Bradley.

SEC. 2. This resolution shall be in effect from its ratification.

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

Resolution in favor of Abraham Hood, a disabled confederate soldier.

Resolved by the Senate, the House of Representatives concurring:

That the auditor is hereby directed to issue a warrant to the treasurer in favor of Abraham Hood for seventeen dollars and seventy-five cents, and the treasurer is hereby instructed to pay the same out of any unexpended moneys belonging to the pension fund.

Allowance to A.
Hood for pension.

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

Resolution in favor of Alfred Williams & Company.

Resolved by the House of Representatives, the Senate concurring:

SECTION 1. That the public treasurer, upon proper warrant, pay Alfred Williams & Company thirty-one dollars and forty cents for stationery furnished the House.

Allowance to A.
Williams & Co.,
for stationery.

SEC. 2. This resolution shall be in force from its ratification.

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

Resolution to pay Alfred Williams & Company.

Resolved by the Senate, the House of Representatives concurring:

SECTION 1. That Alfred Williams & Company be paid the sum of forty-five $\frac{25}{100}$ dollars for supplies of stationery furnished the Senate during the present session of the general assembly, and that the auditor of North Carolina will draw his warrant for and the treasurer will pay the same out of any money in the treasury not otherwise appropriated.

Allowance to A.
Williams & Co.,
for stationery.

SEC. 2. This resolution shall be in force from and after its ratification.

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

A resolution in reference to printing the history of North Carolina soldiers in late war.

Preamble.

WHEREAS, There is on file in the state library manuscript copies of the part taken by several regiments from this state in the late war for southern independence, showing the brave deeds and heroism displayed by the North Carolina troops and, the same has never been published; therefore for the purpose of doing credit to the memory of our brave soldiers, it is therefore

Resolved by the House of Representatives, the Senate concurring :

Librarian to have printed manuscripts of history of certain regiments in war.

That the state librarian, under the supervision of the board of trustees of the state library, is hereby directed to prepare these papers in proper shape and such others as may be secured, and have five hundred copies of the same printed.

Distribution of copies.

Resolved 2d, That when the said manuscripts have been printed it shall be the duty of the state librarian to supply one copy to each member of this general assembly, one to each state library, and to such schools and colleges of this state as may be entitled to receive the publications of this state: *Provided*, that the cost incurred herein shall not exceed one hundred dollars.

Proviso.

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

A resolution for the relief of John H. Roberts, of Cherryville, Gaston county, North Carolina.

Preamble.

WHEREAS, John H. Roberts, of the county of Gaston, was a brave, true and faithful soldier in the confederate service; and whereas, said John H. Roberts has since had the misfortune to lose his eyesight and is now totally blind, needy and helpless; therefore

Resolved by the Senate, the House of Representatives, concurring :

J. H. Roberts entitled to pension.

That the said John H. Roberts is entitled to all the rights, privileges and benefits of sections thirty-four hundred and seventy-six, thirty-four hundred and seventy-seven, thirty-four hundred and seventy-eight and thirty-four hundred and seventy-nine of The Code of North Carolina.

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

Resolution to have printed captions of the acts and resolutions of this general assembly.

Resolved by the Senate, the House of Representatives concurring :

That the secretary of state is hereby authorized and directed to have fifty copies of annotated captions of all acts and resolutions passed at this session of the general assembly printed and mailed to each member as soon as practicable after adjournment.

Secretary of state to send copies of annotated captions to members of general assembly.

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

Resolution to pay L. M. King, night watchman of the capitol, seven dollars and fifty cents.

Resolved by the Senate, the House of Representatives concurring :

That the treasurer of the state, upon the warrant of the auditor, be authorized to pay out of the public treasury to L. M. King, night watchman for the capitol, the sum of seven dollars and fifty cents (\$7.50) to reimburse him for the moneys paid out to supply some one in his place during his recent sickness and for services hired during the night the body of Treasurer Bain was laying in state, in all, five nights.

Allowance to L. M. King, night watchman.

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

Resolution in favor of J. C. Brewster.

Resolved by the House of Representatives, the Senate concurring :

That the public treasurer, upon proper warrant, pay J. C. Brewster nineteen dollars and fifty cents (\$19.50), for hardware and repairs for house of representatives.

Allowance to J. C. Brewster, for hardware, &c.

That this resolution shall be in force from its ratification.

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

A resolution in favor of the incorporators of the Carolina Light, Water and Sanitary Construction Company.

Preamble.

WHEREAS, The corporators in an act entitled an act to incorporate the Carolina Light, Water and Sanitary Construction Company, passed by the present general assembly, paid to the state treasurer by mistake two fees of the sum of twenty-five dollars each on the said act,

Resolved by the Senate, the House of Representatives concurring :

Treasurer to refund \$25 corporation tax paid by mistake.

That the state treasurer be and he is hereby authorized, instructed and empowered to refund the sum of twenty-five dollars, one of said fees paid as aforesaid.

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

A resolution for the suppression of trusts and combinations.

Resolved by the Senate of North Carolina, the House of Representatives concurring :

Senators and representatives requested to procure enactment of strongest, &c., laws to prevent trusts, &c.

That the senators and representatives in the congress of the United States, of the state of North Carolina, are hereby requested to procure the enactment by the congress of the United States the strongest and most efficient laws to prevent and suppress all trusts and combinations which tend to depress the price of agricultural products and to increase the price of manufactured goods and which in any way interfere with the natural and healthy laws of trade or which in any way tend to prevent competition.

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

STATE OF NORTH CAROLINA,

OFFICE SECRETARY OF STATE.

Raleigh, June 13, 1893.

I, OCTAVIUS COKE, Secretary of State, hereby certify that the foregoing are true copies of the original public acts and resolutions on file in this office.

OCTAVIUS COKE,
Secretary of State.

INDEX

TO THE

PUBLIC LAWS AND RESOLUTIONS.

SESSION 1893.

A.

	PAGE.
ABANDONMENT:	
Offence of, transferred from justice's court,	76, 450
Wife to lose all interest in husband's property, etc.,	114
ABSTRACT OF TAX-LIST:	
To be forwarded to auditor by register of deeds, what to contain,	268
ACTIONS CONCERNING REAL ESTATE:	
Action authorized to determine conflicting claims to real property,	37
To recover real estate bought for taxes, to be brought in three years,	282
Claim and delivery will not lie against sheriff,	284
Upon foreclosure of tax certificate,	285, 288
ADDRESS, INAUGURAL. (See INAUGURATION.)	
ADJOURNMENT:	
Resolution for adjournment <i>sine die</i> ,	492
ADMINISTRATORS. (See EXECUTORS AND ADMINISTRATORS.)	
AD VALOREM TAX:	
On real and personal property,	243
ADVANCES:	
Laborers' lien on crops to be preferred to lien for advances,	38
ADVERTISEMENT:	
By list-takers and assessors of time and place of taking tax list,	258, 259
In years when there is no assessment,	259
Of sale of real estate for taxes by sheriff,	276, 277
AFFIDAVIT:	
Of assessors and tax-listers,	259
Of taxpayer, upon listing property,	262
Of list-taker, on returning tax list,	265
Sheriff to make monthly verified statement,	294
AFRICAN METHODIST CHURCH:	
Brunswick county; prohibition within twelve hundred yards,	450
AGENTS:	
Persons pretending to be insurance agents, etc., guilty of misdemeanor,	219
To make statement of purchase-tax of principal,	247
To list property of principal,	260
To have lien upon property of principal for taxes advanced,	268
Agents selling patents, etc., in Johnston county to obtain license,	426
AGRICULTURAL AND MECHANICAL COLLEGE. (See NORTH CAROLINA COLLEGE OF AGRICULTURE AND MECHANIC ARTS.)	
AGRICULTURAL AND MECHANICAL COLLEGE (COLORED):	
To provide for completion of; appropriation,	206

AGRICULTURAL STATISTICS:	PAGE.
Tax-listers not required to fill blanks relating to,	217
ALAMANCE COUNTY:	
J. H. Blackman appointed justice of the peace,	84
Fall term of superior court changed,	340
Stock law amended,	398
ALBEMARLE:	
Stanly county to elect cotton-weigher for,	92
ALEXANDER COUNTY:	
Spring and fall terms of superior court changed,	395, 396
ALLEGHANY COUNTY:	
Authorized to levy a special tax,	59
Act to improve public road from Elkin to Sparta,	125
Act to provide a public road between certain points,	157
Boundary line between Ashe and,	196
Act to provide for laying out public roads,	198
Act to improve a public road leading from North Wilkesboro to Virginia,	202
Time of holding superior court changed,	396
Collection of taxes in portion of Wilkes added to; railroad debt,	445
ALTERNATIVE ROAD LAW. (See ROADS AND HIGHWAYS.)	
ANIMALS. (See WILD ANIMALS.)	
ANNOTATED CAPTIONS:	
Secretary of State to have prepared,	499
ANSON COUNTY:	
Lawful to hunt opossums at any time; act of 1891 repealed,	43
Rate of interest on bonds to complete court-house increased,	80
Commissioners authorized to levy special tax,	333
To recover damages from injury to roads from hauling logs,	407
APPEALS:	
Shall be taken from railroad commission direct to supreme court when no exception as to facts,	94
On appeal from assessment of damages for right-of-way, either party entitled to jury,	111
From county commissioners; duty of clerk,	268
APPRAISERS:	
Railroad commissioners constituted a board of appraisers,	272 to 276
APPROPRIATIONS (by resolution). [This only includes miscellaneous appropriations, and does not include regular appropriations by act, such as asylums, schools, etc.] (See also COMMITTEE AND LEGISLATIVE EXPENSES; PENSIONS; CHARTER TAX REFUNDED.)	
Treasurer to pay for purchase of steamer "Lillie,"	483
For inauguration of state officers,	484
One hundred dollars allowed W. B. Henderson,	484
One hundred dollars allowed J. H. Wright,	485
For bust of Jefferson Davis,	487
To consider appropriation for confederate monument at Richmond,	488
One hundred dollars reward for arrest, to John Z. Neal,	492
ARBOR DAY:	
Resolution relating to establishment of,	495
ARMED MEN:	
Unlawful for Pinion detectives to carry concealed weapons,	36
Unlawful for detectives to go armed in parties of more than three,	148
ARREARS OF TAXES:	
Tax collectors allowed to collect arrears for 1884, etc.,	46
Railroad tax collector, Sauratown township, Stokes county, authorized to collect,	144
Tax collectors of Murphy, Cherokee county, to collect arrears,	181

ARREARS OF TAXES—CONTINUED.	PAGE.
Tax collector to collect arrears in Wake,	185
Harnett county may sell land to collect,	420
ARTICLES OF OWN MANUFACTURE:	
Not liable to peddler's tax,	249
ASHE COUNTY:	
Boundary line between Alleghany and,	196
New river a lawful fence between certain points,	199
Act to improve a public road leading from North Wilkesboro to Virginia,	202
Act in regard to public road from New Wilkesboro to Tennessee,	207
Act to improve public road from Miller's Creek post-office to Creston post-office,	344
ASSESSMENT. (See ASSESSORS AND LIST-TAKERS.)	
Property of railroad, steamboat and canal companies to be assessed by railroad commission,	98
ASSESSORS AND LIST-TAKERS:	
Duties of, as to persons exempt from poll-tax,	257
Of real property, appointed in 1895 and every four years after,	258
Appointment; chairman; meeting; compensation,	258
To meet with county commissioners in June; advertisement,	258
Returns of tax list in July,	258
Affidavit of list-taker,	259, 264
County board of equalization; duties; compensation,	259
Pay of list-takers; increase of valuation,	259
In years when no assessment, list-takers appointed,	259
Accounts to be made out in detail,	260
What tax list should contain,	262
Oath of taxpayer to tax list,	262
Taxpayer to be examined on oath as to other property,	263
Assessment upon buildings erected or destroyed, to be corrected,	264
Duties of assessors in regard to property of railroads,	273
Definition of "assessors," "list-takers,"	286
Mistakes of, how remedied,	287
ASSIGNMENTS:	
To prevent fraud in; trustees to give bonds, etc.,	433
ASYLUMS, HOSPITALS, AND INSTITUTIONS FOR DEAF, DUMB AND BLIND:	
Each county superintendent to report number of deaf, dumb and blind in county,	68
George Blankenship, of Yancey county, may attend Institution for Blind,	100
Persons traveling for orphan asylums may receive free passes,	101
Qualifications and duties of superintendent of North Carolina School for Deaf and Dumb,	102
Principal of Deaf, Dumb and Blind Asylum not required to be married,	105
To provide for maintenance and improvement of asylums and hospitals,	186
To provide for North Carolina Institution for Deaf, Dumb and Blind,	188
Wake county to establish indigent children's home,	200
Reports of state institutions, what to contain,	215
To provide for North Carolina School for Deaf and Dumb,	305
*In regard to the admission of criminal insane into asylums,	449
Appropriation for colored orphan asylum at Oxford,	468
Resolution to reimburse subcommittee visiting Insane,	489
Resolution to reimburse subcommittee visiting Oxford Colored Orphan,	491
Resolution to reimburse committee visiting Morganton Deaf and Dumb,	491
ATTACHMENTS:	
In case of injury to real property,	73
By sheriff of debt due taxpayer, when no property found,	257
Advertisement in proceedings of, before justice,	344

ATTORNEY GENERAL:	PAGE.
Salary of; allowed clerk; not to be reporter of supreme court,	383
AUCTIONEERS:	
Tax on, of one-fourth of one per centum on sales,	251
AUDITOR:	
To countersign licenses to dealers in sewing machines,	249
To send out no blanks for taxes, except under this act,	256
May reject return of sheriff if incorrect,	256
To provide forms of tax-list, etc., and to send to register of deeds,	264
To issue warrant for taxes overpaid upon certificate of commissioners,	266
Abstract of tax-list to be returned to; duties of,	268
To give credit for uncollectible taxes on personal property,	285
Duties of, in regard to settlement of state taxes,	292
Deductions allowed sheriffs in settlement,	293
To report defaulting sheriff to treasurer,	293
AYDEN:	
Pitt county, sale of liquor permitted,	198
B.	
BACK TAXES:	
Upon unlisted property to be added; duty of commissioners,	267
BAGATELLE TABLES:	
Tax on,	246
BAGGAGE:	
To prevent careless handling of by railroad companies; duty of railroad commissioners,	94
BAILEY, M. J.:	
To correct state grant number 39, issued to,	387
BAKER, R. S.:	
Placed on pension list,	410
BANKS AND BANK STOCK:	
Commissioners of Bladen to designate bank of deposit for county funds,	55
Tax upon bank stock to be paid by cashier to state treasurer,	243
Treasurer to institute action on failure, against bank,	244
Non-residents' stock in national, state and private banks taxed,	244
Only school and county taxes assessed against shares,	244
License taxes upon state banks, brokers, building and loan associations, etc.,	250, 251
Regulations as to listing bank stock; branch banks,	261, 262
Bank stock in state and national banks, how listed,	272
Statement to be furnished by private bankers,	272
Definition of banks, brokers, etc.,	286
May pay to minors and married women deposits made by them,	333
"The State Banking Law;" to be submitted to a vote of the people of the state,	358, 459
Duties of treasurer, if bank examiner reports bank in precarious condition,	449
Banks of deposit for public moneys,	457
Resolution requesting senators and representatives to secure repeal of tax upon state banks of issue,	483
BAXLEY, HARLEE:	
Placed on pension list,	343
BEARS:	
Reward for killing, in Onslow county,	456
BEAUFORT COUNTY:	
In regard to fences in,	179
Commissioners authorized to issue bonds,	321
Quail-shooting allowed in,	349
Trinity school, Beaufort county, included in omnibus prohibition act,	357

BEAVER CREEK TOWNSHIP:	PAGE.
Wilkes county, act to create,	215
BEAVER DAM:	
Union county, cotton-weigher elected for,	47
BERTIE COUNTY:	
May sell poor-house land,	57
Act to protect birds,	96
Railroad taxes to be applied to subscriptions,	193
BETHLEHEM BAPTIST CHURCH:	
McDowell county, prohibition within one-half mile,	105
BETHLEHEM M. E. CHURCH:	
McDowell county, prohibition within one-half mile,	105
BEULAH BAPTIST CHURCH:	
Brunswick county, prohibition within three miles,	311
BIG BRIDGE FERRY:	
Pender county to have jurisdiction of,	150
BILLIARD TABLES:	
License tax on,	246
BINGHAM, MISS NANNIE:	
Randolph county, to pay school claim to,	98
BLADEN COUNTY:	
Unlawful to obstruct Ellis's creek,	39
Commissioners to designate bank of deposit for county funds,	55
Height of fences regulated,	67
Secretary of state to furnish certain books to,	81
Authorized to issue bonds,	128
Time of holding superior courts changed,	166
Commissioners and magistrates may purchase certain ferries,	195
To create stock law in a portion of,	305
Operation of act fixing time for courts postponed,	392
Killing of deer allowed in Brown Marsh township.	436
Cost of repairs to stock-law fence in White Oak township,	444
To provide for redocketing of judgments in,	452
Unlawful to obstruct certain waters in,	460
For protection of fish in Ellis's creek and other waters in,	461
BLANKENSHIP, GEORGE:	
Yancey county, may attend Institution for Blind,	100
BLIND:	
Superintendent to report number of in each county,	68
George Blankenship, Yancey county, may attend Institution for,	100
BOARD OF AGRICULTURE. (See STATE BOARD OF AGRICULTURE.)	
BOARD OF APPRAISERS FOR RAILROAD:	
Railroad commissioners constituted,	273 to 276
BOARD OF COUNTY COMMISSIONERS. (See COUNTY COMMISSIONERS.)	
BOARD OF EQUALIZATION:	
Formed of chairman of commissioners and chairmen of assessors in each township,	259
BOARD OF HEALTH. (See NORTH CAROLINA BOARD OF HEALTH.)	
BOARD OF QUARANTINE. (See QUARANTINE; NORTH CAROLINA BOARD OF HEALTH.)	
BONDS. (See also STATE BONDS.)	
Of trustees, guardians, etc., may be executed on conditions guaranteed by surety companies,	302
BOOKS:	
Peddlers of, not liable to taxation,	249

BOONE AND BLOWING ROCK TURNPIKE COMPANY:	PAGE.
State's interest in,	427
BOUNDARY LINES. (See also COUNTIES.)	
Special proceedings to establish disputed lines,	44
BOWLING-ALLEYS:	
License tax on,	246
BRADLEY, R. H.:	
Resolution allowing compensation for services during general assembly.	496
BRANCH BANKS:	
Tax of, to be paid where branch is located,	262
BRANCH, M.:	
Added to pension list,	443
BREWSTER, J. C.:	
Resolution in favor of, for repairs, materials, etc.,	496, 499
BRIDGES AND BRIDGE COMPANIES:	
Regulation concerning certain bridges in Edgecombe and Jones counties,	101
Question of toll-bridges to be submitted to the voters of Tyrrell county,	139
To regulate riding, etc., over Town Fork Bridge at Walnut Cove, Stokes,	140
Pender county to have jurisdiction over Big Bridge ferry,	150
Wilkes county may pay for a certain bridge across Yadkin river,	210
Fast driving over public bridge at Wilkesboro unlawful,	221
Toll-bridges, tax on,	246
Bridge companies to make statement,	271
BROAD RIVER:	
Rutherford county, J. J. Camp, etc., to establish ferry across,	415
BROKERS:	
Tax upon bond or note broker,	250
BROWN MARSH TOWNSHIP:	
Bladen county, killing of deer allowed in,	436
BRUNSWICK BRIDGE AND FERRY COMPANY:	
To keep record of description of live stock,	99
BRUNSWICK COUNTY:	
Authorized to levy special tax,	91
Certain convicts to be sentenced to New Hanover county house of correction,	213
Prohibition for certain localities in,	311
Prohibition for African Methodist church and Navassa Guano Factory,	450
Non-residents prohibited from hunting, etc., for gain, etc., without license,	456
BUILDING AND LOAN ASSOCIATIONS:	
Law in regard to, amended,	417
Tax on,	251
BULLETINS:	
Of State Board of Health, concerning outbreak of diseases,	178
BUNCOMBE COUNTY:	
Clerks of criminal courts to probate deeds, etc.,	40
To encourage killing of certain wild animals; reward,	53
Act providing for improvement of Hendersonville road; repealed,	96
Act in regard to public roads of,	103
Lumber inspectors provided for,	108
Authorized to issue bonds,	135
Commissioners may declare Hickorynut Turnpike a public road,	201
To protect fish in Cane creek,	208
Certain convicts from other counties to be assigned to public roads in,	227
Commissioners authorized to have erected buildings for election purposes,	347
Commissioners authorized to issue bonds for road improvement,	403
Hampton's detective bureau may carry concealed weapons,	420
Rosa Knight added to pension list,	444
Sheep protected from ravages of dogs,	461

BUREAU OF LABOR STATISTICS:	PAGE.
Appropriation for; not payable out of tax on fertilizers,	399
BURKE COUNTY:	
Unlawful to obstruct Catawba river,	49
Authorized to levy a special tax in stock-law territory,	72
To increase bond of register of deeds in,	419
For protection of deer in,	422
BURSAR:	
Of University, to furnish statement of receipts, etc., resolution concerning,	486
BUTCHERS:	
Of Richmond county and Warsaw township, Duplin county, to keep registration,	95
BYRD, A. L.:	
Treasurer Harnett county, act for relief of,	327
C.	
CABARRUS COUNTY:	
Act in regard to public roads,	107
Times of holding superior courts changed,	112
Compensation of registrars of election,	119
Lawful to shoot robins in,	330
Bird law amended in,	343
Road law amended; convicts,	437
CALDWELL AND WATAUGA TURNPIKE COMPANY:	
State's interest in to be sold,	427
CALDWELL COUNTY:	
Unlawful to obstruct Catawba river,	49
Certain grants to G. N. Folk validated,	136
Relating to hunting deer in,	339
CAMDEN COUNTY:	
To protect fish in Ramon's creek,	95
CANAL COMPANIES:	
Railroad commissioners to assess property of,	98
Tax of one per centum on gross receipts,	254
How assessment to be made by railroad commissioners,	276
CAPE FEAR RIVER:	
Bladen county may purchase certain ferries over,	195
New Hanover and Pender to establish ferry across North East branch of,	240
CAROLINA, KNOXVILLE AND WESTERN RAILROAD COMPANY:	
Election concerning, in Haywood county declared invalid,	410
CAROLINA LIGHT, WATER AND SANITARY CONSTRUCTION CO.:	
Treasurer to refund tax paid by mistake,	500
CARSON, JOHN W.:	
Pitt county, allowed to peddle without a license,	466
CARTERET COUNTY:	
Act to protect wild fowl in Core sound,	216
Clerk of superior court allowed leave of absence,	460
CARTHAGE TOWNSHIP:	
Moore county, may sell stock owned by, in Carthage Railroad Company,	385
CASHIER. (See BANKS.)	
CASWELL COUNTY:	
Commissioners authorized to repay W. H. Harrelson amount stolen,	83
To change time of fall term superior court,	340
August term superior court re-established,	422
In regard to drainage of Hogan's creek,	444

CATAWBA COUNTY:	PAGE.
Act in regard to ditches crossing public roads,	56
General drainage act for Catawba and Lincoln amended,	324
Time of holding superior court changed,	396
CATAWBA RIVER:	
Unlawful to obstruct between certain points,	49
Commissioners of Mecklenburg and Gaston may build bridge over,	190
CATTLE AND LIVE STOCK. (See also STOCK LAW; FENCES.)	
Butchers of Richmond county and Warsaw township, Duplin county, to keep registration,	95
Brunswick Bridge and Ferry Company to keep record of description of,	99
Grazing cattle to be listed in county of owner,	261
On farm to be listed in township where situate,	261
Grazing stock to be listed where owner lives,	261
To prevent deception, etc., by owners, etc., of stallions,	387
CEMETERIES:	
Exempt from taxation (except where used for investment or speculation),	244, 264
CERTIFICATES OF TAX-SALES:	
To be given purchaser of land sold for taxes; form,	278
To be assignable; redemption of land,	278
Certain defects deemed irregularities merely,	283
Action for foreclosure or deed, in two years,	286
Certificates to bear interest at twenty per cent.,	286
May be sold by county commissioners,	288
Action to enforce lien on real estate,	289
CHAPEL HILL:	
Unlawful to sell, etc., liquors, etc., within four miles of,	392
Act to prevent delivery of liquor within four miles of,	431
CHARLOTTE:	
Taxation for graded schools in,	477
CHARLOTTE TOWNSHIP:	
Powers of Mecklenburg road law given trustees of,	210
CHARTERS. (See CORPORATIONS.)	
CHARTER TAX REFUNDED:	
To J. M. Foust,	488
For charters failing to pass,	493
To Carolina Light, Water and Sanitary Construction Company,	500
CHATHAM COUNTY:	
To prevent destruction of certain game birds in,	308
Commissioners authorized to issue bonds,	324
CHEEK'S CREEK:	
Montgomery county; drainage authorized,	423
CHEROKEE COUNTY:	
Commissioners authorized to hire out certain prisoners on public roads,	68
Time of holding courts changed,	117
Tax collectors of Murphy allowed to collect arrears for certain years,	181
Excepted from operation of law reducing penalty for killing fish with dynamite,	325
Act for better working of public roads in,	474
CHICAGO EXPOSITION. (See WORLD'S COLUMBIAN EXPOSITION.)	
CHILDREN:	
Misdemeanor to leave child exposed to danger by fire,	39
Wake county to establish home for indigent children,	200
CHOLERA:	
Failure to disinfect a misdemeanor,	177
CHOWAN COUNTY:	
Districts affected by Edenton graded school to be governed by general school law,	79

CIDER. (See WINE AND CIDER.)	PAGE.		
CHURCHES:			
Property exempt from taxation (except used for investment, speculation or rent),		244	
CIRCUS:			
Tax of one hundred dollars per day,		245	
CITIES AND TOWNS:			
To regulate building of wharfs,		41	
On appeal from assessment of damages for right-of-way, either party entitled to jury,		111	
State Board of Health to advise concerning water, etc., sewerage, etc.,		177	
Authorized to make regulations to protect public health,		178	
Cannot levy over \$1 on \$100, except by special authority,		243	
To send local rate of taxation to railroad commissioners,		274	
Cannot remit taxes,		285	
Tax collector forbidden to discount warrants,		285	
May buy at tax-sale; may sell certificates,		288	
Incorporated cities and towns to first grant liquor licenses,		252	
There was legislation concerning the following cities and towns:			
	PAGE.		
Albemarle,	92	Lexington,	478
Beaver Dam,	47	Monroe,	47
Chapel Hill,	392, 431	Murphy,	181
Charlotte,	477	Rocky Mount,	479
Enfield,	49	Shelby,	357
Fair Bluff,	309	Tarboro,	239
Greensboro,	142	Vanceboro,	81
Greenville,	451	Walnut Cove,	140
Haw River,	84	Waxhaw,	47
High Point,	480	Weldon,	49
		Wilmington,	99, 399
[For such legislation, see Private Laws usually.]			
CLAIM AND DELIVERY:			
Will not lie against sheriff for distrained property, exception,			284
CLAY COUNTY:			
Secretary of state to furnish certain books to,			81
Road law for,			312
Reduction of penalty for killing fish with dynamite not applicable to,			325
To recover damages for injury to roads,			407
CLERK OF COUNTY COMMISSIONERS. (See REGISTER OF DEEDS.)			
CLERKS OF COURTS [Superior, Criminal, etc.]:			
Probate of deeds when clerks superior court are parties,			36
Clerk of criminal court in Buncombe empowered to probate deeds, etc.,			40
Certain money remaining in hands of superior court clerks payable to school fund,			40
Probate of deeds, etc., before clerk of superior or inferior courts,			43
Superior court clerks to keep record of names of justices of the peace, jurors, etc.,			57
To enable clerks to attend World's Columbian Exposition,			145
Clerk of Henderson county relieved for three weeks from operation of Code, section 114,			154
Shares of corporations formed before, not to be less than two dollars,			200
Act for the relief of McNeil, clerk of Wilkes county; may be absent certain Mondays,			218
To grant license to make oyster or clam beds,			237
To certify register's bond to auditor,			269
To certify sheriff's bond to auditor,			293
Clerk of Carteret county relieved for first Monday in April, 1893,			460
Warren county may increase bonds of clerk and register,			474

CLERKS OF GENERAL ASSEMBLY:	PAGE.
Committee to investigate,	484
CLERK OF SUPERIOR COURT. (See CLERKS OF COURTS.)	
CLOCK PEDDLERS:	
Tax on,	250
CLEVELAND COUNTY:	
Time of holding courts changed,	77
Town of Shelby exempted from omnibus prohibition bill,	357
Time of holding superior court changed,	397
CLEVELAND, GROVER:	
Resolution of congratulation to,	495
COAT OF ARMS OF NORTH CAROLINA:	
" <i>Esse quam videri</i> " to be engraved as a part of,	109
CODE, THE:	
The following sections were amended:	
Sec. 67. Limitation of five years to declare contents of lost deed, will, etc., repealed,	257
114, 115. Requirement to be in office Monday modified for World's Fair,	145, 218
159. Limitations modified as to action against undisclosed partner,	113
180. Suits by next friend,	37
274. Judge may relieve against verdict by mistake in one year,	75
341. Damage on injunction bond,	206
347. Attachment in case of injury to real property,	73
352. Advertisement by publication in justice's attachment,	344
502. Fees of county surveyor,	62
514. Amended in regard to allotment of homestead,	326
581. Court, meaning clerk, may order examination of party,	95
666. Sheep or wool-growing companies may hold over 300 acres,	118
677. Corporation, share of may be \$2 instead of \$5,	200
679. Regulations for forming and amending private corporations amended,	316, 383
683. Contracts of corporations over \$100 need not be in writing,	76
685. Deeds of corporations, how made,	83
706. Meeting of board of commissioners of Mecklenburg,	153
873. Justices may issue subpoenas to any county,	419
970, 972. Offense of abandonment removed from magistrate's juris- diction,	76, 450
1005. Certain members of Hampton's detective bureau may carry con- cealed weapons,	420
1229. Term of court may be continued to conclude certain trials,	190
1246. Probate of deeds before certain clerks validated,	43
1271. Mortgages may be released before deputy register of deeds,	50
1357. Judge to pass upon depositions when clerk is party,	343
1410, 1413, 1414. Executor, etc., may sell at private sale, when,	335
1478. Distribution personal estate, when widow entitled,	75
1526. Fund in hands of executor to be paid to next of kin in certain cases,	315
1545. No defence to action of fraud that land is less than homestead,	74
1762. Lease of trees for tar, etc.,	470
1799. Laborer's lien preferred to advances,	38
1844-45. Right of wife or husband upon abandoning the other,	114
1865. Money unclaimed in clerk's hands payable to school fund,	40
1909. Apportionment of dower when land divided in severalty,	331
1924, 1931. Proceedings to establish disputed line,	44
1944. Requisites of petition by railroad to condemn land,	391
1959. Annual reports of railroad companies to be made to railroad commission,	99
1971. In regard to arrangement of cars of train,	326
1980. Time to begin work extended to Norfolk, Wilmington and Charleston Railroad Company,	106

CODE, THE—CONTINUED.

	PAGE.
Sec. 2015. When New Hanover board of road supervisors to meet,	409
2019. Road law in Pender county,	454
2113. Allotment of dower, etc., when lands are in other counties,	313
2114, 2065. Road law re-enacted as to Clay, Graham and Swain,	312, 389
2040. Concerning laying out public roads,	107
2148. Proof of handwriting of witness to will,	217
2206. Repeal of appropriation to N. C. Industrial Association,	401
2234. Principal of asylum need not be married,	105
2255. Admission into asylums of criminal insane,	449
2294-2300, 2300a to 2300b. Regulation of Building and Loan Association,	417
2553. School committee to be elected in June,	451
2575. Compensation school superintendent of Macon county,	400
2640. Sale or delivery of liquor in four miles of University,	392, 431
2751. Entries of land covered by water, for wharves,	41
2822. Stock law in Yancey county,	429
2827. Stock law in Pamlico amended,	417
2831. Game law to apply to Montgomery county,	46
2832. Game law in Pender,	445
2834. Killing wild turkeys in Stanly,	43
2850. Election law amended; notice of contest,	149
2915, 2922. Quarantine law,	463
3078. Insurance law amended; soliciting insurance unlawfully,	219
3113. Local option election to require petition of one-third of voters,	450
3368. Error—meant for 3363—duties of attorney general,	383
3377. Catching diamond-back terrapin.	146
3405. Use of dynamite cartridges in killing fish,	184
3414. Not to apply to Perquimans county,	110
3561-3603. Railroad Commissioners may permit running of fast mails,	84
3620, 3624, 3634, 3635, 3646. Price of public printing,	119
3631, 3632, 3633. Public printing; laws in two volumes,	110
3728, 3729. Salary of attorney general; supreme court reporter,	383
3731. Salaries of state officers payable monthly,	59
3732. Compensation of janitor of supreme court,	388
3746. Fees of jailor in Currituck,	461
3754. Fees of county surveyor,	62
3841. Duties of standard-keeper,	85, 160
3852. Bond of commissioners of wrecks,	66
COLE, J. A.: Johnston county to pay school claim to,	56
COLLECTION OF TAXES: When and where,	269, 270
COLLEGES: Property of, exempt from taxation,	— 264
COLLY SWAMP: Bladen county, unlawful to obstruct run of,	460
COLONIAL RECORDS: Resolution authorizing, to be sent to certain states,	— 489
COLUMBUS COUNTY: Time of holding courts changed,	77
Game law amended in regard to deer,	194
Prohibition for Fair Bluff,	309
To recover damages for injury to roads by log hauling,	407
COMBINATIONS: A resolution for the suppression of trusts and,	500
COMMISSION MERCHANTS: Tax of one per cent. on commissions,	246
COMMISSIONER OF WRECKS. (See WRECKS, COMMISSIONER OF.)	

	PAGE.
COMMITTEE AND LEGISLATIVE EXPENSES (resolutions concerning):	
For expenses of subcommittee on Insane Asylums,	489
For expenses of subcommittee on public printing,	489
For expenses of subcommittee visiting University, etc.,	490
For expenses of committee visiting Colored Orphan Asylum,	491
For expenses of committee visiting Deaf and Dumb Asylum,	491
For expenses of subcommittee visiting state farms, etc.,	491
Allowance to Hampton, clerk, for postage,	492
Allowance to Henry Harper, for extra services,	494
Extra allowance to pages,	494
Allowance to J. C. Brewster,	496, 499
Allowance to W. W. Cooper,	496
Allowance to R. H. Bradley,	496
Allowance to Alfred Williams & Co.,	497
Allowance to L. N. King,	499
COMMON CARRIERS. (See RAILROADS.)	
COMPROMISE:	
Act to compromise state debt extended to January 1, 1895,	55
CONCEALED WEAPONS:	
Act allowing certain detective officers to carry, repealed,	36
Justices of peace not to have jurisdiction over; act '87 repealed,	39
Hampton detective bureau, allowed to carry,	420
CONCERTS:	
Tax on, in unlicensed hall.	245
CONDEMNATION OF LAND:	
By railroad company in petition, not necessary to allege survey, etc.,	391
CONFEDERATE MONUMENT:	
Resolution appointing committee to consider subscription to, at Richmond, Va.,	488
[For appropriation to Confederate monument, see Private Acts.]	
CONFEDERATE SOLDIERS. (See also PENSIONS.)	
Disabled soldiers allowed to peddle without license,	311
Resolution to print history of North Carolina,	498
CONGRESS (members of):	
Resolution requesting to secure repeal of tax upon state banks of issue,	483
Resolution instructing to vote for Nicaragua canal bill,	486
Resolution requesting to secure national park in western North Carolina,	487
Resolution requesting to suppress trusts,	500
CONSPIRACY:	
To break in jail, to lynch, etc., made a felony,	440
CONSTABLES:	
Duty to arrest unlicensed peddler,	249
CONTENTNEA CREEK:	
Unlawful to obstruct, and name changed to Moccasin river,	409
To protect fish in,	436
CONTESTED ELECTIONS. (See ELECTION LAWS.)	
CONTRACTS:	
Law requiring contracts of corporations over \$100 to be in writing, repealed,	76
With minors for manufacture, etc., of raw material,	311
Act supplemental to foregoing; not to affect existing contracts,	388
CONVEYANCES. (See DEEDS AND CONVEYANCES.)	
CONVICTS:	
Commissioners of Cherokee may hire out prisoners on roads,	68
Act to regulate the discharge of,	348
Certain convicts to work on county farm in Graham county,	413

CONVICTS—CONTINUED.

PAGE.

Certain prisoners to work road in Cabarrus, Lincoln and Iredell,	437
Confined in jail, protection of from lynching, etc.,	440
To provide for working convicts on roads in Wayne county,	469
Sentenced to work on roads of other counties,	467

COOPER, W. W.:

Resolution to pay for extra services during general assembly,	496
---	-----

CORE SOUND:

Carteret county, wild fowl protected in,	216
--	-----

CORPORATIONS. (See also BANKS; CITIES AND TOWNS; RAILROADS.)

Law requiring contracts of to be in writing repealed,	76
Act supplemental to foregoing; existing contracts not affected,	388
Execution of deeds by,	88
If organized for wool-growing, may hold more than three hundred acres for thirty years,	118
When formed before clerk, shares not to be less than two dollars,	200
All exemptions from taxation in charters, repealed,	244
Property to be listed by officers; method,	261
Residence of a corporation for listing taxes,	262
To make sworn statement of capital stock, etc.,	271
Delinquent in paying taxes for six months, to forfeit charter,	284
To regulate formation of private corporations,	316
Method of amending charters of obtained before clerk,	383
To limit liability of executors, etc., where stock of has been transferred,	445
Guilford Battle-ground Company,	72, 473
Thomas M. Holt Manufacturing Company,	120
Caldwell and Watauga Turnpike Company,	427
Boone and Blowing Rock Turnpike Company,	427
Resolution to refund charter tax in certain cases,	493
(See Private Laws for charters, etc.)	

COTTON, AND SEED-COTTON:

Law concerning sale of seed-cotton not applicable to Nash,	38
Law regulating sale of seed-cotton in Mecklenburg repealed,	41

COTTON-SEED MEAL:

Excepted from tax on fertilizers,	442
-----------------------------------	-----

COTTON-WEIGHERS:

Cotton-weighers elected in certain towns of Union county,	47
Act appointing cotton-weighers for Enfield and Weldon repealed,	49
Stanly county to elect cotton-weigher for Albemarle,	92

COUNTIES. [For various acts affecting particular counties only, see the names of such counties, or the subject-matter of the act.]

Bertie county may sell "poor-house" land for use of home for aged and infirm,	57
Commissioners of Harnett county authorized to sell poor-house property,	71
County commissioners to provide official seal for registers of deeds,	96
Commissioners of Rutherford county to purchase farm for paupers,	127
Commissioners of Richmond to sell poor-house and purchase other lands,	182
Commissioners of Pender county may compromise "old debt,"	193
Wake county to establish indigent children's home,	200
Election on railroad subscription repealed in Haywood county,	410
Convicts to work on county farm in Graham county,	413
School committee to be elected in June,	451

New townships were created in the following counties:

	PAGE.		
Greene,	80	Surry,	72
Jackson,	67	Union,	149
Nash,	153	Vance,	465
Stokes,	143	Wilkes,	215, 412

COUNTIES—CONTINUED.

PAGE.

Boundary lines established between the following counties:

	PAGE.		
Nash and Edgecombe,	65	Ashe and Alleghany,	196
Mitchell and Yancey,	106	Stokes and Surry,	408

The following counties were authorized to levy special taxes, or issue bonds, or both; or laws authorizing such were amended:

	PAGE.		
Alleghany,	59	Lincoln,	47
Anson,	80, 333	McDowell,	89, 93
Beaufort,	321	Mitchell,	116, 158
Bladen,	128	Nash,	314
Brunswick,	91	Northampton,	142
Buncombe,	135, 403	Pamlico,	310
Chatham,	324	Polk,	106
Cumberland,	241	Robeson,	82, 219
Currituck,	152	Rockingham,	73
Dare,	50	Rutherford,	78
Graham,	51, 154	Sampson,	87
Greene,	320	Swain,	130
Haywood,	137, 326	Wake,	187
Henderson,	69	Warren,	330
Jackson,	60	Washington,	54
		Wilkes,	433

COUNTY BOARD OF HEALTH:

Established in each county; of whom composed; to make reports to state board,	171
Superintendent of health; reports, duties,	171
Salary of superintendent; election of officers; inland quarantine,	172
Expenses of quarantine; penalty for failure by superintendent,	173
Records; contagious diseases,	174
Examination of travelers; common carriers,	175
Epidemics; dead bodies; cholera,	176
Nuisance; vaccination,	178

COUNTY BOARD OF EQUALIZATION:

Formation of; duties; compensation,	259
-------------------------------------	-----

COUNTY COMMISSIONERS:

To furnish clerks superior court with books for record of names of justices,	58
To provide registers of deeds with official seal,	96
Of Mecklenburg county may continue in session four days,	153
May levy special tax for preservation of health,	178
To keep monuments marking true meridian in good order,	229
Duties in regard to examining merchants' books,	247, 248
To prosecute for failure to give information,	248
To grant peddlers' license,	248
Duties in regard to liquor dealers' license,	251, 252, 253
Method of declaring exemptions from poll-tax,	257
Joint meeting with list-takers in June,	258
Duties of, in regard to pay of assessors,	259
To appoint list-takers in years when there is no assessment,	259
Compensation of members of board of equalization,	263
To consult state treasurer about legal questions,	265
To revise tax lists after notice,	266
Complaint of overvaluation; duties,	267
To retain one tax list and deliver one to sheriff,	269
To apportion value of land which may be divided,	285
Cannot remit taxes,	287
May correct errors in assessment,	288
May purchase real estate for county at tax sale,	289
Foreclosure of tax liens by,	292
Duties in regard to settlement state taxes,	292

COUNTY COMMISSIONERS—CONTINUED.		PAGE.	
Sheriff to make monthly verified statement to,		294	
Account of sheriff for taxes, how stated,		294	
To appoint committee to settle with sheriff,		295	
Wake county, compensation of,		416	
May levy special road tax,		464	
Of Catawba to pay magistrates, etc., in certain cases,		471	
Of Moore to sell home for aged and infirm,		472	
COUNTY SUPERINTENDENT OF HEALTH. (See SUPERINTENDENT OF HEALTH.)			
COUNTY SUPERINTENDENT OF PUBLIC INSTRUCTION:			
To report number of deaf, dumb and blind children in respective counties,		68	
COUNTY SURVEYOR:			
Sheriff may summon to assist in laying off homestead,		63	
Act requiring entry-taker of Macon county to furnish surveyor copy of entry, repealed,		97	
COUNTY TAXES:			
To be paid as collected; all by February; penalty for failure,		294	
COUNTY TREASURER:			
To give receipt to purchaser at tax-sale in certain cases,		278	
To receive county taxes as collected,		294	
COURTS. (See also SUPREME COURT.)			
Clerks of criminal court of Buncombe to probate deeds, etc.,		40	
First week of Union court to be for trial of criminal, etc., cases,		117	
Judge empowered to continue term of during progress of trial,		190	
No civil action to be tried before Wednesday of first week of Stanly court,		199	
Act in regard to criminal court in Hertford county,		201	
To regulate trial of civil actions in Johnston superior court,		384	
Change of time for holding in Bladen county postponed,		392	
August term abolished in Caswell county,		422	
Jurisdiction of, in regard to persons charged with lynching,		440	
The times of holding the terms of the superior or other courts have been changed, or procedure regulated, or terms abolished in the following counties:			
	PAGE.	Johnston,	432
Alamance,	340	Lincoln,	397
Alexander,	395, 396	Martin,	42
Alleghany,	396	Mecklenburg,	397
Bladen,	166	Northampton,	35
Cabarrus,	112	Pender,	346
Caswell,	340	Pitt,	42
Catawba,	396	Polk,	77, 397
Cherokee,	117	Rockingham,	395, 396
Cleveland,	77, 397	Rutherford,	77, 397
Columbus,	77	Sampson,	341
Dare,	446	Stanly,	397
Davie,	396	Stokes,	396
Duplin,	341	Surry,	395, 396
Forsyth,	140, 395, 396	Swain,	117
Gaston,	397	Tyrrell,	446
Graham,	117	Union,	397
Greene,	341	Washington,	446
Harnett,	395	Wilkes,	395, 396
Henderson,	397	Yadkin,	396
CANE CREEK:			
Buncombe county, to protect fish,			203
CRAVEN COUNTY:			
Stock law for certain sections,			63
Prohibitory law repealed as to Vanceboro,			81

"CREDITS." (See SOLVENT CREDITS.)	
Definition of,	PAGE. 286
CRIMES AND MISDEMEANORS UNDER REVENUE ACT:	
Merchant or dealer refusing to list purchases or to have books examined,	248
Peddling without license; transfer of license,	249
Sale of sewing machines without license,	249
Liquor dealer failing to post license.	253
To practice trade, etc., without paying license-tax,	253
For not paying over tax on seals,	255
Officer embezzling taxes; penalty,	256
Taxpayer refusing to answer questions respecting property,	263
False oath of list-taker; penalty,	265
Wilful failure to list taxes,	267
Tax collector failing to give receipt for county and state tax separately,	269
Deputy sheriff, as tax collector, failing to pay over,	270
Failure of sheriff to publish insolvent lists,	271
Various misdemeanors of sheriff in regard to tax-sales,	277
Removing personal property to avoid listing; penalty,	290
Indictment for fraudulent failure to settle,	293
Penalty for using tax money for private purposes,	295
For fraudulent failure to settle by county officers,	295
CRIMINAL COURTS. (See COURTS; CLERKS OF COURTS.)	
CRIMINAL PROCEEDINGS:	
Concerning conspiracies to lynch,	440
CRIMINAL PROCEDURE:	
Depositions of non-residents to be taken in criminal actions,	75
Offence of abandonment removed from justice's jurisdiction,	76
Murder divided into two degrees and defined,	76
Criminal court of Hertford county; jurisdiction of,	201
CROATAN INDIANS:	
School age for children,	469
CUMBERLAND COUNTY:	
Act for relief of sheriff,	115
Stock law for certain portions of,	132
Act in regard to public graded school at Fayetteville,	146
Stock law for certain portions of,	168
Act for relief of J. B. Troy, treasurer,	189
Act to issue bonds for building court-house,	241
Act to encourage killing of certain wild animals applicable to,	442
CURRITUCK COUNTY:	
Sheriff allowed until second Monday of February to settle,	85
Bond of gamekeeper; his deputies,	109
Authorized to levy a special tax,	152
Act to protect wild fowl,	236
Unlawful, during herring season, to make noise on certain creeks,	391
To recover damages on account of injury to roads.	407
Jailor's allowance for feeding, etc., prisoners regulated,	461
CURRITUCK SOUND:	
To regulate fishing in,	217
D.	
DABNEY TOWNSHIP:	
Vance county; established,	465
DANBURY TOWNSHIP:	
Stokes county; act to create,	143
DARE COUNTY:	
Sheriff allowed till April 1st of each year to settle,	45
May levy special tax,	50

DARE COUNTY—CONTINUED.	PAGE.
To protect fish in certain waters,	181
Unlawful to fish on Sunday,	206
To recover damages from injury to roads,	407
Time of holding superior courts changed,	446
DAVIDSON COUNTY:	
Act concerning sale of liquor,	50
In regard to ditches crossing public roads,	56
Lawful to hunt opossums at any time,	62
Game law amended,	182
Stock law extended to entire county,	347
DAVIE COUNTY:	
In regard to ditches crossing public roads,	56
Time of holding superior court changed,	396
DAVIS, JEFFERSON:	
Resolution to purchase bust of,	487
DAVIS, J. J.:	
Clerk of Carteret, relieved from attendance on certain Monday,	460
DEADLY WEAPONS:	
To prevent sale of to minors,	468
DEAF AND DUMB. (See DEAF MUTES.)	
DEAF, DUMB AND BLIND ASYLUM. (See ASYLUMS.)	
DEAF, DUMB AND BLIND INSTITUTION:	
Raleigh, resolution of thanks for entertainment,	493
DEAF MUTES:	
County superintendents to report number in each county,	68
Qualification and duties of superintendent of North Carolina School for,	102
DEALERS:	
License tax,	247
Must submit books for examination; penalty,	247
DEEDS AND CONVEYANCES. (See also ENTRIES AND GRANTS; GRANTS.)	
Probate of validated when clerks of superior courts are parties,	36
Criminal court clerks of Buncombe empowered to probate,	40
Probate of, before any clerk of superior or inferior court,	43
Mortgages, etc., may be released before register of deeds or his deputy,	50
Time for registration of grants extended,	52
Issue of fraud in actions to set aside conveyances of lands,	74
Execution of by corporations,	83
Certified copy of deed, etc., admissible in evidence,	96
To validate certain probates,	101
Of husband and wife in case of adultery or divorce <i>a mensa</i> ,	114
Superior court clerk authorized to be absent thirty consecutive days in 1893,	145
Probate of wills when witnesses cannot be found in the state,	217
Fee to sheriff for tax deed,	279
To land sold for taxes; form,	280
Presumptive evidence that sale was legal, etc.,	280
Conclusive evidence that listing, etc., was legal,	281
Certain defects remedied,	283
Certain irregular probates validated,	242
Law prohibiting petition to declare contents of when lost, repealed,	257
DEFENDANTS:	
Depositions of non-residents to be taken in criminal actions,	75
DEFINITIONS:	
Of the terms used in the revenue and machinery laws,	286, 287
DEHART, J. P.:	
Act to correct state grant number 2370, Swain county, issued to,	453

DELINQUENT CORPORATIONS:	PAGE.
Sheriff to collect from agent; to forfeit charter,	283
DEPOSITIONS:	
Of non-residents, in criminal actions to be taken,	75
DEPUTY SHERIFF:	
Failure to pay over taxes collected; penalty,	269
Oath of, as tax collector,	269
DETECTIVES AND DETECTIVE AGENCIES:	
Act allowing certain detectives to carry concealed weapons repealed,	36
Unlawful to go armed in parties of more than three,	148
Hampton's detective bureau allowed to carry concealed weapons,	420
DILLS, MARY:	
Grant number 716 issued to, corrected,	48
DIRECT TAX:	
If a deficiency caused by appropriation for World's Fair, treasurer to pay claims,	92
Action to determine right to direct taxes; venue of action,	138
DISEASES:	
Superintendents of health to report to state board,	171
DISTRIBUTION, STATUTE OF:	
If no child or representative of deceased child, widow entitled to all personal estate,	75
Certain funds in hands of executor, etc., to whom payable,	315
DIVORCE:	
Consequences of adultery or divorce <i>a mensa</i> on property of husband and wife,	114
DOGS:	
To protect sheep in Buncombe county from ravages of	461
DOWER:	
In regard to assignment of, in certain cases,	313
Apportionment of, in land divided in severalty by actual partition,	331
DOORKEEPERS:	
Of general assembly, offices investigated,	484
DOUBLE TAX:	
On unlisted property and polls,	267
DOVES. (See GAME LAW.)	
DRAINAGE ACTS:	
Landowners of McDowell county to provide hands to drain Muddy creek,	52
In regard to drainage of lowlands in certain counties,	56
In regard to drainage of Mud creek in Henderson county,	104
To secure drainage of Town Fork creek, Stokes county,	150
Certain counties may have drift-trash removed from Neuse river,	208
In regard to drainage of Third creek in Iredell county,	322
Drainage act for Lincoln and Catawba counties amended,	324
To drain Cheek's creek, Montgomery county,	423
In regard to drainage of Hogan's creek, Caswell county,	444
In regard to drainage of South Fork creek, Forsyth county,	446
For Wayne county, amended,	466
DRAYMEN:	
Not to pay tax as livery-stable keeper,	246
DRUGGIST:	
License tax on purchases,	247
DUPLIN COUNTY:	
Butchers in Warsaw township to keep registration books,	95
Time of holding court changed,	341

DURHAM COUNTY:	PAGE.
Unlawful to issue non-transferable script to laborers,	118
Unlawful to hunt opossums between February 1st and October 1st,	118
Mecklenburg road law as applicable to, amended,	435
DWELLING-HOUSES:	
Unlawful, taking possession of,	335
DYNAMITE. (See FISH LAWS.)	
E.	
EASTERN HOSPITAL. (See also ASYLUMS, ETC.)	
Act to provide for,	186
EDENTON:	
Districts affected by graded schools to be governed by general school law,	79
EDGECOMBE COUNTY:	
Stock law to be construed to include geese,	48
Boundary line established between Nash and,	65
Unlawful to ride, etc., fast over certain bridges,	101
Authorized to hold an election in Tarboro township; levy tax for school,	167
In regard to collection of taxes in,	209
Road law for,	323
Stock law amended,	455
Portions of Nash county and, constituted a public school district,	479
ELECTION LAWS:	
Compensation of registrars in Cabarrus and Stanly,	119
Law amended as to notice of contest for seat in general assembly,	149
A certain election in Madison concerning road tax validated,	389
Compensation of county canvassers of election of Gaston county,	437
Compensation of certain election officers in Johnston county,	438
Local option election ordered on petition of one-third of registered voters,	450
One hundred dollars allowed Henderson for election contest,	484
One hundred dollars allowed Wright for election contest,	485
ELKIN TOWNSHIP:	
Name of Hotel township, Surry county, changed to,	72
ELLIS'S CREEK:	
Unlawful to obstruct, in Bladen county,	39
For protection of fish in,	461
ELLIS, GOVERNOR:	
Secretary of state to purchase pedestal for bust of,	401
EMBEZZLEMENT:	
By officer in collecting license taxes and not paying over,	256
By deputy sheriff as tax collector,	270
Fraudulent failure to settle,	295
ENFIELD:	
Act appointing cotton-weigher for, repealed,	49
ENTRIES AND GRANTS:	
Entry of land covered by navigable water; act of 1891 repealed,	37
To regulate building of wharves,	41
Act in regard to entries in Macon county,	97
Certain entries validated in Lincoln county,	218
Certain lands not subject to entry on east shore,	219
Act to regulate building of wharves not to affect existing entries, etc.,	337
Grants issued by the state not to be color of title, etc., to land previously granted,	455
EPIDEMICS:	
State board of health to appoint additional examiners in time of,	176

EQUALIZATION:	PAGE.
Of assessments; meeting of county commissioners and assessors,	258
County board of; duties; pay,	259
Of values of real and personal property,	259
"ESSE QUAM VIDERI":	
Adopted as state motto,	109
EVIDENCE:	
Depositions of non-residents to be taken in criminal actions,	75
Certified copy of deed, etc., admissible in evidence,	96
Tax deed to be presumptive evidence of certain facts,	280
And <i>conclusive</i> evidence of other facts,	281
Records of office of sheriff and register,	282
EXAMINATION OF PARTIES:	
Judge or court may make order as to notice,	95
EXCUSABLE NEGLIGENCE:	
Judge may relieve from a verdict taken through mistake in twelve months,	75
EXECUTORS AND ADMINISTRATORS:	
Personal representative not compelled to plead statute of limitations,	38
If no child or representative of deceased child, widow entitled to personal estate,	75
Settlement of administrators, etc., estates on death of personal representative,	159
To list property of his testator or intestate,	260
Bonds of, may be guaranteed by surety companies,	302
In regard to payment of certain funds in hands of,	315
May sell certain personal property at private sale on order of clerk,	335
To limit liability of, where stock in corporations has been transferred to,	445
EXECUTIVE MANSION:	
To provide for furnishing and completion of,	138
EXEMPTIONS. (See also HOMESTEADS AND EXEMPTIONS.)	
From poll-tax by county commissioners,	243
From taxation of United States, state, city and county property, schools, etc.,	264
Of twenty-five dollars' worth of personal property,	264
EXHIBITIONS:	
Of all kinds not enumerated, tax,	245
EXPRESS COMPANIES:	
Tax of two per cent. on gross receipts in state,	254
To make sworn statement of stock, etc.,	271
F.	
FAIR BLUFF:	
Columbus county, prohibition within three miles of,	309
FAIR PLAIN CHURCH:	
Wilkes county, prohibition within one mile of,	386
FAILURE TO LIST:	
If wilful, made a misdemeanor,	267
FARMERS' INSTITUTES:	
Appropriation for expenses of holding,	386
FARMING UTENSILS:	
To be listed in townships where used,	261
How listed,	262
FARM PRODUCTS:	
No license required to peddle,	248
How and when listed,	262, 263
FAST MAIL:	
Railroad commissioners may authorize running of fast trains,	84

FAYETTEVILLE:	PAGE.
Act in regard to public graded school,	146
FEES. (See ASSESSORS AND LIST-TAKERS; SHERIFFS; REGISTER OF DEEDS.)	
FENCES:	
Fence commissioners appointed for stock-law portion of Craven county,	63
A certain glade in Pamlico county declared a lawful fence,	64
Height of in Bladen county regulated,	67
In regard to fences in Beaufort and Pamlico,	179
New river a lawful fence between certain points,	199
Wilkes county may sell stock-law fences,	220
A certain glade in Pamlico county a lawful fence,	221
FERRIES:	
Brunswick Bridge and Ferry Company to keep record of description of live stock,	99
Big Bridge Ferry under jurisdiction of Pender county,	150
Bladen county may purchase certain ferries over Cape Fear river,	195
Tax five dollars and one-half of one per cent. of gross receipts,	246
New Hanover and Pender to establish ferry across Cape Fear river,	240
FERTILIZERS:	
Appropriation to Bureau of Labor Statistics not payable out of tax on,	399
Act appropriating \$500 from tax on, to North Carolina Industrial Association, repealed,	401
Cotton-seed meal exempt from tax on,	442
FIRE:	
Misdemeanor to leave child exposed to danger by,	39
FIRE-ALARMS:	
Misdemeanor to send in false alarm in Wilmington,	399
FISH AND FISH LAWS. (See also OYSTER LAWS.)	
Lawful to fish in Mitchell county with traps and gigs,	45
Unlawful to obstruct Catawba river between certain points,	49
Unlawful to obstruct Mitchell river, Surry county,	54
Act to protect fish in Ramon's creek, Camden county,	95
Act to regulate fishing in Perquimans river, Perquimans county,	110
Act to protect fish in certain mill-ponds in Hertford county,	116
Act to prohibit trout fishing in Howard's creek, Watauga county,	152
Act to protect fish in New river, Onslow county,	158
Act to protect fish in certain waters of Dare county,	181
Unlawful to destroy fish with dynamite cartridges,	184
Unlawful to fish on Sunday in Dare county,	206
Act to regulate fishing in Cane creek, Buncombe county,	208
Act to regulate fishing in Jonathan's creek, Haywood county,	215, 410
Act to regulate fishing in Currituck Sound,	217
No license required to peddle fish,	248
Unlawful to fish with seine in Juniper swamp, Wayne county,	308
Cherokee and Clay exempted from law reducing penalty for killing fish with dynamite,	325
Fishing with dutch-nets in Pamlico county unlawful,	328
Fishing in Roanoke and Middle rivers regulated,	336
Act permitting use of traps in Neuse river repealed,	340
Unlawful during herring season to make noise on certain creeks of Currituck county,	391
Act to protect fish in Trent river,	430
Act to protect fish in Contentnea creek,	436
Unlawful for non-residents to fish, etc., for gain without license in Brunswick county,	456
Act to protect fish in certain waters of Bladen county,	461
FLANAGAN, JOHN:	
Treasurer of Pitt county; act for relief of,	438

FOLK, G. N.:	PAGE.
Certain grants to, validated,	136
FORECLOSURE:	
Of certificate of tax-sale in two years,	286
Of tax-liens by county commissioners,	289
Of tax-liens by action in nature of mortgage foreclosure,	289
FORK TOWNSHIP:	
Wayne county; stock-law tax, how applied,	400
FORSYTH COUNTY:	
In regard to public roads; may levy tax,	140
Time of holding superior court changed,	395, 396
Act in regard to drainage of South Fork creek,	446
FORTUNE-TELLERS:	
Tax on,	250
FOUST, J. M.:	
Resolution to refund certain sum.	488
FRANKLIN COUNTY:	
Act relating to public roads of Franklin township,	312
Act for relief of T. J. King,	314
FRANKLINTON:	
Colored normal school to be moved to, from Warrenton,	45
FRATERNITIES AND FRATERNAL SOCIETIES:	
Exemption from taxation,	264
FRAUD:	
Issue of, in actions to set aside conveyance of lands,	74
To prevent deception, etc., by owners, etc., of stallions,	387
In assignments,	433
FREIGHT:	
In regard to delivery of, by common-carriers,	458
FRENCH BROAD RIVER:	
Transylvania county protected against damages caused by floating logs in,	332
FRIENDSHIP BAPTIST CHURCH:	
Prohibition within two miles,	311
FRUITS:	
Not liable to peddler's tax,	248

G.

GAMEKEEPER. (See GAME LAWS.)

GAME LAWS:	
Lawful to kill wild turkeys in Stanly county at any time,	43
Lawful to hunt at any time in certain counties,	43, 62
Halifax and Warren included in act of 1891 for protection of birds,	89
Act for protection of birds in Transylvania county,	90
Act for protection of deer in Richmond county,	90
Act to protect birds in Granville and Bertie counties,	96
Gamekeeper of Currituck county to give bond,	109
Act to protect opossums in Durham county,	118
Act to protect diamond-back terrapin,	146
Game law of Davidson county amended,	182
Game law of Columbus, in regard to deer, amended,	194
Lawful to kill doves and larks in Wilson county at any time,	199
To protect wild fowls in Core Sound,	216
To protect wild fowls in Currituck county,	236
To protect certain birds in certain counties,	308
Lawful to shoot robins in Cabarrus county,	330
To protect deer in Caldwell county,	339

	PAGE.
GAME LAWS—CONTINUED.	
Act in regard to killing deer in Wayne county repealed,	342
Unlawful to kill certain birds in Cabarrus county at certain seasons,	343
Act to protect deer in Haywood county,	344
Halifax and Warren included in opossum law,	349
In regard to shooting of quail, etc., in Hyde and Beaufort counties,	349
For protection of deer in Mitchell and Burke counties,	422
Killing of deer allowed in Brown Marsh township, Bladen county,	436
Unlawful to hunt deer between December 31st and October 1st,	445
GARNISHMENT:	
Attachment of debt to secure payment of taxes,	257
GAS COMPANIES:	
Statement of capital stock,	271
GASTON COUNTY:	
Act prohibiting sale of liquors repealed,	86
Gaston and Mecklenburg counties may build a bridge across Catawba river,	190
Time of holding superior court changed,	397
Compensation of justices of the peace and canvassers of election,	437
Resolution allowing pension to John H. Roberts,	498
GEESE:	
Stock law of Edgecombe county to be construed to include,	48
Stock law in Green Mountain township, Yancey county, to include,	429
GENERAL ASSEMBLY:	
Notice of contest for seat in,	149
Committee appointed to investigate offices of,	484
GIFT CONCERT:	
Tax on,	246
GIFT ENTERPRISES:	
Tax on,	246
GILBERT, SUSAN:	
Resolution allowing pension for 1892,	493
GOOD TEMPLARS:	
Property of, exempt,	264
GOVERNOR:	
To draw upon treasurer for amounts appropriated for executive mansion,	138
To appoint five members of board of health,	170
Resolution to have printed inaugural address of,	485
Resolution requesting, to set apart "arbor day,"	495
Resolution to pay expenses for inauguration,	484
GRAHAM COUNTY:	
May levy special tax,	51
Time of holding courts changed,	117
Certain children from Swain may attend school in,	129
Authorized to issue bonds,	154
Road law,	312
Certain convicts to work on county farm,	413
GRANTS. (See also ENTRIES AND GRANTS.)	
Grant No. 716, issued to Mary Dills, corrected,	48
Time for registration of grants extended,	52
Certain grants in Caldwell county to G. N. Folk validated,	136
Grant No. 120, Swain county, corrected,	197
Grant No. 2017, to Elisha Sims of Watauga county, corrected,	200
Certain entries validated in Lincoln county,	218
Macon county, grant No. 1100, corrected,	220
Law in regard to grants, etc., for oyster-beds,	237
Grant No. 1764, Jackson county, corrected,	331
Grant No. 39, Mitchell county, corrected,	387

GRANTS—CONTINUED.	
Grant No. 2370, Swain county, corrected,	PAGE. 453
Act in relation to grants of land by state,	455
GRANVILLE COUNTY:	
Sheriff authorized to collect unpaid taxes for 1887 and 1888,	91
Act to protect birds in,	96
Granville county stricken from law for relief of sheriffs,	462
GRAVEYARDS:	
Exempt from taxation,	264
GRAZING CATTLE:	
Stock to be listed in county where owner resides,	261
GREEN MOUNTAIN TOWNSHIP:	
Yancey county stock law to include geese,	429
GREENE COUNTY:	
Jason township established,	80
Lawful to sell wine and cider in,	105
Commissioners authorized to levy special tax,	320
Time of holding court changed,	341
GREENSBORO:	
Act to provide for Normal and Industrial School,	142
Resolution to pay expenses of committee visiting Normal and Industrial School,	490
GREENVILLE:	
No special tax to be levied for fence,	451
GROCER:	
License-tax on purchases,	247
GUARDIANS:	
Suits on behalf of lunatics and infants,	37
To list property of his ward,	260
To limit liability of, where stock of corporations has been transferred to,	445
GUILFORD BATTLE-GROUND COMPANY:	
Annual appropriation increased to five hundred dollars,	72, 473
GUILFORD COUNTY:	
Act for relief of William M. Monroe,	337
To establish graded school in the city of High Point,	480
GUYTHER, JOHN M.:	
Allowed to peddle without a license; resolution,	486
GYPSIES:	
Tax on,	250
H.	
HALIFAX COUNTY:	
Unlawful to hunt on land of another without permission,	89
To prevent the destruction of certain game birds in,	308
Included in opossum law,	349
To recover damages from injury to roads by hauling logs,	407
HALLS:	
Tax on licensed halls in revenue act,	245
HAMPTON DETECTIVE BUREAU:	
Allowed to carry concealed weapons,	420
HAMPTON, E. R.:	
Clerk: resolution to pay postage, etc.,	492
HARDISON, W. J.:	
Sheriff of Martin county, act for relief of,	148

HARNETT COUNTY:	PAGE.
Sheriff allowed till April to settle taxes,	54
Authorized to sell poor-house property,	71
Secretary of state to furnish certain books to,	81
Act for the relief of A. L. Byrd,	327
Second week of November term superior court abolished,	395
Authorized to sell lands for taxes,	420
HARPER, HENRY D.:	
Resolution to pay for extra services as page,	494
HARRISON'S CREEK:	
Bladen county, unlawful to obstruct,	460
For protection of fish in,	461
HARRELSON, W. H.:	
County treasurer Caswell county, may be reimbursed amount stolen,	83
HAW RIVER:	
Alamance county, J. H. Blackman appointed justice of the peace,	84
HAYWOOD COUNTY:	
Authorized to levy special tax,	137
To regulate fishing in Jonathan's creek,	215
Commissioners to levy tax to build bridge,	326
Misdemeanor to hunt deer in,	344
Sheriff not to levy for taxes before December 1,	394
Election for railroad subscription declared invalid,	410
To prevent fishing in Jonathan's creek in,	410
Prohibition for,	414
HEALTH, BOARD OF. (See NORTH CAROLINA BOARD OF HEALTH.)	
HELLEN, J. F.:	
Allowed to peddle without a license,	454
HENDERSON COUNTY:	
Authorized to issue bonds,	69
In regard to drainage of Mud creek,	104
Clerk relieved for four weeks from operation of Code, section 114,	154
Commissioners may declare Hickory-nut turnpike a public road,	201
Time of holding superior court changed,	397
HENDERSON, W. B.:	
Resolution to pay expenses in election contest,	484
HERTFORD COUNTY:	
Unlawful to fish with seines in certain mill-ponds in,	116
Railroad taxes to be applied to subscriptions,	193
Act in regard to criminal court,	201
R. S. Baker put on pension list,	410
HIAWASSEE RIVER:	
To prevent careless rafting of logs in,	58
HICKORY HILL SCHOOL:	
Onslow county, prohibition within two miles,	208
HICKORY-NUT TURNPIKE ROAD:	
Buncombe, Henderson and Rutherford counties may declare a public road,	201
HIGH POINT:	
To establish graded schools in,	480
HIGH SHOAL TOWNSHIP:	
Rutherford county; J. O. Simmons appointed justice of the peace,	139
Stock law for,	454
HINTON, MARY, EXECUTOR:	
Treasurer directed to pay \$1,792 in settlement of claim of Daniel Hinton's estate,	334

HOBBY-HORSES:	PAGE.
License tax on,	246
HOGAN'S CREEK:	
Caswell county, drainage of,	444
HOGS:	
Act to protect, in Onslow county,	456
HOLLER, M. L.:	
Added to pension list,	443
HOME FOR AGED AND INFIRM:	
Moore county, commissioners authorized to sell,	472
HOMESTEADS AND EXEMPTIONS:	
Sheriff may summon county surveyor to assist in laying off,	62
Issue of fraud in actions to set aside conveyances of land,	74
Judgment-creditor may apply for order for reallocation of,	111
When persons die, homestead not having been set apart,	326
HOMICIDE:	
Crime of murder divided into two degrees and defined,	76, 228
HOOD, ABRAHAM:	
Resolution to pay pension of,	497
HORSES:	
If used on farm to be given in where used,	261
Grazing stock to be listed where owner lives,	261
HOTEL TOWNSHIP:	
Surry county, name changed to Elkin township,	72
HOWARD'S CREEK:	
Watauga county, act to protect trout in,	152
HUSBAND AND WIFE:	
Office of abandonment taken away from justice's jurisdiction,	76, 450
Consequences of adultery or divorce <i>a mensa</i> on property of,	114
Certain irregular probates validated,	242
In regard to assignments of dower,	313
HYDE COUNTY:	
Right to serve on juries restored to citizens of Ocracoke township,	41
Quail-shooting allowed in,	349
I.	
INAUGURATION:	
Public officers to be installed third Wednesday after first Monday of January,	66
Resolution making appropriation for,	484
Resolution to have inaugural address printed,	485
INCOME TAX:	
On incomes from property not taxed,	244
On incomes from salaries and fees,	244
Other sources,	244
Gross incomes, how listed,	263
INCREASE OF VALUATION. (See ASSESSORS AND LIST-TAKERS).	
INDICTMENT:	
No change of form of, for two degrees of murder,	76
INDUSTRIAL ASSOCIATION. (See NORTH CAROLINA INDUSTRIAL ASSOCIATION.)	
INFANTS:	
Suits on behalf of, by next friend; procedure,	37
Land of, by whom listed,	260
Redemption of land of, sold for taxes,	279

	PAGE.
INJUNCTION:	
To allow judgment for damages on injunction bonds,	206
Not granted to restrain collection of taxes; exception,	284
INJURY TO REAL PROPERTY. (See REAL ESTATE.)	
INSANE:	
Property of, to be listed by guardian,	260
Redemption of land of lunatic,	279
INSOLVENT LIST:	
To be posted by sheriff at court-house door,	271
INSOLVENT TAXES:	
When and how allowed to sheriff,	270
INSTALLATION:	
Of public officers,	66
INSURANCE, AND INSURANCE COMPANIES:	
To prevent violation of insurance law,	219
License tax, one hundred dollars; tax two per cent. on gross receipts,	250
If company invest in North Carolina, one per cent.,	250
Duties of secretary in regard to insurance companies,	300
INSURANCE COMMISSIONER. (See SECRETARY OF STATE.)	
INTEREST:	
On tax certificate, twenty per cent.,	279
INVESTMENTS:	
How listed,	263
IREDELL COUNTY:	
To drain lowlands in,	322
Cabarrus road law applicable to,	437
ITINERANT SALESMAN. (See PEDDLER.)	
J.	
JACKSON COUNTY:	
Commissioners authorized to levy special tax,	60
Mountain township created,	67
W. A. Queen allowed to peddle without a license,	104
Act allowing certain persons to attend school at Whittier repealed,	328
Act to correct grant number 1764 to W. Sloan,	331
JACKSON SWAMP:	
Robeson county, unlawful to obstruct,	399
JAIL AND JAILERS:	
Protection of prisoners, etc.,	440
Allowance to jailers in Currituck county,	461
JASON TOWNSHIP:	
Greene county, act to establish,	80
JEWELER:	
License tax on purchases,	247
JOHNSTON COUNTY:	
County treasurer to pay J. A. Cole school claim,	56
Commissioners authorized to have drift-trash removed from Neuse river,	208
To regulate trial of civil actions in superior court of,	384
Supervisors of Smithfield township empowered to hire out prisoners,	393
Unlawful to sell, etc., any patented article, etc., without license,	426
Time of holding superior court changed,	432
Compensation of certain election officers,	438
JOHNSON, D. B.:	
Rutherford county to pay school claim to,	209

JOHNSON, MRS, EMILY:	PAGE.
Resolution to pay pension for 1890 to,	490
JONATHAN'S CREEK:	
Haywood county, act to regulate fishing in,	215
To prevent fishing in, at certain seasons,	410
JONES COUNTY:	
County commissioners permitted to meet in any room in court-house,	49
Unlawful to ride, etc., fast over certain bridges,	101
JUDGE:	
May relieve against verdict taken by mistake at any time within one year,	75
May continue court during progress of trial of civil action,	190
Resolution to provide judges with copies of certain laws,	485
JUDGMENTS:	
Allowed for damages on injunction bond,	206
To provide for redocketing of, in Bladen county,	452
JUDGMENT-CREDITORS:	
May apply for order for realloiment of homestead,	111
JUNIPER SWAMP:	
Wayne county, act to protect fish in,	308
JURORS AND JURIES:	
Certain money due, payable to school fund,	40
Right of citizens of Ocracoke township, Hyde county, to serve as, restored,	41
Superior court clerk to keep record of names of all jurors, etc.,	57
Right to jury trial on appeal from condemnation of land,	111
Orders of judgments in special proceedings imposing duty on,	165
JUSTICES OF THE PEACE:	
Probate of deeds when clerks superior court are parties,	36
Not to have jurisdiction over offence of carrying concealed weapons,	39
Offence of abandonment removed from jurisdiction of,	76
Act supplemental to foregoing,	450
Justice of the peace appointed for Haw River, Alamance county,	84
Duty to arrest person peddling without license,	249
Authorized to issue subpoenas in other counties,	419
Compensation of justices of the peace of Gaston county,	437
Catawba county, compensation for services,	471
Wake county, compensation for services,	471

K.

KING, L. M.:	
Resolution allowing certain sum to,	499
KING, T. J.:	
Reward for apprehension of James Rhodes to be paid to,	314
KISER, W. C.:	
Allowed until May 20, 1893, to register,	119
KNIGHT, ROSA:	
Added to pension list,	444
KNIGHTS OF HONOR:	
Property of, exempt,	264
KNIGHTS OF PYTHIAS:	
Property of, exempt,	264

L.

LABORERS:	
Issue of non-transferable script to, unlawful in Durham county,	118
LABORERS' LIEN. (See LIEN.)	
LAND. (See REAL ESTATE.)	

	PAGE.
LANDLORD AND TENANT:	
Landlord and tenant chapter made applicable to production of tar from lightwood,	470
LARKS. (See GAME LAWS.)	
LAWS:	
Resolution to furnish judges and solicitors with copies of certain,	485
LEASE:	
Landlord and tenant act applicable to manufacture of tar from lightwood,	470
LECTURES:	
Tax on, unless for religious, etc., purposes,	245
LENOIR COUNTY:	
To regulate sale of liquors within two miles of Trinity M. E. church,	193
Commissioners may have drift-trash removed from Neuse river,	208
To prevent felling trees in Stonington creek,	401
To secure damages from injury to roads,	407
LEWIS FORK TOWNSHIP:	
Wilkes county, act to create,	215
LEXINGTON:	
Act to establish graded schools in,	478
LIBRARIAN:	
Resolution to have printed history of North Carolina soldiers in late war,	498
LICENSE TAXES:	
Under schedule B,	244, 253
Upon various occupations,	244, 253
Under schedule C; corporations; seals; marriage licenses, etc.,	254, 255
License tax on merchants,	247
LIEN:	
Laborer's lien on crops to be preferred to lien for advances,	38
Taxes to have force of judgment and execution on real and personal property,	268
Of the tax on land purchased for taxes,	278
Foreclosure of liens by action,	287
Foreclosure of tax-liens by county commissioners,	289
Of taxes upon railroads,	290
Persons having lien on land may pay taxes,	291
On vessel, etc., for towage,	342
LIFE-TENANT:	
Liable for taxes,	290
Failure to pay taxes forfeits estate to remainderman,	290
LIGHTNING-ROD DEALERS:	
Itinerant, tax on,	250
LIMITATIONS, STATUTE OF:	
Act compelling personal representatives to plead, repealed,	38
When to run in favor of undisclosed partner,	113
Actions against railroad companies for damages by occupation of land,	113
LINCOLN COUNTY:	
Authorized to levy special tax,	41
Dr. W. C. Kiser allowed time to register,	119
Certain entries validated,	218
Drainage act amended,	324
Time of holding superior court changed,	397
Thompson Robinson placed on pension list,	414
Cabarrus road law applicable to,	437
LIQUOR DEALERS:	
Tax of one per cent. on purchases,	248
License tax upon,	251

LIQUOR DEALERS—CONTINUED:	PAGE.
Dealers in malt liquors,	251
Persons selling wines or spirits of own manufacture at place of manufacture, exempt,	252
Licenses to be posted at place of business,	252
Fines collected from, paid to county board of education,	253
Licenses only issued to citizens of United States and legal voters of this state,	253
LIST-TAKERS. (See ASSESSORS AND LIST-TAKERS:)	
LITTLE ROCK CHURCH:	
Mitchell county; prohibition,	416
LIVERY STABLES:	
Tax on; sworn statement to be furnished register,	246
LIVE STOCK. (See CATTLE AND LIVE STOCK)	
LOGS:	
To prevent careless rafting of down Hiawassee river,	58
Sampson county, damages to roads by log-hauling in,	100
Citizens of Transylvania county protected against damage caused by floating logs, etc., in French Broad river, etc.,	332
Law allowing damages for injury to roads from rolling logs extended to certain counties,	407
LOTTERIES:	
Tax upon; not to be legalized,	246
LUMBER INSPECTORS:	
Provided for certain counties,	108
LUNATICS. (See also INFANTS AND LUNATICS.)	
Suits on behalf of,	37
LYNCHING:	
Act to protect prisoners, etc.,	440
M.	
MACON COUNTY:	
Act in regard to entries, repealing act of 1891 and validating entries,	97
To provide for working public roads,	160
Grant number 1100, to Carolina Trammell, corrected,	220
Compensation, etc., of school superintendent,	400
To recover damages for injury to roads,	407
MADISON COUNTY:	
Sheriff allowed until may to settle,	48
To encourage killing of certain wild animals,	53
Authorized to elect a tax collector,	86
Lumber inspectors provided for,	108
Election concerning road-tax in certain townships validated,	389
Prohibitory law for Ray's school-house repealed,	467
MALT LIQUORS:	
Dealers in, license tax,	251
MARITIME SANITATION:	
North Carolina station for established; appropriation for,	463
MARRIAGE LICENSES:	
Tax on,	255
MARSHVILLE TOWNSHIP:	
Union county, act to establish,	149
MASONIC FRATERNITY:	
Property of, exempt,	264
MAYO RIVER:	
Rockingham county authorized to levy special tax to bridge,	73

MCDOWELL COUNTY:	PAGE.
Unlawful to obstruct Catawba river between certain points,	49
Authorized to levy a special tax,	89
Authorized to levy a special tax to build bridges,	93
Prohibitory law at certain churches in,	105
Lumber inspectors provided for,	108
MEADOW TOWNSHIP:	
Stokes county, railroad taxes in, how applied,	430
MEASURES. (See WEIGHTS AND MEASURES.)	
MECKLENBURG COUNTY:	
Law regulating sale of seed-cotton repealed,	41
Compensation of sheriff for collecting taxes,	100
Commissioners of may continue in session four days,	153
Mecklenburg and Gaston may establish a bridge over Catawba river,	190
Powers of Mecklenburg road law given trustees of Charlotte township,	210
Commissioners authorized to appoint "committee of audit and finance,"	320
Time of holding superior court changed,	397
Collection of taxes; compensation of sheriff,	443
MENAGERIES:	
Tax upon,	245
MERCANTILE AGENCIES:	
License tax on,	246
MERCHANTS:	
License tax on purchases,	247
Must submit books for examination,	247
MERIDIAN:	
Act to establish in the several counties of the state,	228
MERRY-GO-ROUNDS,	246
MITCHELL COUNTY:	
Lawful to fish with traps and gigs,	45
To encourage killing of certain wild animals,	53
Act establishing boundary line between Yancey and, repealed,	106
Lumber inspectors provided for,	108
Authorized to levy a special tax,	116
May levy special tax to pay county indebtedness,	158
Act in regard to public roads,	214
To provide for public roads,	222
To correct state grand number 39 issued to M. J. Bailey,	387
Prohibition within two miles of Little Rock church,	416
For protection of deer in,	422
MITCHELL RIVER:	
Unlawful to obstruct in Surry county,	54
MIDDLE RIVER:	
To regulate fishing in,	336
MINERAL INTERESTS:	
When ownership is separate from land, to be listed separately,	261
MINORS:	
In regard to certain contracts with,	311
Deposits in banks made by,	333
To prevent the sale of deadly weapons to,	468
MISDEMEANORS. (See CRIMES AND MISDEMEANORS.)	
MISTAKES:	
In assessment, how corrected,	287
MILITIA. (See STATE GUARD.)	
MOCCASIN RIVER:	
Name of Contentnea creek changed to,	409

	PAGE.
MONEY:	
Tax on,	243
How listed,	262
Banks of deposit for public money,	457
MONROE:	
Union county, cotton-weigher elected for,	47
MONROE, WILLIAM M.:	
Commissioners of Guilford county authorized to audit claim of,	337
MONTGOMERY COUNTY:	
Game law for, amended,	46
Landowners to provide hands for drainage of Muddy creek,	52
To drain Cheek's creek in,	423
MONUMENTS. (See also CONFEDERATE MONUMENT.)	
To mark true meridian for correction of surveys,	228
MOORE, MRS. AVALINE:	
Name placed on pension list,	388
MORAVIAN FALLS TOWNSHIP:	
Wilkes county, act to create,	215
MOORE COUNTY:	
Secretary of state to furnish certain books to,	81
To prevent obstruction of certain streams in,	304
May sell stock owned by Carthage township in Carthage Railroad Co.,	385
G. W. Sibbett relieved from photographer's tax,	421
Commissioners authorized to sell home for aged and infirm in,	472
MORTGAGES. (See also DEEDS AND CONVEYANCES.)	
Certificate of sale of real estate for taxes may be foreclosed as,	285
MOTTO. (See STATE MOTTO.)	
MOUNTAIN TOWNSHIP:	
Created in Jackson county,	67
MUD CREEK:	
Henderson county, drainage of,	104
MUDDY CREEK:	
McDowell county, to provide for drainage of,	52
MUNICIPAL TAXATION. (See CITIES AND TOWNS.)	
MURDER. (See HOMICIDE.)	
MURRILL, ELLIJAH:	
Late sheriff of Onslow, act for relief of,	384
MURPHY:	
Cherokee county; tax collectors to collect arrears for certain years,	181
MUSEUMS:	
Tax on, unless for charitable purposes,	245
MUSIC:	
Itinerant dealer in, not liable to peddler's tax,	249
MUSICAL ENTERTAINMENTS:	
Tax on,	245
N.	
NASH COUNTY:	
Law concerning sale of seed-cotton not to apply to,	38
Boundary line established between Edgecombe and,	65
Township of Whitaker's divided,	153
Commissioners to levy special tax for stock-law fence,	314
Portions of Edgecombe county and, constituted a public-school district,	479
NATIONAL BANKS. (See BANKS.)	

	PAGE.
NATIONAL PARK:	
In western North Carolina, resolution to senators and representatives concerning,	487
NAVAL BATTALION. (See STATE GUARD.)	
NAVASSA GUANO COMPANY:	
Prohibition within six hundred yards of factory,	450
NAVIGABLE WATERS:	
Entry of land covered by; act of 1891 repealed,	37
NEAL, JOHN Z.:	
Resolution directing treasurer to pay reward for arrest of L. Eller to,	492
NEUSE RIVER:	
Certain counties may have drift-trash removed from,	208
Act permitting use of traps in, repealed,	340
NEW HANOVER COUNTY:	
Stock law for,	61
Act supplemental to foregoing,	152
Act to improve public roads of,	212
Act to establish ferry across Cape Fear river,	240
Hour for road supervisors to meet,	409
NEW RIVER:	
Onslow county, act to protect fish,	158
Ashe county, a lawful fence between certain points,	199
NEXT FRIEND. (See INFANTS AND LUNATICS.)	
NICARAGUA CANAL:	
Resolution to senators and representatives concerning,	486
NON-RESIDENTS:	
Service of summons, etc., upon by publication,	74
Stock in national, state and private banks belonging to, to pay taxes,	244, 272
Trustee, property to be listed by trustor,	261
May name agent to whom notice concerning taxes to be given,	263
Prohibited from hunting, etc., in Brunswick county for gain, etc., without license,	456
NON-TRANSFERABLE SCRIPT:	
Unlawful to issue to laborers in Durham county,	118
NORFOLK, WILMINGTON AND CHARLESTON RAILROAD COMPANY:	
Time to begin operations extended,	106
NORMAL AND INDUSTRIAL SCHOOL:	
Act to provide for,	142
Resolution to pay expenses of subcommittee visiting,	490
NORTHAMPTON COUNTY:	
January term of court abolished; August term instituted,	35
Commissioners may appoint special tax collectors for 1893-'94,	53
Authorized to issue bonds and levy special tax,	142
NORTH CAROLINA BOARD OF HEALTH:	
Act relating to; members of; reports of,	170
County auxiliary board; superintendent of health; monthly reports,	171
Election of officers for state board; officers of county board,	172
Expenses, how paid; neglect to comply with quarantine rules,	173
Records of reports to be kept; what to contain; school regulations,	174
Examination of travelers; common carriers,	175
Epidemics; bodies of persons dying of certain diseases; employment of experts,	176
Systems of water-supply, sewerage, etc.; disinfection,	177
Vaccination; special tax for preservation of health; bulletins,	178
Special meetings of board; appropriation; annual statement; printing,	179

	PAGE.
NORTH CAROLINA COLLEGE OF AGRICULTURE AND MECHANIC ARTS:	
Act to provide for,	382
NORTH CAROLINA INSANE ASYLUM. (See also ASYLUMS, ETC.)	
Act to provide for,	186
NORTH CAROLINA INDUSTRIAL ASSOCIATION:	
Appropriation for, from tax on fertilizers, repealed,	401
NORTH CAROLINA INSTITUTION FOR DEAF, DUMB AND BLIND. (See also ASYLUMS, ETC.)	
Act to provide for,	188
NORTH CAROLINA SCHOOL FOR DEAF AND DUMB. (See ASYLUMS; DEAF MUTES.)	
NORTH CAROLINA STATE VOLUNTEER FIREMEN'S ASSOCIATION:	
Three-fourths of fund for disabled firemen payable to,	447
NORTH CAROLINA STATE GUARD. (See STATE GUARD.)	
NORTH CAROLINA STATION FOR MARITIME SANITATION. (See MARITIME SANITATION.)	
NORTH WILKESBORO:	
Wilkes county, township of created,	412
NOTICE:	
Of contest for seat in general assembly,	149
NUTS:	
Itinerant dealer in chestnuts, peanuts, etc., not liable to peddler's tax,	248
O.	
OATH:	
Of assessors and list-takers,	259, 265
Of taxpayers,	262
Of deputy sheriffs, as tax collectors,	269
OCRACOCK TOWNSHIP:	
Hyde county, right of citizens to serve on juries restored,	41
ODD FELLOWS:	
Property of, exempt from taxation,	264
OFFICERS:	
Salaries of state officers payable monthly,	59
Installation of state officers,	66
<i>De facto</i> to have same rights as <i>de jure</i> in sale of taxes,	282
State officers to make report of employees, etc., and salaries,	412
Resolution appointing committee to investigate officers of general assembly,	484
Resolution making appropriation for inauguration of,	484
OMNIBUS PROHIBITION ACT:	
Sale of liquor prohibited in many localities,	297
Not to apply to Ayden, Pitt county,	193
ON SLOW COUNTY:	
To protect fish in New River,	158
Prohibition within two miles of Hickory Hill school,	208
Act for relief of Elijah Murrill, late sheriff of,	384
Certain waters exempt from provisions of act to promote cultivation of shell-fish,	448
Act to protect hogs; reward for bears killed,	456
OPERA-HOUSES:	
Tax on licensed hall, according to population,	245
OPOSSUMS. (See GAME LAW.)	

ORANGE COUNTY:	PAGE.
Prohibition within four miles of Chapel Hill,	392
ORDER OF COLLECTION:	
Endorsed on tax list,	268
ORGANS:	
Dealer in, license tax,	250
OVERVALUATION:	
Complaints of, how made,	266
OXFORD:	
Appropriation for colored orphan asylum at,	468
Resolution to reimburse committee visiting colored orphan asylum at,	491
OYSTERS, AND OYSTER LAW:	
Act to promote cultivation of; certain land not subject to entry,	219
Amendments to oyster law of 1891,	234
Law in regard to license and grants for oyster-beds amended,	237
Itinerant dealers in, not liable to peddlers' tax,	248
Certain waters in Onslow exempt from operation of act to protect oysters,	448
Unlawful for non-residents to gather oysters, etc., in Brunswick county for gain without license,	456
Treasurer to pay for steamer "Lillie," oyster patrol,	488

P.

PAGES:	
Resolution authorizing extra allowance to,	494
PAMLICO COUNTY:	
A certain glade declared a lawful fence,	64
Certain territory excepted from prohibitory law,	73
In regard to fences in,	179
A certain glade declared a lawful fence,	221
Commissioners allowed to levy a special tax,	310
Stock law in certain portion,	317
Stock law repealed in certain portion,	417
PAMLICO MALE AND FEMALE INSTITUTE:	
Territory within two miles of, excepted from prohibitory law,	73
PANTHERS:	
To encourage killing of in certain counties,	53
act applicable to Cumberland county,	442
PARTNERS, AND PARTNERSHIPS:	
When statute of limitations to run in favor of undisclosed partner,	113
PARTNER:	
Limitations modified as to action against undisclosed partner,	113
To list property,	260
PARTITION SALE:	
Tax due on land to be paid out of proceeds,	291
PAWNBROKERS:	
To return value of property pledged, and to pay tax thereon,	251
PEABODY NORMAL COLLEGE:	
Graduates of to be recognized as certified for teachers,	349
PEACE INSTITUTE:	
Resolution of thanks for entertainment,	493
PEDDLERS:	
Tax on, regulations concerning,	248
License of, how obtained; cost,	248
County commissioners may exempt infirm persons,	249
Disabled ex-confederate soldiers may peddle without license,	311
Tax on peddlers selling patented articles in Johnston county,	426

PEDDLERS—CONTINUED.

PAGE.

John W. Carson allowed to peddle without a license,

466

Resolution allowing John M. Guyther to peddle without license,

486

The following persons were allowed to peddle without a license:

W. A. Queen, Jackson county,

104

Hellen, John F., Pitt county,

454

PENAL INSTITUTIONS:

Tax to be applied to,

243

PENDER COUNTY:

To have jurisdiction of Big Bridge Ferry,

150

Commissioners authorized to compromise "old debt,"

193

Certain convicts to be sentenced to New Hanover county house of correction,

213

Act to establish ferry across Cape Fear river,

240

Spring term of court changed,

346

Unlawful to hunt deer between December 31 and October 31,

445

Railroad taxes to be applied to subscription of Topsail township,

459

Act in regard to working public roads,

454

PENITENTIARY. (See STATE PENITENTIARY.)

PENSIONS. (See, also, CONFEDERATE SOLDIERS.)

Widows of certain ex-confederate soldiers entitled to,

391

Resolution to pay pension for 1890 to Mrs. Emily Johnson,

490

Resolution to pay pension for 1892 to Susan Gilbert,

493

The following were added to pension list:

H. Baxley,

343

Mrs. Avaline Moore,

388

T. B. Roberts,

394

R. S. Baker,

410

Talitha Taylor,

415

Thompson Robinson,

414

J. H. Robinson,

432

M. Branch,

443

M. L. Holler,

443

Rosa Knight,

444

Abraham Hood,

497

John H. Roberts,

498

PENSION TAX:

Levy,

243

PERSONAL REPRESENTATIVES. (See EXECUTORS AND ADMINISTRATORS.)

PERJURY:

False oath of list-taker,

265

PERQUIMANS COUNTY:

Act to protect fish in Perquimans river,

110

To recover damages from injury to roads,

407

PERQUIMANS RIVER:

Perquimans county, to regulate fishing in,

110

PERSONAL ESTATE:

Widow entitled to, if no child or representative of deceased child,

75

PERSONAL PROPERTY:

Tax on,

243

Farming stock, where listed; grazing cattle,

261

To be listed where owner lives (except section 13),

261

How listed; what list to embrace,

261, 262

Lien of tax list, like execution,

268

Sale of, by sheriff, for taxes,

270

Taxes on not collectible to be stricken from list,

285

Removal of, to avoid listing, indictable,

290

PHYSICIANS:	PAGE.
Dr. W. C. Kiser, of Lincoln, allowed additional time to register,	119
PIANOS:	
Dealer in license tax,	250
PINION DETECTIVE AGENCY:	
Act allowing such detectives to carry concealed weapons repealed,	36
PITT COUNTY:	
Time of holding courts changed,	42
Ayden excepted from prohibitory law of 1891,	198
To recover damages for injury to roads,	407
Act for relief of John Flannagan, treasurer,	438
J. F. Hellen allowed to peddle without a license,	454
J. W. Carson allowed to peddle without a license,	466
PLEASANT GROVE M. E. CHURCH:	
Wake county; prohibition within three miles,	389
POLL-TAX:	
Between twenty-one and fifty years,	243
Exemptions from, allowed by county commissioners,	243, 257
To be applied to education and poor,	243
Certificate of exemption from,	257
Polls, where listed; residence,	261
Double tax if poll is not listed,	267
POLK COUNTY:	
Times of holding courts changed,	77
Authorized to levy special tax,	106
Rutherford county road law made applicable to,	348
Time of holding superior court changed,	397
POOL TABLES,	
Tax on,	246
PRINTING:	
Public and private laws of 1893 to be in separate volumes,	110
Act in regard to contract price for public printing,	119
State printing to be let by contract to lowest bidder,	337
PRISONERS. (See CONVICTS.)	
PRIVATE LAWS:	
To be printed in separate volume,	110
PRIVILEGE TAX:	
Under Schedule B,	244
Under Schedule C,	254
PRIZES:	
Dealer in prizes of any kind,	246
PROBATE AND REGISTRATION. (See DEEDS AND CONVEYANCES AND GRANTS.)	
PROBATE OF WILLS. (See WILLS.)	
PROCEDURE IN CIVIL CASES:	
Suits by infants and lunatics,	37
Act concerning actions in regard to real estate,	37
Examination of party before trial; judge or court may make order as to notice,	95
In regard to reallotment of homesteads,	111
Settlement of administrators, etc., estates on death of personal representative,	159
Confirmation of reports in special proceedings,	165
Judge to open and pass upon depositions when clerk is a party,	343
PROCESS:	
Service of summons, etc., on non-resident by publication,	74

PRODUCTS:	PAGE.
Farm or dairy, not liable to peddlers' tax,	248
PUBLICATION:	
Service by, upon non-residents,	74
PROHIBITION:	
Act concerning sale of liquor in Davidson county,	50
Certain territory in Pamlico county excepted from prohibitory law,	73
Prohibitory law as to Vanceboro, Craven county, repealed,	81
Prohibitory act of Gaston county repealed,	86
Lawful to sell wine and cider in Greene county,	105
Prohibitory law at certain churches in McDowell county,	105
To regulate sale of liquor around Trinity M. E. church, Lenoir county,	193
To permit sale of liquors in Ayden, Pitt county,	198
Prohibition within two miles of Hickory Hill School, Onslow county,	208
Sale of liquor prohibited in many localities; omnibus prohibition act,	297
Prohibition within three miles of Fair Bluff, Columbus county,	309
Prohibition within two miles of Friendship and Beulah Baptist churches,	311
Sale of wine and cider permitted in certain places in Wake county,	317
Certain townships of Rutherford county to vote upon manufacture of spir- ituous liquors,	328
Trinity School, Beaufort county, included in omnibus prohibition act,	357
Shelby, Cleveland county, exempt from omnibus prohibition bill,	357
Prohibition within one mile of Fair Plain church, Wilkes county,	386
Prohibition within three miles of Pleasant Grove M. E. church, Wake county,	389
Prohibition within four miles of chapel Hill,	392
Prohibition in Haywood county,	414
Prohibition within two miles of Little Rock church, Mitchell county,	416
Unlawful to deliver liquor at Chapel Hill,	431
Brunswick county; prohibition for A. M. E. church and factory of Navassa Guano Company,	450
Local option election ordered on petition of one-third of registered voters,	450
To prohibit sale of liquor in Robeson county,	447
Prohibitory law for Ray's school-house, Madison county, repealed,	467
Prohibition for New Light Baptist church, Wake county,	472
PUBLIC FERRIES. (See FERRIES.)	
PUBLIC INSTITUTIONS:	
To provide water supplies for,	65
State board of health to advise concerning system of water-supply, etc.,	177
PUBLIC LAWS:	
To be printed in separate volumes,	110
PUBLIC MONEYS:	
Banks of deposit for,	457
PUBLIC OFFICERS. (See OFFICERS.)	
PUBLIC OYSTER BEDS. (See OYSTERS AND OYSTER LAWS.)	
PUBLIC PRINTING. (See PRINTING.)	
PUBLIC PROPERTY:	
Of United States, state, county and city exempt from taxation,	264
PUBLIC ROADS. (See ROADS AND HIGHWAYS.)	
PUBLIC SCHOOLS. (See also SCHOOLS AND COLLEGES.)	
Levy for,	243
PUBLIC TREASURER. (See TREASURER.)	
PULLMAN CARS:	
Tax on, how listed,	273
PUNISHMENT:	
For the two degrees of murder,	76
PURCHASE TAX ON LIQUORS:	
One per cent.,	248

Q.

PAGE.

QUARANTINE. (See BOARD OF HEALTH.)

QUARRY INTEREST:

How listed when separated from the land, 261

QUEEN, W. A.:

Allowed to peddle in certain counties without paying tax, 104

R.

RAILROAD COMMISSIONERS:

May allow railroad companies to run fast mail trains, 84

To make rules to prevent careless handling of baggage, 94

To assess property of railroad, steamboat and canal companies, 98

Annual reports of railroad companies may be made to, 99

Free carriage to persons traveling for orphan asylums, 101

To provide rooms for, 192

Extra allowance for clerk of, 238

Constituted a board of appraisers and assessors for railroad companies, 273

Duties and powers to assess real and personal property, franchise, etc., 273 to 276

In regard to delivery of freight, 458

To make rates for telephone line, 468

RAILROADS:

Railroad commissioners may authorize running of fast trains, 84

To prevent the careless handling of baggage, 94

Property of to be assessed by railroad commissioners, 98

Annual reports may be made to railroad commissioners, 99

Free passes to persons traveling for orphan asylums, 101

On appeal from assessment of damages for right-of-way, either party entitled to jury, 111

Limitations of actions against, for damages for occupation of lands, 113

Required to return travelers when required by city, etc., boards of health, 175

Transportation of bodies of persons dying of certain diseases, 176

Duty of as to water-closets during epidemic of cholera, 176

In Bertie and Hertford counties railroad taxes to be applied to subscriptions, 193

Act requiring railroads to redeem unused tickets repealed, 205

All exemptions from taxation in charters of, repealed, 244

Investments by railroad companies not exempt, 244

Tax of one per cent. on gross receipts if otherwise exempt, 254

Annual statement; apportionment; deductions, 252, 254

When railroad is leased, lessee to pay tax, 254

Railroad commissioners constituted board of appraisers; officers of railroads to make returns, 273

What real and personal property to be listed; method, 273

Machine-shops and property outside of right-of-way to be listed in county, 273

List-takers to certify to railroad commissioners' description; duty of mayors, 274

Method of valuation of real and personal property, 274

Duties of treasurer; railroad lying in two states, how assessed, 275

Duties of railroads claiming exemption; leased roads, 275

Powers of commissioners to summon witnesses, 276

Lien of taxes upon; road-bed, etc., declared personal property, 290

Baggage, etc., cars not to be placed in rear of passenger, exceptions in certain cases, 326

In petition to condemn land not necessary to allege survey, route, etc., 391

In regard to delivery of freights, 458

There was legislation concerning the following railroads:	PAGE.
Norfolk, Wilmington and Charleston Railroad Company,	106
Carolina, Knoxville and Western Railroad Company,	410
Wilmington, Onslow and East Carolina Railroad Company,	459
RANDOLPH COUNTY:	
To pay school claim of Miss Nannie Bingham,	98
Treasurer authorized to pay certain teachers,	452
RAY'S SCHOOL-HOUSE:	
Madison county, prohibitory law for, repealed,	467
RAILROAD TICKETS. (See RAILROADS.)	
"RAILROAD TRACK":	
Definition and description of,	274
RAMON'S CREEK:	
Camden county; act to protect fish,	95
REAL ESTATE:	
Suit may be brought to determine conflicting claims to real property,	37
To enable owners of land to establish boundary lines,	44
Attachment in case of injury to,	73
Issue of fraud in actions to set aside conveyances of lands,	74
Consequences of adultery or divorce <i>a mensa</i> on real property,	114
Tax on,	243
Increase or decrease of valuation by assessors,	259
To be listed in township where situated,	261
What and how real estate to be listed,	261
When building erected destroyed, tax list to be corrected,	264
Lien of taxes to be equal to judgment and execution,	268
If land divided, how valuation to be apportioned,	269
Provisions for sale of real estate for taxes,	276 to 283
Effect of second sale for taxes in certain cases,	279
Action to recover to be brought in three years after deed,	282
Definition of,	287
Certificates of sale may be treated as mortgages,	285
County commissioners may buy; may sell certificate,	289
For the revocation of interests limited to persons not <i>in esse</i> ,	459
RECEIPT:	
Form of tax receipt,	269
REDDIE'S RIVER TOWNSHIP:	
Wilkes county; act to create,	215
REGISTER OF DEEDS:	
Mortgages, etc., may be released before, or his deputy,	50
To be furnished official seal by commissioners,	96
Bridge and ferry-keeper and livery-stable keeper to furnish sworn statements,	246
Duties of, in regard to license tax; peddlers' licenses; fees,	247, 248
Fees for issuing liquor license,	253
Duties of, in regard to license and purchase-tax,	253
Duties of, in regard to marriage licenses,	255
To send abstract of tax list to auditor; penalty for failure,	268
Bond of, to be certified to auditor by clerk,	269
To transmit to auditor bond of superior court clerk,	269
Records of register's office legal evidence,	282
Burke county; bond of, increased,	419
Warren county; bond of, may be increased,	474
REGISTRARS OF ELECTION:	
Compensation of, in Cabarrus and Stanly counties,	119
Catawba county, to be paid for services,	471
RELEASE OF MORTGAGE. (See DEEDS AND CONVEYANCES.)	

	PAGE.
REMAINDERMEN:	291
May hold land when redeemed, sold for taxes of life-tenant,	
REPORTER OF SUPREME COURT:	383
To be appointed by supreme court; salary,	
REVENUE:	
Railroad commissioners to assess property of railroad, steamboat and canal companies,	98
Act to raise revenue,	243
Machinery act,	257
REVOCATION, DEEDS OF:	
By grantor when person to whom interest is limited is not living,	459
RHODES, JAMES:	314
Reward for apprehension of, to be paid to T. J. King,	
RICHMOND COUNTY:	90
Act to protect deer,	95
Butchers to keep registration books for cattle purchased,	182
Authorized to sell poor-house property and purchase other,	
RIGHT-OF-WAY:	111
On appeal from assessment of damages for, either party entitled to jury,	113
Limitations of actions against railroad companies for,	391
Petition for condemnation by railroad company, what to contain,	
RIVERS AND STREAMS:	39
Unlawful to obstruct Ellis' creek in Bladen county,	49
Unlawful to obstruct Catawba river between certain points,	58
To prevent careless rafting of logs down Hiawassee river,	208
Certain counties to have trash removed from Neuse river,	304
To prevent obstruction of certain streams in Moore county,	399
Unlawful to obstruct Jackson swamp in Robeson county,	401
To prevent felling of trees in Stonington creek, Lenoir county,	409
Unlawful to obstruct Moccasin river,	415
To establish a ferry across Broad river, Rutherford county,	423
For drainage of Cheek's creek, Montgomery county,	
Certain waters in Onslow county exempt from provisions of act to protect oysters, etc.,	448
Unlawful to obstruct certain waters in Bladen county,	460
ROADS AND HIGHWAYS:	
County commissioners to build bridge over ditches crossing roads in certain counties,	56
Commissioners of Cherokee may hire out prisoners on,	68
Act providing for improvement of Hendersonville road, Buncombe county, repealed,	96
Sampson county; damages to roads by log hauling,	100
Buncombe county; act in regard to public roads of,	103
Repealing act in regard to public roads of the state,	107
In regard to public roads in Cabarrus county,	107
To improve public road from Elkin, Surry county, to Sparta, Alleghany county,	125
In regard to public roads of Forsyth county,	140
To provide a public road from Roaring river, Wilkes county, to Meadow Fork road, Alleghany county,	157
To provide for working public roads of Macon county,	160
To provide for laying out public roads in Alleghany county,	198
Rutherford, Henderson and Buncombe counties may declare Hickorynut Turnpike a public road,	201
To improve a public road leading from North Wilkesboro to Virginia,	202
To provide for certain public roads in Wilkes county,	204
To provide for road from North Wilkesboro to Tennessee line,	207
Powers of Mecklenburg road law given trustees of Charlotte township,	210

ROADS AND HIGHWAYS—CONTINUED.	PAGE.
Certain convicts in Pender and Brunswick to be sentenced to New Han-	
over county,	213
Concerning public roads in Mitchell county,	214
To provide for public roads of Mitchell county,	222
To amend road law of Buncombe county; convicts,	227
Road law of Franklin county repealed,	312
In regard to public roads of Clay and Graham,	312
In regard to working public roads of Edgecombe county,	323
In regard to public roads of Wake county,	325
Commissioners of Wake empowered to change road-beds upon petition,	340
To improve the public road from Miller's creek, Wilkes county, to Creston,	
Ashe county,	344
To improve public roads of Polk county,	348
To provide for working public roads of Swain county,	389
Election concerning road tax in certain townships of Madison county vali-	
dated,	339
Smithfield township, Johnston county, may use certain funds for improve-	
ment of,	398
Commissioners of Buncombe county to issue bonds for improvement of,	403
Law allowing damages for injury to roads by hauling logs extended to	
certain counties,	407
Overseers of, not allowed compensation in Rockingham county,	422
In regard to working roads in Durham county,	435
Cabarrus road law amended; applicable to Lincoln and Iredell counties,	437
To provide for working roads of Pender county,	454
To work public roads,	461
To work convicts on public roads of Wayne county,	469
Convicts sentenced to work on roads of other counties,	467
To provide for and improve roads in Cherokee county,	474
ROANOKE RIVER:	
To regulate fishing in,	336
ROBESON COUNTY:	
May levy special tax for stock fence,	82
Levy of special tax for stock law authorized in,	219
To prevent the destruction of certain game birds in,	308
Unlawful to obstruct Jackson swamp in,	399
To establish a normal institute in,	402
To prohibit the sale of liquors in,	447
ROBERTSON, T. M.:	
Resolution to pay certain expenses of subcommittee on public printing,	489
ROBERTS, JOHN H.:	
Gaston county, resolution allowing pension to,	498
ROBERTS, T. B.:	
Pension granted to,	394
ROBINSON, J. H.:	
Sampson county, placed on pension list,	432
ROBINSON, THOMPSON:	
Pension granted to,	414
ROCKINGHAM COUNTY:	
Lawful to hunt opossums at any time,	43
Authorized to levy special tax for bridges,	73
Times of holding superior court changed,	395, 396
Law allowing compensation to road overseers repealed,	422
ROCKY MOUNT:	
To establish graded schools in,	479
"ROLLING STOCK":	
Definition of, in taxing railroads,	274

ROWAN COUNTY:	PAGE.
In regard to ditches crossing public roads,	56
ROYAL ARCANUM:	
Property of, exempt from taxation,	264
RUTHERFORD COUNTY:	
Lawful to hunt opossums at any time,	62
Time of holding courts changed,	77
Authorized to levy special tax to build jail,	78
Commissioners to purchase farm for paupers,	127
J. O. Simmons appointed justice of the peace in High Shoal township,	139
Commissioners may declare Hickory-nut turnpike a public road,	201
To pay D. B. Johnson school claim,	209
Certain townships allowed to vote upon manufacturing liquors therein,	328
Time of holding superior courts changed,	397
To recover damages for injury to roads,	407
To include certain portions in stock law,	411
Stock law for remaining portions of High Shoals township,	454
S.	
SAINT MARY'S SCHOOL:	
Resolution of thanks for entertainment,	493
SAINT MARY'S TOWNSHIP:	
Wake county; act to change boundary line,	329
SALARIES AND FEES:	
Salaries of state officers payable monthly,	59
Fees for assisting in surveying homestead exemption,	62
Compensation of sheriff of Mecklenburg county for collecting taxes,	100
Compensation of officers, etc., of North Carolina School for Deaf and Dumb,	102
Committee on printing may make contract for less prices than named in Code,	119
Compensation of registrars of election in Cabarrus and Stanly counties,	119
Reports of state institutions to state salaries, etc., of officers and employees,	215
Compensation, etc., of inspectors, etc., under oyster law,	235
SALEM CHURCH:	
McDowell county; prohibition within one-half mile of,	105
SALESMAN:	
Itinerant, when to be deemed a peddler,	248
SALES OF LANDS FOR TAXES:	
Notice by advertisement,	276
Sheriff not to be interested; sale-book; penalties,	277
Certificate given purchaser; form,	278
Certificate assignable; redemption of land,	278
Partial redemption; second sale; deed,	279
Deed to be evidence of regularity, etc.,	280
If taxes not due, county to indemnify purchaser,	281
Certain defects remedied,	283
Certificate may be foreclosed as mortgage,	285
Deed or foreclosure must be in two years,	286
County commissioners may buy,	289
SALT:	
Itinerant dealers in, not taxable as peddlers,	248
SAMPSON COUNTY:	
Authorized to levy a special tax,	87
Damages to roads by log-hauling,	100
Time of holding court changed, and December term abolished,	341, 342
J. H. Robinson placed on pension list,	432

SANITARY INSPECTORS:	PAGE.
Superintendents of health to act as; reports, etc.,	171
SAURATOWN TOWNSHIP:	
Tax collectors to collect arrears of taxes in,	144
Stokes county; railroad taxes, how applied,	430
SAVINGS BANKS. (See BANKS.)	
SCHOOL CLAIMS:	
Johnston county to pay claim of J. A. Cole,	56
Randolph county to pay claim of Miss Nannie Bingham,	98
Rutherford county to pay D. B. Johnson school claim,	209
Randolph county to pay certain teachers,	452
SCHOOL COMMITTEES:	
Notice of contagious diseases to be given to,	174
To be elected in June,	451
SCHOOLS AND COLLEGES:	
✓ Certain money remaining in hands of superior court clerks payable to,	40
Colored normal school to be moved from Warrenton to Franklinton,	45
County superintendents to report number of deaf, dumb and blind children in county,	63
Districts affected by graded school of Edenton to be governed by general school law,	79
Act of 1889 amending school law repealed,	127
Act supplemental to foregoing,	467
✓ Certain children of Swain to attend school in Graham,	129
✓ Ten thousand dollars appropriated for repairs and improvement of University,	141
✓ Act to improve and maintain normal and industrial school at Greensboro,	142
✓ Act in relation to public graded school at Fayetteville,	146
✓ Edgecombe county authorized to hold an election and levy special tax,	167
Notice of contagious diseases to be given to school committees,	174
✓ To provide for the completion of the Agricultural and Mechanical College (colored),	206
To establish a normal institution in Robeson county,	402
Schools exempted from taxation,	264
Property of colleges exempt from taxation,	264
Act allowing certain pupils of Jackson to attend school in Swain repealed,	328
Graduates from Peabody College, Nashville, Tennessee, to be recognized as certified for teachers,	349
Act to provide for North Carolina College of Agriculture and Mechanic Arts,	382
Compensation, etc., of school superintendent of Macon,	400
School committee to be elected in June,	451
To establish graded schools in the town of Rocky Mount,	479
To establish graded schools in the city of High Point,	480
School age for Croatan Indian children,	469
Increased taxation for public graded schools in Charlotte,	477
To establish graded schools in Lexington,	478
SCROLL:	
When used as a seal, to be taxed,	255
✓ SEAL:	
County commissioners to furnish register of deeds with official seal,	96
✓ "Esse Quam Videri" to be engraved upon the great seal of North Carolina,	109
Of certain officers taxed; exemption,	255
SECRETARY OF STATE:	
To furnish certain books to Moore, Harnett, Bladen and Clay,	81
Duty of, in regard to establishing a true meridian in counties,	228
Duties of, in regard to insurance companies,	250
To collect certain taxes on seal,	255
To distribute copies of revenue and "machinery" acts,	296

SECRETARY OF STATE—CONTINUED.

	PAGE.
Duties of, in regard to insurance companies,	300
Duties of, in regard to formation of private corporations,	316
Authorized to purchase pedestal for bust of Governor Ellis,	401
Resolution to provide copies of certain laws to judges and solicitors,	485
Resolution requiring to send annotated captions to members of general assembly,	499

SEED-COTTON. (See COTTON.)

SENATORS AND REPRESENTATIVES. (See CONGRESS)

SEWING MACHINES:

Dealer in; license tax,	249
No city can tax licensed dealer in,	249
Merchants can deal in licensed machines only,	249

SHEEP. (See WOOL-GROWING.)

SHELBY:

Cleveland county exempt from omnibus prohibition bill,	357
--	-----

SHELL-FISH. (See OYSTER LAWS; see also FISH LAWS.)

SHELL-FISH COMMISSIONERS:

Treasurer authorized to pay \$150 to,	166
Duties and compensation of, under oyster law,	235

SHERIFFS AND TAX COLLECTORS:

Sheriff of Dare allowed until April 1st of each year to settle,	45
Tax collectors allowed to collect arrears for 1884,	46
Sheriff of Madison allowed until May 1st to settle,	48
Special tax collectors may be appointed for Northampton county,	53
Sheriff of Harnett county allowed till April to settle,	54
Sheriff of Currituck allowed until February to settle,	85
Madison county authorized to elect a tax collector,	86
L. H. Bullock, late sheriff, authorized to collect unpaid taxes for 1887-'88,	91
Compensation of sheriff of Mecklenburg for collecting taxes,	100
Act for relief of sheriff of Cumberland county,	115
Railroad tax collector, Sauratown township, Stokes county, to collect arrears of taxes,	144
Z. V. Welch, late sheriff of Swain, relieved of penalties,	145
Sheriff of Martin allowed additional time to settle,	148
Tax collector of Murphy, Cherokee county, to collect arrears of taxes,	181
Tax collector to collect arrears of taxes in Wake county,	185
In regard to the collection of taxes in Edgecombe county,	209
To issue license for theatrical hall,	245
Duties of, in regard to collection of purchase tax,	247, 253
Duties of, in regard to liquor license; fees,	251, 253
Duties of, in regard to express and telegraph companies,	255
To pay over tax collected from liquor dealers and auctioneers,	251
Duties of, to attach debt due to taxpayer; form,	257
Fees of, for serving attachment,	258
To receive tax list from county commissioners,	267
When to collect taxes; to give receipt,	269
To produce receipt of previous year,	269
Fees of sheriff for levy and sale for taxes,	270
To attend at court-house in September and November,	270
To attend at each township in October,	270
To post insolvent list at court-house,	271
Duties of, in regard to tax sales,	276, 283
Fee for advertisement,	277
Sheriff's fee for tax deed,	278
Records of office; evidence in tax sales,	282
Liability of, for improper sale,	282
Duties in regard to delinquent corporations,	283, 284

SHERIFFS AND TAX COLLECTORS—CONTINUED.

	PAGE.
To return list of personal property taxes not collectible,	285
Not to account to state for real estate purchased by county until tax certificate is sold by the county,	288, 289
Foreclosure by county commissioners; action,	289
To keep record of taxes collected on unlisted property; to make report,	292
To settle state taxes second Monday in January,	292
Deductions allowed; commissions; compensation,	293
On failure of sheriff, duty of auditor,	293
To pay over county taxes as collected,	294
Penalty for failure to settle county taxes; tax collector same as sheriff,	295
Sureties may collect on death of sheriff,	296
To have one year after settlement to collect arrears,	296
Act for relief of sureties of sheriff of Onslow county,	384
Sheriff of Haywood county not to levy for taxes until December,	394
Duties of, in regard to protecting prisoners,	440
Compensation of, of Mecklenburg county,	443
In regard to collection of taxes in portion of Wilkes county added to Alleghany,	445
Law allowing sheriff until May to settle not applicable to Granville county,	462
SIBBETT, G. W.:	
Relieved from photographer's tax,	421
SIDE-SHOWS:	
Tax on,	245
SIMMONS, J. O.:	
Appointed justice of peace for High Shoal township, Rutherford county,	139
SIMS, ELISHA:	
Grant number 2017, in Watauga county, corrected,	200
SKATING RINKS:	
Tax upon,	246
SLEEPING CARS:	
Tax on; how listed,	273
SLOAN, W.:	
Jackson county, act to correct grant number 1764 to,	331
SMITHFIELD TOWNSHIP:	
Johnston county, to use proceeds from hiring prisoners to improvement of roads,	398
SMITH, J. B.:	
Sheriff of Cumberland county, act for relief of,	115
SMITH, J. F.:	
Railroad tax collector, to collect arrears of taxes in Sauratown township, Stokes county,	144
SOLDIERS' HOME:	
Act to provide for,	196
SOLICITORS:	
Suit by not affected by amendment concerning next friend,	37
Duties of, in regard to grants covering oyster beds, etc.,	238
Duties of, in regard to lynching, etc.,	440
Resolution to provide with copies of certain laws,	485
SOLVENT CREDITS:	
Tax on,	253
How listed,	262
SOUTH FORK CREEK:	
Forsyth county, act in regard to drainage of,	446

SPECIAL PROCEEDINGS:	PAGE.
By landowner to establish disputed line,	44
Settlement of administrators, etc., estates on death of personal representative,	159
Confirmation of reports in,	165
SPIRIT MEDIUMS:	
Tax on; not exempt,	245
SPIRITS:	
Own manufacture, no tax for sale by gallon at place of manufacture,	253
STALLIONS:	
To prevent deception, etc., by agents and owners of,	387
STANLY COUNTY:	
Lawful to kill wild turkeys at any time,	43
Electors of county to elect a cotton-weigher for Albemarle,	92
Compensation of registrars of election,	119
No civil action to be tried before Wednesday of first week of court,	199
Terms of superior court changed,	397
STANDARD-KEEPERS:	
To adjust weights, etc., once every two years,	85, 160
STATE BANKS. (See BANKS.)	
STATE BOARD OF AGRICULTURE:	
Rooms in building of, to be used by railroad commissioners,	192
Appropriation for holding farmers' institutes,	386
STATE BONDS:	
Act to compromise extended to January 1, 1895,	55
STATE DEBT:	
Act to compromise extended to January 1, 1895,	55
STATE GUARD:	
Act to establish and provide for,	350
Act to establish a naval battalion of,	393
STATE HOSPITAL. (See also ASYLUMS, ETC.)	
Act to provide for,	186
STATE INSTITUTIONS. (See ASYLUMS; also, name of institution.)	
To provide water supplies for,	65
State Board of Health to advise concerning water, sewerage, etc.,	177
Reports of presidents, etc., to state names, salaries and fees of officers, etc.,	215
STATE LIBRARY:	
Resolution authorizing trustees of to furnish Colonial Records to certain states,	489
STATE MEDICAL SOCIETY:	
To elect four members of Board of Health,	170
STATE GRANTS. (See GRANTS.)	
STATE MOTTO:	
" <i>Esse quam videri</i> " adopted as,	109
STATE OFFICERS. (See OFFICERS.)	
STATE PENITENTIARY:	
Act to provide for government of,	230
Superintendent to make monthly deposits with state treasurer,	231
To provide for support of,	346
To regulate discharge of convicts,	348
Resolution to pay investigating committee,	491
STATE TREASURER. (See PUBLIC TREASURER.)	
STATE UNIVERSITY. (See UNIVERSITY OF NORTH CAROLINA.)	
STATISTICS. (See AGRICULTURAL STATISTICS.)	
STATUTE OF LIMITATIONS. (See LIMITATIONS, STATUTES OF.)	

STEAMBOAT COMPANIES:	PAGE.
Railroad commissioners to assess property of,	98
Tax on receipts,	254
Officers to make sworn statements,	271
STEAMER "LILLIE":	
Resolution authorizing treasurer to pay balance due for,	488
STOCK LAW:	
To be construed to include geese in Edgecombe county,	48
Stock law for New Hanover county,	61
Stock law for certain sections of Craven county,	63
Burke county may levy a special tax in stock-law territory,	72
Robeson county may levy special tax to build fence,	82
Stock law for certain portions of Cumberland county,	132
Supplemental to foregoing stock-law act for New Hanover county,	152
Stock law established in certain portions of Cumberland county,	168
In regard to fences in Beaufort and Pamlico,	179
Robeson county authorized to levy special tax for stock-law territory,	219
Wilkes county may sell stock-law fences,	220
A certain glade in Pamlico declared a lawful fence,	221
Stock law for a portion of Bladen county,	305
Stock law for certain portions of Pamlico county,	317
Stock law for whole of Davidson county,	347
Amended in Alamance county,	398
Stock-law tax of Fork township, Wayne county, how applied,	400
Certain portions of Rutherford county included in,	411
Repealed in certain portions of Pamlico county,	417
Geese included in Green Mountain township stock law,	429
Repairs to fence in White-oak township, Bladen county,	444
Greenville stock law amended,	451
Stock law for High Shoals township, Rutherford county,	454
Edgecombe county stock law amended,	455
STOCKS:	
Bank stocks, how listed,	243, 261, 272
In corporations, how and by whom listed,	262
STOKES COUNTY:	
Lawful to hunt opossums at any time,	43
Unlawful to ride, etc., fast over Town Fork bridge at Walnut Cove,	140
Danbury township created,	143
Railroad tax collector authorized to collect arrears of railroad taxes in	
Sauratown township,	144
Act to secure drainage of Town Fork creek,	150
Time of holding superior court changed,	396
To recover damages for injury to roads,	407
To establish dividing line between Surry county and,	408
Application of railroad taxes in certain townships,	430
STONINGTON CREEK:	
Lenoir county, to prevent obstruction of,	401
STOVE PEDDLERS AND DEALERS:	
Tax on,	250
SUMMONS. (See PROCESS.)	
SUNDAY:	
Unlawful to fish on Sunday in Dare county,	206
SUPERINTENDENT OF HEALTH. (See also COUNTY BOARD OF HEALTH.)	
County board of health to appoint; duties; reports; term of office,	171
To report small-pox to secretary of state; quarantine,	172
When deposed from office,	173
To give notice of nuisance to owner of premises,	177
Free vaccination,	178

	PAGE.
SUPERINTENDENT OF STATE'S PRISON. (See STATE PENITENTIARY.)	
SUPERIOR COURT CLERKS. (See CLERKS OF COURTS.)	
SUPREME COURT:	
Justices of, allowed to employ a servant,	309
Authorized to elect a reporter; salary,	383
Not required to write opinions,	383
Compensation of janitor of,	388
SUPREME COURT REPORTER:	
Supreme court to elect,	383
SURETIES:	
On sheriff's bond, in case of sheriff's death, may collect tax,	296
SURETY COMPANIES:	
Bonds of trustees, etc., may be executed on conditions guaranteed by,	302
SURRY COUNTY:	
Unlawful to obstruct Mitchell river,	54
Name of Hotel township changed to Elkin township,	72
To improve public road from Elkin to Sparta,	125
Terms of superior court changed,	396
To establish dividing line between Stokes county and,	408
SURVEYS:	
Act to establish a true meridian for correction of,	228
SURVEYOR. (See COUNTY SURVEYOR.)	
SWAIN COUNTY:	
Time of holding court changed,	117
Certain persons authorized to attend school in Graham county,	129
Authorized to issue bonds,	130
Welch, late sheriff, relieved from penalties,	145
Grant number 120 corrected,	197
Act allowing certain pupils of Jackson to attend school in, repealed,	328
So provide for working public roads,	389
To recover damages for injury to roads,	407
To correct state grant number 2370,	453
SWITCH-BACK RAILWAY:	
Tax on,	246
	T.
TAR:	
Manufacture of from lightwood to come under provisions of landlord and tenant act,	470
TARBORO:	
Act in regard to public weighers,	239
TARBORO TOWNSHIP:	
Edgecombe county, may hold an election and levy tax for school,	167
TAXATION:	
Railroad commissioners to assess property of railroad, steamboat and canal companies for,	98
TAX COLLECTORS. (See SHERIFFS AND TAX COLLECTORS.)	
TAX DEED. (See SALES OF LAND FOR TAXES.)	
Form of, etc.,	280
TAXES:	
When to become due,	269
Definition of,	287
Resolution refunding for charter when not obtained,	493
TAX-LISTERS:	
Not required to fill blanks relating to,	217

TAX LIST:

	PAGE.
To be taken in June; returned in July,	258, 259, 265
Advertisement; how given in; by corporation,	260, 261
To be made on oath; what to contain,	262, 263
Revision of by board of county commissioners,	265, 266
Complaint of overvaluation,	266
Double tax on unlisted property,	267
One copy of to be kept, one delivered to sheriff,	267
Abstract of to be returned to auditor by register,	268
Sheriff to attend court-house; to attend townships in October,	270
Of railroads, what to contain; how made,	273, 276

TAXPAYERS:

To attend and list taxes,	260
To make verified statement,	260
To list all property; oath of,	262
What list to contain,	263
Misdemeanor to refuse to answer questions,	263
May list before county commissioners, when,	266
Complaint of concerning overvaluation,	266

TAX RECEIPT:

Sheriff to give; what to contain,	269
County treasurer to give in certain cases after sale of land,	278

TAX SALES. (See SALES OF LAND FOR TAXES.)

TAYLOR, TALITHA:

Placed on pension list,	415
-------------------------	-----

TELEGRAPH COMPANIES:

Tax of two per cent. on gross receipts,	234
---	-----

TELEPHONE COMPANIES:

Tax of two per cent. on gross receipts,	254
Included in railroad commission act,	468

TENT SHOWS:

Tax upon all shows under canvas,	245
----------------------------------	-----

TERRAPIN:

Unlawful to catch between certain dates under certain sizes,	146
Unlawful for non-residents to gather in Brunswick county for gain, etc., without license,	456

THEATRES:

Hall licensed for; rate,	245
Regulations; no tax upon company in licensed hall,	245
Tax on traveling theatrical company,	245

THEATRICAL COMPANIES:

License tax upon,	245
-------------------	-----

THOMAS M. HOLT MANUFACTURING COMPANY:

Act to incorporate,	120
---------------------	-----

TICKET SCALPERS:

Act prohibiting the operations of, repealed,	205
--	-----

TIMBER INTERESTS:

When separate from land, how listed,	261
--------------------------------------	-----

TOLL-BRIDGES:

Tax on,	246
---------	-----

TOLL-GATES:

Tax on,	246
---------	-----

TOPSAIL TOWNSHIP:

Pender county; railroad taxes, how applied,	459
---	-----

TOWAGE:

Lien on vessels, etc., for,	342
-----------------------------	-----

TOWNFORK CREEK:	PAGE.
Stokes county; to protect bridge over, at Walnut Cove,	140
Stokes county; to secure drainage of,	150
TOWNS. (See CITIES AND TOWNS.)	
TOWNSHIP ASSESSORS. (See ASSESSORS.)	
TRAMMELL, CAROLINE:	
Macon county, grant number 1100 to, corrected,	220
TRANSYLVANIA COUNTY:	
Act for protection of birds,	90
Act for relief of T. H. Galloway,	239
To protect citizens from damage caused by floating logs, etc.,	332
TREASURER, COUNTY. (See COUNTY TREASURER.)	
TREASURER, PUBLIC:	
Compromise of state debt,	55
To pay upon warrants of governor amounts appropriated for executive mansion,	138
To pay shell-fish commissioners \$150,	166
Superintendent of state's prison to make monthly deposits with,	231
To institute action against delinquent banks,	244
Tax on seal of, when used for certain purposes,	255
May expend \$2,500 to secure prompt collection of taxes,	256
To prepare and furnish blanks for tax lists,	262
To decide questions arising under the revenue laws,	263
Duties in regard to refunding taxes to sheriff,	267
To sue delinquent railroad companies to collect taxes due state,	275
To repay uncollectible taxes on personal property,	285
Duty in regard to settlement of state taxes,	293
To take judgment against defaulting sheriffs,	293
May grant indulgence in certain cases,	294
Duty to send blanks to counties,	296
To pay debt due by state to Mary Hinton,	334
Resolution directing to pay reward to John Z. Neal,	492
Duties of, when a bank is reported to be in a precarious condition,	449
Resolution authorizing to pay balance due for steamer "Lillie,"	488
Resolution directing to refund \$25 to J. M. Foust,	488
Resolution authorizing to refund taxes in certain cases,	493
TRENT RIVER:	
Act to protect fish,	430
TRINITY M. E. CHURCH:	
Lenoir county, act regulating sale of liquor,	193
TRINITY SCHOOL:	
Beaufort county, included in omnibus prohibition act,	357
TROY, J. B.:	
Cumberland county, act for relief of,	189
TRUSTEE:	
To list taxes upon property held in trust,	260
If not resident, tax to be listed by trustor,	260
TRUSTS:	
Resolution for the suppression of,	500
TYRRELL COUNTY:	
Question of toll-bridges to be submitted to voters of,	139
To recover damages for injury to roads,	407
Time of holding superior courts changed,	446

U.

UNION COUNTY:	PAGE.
Cotton weighers elected for certain towns,	47
First week of court to be for trial of criminal, etc., cases,	117
Marshville township established,	149
Time of holding superior court changed,	397
UNITED STATES DIRECT TAX. (See DIRECT TAX.)	
UNIVERSITY OF NORTH CAROLINA:	
Ten thousand dollars appropriated for repairs and improvement,	141
Exemption from taxation,	264
Resolution requesting bursar to furnish statement,	486
Resolution to pay expenses of subcommittee visiting,	490
UNLAWFUL ENTRY:	
Act to prevent, upon land of another,	335
UNLISTED PROPERTY:	
Double tax on,	267
Back taxes on, to be added,	267
Sheriff to keep record of unlisted taxes collected,	292

V.

VACCINATION:	
Free vaccination by superintendent of health on appearance of small-pox,	178
Vaccination of persons in public institutions,	178
Regulations for, by city authorities,	178
VALUATION. (See ASSESSORS AND LIST-TAKERS; RAILROADS.)	
VANCEBORO:	
Craven county, prohibitory law as to, repealed,	81
VANCE COUNTY:	
Lawful to hunt opossums at any time,	43
To prevent the destruction of certain game birds in,	308
Dabney township established,	465
VEGETABLES:	
Itinerant dealer in, not peddler,	248
VERDICT:	
Judge may relieve against, within one year,	75
VESSELS:	
Lien on, for towage,	342

W.

WAKE COUNTY:	
To provide for collection of arrears of taxes,	184
Authorized to issue bonds,	187
Commissioners to establish indigent children's home,	200
Regarding prohibition in certain localities,	317
Regarding public roads in,	325
To change the boundary line of Saint Mary's township,	329
For improvement of public roads in,	340
Prohibition within three miles of Pleasant Grove M. E. Church,	389
For relief of board of commissioners,	416
To pay justices of the peace for certain services,	471
Prohibition for New Light Baptist church,	472
WALNUT COVE:	
To regulate riding, etc., over Townfork bridge,	140
WARRANTS:	
Of county, city or town not to be discounted by collector,	285

	PAGE.
WARREN COUNTY:	
Unlawful to hunt partridges or quail on another's land without permission,	89
To prevent the destruction of certain game birds in,	308
Commissioners authorized to levy a special tax,	330
Included in opossum law,	349
Law allowing commissioners to increase bond of clerk and register applicable to,	474
WARRENTON:	
Colored normal school to be moved to Franklinton,	45
WARSAW TOWNSHIP:	
Duplin county; butchers to keep registration books,	95
WASHINGTON COUNTY:	
Authorized to levy special tax,	54
Time of holding superior courts changed,	446
WATAUGA COUNTY:	
To prohibit trout-fishing in Howard's creek,	152
Grant number 2017, to Elisha Sims, corrected,	200
WATER AND WATER-SUPPLIES:	
To provide water-supplies for public institutions,	65
Board of health to advise institutions, cities, etc., concerning,	177
WAXHAW:	
Cotton-weigher elected for,	47
WAX-WORKS:	
Tax on,	245
WAYNE COUNTY:	
Lawful to hunt opossums at any time,	62
Commissioners authorized to have drift-trash removed from Neuse river.	208
To regulate fishing in Juniper swamp,	308
Act in relation to killing deer repealed,	342
Stock-law tax in Fork township applied to fences,	400
Talitha Taylor placed on pension roll,	415
Drainage act amended,	466
To provide for working convicts on public roads in,	469
WEIGHERS:	
In regard to public weighers in Tarboro,	239
WEIGHTS AND MEASURES:	
Standard keeper to adjust once every two years,	85, 160
WELCH, Z. V.:	
Late sheriff of Swain county, relieved of penalties,	145
WELDON:	
Act appointing cotton-weigher repealed,	49
WHARVES:	
To regulate building of,	41
Act supplemental to foregoing,	337
WHITAKER'S TOWNSHIP:	
Nash county, divided into North and South Whitaker's,	153
WHITE OAK TOWNSHIP:	
Bladen county, repairs to stock-law fence,	444
WHITE LAKE:	
Bladen county, for protection of fish in,	461
WIDOW:	
Entitled to all personal estate if no child or representative of deceased child,	75
Widows of certain soldiers entitled to pensions,	391

WILD ANIMALS:	PAGE.
To encourage killing of, in certain counties,	53
Applicable to Cumberland county,	442
To encourage killing of bears in Onslow county,	456
WILD CAT:	
To encourage killing of, in certain counties,	53
Applicable to Cumberland county,	442
WILD TURKEYS. (See GAME LAW.)	
WILKESBORO:	
Fast driving over public bridge at, unlawful,	221
WILKES COUNTY:	
To provide for a public road,	157
To improve a public road leading from North Wilkesboro to Virginia,	202
To provide for laying out certain public roads,	204
To provide for road from North Wilkesboro to Tennessee,	207
May pay for a certain bridge across Yadkin river,	210
Goshen township created,	215
Act for relief of McNeil, clerk,	218
Commissioners authorized to sell stock-law fences,	220
Fast driving over public bridge at Wilkesboro unlawful,	221
To improve public road to Creston post-office from Miller's Creek post-office,	344
Prohibition within one mile of Fair Plain church,	386
Time of holding superior court changed,	395, 396
New township created in,	412
May levy special tax to repair jail,	433
In regard to collection of taxes in portions of, added to Alleghany; rail- road debt,	445
Resolution to pay pension for 1892 to Susan Gilbert,	493
WILLIAMS & COMPANY, ALFRED:	
Resolution to pay for stationery furnished house,	497
Resolution to pay for stationery furnished senate,	497
WILLS:	
Probate of, when witnesses cannot be found in state,	217
Law prohibiting petition to declare contents of, when lost, repealed,	237
WILMINGTON:	
Brunswick Bridge and Ferry Company to keep record of live stock,	99
Misdemeanor to wilfully send in, etc., a false fire-alarm,	399
WILMINGTON, ONSLOW AND EAST CAROLINA RAILROAD COMPANY:	
Taxes on, Pender county, how applied,	459
WILSON COUNTY:	
Lawful to kill doves and larks at any time,	199
WINE AND CIDER:	
Lawful to sell in Greene county,	105
Sale of, permitted within two miles of New Bethel church and Mount Pleasant academy,	317
No license tax required for person selling wine of his own manufacture, etc.,	252
Permitted to be sold in Robeson county,	447
WITNESSES:	
Certain money due and uncalled for payable to school fund,	40
Probate of wills when witnesses cannot be found,	217
Confined in jail, protection of,	440
WOLVES:	
To encourage killing of, in certain counties,	53
Act applicable to Cumberland county,	442
WOOL-GROWING:	
Corporations organized for, may hold more than three hundred acres,	118
For protection of sheep in Buncombe county from dogs,	461

WORLD'S COLUMBIAN EXPOSITION:	PAGE.
To provide for the collection, arrangement and display of state,	92
To enable clerks superior courts to attend,	145
WRECKS, COMMISSIONERS OF:	
Bond of, decreased,	66
WRIGHT, J. H.:	
Resolution to pay expenses in election contest,	485

Y.

YADKIN RIVER:	
Wilkes county may pay for a certain bridge across,	210
YADKIN COUNTY:	
Time of holding superior court changed,	396
YANCEY COUNTY:	
To encourage killing of certain wild animals,	53
George Blankenship may attend Institute for Blind,	100
Act establishing boundary line between Mitchell and, repealed,	106
Lumber inspectors provided for,	108
To recover damages from injury to roads,	407
Geese included in stock law in Green Mountain township,	429





