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PUBLIC LAWS AND RESOLUTIONS  
OF THE  
STATE OF NORTH CAROLINA

PASSED BY THE  
GENERAL ASSEMBLY

AT ITS  
SESSION OF 1895,  
BEGUN AND HELD IN THE CITY OF RALEIGH  
ON  
WEDNESDAY, THE NINTH DAY OF JANUARY, A. D. 1895.

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PUBLISHED BY AUTHORITY.

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1895.





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# OFFICIAL REGISTER

FOR THE YEAR 1895.

## 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.
W. H. WORTH.....	Wake county.....	Treasurer.
JOHN C. SCARBOROUGH.....	Johnston county.....	Superintendent Public Instruction.
FRANK I. OSBORNE.....	Mecklenburg county.....	Attorney General.
F. H. CAMERON.....	Wake county.....	Adjutant General.
M. I. & J. C. STEWART.....	Forsyth county.....	Public Printers.
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.
J. W. DENMARK.....	Wake county.....	Clerk to Treasurer.
JOSEPH POTTS.....	Gulford county.....	Teller.
W. H. MARTIN.....	Wake county.....	Clerk for Institutions.

## THE JUDICIARY.

### SUPREME COURT.

NAMES.	RESIDENCES.
W. T. FAIRCLOTH, Chief Justice.....	Goldsboro.
ALPHONSO C. AVERY, Associate Justice.....	Morganton.
WALTER CLARK, Associate Justice.....	Raleigh.
D. M. FURCHES, Associate Justice.....	Statesville.
WALTER A. MONTGOMERY, Associate Justice.....	Raleigh.
THOS. 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.....	Newbern.
E. W. TIMBERLAKE.....	Third.....	Louisburg.
W. S. O'B. ROBINSON.....	Fourth.....	Goldsboro.
A. W. GRAHAM.....	Fifth.....	Oxford.
E. T. BOYKIN.....	Sixth.....	Clinton.
J. D. McIVER.....	Seventh.....	Carthage.
A. S. COBLE.....	Eighth.....	Statesville.
HENRY R. STARBUCK.....	Ninth.....	Winston.
L. L. GREENE.....	Tenth.....	Boone.
W. A. HOKE.....	Eleventh.....	Lincolnton.
W. L. NORWOOD.....	Twelfth.....	Waynesville.

## SOLICITORS.

W. J. LEARY.....	First.....	Edenton.
W. E. DANIEL.....	Second.....	Weldon.
C. M. BERNARD.....	Third.....	Greenville.
E. W. POU, JR.....	Fourth.....	Smithfield.
W. P. BYNUM, JR.....	Fifth.....	Greensboro.
M. C. RICHARDSON.....	Sixth.....	Clinton.
H. F. SEAWELL.....	Seventh.....	Carthage.
J. Q. HOLTON.....	Eighth.....	Yadkinville.
M. L. MOTT.....	Ninth.....	Wilkesboro.
J. F. SPAINHOUR.....	Tenth.....	Lenoir.
J. L. WEBB.....	Eleventh.....	Shelby.
GEORGE A. JONES.....	Twelfth.....	Franklin.

## CRIMINAL COURT JUDGES.

O. P. MEARES.....	Wilmington.
H. G. EWART.....	Hendersonville.

## SOLICITORS.

J. E. BROWN.....	Charlotte.
R. S. McCALL.....	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.*

NAME OF COMMISSIONER.	ADDRESS.	DATE OF APPOINTMENT
C. W. Sparhawk.....	400 Chestnut street, Philadelphia, Pa.....	July 7, 1893.
C. D. Greene, Jr.....	421 Olive street, St. Louis, Mo.....	July 14, 1893.
Chas. Edgar Mills.....	115 and 117 Broadway, New York.....	July 20, 1893.
Kinley J. Tener.....	441 Chestnut street, Philadelphia, Pa.....	July 24, 1893.
Augustus F. Warr.....	14 Castle street, Liverpool, England.....	August 14, 1894.
John M. Perkins.....	Portsmouth, Va.....	September 1, 1893.
Robert W. Tomlin.....	4 and 6 Academy of Music, Norfolk, Va.....	September 12, 1893.
William M. Fitch.....	60 Broad street, Charleston, S. C.....	September 14, 1893.
Chas. P. Rowland.....	48 Union street, New Orleans, La.....	September 14, 1893.
Norman Cassell.....	434 High street, Portsmouth, Va.....	September 26, 1893.
Alfred Mackay.....	New York.....	October 5, 1893.
Livingston W. Cleveland.....	69 Church street, New Haven, Conn.....	October 9, 1893.
Anson S. Taylor.....	Washington, D. C.....	October 19, 1893.
Geo. H. Corey.....	66 Wall street, New York.....	October 24, 1893.
Leo. Schwab.....	143 Liberty street, New York.....	November 4, 1893.
Henry E. Tamtor.....	Room 21-22, Hill block, Hartford, Conn.....	November 6, 1893.
Alfred Heales.....	Doctors' Commons, London, England.....	November 22, 1893.
William Wagner, Jr.....	15 and 17 S. Third street, Philadelphia, Pa.....	November 27, 1893.
Thos. J. Hunt.....	623 Walnut street, Philadelphia, Pa.....	December 8, 1893.
Ph. H. Hoffman.....	Fayette and St. Paul sts., Baltimore, Md.....	December 26, 1893.
Wilmer Matthews Harris.....	17 Grace Church street, London, England.....	January 3, 1894.
Thos. Frost.....	18 Broad street, Charleston, S. C.....	January 11, 1894.
G. Evett Reardon.....	Lexington and St. Paul sts., Baltimore, Md.....	January 16, 1894.
George W. Hunt.....	628 Walnut street, Philadelphia, Pa.....	February 8, 1894.
W. H. H. Raleigh.....	Hopkins Place, Baltimore, Md.....	February 24, 1894.
W. L. Williams.....	94 Main street, Norfolk, Va.....	March 1, 1894.
G. H. Tanner.....	Atlanta, Ga.....	March 1, 1894.
Edward J. Jones.....	61 Court street, Boston, Mass.....	March 1, 1894.
Meloney C. Soniat.....	13 Carondelet street, New Orleans, La.....	March 13, 1894.
Walter Clifford.....	New Bedford, Mass.....	March 21, 1894.
Wm. H. Clarkson.....	115 Broadway, New York.....	March 26, 1894.
T. R. Pennington.....	36 Dale street, Liverpool, England.....	April 17, 1894.
F. A. Burnham.....	150 Canal street, New York.....	April 23, 1894.
Ed. J. Reynolds.....	Kansas City, Mo.....	April 25, 1894.
Eugene D. White.....	First and Alder streets, Portland, Oregon.....	May 4, 1894.
H. C. King.....	Sergeants' Inn, London, England.....	May 8, 1894.
Jno. E. Mitchell.....	1321 F street, N. W., Washington, D. C.....	May 16, 1894.
Samuel S. Boggs.....	Calvert and Fayette sts., Baltimore, Md.....	May 16, 1894.
Thos. W. Folsom.....	826 Broadway, New York.....	May 28, 1894.
Joseph B. Braman.....	Sears Building, Boston, Mass.....	May 28, 1894.
Ella F. Braman.....	Sears Building, Boston, Mass.....	June 4, 1894.
Chas. S. Bundy.....	458 Louisiana avenue, Washington, D. C.....	July 24, 1894.
Newton G. Rogers.....	322 Fifth avenue, Louisville, Ky.....	September 12, 1894.
Edward H. Cloud.....	Sixth and Walnut sts., Philadelphia, Pa.....	October 13, 1894.
Philip A. Hoyne.....	52 and 53 Customs Building, Chicago, Ill.....	October 13, 1894.
W. F. Robb.....	Pittsburg, Pa.....	October 25, 1894.
Jas. C. Braman.....	1201 Broadway, New York.....	October 31, 1894.
Silas S. Willard.....	107 Dearborn street, Chicago, Ill.....	November 16, 1894.
W. H. Humphrey.....	Brooklyn, N. Y.....	November 16, 1894.
Mark A. Foote.....	314 Chamber Commerce, Chicago, Ill.....	November 26, 1894.
Edmond S. Ruffin.....	Norfolk, Va.....	December 7, 1894.
Samuel Jennison.....	186 Washington street, Boston, Mass.....	December 8, 1894.
Armour C. Anderson.....	13 Chambers street, New York.....	December 8, 1894.
Samuel L. Taylor.....	1109 Betz Building, Philadelphia, Pa.....	December 8, 1894.
Peter F. Callahan.....	230 East Forty-second street, New York.....	December 14, 1894.
George McCaffrey.....	116 St. Paul street, Baltimore, Md.....	December 15, 1894.
Jno. N. Webb.....	728 11th street, N. W., Washington, D. C.....	December 31, 1894.
L. D. Starke, Jr.....	74-76 Main street, Norfolk, Va.....	January 10, 1895.
C. T. Lunt.....	470 Broadway, New York.....	January 18, 1895.
E. G. Tillotson.....	Euclid avenue, Cleveland, Ohio.....	January 18, 1895.
L. D. Starke.....	74 and 76 Main street, Norfolk, Va.....	February 4, 1895.



LIST OF COMMISSIONERS OF AFFIDAVITS—*Continued.*

NAME OF COMMISSIONER.	ADDRESS.	DATE OF APPOINTMENT
R. H. Elliott.....	Atlanta, Ga.....	February 4, 1895.
J. H. Whitty.....	Richmond, Va.....	February 4, 1895.
Chas. Hall Adams.....	23 Court street, Boston, Mass.....	February 7, 1895.
Edward Ramsey.....	112 South Fourth street, Philadelphia, Pa.....	February 8, 1895.
Leo. Schwab.....	143 Liberty street, New York.....	February 11, 1895.
Chas. Wollaston.....	Wilmington, Delaware.....	February 11, 1895.
Thos. M. Dobbin.....	105 East Fayette street, Baltimore, Md.....	February 18, 1895.
Wm. Jenks Fell.....	131 South Fifth street, Philadelphia, Pa.....	February 18, 1895.
Wm. B. Adams.....	Savannah, Ga.....	March 11, 1895.
Eleazar Jackson.....	293 Broadway, New York.....	March 14, 1895.
R. H. Evans.....	1321 F street, Washington, D. C.....	March 14, 1895.
Ella F. Braman.....	120 Broadway, New York.....	March 19, 1895.
Luther Dawson.....	Shafer Building, Richmond, Va.....	March 21, 1895.
John A. Hillery.....	56 Wall street, New York.....	March 23, 1895.
Jas. L. King.....	308 California street, San Francisco, Cal.....	March 29, 1895.
Edwin F. Corey.....	66 Wall street, New York.....	March 29, 1895.
J. Kemp Bartlett.....	Baltimore and St. Paul sts., Baltimore, Md.....	March 30, 1895.
B. A. Hamlin.....	Danville, Va.....	April 24, 1895.
Murray Hanson.....	14 St. Paul street, Baltimore, Md.....	May 1, 1895.
Joseph B. Braman.....	120 Broadway, New York.....	May 9, 1895.
Wm. N. Netherland.....	Washington, D. C.....	May 11, 1895.
Vincent Rosemon.....	277 Broadway, New York.....	May 23, 1895.
Wert E. Humphrey.....	Chicago, Ill.....	May 28, 1895.

STATE OF NORTH CAROLINA,  
OFFICE OF SECRETARY OF STATE, }  
RALEIGH, May 29th, 1895.

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 BIENNIALLY IN THE CITY OF RALEIGH ON THE FIRST WEDNES-  
DAY AFTER THE FIRST MONDAY IN JANUARY.

SENATORS.

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

NAME.	POST-OFFICE.	COUNTY.
Ed. S. Abell.....	Smithfield.....	Johnston.
W. J. Adams.....	Carthage.....	Moore.
John Ammons.....	Outlook.....	Madison.
J. C. Bellamy.....	Whitakers.....	Nash.
S. J. Black.....	Bakersville.....	Mitchell.
B. R. Brown.....	Hamptonville.....	Yadkin.
J. M. Candler.....	Dillsboro.....	Jackson.
Warren Carver.....	Fayetteville.....	Cumberland.
C. A. Cook.....	Warrenton.....	Warren.
A. J. Dalby.....	Oxford.....	Granville.
W. C. Dowd.....	Charlotte.....	Mecklenburg.
A. J. Dula.....	Old Fort.....	McDowell.
W. H. Farthing.....	Leander.....	Watauga.
A. A. Forbes.....	Greenville.....	Pitt.
J. B. Fortune.....	Shelby.....	Cleveland.
J. E. Fowler.....	Clinton.....	Sampson.
E. L. Franck, Jr.....	Richlands.....	Onslow.
H. L. Grant.....	Goldsboro.....	Wayne.
I. E. Green.....	Weldon.....	Halifax.
J. Y. Hamrick.....	Boiling Springs.....	Cleveland.
R. L. Herbert.....	Hayesville.....	Clay.
J. T. B. Hoover.....	Elm City.....	Wilson.
Elias Hurley.....	Eldorado.....	Montgomery.
W. R. Lindsay.....	Madison.....	Rockingham.
J. J. Long.....	Eoka.....	Columbus.
S. E. Marshall.....	White Plains.....	Surry.
T. E. McCaskey.....	Dardens.....	Martin.
W. P. Mercer.....	Toisnot.....	Edgecombe.
J. M. Mewboorne.....	Kinston.....	Lenoir.
C. W. Mitchell.....	Aulander.....	Bertie.
J. M. Moody.....	Waynesville.....	Haywood.
W. A. Moody.....	Copal Grove.....	Stanly.
H. W. Norris.....	Ballentine's Mills.....	Wake.
A. H. Paddison.....	Burgaw.....	Pender.
J. B. Parsons.....	Middleton.....	Hyde.
F. B. Rice.....	Wilmington.....	New Hanover.
O. M. Sanders.....	Walkersville.....	Union.
A. C. Sharpe.....	Fancy Hill.....	Iredell.
Angus Shaw.....	Maxton.....	Robeson.
A. Y. Sigmon.....	Hickory.....	Catawba.
E. T. Snipes.....	Menola.....	Hertford.
O. A. Starbuck.....	Kernersville.....	Guilford.
W. G. Stephens.....	Hycotee.....	Caswell.
I. W. Taylor.....	Dunn.....	Harnett.
S. W. Wall.....	Wallburg.....	Davidson.
J. F. Westmoreland.....	Thomasville.....	Davidson.
S. A. White.....	Mevin.....	Alamance.
W. E. White.....	Avilla.....	Alexander.
Theo. White.....	Hertford.....	Perquimans.
A. W. Wicker.....	Colon.....	Chatham.

## REPRESENTATIVES.

· ZEB. VANCE WALSER, SPEAKER, Lexington.

NAME.	POST-OFFICE.	COUNTY.
J. W. McCauley.....	McCray.....	Alamance.
W. C. Linney.....	Vashti.....	Alexander.
R. C. Higgins.....	Sparta.....	Alleghany.
L. D. Robinson.....	Wadesboro.....	Anson.
J. B. Hopkins.....	Jefferson.....	Ashe.
T. B. Hooker.....	Washington.....	Beaufort.
A. S. Rascoe.....	Windsor.....	Bertie.
R. S. White.....	Elizabethtown.....	Bladen.
W. W. Drew.....	El Paso.....	Brunswick.
V. S. Lusk.....	Asheville.....	Buncombe.
G. H. Burnham.....	Asheville.....	Buncombe.
S. Huffman.....	Morganton.....	Burke.
A. F. Hileman.....	Concord.....	Cabarrus.
J. L. Nelson.....	Lenoir.....	Caldwell.
D. B. Squires.....	Camden.....	Camden.
E. C. Duncan.....	Beaufort.....	Carteret.
Calvin L. Smith.....	Yanceyville.....	Caswell.
Lee Whitener.....	Hickory.....	Catawba.
J. E. Bryan.....	Moncure.....	Chatham.
A. Self.....	Hadley's Mills.....	Chatham.
A. A. Campbell.....	Murphy.....	Cherokee.
W. H. Leary.....	Edenton.....	Chowan.
J. A. Buchanan.....	Elf.....	Clay.
Rev. L. L. Smith.....	Sharon.....	Cleveland.
H. M. Harrelson.....	Whiteville.....	Columbus.
R. P. Williams.....	Newbern.....	Craven.
J. C. Currie.....	Pike.....	Cumberland.
Z. Taylor.....	Dunn.....	Cumberland.
W. C. Gallop.....	Currituck C. H.....	Currituck.
J. B. Etheridge.....	Manteo.....	Dare.
Z. V. Walser.....	Lexington.....	Davidson.
F. M. Keathley.....	Outlaws Bridge.....	Duplin.
W. R. Ellis.....	Advance.....	Davie.
W. G. Vickers.....	Durham.....	Durham.
J. H. Baker, Jr.....	Rocky Mount.....	Edgecombe.
W. O. Howard.....	Tarboro.....	Edgecombe.
Edgar Leinbach.....	Bethania.....	Forsyth.
J. W. Speas.....	Vienna.....	Forsyth.
J. F. Mitchell.....	Youngsville.....	Franklin.
C. H. Harris.....	Mount Holly.....	Gaston.
L. L. Smith.....	Gatesville.....	Gates.
J. W. King.....	Graham.....	Graham.
S. J. H. Mayes.....	Oxford.....	Granville.
W. H. Crews, Jr.....	Oxford.....	Granville.
W. R. Dixon.....	Farmville.....	Greene.
J. H. Sutton.....	Gibson.....	Guilford.
B. G. Chileutt.....	Brown Summit.....	Guilford.
J. M. Grizzard.....	Halifax.....	Halifax.
J. A. House.....	Littleton.....	Halifax.

REPRESENTATIVES—*Continued.*

NAME.	POST-OFFICE.	COUNTY.
Neill McLeod.....	Swans Station.....	Harnett.
W. T. Lee.....	Waynesville.....	Haywood.
H. G. Ewart.....	Hendersonville.....	Henderson.
B. B. Winborne.....	Murfreesboro.....	Hertford.
John G. Harris.....	Fairfield.....	Hyde.
T. M. Stikeleather.....	Turnersburg.....	Iredell.
LeRoy Morrow.....	Statesville.....	Iredell.
James Thomas.....	Wilmot.....	Jackson.
J. W. Vick.....	Selma.....	Johnston.
Rufus Saunders.....	Four Oaks.....	Johnston.
Frank Brown.....	Trenton.....	Jones.
C. S. Wooten.....	La Grange.....	Lenoir.
J. F. Reinhardt.....	Reinhardt's.....	Lincoln.
Lee Crawford.....	Old Fort.....	McDowell.
J. F. Ray.....	Franklin.....	Macon.
W. G. Hunter.....	Marshall.....	Madison.
M. T. Lawrence.....	Hamilton.....	Martin.
J. T. Kell.....	Charlotte.....	Mecklenburg.
J. D. McCall.....	Charlotte.....	Mecklenburg.
John G. Alexander.....	Charlotte.....	Mecklenburg.
S. J. Turner.....	Bakersville.....	Mitchell.
J. A. Reynolds.....	Okeereenee.....	Montgomery.
E. J. Harrington.....	Carthage.....	Moore.
M. C. Strickland.....	Nashville.....	Nash.
G. Z. French.....	Wilmington.....	New Hanover.
Herbert McClammy.....	Wilmington.....	New Hanover.
R. B. Peebles.....	Jackson.....	Northampton.
Rudolph Duffy.....	Catherine Lake.....	Onslow.
J. A. Cheek.....	Hillsboro.....	Orange.
Dr. D. H. Abbott.....	Vandemere.....	Pamlico.
W. G. Pool.....	Elizabeth City.....	Pasquotank.
R. M. Croom.....	Burgaw.....	Pender.
J. R. Darden.....	Hertford.....	Perquimans.
S. P. Gentry.....	Roxboro.....	Person.
John T. Phillips.....	Farmville.....	Pitt.
Ed. V. Cox.....	Greenville.....	Pitt.
J. V. Turner.....	Mills Springs.....	Polk.
J. W. Bean.....	Spero.....	Randolph.
E. C. Phillips.....	Fork Creek.....	Randolph.
J. D. Yates.....	Rockingham.....	Richmond.
John McLean.....	Elmore.....	Richmond.
J. P. Smith.....	Red Springs.....	Robeson.
Dr. R. M. Norment.....	Lumberton.....	Robeson.
J. A. Walker.....	Wentworth.....	Rockingham.
F. G. McKinney.....	Wentworth.....	Rockingham.
D. R. Julian.....	Salisbury.....	Rowan.
J. W. McKenzie.....	Watsonville.....	Rowan.
M. H. Flack.....	Forest City.....	Rutherford.
Cicero H. Johnson.....	Ingold.....	Sampson.
R. M. Crumpler.....	Clinton.....	Sampson.
R. L. Smith.....	Norwood.....	Stanly.
R. G. Petree.....	Germananton.....	Stokes.

REPRESENTATIVES—*Continued.*

NAME.	POST-OFFICE.	COUNTY.
W. H. Norman.....	Dobson.....	Surry.
J. S. Woodard.....	Bryson City.....	Swain.
E. A. Aiken.....	Jeptha.....	Transylvania.
R. L. Stevens.....	Monroe.....	Union.
Abner Alexander.....	Columbia.....	Tyrrell.
Moses M. Peace.....	Henderson.....	Vance.
J. H. Young.....	Raleigh.....	Wake.
A. L. Davis.....	Pernell.....	Wake.
J. J. Bagwell.....	Garner.....	Wake.
W. B. Fleming.....	Ridgeway.....	Warren.
John M. Bateman.....	Plymouth.....	Washington.
L. H. Michael.....	Rutherwood.....	Watauga.
W. C. Monroe.....	Goldsboro.....	Wayne.
J. H. Edwards.....	Goldsboro.....	Wayne.
J. R. Henderson.....	Wilkesboro.....	Wilkes.
J. P. Elledge.....	Mulberry.....	Wilkes.
J. Tomlinson.....	Wilson.....	Wilson.
J. W. Crumel.....	Yadkinville.....	Yadkin.
J. H. Higgins.....	Ramseytown.....	Yancey.





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### SESSION 1895.

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CONSTITUTION

OF THE

STATE OF NORTH CAROLINA.



# CONSTITUTION

## OF THE

# STATE OF NORTH CAROLINA.

### PREAMBLE.

We, the people of the State of North Carolina, grateful to Almighty Preamble. 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 The equality and rights of men. 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.

SEC. 2. That all political power is vested in, and derived from, the Political power and government. 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.

SEC. 3. That the people of this State have the inherent, sole and Internal government of the State. 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.

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 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.

Bonds issued under ordinance of Convention of 1863 and under acts of 1868, 1868-9, 1869-70, declared invalid.

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. The Legislature may, however, provide other means of trial for petty misdemeanors, with the right of appeal. Right of jury.

SEC. 14. Excessive bail should not be required, nor excessive fines imposed, nor cruel or 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 select 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 an 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 terms 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.

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## 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:
- Convict labor.** *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
- 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 punishment 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 do 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.



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PUBLIC LAWS  
OF THE  
STATE OF NORTH CAROLINA,  
SESSION 1895.



# PUBLIC LAWS

OF THE

# STATE OF NORTH CAROLINA,

SESSION 1895.

## CHAPTER 1.

**An act to reduce the official bond of the sheriff of Pitt county.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the sheriff of Pitt county shall be required to give the three official bonds prescribed in section two thousand and seventy-three of The Code in sums not exceeding, in the aggregate, sixty (60) thousand dollars.

Section 2073 of Code amended. Bonds of sheriff of Pitt county not to exceed \$60,000 in aggregate.

SEC. 2. That the sheriff shall have right of immediate appeal to the superior court of Pitt county from any action or proceedings of the county commissioners of said county whereby they fail, neglect, delay or refuse to approve the said bonds of the sheriff, or any of them, and they shall make no appointment of his successor unless and until directed by the judge.

Right of appeal. Commissioners shall not appoint successor unless so directed by the judge.

SEC. 3. That immediately upon the service of notice of appeal upon the said county commissioners, or any of them, the clerk of the superior court of said county shall cause the said appeal to be docketed, and the same shall stand for trial at the next term of the superior court of said county, and shall take precedence of all other trials.

Appeal, when to be tried.

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.

SEC. 6. This act shall apply to Pitt county alone.

Ratified this the 19th day of January, A. D. 1895.

## CHAPTER 2.

An act to amend section eighty, chapter three hundred and seven, laws of eighteen hundred and ninety-one, entitled "An act to consolidate and revise the charter of the city of Winston and to ratify and approve bonds and other indebtedness of the city of Winston."

*The General Assembly of North Carolina do enact :*

Chapter 307, laws  
1891, amended.

SECTION 1. That chapter three hundred and seven, laws of eighteen hundred and ninety-one, be amended by striking out in section eighty, line five thereof, the words "and to provide a sinking fund."

All bonds issued  
or authorized to  
be issued, and all  
other valid in-  
debtedness to be  
binding.

SEC. 2. That all municipal bonds already issued by authority of the town or the city of Winston, as well as all other valid indebtedness of said city and all municipal bonds heretofore authorized by a vote of the people to be issued by the city of Winston, shall be binding upon the city of Winston and shall be paid by the city according to the terms thereof.

SEC. 3. That this act shall be in force from and after its ratification. Ratified this the 22d day of January, A. D. 1895.

## CHAPTER 3.

An act to be entitled "An act to change the times for holding the superior courts in Craven and Bertie counties, in second judicial district."

*The General Assembly of North Carolina do enact :*

Chapter 180, laws  
of 1885, and chap-  
ter 194, laws of  
1887, amended.  
Craven court,  
when to be held.  
Bertie court,  
when to be held.

SECTION 1. That chapter one hundred and eighty, laws of eighteen hundred and eighty-five, and chapter one hundred and ninety-four, laws of eighteen hundred and eighty-seven, be and the same are hereby amended as follows: That said chapter one hundred and eighty, laws of eighteen hundred and eighty-five, be amended as follows: on page three hundred and thirty-two, under subdivision "Craven," being the times fixed by said act for holding the superior courts in said Craven county, in line two after the word "the" strike out the word "third" and insert in lieu thereof the word "fourth," so that the said term of Craven superior court will be held on the fourth Monday before the first Monday in March; that said chapter one hundred and ninety-four, laws eighteen hundred and eighty-seven, be amended as follows: in line five after the second "the" in said line strike out the word "fourth" and in lieu thereof insert the word "second," so that

the said term of Bertie superior court will be held on the fifth Monday before the first Monday in March.

SEC. 2. That this act shall apply to the holding of said superior courts of Craven and Bertie counties for the year eighteen hundred and ninety-five, and subsequent years. To apply for 1895 and subsequent years.

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

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

Ratified this the 23d day of January, A. D. 1895.

#### CHAPTER 4.

##### 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-five and one thousand eight hundred and ninety-six, to settle his state taxes for the years of one thousand eight hundred and ninety-four and one thousand eight hundred and ninety-five.

SEC. 2. That said sheriff have until the first Monday in August, one thousand eight hundred and nine-five, and one thousand eight hundred and ninety-six, to settle his county taxes for the years of one thousand eight hundred and ninety-four and one thousand eight hundred and ninety-five: *Provided*, he collects and pays to the treasurer of said county [a] sum sufficient to meet current expenses of the county.

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

Ratified this the 28th day of January, A. D. 1895.

Sheriff of Currituck county allowed until second Monday in February, 1895 and 1896, to settle State taxes for the years 1894 and 1895. Allowed until first Monday in August, 1895 and 1896, to settle county taxes for 1894 and 1895. Proviso.

#### CHAPTER 5.

##### An act in regard to the public printing.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter three hundred and fifty-one of the laws of one thousand eight hundred and ninety-three be and is hereby repealed. Chapter 351, laws of 1893, repealed.

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

Ratified this the 22d day of January, A. D. 1895.



## CHAPTER 6.

An act to repeal chapter one hundred and two, laws of one thousand eight hundred and ninety-three (1893), entitled "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:*

Chapter 102, laws of 1893, repealed.

SECTION 1. That chapter one hundred and two, laws of one thousand eight hundred and ninety-three (1893) is hereby repealed.

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

Ratified this the 29th day of January, A. D. 1895.

## CHAPTER 7.

An act to amend section one thousand seven hundred and seventeen of The Code of North Carolina.

*The General Assembly of North Carolina do enact:*

Section 1717 of Code amended.

Not to apply to certain tramroads in Moore county.

SECTION 1. That section one thousand seven hundred and seventeen of The Code of North Carolina be amended by adding to said act: *Provided*, that this act shall not apply to such tramroads as are or may be operated without iron, steel, or other metallic rails in Moore county.

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

Ratified this the 31st day of January, A. D. 1895.

## CHAPTER 8.

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

*The General Assembly of North Carolina do enact:*

Chapter 258, laws of 1891, amended. Act made applicable to Hyde county.

SECTION 1. That section one, chapter two hundred and fifty-eight of the laws of one thousand eight hundred and ninety-one be amended by substituting in line six thereof the word counties for county and by adding to the word Haywood in same line the word Hyde.

Ratified this the 29th day of January, A. D. 1895.

## CHAPTER 9.

**An act to change the time of holding the February term of Harnett superior court.***The General Assembly of North Carolina do enact :*

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 second-last section of said subsection entitled "Harnett," by striking all of the said second section last subsection out and inserting in lieu of the same the following: "Harnett, second Monday before the first Monday in March."

SEC. 2. That all recognizances taken and all processes issued returnable to the said February term of said court as heretofore held shall be deemed and considered as recognizances taken and processes returnable the second Monday before the first Monday in March.

SEC. 3. That the other terms of the court of Harnett are not changed or affected by this act.

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

Ratified this the 29th day of January, A. D. 1895.

Chapter 180, laws of 1885, amended Harnett court to be held second Monday before the first Monday in March.

All processes and recognizances returnable to February court, made returnable the second Monday before the first Monday in March. Other terms of Harnett court not changed.

## CHAPTER 10.

**An act supplemental to an act ratified twenty-third January, eighteen hundred and ninety-five, changing the terms of the superior courts of Bertie and Craven counties.***The General Assembly of North Carolina do enact :*

SECTION 1. That section one of an act to be entitled an act to change the times for holding the superior courts in Craven and Bertie counties, ratified 23d January, 1895, be amended by striking out the word "fifth" in line twenty-five of the said act and inserting in lieu thereof the word "second."

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

Ratified this the 29th day of January, A. D. 1895.

Act to change time of holding courts of Craven and Bertie counties, ratified January 23d, 1895, amended by striking out "fifth," in line 25, and inserting "second."

## CHAPTER 11.

**An act to abolish the office of tax collector for Madison county.***The General Assembly of North Carolina do enact :*

Office of tax collector for Madison county abolished.

SECTION 1. That the office of tax collector for Madison county be and the same is hereby abolished.

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

Ratified this the 2d day of February, A. D. 1895.

## CHAPTER 12.

**An act to levy a special tax to build a bridge across Tuckaseegee river in Jackson county.***The General Assembly of North Carolina do enact :*

Bridge to be built across Tuckaseegee river.

SECTION 1. That the county commissioners of Jackson county be and they are hereby compelled to construct a single-track iron bridge across Tuckaseegee river in said county between the mouth of Savannah creek and Scott's creek; and that W. A. Dills, J. C. Wadkins and H. R. Snider be and they are hereby appointed a committee to locate the place of constructing the said bridge. And also to lay out and locate a public road from said bridge to the most practicable point in the public road which leads from the town of Webster, in Jackson county, to the town of Franklin, in Macon county, in said state.

Committee to locate.

Public road to be laid out.

Special tax.

SEC. 2. That the commissioners of Jackson county are hereby authorized and compelled to levy a tax, not to exceed six thousand dollars, upon the property and polls of the citizens of said county for the purpose of constructing said bridge and laying out and building said road; and in making said levy the commissioners are directed to observe the constitutional equation between the property and poll of the citizens of said county.

Constitutional equation to be observed.

Tax, how and when levied and collected.

SEC. 3. That said tax shall be levied and collected as other taxes are levied and collected, except that one-half of said taxes shall be levied and collected in the year one thousand eight hundred and ninety-five (1895), and the other half of said taxes shall be levied and collected in the year one thousand eight hundred and ninety-six (1896).

Conflicting laws repealed.

SEC. 4. That 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 the day of its ratification.

Ratified this the 5th day of February, A. D. 1895.

## CHAPTER 13.

## An act to change the name of the town of Ramoth.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter sixty-three of the laws of eighteen hundred and eighty-nine be amended by substituting the word "Woolsey" for the word "Ramoth" wherever the said word Ramoth occurs in said act.

Chapter 63, laws  
1889, amended.  
"Ramoth"  
changed to  
"Woolsey."

SEC. 2. That all powers, rights and duties belonging to the officers of the town of Ramoth shall vest in and devolve upon the officers of the town of Woolsey.

Rights and duties  
preserved.

SEC. 3. That all laws and parts of laws in conflict with this act are hereby repealed: *Provided*, that this bill shall not go into effect unless approved by a majority of the qualified voters in said town, as expressed at an election to be called and held by the board of aldermen of said town at such time and place as a majority of said board shall set. Those in favor of the change shall vote a printed or written ticket with the word "Woolsey" upon it, and those opposed to the change of the name shall vote a written or printed ticket with the word "Ramoth" upon it. The board of aldermen shall declare the result.

Conflicting laws  
repealed.  
Proviso.

SEC. 4. This act shall take effect from and after its ratification.

Ratified this the 5th day of February, A. D. 1895.

## CHAPTER 14.

## An act to fix the fees of solicitors in matters of receiverships of the estate of infants.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the fee of the solicitor of the state for performing his duty under section sixteen hundred and ten of The Code, for the appointment of a receiver for the estate of an orphan or minor, shall not exceed ten dollars, to be fixed by the judge.

Fee of solicitor  
under section  
1610 of Code not to  
exceed \$10.

SEC. 2. That in passing on the returns of the receivers in such cases, where the estate of the infant does not exceed five hundred dollars, the fee of the solicitor shall not exceed five dollars, to be fixed by the judge; and where the estate exceeds five hundred dollars, his fee shall not exceed ten dollars, to be fixed by the judge.

Fee fixed.

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

Ratified this the 5th day of February, A. D. 1895.

## CHAPTER 15.

An act to repeal chapter four hundred and fifty-five, laws of eighteen hundred and ninety-three.

*The General Assembly of North Carolina do enact:*

Chapter 455, laws 1893, repealed. Citizens of Brown Marsh township, Bladen county, may not shoot deer at certain seasons, as allowed by the act repealed.

SECTION 1. That chapter four hundred and fifty-five (455) of the laws of one thousand eight hundred and ninety-three be and the same is hereby repealed.

SEC. 2. That this act shall be in force from and after its ratification. Ratified this the 5th day of February, A. D. 1895.

## CHAPTER 16.

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

*The General Assembly of North Carolina do enact:*

Chapter 129, public laws 1893, as to speed on certain bridges in Edgecombe county, repealed. Act applies only to Tar river in Edgecombe county.

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

SEC. 2. That this act shall apply only to Tar river in Edgecombe county.

SEC. 3. That this act shall be in force from and after its ratification. Ratified this the 6th day of February, A. D. 1895.

## CHAPTER 17.

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

*The General Assembly of North Carolina do enact:*

Special tax for Haywood county

SECTION 1. That the board of commissioners of Haywood county are hereby authorized and empowered at their regular meeting in June, eighteen hundred and ninety-five and eighteen hundred and ninety-six, to levy a special tax upon property and polls in said county for the purpose of discharging and paying the general and special indebtedness of said county.

Amount of tax.

SEC. 2. That the amount of tax levied as aforesaid under this act shall be determined by said board of commissioners, but shall not in either year exceed twenty-five cents on the 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. Equation preserved.

SEC. 3. That the 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. How collected.

SEC. 4. That this act shall be in force from and after its ratification. Ratified this the 6th day of February, A. D. 1895.

## CHAPTER 18.

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

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter two hundred and ninety (290) of the laws of one thousand eight hundred and ninety-three (1893) be amended by striking out the word "two" in line six after the word "and," and insert in lieu thereof the word "ten." Chapter 290, public laws 1893, amended. Ten cents the charge for weighing load of coal.

SEC. 2. That this act shall be in force from and after its ratification. Ratified the 6th day of February, A. D. 1895.

## CHAPTER 19.

**An act relating to the labor of convicts on the county farm of Bertie county.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be lawful and the duty of the judge of the superior courts of the state holding said court in Bertie county, to sentence all criminals convicted of crime in the superior courts of said county to labor upon the county farm of Bertie county at Austin in said county, instead of sentencing said convicted persons to the common jail of said county or to the penitentiary. Criminals convicted in superior court of Bertie county sent to county farm of said county.

SEC. 2. That it shall be lawful and the duty of all justices of the peace in Bertie county to sentence all criminals convicted of crime before them to labor upon the county farm of Bertie county, instead of sentencing said criminals to the common jail of said county. Criminals convicted before justice of peace of said county sent to county farm.

Certain crimes excepted.

SEC. 3. That this act shall not apply to the crimes of murder, manslaughter, rape, attempt to commit rape, burglary, arson, perjury or forgery.

Only term of two years or less to be so served.

SEC. 4. That only such convicts as may be sentenced for two years or less shall be sentenced to serve on said farm.

Costs in criminal actions to be worked out at said farm.

SEC. 5. That all persons sentenced for the payment of costs in any criminal action or proceeding, shall be sentenced to labor on said farm instead of being confined in the common jail of Bertie county.

Judgment may be suspended.

SEC. 6. That nothing in this act shall prevent the suspension of judgment when the same is deemed proper by said judge or justice of the peace.

SEC. 7. This act shall be in force from the day of its ratification.

Ratified this the 6th day of February, A. D. 1895.

## CHAPTER 20.

An act providing for letting the public printing to the lowest responsible bidder, and for other purposes.

*The General Assembly of North Carolina do enact :*

Public printing and binding to be let to lowest bidder.  
Term of contract.  
How bids estimated.

SECTION 1. That all printing and binding required by the state shall be let by contract, to run from February the twenty-second, one thousand eight hundred and ninety-five, to July the first, one thousand eight hundred and ninety-seven, to the lowest responsible bidder, and all bids shall be estimated by the "em quad," "token" and "volume."

Joint committee on printing to advertise for bids.

SEC. 2. That the joint committee on printing shall notify persons desiring to bid thereon by one week's notice, immediately after the passage of this act, in the daily paper of Raleigh having the largest *bona fide* circulation, to meet them at such time and place as they may designate for receiving said bids; and the bids shall be opened at a stated time, in the presence of such bidders as may choose to attend; and the contract shall be awarded as provided in section one of this act; and the contract so awarded shall be ratified by both houses of the General Assembly.

Contract awarded as in section 1.

How contract made in 1897, and thereafter.

SEC. 3. That in January, one thousand eight hundred and ninety-seven, and every two years thereafter, the joint committee on printing shall, immediately after the organization of the two houses of the General Assembly, advertise for thirty days in some newspaper for proposals to do the state printing and binding for the two years from and after the then existing contract; and the bids shall be received and the contract awarded as in the manner above prescribed; and the said joint committee shall have prepared printed forms of proposals for printing and binding, showing the class of work to be contracted

Printed forms for bids.

for; and shall furnish the same, upon application, free of cost to parties desiring to become bidders.

SEC. 4. That all bills and resolutions introduced and ordered to be printed shall be executed without delay and returned to the Assembly within the usual time.

Bills, &c., to be printed without delay.

SEC. 5. That none of the accounts for printing shall contain any other thing except printing and binding; and all accounts for paper shall be rendered separately and approved by the secretary of state.

Account for paper to be rendered separately.

SEC. 6. That all bidders shall deposit five hundred dollars with the state treasurer before his bid shall be considered, and the public printer shall give a justified bond of five thousand dollars for the faithful discharge of his duty.

Bidder must deposit check for \$500.  
Public printer to give bond for \$5,000.

SEC. 7. That 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 bidders, and the same delivered to them by the treasurer of the state.

Checks to be endorsed by State treasurer and returned to bidders.

SEC. 8. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Conflicting laws repealed.

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

Ratified this the 9th day of February, A. D. 1895.

## CHAPTER 21.

### An act to allow the board of commissioners of Greene county to levy a special tax.

*The General Assembly of North Carolina do enact :*

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-five and one thousand eight hundred and ninety-six, 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.

Commissioners of Greene county allowed to levy a special tax.

Amount of tax.

Equation to be preserved.  
Purpose of tax.

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

Ratified this the 9th day of February, A. D. 1895.

## CHAPTER 22.

**An act allowing an increase of taxation for public graded schools in the city of Charlotte, North Carolina.**

*The General Assembly of North Carolina do enact :*

Aldermen of  
Charlotte allowed  
to levy tax for  
public schools.

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 hundred dollars value of property and sixty cents on the poll.

Amount of tax.

To be ratified by  
majority of  
qualified voters  
of Charlotte.

SEC. 2. This act shall not take effect until it shall have been ratified by a vote of the majority of the qualified voters of the city of Charlotte, North Carolina.

Notice of election

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-five, 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-five, 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.

Time of election.

Details of election

SEC. 4. That on the first Monday in May, eighteen hundred and ninety-five, the polls shall be open at the usual polling places in the 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."

Ballot.

How conducted.

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.

Result.

SEC. 6. That this act shall be in force from and after its ratification. Ratified this the 9th day of February, A. D. 1895.



## CHAPTER 23.

**An act in regard to real property.***The General Assembly of North Carolina do enact :*

SECTION 1. That chapter fifty, section two thousand and forty of The Code, be amended by adding at the end of said section " the construction of said road or roads shall not be commenced until said damage as has been assessed shall have been paid to such person or persons in money." That this act apply only to the county of Mitchell.

Chapter 50, section 2040 of Code, as to construction of roads, amended. Damages must be paid before work begun on roads. Applies only to Mitchell county.

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

Ratified this the 13th day of February, A. D. 1895.

## CHAPTER 24.

**An act to amend chapter two hundred and ninety-five, laws of one thousand eight hundred and seventy-nine.***The General Assembly of North Carolina do enact :*

SECTION 1. That chapter two hundred and ninety-five (295), laws of eighteen hundred and seventy-nine (1879), be amended by striking out the word " west " in line three, and inserting in the place thereof the word " south," and also by striking out the word "mills" in line four, and inserting in the place thereof the word " millers."

Chapter 295, laws of 1879, as to boundary line of Ashe county, amended.

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

Ratified this the 13th day of Febuary, A. D. 1895.

## CHAPTER 25.

**An act for the protection of poor fishermen of Carteret county against monopolies.***The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person or persons to use for the purpose of catching fish any net or seine of more than two hundred and twenty-five (225) yards in length in the waters of the State of North Carolina within the boundaries of Carteret county: *Provided*, that this act shall not apply to the waters of Neuse river.

Unlawful to use a net more than 225 yards long in Carteret county.

SEC. 2. That it is expressly enacted that the joining together of two or more nets or seines so that in the aggregate they shall measure more than two hundred and twenty-five yards in length, shall be considered the same as a single net or seine, and is a violation of the provisions of this act.

Proviso.

The joining together of two or more nets so as to exceed said length forbidden.



Not to apply to  
purse-nets for  
catching manha-  
den or fatbacks.

Violation a mis-  
demeanor.

Penalty.

Each day's use a  
separate offence.

Seines forfeited.

One-half of forfeit  
to informer and  
one-half to school  
fund.

SEC. 3. That this act shall not apply to the purse-nets or seines used in catching manhaden or fatbacks, but they shall be allowed to use seines of any length desired for that purpose only.

SEC. 4. That any person or persons who shall fish or aid in fishing any of said nets, or haul or set any net or seine so declared to be unlawful, or in any other manner aid or abet any person in the violation of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than fifty dollars, or imprisoned not more than thirty days.

SEC. 5. That each day when said seine is so unlawfully used shall be deemed and taken a separate offence, and shall subject all parties, their aiders and abettors to the penalties of this act.

SEC. 6. That all seines of over two hundred and twenty-five (225) yards in length, or two seines joined in one to make a net of over two hundred and twenty-five (225) yards in length, shall be forfeited to the State, one-half of the value to go to the informer and the other half to the school fund of Carteret county, if found unlawfully engaged in fishing.

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

Ratified this the 13th day of February, A. D. 1895.

## CHAPTER 26.

**An act to protect the citizens of Swain county against damages caused by floating logs and timbers in the following named creeks in Swain county, viz.: Deep creek, Noland creek, Forney's creek, Hazel creek, Bone Valley creek, Eagle creek and Twenty-mile creek.**

*The General Assembly of North Carolina do enact :*

Certain streams  
made transporta-  
ble for logs, &c.

The erection of  
splash-dams  
authorized.

Dams endanger-  
ing health for-  
bidden.

Dams not to be  
erected unless  
person has right.

SECTION 1. That the above-named creeks be and the same are hereby made transportable streams for the use of floating logs, timbers and rafts.

SEC. 2. That companies, corporations, or individuals are hereby authorized to construct splash-dams for the purpose of splashing or floating logs, timbers, and rafts in said streams.

SEC. 3. That no company, corporation or person shall be allowed to build or construct any dam across any of said streams when it would endanger the health of any citizen or family.

SEC. 4. That no company, corporation or person shall erect any dam across, or in any of said creeks, without having the right to do the same by gift, grant or purchase, when said company, corporation or person may build such dam as he or they may deem necessary to serve his or their purposes.

SEC. 5. That any company, corporation or person floating logs or timbers in said streams by the aid of splash-dams or otherwise, shall be liable for all damages that may occur to farmers, mills, public bridges or public roads on said streams. Liability of owners of dams.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified this 13th day of February, A. D., 1895.

## CHAPTER 27.

**An act to authorize and empower the county of Mitchell to fund, compromise and settle its debts.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of commissioners or trustees of Mitchell county be and hereby are authorized and empowered to borrow the sum of two thousand and five hundred dollars (\$2,500) at a rate of interest not to exceed six per centum per annum for a term not to exceed two years, and to execute the proper obligation of the county therefor. Commissioners of Mitchell county empowered to borrow money.

SEC. 2. That the said board of commissioners or trustees, as the case may be, of Mitchell county may advertise for sixty days, notifying all creditors of said county who are willing to accept fifty per centum of their claim in full and entire satisfaction of said claim may present the same to the said board, whose duty shall be thereupon to issue to such claimant, if the claim is just and correct, an order on the treasurer of said county for the payment of a sum equal to fifty per centum of said claim, which amount said treasurer shall pay out of the two thousand and five hundred dollars (\$2,500) so borrowed by the said board, unless a special tax shall have been levied and collected for this purpose. Commissioners authorized to compromise claims.

SEC. 3. That the sum paid to the claimants under the provisions of this act shall operate as a full discharge of the obligation of said county on said claim so compromised, both in law and equity. Compromise to be a full discharge.

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

Ratified this the 13th day of February, A. D. 1895.

## CHAPTER 28.

**An act to prevent prize fighting in the State of North Carolina.***The General Assembly of North Carolina do enact:*Prize fighting,  
&c., for money or  
prize forbidden.

SECTION 1. That it shall be unlawful for any two or more persons to engage in a prize fight, or sparring match, or glove or fist contest, for money or other valuable prize or stake.

Unlawful to bet  
on such fight.

SEC. 2. That it shall be unlawful for anyone to bet or lay a wager on the result on any prize fight, sparring match, or glove or fist contest.

Unlawful to aid  
or promote such  
fight.

SEC. 3. That it shall be unlawful for anyone to advise, aid or abet in any way whatever, in promoting any prize fighting, sparring match, or glove or fist contest, for money or other valuable prize or stake. All persons offending against sections two and three shall be equally guilty as those offending against section one.

Penalty.

SEC. 4. That anyone violating this act shall be fined not less than five hundred dollars (\$500), or imprisoned in the penitentiary or jail for not less than one year nor more than five years. The court shall have discretion to fine alone or to fine and imprison the offender against this law.

Governor em-  
powered to  
employ civil and  
military power  
to prevent.

SEC. 5. That it shall be the duty of the governor, if he be apprised by the affidavits of two responsible citizens of the state that there is imminent danger that this statute is about to be violated, to use, as far as necessary, the civil and military power of the state to prevent it, and to have the offenders arrested and bound to keep the peace.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified this 13th day of February, A. D. 1895.

## CHAPTER 29.

**An act to extend the time of settlement of state taxes in the counties of Cherokee, Clay, Graham, Macon, Jackson, Rutherford, Swain and Mitchell.***The General Assembly of North Carolina do enact :*Sheriffs of Chero-  
kee, Clay, Gra-  
ham, Macon,  
Jackson, Ruther-  
ford, Swain and  
Mitchell counties  
allowed till 1st  
Monday in March  
in each year to  
settle state taxes.

SECTION 1. That the several sheriffs of the counties of Cherokee, Clay, Graham, Macon, Jackson, Rutherford, Swain and Mitchell shall be allowed until the first Monday in March in each year to settle the state taxes of their respective counties, and pay to the state treasurer in the manner prescribed for the collection and payment of taxes to the state.

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

Ratified this the 9th day of February, A. D. 1895.

## CHAPTER 30.

An act to enable J. G. Neal, late sheriff of McDowell county, to collect arrears of taxes.

*The General Assembly of North Carolina do enact :*

SECTION 1. That J. G. Neal, late sheriff of McDowell county, is empowered to collect all taxes due for the years one thousand eight hundred and eighty five (1885), one thousand eight hundred and eighty-six (1886), one thousand eight hundred and eighty-seven (1887), one thousand eight hundred and eighty-eight (1888), one thousand eight hundred and eighty-nine, under such rules and regulations as are or may be prescribed by law for the collection of taxes with all the powers of a sheriff to collect taxes.

J. G. Neal, sheriff of McDowell county, authorized to collect arrears of taxes for certain years.

SEC. 2. *Provided*, that no person shall be compelled to pay any tax under the provision of this act who shall make oath before anyone authorized by law to administer oaths that he or she has paid the same; and the power and authority hereby granted to said late sheriff shall cease and be at an end on the thirty-first day of December, one thousand eight hundred and ninety-six (1896.)

Proviso.

SEC. 3. That this act shall be in force from and after its ratification. Ratified this the 15th day of February, A. D. 1895.

## CHAPTER 31.

An act to repeal chapter four hundred and eighty-two (482) of the laws of one thousand eight hundred and ninety-three (1893).

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter four hundred and eighty-two (482) of the laws of one thousand eight hundred and ninety-three (1893) be and the same is hereby repealed.

Chapter 482, public laws 1893, as to special tax for stock law repealed.

SEC. 2. That chapter three hundred and twenty-one (321) of the laws of one thousand eight hundred and ninety-one (1891) be and is hereby re-enacted as a whole, and to stand and be construed as before amended by chapter four hundred and eighty-two (482) of the laws of one thousand eight hundred and ninety-three (1893).

Chapter 321, laws of 1891, re-enacted, including Greenville in levy of special tax.

SEC. 3. That this act shall be in force from and after its ratification. Ratified this 15th day of February, A. D. 1895.



## CHAPTER 32.

**An act to authorize the commissioners of Hyde county to levy a special tax.***The General Assembly of North Carolina do enact:*

Commissioners  
of Hyde county  
authorized to  
levy a special tax.

SECTION 1. That the board of county commissioners of Hyde county be and hereby are authorized and empowered to levy a special tax, not to exceed twenty-three cents (23 cents) on the one hundred dollars (\$100) valuation of property, and sixty-nine (69 cents) cents on each poll annually for two years, one thousand eight hundred and ninety-five (1895), one thousand eight hundred and ninety-six (1896), to be expended for the purpose of paying the indebtedness of said county, incurred in rebuilding the courthouse, the administration of the county affairs, including bridges and roads: *Provided*, however, that not more than thirteen per centum of said tax shall be applied for road repairs.

Purpose of tax.

Proviso.

When collected.

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

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

Ratified this the 15th day of February, A. D. 1895.

## CHAPTER 33.

**An act for the relief of John W. McGregor, late sheriff of Anson county.***The General Assembly of North Carolina do enact:*

Commissioners  
of Anson county  
authorized to  
credit sheriff J.  
W. McGregor  
with amount of  
deposit in bank  
of New Hanover  
in Wadesboro.

SECTION 1. That the board of commissioners of Anson county be and they are hereby empowered to allow John W. McGregor, who was the sheriff of Anson county in the year eighteen hundred and ninety-two, credit in his settlement with them of the taxes which he was charged to collect during the year eighteen hundred and ninety-two and eighteen hundred and ninety-three, for the amount of money he had on deposit with the bank of New Hanover at Wadesboro on the nineteenth day of June, eighteen hundred and ninety-three, when said bank closed its doors and suspended payment.

Board of Educa-  
tion empowered  
to make same  
credit.

SEC. 2. That the board of education of Anson county be and they are hereby empowered to allow the said John W. McGregor credit in his settlement with them of the amount he had to his credit on deposit with the bank of New Hanover at Wadesboro when said bank closed its doors, June nineteenth, eighteen hundred and ninety-three, and suspended payment.



SEC. 3. That the said John W. McGregor shall transfer, convey and assign to the proper officer of Anson county his claim for the amount of said deposits so had in the bank of New Hanover at Wadesboro when the bank closed, June nineteenth, eighteen hundred and ninety-three, and suspended payment.

Said McGregor to transfer his claim for said deposits to the county of Anson.

SEC. 4. This act shall take effect from its ratification.

Ratified this the 15th day of February, A. D. 1895.

## CHAPTER 34.

**An act to authorize the secretary of state to furnish the county of Pender with certain books which have never been furnished to said county.**

WHEREAS, The county of Pender was created in the year one thousand and eight hundred and seventy-four, and was not organized until one thousand eight hundred and seventy-five, and has never been furnished with the reports of the supreme court of North Carolina or the laws and journals of the General Assembly of North Carolina which have been published before the year one thousand eight hundred and seventy-seven: 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 Pender county, or to his successor in office, to be kept in the office of said clerk for the benefit of said county, one copy of each volume of the reports of the supreme court of North Carolina and one copy of each volume of the public and private laws and journals of the General Assembly of North Carolina that had been published prior to the year one thousand eight hundred and seventy-eight, and furnish said county in course of distribution as provided by law out of such reports, laws and journals as may be in the hands of the secretary of state not otherwise distributed under existing laws.

Secretary of State to furnish Pender county with certain books.

SEC. 2. That if any of said reports, laws or journals 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 county, or his successor in office, for the benefit of said county, 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, laws or journals.

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

Proviso.  
Proviso.

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

Ratified this the 15th day of February, A. D. 1895.

## CHAPTER 35.

**An act to amend sections two thousand eight hundred and twelve and two thousand eight hundred and fourteen of The Code, relating to the stock law.**

*The General Assembly of North Carolina do enact:*

Section 2814 of Code amended so as to allow a majority of qualified voters to petition for election to be relieved of stock law.

SECTION 1. That section two thousand eight hundred and fourteen (2814) of The Code be amended by adding to the end of said section, "and upon the written application of a majority of the qualified voters in any district, territory or well-defined boundary, made to the board of county commissioners, at any time, setting forth that the citizens of said district, territory or boundary are within the stock law boundary, and are desirous of being released from the laws governing said stock law territory, it shall be the duty of said commissioners to submit the question of 'no stock law' or 'stock law' to the qualified voters of said district or territory, and if at any such election a majority of the votes cast shall be against stock law, then the said district or territory shall be released and free from the operation of the stock law."

Manner of election.

SEC. 2. That said election shall be conducted and held in the same manner as elections for members to the general assembly.

Section 2812 of Code amended so as to require a majority of registered voters to petition for stock law election.

SEC. 3. That section two thousand eight hundred and twelve (2812) of The Code be amended by striking out in line one and two of said section the words "one-fifth of the qualified voters" and inserting in lieu thereof the words "a majority of the registered voters," and that hereafter no election shall be called or held on the subject of the stock law without a petition of a majority of the registered voters of such county or territory proposing to vote on said question.

Applies only to Jackson, Graham, Swain, Clay, Macon and Cherokee counties.

SEC. 4. That this act shall apply only to the counties of Jackson, Graham, Swain, Clay, Macon and Cherokee.

Ratified this the 15th day of February, A. D. 1895.

## CHAPTER 36.

**An act for the relief of the town of Reidsville.**

*The General Assembly of North Carolina do enact:*

Commissioners of Reidsville authorized to collect certain back taxes.

SECTION 1. That the board of commissioners of the town of Reidsville in Rockingham county be and they are hereby authorized and empowered to collect all taxes due and owing the said town for the years eighteen hundred and ninety, eighteen hundred and ninety-one, eighteen hundred and ninety-two, eighteen hundred and ninety-

three and eighteen hundred and ninety-four; and for this purpose they shall appoint some one whose duty it shall be to collect said taxes under the same rules and regulations and with the same powers as are prescribed for the collection of taxes by the charter of said town, or any of the amendments thereto: *Provided*, that no taxes shall be collected from any person who will make affidavit before some person authorized to administer oaths that the same have been paid.

Special tax collector.

Proviso.

SEC. 2. That this act shall not affect purchasers for value and without notice, or estates in the hands of executors, administrators or guardians, or estates held in trust for minors.

Not to affect certain persons.

SEC. 3. That this act shall not release or discharge any tax collector or his bond from any obligation incurred by his failure to collect the taxes for the years hereinbefore set forth in this act, or for any other breach of his bond.

Tax collector and his bond not discharged from liability for failure to collect.

SEC. 4. That the powers hereinbefore granted shall cease and determine on the twenty-fifth day of December, eighteen hundred and ninety-five.

Duration of such power.

SEC. 5. That this act shall be in force from and after its ratification. Ratified this the 15th day of February, A. D. 1895.

## CHAPTER 37.

An act to authorize and direct the secretary of state to correct state grant number three thousand eight and ninety-three (3893), in Buncombe now Transylvania county, dated tenth (10th) December, one thousand eight hundred and forty (1840).

*The General Assembly of North Carolina do enact :*

SECTION 1. That the secretary of state be and he is hereby authorized and directed to correct the ninth call in a certain grant for land in Buncombe now Transylvania county, issued to Boyd McCrary and Charles DeChassed on the tenth (10th) day of December, one thousand eight hundred and forty (1840), and numbered three thousand eight hundred and ninety-three (3893), so that said call will read south sixty-two degrees west, instead of south sixty-two degrees east.

State Grant No. 3893, issued to Boyd McCrary and Charles DeChassed, to be corrected.

SEC. 2. That this act shall be in force from and after its ratification. Ratified this the 15th day of February, A. D. 1895.

## CHAPTER 38.

## An act to correct land grant 6665.

*The General Assembly of North Carolina do enact :*

Grant No. 6665,  
issued to B. S.  
Gaither, cor-  
rected.

SECTION 1. That grant number six thousand six hundred and sixty-five (6665), issued to B. S. Gaither on the eleventh (11th) day of July, one thousand eight hundred and eighty-one (1881), for land in Burke county, be corrected by adding the words "sixty-six and three-fourths ( $66\frac{3}{4}$ ) degrees east," after the word "north" and before the figures "140 poles" in the first call in the description of said land.

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

Ratified this the 15th day of February, A. D. 1895.

## CHAPTER 39.

## An act for the relief of Miss Marian F. Skinner, of Chowan county.

*The General Assembly of North Carolina do enact :*

Treasurer of  
Chowan county  
authorized to pay  
Miss M. F. Skin-  
ner \$100 and  
interest.

SECTION 1. That the treasurer of Chowan county be and he is hereby authorized and directed to pay to Miss Marian F. Skinner for services as teacher of public school in district number three (3), white race, in said Chowan county, from the first day of October, one thousand eight hundred and eighty-four (1884), to February the first, one thousand eight hundred and eighty-five (1885), the sum of one hundred dollars (\$100), with interest thereon from February the first, eighteen hundred and eighty-five (1885), out of the funds now apportioned to said school district number three, white; and if the funds now so apportioned to said district number three, white, 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 hereinafter apportioned to said district.

Order of pay-  
ment.

SEC. 2. That the payment shall be made upon the order of the school committee of said district number three, white, or a majority of the same, and the said order, countersigned by R. B. Drane or his successor as county superintendent of public instruction, shall constitute a valid voucher in the hands of the said treasurer in all settlements of the school funds with the county board of education or other bodies.

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

Ratified this the 15th day of February, A. D. 1895.



## CHAPTER 40.

## An act for the relief of Prof. B. T. Hodge, of Wilkes county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the treasurer of Wilkes county is hereby authorized, empowered and required to pay Prof. B. T. Hodge the sum of thirty-eight dollars and seventy-five cents, "\$38.75," the balance due him for wood furnished to Wilkesboro public school district number seventy-two, "72," for white race in Wilkes county, and for services rendered as principal teacher in said school for the year eighteen hundred and ninety-four, "1894," out of any funds now due or which may hereafter become due to said district in said county: *Provided*, the said B. T. Hodge shall procure an order on said treasurer in accordance with section two thousand five hundred and fifty-five, "2555," of the public school law.

Treasurer of  
Wilkes county  
authorized to pay  
B. T. Hodge  
\$38.75.

*Proviso.*

SEC. 2. That this act shall be in force from and after its ratification.  
Ratified this the 15th day of February, A. D. 1895.

## CHAPTER 41.

## An act to prohibit lawlessness at or near Jones' Grove church, Lovelady township, Burke county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That any person who shall wantonly and mischievously fire guns, pistols or other firearms, explode torpedoes, squibs or other explosives, use profane or obscene language, do or commit any acts calculated to disturb the peace, annoy and frighten persons, within half a mile of Jones' Grove church, Lovelady township, Burke county, North Carolina, shall be guilty of a misdemeanor, and shall be fined not less than five nor more than fifty dollars for each offense, at the discretion of the court; may be imprisoned for each offense not less than ten days or more than sixty days.

Lawlessness  
near Jones' Grove  
church, Lovelady  
township, Burke  
county, declared  
a misdemeanor.

*Penalty.*

SEC. 2. That this act shall be in force from and after its passage.  
Ratified this 15th day of February, A. D. 1895.



## CHAPTER 42.

**An act for the relief of the superior court clerk of Clay county.***The General Assembly of North Carolina do enact :*

T. H. Hancock,  
clerk of Clay  
county, relieved  
from personal  
attendance at  
office on certain  
days, as pre-  
scribed by section  
80 of Code.  
Proviso.

SECTION 1. T. H. Hancock, clerk of the superior court of Clay county, be relieved of so much of section eighty (80) of the Code of North Carolina as requires him to give due attendance in person or by deputy at his office on Tuesdays, Wednesdays and Thursdays: *Provided, however,* that said clerk shall attend at his office every day except Sunday during the week of the term of the superior court for said county and for ten days previous thereto.

SEC. 2. That this act shall be in force from and after its ratification. Ratified this 15th day of February, A. D. 1895.

## CHAPTER 43.

**An act for the relief of N. A. Reynolds, late tax collector of the city of Asheville.***The General Assembly of North Carolina do enact :*

N. A. Reynolds,  
former tax col-  
lector of Ashe-  
ville, empowered  
to collect certain  
arrears of taxes.

SECTION 1. That N. A. Reynolds, former tax collector of the city of Asheville, North Carolina, be and he is hereby authorized and empowered to collect the arrears of taxes due him in the city of Asheville for the years eighteen hundred and ninety (1890), eighteen hundred and ninety-one (1891), and eighteen hundred and ninety-two (1892), under such rules and regulations as are or may be prescribed by law for the collection of taxes in the said city of Asheville: *Provided,* that before collecting any taxes by the authority herein conferred, the said Reynolds shall enter into the usual bond required by the said city of Asheville, conditioned to account for all sums of money collected by authority of this act, and to apply the same to the payment of any or all back taxes due said city until the same is fully paid.

Proviso.

Duration of said  
power.

SEC. 2. That the authority hereby given to collect arrears of taxes shall cease and determine on the first day of June, eighteen hundred and ninety-six (1896).

SEC. 3. That this act shall be in force from and after its ratification. Ratified this 15th day of February, A. D. 1895.

## CHAPTER 44.

## An act to aid public schools by local assessments.

*The General Assembly of North Carolina do enact :*

SECTION 1. That upon written petition signed by ten freeholders, they being qualified voters of any public school district, it shall be the duty of the board of county commissioners or county trustees, as the case may be, to order an election and post a notice for thirty days, signed by their chairman, at three public places in such district, notifying the voters of such district that there will be held in said district an election to submit the question of assessment in such district in aid of the public school in said district. The assessment shall not exceed twenty-five cents on the hundred dollars valuation of property, and seventy-five cents on the poll. Said election shall be held on the first Monday in May next, and every two years thereafter. The chairman of the board of commissioners, or trustees as the case may be, shall issue a written order to the school committee, signed by the chairman of said board, to submit to the qualified voters of such district whether an assessment shall be levied and collected therein for the support of the public school in said district. Said committee shall also give thirty days' notice of the time and place at which said election shall be held. Said notice shall be posted at three public places in said district. After being sworn by a justice of the peace, or other person authorized to administer oaths, a majority of said committee shall open the polls, hold said election, count the votes, and shall report to the board of county commissioners or county trustees at the next regular meeting after said election the result thereof. Each voter shall deposit a ballot upon which shall be written or printed the word "Assessment," or the words "No Assessment," and said election shall be held and conducted in all other respects under the same rules, regulations and penalties as are prescribed for the election of members of the General Assembly.

SEC. 2. In case a majority of the votes cast at said election shall be in favor of such assessment, the board of commissioners or trustees, as the case may be, shall direct their clerk to make out from the tax list of the township in which such district is situated a list of all the taxable property and polls in such district, and it shall be the duty of the school committee of such district to aid the clerk in making out said list, and said clerk shall deliver said list to the sheriff of the county, with an order, signed by the chairman of the board of county commissioners or trustees and the clerk, to said board commanding the sheriff to collect said assessment in like manner as provided for the collection of state and county taxes, and said sheriff shall collect and pay over the same to the county treasurer, less five

Election upon question of assessment for public school to be ordered by county commissioners upon petition of qualified voters of school district in which election is to be held.

Amount of assessment.

Time of election.

School committee of such district to hold election and act as election officers.

Ballots.

Election regulations.

If majority favor assessment, commissioners to levy tax.

Sheriff to collect

Compensation.

Bond of sheriff  
liable.

All children in  
said district enti-  
tled to the bene-  
fits of said act.  
County treasurer  
to receive and  
disburse.  
His bond liable.

Assessment sub-  
ject to order of  
school committee  
Provido.

Orders, how made  
and signed.

Treasurer to keep  
a separate ac-  
count of said  
assessment and  
make annual  
report to commit-  
tee.

Treasurer to  
make annual  
report to Board of  
Education.

Treasurer's  
books, &c., may  
be examined by  
Board of Educa-  
tion.

Compensation of  
treasurer.

Treasurer to  
make annual  
report to Super-  
intendent of Pub-  
lic Instruction.

per cent. for commission. And the official bond of said sheriff shall be liable therefor, as provided in county school tax.

SEC. 3. That all children eligible to the common schools in any district are entitled to all the benefits of this act.

SEC. 4. That the treasurer of any county wherein such assessment shall be levied and collected shall receive and disburse the same, and his sureties on his official bond shall be responsible for the proper disbursement of all moneys collected under this act.

SEC. 5. The assessments thus collected shall be subject to the orders of the school committee of such district, for payment of teachers or building a schoolhouse: *Provided*, that so much of said assessment as shall not be expended in any school district in any one year, shall remain to the credit of said school district for the ensuing year.

SEC. 6. That all orders upon said treasurer for the payment of teachers shall be paid out of said assessment, duly countersigned by the county superintendent of public instruction, or other person performing the duties now performed by the county superintendent, and shall be signed by the school committee of the district in which the school is taught, which orders duly indorsed by the person to whom the same are made payable, shall be the only valid vouchers in the hands of said treasurer.

SEC. 7. It shall be the duty of said treasurer to keep a book, in which he shall open an account with each school district, showing amount of assessment collected and paid out in each district; he shall balance the accounts of each district on the thirtieth day of November in each year, and shall report by letter or by printed circular to each school committee the balance due each district from the preceding year.

SEC. 8. Said treasurer shall, on the first Monday in each year, report to said board, or to the officers performing the duties now performed by the board of education, the amounts of money received from the sheriff from each school district.

SEC. 9. The said treasurer shall, when required so to do by said board, produce his books and vouchers for examination, and shall also exhibit all money due said districts at each settlement required by this act.

SEC. 10. The said treasurer shall receive as compensation in full for all services required of him by this act not exceeding one and a half per centum on account of disbursements.

SEC. 11. The treasurer of each county shall report to the superintendent of public instruction on the first day of July of each year the entire amount received by him under this act during the preceding school year, the amount received from property and polls separately.

SEC. 12. The sheriff of each county shall pay, in money, to the treasurer thereof on or before the first day of February of each year

the whole amount collected under this act, and on failure so to do shall be guilty of a misdemeanor, and on conviction shall be fined not less than two hundred dollars, and shall also be liable on his official bond for his default in such sum as will fully cover such default; said action to be brought to the next ensuing term of the superior court, and upon the relation of the board of county commissioners, or county trustees, for and in behalf of such district.

Sheriff to pay over all such assessment before February 1st in each year. Failure a misdemeanor. Penalty. Liable on bond.

SEC. 13. It shall be the duty of the county superintendent of public instruction to countersign all orders given by the several school committees upon the treasurer in payment of teachers' salaries, and it shall not be lawful for the said treasurer to pay such orders unless the same have been countersigned by the county superintendent of public instruction: *Provided*, that the said county superintendent shall not have authority to countersign any such orders until the teacher in whose favor it is drawn shall have made the reports to the county superintendent required by law.

County superintendent to sign all orders for payment.

Proviso.

SEC. 14. At the end of each month, or at the end of each term of such school, at the election of the teacher or principal, the teacher or principal of the school shall exhibit to the school committee of the district a statement of the number of pupils, male and female, the average and daily attendance, and the length of time taught. If the committee are satisfied that the provisions of this act have been complied with, they shall give an order on the treasurer payable to said teacher for the full amount due for services rendered.

Teachers to make reports showing number of pupils, &c.

SEC. 15. That the assessment, levy and collection herein provided for shall be applied to the building of a good schoolhouse in every district where there is not one.

Schoolhouses must be built.

SEC. 16. That this act shall apply to Mitchell county only.

Applies only to Mitchell county

SEC. 17. That this act shall be in force from and after its ratification.

Ratified this the 15th day of February, A. D. 1895.

## CHAPTER 45.

### An act to abolish the inferior court of Swain county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the inferior court of Swain county be and the same is hereby abolished, and all the records, proofs, and all other proceedings and papers of said inferior court, be transferred and made returnable to the superior court of said county of Swain at its regular term.

Inferior court of Swain county abolished. Records, &c., to be transferred to superior court of said county.

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

Ratified this the 16th day of February, A. D. 1895.



## CHAPTER 46.

**An act to amend chapter one hundred and ninety-seven, section one, laws of one thousand eight hundred and ninety-three, in regard to fishing in Howard creek in Watauga county.**

*The General Assembly of North Carolina do enact:*

Chapter 197, public laws 1893, amended so as to prevent fishing in Howard creek for four years.  
Proviso added.

SECTION 1. That chapter one hundred and ninety-seven, section one, laws of one thousand eight hundred and ninety-three, shall be amended by changing the word "two" to "four," in line four of said section, and by adding to the end of said section: "*Provided, however,* that such persons as own land over which said creek flows, may be allowed to catch fish with hook and line."

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

Ratified this the 16th day of February, A. D. 1895.

## CHAPTER 47.

**An act to regulate the trial of civil suits in the superior court of Cherokee county.**

*The General Assembly of North Carolina do enact:*

No civil cases to be tried first week of Cherokee court except by consent.

Notice, &c., returnable to second week. Conflicting laws repealed.

SECTION 1. That no civil suits shall be tried in the superior court of Cherokee county during the first week of each term, except by consent of the litigants.

SEC. 2. That all notices on litigants, and witnesses in civil suits shall be returnable the first day of the second week of each term.

SEC. 3. That all laws in conflict with this act are hereby repealed.

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

Ratified this the 16th day of February, A. D. 1895.

## CHAPTER 48.

**An act to protect holders of life and fire insurance policies.**

*The General Assembly of North Carolina do enact:*

Final judgment against an insurance company declared a lien upon all property and upon all funds due or which may become due.

SECTION 1. That whenever a final judgment shall be recovered against an insurance company doing business in North Carolina, said judgment shall become a lien on all property, both real and personal, belonging to said company, situated in the state, and upon all funds which are due or which may become due to said company from any and all parties insured in said company.



SEC. 2. That unless said final judgment is paid within six months from the docketing thereof in county where obtained, said judgment creditor is authorized to have served on any general or local agent of said company a copy of said judgment, duly certified by the clerk of the court. And it shall then become the duty of said agent to pay into the office of the superior court clerk, where the judgment was obtained, out of any funds in his hands belonging to said company, a sufficient amount thereof to satisfy said judgment and costs.

Unless said judgment paid in six months local agent may be served with certified copy of judgment and must pay into office of clerk funds sufficient to pay judgment.

SEC. 3. That any agent failing or neglecting to comply with the provisions of this act, after due service of the copy as aforesaid, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, in the discretion of the court.

Failure of agent to comply a misdemeanor.

Penalty.

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

Ratified this the 18th day of February, 1895.

## CHAPTER 49.

### An act to create a new township in the county of Watauga, to be called Beech Mountain township.

*The General Assembly of North Carolina do enact :*

SECTION 1. That a new township, to be called Beech Mountain township, is hereby created in the county of Watauga, to be taken from the townships of Laurel Creek and Shawneehaw, and bounded as follows: Beginning at a stake in the state line at Watauga river, running with said line to Mitchell county line; thence with said line to Scaley branch; thence with said branch to the top of the Beech mountain; thence with the top of said mountain to the headwaters of Buckeye creek; thence with said creek to Buck creek; and thence with said creek to Watauga river, and thence with said river to the beginning.

Beech Mountain township in Watauga county created.

Boundaries.

SEC. 2. That said township shall have all the rights, powers and privileges now granted to the townships by law, and the permanent place of voting therein shall be at Laggy Gap.

General powers and privileges.

Voting place.

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

Ratified this the 18th day of February, A. D. 1895.

## CHAPTER 50.

**An act to change the boundary lines of Winston, Middle Fork and Broadbay townships in the county of Forsyth, State of North Carolina.***The General Assembly of North Carolina do enact :*

Boundaries of Winston, Middle Fork and Broadbay townships, Forsyth county, changed.

SECTION 1. That that part of Winston township lying South and east of Middle Fork creek, and known as the "pan handle," and that part of Middle Fork township lying north and east of Middle Fork creek, be and the same is hereby made a part of Broadbay township; and that part of Winston township lying north of Middle Fork creek, and east of Brushy Fork creek, be and the same is hereby made a part of Middle Fork township.

Voting precinct of Broadbay township changed.

SEC. 2. That the voting precinct of Broadbay township shall be changed from "Clinard's stand," and located at a point at or near Alfred Side's residence on the road leading from Waughtown to Clinard's stand, and the voting precinct of Middle Fork township shall be as it now stands.

Persons not exempted from taxation for debt of Winston by said change.

SEC. 3. That nothing in this act shall be construed to exempt any one from taxation from the bonded indebtedness of Winston township where such indebtedness was incurred before the changes of the boundary lines, or abridge the rights of citizens to the free and full enjoyment of all the privileges of citizenship as residents of the respective townships to which they are attached.

Conflicting laws repealed.

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

SEC. 5. That this act shall be in force from and after its ratification. Ratified this the 18th day of February, A. D. 1895.

## CHAPTER 51.

**An act for the relief of the bondsmen of W. W. Fleming, late sheriff of Graham county.***The General Assembly of North Carolina do enact :*

Sureties of W. W. Fleming, late sheriff of Graham county, authorized to collect back taxes for years 1890 and 1891. May appoint collector.

SECTION 1. That the sureties of the official bond of W. W. Fleming, late sheriff of Graham county, be and they are hereby authorized to collect arrearages of taxes due the said W. W. Fleming for the years eighteen hundred and ninety (1890) and eighteen hundred and ninety-one (1891), 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 pro-

vided 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-six (1896), and that the names of 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 anyone 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 innocent purchasers of property on which the tax may be due.

Termination of said power.

How to rebut evidence of non-payment.

False swearing declared perjury. Proviso.

SEC. 2. That this act shall be in force from and after its ratification. Ratified this the 18th day of February, A. D. 1895.

## CHAPTER 52.

An act for the relief of J. O. A. Craig, late treasurer of Anson county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of commissioners and the board of education of Anson county be and they are hereby empowered to compromise and settle with J. O. A. Craig, treasurer of Anson county, and his sureties, on such terms as said commissioners and board of education shall deem just, his loss by reason of the failure of the Bank of New Hanover at Wadesboro in Anson county of the county and school funds deposited in said bank by him: *Provided*, said J. O. A. Craig assign and transfer to said board of commissioners and board of education of said county his certificate or certificates for the moneys so deposited and pay over to them all dividends received by him from the receiver of said bank.

Commissioners and Board of Education of Anson county authorized to settle with J. O. A. Craig, county treasurer, as they deem best.

Proviso.

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

Ratified this the 18th day of February, A. D. 1895.

## CHAPTER 53.

An act to allow the working of convicts on the public roads of Lincoln, Orange and Randolph counties.

*The General Assembly of North Carolina do enact:*

SECTION 1. The county commissioners of Lincoln, Orange, and Randolph counties, immediately after the passage of this act, may provide means and make all necessary arrangements and rules for

Commissioners of Lincoln, Orange and Randolph counties to ar-

range for working convicts on roads of said counties.

Certain convicts to be sentenced to road in said counties upon application of commissioners.

Classes of convicts to be so sentenced defined.

Judge may sentence to penitentiary, if necessary, in his opinion.

the working on the roads of said counties of the convicts which shall hereafter be sentenced to work thereon under the provisions of this act.

SEC. 2. Upon the application of said commissioners, it shall be the duty of the judge holding court in Lincoln, Orange and Randolph counties to sentence to imprisonment and hard labor on the public roads of said counties for such terms as are now prescribed by law for their imprisonment in the county jails or in the State prison, the following class of convicts: first, all persons convicted of offences, the punishment whereof would otherwise, wholly or in part, be 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 counties for the non-payment of costs 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 court in said counties 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. This act shall be in force from and after its ratification. Ratified this the 18th day of February, A. D. 1895.

#### CHAPTER 54.

An act to authorize the commissioners of Alexander county to apply stock law funds to county indebtedness.

Commissioners of Alexander county authorized to apply certain funds to county indebtedness.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the commissioners of Alexander county be and they are hereby authorized and empowered to apply to the payment of county indebtedness the sum of one hundred and seven dollars in the hands of the treasurer of said county, which has been realized from the collection of stock law taxes in said county and is no longer necessary for said stock law purposes.

SEC. 2. That this act shall be in force from and after its ratification. Ratified this the 18th day of February, A. D. 1895.



## CHAPTER 55.

## An act for the relief of B. L. Wall, sheriff of Anson county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of county commissioners and the board of education of Anson county be and they are hereby empowered to compromise and settle with B. L. Wall, sheriff of Anson county, and his sureties, on such terms as said commissioners and board of education shall deem just, his loss by reason of the failure of the Bank of New Hanover at Wadesboro in Anson county of the school and county funds placed there by him: *Provided*, that the said sheriff transfer and assign to the commissioners and board of education as aforesaid the certificate or certificates of deposit of the moneys so placed there by him, and pay over to said boards the dividends paid to said sheriff by the receiver of said bank.

Commissioners and Board of Education of Anson county authorized to settle with B. L. Wall, sheriff, as they think just.

Proviso.

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

Ratified this the 18th day of February, A. D. 1895.

## CHAPTER 56.

## An act to provide for the working of convicts on the public roads of McDowell county.

*The General Assembly of North Carolina do enact:*

SECTION 1. The county commissioners of McDowell county, immediately after the passage of this act, may 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.

Commissioners of McDowell county to arrange for working convicts on roads.

SEC. 2. Upon the application of said commissioners, or trustees, it shall be the duty of the judge holding court in McDowell 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 county jail or in the state prison the following class of convicts: *First*, all persons convicted of offences the punishment whereof would otherwise be wholly or in part imprisonment in the county jail. *Second*, all persons convicted of crimes the punishment whereof would otherwise be wholly or in part imprisonment in the penitentiary for a term not exceeding ten years. *Third*, all persons sentenced to imprisonment in jail by any magistrate, and all insol-

Judge to sentence certain convicts to roads upon application of commissioners.

Classes of convicts to be so sentenced described.

Commissioners  
to fix rate of  
wages.

vents who shall be imprisoned by any court in said county for non-payment of costs in criminal causes, until they shall have paid the costs charged against them. And the county commissioners or trustees shall have power to fix the rate of wages for such persons.

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

Ratified this 18th day of February, A. D. 1895.

## CHAPTER 57.

**An act to repeal chapter three hundred and twenty of the public laws of one thousand eight hundred and ninety-three, relating to stock law in Pamlico county.**

*The General Assembly of North Carolina do enact:*

Chapter 320, public laws 1893, establishing stock law in Pamlico county repealed. Material to be sold and proceeds divided.

SECTION 1. That chapter three hundred and twenty of the public laws of eighteen hundred and ninety-three (1893) shall be and the same is hereby repealed.

SEC. 2. That the commissioners appointed by said chapter three hundred and twenty of the public laws of eighteen hundred and ninety-three, or their successors in office, shall be and they are hereby authorized and empowered to sell all material on hand immediately at public auction for cash, and after paying the cost of said sale, divide the amount *pro rata* among those who paid for the same.

SEC. 3. That this act shall be in force from and after the first day of April, A. D. 1895.

Ratified this the 19th day of February, A. D. 1895.

## CHAPTER 58.

**An act for working the public roads of Clay and Graham counties.**

*The General Assembly of North Carolina do enact :*

Chapter 313, public laws 1893, repealed.

Chapter 354, public laws 1891, re-enacted.

SECTION 1. That chapter three hundred and thirteen (313) of the laws of eighteen hundred and ninety-three (1893) is hereby repealed.

SEC. 2. That chapter three hundred and fifty-four (354) of the laws of eighteen hundred and ninety-one (1891) be and the same is hereby re-enacted.

Labor provided for, to be in lieu of increase of poll tax for road purposes.

SEC. 3. That the six days' labor provided for in section five of said chapter shall be construed to be in lieu of any increase on the poll for road purposes.

SEC. 4. That section seventeen of said chapter be amended by striking out the word "fifteen," in line five, and adding the word "twenty," in lieu thereof; and by striking out in line six all after the word "property," down to and including the word "poll," in line eight of said section: *Provided*, this act shall apply to Clay and Graham counties only.

Section 17, chapter 354, public laws 1891, amended.

Proviso.

SEC. 5. That all laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 6. That this act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of February, A. D. 1895.

## CHAPTER 59.

**An act to change the time of holding Yadkin superior court, and to limit the May term of Rowan superior court to one week.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the superior court of the county of Yadkin shall commence on the ninth Monday after the first Monday in March, instead of the sixth Monday after the said first Monday in March, and on the seventh Monday after the first Monday in September, instead of on the sixth Monday after the first Monday in September.

Yadkin court to commence on ninth Monday after first Monday in March, and on seventh Monday after first Monday in September.

SEC. 2. The May term of the superior court for the county of Rowan shall commence on the tenth Monday after the first Monday in March, instead of the ninth Monday after the said first Monday in March, and said term shall continue for one week, unless the business shall be sooner disposed of.

May term of Rowan court to commence on tenth Monday after first Monday in March, and continue for one week.

SEC. 3. All laws in conflict herewith are repealed.

Conflicting laws repealed.

SEC. 4. The secretary of state is directed to furnish copies of this act to the clerks of said courts at once upon its ratification.

Secretary of state to forward copies of this act to clerks of said courts at once.

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

Ratified this the 19th day of February, 1895.

## CHAPTER 60.

**An act to prohibit the sale and manufacture of liquor in certain localities.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That so much of chapter five hundred and sixty-nine (569) and chapter three hundred and twenty-seven (327) of the laws of one thousand eight hundred and ninety-one (1891) as relates to Rocky Mount Methodist Church and Oak Ridge School House in

Chapter 569, and chapter 327, public laws 1891, amended so as to strike out Rocky Mount Methodist

church and Oak Ridge school-house in Iredell county. Laws of 1881, prohibiting sale of liquor in two miles of Bethel church, Macon county, repealed.

Unlawful to manufacture or sell spirituous liquors in one mile of said places.

Misdemeanor. Penalty.

Violation already committed and indictment found not affected.

Iredell county be and the same is hereby repealed, and the names of said places are hereby stricken from said chapter.

SEC. 2. That so much of the laws of the session of eighteen hundred and eighty-one (1881) as prohibits the sale of spirituous liquors within two miles of Bethel Church in Macon county be and the same is hereby repealed, and the name of said church is hereby stricken from chapter two hundred and thirty-four of said laws.

SEC. 3. That it shall be unlawful to manufacture or sell spirituous or intoxicating liquors within one mile of Rocky Mount Methodist Church and Oak Ridge School House in Iredell county, and Bethel Church in Macon county.

SEC. 4. Any person or persons violating section three of this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned at the discretion of the court.

SEC. 5. That nothing in this act contained shall release any person or persons from any liability heretofore incurred by reason of making or selling spirituous liquors within two miles of said Bethel Church in Macon county, whether indictments have been preferred against such persons or not, and shall not affect any indictments now pending against any person or persons.

SEC. 6. That this act shall be in force from its ratification.

Ratified this the 19th day of February, A. D. 1895.

## CHAPTER 61.

**An act for the relief of E. D. Gaddy, trustee of a special fund raised under chapter three hundred and eleven of the acts of one thousand eight hundred and ninety-one in Anson county.**

*The General Assembly of North Carolina do enact :*

Commissioners of Anson county authorized to settle with E. D. Gaddy, trustee, as they think just.

SECTION 1. That the board of commissioners of Anson county be and they are hereby empowered and authorized to compromise and settle with E. D. Gaddy, trustee of the money arising from a special tax levied and collected in Anson county under chapter three hundred and eleven of the acts of one thousand eight hundred and ninety-one, ratified on the fifth day of March, eighteen hundred and ninety-one, and of the money raised under said act by the sale of bonds of said county issued in pursuance of its provisions, on such terms as said commissioners may deem just, of his loss by reason of the failure of the Bank of New Hanover at Wadesboro in said county of the money aforesaid deposited in said bank by him: *Provided*, that said E. D. Gaddy, trustee aforesaid, shall assign and transfer to said commissioners of Anson county all certificates of deposits held by him

Proviso.



for said moneys, and shall pay over to said commissioners all dividends received from the receiver of said bank.

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

Ratified this the 21st day of February, A. D. 1895.

## CHAPTER 62.

### An act to protect deer in the counties of Macon, Graham, Clay, Cherokee, Jackson and Swain.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section two thousand eight hundred and thirty-two (2,832) of The Code be and the same is hereby re-enacted and in full force and effect in Macon, Graham, Clay, Cherokee, Jackson and Swain counties. Section 2832 of Code as to deer hunting re-enacted as to certain counties.

SEC. 2. That this act shall apply only to the counties of Macon, Graham, Clay, Cherokee, Jackson and Swain. This act to apply only to said counties.

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

Ratified this the 21st day of February, A. D. 1895.

## CHAPTER 63.

### An act for the relief of D. A. McGregor, late treasurer of the town of Wadesboro.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of commissioners of the town of Wadesboro in Anson county be and they are hereby empowered to compromise and settle with D. A. McGregor, the late treasurer of said town of Wadesboro, and his sureties, on such terms as said commissioners may deem just his loss by reason of the failure of the Bank of New Hanover at Wadesboro in the said county of Anson of the money of said town deposited in said bank by him: *Provided*, said D. A. McGregor assign and transfer to said board of commissioners for said town his certificate or certificates for the money so deposited and pay over to said town all dividends derived by him from the receiver of said bank. Commissioners of Wadesboro authorized to settle with D. A. McGregor late treasurer of said town, etc.

Proviso.

SEC. 2. This act shall take effect from and after its ratification.

Ratified this the 21st day of February, A. D. 1895.

## CHAPTER 64.

An act to permit the town of Durham to collect arrears of taxes.

*The General Assembly of North Carolina do enact :*

Durham authorized to collect back taxes for years 1889, 1890, 1891, 1892 and 1893.

SECTION 1. That the town of Durham be and is hereby authorized to collect for the benefit of the taxpayers of the said town the arrears of taxes listed and unpaid and standing now on the tax books for the years one thousand eight hundred and eighty-nine (1889), one thousand eight hundred and ninety (1890), one thousand eight hundred and ninety-one (1891), one thousand eight hundred and ninety-two (1892), and one thousand eight hundred and ninety-three (1893), under such rules and regulations as are prescribed by law for the collection of taxes levied by said town.

Termination of authority.

SEC. 2. That the authority hereby given to collect arrears of taxes shall cease and determine on the first Monday in October, one thousand eight hundred and ninety-five (1895).

Certain persons not compelled to pay.

SEC. 3. That no person shall be compelled to pay any tax under this act who holds a receipt in full for the taxes of said town for any of said years, or shall make affidavit before any person authorized to administer oaths that the same has been paid. Nor shall any guardian, executor or administrator, in his representative capacity, be compelled to pay any arrears of taxes under this act.

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

Ratified this the 21st day of February, A. D. 1895.

## CHAPTER 65.

An act for the protection of travelers on public roads against barbed wire fences.

*The General Assembly of North Carolina do enact :*

Unlawful to construct barbed wire fence along a public way without a board on top.

SECTION 1. That it shall be unlawful for any person or corporation to erect or construct a barbed wire fence along any public road or highway unless they put a railing or plank on top of said fence not less than three inches in width.

Misdemeanor. Penalty.

SEC. 2. That every person who shall violate section one of this act shall be guilty of a misdemeanor and fined or imprisoned at the discretion of the court, besides being liable to anyone damaged by erection of said fence.

SEC. 3. That this act shall apply to the counties of Rowan, Swain, Haywood, Bladen, Granville, Davie, Catawba, Greene, Richmond, Stokes, Rutherford, Forsyth, Yadkin, Brunswick, Durham, Wilkes, Stanly, Alamance, Cumberland, Iredell and Macon. Applies only to certain counties.

SEC. 4. That this act shall be in force from and after January first, one thousand eight hundred and ninety-six (1896). When act to take effect.

Ratified this the 21st day of February, A. D. 1895.

## CHAPTER 66.

### An act for the relief of A. H. Elmore, marshal of Bryson City.

*The General Assembly of North Carolina do enact:*

SECTION 1. That A. H. Elmore be and he is hereby authorized to collect the back taxes for the year one thousand eight hundred and ninety-three (1893) in the corporation of Bryson City. This act to apply only to the corporation taxes of Bryson City. A. H. Elmore, marshal of Bryson City authorized to collect back taxes for 1893.

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

Ratified this the 21st day of February, A. D. 1895.

## CHAPTER 67.

### An act to clear the channel of Big Troublesome creek, in Rockingham county.

*Th General Assembly of North Carolina do enact:*

SECTION 1. That James M. Jones, W. D. Hightower, John W. Millaway, J. D. Moore and G. T. Westbrook be appointed commissioners for Big Troublesome creek, Rockingham county, from the mouth of said creek to the "Iron Works Mills," whose duty it shall be, as soon as practicable, to lay off said creek within the points mentioned into sections of convenient length, and for each section shall appoint an overseer, who shall be a landowner in the section for which he is appointed, and shall hold his office for two years. Certain persons appointed commissioners for Big Troublesome Creek.  
Overseer to be appointed.

SEC. 2. That said commissioners on the said creek shall have power, or a majority of them, to elect one of their number chairman, and may fill vacancies in their own number, or in place of overseers, occasioned by death or otherwise; and in case of their neglect so to do, then the board of county commissioners for Rockingham county shall on application fill such vacancies for the purpose herein mentioned. Vacancies, how filled.

Channel of said creek to be worked by adjacent landowners.

SEC. 3. That said commissioners shall estimate the number of acres of bottom land belonging to each landholder on said creek between the mouth of said creek and said "Iron Works Mills", and furnish each overseer with a copy of the estimate for his section; and said landowners, when required, after five days' notice by the overseer, shall furnish one hand, with appropriate tools, for each twenty acres of bottom land so estimated, said hand to be an able and efficient hand, and on failing to furnish the same shall forfeit and pay one dollar per day for each failure, which may be recovered by said overseer by warrant as in case of failure to work on public roads; and it shall be the duty of each owner, with the hands so provided, to work, not less than three days, if necessary, nor more than six days, at the discretion of the commissioners, for each and every year, on the channel of said creek, with power to straighten the same, when necessary, removing obstructions and improving the banks thereof, under such directions as said commissioners may prescribe.

Penalty for failure.

Number of days per year.

Misdemeanor to obstruct.

SEC. 4. That any person or persons who shall, wilfully and knowingly, fell any timber, or otherwise obstruct the waters in the channel between the points mentioned, and shall permit the same to remain therein for the space of ten days, shall be deemed guilty of a misdemeanor, and on conviction thereof before the superior [court] shall be fined not less than ten dollars nor more than twenty dollars or be imprisoned at the discretion of the court: *Provided*, that if any person or persons so offending shall pay the penalty of ten dollars to the overseer of his section before presentment is made of the same, he or they shall not be liable to indictment for said offense: *Provided further*, that on conviction the imprisonment shall not be more than thirty days at the discretion of the court.

Penalty.  
Proviso.

All moneys arising under said act to be expended upon said creek.

SEC. 5. That all moneys arising from failure to work on said creek, and all penalties collected under the provisions of this act, shall be paid to the owner of the section in which it may arise, and by him shall be expended in improving the channel of said creek; and any overseer failing or neglecting to perform the duties required by this act shall be deemed guilty of a misdemeanor, and on conviction thereof in the superior court shall be fined not more than twenty dollars or be imprisoned not more than thirty days at the discretion of the court.

Failure to comply a misdemeanor.

Penalty.

Bridges and roads may be built.

SEC. 6. That nothing contained in this act shall prevent the building of public bridges on public roads crossing said stream, nor private bridges and water-gates by the landowners for their own convenience: *Provided*, they keep the same clear from the accumulation of rubbish.

Proviso.

Persons not exempted from working public roads. Similar commissioners to be

SEC. 7. That nothing herein contained shall be so construed as to exempt persons herein mentioned from working on the public roads.

SEC. 8. That upon the written petition of not less than five landowners on said creek between the points of "Iron Works Mills"



and John T. Price's mill, it shall be the duty of the county commissioner of Rockingham county to appoint five commissioners owning land between said points on said creek, whose duties shall be the same as herein prescribed in the foregoing sections of this act.

SEC. 9. That this act shall take effect on the first day of May, one thousand eight hundred and ninety-five (1895).

Ratified this the 21st day of February, A. D. 1895.

appointed for another section upon petition.

When act to take effect.

## CHAPTER 68.

### An act for the improvement of stock in the county of Chatham.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any male hog, sheep or goat to run at large in the county of Chatham to greater age than six months without castration unless the same shall have been turned out for the improvement of the stock.

Certain male animals over six months old at large in Chatham county to be castrated.

SEC. 2. That any male cattle running to a greater age than two years without castration shall be contrary the provisions of act.

Male cattle over two years without castration contrary to this act. Penalty for violation.

SEC. 3. That any person violating this act shall be subject to a fine of not less than two dollars and fifty cents (\$2.50) nor more than five dollars (\$5); said fine to go to the school fund of the county.

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

Ratified this the 21st day of February, A. D. 1895.

## CHAPTER 69.

### An act to restore six per centum as the legal rate of interest for North Carolina.

*The General Assembly of North Carolina do enact :*

SECTION 1. The legal rate of interest shall be six per centum (6 per centum) per annum for such time as interest may accrue, and no more; and that the taking, receiving, reserving or charging a greater rate of interest, either before or after the interest may accrue, when knowingly done, shall be a forfeiture of the entire interest which the note or other evidence of debt carries with it, or which has been agreed to be paid thereon. And in case a greater rate of interest has been paid, the person or his legal representatives or corporation by whom it has been paid, may recover back twice the amount of

Six per centum per annum the legal rate of interest. Penalty for knowingly charging or reserving a greater rate.

Proviso.

interest paid, in an action in the nature of action for debt: *Provided*, such action shall be commenced within two years after the payment in full of such indebtedness: *Provided further*, that in any action brought in any court of competent jurisdiction to recover upon any such note or other evidence of debt, it shall be lawful for the party against whom the action is brought to plead as a counterclaim the penalty above provided for, to wit, twice the amount of interest paid as aforesaid, and also the forfeiture of the entire interest. And no costs shall be recovered by any party, whether plaintiff or defendant, who may endeavor to recover upon any usurious contract.

Not to apply to executed contract.

SEC. 2. That this act shall not apply to contracts executed heretofore.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in violation of this act are hereby repealed.

Ratified this the 21st day of February, A. D. 1895.

#### CHAPTER 70.

**An act to repeal chapter forty-eight (48) of the laws of one thousand eight hundred and ninety-three.**

*The General Assembly of North Carolina do enact :*

Chapter 48, public laws 1893, as to funds of Bladen county, repealed.

SECTION 1. That chapter forty-eight (48) of the public laws of one thousand eight hundred and ninety-three be and the same is hereby repealed.

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

Ratified this the 23d day of February, A. D. 1895.

#### CHAPTER 71.

**An act to amend chapter four hundred and seventeen (417), section first, public laws of eighteen hundred and ninety-three.**

*The General Assembly of North Carolina do enact :*

Section 1, chapter 417, public laws 1893, as to boundary line of Stokes and Surry counties amended.

SECTION 1. That section one of the acts of eighteen hundred and ninety-three, chapter four hundred and seventeen, be amended by striking out the word "ninety-three" at the end of said section, and inserting in lieu thereof the words ninety-five.

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

Ratified this the 23d day of February, A. D. 1895.

## CHAPTER 72.

An act repealing chapter fifty-seven of the public laws of one thousand eight hundred and ninety-three, in reference to the stock law of New Hanover.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter fifty-seven (57) of the public laws of one thousand eight hundred and ninety-three be and is hereby repealed.

Chapter 57, public laws 1893, prohibiting stock law for New Hanover county, repealed.

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

Ratified this the 23d day of February, A. D. 1895.

## CHAPTER 73.

An act to equip and furnish the addition to the Female Department of the North Carolina Insane Asylum.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the sum of three thousand dollars (\$3,000) be and the same is hereby appropriated for the purpose of furnishing and equipping the addition to the female department of the North Carolina Insane Asylum: *Provided, however,* all such expenditures shall be made by the superintendent under the supervision of the executive committee.

\$3,000 appropriated to the N. C. Insane Asylum, &c.

Proviso.

SEC. 2. That the appropriation herein made be drawn out of the treasury by the auditor, upon his warrant, and be placed by the treasurer to the credit of the North Carolina Insane Asylum.

To be placed to credit of said Asylum.

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

Ratified this the 23d day of February, A. D. 1895.

## CHAPTER 74.

An act to amend section fifteen hundred and ninety-seven (1597) of The Code.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section fifteen hundred and ninety-seven (1597) of The Code be amended by adding thereto after the word "plate" in line one thereof the word "jewelry."

Section 1597 of the Code amended so as to include jewelry.

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

Ratified this the 23d day of February, A. D. 1895.

## CHAPTER 75.

**An act to establish a criminal circuit to be composed of the counties of Buncombe, Madison, Haywood and Henderson.**

*The General Assembly of North Carolina do enact:*

Criminal Circuit Court established for certain counties.

SECTION 1. That a court of record, to be called "The Criminal Circuit Court of Buncombe, Madison, Haywood and Henderson counties," be and the same is hereby established. The criminal court of Buncombe county shall be held in the city of Asheville in said county of Buncombe, and the criminal court of Madison county shall be held in the town of Marshall in said county of Madison, and the criminal court of Henderson county shall be held in the town of Hendersonville in the said county of Henderson, and the criminal court of Haywood county shall be held in the town of Waynesville in the said county of Haywood.

Where held.

Court of record.

SEC. 2. That the said courts respectively hereby established shall possess all the powers, perform all the duties and be subject to all the restrictions of a court of record, according to the laws of this state.

Jurisdiction.

SEC. 3. That the said criminal courts shall have exclusive original jurisdiction to inquire of, hear, try and determine all crimes, misdemeanors and offences committed within the counties of Buncombe, Madison, Henderson and Haywood, respectively, fully and to the same extent as the superior courts of the state, and exclusive appellate jurisdiction of all offences tried and determined before a justice of the peace or other magistrate in said counties respectively.

Jurisdiction.

SEC. 4. That said criminal courts shall have all the jurisdiction vested in the superior courts to try all crimes and criminal offences originating within the said counties of Buncombe, Madison, Haywood and Henderson, respectively, and to give judgment and to award execution therein, and for the recovery of all fines and forfeitures, and that the process, pleading, practice and modes of proceeding shall be the same in said courts as prevail in the superior courts of the state in such cases as aforesaid.

Process, &c.

Appeals.

SEC. 5. That appeals to the supreme court and writs of error may be prosecuted from the judgments of said criminal courts in the same manner as they may be from the superior courts.

Judge.

Election.

SEC. 6. That there shall be one judge of the said criminal courts, who shall preside over the said courts, who shall be elected by the qualified voters of the said counties of Buncombe, Madison, Haywood and Henderson, as is provided for the election of members of the general assembly; who shall receive as compensation for his services the sum of sixteen hundred dollars per year and two hundred dollars per year for expenses, to be paid by the treasurer of the state of North Carolina, out of any money not otherwise appropriated, and the said

Compensation.



judge shall take oaths prescribed for judges of the superior courts, and he shall possess the qualifications of a judge of the superior court, and shall hold his office for the term of four years unless removed from office, as in the next section provided.

SEC. 7. That such judge may be removed from office for the same causes and in the same manner as a judge of the superior court, and all vacancies in said office shall be filled by appointment of the governor, and the person so appointed by the governor shall hold his office until the next general election, at which said election the qualified voters of the said counties of Buncombe, Madison, Haywood and Henderson shall elect a person to fill the said office for the unexpired term: *Provided*, that the general assembly now in session shall elect a person to fill the vacancy in said office which will be caused by the ratification of this act. That said person shall hold his office until his successor shall be elected by the qualified voters of the said counties of Buncombe, Madison, Haywood and Henderson at the next general election, and the person so elected shall hold his term of office as is provided in section six.

SEC. 8. That the judge of said criminal court shall be a conservator of the peace within said counties, and shall have all the powers of the several judges of the superior courts of the state to hear and determine all criminal causes arising within said counties, and the like powers to issue warrants to or precepts for the arrest of criminals anywhere within the limits of the state, administer oaths, issue writs of *habeas corpus*, and hear and determine the same in the same manner as judges of the superior courts.

SEC. 9. There shall be one solicitor for the said criminal courts, who shall be elected by the qualified voters of the said counties of Buncombe, Madison, Haywood and Henderson as is prescribed for members of the general assembly, who shall hold his office for the term of four years and until his successor is qualified. He shall be a resident of one of said counties composing said criminal circuit for which he is chosen, and shall receive the same fees as is now allowed by law to the solicitors of the several judicial districts; should any vacancy occur by the death, resignation, refusal to accept, or removal from office of the said solicitor, the judge shall have the power to appoint a solicitor, and the person so appointed by the judge shall hold his office until his successor is elected to fill out the unexpired term at the next general election held in said counties for the election of members of the general assembly, and until the person elected as his successor shall qualify: *Provided, however*, that the general assembly now in session shall elect a person to fill the vacancy in said office which will be caused by the ratification of this act, said person to hold his office until his successor is elected at the next general election and qualified, and the person elected at said election shall hold his office for the term of four years as is hereinbefore pro-

Qualifications, &c  
Term of office.

Removal.

Vacancy.

Proviso.

Powers and duties  
of judge.

Solicitor.

Term of office.

Fees.

Vacancy.

Proviso.

Powers and duties.

To examine office of Register of deeds, &c.

Commissioned by Governor.

Report of solicitor.

Indictment for omission of duty by any officer.

Penalty.

Proviso.

Clerks of said courts to be clerks of this court except for Buncombe. Clerk for Buncombe.

Bond of said clerk.

vided. The duties of the solicitor shall be the same in respect to criminal matters arising in the said counties for which he is chosen as those prescribed by law for the solicitors of the several judicial districts of this state, and he shall take a similar oath of office, and be removed for the same causes as the solicitors of the several districts of the state. He shall, at least once in every four months, make an examination of the office of the register of deeds, and the superior court clerk, in presence of the respective officers; and the said register of deeds and the clerk of the superior court shall furnish every facility to enable the solicitor to make such examination for the purpose of ascertaining whether inventories, accounts of sale, accounts current, wills, deeds, bills of sale, official bonds, mortgages, and all other papers required or allowed to be recorded or registered, have been duly recorded and registered and properly indexed; and also whether the several dockets and records or papers of the different courts, including justices of the peace, have been kept and filed in proper manner and as required by law. The judge and solicitor, when duly elected or appointed as herein provided, shall be commissioned by the governor in like manner as the judges and solicitors of the superior courts.

SEC. 10. That the aforesaid solicitor shall make a faithful report in writing of the several matters hereby directed to be examined, specially stating in what respect, if any, there have been an omission of duty by the officers aforesaid, and the said report shall be made to the aforesaid criminal court at the next term thereof which shall be held subsequent to such examination; and when it shall appear from such reports that there has been an omission of duty on the part of any said officers, the said solicitor shall cause an indictment to be preferred for such reported breach of duty, and on conviction the defendant shall be fined or imprisoned or removed from office, at the discretion of the court: *Provided, however*, that this indictment shall not exempt any of said officers from being indicted for other breaches of duty as prescribed by law.

SEC. 11. That the clerks of the superior courts of the counties of Madison, Haywood and Henderson shall be clerks *ex officio* of the said criminal courts of said counties. There shall be a clerk for the said criminal court for Buncombe county, who shall be elected by the qualified voters of said county as herein provided in cases of judges and solicitors, and the vacancy caused in the office of the clerk of said criminal court of Buncombe county by the ratification of this act, shall be filled in the same manner as is provided in the case of judge and solicitors of said county, and said clerk shall enter into bond, with good and sufficient security, in the sum of ten thousand dollars, to be approved by the county commissioners, payable to the state of North Carolina, for the faithful performance of the duties of his office, which bond shall be renewed annually and

recorded as other official bonds, and the person so elected as the clerk of the said court shall hold his office for the term of four years, and in case [of] the failure of the person so elected to file said bond on the first day of the first term which shall be held of said court next after said election, or in case of any vacancy occurring from any cause, then the said judge shall have full power to appoint another person to fill said office until the next general election is held in the said county, when a successor to the person so appointed shall be elected in the manner and form as aforesaid to fill out the unexpired term. The said clerk shall perform all the duties incident to his office, and shall receive the same fees and compensation therefor as is now allowed by law to the clerk of the superior courts for discharging the same duties, and the same [said] clerk shall be removable from office for the same causes as is now provided by law for the removal from office of the clerks of the superior courts.

Term of office.

Vacancy.

Duties.

Compensation.

SEC. 12. That the sheriff of Buncombe county shall be the sheriff of the criminal court of said county, and the sheriff of Madison county shall be the sheriff of the said criminal court of Madison county, and the sheriff of Haywood county shall be the sheriff of said criminal court of Haywood county, and the sheriff of Henderson county shall be the sheriff of the said criminal court of Henderson county; and each of said sheriffs, by himself or his lawful deputies, shall discharge all the duties incident to his office required of him in relation to the business of the said court, and for a failure to perform the same shall be subjected to all the penalties and liabilities now prescribed by law.

Sheriffs of said counties to be sheriffs for this court.

SEC. 13. That it shall be the duty of the board of county commissioners of each of the said counties of Buncombe, Madison, Haywood and Henderson to provide for the payment of the fees of the solicitor, and the fees and compensation of the clerk, and the sheriff of said courts respectively, and the pay of jurors and witnesses as is now provided by law, and all other expenses incident to said courts, by order on the county treasurer of said respective counties, which order shall be paid by said treasurer out of any moneys in his hands not otherwise appropriated by law.

Commissioners of said counties to provide for payment of fees, &amp;c.

SEC. 14. That the commissioners of each of said counties shall provide the necessary books to be used as dockets by the said courts with such device as the judge of the court shall prescribe, and shall furnish a suitable room or office for the use of the clerk of said court.

Commissioners of said county to furnish books, &amp;c.

SEC. 15. That there shall be four terms of the said criminal court of Buncombe county in each year, held in the courthouse in Buncombe county on the fourth Monday in April, on the fourth Monday in July, on the fourth Monday in October and on the fourth Monday in January. There shall be three terms of the said criminal court of Madison county in each year, held in the courthouse in Madison county on the second Monday in June, on the second Monday in

Terms of Buncombe court, when to be held.

Terms of Madison court, when to be held.



Terms of Haywood court, when to be held.

Terms of Henderson court, when to be held.

Length of terms.

Special terms.

Process, &c., returnable to regular term made returnable to special term.

Change of venue.

Procedure, if judge fails to attend.

Jurors.

November and on the second Monday in February. There shall be two terms of the said criminal court of Haywood county in each year, held in the courthouse in Haywood county on the fourth Monday in June and on the second Monday in January. There shall be two terms of the said criminal court of Henderson county in each year, held in the courthouse in Henderson county on the second Monday in April and on the second Monday in October; and said courts shall continue their session for the term of two weeks if the business thereof shall require; and the judge of said court shall have power to hold special terms of said court whenever it shall seem necessary to him to order the same, of which order fourteen days of public notice shall be given in the manner to be prescribed by the judge, and at such special terms he may make all orders and do any and everything which he can do at the regular term, and when such special terms shall be so ordered all processes and precepts returnable to the next regular term shall be deemed returnable to such special term, and all recognizances, bonds, obligations and summonses taken for the appearance of defendants and witnesses to said regular term shall be binding upon said parties for their appearance at the special term aforesaid.

SEC. 16. That in cases of change of venue from the criminal court of Buncombe county, Madison county, Haywood county or Henderson county applied for on account of the interest, prejudice or relationship of the judge of said court, or on account of any other legal objection to said judge, the cause shall not be transferred to any other county for trial, but the judge may order it to be transferred to the superior court of said county, but any party desiring a change of venue from said criminal court on account of any other cause may, upon application to the judge, obtain a removal of the same to any adjoining county under such rules and for such causes as are prescribed by law for the removal of criminal causes from one county to another county.

SEC. 17. That if the judge of the said criminal court shall fail to attend to hold a court on the day designated for a regular special term it shall be the duty of the clerk to open and adjourn the court for the two first days of the term; and if the judge shall not attend by four o'clock on the second day of said term, the court shall be adjourned by the clerk until the next term in course, and all the recognizances, bonds, obligations, processes and other proceedings returned or returnable to said term shall be of the same force and effect and shall be proceeded in as though the same were returnable to such next regular term, as is now provided in such cases in the superior courts, and shall be returnable as in such cases provided in said courts.

SEC. 18. That so much of section "one thousand seven hundred and twenty-seven" of The Code of North Carolina as requires the



county commissioners to draw thirty-six jurors to serve during the first week of the terms of the superior courts of said county, and also to draw eighteen jurors to serve during the second week of the terms of the superior court, shall not apply to the commissioners of Buncombe county, and Madison county, and Henderson county, and Haywood county, and from and after the ratification of this act the county commissioners of each of said counties shall proceed, at least twenty days before the meeting of regular terms of the superior court of said counties, to draw the names of not less than twelve nor more than twenty-four jurors in the manner now prescribed by law for each week of the term of said superior courts, who shall be summoned to appear to serve as jurors during the week for which they were selected. And it shall be the duty of the county commissioners of each of said counties, at least twenty days before the regular terms of the said criminal courts, or ten days before any special terms of said courts, to draw the names of thirty-six jurors, under the same rules and regulations as are now required by law, to serve as grand and petit jurors at the next term of said court; and at the said term of court there shall be drawn by a boy of ten years of age or under fifteen, eighteen jurors from said number of thirty-six jurors drawn as aforesaid, who shall constitute a grand jury for said court, twelve of whom shall be necessary to agree before a bill of indictment shall be returned as true; and upon the failure of the commissioners of said counties to draw the jurors as hereinbefore provided, said jurors shall be drawn by the sheriff and the chairman of the board of commissioners in the manner prescribed in this section, and by existing laws in regard to jurors of the superior court not inconsistent herewith. The qualifications of jurors in these courts shall be the same as prescribed by law for jurors in the superior courts.

How drawn.

Grand jury.

Qualification of jurors.

SEC. 19. All jurors who shall attend or serve in said courts shall be entitled to the same compensation, and be subject to the same rules and regulations, and possess the same qualifications as are required by law in regard to jurors in the superior courts.

Compensation of jurors.

SEC. 20. That if at any time during the session of said courts for said counties there should be a deficiency of jurors, the judge may direct that there be summoned the bystanders a sufficient number of persons to act as tales jurors in said court in same manner as is now prescribed by law for said jurors in the superior court, and the judge shall also have the power in the trial of capital felonies to order special venires as now prescribed for the superior courts.

Tales jurors.

Special venires.

SEC. 21. That it shall be the duty of the superior courts of the counties of Madison, Haywood and Henderson, at the next term thereof to be held after the ratification of this act, to transfer and remove under proper certificates by the clerk of said court, or by proper exemplifications of the records of said court, all criminal

All criminal causes, &amp;c., pending in superior courts of Madison, Haywood and Henderson to be transferred

and removed to this criminal court.

Criminal causes, &c., pending in superior court of Madison to be transferred and removed to said court.

Madison inferior court abolished after March 1st, 1895.

Proviso.

Proviso continued.

causes and all proceedings by *scire facias* against defendants and witnesses summoned therein, or their securities, pending in said superior court to the said criminal court, and the said superior courts shall recognize as well the witnesses as the defendants in the causes and proceedings aforesaid to appear at the next term of the said criminal court, and the said criminal court shall have jurisdiction to regulate proceedings by *scire facias* against defaulting defendants and witnesses summoned in said causes, or their sureties, when the default occurred before the transfer or removal of said causes, and there has been no judgment rendered therein in said superior court, in the same manner as if said default had occurred in the said criminal court. That it shall be the duty of the inferior court of the county of Madison, at the next term thereof to be held after the ratification of this act, to transfer and remove under proper certificates by the clerk of said court, or by proper exemplification of the records of said court of all criminal causes and all proceedings by *scire facias* against defaulting defendants and witnesses summoned therein, or their securities, pending in said inferior court, and not disposed of at said time, to the said criminal court, in the same form and manner as is provided in the section for the removal of all criminal causes and all proceedings by *scire facias* against defaulting defendants and witnesses summoned therein or their securities pending in said superior court to the said criminal court. That the inferior court of the county of Madison is hereby abolished from and after the first day of March, one thousand eight hundred and ninety-five (1895), except for the purpose of transferring cases and proceedings as herein provided; that the said criminal court shall have and possess full jurisdiction in the counties of Madison, Haywood and Henderson to proceed in, hear, try and determine all causes and other matter transferred from the superior and inferior courts of said counties, in the same manner and to the same extent as the court from which said causes and matters were transferred would have had but for the provisions of this act, with the right of appeal as herein provided, and no causes or matters so transferred shall be in any way prejudiced by reason of the said transfer. That all criminal actions pending in the superior court of the said county of Madison upon appeal from the inferior court of said county shall be transferred to the said criminal court in the manner as other criminal causes are transferred at the next term of the said superior court after the ratification of this act, and that upon the determination of the question of law raised by said appeals or any of them, the said criminal court shall award such judgment or grant such relief as may be agreeable to law, subject to the right of appeal to the supreme court in cases when such appeal is allowed by law. That a certificate of the clerk of said superior and inferior courts that he has transferred and removed all criminal causes and all

proceedings in said superior court to said criminal court, and the records and papers of said court required by law to be transferred, shall be a sufficient certificate under this section, and shall in all respects be deemed a compliance with this section, and shall vest in said criminal court the full possession and control of the said records and papers and full jurisdiction over said criminal causes and proceedings in said inferior court and not disposed of at said term to the said criminal court, in like manner as is provided in this section for the transfer and removal of all criminal causes and proceedings from the said superior court to the said criminal court.

Proviso continued.

SEC. 22. That the aforesaid criminal court for Madison county shall hold its first term on the second Monday in June, eighteen hundred and ninety-five (1895); and the next term of the criminal court for Buncombe county shall be held on the fourth Monday of April, eighteen hundred and ninety-five (1895); and the said criminal court for Haywood county shall hold its first term on the fourth Monday in June, eighteen hundred and ninety-five (1895); and the first term of said criminal court for Henderson county shall be held on the second Monday in October, eighteen hundred and ninety-five (1895).

First term of said court, when to be held.

SEC. 23. That the criminal court of Buncombe county as it now exists by law shall be construed in full force and effect, except as the same and the act creating the same may be abrogated, changed or modified by this act, and the said criminal court established by this act shall have full power and jurisdiction to hear, try and determine all causes and matters now pending in the criminal court of Buncombe county, and which may be pending in said court at the time of the organization of the court provided for in this act, and to render judgment and award execution therefor.

Criminal court of Buncombe to continue in full force, &c.

SEC. 24. That all criminal causes removed from other counties and placed on the docket of Buncombe or Madison counties, shall be subject to the jurisdiction of this criminal court.

Removed causes subject to jurisdiction of said court.

SEC. 25. That this act shall be in full force and effect from and after its ratification.

Ratified this the 23d day of February, A. D. 1895.

## CHAPTER 76.

An act to amend chapter one hundred and seventy-two of the laws of one thousand eight hundred and ninety-one relative to 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 laws of eighteen hundred and ninety-one be amended by striking out the word "Davidson" in line four.

Section 1, chapter 172, public laws 1891, amended so as to strike out Davidson county.

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

Ratified this 23d day of February, A. D. 1895.



## CHAPTER 77.

**An act to amend chapter thirty-five of the laws of eighteen hundred and ninety-three for the free passage of fish in Catawba river.**

*The General Assembly of North Carolina do enact :*

Section 1, chapter 35, public laws 1893, amended by adding.  
Proviso.

SECTION 1. That section one, chapter thirty-five of the laws of eighteen hundred and ninety-three, be amended by adding at the end of said section, "proviso," that the width for the free passage of fish from the McDowell county line to Old Fort, in said county, shall be not less than one-third of the width of said river.

SEC. 2. That this act shall be in force from and after its ratification.  
Ratified this 23d day of February, A. D. 1895.

## CHAPTER 78.

**An act to annul chapter three hundred and one (301) of the public laws of one thousand eight hundred and ninety-three (1893) relative to the obstruction of certain streams in Moore county.**

*The General Assembly of North Carolina do enact :*

Chapter 301, public laws 1893, as to obstruction of streams in Moore county amended.

SECTION 1. That chapter three hundred and one (301) of the public laws of one thousand eight hundred and ninety-three be annulled as follows: In line one of section one, strike out the words "unlawfully and wilfully." After the word "tributaries" in line four and before the word "in" insert the words "or of Drowning creek." In line five and six strike out the following words "or by any other means, except for necessary and useful purposes."

SEC. 2. This act shall be in force from and after its ratification.  
Ratified this 23d day of February, A. D. 1895.

## CHAPTER 79.

**An act to amend chapter onh hundred and sixty-four of the laws of one thousand eight hundred and eighty-nine.**

*The General Assembly of North Carolina do enact :*

Chapter 164, public laws 1889, as to catching diamond-back terrapins amended.

SECTION 1. That the words constituting the phrase "between the fifteenth day of April and the fifteenth day of August in each year," beginning in the third line of section one, chapter one hundred and sixty-four, laws of eighteen hundred and eighty-nine, after the words "North Carolina," and extending to the words "or any diamond-back terrapins," in the fourth line of said section, are hereby stricken out.

SEC. 2. That all subsequent amendments to said chapter are hereby repealed.

Subsequent amendments to said chapter repealed.

SEC. 3. That this act shall be in force from and after its ratification.  
Ratified this 23d day February, A. D. 1895.



## CHAPTER 80.

## An act for the relief of sheriffs and tax collectors of this State.

*The General Assembly of North Carolina do enact :*

SECTION 1. That all persons who are now or have been tax collectors of the several counties of this State for the year one thousand eight hundred and eighty-nine (1889), one thousand eight hundred and ninety (1890), one thousand eight hundred and ninety-one (1891), one thousand eight hundred and ninety-two (1892), one thousand eight hundred and ninety-three (1893), one thousand eight hundred and ninety-four (1894) 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 actual notice, and no person shall be required to pay any cost to sheriffs or tax collectors on the same except the costs allowed by law for advertising.

Tax collectors and ex-tax collectors authorized to collect back taxes for 1889, 1890, 1891, 1892, 1893 and 1894.

Proviso.

SEC. 2. That no person shall be compelled to pay taxes under the provisions of this act who will make oath before anyone authorized to administer oaths that the taxes attempted to be collected have been paid, nor shall any guardian, executor or administrator in his representative capacity be compelled to pay any arrears of taxes under the provisions of this act.

Persons making oath of payment exempted.

Guardian, &c., exempted.

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. That nothing herein contained shall empower or authorize any sheriff or tax collector to collect any insolvent tax heretofore reported insolvent by any sheriff or tax collector.

Sheriffs, &c., and their bondsmen not relieved from liability.

Insolvent taxes not to be collected.

SEC. 4. That the authority herein given shall cease and determine on the twenty-fifth day of December, one thousand eight hundred and ninety-six (1896).

Termination of authority.

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

Ratified this 23d day of February, A. D. 1895.

## CHAPTER 81.

## An act to fix a maximum schedule of charges for selling leaf tobacco by all warehouses in North Carolina.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the charges and expenses of handling and selling leaf tobacco upon the floor of tobacco warehouses in the state of North Carolina shall not exceed the following schedule of prices,

Charges of tobacco warehouses regulated.

viz.: For auction fees, fifteen cents on all piles of one hundred pounds or less, and twenty-five cents on all piles over one hundred pounds; for weighing and handling, ten cents per pile for all piles less than one hundred pounds, for all piles over one hundred pounds at the rate of ten cents per hundred pounds; for commissions on the gross sales of leaf tobacco in said warehouses not to exceed two and one-half per centum.

All leaf tobacco  
to be weighed by  
sworn weigher, &c

Oath.

SEC. 2. That all leaf tobacco sold upon the floor of any tobacco warehouse in the state of North Carolina shall first be weighed by some reliable person, who shall have first sworn and subscribed to the following oath, to-wit: "I do solemnly swear (or affirm) that I will correctly and accurately weigh all tobacco offered for sale at the warehouse of -----, and correctly test and keep accurate the scales upon which the tobacco so offered for sale is weighed." Said oath shall be filed in the office of the clerk of the superior court of the county in which said warehouse is situated.

Bill of charges to  
be rendered  
seller, &c.

SEC. 3. That the proprietor of each and every warehouse shall render to each seller of tobacco at his warehouse a bill plainly stating the amount charged for weighing and handling, the amounts charged for auction fees, and the commission charged on such sale, and it shall be unlawful for any other charges or fees to be made or accepted.

Penalty for viola-  
tion.

SEC. 4. That for each and every violation of the provisions of this act a penalty of ten dollars be enforced and the same may be recovered by any one so offended.

Conflicting laws  
repealed.

SEC. 5. That all laws and clauses of laws in conflict with this act are hereby repealed.

When act to take  
effect.

SEC. 6. This act shall be in force from and after the first day of October, one thousand eight hundred and ninety-five.

Ratified this the 23d day of February, A. D. 1895.

## CHAPTER 82.

### An act to create a new township in the county of Forsyth.

*The General Assembly of North Carolina do enact :*

Name of Betha-  
nia township,  
Forsyth county,  
county, changed  
to Rural Hall, &c  
New township  
called Bethania  
created.

SECTION 1. That the name of Bethania township in the county of Forsyth is hereby changed to Rural Hall township, and the voting place of said township shall be in the town of Rural Hall.

SEC. 2. That a new township to be called Bethania is hereby created, to extend two and one-half miles north, south, east and west from the town of Bethania, and the voting place shall be in said town: *Provided*, the school district in said territory shall not be affected by the provisions of this act.

Proviso.

SEC. 3. That the county surveyor of said county is hereby authorized and empowered to run the boundary lines of said Bethania township according to the provisions of section two of this act, and shall receive such compensation for his services per day out of the funds of the treasury of said county of Forsyth as is now allowed by law.

County surveyor  
to run bounda-  
ries, &c.

SEC. 4. That said county surveyor is hereby authorized and empowered to employ two chain carriers who shall each receive the sum of one dollar per day for each day's service, and the county surveyor shall present an itemized account of all necessary services rendered in making said survey to the county commissioners of Forsyth county, who shall approve and order the treasurer to pay the same.

Chain carriers, &c

SEC. 5. That said township shall have and enjoy all the rights and privileges now granted to townships by law.

Rights, &c., of  
new township.

SEC. 6. This act shall be in force from its ratification.

Ratified this the 25th day of February, A. D. 1895.

## CHAPTER 83.

### An act to require railroads to redeem unused tickets.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person to sell or deal in tickets issued by any railroad company unless he is a duly authorized agent of said railroad company, and it shall be the duty of said agent to exhibit his authority to sell or deal in said tickets; and the company whose agent he is shall be responsible for his acts as such. That any violation of this law shall be a misdemeanor.

Unlawful for  
person, other  
than railroad  
agent, to deal in  
railroad tickets.

SEC. 2. That when any round-trip ticket is sold by any railroad company it shall be the duty of said company to redeem the unused portion of said ticket by allowing to the legal holder thereof the difference between the cost thereof and the price of a one-way ticket between the stations for which the said round-trip ticket was sold.

Railroad compa-  
nies to redeem  
unused portion of  
round-trip ticket.

SEC. 3. That whenever any one-way or regular ticket is sold by any railroad company, and when unused by the purchaser thereof, it shall be the duty of the railroad company selling the ticket to redeem said ticket at the price paid for it.

Railroad compa-  
nies to redeem  
unused tickets.

SEC. 4. That whenever any mileage ticket is sold by any railroad company, it shall be the duty of said company to redeem the unused portion of such mileage ticket when as much as fifty per centum (50 per centum) of said ticket has been used by the purchaser, by paying to the legal holder thereof for the number of miles unused at the same price per mile paid for it: *Provided*, the legal holder of said ticket may present it to any agent or railroad company issuing said

Unused portion  
of mileage tickets  
to be redeemed  
by railroads when  
50 per cent. of said  
tickets used.

Proviso.

ticket, who shall receipt said holder for the same, and shall immediately transmit said ticket to the general passenger agent of said company, who shall immediately pay the same at the rate provided for in this section: *Provided*, said ticket is presented within sixty days after maturity thereof.

Proviso.

SEC. 5. That this act shall be in force from and after its ratification. Ratified this the 25th day of February, A. D. 1895.

#### CHAPTER 84.

An act to amend chapter five hundred and forty-two of the laws of one thousand eight hundred and ninety-one, which is an act entitled an act to prevent the hunting of opossums between the first day of February and the first day of October in each year.

*The General Assembly of North Carolina do enact :*

Chapter 542, public laws 1891, as to hunting opossums, amended so as to add Alamance, &c., counties.

SECTION 1. That chapter five hundred and forty-two of laws of one thousand eight hundred and ninety-one be so amended that Alamance, Orange, Caswell, Durham and Guilford counties be added to the list of counties of said chapter.

SEC. 2. That this act shall be in force from and after its ratification. Ratified this the 26th day of February, 1895.

#### CHAPTER 85.

An act to protect fish in the waters of Richland creek in Haywood county.

Preamble.

WHEREAS, The United States Fish Commissioners have caused a large number of California trout to be placed in some of the mountain forks of Richland creek in Haywood county, and in order to protect the said fish,

*The General Assembly of North Carolina do enact:*

Unlawful to take, catch, etc., fish in Richland creek, Haywood county, &c., before May 1st, 1897.

SECTION 1. That it shall be unlawful for any person or persons to take, catch or kill fish in the waters of Richland creek or any of its tributaries in Haywood county above the corporate limits of the town of Waynesville until the first day of May, one thousand eight hundred and ninety-seven (1897).



SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction before a justice of the peace shall be fined not less than ten dollars nor more than fifty dollars or imprisoned not less than ten days nor more than thirty days in the discretion of the court.

Misdemeanor.

Penalty.

SEC. 3. That this act shall be in force from and after its ratification. Ratified this the 26th day of February, A. D. 1895.

## CHAPTER 86.

### An act to regulate the time of holding the superior courts of Cumberland county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the regular terms of the superior courts for the county of Cumberland in the seventh judicial district for every year shall be held on the sixth Monday before the first Monday in March, for the trial of criminal cases, to continue for one week; on the sixth Monday after the first Monday in March, to continue for two weeks for the trial of criminal and civil cases, criminal cases to have precedence and to be tried only during the first week; on the tenth Monday after the first Monday in March for the trial of civil cases only, to continue one week; on the sixth Monday before the first Monday in September for the trial of criminal cases, to continue one week; on the seventh Monday after the first Monday in September, to continue for two weeks, for the trial of criminal and civil cases, criminal cases to have precedence and be tried only during the first week; and on the tenth Monday after the first Monday in September, to continue two weeks for the trial of civil cases only.

When superior courts to be held in Cumberland county, &amp;c.

Transaction of business regulated.

SEC. 2. Civil process of all kinds may be made returnable to all the aforesaid terms of said superior court, and at the aforesaid criminal terms motions may be made, heard and determined and judgments, orders and decrees taken in civil cases wherein a jury trial is not required, and pleading shall be filed in civil cases, the process of which has been made returnable to said criminal terms, under the rules governing civil terms; and all civil matters may be transacted at said criminal terms which may be transacted at the civil terms except the compulsory trial of jury causes. Civil action may be tried at the criminal terms only by consent, and after the criminal business has been disposed of.

Civil process returnable to all terms of said court. What civil business may be transacted at criminal term.

Civil actions may be tried at criminal term by consent.

SEC. 3. At any of the aforesaid terms of criminal jurisdiction the trial of a criminal felony which has been begun may be continued until concluded.

Trial of criminal felony to be concluded.

SEC. 3. All laws and parts 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 July 1, 1895. Ratified this the 26th day of February, A. D. 1895.

## CHAPTER 87.

**An act to allow the commissioners of Montgomery county to sell the old jail building at Troy, North Carolina.**

*The General Assembly of North Carolina do enact :*

Commissioners of Montgomery county empowered to sell old jail, &c.

SECTION 1. That the commissioners of Montgomery county be and they are hereby authorized and empowered to sell the old jail building at Troy in Montgomery county to the highest bidder for cash, after due advertisement of the same for thirty days, and make title to the same to the purchaser in fee simple.

SEC. 2. That this act shall be in force from and after its ratification. Ratified this the 26th day of February, A. D. 1895.

## CHAPTER 88.

**An act to amend chapter two hundred and seventy-seven of the laws of eighteen hundred and ninety-one (1891), regulating the superior courts of Moore county.**

*The General Assembly of North Carolina do enact :*

Chapter 277, public laws 1891, amended.  
When superior courts to be held in Moore county.

Transaction of business regulated.

SECTION 1. That the regular terms of the superior court for the county of Moore in the seventh judicial district for every year shall be held on the seventh Monday before the first Monday in March for the trial of civil actions only, to continue for one week; on the first Monday of March, to continue two weeks, the first week to be devoted to the trial of criminal actions only, and the second week thereof to the trial of civil actions only; on the third Monday before the first Monday in September, to continue for three weeks, the first week thereof to be devoted to the trial of criminal actions only, and the other two weeks to the trial of civil actions only; on the fourteenth Monday after the first Monday in September, to continue one week, to be devoted to the trial of criminal actions only.

SEC. 2. That this act shall be in force from and after its ratification. Ratified this the 26th day of February, A. D. 1895.

## CHAPTER 89.

**An act to change the fall term of the superior courts of the tenth judicial district.***The General Assembly of North Carolina do enact :*

SECTION 1. That the courts of the tenth judicial district shall be held as now provided by law, except that the fall terms of the courts in the counties of Catawba, McDowell, Burke and Caldwell shall be held as follows: Catawba, fifth Monday before the first Monday in September, to continue two weeks. McDowell, third Monday before the first Monday in September, to continue two weeks. Burke, first Monday before the first Monday in September, to continue two weeks. Caldwell, first Monday after the first Monday in September, to continue two weeks.

Time for holding fall terms of courts of tenth district changed.

SEC. 2. 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 this the 28th day of February, A. D. 1895.

## CHAPTER 90.

**An act to establish a system of public roads for Madison county.***The General Assembly of North Carolina do enact :*

SECTION 1. The public roads of Madison county shall be embraced in three classes.

Three classes of public roads in Madison county.

SEC. 2. A road of the first class shall be twenty feet wide, with a road-bed of sixteen feet, except where there are ledges of rock, in which case it shall be twelve feet wide, and the borders shall be cleared away so as to give a margin of two feet on each side of the road. A road of the second class shall be sixteen feet wide, with a road-bed of twelve feet and a margin of two feet on each side of the road. A road of the third class shall be twelve feet wide, with road-bed of eight feet and a margin of two feet on each side of the road.

Road of first class defined.

Road of second class defined.

Road of third class defined.

SEC. 3. The grade of a first class road shall not be greater than a rise of one foot in sixteen. A second class road shall have a grade not to exceed a rise of one foot in twelve. And the grade of a third class road shall not be above a rise of one foot in ten.

Grades of the classes of roads.

SEC. 4. The justices of the peace in each township shall constitute a board of supervisors of roads in the several townships in Madison county.

Justice of peace to act as road supervisors.

Organization of board of supervisors.

SEC. 5. They shall meet in each township on the first Monday in April, one thousand eight hundred and ninety-five, and organize by appointing one of their number as chairman, and another as clerk.

Quarterly meetings.

SEC. 6. They shall hold quarterly meetings, viz.: on the first Mondays in January, April, July and October, for the purpose of attending to the business of the public roads.

Powers of said supervisors.

SEC. 7. The board of supervisors of the public roads shall have the sole control over the roads in their townships; shall order and establish new roads where the road is wholly within the township; shall order and make amendments on existing roads, appoint overseers and apportion hands on the roads: *Provided, however*, that all new roads and all amendments on existing roads shall conform to the grade required in section third of this act.

Proviso.

Roads to be classified, &c.

SEC. 8. The board of supervisors in the several townships shall, immediately after their first meeting on the first Monday in April, eighteen hundred and ninety-five (1895), proceed to classify the roads in the several townships in Madison county and appoint overseers and assign hands to work the same.

No new roads to be laid out except upon petition.

SEC. 9. No new roads shall be laid out and established but upon petition, and public notice shall be given by advertisement in three public places in the township for at least twenty days before a jury is ordered to lay out said road.

Jury of three freeholders ordered to lay out new road, &c.

SEC. 10. On the laying out of roads and making amendments on existing roads the board of supervisors shall order a jury of three freeholders, who shall be in no way related to any party through whose lands the road is to be laid out.

Notice to said jury.

SEC. 11. The jury shall be notified of their appointment by the township constable or any lawful officer, which notice shall designate the time and place of meeting and the duty to be performed.

Damages.

SEC. 12. The jury shall meet at the time and place given in the notice, and after being duly sworn, proceed to lay out and locate said road and report in writing to the board of supervisors, and shall in the same report assess any and all damages accruing to any person; but no damages shall in any case be allowed above the actual cash value of the land occupied by the road.

Powers of supervisors.

SEC. 13. The board of supervisors shall have jurisdiction in all controversies that shall arise in regard to the public roads in their several townships. They shall have authority to issue process, try causes, impose fines, where the fine does not exceed fifty dollars, and inflict punishment where the punishment does not exceed imprisonment for one month.

Roads to be amended and graded, &c.

SEC. 14. The boards of supervisors shall immediately after their first meeting on the first Monday in April, 1895, proceed to order such amendments on existing roads as shall be necessary to make them conform to the grade required in section third of this act: *Provided*, that the said boards shall have power to discontinue such roads as are not for the general good of the county.

Proviso.



SEC. 15. The board of supervisors shall inspect the roads in their several jurisdictions every three months, and make a report to the board of county commissioners, reporting the condition of roads, the name of the overseer of each road, the number of hands assigned to work on each road, the number of days labor performed on each road per quarter, and whether the hands assigned to each road are sufficient to keep such road in good repair, and also reporting any overseer that shall have failed to perform the duties assigned him by this act

Supervisors to inspect roads and make report to county commissioners.

SEC. 16. The board of county commissioners shall furnish the solicitors of the criminal or superior court with a certified copy of the reports of the supervisors of roads at the court first following the reception of such reports, and the said solicitor shall carefully examine said reports, and if he discover that the boards of supervisors or any one of them or any overseer or overseers have failed to perform the duties assigned them, he shall immediately send a bill to the grand jury against such party or parties.

Solicitors to examine report and send bill against supervisor, &c., failing to perform duty.

SEC. 17. Should any board of supervisors neglect or refuse to discharge the duties made incumbent upon them by the provisions of this act they shall be guilty of a misdemeanor, and upon conviction thereof in the criminal court of Madison county, or in the superior court, shall be fined not less than ten (\$10) dollars each, nor more than fifty (\$50) dollars each, in the discretion of the court; and in default of payment of fine and all costs shall be committed to prison and required to work on the public roads until said fine and costs are paid.

Neglect of duty by supervisor a misdemeanor.

Penalty.

SEC. 18. Any overseer who shall fail or refuse to perform his duties as described in this act shall be guilty of a misdemeanor, and upon conviction thereof in the criminal court of Madison county, or in the superior court, shall be fined not less than five (\$5) dollars in the discretion of the court.

Neglect of duty by overseer a misdemeanor.

Penalty.

SEC. 19. It shall be the duty of the overseers to take immediate charge of the roads to which they are assigned and proceed to work their roads, keeping them in the best possible condition with the means committed to them.

Duties of overseers.

SEC. 20. Overseers shall construct drains, culverts, causeways and bridges where necessary, and make the roadbed of the required width according to class and remove all timber overhanging the road.

Drains, &c., to be constructed.

SEC. 21. Overseers shall warn their hands at least three days before the day of working, either in person or by written notice over his own signature, giving each hand notice of the day of working, the hour and place of meeting, and the kind of tool he shall bring.

Notice to hands.

SEC. 22. Overseers shall have control over the hands on the roads, shall direct and control their labor and require each hand to render faithful service.

Overseers to control hands, &c.

SEC. 23. Overseers shall on the last Saturday but one in the

Report to be made by overseers, &c.	months of December, March, June and September report to the board of supervisors the condition of their roads, the number of hands assigned to work on them, the number of days labor performed, the number of hands and the names of hands that have refused or failed to work after being lawfully warned.
Overseers authorized to dismiss hands.	SEC. 24. Overseers shall have authority to dismiss hands from the road for idleness and insubordination and report such dismissed hands to the board of supervisors.
Procedure upon dismissal.	SEC. 25. The board of supervisors, or any one of them, shall, upon receiving notice of the dismissal of hands from the road, issue a warrant for such persons to appear before him or them, summoning such witnesses as the overseer may designate, and if upon examination it shall appear that such hand was dismissed for good and sufficient reasons, the court shall give judgment against such person for the sum of one dollar for every day that he was dismissed from the road, and shall further fine said hand one dollar for each offense and may commit him to prison till he pays said fine and costs.
Penalty.	
Repairing roads.	SEC. 26. Overseers shall devote the greater portion of the labor assigned to their roads to repairing them during the second and third quarters.
Persons subject to operation of said law.	SEC. 27. Every ablebodied male citizen of Madison county between the ages of eighteen and forty-five years, except the board of supervisors of public roads, and the teachers and pupils of public schools, while in attendance at school, shall be liable to work on the public roads; but the board of supervisors shall exempt any person for disability when such disability is shown to exist.
Exemptions.	
Failure to work road or pay for said work, &c., guilty of a misdemeanor.	SEC. 28. Any person liable to work on the public roads who, after being duly warned, shall refuse or fail to work, either by himself or a substitute acceptable to his overseer, or who shall refuse to pay to his overseer one dollar for each day he is liable to work, or any person who shall refuse to obey the lawful orders of his overseer, shall be guilty of a misdemeanor, and upon conviction thereof before the board of supervisors, or any one of them, shall be fined one dollar for each offense, and judgment shall be rendered against said party for one dollar for each day that he failed or refused to work; and such party or parties shall be imprisoned at labor on the public roads until said fine and all cost is paid or secured.
Penalty.	
Supervisors to fix wages of persons sent to the roads.	SEC. 29. In the event that the board of supervisors should sentence any one to prison as provided in section 28 of this act, they are hereby empowered to fix the wages to be allowed such convict per day, at a price not less than fifty cents per day.
How new roads extending through more than one township laid out.	SEC. 30. When new roads are to be laid out and established that extend beyond the limits of a township, except where an agreement may have been entered into between the boards of supervisors of adjoining townships, such new roads shall be ordered by the board of county commissioners: <i>Provided</i> , that the jury in such cases shall

consist of three freeholders, whose duties shall be the same as prescribed in section twelve (12) of this act. Proviso.

SEC. 31. The board of magistrates and the board of county commissioners of Madison county shall at the time of assessing the state and county taxes for the year eighteen hundred and ninety-five (1895), and each year thereafter, levy a special road tax of five (5) cents on every one hundred dollars worth of taxable property in Madison county, and fifteen cents on the poll, to be specially applied on the public roads of the county in the purchase of tools and material for blasting purposes and in the construction of bridges and for other purposes in the construction and repairing of the public roads. Special tax to be levied.

SEC. 32. The said road tax shall be collected by the sheriff and paid to the treasurer of the county to be kept by him as a separate fund, and to be paid out by him only on the orders of the boards of supervisors of public roads. Collection of said tax.

SEC. 33. The road tax fund shall be held by the treasurer of the county subject to the order of each board of supervisors in proportion to the amount assessed and collected from such township: *Provided, however*, that the board of supervisors in any township may order such portion of the fund belonging to said township, as to them may seem advisable, to be expended in any other township in the county. Fund to be held by county treasurer, &c.  
Proviso.

SEC. 34. Every person imprisoned for crime in Madison county, except in capital cases, and every person imprisoned on default of the payment of costs in criminal cases, shall be adjudged to work on the public roads, and the presiding judge or justice of the peace shall so direct in passing sentence on said party. Criminals to work on roads in Madison.

SEC. 35. The board of county commissioners shall make due provision for working the convicts in the county on the public roads, and should they fail to assign the convicts in the county to such service and to make provision for their management and support during such service they shall be guilty of a misdemeanor, and upon conviction thereof in the superior court shall be fined fifty dollars each and imprisoned for one year or less in the discretion of the court. Commissioners to arrange for working convicts, &c.

SEC. 36. Lumber companies or persons engaged in the lumber trade in Madison county shall be held responsible for the unusual injury done the roads in hauling lumber over them. Lumber companies, &c., responsible for unusual damages.

SEC. 37. When such injury is reported to the board of supervisors they shall notify the party or parties to repair such injury within ten days. If such party or parties fail to make such repairs within the time specified, the board of supervisors shall appoint two suitable persons to assess said damages and report the same to them within five days. Party doing such injury to road to be notified, &c.  
If parties fail to make repairs, a committee of overseers to be appointed.

SEC. 38. When the committee of assessment shall have reported damages done to said road or roads, the board of supervisors shall Parties to be summoned to answer report of said committee.



- issue notice to the parties charged with such damage to appear before them at a specified day to answer said complaints, which notice shall be served by the sheriff or other lawful officer.
- Procedure in such cases. SEC. 39. Upon examination of the case, if it shall appear that the said parties are responsible for the injury done to said road or roads, then the board shall render judgment against such party or parties for such sum as reason and justice would demand; and they shall issue execution to the constable of the township, or other lawful officer, who shall seize any property in said county of Madison belonging to said party or parties, and after giving ten days public notice in three several places in said county, shall sell at public auction to the highest bidder, for cash, so much thereof as is necessary to satisfy said judgment and all cost.
- No person to work more than eight days per year except in case of washouts. SEC. 40. No person liable to work on the public roads shall be required to work more than eight days in any one year except in case of washouts and stoppages in the roads, in which case every person so liable to work shall be required to perform such additional service as is necessary to remove such impediments or to make necessary repairs: *Provided, however,* that every person liable to work on the public roads may be required to perform two additional days service in opening up new roads.
- Proviso. SEC. 41. In laying out new roads and in making amendments the board of supervisors at their own option may employ an engineer to assist the jury in laying out and grading the roads, and pay them for such service out of the road fund belonging to such township.
- Engineer may be employed. SEC. 42. Any board of supervisors, or any member thereof, or any overseer who shall misappropriate or use any money belonging to the road fund of Madison county in any other way than directed by this act shall be guilty of embezzlement, and upon conviction thereof in the criminal court of Madison county or in the superior court shall be fined not less than fifty dollars nor more than two hundred dollars, and may be imprisoned not more than one year in the discretion of the court.
- Misappropriation of funds, &c., to be embezzlement. SEC. 43. This act shall apply only to Madison county.
- Penalty. SEC. 44. This act shall take effect from and after its ratification. Ratified this the 28th day of February, A. D. 1895.
- Applies only to Madison county.

## CHAPTER 91.

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

*The General Assembly of North Carolina do enact:*

Chapter 285, public laws 1891, amended.

SECTION 1. That at the annual election next ensuing for school commissioners of the town of Concord, and annually thereafter,



there shall be elected one commissioner in each of the four wards of said town by the qualified voters of their respective wards.

One school commissioner to be elected in each ward of Concord. Conflicting laws repealed.

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

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

Ratified this 28th day of February, A. D. 1895.

## CHAPTER 92.

### An act for the relief of D. L. Reynolds, former sheriff and tax collector of Buncombe county, and his sureties.

*The General Assembly of North Carolina do enact:*

SECTION 1. That M. L. Reid, trustee for D. L. Reynolds, former sheriff and tax collector for the county of Buncombe, and the sureties upon his official bond for the collection of state and county taxes, be and he is hereby empowered to collect all arrears of taxes due the said D. L. Reynolds, sheriff and tax collector in the county of Buncombe for the years eighteen hundred and ninety, ninety-one, and ninety-two (1890-'91-'92), under such rules and regulations as are now or may be prescribed by law for the collection of taxes in the county of Buncombe and state of North Carolina: *Provided*, that no person shall be required to pay any costs to the collector on the same except the cost allowed by law for advertising: *And provided further*, that no person shall be required 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.

M. L. Reid, trustee for D. L. Reynolds, late sheriff of Buncombe and his sureties, empowered to collect back taxes for 1891 and 1892.

*Proviso.*

SEC. 2. That the authority hereby given to collect said arrears of taxes shall cease and determine on the first day of June, one thousand eight hundred and ninety-six (1896).

Termination of authority.

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

Ratified this the 28th day of February, A. D. 1895.

## CHAPTER 93.

### An act to authorize Joel H. Fulton, sheriff of Stokes county, to collect back taxes for one thousand eight hundred and ninety-one and one thousand eight hundred and ninety-two.

WHEREAS, J. C. Wall, late sheriff of Stokes county, failed to collect the taxes due for the years eighteen hundred and ninety-one (1891) and eighteen hundred and ninety-two (1892); and whereas, suits are now pending in the superior court of said county on the relation of the board of commissioners and the board of education against

Preamble.

said J. C. Wall and his sureties; and whereas, suits by other creditors of said J. C. Wall are pending in said court; and whereas, the tax books of said J. C. Wall for the years aforesaid have been placed in the hands of Joel H. Fulton, sheriff of said county, for collection by order of the superior court; now, therefore,

*The General Assembly of North Carolina do enact :*

J. H. Fulton,  
sheriff of Stokes  
county, empow-  
ered to collect  
back taxes for  
1891 and 1892.

Proviso.

Persons making  
affidavit of pay-  
ment exempted.

Termination of  
authority.

SECTION 1. That the sheriff of Stokes county, Joel H. Fulton, be and is hereby authorized to collect such taxes as remain unpaid for the years one thousand eight hundred and ninety-one (1891) and one thousand eight hundred and ninety-two (1892) under such rules and regulations as are now prescribed by law for sheriffs and tax collectors and pay out the same as the court may direct from time to time: *Provided*, that nothing in this act shall relieve the sureties of the said J. C. Wall.

SEC. 2. That no person shall be compelled to pay any tax under the provisions of this act who will make an affidavit before any one authorized to administer oaths that the same has been paid.

SEC. 3. That the authority granted by this act shall cease on the first day in January one thousand eight hundred and ninety-seven (1897).

SEC. 4. That this act shall be in force from and after its ratification. Ratified this 28th day of February, A. D. 1895.

## CHAPTER 94.

**An act to prohibit the sale of liquors, etc., within one-half mile of Tucker's Grove Camp Ground in Lincoln county.**

*The General Assembly of North Carolina do enact :*

Unlawful to sell  
liquor, &c., within  
one-half mile of  
Tucker's Grove  
Camp Ground  
during camp  
meeting.  
Misdemeanor.

SECTION 1. That it shall be unlawful for any person to sell any spirituous liquors or engage in horse racing or fast riding within one-half mile of Tucker's Grove Camp Ground in Lincoln county during the time of holding any camp meeting at such place.

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.

SEC. 3. That this act shall be in force from and after its ratification. Ratified this the 28th day of February, A. D. 1895.

## CHAPTER 95.

**An act to prohibit the manufacture and sale of intoxicating liquors within two miles of Conway's church in Caldwell county.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person to manufacture or sell, or in any way dispose of, for remuneration, any intoxicating liquors within two miles of Conway's church in Caldwell county.

Unlawful to make or sell liquor within two miles of Conway's church, Caldwell county. Misdemeanor.

SEC. 2. That any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and shall be punished by fine or imprisonment at the discretion of the court.

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

Ratified this the 28th day of February, A. D. 1895.

## CHAPTER 96.

**An act to prohibit the sale of intoxicating liquors within one mile of the church of "Olivet" in No. 5 township, Edgecombe county.**

*The General Assembly of North Carolina do enact:*

SECTION 1. It shall be unlawful to sell or dispose of with a view of remuneration any spirituous liquors within one mile of Olivet church in Edgecombe county.

Sales of liquor within one mile of Olivet church, Edgecombe county, prohibited. Misdemeanor.

SEC. 2. That any person violating the provisions of this act shall be deemed guilty of a misdemeanor.

SEC. 3. This act shall take effect from and after its ratification.

Ratified this the 28th day of February, A. D. 1895.

## CHAPTER 97.

**An act to amend chapter five hundred and twenty-four, laws of one thousand eight hundred and ninety-three.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter five hundred and twenty-four (524), laws of eighteen hundred and ninety-three (1893), be so amended and modified as to dispense with a road commissioner for Cherokee county.

Chapter 524, public laws 1893, amended. Road commissioner for Cherokee county dispensed with.

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

Ratified this the 28th day of February, A. D. 1895.

## CHAPTER 98.

**An act to establish Flatts township in Macon county.***The General Assembly of North Carolina do enact :*

• Flatt's township,  
in Macon county,  
created.

SECTION 1. That a new township be and the same is hereby created in the county of Macon to be known as Flatts township, to be formed of a part of Smith's Bridge township.

Boundaries.

SEC. 2. That the boundary line of said township shall be as follows: Beginning at the Wolf Gap on east of Blue Ridge and southwest corner of Highlands township; runs thence with the dividing ridge between Overflow and Holcombe creeks to the north point of Osage mountain; thence north to the top of Scaley mountain; then with the divide between Turtle pond and Lessenta creek to top of Whiteside mountain; then with the leading ridge to the forks of Hickory Gap and Lessenta roads; then south with old Lessenta road to the point of dividing ridge between the Conley and Justice lands; then with said ridge to the highest point on the mountain; then to the first high point above and to the southeast of the Low Gap between Joe Emart's and C. T. Richman's lands; then nearly south to the intersection of Shoal creek with Middle creek; then to the state line at Dover Gap on Prinson mountain; then east with the state line to the beginning.

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

Ratified this the 28th day of February, A. D. 1895.

## CHAPTER 99.

**An act to restore Mitchell county to the ninth district.***The General Assembly of North Carolina do enact :*

Mitchell county  
to constitute a  
part of 9th con-  
gressional district  
Conflicting laws  
repealed.

SECTION 1. That the county of Mitchell shall hereafter constitute a part of the ninth congressional district.

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

When act to take  
effect.

SEC. 3. That this act shall be in force from and after the eighteenth day of March, eighteen hundred and ninety-five (1895).

Ratified this 28th day of February, A. D. 1895.



## CHAPTER 100.

**An act to change the time of holding the superior courts of Washington, Tyrrell and Dare counties, and to establish another term of the superior court for Washington county.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the superior courts for the counties of Washington, Tyrrell and Dare shall be held as follows: Washington, seventh Monday after the first Monday in March and September, and the fourteenth Monday after the first Monday in March, the latter for the trial of civil cases only, each term to continue one week; Tyrrell, eighth Monday after the first Monday in March and September; Dare, ninth Monday after the first Monday in March and September.

Time of holding superior courts of Washington, Tyrrell and Dare counties changed. New term for Washington county for civil cases only.

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 by this act established, and all persons who have been bound, recognized or summoned to appear at the spring term of said courts, or who shall be so bound, recognized or summoned, are hereby required to appear at the terms specified in this act.

Processes, &c., heretofore issued returnable to terms hereby established. Persons heretofore recognized, &c., to appear at said terms.

SEC. 3. That all laws and parts 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 this the 28th day of February, A. D. 1895.

## CHAPTER 101.

**An act to prohibit the sale of liquors within one mile of Hibriten Mountain Academy, Caldwell county.**

*The General Assembly of North Carolina do enact:*

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 one mile of Hibriten Mountain Academy, located near Lenoir in Caldwell county.

Sale of liquor within one mile of Hibriten Mountain Academy prohibited.

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.

Misdemeanor.

SEC. 4. That this act shall be in force from and after its ratification. Ratified this the 28th day of February, A. D. 1895.

## CHAPTER 102.

**An act to amend section two, chapter four hundred and seventy-four of the laws of eighteen hundred and ninety-three.**

*The General Assembly of North Carolina do enact:*

Chapter 474, public laws 1893, as to relief fund for disabled firemen, amended.  
One-fourth of fund payable to treasurer of N. C. State Volunteer Firemen's Association.

SECTION 1. That section two, chapter four hundred and seventy-four (474) of laws [of] eighteen hundred and ninety-three (1893) be amended as follows: That the words "three-fourths" in line three of said section be stricken out and the word "one-fourth" be inserted in lieu thereof.

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

Ratified this the 28th day of February, A. D. 1895.

## CHAPTER 103.

**An act to amend section eleven hundred and sixty-five of The Code relative to fugitives from justice.**

*The General Assembly of North Carolina do enact:*

Section 1165 of Code amended. Made applicable to "other persons" besides fugitives.

SECTION 1. That section one thousand one hundred and sixty-five (1165) of The Code be amended by inserting after the word "fugitive" in line five of said section the words "or other person," and by inserting after the word "fugitive" in line eleven the words "or other person," and by inserting after the word "fugitive," in line sixteen the words "or other person."

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

Ratified this 28th day of February, A. D. 1895.

## CHAPTER 104.

**An act to repeal chapter four hundred and seventy-three of laws of one thousand eight hundred and ninety-three.**

*The General Assembly of North Carolina do enact:*

Chapter 473, public laws 1893, as to drainage act for South Fork creek, Forsyth county, repealed.

SECTION 1. That chapter four hundred and seventy-three, laws eighteen hundred and ninety-three, be and the same is hereby repealed.

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

Ratified this the 28th day of February, A. D. 1895.

## CHAPTER 105.

## An act to amend section six hundred and sixteen of The Code.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section six hundred and sixteen of The Code be amended as follows: Insert between the words "thereof" and "and" in the fifth line "the defendant, before he is permitted to answer or demur to the complaint, shall execute and file in the superior court clerk's office of the county wherein the suit is pending, an undertaking, with good and sufficient surety, in the sum of two hundred dollars, which may be increased from time to time, in the discretion of the judge, to be void upon condition that the defendant shall pay to the plaintiff all such costs and damages, including damages for the loss of such fees and emoluments as may or ought to have come into the hands of the defendant, as the plaintiff may recover in the action.

Section 616 of Code, as to expediting trial of cases involving title to office, amended.

Defendant to give bond.

Condition of said bond.

SEC. 2. By adding to said section the following, to wit: "That whenever it shall be alleged in the complaint that the right or title to any such office as aforesaid has been obtained by or through fraud practiced by any officer or officers of election, or by any other person or persons, it shall be competent for the plaintiff or defendant to examine as witnesses and to propound direct and leading questions to such officer or officers, person or persons, concerning such frauds, who shall not be excused from answering all such questions upon any ground whatsoever, but such answers so given shall not be used in evidence in any criminal action."

When office alleged to have been obtained by fraud, election officers to be competent witnesses.

Examination of said witnesses.

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

Ratified this the 28th day of February, A. D. 1895.

## CHAPTER 106.

## An act defining butter and to regulate the sale thereof.

*The General Assembly of North Carolina do enact :*

SECTION 1. That for the purpose of this act the word "butter" shall be understood to mean the product manufactured and compounded from fresh and pure milk and cream.

Butter defined.

SEC. 2. That for the purpose of this act any article manufactured or compounded in imitation or semblance of better, as defined in section one of this act, which shall be composed of any ingredient or ingredients in combination with butter, shall be known as "oleomargarine" and "butterine," and it shall be unlawful to manufacture, keep for sale, offer for sale, export or import same, except in accordance with the provisions of this act.

Oleomargarine and butterine defined.

Unlawful to sell oleomargarine, &c., except in accordance with this act

Packages, &c., to be marked with label giving chemicals, ingredients, &c.

Failure to comply a misdemeanor.

Sale not prohibited but regulated.

Offenders to be prosecuted.

Penalty.

SEC. 3. That every manufacturer of said "oleomargarine" and "butterine" shall securely affix by pasting on each package, tub or firkin thereof so manufactured by him a label, on which shall be printed in large roman type the chemical ingredients and the proportions thereof. Every manufacturer of such compound who neglects to affix such label to any package, tub or firkin containing such compound manufactured, sold or offered for sale by him, and every person who removes such label so affixed from any such package, tub or firkin shall be guilty of a misdemeanor and punished as herein-after provided.

SEC. 4. This act shall not be construed as to prohibit the manufacture or sale of said compound, or in any degree violate the provisions of the interstate commerce law relative to this particular subject. The said compound, however, shall not be manufactured, sold, nor offered for sale, except in accordance with the provisions of this act.

SEC. 5. It shall be the duty of the district, county and city attorneys, upon proper information that any of the provisions of this act have been violated, to prosecute such offender before any court of jurisdiction, and upon conviction thereof shall be punished by a fine of not less than fifty dollars, or by imprisonment in the county jail not exceeding thirty days; and for each subsequent offence by a fine not less than two hundred dollars or by imprisonment not less than six months or both in the discretion of the court.

SEC. 6. This act shall be in force thirty days after its passage.

Ratified this the 28th day of February, A. D. 1895.

## CHAPTER 107.

**An act to admit the Farmers' Alliance to the same privilege as other benevolent societies in the matter of insurance.**

*The General Assembly of North Carolina do enact :*

Section 3063 of Code, as to license for insurance companies, amended.  
Not applicable to certain benevolent associations.

SECTION 1. That section three thousand and sixty-three of The Code of one thousand eight hundred and eighty-three be amended to read as follows: " Nothing in this chapter shall be construed to extend to the Masonic or Odd Fellows associations, or to the Royal Arcanum, Knights of Pythias, Knights of Honor, Farmers' Alliance, or other benevolent associations that only levy an assessment upon their members to create a fund to pay to the family of a deceased member and make no profit therefrom, and that have been incorporated under the laws of this state."

SEC. 2. That the above section as amended shall be in full force and effect from and after its ratification.

Ratified this the 28th day of February, A. D. 1895.



## CHAPTER 108.

An act to provide for a cotton weigher for the town of Moorsville in  
Iredell county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the county commissioners of Iredell county shall on the first Thursday of August, eighteen hundred and ninety-five (1895), order an election to be held at the voting place in Coddle Creek, Davidson and Barringer townships, for the purpose of electing a cotton weigher for the town of Moorsville in said county. Said election shall be held under the same laws, rules and regulations as elections held for members of the general assembly and the qualifications of voters shall be the same, and none but the voters of the said three townships shall be allowed to vote in said election. The person elected as aforesaid shall hold his office till the next regular election, and then his successor shall be elected and every two years thereafter on the day of the regular election for members of the general assembly. The person so elected cotton weigher shall on the Monday following his election take an oath before the clerk of the court of said county, or some other person authorized to administer oaths, faithfully, honestly and impartially to discharge the duties of the office of cotton weigher, and shall enter into bond in the sum of one thousand dollars, to be justified before and approved by the clerk of said superior court. Said bond shall be in substance as follows: We, A. B. as principal and C. D. as surety, hereby acknowledge ourselves indebted to the state of North Carolina in the sum of one thousand dollars, to the payment whereof we bind ourselves, heirs, administrators and executors, signed and sealed this the ..... day of ....., 18... The conditions of the above bond are such that whereas the said A. B. has been elected cotton weigher for the town of Moorsville in Iredell county; now, therefore, if the said A. B. shall well and truly, faithfully, honestly and impartially weigh all cotton brought to him for that purpose, and render a true, faithful and just account of the weight of all such cotton as aforesaid, and likewise faithfully, honestly and impartially inspect such cotton as aforesaid, then this obligation to be null and void; otherwise, to be and remain in full force and effect.

Cotton weighers  
for Moorsville to  
be elected.

Election.

Oath of office.

Bond.

Form of bond.

SEC. 2. The said bond shall be given in the name of the state, and any person or persons damaged by the said cotton weigher may sue in the courts having jurisdiction to recover such damage as he or they may sustain.

Damage suits.

SEC. 3. That said cotton weigher may charge a fee of ten cents for each bale of cotton weighed by him, and the buyer shall pay one-half of said fee and the seller the other half.

Fees.

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

Ratified this the 28th day of February, A. D. 1895.

## CHAPTER 109.

**An act to amend chapter seventy-nine of the laws of eighteen hundred and ninety-one for the protection of birds in Mecklenburg, Wilson and Montgomery counties.**

*The General Assembly of North Carolina do enact :*

Chapter 79, public laws 1891, amended. Unlawful to kill, &c., certain birds between Feb. 1st and Nov. 15th. Applies only to Mecklenburg, Wilson and Montgomery counties.

SECTION 1. That section one, chapter seventy-nine of the laws of eighteen hundred and ninety-one be amended as follows: By striking out the words "fifteenth day of March and the first day of November" in line four and inserting in lieu thereof the words "first day of February and the fifteenth day of November."

SEC. 2. That this act shall apply only to Mecklenburg, Wilson and Montgomery counties.

SEC. 3. That this act shall be in force from and after the first day of July, eighteen hundred and ninety-five.

Ratified this the 28th day of February, A. D. 1895.

## CHAPTER 110.

**An act to repeal chapter five hundred and twenty-three (523) of the laws of eighteen hundred and ninety-three (1893) concerning the bonds of clerk of superior court and register of deeds of Warren county.**

*The General Assembly of North Carolina do enact:*

Chapter 523, public laws of 1893, authorizing county commissioners of Warren county to increase bonds of superior court clerk and register of deeds, repealed

SECTION 1. That chapter five hundred and twenty-three (523) of the laws of one thousand eight hundred and ninety-three be and the same is hereby repealed.

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

Ratified this the 28th day of February, A. D. 1895.

## CHAPTER 111.

**An act to prohibit the manufacture or sale of spirituous or intoxicating liquors within two miles of Saint Paul's Evangelical Lutheran church in the county of Rowan, and the Big Meadow Baptist church in Mitchell county.**

*The General Assembly of North Carolina do enact:*

Manufacture, &c. of liquors within two miles of St. Paul's church, Mitchell county, prohibited.

SECTION 1. That it shall be unlawful for any person to manufacture, sell or give or dispose of spirituous liquors at or within two miles of the said Saint Paul's Evangelical Lutheran church, and the said Big Meadow Baptist church in Mitchell county; and any person violating the provisions of this section shall be deemed guilty of a

misdeanor, and upon conviction thereof shall for each offence be fined not more than fifty dollars or imprisoned not exceeding thirty days. Misdemeanor.

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

Ratified this the 28th day of February, A. D. 1895.

## CHAPTER 112.

### An act to establish three new townships in Surry county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That a new township from parts of Mount Airy, Eldora and Dobson is and the same is hereby formed in the county of Surry.

New township formed in Surry county from parts of Mt. Airy, Eldora and Dobson townships.

SEC. 2. The boundaries of said township to be as follows: Beginning at the ford of the Ararat river near Mrs. Haynes', between her house and James Jones, and runs down the river to the mouth of Hutchins' mill creek a short distance below Cadler's ford; thence up the said Hutchins' mill creek to the Little mountain road; thence a west course to the top of Little mountain, and with the meanders of the top of the Little mountain to the Rockford road at Pressly Badgett's old blacksmith shop place; thence with the road leading out towards Dobson to the road that leads to John Marion's; thence with that road to the Mount Airy and Dobson new road; thence a west course to the road that leads towards Joe Smith's; thence with said road to the Bingham mill path; thence with the said path to Mackey's branch near Peter Draughn's; thence in a northwest direction to the west side of Warren Gillespie's dwelling-house; thence with the path or road that leads to the Haynes schoolhouse to the Mount Airy and Dobson road; thence with the old road that runs on the northwest side of James Haynes' house to Stuart's creek township line; thence with said township line to the ford of Stuart's creek; thence down the said creek to the ford between S. D. Bunkers and Stacey Jones; thence an east course to the Fancy Gap road where the road turns off leading from Stacey Jones' towards Mrs. Haynes', crossing the Mount Airy and Dobson road; thence with the road leading towards Mrs. Haynes' to the beginning.

Boundaries.

SEC. 3. That the territory within the said boundary line of section second of this act shall be called White Plains township; that the voting precinct of said township shall be at White Plains. Name.

SEC. 4. That C. J. Draughn, Jesse Lewis, J. W. Creed, Sr., W. A. Nichols and N. T. Hutchins be and they are hereby appointed justices of the peace for said township of White Plains. Justice of peace.

New township  
formed of part of  
Mt. Airy town-  
ship.  
Boundaries.

SEC. 5. That a new township be and the same is hereby created in Surry county to be taken from a part of the Mount Airy township.

SEC. 6. That the boundaries of said new township shall be as follows: Beginning at the ford of the Ararat river between Mrs. Haynes' and James Jones', and runs with the road by Mrs. Haynes' towards Stacey Jones' to the Mount Airy and Dobson road, and thence with said road towards Mount Airy to the ford of Lovel's creek at the Mount Airy incorporation line; thence an east direction with said line to the Ararat river; thence up and with the Ararat river to the Virginia line; thence east with the Virginia line to Westfield township line; thence a south course with said township line to the Pilot Mountain township line; thence with said Pilot Mountain township line to the Ararat river; thence up the river to the beginning.

Name.

SEC. 7. The territory within the said boundary line of section six (6) of this act shall be called Hamburg township and the voting precinct shall be at Hamburg.

Justice of peace.

SEC. 8. That James Sparger, William Simmons, E. F. Taylor, Samuel Sanders and T. M. Brower be and they are hereby appointed justices of the peace for said township.

New township  
formed from part  
of Mt. Airy  
township.  
Boundaries.

SEC. 9. That a new township be and the same is hereby created in Surry county, to be taken from a part of Mt. Airy township.

SEC. 10. That the boundaries of said new township shall be as follows: Beginning at the ford of Lovel's creek in the Rockford road in the Mt. Airy incorporation line; thence south with the old road to the line of White Plains township; thence west course with White Plains township line to the ford of Stuart's creek; thence up Stuart's creek to the line of Stuart's creek township; thence with Stuart's creek township line to the Virginia state line; thence east with the Virginia line to the Ararat river; thence down the Ararat river to Mt. Airy incorporation line; thence west with the same as it runs to the beginning.

Name.

SEC. 11. That the territory within the said boundary lines of section ten of this act shall be called Blue Ridge township, and the voting precinct shall be at John Creasy's.

Justice of peace.

SEC. 12. That S. F. Nicholls, E. C. Connor, Albert Alred, John Creasy and Thomas Gillespie be and they are hereby appointed justices of the peace of said new township Blue Ridge.

Correction of any  
error in bounda-  
ries.

SEC. 13. That should any error occur in any of the lines of one or any of the above township lines it shall be the duty of the clerk of the superior court of Surry county to order the county surveyor to correctly locate said line or lines.

Conflicting laws  
repealed.

SEC. 14. That all laws and clauses of laws in conflict with this act are hereby repealed.

Corporate limits  
of Mt. Airy to be  
Mt. Airy town-  
ship.

SEC. 15. That the corporate limits of Mt. Airy shall hereafter be known as Mount Airy township.

SEC. 16. That this act shall be in force from and after its ratification.

Ratified this the 2d day of March, A. D. 1895.



## CHAPTER 113.

**An act to allow the clerk of superior court to appoint cotton weighers in Franklin county.***The General Assembly of North Carolina do enact :*

SECTION 1. That the clerk of the superior court of Franklin shall, on the first Monday in March, Anno Domini one thousand eight hundred and ninety-five, appoint the several cotton weighers now provided for by law in the county of Franklin.

Clerk of superior court of Franklin county to appoint cotton weighers.

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 this 2d day of March, A. D. 1895.

## CHAPTER 114.

**An act to authorize the appointment of special tax collectors for the counties of Northampton and Robeson.***The General Assembly of North Carolina do enact :*

SECTION 1. That the commissioners of Northampton and Robeson county or the board of trustees of said county be and hereby are authorized and empowered, if in their discretion it shall be deemed advisable, to appoint special tax collectors in and for said counties to collect the taxes levied and hereafter to be levied.

Tax collectors for Northampton and Robeson counties.

SEC. 2. That the tax collectors to be appointed under the provisions of this act shall consist of one collector for each township in said county who shall collect the taxes in their respective townships levied upon the poll and the *ad valorem* taxes levied upon property, and a special collector for the county at large who shall collect all other taxes levied under the provisions of existing or future acts of the general assembly.

One for each township and one special collector for the county at large.

SEC. 3. That the said township tax collectors shall enter into bond, to be approved by said commissioners or trustees, in double the amount of taxes levied in their respective townships, and said collectors shall be clothed with the same powers, perform the same duties and be subject to the same liabilities and penalties as general county tax collectors or sheriffs appointed under the provisions of existing laws, except as herein otherwise provided.

Bonds of collectors.

Powers, &c.

County treasurer, where one, to act as said special collector.  
Bond.

Bond of any other person than treasurer so acting.

Settlement of collectors.

Compensation of county treasurer for such service.

Proviso.

Compensation of township collectors.

Sale of real estate for taxes, &c.

SEC. 4. That the treasurer of said county, if there be one, shall be the special tax collector for said county, and shall give bond in double the amount of all taxes which under the laws come into his hands, and in the event that, for any cause, one other than the treasurer of said county is appointed such special tax collector, then he, the special tax collector, shall give bond in double the amount derived from taxes, other than taxes upon the poll and *ad valorem* taxes upon property.

SEC. 5. That the township tax collectors shall settle with and pay over to the treasurer of said county all taxes collected by them, less the commissions allowed by this act, and said county treasurer shall settle for and pay over to the treasurer of the state of North Carolina all such taxes as are by law payable into the state treasury; and for such services the said county treasurer shall receive two and one-half per centum on the amount paid to him by the said township collectors, and two and one-half per centum on the amount of all taxes he collects as special tax collector, of the taxes other than those on the poll and the *ad valorem* taxes levied upon property: *Provided*, that before the said county treasurer or other appointee shall be authorized to receive the taxes due the state, he shall enter into a bond, to be approved by the said commissioners or trustees, in an amount double the state taxes levied in said county for the current year.

SEC. 6. That for their services the township collectors aforesaid shall receive five per centum of the amount derived from taxes collected by them.

SEC. 7. That the time, place and manner of the sale of real estate for taxes in said county shall be the same as that provided by the general laws for the sale of real estate for taxes by sheriffs or other tax collectors, and said township tax collectors in the respective townships for which they are appointed in conducting such sales of real estate for taxes, and in making title to real estate thus sold, are hereby clothed with all the powers enumerated in said general acts of the general assembly regulating and providing for the sale of real estate for taxes, which are now in force and which may hereafter be enacted, and the deeds and conveyances and certificates of such township tax collectors for real estate, or the sale thereof, shall have the same force and effect as similar deeds and certificates of sheriffs or general tax collectors in cases of sales of real estate for taxes.

SEC. 8. That this act shall be in force from and after its ratification.

Ratified this the 2d day of March, A. D. 1895.

## CHAPTER 115.

## An act to amend section 2269 of the Code.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section two thousand two hundred and sixty-nine (2269) of *The Code* be, and the same is hereby amended by striking out all of said section after the word "militia," in the fourth line of said section.

Section 2269 of Code amended. Officers and employees of insane asylums not exempted from working public roads.

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

Ratified this 2d day of March, A. D. 1895.

## CHAPTER 116.

## 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.

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-nine 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.

Poll tax.

Exemptions.

Applied to education and the poor.

SEC. 3. There shall be levied and collected annually an *ad valorem* tax of twenty-one and two-third cents for state purposes, three and one-third cents for pensions, eighteen cents for public schools, making forty-three 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 percentum of the value thereof, except by special authority from the general assembly.

Ad valorem tax. Subjects of taxation.

Restriction on municipal taxation.

Taxation on stock of banks and building and loan associations.

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.

Exemption of corporations from taxation repealed.

Exceptions.

Proviso.

Investment by railroad companies, &c., in stock or other corporations, &c., taxable upon value of investments.

SEC. 4. The taxes imposed for state purposes upon the shares of stock in any bank, building and loan association, or banking association (whether state or national) in this state shall be paid by the cashier of such bank, banking association or building and loan 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 or building and loan association to enforce the same in the county of Wake, or in the county in which the bank or building and loan association is located. The board of commissioners of the county in which such banks or building and loan associations 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 and building and loan associations 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-fourth of one per centum on the excess over one thousand to five thousand dollars, one-half of one per centum on the excess over five thousand to ten thousand dollars, one per centum on the excess over ten thousand to twenty thousand dollars, and two 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.

- SEC. 7. That 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. License taxes.
- 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 theaters, &c., graded by population of town.
- 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. Sheriff to issue license.  
Tax divided between state and county.  
Companies exhibiting in licensed halls not required to pay tax.
- 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. Traveling companies in unlicensed halls.
- SEC. 11. On each lecture for rewards, 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. Owner liable.  
Concerts, &c.,  
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 Lectures.  
Exceptions.  
Museums, &c.  
Exceptions.

or educational purposes, and the owner of the hall shall be responsible for said tax.

Circuses, &c.

Side shows.

SEC. 13. On every exhibition of a circus or managerie, for each day or part of day, one hundred dollars, and each side show, fifty dollars; and on every show given under canvas or otherwise, 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 county shall levy the same amount, and no more.

Other exhibitions.

Exceptions.

SEC. 14. On all companies or persons whatever who exhibit or give entertainment 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 be spiritualists or mediums of communication between the material and immaterial worlds and giving public exhibitions.

Proviso.

Spiritualists, &c.,  
not exempt.

Gift enterprises,  
&c.

SEC. 15. On any 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, twenty 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 violation of the law.

Lotteries, &c.

Itinerant dealers  
in prizes.

Tax, how payable.

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, fifty dollars; and on all other billiard or pool tables, bowling alleys, or alleys of like kind kept for public use, twenty-five 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, two 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.

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.

Livery stables,  
&c.

Sworn state-  
ments.

Proviso.

SEC. 20. On every commission merchant, broker or dealer, buying or selling, one (1) per centum on his commissions. On every dealer in cigars, cheroots, manufactured smoking or chewing tobacco and cigarettes, an annual tax, five cents per thousand for cigars and cheroots, and one-half cent per pound on manufactured smoking and chewing tobacco, and five cents per thousand for cigarettes: *Provided*, however, that nothing in this section shall be construed to apply to manufacturers of cigars, cheroots and cigarettes, or manufactured smoking or chewing tobacco; and no county, city or town shall be allowed to impose any tax, license or fee on such dealers. 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 located in more than one county in charge of agents or servants, that the same shall not be held liable for more than the above sum for the state of North Carolina. The taxes provided for in this section shall be collected in the same manner and the returns by dealers made as provided in section twenty-one (21) of this act for the persons mentioned in that section: *Provided*, that no dealer paying a tax, as prescribed in this section, shall be required to pay any purchase tax on the articles taxed by this section.

Commission mer-  
chants, &c.

Dealers in cigars,  
tobacco, &c.

Proviso.

Manufacturers  
excepted.  
Municipal taxa-  
tion prohibited.  
Mercantile  
agencies.

Proviso.

Taxes, how  
collected.

Proviso.

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 pro-

Merchants, &c.

License tax on  
purchases.

ducers) 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 purchase for the preceding six months ending on the thirty-first day of December on 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 purchase, 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. An agent or commission merchant making such purchases shall for his principal make and deliver the statement herein required: *Provided*, that the person mentioned in this section except transient dealers may make out in writing a list of the 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 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

Sworn statements to clerks of commissioners.

Sheriffs to require statements from transient dealers.

Duties of sheriff.

Agents, &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 examine witnesses.



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 service 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, which last mentioned fee shall be allowed by the county commissioners and paid by the county treasurer.

Penalty for failure to render list, &c.

Duty of chairman of commissioners to prosecute.

Fees of clerk.

SEC. 22. Every person who shall buy for the purpose of selling spirituous, vinous or malt liquors, drugs and seeds shall in addition to *ad valorem* tax on his stock pay as a license tax two per centum on the total amount of his purchase, in or out of the state, for cash or 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; and also all druggists dealing in spirituous, vinous or malt liquors, shall on or before the first day of June, one thousand eight hundred and ninety-five, and every year thereafter, obtain a license upon payment of fifty dollars to the state treasurer, and any druggist who allows liquor to be drank within his place of business shall be subject to all the taxes required by dealers in liquors, and any druggist violating this provision shall be deemed guilty of a misdemeanor: *Provided*, that this act shall not authorize any druggist to sell spirituous, vinous or malt liquors except upon the prescription of a practicing physician, as now allowed by law.

Dealers in liquors, drugs, and seeds.

Druggists dealing in liquors.

Violation a misdemeanor. *Provido*.

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 each county; each peddler with one horse, ox or mule, with or without 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 com-

Peddlers.

Amount of license tax.

Itinerant salesmen.

Peddlers to apply in advance for license.

*State is*  
*July*  
*115-70*

Terms of license.	missioners 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: <i>Provided</i> ,
Discretionary with commissioners to issue license.	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
Clerk to countersign license.	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
Sale of certain articles permitted without license.	payment of tax as peddlers 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
Duty of peddler to exhibit license, &c.	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
Effect of failure.	upon failure to do so every such person shall be presumed to be peddling without license, and shall be arrested and held to
Duty of constable, &c., to arrest.	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
Penalty.	misdemeanor, and upon conviction shall be punished as prescribed in section thirty-five of this act; and any person who
Penalty for transferring license.	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
Exemption of poor and infirm.	and infirm person who has no other means of support. The clerk of the board of county commissioners shall be entitled to
Fee of clerk.	a fee of twenty-five cents for each license recorded under this section, to be paid by the person applying for the license. That
Person carrying wagon and cart for purpose of exhibiting, &c., deemed a peddler.	any person carrying a wagon, cart or buggy for the purpose of exhibiting or delivering any wares or merchandise shall be considered a peddler.
Dealers in sewing machines.	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
License tax payable to state treasurer.	to the state treasurer a tax of three hundred dollars and obtain a license which shall operate one year from its date, and all licenses provided for in this section shall be countersigned
Auditor to countersign license.	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 to be printed on license.	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 or 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 sub-agents 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 deemed 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 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 hereinbefore provided, and who keep the said machines in their general stock of merchandise and sell and deliver them at their place of business.

SEC. 25. Every person, company or manufacturer who shall engage in the business of selling pianos or organs, by sample, list or otherwise in the 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 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.

SEC. 26. Every company of gypsies or strolling company of persons, or any persons who receive reward for pretending to tell fortunes, one hundred and fifty dollars in 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.

SEC. 27. On every itinerant who puts up lightning rods, twenty dollars annually for each county in which he carries on business.

SEC. 28. On every itinerant person or company peddling clocks, stoves or ranges, one hundred dollars annually on each

Separate tax on each class of machine with distinct name.

Unlimited number of sub-agents.

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.

Dealers in pianos and organs.

Tax payable to state treasurer.

Term of license.

No tax by county, city or town.

Gypsies, &c.

No exemption from indictment.

Itinerant lightning-rod dealers.

Clock, stove, &c., peddlers.

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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. That the fees for license issued to any fire or accident insurance company to do business in this state shall be one hundred dollars per annum, and that the fee for license on life insurance companies shall be two hundred dollars per annum.

Tax on gross receipts.

All insurance companies shall pay a tax of two (2) per centum upon the amount of their gross receipts, in this state: *Provided*, that if any general agent shall exhibit to the secretary of state a sworn statement that at least one quarter of the entire assets of his principal are invested in and are maintained in any or all of the following securities, viz., bonds of this state or of any county or city in this state, or bonds and mortgages on real property in this state, the tax shall be only one per centum thereon. No county or corporation shall be allowed to impose any additional tax, license or fee. The license fee and taxes imposed in this section shall be paid to the secretary of state.

Amount of tax when one quarter of entire assets invested in certain securities, &c.

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

Tax according to capital.

pay annually to the state treasurer a tax according to capital employed, as follows: On a capital of twenty or 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

Tax on agencies.

Penalty.

Building and loan associations.

Tax according to paid in capital.

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 county 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.

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.

Regulations and  
exemptions.

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 pawner 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.

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, or any social club or association, incorporated or otherwise, which handles spirituous, vinous or malt liquors for the use of its members or guests, shall pay a license tax semi-annually, in advance, on the first days 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 (6), 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 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 quart; 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

Liquor dealers,  
social clubs, &c.

Tax payable  
semi-annually.

Five gallons  
or less.

For county  
school fund.

Five gallons or  
more.

Payable to state  
treasurer.

Malt liquor.

For county  
school fund.

Construction of  
license.

Exemption as to  
person selling  
wine of his own  
manufacture.

Application for  
license to com-  
missioners.

To be in writing and accompanied by affidavit of six free-holders, &c.	application shall be in writing, signed by the applicant and accompanied by the affidavit of six free-holders, residents of the voting precinct in which the applicant proposes to do business, all of whom shall declare upon 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: <i>Provided, however,</i> 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: <i>Provided, further,</i> 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 heretofore 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: <i>Provided, further,</i> 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 in 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. Any person failing to post up the license and stamp as provided in this section shall be considered as doing business without license. Any person, company or firm taking out license as provided in this section
Commissioners to grant order for license without exercise of discretion.	
Exception.	
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.	
Form of license, &c.	
Penalty for failure to post.	

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.

Tax, how and when payable.

To whom license may be issued.

SEC. 34. On all hotels and boarding and lodging houses, kept for the business of furnishing either board or lodging, or both, to regular or transient boarders, for pay or hire, the sum of fifty cents (50) for each bed room kept for said business.

Hotels, boarding houses, &c.

SEC. 35. On each and every practicing lawyer, practicing physician and dentist, the sum of ten dollars (\$10.00): *Provided*, that no city, town or county shall levy any additional tax on lawyers, practicing physicians and dentists.

Lawyers, physicians and dentists.

No county or municipal tax.

SEC. 36. On each and every private business corporation (railroads, banks and insurance companies excepted), a franchise tax in proportion to the amount of its capital stock, according to the following graduated scale, to-wit: On corporations having a capital stock of twenty-five thousand dollars (\$25,000.00) or less, five dollars (\$5.00); on corporations having a capital stock of over twenty-five thousand dollars (\$25,000.00) and less than fifty thousand dollars (\$50,000.00), ten dollars (\$10.00); on corporations having a capital stock of over fifty thousand dollars (\$50,000.00) and less than one hundred thousand dollars (\$100,000.00), twenty-five dollars (\$25.00); on corporations having a capital stock of over one hundred thousand dollars (\$100,000.00) and less than two hundred and fifty thousand dollars (\$250,000.00), fifty dollars (\$50.00); on corporations having a capital stock of over two hundred and fifty thousand dollars (\$250,000.00) and less than five hundred thousand dollars (\$500,000.00), one hundred dollars (\$100.00); on corporations having a capital stock of over five hundred thousand dollars (\$500,000.00), two hundred dollars (\$200.00). By the terms of "capital stock" in this section is meant the authorized amount of capital stock fixed by the corporation charter, or by the stockholders pursuant to the powers granted in the charter, whether the said capital stock has been issued by the corporations and is outstanding or not. That in addition to the penalties otherwise provided in this act, the continued failure to pay the franchise tax imposed by this section on or before the first day of January, one thousand eight hundred and ninety-six (1896), shall cause a forfeiture of the charter of such defaulting corporation, and its charter in that event shall be, and the same is, hereby repealed.

Private corporations to pay franchise tax.

Tax according to capital stock.

"Capital stock" defined.

Penalty.

Misdemeanor to practice trade, &c., without license.

Penalty.

Recoverable by sheriff for benefit of school fund.

SEC. 37. 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.

#### SCHEDULE C.

Privilege taxes.

SEC. 38. 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.

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.

SEC. 39. 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 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: *Provided*, 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.

SEC. 40. 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.

Tax upon levied  
railroad payable  
by lessee.

How collected.

SEC. 41. 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 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.

Express, tele-  
graph, etc., com-  
panies.

Superintendent.  
&c., to make  
verified return to  
state treasurer.

Tax payable to  
treasurer.

Duty of Sheriff

Penalty for fail-  
ure to make  
return or pay  
tax.

How collected.

SEC. 42. Whenever the seal of state, of the treasury department, or other public officer required by law to keep a seal (not including clerks of the courts, other county officers and notaries public), shall be affixed to any paper, the tax shall be as follows, to be paid by the party applying for the same: For the great seal of the state on any commission, one dollar, except magistrates' commissions, which shall be without fee; on warrants of extradition for fugitives from justice from other states, a reciprocal seal tax and fee shall be charged—i. e., the same fee and seal tax must be collected from the state making the requisition which is charged this state for like service; all fees and seal taxes of whatever kind collected by the private secretary of the governor, shall be paid into the treasury quarterly; 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 money, 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.

Official seals.

Seal of state.  
Fees for seal  
upon warrants  
of extradition.  
&c.

Fees, &c., col-  
lected by private  
secretary to be  
paid into the  
treasury quar-  
terly.  
Seal of state  
department.  
Seal of treasurer.

Officers to keep  
account.

Scrolls.	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 the state, or used on the commissions of officers of 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 and fees 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.
Exemptions. Compensation to officers.	
Penalty.	
Marriage licenses. Payable to register of deeds. Register to render annual statement to sheriff, &c.	SEC. 43. 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.
Sheriff to file statement with clerk.	
Duty of officer collecting fine, license, tax, &c., to pay to county treasurer within thirty days, &c.	SEC. 44. 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 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. 45. 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.	
Prior laws repealed.	SEC. 46. All laws imposing taxes, the subjects of which are revised in this act, are hereby repealed: <i>Provided</i> , 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.
Exception.	
Duty of auditor as to blanks.	SEC. 47. 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.

No tax to be levied by auditor.

Penalty.

SEC. 48. 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.

Auditor to reject returns in certain cases.

To make investigation.

SEC. 49. A sum not to exceed twenty-five hundred dollars (\$2,500.00) 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.

Appropriation to enable treasurer to secure prompt collection of taxes.

SEC. 50. That this act shall be in force from and after its ratification.

Ratified the 12th day of March, A. D. 1895.

## CHAPTER 117.

**An act to empower trustees and mortgagees in certain cases to act by agents or attorney and to validate certain sales by trustees and mortgagees.**

*The General Assembly of North Carolina do enact:*

SECTION. 1. That any and all sale or sales of property, real or personal, or both, mixed under a power or powers of sale contained in any mortgage or deed of trust to secure the payment of money heretofore or hereafter to be registered, heretofore made, or hereafter to be made, by any mortgagee or mortgagees, trustee or trustees, through an agent or agents, attorney or attorneys for that purpose, by such mortgagee or mortgagees, trustee or trustees, appointed orally or in writing, whether such writing has been or shall be registered or not, shall be valid for all purposes in the same manner and to the same extent, as if made by such mortgagee or mortgagees, or trustee or trustees, in person, whether or not such mortgagee or mortgagees, trustee or trustees shall have been or shall be present at such sale or sales.

Sales by agents of mortgages, &c., declared valid, whether mortgagee present at sale or not.

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

Ratified the 2d day of March, A. D. 1895.

## CHAPTER 118.

**An act for the repeal of chapter 126 of Public Laws of 1893.***The General Assembly of North Carolina do enact :*

Chapter 126, Public Laws 1893 (making chapter 503, Laws 1889, as to recovery of damages to public roads by hauling, applicable to Sampson county), repealed.

SECTION 1. That chapter one hundred and twenty-six (126) of the public laws of eighteen hundred and ninety-three (1893) be and the same is hereby repealed as relating to Sampson county.

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

Ratified the 2d day of March, A. D. 1895.

## CHAPTER 119.

**An act to provide for the assessment of property and the collection of taxes.***The General Assembly of North Carolina do enact :*

Exemption from poll tax.

SECTION 1. That the board of commissioners of the several counties shall have power to exempt any person from the payment of 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 volume 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. Any corporation, firm or person who shall, on demand or request made, refuse to give to the sheriff or tax collector of any county, city or town, a list giving the names of all persons employed by them, who are liable for tax, shall be guilty of a misdemeanor. For the purpose of carrying into effect the provisions of this section, the following form shall be used as an attachment, viz. :

Clerk of commissioners to furnish certificate.

Collection of poll tax by attachment.

Corporation, &c., to give names of employees, &c., guilty of misdemeanor.

Form of 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 active 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.

.....day of.....18.....

A.....B.....Sheriff or Tax Collector.

For serving notice the sheriff shall receive twenty-five cents, and if judgment is rendered the justice shall receive twenty-five cents as costs.

Fees.

#### LIST-TAKERS AND 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.

Township assessors.

Duty of list-takers and assessors.

Chairman.

Board authorized to administer oaths.

Duration of assessment.

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.

List-takers and assessors for towns or cities of more than 2,000 inhabitants.

For wards in cities, &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

Notice to taxpayers to list property, &c.

When returns to be made.

List-takers and assessors to attend at two or more places in township.

Return of assessments to be made on or before first Monday in July.

Affidavit.

County board of equalization.

Chairman.

Duties.

Increase of valuation.

Reduction of valuation.

Real property.

Compensation of list-takers and assessors.

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.

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 valuation 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.

Compensation of board of equalization.

How paid.

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 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.

List-takers in years when there is no assessment.

City, &c., wards.

Compensation of list-takers.  
How paid.

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: *Provided*, the county commissioners shall be the judges 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.

Accounts of list-takers and assessors, how made out.

When entitled to compensation.  
Proviso.

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 list-takers to give notice to taxpayers.

When returns to be made.  
List-takers to attend at two or more places.

township for the purpose of taking a list of property for taxation.

Taxpayers to list verified statement of taxable property.

Personal property held by non-resident trustee, how listed, &c.

Personal property held by guardian, &c., where listed.

Exemption from municipal taxation in certain cases.

Misdemeanor to surrender certificates of deposits, &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.

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: *Provided*, 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, executor 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 any one 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.

Bank cashier to furnish list of shareholders, &c., to commissioners.

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 in which 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.

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 interests.

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 purposes 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 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.

Polls and personal property, where listed.

Residence of corporation, &c.

Shares of stock in corporation, how listed.

Banks excepted.

Tax payable by corporations. Branch banks.

SEC. 15. At the time and place appointed by the list-taker the taxpayer in person, except as provided in section twelve, shall

Taxpayer to list property on oath.

Form of oath.	attend and 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 fixed 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.
Perjury. Property held in trust, &c., how listed.	
What tax-list shall state.	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:
Land.	(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.
Live stock.	(2.) The number of horses, mules, jacks and jennies in one column, goats, cattle, hogs and sheep separately, with the true value thereof.
Farm utensils, furniture, &c.	(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.
Money on hand, &c.	(4.) Money on hand, including all funds invested within thirty days before, in United States bonds or other non-taxable property whatever.
Solvent credits.	(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 account, or due and payable; whether owing by any state or government, county, city, town or township, individual, company or corporation.
Stock of building and loan associations, how listed.	(6.) All foreign building and loan associations doing business in this state shall by their secretary or treasurer list for taxation its stock held by citizens of this state in the county, city or town where the owners of said stock reside. That, in listing said stock for taxation, the withdrawal value, as fixed by the by-laws of each company, shall be furnished the list-taker and

See loan ass'n to Community  
115-410

stock shall be valued for taxation as other moneyed the investments of citizens of this state. That any association or officer of said association doing business in this state who shall fail or refuse to so list shares of stock owned by citizens of this state for taxation, shall be barred from doing business in this state; and any local officer or person who shall collect dues, assessments, premiums, fines or interests from any citizen of this state for any such association which has failed or refused to list for taxation the stock held by citizens of this state, shall be guilty of a misdemeanor, and subject to fine and imprisonment, or both, in the discretion of the court. That all of said taxes shall be paid by the association listing said stock.

Penalty for failure to list.

Misdemeanor.

Taxes to be paid by association.

Certificates of deposit, cotton, tobacco, &c.

(7.) 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 on market value. The party may deduct from the amount of his credits owing to him the amount of collectable debts owing by him as principal debtor.

Deductions.

(8.) 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.

(9.) All other personal property whatever, including therein all cotton in seed or lint, tobacco, either in leaf or manufactured, turpentine, rosin, tar, brandy, whiskey, 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.

(10.) 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.

(11.) If the party be a non-resident of the county and owns lands therein, the list 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-takers 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

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.

Refusal of taxpayer to answer questions, &c., a misdemeanor.

Duty of list-taker to prosecute.

Power to send for persons, papers, &c.

List-takers to correct assessments of land on which buildings have been erected or destroyed.

Exemptions.

Public property.

Property of university, colleges, churches, &c.

Proviso.

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 question 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.

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 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 value may have been erected, or on which any structure of the like value shall have been destroyed, agreeably to the returns 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 use as parsonages, the same being the property of any religious denomination or society: *Provided*, that all 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,* Proviso.  
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 Graveyards, &c.  
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 individ- \$25 personal  
ual tax-payer. property.

SEC. 21. The auditor of the state shall prepare forms to be Auditor to pro-  
used in assessing and listing property for taxation by the vide forms.  
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 four years and the list-takers' forms annually.

How often  
furnished.

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 occu-  
pants and supposed owners, 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 sub-  
scribe 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 or  
affirm 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, com-  
pany 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

Oath of list-  
taker.

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.

#### Perjury.

Commissioners  
to revise tax-list  
after notice.

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 cause the register of deeds to 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 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 com-  
missioners.

#### Increase of tax.

Complaints of  
over-valuation  
or excessive tax-  
ation.

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-

takers 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.

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 the 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.

Application for relief after settlement by sheriff.

SEC. 27. If a sheriff or tax collector shall, in consequence of an error in the abstract 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.

Reimbursement of sheriff paying treasurer more taxes than are properly chargeable against him.

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

Double tax on unlisted property and polls.

Wilful failure to list, &c., a misdemeanor.

Duty of list-takers to report changes as to real estate.

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.

Unlisted land.

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: *Provided*, this shall not

Back taxes.

Additional tax.  
Assessment.

apply beyond five years. In all cases where any personal property, choses in action or any property, except land, liable to taxation, shall have been omitted or shall be omitted in any future year from the tax-lists by the owner or person required by law to list the same, the board of commissioners shall enter the same on the duplicate of the next succeeding year and shall add to the taxes of the current year the simple taxes of each and every preceding year, not exceeding five years, in which such personal property as aforesaid shall so have escaped taxation, as far back as the said personal property shall have escaped taxation, not exceeding five years, and the said board of commissioners shall value and assess the personal property aforesaid for those years, and are empowered to examine witnesses and to call for papers to determine the value and to ascertain the persons liable for the tax upon said personal property: *Provided*, that the provisions of this section shall extend and apply to all cities, towns and the like municipal corporations having the power under their charters to tax the property aforesaid, and the powers and duties herein imposed upon the board of commissioners of the county shall be exercised and performed by the board of commissioners or board of aldermen, as the case may be, of the city, town or the like municipal corporation.

Limited to five years.  
Unlisted personalty, &c.

Back taxes limited to five years.

Commissioners empowered to examine witnesses, &c.

Applies to cities and towns.

Aldermen, &c., to exercise powers of county commissioners.

Register of deeds to make out two copies of revised tax-list for each township.

SEC. 30. The board of county commissioners shall cause the register of deeds to make out two copies of tax-list for each township, as revised and settled by him 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. 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.

*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.*

The board of county commissioners shall also cause the register of deeds to make out duplicates of the tax-list, to be made in stub books with blank receipts, for the use of the sheriff or tax collector.

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.

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

What to show.

Order of collection to be endorsed upon copy given to sheriff.  
Effect of order.

Appeals to be noted.

Form of order of collection.

Duplicates of tax-list, &c.

Lien of agent paying tax, &c.

Clerk to return abstract of tax list to auditor by first Monday in November.

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 forfeit 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.

How valuation of land apportioned in case of division.

SEC. 34. In case, within the interval between the regular periods of the valuation of lands or 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.

Proviso.

Taxes, when due.

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

Sheriff to give receipts.

county tax separately, and the date of payment; and for the 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 for the same with a 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.

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.

When and where sheriff, &c., to attend for collection of taxes.

Notice.

Proviso.

Fees.

When sheriffs to levy in certain counties.

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 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: *Provided*, 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. The sheriff or tax collector shall be entitled to fifty cents for each actual levy or sale and 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 personal property: *Provided*, that the sheriffs of the counties mentioned in chapter one hundred and fifty of the laws of one thousand 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.

When sheriffs to attend in township for collection of taxes, &c.

Costs, &c.

How sheriff to collect.

Sale of personal property.

Insolvent taxes, when and how allowed sheriff.

Sheriff to publish list of insolvents, &c., at court-house door, &c.

The sheriffs of said counties, or their regular 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 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 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.

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 list 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. 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:

- (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.

SEC. 40. The stockholders in every bank located within this state, whether such bank has been organized under the laws of this state or 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 share shall be listed in the name of 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 restrictions that taxation of such shares shall not be at a greater

Stockholders in banks, how and when taxed.

Stock, how listed.

Payment of state tax.

Rate of taxation.

How listed for county, school and municipal taxation.

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.

#### 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 time fixed by this chapter for listing personal property, make out and furnish the assessor a sworn statement showing :

What to show.

- (1.) The amount of property on hand and in transit.
- (2.) The amount of funds in the hands of other banks, bankers or brokers and 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 or 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.

Property, how listed.

- (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.

## 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, &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 Pullman or sleeping-cars owned by them or operated over their lines: *Provided, however,* that all machine and repair shops, general office buildings, store-houses, 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 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

President, &c., 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.

To send local rate of taxation to board.

Mayors to send  
rate of municipal  
taxation.

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.

Rolling stock,  
when and how  
listed.

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 kind of cars, and the value thereof. And a statement or schedule as follows:

Schedule.

(1.) The amount of capital stock authorized and the number of shares into which such capital is divided.

(2.) The amount of capital stock paid up.

(3.) The market value, or if no market value, then the actual value of the shares of stock.

(4.) The length of line operated in each county and the total in the state.

(5.) The total assessed value of all its tangible property in this state.

(6.) And all the information heretofore required to be annually reported by section nineteen hundred and fifty-nine of The Code. 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.

Board to pre-  
scribe instruc-  
tions and forms.

Method of valua-  
tion by board.

SEC. 45. The said commissioners shall first determine the value of each railroad, rolling stock, and all other property, 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 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 commissioner shall make and forward a like certifi-

Duty of board.



cate, 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 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.

Taxes due state,  
how paid.

When treasurer  
to institute  
action.

What taxes to be  
assessed by  
county commis-  
sioners.

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 an-  
other, 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 exempted 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  
residue.

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

Leased roads,  
how assessed.

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.

Board empowered to summon witnesses, &c.

Refusal of officer to attend, &c., a misdemeanor.

Penalty.

Proceedings 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 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, or 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, the property of all canal and steamboat companies in this state, shall be assessed for taxation as above provided for said roads. In case any officer fails to return the property as provided in this section, the commissioners 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 successive weeks preceding the sale in a newspaper in his county having a general circulation therein, which newspaper shall be designated by the sheriff; *Provided*, the same be given to the lowest bidder. 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 court-house 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 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. No land shall be sold for taxes unless the taxpayer has not sufficient personal property to pay same situated in the county where the tax is due.

Proviso.

What notice to contain.

Expense of advertising, how paid.

Land not to be sold unless personal property insufficient.

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

Sheriff failing to attend sale guilty of a misdemeanor or. Penalty.

Penalty for knowingly selling real estate not subject to taxation, &c.

Sales void.	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.
Penalty for sheriff being interested in purchase of real estate and for taxes.	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 void.	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.
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 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. Said certificate shall be substantially in the following form, to-wit:
Purchaser entitled to certificate.	
Presumptive evidence.	
Additional lien for other taxes.	
Tax receipt.	
Purchaser of more than one parcel of land.	

#### CERTIFICATE OF SALE.

STATE OF NORTH CAROLINA, ..... COUNTY.

Form of certificate.

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.*

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.

Certificate  
assignable.

Statement in  
sheriff's deed  
presumptive  
evidence.

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.

Sheriff's fees and  
deed.

Sheriff to make  
memorandum of  
deed in sale  
book.

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

Redemption of  
land sold for  
taxes.

Sheriff to make  
memorandum of  
redemption, &c.

Redemption of  
lands of infants,  
&c.

To whose benefit redemption to inure.

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.

Effect of second sale of real estate for taxes.

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.

Partial redemption by person claiming an undivided interest.

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.

Effect of partial redemption.

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.

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 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: *Provided*, when a sheriff or tax collector has made due sale of land for taxes and dies before executing a deed thereto, or when a sheriff or tax collector dies, and in collecting taxes due on lists that were in his hands for collection, his executor or administrator, or any one acting for the sureties on his bond, shall have made sale for taxes as contemplated by law in all such cases, his successors or the sheriff

By whom deed made if sheriff dies.

then in office shall be the proper person to execute a deed or conveyance to the person entitled to the same.

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:

Registration and effect of deed.

STATE OF NORTH CAROLINA, ..... COUNTY.

Form of deed.

Whereas, at a sale of real estate for the non-payment of taxes made in the county aforesaid on the ..... day of ....., 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, her 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.*

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:

Deeds to be presumptive evidence of certain 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.

In controversies concerning title, what adverse claimant required to prove.

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.

Proviso.

Proviso.

County to hold purchaser harmless in certain cases.

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 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.

Liability of sheriff, &c.

County to have credit for state taxes paid to purchaser.

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.

Duty of sheriff when land not subject to taxation, &c., is sold.

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.

Action for land sold for taxes to be brought within three years.

Proviso.

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*.

Validity of acts of officers *de facto*.

SEC. 71. No sale of real property for taxes shall be considered void on account of the same having been charged in in any other name than that of a rightful owner, if the said property be in other respects sufficiently described.

Sale of real estate charged in other name than that of owner.

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.

Evidence of sale by records, &c.

SEC. 73. Irregularities in making assessments and in making

Sale not invalidated by irregularities in assessment, &c.

Certain defects, &c., to be deemed mere irregularities.

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 proceedings, the assessments 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 assessors 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 taxes 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 a proper and definite description of the property so defectively or indefinitely described; any other irregularity, informality or neglect or omission on the part of any or in any proceedings, 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.

SEC. 75. That when any corporation doing business in this

state shall fail or neglect to pay any taxes 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 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 the taxes due, the letters shall be revoked and publication made to that effect, the cost of which shall be paid by the county.

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.

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 assessments 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 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

Injunction to restrain collection of taxes, when granted.

When action for claim and delivery will be against sheriff.

Duty to pay tax claimed to be invalid and afterwards bring action, &c.

Judgment, how collected.	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.
Counties, &c., not authorized to remit taxes, &c.	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 jurisdictions 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 of equalization of taxes.
Action against commissioners.	
Exemption.	
Taxes on personal property not collectable, stricken from list, &c.	SEC. 78. Whenever it shall appear from the returns of the sheriff that any person charged with taxes on personality 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.
Auditor to give credit, and treasurer to pay.	
Unlawful for city or town collector to discount county, &c., warrant.	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.
Penalty.	
Owner of certificate of tax sale authorized to bring action to foreclose.	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 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 or 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.

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.

Certificate invalidated if owner fails to demand deed, or bring action within two years.

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, tax sales and receipts for taxes paid at the rate of twenty per centum from the date of each payment until the rendition of the decree of foreclosure, which decree shall draw interest as in other cases.

Interest.

#### 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:

Definitions.

(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,

Banks, &c.

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 valuable things due or to become due, including money on deposit.

"He." (5.) *He*.—Male, female, company, corporation, firm, society, singular or plural number.

Real property. (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 whatever kind thereon, and all rights and privileges belonging or in any wise belonging thereto, except where the same may be otherwise denominated by this act.

Shares of stock. (7.) *Shares of Stock—Shares of Capital Stock*.—The shares into which the capital stock of every incorporated company or association may be divided.

Tax; taxes. (8.) *Tax—Taxes*.—Any taxes, special assessments or costs, interest or penalty imposed upon property.

#### MISTAKES IN ASSESSMENTS.

Correction of errors on assessment roll by commissioners.

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 assessors 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

Notice to person affected.

When proceeding to correct error to be instituted.

the time the taxes would, if regularly assessed, have become delinquent.

#### 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 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.

Purchase of real estate sold for taxes by commissioners for use of county.

Sheriff to issue certificates.

Assignment of certificate.

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 said 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 said lot or lots at any time for the amount of said delinquent taxes without the interest, and may sell and assign the tax certificate thereof for an amount not less than fifty per centum of the amount expressed in such certificate.

When commissioners may assign certificates, &c.

Lots in cities, &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 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

Mayors of cities &c., authorized to purchase, &c.

Assignment.

the city or town by the sheriff when a certificate for the same tract or lot has been issued to the county commissioners.

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 when 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.

When and how mayor to assign certificates and pay state and county taxes.

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.

#### FORECLOSURE OF TAX LIENS BY COUNTY COMMISSIONERS.

County commissioners authorized to bring actions to foreclose, &c.

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 owners of such real estate to the owner and holder of such certificates or liens for the amount therein expressed, together with such subsequent and prior taxes due thereon; and that at such sale the county com-



missioners may, if they deem best, purchase in the name of their respective counties such real estate.

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 case 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.

May purchase for county.  
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 provisions of the tax or revenue laws of this state a lien upon any real property for taxes assessed thereon may enforce such lien by any 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 cost 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 deemed entitled to foreclose such lien under the provisions 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 no wise interfere with the rights granted in this act.

Holders of certificates of purchase entitled to foreclose.

Proviso.

#### PROVISIONS FOR COLLECTING TAX AND BY WHOM TO BE PAID.

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.

Lien of taxes upon railroads.

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.

Road-bed, &c., declared personal property.

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

Penalty for removal of personal property, &c., to avoid listment.

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 to 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 lands as tenant 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 neglected 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 person may have sustained by such neglect.

Sale of land.

Estate forfeited to remainderman, &c.

Remainderman, &c., may redeem.

Action for damages.

Person having a lien on land may pay taxes, &c.

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.

Payment of proportionate part of tax on lands by joint tenants, &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 or proportions of the tax and penalty charged or chargeable on said land, and partitions 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 portion of said tax or tax and penalty remaining unpaid in the same manner as if said partition had been made before said 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 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.

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.

#### SHERIFF TO KEEP RECORD—SETTLEMENT OF TAXES.

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

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.	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.
To post copy.	
When and how sheriff to settle state taxes.	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 officers 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 for 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.
Duty of commissioners.	
Duty of treasurer.	
Sheriff to file duplicate list with commissioners.	
How sheriff to be charged.	
Duty of auditor.	
Deductions.	SEC. 104. The auditor, in making the settlement of the amount due from the sheriff or tax collector aforesaid, shall deduct from the lists returned:
Insolvent taxes on personal property.	(1.) Taxes on personal property certified by the clerk of the commissioners of the county, by order of the commissioners, to be insolvent and uncollectable.
Over-payments in former settlements.	(2.) All over-payments made in former settlements by reason of any error in the clerk's abstract of taxables.
Commissioners.	(3.) Five per centum of commission on the amount collected.
Compensation of sheriff for settlement with treasurer.	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 usual route of travel for twice the distance between the courthouse and the place designated by the state treasurer, to be paid by him on the warrant of the auditor upon certificate of the sheriff or tax collector, duly verified before the board of commissioners:

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 settlements, and to take 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 or 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 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 the obligation 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. If the sheriff or other accounting officers shall fraudulently and corruptly fail to account as aforesaid, or shall fraudulently make any deed to the contrary under section eighty-seven (eighty-five) 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.

Failure of sheriff to settle.

Duty of auditor.

Treasurer to recover summary judgment.

Superior court clerks to furnish copy of sheriff's bonds to auditor.

Penalty.

Fraudulent failure of sheriff to settle.

Penalty.

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 meeting of the amount in his hands. On or

When and how sheriff to settle county taxes.

Penalty for retaining taxes.

Monthly statement to commissioners.

To account with  
county treas-  
urer.

Penalty.

Proviso.

State treasurer  
with approval of  
attorney-gen-  
eral may grant  
indulgences.

Account of  
sheriff for  
county taxes,  
how stated.

Extension of  
time.

Penalty for ex-  
hibiting in ac-  
count money not  
derived from  
taxes.

Penalty for using  
taxes otherwise  
than as directed  
by law.

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 interest 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 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 uncollectable 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 the respective counties to such time as they may deem expedient, not to extend beyond the first of May in the year following 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 commisssoners, at their last regular 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 account 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 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, of which a tax collector has been or may be appointed, it shall be incumbent upon the tax collector to

Duties of tax-collector.

Compensation  
and penalties.

perform the said office instead of the sheriff, and such tax collector shall collect all the taxes, have all the emoluments, and be subject to all the penalties as provided in case of sheriff 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 power 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 collecting 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 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 12th day of March, A. D. 1895.



## CHAPTER 120.

**An act to validate certain probates of deeds.***The General Assembly of North Carolina do enact :*

SECTION 1. That where the probates of a deed or other instrument, executed by husband and wife, has been taken as to the husband and the wife by different officers having the power to take probates of deeds, whether both officers reside in this state, or one in this state and the other in another state, the said probate or probates, in the cases mentioned, shall be valid to all intents and purposes, and all deeds and other instruments required to be registered, and which have been ordered to registration by the proper officer in this state, and upon such probate or probates, and have been registered, shall be taken and considered as duly registered, the same as if the said deeds or other instruments have been ordered to registration and registered upon a valid probate.

Certain probates  
registrations de-  
clared valid.

SEC. 2. That the word "probate," as used in this act, shall include privy examination of the wife.

Probate to in-  
clude privy  
examination.

SEC. 3. This act shall take effect and to be in force from and after its ratification.

Ratified the 2d day of March, A. D. 1895.

## CHAPTER 121.

**An act for the relief of the late sheriff of Davidson county.**

THAT WHEREAS, P. D. Leonard, sheriff of Davidson county for the years 1885, 1886, 1887, 1888, 1889 and 1890, died without having collected all the taxes for said years; and whereas, the sureties of said P. D. Leonard have chosen and designated John F. Ward, one of the sureties and administrator of said P. D. Leonard, to collect the arrears of taxes for said years; now, therefore:

Preamble.

*The General Assembly of North Carolina do enact :*

SECTION 1. That said John F. Ward be, and is hereby, authorized and empowered to collect the arrears of taxes due for the said years 1885, 1886, 1887, 1888, 1889 and 1890, under such rules and regulations as are or may be prescribed by law for the collection of taxes, with all the power of a tax collector.

John F. Ward  
authorized to  
collect back  
taxes for certain  
years.

SEC. 2. That this act shall not authorize the collection of any insolvent taxes, where the same shall have been credited to the

Exemptions.

said P. D. Leonard. That nothing in this act shall authorize or empower the said John F. Ward to collect taxes from any person who makes oath, before some person authorized to administer oaths, that the tax attempted to be collected has been paid; that said John F. Ward is not authorized or empowered to collect any tax from any administrator, executor or guardian or out of the estate of minors.

Termination of authority.

SEC. 3. That the authority hereby given to collect the said arrears of taxes shall cease and determine two years from the ratification of this act.

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

Ratified the 2d day of March, A. D. 1895.

## CHAPTER 122.

### An act to prevent the adulteration, misbranding and sale of foods.

*The General Assembly of North Carolina do enact:*

Bringing of adulterated food into state prohibited.

SECTION 1. That the introduction into the state of any article of food which is adulterated or unbranded, within the meaning of this act, is hereby prohibited; and any person who shall knowingly violate any provision of this act shall be guilty of a misdemeanor, and for such offence shall be fined not exceeding two hundred dollars for the first offence, and for each subsequent offence, not exceeding three hundred dollars, or be imprisoned not exceeding one year, or both, in the discretion of the court.

Misdemeanor.

"Food," defined.

SEC. 2. The term "food," as used herein, shall include all articles used for food or drink by man, whether simple, mixed or compound. The term "misbranded," as herein used, shall include all articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement purporting to name ingredients or substances as being contained, or not being contained, in such article, which statement shall be false in any particular.

"Misbranded" defined.

Adulteration, what deemed to be.

SEC. 3. That for the purpose of this act an article shall be deemed to be adulterated in case of food or drink, first: If any substance, or substances, has or have been mixed and packed with it so as to reduce, or lower, or injuriously affect, its quality or strength, so that such product, when offered for sale, shall be calculated and shall tend to deceive the purchaser; second, if

any inferior substance or substances, has or have been substituted, wholly or in part, for the article, so that the product, when sold, shall tend to deceive the purchaser; third, if any valuable constituent of the article has been, wholly or in part, abstracted, so that the product, when sold, shall tend to deceive the purchaser; fourth, if it be an imitation of, or sold under, the specific name, brand or trade-mark of another article; fifth, if it be mixed, colored, powdered or stained in a manner, whereby damage is concealed, so that such product, when sold, shall tend to deceive the purchaser; sixth, if it contain any added poisonous ingredient, or any ingredient which may render such article injurious to the health of the person consuming it; seventh, if it consists, of the whole or any part, of a discarded, filthy, decomposed or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal which has died otherwise than by slaughter: *Provided*, that an article of food which does not contain any added poisonous ingredient shall not be deemed adulterated or misbranded, in the following cases: First, in the case of mixtures or compounds which may be now, or from time to time hereafter, known as articles of food under their own distinctive names, and not included in definition fourth of this section; second, in the case of articles labeled, branded or tagged so as to plainly indicate that they are mixtures, compounds, combinations or blends; third, when any matter or ingredient has been added to the food because the same is required for the production or preparation thereof as an article of commerce in a state fitter for carriage or consumption and not fraudulently increase the bulk, weight or measure of the food or conceal the inferior quality thereof: *Provided*, that the same shall be labeled, branded or tagged so as to show them to be compounds: *And provided, further*, that nothing in this act shall be construed as requiring or compelling manufacturers of articles of food to disclose their trade formulas; fourth, when the food is unavoidably mixed with some extraneous matter in the process of collection or preparation.

Proviso.

Proviso.

SEC. 4. That this act shall not be construed to interfere with commerce, or any inter-state commerce laws, of the United States.

Not to conflict with commerce.

SEC. 5. That any article of food that is adulterated or misbranded, within the meaning of this act, or is transported or being transported into the state for sale, and is still in the original or unbroken packages, shall be liable to be proceeded against in any court of this state, within the district where the

Original packages to be proceeded against by a process of libel.

Libel proceed-  
ings.

same is found, and seized for confiscation by a process of libel for condemnation. And if such article is condemned as being adulterated or misbranded, the same shall be disposed of as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the treasury of the state. The proceedings in such libel cases shall conform, as near as may be, to proceedings in admiralty, except that either party may demand trial by jury on any issue of fact joined in such case, and all such proceedings shall be at the suit of and in the name of the state of North Carolina.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified the 2d day of March, A. D. 1895.

## CHAPTER 123.

### An act to appoint cotton weighers in Wake county.

*The General Assembly of North Carolina do enact:*

Four cotton  
weighers to be  
appointed for  
Raleigh by ma-  
gistrates and  
commissioners.

Term of office.

Proviso.

SECTION 1. That on the first Monday in June, one thousand eight hundred and ninety-five (1895), and every year thereafter, the magistrates and commissioners, or trustees, in joint session, shall appoint four cotton weighers for Raleigh market, all four to serve from the first of September until the last day of December of the same year of their appointment. Two to serve January, February, March and April. Two to serve May, June July and August, of the next year after their appointment, as they may agree among themselves: *Provided*, that the commissioners and magistrates may appoint one cotton weigher for any other market in Wake county.

To give bond.

Compensation.

Conflicting laws  
repealed.

Applies only to  
Wake county.

SEC. 2. That the appointees of section one of this act shall honestly and faithfully perform their duties, as prescribed in The Code; for the guarantee, they shall give a justified bond of five hundred dollars, payable to the state of North Carolina; action to be brought by buyer or seller.

SEC. 3. That the cotton weigher shall receive for his services seven cents for every bale, bundle or package by him weighed, to be paid by the seller.

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

SEC. 5. That this act shall apply to Wake county only.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified the 4th day of March, A. D. 1895.



## CHAPTER 124.

**An act for the relief of J. G. Grant, sheriff of Henderson county.***The General Assembly of North Carolina do enact:*

SECTION 1. That the time for the collection of taxes for one thousand eight hundred and ninety-three (1893), county and special, in the county of Henderson, shall be extended until the first day of January, one thousand eight hundred and ninety-six (1896), and that J. G. Grant, sheriff and tax collector for said county, shall have all the powers and authority to collect the unpaid taxes on the tax-list in his hand for one thousand eight hundred and ninety-three (1893) that existed prior to September first (1), one thousand eight hundred and ninety-four (1894).

Time for collecting taxes for 1893 in Henderson county extended to January 1st, 1896.

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

Ratified the 2d day of March, A. D. 1895.

## CHAPTER 125.

**An act for the relief of the ex-sheriff of Pamlico county.***The General Assembly of North Carolina do enact:*

SECTION 1. That Thomas Campen, ex-sheriff of Pamlico county, be, and is hereby, authorized to collect, for the benefit of himself and the county, the arrears of taxes due him and the county, for the years one thousand eight hundred and ninety-one (1891), one thousand eight hundred and ninety-two (1892), one thousand eight hundred and ninety-three (1893), under the rules and regulations prescribed by law for the collection of taxes.

Ex-sheriff of Pamlico county empowered to collect back taxes for 1891, 1892, and 1893.

SEC. 2. That the authority hereby given to collect arrears of taxes shall cease and determine on the first day of January, one thousand eight hundred and ninety-seven (1897).

Termination of authority.

SEC. 3. That no person shall be compelled to pay any tax under this act who holds a receipt in full for the years one thousand eight hundred and ninety-one (1891), one thousand eight hundred and ninety-two (1892) or one thousand eight hundred and ninety-three (1893), or who shall make an affidavit before any one authorized to administer oaths that the same has been paid.

Who exempt from payment.

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

Ratified the 5th day of March, A. D. 1895.

## CHAPTER 126.

**An act to make Little river, in Alleghany county, a lawful fence.**

*The General Assembly of North Carolina do enact:*

Little river, in Alleghany county, a lawful fence.

SECTION 1. That Little river, in Alleghany county, be, and the same shall hereafter be, a lawful fence from a point below the Douglass ford of said river, where the lands of Morgan Edwards adjoins the lands of George Edwards, about seventy-five (75) rods below said ford, to the sandy ford of said river, near Isham Cox's.

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

Ratified the 5th day of March, A. D. 1895.

## CHAPTER 127.

**An act to make all scrips, checks, due-bills, or other evidences of debt, issued by any person, company or corporation, payable in money, at the option of the holder.**

*The General Assembly of North Carolina do enact:*

Scrip, &c., payable in money at option of the holder.

SECTION 1. That all scrips, checks, due-bills, or other evidences of debt, issued by any person, company or corporation, as evidence of the indebtedness of such person, company or corporation, shall be payable in money at the option of the holder of such scrips, checks, due-bills, or such other evidence of indebtedness.

Cannot be made non-transferable. Proviso.

SEC. 2. That no such scrip, check, due-bill, or other evidence of debt, shall be made non-transferable: *Provided*, that this act shall not be so construed as to force the payment, in cash, of any order that was issued with the express understanding and agreement that it was to be paid in something other than cash.

Right of set off and counter claim preserved.

SEC. 3. That nothing in this act shall affect the right of set-off and counter claims between the payer and payee.

Sections 2493 and 2494 of Code not abrogated or repealed. Proviso.

SEC. 4. That nothing in this act shall be construed to legalize the issuing of said scrips, checks, due-bills, or other evidence of debts, or to abrogate, amend or repeal sections two thousand four hundred and ninety-three (2493) and two thousand four hundred and ninety-four (2494) of chapter thirteen (13), volume two (2), of The Code of North Carolina: *Provided*, nothing in this law shall apply to the exchange of products of labor by

any benevolent or charitable organization doing business with a view to the relief of the unemployed: *Provided*, that this act do not apply to Rutherford county. Proviso.

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

Ratified this 5th day of March, A. D. 1895.

## CHAPTER 128.

**An act for the relief of T. C. Israel, late sheriff of Henderson county.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That T. C. Israel, late sheriff of Henderson county, is empowered to collect all taxes due for the years one thousand eight hundred and eighty-eight (1888), one thousand eight hundred and ninety (1890), one thousand eight hundred and ninety-one (1891), one thousand eight hundred and ninety-two (1892), under such rules and regulations as are, or may be, prescribed by law for the collection of taxes, with all the powers to collect taxes. Late sheriff of Henderson county authorized to collect back taxes for certain years.

SEC. 2. *Provided*, That no person shall be compelled to pay any tax under the provisions of this act, who shall make oath before any one authorized by law to administer oaths, that he or she has paid the same, or that he or she has a counter claim, or set off, existing in their power against the said sheriff. Proviso.

SEC. 3. That this act shall take effect from and after its ratification.

Ratified the 5th day of March, A. D. 1895.

## CHAPTER 129.

**An act authorizing the county commissioners of Randolph county to sell and convey a portion of the county home lands in said county.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the county commissioners of Randolph county are hereby empowered and authorized to sell and convey a portion of the county home lands of said county. County commissioners of Randolph empowered to sell portion of county home.

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

Ratified the 5th day of March, A. D. 1895.

## CHAPTER 130.

**An act to repeal chapter 469 of Public Laws of 1893.***The General Assembly of North Carolina do enact :*

Chapter 469, public laws 1893 (as to taxes in portion of Wilkes county cut off to form part of Alleghany), repealed.

Sections 2 and 3, chapter 166, laws 1891 (authorizing sheriff of Wilkes to collect taxes in said territory, &c.), re-enacted.

SECTION 1. That chapter four hundred and sixty-nine (469) of the public laws of North Carolina for the year eighteen hundred and ninety-three (1893) be, and the same is hereby, repealed, and sections two (2) and three (3) of chapter one hundred and sixty-six (166) of the laws of eighteen hundred and ninety-one (1891), are hereby re-enacted.

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

Ratified the 2d day of March, A. D. 1895.

## CHAPTER 131.

**An act to amend sections one (1) and three (3) of chapter four hundred and forty-eight (448) of the laws of one thousand eight hundred and ninety-three (1893), and to add other sections.***The General Assembly of North Carolina do enact :*

Section 7, chapter 448, public laws 1893 (as to application of taxes collected on C. F. & Y. V. R. R. in Sauratown and Meadow townships, Stokes county), amended so as to apply to Danbury township also.

SECTION 1. That section one (1) of chapter four hundred and forty-eight (448) of the laws of one thousand eight hundred and ninety-three (1893) be amended as follows: After the word "be," in line seven (7), insert the following: "divided into two equal shares, one-half thereof to belong to Sauratown township, and the other half thereof to belong to the territory now embraced in Meadow and Danbury townships, to be divided between said Meadow and Danbury townships, in proportion to the amount of taxes paid by said territory now embraced in Danbury and Meadow townships, respectively, to the Cape Fear and Yadkin Valley railroad company, and shall be." Also, insert after the word "Sauratown," in line eight (8) of said section, the word "Danbury."

Section 3 of said act amended; to apply to Danbury township.

SEC. 2. And that section three (3) of said chapter be amended by striking out the word "constructed," in line two (2), and inserting in lieu thereof the word "contracted," and by striking out all of said section after the word "the," in line five (5), and inserting in lieu thereof the following: "territory now embraced in Meadow and Danbury townships, and also Sauratown township, shall be fully reimbursed, principal and interest, for the



amount paid by said above named territory to the Cape Fear and Yadkin Valley railroad company out of said county taxes upon said Cape Fear and Yadkin Valley railroad, then this act shall be inoperative, and all such taxes thereafter collected from said railroad shall be paid into the general county fund," so as to make section one (1) read as follows: "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, of said county of Stokes; and the same so, respectively, paid each year on the property in each of said townships by said railroad company, shall be divided into two equal shares, one-half thereof to belong to Sauratown township, and the other half to belong to the territory now embraced in Meadow and Danbury townships, to be divided between said Meadow and Danbury townships in proportion to the amount of taxes paid by said territory now embraced in Danbury and Meadow townships, respectively, to the Cape Fear and Yadkin Valley railroad company, and shall be expended exclusively within the said Sauratown and Meadow and Danbury townships, respectively, for reforming the public roads, building bridges, extending schools, or such other purposes as the commissioners may deem best, and not otherwise." And section three (3) of said chapter to read as follows: "Section 3. That whenever the bonded debt, principal and interest, of said townships, contracted in aid of the Roanoke and Southern, now the Norfolk and Western, railroad, shall have been fully paid by said county taxes on said road, and the territory now embraced in Meadow and Danbury townships, and also Sauratown township, shall be fully reimbursed, principal and interest, for the amount paid by said above named territories to the Cape Fear and Yadkin Valley railroad company out of said county taxes upon said Cape Fear and Yadkin Valley railroad, then this act shall be inoperative, and all such taxes thereafter collected from said railroad shall be paid into the general county fund."

Section 1, as amended.

Section 3, as amended.

SEC. 3. And the commissioners of said county of Stokes are hereby required to administer and enforce chapter four hundred and forty-eight of the public laws of one thousand eight hundred and ninety-three (1893), as herein amended, the same as if the said amendments herein made had been included in the aforesaid chapter, as ratified on the sixth (6) day of March, one thousand eight hundred and ninety-three (1893).

Commissioners to enforce said act, &c.

SEC. 4. This act shall be in force from and after its ratification. Ratified the 2d day of March, A. D. 1895.

## CHAPTER 132.

**An act to make a wire fence in Randolph county a lawful fence.***The General Assembly of North Carolina do enact:*

Certain wire fence declared a lawful fence in Randolph county.

SECTION 1. That a wire fence four feet high, with eight smooth or six barbed wires to the panel, shall be a lawful fence in Randolph county.

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

Ratified the 2d day of March, A. D. 1895.

## CHAPTER 133.

**An act to amend section two (2,) chapter three hundred and twenty (320), laws of eighteen hundred and ninety-one.***The General Assembly of North Carolina do enact:*

Section 2, chapter 320, public laws of 1891, amended. Salary of R. R. commissioner reduced to \$1,500.

SECTION 1. That section two, of chapter three hundred and twenty (320), of the laws of eighteen hundred and nine-one (1891), be amended as follows: Strike out, in line two of said section, the words "two thousand," and insert in lieu thereof the words "fifteen hundred."

When to take effect.

SEC. 2. That this act shall not take effect until the expiration of the term of J. W. Wilson.

Ratified the 5th day of March, A. D. 1895.

## CHAPTER 134.

**An act to amend House bill 225, Senate bill 257.***The General Assembly of North Carolina do enact:*

Section one of House bill 225, Senate bill 267 of this general assembly amended.

SECTION 1. That house bill number two hundred and twenty-five (225), senate bill two hundred and fifty-seven (257), section one, be, and the same is hereby, amended, by inserting between the word "district," in line three (3), and the word "it," in line four (4), of said section, the following: "which said petition shall mention the rate of taxation desired to be levied," and in line twenty (20), of said section, between the word "poll" and the word "said," the following: "and the order of election," and notice of same, shall state the rate of taxation applied for, or mentioned in the aforesaid petition of freeholders.

Section 16 of said bill amended.

SEC. 2. That section sixteen (16) of said bill be amended by inserting between the word "county," and the word "only," in

line two (2), the words, "and to school district number twelve (12) in Sandy Ridge township, Union county."

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

Ratified the 5th day of March, A. D. 1895.

## CHAPTER 135.

An act to amend chapter seventeen (17) of the first volume of The Code, and restore to the people of North Carolina local self-government.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter seventeen (17) of the first volume of The Code, entitled "counties, county commissioners and county government," be, and the same and all amendments thereto are, amended as follows: by striking out the words "justices of the peace," "with the concurrence of a majority of the justices of the peace sitting with them," "and by a majority of the justices of the peace," wherever the same may occur.

Chapter 17, volume 1, of *The Code* amended.

Election of county commissioners taken from justices of the peace, &c.

SEC. 2. By striking out, in sub-section 10 of section 707, all of the same after the word "provided."

In regard to building bridges, &c.

SEC. 3. Sub-section twenty-eight (28) of section 707 is hereby repealed, and the following inserted in lieu thereof, viz.: To qualify and induct into office at the meeting of the board, on the first Monday in the month next succeeding their election or appointment, the following named county officers, to wit: Clerk of the superior court, clerk of the inferior court, sheriff, coroner, treasurer, register of deeds, surveyor, and constable; and to take and approve the official bonds of said officers, which the board shall cause to be registered in the office of the register of deeds. The original bonds shall be deposited with the clerk of the superior court, except the bond of the said clerk, which shall be deposited with the register of deeds, for safe keeping: *Provided, however,* that if the said board shall declare the official bonds of any of said county officers to be insufficient or shall decline to receive the same the said officer may appeal to the superior court judge riding the district in which said county is, or to the resident judge of said district, as he may elect, who shall hear said appeal in chambers, at any place in said district which he shall designate, within ten days after notice by him of the same, and if, upon the hearing of said appeal, the judge shall be of the opinion that the said bond is sufficient, he shall issue an order to the said board of commissioners to induct the said officer into

Substitute for sub-section 28 of section 707. Qualify and induct county officers.

Take and approve bonds.

Where bond to be filed.

Proviso.

Bond refused to commissioners.

Appeal to superior court judge, &c., allowed.

When and where appeal to be heard.

Effect of judge's decision, &c., and procedure under it.

New bond.

On failure to give bond, resident judge to appoint to fill vacancy.

Judgment of superior court judge final.

Substitute for section 716.

Commissioners to be elected by people.

When elected.

Three persons to constitute board.

Term of office.

Qualification.

Register of deeds to be clerk.

Additional commissioners.

When and by whom appointed.

Who to be appointed.

Qualification, &c.

office, or that he shall be retained in office, as the case may be; but if, upon the hearing of said appeal, the judge shall be of the opinion that the bond is insufficient, he shall give the appellant ten days in which to file before him an additional bond, and if the appellant shall, within the said ten days, file before the said judge a good and sufficient bond, in the opinion of said judge, he shall so declare and issue his order to said board directing and requiring them to induct the appellant into office, or retain him, as the case may be; but if, in the opinion of the said judge, both the original and the additional bonds are insufficient, he shall declare the said office vacant and notify the said commissioners, who shall notify the clerk of the superior court, who shall appoint to fill the vacancy, except in cases of the clerk of the superior court, which vacancy shall be filled by the resident judge. The judgment of the superior court judge shall be final. The appeal and the finding and judgment of the superior court judge shall be recorded on the minutes of the board of commissioners.

SEC. 4. That section seven hundred and sixteen (716) is repealed and the following substituted in lieu thereof, viz.: "There shall be elected in each county of the state, at the general election to be held in the year one thousand eight hundred and ninety-six (1896), and every two years thereafter, by the duly qualified electors thereof, three persons to be chosen from the body of the county, who shall be styled the board of commissioners for the county of ....., and shall hold their office for two years from date of their qualification and until their successors shall be elected and qualified; and they shall be qualified by taking the oath of office before the clerk of the superior court, or some judge or justice of the peace, and the register of deeds shall be, *ex officio*, clerk of the board of commissioners.

SEC. 5. That whenever as many as five electors of the county make affidavit before the clerk of the superior court, at any time after the election of the county commissioners, that they verily believe that the business of the county, if left entirely in the hands of the three commissioners elected by the people, will be improperly managed, that then upon petition of two hundred electors of said county, one-half of whom shall be freeholders, and so certified by the clerk of the superior court, made to the judge of the district, or judge presiding therein, it shall be the duty of said judge to appoint two honest and discreet citizens of said county, who shall be of a political party different from that of a majority of the board of commissioners, who shall, from their appointment and qualification, by taking the oath required for county commissioners, be members of said board of



commissioners in every respect, as fully as if elected by the people, and shall continue in office until the election and qualification of the successors of said board of county commissioners, and that no money shall be paid upon the order of said board, or official bonds accepted, nor shall any debt be incurred, except upon the concurrence of as many as four of said board. That all motions concerning financial matters shall be taken upon an aye and no vote, and recorded upon the minutes.

SEC. 6. That section seven hundred and seventeen (717) be, and the same is hereby, repealed.

SEC. 7. That section seven hundred and nineteen (719) be, and the same is hereby, amended by striking out "justices of the peace," and inserting in lieu thereof "the clerk of the superior court."

SEC. 8. That all laws and clauses of laws inconsistent with this act are hereby repealed.

SEC. 9. That this act shall be in force from and after its ratification.

Ratified this 6th day of March, A. D. 1895.

Powers, &c., of additional commissioners.

Veto power, &c.

How vote taken on financial questions, &c.

Section 717, in regard to meetings of justices, repealed.

Section 719 (Code), in regard to filling vacancies, amended.

Conflicting laws repealed.

## CHAPTER 136.

### An act concerning the probate of deeds made by husband and wife.

*The General Assembly of North Carolina do enact:*

SECTION 1. That in all cases of deeds or other instruments made by husband and wife, and requiring registration, the probate of deed, or other instrument, as to the husband, and the acknowledgment and privy examination of the wife, may be taken before different officers authorized by law to take probate of deeds, whether both of said officers reside in this state, or only one in this state, and the other in another state.

SEC. 2. That in taking the probate of deeds, or other instruments, made by husband and wife, including the privy examination of the wife, it shall not be material whether the husband acknowledges the execution of the deed, or other instrument, before or after the acknowledgement and privy examination of the wife.

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

Ratified the 5th day of March, A. D. 1895.

Probates, &c., of deeds, &c., by husband and wife may be taken by different officers, &c.

Immaterial whether husband's acknowledgment precedes or follows privy examination of wife.

## CHAPTER 137.

## An act to amend chapter 42 of the Laws of 1891.

*The General Assembly of North Carolina do enact :*

Chapter 42, public laws 1891 (act to protect operatives of Henrietta Cotton mills) amended.

SECTION 1. That chapter forty-two (42) of the laws of eighteen hundred and ninety-one (1891) be amended by striking out the word "of", in line ten (10) of section first thereof, and by inserting in lieu thereof the words "not less than ten (10) dollars, nor more than fifty dollars."

Penalty reduced.

SEC. 2. That the said section be further amended by striking out the word "for," in line eleven (11), and by inserting in lieu thereof the words "not over."

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

Ratified the 5th day of March, A. D. 1895.

## CHAPTER 138.

An act to change the time of the sheriffs of Granville, Ashe, Watauga, and Alexander counties settling with the state treasurer.

*The General Assembly of North Carolina do enact :*

Sheriffs of certain counties allowed till May 1 to settle state taxes.

SECTION 1. That the present sheriffs of Granville, Ashe, Watauga, and Alexander counties, and their successors in office, be allowed until the first day of May in each and every year to settle with the state treasurer the amount due from said counties to the state.

Conflicting laws repealed.

SEC. 2. That all laws and clauses of laws in conflict with this act be, and the same is hereby, repealed.

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

Ratified the 3d day of March, A. D. 1895.

## CHAPTER 139.

An act to provide an alternative method of constructing and keeping in repair the public roads of Buncombe county.

*The General Assembly of North Carolina do enact :*

Special assessment to be levied to repair, &c., roads of Buncombe county.

SECTION 1. That the board of county commissioners and justices of the peace of Buncombe county, at their regular meeting in June, in the year one thousand eight and ninety-five, and each regular annual thereafter, shall provide a fund for the construc-

tion and keeping in repair the public roads in said county by levying an assessment not exceeding fifteen cents on the hundred dollars' worth of property subject to taxation, for state and county purposes.

SEC. 2. That said assessment shall be included in a separate column on the tax-books, and shall be collected by the sheriff, or other tax collectors, as other taxes are collected; which assessment shall be collected, and shall constitute when collected a county road fund, to be expended on the construction and repairs of roads in said county.

SEC. 3. That all male persons, between the ages of eighteen and forty-five, shall work on the public roads of said county for two days in each year, under such rules and regulations as the board of commissioners shall prescribe: *Provided*, this act shall not take the power from said commissioners to exempt any one from disability to work on said road.

SEC. 4. Every person who may be liable to work upon the public roads in said county, as in the act provided, may, when summoned to perform such labor, tender and pay to the supervisor, 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 supervisor to receive said sum, and give receipt therefor, and that all moneys collected, as provided in this section of this act, shall be placed in the general road fund, as provided by this act, and become a part thereof.

SEC. 5. That all male persons confined in the county jail, either under a final sentence of the court for crime or imprisonment, of non-payment of fines and costs, or under final judgment in cases of bastardy, or under the vagrant acts, and all persons sentenced to state prison for a term less than five years, shall be available to said county commissioners, for the purpose of working said persons upon said public roads, under the provisions of this act; and upon the application of said commissioners to the judge of the superior, inferior or criminal court for said county, he shall assign such persons convicted in his court to said commissioners for said purposes.

SEC. 6. That in no case shall a person be compelled to wear stripes or convict clothing, unless said person was duly convicted of a felony, when such person shall be compelled to wear striped or convict clothing.

SEC. 7. That no female person shall be made to work on said roads.

SEC. 8. That when any convict on said roads become unruly, so as it becomes necessary for the supervisor, or guards, to whip

Limitation of  
assessment.

How collected,  
&c.

Road hands.

Proviso.

Payment in lieu  
of labor.

How applied.

Certain convicts  
to be worked  
upon roads.

Striped clothing  
not to be worn,  
&c.

Females ex-  
empted.

Unruly convicts  
may be whipped,  
&c.

• said convict, he shall call in three good citizens to witness the whipping, and the superintendent shall keep a record of the offence for which said convict was whipped, the number of blows inflicted, and the names of the witnesses present, and report the same to the judge of the criminal court of Buncombe county. And any overseer who shall whip a convict in a cruel and unmerciful manner, shall be guilty of a misdemeanor, and fined or imprisoned at the discretion of the court.

Commissioners  
to regulate re-  
pairs, &c.

SEC. 9. That said commissioners may adopt any method, plan or system for sustaining and keeping in repair said public roads of said county, not inconsistent with the provisions of this act, and may use said road fund and labor provided for in this act, under such rules and regulations as they may prescribe.

Machinery.

SEC. 10. That the board of commissioners of said county may, in their discretion, purchase such improved road machines and other implements and tools as may be deemed necessary in constructing and keeping in repair said public roads.

Extra expend-  
itures, &c.

SEC. 11. That the said board of commissioners shall have discretionary power to make an appropriation out of said road fund, or out of the general county fund, for putting in repair any place in any public road in said county requiring more than an ordinary expenditure of money or labor.

Change of roads.

SEC. 12. That the said board of county commissioners shall have power to re-locate or change any part of any public road in said county, when in their judgment such re-location or change shall prove advantageous to travel, and such re-location or change shall be made in the manner now provided by law for laying out new roads or highways.

Fines and penal-  
ties.

SEC. 13. That all persons who are subject to the road under this act, shall be governed by the laws now in operation in relation to fines and penalties for non-performance of road duty.

Supervisors.

SEC. 14. That the board of county commissioners shall appoint a supervisor for each township, who shall be liable to work said road, as provided for in section three (3) of this act, who shall receive such compensation as said board may prescribe: *Provided*, That such compensation shall not exceed one dollar and twenty-five cents per diem for days actually engaged in service.

Compensation.  
Proviso.

Duties of super-  
visors.

It shall be the duty of said township supervisor to certify to the county commissioners each quarter, after January the first, one thousand eight hundred and ninety-five (1895), the amount of work done by such persons as may labor on said road, either as provided for in section four of this act, or otherwise, and the amount due said persons, if any, in accordance with the rules and regulations made by said board of county commissioners,



and when approved by said commissioners and found to comply with rules and regulations as provided by law, the same shall be paid by the county commissioners out of said road fund, or other funds in the county treasury not otherwise appropriated.

SEC. 15. That, upon the passage of this act, the judge of the criminal court of Buncombe county shall appoint an inspector of prisons of said county, and prescribe his compensation, not to exceed two dollars per day, and not more than two days in each month, whose duty it shall be to visit the common jail, city prison of the city of Asheville, and all the convict camps in the said county, at least once every month, and oftener, if directed by the judge of said court so to do, and inspect the sanitary condition of the several prisons in said county, the cells, cages and quarters used for the safe keeping of prisoners; and it shall be the duty of said inspectors to examine the clothing, food, quality and sufficiency of the same, and diligently enquire as to the manner of working and treatment of the convicts, on any of the public works of said county, and the manner of treatment and management of all persons confined in the common jail or city prison of said county; and in the discharge of the duties herein imposed upon said inspector, he shall, at all times, have free access to any and all prisons within said county, and may question any convict laborer confined on any of the public works of said county, separate and apart from the overseer, or keeper of such convict or prisoner, as to the matters pertaining to his duties. It shall be the duty of said inspector to make a monthly report, in writing, to the judge of the said criminal court, and the judge shall, if he thinks proper, lay the same before the solicitor of said court, with such orders as he may think just and proper.

Inspector of prisons.

Compensation.

Duties.

Powers of inspector.

Report of inspector.

SEC. 16. That all laws, and clauses of laws, in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 17. That this act shall be in force from and after its ratification.

Ratified the 5th day of March, A. D. 1895.

## CHAPTER 140.

### An act to regulate the superior courts in Randolph county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the county of Randolph, in the eighth (8) judicial distric, tshall have three (3) courts a year, beginning as follows: On the third (3) Monday in November, a term of one

\* Randolph county to have three courts a year. Time of holding courts.

(1) week; on the third (3) Monday in March, a term of two (2) weeks; on the second (2) Monday in July, a term of two (2) weeks.

Process. &c.,  
where returna-  
ble.

SEC. 2. That all process, civil or criminal, original, mesne, or final, returnable under the present law to any superior court, shall be returnable to the first term of the superior courts, as established by this act.

SEC. 3. That this act shall be in force from the date of its ratification.

Ratified the 5th day of March, A. D. 1895.

## CHAPTER 141.

### An act for the protection of the owners of cattle and other animals.

*The General Assembly of North Carolina do enact:*

Unlawful to  
drive, &c, horse,  
&c., from the  
range into stock  
law district, &c,  
to secure pound-  
age, &c.

SECTION 1. That any person who shall wilfully and unlawfully tole, drive, or in any way move any other person's horse, mule, ass, neat cattle, sheep, hog, goat or dog, from the range, or elsewhere, into any stock-law district, or into the limits of any incorporate city or town, having the right to impound or destroy the same, with intent to secure the poundage or other penalty, or with intent to injure the owner of such animal, or to require him to pay any poundage or penalty on account of such animal, or for hire or reward, shall be guilty of a misdemeanor. And any person who shall unlawfully and wilfully remove any animal above named from any lawful enclosure, with intent to injure the owner, shall be guilty of a misdemeanor.

Misdemeanor.

Poundage of  
cities and towns  
reputed.

SEC. 2. That it shall be unlawful for any city or town, having authority under its charter, to impound any of the animals named in section one (1), to charge or collect any greater poundage or penalty upon the cattle or animals of non-residents than one-fourth the rates imposed upon residents. And it shall be unlawful for any such city or town to collect any poundage, or penalty whatever, upon the cattle or animals of persons who live one mile or more from the corporate limits, for the first three times that the same cattle, or other animals, are impounded in said city or town.

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

Ratified the 5th day of March, A. D. 1895.

## CHAPTER 142.

## An act for the relief of E. M. Johnson, late sheriff of Pender county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That E. M. Johnson, late sheriff of Pender county, be, and is hereby, authorized to collect, for the benefit of himself, all arrears of taxes due him for the years eighteen hundred and eighty-seven (1887), eighteen hundred and eighty-eight (1888), eighteen hundred and eighty-nine (1889), eighteen hundred and ninety (1890), and eighteen hundred and ninety-one (1891), the years he was sheriff of said county: *Provided*, that any person who makes affidavit that he has paid his taxes for either or all of the years above named, shall be exempted from the provisions of this act.

E. M. Johnson, late sheriff of Pender, empowered to collect back taxes for certain years.

Proviso.

SEC. 2. That he, his executors and administrators, and those whom he may select to aid in such collection, shall have, and are hereby invested with, the same powers and authority, and be subject to the same penalties, as sheriffs had for the collection of taxes for those years by the laws of this state.

Powers, &c., of collectors.

SEC. 3. That all authority under this act shall cease by twelve (12) o'clock, P. M., on the night of the first (1) Monday in January, eighteen hundred and ninety-six (1896).

Termination of authority.

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

Ratified the 5th day of March, A. D. 1895.

## CHAPTER 143.

## An act to authorize the entry of certain vacant lands in Hertford county.

WHEREAS, There are in Hertford county one or more small lots of lands, which were formerly claimed and occupied by certain colonial churches, and on which were erected their church buildings, but which were disbanded and disorganized many years ago, leaving said lots of land vacant and unclaimed; now, therefore:

Preamble.

*The General Assembly of North Carolina do enact :*

SECTION 1. That any church, or religious association, in Hertford county, shall have a right to enter, under the general laws of the state, any vacant land, not exceeding two acres, in said county, adjoining the lands of any such church or religious association, entering said land.

Churches, &c., in Hertford county, empowered to enter certain lands in said county.

"Vacant" land  
defined.

SEC. 2. That vacant land, in the meaning of this act, shall include any lot formerly possessed and reported to have belonged to any colonial church or religious association, but which has been vacant and unclaimed for thirty or more years, and for which the state of North Carolina has never issued any grant.

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

Ratified the 5th day of March, A. D. 1895.

#### CHAPTER 144.

**An act to authorize the commissioners of Graham county to levy a special tax to build a jail and court-house.**

*The General Assembly of North Carolina do enact:*

Special tax.

SECTION 1. That the county commissioners of Graham county be, and they are hereby, authorized to levy a special tax for the year one thousand eight hundred and ninety-five (1895), and each succeeding year thereafter, until a sufficient amount of money is raised, to build a jail and court-house; said amount, in the aggregate, shall not exceed eight thousand (\$8,000) dollars, and the constitutional equation between property and poll shall be observed.

Purpose of tax.

Limitation of  
tax.

Commissioners  
to make con-  
tracts, &c.

SEC. 2. That said commissioners are hereby authorized to contract for the building of said court-house and jail, and pay for the same in such installments as may be agreed upon.

Chapter 202, pub-  
lic laws 1893  
(authorizing  
issuing of bonds),  
repealed.

SEC. 3. That chapter two hundred and two (202) of the public acts of one thousand eight hundred and ninety-three, be, and the same is hereby, repealed.

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

Ratified the 5th day of March, A. D. 1895.

#### CHAPTER 145.

**An act to provide for the support and maintainance of the North Carolina college of agriculture and mechanic arts.**

*The General Assembly of North Carolina do enact:*

Appropriation  
for the college of  
agriculture, &c.

SECTION 1. That the sum of ten thousand dollars annually be, and is hereby, appropriated for the support and maintainance of the North Carolina college of agriculture and mechanic



arts, five thousand dollars to be paid on the first days of April and September of each year, out of funds in the state treasury not otherwise appropriated.

SEC. 2. That the treasurer of the state of North Carolina be, and he is hereby, declared, *ex officio*, the treasurer of the board of trustees of the said college. Treasurer of North Carolina *ex officio*, treasurer of said college.

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

Ratified the 5th day of March, A. D. 1895.

## CHAPTER 146.

An act to provide for the support and maintainance of the North Carolina agricultural and mechanical college, for the colored race.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the sum of five thousand dollars (\$5,000.00) annually be, and is hereby, appropriated for the support, maintainance, equipment, enlargement and extension of the North Carolina agricultural and mechanical college, for the colored race, to be paid on the first days of April and October of each year, out of funds in the treasury not otherwise appropriated. Appropriation for support of North Carolina agricultural, &c., college for colored race.

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

Ratified the 5th day of March, A. D. 1895.

## CHAPTER 147.

An act to amend section two thousand eight hundred and thirty-one (2831) of The Code.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section two thousand eight hundred and thirty-one of *The Code* be amended by inserting between the words "dogs" and "on," in line one thereof, the words, "or who shall catch or attempt to catch fish in any manner whatsoever." Section 2831 of *Code* (forbidding hunting on land of another without permission), amended to include fishing, &c.

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

Ratified the 8th day of March, A. D. 1895.

## CHAPTER 148.

**An act to provide for the working of public roads in the county of Orange.***The General Assembly of North Carolina do enact:*

Commissioners of Orange county granted certain powers under article 7 of constitution, and certain acts, as to public roads.

SECTION 1. That the commissioners of Orange county shall have all the powers conferred by article seven (7) of the constitution, which is hereby re-enacted as to such county, and by chapter one hundred and thirty-four (134) of laws of one thousand eight hundred and eighty-five (1885), and by chapter one hundred and seventy-two (172) of laws of one thousand eight hundred and eighty-five (1885), and by chapter two hundred and seventeen (217), three hundred and sixty-one (361), and four hundred and twenty-four (424) of laws of one thousand eight hundred and eighty-nine (1889), and chapter three hundred and fifty-four (354) of laws of one thousand eight hundred and ninety-one (1891), and chapter two hundred and sixty of laws of one thousand eight hundred and ninety-three (1893), and shall exercise all power conferred by such acts, without the concurrence of the justices of the peace of said county; and in regard to public roads, may adopt for said county any provisions of any law which has been, or may hereafter be, enacted, and at the meeting of said board of commissioners on the first Monday in May, one thousand eight hundred and ninety-five (1895), the said board of commissioners shall, by a majority vote, determine the road law for Orange county, and cause the same to be published in pamphlet form, and otherwise, as the said board may determine, and no provision thereof shall be changed by the commissioners oftener than once in two (2) years, and no provision reducing the amount of any tax levied for road purposes shall be adopted without special authority from the general assembly.

May determine road law and publish same, &c.

Bonds.

SEC. 2. That the said board of commissioners are authorized to issue bonds of said county in such sums as they may deem best, and at such times as they may choose, not exceeding in the aggregate twenty thousand dollars (\$20,000), and running not longer than thirty years (30) from the date of issue, coupons, payable semi-annually, at a rate of interest not exceeding six per centum per annum, not more than five thousand dollars (\$5,000) of said bonds to fall due in any year; and all said bonds shall contain stipulations that they may be redeemed at the end of ten years from date of issue, on payment of principal and interest which may be due.

SEC. 3. Said board of commissioners shall have the power, and

are required to provide by taxation not to exceed twenty-five cents (25) on the one hundred dollars (\$100) valuation of property for working the public roads, and for the prompt and regular payment of interest on said bonds, and for the accumulation of a sinking fund to the payment of said bonds as they mature, no tax levied for this purpose shall be reduced without special authority from the general assembly. Special tax.

SEC. 4. Said board of commissioners shall have power and authority to purchase all such road machinery, portable engines, rock-crushers, tools, carts, wagons, horses and mules, as they see fit, for the purpose herein stated, to make arrangements, erect stockades, and employ guards, for the working of not exceeding twenty-five (25) convicts, to be obtained from the penitentiary, or otherwise, and also to provide for the working of all convicts of said county, as allowed by chapter three hundred and fifty-five (355) of the laws of one thousand eight hundred and eighty-seven (1887), and chapter four hundred and nineteen (419) of laws of one thousand eight hundred and eighty-nine (1889). Machinery.  
  
Convicts.

SEC. 5. Said board of commissioners shall have full power and authority to cause a survey to be made whenever they see fit, and to change and alter the route of any road, and to determine by arbitration (one arbitrator to be selected by the said board, one by the owner of land to be taken, or his agent, and these to choose an umpire, before proceeding to value said land, and the decision of any two to be final), what damages shall be paid to any owner whose lands are taken for a new road, or upon whose land the route is changed. Roads changed  
and located.  
  
Arbitration.

SEC. 6. The said board of commissioners shall have power to commence the construction, repair, or alteration, of any road at the county seat, and may select such roads and expend all such sums as they deem best on any portion of said roads, and to work the said roads from year to year, as the condition and work to be done require. Construction,  
&c., of roads.

SEC. 7. All power and authority herein conferred upon the board of commissioners shall devolve upon their successors in office, whenever they shall have been duly elected, or appointed, and inducted into office. All power to de-  
volve upon suc-  
cessors.

SEC. 8. This act shall take effect from its ratification.

Ratified the 8th day of March, A. D. 1895.

## CHAPTER 149.

**An act to amend section two hundred and twelve (212) of  
The Code.**

*The General Assembly of North Carolina do enact :*

Section 212 of  
Code amended.  
Persons suing as  
paupers to re-  
cover costs in  
cases of recov-  
ery.

SECTION 1. That section two hundred and twelve (212) of The Code of North Carolina be amended by inserting after the word "costs," in the third line, the words "except in case of recovery."

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

Ratified the 8th day of March, A. D. 1895.

## CHAPTER 150.

**An act to provide for public burial-grounds in Duplin county.**

*The General Assembly of North Carolina do enact :*

Burial-grounds  
in Duplin  
county.

How established.

SECTION 1. That it shall be lawful to establish one or more burial-grounds in every township in the county of Duplin.

SEC. 2. Upon petition, signed by one-third ( $\frac{1}{3}$ ) of the voters of any township, to the county commissioners of Duplin county, in which such township is located, asking that a public burial-ground shall be established in said township, it shall be the duty of the commissioners to issue an order to the sheriff to summon three freeholders of said township, who shall proceed to lay off and establish said burial-ground in accordance with the provisions of this act.

Location.

Proviso.

SEC. 3. That freeholders, after being duly sworn, shall proceed to establish and locate, by a proper survey, a burying-ground, according to said order, said burying-ground to be located with as little inconvenience and damage to the land-owners as may be: *Provided, however,* that said burying-ground shall be in a proper place, both as to convenience and location; said freeholders shall fix the value of said land to be used as a burying-ground, and shall report their proceedings to the board of county commissioners, and if said report is confirmed, it shall be properly recorded, and the value of said burial-ground, as fixed by said report, shall be paid for by the county: *Provided, further,* that either party shall have the right of appeal from the confirmation of said report.

Proviso.

Gifts of land for  
said purpose to  
be received.

SEC. 4. It shall be lawful for the several boards of county commissioners to receive, by gift, grant or donation, any lands



for public burial purposes that may be offered by any citizen of the county.

SEC. 5. That separate grounds, as provided in this act, shall be established for the white and colored races. Separate for white and colored.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified the 8th day of March, A. D. 1895.

## CHAPTER 151.

**An act for changing the times for holding the superior courts of Durham county, in the fifth judicial district.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That section one of chapter three hundred and fifty-one (351) of the laws of one thousand eight hundred and eighty-seven, and section one of chapter one hundred and ninety-seven (197) of the laws of one thousand eight hundred and ninety-one, fixing the times for holding the superior courts of the fifth judicial district, be, and the same are hereby, amended as follows, to-wit: Strike out all after the word "Durham" and before the word "Granville," in said chapter three hundred and fifty-one (351) of the said laws of one thousand eight hundred and eighty-seven (1887), and all after the word "Durham" and before the word "Alamance" in said chapter one hundred and ninety-seven (197) of said laws of one thousand eight hundred and ninety-one (1891), and insert in lieu thereof the following, to-wit: Seventh (7) Monday before the first Monday in March in each year, to continue two weeks; third (3) Monday after the first Monday of March in each year, to continue two weeks, and to be for the trial of civil cases only; tenth Monday after the first Monday of March in each year, to continue one week, and for the trial of criminal actions only; first Monday after the first Monday of September in each year, to continue one week, and to be for the trial of criminal actions only; fifth Monday after the first Monday of September of each year, to continue two weeks, and to be for the trial of civil cases only. Chapter 351, public laws 1887, and chapter 197, public laws 1891 (as to Durham superior court), amended.

SEC. 2. That all process in civil causes, issued and served ten days before any of the terms hereinbefore provided for, shall be returnable to such term, whether such term be for the trial of civil or criminal actions. When said court to be held, &c.

SEC. 3. That all laws, and clauses of laws, in conflict with the provisions of this act are hereby repealed. Process, &c., when returnable.

Conflicting laws repealed.

When act to  
take effect.

SEC. 4. That this act shall be in force from and after the first day of March, one thousand eight hundred and ninety-five (1895.)

Ratified the 6th day of March, A. D. 1895.

#### CHAPTER 152.

An act to invalidate an election held in Mitchell county, in 1884, on the question of railroad bonds.

Preamble.

WHEREAS, There was an election held in the county of Mitchell, on or about the sixteenth day of November, one thousand eight hundred and eighty-four, 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 Rutherfordton, Marion and Tennessee railway; and whereas, the qualified voters of said county were told, and led to believe, that the said railroad would be completed to Bakersville, in said county, within four years from the day of election, voted at said election for bonds; now, therefore, as the said railroad company have failed to comply with their contract:

*The General Assembly of North Carolina do enact:*

Commissioners  
of Mitchell  
county forbidden  
to issue bonds to  
any railroad  
company with-  
out an election.

SECTION 1. That the subscription referred to in the preamble of this act is hereby declared expired by limitation and invalid, and that the commissioners shall not issue bonds to the railroad company named in the preamble, nor to any other railroad company claiming the right to such bonds, until the question of bonds or no bonds shall again be submitted to the people of said county, at an election called for that purpose, and a majority of the qualified voters shall vote for bonds.

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

Ratified the 6th day of March, A. D. 1895.

#### CHAPTER 153.

An act to protect deer and other animals in Mitchell county.

*The General Assembly of North Carolina do enact:*

Tame deer, when  
listed for tax-  
ation and  
marked by col-  
lar, &c., pro-  
tected.

SECTION 1. That any person keeping tame deer in deer parks enclosed by high fences, shall keep such deer listed for taxation and marked by a bell or a collar, so that hunters and those

whose lands may be trespassed upon by such deer can distinguish deer thus listed from wild deer; otherwise such keepers of deer shall have no cause of action for the killing of such tame deer. Deer so listed and marked, shall be entitled to the same protection that all other domestic animals are. If any listed and marked deer shall trespass upon the premises of another under a lawful fence, such person shall have the same right of recovery of damages as is prescribed against the trespass of any other live stock.

SEC. 2. Dogs listed for taxes, at the time for listing taxes, shall be held as and entitled to all the protection under the law of domestic animals, and any person who shall kill, maim, or abuse such dogs, shall be guilty of a misdemeanor, and shall also pay to the owner the value of said dog: *Provided*, that dogs so listed shall wear collars around their necks; otherwise it shall be no offence to kill them.

Dogs, listed for taxation, protected.

Proviso.

SEC. 3. That any person putting out poison on his own or the premises of another, such as strychnine, etc., whereby any domestic animal is in consequence thereof killed, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not more than fifty dollars for each offence, or be imprisoned not more than thirty days: *Provided*, that nothing in this act shall be construed to prevent any person from putting out poison on his own premises, under a lawful fence, after advertising such putting out poison at the court-house of the county, and at least six conspicuous places on his own premises; and if he shall put out poison without advertising, as herein prescribed, and any domestic animal shall, as a result of such putting out, be killed or injured, the person so offending shall, on conviction thereof, pay to the owner of such animal the value of said animal, and also a fine of at least fifty dollars, for the use of the public school in which the offence was committed. In the event that no other one shall bring suit and prosecute the same in good faith, it shall be the duty of the school committee of the district wherein the offence was committed to prosecute the same, for the benefit of the school in said district.

Misdemeanor to poison any domestic animal.

Penalty.

Proviso.

SEC. 4. That no person shall fish with hook, seine, gig, or in any other way in any of the water courses for three years from the ratification of this act.

Fishing forbidden for three years.

SEC. 5. That the commissioners may pay one dollar for each fox scalp, for every fox caught in the county.

Fox scalps.

SEC. 6. That this act shall apply to Mitchell county only.

Applies only to Mitchell county.

SEC. 7. That all laws, and parts of laws, in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 8. That this act shall be in force from and after its ratification.

Ratified the 6th day of March, A. D. 1895.

#### CHAPTER 154.

### An act for the protection of owners of cattle and other animals in Cumberland county, North Carolina.

*The General Assembly of North Carolina do enact:*

Unlawful to drive, &c., horse, &c., from the range into stock law district, &c., in Cumberland county to secure poundage, &c.

SECTION 1. That any person who shall wilfully and unlawfully toll, drive, or in any way move, any other person's horse, mule, ass, neat cattle, sheep, goat, hog, dog, or other animals, from the range, or elsewhere, into any stock-law district, or into the limits of any incorporated city or town, in Cumberland county, having the right to impound or destroy the same, with intent to secure the poundage or other penalty, or with intent to injure the owner of such animals, or require him to pay any penalty or poundage on account of such animal, or for hire or reward, shall be guilty of a misdemeanor. And every person who shall unlawfully and wilfully remove any animal above named from any lawful enclosure, with intent to injure the owner, shall be guilty of a misdemeanor.

Misdemeanor.

Poundage of cities and towns in Cumberland county regulated.

SEC. 2. That it shall be unlawful for any such city or town in Cumberland county, having authority under its charter to impound any of the animals named in section one, to charge or collect any greater poundage or penalty upon the cattle or animals of non-residents than one-fourth the rate charged upon residents. And it shall be unlawful for any such city or town in Cumberland county to collect any poundage, or penalty whatever, upon the cattle or animals of any person who lives one mile or more from the corporate limits.

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

Ratified the 6th day of March, A. D. 1895.

#### CHAPTER 155.

### An act to change the county line between Graham and Macon.

*The General Assembly of North Carolina do enact:*

County line between Graham and Macon counties changed.

SECTION 1. That the county line between Graham and Macon shall be so changed as to include in the Graham boundary all the land from the Tululah Gap, to run with and include the



public road to where said road intersects with the Western North Carolina railroad, then with said road a west course to the county line of Cherokee, then with said line to Graham county line, then with said line to the beginning: *Provided*, Proviso. the line of said railroad, with all its property rights and franchises, shall, as now, belong to and remain in the county of Macon: *Provided, further*, that said public road, from Tullulah Gap to the said railroad, shall belong to Graham county, and be subject to be kept up by the authorities of Graham county. Proviso.

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

Ratified the 6th day of March, A. D. 1895.

## CHAPTER 156.

### An act to create circuit criminal courts.

*The General Assembly of North Carolina do enact:*

SECTION 1. Courts of record, to be called the "circuit criminal court," are hereby established for the following counties: Craven, New Hanover, Mecklenburg, Vance, Warren, Robeson, Edgecombe, and Halifax; to be held in the court-houses of the respective counties, as the superior courts are held. Circuit criminal court established courts of record. Counties composing circuit. How courts held.

SEC. 2. That the said courts, respectively, hereby established, shall possess all the powers, perform all the duties, and be subject to all the restrictions of a court of record, according to the laws of this state. To have all powers, duties, &c., of courts of records, &c.

SEC. 3. That the said circuit criminal courts shall have criminal jurisdiction, concurrent with the superior courts, to inquire of, hear, try, and determine all crimes, felonies, misdemeanors, and all indictable offences committed within the counties mentioned in section one (1) of this act, and to exercise criminal jurisdiction fully, either original or appellate, to the same extent as the superior courts of the state. Jurisdiction, &c., same as superior courts in criminal matters.

SEC. 4. That said circuit criminal courts shall have full power to give judgment and award execution on all fines and forfeitures arising on criminal proceedings, and the process, pleading, practice, and modes of proceeding shall be the same in said court as prevail in the superior courts. Power to give judgment and award execution, &c. Procedure same as in superior courts, &c.

SEC. 5. That appeals from said circuit criminal courts shall be to the supreme court, in the same manner as from the superior court. Appeals, &c.

SEC. 6. That there shall be one judge of said circuit criminal court, who shall be appointed by the general assembly, and Judge to be appointed by general assembly.

Term of office.	whose term shall begin April first, eighteen hundred and ninety-five (1895), and continue for four years.
Compensation of judge.	The judge of the circuit criminal court shall receive as compensation for services one hundred (\$100) dollars per week, or part of a week, he shall be engaged in holding court, not to exceed two thousand (\$2,000) dollars in any one year; said sum to be paid by the state treasurer on the warrant of the auditor, as other judges are paid.
How paid.	Said judge shall take the oaths of office prescribed for judges of the superior court, and, except salary, be entitled to the same emolument for expenses.
Oath of office and expense allowance.	SEC. 7. That such judge may be removed from office for the same cause, and in the same manner, as a judge of the superior court; and all vacancies in said office shall be filled by appointment of the governor, and the person so appointed by the governor, shall hold his office until the meeting of the next general assembly, which general assembly shall elect a person to fill the said office for the unexpired term.
Removal from office.	SEC. 8. That the judge of said circuit criminal court shall be a conservator of the peace within said counties, and shall have all the powers of the several judges of the superior courts of the state, to hear and determine all criminal causes arising within said counties, and the like powers to issue warrants, or precepts, for the arrest of criminals anywhere within the limits of the state, administer oaths, issue writs of <i>habeas corpus</i> , and hear and determine the same, in the same manner as the judges of the superior courts.
Vacancy, how filled.	SEC. 9. That when the term, or terms, of said circuit criminal courts will permit, the solicitor of the judicial district, in which said courts are held, shall appear and prosecute on behalf of the state; but when said solicitor is attending any term of the superior court, and cannot attend said circuit criminal court, the judge of said circuit criminal court shall designate some member of the bar to appear and prosecute therein, on behalf of the state.
Judge a conservator of the peace.	Said member of the bar shall take the oath prescribed for solicitors when so designated, as aforesaid, and when the state is represented by the solicitor, or the member of the bar, as aforesaid, the same fees shall be allowed, and paid in the same manner, as fees are now allowed and paid solicitors in the superior courts.
Powers, &c., same as superior court judge.	SEC. 10. That there shall be a clerk of said circuit criminal court in each of the counties mentioned in section one of this act.
Prosecuting officer, &c.	Said judge may appoint said clerks, who shall serve for the
When solicitor unable to act, judge to designate some member of the bar to act.	
Person designated to take oath, &c.	
Compensation, &c.	
Clerk in each county.	
Judge to appoint clerks.	

term of four years, giving bond in the sum of two thousand (\$2,000) dollars, to be approved by the judge, and be subject to removal for cause by said judge.

Term of office,  
bond, removal.

In case the judge shall fail to appoint a clerk for said court, in any county, the clerk of the superior court shall be clerk of said circuit criminal court, but the records, dockets, archives and papers of the circuit criminal court shall be separate and distinct from those of the superior court. And said clerk of the courts, where the clerk of the superior court shall act as such, or be appointed by the judge, shall perform all the duties incident to his office, and shall receive the same fees and compensation therefor as is allowed by the law to the clerk of the superior court for discharging the same duties.

Judge failing to  
appoint, superior  
court clerk to be  
clerk.  
Records to be  
kept separate  
from records of  
superior court.

Duties, compen-  
sation, &c., of  
clerks.

Cases pending in the circuit criminal court may be removed to the superior courts of other counties for trial for the same causes, and in the same manner as removals in the superior courts from one county to another.

Removal of cases  
to superior  
courts of other  
counties.

The clerks of the criminal courts of New Hanover and Mecklenburg, and the clerk of any inferior courts in any of the counties mentioned in section one (1) of this act, shall account for, and pay over to the clerks of the circuit criminal courts, all moneys and other things of value that are, or ought to be, in the possession of the clerks first mentioned; and upon their failure to do so, the clerks of the circuit criminal court, who shall succeed the clerks first above mentioned, shall bring suit on the bonds of the defaulting clerks and duly account for all sums recorded according to law. The clerks of the circuit criminal courts shall investigate and examine the records and papers of the courts, which are abolished by this act, for the purpose of ascertaining what sums, if any, may be unaccounted for by the clerks of the abolished courts.

Clerks of New  
Hanover and  
Mecklenburg  
criminal courts  
and superior  
court clerks to  
account to clerks  
of criminal cir-  
cuit court all  
moneys, &c.,  
that ought to be  
in their posses-  
sion.  
Clerks of criminal  
circuit court  
to sue, on failure  
to comply.  
Books, records,  
&c., of abolished  
courts to be ex-  
amined, &c., by  
clerks of criminal  
circuit court.

SEC. 11. That the sheriffs of the several counties mentioned in section one (1) of this act, shall be sheriffs of the circuit criminal courts in the respective counties, and by himself, or his lawful deputies, shall discharge all the duties incident to his office required of him, in relation to the business of said circuit criminal courts, and for a failure to perform the same, shall be subject to all the penalties and liabilities now prescribed by law.

Sheriffs of various  
counties to  
be sheriffs for  
this court.

Duties, penal-  
ties, &c.

SEC. 12. That it shall be the duty of the county authorities, in each of the counties mentioned in section one (1) of this act, to provide for the payment of the lawful fees of the solicitor, the fees in compensation of the clerk and sheriff of said courts, respectively, and the pay of jurors and witnesses, and all other expenses incident to said court, by order on the county treasurer

County author-  
ities to provide  
for payment of  
fees, &c., of  
sheriff, solicitor,  
clerk, &c.

Jurors and wit-  
nesses to be paid  
by county.

of the respective counties, which order shall be paid by said treasurer out of any moneys in his hands not otherwise appropriated by law.

County authorities to provide dockets, books, room, &c., for clerk.

SEC. 13. That the county authorities of each of the said counties shall provide the necessary books, to be used as dockets by the said courts, and also a seal for said courts, with such a device as the judge of the court shall prescribe, and when the clerk of the said court is other than the clerk of the superior court, shall furnish a suitable room, or office, for the use of the clerk of said court.

Jurors' compensation, duties, &c., same as in superior courts.

SEC. 14. That all jurors who have attended or served in said courts shall be entitled to the same compensation, and be subject to the same rules and regulations, and possess the same qualifications, as are required by law in regard to jurors in the superior courts. And in the counties named in section one (1) of this act, there shall be a special venire, the number of which shall be designated by the judge, drawn from day to day of each term of said court, under the supervision of said judge, by a boy of ten years of age, or under, from the jury box, containing the names of the qualified jurors of said counties, to be furnished by the county authorities, and the said special venire shall be drawn, and the list given to the sheriff of said county, on not less than the day previous to that on which the jurors of said special venire are required to serve; and that there may not be a deficiency of jurors upon any day of said court, the judge thereof may order the sheriff to summon a sufficient number as may make up the deficiency. In all cases of capital felonies, a special venire, ordered by the judge to be summoned, shall be drawn according to the mode herein set forth; should this venire be exhausted before a jury is selected, then a second venire shall be drawn and summoned in like manner. All jurors drawn under the provisions of this act, shall receive the same per diem as tales jurors, and shall not be regarded as tales jurors, or subject to the challenge as such.

Special venire, &c.  
How drawn.

Deficiency in special venire provided for.

Special venire in capital felonies, &c., how drawn, &c.

Second venire.

Compensation, &c., of jurors on special venire.  
Challenges.

Compensation of supervisor of drawing, &c.

Sheriff's fees for summoning special venire.

Criminal courts of Mecklenburg and New Hanover abolished.

The county authorities are empowered to allow such an amount per diem to the supervisors of said drawings as they may deem just and proper; and for summoning this special venire, the sheriff shall receive the same fee as is allowed by law for summoning tales jurors.

SEC. 15. That the criminal court of New Hanover county, and the criminal court of Mecklenburg county, are hereby abolished, and the act entitled "an act to establish a criminal circuit, to be composed of the counties of New Hanover and Mecklenburg," ratified on the sixteenth day of February, Anno Domini one thousand eight hundred and eighty-five, being chapter



sixty-three (63) of the public laws of 1885, is hereby repealed, and any inferior courts now existing in either of the counties mentioned in section one (1) of this act, are hereby abolished; and all records, papers, judgments, recognizances, bonds, bills of indictment, warrants, appeals, minutes, dockets, and all other papers, instruments, and books and writings, whatsoever, belonging or appertaining to said criminal court of New Hanover, and the said criminal court of Mecklenburg, and to such inferior courts, are hereby transferred to the circuit criminal court, which is established by this act, and are hereby declared to be a part of its records and archives, and shall be taken possession of by the respective clerks of said criminal circuit court, and kept in their custody; and all criminal actions and proceedings, and bills of indictment, now pending in said criminal court of New Hanover, and in said criminal court of Mecklenburg, and in said inferior courts, shall be proceeded with, and heard, tried, and determined by the circuit criminal courts created by this act.

Chapter 63, public laws 1885, repealed.  
Inferior courts abolished, &c.

Records, &c., transferred to clerks of criminal circuit court.

Indictments, &c., pending in any courts abolished by this act to be tried, &c., by the circuit criminal court.

SEC. 16. That the county authorities, in the counties mentioned in section one (1) of this act, shall, when so requested by the judge of said circuit criminal court, draw and provide jurors for the grand and petty jury for said circuit criminal courts, at a regular or special term of said courts, when notified by the judge of said court that the same will be necessary; and said jurors shall be drawn, summoned, and paid as jurors at a regular or special term of a superior court, as now provided by law.

Grand and petit jurors, how provided.

How drawn, summoned and paid.

SEC. 17. That there shall be terms of the circuit criminal courts in the various counties, as follows:

Terms of court.

For the county of New Hanover, one term to begin on the first Monday in January of each year; one term to begin on the second Monday of March in each year; and one term to begin on the second Monday of October in each year.

New Hanover.

For Mecklenburg county, one term to begin on the second Monday of April in each year; and one term to begin on the first Monday of September in each year.

Mecklenburg.

For Craven county, one term to begin on the third Monday in February in each year; and one term to begin on the first Monday in October of each year.

Craven.

For Vance county, one term to begin on the fourth Monday in January in each year; and one term to begin on the second Monday in September in each year.

Vance.

For Edgecombe county, one term to begin on the first Monday in November of each year; and one term to begin on the second Monday in February of each year.

Edgecombe.

- Halifax. For Halifax county, one term to begin on the first Monday in December of each year; and one term to begin on the fourth Monday of February in each year.
- Warren. For Warren county, one term to begin on the third Monday in January of each year; and one term to begin on the second Monday in July of each year.
- Robeson. For Robeson, one term to begin on the third Monday in April of each year.
- Court always open. SEC. 18. Every term of a court shall continue until the next term begins, and the court in each and every county shall be always open for the transaction of business.
- Judge may arrange sittings, &c.  
May discharge jury during recess, &c. The judge may arrange his sittings from time to time, as convenience and justice may require, so as to dispose of business without delay, and may, during recess of the court, discharge the jury, to be re-assembled whenever notified, either by personal service, or by letter through the mails.
- Penalty for non-attendance of jurors. Any juror who shall fail to attend, after notice, shall be subject to same fines and penalties as fixed by law for non-attendance of jurors in superior courts, and the mailing of a letter to a juror shall be presumptive evidence of notice to him.
- Notice to jurors, &c. SEC. 19. The judges of said courts shall be permitted to practice law in the counties named in section one (1) of this act, in civil causes, and in all causes in other counties of the state.
- Cases to be transferred from superior court to criminal circuit court in certain cases. SEC. 20. That the judges of the superior courts of the counties named in section one (1) of this act shall, whenever it appears that all the causes, both civil and criminal, cannot be tried at any term of the superior court, cause all criminal cases, in which immediate action is not demanded by the defendant, or the ends of justice, or regard for economy in county expenses, to be transferred to the criminal circuit courts, herein provided.
- When defendant in criminal action may transfer case, &c. All criminal cases shall, when the defendant is on bail, and so requires, or shall make affidavit setting forth that he is informed, or believes, the ends of justice will be better subserved, have his case transferred to the docket of the criminal circuit court, where the same shall stand for trial, and shall be tried by said court as soon as the judge can hear the same.
- When tried. SEC. 21. Justices of the peace in the counties mentioned in section one (1) of this act, when sitting as committing magistrates, shall make all appearance bonds and recognizances returnable, either to the next term of the superior court of the county, or returnable to any day certain, before the circuit criminal court, as in their judgment may be best to secure a speedy trial, and avoid delay.
- Justices of the peace to bind defendants over to this court, or superior court, &c.

SEC. 22. Whenever any term of the superior court in any of the counties mentioned in section one (1) of this act shall adjourn, leaving on the state or criminal docket indictments or cases pending for trial, the defendants, or any defendant in such indictments or cases, being in jail awaiting trial, it shall be the duty of the clerk of the superior court to transmit to the clerk of the circuit criminal court of the county such indictment, and all other papers, documents, and records appertaining to said indictment or case, and the clerk of the criminal circuit court shall receive said indictment, with its attending records and papers, and enter the case on his docket, and it shall be the duty of the judge of the circuit criminal court to hear, try, and determine all such indictments and cases as soon as he can reach them.

When jail cases, &c., to be transferred to this court by superior court clerks.

Trial, &c.

SEC. 23. Whenever the judge of the circuit criminal court shall ascertain that there is a deficiency of jurors, and, exercising his best judgment, shall determine that it is better in the interest of economy, or justice, to require the deficiency to be made up by summoning persons near the court-house to act as jurors. He shall order the sheriff to summon any required number, and such persons, having the qualifications of jurors in the superior court, shall act as jurors in the circuit criminal court.

Talis jurors summoned, &c.

Qualifications of talis jurors.

SEC. 24. That the governor may direct the judge to hold special sessions in other counties, when not engaged in circuit named.

Governor may order special sessions in other counties, &c.

SEC. 25. That all laws, and clauses of laws, in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

SEC. 26. That this act shall be in force from and after its ratification.

Ratified the 12th day of March, A. D. 1895.

## CHAPTER 157.

An act to provide for the election of justices of the peace.

*The General Assembly of North Carolina do enact:*

SECTION 1. That there shall be elected by this general assembly, justices of the peace in and for the respective townships of the counties of the state, not exceeding three to the township, in addition to the vacancies to be filled, and the three hereby appointed shall be furnished the law books necessary for

Three additional justices elected for each township in the state by this general assembly.

Law books furnished.

Additional justices for cities and towns.

Term of office.

Secretary of state to certify list to clerks of superior court of each county, &c.

Commission notification, &c.

Term of office to begin April 1, 1895.

Election of justices of the peace.

Number.

Additional justices for cities and towns.

Conflicting laws repealed.

justices of the peace, and for each township in which any city or incorporation town is situated, one justice of the peace for every thousand inhabitants in each town or city. Said justices of the peace, elected as aforesaid, shall hold their offices, respectively, for the term of six years.

SEC. 2. The secretary of state shall certify to the clerks of the superior court of the several counties a list of all the justices of the peace, elected for their several counties, and this shall be their commission, and the clerk of the superior court shall notify the said justices of their election.

SEC. 3. That the term of office of said justices shall begin on the first day of April, one thousand eight hundred and ninety-five.

SEC. 4. That at the next general election, and every two years thereafter, there shall be elected in each township in the state three justices of the peace, and for each township in which any city or incorporated town is situated, one justice of the peace for every one thousand inhabitants in such town or city, who shall hold their office for two years.

SEC. 5. That all laws, and clauses of laws, 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. 1895.

## CHAPTER 158.

### An act to repeal chapter two hundred and sixty-five (265) laws of 1893.

*The General Assembly of North Carolina do enact:*

Chapter 265, public laws 1893, repealed.

SECTION 1. That chapter two hundred and sixty-five (265) of the public laws of the year one thousand eight hundred and ninety-three (1893) creating the township of Goshen in the county of Wilkes, be and the same is hereby repealed.

Boundaries.

SEC. 2. That the township boundaries of the townships of Lewis fork, Beaver creek, Moravian falls and Reddiss river in said county of Wilkes, be and they are hereby declared the same as they were prior to the law establishing the said Goshen township.



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

Ratified the 8th day of March, A. D. 1895.

## CHAPTER 159.

### An act to revise, amend, and consolidate the election laws of North Carolina.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter sixteen, title "elections regulated," of The Code, and all laws, and clauses of laws, relating to elections, enacted subsequent to The Code, are hereby repealed.

SEC. 2. That the word "secretary," as used in this act, means the secretary of state of North Carolina; the word "clerk," means the clerk of the superior court of the county; the word "precinct," means the territorial unit of elections, or the place of voting therein, according to the context; the singular includes the plural, and "oath" includes affirmation. A "political party," within the meaning of this act, is a political organization, whose candidate for governor at the general election in the year one thousand eight hundred and ninety-two received as many as thirty thousand votes.

SEC. 3. That on the Tuesday next after the first Monday in November, in the year of our Lord one thousand eight hundred and ninety-six, and every four years thereafter, an election shall be held in the several election precincts in each county for the following officers: First, governor; second, lieutenant-governor; third, secretary of state; fourth, auditor; fifth, treasurer; sixth, superintendent of public instruction; seventh, attorney-general. And on said Tuesday next after the first Monday in November, in the year aforesaid, and every two years thereafter, an election shall be held for members of congress in the several districts; members of the general assembly for their respective counties and districts; a register of deeds, county surveyor, coroner, and sheriff for their respective counties; in such counties as have one, a county treasurer; and in every township, a constable.

SEC. 4. That on the Tuesday next after the first Monday in November, in the year of our Lord one thousand eight hundred and ninety-eight, and on said day every four years thereafter,

Chapter 16 of *The Code*, volume 2, and all laws relating to elections enacted subsequent to *The Code*, repealed.

Words "secretary," "clerk" and "precinct," as used in act, defined.

"Oath" defined.

"Political party" defined.

Elections, when and how held.

Officers to be voted for.

Elections of members of congress.  
Members of general assembly.  
County officers.

Elections for clerk of superior court.

an election shall be held in each county for the office of clerk of the superior court.

Clerk of superior court to establish or alter polling places.

A polling place for every 350 voters.

Notice, &c., of establishment or alteration.

Secretary of state to furnish "clerk" with all necessary registration and polling books, blanks, &c., &c. "Secretary" failing to furnish them, clerks to provide them at expense of state.

Registrars, time and manner of appointment.

Qualifications of registrars.

Judges of election, how and when appointed.

Qualifications of judges of election.

"Registrars" and "judges" to constitute the "precinct board of election." Proviso.

All election officers to be sworn before entering on their duties.

Oath of office.

SEC. 5. That the clerk of the superior court of each county shall, within twelve months after the ratification of this act, establish, alter, or create separate places of election in their respective counties, so as to provide, as near as may be, at least one separate place of voting for every three hundred and fifty electors, in every subdivision of their respective counties, whether such subdivision be a township, village, city or ward; of which said action the said clerk shall give due notice, by advertisement in some public journal published in the county, if any such there be; otherwise in some public place within the boundaries of each of said voting places, or precincts, and at the court-house door in the county.

SEC. 6. That the secretary of state shall provide and forward to the clerks, on their requisition, all the necessary registration and election books, blanks and forms for each election precinct, and for the use of the clerk under the provisions of this act; and if the said secretary shall fail to furnish them in due time, then the clerks shall provide the same for their respective counties at the expense of the state.

SEC. 7. That on or before the first Monday of September next, preceding every election, the clerks in their several counties shall appoint, upon the written recommendation or approval of the chairman of the state executive committee of each political party of the state, one citizen and qualified voter from each of said political parties of and for each election precinct, who shall be able to read and write the English language, and who shall be known, for the duties required of them under this act, as registrars of election in their respective precincts. And on or before the first Monday of the month next preceding any election, the clerk shall appoint, upon the recommendation of the respective chairmen as aforesaid, one citizen and qualified voter of each party, as aforesaid, of and for each election precinct, able to read and write as aforesaid, who shall be known, for the duties required of them under this act, as judges of election in their respective precincts; and the registrars and judges of election, when so appointed and qualified, shall constitute the precinct board of election: *Provided*, that no registrar, judge or other officer of election whose oath of office is not in this act otherwise provided, shall enter upon the duties of his office until he shall have taken and subscribed, before some officer authorized to administer oaths, the following

#### OATH OF OFFICE:

"I, ....., do solemnly swear (or affirm) that I will support

the constitution of the United States, and the constitution and laws of North Carolina not inconsistent therewith; that I will truly and faithfully perform all the duties of the office of \_\_\_\_\_, on which I am about to enter, according to my best skill and ability: so help me, God." Which said oath shall be filed with the clerk.

The clerk shall make immediate publication of the names of the persons so appointed at the court-house door, and cause a notice to be served upon them within ten days, by the sheriff of the county; and if any registrar or judge so appointed shall die, or fail to perform his duty, the clerk shall appoint another, of the same political party and like qualifications, in his place. So, also, if on the day such registrars and judges are to be appointed, the chairmen of the state executive committees, or either of them, shall have failed to recommend persons so qualified for such appointments, then the clerk shall appoint suitable persons, having all the requisite qualifications herein described, without such recommendation; and, in case of a failure of any judge to serve, on the day of election, the chairman of the board may appoint; but no person who is a candidate for office at any such election shall be an officer of election.

In case of the death, absence, or other disability of the clerk, then all the duties in this act prescribed for that officer shall be performed by the register of deeds of the county until such disability is removed.

The chairman of each political party herein described may, before recommending to the clerks, the registrars, and judges of election, to be appointed, file with the secretary the following oath of office:

"I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support the constitution of the United States, and the constitution and laws of North Carolina not inconsistent therewith; that I will faithfully discharge the office of commissioner of elections, and recommend for appointment, as registrars and judges of election, only such men as are honest and competent to discharge the duties of such office: so help me, God."

Upon the taking and filing of such oath, or affirmation, he shall be thereby constituted a commissioner of election, with all the powers, duties, and obligations herein prescribed, and no other. If any such chairman shall fail to qualify himself, as aforesaid, the clerk shall not be required to comply with his recommendations, and may disregard them in making the appointments.

That the judges of the supreme and superior courts shall exercise general supervisory power over the clerks in the execu-

Names of persons appointed to be published and notice served on them.

Vacancies, how filled.

If chairmen of executive committees fail to recommend "registrars" or "judges," "clerk" to appoint.

Qualifications. How failure of "judge" on day of election provided for.

Candidates disqualified from serving.

Register of deeds to appoint in case of death, absence, &c., of "clerk."

"Chairman" created a "commissioner of elections" upon filing an "oath" with "secretary."

Oath.

"Clerk" not required to comply with his recommendations if he fails to file "oath."

Judges of supreme and superior courts to have general supervisory powers over "clerks."  
Duties, &c., of judges.  
Proceedings, &c., to enforce law.

Hearing to be summary.

Appeal not to vacate judgment or order.

Failure to comply with judgment or order made a contempt.  
Penalty.

Difference of construction of this law by different judges, chairman of any political party empowered to present a sworn petition setting out the difference, &c., to the chief justice, or, in his absence, &c., to the senior justice of the supreme court, who shall at once call together said court, and it shall at once proceed to hear and decide all matters of conflict.

tion and performance of all the powers, duties, directions and requirements of this act. It shall be the duty of each and every one of said judges, either upon his own motion, or upon the sworn complaint of any elector, residing anywhere in the state, to issue a rule upon any clerk, in any county, commanding him to appear before the judge issuing the rule, or any judge, in person or by counsel, and show cause why he has not, or shall not, perform any specified act, or duty, required by this election law, or why he shall not perform and execute this act in any specified way, so as to best give effect to the intents and purposes of this election law; and the judge hearing the rule, shall make all such orders and directions consistent with this act as may, in his best judgment, secure a free, and fair, and honest election in accordance with this act. Said judges shall hear all such rules, and matters appertaining to the proper and lawful enforcement of this act, in a summary manner, and to the exclusion of all other business before them, whether they may be holding terms of court or not. Any appeal taken from any order, decree, or direction of a judge, shall not vacate or postpone the order, decree, or direction, but the same shall be promptly obeyed, and any clerk, or other person, who shall fail or refuse to comply in good faith with said order, decree, or direction, shall be guilty of contempt, and be punished accordingly, and such clerk shall forfeit his office, and the vacancy shall be at once filled by the lawful appointing power. In the event that there shall be a difference, or a conflict, of decision between the judges as to the construction of this act, or in case any judge of the supreme or superior courts, upon any issue or matter arising before him, under this act, shall decide one way, and any other judge of the supreme or superior court shall decide the same point, or principle, or question, or matter, another way, then the chairman of any political party (being such a party as is hereinbefore defined) may present his sworn petition to the chief justice of the supreme court, or, in case of his inability, absence, or of a vacancy in the office of the chief justice, to the senior justice of the supreme court, which petition shall set out the alleged conflict of decisions, and shall cite the cases and decisions which may be alleged to be conflicting, and the names of the judges who have rendered them. and, thereupon, it shall be the duty of the chief justice, or senior justice, to call together the supreme court in special session, immediately, upon the shortest possible notice to the judges thereof, and the court, being in such special session, shall proceed without delay, and to the exclusion of all other business, to hear, try, and determine, the questions and matters arising



upon the petition, and to render such decision as shall reconcile conflicting decisions of the judges, and so determine the law. The petitioner shall exhibit with his petition a certified record of the cases, and proceedings, and decisions, which he may allege to be in conflict with each other. The supreme court, after rendering its decision, shall certify the same to the judges, and shall issue all necessary writs, and processes, and orders of procedures, or of prohibition, as may be necessary or proper to carry into execution the judgment or determination of the court.

SEC. 8. That any two of the registrars appointed and qualified for any one precinct, shall constitute a quorum for the conduct of the registration of such precincts, and on or before the morning of the first day of any registration, the precinct registrars shall organize by the election of one of their number as chairman, to preside over their deliberations. He shall have the custody of the registration books, and he, or any one of the registrars, may, in the absence of any or all the other registrars, conduct the registration as effectually to all the interests and purposes of this act as though a quorum were present assenting thereto: *Provided*, that no registration shall be had except at the places and times hereinafter provided. And on or before the assembling of the registrars and judges of election at the voting place on the morning of any election, the said registrars and judges shall organize the precinct board of election by the election of one of their number as chairman, who shall preside over their deliberations, and have general charge of the registration and poll books, the ballot boxes, the conduct of the election, and the count and return of the votes cast thereat; and a majority of said board shall constitute a quorum for the transaction of all the duties required of them under the provisions of this act.

SEC. 9. That registrars shall be furnished with one registration book for each precinct, and it shall be their duty to revise the existing registration book of their precinct in such manner, that said book shall show an accurate list of electors previously registered in such precinct, and still residing therein, without requiring such elections to be registered anew: *Provided*, that whenever a precinct, as laid off by the clerk under this act, shall not be identical in boundaries with any existing precinct at the election of one thousand eight hundred and ninety-four, then there shall be, in such new precinct, a new registration: *Provided, further*, when the registration book shall be mutilated or lost in any precinct in the state, that there shall be a new registration. And such registrars shall also, between the hours

Petitioner to exhibit a certified record of conflicting decisions, &c.

Decision to be at once certified to the judges, and all necessary process issued to enforce it.

Two registrars at a precinct to be a quorum.

Chairman. Organization of registrars.

Chairman to have custody of books.

Any one registrar may conduct registration.

Proviso.

Organization of precinct board of election.

Chairman: duties, &c.

Quorum.

One registration book for each precinct. Revision of registration books.

Proviso.

New registration in certain cases.

Proviso. New registration when old registration book lost or mutilated.

When registration books to be kept open.

When books closed.

Incorporated towns and cities excepted.

When elector to vote.

What registration shall specify.

Proviso.

Registrars and judges of election to attend at voting precinct second Saturday preceding the election, and open books for inspection of electors.

Challenges.

Procedure on hearing "challenges."

Name of person found not qualified to be erased from book.

Proviso.

Presumed to be qualified.

of nine o'clock A. M. and four o'clock P. M., for four consecutive Saturdays, at the voting place of said precinct, beginning on the sixth Saturday next preceding the day of the election, keep open said book for the registration of any electors residing in such precinct and entitled to registration therein, whose names have never before been registered in such precinct, or do not appear in the revised list. Said book shall be closed for registration on the Saturday next preceding the day of election at four o'clock P. M., except that in incorporated towns and cities the registration shall be closed at nine o'clock P. M. of the same day.

SEC. 10. That no elector shall be entitled to register or vote in any other precinct than the one in which he is an actual and bona fide resident on the day of election, and no certificate of registration shall be given, except as herein provided by law. Every registration shall specify, as near as may, the age and residence of the elector, as well as the township or county from whence he removed, in the case of a removal, since the last election, and the name by which he is commonly known; but no registration shall be invalidated because of a failure to specify the age and place of residence, etc., unless it shall appear that, upon the registrar properly questioning the elector, he declined to answer the questions pertaining to these matters.

SEC. 11. That it shall be the duty of the registrars and judges of election, to attend at the voting place of their precinct, with the registration book, on the second Saturday next preceding the election, from the hour of nine o'clock A. M. until the hour of four o'clock P. M., when and where the said book shall be open to the inspection of the electors of the precinct.

SEC. 12. That any elector may, on that day, object to the name of any person appearing in said book, and, in case of any such objection, the registrar shall enter upon the book, opposite to the name of the person so objected to, the word "challenged," and shall appoint the next Saturday, at ten (10) o'clock A. M., at the polling place of said precinct, when they, together with said judges of election, shall hear and decide said objection, after having given due notice to the voter so challenged; and if any person challenged or objected to shall be found not duly qualified, as provided in this chapter, the board shall erase his name from the book: *Provided*, that the entry of the name, age, residence, and date of registration of any person by the registrar, upon the registration book of a precinct, shall be presumptive evidence of the regularity of such registration, the truth of the facts stated, and the right of such person to register and to vote at such precinct.

SEC. 13. That the following classes of persons shall not be allowed to register or vote in this state, to-wit: Persons under twenty-one years of age, idiots and lunatics, persons who, upon conviction or confession in open court, shall have been adjudged guilty of felony or other crime infamous by the laws of this state, committed after the first day of January, in the year of our Lord one thousand eight hundred and seventy-seven, unless they shall have been legally restored to the right of citizenship.

Persons disqualified.

SEC. 14. That, subject to the foregoing exceptions, every male person, born in the United States, and every male person twenty-one years of age, who has been naturalized, 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 a qualified elector in the precinct in which he resides, and all electors shall register and vote in the election precinct of their residence: *Provided*, that no challenge shall be made on the day of election, except as to those electors who have become of the age of twenty-one years since the closing of the registration books, or otherwise become qualified to register and vote on election day. No elector shall be allowed to register in any ward or precinct to which he shall have removed, for the mere purpose of being a voter therein, nor unless his residence therein is actual and bona fide; and it shall be the duty of the registrar, or judge of election, when requested by a bystander, to swear any person offering to register or to vote as to his residence, and to have placed in writing opposite his name, the word "sworn"; and any person, knowingly and fraudulently, registering or voting at any other place than that of his bona fide residence, shall be guilty of a crime infamous by the laws of this state, and, upon conviction, shall be punished by a fine not exceeding one thousand dollars, or imprisonment at hard labor not exceeding two years, or both; such fine and imprisonment in the discretion of the court.

Qualifications of voters.

Where electors to register and vote.  
Proviso.  
Challenges on day of election, &c.

Electors must be actual residents of the precinct in which they register and vote.

When judges to challenge.

Oath, &c.

Penalty for fraudulent registration.

SEC. 15. Any lawful elector of the state may apply at any time to the registrar, during the registration, or before the election, for a copy of his registration list, and upon payment of one cent for each name to the registrar, he shall furnish the copy as required, except that he may not make or furnish it on any Saturday of registration, nor on the day set apart for the trial of challenges, nor on the day of election.

Copies of registration books, how obtained.

SEC. 16. That every person presenting himself for registration, shall state his age and place of residence, as well as the township or county from whence the elector has removed, in the

Persons offering to register, what to state.

event of a removal, since the last election, and shall take the following oath :

Oath of electors.

"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 ; that I have been a resident of North Carolina for twelve months, and the county of..... for ninety days ; that I am a duly qualified elector, and that I have not registered for this election in any other precinct ; and that I am an actual bona fide resident of ..... precinct : so help me, God."

Registrar to record name, age, residence, &c., in registration books.

The registrar shall record the name, age, residence, as well as the township or county from whence the elector has removed, in the event of a removal, since the last election, and date of registration of the elector ; and if an elector has previously been admitted to register in his ward or precinct in the county in which he resides, he shall not be allowed to register again in another ward or precinct in the same county until he shall produce a certificate of a registrar of his former ward or precinct, that said elector has removed from that ward or precinct, and that his name has been erased from the registration book of that ward or precinct from which he removed.

Persons removing from one precinct to another, &c.

Certificate of removal.

When polls to be opened and closed.

SEC. 17. That the polls shall be opened on the day of election from seven o'clock in the morning until sunset of the same day, and no longer ; and each voter whose name may appear registered, shall hand in his ballot to the judges, who shall carefully deposit the same in the proper ballot box.

Manner of voting.

What ballots to contain.

SEC. 18. The governor, lieutenant-governor, secretary of state, auditor, treasurer, superintendent of public instruction, attorney-general, members of congress in their respective districts, the members of congress for the state at large, if there be such, the justices of the supreme court, judges of the superior court, solicitor, and presidential electors, shall be voted for on one separate ballot.

Ballots to be printed, or written, or partly written and partly printed, on paper of any color, with or without device.

The members of the general assembly in their respective counties and districts, clerk of the superior court, county treasurer, if any there be, register of deeds, coroner, sheriff, surveyor, in each township a constable, and such other county officers as may be provided by law, shall be voted for on one other separate ballot. All ballots shall be printed or written, or partly printed and partly written, on paper, which may be of any color, and may, or may not, have thereon a device.

How ballot boxes provided.

SEC. 19. That the clerk, or, upon his failure, the board of election, shall provide ballot boxes for each class of officers to be voted for in their respective counties, or precincts, as the case



may be, in which to deposit the ballots for such officers, respectively. The said ballot boxes shall be in the custody of the board of election for each precinct during every election, and shall be turned over to the custody of the clerk for safe keeping, upon the close of the election, until the next ensuing election. The board shall carefully examine the ballot boxes before the voting begins, and see that there is nothing in them. Each box shall be labeled, in plain and distinct Roman letters, with the name of the office or offices to be voted for, and the question or questions to be voted upon. They shall be of sufficient dimensions to contain one cubic foot of inside measurement, and shall be provided with a good, strong lock and key; the lid of the box shall be secured by hinges, and have an opening at the top large enough to admit one folded ballot, and no more.

SEC. 20. That when the election shall be finished, the registrars and judges of election, in the presence of such candidates, or their duly authorized representatives, as may choose to attend, shall open the boxes and count the ballots, reading aloud the names of the persons who shall appear on each ticket; and if there shall be two or more tickets rolled up together, or any ticket shall contain the names of more persons than such elector has a right to vote for, such ticket shall not be numbered in taking the ballots, but shall be void; and the said counting of votes shall be continued without adjournment until completed and the result thereof declared. Any ballot found in the wrong box shall be presumed to have been deposited there by mistake of the officers of election, and unless such presumption shall be rebutted, the ballot shall be counted. The ballots which were at said election deposited in the different ballot boxes shall, as they are counted, be forthwith deposited in duplicate ballot boxes, for that purpose to be provided, and the ballot boxes to which they have been so returned shall be securely fastened and sealed.

SEC. 21. That the precinct board of election, or a majority thereof, in each precinct shall, immediately after the counting of the ballots has been concluded, make out, in writing, triplicate abstracts of the votes cast at said precinct for the different candidates, sign the same immediately after the completion of the count, and deliver one of said abstracts in an envelope, sealed and addressed to one of their number, who shall deliver the same within twenty-four hours thereafter to the clerk. They shall also deliver to the same person the ballot boxes containing the ballots cast and counted at said election, and he shall deliver them to the clerk at the same time he delivers to him the said abstract, and the clerk shall give to said mes-

Custody of  
ballot boxes.

Examination of  
boxes.

Boxes labeled,  
&c.

Description of  
boxes.

How ballots  
counted.

What tickets to  
be void.

Counting to be  
continued with-  
out adjournment  
till completed.

Ballot in wrong  
box to be  
counted.

Ballots to be  
preserved.

Returns, how  
made out.

To be delivered  
to the clerk, &c.

Ballots to be de-  
livered to  
"clerk."

"Clerk" to give receipt.

Duplicates to be delivered to register of deeds.

Abstract to be recorded by register of deeds.

Also, "clerk" to record abstract delivered to him.

An abstract to be posted in precinct.

How result of election determined and declared.

Proviso.

Where no abstract delivered to "clerk."

Proviso.

As to Dare county.

How abstracts of precinct returns to be made.

What abstracts to contain.

senger a receipt for the same. The said board of elections shall appoint another of their number, to whom they shall deliver one other of the said triplicate abstracts in an envelope, sealed and addressed, and he shall deliver the same within twenty-four hours thereafter to the register of deeds of the county, and take his receipt therefor; and the said register of deeds shall, without delay, at least within twenty-four hours after the same has been delivered to him, record the said abstract in his office in a book to be kept for such purpose, entitled "record of elections." The clerk shall also, without delay, at least in twenty-four hours from the time of delivery to him, record the abstract which was delivered to him in a book to be kept for such purpose in his office, entitled "record of elections." The third and last of said triplicate abstracts shall be posted up by the board of elections in some safe and conspicuous place at the voting precinct.

SEC. 22. That the clerk, in the presence of such candidates, or their duly authorized representatives, as may choose to attend, shall, on the Thursday next after every election, at twelve o'clock, noon, of that day, at the court-house of the county, and without delay, proceed to add up the number of votes received by the different candidates for the different offices, as shown by the various precinct returns, which have been delivered to him: *Provided, however*, that if no returns have been delivered to him from any certain precinct, he may use, in adding up the number of votes received by the different candidates, the returns from said precinct, which have been delivered to the register of deeds: *Provided*, that the various precinct returns of the county of Dare shall be added up by the clerk on the seventh day after the election, and the returns from the precincts of Hyde county shall be added up on the fourth day after the election.

SEC. 23. That the clerk shall, on the days mentioned in the preceding section of this act, after he has added up the figures in the precinct returns, make abstracts, stating the number of ballots cast in each precinct for each officer, the name of each person voted for, and the number of votes given each person for each different office, and shall sign the same. The abstract of the vote for each of the following classes, shall be made on a different sheet:

(1.) Governor, lieutenant-governor, secretary of state, auditor, treasurer, superintendent of public instruction, attorney-general, members of congress for their respective districts, and members of congress for the state at large, if there be such:

justices of the supreme court, judges of the superior court, and solicitors.

(2.) Clerk of the superior court, county treasurer, if any, register of deeds, surveyor, sheriff, coroner, constable, and such other county and township officers as shall be provided by law.

(3.) Senators and representatives, in the general assembly. Three abstracts of all the votes cast for any state officers, for representation in congress, for justices of the supreme court, for judges of the superior court, and for solicitors, shall be made by the clerk, one of which shall be delivered to the sheriff of the county, one filed with the register of deeds, to be registered in his office, and one forwarded by mail, in a registered letter, to the secretary at Raleigh; and the clerk shall take from the respective persons above mentioned receipts for the same, and record the same in his office in the record of elections aforesaid. Also, a separate abstract of all the votes cast for state senators, when the senatorial district consists of more than one county; one of which shall be filed with the register of deeds, to be registered in his office, and the other furnished to the sheriff of the county, receipts for which shall be taken by the clerk from the respective persons to whom they were delivered, and recorded in his office in the record of elections aforesaid.

SEC. 24. That each abstract of the votes cast for such officers as the county alone elects, shall contain an accurate statement of all the persons voted for, and the number of votes cast for each.

SEC. 25. That the person having the greatest number of votes for any office shall be declared elected; but if two or more county candidates having the greatest number shall have an equal number, then the clerk, if such office be a county office, or less; otherwise, the Governor shall announce the failure of a choice, and call another election, to be held within the territory of such office after not less than ten days' notice, and publication thereof within the territory aforesaid, to the end that such office may be filled by the votes of a majority of the electors residing therein.

SEC. 26. That when the clerk has completed the addition of the various precinct returns of the county, he shall proclaim the result at the court-house door, with the number of votes cast for each.

SEC. 27. That the sheriffs, in the various senatorial districts composed of more than one county, after receiving the returns from the clerks, shall meet on the tenth day after the election at the following places in their respective districts for the pur-

Three abstracts of vote for state officers, congressmen, judges and solicitors to be made by clerk.  
To whom delivered.

Abstracts for state senators, how made, &c.

Receipts, &c.

How recorded, &c.

What abstract of votes for county officers, &c., to contain.

Person having greatest number of votes to be declared elected. When two or more have same majority vote, new election to be held.  
How held, &c.

Result of election to be proclaimed by clerk, &c.

In senatorial districts composed of more than one county, sheriffs of several counties to meet and add up returns. When to meet.



Places of meet-  
ing.

pose of comparing the polls: In the first district, at Hertford, in the county of Perquimans; in the second district, at Plymouth, in the county of Washington; in the third district, at Roxabel, in the county of Bertie; in the seventh district, at Nashville, in the county of Nash; in the eighth district, at Newbern, in the county of Craven; in the ninth district, at Warsaw, in the county of Duplin; in the tenth district, at Wilmington, in the county of New Hanover; in the eleventh district, at Ridgeway, in the county of Warren; in the fourteenth district, at Roseboro, in the county of Sampson; in the fifteenth district, at Lennon's Cross Roads, near Francis Lennon's, in the county of Columbus; in the seventeenth district, at Berea, in the county of Granville; in the eighteenth district, at Hillsboro, in the county of Orange; in the twenty-second district, at Brower's Mill, in the county of Randolph; in the twenty-third district, at Lilesville, in the county of Anson; in the twenty-fourth district, at Mount Pleasant, in the county of Cabarrus; in the twenty-sixth district, at Lexington, in the county of Davidson; in the twenty-seventh district, at Harmony, in the county of Columbus; in the twenty-eighth district, at Pilot Mountain, in the county of Surry; in the twenty-ninth district, at Hickory, in the county of Catawba; in the thirtieth district, at Jefferson, in the county of Ashe; in the thirty-first district, at Marion, in the county of McDowell; in the thirty-second district, at Moorsboro, in the county of Cleveland; in the thirty-third district, at Asheville, in the county of Buncombe; in the thirty-fourth district, at Webster, in the county of Jackson; in the thirty-fifth district, at Murphy, in the county of Cherokee.

If any sheriff ab-  
sent on day of  
meeting, returns  
waited for a day.

If, for any cause, any of said sheriffs are prevented from meeting at said places, respectively, on the aforesaid tenth day after the election, the returns of such officers shall be waited for and received, if they arrive on the following day; and the officer failing to attend at the time and place required, as aforesaid, shall forfeit and pay one thousand dollars, to be recovered in the superior court of his county by any person who may sue for the same, and shall be guilty of a misdemeanor; but if the returns of all the counties in the district be not in by noon of the day appointed, then the officers shall adjourn from day to day until the returns from all the counties shall be received, and, in the meantime, shall dispatch a competent person, under oath, to the county of the delinquent officer for a certified copy of the vote of that county, which shall be furnished by the register of deeds of said county, and when received, shall be counted; and when the sheriffs shall be convened, as aforesaid, the polls for the different counties shall be examined in the

Penalty for fail-  
ing to attend.

How penalty re-  
covered.

What to be done  
if returns not in,  
&c.

Correct returns  
to be sent for.

Polls to be  
counted in pres-  
ence of one jus-  
tice and five  
electors of  
county in which  
meeting is held.



presence of one justice and five electors, to be summoned by the sheriff of the county where they shall meet; and a certificate, under the hands and seals of the sheriffs, shall be given to the candidate in each district for whom the greatest number of votes shall have been given; but if two or more candidates shall have an equal number of votes, the said officers shall immediately report the fact to the governor, who shall order a new election for such officer.

SEC. 28. That the sheriff of each county shall furnish, within ten days, the member or members elected to the house of representatives and to the senate, where the district is not composed of more than one county, a certificate of election, under his hand and seal; shall also immediately notify all persons elected to the county offices to meet at the court-house on the first Monday in the ensuing month, to be qualified.

SEC. 29. That the sheriff of each county shall, on or before the third day after the election, transmit by mail, in a registered letter, or otherwise, to the speaker of the house of representatives, a separate statement of the votes taken in his county for each of the state officers, to-wit: Governor, lieutenant-governor, secretary of state, auditor, treasurer, superintendent of public instruction, and attorney-general; which statement, in each case, shall be in the following or similar form, viz.:

STATE OF NORTH CAROLINA,

.....County:

I, .....sheriff of.....county, do hereby certify that at the election held in the said county to elect a governor (or other officer, as the case may be) for four years, from the first day of.....next, at the places appointed by law for holding elections for said county, on the.....day of.....A. D. one thousand eight hundred and....., .....votes were given for.....and.....votes were given for.....

Given under my hand, this.....day of.....189....

.....*Sheriff*.

If said statements are transmitted by mail, they shall be directed, in sealed packets, to the speaker of the house of representatives, in care of the secretary; and if by messenger, they shall be sent directly to the speaker of the house of representatives, sealed as aforesaid: *Provided*, that no messenger bringing said statements, or any other abstracts or election returns, shall receive compensation therefor.

Any sheriff or other returning officer failing or neglecting to perform the duties required in this section, shall forfeit and pay

Sheriffs to give certificates of election, &c.

Two or more having same vote, governor to order new election.

Sheriff of such county to give certificate to each person elected to house of representatives, and to senators whose district composed of one county. Sheriffs to notify county officers elected to qualify 1st Monday in December following.

Sheriff to transmit on or before 3rd day after election to the speaker of the house of representatives a separate statement of the vote of his county for state officers.

Form of statement.

How statements sent, &c.

Proviso.

Penalty for officer's failure to comply with provisions of this section.

Proviso.  
In favor of  
sheriffs of Dare  
and Hyde  
counties.

Secretary to  
have proper  
forms of returns  
prepared and  
printed and give  
directions, &c.

And shall fur-  
nish clerks of all  
counties with  
necessary  
blanks, &c.

Speaker of house  
of represent-  
atives to open  
and publish re-  
turns for state  
officers in the  
presence of a  
majority of the  
members of both  
houses of the  
general assem-  
bly, at 12 o'clock  
noon, on the first  
Tuesday after  
organization.  
Obtaining miss-  
ing returns, &c.

Two houses in  
joint session  
may postpone  
publication of  
result in certain  
cases.

Who declared  
elected.  
If two or more  
have same num-  
ber of votes, one  
to be chosen by  
joint ballot of  
both houses.  
Contested elec-  
tions, how deter-  
mined.

Two houses to  
make abstract of  
total votes  
received by each  
candidate and  
declare the  
result.

How abstract  
signed.

To whom deliv-  
ered.

Abstract to be  
recorded in sec-  
retary's office

two thousand dollars, to be recovered in the superior court of his county by any person who shall sue for the same, and shall be guilty of a misdemeanor and imprisoned at hard labor in the penitentiary for twelve months: *Provided*, that the sheriffs of the counties of Hyde and Dare shall have until the eleventh day after the election to comply with this section.

SEC. 30. That the secretary shall cause proper forms of returns to be prepared, and printed and send copies thereof, with plain directions as to the manner of endorsing, directing and transmitting the same to the seat of government, to all the clerks and sheriffs of the state, at least thirty days before the time of holding any election. He shall also furnish to the clerk of each county all such printed blanks as may be necessary for making the county returns.

SEC. 31. That the speaker of the house of representatives, in the presence of a majority of the members of both houses of the general assembly, shall open and publish the returns for governor, lieutenant-governor, secretary of state, auditor, treasurer, superintendent of public instruction and attorney-general, at twelve o'clock, noon, on the first Tuesday after the organization of both houses of the general assembly. And if, for any cause, there be no return from any county of the state, or if any return be defective, a proper return shall be had in such manner as the two houses in joint session may direct; and in either case a publication of the result may be postponed to such time as the joint session of the two houses may deem best. The person having the highest number of votes for each office, respectively, shall be duly declared elected thereto; 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 vote of both houses of the general assembly, in the same manner and under the same rules and regulations as prescribed in cases of contested elections of members of the general assembly.

SEC. 32. That an abstract of the returns of votes for state officers shall be made by the two houses of the general assembly, showing the number of ballots cast for each candidate, the names of all persons voted for, the offices for which they received such votes, and the number of votes cast for each person, and the persons ascertained by the count to be elected to the several offices; and said abstract shall be signed by the presiding officers of the two houses and delivered to the secretary, who shall record it in the election book kept in his office,

and then file it. Said abstract shall also be printed in the journals of the two houses and in the legislative documents.

and printed in journals of two houses.

SEC. 33. That any registrar or judge of election, or any register of deeds, clerk or sheriff, failing or neglecting to make the returns and perform the duties required of him, shall be fined not less than five hundred nor more than one thousand dollars, or imprisoned not more than six nor less than two months, at the discretion of the court; and every such officer, for every such offence, shall forfeit and pay the sum of five hundred dollars, to be recovered in the name and to the use of the state, on motion of the attorney-general, in the superior court of Wake county, ten days' previous notice, in writing, of such intended motion having been given to such officer by the secretary. The proceedings thereon shall be summary, and if any matter of fact shall be in issue, the same shall be tried at the first term; and on such trial, or for any other purpose in the prosecution of such motion to judgment, the certificate of the secretary, or of the governor, as the case may be, of the particular default on which the motion is founded, shall be received as competent *prima facie* evidence to prove the same.

Penalty for failure of any officer to perform his duties.

How penalty recovered.

Procedure.

Evidence, &c.

SEC. 34. That if any sheriff, or returning officer whatever, shall wilfully, or of malice, neglect to perform any duty, act, matter or thing required or directed, in the time, manner and form in which such duty, act, matter or thing is required to be performed in relation to the election and returns thereof, of the governor, of representatives in congress, of justices of the supreme court, of judges of the superior court, of solicitors, or of the electors of president and vice-president of the United States, lieutenant-governor, secretary of state, auditor, treasurer, members of the general assembly, clerk of the superior court, sheriff, county treasurer, if any, register of deeds, coroner, constable, or other officer whatsoever, the person so offending shall be guilty of a felony, and fined not less than one thousand nor more than five thousand dollars, and be imprisoned not less than one nor more than three years; and shall be disabled from holding any office of profit or trust under the authority of the state.

Penalty for willful neglect of any sheriff or other election officer to perform duties required of them.

SEC. 35. That any person who shall, with intent to commit a fraud, register or vote at more than one box, or more than one time, or who shall induce another to do so, or any person who shall illegally vote at any election, shall be guilty of an infamous crime, imprisoned not less than six nor more than twelve months, or fined not less than one hundred nor more than five hundred dollars, at the discretion of the court; and any registrar of voters, or any clerk or other officer or employee who

Penalty of illegal registration and voting.

Penalty for registrar or other officer making entry of copy with intent to commit fraud.

shall make any entry or copy, with intent to commit a fraud, shall be liable to the same penalty.

Penalty for false swearing, &c.

SEC. 36. That any person who shall corruptly take the oath prescribed for voters, shall be guilty of perjury, and be fined not less than five hundred dollars nor more than one thousand dollars, and be imprisoned at hard labor in the penitentiary not less than two nor more than five years.

Secretary to furnish clerk with sufficient number of copies of election law at least 60 days before election.

SEC. 37. That the secretary shall, at least sixty days before each election, furnish the clerk of each county with a sufficient number of copies of this chapter, with the latest amendments incorporated with it, to supply each county canvasser, clerk, register of deeds, sheriff, registrar of voters, and judges of election with one copy thereof.

Military not to muster, nor armed men assemble at voting places.

SEC. 38. That no regimental, battalion or company muster, shall be called or directed on election day, nor shall armed men assemble on the day of election, at any place appointed by law to hold elections for electors of president and vice-president of the United States, governor, members of congress, members of the general assembly, or any state or county officer, under the penalty of one thousand dollars, to be recovered of any person who shall call such muster or assemble such armed men; one-half to go to the use of the informer, and the other half to the use of the state.

Breaking up or staying elections, &c., punished.

SEC. 39. That any person who, by force and violence, shall break up or stay any election, by assaulting the officers thereof, or depriving them of the ballot boxes, or by any other means, his aiders and abettors, shall be guilty of a misdemeanor, and imprisoned three months, and pay such fine as the court shall adjudge, not exceeding one hundred dollars.

Penalty.

Treating prohibited.

SEC. 40. That any person who shall treat, with either meat or drink, on any day of election, or on any day previous thereto, with an intent to influence the election, shall forfeit and pay two hundred dollars, the one-half for the use of the county, and the other for the use of the person who shall sue for the same.

Penalty.

Intimidation made a misdemeanor.

SEC. 41. That any person who shall discharge from employment, withdraw patronage from, or otherwise injure, threaten, oppress, or attempt to intimidate, any qualified voter of this state, because of the vote such voter may or may not have cast in any election, shall be guilty of a misdemeanor.

Bribery, &c.

SEC. 42. That any person who shall, at any time before or after an election, either directly or indirectly, give, or promise to give, any money, property, or reward, to any elector, or to any county or district, in order to be elected, or to procure any other person to be elected a member of the general assembly, or to any office under the laws of this state, shall forfeit and



pay four hundred dollars to any person who will sue for the same, and shall be guilty of a misdemeanor; and any person who shall receive, or agree to receive, any such bribe, shall also be guilty of a misdemeanor. Penalty.  
Receiving  
bribes.

SEC. 43. That any person who shall bet or wager any money, or other thing of value, upon any election held in this state, shall be guilty of a misdemeanor. Betting, &c.

SEC. 44. (That for senators of the United States, and their mode of election, see act of congress of the twenty-fifth of July, one thousand eight hundred and sixty-six, fourteenth statutes at large, chapter two hundred and forty-five, page two hundred and forty-three.) Laws of United  
States referred  
to in regard to  
election of  
United States  
senators.

SEC. 45. That for the purpose of selecting representatives in the congress of the United States, the state of North Carolina shall be divided into nine districts, as follows: Congressional  
districts.

*First District*—Beaufort, Camden, Carteret, Chowan, Currituck, Dare, Gates, Hertford, Hyde, Martin, Pamlico, Pasquotank, Perquimans, Pitt, Tyrrell, and Washington. First district.

*Second District*—Bertie, Edgecombe, Greene, Halifax, Lenoir, Northampton, Warren, Wilson, and Wayne. Second district.

*Third District*—Bladen, Cumberland, Duplin, Craven, Harnett, Jones, Moore, Onslow, and Sampson. Third district.

*Fourth District*—Chatham, Franklin, Johnston, Nash, Randolph, Wake, and Vance. Fourth district.

*Fifth District*—Alamance, Caswell, Granville, Guilford, Perquimans, Rockingham, Stokes, Durham, and Orange. Fifth district.

*Sixth District*—Anson, Brunswick, Columbus, Mecklenburg, New Hanover, Pender, Richmond, Robeson, and Union. Sixth district.

*Seventh District*—Cabarrus, Davidson, David, Iredell, Montgomery, Rowan, Stanly, Yadkin, Lincoln, and Catawba. Seventh district.

*Eighth District*—Alleghany, Ashe, Alexander, Burke, Caldwell, Cleveland, Gaston, Watauga, Wilkes, Forsyth, and Surry. Eighth district.

*Ninth District*—Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Polk, Rutherford, Swain, Transylvania, Mitchell, and Yancey. Ninth district.

SEC. 46. That whenever, by a new apportionment of representatives among the several states, the number of representatives in the congress of the United States from North Carolina shall be either increased or decreased, and neither the congress nor the general assembly shall provide for the election of the same, then if the said representatives shall be increased, the increased number shall be elected by the qualified voters of the whole state, and shall be voted for on one ballot; and the representatives from the several congressional districts, shall be elected by the voters of the said districts respectively, and shall be New apportion-  
ment, &c., of  
representatives  
in congress.  
  
How election  
had.

each voted for on another ballot. But if the number of said representatives shall be decreased, as aforesaid, in that event all the representatives in congress shall be elected by the qualified voters of the whole state, and shall be voted for on one ballot.

Time and place of holding election for members of congress.

SEC. 47. That the election for members of congress shall be held at the same time and places as prescribed for holding elections for members of the general assembly, on the Tuesday next after the first Monday in November, in the year of our Lord one thousand eight hundred and ninety-six, and on said day every two years thereafter, or on such days as congress shall have prescribed, and shall be conducted by the sheriffs, or by other persons.

How election to fill vacancy held.

SEC. 48. That if, at any time after the expiration of any congress, and before another election, or if at any time after an election, there shall be a vacancy in the representation in congress, the governor shall issue a writ of election, and, by proclamation, shall require the voters to meet in the different precincts in their respective counties at such time as may be appointed therein, and at the places established by law, then and there to vote for a representative in congress to fill the vacancy; and the election shall be conducted in like manner as regular elections.

Governor to issue commission to person elected.

SEC. 49. That every person duly elected a representative to congress, upon obtaining a certificate of his election from the secretary, shall procure from the governor a commission certifying his appointment as a representative of the state, which the governor shall issue on such certificate being produced.

Compensation of registrars and other election officers.

SEC. 50. That the registrars shall receive one cent for each name copied from the original registration book, and three cents for each new name registered. Every sheriff, or other returning officer, shall be allowed two dollars and fifty cents per day for the time actually and necessarily employed, and ten cents per mile for distance traveled, for making the returns for senators; sixty cents for each notice served upon the county officers-elect, and sixty cents for giving certificates to representatives to the general assembly and to the senators whose district is a single county; all to be paid by the county treasurer, upon the affidavit of the returning officer. Clerks and registers of deeds shall also be allowed the usual record and registration fees for recording and making duplicates of the election returns, to be paid by the county.

What secretary to do on failure to receive abstract from any county.

SEC. 51. That if the abstracts or returns from any county shall not be received at the office of the secretary by the third Monday after election, the said secretary is authorized to ob-

tain from the register of deeds, or from the clerk, the original abstracts or returns of such county, or copies of them, if the originals have been forwarded. And all such abstracts and returns shall be recorded and filed in the office of the secretary.

SEC. 52. That the secretary, in presence of such persons as may choose to attend, shall open the abstracts transmitted to him on the Thursday following the third Monday after the day of election, and examine the same, if they shall have been received from all the counties, and if not all received, he shall adjourn from day to day, not exceeding twenty days, for the purpose of obtaining the returns or abstracts from the counties; and when these are received, he shall proceed to add up the figures as they appear in and by said returns or abstracts. From these he shall make an abstract stating the number of ballots cast for each candidate, the names of all the persons voted for, for what offices they received the votes, the number of votes each received, and whom, by such count, he ascertains to be elected to the office, which said abstract he shall sign in his official capacity, and cause the seal of the state to be affixed thereto: *Provided*, that in all cases of special elections ordered by the governor to fill vacancies in the representation of the state in congress, the secretary may open the abstracts and count the same by adding up the number of votes therein, as soon as the returns from all the counties entitled to vote in such special election have been received by him—first giving notice, however, of the time when, and the place where, said abstracts will be opened and counted, by advertisement in some daily newspaper published in the city of Raleigh, for ten days; and he shall prepare and sign a certificate for each person elected, and deliver it to the person entitled thereto, when he shall demand the same.

SEC. 53. That the secretary shall estimate the votes cast for officers of the executive department, from the abstracts received, and shall publish a statement of the result of such calculations, but this statement shall be for information of the public only, and shall not have the effect to determine what candidates have been elected to such offices. Their election shall be ascertained and declared according to section three, article three, of the constitution.

SEC. 54. That justices of the supreme court, judges of the superior court, and solicitors, shall be commissioned by the governor, and their terms of office shall begin on the first day of January next succeeding their election. An election of officers whose terms shall be about to expire, shall always be

Manner and time of opening abstracts by "secretary."

Adjournments. &c.

Add up figures.

Abstract of votes received by each candidate to be made.

Result ascertained and declared. Proviso in procedure in special elections, &c., for members of congress.

Certificate to be issued.

How estimate of votes for state officers to be made.

Effect of secretary's estimate.

Judges and solicitors to be commissioned by governor.

Terms of office, election, &c.

held at the general elections next preceding the expiration of their terms of office.

# MISCELLANEOUS.

Illegal registration, &c.

SEC. 55. That any person who shall cause or procure his name to be registered in more than one election ward or precinct, or shall cause or procure his name, or that of any other person, to be registered, knowing that he, or the person whose name he has procured to be registered, is not entitled to vote in the ward or precinct, wherein such registration is made, at the ensuing election to be held therein, or who shall falsely personate any registered voter, shall be guilty of a crime infamous by the laws of the state, and shall be punished for every such offence by a fine not exceeding one thousand dollars, or imprisonment, at hard labor, for a term not exceeding two years, or both such fine and imprisonment, in the discretion of the court.

Penalty.

Convicted persons to be questioned, &c.

SEC. 56. That if any person be challenged, as having been convicted of any crime which excludes him from the right of suffrage, he shall be required to answer any questions in relation to such alleged conviction; but his answers to such questions shall not be used against him in any criminal prosecution; but if any person so convicted shall vote at any election, without having been restored to the rights of citizenship, he shall be guilty of an infamous crime, and punished by a fine not exceeding one thousand dollars, or imprisonment, at hard labor, not exceeding two years, or both such fine and imprisonment.

Answers not to be used against him in any criminal prosecution.

Penalty for convict voting.

Authority of registration of judges of election.

SEC. 57. That the registrars and judges of election, in each ward or precinct, shall, respectively, possess full power and authority to administer oaths, maintain order, and enforce obedience to their lawful commands during sessions, respectively, and shall be constituted inferior courts for that purpose; and if any person shall refuse to obey the lawful command of any such registrar or judge of election, or, by disorderly conduct in their hearing or presence, shall interrupt or disturb their proceedings, they may, by an order in writing, signed by their chairman, commit the person so offending to the common jail of the county, for a period of not exceeding thirty days, and such order shall be executed by any sheriff, or constable, to whom the same shall be delivered, or if a sheriff or constable shall not be present, or shall refuse to act, by any other person who shall be deputed by such, or precinct board of election, in writing, and the keeper of such jail shall receive the person so committed, and safely keep him for such time as shall be mentioned in the commitment.

May commit persons offending to jail.

How authority enforced.

Commitment.

SEC. 58. That whenever any vacancies shall exist by reason of



death, resignation, or otherwise, in any of the following offices, to-wit: secretary of state, auditor, treasurer, superintendent of public instruction, attorney-general, solicitor, justices of the supreme court, and judges of the superior court, the same shall be filled by elections, to be held in the manner and places, and under the same regulations and rules, as prescribed for general elections at the next regular election for members of the general assembly, which shall occur not more than thirty days after such vacancy, except as otherwise provided for in the constitution.

Vacancies in state offices and judicial offices to be filled by election, &c.

SEC. 59. That when a vacancy occurs in the general assembly by death, resignation, or otherwise, it shall be the duty of the sheriff of the county in which the late member resided, if the general assembly shall not be in session, to notify the governor of such vacancy, and in case the general assembly shall be in session when such vacancy occurs, it shall be the duty of the presiding officer of the house in which the vacancy occurs to notify the governor of the same, who shall, thereupon, issue a writ of election to the sheriff or sheriffs of the district or county represented by the late member; said election to be held at such time as the governor may designate, and in such manner as may be prescribed by law.

How vacancies in general assembly filled.

SEC. 60. That every election held in pursuance of a writ from the governor, shall be conducted in like manner as the regular biennial elections, so far as the particular case can be governed by the general rules, and shall, to all intents and purposes, be as legal and valid, and subject the officers holding such elections, and persons elected thereat, to the same penalties and liabilities as if the same had been held at the time and according to the rules and regulations prescribed for the regular biennial elections.

Special elections held and conducted as regular elections.

SEC. 61. That any person who shall give away, or sell, any intoxicating liquors, except for medical purposes, and upon the prescription of a practicing physician, at any place within five miles of the polling place, at any time within twelve hours next preceding or succeeding any public election, whether general, local, or municipal, or during the holding thereof, shall be guilty of a misdemeanor, and fined not less than one hundred nor more than one thousand dollars.

Intoxicating liquors not to be sold or given away at any place in five miles of a polling place.

SEC. 62. That, unless otherwise provided by law, all general elections shall be held on the Tuesday next after the first Monday in November of the year in which there shall be an election.

Penalty.

When general elections held.

#### ELECTORS OF PRESIDENT AND VICE-PRESIDENT OF THE UNITED STATES.

Elections for president and vice-president, when and how elected.

SEC. 63. That on the Tuesday next after the first Monday in

Number of electors to be chosen

the month of November, in the year of our Lord one thousand eight hundred and ninety-six, and every four years thereafter, or on such days as the congress of the United States shall have directed, a poll shall be opened in each of the precincts of the state for the election of electors of president and vice-president of the United States, the number of whom is to be equal to the number of senators and representatives in congress to which this state may be entitled, and the persons so chosen shall be electors for the state, as aforesaid.

Ballots for electors, &c.

SEC. 64. That the names of the electors to be chosen shall be written or printed on each ballot, and each ballot shall contain the name of at least one inhabitant of each congressional district into which the state may be divided, and against the name of each candidate shall be designated the number of the congressional district to which he belongs.

"Clerks" to certify votes of county for electors.

SEC. 65. That the clerks in their respective counties, as hereinbefore provided, shall ascertain and determine, by faithfully adding the number of votes for every person who shall have been voted for as an elector within the county, and shall certify the same under their hand in the manner and form following, to-wit:

Form of certificate.

"I, the clerk of the superior court for ..... county, do hereby certify that an election was held on the day and at the place fixed by law, within said county, for electors of president and vice-president of the United States, and that the number of votes hereinafter specified, set opposite the names of the several persons following, was given for such persons as electors for the state of North Carolina of president and vice-president of the United States, namely: A., B., C., (here state the number of votes for A., B., B.,) and D., E., F., (here state the number of votes for D., E., F., and so on, until the list of persons voted for, and the number of votes cast, shall be completed).

"Given under my hand and official seal this ..... day of....., A. D. 189.....

.....Clerk."

Three copies of certificates to be made.

One to be delivered to sheriff.

His duties.

Copy to be recorded by clerk.

Three copies of such certificates and returns shall be made by the clerk, under his hand and official seal, one of which he shall deliver to the sheriff of the county, who shall attend the said counting and forthwith make proclamation and read the same at the court-house door; and the said sheriff shall, immediately thereafter, seal up said copy in an envelope and transmit the same by mail, in a registered letter, or by express prepaid, to the secretary at the capitol at Raleigh, so that he shall receive the same within twelve days after the day of said election. The said clerk shall record the said copy in the record of elections,

and he shall also record in said book the returns from the various voting precincts of the county. He shall also deliver one copy to the register of deeds, to be registered in his office in the record of elections. The clerk shall also immediately send a copy of his certificate, under the seal of his office, to the secretary at Raleigh, so that he may receive the same within twelve days after such election. The register of deeds for said county shall also, within the time herein prescribed, send to the said secretary a certified copy of said abstract or certificate of the clerk; and in case of the failure to make such returns within the time herein prescribed, the sheriff, clerk, and register of deeds, whose duty it is to so do, and who shall fail therein, shall forfeit and pay to the state the sum of five hundred dollars, to be recovered by the attorney-general, in the superior court of the county of Wake.

SEC. 66. That the secretary, within three days after the expiration of the time hereinbefore provided for the delivery to him of the said certificates and returns, shall, in the presence of such persons as may choose to attend, open the certificates and returns, and proceed to ascertain and determine the result: *Provided*, that if the returns of any county shall not by that time have been received by him, from the sheriff, clerk, or register of deeds, he shall order and compel a duplicate return from all, or from each of them, in such manner as he may think best; and for such purpose may adjourn from day to day, not to exceed ten days. The secretary, in canvassing said returns, shall merely add up the returns, as certified to him by the county returning officers, and it shall be his duty to disregard any such apparent clerical error as may not render it reasonably uncertain who was the person intended to be designated as voted for, and what was the number of votes actually received by any candidate. At the conclusion of the addition of the returns, the secretary shall make an abstract of all the votes cast, and shall copy the same, together with the original returns from the several counties, in the record of elections, and shall, under his hand and the seal of his office, certify to the governor the names of as many persons receiving the highest number of votes for electors of president and vice-president as the state may be entitled to in the electoral college. The governor shall, thereupon, immediately issue his proclamation, and cause the same to be published in some daily newspaper published in the city of Raleigh, wherein he shall set forth the names of the persons duly elected as electors, and warn each of them to attend at the capitol, in the city of Raleigh, at noon on the Tuesday preceding the first Wednesday of December next after his election, at

One copy to be delivered to register of deeds, and he shall record it.

One copy to be sent to secretary.

Register of deeds also to send copy to secretary.

Penalty for failure to perform duties.

How secretary to open certificates and ascertain result.

*Proviso.*  
In case of failure to receive abstract from any county.

Adjournment.

Secretary only to add up returns.

Clerical errors to be disregarded.

Secretary to make abstract, &c.  
Abstracts to be recorded.

Secretary to certify to governor the name of person receiving greatest number of votes.

Duty of governor.  
Publication to be made.

When and where electoral college called to meet.

Vacancy, how filled.

Governor to make out lists, &c., of electors, &c.  
When to be made.

Meeting of electors.

Procedure.

Special election for electors in case of vacancy in office of president and vice-president, how ordered and conducted.

Proviso.

Procedure, &c

Penalty for failure of elector to attend meeting of electoral college.

which time and place said electors shall meet, and in case of the absence or ineligibility of any elector chosen, or if the proper number of electors shall for any cause be deficient, then those present shall forthwith elect, from the citizens of the state, so many persons as will supply the deficiency, and the persons so chosen shall be electors to vote for president and vice-president of the United States. The governor shall, on or before the first Wednesday in December, make out three lists of the names of the said eleven persons so elected, and appointed electors, and cause the same to be delivered to them, as directed by the act of congress.

SEC. 67. That the persons so elected and appointed as electors of president and vice-president of the United States, shall assemble on the said first Wednesday in December, at the capitol, in the city of Raleigh, and then and there give their votes, on behalf of the state of North Carolina, for president and vice-president of the United States, and proceed in relation thereto in all things conformable to the constitution of the United States, and the act of congress in that behalf.

SEC. 68. That whenever the offices of president and vice-president of the United States shall both become vacant, the governor, upon receiving a notification of such vacancy from the secretary of state of the United States, shall forthwith issue his proclamation directing the clerks of the several counties, or other proper officers, to hold elections within their respective counties for the choice of electors of president and vice-president of the United States, on the days of the year in which such vacancy may happen, as is herein prescribed for holding the regular and stated elections: *Provided*, that there shall be a space of two months between the date of such notification and the said first Wednesday of December; but if there should not be such space, the governor shall specify in his proclamation that the electors shall be elected in the year next ensuing the date of such notification on the day aforesaid; and the electors, appointed in the manner by this section directed, shall meet in the capitol, in the city of Raleigh, and proceed as hereinbefore provided for electors of president, and vice-president, chosen at a regular election for the same.

SEC. 69. That each elector chosen with his own consent, previously signified, failing to attend and vote for a president and vice-president of the United States, at the time and place herein directed (except in case of sickness or other unavoidable accident), shall forfeit and pay to the state five hundred dollars, to be recovered by the attorney-general, in the superior court of Wake county. And any person making, or certifying, or



delivering, or transmitting a false return of an election held hereunder, or making any erasure or alteration in the poll books, shall be guilty of an infamous crime, and imprisoned not less than one year, and shall, in addition, forfeit and pay five hundred dollars, one-half to the use of the person who will sue for the same, and the other half to the use of the state. Any officer who shall refuse to permit any candidate or person qualified to vote, at his own expense, to have a copy of the poll books, shall forfeit and pay two hundred dollars, one-half to the person who shall sue for the same, and the other half to the use of the state. Any register of deeds, or clerk, who shall refuse to make and give to any person a duly certified copy of the returns of an election, or of a tabulated statement of an election, hereinbefore directed to be deposited in his office, upon the tender of the fees therefor, shall be guilty of a misdemeanor, and, upon conviction, he shall be ousted of his office and imprisoned for one year.

False returns.  
How punished.

Penalty for  
refusing any per-  
son copy of poll-  
books.

Certified copies  
of all returns to  
be furnished by  
election officers.

Penalty for  
refusal.

SEC. 70. That the electors shall be allowed for their traveling expenses to and from the city of Raleigh, and for their attendance, the same compensation as is allowed members of the general assembly, and shall be entitled to the same privileges.

Compensation of  
electors.

SEC. 71. That all electors, during their attendance upon registration, and all duly qualified electors, during their attendance upon any election at which they are entitled to vote under the provisions of this act, shall be privileged from arrest while attending upon such registration or election, and while going to and returning from same, except for treason, felony, or breach of the peace committed on the day of registration or election.

Electors privi-  
leged from arrest  
during registra-  
tion or voting.

Exceptions, &c.

SFC. 72. Every candidate who is voted for at any public election, held within this state, shall, within ten days after such election, file, as hereinafter provided, an itemized statement, showing in detail all the moneys contributed or expended by him, directly or indirectly, by himself or through any other person in aid of his election. Such statement shall give the names of the various persons who received the moneys, the specific nature of each item, and the purpose for which it was expended or contributed. There shall be attached to such statement an affidavit, subscribed and sworn to by such candidates, setting forth, in substance, that the statements in the paper contained are in all respects true, and that the same is a full and detailed statement of all moneys so contributed or expended by him, directly or indirectly, either by himself or through any other person in aid of his election. Candidates for offices to be filled by the electors of the entire state, or any subdivision or district

Every candidate  
to file itemized  
statement of  
election ex-  
penses, &c.

What statement  
to contain.

Statement to be  
sworn to.

*Whether or not*  
*State or not*  
*110*  
*hatham*

Where statement to be filed. thereof greater than a county, shall file their statements in the office of the secretary of state. Candidates for town, village and city offices shall file their statements in the office of the town, village or city clerk wherein they are candidates. Candidates for all other offices, including all offices of cities and counties in the state, shall file their statements in the office of the clerk of the superior court of the county in which the candidate resides or the election occurs; and any candidate who shall neglect or refuse to file such statement shall forfeit his office, if any he have.

Penalty for failure to file statement.

Inducements to vote or refrain from voting, &c., prohibited.

SEC. 73. That any person who, directly or indirectly, by himself, or through any other person, shall receive, or contract for, before or during an election held under the constitution and laws of this state, any money, gift, loan, or other valuable consideration, office, place or employment, for himself or any other person, for voting, or agreeing to vote, or for coming, or agreeing to come, to the polls, or for remaining away, or agreeing to remain away, from the the polls, or for refraining, or agreeing to refrain, from voting, or for voting, or agreeing to vote, or for refraining, or agreeing to refrain, from voting for any particular person at any such election; or who shall receive any money, or other valuable thing, during or after any such election, on account of himself, or any other person, having voted, or refrained from voting, during such election, or on account of himself, or any other person, having voted, or refrained from voting, for any particular person at such election; or on account of himself, or any other person, having come to the polls, or remained from the polls, at such election; or on account of having induced any other person to vote, or to refrain from voting, for any particular person or persons at such election, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined, not exceeding five hundred dollars, and not less than fifty dollars, or be imprisoned not less than six months, nor more than one year, or both such fine and imprisonment, in the discretion of the court.

Penalty for violation.

SEC. 74. That this act shall take effect from and after its ratification.

Ratified the 8th day of March, A. D. 1895.

## CHAPTER 160.

An act to provide for and promote the oyster industry of  
North Carolina.*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter three hundred and eighty-eight (888), public laws of one thousand eight hundred and ninety-one (1891), and chapter two hundred and eighty-four (284) and two hundred and eighty-seven (287), public laws of 1893, be, and the same are hereby, repealed.

Chap. 338, public laws 1891, and chap. 284, public laws 1893, repealed.

SEC. 2. That any resident of this state desiring to take or catch oysters with rakes, or scoops, or dredges, in any of the waters of this state, shall first obtain, by application to the clerk of the superior court, of either of the counties of Dare, Hyde, Carteret, or Pamlico, a license therefor, and such license shall be valid until the first day of September next after the issuing thereof; and each and every license so obtained shall state the name, age, residence and occupation of the person to whom the same is granted; also the name of the county in which the same is granted, and the manner in which the same is granted, and the manner in which the applicant for license intends to take or catch oysters, whether by means of rakes, scoops, or dredges, as set forth in this section: *Provided*, that in no case shall it be lawful to use scoops, rakes, or dredges in the waters of this state, save from the first day of February to the first day of May in any year.

License to catch oysters, how obtained, &c.

What license to state.

Proviso.

SEC. 3. That each and every applicant for license to take or catch oysters, as set forth in section fourth of this act, shall make and subscribe to the following oath before any officer authorized and empowered to administer the same, to-wit: "I, ....., an applicant for license to take or catch oysters from the public oyster grounds or natural oyster beds of this state, do solemnly swear that I am a citizen of the state of North Carolina; that I am .....years of age; that I have been a resident of the State for twelve months next preceding the date of the application; that I am by occupation.....; that I now reside..... in the county of....., state of North Carolina; that I will not transfer, assign, or otherwise dispose of my license to any person, firm or corporation; and that I will not

Oath, &c., to be taken.

violate any of the laws or regulations of the state for the government of the public oyster grounds or the natural oyster beds: so help me, God."

Upon the production of said oath, duly attested, the clerk of the superior court of any county hereinbefore named shall issue to the applicant a license, to take or catch oysters from the public grounds or natural oyster beds of the state, in manner and form as follows:

Term of license. *Be it remembered*, that.....having on the.....day of .....18....., made oath as prescribed by law before....., and having produced said oath, duly subscribed and attested, and having made application to take or catch oysters on the public grounds or natural oyster beds of the state, I do hereby grant the said.....a license to take or catch oysters from the public oyster grounds, or natural oyster beds, of the state until the first day of September next following the date of this license; upon condition, nevertheless, that the said.....shall observe in good faith the obligation of his oath and the laws and regulations of the state relating to said public oyster grounds, or natural oyster beds; otherwise this license shall be null and void.

Witness my hand and official seal this.....day of.....18.....

.....,  
*Clerk of the Superior Court,*  
 .....County,  
*State of North Carolina.*

License to be recorded. The said oath and license shall be recorded in a book to be kept for the purpose by the said clerk, and for recording the same, and all other expenses, he shall be allowed a fee of twenty-five cents: *Provided*, no license shall be issued except upon production by applicant of a receipt for the tax required on boats or vessels, as hereafter provided.

Fees of clerk.

Proviso.

License tax. SEC. 4. That each and every boat or vessel engaged in taking or catching oysters from the public oyster grounds, or natural oyster beds, shall be subject to the following tax, which shall be collected by the clerk of the superior court, where said clerk issues license for said boat or vessel. All boats, canoes or vessels, or other craft, under custom-house tonnage, shall pay a license tax of one dollar; and all boats, canoes, vessels or other craft, subject to custom-house tonnage, shall pay a tax of two dollars per ton, which shall be collected by the clerk of the superior court on application for license, and each and every person in the employ of the owner or master of any boat or vessel, licensed under the provisions of this act, shall obtain license as required by sections two and three of this act: *Pro-*

How collected.

Graduation of taxes.

Each employee to obtain license.



*vided*, that no vessel over twenty-five tons, or steam vessel of any kind or tonnage, shall be allowed to use scoops or dredges in the waters of this state: *And provided, further*, that no boat or vessel not the property of residents of this state, on the day of the ratification of this act, or unless built and owned in this state subsequent thereto, shall receive license, or be permitted in any manner to engage in the catching of oysters anywhere within the waters of this state: *And provided, further*, that boats, used for tonging only, shall not be required to pay a license tax, and that the tax on tonnage shall be three dollars per ton, instead of two dollars per ton; that the tonnage tax, referred to in this section, shall apply only to boats using scrapes, rakes or dredges, for the purpose of catching oysters.

SEC. 5. The clerks of the superior courts of the counties herein named, at the end of each month, shall forward to the treasurer of the state a certified list of all licenses issued, and an account of all moneys received, and, at the same time, remit to him all funds derived through the issuing of said licenses, together with the taxes on boats, vessels and other craft, licensed under the provisions of this act, after deducting therefrom their fee of twenty-five cents, as hereinbefore provided.

SEC. 6. No owner or master of any boat, vessel, or other craft, or any employee, servant or hireling of either, shall use, for the purpose of taking or catching oysters from the public oyster grounds, or natural oyster beds of the state, any instrument, implement, or tool, other than ordinary hand-tongs, except in depth of more than ten feet of water, and within the area bounded as follows: Beginning at Pamlico point near light-house, in Pamlico county; thence to the southeast point of Rue's marsh, in Hyde county; thence to Shell point, being the southeast point of Swan Quarter island; thence to the southeast point of Great island; thence to Brant island light-house; thence to Pamlico light-house, the beginning; and, beginning at Gull Shoal light-house, thence to the Gebbs Shoal buoy; thence to Long Shoal light-house; thence to Gull island, on the eastern side of the sound; thence to Oliver Reef light-house; thence to Gull Shoal light-house, the beginning: *Provided*, that, upon approval by the board of county commissioners of Dare county, the clerk of the superior court of said county may grant a license to use implements, other than the ordinary hand-tongs, in that part of Pamlico sound north and east of a line drawn from Long Shoal point to Gull island; but said license to be issued only for the months of December and January, in any year. Any person violating the provisions of this section,

Proviso.  
Scoops and dredges not to be used.  
Further proviso.

License to be granted to residents only.

Further proviso.

No tax for tonging.

Tonnage tax only applies to boats using scrapes, rakes, dredges, &c.

Certified list of licenses and license taxes to be forwarded to state treasurer &c.

Hand tongs only to be used, except in water more than ten feet deep, and within certain boundaries.

Proviso.

In favor of Dare county.

Penalty for violation.

shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than one thousand dollars (\$1,000), and not more than five thousand dollars (\$5,000), and imprisoned not less than one and not more than five years in the penitentiary; and the boat or vessel engaged in said violation shall be seized by the sheriff of the county wherein said violation occurred, and, upon conviction of the master or owner, the court shall order the sale of said vessel at public auction, after thirty days advertisement, and the proceeds of said sale shall be forwarded by the sheriff to the state treasurer, and credited to the oyster fund.

Oyster shippers to file sworn statement of purchases and from whom purchased, with superior court clerk.

SEC. 7. All persons purchasing oysters for packing, shucking, shipping, or for sale, shall, on the first day of each month, file with the clerk of the court wherein they reside, a statement, duly sworn to before some officer of the law authorized to administer oaths, of the number of bushels purchased, and the name of the person from whom purchased, and shall pay the clerk of the court two cents per bushel on each bushel purchased; and the clerk of the court shall retain one-half ( $\frac{1}{2}$ ) of one per cent of the funds thus derived as his fee in addition, already hereinbefore provided for: *Provided*, that the provisions of this act shall not apply to any persons who take, catch, or purchase oysters for their own immediate consumption, or use in their families: Amend, by adding: when it shall appear, in the sworn statement required by this section to be filed with the clerk of the court, that the oysters so purchased were caught with hand-tongs only, in the months of February, March or April, then the said purchaser shall be exempt from the tax imposed by this section, and the clerk of the court shall not exact nor collect the same. Such purchaser, however, before buying the said tonged oysters, shall require the captain of the boat offering such tonged oysters for sale to make oath, before some oyster inspector, who is hereby authorized to administer an oath, that such oysters were caught by tongs only, in the month of February, March or April, and shall specify the particular person and locality from which the oysters were taken: and such purchaser shall preserve and file the said statement with the clerk of the court, as a part of the statement required by this act, for the purchaser to make, and in corroboration of the same.

Tax to be paid.

Proviso.

Amendment.

Exemption from tax in certain cases.

Oath, &c., of oyster catcher as to tongs, &c.

Oysters to be culled, &c., on natural bed.

SEC. 8. All oysters taken from any of the waters of this state, either with scoops, dredges, rakes, tongs or any other instrument, shall be culled upon the natural bed or bar when taken, and all shells shall be returned to the bed or bar from which they were taken, and all oysters whose shell measure less

than two and one-half inches in length, from hinge to mouth, shall be included in said culling, and replaced upon said bed or bar, except such small oysters as cling to large ones and cannot be removed without injury to each other: *Provided*, that this section shall not apply to oysters taken between the first day of May and the first day of February, for planting on private grounds, entered or held under the laws of this state: *Provided, further*, that no oysters shall be taken from the natural beds or public oyster grounds of the state from the first day of May to the first day of February, in any year, except with ordinary tongs.

SEC. 9. All oysters measured in this state shall be measured in a circular tub, with straight sides and straight, solid bottom, with holes one-half inch in diameter in bottom, and said measure shall have the following dimensions, viz.: A half-bushel tub shall measure from inside to inside fifteen inches across the top, thirteen inches from inside to inside across the bottom, and seventeen inches diagonal from inside chimb to top; a bushel tub shall measure eighteen inches from inside to inside across the top, sixteen inches from inside to inside across the bottom, and twenty-one inches diagonal from inside chimb to top; a three bushel tub shall measure twenty-four inches across the top from inside to inside, twenty-two inches from inside to inside across the bottom, and twenty-nine inches diagonal from inside chimb to top.

SEC. 10. Every person to whom a boat license is issued shall paint the name of the county in which said license was procured and the number of his boat on the outside, near gunwale, in white figures, not less than three inches in length, on a black background. And no number other than that in said boat license shall be exposed to view on said boat; and a boat once numbered shall retain its original number, and all boats and vessels engaged in dredging shall display on port side of the jib, above reef, a bonnet, and on the opposite side of the mainsail, above all reef joints, in black letters not less than one foot long, the initial of the county and the number of the boat or vessel hereinbefore specified: *Provided*, nothing in this section shall be construed as requiring the display of any number or name in contravention to the navigation laws of the United States.

SEC. 11. Chapter one hundred and nineteen, public laws of one thousand eight hundred and eighty-seven, is hereby amended as follows, viz.: Amend section ten (10) by adding the following, viz.: "and upon application of the board of county commissioners of any county, and after inspection by the chief

Oysters less than 2½ inches long to be replaced in bed.

Proviso.  
Not to apply to oysters taken for planting, &c.  
Further proviso.

How oysters to be measured.

Dimeusions of measures, half bushel tub.

Bushel tub.

Three bushel tub.

Licensed boat to have name of county issuing license, and number of boat painted on it, &c.

Numbering boats, &c.

Requirements as to boats, &c.

Proviso.

Chap. 119, public laws 1887, amended.

Governor may suspend law in regard to dredges, &c., for one year.

Chief inspector to be elected by general assembly.  
Term of office.

Duties, &c.  
Deputy inspectors appointed.

Duties of chief inspector, &c.

Stations and duties of deputy inspectors.

Salaries of chief and deputy inspectors.

Application of money derived from provisions of this act.

Deputy inspectors to pay over money collected by them to superior court clerk, &c.

Deputy inspectors to execute bond, &c.

Provisions of bonds.

Deputy inspectors to make monthly reports, &c.

inspector, the governor shall have power to suspend, by proclamation, for a period not exceeding one year, the use of dredges or similar instruments upon the public grounds of said county.'

SEC. 12. That, for the better enforcement of this act, the general assembly, upon the passage of this act, shall elect a chief inspector, who shall hold office until the next meeting of the general assembly, and until his successor is elected and qualified. His duties shall be to appoint deputy inspectors at Currituck, Hatteras, Ocracoke, and such other places as may be necessary, for the inspection of oysters and the enforcement of the laws; to ascertain from each establishment for the canning, packing and shipping of oysters, not later than the thirtieth of April in each year, the number of bushels of oysters purchased by said establishment; to receive, compare the annual reports of the deputy inspectors, and transmit the same to the state treasurer; to furnish the public printer, at least thirty days before the meeting of the legislature, a copy of his biennial reports, which shall be printed as provided for other documents. Deputy inspectors shall be stationed at such places and assigned such duties as will give them supervision of the grounds and the inspection of oysters taken therefrom. They are to see that the laws are executed; that the oysters are culled on the beds, and that no illegal measure is used.

SEC. 13. The chief inspector shall receive a salary of sixty dollars per month, payable on the thirtieth day of each month by the said treasurer, and each deputy inspector fifty dollars per month, payable in the same manner; and all payments shall be made from the oyster fund.

SEC. 14. All moneys, in excess of five hundred dollars, derived through the provisions of this act, and in the hands of the state treasurer on the first day of November in each year, shall be transferred by him to the public school fund of the state.

SEC. 15. Deputy inspectors shall turn over all moneys they receive through the provisions of this section, the first day of each month, to the clerk of the superior court of the county in which they reside. Each inspector, before entering on his duties, shall execute a justified bond, in the sum of five hundred dollars (\$500), with two sureties, before the said clerk of the superior court; the said bond to be payable to the state of North Carolina, the conditions to be void upon the faithful performance of duty. The state treasurer shall provide the form of said bond, and such other forms as are required by this act.

SEC. 16. Each inspector shall be required to report to the clerk of the court of his county, at the end of each month, the number of bushels of oysters inspected by him going out of the



state, the names of the owner or the master of the vessel carrying same, the date thereof, and shall collect the tax of two cents a bushel on all such oysters, which he shall likewise turn over to said clerk.

Collection of taxes, &c.

SEC. 17. The governor shall assume control of the state police steamer, and shall provide for her safe keeping. Should he decide, upon representation of the chief inspector, that the same be necessary, he may call into service such portion of the state guard as may be required to arm and man said steamer, and employ them to assist the said chief inspector in reinforcing the law, or in guarding against its violation.

Governor to have control of state police steamer.

May arm and man steamer with state guards, &c.

SEC. 18. Any person, or persons, taking or catching oysters in violation of any of the provisions of this act, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not more than five hundred dollars, nor less than one hundred dollars; or shall be imprisoned for not more than sixty days, nor less than twenty days, or both, at the discretion of the court. Amend by striking out the following words: "taking or catching oysters in violations of," and inserting in lieu thereof the word "violating."

Violations of act, penalty.

SEC. 19. This act shall apply only to the public grounds, or natural beds, of this state; and nothing in the provisions of this act shall be construed to permit dredging in any public grounds, or natural beds, except those lying within the area hereinbefore described.

Act applying to public beds, &c., only.

Exception.

SEC. 20. This act shall not apply to Onslow county.

SEC. 21. All laws, and parts of laws, in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 22. This act shall take effect on and after the day of its ratification.

Ratified the 12th day of March, A. D. 1895.

## CHAPTER 161.

An act to confer jurisdiction of the probate of deeds in certain cases.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the deputy clerks of the superior courts of the state shall have jurisdiction to take the probate of deeds, and other instruments requiring probate, and to order the same to registration, when they are required to be registered, with the same power the clerk now has in such cases.

Deputy clerks authorized to probate deeds, &c.

Wills, &c.

SEC. 2. That the deputy clerks of the superior courts of the state shall have jurisdiction to take the probate of wills in common form, with the same powers as the clerks of the superior court now have in such cases.

Clerks of criminal courts empowered to take probates where clerks superior court interested.

SEC. 3. That the clerks of the criminal courts of the state shall have the power to take the probate of deeds, and other instruments requiring probate, and to order the same to registration, when they are required to be registered, in all cases in which the clerk of the superior court is interested, or for any other reason is disqualified to take the probate, and, when there is no clerk of criminal court in the county in which such deed is offered for probate, the deputy clerk of the superior court may take the probate in the cases above specified.

When no criminal court deputy superior court clerk shall take probate.

SEC. 4. This act shall apply only to the county of Mecklenburg.

SEC. 5. This act shall take effect, and be in force, from and after its ratification.

Ratified the 6th day of March, A. D. 1895.

## CHAPTER 162.

### An act to prevent Dutch net fishing in Pamlico and Tar rivers.

*The General Assembly of North Carolina do enact:*

Chapters 261 and 286 public laws 1889 and chapter 134 public laws 1891 repealed.

SECTION 1. That chapter two hundred and sixty-one (261) and two hundred and eighty-six (286) of the public laws of eighteen hundred and eighty-nine (1889), and chapter one hundred and thirty-four (134) of the public laws of eighteen hundred and ninety-one (1891), be, and the same are hereby, repealed.

Prohibits "Dutch nets" and other obstructions in Pamlico river and tributaries.

SEC. 2. That no person, or persons, shall use or fish with any pound or Dutch net, or place any obstruction of a stationary character, to the free passage of fish in the waters of Pamlico river and tributaries and Tar river and tributaries, except as provided.

When removed and replaced.

That all Dutch or pound nets, or any obstruction of a stationary character, in the waters of Pamlico river and its tributaries, must be removed from said waters by the first day of April, eighteen hundred and ninety-five, and shall not be replaced in said waters until after the first day of June, eighteen hundred and ninety-five.

That by the first day of February, of the year eighteen hundred and ninety-six, and each succeeding year, all Dutch or pound nets, or any obstruction of a stationary character, must

be removed from the aforesaid mentioned waters, and must not, under the penalties and fines prescribed by this act, be replaced in said waters until after the first day of June, of the year eighteen hundred and ninety-six, and each succeeding year: *Provided*, that nothing in this act shall be construed by law so as to mean that any Dutch or pound net, or any obstruction of a stationary character, may be used or fished in any of the waters of Pamlico river, or its tributaries, prohibited by law before the passage of this act: *And be it further provided*, that any person, or persons, using or fishing any of said nets, or obstructions of a stationary character, in any of the waters of Pamlico river, or its tributaries, not hitherto open to the use or fishing of said nets, shall be declared guilty, as provided by this act; and that each day, or part of a day, such nets, or obstructions of a stationary character, are used, shall constitute a separate offence against the law.

Proviso.

Further proviso.

Penalty, &amp;c.

SEC. 3. Any person, or persons, violating any of the provisions of this act, shall be guilty of a misdemeanor, and fined or imprisoned, in the discretion of the court.

Misdemeanor.

SEC. 4. Each day's setting, using or fishing of such nets, shall constitute a separate offence, punishable by this act.

Each day's violation a separate offense.

SEC. 5. That all laws, and clauses of laws, in conflict with this act, are hereby repealed.

SEC. 6. That this act shall be in force from and after the fifteenth (15) of April, eighteen hundred and ninety-five.

Ratified the 6th day of March, A. D. 1895.

## CHAPTER 163.

### An act to establish and provide for the organizing of the county of Scotland.

*The General Assembly of North Carolina do enact:*

SECTION 1. That a county by the name of Scotland be, and the same is hereby, created and established out of and embracing Laurel Hill, Spring Hill, Stewartsville and Williamson townships, in the county of Richmond, the whole to lie within, and have the following specified bounds—that is to say: beginning at the point in the line between the states of North Carolina and South Carolina, where the line between the counties of Richmond and Robeson intersect the same; thence in a northerly direction with the said line between the county of Richmond and the counties of Robeson, Cumberland and

Scotland county created.

Territory, &amp;c.

Boundaries.

Moore to that point where the line between Beaver Dam and Spring Hill townships intersects said line; thence with the line dividing Beaver Dam, Rockingham and Mark's Creek townships in Richmond county from the townships of Spring Hill, Laurel Hill and Williamson's, in said county of Scotland, to the state line between North and South Carolina; thence with said line to the beginning.

Invested with rights of other counties.

SEC. 2. That said county of Scotland shall be, and is hereby, invested with all rights, powers and privileges of the counties of this state, and shall be subject to such laws as now exist, or shall hereafter be enacted, for the government of counties.

How line between Richmond and Scotland counties to be marked.

SEC. 3. That W. H. McLaurin, of said county of Scotland, be, and he is hereby, appointed a commissioner on the part of Scotland, who shall meet a commissioner who shall be appointed by the board of commissioners of Richmond county, at their first meeting during the year one thousand eight hundred and ninety-six (1896), and they both shall select a competent surveyor, and they shall survey and mark the line between said county of Scotland and the county of Richmond, as designated and specified in the first section of this act, and make a report of such survey under their hands and seals to the commissioners, respectively, of said counties, which report shall form and be a part of the record of the boards of commissioners of said counties; the said commissioners shall furnish the boards of commissioners of each of said counties with a map thereof; said commissioners to survey said line, shall have power to employ such persons as may be necessary for making such survey, and said commissioners and their helpers shall be allowed reasonable compensation for such service to be allowed by the commissioners of the county of Scotland.

Report of commissioners, &c.

Maps, &c., to be furnished.

Employment and pay of assistants.

County officers.

SEC. 4. That the sheriff, and other county officers, of Richmond county, shall continue to exercise the functions of their respective offices in the detached portions of said county, until the county officers of said county of Scotland shall have been elected or appointed, and qualified according to law.

Election of county officers.

SEC. 5. That at the general election in the year Anno Domini one thousand eight hundred and ninety-six (1896), there shall be an election for the clerk of the court, sheriff, register of deeds, coroner, and surveyor for the county of Scotland, and the board of commissioners, and other officers, of said county of Richmond shall be empowered, and it shall be their duty, to perform in, and for the county of Scotland, all the functions and duties required of them, in and for the county of Richmond in said election, keeping separate the returns thereof, and shall issue commissions to the officers-elect of Scotland

Commissions, &c., issued.



county, and said officers-elect shall enter upon their duties at the same time, and be subject to the same penalties prescribed for the same officers of other counties.

SEC. 6. That the justices of the peace, residing in the territory embraced in said county of Scotland, shall continue to hold and exercise their offices, respectively, in the county of Scotland until their successors shall be elected, or appointed, and qualified according to law.

Justices of the peace.

SEC. 7. That the justices of the peace of Richmond county shall meet, as provided by law, to make the tax levy for one thousand eight hundred and ninety-six (1896), and shall make the levy for Scotland county at the same time; but no justice of the peace of the territory embraced by the county of Scotland shall be entitled to vote at said meeting for the election of any officer of Richmond county.

How taxes levied.

SEC. 8. That the justices of the peace, in and for the territory embraced by said county of Scotland, shall assemble in the town of Laurinburg, on the second Monday in June, one thousand eight hundred and ninety-six, and elect three (3) commissioners for said county, who shall enter upon their duties on the first Monday in December thereafter, first being qualified by some justice of the peace, who shall certify such qualifications, and deliver his certificate, in such respect, to the clerk of said commissioners, who shall file the same among the records and papers of his office; and said commissioners, so elected, shall hold their offices, respectively, until their successors shall be elected and qualified, according to law.

County commissioners elected.

SEC. 9. That the superior courts of the state shall have jurisdiction in, and over said county of Scotland, as such county, on and after the first Monday in December, Anno Domini one thousand eight hundred and ninety-six, to the same extent, and in the same manner, as the said courts have in and over the several counties of this state, and the said courts shall be within the seventh (7) judicial district, and a superior court therefor shall be held on the last Monday in February, and on the eighth Monday after the first Monday in September of each year, which last shall be a two (2) weeks' term; and all criminal cases now pending in the superior court of Richmond county, wherein the defendants are citizens of, or reside in said county of Scotland, and the offence charged was committed therein, shall be, on motion of defendants in said criminal cases, or the parties plaintiff or defendant, as the case may be, in said criminal cases, transferred to the superior court of said county of Scotland for trial; and such transfer shall in no way work any prejudice; and all civil actions pending in the superior courts

Jurisdiction of superior courts.

In 7th judicial district.  
Time of holding courts.

Cases transferred from Richmond county.

Cases not to be prejudiced by transfer, &c.

- of Richmond county, but of which said last mentioned courts of said county of Scotland would have had jurisdiction had the same existed at the beginning of said action, shall, upon the application of the parties, be removed into, and tried, or disposed of, according to law, without prejudice, in said last mentioned courts; and the clerk of the superior court of Richmond county shall transmit the original papers in such case, or cases, civil and criminal, together with his record of said case, or cases. It is further provided, that the first term of the superior court, for the said county of Scotland, shall be on the last Monday in February, Anno Domini one thousand eight hundred and ninety-seven (1897), and shall be a one-week term.
- Erection of jail.** SEC. 10. That the county commissioners of said county of Scotland, shall select a site for the erection of a jail, within one mile of the centre of the town of Laurinburg, and shall contract for the building of the same: *Provided*, that the contract for the building of said jail shall be let to the lowest responsible bidder, by advertisement of the county commissioners, who shall thereupon enter into bond, with security, to be approved by said commissioners, to build and complete said jail according to such plans and specifications as may be agreed upon by said commissioners: *Provided, further*, that until the completion of said jail, all persons who may be liable to imprisonment, by virtue of any process, either criminal or civil, in said county, shall be committed to the jail of Richmond county: *Provided, further*, that until the erection of a court-house, and such other public buildings as may be needed, other than a jail, the commissioners shall procure a suitable building or buildings, for the transaction of public business of the county, and shall be empowered to contract for the same for a term of years, if they deem it expedient to do so.
- Proviso, contract given to lowest bidder.**
- Bond.**
- Proviso, prisoners to be kept in Richmond county jail until jail completed.**
- Other public buildings provided for.**
- Apportionment of representatives in general assembly.** SEC. 11. That said county of Scotland shall have one representative in the house of representatives of the general assembly of North Carolina, and the county of Richmond shall have one; said county of Scotland shall vote with Richmond, Montgomery, Anson, and Union counties for state senator, and shall be a part and parcel of the twenty-third (23) senatorial district.
- Senatorial district.**
- Real estate conveyed, &c.** SEC. 12. That all real estate which may be bought by said commissioners of Scotland county, for the purpose of this act, shall be conveyed to the commissioners of the county of Scotland, for the use of said county.
- Apportionment of indebtedness.** SEC. 13. That said county of Scotland shall bear its proportionate part of all indebtedness of Richmond county, contracted before the passage of this act, and said county commissioners of the county of Scotland shall proceed, according to law, to levy

and collect taxes, to pay, as it becomes due, such proportionate part of the debt of the county of Richmond.

Taxes levied to pay, &c.

SEC. 14. That the board of commissioners of Richmond county, at the December meeting, in the year Anno Domini one thousand eight hundred and ninety-six (1896), shall appoint two (2) freeholders as arbitrators, and the board of commissioners of Scotland county, at their first meeting, shall appoint two (2) freeholders as arbitrators, and they shall meet in the town of Rockingham, on the second Monday in December, Anno Domini one thousand eight hundred and ninety-six (1896), and from time to time thereafter, until their work shall be completed, and first being sworn, shall ascertain the outstanding indebtedness of the county of Richmond, on the first Monday in December, Anno Domini one thousand eight hundred and ninety-six (1896), and shall determine the amount due, and to be paid by the county of Richmond, and the amount due and to be paid by the county of Scotland, and the same shall be paid accordingly; and the said arbitrators shall ascertain and determine the proportionate part of the funds on hand which shall be due, respectively, to the county of Richmond and to the county of Scotland, and shall determine what part of funds uncollected shall be awarded for collection to Richmond county, and what part to Scotland county, and shall certify the same to the board of commissioners of each county. Said arbitrators shall be empowered to select an umpire, who shall be sworn, and shall be invested with power to send for persons and papers, administer oaths, examine witnesses and punish for contempt, as now provided by law for boards of county commissioners: *Provided*, that the question of county or no county shall be submitted to the qualified voters of Richmond county, at a special election, to be held under the rules and regulations prescribed by law, on the first (1) Thursday in August, one thousand eight hundred and ninety-five (1895); at such election those voting in favor of said county of Scotland, shall vote a printed or written ballot, with the words printed or written thereon, "for county," and those opposed to said county shall vote a printed or written ballot with the words printed or written thereon: "against county," and if at such election, a majority of the votes cast shall be in favor of said county, the provisions of this act shall be in full force; otherwise the said act shall not be in force.

How apportionment of indebtedness made.

Proviso, question of "county or "no county" to be submitted to qualified voters of Richmond county. When held.

How held. Ballots, &c.

SEC. 15. That this act shall be in force from and after its ratification.

Ratified the 5th day of March, A. D. 1895.

## CHAPTER 164.

## An act in reference to the adoption of books for the public schools.

Sec. 2539 of *The Code* repealed. Takes adoption of books for public schools out of hands of state board of education.

Sec. 22, chap. 199, laws 1889, repealed.

County boards of education to adopt series of text books to be used in public schools of counties for three years.

Adopted first Monday in June, 1896, and every three years thereafter.

Proviso, no sectarian or political books to be used in public schools.

Proviso, prices to be fixed by county boards for what time adopted.

Lists and prices to be recorded on minutes of board. All rules of state board of education repealed.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section two thousand five hundred and thirty-nine of *The Code* of North Carolina be, and the same is hereby, repealed.

SEC. 2. That section twenty-two, chapter one hundred and ninety-nine, laws of one thousand eight hundred and eighty-nine, be, and the same is hereby, repealed.

SEC. 3. That the county boards of education, in the several counties of the state, shall adopt a series of text-books, which shall be used in the public schools of their respective counties for a term of three years: the said adoption, herein provided for, shall occur at the meeting of said boards of education, on the first Monday in June, one thousand eight hundred and ninety-six (1896), and every three years thereafter, and at no other time: *Provided*, that no sectarian or political book shall be used in the public schools: *Provided, further*, that the prices of public school books adopted be fixed by the said county boards of education, for the whole term for which they shall be used, and that the list of the books so adopted, and the prices of the same, shall be recorded upon the minutes of the said county boards of education for the inspection of the public.

SEC. 4. That all rules and regulations of the state board of education, relative to text books for the public schools, be, and the same are hereby, repealed.

SEC. 5. That all laws, and clauses of laws, in conflict with this act be, and the same 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. 1895.

## CHAPTER 165.

An act to amend sub-section three (3) of section one hundred and fifty-five (155) of *The Code*.

*The General Assembly of North Carolina do enact:*

Sub-sec. 3, of sec. 155 of *The Code* in relation to time of commencing action for trespass to real prop-

SECTION 1. That sub-section three (3) of section one hundred and fifty-five (155) of *The Code*, be amended by adding, after the last word thereof, the following words: "And when the



trespass is a continuing one, such action shall be commenced within three years from the original trespass, and not thereafter."

erty amended.  
Action must be commenced three years from the original trespass.

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

Ratified the 8th day of March, A. D. 1895.

## CHAPTER 166.

An act to repeal chapter one hundred and twenty-nine (129) of the laws of eighteen hundred and ninety-one.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and twenty-nine (129), laws of one thousand eight hundred and ninety-one (1891), entitled an act to dispose of the unclaimed dead bodies of convicts, be, and is hereby, repealed.

Chap. 129, laws 1891, repealed.

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

Ratified the 8th day of March, A. D. 1895.

## CHAPTER 167.

An act to authorize the commissioners of Transylvania county to levy a special tax to build a bridge across French Broad river, at or near Estatoe ford.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the county commissioners, or their successors, by whatever name known, shall, on the first Monday in June, Anno Domini eighteen hundred and ninety-five, levy a special tax, not to exceed the sum of five hundred dollars (\$500), for the purpose of building and constructing a public bridge across the French Broad river, at or near the Estatoe ford.

County commissioners empowered to levy a special tax to build a bridge.

SEC. 2. That J. F. Galloway, J. D. Galloway, and J. R. Glazner be, and they are hereby, appointed a committee to locate, make and receive contracts for the building and constructing said bridge, and receive the same on completion thereof; but they shall not receive the same until fully completed, as hereafter set forth in this act.

Committee to make contract for building bridge.

SEC. 3. That said bridge shall be built and constructed of frame work of hard locust, except the mud-sills, which shall be

Construction, &c., materials.

Duties of committee, &c.

To be paid for by county treasurer on order of committee audited by county commissioners.

Constitutional equation to be preserved.

of white oak. It shall be a single track bridge, sufficiently wide, and built above high-water mark, of good flooring, and in every otherwise fully completed, so as to be perfectly safe and secure; said committee shall see that the same is, in their judgment, sufficient before receiving it for the use of the public.

SEC. 4. That, when said bridge is completed, said committee shall draw an order on the county treasurer in favor of the contractor, or builder, which order shall be paid by said treasurer of said county, after having been audited by the said county commissioners, or their successors, by whatever name known.

SEC. 5. That, in making said levy, the constitutional equation shall be observed between poll and property tax.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified the 8th day of March, A. D. 1895.

#### CHAPTER 168.

**An act to allow Green C. Whitaker to peddle without license.**

*The General Assembly of North Carolina do enact:*

Allowed to peddle without paying license tax.

Proviso.

SECTION 1. That Green, C. Whitaker, a citizen of Martin county, be, and he is hereby, allowed to peddle in any of the counties of this state, without paying a license tax: *Provided*, that nothing herein shall authorize him to sell intoxicating liquors:

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

Ratified the 8th day of March, A. D. 1895.

#### CHAPTER 169.

**An act to make it a crime for a person, while in this state, to injure another person in another state.**

*The General Assembly of North Carolina do enact:*

Guilty of same offense as person had been in this state.

SECTION 1. That if any person, being in this state, shall unlawfully and wilfully put in motion a force, from the effect of which any person shall be injured while in another state, the person so setting such force in motion shall be guilty of the same offence in this state, as he would be if the effect had taken place within this state.

SEC. 2. This act to take effect from and after its ratification.

Ratified the 8th day of March, A. D. 1895.

## CHAPTER 170.

## An act to amend the public school laws of the city of Statesville.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter three hundred and eighty-six (386) of the laws of one thousand eight hundred and ninety-one (1891), the same being an act in relation to the public schools of the city of Statesville, be amended as follows: in line four (4), section four (4), of said act, after the word "law," insert the following: "two of the said school committee, to serve for a term of six (6) years, shall be elected by the qualified voters of the city of Statesville at the next regular election for mayor of said city, and every two years thereafter, as the terms of office of the present school committee shall expire."

Chap. 386, laws 1891, in relation to public schools of Statesville, amended.

School committee. Election.

Term of office.

SEC. 2. This act shall be in force from and after its ratification.  
Ratified the 8th day of March, A. D., 1895.

## CHAPTER 171.

## An act to prohibit the setting of large steel traps.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person to set any steel trap for bears or other large animals, and every person so offending shall be guilty of a misdemeanor.

Setting of large steel traps prohibited.

SEC. 2. That whenever any person shall find any such trap set, it shall be lawful for such person to destroy the same.

Person finding one set may destroy it.

SEC. 3. That this act shall apply only to Graham and Cherokee counties.

Act only applies to Graham and Cherokee counties.

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

Ratified the 8th day of March, A. D. 1895.

## CHAPTER 172.

## An act to incorporate the People's Mutual Fire Insurance Company.

*The General Assembly of North Carolina do enact :*

SECTION 1. That John S. Johnston, J. S. Merritt, A. R. Foushee, S. T. Morgan, D. E. Wilkinson, J. M. Long, W. G. Smith,

Corporators.

	J. M. Smith, T. H. Street, L. B. Scott, Thomas M. Holt, R. D. Apple, S. P. Satterfield, and their successors, together with all other persons who may hereafter become members of the corporation to be created by this act, are hereby created and declared to be a body politic and corporate, under the name and style of "The People's Mutual Fire Insurance Company," and by the same name shall have perpetual succession, and shall be able in law to sue and be sued, to plead and be impleaded, in all courts of law and equity of this state or elsewhere; to make, have, and to use a common seal, and the same to break, alter, and renew at pleasure, and shall have full power and authority to make insurance on any kind of property against loss or damage by fire or lightning; to provide for the keeping and investment of any funds or assets that may become the property of the company, and generally to transact, execute, and perform all such business as may appertain to a fire insurance company, not contrary to this act, or to the constitution and laws of this state, or of the United States.
Body politic.	
Corporate name.	
Corporate powers.	
Officers.	SEC. 2. The officers of the said company shall consist of a president, and first and second vice-presidents, and a board of directors, a general manager, a secretary and a treasurer. The office of general manager and secretary, or of secretary and treasurer, may be filled by one and the same person. All officers shall be elected as provided by the by-laws of the company.
Election of officers.	
Board of directors. Meetings.	SEC. 3. The board of directors, a majority of whom shall constitute a quorum, shall meet twice a year, on the first Wednesday of May and November, or in extra session, on ten days' notice, by the president or five (5) of its members. They shall manage the affairs of the company, fill any vacancies occurring for the remainder of the year for which they were elected, and shall fix the fees and salaries of all officers, require such bonds, for the faithful discharge of duties assigned as the interest of the company may demand, have power to suspend, remove, or displace any officer for cause, and fill any vacancy among the same that may occur by death, removal, or resignation, until the annual meeting next ensuing. They shall keep a record of all their transactions in a book, to be kept for the purpose, which shall be open to the inspection of any member of the company at all times, and shall fix the entrance fee, and rates of insurance on each and all classes of insurance carried by the company.
Duties of directors. Vacancies.	
Fees and salaries	
Bonds.	
Suspend or displace officers and fill vacancies.	
Records to be kept.	
Inspection.	
Fix rates, &c.	
Executive committee.	SEC. 4. The board of directors shall elect from among themselves a committee of five (5), including the president, who shall, <i>ex officio</i> , be a member of this committee, said committee



to be known as the executive committee, whose duties shall be prescribed by the by-laws of the company. Powers, duties, &c.

SEC. 5. The duties of the president shall be prescribed by the by-laws of the company. Duties of President.

SEC. 6. The general manager: He shall make inspection of property and applications for insurance thereon, appoint and supervise the soliciting agent, with authority to dismiss the same, such appointments to be subject to the approval of the executive committee, shall himself pay all such agents out of his fees, shall pass upon all applications, and examine and countersign all policies of insurance, and shall have general charge of the affairs of the company, "except in finance," under the control of the president and board of directors. General Manager.

SEC. 7. The secretary: He shall keep the books and accounts of the company, receive such funds as may be paid to him, and deposit them each day with the manager, and generally to perform the duties of clerk of the company and secretary of the board of directors. He shall at any and all times submit to the president and directors, or to any member of the company, all the books and accounts of the company that may be demanded, and perform such other duties as may be required of him by the charter and by-laws of the company. Secretary. Duties and powers.

SEC. 8. The duty of the treasurer shall be to receive and pay out all money belonging to the company, but he shall not pay out any of the funds except upon the written order of the executive committee, signed by the president and attested by the secretary. He shall render a monthly statement to the executive committee of all money received and disbursed, and submit his books to them, or any member of the company, when requested to do so. Books to be open to president at all times.

SEC. 9. Any person wishing to become a member of this company shall apply to the general manager, or one of the soliciting agents, who are authorized to make actual inspection and survey of the premises, make out a correct and detailed statement of the size, care, structure, situation, and distance of the several buildings from each other, as with a valuation for insurance, "not to exceed three-fourths actual cash value on buildings, or their contents," upon an application furnished for the purpose. After the person wishing insurance has signed the application, and complied with the provisions thereof, the solicitor shall give him a properly attested certificate, and the property shall be insured from twelve (12) o'clock, noon, upon that day, and collect from him the fee, as prescribed by the by-laws, to meet the expenses of the company, the company will then as soon as convenient, furnish the member with a legal Members, how admitted.

Insurance, &c.

Policy.	policy, insuring the property as set forth in the application; or,
Insurance re- fused, &c.	if the risk be declined, will return him his application, and the money paid the solicitor, in which event the insurance shall cease at twelve (12) o'clock, noon, on the day the insurance is rejected. All property insured in this company shall be in the name of the actual owner, and the amount thereof shall be noted in the application, or if the property insured shall become incumbered after the property has been insured, the company shall be notified thereof, and the secretary must endorse the amount of incumbrances, and the name of the holder thereof, on the policy, or the policy will be void and of no effect.
Property insured in name of owner, &c.	
Incumbrances.	
Notices.	
When policies void.	
Status of insur- ers.	SEC. 10. That each insurer in or with said company shall be a member thereof during the term of his policy, and no longer, and shall, when he makes application for insurance, pay the rates and fees on the same, as prescribed by the by-laws of the company. Any member withdrawing from the company may at any time, by applying to the proper officer thereof, in writing, and upon the payment of such fees, premiums, and assessments, or other claims, as may be then due, or to become due, and for which he will ultimately become liable to said company, under their constitution and by-laws, and rules and regulations in pursuance thereof, whereupon, the said officers shall cause such insurance as stands in the name of the party withdrawing, and make a record thereof on the books of the company, which shall release said member from all liability to said company.
Withdrawal.	
Liability.	
Release, &c.	
Use of funds, &c.	SEC. 11. No money shall be withdrawn from the funds of the company, for the purpose of making dividends, or of dividing profits, or for any other purposes than to defray its current or incidental expenses, and for the payment of any loss or damage by fire or lightning to any member who may be justly entitled thereto. When the just demands of any insurer in the company shall exceed the amount of money in its treasury, or there is not sufficient money on hand to meet its current expenses, the necessary money to pay such indebtedness may be borrowed for the company by its president and board of directors, or, without unnecessary delay, be assessed by them through the secretary on all members of the company, each member to be assessed in proportion to the amount of his insurance and according to the rate and class of his risk, and each and every member shall pay into the hands of the secretary, or his authorized agents, his proportionate part of such assessment within thirty (30) days, after due notice of the same has been mailed to him, and in default thereof, shall be proceeded against according to the provisions of this charter.
May borrow money.	
Assessments, &c.	
When to be paid.	
Notice, &c.	

SEC. 12. That in default of the payment of fees, rates, and assessments, as mentioned and provided for by this charter, it shall be lawful for the company, through its general manager, and by order of the president and board of directors, to proceed and collect the same as debts of like amount are now collected; without stay of execution. If any member shall refuse or neglect to pay his proportionate share of any assessments for the space of thirty days from the time the notice thereof shall have been mailed to him of the time and place for the payment of the same, his insurance shall be suspended, and his property shall not be protected by this company until said assessment shall have been paid. In cases of all delinquents, when an assessment is made, and the thirty days have expired, ten per centum shall be added thereto as compensation for collecting. A copy of this clause shall be printed on each notice of assessment.

Collection of fines, assessments, &c., how made.

Insurance suspended, when.

Penalty for non-payment of assessments, &c.

SEC. 13. That any members of this company, who shall sustain any loss by fire or lightning, shall immediately give notice, in writing, to the home office of the company; then the president shall appoint a committee of three from the directors, or members, or both, as he may elect, "two of whom may act." This committee, with the general manager, shall examine and assess said damages, and report to the president within two weeks from the time of receiving notice of their appointment. Upon receipt of this report, the president shall call a meeting of the board of directors, or executive committee, who shall make provisions for the payment of the amount to which said member is entitled, as herein specified. In case of any differences or dispute between the insured and the officers of the company concerning any loss or damage that may be sustained, all matters at variance shall be submitted to the judgment and determination of arbitration, indifferently chosen, in the usual way, whose award, in writing, signed by a majority of them, shall be final and conclusive.

Notice of loss, &c, in writing.

Assessment of damages, &c.

Report of assessors, &c.

Payment of loss.

Arbitration.

SEC. 14. That the general meetings of the company shall be held annually, on the first Thursday in November, at some convenient place, and also whenever called by the board of directors, or requested by twenty members, who shall petition to the president, in writing, for this purpose. All officers shall be elected at the annual meeting of the members, and shall hold office for one year, or until their successors are elected and qualified. The board of directors shall furnish the members with reports of the officers of the company, setting forth its condition and business for the preceding twelve months, including a balance sheet from the books. At the annual and other general meetings the members shall pass such by-laws, rules, and regulations as

Annual meetings.

Other meetings.

Officers elected at annual meeting.

Reports.

By-laws.

Corporate powers.	may be necessary for the government of the company, or vest the power to do so in the board of directors; revise their rates and classes of insurance and the incidental charges and fees thus existing, and instruct the board of directors to make such charges as they may deem proper.
Suits, &c., for loss or damage.	SEC. 15. That suits at law may be prosecuted and maintained by any member against the company for loss or damage sustained by lives or property insured, if payment is withheld more than ninety (90) days after such loss or damage has been properly adjusted.
Cancellation of policies.	SEC. 16. The board of directors shall have full power to cancel any policy that may be in force on the books of the company whenever, in their judgment, the interests of any company will be promoted thereby.
Transfer of policies.	SEC. 17. No policy of insurance in this company shall be transferred without the company's consent, in writing, enclosed therein.
Limitations on liability.	SEC. 18. No person shall recover from this company for any consequential damages, nor for any loss or damages by fire occasioned directly by a locomotive, or in consequence of any insurrection, foreign invasion, civil commotion, riots, or any military or usurped power whatever; but the company shall pay for damages caused by lightning, whether fire occurs or not.
Notice of other insurance.	SEC. 19. If any property that is insured in this company is insured in any other company or companies, the fact shall be made known to and approved by this company, by endorsement upon the policy issued by it, else the policy shall be null and void and of no effect; in the event of loss on property, upon which other insurance is permitted, this company shall be liable for its proportion only of three-fourths of the value of said property.
Proportion of liability.	
Risks limited to \$2,500.	SEC. 20. No policy of more than twenty-five hundred dollars (\$2,500) will be written by this company upon any one risk, but the company may accept a risk of greater amount: <i>Provided</i> , the amount in excess of twenty-five hundred dollars (\$2,500) be re-insured by this company.
Proviso.	
Printed conditions not to be altered by any officer or solicitor.	SEC. 21. No officer, or solicitor, of this company shall have any authority whatever to alter, amend, or in any way change, the printed conditions of its policy.
Indemnity of officers.	SEC. 22. The officers of the company shall always be held indemnified and saved harmless by the company in all their lawful acts and deeds and transactions in behalf of their company. Nor shall any officer or member of this company be personally liable for the acts and conduct of any other member
No individual liability.	



or officer of this company; nor shall there be any individual liability of the incorporators or their successors in office for any loss or any responsibility or undertaking assumed by the company.

SEC. 23. The home or general office of the company shall be located at Roxboro, Person county, North Carolina. Home office.

SEC. 24. Said corporation shall have all rights, powers and privileges incident and belonging to corporations under the laws of North Carolina, entitled "corporations, chapter sixteen (16) of *The Code*." All rights, &c., of chap. 16 of *The Code* conferred.

SEC. 25. This act shall be in force from and after its ratification.

Ratified the 8th day of March, A. D. 1895.

## CHAPTER 173.

An act to protect the cutters and sellers of mill-logs in the counties of Hyde, Pamlico, and Onslow.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person to sell, or purchase, mill-logs in quantities of one thousand (1,000) feet, or more, without their being inspected and measured by a sworn inspector. Mill logs of more than 1000 feet to be inspected before bought or sold.

SEC. 2. All log inspectors shall be appointed by the clerks of the superior courts of said counties, for the period of two years, and shall take the following oath: "I (A. B.), do solemnly swear that I will perform the duties of log inspector to the best of my ability, according to law." Appointment of log inspectors.  
Terms of office.  
Oath.

SEC. 3. It shall be the duty of such log-inspectors to measure rafts of logs, when called on by seller or purchaser, without delay, and shall receive ten cents per thousand feet, board measure, one half to be paid by the seller, the other by purchaser. Duties of inspector.  
Compensation.

SEC. 4. No person in the employ, directly or indirectly, with either the purchaser or seller of logs, shall be eligible for inspector. Who ineligible for inspector.

SEC. 5. No person who has not been a resident of the state for twelve months past, shall be eligible for inspector. Ineligibility, &c.

SEC. 6. No mill-owner, or his employee, shall have, or cause to have, mill-logs cut by the thousand feet without their being inspected and measured by a sworn inspector. Mill owners to have logs inspected.

Inspector for each mill, &c. Sickness, &c., of inspector provided for.

Penalty for violation.

Conflicting laws repealed.

Hyde, Pamlico and Onslow counties excepted.

In force after April 1, 1895.

SEC. 7. There shall be an inspector appointed for each mill, and in case of sickness or necessary absence of the inspector, he may appoint a suitable person to act, who shall have the same qualifications as the inspector.

SEC. 8. Any violation of this act, either by seller or purchaser, shall be fined not less than twenty (20) nor more than forty dollars for each offence, at the discretion of the court.

SEC. 9. All laws, or clauses of laws, in conflict with this act are hereby repealed.

SEC. 10. That this act shall apply only to the counties of Hyde, Pamlico, and Onslow.

SEC. 11. That this act shall be in force from and after the first day of April, one thousand eight hundred and ninety-five (1895).

Ratified the 6th day of March, A. D. 1895.

#### CHAPTER 174.

**An act to amend chapter five hundred and thirteen of the public laws of North Carolina, relating to the Colored Orphan Asylum.**

*The General Assembly of North Carolina do enact:*

Sec. 1, chap. 513, laws of 1893, amended.

SECTION 1. That section one, of chapter five hundred and thirteen, of the public laws of eighteen hundred and ninety-three, be, and the same are hereby, amended by striking out the word "fifteen," and inserting the word "thirty."

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

Ratified the 8th day of March, A. D. 1895.

#### CHAPTER 175.

**An act to appropriate funds for the support of the Deaf and Dumb Institution, at Morganton.**

*The General Assembly of North Carolina do enact:*

\$18,850 appropriated to pay indebtedness.

SECTION 1. That the sum of eighteen thousand eight hundred and fifty dollars be, and the same is hereby, appropriated to pay off the indebtedness of the Deaf and Dumb School, located at Morganton.

\$35,000 per year for support, completion, &c.

SEC. 2. That the sum of thirty-five thousand dollars (\$35,000) be annually, and the same is hereby, appropriated for the sup-

port, completion, and improvement of the North Carolina School for the Deaf and Dumb, located at Morganton. That the sum of three thousand, five hundred dollars (\$3,500) be, and the same is hereby, appropriated for the furnishing and equipping an industrial department, and for buying stock and farming implements.

\$3,500 for furnishing and equipping of an industrial department.

SEC. 3. That the appropriations 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.

How appropriation drawn.

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 9th day of March, A. D. 1895.

#### CHAPTER 176.

An act to repeal chapter four hundred and eighty-seven (487) laws of eighteen hundred and ninety-one (1891).

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter four hundred and eighty-seven, laws of eighteen hundred and ninety-one, is hereby repealed.

Chap. 487, laws 1891, repealed. Game keepers abolished.

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 9th day of March, A. D. 1895.

#### CHAPTER 177.

An act to protect game in Rowan county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That no quail shall be trapped, netted, or shot in the county of Rowan, from the fifteenth day of February to the fifteenth day of November.

Prohibits trapping, shooting, &c., quails from February 15th to November 15th.

SEC. 2. That it shall be unlawful for any express company or railroad company to receive and ship game without the packages are plainly marked what kind or class of game is being shipped.

Game shipped by express companies, &c., to be plainly marked.

Penalty.

SEC. 3. That any person violating the provisions of this act shall be deemed guilty of a misdemeanor.

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

Ratified the 9th day of March, A. D. 1895.

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## CHAPTER 178.

### An act to extend the time of settlement of the county taxes of Martin county.

*The General Assembly of North Carolina do enact:*

Extended to 1st  
Monday in Sep-  
tember, 1895.

SECTION 1. That the time of settlement by the sheriff of Martin county, for the county taxes for the year one thousand eight hundred and ninety-four (1894), be extended to the first (1st) Monday in September, one thousand eight hundred and ninety-five (1895), and that he have until said time to collect and settle said taxes.

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

Ratified the 8th day of March, A. D. 1895.

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## CHAPTER 179.

### An act for the relief of Rev. Solomon Pool.

*The General Assembly of North Carolina do enact:*

Public treasurer  
directed to pay  
\$2,400 to E. J. Pool.

SECTION 1. That the state treasurer of North Carolina is authorized and directed to pay to the said Edward J. Pool, trustee of Mrs. Cornelia K. Pool, the assignee of said judgment, the balance of said judgment, principal, interest, and costs, the same being the sum of two thousand and four hundred dollars.

Conflicting laws  
repealed.

SEC. 2. That all acts in conflict with this act are hereby repealed.

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

Ratified the 8th day of March, A. D. 1895.



## CHAPTER 180.

**An act for the free passage of fish in the Ararat river, Surry county.***The General Assembly of North Carolina do enact :*

SECTION 1. That no person shall place, or allow to remain, in Ararat river, between the Yadkin river and the bridge in Mount Airy, any obstruction whatever to the free and open passage of fish up said river.

Free passage of fish in Ararat river not to be obstructed.

SEC. 2. On any dam for manufacturing or milling purposes, the owner, or owners, of such dam, or dams, shall construct such fish-way as may be described and required by the county commissioners of said county, of sufficient slope and construction that fish may pass across unimpeded, and on failure to comply with such requirements, the said owner, or owners, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than ten dollars per day for every day that such dam, or dams, are permitted to remain without such fish-way.

Fish-ways to be made in dams.

Penalty for violation.

SEC. 3. That if any person, or persons, shall place any impediment or obstruction whatever in said river in violation of the provisions of section first of this act, such person shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined or imprisoned, or both, at the discretion of the court.

Penalty for violation of sec. 1.

SEC. 4. That this act be in force and effect from and after the first day of January, eighteen hundred and ninety-six.

In effect after January 1, 1896.

Ratified the 9th day of March, A. D. 1895.

## CHAPTER 181.

**An act to validate certain probates and registrations.***The General Assembly of North Carolina do enact :*

SECTION 1. That in all cases when a deed or mortgage executed by a resident of this state has been proven or acknowledged by the maker thereof before a notary public of any other state of the United States, and said deed or mortgage has been ordered to be registered by the clerk of the superior court of the county in which the land conveyed by such deed or mortgage is situated, and said deed or mortgage has been registered, such registration shall be as valid and binding, to all intents and purposes, as if such proof or acknowledgment had been

Registration of deeds executed by citizens of this state before a notary public of another state validated.

taken by the clerk of the superior court of the county in which the said land is situated.

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

Ratified the 9th day of March, A. D. 1895.

## CHAPTER 182.

**An act to provide for the collection of arrears of taxes in the city of Wilmington, in the county of New Hanover, and state of North Carolina.**

*The General Assembly of North Carolina do enact:*

Superior court given jurisdiction of actions for delinquent taxes in New Hanover.

SECTION 1. "That the state of North Carolina, the county of New Hanover, and the city of Wilmington may bring their joint or several action or actions in the superior court of New Hanover county, for the enforcement and collection of all claims in favor of said state, county, and city, for delinquent taxes against any person or property, whose names appear delinquent on the tax books or list of said city or county, and the said superior court shall have jurisdiction to have, try and determine the same."

City attorney of Wilmington to bring suits.

SEC. 2. That it shall be the duty of the city attorney of the city of Wilmington, together with such associate counsel as he may select, to bring such actions against delinquent persons or property as will enforce the collection and compel the payment of all delinquent taxes, interest and penalties, due to the state, county, or city, as the case may be, and counsel shall be entitled to reasonable compensation.

Compensation.

Action begun by summons.

SEC. 3. That the action herein authorized shall be begun by summons, returnable to the next ensuing term of the superior court, as other civil actions; the complaint shall be filed with the clerk of the superior court, when the summons is received; the pleading shall be made up and completed within thirty days after the service of the summons and copy of complaint. The defendants so served shall be allowed twenty days from such service in which to file answer or other proper pleadings. The plaintiff shall have ten days after the defendant files his pleadings to the complaint in which to file replication or other proper plea. The case shall stand for trial at the first term next ensuing the expiration of the thirty days herein mentioned.

Pleadings, &c., when and how filed.

SEC. 4. That no undertaking for cost shall be required of the plaintiff before issue of summons, and no fees shall be paid for the service of papers.

Plaintiff not to give bond for costs.

SEC. 5. That in the trial of causes under the provisions of this act, the tax list, or books, or minutes, or entries, or other papers, or documents on file, or among the records or archives of the city or county, or in the office of the public treasurer, or auditor of the state, shall be evidence to establish their identification, upon the oath of the custodian of them, or of any person who knows and can identify them.

Evidence, &c.

SEC. 6. That in cases wherein the complaint serves to subject property, real or personal, to sale for the payment of taxes, the proceedings shall be assimilated, as near as may be, to the action for the foreclosure of mortgages; the amount due the plaintiff, constituting a tax lien on the property, shall be ascertained by a judgment, or decree, declaring the lien and the amount of the plaintiff's recovery, and a day shall be fixed, and stated in the judgment, for redemption by the defendant, which day shall not be more than twelve days from the rendition of the judgment, after which day the defendant shall be forever barred and foreclosed of all right, title, equity, or interest in the property, and the property shall be directed to be sold, under the orders and decrees of the court, according to the course and practice of the court in mortgage foreclosures.

Proceedings to subject property to sale.

Judgment redemption.

Sales, &c.

SEC. 7. That all sales shall be made by the sheriff of New Hanover county, who, in this behalf, shall act as a commissioner of the court, and be entitled to the same costs and commissions as upon sales under execution; and upon the coming in of the report of sale by the sheriff, the sale shall be confirmed, if made lawfully, and pursuant to the judgment, unless it shall be made to appear that the property will bring a better price at another sale: but in no case shall the court decree another sale, unless an amount equal to the price bid, and reported by the sheriff, shall be paid to him, and be by him held subject to the direction of the court.

Sheriff to make sales.

Commissions, &c.

Report of sale. Confirmation.

Resale, &c.

SEC. 8. That it shall be lawful for the state, the county, and the city, or any two of them, to join as plaintiff in any action brought under the provisions of this act, so that the entire amount of tax against the property described in the complaint may be recovered in one action, instead of two or three actions; and if in such cases the net recovery shall be less than the judgment, then the amount shall be distributed *pro rata* among the plaintiffs by the court, according to their respective interests therein.

Parties to action.

Distribution of recovery.

SEC. 9. That the state, county, or city may purchase jointly,

State, county or city may purchase at sale.

Sheriff to make deed.

Court to put purchaser in possession.

Obstruction of process a contempt.

Penalty.

Claims may be compromised.

Approved by court.

or severally, at any sale under this act, taking a deed from the sheriff, under the direction of the court, therefor accordingly, and they may so hold, sell, and convey the same.

SEC. 10. That after the confirmation of any sale, and the delivery of deed to the purchaser, under this act, said purchaser shall be immediately let into possession of the premises, or property, under the proper process of the court; the court shall issue its writ of possession and of assistance, commanding the sheriff to put the purchaser into possession, and to evict any and all persons holding, or claiming, the property; any person who shall directly or indirectly seek to obstruct such process, or to interfere with the peaceful and quiet possession and enjoyment of the purchaser, or of his agents, or servants, or assignees, shall be guilty of contempt of court: and, moreover, shall be guilty of a felony, and, upon conviction thereof, shall be imprisoned in the penitentiary not less than six months, nor more than two years.

SEC. 11. That any such claim may be compromised by taking a part in discharge of the whole thereof, at any time before the rendition of judgment thereon, upon the recommendation of counsel, and the approval of the judge of the superior court in term time.

SEC. 12. That this act shall be in force from and after May the first, one thousand eight hundred and ninety-five (1895).

Ratified the 9th day of March, A. D. 1895.

## CHAPTER 183.

**An act for the support of the State Hospital, at Morganton, and the necessary repairs and improvements of the buildings.**

*The General Assembly of North Carolina do enact:*

\$100,000 per annum appropriated.

SECTION 1. That the sum of one hundred thousand dollars per annum be, and the same is hereby, appropriated for the support of the state hospital, at Morganton, and for the necessary repairs and improvements for buildings.

Paid by public treasurer upon auditor's warrant.

SEC. 2. That the appropriation, hereby made, be drawn out of the treasury by the auditor, upon his warrant, and be placed by the treasurer to the credit of the state hospital, at Morganton.

SEC. 3. That this act be in force from and after its ratification. Ratified the 9th day of March, A. D. 1895.



## CHAPTER 184.

**An act to amend chapter two hundred and forty-four (244),  
laws of 1889.***The General Assembly of North Carolina do enact :*

SECTION 1. That chapter two hundred and forty-four (244), laws of eighteen hundred and eighty-nine (1889), be amended by striking out section one of said act, and insert in lieu thereof: "That Thomas Williams, W. T. Cook, A. L. Jones, Cap. Lewis, and F. M. Alcorn, be appointed commissioners, whose duty it shall be, on or before the first day of August, eighteen hundred and ninety-five, to lay off Wolf Island creek, in Rockingham county, from Chandler's mill to Rawley's mill-dam, in sections of convenient length, and appoint one overseer to each section, who shall hold his office for a term of two years, and who shall be a land-owner in the section to which he is appointed overseer."

Chap. 244, laws 1889, amended, in regard to draining low lands of Wolf Island creek. Commissioners named.

Duties.

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

Ratified the 9th day of March, A. D. 1895.

## CHAPTER 185.

**An act to prevent the destruction of pheasants in the counties  
of Halifax and Warren.***The General Assembly of North Carolina do enact :*

SECTION 1. That no person shall shoot, trap, or net, or in any way destroy, any pheasants, in the counties of Halifax and Warren prior to the first day of November, one thousand eight hundred and ninety-nine. And any person so offending shall be guilty of a misdemeanor, and fined not less than ten dollars, nor more than twenty dollars, for each offence.

Shooting, &c., of pheasants in Halifax and Warren counties before Nov. 1, 1895, prohibited.

Penalty.

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

Ratified the 9th day of March, A. D. 1895.

## CHAPTER 186.

**An act to appoint tax collectors in Wake county.***The General Assembly of North Carolina do enact :*

SECTION. 1. That on the first Monday in June, one thousand eight hundred and ninety-five (1895), and every year thereafter,

Tax collectors to be appointed in Wake county.

- the magistrates and commissioners, or trustees, in joint session, shall appoint special tax collectors for every township in Wake county: *Provided*, they appoint the constables of the various townships, if elected by the vote of the people of the various townships.
- Proviso, constables to be appointed.
- Bond, oaths and qualifications. SEC. 2. That the bond, oaths and qualifications of tax collectors, shall be the same as for constables, as prescribed in The Code, and sufficient for tax collectors.
- Tax collector to pay over money in hand to county treasurer, &c. SEC. 3. That the tax collector shall deliver to the county treasurer, on the last Saturday in each month, all moneys in his hands, or on every Saturday, if there is in his hands more than four hundred dollars (\$400), receive a receipt, and report the same to the sheriff: *Provided*, the tax collector shall receive the same compensation as The Code allows the sheriff for same service.
- Proviso, compensation. SEC. 4. That this act shall apply only to Wake county.
- Act to apply to Wake county only. SEC. 5. That all laws, acts, or parts of acts in conflict with this act is hereby repealed.
- Conflicting laws repealed. SEC. 6. That this act shall be in force from and after its ratification.
- Ratified the 9th day of March, A. D. 1895.

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## CHAPTER 187.

### An act to allow a sale of timber trees for partition.

*The General Assembly of North Carolina do enact:*

- Joint owners, remaindermen, or reversioners may sell trees, &c., for partition. SECTION 1. That whenever two (2) or more persons shall own, as tenants in common, joint tenants, or coparceners, a tract of land, either in possession, or in remainder, or reversion, subject to a life estate, on which there may be standing timber trees, a sale of said timber trees, separate from the land, may be had upon the petition of one or more of said owners, or the life tenant, for partition among the owners thereof, including the life tenant, upon such terms as the court may order, and under like proceedings as are now prescribed by law for the sale of land for partition: *Provided*, that when the land is subject to a life estate, the life tenant shall be made a party to the proceedings, and shall be entitled to receive his portion of the net proceeds of sales, to be ascertained under the mortuary tables in The Code, volume one (1), chapter thirty-two (32).
- Procedure. SEC. 2. That this act shall be in force from and after its ratification.
- Proviso. Ratified the 9th day of March, A. D. 1895.

## CHAPTER 188.

**An act in regard to the time of holding the superior court  
in Robeson county.***The General Assembly of North Carolina do enact :*

SECTION 1. That the superior court of Robeson county shall be held as follows: on the fifth Monday before the first Monday in March, to continue for two weeks; eleventh Monday after the first Monday in March, to continue for one week; on the fifth Monday before the first Monday in September, to continue for two weeks, and to be for the trial of civil causes only; on the fourth Monday after the first Monday in September, to continue for two weeks. And nothing in this act shall be construed to require the presence of the judge and jury longer than may be necessary for the dispatch of the business before the court.

Superior courts  
for Robeson  
county, when  
held, &c.

Proviso.

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 11th day of March, A. D. 1895.

## CHAPTER 189.

**An act for the relief of A. L. Byrd, late treasurer of Harnett  
county.**

WHEREAS, A. L. Byrd, late treasurer of Harnett county, was during his term of office, in the month of November, eighteen hundred and ninety-two, robbed of the sum of eight hundred dollars (\$800), belonging to the school fund of said county; and

Preamble.

WHEREAS, he has paid into said school fund all of said amount, less the sum of three hundred and seventy dollars (\$370); therefore,

*The General Assembly of North Carolina do enact :*

SECTION 1. That A. L. Byrd, late treasurer of Harnett county, be, and he is hereby, relieved of the payment of said sum of three hundred and sixty-three dollars and thirty cents (\$363.30) into the school fund of said county, and he be entitled to credit for said amount in his settlement with said school fund.

Relieved of the  
payment of  
\$363.20 into school  
fund of Harnett  
county.

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

Ratified the 6th day of March, A. D. 1895.

## CHAPTER 190.

## An act to amend section one thousand and two (1002) of The Code of North Carolina.

*The General Assembly of North Carolina do enact:*

Sec. 1002 The Code amended in regard to live stock.

SECTION 1. That section one thousand and two (1002) of The Code of North Carolina be amended by inserting in line one thereof, between the words "purpose and kill," the following: "drive any live stock, lawfully running at large in the range, from said range, or shall."

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

Ratified the 9th day of March, A. D. 1895.

## CHAPTER 191.

## An act to place Robert W. Garrison and D. W. Pannill on the pension roll as first-class pensioners.

Preamble.

THAT WHEREAS, Robert W. Garrison, an ex-Confederate soldier, of Mecklenburg county, North Carolina, is wholly unable to provide adequate support for his wife and little children, by reason of a wound received while in the memorable battles around Richmond, Virginia, (he now has a ball lodged in his right lung which gives him constant pain, and renders him unable to perform manual labor in the ordinary avocations of life); and whereas, he is now only drawing a pension as a fourth-class pensioner; now, therefore,

*The General Assembly of North Carolina do enact:*

R. W. Garrison and D. W. Pannill made pensioners of first class.

SECTION 1. That the said Robert W. Garrison, of Mecklenburg county, and D. W. Pannill, of Mitchell county, be, and they are hereby, made first-class pensioners, under the classification of the laws of one thousand eight hundred and eighty-nine regulating same, and that they be placed upon the roll as first-class pensioners.

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

Ratified the 6th day of March, A. D. 1895.



## CHAPTER 192.

An act to authorize the county commissioners of Jackson county to levy a special tax, and to legalize a tax already levied.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of county commissioners of Jackson county are hereby authorized and empowered to levy a special tax of twenty-five cents on every hundred dollars' worth of taxable property in said county, for the year one thousand eight hundred and ninety-five (1895), for the purpose of paying a debt created for building a county jail for said county; and that the tax of twenty cents on every one hundred dollars' worth of property, levied by the said board of county commissioners for the same purpose, for the year one thousand eight hundred and ninety-four (1894), is hereby validated and confirmed, and declared as lawful as if levied in the first instance, with the special approval of the general assembly of North Carolina.

Special tax levy authorized.

Purpose of tax.

Levy for 1894 validated.

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

Ratified the 9th day of March, A. D. 1895.

## CHAPTER 193.

Contract and bond of M. I. & J. C. Stewart, state printers, from February 27th, 1895, to July 1st, 1897.

This agreement, made this twenty-seventh day of February, eighteen hundred and ninety-five, by and between the state of North Carolina, through the joint committee of the general assembly on printing, thereto duly authorized by law, on the one part, and M. I. & J. C. Stewart, of the other part,

Agreement.  
Parties.

*Witnesseth*, That the said M. I. & J. C. Stewart do undertake and agree to do all the public printing, binding, job work, and other such work required and allowed by law to be done during the term of two years, four months and three days, from the twenty-seventh day of February, eighteen hundred and ninety-five, by the state of North Carolina, and for all the penal and charitable institutions of the state, and all the departments and sub-departments thereof; to do all the printing and binding in a workmanlike manner, promptly, and in good time, and to be delivered in Raleigh to the proper departments without

Time covered by agreement.

Terms, &amp;c.

cost of freight to the state. For this work the said M. I. & J. C. Stewart are to receive the prices specified in their bid, which is hereto attached. And in consideration thereof, the state of North Carolina agrees, according to the terms above mentioned, that all printing, binding, job work, and all other such work to be done during the term of two years, four months and three days, from February the twenty-seventh, eighteen hundred and ninety-five, for the state, and all the departments and institutions thereof, shall be done by the said M. I. & J. C. Stewart, and the same shall be paid for as above specified.

Witness:

M. I. &amp; J. C. STEWART. [Seal].

W. V. HALL. [Seal.]

J. F. WESTMORELAND, O. A. STARBUCK, J. M. MEWBORNE, A. Y. SIGMON, JOHN AMMONS, S. E. MARSHALL, B. R. BROWN.	}	Senate branch of Committee.
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Witness:

W. V. HALL. [Seal.]

J. W. BEAN, J. R. HENDERSON, M. H. FLACK, R. J. PETREE, J. A. WALKER, JNO. F. MITCHELL, J. T. PHILLIPS, A. M. SELF, J. H. BUCHANAN.	}	House branch of Committee.
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Witness:

W. V. HALL. [Seal.]

PROPOSALS FOR PRINTING AND BINDING FOR THE STATE OF  
NORTH CAROLINA, FROM THE EXPIRATION OF  
THE PRESENT CONTRACT, FEBRUARY  
21ST, 1895, TO JULY 1ST, 1897.

Authority for  
bid.

In compliance with the law of eighteen hundred and ninety-five, the undersigned propose to contract for the work required by the state during said period, and to enter into a good and sufficient bond for the faithful and prompt execution of the same, being based as the law requires the bids, by the "em quad," "token," and "volume."

Basis of bid.

## (1.) COMPOSITION.

Composition.

Per 1,000 ems, plain work,	27 cents.
Per 1,000 ems, rule and figure work,	50 cents.

## (2.) PRESS WORK.

## ON BOOKS AND PAMPHLETS.

Per token of 240 impressions,.....	15 cents.	Press work.
Per additional token of 240 impressions,.....	15 cents.	

## ON JOB WORK.

Per token of 240 impressions, note size,.....	15 cents.	Job work.
Per additional token of 240 impressions, note size,.....	15 cents.	
Per token of 240 impressions, letter size,.....	15 cents.	
Per additional token of 240 impressions, letter size,.....	15 cents.	
All job work larger than letter size, per token of 240 impressions,.....	15 cents.	
Per additional token of 240 impression,.....	15 cents.	

## (3.) BINDING.

## IN FULL SHEEP.

Per volume, of 600 pages, or less,.....	40 cents.	Binding.
Each additional 16 pages, per 100 copies,.....	30 cents.	

## IN HALF SHEEP.

Per volume of 550 pages, or less,.....	13 cents.
Each additional 16 pages, per 100 copies,.....	30 cents.

## IN MUSLIN.

Per copy, 32 pages, or less,.....	5 cents.
Per copy, 150 pages, or less,.....	11 cents.
Per copy, 250 pages, or less,.....	12 cents.
Per copy, 300 pages, or less,.....	13 cents.
Per copy, 600 pages, or less,.....	15 cents.
Each additional 16 pages, per 100 copies,.....	25 cents.

## IN PAPER.

Thirty-two pages, or less, per 100 copies,.....	30 cents.
Per copy, 150 pages, or less,.....	2 cents.
Per copy, 250 pages, or less,.....	2½ cents.
Per copy, 300 pages, or less,.....	3 cents.
Each additional 16 pages, per 100 copies,.....	20 cents.

## (4.) JOB RULING.

Cap, 10 quires, or less, each ruling, 10 cents; per ream, each ruling, 18 cents.

Deny, 10 quires, or less, each ruling, 10 cents; per ream, each ruling, 25 cents.

Folio, 10 quires, or less, each ruling, 10 cents; per ream, each ruling, 30 cents.

Medium, 10 quires, or less, each ruling, 10 cents; per ream, each ruling, 30 cents.

Ruling and binding blank books.

### (5.) RULING AND BINDING BLANK BOOKS.

	THREE-QUARTER BINDING.		RUSSIA ENDS.	
	Five quires or less.	Each additional quire.	Five quires or less.	Each additional quire.
Cap.....	.50	.12	1.00	.20
Demy.....	.60	.15	1.50	.40
Medium .....	.75	.15	4.00	.50
Royal.....	.75	.20	4.00	.50

Flat half binding, &c.

### (6.) FLAT HALF BINDING, CLOTH SIDES, COLORED LEATHER BACK AND CORNERS.

Demy, 2 quires, or less, 30 cents; each additional quire, 10 cents.

Cap, 2 quires, or less, 30 cents; each additional quire, 10 cents.

Folio, 2 quires, or less, 30 cents; each additional quire, 10 cents.

Medium, 2 quires, or less, 30 cents; each additional quire, 10 cents.

Royal, 2 quires, or less, 35 cents; each additional quire, 10 cents.

Double Cap, 2 quires, or less, 40 cents; each additional quire, 13 cents.

Poll-books, &c.

### (7.) PRINTING, RULING AND BINDING POLL-BOOKS.

Half binding, paper sides, 70 leaves, 10 cents each.

Registration books, &c.

### (8.) PRINTING, RULING, BINDING AND DOUBLE INDEXING REGISTRATION BOOKS.

Half binding, paper sides, 100 leaves, 35 cents each.

The secretary of state will furnish all the paper necessary for the above work upon the requisition of the contractor, stating the quality, quantity, and size and weight of the paper wanted, and the contractor filing a proper receipt for the same.

It is particularly understood and agreed on the part of the undersigned that all work done under any award made on account of this proposal is to be done with type of standard size and face to insure first-class work in every particular, as may be designated by the head of each department.

Type, &c., to be used.

The senate and house journals and documents (except tabular or rule and figure work) to be leaded small pica, twenty-three pica ems wide and forty-two pica ems long, including head and foot lines. The text of the public and private laws to be set in leaded brevier, twenty-two pica ems wide and forty-two pica ems long. Side-notes to be set in nonpareil, five pica ems wide, and separated from the text by a three-to-pica lead.

M. I. & J. C. STEWART.

Winston N. C., February 16th, 1895.



Whenever the term 1,000 ems is used the measurement shall be by the "em quad". Five to pica leads must be used in all matters required to be leaded. Measurement.

*Know all men by these presents,* That we, M. I. & J. C. Bond. Stewart, proprietors of Stewarts' Printing House, of Winston, county of Forsyth, state of North Carolina, as principals, and M. I. Stewart, J. C. Stewart, and W. B. Ellis, of the county and state aforesaid, as sureties, are held and firmly bound unto the state of North Carolina, in the sum of five thousand dollars, to the payment whereof we bind ourselves, our executors, and our administrators firmly by these presents.

The condition of this obligation is such, that if the above bounden, M. I. & J. C. Stewart, proprietors of Stewarts' printing house, shall faithfully perform their duties and undertakings under their contract for the public printing, beginning the twenty first day of February, eighteen hundred and ninety-five, and ending the first day of July, eighteen hundred and ninety-seven, as by law required them, this obligation to be void and of none effect, otherwise to be and remain in full force and virtue. Condition, &c.

Signed and sealed, this the thirteenth day of February, eighteen hundred and ninety five.

Witness :

M. I. STEWART. [Seal.]

J. C. STEWART. [Seal.]

W. B. ELLIS. [Seal.]

H. D. HARWOOD.

The above bounden principals and sureties personally appeared before me, a notary public, of Forsyth county, and maketh oath that they are worth over and above all their liabilities and property exempted by law, five thousand dollars. Justification of bondsmen.

[Seal.]

H. D. HARWOOD, N. P.

*To the Joint Committee on Printing :*

Your sub-committee has investigated the bids submitted to do the public printing and find that M. I. & J. C. Stewart, of Winston, North Carolina, to be the lowest responsible bidders, viz. : Sub-committee's report.

On the composition, press work and binding supreme court reports Stewart Bros. are the lowest bidders by \$225.00.

On the binding of public and private laws in half sheep, the binding alone in favor of Stewart Bros., about \$97.00.

In favor of Stewart Bros., single composition 23 per cent.

In favor of Stewart Bros., rule and figure work 4 per cent.

In favor of Stewart Bros., book and pamphlet work 11 per cent.

In favor of Stewart Bros., press job work 39 per cent.

On composition, press work, and binding in muslin, of the report of railroad commission, 2,000 copies, in favor of Stewart Bros., \$241.23.

On all other muslin binding, in favor of Stewart Bros., nearly 200 per cent.

In favor of Stewart Bros., on job ruling 100 per cent.

In favor of Stewart Bros., ruling and binding blank books 300 per cent.

In favor of Stewart Bros., registration books nearly 15 per cent.

Your sub-committee further finds that the only instance in which Stewart Bros. are not the lowest bidder, is in paper binding of copies of 150 pages or less, and that amounts to only \$177.93, which is more than cancelled by muslin binding alone.

Respectfully submitted,

STARBUCK, *Chairman Sub-Committee.*

Raified the 9th day of March, A. D. 1895.

## CHAPTER 194.

### An act for the improvement of the public roads of North Carolina.

*The General Assembly of North Carolina do enact :*

Counties may  
levy special road  
tax.

Tax limit.

Collected as  
other taxes.

Counties raising  
tax entitled to  
25 convicts free  
of charge.

Counties to  
guard them and  
pay expenses of  
keeping.

Proviso.

SECTION 1. That any county in this state may, through their regular constituted authorities, levy a tax for the improvement of their public roads, which tax shall in no case exceed fifteen cents on the one hundred dollars' worth of property, and forty-five cents on the poll, (and that the constitutional equation shall at all times be observed) in any one year, and which shall be collected as other county taxes.

SEC. 2. Any county having raised a fund under the preceding section of this act may be, and is hereby, entitled to the use of twenty-five convicts from the state prison, in addition to the number of convicts such county may have furnished, and at that time are in the state prison, to be furnished by the state, in the order of their application, to the several counties free of charge for service, transportation or clothes; but all other expense for the safe keeping, feeding, care of and then return of such convicts shall be paid by the county authorities, out of the special fund for the improvement of the public roads: *Provided*, no application for convicts shall be considered by

the superintendent if they are indispensable to prosecute the work begun on the state farm.

SEC. 3. Upon notice by the county authorities to the state authorities that the convicts on the county public roads are no longer needed, it shall be the duty of the state authorities to immediately take charge of such convicts and relieve the county of their charge, but in no case shall such county be entitled to receive any further assignment of convicts during that year.

Convicts to be removed by state authorities when no longer needed by counties.

SEC. 4. That for the safe keeping and care of such convicts, and for the proper direction of their labor, the several counties which may raise a fund, under the first section of this act, are hereby authorized and empowered to employ a county overseer of roads, and employ such guards and physician as are necessary for the safe keeping, proper working and welfare of the convicts, and shall, in all other things, have power to make efficient the service contemplated in this act.

County overseer of roads to be employed; also necessary guards and physician.

SEC. 5. There shall be no female convicts worked on the public roads of the state of North Carolina, and in any county of the state where convicts are worked on the public roads the superintendent of the penitentiary shall have supervision of the treatment, health and diet of said convicts.

Female convicts not to be worked.

Supervision of convicts.

SEC. 6. The several counties of this state, which may avail themselves of the provisions of this act, may, if they so desire, first submit to the qualified voters of said county the question of public road tax or no public road tax, and in no case shall they make such tax levy, as is herein provided, if a majority of the qualified voters decide against such levy.

Counties may submit question of special road tax to qualified voters.

Vote adverse, no tax to be levied.

SEC. 7. That upon the petition of one hundred qualified voters of any county to the commissioners, they shall order an election for taxation or no taxation for public roads, as set forth in section one.

Election to be ordered on petition of one hundred voters.

SEC. 8. That this act shall be in force from and after its ratification.

Ratified the 11th day of March, A. D. 1895.

## CHAPTER 195.

### An act to create an additional term of the superior court for Wake county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That there shall be another term of Wake superior court, to be held on the eighth Monday before the first Monday in September of each year, to continue for two weeks,

Additional term to be held 8th Monday before first Monday in September of each year.

and to be solely for the trial of criminal cases, and no original and final civil process shall be returnable to said term.

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

Ratified the 11th day of March, A. D. 1895.

## CHAPTER 196.

### An act to complete the Confederate monument in Raleigh.

*The General Assembly of North Carolina do enact:*

\$10,000 appropriated.

To whom paid.

SECTION 1. That in token of the appreciation of North Carolina Confederate dead, and the service they rendered in obedience to law, the sum of (\$10,000) ten thousand dollars is hereby appropriated out of any funds belonging to the state, and to be paid over to the president of the "Ladies' Memorial Association," to be used in completion of the Confederate monument now being erected on the capitol square in Raleigh.

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

Ratified the 11th day of March, A. D. 1895.

## CHAPTER 197.

### An act to prevent hunting on the lands of another in Clay county.

*The General Assembly of North Carolina do enact:*

Hunting on lands without permission of owner prohibited.  
Penalty.

Proviso.

SECTION 1. That any person who shall hunt with gun or dogs on the lands of another in the county of Clay, without having obtained leave of the owner, shall, for every offence, forfeit and pay ten dollars to the party aggrieved: *Provided*, no such recovery shall be had unless the owner of the land, by advertisement posted at two or more public places in the county where the land is situated, has forbidden the person so hunting by name, or all persons generally, to hunt on his land, and any person hunting, after having been so forbidden, shall be guilty of a misdemeanor, and fined or imprisoned at the discretion of the court.

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

Ratified the 11th day of March, A. D. 1895.



## CHAPTER 198.

An act to amend chapter two hundred and seventy-seven of the laws of (1887) eighteen hundred and eighty-seven.

*The General Assembly of North Carolina do enact:*

SECTION 1. That in section one (1) of said act, and in line five (5), strike out the word "March", and insert "April" in lieu thereof; wherever (31st) thirty-first occurs, strike out and insert (20th) twentieth.

Chap. 277, acts 1887, in regard to catching fish with nets, seines, &c., in Kitty Hawk Bay and Currituck Sound, amended.

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

Ratified the 11th day of March, A. D. 1895.

## CHAPTER 199.

An act to amend chapter two hundred and eighty-six of the laws of eighteen hundred and ninety-three.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section (1) first of said act is hereby repealed.

SEC. 2. That in section two (2) of said act, wherever "tenth" occurs, strike out and insert "twentieth" in lieu thereof, and wherever "November" occurs in said section, strike out and insert "October" in lieu thereof.

Sec. 1, chap. 286, laws of 1893, in relation to hunting and fishing in Currituck Sound, repealed.

SEC. 3. That in section three (3) of said act, wherever "tenth" occurs, strike out and insert "twentieth" in lieu thereof, and wherever "November" occurs in said section, strike out and insert "October" in lieu thereof, and between the word "sun-up" and the word "of" strike out the words "or let them remain after sundown."

Prohibited time of shooting over decoys changed to "between March 20th to October 20th."

SEC. 4. That in section four (4) of said act, wherever the word "tenth" occurs, strike out and insert "twentieth" in lieu thereof, and wherever "November" occurs in said section, strike out and insert "October" in lieu thereof, and between the words "rifle" and "while" strike out the words "or shot-gun."

Sec. 3, in regard to putting out decoys, amended.

SEC. 5. That in section five (5) of chapter (226) two hundred and twenty-six of laws (1893) eighteen hundred and ninety-three, from the word "shall" in line first, down to "not" in line second.

Sec. 4, in regard to shooting from row boat, &c., amended.

Sec. 5, in regard to battery boats, amended.

Conflicting laws  
repealed.

SEC. 6. That all laws and clauses of 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 11th day of March, A. D. 1895.

## CHAPTER 200.

**An act to authorize the commissioners of Craven county to construct bridges across Neuse and Trent rivers.**

*The General Assembly of North Carolina do enact:*

Commissioners  
of Craven to  
build bridge  
across Neuse  
and Trent rivers.

SECTION 1. That the board of commissioners of Craven county are hereby authorized and empowered to locate and construct bridges, for the use of the public, across the Neuse and Trent rivers, at some point in said county near the city of New Berne, said location to be designated by the said board of commissioners.

Draws to be pro-  
vided.

SEC. 2. That said bridges, so constructed as authorized, shall be provided with drawers sufficient to permit the free and easy navigation of said rivers by all kinds of vessels.

Bonds.

Form of bonds.

SEC. 3. That for the purpose of constructing said bridges, the board of commissioners of said county are hereby authorized and empowered to issue bonds, of the denomination of five hundred dollars each, running thirty-six (36) years, with interest at six (6) per cent., to an amount not exceeding the sum of sixty thousand dollars: and the said board of commissioners are authorized and empowered to levy and collect annually a tax for the purpose of paying the interest on said bonds, and to create a sinking fund of twenty-five hundred dollars, which said sinking fund shall be used for the purpose of paying off and discharging said bonds to that amount, the said board of commissioners being hereby authorized and empowered to designate by call which of said bonds shall be subject to payment out of said sinking fund so created as aforesaid.

Amount of  
bonds.

Special tax.

Payment of  
bonds out of  
sinking fund.

Limit of tax.

SEC. 4. That the tax so levied as aforesaid shall not exceed the sum of twenty cents on the hundred dollars valuation and sixty cents on the poll.

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

Ratified the 11th day of March, A. D. 1895.

## CHAPTER 201.

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

*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of commissioners of Craven 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 meetings on the first Monday in June, of the years one thousand eight hundred and ninety-five and one thousand eight hundred and ninety-six, or at such time in said years as the annual county taxes may be required to be levied by law, to levy a special tax upon the taxable property, real and personal, and the polls of said county, for the special purpose of maintaining the free public ferries of said county, and maintaining, constructing and repairing the bridges in said county, and meeting the other current expenses of said county in said years.

Craven county.

Special tax.

To maintain ferries, &c.

SEC. 2. Such tax shall be levied in like manner with the state and general county taxes, and shall not, in either of said years, 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 levies.

Limit 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, at the same time, and under the same rules and penalties as prescribed for the collection of other taxes in said county.

How collected &c.

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

Ratified the 11th day of March, A. D. 1895.

## CHAPTER 202.

An act to regulate the collection of taxes in the county of Forsyth.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the sheriff of the county of Forsyth shall collect the taxes known as schedule B and schedule C taxes, and shall give such bonds and receive such compensation, and be

Sheriff to collect schedules B and C.

Election for tax collectors, held when.	subject to the same duties and penalties as are now provided by law for sheriffs collecting like taxes.
Tax collectors for each township.	SEC. 2. That on Tuesday, next after the first Monday in November, <i>anno domini</i> eighteen hundred and ninety-six, and on said day every two years thereafter, an election shall be held in the county of Forsyth for the offices of tax collectors.
Term of office.	SEC. 3. That each township in said county shall have a tax collector, who shall be elected at such elections, and who shall be a <i>bona-fide</i> resident and elector of such township; but such tax collectors shall, at such elections, be elected by the duly qualified electors of each of said townships in said county, and shall hold office for the term now provided by law for sheriffs.
Elections, how held.	SEC. 4. That such elections shall be held under the same rules and regulations as are now prescribed by law for the election of members of the general assembly; and said tax collectors shall be voted for upon the same ballot with the county officers.
Bonds of tax collectors.	SEC. 5. That said tax collectors shall each execute two several bonds, payable to the state of North Carolina, as follows: one conditioned for the collection, payment and settlement of the county, poor, school and special taxes, other than schedule B and schedule C taxes, in a sum double the amount of said taxes for the township for which he is elected, for the previous year; and one for the collection, payment and settlement of the public taxes as required by law, other than schedule B and schedule C taxes, in a sum double the amount of the said taxes of the township for which he is elected, for the previous year, which bond shall be subject to the approval of the board of commissioners of said county, as is now provided by law for like bonds of sheriffs; and upon failure to give such bond or bonds, the said board of commissioners shall declare the office of him so failing, vacant, and shall proceed to fill the same according to law, as it now exists, when sheriffs fail to file their bonds for the collection of taxes.
Vacancies, how filled.	SEC. 6. That such tax collectors shall have the same rights and powers, and be subject to the same duties and penalties, as are now provided by law for other officers charged with the collection of taxes, and shall receive as their compensation three per centum upon the amount collected.
Duties, &c., of tax collectors.	SEC. 7. That the several township tax collectors shall account for, and pay over to the sheriff, the public taxes collected by them, on or before the first Monday in May, and the sheriff shall settle with the state treasurer, under the provisions of existing laws, and he shall receive as compensation one per centum upon the amount of taxes passing through his hands; but before the sheriff shall receive any part of such public
Compensation.	
Tax collectors to settle with sheriff, when.	
Compensation of sheriff.	



taxes he shall execute a justified bond, to be approved by the board of commissioners of the county, in a sum not less than the amount of such public taxes, conditioned for the faithful accounting for, and paying over the same. Bond of sheriff.

SEC. 8. That all laws, and parts of laws, in conflict with this act, are hereby repealed. Conflicting laws repealed.

SEC. 9. That this act shall take effect and be in force from and after the first day of November, *anno domini* eighteen hundred and ninety-six.

Ratified the 11th day of March, A. D. 1895.

### CHAPTER 203.

**An act to provide for the erection of additional buildings and further equipment of the North Carolina College of Agriculture and Mechanic Arts.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the sum of seven thousand and five hundred dollars, annually, for the years eighteen hundred and ninety-five and eighteen hundred and ninety-six, be appropriated for the erection of additional buildings; and for the further equipment of the college, three thousand seven hundred and fifty dollars, to be paid out of funds in the state treasury, not otherwise appropriated, on the first days of April and September of each year. \$7,500 for buildings and \$3,750 for equipment appropriated annually for 1895 and 1896.

SEC. 2. That the treasurer of the state of North Carolina be, and he is hereby, declared *ex officio* the treasurer of the board of trustees of the said college. State treasurer to be *ex officio* treasurer of A. & M. College.

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

Ratified the 11th day of March, A. D. 1895.

### CHAPTER 204.

**An act to define train robbing and fix a punishment therefor.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That hereafter any person or persons who may stop, or cause to be stopped, or impede, or cause to be impeded, or conspire together for that purpose, any locomotive engine, or any car, or cars, on any road in this state, by intimidation of Attempting train robbery defined.

Punishment. those in charge thereof by force, threats, intimidation, or otherwise, of taking therefrom or causing to be delivered up to such persons or person forcing, threatening or intimidating, anything of value, to be appropriated to his or their own use, shall be guilty of attempting train robbery, and, on conviction thereof, shall be punished by confinement in the penitentiary not less than two years nor more than twenty years.

Train robbery defined. SEC. 2. *Be it further enacted*, That any and all persons who may hereafter enter upon any locomotive engine, car or cars on any railroad in this state, and by threats, the exhibition of deadly weapons, or by the discharge of any pistol or gun on, in or near any such engine, car or cars, induce or compel any person or persons on such engine, car or cars to submit and deliver up, or allow to be taken therefrom, or from him or them, anything of value, shall be held guilty of train robbery, and, on conviction thereof, shall be punished by imprisonment in the penitentiary not less than ten years nor more than twenty years.

Punishment.

SEC. 3. That this act shall take effect from and after its ratification.

Ratified the 11th day of March, A. D. 1895.

## CHAPTER 205.

An act for the relief of James M. Morrow, clerk of the superior court of Mecklenburg county.

*The General Assembly of North Carolina do enact:*

Clerk of Mecklenburg allowed to be absent from office in July, 1895.

SECTION 1. That James M. Morrow, clerk of the superior court of Mecklenburg county, be, and he is hereby, exempted from the provisions of section one hundred and fourteen of The Code, and from the liabilities and penalties mentioned in section one hundred and fifteen of The Code, during the month of July, one thousand eight hundred and ninety-five: *Provided, however*, that during his absence he shall leave his office in charge of a competent deputy.

Proviso.

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

Ratified the 11th day of March, A. D. 1895.

## CHAPTER 206.

An act to establish water-course commissioners for certain streams in Cabarrus county, and to define their duties.

*The General Assembly of North Carolina do enact:*

SECTION 1. That on the petition of not less than ten owners of bottom lands, on either Big Cold Water creek, Little Cold Water creek, Three-Mile branch, or Cumberford branch, in Cabarrus county, to the county commissioners of said county, the said county commissioners shall appoint three responsible persons, who are owners of bottom lands on the stream named in said petition, as water-course commissioners, whose duty it shall be, as soon as practicable after their appointment, to lay off said streams into sections of such length as they deem proper, and appoint one overseer for each section, he to be an owner of bottom lands in the section for which he is appointed, which overseer shall hold his office two years. No overseer, however, shall be compelled to serve as such more than one term successively. As compensation for their services, each water-course commissioner and each overseer shall be exempt from furnishing two hands for the work hereinafter designated. All of the water-course commissioners, of all the streams named in this act, shall constitute the commissioners on Big Cold Water creek, between Rocky river and the mouth of Little Cold Water creek.

Water-course commissioners to be appointed in Cabarrus county upon petition.

Duties.

Land laid off in sections.

Overseer.

Compensation of commissioners.

SEC. 2. That a majority of the water-course commissioners of either of the above named streams shall have power to elect one of their own number as chairman, and another as secretary, and may fill vacancies in their own number, or that of overseer, and if they fail or neglect to fill any of said vacancies, however occasioned, for thirty days, the county commissioners shall, on petition of two or more persons, fill said vacancies.

Organization of said commissioners.

SEC. 3. That said water-course commissioners shall go in a body over each section of the stream for which they were appointed, accompanied in each section by the overseer appointed for said section, and lay out to him the work to be done in his section, providing that the channel of said stream shall be as straight as is practical, and of uniform width, and estimate the number of acres of bottom lands belonging to each land-owner on said stream, and shall furnish each overseer with a copy of their estimate for his section. Said land overseer, when required, after five days' notice, served personally or left at the usual place of abode of the land-owner, by the overseer, shall furnish one hand, with the tools mentioned in said notice, for each ten (10) acres of bottom land owned by

Duties of commissioners.

Land owners to furnish hands.

Misdemeanor.

said land-owners, and so estimated, and on failure to do so shall forfeit and pay two dollars to said overseer, on his demand, and for each failure or refusal to pay the same on demand, shall be guilty of a misdemeanor.

Overseer may hire laborers.

SEC. 4. That with the sanction of the water-course commissioners supervising his section, and at such wages per day as may be fixed by said water-course commissioners, any overseer may, with the funds coming into his hands under this act, hire laborers to do the work herein provided for, and any land owners may, instead of furnishing the hands herein provided for, pay to the overseer of the section, wherever said land owner's lands are situated, such a sum of money as may be agreed upon between said land owners and the water-course commissioner having control of his said section.

How many days each overseer to work.

SEC. 5. That it shall be the duty of each overseer, with the hands furnished by the land owners of his section, or hired as aforesaid, to work not less than four and not more than twenty days, each and every year on the channel of the water-course in his section, agreeable to the plans and specifications given him by the water-course commissioners.

Channels to be straightened.

SEC. 6. That the overseer of each section, as soon as practical after his appointment, shall first straighten the channel, as directed by the water-course commissioners, and remove all obstructions to the free passage of the water, from the channel of the stream in his section. Then he shall thereafter clear off all overhanging trees and small growth, except at such places as it is necessary to be left upon, from the banks of said stream, smoothing them and widening the channel until it becomes of such uniform width as the water-course commissioners may require; and when the overseer has once cleared the banks of said stream, as herein provided, it shall then be the duty of each owner of bottom land, so cleared, once in each and every year, to clear off said banks on his own land in the manner and form above prescribed, and every land owner who fails to perform said duty shall be guilty of a misdemeanor.

Obstructions removed.

Overhanging trees, &c., removed.

Land owners to keep banks clear.

Misdemeanor.

Obstructions.

SEC. 7. That any person who shall wilfully or knowingly fell timber, or allow rafts, however formed, to remain in any of said streams, or in any way obstruct the flow of water in the channel of any stream embraced in the provisions of this act, and shall permit the same to remain for twenty days, shall be guilty of a misdemeanor.

Misdemeanor.

Ditches leading into tributaries, &c.

SEC. 8. That any and all persons owning lands on any streams emptying into either of the streams named in this act, shall not cut any ditch or ditches liable to convey sand from the hills into any of said streams, and shall not empty any hill-side ditch



carrying sand into any gorge or place from whence it may, in time of freshet, be carried into any of the aforesaid streams, and shall, when required by the water-course commissioners, for the purpose of holding back sand from coming into any of said streams, erect dams across gorges or ravines on their own land, as directed by said commissioners, and upon the failure of any person to comply with the provisions of this section, shall be guilty of a misdemeanor.

Dams.

Misdemeanor.

SEC. 9. That it shall be unlawful for any person or persons, for any purpose, to erect any dam or dams across Big Cold Water creek between Hileman's gin and Rocky river, or any other stream embraced in the provisions of this act, except upon the written consent of all owners of bottom land upon the stream for the distance of five miles up the stream from where the dam is to be erected, and all existing dams upon either stream named herein shall be provided with a flood quite extending to the mud-sill of said dam, and shall be drained therefrom in time of freshet, and any person or persons erecting any dam, contrary to the provisions of this section, shall be guilty of a misdemeanor, and shall, on conviction, be required to remove the dam.

Unlawful to erect dams across said streams.

Misdemeanor.

SEC. 10. That any one convicted of a misdemeanor under the provisions of this act shall be punished by a fine or imprisonment, or both, in the discretion of the court.

Punishment.

SEC. 11. That all laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 12. That this act shall be in force from and after its ratification.

Ratified the 11th day of March, A. D. 1895.

#### CHAPTER 207.

An act to extend the provisions of the Mecklenburg road law to the counties of Ashe and Watauga.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all the provisions of chapter one hundred and thirty-four (134), of the laws of one thousand eight hundred and eighty-five (1885), be, and the same are hereby, extended to the counties of Ashe and Watauga.

Chapter 134, laws of 1885 (Mecklenburg road law), made to apply to Ashe and Watauga counties.

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 11th day of March, A. D. 1895.

## CHAPTER 208.

An act to repeal chapter four hundred and eighteen (418) laws of one thousand eight hundred [and eighty-three (1883)].

*The General Assembly of North Carolina do enact :*

Chapter 418, laws of 1883 (as to ferry near Blewitt's Falls, Pee Dee river), repealed.

SECTION 1. That the act of the general assembly, passed in the year one thousand eight hundred and eighty-three (1883), establishing a public ferry near Blewitt's Falls, on the Pee Dee river, on the road leading from Rockingham road to the town of Lilesville, 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 March, A. D. 1895.

## CHAPTER 209.

An act to protect wild turkeys in Macon county.

*The General Assembly of North Carolina do enact :*

Unlawful to shoot, &c., wild turkeys in Macon county between May 1st and October 15th.

Misdemeanor.

SECTION 1. That it shall be unlawful to shoot, trap, or otherwise take, or kill, any wild turkeys in Macon county, between the first day of May and the fifteenth day of October, in each and every year.

SEC. 2. That any person violating this act shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than five ( \$5.00 ) dollars, or be imprisoned not less than ten days.

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

Ratified the 11th day of March, A. D. 1895.

## CHAPTER 210.

An act for commissioners of Cherokee county to appoint three equalizers and assessors for real estate for said county.

*The General Assembly of North Carolina do enact :*

Three freeholders to assess and equalize tax on real estate in Cherokee county.

Compensation.

SECTION 1. That the county commissioners of Cherokee county shall appoint three freeholders to equalize and assess the tax on all real estate in said county.

SEC. 2. That the commissioners are authorized to pay said

equalizers and assessors any sum in their judgment, not to exceed two dollars per day each, for their services.

SEC. 3. That the commissioners are to decide as to the time necessary to faithfully and judiciously perform this work.

Duration of office.

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

Conflicting laws repealed.

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

Ratified the 11th day of March, A. D. 1895.

### CHAPTER 211.

An act to change the time of holding the August term of the superior court of Harnett county, and to abolish the second week of the August term of Johnston superior court.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and eighty (180), of the public laws of one thousand eight hundred and eighty-five, entitled "an act supplemental to an act ratified the fourteenth day of February, one thousand eight hundred and eighty-five, entitled an act to increase the number of superior court judges and judicial districts," be, and the same is hereby, amended in section one thereof, under the subdivision fourth district, and in the part relating to Harnett county, by inserting before the word "September," the words "the first Monday in."

Chapter 180, laws 1885, amended.

Summer term of Harnett court to be held 1st Monday in September.

SEC. 2. That the summer term of the superior court of Harnett county, heretofore held on the fourth Monday before the first Monday in September, shall hereafter be held commencing on the first Monday in September.

Summer term, when held.

SEC. 3. That the second week of the August term of the superior court of Johnston county, be, and the same is hereby, abolished, and the said term of court shall begin on the last Monday in August, and continue one week only.

Second week of August term of Johnston court abolished, and said term to begin on last Monday in August.

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

Ratified the 11th day of March, A. D. 1895.

### CHAPTER 212.

An act to amend section nineteen hundred and seventy-one of The Code.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section nineteen hundred and seventy-one of The Code of North Carolina be, and the same is hereby

Section 1971 of Code, (forbidding placing lumber

cars after pas-  
senger cars), not  
to apply to Wil-  
mington Sea  
Coast R. R.

amended by adding at the end of said section the following:  
*Provided*, this section shall not apply to the Wilmington Sea-  
coast Railroad Company.

SEC. 2. That this act shall be in force from and after its ratifi-  
cation.

Ratified the 11th day of March, A. D. 1895.

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## CHAPTER 213.

**An act for the relief of certain school teachers in Clay county.**

*The General Assembly of North Carolina do enact:*

Sums due to be  
paid certain  
teachers in Clay  
county.

SECTION 1. That the county treasurer of Clay county be, and he is hereby, authorized and directed to pay to J. A Chambers, Wyly Crawford, Chas. Moffit and others the sum of money that may be found to be due them for teaching public schools in said county in the year one thousand eight hundred and ninety-four (1894); said amount shall be paid out of any school funds in the hands of said treasurer, or that may hereafter come into his hands.

Receipts.

The receipts from said teachers for such amounts of money as may be paid them shall be vouchers in the hands of said treasurer in his settlement with the authorities of Clay county.

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

Ratified the 11th day of March, A. D. 1895.

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## CHAPTER 214.

**An act for the protection of birds in the counties of Randolph and Davidson, North Carolina.**

*The General Assembly of North Carolina do enact:*

Unlawful to kill  
certain birds in  
Davidson and  
Randolph coun-  
ties between  
April 1st and Oct.  
1st.  
Misdemeanor.

SECTION 1. That it shall be unlawful to kill or shoot any partridges, quail or wild turkies, in the counties of Davidson and Randolph, between April the first and October the first in each year, and the person so offending shall be guilty of a misdemeanor, and fined not exceeding ten dollars for each offence.

Conflicting laws  
repealed.

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

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

Ratified the 11th day of March, A. D. 1895.



## CHAPTER 215.

An act to authorize the levy of a 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 a special tax in the years one thousand eight hundred and ninety-five and one thousand eight hundred and ninety-six, 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 one hundred dollars of property, and thirty cents on the poll, said tax being required to meet the ordinary expenses of the said 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.

Special tax for Anson county authorized.

Limit of tax.

Purpose of tax.

Collection.

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

Ratified the 11th day of March, A. D. 1895.

## CHAPTER 216.

An act to amend chapter one hundred and ninety-two of the laws of the year one thousand eight hundred and eighty-three, relative to the graded schools of Wilson township, in Wilson county, North Carolina.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section three, of the laws of one thousand eight hundred and eighty-three, chapter one hundred and ninety-two, be amended by striking out all in said section after the word "same", at the end of line two thereof, and adding thereto: And such rate as the board of trustees of said schools shall request, in writing, shall be levied and collected in the same manner as provided by law for the levying and collecting state and county taxes. The sheriff of Wilson county shall collect the same, and shall keep said funds separate and apart from all other moneys, and pay over the same to the treasurer of the Wilson Graded Schools, in four equal installments, on the first days of December, February, April and June, next after the collection thereof, under the same liabilities

Sec. 3, chapter 192, laws of 1883, amended.

How much special tax to be levied.  
Collection of.

Sheriff to pay "quarterly to school treasurer.

Proviso.  
Limit of tax.

as are provided by law for the collection and paying over of the county school taxes: *Provided*, that the special tax so levied shall not be less than one-fifth of one per centum on property, and sixty cents on the poll, nor more than one-third of one per centum on property, and one dollar on the poll.

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

Ratified the 11th day of March, A. D. 1895.

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## CHAPTER 217.

### An act appointing local board of trustees for the colored normal school, at Goldsboro, North Carolina.

*The General Assembly of North Carolina do enact:*

Board of trustees  
for Colored  
Normal School at  
Goldsboro.

SECTION 1. That the following named persons are hereby appointed the local board of managers for the colored normal school, located at Goldsboro: H. L. Grant, J. F. Dobson, Logan D. Howell, W. A. Deans, A. A. Smith.

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

Ratified the 11th day of March, A. D. 1895.

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## CHAPTER 218.

### An act to establish graded schools in the town of Washington, North Carolina.

*The General Assembly of North Carolina do enact:*

Washington  
Graded School  
District.

SECTION 1. That all the territory embraced within the corporate limits of the town of Washington, Beaufort county, shall be, and is hereby, constituted "The Washington Graded School District," for white and colored children.

Election as to  
tax for graded  
school.

SEC. 2. That the commissioners of the town of Washington, Beaufort county, are hereby required to submit to the qualified voters of said town at the next election, to be held in May, for the municipal officers of the said town, the question whether an annual tax shall be levied for the support of the graded schools in said town.

Ballots.

SEC. 3. That at the election, held under the provisions of this act, those favoring the levying of such tax shall vote a written or printed ballot, without device, with the words "for schools" upon it, and those opposed to the levying of such tax shall vote

a written or printed ballot, without device, with the words, "against schools" upon it.

SEC. 4. That if a majority of the qualified voters, voting, shall vote at said election in favor of levying such tax, it shall be the duty of the board of commissioners of said town, and their successors, to levy annually a special tax, not less than sixteen and two-thirds cents nor exceeding twenty cents, on the hundred dollars, valuation of all the taxable property of said town, and upon the poll not less than fifty cents, nor 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.

Tax to be levied if majority of those voting vote for it.

Limit of tax.

Collection.

SEC. 5. That said taxes shall be paid over by the said tax collector of the 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 signed by the chairman and secretary of the board of trustees of the graded schools of said town.

Paid to town treasurer.

Bonds of collector, &c.

Warrants.

SEC. 6. That J. G. Bragaw, C. M. Brown, S. T. Nicholson, E. W. Ayers, W. B. Morton, Sr., W. B. Morton, John B. Sparrow, John A. Burgess, and W. J. Crumpler be, and they are hereby, constituted a "board of trustees" for the graded schools of said town; that said board shall have power to fill all vacancies in said boards, employ teachers, and do all such acts as may be necessary to carry on said graded schools.

Names of trustees.

SEC. 7. That it shall be the duty of said board to establish a graded school for the white children, and one for the colored children of said town, and to appropriate the funds derived from said special taxes, and all other sources, for said graded schools for white and colored children, so as to equalize school facilities between the two races.

Duties of trustees.

Funds apportioned between whites and colored.

SEC. 8. That the public school money, which may from time to time be collected and apportioned, under the general school law for general school purposes, for the children in said town, shall be applied to keeping up said graded school under the order and direction of said board of trustees of said graded school.

Public school money to be applied to these schools.

SEC. 9. That the property, both real and personal, of the public schools of said town shall become the property of the said graded schools, and shall be vested in said board of trustees, and their successors, in trust, for said graded schools: *Provided*, and their successors, in trust, for said graded schools: *Provided*,

Property vested in trustees.

Proviso.

Proviso.

that in the event of the discontinuance of said graded schools, all of the property thereto belonging shall revert to and become the property of the said public schools of said town: *Provided, further*, that the said property belonging to, or used for the graded schools for white children, shall revert to the public schools of said town for white children, and said property belonging to, or used for the graded school for the colored children, shall revert to the public school for colored children of said town.

Conflicting laws repealed.

SEC. 10. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified the 11th day of March, A. D. 1895.

## CHAPTER 219.

### An act to aid the North Carolina Institution for the Deaf, Dumb and Blind, at Raleigh, North Carolina.

*The General Assembly of North Carolina do enact:*

\$9,000 appropriated to improve, &c., N. C. Institution for Deaf, Dumb and Blind at Raleigh.

SECTION 1. That the sum of nine thousand dollars (\$9,000) be, and the same is hereby, appropriated for the improvement, and additional buildings, at the North Carolina institution for the deaf, dumb and the blind, at Raleigh, North Carolina.

\$2,000 for repairing chapel.

SEC. 2. That of the appropriation named in section one of this act, two thousand dollars shall be expended for repairing and adding to the old chapel at the white department of said institution.

\$7,000 for colored department.

SEC. 3. That the remainder of said nine thousand dollars (\$9,000), to wit: seven thousand dollars, shall be used at the colored department of said school, for the purpose of erecting additional buildings and improvements thereat.

To be paid out of money not otherwise appropriated.

SEC. 4. That the state treasurer is hereby authorized and empowered to pay to the board of trustees of said institution, or the executive committee thereof, the sum mentioned in section one of this act, out of any funds not otherwise appropriated.

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

Ratified the 11th day of March, A. D. 1895.



## CHAPTER 220.

**An act to provide necessary improvements at the Normal and Industrial school.***The General Assembly of North Carolina do enact :*

SECTION 1. That for the purpose of providing an infirmary and necessary sanitary arrangements, enlarging the dining room, and making repairs and improvements on the buildings at "The Normal and Industrial School," there is hereby appropriated the sum of five thousand dollars annually, for two years, to be paid out of any money in the state treasury not otherwise appropriated.

\$5,000 annually  
for two years,  
appropriated for  
infirmary, &c.

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

Ratified the 9th day of March, A. D. 1895.

## CHAPTER 221.

**An act to improve the public roads of Wake county.***The General Assembly of North Carolina do enact :*

SECTION 1. That chapter three hundred and sixty-three (363), laws of eighteen hundred and eighty-nine (1889), be amended by extending the provisions of said chapter one (1) mile beyond the present limits of Raleigh township in each direction, and that all the provisions of said chapter be applicable to the said area as they now apply to said township.

Chapter 363, laws  
1889, amended.

Roads to be im-  
proved for one  
mile beyond  
Raleigh town-  
ship.

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

Ratified the 9th day of March A. D. 1895.

## CHAPTER 222.

**An act to establish a public ferry across the Yadkin river in Yadkin and Forsyth counties.***The General Assembly of North Carolina do enact :*

SECTION 1. That S. D. Davis, P. H. Poindexter, T. E. Morse and Otis Wade, of Yadkin county, trading under the name and style of "Poindexter and Company," their heirs and assigns, are hereby authorized to establish a public ferry across the Yadkin river, at a point about one quarter of a mile above

Poindexter & Co.  
authorized to  
establish a pub-  
lic ferry across  
Yadkin river.

Donnaha station, at the place now known as the Poindexter & Company ferry, one landing to be situated on the bank of said river in Yadkin county, and the other landing to be situated on the bank of said river in Forsyth county.

Right to establish, &c., said ferry to continue for 30 years.

Public ferry.

Tolls.

Unlawful to establish another ferry within one mile and one-half.

SEC. 2. That the right to establish and keep up said ferry be, and is hereby, vested in the said Poindexter & Company, their heirs and assigns, during the full term of thirty years, and the said ferry shall be in all respects a public ferry, and subject to the general law, rules and regulations governing such ferries.

SEC. 3. That it shall be lawful for the said Poindexter & Company, their heirs and assigns, to receive such tolls and rates of ferriage at said ferry as shall be prescribed and regulated by law, and it shall be unlawful for any person to establish any other ferry within one and one-half miles of said ferry.

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

Ratified the 9th day of March, A. D. 1895.

## CHAPTER 223.

An act to appoint J. B. Holland cotton-weigher for the town of Dunn, in Harnett county, North Carolina.

*The General Assembly of North Carolina do enact:*

Cotton-weigher for Dunn.

Compensation.

J. B. Holland appointed.

Oath.

Clerk of Harnett to fill vacancy.

Penalty for violation.

SECTION 1. That all cotton sold in bales in the town of Dunn, in Harnett county, shall be weighed by a sworn cotton-weigher, who shall be paid the sum of ten cents for weighing each bale of cotton, five cents by the seller and five cents by the buyer.

SEC. 2. That J. B. Holland, of the county of Harnett, is hereby appointed cotton-weigher, as provided for in section one of this act; and in case of his failure to go before the clerk of the superior court of Harnett county, within sixty days from the ratification of this act, and take an oath for the faithful performance of duties of cotton-weigher, or in case of his failure to act for any cause, then said clerk of superior court of Harnett county shall appoint his successor.

SEC. 3. Any person violating the provisions of this act shall be fined not more than ten dollars.

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

Ratified the 9th day of March, A. D. 1895.

## CHAPTER 224.

An act to amend chapter one hundred and fifty-two (152) of the acts of the general assembly of one thousand eight hundred and ninety-three.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter one hundred and fifty-two (152), of the acts of one thousand eight hundred and ninety-three (1893), be amended by adding to first section of said act, and after the last words therein, the following words : "No suit, action or proceeding shall be brought or maintained against any railroad company in this state by any person for damages caused by the construction of said road, or the repairs thereto, unless such suit, action or proceeding shall be commenced within five years after the cause of action occurs, and, the jury shall assess the entire amount of damages which the party aggrieved is entitled to recover by reason of the trespass on his property.

Chapter 152, laws 1893, amended.

Statute of limitation as to suits against railroads for damages caused by construction.

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

Ratified the 9th day of March, A. D. 1895.

## CHAPTER 225.

\* An act to establish the Warsaw graded school.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of commissioners of Duplin county are hereby authorized and required to submit to the qualified voters of the following territory, lying in Warsaw township, said county, viz. : beginning at Wilmington & Weldon Railroad trestle over Turkey swamp, and thence down Turkey swamp to a point where the Clinton and Warsaw public road crosses said Turkey swamp ; thence south with said road to the Duplin old court-house ; thence with the Wilmington public road to the crossing on the Clinton & Warsaw Railroad ; thence a straight line to the two-mile post on the public road leading from Warsaw to Henry Best's house ; thence a straight line to S. M. Carlton's avenue ; thence the public road to Clark's ford on Stewart's creek, thence up Stewart's creek to the intersection of Johnson's Church branch ; thence up said branch to the public road crossing near Johnson's old church site ; thence a straight line to the Dolly Meare ford on the Grove swamp ;

Election in Warsaw township as to "graded schools."

Territory.

- thence up the lane between the lands of James A. Beyette and D. C. Middleton to the old gate on the Hinton Bayett place; thence a straight line to the intersection of the Faison and Keanonsville and Williams public roads; thence up said road north to R. J. Williams' gate; thence up the Bowden's station road two miles from said gate, to a stake; thence a straight line to the beginning,—on the first Monday in May, one thousand eight hundred and ninety-five, under such rules and regulations as said board may prescribe, whether an annual tax shall be levied therein for the support of a graded public school for the white and colored children in said district. Each voter shall vote a printed or written ballot with the words "for school" or "no school", and said election shall be conducted under the same rules, regulations, and penalties as are now or may be prescribed by law for the election of members of the general assembly.
- Annual tax.**
- Ballots.**
- If tax voted, how collected, &c.**
- Limit of tax.**
- Disposition of tax.**
- Board of trustees, names of.**
- SEC. 2. That in case a majority of the qualified voters of the said district shall vote in favor of said school and tax, the said tax shall be levied and collected in the same manner as provided by law for levying and collecting state and county taxes, and the sheriff or tax collector of Duplin county shall collect and pay over the same to the treasurer of the board of trustees, by the first day of January of each year succeeding the levy, under the same liabilities and penalties as are now or may be provided by law for the collection and paying over of the general public school taxes: *Provided*, that the special tax so levied and collected shall not exceed fifty cents on the one hundred dollars' worth of real and personal property, and other property taxed by the laws of North Carolina, and one dollar and fifty cents on each poll.
- SEC. 3. That the special taxes thus levied and collected shall be expended in keeping up separate graded schools for the white and colored children in said district, 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 term.
- SEC. 4. That the following persons shall constitute the board of trustees for said graded schools, and shall hold office for the term following their names: Thomas B. Price, S. M. Carlton, H. S. Bayette, for the term of two years from the date of election; Dr. Lafayette Hussey, James F. Woodward and L. R. Carrell, for the term of four years from the date of election; W. L. Hill, T. M. Moore and H. L. Stephens, for the term of six years from the date of election; and all vacancies occurring in said boards of trustees, from any cause, shall be filled by said board of trustees for the term of six years, except in case of death or



resignation, and in either of these cases, for the unexpired term of trustees so dying or resigning; said board of trustees shall have power to employ and fix the compensation of a superintendent for both or either of said schools, and such teachers as are necessary, and to do all such acts as are necessary to carry on said schools.

SEC. 5. 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, payable to the state of North Carolina, in the sum of one thousand dollars, to be approved and accepted by the said board of trustees, and the same shall be recorded and filed, and sued on as other official bonds.

SEC. 6. That said board of trustees shall have power to sue and be sued, plead and be impleaded under the name and style of Board of Trustees of Warsaw Graded Schools, and as such purchase and hold such real estate and personal property as may be necessary for the use and maintenance of said schools, and receive and hold any property by gift, donation or otherwise, for the use of said schools.

SEC. 7. That the public school money which shall, from time to time, be collected under the general school law for public school purposes, or that which may have been appropriated to the public schools for the white and colored children embraced in said graded school, districts, shall be paid to said treasurer, and by him approved under the orders of the said board of trustees, and the said board of trustees are hereby authorized and empowered to dispose of the public school property now located in the said graded school district, and execute deeds therefor, and apply the proceeds to the said graded school fund.

SEC. 8. That no trustee of either of said graded schools, while acting as such, shall be a teacher therein.

SEC. 9. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 10. That this act shall be in force from and after its ratification.

Ratified the 11th day of March, A. D. 1895.

#### CHAPTER 226.

#### An act to facilitate the keeping in repair the public roads of Wake County.

*The General Assembly of North Carolina do enact:*

SECTION 1. That in order to permanently improve, and keep in good repair, the public highways in Wake county, so much

Rock adjacent to public road to be taken to improve roads.

of any stone or rock not otherwise in use, or that is not piled in heaps, as may be necessary, be, and the same is hereby, condemned and made available as material, subject to the use of such public roads as are near and adjacent to such material. And that overseers of public roads may seize upon and use such stone on the public roads when and wherever they shall find it necessary in order to permanently improve such public highways.

SEC. 2. This act shall be in force from and after its ratification. Ratified the 12th day of March, A. D. 1895.

#### CHAPTER 227.

An act to create and establish a free school district at the county line, between the counties of Guilford and Forsyth.

*The General Assembly of North Carolina do enact:*

New school district.

SECTION 1. That a free school district is hereby created at the county line, between the counties of Guilford and Forsyth, to be composed of a part of County Line free school district and Colfax free school district, in Guilford county, and a part of Kernersville and Number Two free school districts in Forsyth county, under the name of "Macy's Grove free school district." The said free school district shall be governed by the same laws, rules and regulations, as other free school districts in the state: *Provided*, the sum apportioned to the said school district by the two counties (a portion of which is embraced in this district), shall all be paid to the county treasurer of Guilford county, who shall become the treasurer of the said school district. The limits of said school district shall be as follows, to wit: Beginning at a stone, the corner between E. B. Atkins and O. T. Atkins, run thence south to Lee Stack's house; thence to Philip Snyder's house; thence west to Wilson Farington's house; thence in a westerly direction to Henry Seymour's house; thence to Monroe Phillips' house (on the Wyatt Tucker old place); thence north to a house on north side of railroad owned by R. E. Fentress; thence in an easterly direction to the beginning. All the houses mentioned in the boundary lines of this free school district, shall be, and the same are hereby, included within the said Macy's Grove free school district.

Name.

Limits.

School committee.

Proviso.

SEC. 2. That Jesse Gray, Joseph Atkins, and J. F. Macy are hereby appointed and constituted a school committee for said free school district: *Provided*, the county board of education of Forsyth county shall, at their next election of school com-

mittees, elect two school committeemen out of the residents of that part of the district that lies in Forsyth county; and that the county board of education for Guilford county, shall, at their next election of school committees, elect one school committeeman out of the residents of that part of the district that lies in Guilford county. The majority of the committee for said district shall not be from the same county two terms in succession, but the majority of said committee shall alternate between the two counties. It shall be the duty of said committee to make a true and correct report of all the children of school age within that part of the district which lies in Forsyth county, to be forwarded to the county board of education for Forsyth county, and in like manner said committee shall make a true and correct report of all the children of school age within that part of the district lying in Guilford county, and forward, at the same time, to the board of education for Guilford county.

Duty of committee.

SEC. 3. That all children of school age, within that part of said district lying in Forsyth county, shall receive their *pro rata* share of the public school funds of said county, which, upon being paid into the treasury of Forsyth county, shall be forwarded by the treasurer of said county to the treasurer of Guilford county, who shall receipt for the same, and place to the credit of said Macy's Grove free school district, to be paid by said treasurer (together with the amount apportioned to that part of the district lying in Guilford county) to said district, as ordered by the committee of said district: *Provided, however,* that the treasurer of Guilford county shall receive no compensation whatever for receiving or paying out that amount of money received for the above school district from the treasurer of Forsyth county.

School fund.

Proviso.

SEC. 4. That the teacher employed to teach school at any time in said district shall have a certificate from the superintendent of public instruction of either Guilford or Forsyth county, as the committee of said district may elect, but nothing herein contained shall compel any such teacher to stand an examination in both counties in order to teach the same term of school.

Teachers.

SEC. 5. That all laws, and parts 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 12th day of March, A. D. 1895.

## CHAPTER 228.

**An act to authorize the payment of checks or warrants issued to pensioners for balance due at time of death.***The General Assembly of North Carolina do enact :*As to certain  
pension war-  
rants.

SECTION 1. That from and after the ratification of this act it shall be lawful for the state treasurer, or any other person or bank in the state of North Carolina, or elsewhere, to pay any warrant or check issued by the auditor of the state to any person drawing pension under the laws of this state for any balance due said pensioner from the time of the last payment up to the time of the death of said pensioner : *Provided*, said check or warrant shall be accompanied by an affidavit, made before the clerk of the superior court, or notary public, or other officer having a seal of office, by any person entitled to credit, to the effect that the said pensioner is dead, and that the check or warrant is issued as a balance due said pensioner up to the time of his or her death.

Proviso.

Conflicting laws  
repealed.

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

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

Ratified this the 12th day of March, A. D. 1895.

## CHAPTER 229.

**An act to incorporate Sardis E. L. church, in Catawba county, two (2) miles.***The General Assembly of North Carolina do enact :*Unlawful to sell,  
&c., liquor within  
two miles of said  
church.

SECTION 1. That it shall be unlawful for any person to sell, or otherwise dispose of, with a view to remuneration, any spirituous liquors, or substances that produce, or may produce, intoxication, within two miles of Sardis E. L. church, in Catawba county, North Carolina.

Misdemeanor.

SEC. 2. 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.

SEC. 3. That none of the provisions or requirements of law now in force, that may not have been complied with in this act,



shall be so construed as to validate any of the provisions herein contained, and that the provisions of said law, or laws, shall not apply to this act.

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

Ratified the 12th day of March, A. D. 1895.

## CHAPTER 230.

### An act to protect the fishermen in the Cape Fear river.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person who is a non-resident of the State of North Carolina to catch fish, for marketable purposes, in the waters of the Cape Fear river, or any of its tributaries, Non-resident forbidden to take fish for market in the Cape Fear.

SEC. 2. That any person violating this act shall be guilty of a misdemeanor and, upon conviction, shall be fined or imprisoned at the discretion of the court. Misdemeanor

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

Ratified the 12th day of March, A. D. 1895.

## CHAPTER 231.

### An act to prevent fast riding or driving over the bridge across the Yadkin river at Curtis' ford, in 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 animals, out of a walk over the public bridge across the Yadkin river at Curtis' ford, in Wilkes county, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than five nor more than twenty-five dollars, or imprisoned not more than thirty days: Misdemeanor to ride or drive over said bridge faster than a walk.  
*Provided,* that the clerk of the board of county commissioners shall keep posted, at each entrance of said bridge, a notice containing the substance of this statute. Proviso.

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

Ratified the 12th day of March, A. D. 1895.

## CHAPTER 232.

## An act for the relief of J. G. Kenan, ex-sheriff of Duplin county.

*The General Assembly of North Carolina do enact :*

Commissioners and board of education authorized to settle and compromise with J. G. Kenan, ex-sheriff.

Proviso.

SECTION 1. That the board of county commissioners and the board of education of Duplin county be, and they are hereby, empowered to compromise and settle with J. G. Kenan, ex-sheriff of Duplin county, and his sureties, on such terms as said commissioners and board of education shall deem just, his loss, by reason of the failure of the Bank of New Hanover, of the school and county funds placed there by him: *Provided*, that the said sheriff transfer and assign to the commissioners and board of education, as aforesaid, the certificate or certificates of deposit of the moneys so placed there by him, and pay over to said board the dividends paid to the said sheriff by the receiver of said bank.

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

Ratified the 12th day of March, A. D. 1895.

## CHAPTER 233.

## An act to allow number one (1) and number three (3) townships in Cleveland county to vote on the question of prohibition or license.

*The General Assembly of North Carolina do enact :*

Election on prohibition for said township.

License to be granted, if majority of voters vote for it.

Commissioners to provide for said election.

SECTION 1. That number one (1) township, in Cleveland county, and number three township, in said county, be, and are hereby, authorized to hold an election on the first Monday in May, eighteen hundred and ninety-five, to vote on the question of prohibition or license.

SEC. 2. Should a majority of the voters in said townships, or either of them, vote for "license", it shall be the duty of the county commissioners of Cleveland county to issue license to any person applying for the same, upon the payment of the money due for the regulation of such license under the existing laws.

SEC. 3. That the county commissioners of Cleveland county shall provide for an election to be held on the first Monday in

May, one thousand eight hundred and ninety-five, such election to be held under the same rules and regulations as govern the election of members of the general assembly.

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

Ratified the 12th day of March, A. D. 1895.

#### CHAPTER 234.

**An act to work the public roads of Davidson county with convict labor.**

*The General Assembly of North Carolina do enact :*

SEC. 1. That all persons confined in the county jail of Davidson county, either under a final sentence of the court for crimes, or non-payment of costs or fines, or under final judgment in case 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 said county, at the discretion of said commissioners, for the purpose of working such persons on the public roads; and upon the application of said commissioners to the judge of the superior court, it shall be the duty of said judge to assign such persons, convicted in his court, to such commissioners for said purposes.

Persons convicted of certain crimes in said county may be sentenced to work roads of said county.

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

Ratified the 12th day of March, A. D. 1895.

#### CHAPTER 235.

**An act to prevent the taking of fish by seining or dredging in certain parts of Swift creek in Wake county.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person to take fish, by dredging or seining in the waters of Swift creek, in Wake county, anywhere between the bridge on the old Fayetteville or stage-road and the mouth of said Swift creek at Neuse river; and any person or persons violating this act shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined in a sum not less than ten dollars (\$10.00), or imprisoned more than thirty days (30) days.

Misdemeanor to take fish by dredging or seining in certain parts of Swift Creek in Wake county.

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

Ratified the 12th day of March, A. D. 1895.

## CHAPTER 236.

**An act to provide for the laying out of a public road in Buncombe county.***The General Assembly of North Carolina do enact :*

Road from Madison county to Buncombe county.

SECTION 1. That the board of county commissioners of Buncombe county are empowered and required to lay out, establish and cause to be constructed a public road from the Madison county line, at a point near the Palmer ford of Big Ivy, to intersect with the new stock road at or near the village of Jupiter, in Buncombe county.

Width and grade.

SEC. 2. That said road shall be sixteen feet wide, with road-bed of twelve feet, clear of stumps and runners, and the grade of said road shall not exceed a rise of one foot in twelve.

Commissioners failing to lay out guilty of a misdemeanor.

SEC. 3. That should the said board of county commissioners fail, or refuse, to lay out and establish said road, as provided for in this act, they shall be guilty of a misdemeanor, and, upon conviction thereof in any court of record having jurisdiction, shall be fined at the discretion of the court.

When to take effect.

SEC. 4. This act shall take effect when the authorities of Madison county shall have laid out and established a road of like class and grade to the point on the Madison county line at which the said road is to begin.

Ratified the 12th day of March, A. D. 1895.

## CHAPTER 237.

**An act to make it a misdemeanor to turn adrift any boat on Main Broad river in Cleveland county.***The General Assembly of North Carolina do enact :*

Misdemeanor.

SECTION 1. That any person or persons who shall wilfully and wrongfully release from their moorings any ferry boat, or boat used by passengers crossing Main Broad river, in number one (1) and two (2) townships, Cleveland county, such person or persons shall be guilty of a misdemeanor, and, upon conviction, shall be fined and imprisoned at the discretion of the court.

SEC. 2. This act shall take effect from and after its ratification.

Ratified the 12th day of March, A. D. 1895.



## CHAPTER 238.

An act to regulate the weighing and selling of cotton in the town of Concord, Cabarrus county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That there shall be elected by the qualified voters of Cabarrus county, every two years, a cotton-weigher for the town of Concord in said county, who shall hold his office for two years, and until his successor is elected and qualified.

Cotton-weigher for Concord elected by voters of Cabarrus county.

SEC. 2. That it shall be the duty of the board of county commissioners of said county to provide for the election of said cotton-weigher, at the regular election for register of deeds and other county officers, every two years, under the same rules and regulations as are required by law for the election of members to the general assembly.

Election.

SEC. 3. That the said cotton-weigher, elected as aforesaid, shall give a good and justified bond in the penal sum of one thousand dollars, payable to the state of North Carolina, conditioned for the faithful performance of his duties as cotton-weigher: said bond shall be approved by the board of county commissioners at the same time, and in the same manner, as the bonds of other county officers, and, when so approved, shall be filed in the office of the register of deeds for safe keeping.

Bond.

SEC. 4. That the said cotton-weigher, before entering upon the duties of his office, shall make and subscribe the following oath before some person entitled to administer oaths, viz.:

"I, ....., cotton-weigher for the town of Concord, do solemnly swear that I will justly, impartially, and without any deductions, except as may be allowed by law, weigh all cotton that may be brought to me for that purpose, and give a true account thereof to the parties concerned, if requested so to do: So help me God."

Oath.

Such oath, when made, shall be filed in the office of the register of deeds, and said register shall keep a record of the same; and any other person than the aforesaid cotton-weigher, or his assistant, who shall weigh any baled cotton in said town of Concord, shall be guilty of a misdemeanor, and fined ten dollars for each and every bale so weighed by him.

Misdemeanor for any one else to weigh cotton.

SEC. 5. Any vacancy occurring in the office of cotton-weigher by death, resignation, or failure to give bond and qualify, or other cause, shall be filled by the board of county commissioners, and the cotton-weigher so elected by said board shall hold his office until his successor is elected and qualified, and shall

Vacancy.

be subject to the same pains and penalties, and requirements, as are herein provided for the regularly elected cotton-weigher.

Duties.

SEC. 6. It shall be the duty of the cotton-weigher to weigh all baled cotton sold in the town of Concord at its true and just weight, and to keep a record of the same in a book to be kept by him for that purpose, and in which he shall also note the date of weighing, the name of the seller, or his agent, the name of the buyer, and the price to be paid for each bale, and he shall give a copy of the same to the seller or his agent, or the purchaser, when requested so to do; said book shall be open for inspection to any and all persons interested in the same.

Compensation.

SEC. 7. The cotton-weigher shall receive, as compensation for his services, the sum of ten cents per bale, to be collected and paid for as hereinafter provided: every buyer of baled cotton in said town of Concord shall pay to the cotton-weigher ten cents per bale for all baled cotton bought by him; and it shall be lawful for the said cotton buyer to retain from the amount of money due the seller or owner of such cotton, the sum of five cents for each bale. The said cotton-weigher shall present his account to the cotton buyer for payment, at the close of business for each week, or at such other times as may be agreed upon between the weigher and buyer;

Lien for compensation.

and the said cotton-weigher shall have a lien upon any cotton weighed by him for the buyer, and may sell the same in the open market, without advertisement, to satisfy his account for weighing, and shall pay any surplus remaining to the said buyer, and his said lien shall take precedence of all other liens.

Deductions in weight, &c.

SEC. 8. It shall be unlawful for any cotton-weigher, or buyer, to make any deduction from the weight of any bag or bale of cotton for, or on account of, the draft, turn or break of the scales or other implement used in weighing the same, or for any other cause, except as hereinafter allowed: but said cotton-weigher may make such just and proper deduction as shall be agreed on by him or the seller, or his agent, for water, dirt or other such foreign substance in or on such bag or bale of cotton, or for other just cause. Any person violating any of the provisions of this section shall be fined fifty dollars for every offence, and be guilty of a misdemeanor.

Misdemeanor to bale or sell false-packed cotton, &c.

SEC. 9. Any person who shall wilfully and knowingly, and with malicious intent to commit a fraud, bale, or cause to be baled, or sell any false-packed cotton, shall be guilty of a misdemeanor, and fined twenty-five dollars for each and every offence. The words "false-packed cotton" in this section shall be construed to mean baled cotton, in the inside of which has been placed inferior or worthless cotton, dirt, wood, iron, or

other such foreign substance, so that the same cannot be detected or seen by the usual method of sampling cotton.

SEC. 10. That the board of commissioners of Cabarrus county are hereby authorized and empowered to use so much of the general fund of said county as may be, in their judgment, necessary to secure by purchase, rent, or lease, a convenient and suitable location, within a radius of four hundred yards of the court-house, to erect thereon and keep in repair a suitable platform, and purchase scales, and other necessary appliances for the convenience and proper performance of the duties of the office of cotton-weigher: and the said board of county commissioners shall have full power and authority to make and enforce all necessary rules and regulations for the protection and government of the same.

Platform, scales, &c., to be bought

SEC. 11. That all special acts heretofore passed by the general assembly regulating the buying, selling, weighing and inspecting of baled cotton, sold in the town of Concord, are hereby repealed.

Conflicting laws repealed.

SEC. 12. That this act shall be in force from and after its ratification.

Ratified the 12th day of March, A. D. 1895.

## CHAPTER 239.

### An act to protect birds in Davidson and Randolph counties.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful to kill or shoot partridges, quails or wild turkeys in the counties of Davidson and Randolph, between April the first (1st) and the first day of October in each year, and the person so offending shall be guilty of a misdemeanor, and fined not exceeding ten (10) dollars for each offence.

Misdemeanor to kill certain birds in Davidson and Randolph counties between April 1st and October 1st.

SEC. 2. That all laws, or 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 12th day of March, A. D. 1895.

## CHAPTER 240.

**An act to create a new township in Rockingham county.***The General Assembly of North Carolina do enact:*Price's township  
created.

SECTION 1. That a new township be, and the same is hereby, created in Rockingham county, out of a part of Mayo township, and to be known as Price's township.

Boundaries.

SEC. 2. That the boundaries of said township shall be as follows: Beginning on east side of Mayo river, south of Henry Claybrook's, deceased; thence east, south of George Joyce's, and south of Harden Turner's, to Buffalo creek; thence, with said creek, to the Leaksville township line; thence north, with said line, to the Virginia line; thence west, with the Virginia line, to Mayo river; thence, with said river, to the starting point, south of Henry Claybrook's, deceased.

Voting precinct.

SEC. 3. That the voting precinct of said township shall be at "Price's," in said township.

New registra-  
tion.

SEC. 4. That the board of commissioners of Rockingham county shall order, at the regular meeting first Monday in April, one thousand eight hundred and ninety-five (1895), a new registration of the voters within the boundaries of the new township, and the registrar of Mayo township is directed to erase the names of the voters residing within the new township from the poll book of said Mayo township.

Township  
rights, &c.

SEC. 5. That said township shall have all the rights and privileges now granted to other townships, or that may be hereafter granted.

Conflicting laws  
repealed.

SEC. 6. That all laws, and parts of laws, in conflict with this act be, and the same is hereby, repealed.

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

Ratified the 12th day of March, A. D. 1895.

## CHAPTER 241.

**An act to provide a dispensary for the city of Hickory.***The General Assembly of North Carolina do enact:*

Chapter 273, private laws 1893, (as to elections on liquor question), repealed.  
Chapter 238, private laws 1889, amended by adding to section 46.

SECTION 1. That chapter two hundred and seventy-three, private laws of one thousand eight hundred and ninety-three, be, and the same is hereby, repealed.

SEC. 2. That chapter two hundred and thirty-eight, private laws of one thousand eight hundred and eighty-nine, entitled



"an act to amend the charter of the town of Hickory," be amended by adding the following proviso to section forty-six (46), viz: *Provided*, that in the event the "dispensary plan" for regulating the sale of liquors in the city of Hickory, as herein-after set forth, shall be adopted, as hereinafter provided, the same shall prevail, and shall be carried into effect by said board of aldermen. Proviso.

SEC. 3. That said chapter two hundred and thirty-eight, of said private laws of one thousand eight hundred and eighty-nine, be further amended by inserting the following sub-sections immediately after said section forty-six (46), viz: Chapter 238, private laws 1889, amended by adding after section 46 a clause providing for an election on the "Dispensary Plan" to be held May 6th, 1895.

SUB-SEC. 1. That an election shall be held in said city of Hickory, on the first Monday in May, one thousand eight hundred and ninety-five (and every two years thereafter: *Provided*, the same shall be ordered as hereinafter set forth), to ascertain and determine whether or not the "dispensary plan," in regard to the sale of liquor, as hereinafter set forth, shall be adopted in said city of Hickory.

SUB-SEC. 2. Said election shall be held, and returns made, under the same rules and regulations as are prescribed in regard to the election of the mayor and aldermen of said city. Mayor and aldermen to conduct, &c., election.

SUB-SEC. 3. Any person entitled to vote for said mayor and aldermen shall be entitled to vote at said election; and every such voter who favors the adoption of said "dispensary plan," shall vote a ticket on which shall be written or printed "dispensary;" and every voter who does not favor the adoption of said "dispensary plan" shall vote a ticket on which shall be written or printed "no dispensary." Qualification of electors.  
Ballots.

SUB-SEC. 4. If a majority of the qualified voters of said city of Hickory shall vote at said election for "dispensary." then, in that case, as soon as practicable after the result of said election shall be declared, the board of aldermen of said city shall establish and maintain, at some convenient and central point in the said city of Hickory, a dispensary for the sale of spirituous, vinous and malt liquors. They shall elect a manager of said dispensary, who shall have charge and control of said dispensary under their supervision, and who shall hold said position of manager at the pleasure of said board of aldermen. Said manager shall be required to give bond in such sum as said board of aldermen shall determine, not less than five hundred dollars, conditioned to faithfully account for all moneys that may come into his hands as such manager, and for the due and faithful performance of the duties of his office, as prescribed in this act and in the rules and regulations of said board of aldermen; and he shall receive such salary as may be fixed by said If a majority of qualified voters vote for a dispensary it is to be established.  
  
Manager of dispensary.  
  
Board of managers.  
  
Salary.

Proviso.

board of aldermen: *Provided*, that his salary or compensation shall not be dependent upon the amount of sales.

To purchase  
liquors, &c.

SUB-SEC. 5. The said manager, under the supervision of said board of aldermen, shall purchase a stock of spirituous, vinous and malt liquors in such quantities as said board of aldermen may direct; all debts incurred for the establishment and maintenance of said dispensary, and for the purchase of stock from time to time, shall be paid by the treasurer of said city, out of the city funds, upon the presentation of bills for the same, approved by said board of aldermen. Said manager shall sell only for cash, and shall turn over all moneys received by him to the said treasurer at the end of each week, who shall keep a separate account of the same.

To sell only for  
cash.

Rules for dispensary.

SUB-SEC. 6. Said board of aldermen shall make, from time to time, rules and regulations for the government and operation of said dispensary. Said rules and regulations shall prescribe the hours during which said dispensary shall be kept open, the quantity of liquors to be sold to any one person, the prices at which they shall be sold, and all other matters incidental to, or connected with, the maintenance and operation of said dispensary, except as provided in this act.

Inspection and  
analysis of  
liquors.

SUB-SEC. 7. Said board of aldermen shall cause an inspection and analysis of the stock in said dispensary to be made from time to time, by some competent person, as they may deem expedient, to the end that no impure or adulterated liquors shall be sold by said dispensary.

Liquors not sold  
to minors or  
dealers.

SUB-SEC. 8. No spirituous or malt liquors shall be furnished or sold by said dispensary to any minor, or to any person or persons purchasing for the purpose of selling again.

Proceeds payable  
into city treasury.

SUB-SEC. 9. The moneys arising from the sales by said dispensary shall be payable into the treasury of said city.

To be established  
by aldermen.

SUB-SEC. 10. The said board of aldermen shall appropriate, from the treasury of said city, a sufficient amount to establish said dispensary, and from time to time to maintain and conduct the same as required by this act.

Misdemeanor for  
any person to  
sell, &c., liquor  
in corporate  
limits.

SUB-SEC. 11. Any person who shall sell, barter or exchange to another, within the limits of said city, any spirituous, vinous, or malt liquors, except as herein provided, shall be guilty of a misdemeanor, and, upon conviction, shall be fined or imprisoned at the discretion of the court. But nothing in this act shall be construed to prevent any manufacturer of domestic wine from selling the same, in quantities not less than one quart, at the place of manufacture, to be drunk on the premises when sold.

Exception.

SUB-SEC. 12. Whatever may be the result of the election

hereinbefore in this act ordered to be held, whenever, in any odd-number year thereafter, a petition, signed by one-third of the qualified voters of said city of Hickory, shall be presented to said board of aldermen, asking that an election be held upon the said question of "dispensary" or "no dispensary", at least sixty days before the first Monday in May in such year, it shall be the duty of said board of aldermen to order such election, and the same shall be held on the first Monday in May thereafter, under the same rules and regulations as are hereinbefore prescribed in this act for the election ordered by this act to be held on the first Monday in May, one thousand eight hundred and ninety-five. And if at any such election a majority of the qualified voters of said city shall vote in favor of "dispensary", then the provisions of this act shall thereupon become operative and in force.

Subsequent election.

SUB-SEC. 13. In the event of the result of the election to be held on the first Monday in May, one thousand eight hundred and ninety-five, as provided in this act, shall be in favor of "dispensary", then the said dispensary shall be maintained and conducted as provided by this act, until, at an election held at some time thereafter, under the provisions of the next succeeding section, a majority of the qualified voters of said city shall vote in favor of "no dispensary."

What to be done if dispensary plan adopted.

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

Ratified the 12th day of March, A. D. 1895.

## CHAPTER 242.

An act for the relief of Sheriff Galloway, of Rockingham county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter twenty-six (26), of the public laws of eighteen hundred and ninety-three (1893), be, and the same is hereby, re-enacted and made to have full force and effect till the twenty-fifth (25) of December, eighteen hundred and ninety-six (1896): *Provided*, that this act shall only apply to Rockingham county.

Time for collecting arrears of taxes extended as to Rockingham county till Dec. 25th, 1896.

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

Ratified the 12th day of March, A. D. 1895.

## CHAPTER 243.

An act to authorize D. A. McDonald, clerk of the superior court of Moore county, to be absent from his office two consecutive weeks.

*The General Assembly of North Carolina do enact:*

Clerk of Moore authorized to be absent from office two consecutive weeks.

SECTION 1. That D. A. McDonald, clerk of the superior court of Moore county, be, and he is hereby, authorized to be absent from his office for two consecutive weeks during the year eighteen hundred and ninety-five (1895); and that said two weeks may include the first Monday in a month, but shall not include a term of court.

Deputy to take probate of deeds, and order to registration.

SEC. 2. That in case he see fit to absent himself, he shall leave his office in charge of a competent deputy, which deputy shall, during the absence of his principal, be invested with full judicial power to take proof or acknowledgement of all deeds and other instruments requiring registration, and order the same to registration to the same extent that the clerk might do were he present in person, and such probate and registration thereunder shall be valid.

Entry of departure and return of clerk to be recorded and recited together with this act in such cases.

SEC. 3. That said clerk shall enter upon the record of his office the day of his departure and the day of his return, and the said deputy clerk, in all certificates of probate, and in all orders of registration, shall receipt in such certificate and order, that the same is done by virtue of this act, which certificate and receipt shall, in all cases, be spread upon the registry wherein such deed, or other instrument, is recorded.

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

Ratified the 12th day of March, A. D. 1895.

## CHAPTER 244.

An act to raise money for the benefit of the public schools in Cherokee county.

*The General Assembly of North Carolina do enact:*

Election as to school tax in any township upon petition of two-fifths of voters.

SECTION 1. That from and after the ratification of this act it shall be lawful, and shall be the duty of the board of county commissioners of the county of Cherokee, upon the petition of two-fifths of the qualified voters of any township of said county, to order and call an election, to be held in said township, to vote a tax not to exceed twenty-five cents on the one hundred dollars' valuation of property, and seventy-five cents

Limit of tax.



on each poll, observing the constitutional equation, to constitute the public school fund for the benefit of free public schools of the township so holding an election.

SEC. 2. That the said election shall be held in the same manner as that provided for the election of members of the general assembly.

Elections, how held, &c.

SEC. 3. That persons wishing to petition for said election shall file their petition with the board of county commissioners at its meeting on the first Monday in April, of each year, which said petition shall be acted on by the board, and, if deemed sufficient, an election ordered to take place in said township or townships on the second Thursday in May following.

SEC. 4. That in case any township shall vote the tax above mentioned, or any part thereof, it shall be the duty of the sheriff, or tax collector of said county, to collect said tax in the manner and form as other taxes are collected by law, and pay the same over to the county treasurer, whose duty it shall be to keep said moneys separate and apart from other funds in his hands and pay the same over, upon proper vouchers, to the various school districts in said township or townships.

Collection of tax.

SEC. 5. That all laws, and clauses of laws, in conflict with this act be, and the same are hereby, repealed.

Conflicting laws repealed.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified the 12th day of March, A. D. 1895.

## CHAPTER 245.

An act to regulate fishing in the waters of Roanoke, Middle, and Eastmust rivers, and to prevent the dumping of logs into seine grounds.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person to set any pound, pod, or pike nets, or dutch nets within two miles, either way, from the mouth of Roanoke, Middle, and Eastmust rivers, for the purpose of taking fish therefrom.

Pod, pike and Dutch nets forbidden.

SEC. 2. That it shall be unlawful for any person to set or use any wire or seine hedging in the waters of Roanoke, Middle and Eastmust rivers, so as to obstruct more than one-half the width of said rivers at any one point, and the distance between the setting or placing of such nets and hedging shall not be less than one-half mile apart.

As to seines.

SEC. 3. That section one, chapter three hundred and forty-four (344), of the laws of eighteen hundred and eighty-nine (1889)

Unlawful to fish  
with a seine  
between sunrise  
Saturday and  
sunrise Monday.

Logs, &c., in  
seining grounds.

Misdemeanor.

Conflicting laws  
repealed.

be, and the same is hereby, amended by striking out the words "twelve o'clock," wherever it may occur, and insert in lieu thereof, the word "sunrise."

SEC. 4. That it shall be unlawful for any person to put, place or stop logs or rafts in the waters of any seine ground on Roanoke, Middle, or Casbie rivers.

SEC. 5. That any person violating the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars (\$50), nor more than one hundred dollars (\$100), for each and every offence, or imprisoned at the discretion of the court.

SEC. 6. That all laws, and clauses of laws, in conflict with this act are hereby repealed.

Ratified the 12th day of March, A. D. 1895.

#### CHAPTER 246.

##### **An act to abolish the board of education of Clay and Cherokee counties.**

*The General Assembly of North Carolina do enact :*

Board of educa-  
tion said of coun-  
ties abolished.

SECTION 1. That the board of education of Clay and Cherokee counties be, and the same is hereby, abolished, and the duties that are now performed by said board of education shall hereafter be performed by the board of county commissioners of said counties, without additional charges.

Conflicting laws  
repealed.

SEC. 2. That all laws, and parts of laws, in conflict with this act are hereby repealed as to the counties herein named.

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

Ratified the 12th day of March, A. D. 1895.

#### CHAPTER 247.

##### **An act for the relief of the superior court clerk of Henderson county.**

*The General Assembly of North Carolina do enact :*

May be absent  
from office on  
Monday in Octo-  
ber and Novem-  
ber of each year.

SECTION 1. That the clerk of the superior court of Henderson county, North Carolina, be, and he is hereby, authorized to be absent from his office on Monday in October and November of each year.

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

Ratified the 12th day of March, A. D. 1895.

## CHAPTER 248.

An act to make Chocowinity creek, in Beaufort county, a lawful fence.

*The General Assembly of North Carolina do enact :*

SECTION 1. That Chocowinity creek, in Beaufort county, beginning at Chocowinity bridge, below Chocowinity mill, and running with the meanderings of Chocowinity creek, by Crawford's tar landing on Crawford's creek, and continuing on with the channel of the creek to Ford Wolfonden's corner, at the head of Chocowinity bay, be declared a lawful fence. Chocowinity creek between certain points a lawful fence.

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

Ratified the 12th day of March, A. D. 1895.

## CHAPTER 249.

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

*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of commissioners of Richmond 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, of the years one thousand eight hundred and ninety-five and ninety-six (1895-'96), to levy a special tax upon the taxable property and polls of said county, for the purpose of discharging the outstanding (not bonded) indebtedness of said county. Special tax.

SEC. 2. That the amount of tax levied under this act shall be determined by said board of commissioners and justices of the peace, but shall not, in either year, exceed ten cents on the hundred dollars' worth of property and thirty cents on the poll, and the constitutional equation between property and poll shall always be observed in making levies. Limit 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.

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

Ratified the 12th day of March, A. D. 1895.

## CHAPTER 250.

**An act to authorize the secretary of state to furnish to the county of Harnett duplicates of certain books destroyed by fire.**

Preamble.

WHEREAS, The court-house in Harnett county was destroyed by fire on the sixth (6th) day of February, eighteen hundred and ninety-four (1894), together with all the reports of the supreme court of North Carolina, all the laws and journals of the general assembly of North Carolina, sent to said county in course of legal distribution, and said reports, laws and journals have not been replaced; now, therefore,

*The General Assembly of North Carolina do enact:*

Certain books to be furnished.

SECTION 1. That the secretary of the state be, and is hereby, authorized and instructed to furnish, without charge, to the clerk of the superior court of said county, to be kept in the office of said clerk for the benefit of said county, 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.

SEC. 2. That the secretary shall not be required to furnish any books that are not on hand.

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

Ratified the 12th day of March, A. D. 1895.

## CHAPTER 251.

**An act to prevent the spreading of disease among hogs in Pasquotank county.**

*The General Assembly of North Carolina do enact:*

Unlawful to allow to run at large.

SECTION 1. That it shall be unlawful for any person or persons, within the limits of Pasquotank county, owning hogs that have the cholera, or other disease, to permit the same to run at large.

Required to be burned.

SEC. 2. That the owner of hogs that die with cholera, or other disease, shall bury or burn, or have buried or burnt, said hogs at once.

Misdemeanor.

SEC. 3. That any one violating the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction, fined



not less than five dollars (\$5.00), and not more than ten dollars Penalty. (\$10.00), for each offence.

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

Ratified the 11th day of March, A. D. 1895.

## CHAPTER 252.

An act to extend the provisions of section one thousand nine hundred and eighty (1980) of The Code, for the Plymouth, Washington & Kinston Railroad Company.

WHEREAS, the Plymouth, Washington & Kinston Railroad Company was incorporated by an act of the general assembly of North Carolina, at its session of one thousand eight hundred and ninety-one (1891), ratified the seventh day of March, one thousand eight hundred and ninety-one (1891), chapter four hundred and twenty-eight (428), wherein it was provided that said company may begin work on its road at any time within five years; therefore,

Corporate name.  
Date of incorporation.  
Time to begin work under act of incorporation.

*The General Assembly of North Carolina do enact:*

SECTION 1. The limit of time provided in section one thousand nine hundred and eighty (1980) of The Code, for any railroad company to begin the construction of its road, be, and the same is hereby, extended for four (4) years from the seventh (7th) day of March, one thousand eight hundred and ninety-six (1896), to the said "Plymouth, Washington & Kinston Railroad Company," and that said company may begin operation, as required by law, at any time within four (4) years from and after the seventh (7th) day of March, one thousand eight hundred and ninety-six (1896).

Time extended.

SEC. 2. That this act shall apply only to the Plymouth, Washington & Kinston Railroad Company.

To what corporation act applies.

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

Operation of act.

Ratified the 11th day of March, A. D. 1895.

## CHAPTER 253.

## An act to provide for the drainage of Mattamuskeet lake.

Reasons for  
drainage.

WHEREAS, Mattamuskeet lake, a natural water-course in Hyde county, is not provided with a drainage sufficient to prevent the washing away of the lands on the northern side thereof in times of heavy rains; *and, whereas*, said lake is also the drainway of all the land on its borders, and in seasons of heavy rainfall it is impossible to drain said lands; *and, whereas*, the health of the section immediately surrounding said lake would be materially promoted, and the interest of the farmers who own lands bordering upon said lake, or who drain therein, would be materially advanced if said lake were properly drained; *now, therefore*, in order to provide the means to properly drain said lake,

*The General Assembly of North Carolina do enact:*

## ARTICLE I.

Who appoints.  
Time of appointment.

Number of  
appointees.  
Method of raising  
money for  
drainage.

Time appraisers  
begin to perform  
their duties.

Number of acres  
ascertained to be  
benefited.

Benefit the  
measure of the  
tax.

SECTION 1. That the board of county commissioners of Hyde county shall, at their session held in the month of April, (1895) eighteen hundred and ninety-five, and every fourth year thereafter, appoint three discreet freeholders, who shall list and assess for taxation, as hereinafter provided, all the lands which drain into said lake, or the canal draining said lake, or which would be benefited by lowering the waters of said lake, for the purpose of raising a tax sufficient to properly drain said lake.

SEC. 2. That the appraisers so appointed, upon receiving the notice, and after attending the meeting hereinafter provided for, shall immediately enter upon the discharge of the duties hereinafter prescribed.

SEC. 3. That said appraisers shall ascertain the number of acres of land draining into said lake, or which would be benefited by draining said lake, or lowering the waters thereof, and who are the owners of said land, and the number of acres owned by each individual owner; the amount each owner of said lands should be taxed per acre, in order to raise the amount of means to carry out the purposes of this chapter: *Provided*, each assessment shall be made, as near as can be done, in proportion to the amount of benefit such owner of land would receive from the drainage of said lake: *Provided, further*, that no owner of real estate shall be assessed a greater sum than ten (10) cents per acre; the estimate of benefit accruing to said land by reason of such drainage be ascertained by a

personal inspection of the premises by said appraisers, the evidence of the owners, and the evidence, if the appraisers shall deem it necessary, of persons acquainted with the lands.

SEC. 4. That for the purpose of obtaining the evidence necessary to arrive at a proper estimate of the benefit to be derived from the drainage of said lake, the said appraisers shall have power to issue notice to the owners of the lands designated for assessment, to subpoena witnesses and to hear evidence, the fees of officers and witnesses to be the same as those prescribed by law in trials before justices of the peace, the expenses of such investigation to be paid out of the fund derived under this chapter: *Provided*, that such investigation shall only be made when in the opinion of the appraisers it is absolutely necessary to equitably determine the amount of benefit accruing to any particular tract of land by reason of such drainage.

SEC. 5. That the board of commissioners of Hyde county shall, at the time of the appointment of said appraisers, issue a notice to them summoning them to meet at the county seat on the first Monday in May, for consultation with the board of commissioners, for the purpose of ascertaining the amount of annual revenue necessary to keep said lake properly drained, and take such action as will secure uniformity in the assessment of the real property benefited by the drainage of said lake.

SEC. 6. That said appraisers shall make return of their assessment to the board of county commissioners on or before the first Monday in July, showing in such returns the property assessed, with description sufficient for the identification of the same, the names of the owners thereof, the amount of tax per acre assessed against each tract: *Provided*, no tract shall be assessed a greater amount than ten (10) cents per acre; the total tax assessed against each owner of land assessed; and shall annex the following affidavit, subscribed and sworn to before a justice of the peace:

"We, the appraisers appointed to assess the lands to be benefited by the drainage of Mattamuskeet lake, make oath that the foregoing report contains, to the best of our knowledge and belief, all the real property which will be benefited by the drainage of Mattamuskeet lake, and that we have assessed every tract or parcel of said land, according to the best of our knowledge and judgment, such amounts as most nearly represent the amount of benefit to be derived from such drainage, and have endeavored to do equal justice to all of said parties."

SEC. 7. That the said appraisers and the board of county commissioners of Hyde county shall compose a board of equalization.

Time of meeting.	zation, and shall meet on the first Monday in July. The chairman of the board of county commissioners shall be the chairman of the board of equalization, and shall lay before the board of equalization the report of the said appraisers. Said board shall proceed to equalize the amounts assessed for the purpose of this chapter, and shall observe the following rules:
Object of meeting.	
Duty of board as to assessment.	They shall raise the assessment of such tracts or lots of real property as, in their opinion, have been assessed less than the benefit derived from such drainage would justify.
	They shall reduce the assessment of such tracts or lots of real estate as, in their opinion, have been assessed more than the benefit derived from such drainage would justify.
What it must consider.	In equalizing such assessment, said board shall have due regard to the relative situation, quality of soil, and such facilities for drainage, other than is provided for under this chapter, possessed by said lands.
Pay of appraisers.	SEC. 8. That the compensation of the said appraisers, while sitting with the board of county commissioners as a board of equalization, shall be the same as is allowed the board of county commissioners for the same service under present machinery act.
Pay allowed when listing, &c., lands.	SEC. 9. That the compensation of the said appraisers, while engaged in the duties of listing and assessing said lands for taxation for the purposes of this chapter, shall be the same <i>per diem</i> and mileage as is allowed list-takers and appraisers under the present machinery act.
Rights of persons complaining of assessments.	SEC. 10. That if any person shall complain before the board of equalization that his property has been assessed a greater amount than the benefit derived from the relief provided in this chapter would justify, he shall present his claim in writing before said board, and they shall hear any evidence addressed by him, and shall summon and examine any witness necessary for a just determination of the question; and said board shall proceed to determine the question according to all the evidence bearing upon the question, and if such person complain of such excessive assessment, shall not be satisfied with the judgment of the board, he shall have the same rights of appeal as is given in similar cases under the present machinery act.
What the board shall hear.	
Appeal if dissatisfied.	
Number of copies of appraisers' report. What copies shall show.	SEC. 11. That the board of county commissioners shall cause to be made out two copies of the report of the said appraisers, as received and settled by them: said copies shall show in separate columns the names of the owners of the land assessed, the number of acres assessed, the amount assessed per acre, total amount of assessment; one of said copies shall remain in the office of the clerk of the board of commissioners, the other shall
To whom copies given.	



be delivered to the sheriff or tax collector, on or before the first Monday in September, eighteen hundred and ninety-five, (1895) and he shall receipt for the same: *Provided*, the copy prepared for the sheriff shall contain the names of the tax payers under this chapter, arranged alphabetically by townships.

What copy to sheriff shall contain.

The clerk to the board county commissioners shall endorse on the copy given to the sheriff, an order to collect the tax therein mentioned, and such order shall have the effect of a judgment and execution against the property of the persons charged in such act. In such list the said clerk shall note all appeals from the judgment of the board of equalization, which have been perfected by giving a bond; said bond shall be in the following or some similar form:

Clerk endorses sheriff's copy.

Effect of endorsement.

What noted in list.

Appeal bond to be given.

#### STATE OF NORTH CAROLINA—HYDE COUNTY.

To the sheriff of Hyde county: You are hereby commanded to collect the taxes herein mentioned, according to the requirements of the existing law.

Form of bond.

In witness whereof, I have hereunto set my hand and official seal, this ..... day of ....., (1895) eighteen hundred and ninety-five.

.....  
*Clerk to Board County Commissioners.*

SEC. 12. That the taxes assessed on real property for the purposes of this chapter shall be a lien thereon, from and including the first day of June, in the year in which they are levied, until the same are paid.

Taxes assessed a lien.

From what date.

SEC. 13. That the duties and powers of the sheriff, in the collection of this tax, shall be the same as those prescribed for the collection of taxes on real estate under the present machinery act.

Duties of sheriff in the collection of taxes.

#### ARTICLE II.

SECTION 1. The board of county commissioners of Hyde county, at their regular meeting on the first Monday in June, in each year, shall appoint three discreet freeholders, who shall be known as the "Mattamuskeet Lake Drainage Committee."

Duty of board of county commissioners.

Whom they shall appoint.

Name of committee.

SEC. 2. Said committee shall meet four times in each year, at such times and places as they may agree upon at their first regular meeting, which shall be held at Lake Landing, North Carolina, on the first Monday in August, eighteen hundred and ninety-five (1895): *Provided*, said committee may call such special meetings at such times and places as they may designate, whenever, in their opinion, the purposes of this chapter

Time of meetings.

First meeting.

Special meetings.

Quorum. would be promoted by such special meetings; two (2) of said committee shall constitute a quorum, and said committee shall select its own chairman; said committee may employ a secretary who is not a member of the committee, should they be of opinion the work of the committee could be expedited thereby; said committee shall, when it shall be necessary, adjourn its regular or special sessions from day to day, until all the business before the committee shall be disposed of.

Duties and powers of committee. SEC. 3. The duties and powers of said committee shall be as follows: Said committee shall decide what repairs are necessary to be made on the Lake Landing canal (the drain-way for Mattamuskeet lake) in order to keep the waters of said lake drained or lowered to such a degree as will afford the relief contemplated by this chapter. They shall estimate the amount of money annually necessary to keep said canal in necessary repair, and make report to the board of county commissioners on or before the first Monday in June, in each year, and all levies made by the county commissioners for the purpose of this chapter shall be based on this report required by this section: *Provided*, the board of county commissioners shall not, in any year, levy a larger amount than ten (10) cents per acre against the owner of any of the lands sought to be benefited by this chapter. They shall make contracts for the repairs on said canal, said repairs to be paid for, by the treasurer of Hyde county, only upon warrants issued by said committee, signed by the chairman, and attested to by the secretary. They may employ a surveyor and a civil engineer to make the necessary surveys and estimates for more effectually carrying on the work of repairs on said canal. They shall have the power to regulate the number and class of vessels trading and freighting through said canal, having due regard to the benefit said canal will devise from the use of said canal by said vessel or vessels.

Report to commissioners, when made.

Assessment per acre.

How repairs to be paid.

May employ surveyor.

May regulate number and class of vessels.

Expenses, how paid. SEC. 4. The expenses necessary to carry out the provisions of this chapter shall be paid in the following manner, to wit: The expenses incurred by carrying out the provisions of article one (1) hereof, and the compensatives of the Mattamuskeet Lake Drainage Committee shall be paid after the claims for such expenses have been audited by the board of county commissioners, by the county treasurer upon order of the board of county commissioners, signed by the chairman, and attested by the clerk to the board of county commissioners, out of the fund raised by this act. The expenses incurred under article two (2) hereof, other than the compensation of the Mattamuskeet lake drainage committee, shall be paid by the county treasurer out of the fund raised by this act, upon order of the

chairman of the Mattamuskeet Lake Drainage Committee, attested by its secretary.

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

Ratified the 11th day of March, A. D. 1895.

#### CHAPTER 254.

**An act to increase the pay of jurors in Pender county.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That grand and petit jurors shall be paid the sum of one dollar and fifty cents per day, for each day of service, and five cents per mile for every mile traveled, going to and from court, by the usual route of travel: *Provided*, that tales jurors shall be paid one dollar per day only.

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

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

Ratified the 11th day of March, A. D. 1895.

Grand and petit jurors, what paid.

Mileage.

Tales jurors, what paid.

To what county applies.

#### CHAPTER 255.

**An act to create the township of Pearce's Mill, in Cumberland county, North Carolina.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That there shall be created out of the township of Rockfish, Cumberland county, North Carolina, the township of Pearce's Mill, and the boundaries of said township of Pearce's Mill shall be as here described, to-wit: Beginning on the west bank of Cape Fear river, southeast corner of Cross Creek township, and runs, with southwest line of said township, to south line of Seventy-first township; with said line to Buckhead creek; down said Buckhead creek to the mouth of Little Juniper creek; with said Little Juniper creek to its head; thence, on a direct line north of Samuel E. Turner's plantation, to the head of Big Sandy Run creek; thence, with said creek, to the beaver dam on said creek; thence, along a path between George Murphy's field and Alexander Moore's house, to McRae's

Out of what townships created.

Name of new township.  
Boundaries of new township.

landing on the Cape Fear river; thence, with the west bank and meanderings of the said Cape Fear river, to the beginning.

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

Ratified the 11th day of March, A. D. 1895.

## CHAPTER 256.

An act to secure the better drainage of the low-lands of Pearson's creek, Burke county.

*The General Assembly of North Carolina do enact :*

Commissioners.

Object of commissioners.

Creek to be divided into sections.

Overseer for each.

Length of office. Qualifications.

Majority to elect chairman.

Vacancies.

Duty of commissioners.

Overseers to be provided with estimate.

Notice to land owners.

Number of hands land owners to furnish.

Penalty.

SECTION 1. That A. D. Lais, Thomas Duckworth, and Pink Hoke, be appointed commissioners, whose duty it shall be, as soon as practicable, to lay off Pearson Fork, in Burke county, from the mouth of said creek to where the Morganton and Rutherford road crosses said creek, into sections of convenient length, and to appoint one overseer for each section, who shall hold his office for the term of two years, and who shall be a land-owner in the section for which he is appointed overseer.

SEC. 2. That a majority of said commissioners shall have power to elect one of their own number chairman, and may fill vacancies in their own number for that of overseers, and in case they shall fail or neglect to fill vacancies occasioned by death, or otherwise, the board of county commissioners of said county shall, on application being made, appoint commissioners and overseer for the purpose herein mentioned.

SEC. 3. That said commissioners shall estimate the number of acres of bottom land belonging to each land-owner in Burke county, on Pearson's creek, between the points mentioned in section first of this act, and lying within one-fourth mile of the main channel of said creek, whether said bottom land be immediately on said creek or its tributaries running into it, and shall furnish each overseer with a copy of the estimate of his section, and said land-owners, when required by the overseer of the section in which their bottoms lie, and upon a notice of five days by said overseer, shall each furnish an efficient hand, with appropriate tools, such as he shall be notified by the overseer to furnish, for every ten acres of bottom land owned by him, and so estimated, and in that proportion for any number of acres less than ten, and on failing to do so shall forfeit and pay two dollars per day for failure on each hand, which may be



recovered by said overseer, by warrant, as in case of failure to work on public roads.

SEC. 4. That it shall be the duty of the commissioners in laying off the creek into sections, as provided for in section first of this act, to distribute the labor among the land owners in proportion to the number of acres of bottom land owned by those within the estimate provided for in the last section, as equally as may be, and allotted to the owner of each section, the hands required of the owners of the bottom lands embraced in his section.

Manner of division of labor.

SEC. 5. That 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 twenty-four days, at the discretion of the commissioners, on the channel of said creek, with power to straighten the same where necessary, to remove obstructions, and improve the banks therefore when necessary, under such direction as said commissioners may prescribe.

Number of days overseer to work.

SEC. 6. That any person or persons who shall wilfully and knowingly fell any timber, or otherwise obstruct the water, in the channel of said creek between said points of said boundary in said county, and shall permitt the same to remain therein for the space of twenty days, shall be guilty of a misdemeanor, and, upon conviction thereof before any court of competent jurisdiction, shall be fined not less than five nor more than ten dollars: *Provided*, that if any person or persons so offending shall pay the penalty herein mentioned to the overseer of the section wherein the offense was committed, before a presentment was made of the same, he or they shall not be liable to indictment for said offense.

Where labor to be done.

Misdemeanor to obstruct channel of creek.

Penalty paid to overseer, no presentment.

SEC. 7. That all moneys arising from failure to work on said creek, and all penalties collected under the provisions of said act, shall be paid over to the overseer of the section in which it may arise, and by him shall be expended in improving the channel of said creek; and any overseer failing or neglecting to perform the duties required by this act shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than ten nor more than twenty dollars: *Provided*, that no person shall be required, without his consent, to serve more than one term of two years at one time.

Money for failure to work; penalties, to whom paid.

How expended.

Penalty for violation of act. Proviso.

SEC. 8. That nothing contained in this act shall prevent the building of public bridges on public roads across said stream, nor private bridges or water gates by the land owners for their own convenience.

What permitted to be built.

SEC. 9. That nothing herein contained shall be so construed

No exemption from public roads.

as to exempt persons therein mentioned from working on public roads.

SEC. 10. That this act shall be in force from and after its ratification.

Ratified the 11th day of March, A. D. 1895.

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## CHAPTER 257.

**An act to amend chapter three hundred and thirty-eight, laws of eighteen hundred and ninety-three.**

*The General Assembly of North Carolina do enact :*

Sections 5 and 9, chapter 338, laws of 1891, not applicable to persons catching oysters for own use.

SECTION 1. That the penalties prescribed in sections five and nine, chapter three hundred and thirty-eight (338), laws of eighteen hundred and ninety-one (1891), against persons catching oysters without a license, and for using unlicensed boats, shall not apply to persons catching oysters for the use of their families only.

Time for citizens of Pamlico to catch terrapins.

SEC. 2. That it shall be lawful for the citizens of Pamlico county to catch terrapins from the first of June in any year to the first of April in the succeeding year.

Conflicting laws repealed.

SEC. 3. That all laws, and parts 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 11th day of March, A. D. 1895.

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## CHAPTER 258.

**An act to allow the commissioners of Stanly county to issue bonds to build a jail.**

*The General Assembly of North Carolina do enact :*

Object of the act.

Duty of commissioners.

May issue bonds.

Amount of

bonds.

Interest.

Coupons.

For what received.

SECTION 1. That for the purpose of raising money to build a jail in Stanly county, the board of county commissioners for said county are hereby empowered, if they, within discretion, deem it necessary, 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 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 fifty, one hundred, two hundred, or five hundred dollars, or all, at the discretion of the board.

SEC. 2. Said bonds shall mature and be made payable in not less than ten (10) years nor more than fifteen (15) years from the date of their issue; 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 class of bonds issued, the date of issue, when the same matures, and to whom payable.

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 building of a jail in Stanly county.

SEC. 4. That to pay the annual interest on said bonds the said board of commissioners, in joint session with the justices of the peace of said county, are hereby authorized and empowered to levy a special tax upon all of 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.

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

Ratified the 11th day of March, A. D. 1895.

#### CHAPTER 259.

#### An act to provide for working the public roads of Rockingham county by taxation.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the county commissioners and justices of the peace of Rockingham county be, and they are hereby, authorized and directed to levy a special tax, on the first Monday in June, one thousand eight hundred and ninety-five (1895), and annually thereafter, of fifteen (15) cents *ad valorem* on each one hundred (\$100) dollars' worth of property, and forty-five (45) cents on each poll, for constructing and repairing the public roads, to be faithfully applied as hereinafter required; and the amount of taxes raised each year, under the provisions of this act,

Denominations  
of bonds.

Time of ma-  
turity.

Where payable.

How signed.

Record of bonds.

Value at sale.

Annual interest  
how to be paid.

Tax levied.

For what time.

How collected  
and when.

Property and  
poll equation to  
be preserved.

Special tax for  
roads.

Limit of tax

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 paid out for the working and keeping in repair the public roads of Rockingham county.

Public roads.

SEC. 2. That all roads that have been laid out, appointed or established by virtue of any act of assembly, or any order of court having Jurisdiction, are hereby declared public roads.

New roads,  
grades, &c.

SEC. 3. That the county commissioners of said county, by the request of the township board of supervisors of the townships affected, may order the laying out, regrading and constructing of new roads, or may cause those already laid out and constructed to be regraded; and such re-locating or changing of roads, shall be in the manner now provided by law for laying out new roads and highways: *Provided*, that it shall be the duty of the township board of supervisors, through which township any new road shall now, or may be, laid out, first to endeavor to agree with the owners of the land on the amount of damages, and in case of such agreement, then to issue warrant, for such amount so agreed upon, on the county treasurer, who shall pay the same from the road fund of such townships; said warrant to be approved by the board of county commissioners.

Proviso.

SEC. 4. That the justices of the peace of each township, who are hereby made by the provisions of this act the township board of supervisors, shall, on or before the first Monday in February, eighteen hundred and ninety-six (1896), and annually thereafter, elect one superintendent of public roads for their township, and whenever any vacancy shall occur in said office, the township board of supervisors shall at once elect some competent and suitable person to fill the vacancy. The township superintendent of roads shall execute a bond, with good and sufficient sureties, in a sum not less than two hundred and fifty dollars (\$250), justified in the manner required by law for the justification of official bonds, conditioned for the faithful performance of the duties enjoined upon him by this act; and also take and subscribe an oath that he will honestly and faithfully perform all the duties imposed upon him by the provisions of this act, as superintendent of public roads of his township. Said superintendent shall receive for his services such compensation as may be agreed upon by himself and the township board of supervisors, to be paid by the county treasurer, upon order signed by a majority of the township board of supervisors, from the road fund of such township. Said superintendent shall be under the control and direction of the town-

Superintendent  
of roads.

Bond.

Oath.

Compensation.



ship board of supervisors: *Provided*, that said superintendent, Proviso.  
for sufficient cause, may be removed by the township board,  
upon ten (10) days' notice.

SEC. 5. That the road fund realized under the provisions of  
this act shall be expended in constructing and keeping in repair Expenditure of  
tax.  
the public roads of the county, and shall be expended in each  
township, as near as may be, in proportion to the amount paid  
by each township: *Provided*, that the board of supervisors of Proviso.  
two or more townships, if in their discretion to do so, may  
jointly buy such road machinery, tools, and such other things  
as they may deem best and proper, to improve, and keep in  
good repair the public roads of their townships, and the same  
to be used in each township in proportion to the amount paid  
for same.

SEC. 6. That the township board of supervisors, with the Contracts.  
approval of the board of county commissioners, are authorized  
to make any and all contracts relative to the improvement of  
any road, or parts of road, that they may deem necessary to  
make, with the tax-money arising under this act, taking care  
that the money should be mainly placed on those roads, or  
parts of roads, most essential to public convenience and neces-  
sity. They are further authorized to let the contract to  
construct, or improve, such roads, or parts of roads, to the  
lowest responsible bidder, and, if the contractor shall faithfully  
comply with his contract, the township board of supervisors  
shall give him an order on the county treasurer, said order to  
be approved by the board of county commissioners for such  
amount agreed upon, and said treasurer shall pay same from  
road funds of such township. They are also authorized, if  
deemed best, to let to the lowest responsible bidder the public Roads let to  
bidders.  
roads, in sections not exceeding four miles, to be built, repaired  
and kept in condition for one year from the time named in the  
contract; and the amounts of the several lowest bids shall be  
paid quarterly, by the county treasurer, out of the road fund  
of such township, upon the order of the township board of  
supervisors, approved by the board of county commission-  
ers: *Provided*, that the township board of supervisors, or Proviso.  
such of them as they may appoint so to do, shall first personally  
inspect said sections of roads, and report that the contractor  
has fully complied with the terms of the contract.

SEC. 7. That the township board of supervisors shall give Bids.  
twenty (20) days' notice, by posters or otherwise, therein  
naming the time and place for letting the contract to the lowest  
bidder, as provided for in the previous section, and they shall

furnish full plans and specifications for the work to be done under the contract.

Bond of contractor.

SEC. 8. That before any bidder shall receive any contract under this act, he shall file with the township board of supervisors, or the chairman thereof, within twenty (20) days after the letting of the contract, a good and sufficient bond, duly justified, to be approved by the board of county commissioners, in a sum not less than double the amount of the bid, payable to the county of Rockingham, and conditioned for the faithful performance of said contract, and should such contractor fail to comply fully with his contract, it shall be the duty of the township board of supervisors to notify such contractor of his neglect; and should he fail for the space of twenty (20) days to construct, repair or keep in good condition said road, or part of road, said board of supervisors shall let out said road to other contractor, after twenty (20) days' notice, as hereinbefore provided; and said township board of supervisors shall make complaint to the board of county commissioners, who shall bring suit against said contractor failing to comply with the contract, in the next term of the superior court of Rockingham county, for the penalty of said bond, and should any private person suffer damage in person or property, by reason of such neglect, he shall also bring his action upon said bond for the amount of such injury.

Roads not let, how worked.

SEC. 9. That whenever any of the public roads in said county are not let to contract as provided for in section six (6) of this act, it shall be the duty of the respective township boards of supervisors to have them worked and kept in good repair by hired labor, at such wages as may be fixed by the boards, and by the insolvents of such townships, as provided for hereafter in this act; said work shall be done under the supervision of the township superintendent of public roads. It shall be the duty of the township superintendent of public roads to personally supervise the working of all roads in his township, worked by the provisions of this section nine (9) of this act, to keep accurate accounts of number and names of hands worked each day, how many days worked, and upon what road, and shall make to the township board a monthly report of same, signed and sworn to before some person authorized to administer oaths.

Duty of superintendent.

False report, &c.

Any superintendent who makes a false report, or fails to make said monthly report, while engaged on public roads, or neglects to perform any other duty imposed upon him by this act, may be removed, and shall be guilty of a misdemeanor, and, upon conviction thereof, may be fined or imprisoned, in the discretion

Misdemeanor.

of the court; he shall also be liable, on his bond, to a civil action for damages.

SEC. 10. That all able bodied male persons failing to pay such road tax, as provided for in this act, until the first day of April, next after the levying of such tax, shall be reported to the township superintendent by the sheriff, and shall be required to work out such tax on the public roads in the township in which he resides, and shall meet such superintendent at such time and place, and with such tools, as the superintendent may designate, after having received two (2) days' notice of same: *Provided*, that no person shall be required to work for a longer time than to work out his tax at forty-five (45) cents per day.

Males not paying tax to work roads.

Proviso.

SEC. 11. That it shall be the duty of the superintendent of each township to keep a list of all names as reported by the sheriff in accordance with the provisions of the preceding sections of this act, and the amount of their taxes, in a book to be kept for that purpose; and in case any such person moves from his township before working out the required time, the superintendent shall ascertain the township of their residence and furnish their names and the amount of their taxes to the superintendent of such townships.

List kept.

Removing from township before tax worked out.

SEC. 12. That the superintendent may work the persons named in section ten (10) at the same time that he works the roads by hired labor, or whenever there may be a sufficient number to do the required work on any road. In letting out the roads to contractors the township board of supervisors shall always reckon and set apart sufficient portions of the roads upon which the persons named in section ten (10) may be employed and required to work.

Males not paying tax may be worked along with hired labor.

SEC. 13. That the township superintendent of roads, at such time as he may deem proper, shall summons the persons liable to road duty under section ten (10) of this act, to work on the public roads, and he may work them continuously until they have worked out the amount of their taxes at not less than forty-five (45) cents per day, and the superintendent shall give to such person a receipt for the time worked by him; every person liable to work on the road, and have been properly summoned according to section ten (10) of this act, shall appear at the time and place named, and with the implement directed, and shall work on the road under the direction of the township superintendent until discharged by him: *Provided*, that no hand shall be required to work less than eight (8) hours nor more than ten (10) hours in any one day: *Provided, further*, that any person so summoned may furnish one able-bodied

How long to work.

Rate of pay.

Receipts.

Proviso.

Proviso.

hand, as a substitute, with the implements directed, and he shall be held to have complied with this act.

Misdemeanor to fall, &c., to work road.

SEC. 14. That any person liable to work on the road, under this act, who shall fail to attend and work, as heretofore provided, when summoned so to do, shall be guilty of a misdemeanor, and, upon conviction, fined not less than two (\$2), nor more than ten dollars (\$10), or imprisoned not more than five (5) days, or both, at the discretion of the court; and it shall be the duty of the superintendent to apply to a justice of the peace, in his township, for the arrest of such person.

Machinery.

SEC. 15 That the township board of supervisors of any township (or may jointly, as provided for in section five (5) of this act, in order to accomplish the purpose of this act), are authorized to purchase all necessary tools and road machinery, to be deposited with, and safely kept by, the township superintendent of roads, and to purchase blasting material, whenever deemed necessary to be used, only when roads are worked by hired labor, those working out their road tax, and convicts.

No person liable to road duty except those made so by this act.

SEC. 16. That no person shall be liable to work on the public roads of Rockingham county except those made liable by the provisions of this act.

County convicts may be worked on road.

SEC. 17. That the county commissioners shall have power to order the working of county convicts on the public roads, and the county commissioners, with the township board of supervisors, or a majority thereof, shall have power to order the working of state convicts, only in conformity with the laws of North Carolina, and to that end may hire guards at reasonable compensation, out of roads funds, to guard the prisoners: *Provided*, that such convicts shall be worked in those townships as may be declared by the board of county commissioners in need of same, and will make best provisions for welfare and safe keeping of the same: *Provided, further*, that all expenses for supporting and guarding such convicts shall be paid by the township in which they are worked: *Provided, further*, that no female convict shall work on the public roads.

State convicts.

Proviso.

Proviso.

Conflicting laws repealed as to Rockingham county.

SEC. 18. That so much of chapter fifty (50) of The Code, entitled "Roads, Ferries and Bridges," as is in conflict with the provisions of this act, be, and the same is hereby, repealed so far as applies to Rockingham county, and the provisions of said chapter fifty (50) of The Code, not inconsistent with the provisions of this act, are hereby declared to be in Rockingham county.

Use of timber and stone.

SEC. 19. That for the construction of public roads, all timber on adjoining lands, except useful and ornamental groves, and all rock or stone, gravel or earth, except from growing crops, or



improvements, shall be available; all necessary ditches shall be cut on and through any adjoining lands to secure proper drainage. Drainage.

SEC. 20. That all persons wilfully placing obstructions in a public road, or in a drainage ditch of the same, or in any way injuring a public road in Rockingham county, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than fifty dollars (\$50), or imprisoned not more than thirty (30) days, or both, and such fine shall be placed in road fund of such township. Obstructions.  
Misdemeanor.

SEC. 21. That all accounts for service or labor upon public roads, under this act, shall be paid by the county treasurer, upon a warrant issued by the township board of supervisors, approved by the board of county commissioners, from the road fund of such township. Accounts, how paid.

SEC. 22. To provide for the carrying into effect the provisions of this act the county commissioners of Rockingham county, at their regular meeting in April, eighteen hundred and ninety-five (1895), shall order an election to be opened and held in said county, at the several voting precincts, on the third (3rd) Saturday in May, eighteen hundred and ninety-five (1895); and at said April meeting shall order the register of deeds of Rockingham county to forward the registration books of eighteen hundred and ninety-four (1894), of each voting precinct, to the registrars serving in the year eighteen hundred and ninety-four (1894), and all qualified voters registered therein may vote. The commissioners, at their regular meeting in May next, shall appoint two (2) judges of opposite views on the proposition for each precinct, who shall, with the registrar, open the polls on said third Saturday in May, at eight (8) o'clock a. m., and keep them open until five (5) o'clock p. m., when they shall be closed and the votes immediately counted; and the registrar and judges shall appoint one of their number to carry the returns to Wentworth on Monday, May the twentieth (20th), where and when the vote shall be canvassed in the presence of the chairman of the board of county commissioners, the sheriff and register of deeds, and the result declared by the sheriff at the court house door, and the vote registered by the register of deeds, and the abstract of votes filed with the clerk of the superior court. The registrar and judges may receive such compensation for their services as the commissioners may allow. Those voting for the adoption of this act shall vote a printed or written ticket with the words on it, "For road law;" and those voting against the adoption of this act shall vote a printed or written ticket with the words on it, "Against road law." If Election, when held.  
Election, how conducted, &c.  
Ballots.

Majority of vote  
cast to decide.

a majority of the votes cast shall be "For road law," then this act shall constitute the road law of Rockingham county; and if a majority of the votes cast shall be "Against road law," then this act shall be null and void, and chapter fifty (50) of The Code shall be the law of Rockingham county: *Provided*, that if a majority of the votes cast are for road law, then the board of county commissioners and the justices of the peace shall meet in the court house, in the town of Wentworth, on or before the first Monday in February, one thousand eight hundred and ninety-six (1896), and organize for the purpose of carrying out the provisions of this act.

Proviso.

Compensation of  
township super-  
visors.

SEC. 28. That the township boards of supervisors shall receive, for the duties imposed by the provisions of this act, such compensation as may be agreed upon by themselves and the board of county commissioners, the same to be paid from the road fund in their respective townships.

Act to be  
printed by April  
1st, 1895.

SEC. 24. That before the first day of April, eighteen hundred and ninety-five (1895), the secretary of state shall have three hundred (300) copies of this act printed and sent to the register of deeds of Rockingham county for distribution.

When new  
system to begin.

SEC. 25. That all public roads in Rockingham county shall be worked as heretofore, until the first day of February, one thousand eight hundred and ninety-six (1896).

SEC. 26. That this act shall be in force from and after its ratification.

Ratified the 12th day of March, A. D. 1895.

## CHAPTER 260.

### An act to provide for the better drainage of the low-lands on Brush creek, in Guilford county.

*The General Assembly of North Carolina do enact:*

Names of com-  
missioners.

For what pur-  
pose appointed.

Superintendent.  
Duties.

SECTION 1. That A. G. Kirkman, W. M. Knight, Thomas Joseph, D. L. Hafford, and John M. Blaylock, in the county of Guilford, be appointed commissioners for Brush creek, in said county, from the western boundary of the lands of J. T. and J. M. Morehead, above Hamburg mill, up said creek to the western boundary of C. S. Beeson, whose duty it shall be, as soon as practicable, to select and employ some suitable person to superintend and oversee the hands, which they are hereby authorized to employ, for the purpose of clearing out, straightening, and deepening said creek, so as to better drain the

lowlands through which it runs, between the boundaries above designated.

SEC. 2. That said commissioners, or a majority of them, shall have power to elect one of their number chairman, who shall also be treasurer, and they may fill vacancies in their number, when such occur by death or removal from the county, or otherwise, and in case of their neglect so to do, the county commissioners of Guilford shall appoint to fill such vacancy, upon the application of any person interested.

SEC. 3. That said commissioners shall estimate the number of acres of bottom lands on said creek belonging to each land-owner within said boundary, and from time to time, not oftener than once a year, in order to raise money for the purpose contemplated in this act, they shall levy an assessment, not to exceed two dollars per acre of the estimated amount of bottom land, on the land-owners aforesaid; of which estimate of the number of acres, and the names and amounts of each owner thereof, and also the rate of assessment, they shall make a report to the commissioners of Guilford county, who shall file the same among their records, and spread the same upon their minutes.

SEC. 4. That upon the making and filing of said report in the office of the board of county commissioners as aforesaid, the same shall be filed in the office of register of deeds, their clerk, until the succeeding meeting of the board, and notice thereof shall be given for twenty days prior to said succeeding meeting, by publication at the court-house door in Greensboro; and at said meeting of the board, any parties interested may file exceptions or objections to said report, and thereupon said county commissioners shall hear and determine the matters complained of, and shall make out an assessment list, in the manner tax lists are made, and place the same in the hands of the sheriff of Guilford for collection; said list, when so placed in the hands of the sheriff, to be a lien on the bottom lands of such land-owner as may be assessed under the provisions of this act.

SEC. 5. That the said sheriff, upon the delivery to him of the assessment list aforesaid, shall, within thirty days thereafter, proceed to collect the same, and to that end he shall have the same power and remedies as he has for the collection of the public taxes, and receive for such services the same compensation as in the collection of state and county taxes; and the same so collected, the sheriff, at the end of sixty days, or sooner, if collected, shall pay over to the board of county commissioners, whose duty it shall be to pay the same over, at once, to the

Officers.

Vacancies.

Assessment to be levied.  
Limit of assessment.Report of Commissioner.  
Where report filed.

Notice to be given of meeting.

Objections to reports.

Assessment list, effect of.

Time of collection.

Power of sheriff.

When collected to be paid to county commissioners.

- How used and expended. treasurer of the creek commissioners, the amount collected from the bottom lands on said creek, to be used and applied in the draining and clearing of said creek, under such rules and regulations as said creek commissioners may make.
- Record to be kept by treasurer of creek commissioners. SEC. 6. That the treasurer of said creek commissioners shall keep a book in which he shall record their proceedings, and also keep an account of receipts and expenditures, and said book shall be kept open to the inspection of any party interested therein at all times.
- Number of acres furnished to land owners. SEC. 7. That said commissioners shall furnish each land-owner with a copy of the estimate of the number of acres owned by him liable to assessment, and the amount assessed against the same, and if said land-owner shall, within the time and manner prescribed by said creek commissioners, do work in straightening and clearing said creek, at such rate as said commissioners may fix, amounting to the whole or part of the sum assessed against his lands, then such land owner shall, upon tendering to the sheriff a certificate from the said commissioners that such work has been done by him, at the rate to be fixed by said commissioners, as aforesaid, and the balance only of said assessment, after deducting the allowance for said work, shall be a lien upon his bottom lands.
- Work of land-owners exempt from assessment. SEC. 8. That any person or persons, who shall wilfully and knowingly fell any timber in said creek between said boundaries, or otherwise obstruct the same, and shall allow the same to remain therein for the space of ten days, shall be guilty of a misdemeanor, and, on conviction, shall be fined or imprisoned, in the discretion of the court: *Provided*, that if any person or persons so offending shall pay the penalty of ten dollars to the treasurer of said commissioners before presentment is made of the same, he or they shall not be liable to indictment for said offence.
- Obstructions in waterway. SEC. 9. That said commissioners shall also have power to stop all washes, drains or ditches emptying into said streams, or upon said bottom lands, to prevent the inflowing of sand, and to drain said lands under such rules and regulations as they may adopt; and for the purpose of stopping said washes, drains or ditches said overseer and hands shall have the right to cut bushes and timber and gather stones from the lands of the several and respective owners.
- Misdemeanor. Penalty. When exempt from penalty. SEC. 10. That this act shall be in force from and after its ratification.
- Power to stop washes, &c.
- Right of overseer.

Ratified the 11th day of March, A. D. 1895.



## CHAPTER 261.

An act to create a stock law in a portion of Colby township,  
Bladen county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That a lawful fence shall be built, to begin on the north bank of the Cape Fear river, below Waddell ferry, in Bladen county, the upper corner of the plantation now owned by Mrs. Ann Smith; running thence forty-five (45) degrees east to the old main road, the outside fence of lands on the said river; thence said fence now running to the river bank just above Big Sugar Loaf on said river.

Location of  
fence.

SEC. 2. That 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 (\$25), or imprisoned not more than thirty days: *Provided*, that a majority of the land-owners may agree that certain kinds of stock, to be named by them, may run at large in said territory between the first day of December and the first day of April, and at no other time.

Cape Fear and  
fence only pro-  
tection for crops.

Stock forbidden  
to run at large.

Liability of  
owners.

Misdemeanor.

Certain kinds of  
stock.

SEC. 3. That each land-owner in said territory shall build that part of said fence as adjoins or crosses his own land, at his own expense, and, when so built, they shall keep it in repair in the same manner.

Fence, how built.

SEC. 4. In the event that any land-owner fails to build his part of said fence, then the majority of the land-owners in said territory may appoint an overseer, whose duty it shall be to build said fence at a price to be agreed upon by a majority of said land-owners; and the amount due for constructing said part of said fence shall be, when the work is completed, a lien on the land of said land-owner who has failed to build his part of said fence.

Failure to build  
part of fence by  
land-owner.

Overseer ap-  
pointed.

Cost of work by  
overseer a lien  
on land.

SEC. 5. That the preceding section of this act shall also apply to any needed repairs, when the land-owners, whose duty it is to make such repairs, shall fail to do so within a reasonable time after the same shall be deemed necessary by a majority of said land-owners, or by an overseer to be appointed by them.

Sec. 4 applicable  
to repairs.

SEC. 6. That a majority of said land-owners shall, on the first

Registrar. Duties.	Monday of April, in each year, or as soon thereafter as possible, 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, Sunday excepted.
Register open except Sunday.	
Stock running at large im- pounded.	SEC. 7. 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 (25) cents, and twenty-five (25) cents a day for each day said stock is kept impounded, and ten (10) cents per head for taking up all other kind of stock, and ten cents additional for each day such stock is kept impounded: <i>Provided</i> , 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.
Description of stock filed with registrar.	
For impounding	
Stock cared for.	
Owner neglect- ing for 20 days, sale made.	SEC. 8. That if the owners 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.
What acts neces- sary before sale.	
How proceeds to be devoted.	
Damages for injury.	SEC. 9. 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 said 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 mis-
Justice to ap- point three free- holders to esti- mate damage.	
Damages paid before proceeds of sale paid to owner.	
Unlawful to injure stock.	

demeanor, and, upon conviction, shall be fined not more than fifty dollars (\$50), or imprisoned not more than thirty days.

SEC. 10. 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 (\$50), or imprisoned not more than thirty days.

When impounder guilty of misdemeanor.

SEC. 11. 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.

Meaning of "stock."

SEC. 12. 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 on said line of fence.

Gates may be erected.

SEC. 13. 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 (\$50), nor imprisoned not more than thirty days.

Misdemeanor to injure gates or fence.

SEC. 14. The said land-owners, or the overseer appointed by them, shall have said fence put up and gates erected by the first day of April, one thousand eight hundred and ninety-five (1895). Should any one, liable for any amount, which is a lien on his land, fail to pay said amount for one month after demand, the majority of said land-owners, or the overseer appointed by them, shall deliver the amount to the sheriff of the said county, with a description of the land on which the same is a lien, and the said sheriff shall collect the same as other taxes, and be entitled to the same fee.

When fence and gates must be completed.

Failure to pay lien.

Amount given to Sheriff.

SEC. 15. When said fence is complete, it shall be the duty of a majority of said land-owner, or the overseer appointed by them, to give public notice, in three public places in said Colby township, and three other places in said district, of the establishment of said fence; and from and after ten days from such publication all the provisions of this act shall go into operation and effect.

Ten days' notice given of completion of fence.

SEC. 16. That the provisions of this act shall apply to all amounts charged for repairs made on said fence at any time after this act shall go into operation.

Provisions of act applies to.

SEC. 17. The majority of said land-owners, or the overseer appointed by them, shall have full power to take the necessary timber from the land-owners of the 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

Timber taken.

Compensation.

Value, how  
assessed.

by the majority of said land-owners, or the overseer appointed by them, the other by the owner of the timber, and if the two do not agree, they shall select a third person, or umpire.

Names of regis-  
trars and over-  
seers reported to  
register of deeds  
for Bladen  
county.

SEC. 18. That the names of all overseers and registrars, appointed under the provisions of this act, shall be reported by a majority of said land-owners to the register of deeds of Bladen county, who shall record said report, and receive the same fees therefor that are paid for recording deeds.

SEC. 19. That this act shall be in force from and after its ratification.

Ratified the 11th day of March, A. D. 1895.

## CHAPTER 262.

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

*The General Assembly of North Carolina do enact:*

Commissioners  
may levy tax not  
to exceed \$3,000.

SECTION 1. That the commissioners of Mitchell county be, and they are hereby, authorized and empowered to levy a special tax, if they deem it proper to do so, not to exceed the sum of three thousand dollars (\$3,000), one-half to be levied in the year one thousand eight hundred and ninety-five (1895), the other to be levied and collected in the year one thousand eight hundred and ninety-six, for the purpose of compromising and settling the floating indebtedness of said county already incurred, or which may hereafter be incurred between the ratification of this act and the first day of January, one thousand eight hundred and ninety-seven (1897), or both, as to the said board of commissioners may seem proper.

Years to be  
levied.

Purpose.

For what used.

SEC. 2. That the special tax, herein provided to be levied and collected, shall be used and applied by the commissioners to meet the provisions of an act entitled, "an act to authorize and empower the county of Mitchell to fund, compromise and settle its debt," ratified the thirteenth day of February, one thousand eight hundred and ninety-five (1895), without borrowing money, as therein provided.

SEC. 3. That said tax shall be levied and collected as other taxes are levied and collected.

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

Ratified the 11th day of March, A. D. 1895.



## CHAPTER 263.

An act to authorize the town of Mount Holly to issue bonds for public improvement, and to levy a special tax.

*The General Assembly of North Carolina do enact :*

- SECTION 1. That for the purpose of paving, macadamizing, and otherwise improving such of the public streets of the town of Mount Holly as the mayor and the commissioners of the said town may determine to improve, and for making such other public improvements as the said mayor and commissioners may determine to make, the town of Mount Holly is hereby authorized and empowered to issue its bonds to an amount not exceeding the sum of two thousand dollars, of such denominations, and in such proportions, as the said mayor and commissioners may deem advisable, bearing interest from the date thereof at a rate not exceeding six per centum per annum, with interest coupons attached, payable half yearly, at such times, and at such places or place as may deem advisable. Such bonds to be of such forms and tenor, and transferable in such way, and the principal thereof payable and redeemable at such time or times, not exceeding thirty years from the date thereof, and at such place or places, as the said mayor and commissioners may determine.
- Purpose of act.  
By whom.  
Bonds issued.  
Amount.  
Interest.  
Maturity.
- SEC. 2. That the mayor and commissioners shall set apart, for the special purpose of paving, macadamizing, and otherwise improving the streets of the town of Mount Holly, not less than three-fifths of the proceeds arising from the sale of the bonds authorized by this act.
- What proportion of proceeds of bonds.
- SEC. 3. That none of the bonds authorized by this act shall be disposed of for less than par value, nor shall said bonds, or their proceeds, be used for any other purpose except those declared in section one and two, respectively.
- Must be sold not less than par.
- SEC. 4. That the bonds authorized to be issued by this act, and their coupons, shall not be subject to taxation by the said town until they become due and tender of payments shall be made by the town; and the coupons shall be receivable in payment of town taxes, or other town dues, for any fiscal year in which coupons become due thereafter.
- Bonds and coupons free from taxation.  
Exception.
- SEC. 5. That for the purpose of providing for the payment of the interest accruing on, and the principal at maturity, of the bonds issued under authority of this act, the mayor and commissioners of said town shall, annually, and at the time of levying other town taxes, levy and lay a particular tax on all persons and subjects for taxation on which said mayor and com-
- Sinking fund.

Yearly assessment.	missioners now are, or may hereafter be, authorized to lay and levy taxes for any purpose whatsoever; said particular tax to be not less than three nor more than ten cents on the one hundred dollars' assessed valuation on property, and not less than ten nor more than twenty-five cents on each taxable poll. The
Taxes, how collected.	taxes provided for in this section shall be collected in the manner and at the times other town taxes are collected, and shall
Kept separate.	be accounted for and kept separate from other town taxes, and shall be applied exclusively to the purposes for which they are collected. So much of said taxes as may be required to pay the interest on the bonds issued by authority of this act, as it falls due, and cannot be applied to the purchase or discharge of the bonds for which said taxes are levied and collected, shall be invested so as to secure the payment, at maturity, of the principal of the said bonds; and, to insure the due investment of the surplus, the treasurer of the town is authorized to invest the same in safe securities, under the directions of the mayor and commissioners.
Annual surplus to be invested.	
To be voted on.	SEC. 6. That the provisions of section one and five of this act shall be submitted to a vote of the qualified voters of the town of Mount Holly, at an election to be held in the said town on a day to be designated by the mayor and commissioners, at any time after ten days from and after the ratification of this act, and after a public notice, for thirty days preceding the election, of the time when, and the places where, the election shall be held, which notice shall contain a copy of said sections one and five of this act, or a synopsis of the same, and shall be published in some newspaper printed in Gaston or Mecklenburg counties. Said elections shall be held and returns thereof made under the same rules and regulations as exist in cases of election for mayor and commissioners of the town. Those qualified voters approving the issue of the bond provided for in section one, and the levy and the collection of the particular taxes provided for in section five of this act, shall deposit in a ballot-box a slip containing the printed or written word, "Approved," and those disapproving the same shall deposit a slip with the printed or written word, "Disapproved." If a majority of such voters shall vote "Approved," it shall be deemed and held that a majority of the qualified voters of the town of Mount Holly are in favor of giving the mayor and commissioners authority to issue the bonds authorized by section one of this act, and to levy the particular taxes authorized in section five of this act, and the mayor and commissioners shall have such authority. But if a majority shall vote "Disapproved," then the mayor and commissioners shall not have such authority.
When.	
Notice of election.	
Election returns as those of mayor, &c.	
How vote to be made.	

SEC. 7. That all laws, and clauses of laws, in conflict with the provisions of this act are hereby repealed. Conflicting laws repealed.

SEC. 8. That this act shall be in force from and after its ratification.

Ratified the 11th day of March, A. D. 1895.

#### CHAPTER 264.

**An act relating to building a jail in Alexander county.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That for the purpose of building a jail in said county, the commissioners of said county are hereby authorized and empowered to levy a special tax, not to exceed seven (7) cents on the hundred dollars' worth of taxable property in said county, and twenty-one cents on the poll, for the years eighteen hundred and ninety-five and eighteen hundred and ninety-six. Special tax on property and poll may be levied.

SEC. 2. That the provisions of the preceding section shall not be operative until the same shall be ratified by a majority of the qualified voters of said county, at an election to be held on such a day as the county commissioners of said county may designate, in the manner prescribed in the laws of the state of North Carolina regulating general elections. Sec. 1 inoperative until ratified by a vote of the people. Election.

SEC. 3. That in the event of the ratification of said provisions of aforesaid the commissioners aforesaid are hereby authorized and empowered to sell the present jail in said county, together with the lot on which the same is situated, and apply the proceeds of such sale to the purchase of another site and towards the creation of a new jail. Present jail to be sold.

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

Ratified the 11th day of March, A. D. 1895.

#### CHAPTER 265.

**An act to regulate the sale of spirituous liquors in certain localities.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That all laws heretofore enacted, which prohibit the sale, or the sale and manufacture, of intoxicating liquors in Davidson township, in Iredell county, be, and they are hereby, repealed. Previous laws repealed.

Intoxicating  
liquors.

SEC. 2. That it shall be unlawful to sell or manufacture intoxicating liquors within one mile and a half of any church or school-house in said Davidson township, in Iredell county.

Misdemeanor to  
sell.

SEC. 3. That any person, or persons, violating this act shall be guilty of a misdemeanor, and, upon conviction, shall be fined or imprisoned at the direction of the court.

Chapter 97, laws  
of 1876-'77, re-  
pealed.

SEC. 4. That chapter ninety-seven (97) of the acts of one thousand eight hundred and seventy-six and one thousand eight hundred and seventy-seven (1876-1877) be, and the same is hereby, repealed.

Misdemeanor to  
sell liquors in  
certain localities.

SEC. 5. That it shall be unlawful to manufacture or sell intoxicating liquors within two miles of the court-house in the town of Franklin, in Macon county: *Providing*, nothing in this act shall prevent or prohibit the sale of liquors, by regularly licensed druggists, upon prescription of a regularly licensed physician, for medical purposes.

SEC. 6. Any person violating section five of this act shall be guilty of a misdemeanor, and fined or imprisoned at the discretion of the court.

SEC. 7. This act shall be in force from its ratification.

Ratified the 11th day of March, A. D. 1895.

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## CHAPTER 266.

An act to provide for a graded school in the town of Hendersonville, North Carolina.

*The General Assembly of North Carolina do enact:*

Mayor and town  
council may, on  
petition, submit  
the question of  
taxation for  
schools.

SECTION 1. That the mayor and council of the town of Hendersonville are authorized, at the next regular election in May, eighteen hundred and ninety-five (1895), or at any annual election thereafter, on petition of fifty citizens in said town, to submit to the qualified voters of said town, under the rules and regulations governing said annual elections, the question whether an annual assessment shall be levied therein for the support of one or more graded schools in said town. That such qualified voters at said election are authorized to vote on written or printed ballots the words "for schools", and "against schools", and the penalties for illegal and fraudulent voting in this said election shall be the same as in the annual election for mayor and councilmen in said town of Hendersonville.

Voters.

Manner of  
voting.

Assessment  
levied.

SEC. 2. That in case a majority of the qualified voters at such election shall vote "for schools", an assessment shall be levied and collected by the town authorities, under the same



rules and regulations by which other town taxes are levied and collected, and the town tax collector shall be subject to the same liabilities for the collection and paying over to the town treasurer as he is for town taxes: *Provided*, that the town tax collector, before receiving the annual list of said school taxes, shall enter into bond in the penal sum of double the amount of the assessment levied, payable to the town of Hendersonville, conditioned for the faithful collecting and accounting for said assessment, and his compensation for said services shall not exceed that allowed in collecting the other town taxes: *Provided, further*, that the special assessments so levied and collected shall not exceed twenty-five (25) cents on the one hundred dollars' (\$100) worth of property, and shall not exceed seventy-five (75) cents on the poll, and that all assessments thus levied and collected shall be applied exclusively for the support of one or more graded public schools, in manner as hereinafter provided.

Tax collector to collect school tax.

Bond to be given.

Compensation to collector.

Taxes levied on property and poll.

SEC. 3. That the special assessments thus levied and collected from the taxable property and polls of white persons shall be expended in keeping up a graded public school for white children of both sexes, between the ages of six and twenty-one years; and the special assessments thus levied and collected from the taxable property and polls of colored persons shall be expended for the keeping up of a graded public school for the colored children of both sexes, between the ages of six and twenty-one years, in said town.

Tax collected, how expended.

Taxes collected from colored persons.

SEC. 4. That the present board of trustees of the Hendersonville Academy, and their successors, and the school committee of Hendersonville public school district number twenty-two (22), and their successors, be, and they are hereby, constituted a board of trustees for the graded school for the white children. That said board shall have power to employ teachers, and to use, for the first two years, not exceeding one-third of the aggregate funds in repairing and equipping the Hendersonville Academy: *Provided*, the same shall first be legally appropriated for said graded school, and shall have power to do all such acts as may be necessary to carry on said graded school for the white children.

Board of trustees.  
Power of board.

SEC. 5. That the money arising from the special assessment, herein provided for, collected from the property and polls of white persons shall, as soon as collected, be paid over to the treasurer of Henderson county, which, together with the funds from time to time appropriated by the board of education of Henderson county, under the general school law, to Hendersonville white district number twenty-two (22), shall stand to the

Taxes collected from white persons.

credit of said graded school in the hands of said treasurer, and be paid out on the order of said board of trustees of the graded school for white children.

School committee of colored district.

SEC. 6. That the school committee of Hendersonville colored district number three (3), and their successors in office, and W. A. Smith and J. Williams, be, and they are hereby, constituted a board of trustees for the graded school for the colored children; that said board shall have power to fill all vacancies occurring in said board, to employ teachers, and to do all such acts as shall be necessary to carry on said graded school for the colored children.

Power of board.

Taxes collected from colored persons.

SEC. 7. That the money arising from the special assessment herein provided for collected from the property and polls of colored persons shall, as soon as collected, be paid over to the treasurer of Henderson county, and held by him subject to the orders and directions of the board of trustees of said public graded school for the colored children and the school committee of said colored district number three (3).

Children resident out of town pay tuition.

SEC. 8. That the board of trustees, as herein constituted, may admit, as pupils in the said graded schools, children who reside outside of the corporate limits of said town, upon the payment of such rates of tuition as may be established by the board: *Provided*, that said board may admit, free of tuition, the children of parents who own taxable property within said town.

Proviso.

No public school restrictions as to salary of principal and teachers.

SEC. 9. That the principal and teachers of the schools in this act provided, for shall not be subject to the restrictions and limitations as to salary provided in the public school laws of the state, but may be paid such compensation as may be deemed just and proper.

SEC. 10. That this act shall be in force from and after its ratification.

Ratified the 11th day of March, A. D. 1895.

## CHAPTER 267.

An act for the relief of the county of Halifax, and to enable the commissioners thereof to have the taxes in said county collected by special tax collectors.

*The General Assembly of North Carolina do enact:*

WHEREAS, The sheriff of Halifax county, on the first Monday in December, one thousand eight hundred and ninety-three, failed to renew his bonds for the collection, state and county, levied in said county for the year one thousand eight hundred

and ninety-three, and the said commissioners were obliged to appoint special tax collectors for each township in order to collect said taxes, being unable to procure a general tax collector; and, whereas, the sheriff of said county of Halifax, on the first Monday in December, one thousand eight hundred and ninety-four, failed to give his bond for the collection of taxes one thousand eight hundred and ninety-four; and, whereas, the commissioners of said county, being convinced that the taxes are better and more promptly collected by having special collectors for each township, desire to collect them in that manner in the future;

Special tax collector for each township.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the appointment of special tax collectors, by the board of commissioners of the county of Halifax, to collect the state and county taxes for the year one thousand eight hundred and ninety-three be, and the same hereby is, declared to have been valid and legal.

Special tax collector for 1893.

SEC. 2. That the receipts which have been given by said special collectors for the taxes aforesaid be, and they hereby are, declared to be a good and lawful bar against any further claim for said taxes from the persons holding them respectively.

Receipts of tax collector.

SEC. 3. That the said board of commissioners of the county of Halifax be, and they hereby are, authorized and empowered, if in their discretion it shall be deemed advisable, instead of having the taxes collected by the sheriff, to appoint special tax collectors, in and for said county, to collect the taxes for the year one thousand eight hundred and ninety-four, and for any year thereafter, until this act is repealed.

Collectors for 1894 may be appointed.

SEC. 4. That the tax collectors to be appointed under this act shall consist of one collector for each township in said county, who shall collect the taxes, in their respective township, levied upon the poll, the *ad valorem* taxes levied upon property, and all purchase taxes, and a special collector for the county at large, who shall collect all other taxes levied under the existing or future laws enacted by the general assembly, except the taxes upon railroads, telegraph lines and parlor or palace cars.

Number appointed.

What taxes to be collected by them.

SEC. 5. That the said commissioners shall also appoint a receiver of the state taxes. It shall be his duty to receive from the special tax collectors all taxes, of every description, due to the state, and pay the same over to the state treasurer. The said receiver of state taxes shall receive no commissions upon the funds received by him from the special collectors, but he shall collect all taxes levied on railroads, telegraph lines and

Receiver of state taxes. Duties.

Commissions.

How remunerated.

parlor and palace cars within said county, and the commissions allowed by law therefore shall be his remuneration for all the services of his office.

Sheriff *ex officio* collector at large. Treasurer to be receiver.

SEC. 6. The sheriff of said county shall be *ex officio* collector at large, and the treasurer of said county shall be *ex officio* receiver of the state taxes: *Provided*, they shall give bonds as hereinafter required, in addition to their regular official bonds. But if either of them shall fail to give such bond, then the board of commissioners of said county shall appoint some other persons to fill said offices.

Bonds.

Bonds of special tax collectors.

SEC. 7. The said special collectors, collector at large, and receiver of state taxes shall enter into bonds, to be approved by the board of commissioners, in double the amount of taxes which shall come into their hands respectively; and shall be clothed with the same powers and authority, and be subject to the same liabilities and penalties that are now, or may hereafter be, prescribed by law for sheriffs in the performance of like duties.

Powers of special collectors.

What taxes to be paid to receiver of state taxes.

SEC. 8. The said special tax collectors, and the collector at large, shall pay over to the receiver of the state taxes all such taxes collected as are by law required to be paid into the state treasury, and to the treasurer of Halifax county all such as may be by law payable to him. And the said receiver of state taxes shall pay over to the state treasurer, received by him, as are by law required to be paid into the state treasury; and shall pay to the treasurer of Halifax county all such taxes collected by him as by law should be paid into the treasury of said county.

State treasurer.

County treasurer.

Fees of collectors.

SEC. 9. The said special tax collectors, collector at large, and receiver of state taxes shall receive the same fees as are provided by law for sheriffs or general tax collectors in like cases, except as herein otherwise provided.

SEC. 10. This act shall be in force from and after its ratification.

Ratified the 11th day of March, A. D. 1895.

## CHAPTER 268.

An act to provide for the working of the public roads in Richmond county.

*The General Assembly of North Carolina do enact:*

Special tax levied.

SECTION 1. That at the usual time for levying taxes the magistrates and commissioners of Richmond county shall levy



a special tax, to be called the public road tax, of fifteen cents on the hundred dollars' worth of taxable property, which shall be set aside as a public road fund, to be used for the support of convicts and prisoners and persons owing otherwise non-collectable fines, while working the public roads, and for other purposes as hereinafter provided; this fund shall be kept as a separate fund by the person acting as treasurer for Richmond county, and shall be used for no other purposes than as herein provided.

Road fund to be kept separate.

SEC. 2. That the superior court judge holding courts in Richmond county shall, from time to time, order such criminals as are sentenced to prison for a term not exceeding five years to be worked upon the public roads, and all persons being held for want of bail, and all persons confined for costs or fines shall be worked upon the public roads: *Provided*, that nothing in this act shall be construed to permit females, under any circumstances, to be worked upon the public roads in Richmond county.

Convicts to be worked on roads.

SEC. 3. The magistrates in each township shall constitute the board of supervisors of public roads for their respective townships, and they shall, once each year, on the first day of January, elect one of their number to supervise and look over the roads of the township in which he resides, and shall receive *per diem* for time actually engaged not exceeding one dollar and twenty-five cents per day, to be paid from the fund above provided, and shall not be paid for more than three days in each month; and all penalties and fines now provided against supervisors for insufficient working of public roads shall be borne alone by said paid supervisor.

Township magistrates supervisors.

Must yearly supervise roads.

*Per diem* of supervisors.

SEC. 4. *Provided, further*, that each able-bodied male in said county shall work the public roads in Richmond county, under the present law heretofore existing for working public roads in North Carolina, for not more than three days in each year, unless he pays to the sheriff or lawful tax collector the sum of one dollar and fifty cents, which shall be turned into the public road tax fund, and must be paid prior to the first day set apart for working the road by the overseer of his section in each year.

Persons to work roads, and time of working.

Failure to work road, penalty.

SEC. 5. The magistrates shall, at their meeting each year, elect a suitable person to be known as superintendent of prison road force of Richmond county, whose duty shall be to take such prisoners as shall be ordered to work the public roads by the superior court judge of Richmond county superior courts, and all who are liable to work the public roads in default of fines, costs and in default of bail for appearance as heretofore provided,

Superintendent for county.

Females not to work roads.	unless they are bound over for capital crimes or felony: <i>Provided</i> , no female be included in the above mentioned shall be permitted to work the roads; said superintendent shall take the persons provided above and work upon the public roads of Richmond county, beginning first on the public road leading southward from the town of Rockingham, in said county, and place the same in good order for one mile from the above town; he shall then work the next road to the west of this one mile, and then proceed until he has made the circuit and worked all the roads leading from the town of Rockingham for one mile, and placed the same in good order; and when the first mile of each of the above mentioned roads are placed in good order, after the same manner the second mile of each of said roads shall be put in good order; and after the second mile, the third mile of each road shall be done in like manner as the first and second miles. During the time the work on the three first miles on all the roads leading from Rockingham are being put in order the prison road force shall be kept each night in the county jail.
Road to be worked first.	
Roads to be worked for one mile from Rockingham in each direction.	
Second mile of road.	
Third mile.	
Prisoners to be kept in jail at night.	
Treatment of prisoners.	SEC. 6. That the superintendent of the prison road force shall not unmercifully whip any prisoner, and when he whips one he shall, previous to the whipping, have two respectable freeholders of Richmond county to witness the whipping, and each month he shall report to the county superintendent of public health the number of whippings, the persons whipped, the offence, and the number of lashes applied, together with the names of the witnesses provided to witness the same in each case; and any unmerciful whipping shall be a misdemeanor, and conviction of same shall disqualify the superintendent from further service, and subject him to fine or imprisonment, or both, in the discretion of the judges of the superior court.
Misdemeanor to maltreat prisoners.	
Penalty.	
Assistant, when to be employed.	SEC. 7. That for any force of prisoners exceeding ten the superintendent shall employ an assistant at a salary not exceeding one dollar per day, and an additional assistant for each ten or fractions of ten prisoners added thereafter.
Only prisoners sentenced to state prison required to wear prison garb.	SEC. 8. That no prisoner shall be required to wear the regulation striped prison garb, which shall be furnished to Richmond county from the penitentiary supplies, except those prisoners who have committed crimes subjecting them to sentence to the state prison. But the judge may excuse prisoners, when sentencing them, at his discretion, from wearing stripes; and all prisoners dressed in the convict garb shall be liable to be shot by the superintendents when attempting to escape, as is provided for other convicts when under guard. No prisoner, who is dressed in clothes other than convict garb, shall be shot when attempting to escape; but any prisoner escaping, or attempt-
What prisoners may be shot.	

ing to escape, shall, upon conviction of the same in the superior court, be sentenced to the state prison for a term not less than one year, or more than two years, in the discretion of the court.

Penalty for attempt to escape.

SEC. 9. The county commissioners shall audit and order the payment of the accounts of the superintendents of prison road forces, accounts for all necessary bills to carry on the work properly.

County commissioners to audit accounts, &c.

SEC. 10. That the board of magistrates may set apart such portion of the road fund as may be spared after the proper support of the prison force, and apportion it between the several townships, according to their requirements, and such funds shall be paid to lowest bidders for certain specified work upon the public road, and shall be controlled and paid out upon the order of the several township road supervisors, after the usual manner of letting out repairs of public bridges.

Apportionment of road fund.

SEC. 11. Any township supervisor convicted of improper or improvident use of the public road fund shall be guilty of a misdemeanor, and, upon conviction, shall be fined or imprisoned, in the discretion of the court.

Improper use of road fund by supervisor. Punishment.

SEC. 12. That all laws, and clauses of laws, in conflict with this act are hereby repealed.

SEC. 13. That this question of working the roads of Richmond, in the manner provided in this bill, shall be submitted to the qualified voters of Richmond county, upon the petition of one-fourth of the qualified voters of Richmond county. The clerk of the superior court of Richmond county shall order an election in Richmond county under the system of elections provided for by this general assembly, and give thirty days' notice of the same in the newspapers published in Richmond county, or otherwise, as he may deem sufficient notice to all the voters; and at said election the ballots used shall have printed on them the words "For taxation" and "No taxation", and if it shall appear that a majority of the ballots cast are for taxation, then this act shall be in full force as the road law for Richmond county.

Question to be submitted to vote on petition of one-fourth of voters.

Election ordered.

Ballots.

SEC. 14. This act shall be enforced on and after its ratification.

Ratified the 11th day of March, A. D. 1895.

## CHAPTER 269.

### An act for the collection of taxes in Chatham county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That on all taxes paid prior to the first day of January of each year, there shall be a discount to the tax-payer

Six per cent. discount to persons paying their taxes before January 1st.

of six per centum per annum, from the time between the date of payment and the said first of January.

On taxes paid  
after January 1st  
interest charged.

SEC. 2. That on all taxes paid after the first day of January of each year, assessed and levied for the preceding year, there shall be charged interest at six per centum per annum, for the time between said first day of January and said date of payment, in addition to the cost and charges already prescribed by law.

Act applies to  
Chatham.

SEC. 3. This act shall apply to the county of Chatham.

SEC. 4. That this act shall apply to taxes hereinafter levied or assessed.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 270.

### An act concerning the official bonds of county officers.

*The General Assembly of North Carolina do enact:*

Penalty of bonds  
of county officers.

SECTION 1. That the penalty of the several bonds required to be given by officers of the respective counties shall be: by the sheriff, for the collection and settlement of state taxes according to law, a sum not exceeding the amount of the taxes assessed upon the county for state purposes in the previous year.

In counties  
where there is no  
treasurer.

SEC. 2. For the collection and settlement of county and other local taxes according to law, in counties having no county treasurer, a sum not exceeding the amount of such county and other local taxes for the previous year; and in counties having a county treasurer, a sum not exceeding one hundred (100) per centum of such county and other local taxes for the previous year (3); for the faithful performance of the duties of his office as sheriff, a sum not exceeding five thousand dollars (\$5,000): *Provided*, that every sheriff shall deposit the county and other local taxes, by him collected, with the county treasurer, if there be a county treasurer, as often as he shall collect or have in his possession at any one time of such county or local taxes, a sum equal to five hundred dollars (\$500).

Where there is a  
county treasurer.

Bond of sheriff.

Sum allowed to  
be in hands of  
sheriff.

Bond of county  
treasurer.

By the county treasurer: for the faithful performance of his duties of his office as required by law, a sum not exceeding the amount of the county and local taxes assessed during the previous year.



By the register of deeds: for the faithful performance of his duties as required by law, a sum not exceeding ten thousand dollars (\$10,000). Bond of register of deeds.

By the clerk of the superior court: for the faithful performance of his duties as required by law, a sum not exceeding fifteen thousand dollars (\$15,000), and not less than ten thousand dollars (\$10,000). Bond of superior court clerk.

By the coroner: for the faithful performance of his duties as required by law, a sum not exceeding two thousand dollars (\$2,000). Bond of coroner.

By the constable: for the faithful performance of his duties as required by law, a sum not exceeding one thousand dollars (\$1,000).

SEC. 3. That upon presentation to the person or persons, authorized by law to take, accept and file official bonds, of any bond duly executed in the penal sum herein required by the officer chosen to any such office, as principal, and by any insurance or security company, as security thereto, whose insurance or guaranty is accepted as security upon the bonds of United States bonded officials, (such insurance company having complied with the insurance laws of the state of North Carolina,) or by any other good and sufficient security thereto, such bond shall be received and accepted as sufficient, and the principal thereon shall be inducted into office. Security company may sign bond.

SEC. 4. That the bonds herein required shall be given for the term of the office to which such officers were chosen, respectively. They shall be carefully examined, on the first Monday in December of every year, and if it shall appear that the security has been impaired, or, for any cause, become insufficient to cause the amount of public money or property, or to secure the faithful performance of the duties of the office, then the bond shall be renewed or strengthened, the insufficient security increased within the limits herein prescribed, and the impaired shall be made good, but no renewal, or strengthening, or additional security shall make "cumulation," or otherwise increase the penalty of said bond beyond the limits herein prescribed, for the term of office. For what time bonds given.  
Bonds examined.  
When bonds renewed or strengthened.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 271.

**An act to reduce the bonds of the officers of the county of Tyrrell, and to allow them to give said bonds guaranteed by surety companies.**

*The General Assembly of North Carolina do enact:*

Bond of superior court clerk.  
Proviso.

SECTION 1. That the bond of the superior court clerk shall be three thousand dollars (\$3,000): *Provided*, that when any money belonging to any minor, lunatic, or any other trust funds, shall come in his hands, he shall give an additional bond sufficient to cover such amounts.

Bond of register of deeds.

SEC. 2. That the bond of the register of deeds shall be two thousand dollars (\$2,000).

Treasurer's bond.

SEC. 3. That the bond of the treasurer shall be for the amount of the amount of the listed and unlisted taxes.

Sheriff's bond.

SEC. 4. That the official bond of the sheriff shall be three thousand dollars (\$3,000), and the tax bonds shall be ten thousand dollars (\$10,000).

Bonds to be justified.

SEC. 5. That the said bonds of these officers, to-wit: the clerk of the superior court, the register of deeds, treasurer and sheriff shall be justified, as is now the law.

Bonds may be given in security company.

SEC. 6. That the said clerk of the superior court, register of deeds, treasurer and sheriff shall have the right to give said bond or bonds in any surety company that is doing business in the state, the secretary of state certifying to the solvency of said company, the said certificate to be equivalent to justification of sureties.

SEC. 7. That all laws, and clauses of laws, in conflict with this act are hereby repealed.

SEC. 8. That this act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 272.

**An act to amend section twenty-eight hundred and seventy-nine of The Code.**

*The General Assembly of North Carolina do enact:*

Sec. 2879 of The Code amended.  
Proviso, amendment does not apply to Craven county.

SECTION 1. That section twenty-eight hundred and seventy-nine of The Code be amended by adding the following at the end of said section: "*Provided*, that in the county of Craven

no physician shall be eligible as member of said board of health unless he is engaged in active practice, and that the city marshal of the city of Newberne shall be a member of said board in Craven county.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 273.

An act to amend chapter four hundred and seventy-five, section two, of the laws of eighteen hundred and ninety-three.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter four hundred and seventy-five, and section two, of the laws of eighteen hundred and ninety-three, be amended by striking out in section two and line three, the words "or penitentiary".

"Or penitentiary" stricken out of chap. 475, sec. 2, laws 1893.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 274.

An act to authorize the sheriff of Madison county to exercise control over convicts, and for other purposes.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the sheriff of Madison county is authorized and empowered to assume and exercise control over all parties who are now allowed by law to be worked on the public roads of said county.

Sheriff given control over parties working on roads of Madison county.

SEC. 2. The said sheriff is fully empowered to construct for, and build stockades and hire guards, and do all other things necessary to secure the proper management of said convicts while working on said roads as aforesaid, and it shall be the duty of the county commissioners of said county to credit and allow to the said sheriff such sums of money as may be legitimately expended in the maintaining and management of said convicts, and all necessary expenses incurred in the construc-

Sheriff to build stockades for convicts.

County commissioners to pay for management, &c., of convicts.

Official bond of sheriff responsible for safe-keeping of convicts.

tion and repairs of roads in accordance with the provisions of this act. And the said sheriff shall, on his official bond, be responsible for the safe keeping of said convicts and the faithful performance of his duties under this act.

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 13th day of March, A. D. 1895.

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## CHAPTER 275.

### An act supplemental to an act to provide for the maintenance of the penitentiary.

*The General Assembly of North Carolina do enact:*

Additional appropriation for penitentiary.

SECTION 1. That the sum of ten thousand dollars, in addition to the former appropriations made by the general assembly, be, and the same is hereby, appropriated out of any funds in the public treasury, not otherwise appropriated, for the support and maintenance of the penitentiary for the two years, one thousand eight hundred and ninety-five and one thousand eight hundred and ninety-six.

For 1895 and 1896.

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

Ratified the 13th day of March, A. D. 1895.

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## CHAPTER 276.

### An act to protect fish in Black river, and Mingo creek.

*The General Assembly of North Carolina do enact:*

Hook and line fishing alone permitted.

SECTION 1. That fishing in Black river in the counties of Sampson and Cumberland, in any other way than with hook and line, shall be unlawful, below the Atlantic Coast Line railway bridge on Black river, and below the Avera'sboro and Clinton road, in Mingo creek.

Misdemeanor to otherwise fish.

SEC. 2. That fishing in the streams mentioned in section one (1), in the territory mentioned in said section, with nets, pod nets, wire nets, traps, dynamite cartridges, or seines, shall be a



misdeemeanor, and shall be subject to a fine of not less than twenty dollars, nor more than fifty dollars, or imprisonment not more than thirty days, for each offence. The informer shall receive one-half of all the fines under this act, and the other half shall be returned into the public school fund.

SEC. 3. 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 13th day of March, A. D. 1895.

## CHAPTER 277.

An act to amend section one thousand two hundred and eighty-five of The Code, adding an additional cause for divorce.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one thousand two hundred and eighty-five (1285) of The Code be amended as follows: Add after the last subdivision of said section of said Code the words following, "if the husband shall abandon the wife, and live separate and apart from her two years, the wife shall be entitled to a dissolution of the bonds of matrimony, but the husband shall not re-marry during the life time of the wife: and if the wife shall abandon the husband, and live separate and apart from him for two years, the husband shall be entitled to a dissolution of the bonds of matrimony, but the wife, in such case, shall not re-marry during the lifetime of the husband." Sec. 1285, The Code, amended.  
Causes for divorce.

SEC. 2. That the statute shall apply to cases now pending in courts of this state. This act shall not apply to any separation that may occur after the passage of this act. Application of statute.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 278.

## An act to repeal chapter two hundred and fifty-seven, public laws, one thousand eight hundred and eighty-nine.

*The General Assembly of North Carolina do enact:*

Chap. 257, public laws 1889, repealed.

SECTION 1. That chapter two hundred and fifty-seven, public laws one thousand eight hundred and eighty-nine (1889), authorizing the commissioners of Tyrrell county to levy a special tax, is hereby repealed.

Money in hands, or that may be so, of sheriff or treasurer of Tyrrell county to be placed to general fund.

SEC. 2. That any and all money now in the hands, or that may be collected by authority of said chapter two hundred and fifty-seven, public laws one thousand eight hundred and eighty-nine, by either the sheriff or treasurer of said county of Tyrrell, shall be paid in and placed to the credit of the general county fund: *Provided*, that the money that goes into the county funds by the provisions of this act, shall be applied to the payment of *new orders*.

Proviso.

County orders after this act.

SEC. 3. That all county orders, issued after the passage of this act, shall be numbered beginning with number one.

Payment of orders.

SEC. 4. That all orders shall be paid according to their number, beginning with new number one, and no other shall be paid in advance of its number or class.

Orders paid out of their class.

SEC. 5. That any officer of said county, paying any order, or orders, outside of its class or number, shall forfeit said order, or orders, to the said county of Tyrrell, and in no case shall said order, or orders, so paid out of its class or number be allowed as a voucher in any future settlement by any officers in said county of Tyrrell.

Lost orders.

SEC. 6. That should any order be lost the owner thereof shall go before the board of county commissioners and make oath that said order is lost, fully describing said order, giving date, amount and number of such lost order. Thereupon it shall be the duty of the clerk of said board of commissioners to advertise said lost order, at the court-house door, and three other public place in said county, for thirty days, notifying the public generally not to buy or trade for said order, and in case, at the expiration of said thirty days, said order has not been found, it shall be lawful for, and the duty of, the board of commissioners, at their next regular meeting, to issue to the owner of said lost order a duplicate order for the amount of the lost order; that the order so issued shall state on its face that it is a "duplicate, issued in place of order No....., lost."

Commissioners' duty in regard to lost orders.

Duplicate orders, when obtained.

SEC. 7. That all laws, and clauses of laws, in conflict with the provisions of this act be, and the same are hereby, repealed. Conflicting laws repealed.

SEC. 8. That this act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1895.

#### CHAPTER 279.

**An act to allow the county commissioners of New Hanover county to sell the old court-house and lot.**

*The General Assembly of North Carolina do enact:*

SEC. 1. That the county commissioners of New Hanover county shall have the power to sell the old court-house and lot in said county and apply the proceeds thereof to the building of a school-house, said property to be sold at public auction. New Hanover commissioners authorized to sell old court-house. Proceeds, how applied.

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

Ratified the 13th day of March, A. D. 1895.

#### CHAPTER 280.

**An act to provide for the working of the public roads of Hyde county.**

*The General Assembly of North Carolina do enact:*

SEC. 1. That the board of commissioners and justices of the peace of the county of Hyde, at their regular joint session the first Monday in June, after this act is ratified by the qualified voters of Hyde county, shall levy a special *ad valorem* tax on all property subject to taxation under the state law in Hyde county, not exceeding fifteen cents on the hundred dollars of property, and a poll tax, on all liable under the law, not to exceed forty-five cents, the constitutional equation at all times to be observed, the said taxes to be collected as all other taxes are, and to be applied to the construction and keeping in good order and repair the public roads in Hyde county. Commissioners and justices of Hyde county shall levy *ad valorem* tax.  
  
Amount of levy.  
  
Application of taxes.

SEC. 2. That said tax shall be included in a separate column in the tax books, and when collected shall be kept separate and distinct, and expended for the purpose above specified and no other. Special tax to be kept in a separate column in tax books.

Supervisor of highways elected.

SEC. 3. That at said joint meeting of the board of commissioners and justices of the peace there shall be elected, annually, a supervisor of highways, whose duty it shall be to supervise, direct and have charge of the construction 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.

Township supervisors may be removed by county supervisors.

SEC. 4. The board of commissioners of said county shall appoint, for such term as said board shall deem necessary, with power at any time to remove, a supervisor for the roads of each township in the county, who shall act under the direction of the county supervisor of roads.

Pay of supervisors.

SEC. 5. The compensation of county and township supervisor shall be fixed by the county commissioners.

Purpose of tax and how held.

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 board of county commissioners.

Funds, how paid out.

Conflicting laws repealed. Proviso.

SEC. 7. That all laws, and parts thereof, in conflict herewith are hereby repealed: *Provided*, that the present system of working the public roads of said county shall continue in force until the provisions of this act be complied with.

SEC. 8. That this act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 281.

### An act in relation to the times of holding the superior courts in Richmond county.

*The General Assembly of North Carolina do enact:*

Third Monday before first Monday in March, Third Monday in September, &c., substituted.

SECTION 1. That the subdivision headed "Richmond", of section first, of chapter two hundred and thirty-nine, of the laws of eighteen hundred and eighty-seven, be repealed, and in lieu thereof the following be substituted: "Third Monday before the first Monday in March, third Monday in September; each of said terms to continue two weeks, the first week of each of said terms to be for the trial of criminal cases only, and the second week of each of said terms to be for the trial of civil cases only; sixth Monday after the first Monday in March, eighth Monday after first Monday in September; the two last



named terms to be for the trial of civil cases only; thirteenth Monday after the first Monday in March, thirteenth Monday after the first Monday in September.

SEC. 2. That immediately after the ratification of this act it shall be the duty of the secretary of state to furnish a copy thereof to the board of commissioners of Richmond county, who shall cause publication thereof to be made in a newspaper, for thirty days, published in said county of Richmond.

Copy to be furnished by secretary to commissioners of Richmond county. Publication for thirty days.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 282.

An act to grant to John A. Snow, a one-armed Confederate soldier, a pension for one thousand eight hundred and ninety-two.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the auditor of the state is hereby directed to issue to John A. Snow, of Northampton county, North Carolina, an ex-Confederate soldier, who lost an arm in the late war, the same being cut off above the elbow, a warrant for a pension in the second class, for the year one thousand eight hundred and ninety-two, and that the treasurer be, and he hereby is, authorized and directed to pay the same.

Auditor to issue warrant for 2d class pension to John A. Snow.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 283.

An act to establish a convict system of working the public roads in the counties of Wilkes, Rutherford, Mitchell and Sampson.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the county authorities of the counties of Wilkes, Rutherford, Mitchell and Sampson are hereby authorized and empowered to work all persons convicted of any crime in any court of proper jurisdiction in said counties of Wilkes, Rutherford, Mitchell and Sampson, and sentenced to imprison-

Wilkes, Rutherford, Mitchell and Sampson empowered to work convicts on roads.

County trustee has right to employ convicts sentenced in certain counties.

Proviso as to females.  
Proviso, further, as to corporal punishment.

First work of convicts.

Guard for convicts.

Pay of convicts from other counties.

Act not to effect the present manner of working roads.

ment in the common jail of said counties of Wilkes, Rutherford, Mitchell and Sampson, either for the crime or for the cost of prosecution, upon the public roads of said counties as herein-after provided. The said county trustees or commissioners shall also have the right to employ all the convicts sentenced to the county jail, for crimes or cost of prosecution, in the counties of Alleghany, Ashe, Watauga, or such other counties as they may desire and can contract with; and should the system be adopted by the said counties of Wilkes, Rutherford, Mitchell and Sampson, any judge riding the ninth or tenth judicial districts may, at his discretion, sentence parties convicted of crime or offences before him to work on the public roads of Wilkes county, as provided for in this act: *Provided*, that no female shall be worked on the public roads under the provisions of this act: *Provided, further*, that said convicts shall not be subject to corporal punishment.

SEC. 2. The work of said convicts shall at first be confined to the grading and working, according to law, of all the public roads which come into the towns of Wilkesboro and North Wilkesboro, for a distance of one mile on each road, beginning at the corporate limits of one or either of said towns, and upon completion of one mile, then commence and grade another mile on each of said roads, and so on to the county line.

SEC. 3. That the county commissioners, or trustees, shall employ a guard for every ten convicts, the compensation of the guard not to exceed one dollar and fifty cents (\$1.50) per day, to be paid out of the general funds of Wilkes, Rutherford, Mitchell and Sampson counties, as other claims are made.

SEC. 4. That when county convicts are employed from any other county, the counties of Wilkes, Rutherford, Mitchell and Sampson will only feed and guard them as compensation for their work.

SEC. 5. That this act shall in no wise effect the working of the public roads in Wilkes, Rutherford, Mitchell and Sampson counties, under the present system of working public roads.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 284.

## An act to amend chapter three hundred and three of the laws of eighteen hundred and ninety-three.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of chapter three hundred and three of the public laws of eighteen hundred and ninety-three be amended, by striking out in said section the words, "just below Elizabethtown, Bladen county, the terminus of a line running north, eighteen east, from the lower corner of George Murrel White's field, and running thence with said line," and insert in lieu thereof the following, "at John W. Hall's lower corner, on Cape Fear river, below Elizabethtown, and running with his line."

Chap. 303, public laws 1893, amended.  
How amended.

SEC. 2. That section ten of said act be amended by inserting at the end of said section the following: "And after said fence shall have been constructed, it shall be repaired and kept up by the said land-owners, or their assigns, in the same manner as to cut of construction: *Provided*, that in case of a fire, or wash-out caused by flood or rain, or any providential cause, that it shall be the duty of the land-owner, upon whose section, as allotted to him, the injury occurs, [to] repair the same at his own proper cost and expense."

Sec. 10 of said act amended.  
How amended.

SEC. 3. It shall be the duty of the overseer to inspect said fence, especially-after a fire, storm or flood, and compel the proper land-owners to repair the same, in accordance with the provisions of this act; and upon failure, after notice, to make such repair, the overseer shall make the same, and collect the cost from the land-owner whose duty it is to repair the same, and such work shall be a lien on the land for the cost of such repair.

Duty of owner to inspect fence, &c.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 285.

## An act to limit the punishment in certain cases of larceny.

*The General Assembly of North Carolina do enact:*

SECTION 1. That in all cases of larceny where the value of the property stolen does not exceed twenty dollars, the punish-

Larceny of \$20 or less, first offense, how punished.

ment shall, for the first offence, not exceed imprisonment in the penitentiary, or common jail, for a longer term than one year.

Sec. 1 not to apply where larceny from person or a dwelling.

SEC. 2. That if the larceny is from the person, or from the dwelling by breaking and entering in the day time, section one of this act shall have no application.

Jury, in cases of doubt, fix value of property.

SEC. 3. That in all cases of doubt, the jury shall, in the verdict, fix the value of the property stolen.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 286.

An act to amend section two thousand eight hundred and forty so as to license non-residents to shoot in a portion of the waters of Dare county, North Carolina.

*The General Assembly of North Carolina do enact :*

Sec. 2840 of The Code amended.

How amended.

License to shoot obtained.

Who protected by license.

SECTION 1. That section twenty-eight hundred and forty (2840) of The Code, be amended by adding to the end thereof the following: *Provided*, that non-residents shall be allowed to shoot from any blind box, battery or float not connected with the land, in such waters of Dare county as lie south of a straight line from Manteo to the Nagshead life-saving station, when they shall have obtained license for said purpose; and the clerk of the superior court of Dare county is hereby authorized and directed to issue said license on the payment of twenty-five dollars per annum, and fifty cents fee for issuing said license, said money to be applied to the school fund of Dare county. Each license shall protect only the person whose name appears in said license, and each person so licensed shall, on the demand of any justice of the peace or other officer of said county of Dare, exhibit his license to the inspection of said officer, and on failing or refusing so to do, shall, on conviction thereof, forfeit his said license.

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

Ratified the 13th day of March, A. D. 1895.



## CHAPTER 287.

An act to repeal section second, of chapter five hundred and six (506) of the acts of eighteen hundred and ninety-three (1893).

*The General Assembly of North Carolina do enact:*

SECTION 1. That section second (2), of chapter five hundred and six, of the private laws of one thousand eight hundred and ninety-three (1893), be, and the same is hereby, repealed.

Sec. 2, chap. 506,  
public laws 1893,  
repealed.  
Applies to Currituck county.

SEC. 2. This act shall apply only to Currituck county.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 288.

An act to change the time of holding the terms of the superior courts in the second judicial district.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the terms of the superior courts for the counties composing the second judicial district shall be held at the times hereinafter stated, to wit: for the county of Halifax, on the first Monday in March, (on the twelfth &c.) after the first Monday in March, and on the eighth Monday after the last Monday in September, of each and every year, and each term shall continue two (2) weeks, unless the business is sooner disposed of. The March term shall be for the trial of civil cases, and criminal cases wherein the defendant or defendants are in jail.

Times for holding courts in 2d judicial district changed.  
How to be held in Halifax.

SEC. 2. For the county of Warren, on the second Monday after the first Monday in March, and on the third Monday in September, of each and every year, and each term shall continue two weeks, unless the business is sooner disposed of.

When to be held in Warren.

SEC. 3. For the county of Northampton, on the fourth Monday after the first Monday in March, on the first Monday in August, and on the fourth Monday after the last Monday in September, of each and every year, and each term shall continue two weeks, unless the business is sooner disposed of. The August term shall be for the trial of civil causes, and criminal cases wherein the defendants are in jail.

Northampton.

Edgecombe.

SEC. 4. For the county of Edgecombe, on the sixth Monday after the first Monday in March, on the second Monday after the last Monday in September, and the second Monday in June, of each and every year, and each term to continue two weeks, unless the business is sooner disposed of. The June term shall be for the trial of civil causes only.

Bertie.

SEC. 5. For the county of Bertie, on the eighth Monday after the first Monday in March, on the sixth Monday after the last Monday in September, on the third Monday in February, and on the second Monday in September, of each and every year, each term to continue one week, and the February and September terms shall be for the trial of civil causes, and criminal actions in which the defendants are in jail.

Craven.

SEC. 6. For the county of Craven, on the ninth Monday after the first Monday in March, on the ninth Monday after the last Monday in September, and the first Monday in February, of each and every year, and each term to continue two weeks, unless the business is sooner disposed of. The February term shall be for the trial of civil causes, and criminal actions in which the defendants are in jail.

SEC. 7. That original process and summons may be issued returnable to all of said terms of said courts.

SEC. 8. That this act shall be in force from and after its ratification.

<sup>1</sup> Ratified the 13th day of March, A. D. 1895.

## CHAPTER 289.

### An act in relation to the times of holding superior courts of Richmond county.

*The General Assembly of North Carolina do enact:*

Subdivision  
"Richmond," of  
sec. 1, chap. 239,  
laws of 1887,  
repealed.

Substitute.

SECTION 1. That the subdivision headed "Richmond," of section first, of chapter two hundred and thirty-nine of the laws of one thousand eight hundred and eighty-two, be repealed, and in lieu thereof the following be substituted: third Monday before the first Monday in March; third Monday in September; each of said terms to continue for two weeks, the first week of each of said terms to be for the trial of criminal cases only, and the second week of each of said terms to be for the trial of civil cases only; sixth Monday after the first

Monday in March; eighth Monday after the first Monday in September; the two last named terms to be for the trial of civil cases only; thirteenth Monday after the first Monday in March; thirteenth Monday after the first Monday in September."

SEC. 2. That immediately after the ratification of this act, it shall be the duty of the secretary of state to furnish a copy thereof to the board of commissioners of Richmond county, who shall cause publication thereof to be made in a newspaper, for thirty days, published in said county of Richmond.

Secretary of state to furnish copy.

Publication of act to be made.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 290.

### An act to provide for the support of the Soldiers' Home.

*The General Assembly of North Carolina do enact:*

SECTION 1. That to aid in the maintenance of the Soldiers' Home and the support of its inmates, the sum of eight thousand and five hundred dollars (\$8,500.00) per annum, which shall be paid quarterly out of any money in the treasury of North Carolina not otherwise appropriated. This appropriation shall be paid to the treasurer of "The Soldiers' Home Association," to be by him disbursed under the order of its board of directors.

Appropriation for Soldiers' Home.

Appropriation to be paid to treasurer of association.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 291.

### An act to protect the fish in the waters of North river and its tributaries.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person, or persons, to use any drag net, or seine, in the waters of North river and its tributaries, said river and its tributaries lying in and between the counties of Camden and Currituck.

Unlawful to use drag nets or seine in North river or tributaries in Camden or Currituck.

Each day or part  
of day makes  
offense.

Misdemeanor.

Certificate of  
re-copy.

Proviso, as to  
Currituck citi-  
zens.

Commissioners  
authorized to  
make title to  
land.  
Proceeds of land,  
how applied.

SEC. 2. That each day, or part of a day, such nets or seines are used shall constitute a separate offence against this act.

SEC. 3. That any one violating the provisions of this act shall be guilty of a misdemeanor, and, upon conviction, fined not less than ten dollars nor more than fifty dollars, or imprisoned not less than thirty days nor more than ninety days.

SEC. 4. That 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.

This is to certify that house bill number seven hundred and seventy eight (778), which was first engrossed February the twenty-eighth (28), and sent to the senate March the first, (1st), eighteen hundred and ninety-five (1895), has this day, the ninth (9th) of March, been re-copied from the original bill, owing to the fact of the first copy being lost, or misplaced.

E. P. HAUSER,

Engrossing Clerk of the House of Representatives.  
March 9th, 1895.

Amend, by adding to the first section the following: *Provided*, that this act shall not be construed to prevent the citizens of Currituck county from fishing with seines and drag nets in any part of said streams that lie wholly in Currituck county, and shall not be construed to prohibit the citizens of Currituck county from fishing, as aforesaid, from the Currituck shore to the middle of any part [of] said streams which constitute the dividing line between the said counties.

GALLOP.

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 292.

An act to authorize the commissioners of Hyde county to make titles to land.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the commissioners of Hyde county are hereby authorized to sell and make title to forty (40) acres of land on west side of poor-house tract, and apply proceeds to the repairing and finishing the county house for the poor.

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

Ratified the 13th day of March, A. D. 1895.



## CHAPTER 293.

An act to provide for the working of the public roads of  
Lenoir 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 Lenoir, in joint session at any of their regular or special meetings, or at any meeting called by the board of commissioners of said county, in each and every year, shall levy a special *ad valorem* tax on all property subject to taxation under state laws in said county, not exceeding fifteen cents on the hundred dollars' valuation upon all property in said county subject to taxation for state and county purposes, whether such property belong to citizens of cities or towns, or otherwise, and said board of commissioners and justices of the peace shall also levy, at the same time, in case said property tax be levied, a poll tax on all persons resident in said county, not exempt from poll tax, as provided by law, not exceeding forty-five cents, the constitutional equation at all times to be observed; said taxes to be collected by the sheriff, or other tax collector, as all other taxes are, and paid over by him into the hands of the treasurer of said county, as other taxes are; and when collected to be applied to the laying out, discontinuing, establishing, building, constructing and repairing public roads and public bridges in said county of Lenoir, under the supervision, control and management of the said board of commissioners.

Boards of commissioners and justices of Lenoir in joint session may levy *ad valorem* tax to work roads.

Amount of levy.

Poll tax levy.

Taxes to be collected by sheriff.

How applied.

SEC. 2. The said taxes shall be included in a separate column on the tax book, and when collected shall be kept separate and distinct from other taxes, and be expended as specified in section one of this act, and none other.

Taxes, how included. Shall be kept separate.

SEC. 3. The said board of commissioners shall have power and authority to provide, use and employ all such ways and means, as in their judgment may seem best, to lay out, discontinue, repair the public roads and public bridges in said county, and provide for the costs and expenses thereof out of the funds raised, or to be raised, under, and by virtue of, this act.

Power of commissioners.

SEC. 4. That the taxes levied and collected under, and by virtue of, this act shall constitute a general fund for the purposes specified in this act, and shall be expended according to the best judgment and discretion of the said board of commissioners, and shall be disbursed and paid out in accordance with such rules and regulations as shall, from time to time, be adopted by said board.

Taxes to constitute a general fund for purposes of act.

How paid out.

Authority of the board of commissioners as to persons in prison. May hire out for work on streets of towns, or public roads of Lenoir county, persons who may be imprisoned.

Proviso, that no convict shall be detained beyond his sentence.

Further proviso, that hire received for convicts shall be credited on fines or costs.

Further proviso, prisoner mentally or physically incapable shall not be hired out.

Convicts sentenced to a longer term than two years shall not be hired out.

Not to modify Sec. 739, *The Code*.

Board of commissioners may adopt rules for enforcing discipline among convicts.

Hirers of convicts may employ assistance to prevent escape.

Escaped and hired convict may be punished at hard labor for 30 days.

SEC. 5. That the said board of commissioners shall have power and authority, under such rules and regulations as they may deem best, for the hiring out or the employment on public works, public streets of any city or town in said county, public roads, or to corporations, or elsewhere in said county, all persons imprisoned in the county jail of Lenoir county, upon conviction of any crime or misdemeanor by or before any court of a justice of the peace, superior or other court of said county of Lenoir, or any person who may be committed to said jail on failure to pay all cost and fines which they are adjudged to pay, or give bond or security therefor, or who may be committed to said jail in any bastardy proceeding for failure to comply with all lawful judgments, or order therein made by any court of said county: *Provided*, that such prisoner, or prisoners, convict, or convicts, shall not be detained beyond the time fixed by the judgment or other order of any court of said county: *Provided*, further, that the amount realized from such hiring out, or employment of, such prisoner, or prisoners, convict, or convicts, shall be credited to them for the payment of the fines and bills of cost in the cases of conviction, or to any liability to which they may be legally subjected by reason of their apprehension and imprisonment, and: *Provided*, further, that no prisoner or convict shall be so hired out or employed who is physically or mentally incapacitated, which incapacity shall be certified by the county physician: *Provided*, that this act shall not apply to any prisoner or convict sentenced for a longer term than two years: *Provided*, that no prisoner or convict shall be so hired out or employed when the court adjudges otherwise.

SEC. 6. This act shall not be construed to modify section seven hundred and thirty-nine (739) of *The Code*, but the fees shall be paid as in said section directed.

SEC. 7. That the said board of commissioners are hereby authorized and empowered to adopt such rules and regulations for enforcing discipline, controlling and working the prisoners or convicts hired out or employed by them, by virtue of this act, as their judgment may indicate, not inconsistent with the constitution of the state.

SEC. 8. Any party in whose service or under whose control any prisoner or convict may be, may use the necessary means to hold and keep them in custody and prevent their escape.

SEC. 9. Any prisoner or convict who shall be removed from the common jail of said county of Lenoir, by virtue of this act, and who shall escape from the prison, person or company having him in custody, shall be guilty of a misdemeanor, and

imprisoned, by any justice of the peace for said county, at hard labor not more than thirty days, or fined not more than fifty dollars.

SEC. 10. That the board of county commissioners and the justices of the peace of the county of Lenoir, by a majority vote, at any regular, special or called meeting, as aforesaid in the first section of this act, may abandon the provisions of this act, and return to the general system provided by general laws of the state, in force at the time of the abandonment, in relation to public roads and bridges: *Provided, however,* that if the system provided for by this act in regard to the public roads and bridges of said county shall have been abandoned, as aforesaid, the said board of commissioners and justice of the peace of said county, at any of the meetings as aforesaid, by a majority vote as aforesaid, may re-adopt and re-enforce the provisions of this act in regard to said roads and bridges of the said county. That any prisoner who shall be sentenced to work on public roads, as herein provided, and who shall escape the person or persons in whose custody said prisoner was, such person or persons shall have power to pursue such prisoner and capture them in any county of the state. That any person who shall obstruct any public road in Lenoir county by plowing the edges thereof, or otherwise, shall be guilty of a misdemeanor, and fined not more than fifty dollars or imprisoned not more than thirty days.

Commissioners and magistrates may, at regular meeting, abandon the provisions of this act, and return to the general system of using convicts.

Proviso.

Escaped prisoners may be pursued to any county in the state.

Persons obstructing public road liable to imprisonment or fine.

SEC. 11. That this act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 294.

An act requiring trustees and mortgagees selling real estate, under such power, to fully describe the premises to be sold.

*The General Assembly of North Carolina do enact:*

SECTION 1. That in all cases of sale of real estate under deeds of trust or mortgages, it shall be the duty of the trustee or mortgagee making such sale to fully describe the premises in the notice, now required by law, substantially as the same is described in the deed or authority under which said trustee or mortgagee makes such sale.

In all sales under deeds in trust and mortgages, description must be given as in the instruments giving right of sale.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 295.

## An act for the protection of girls, and for the promotion of chastity.

*The General Assembly of North Carolina do enact:*

Sec. 1101, *The Code*, amended so as to make the carnal knowledge of a female between 10 and 14 years old punishable by fine or imprisonment at the discretion of court. Provided that the girl has never before had sexual intercourse.

SECTION 1. That one thousand one hundred and one (1101) of The Code be amended by adding thereto the following: "And every person who is convicted of unlawfully and carnally knowing, abusing any female child ten years old and under age of fourteen, shall be guilty of a crime, and shall be punished by fine or imprisonment in the state prison, at the discretion of the court: *Provided*, she has never before had sexual intercourse with any male person."

SEC. 2. That all 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 13th day of March, A. D. 1895.

## CHAPTER 296.

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

*The General Assembly of North Carolina do enact:*

"One dollar" stricken out in line 2, of sec. 3749, *The Code*, and "25 cents" substituted.

SECTION 1. That section three thousand seven hundred and forty-nine (3749) of The Code be amended so as to strike out the words "one dollar", in the second line after the word "allowed", and substitute "twenty-five cents."

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

Ratified the 13th day of March, A. D. 1895.



## CHAPTER 297.

An act to amend section two thousand six hundred and fifty-four and section two thousand six hundred and fifty-five of The Code, as amended by the laws of one thousand eight hundred and eighty-nine.

*The General Assembly of North Carolina do enact:*

SECTION 1. That two thousand six hundred and fifty-four of The Code, as amended by the laws of one thousand eight hundred and eighty-nine, be amended to read as follows: In every township, city or town not now levying a special tax for schools equal to or greater than the tax hereinafter authorized, the board of commissioners of the several counties of the state shall order an election to be held at date of the next election for members of the general assembly, and regularly thereafter, to ascertain the voice of the people whether there may be levied, in each township, city or town, not herein excepted, a special annual tax of twenty cents on the one hundred dollars' valuation of property and sixty cents on the poll, to supplement the public school fund for such township, city or town. Said election may be held in the different election precincts and wards as prescribed in the chapter entitled "election regulated;" said board of county commissioners shall, for the purpose of the election to be held under this act, direct that notice may be given by advertising at least thirty days before said election. At said election those who are in favor of the levy and collection of said tax may vote a ticket on which may be printed or written the words, "For schools," and those who are opposed may vote a ticket on which may be printed or written the words, "Against schools."

Sec. 2654, *The Code*, as amended by laws 1889, amended.

Elections for special tax for schools may be held in the several counties in the state.  
Time of election.

Twenty cents on \$100 on property, and 60 cents on the poll.

Election to be advertised 30 days.

Tickets to contain.

SEC. 2. That section two thousand six hundred and fifty-five of The Code be amended to read as follows: "That in case a majority of the qualified voters at said election are in favor of said tax, the same may be annually levied and appropriated in such township, city or town in the manner provided for the levying and appropriation of other school taxes: *Provided*, that all the moneys collected in each township, city or town under the provision of this act shall be expended exclusively upon the school therein.

Sec. 2655, *The Code*, amended.

If a majority in favor of tax, manner of levy.

Proviso.

SEC. 3. That this act may not apply to the counties of Bertie, Northampton, Granville, Halifax, Rockingham, Columbus, Caswell, New Hanover, Alleghany, Perquimans, Chowan, Gates, Currituck, Camden, Hertford, Pasquotank, Warren, Edgecombe, Catawba, Cumberland, Person, Anson, Union, Wake,

Counties not embraced in operation of act.

Lenoir, Onslow, Greene, Cleveland, Craven, Moore, Jones, Franklin, Nash, Wilson, Ashe, Craven, Rowan, Sampson, Alamance, McDowell, Brunswick, Forsyth, Johnston, Martin, Lincoln, Randolph, Buncombe, Chatham, Vance, Durham, Pitt, Transylvania, Warren, Mecklenburg, Hyde, Wilkes, Robeson, Richmond and Iredell.

Conflicting laws repealed.

SEC. 4. That all laws, and clauses of laws, in conflict with the provisions of this act be, and the same are hereby, repealed.

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

Ratified the 13th day of March, A. D. 1895.

#### CHAPTER 298.

**An act to reduce the fees of cotton-weighers in Franklin county.**

*The General Assembly of North Carolina do enact:*

Unlawful for cotton-weighers to receive more than 6 cents a bale.  
How paid.

SECTION 1. That it shall be unlawful for any cotton-weigher in the county of Franklin to receive more than six (6) cents per bale for weighing cotton, one-half to be paid by the purchaser, and one-half by the seller, or make any deduction for water or other causes, except by the knowledge and consent of the seller.

Conflicting laws repealed.

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

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

Ratified the 13th day of March, A. D. 1895.

#### CHAPTER 299.

**An act for the drainage of lands in Lincoln and Gaston counties.**

*The General Assembly of North Carolina do enact:*

Drainage district of Dutchman creek.

SECTION 1. That all low-lands on the waters of Dutchman creek, from and between the mill-dams of the Nims Manufacturing Company, in Gaston county, and Maripose mill, in Lincoln county, and from the mouth of Killian's creek to the Hunter mill, in Lincoln county, be, and the same is hereby, consti-

Constituted a district.

tuted into a district for the purpose of drainage. That the low-lands in this district be assessed *pro rata* per acre, and the proceeds be applied to the drainage of said creek, by removing therefrom all impediments to the free passage of water, and, when necessary, to straighten and widen, or improve said streams. That the county commissioners of both Gaston and Lincoln counties be empowered and required to appoint two (2) discreet citizens from each county to be a board, who shall assess the lands benefited, [to] be paid in either labor or cash, and said board shall have charge of the work, and shall make an annual report of their work to the county commissioners.

Low-lands assessed per acre and proceeds applied to drainage.

Assessors appointed.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 300.

An act to prohibit hunting and fishing upon any lands in the county of Forsyth, except by consent of the owner.

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person to hunt or fish upon the lands of another, in the county of Forsyth, with or without guns or dogs, except by consent of the owner.

Unlawful to hunt or fish in Forsyth county except by consent of owner of property.

SEC. 2. Any person so offending shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than five dollars, nor more than ten dollars (\$10).

Misdemeanor. Penalty.

SEC. 3. That this act shall go into effect from and after its ratification.

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 301.

An act to transfer R. H. Sisk, a pensioner of the fourth class, a citizen of McDowell county, to the second class of pensioners.

*The General Assembly of North Carolina do enact :*

SECTION 1. That R. H. Sisk, of McDowell county, a pensioner of the fourth class, be transferred to the list of second class pensioners.

Put in 2nd class pension list.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 302.

## An act to pay certain vouchers for teaching public schools in Haywood county.

*The General Assembly of North Carolina do enact :*

Treasurer of county board of education authorized to pay out of certain funds to James Noland.

SECTION 1. That the treasurer of the county board of education for Haywood county be, and he is hereby, authorized to pay out of any funds in his hands, or which may hereafter come into his hands, belonging to the school district number thirty-five (35), for the white race, the balance due on a certain voucher, originally payable to James Noland, to the present holder thereof, the said balance being twenty dollars.

Sum to be paid.

Authority to pay T. R. Bennett.

SEC. 2. That the said treasurer be, and he is hereby, authorized to pay out of any funds now in his hands, or which hereafter come into his hands, belonging to school district number thirty-eight (38), for the white race, the balance now due on a certain voucher, originally payable to T. R. Bennett, to the present holder thereof, the said balance being fifteen dollars and seventy-five cents (\$15.75).

Sum.

Conflicting laws, &c., repealed.

SEC. 3. That all laws, and parts 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 13th day of March, A. D. 1895.

## CHAPTER 303.

## An act to locate county line between Alamance and Chatham counties.

*The General Assembly of North Carolina do enact :*

Commissioners to locate line between Chatham and Albemarle.

SEC. 1. That John M. Cable, of Alamance county, and Alson Lineberry, of Chatham county, be, and are hereby, appointed commissioners to locate the county line between Alamance and Chatham counties according to the original survey of seventeen hundred and seventy, establishing county of Chatham; and said commissioners shall choose one surveyor from Alamance county and one from Chatham, and two chain carriers, and it shall be the duty of said commissioners to survey, locate and mark the said county line; and if said commissioners

Surveyors to be chosen.

Boundary line to be located and marked.



should fail to agree on the line, then it shall be the duty of said commissioners to select the third man, and the decision of said commissioners shall be final.

Umpire to be selected.

SEC. 2. The said commissioners shall be allowed for their services, while employed in the said survey, two dollars per day and their necessary expenses. The surveyor shall be allowed three dollars per day, and expenses, and the chain carriers be paid one dollar per day, and expenses. The expenses of said survey shall be shared equally between Alamance and Chatham counties: *Provided*, that when the survey has been completed, and it shall be found that there shall be no change from the present location, then the expenses of said survey shall be paid by the said county of Alamance; but if the present line is found incorrect, then the expenses of said survey shall be shared equally between the said counties of Alamance and Chatham counties.

Commissioners' pay.

Expenses of survey, how paid.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 304.

### 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, from parts of Moravian Falls and Beaver Creek townships.

Township created.

SEC. 2. That the boundaries of said new township shall be as follows: Beginning at Thomas Deal's, on the top of the Bushy Mountain in the Wilkes and Alexander line, then with the Wilkes and Alexander line to the Caldwell county line; then with the Wilkes and Caldwell line to the Burk road in Beaver Creek township; then with the Burk road to Little Rock church; then northwest course to the top of Kaler mountain in Beaver Creek township; then continuing same course to the top of Bunkers Hill to Calvin Deal's; thence with the main top of the mountain to the top of Morris Knob; then east to Warrior creek at the foot of the John Miller hill; then with Warrior creek to the Yadkin river; then down said river to John A. Davis'; then south crossing the west end of Berry's mountain to John McNeil's, in Moravian Falls township; then east to the top

Boundaries.

of Gunter's hill, in Moravian Falls township; then southeast to L. B. Revis' mills, in Moravian Falls township; then southeast to Thomas Deal's, the beginning.

Name. SEC. 3. That the territory within the said boundary lines of section (2) of this act shall be called Boomer township, Wilkes county.

Voting precinct. SEC. 4. That the voting precinct of said township shall be at Boomer.

Names of justices for new township. SEC. 5. That J. L. Furguson, Sidney Swanson, W. W. Walker, Horton Fox and George L. Pearson be, and they are hereby, justices of the peace for said township of Boomer.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 305.

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

*The General Assembly of North Carolina do enact :*

Chap. 303, laws 1893, amended.

Manner of amendment.

SECTION 1. That section one, of chapter three hundred and three, of the public laws, one thousand eight hundred and ninety-three, be amended by striking out, in said section, the words "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," and insert in lieu thereof, the following: "at John W. Hall's lower corner on Cape Fear river, below Elizabeth, and running with his line."

Sec. 10 amended. Words of amendment.

SEC. 2. That section ten of said act be amended, by inserting at the end of said section the following: "and after said fence shall have been constructed, it shall be repaired and kept up by the said land owners, or their assigns, in the same manner as to cut of construction: *Provided*, that in case of a fire or washout caused by flood of rain, or destruction of any part thereof by wind, or any providential cause, that it shall be the duty of the land-owner upon whose section, as allotted to him, the injury occurs, to repair the same at his own proper cost and expense.

Proviso.

Duty of overseers to inspect and order repairs.

SEC. 3. It shall be the duty of the overseers to inspect said fence, especially after a fire, storm or flood, and compel the proper land-owners to repair the same in accordance with the provis-

ions of this act, and upon failure, after notice, to make such repairs, the owners shall make the same and collect the cost from the land-owner when due it is to repair the same, and such work shall be a lien on the land for the cost of such repairs.

Failure to repair  
of land-owners.

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

Ratified the 13th day of March, A. D. 1895.

#### CHAPTER 306.

##### An act for the relief of the clerk of the superior court of Rowan county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the clerk of the superior court of Rowan county shall be allowed to be absent from his office one Monday during the month of October or November, of the year one thousand eight hundred and ninety-five (1895).

Clerk may be  
absent.

Time of absence.

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

Ratified the 13th day of March, A. D. 1895.

#### CHAPTER 307.

##### An act to prevent the felling of trees in New river, in Onslow county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person to cut or fell trees, or place any other obstruction in the waters of New river in Onslow county, from its mouth to a point near its source, where the road leading from the Kinston road to the Kenansville road crosses said New river, near the residence of William C. Jarman.

Unlawful to  
obstruct.

Between what  
points.

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 fifty dollars; one-half to be paid to any person who will furnish evidence sufficient to convict any person offending against this act, and the other half to be paid to the public school fund of the county.

Penalty for vio-  
lation.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 308.

**An act for the relief of John E. Nichols, a disabled and indigent Confederate soldier.***The General Assembly of North Carolina do enact:*Placed on 2nd  
class pension list.

SECTION 1. That John E. Nichols, of Yancey county, a disabled and indigent Confederate soldier, be placed on the list of pensioners of the second grade, under chapter one hundred and ninety-eight, laws of eighteen hundred and eighty-nine (1889).

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 309.

**An act to allow Z. F. Long, clerk of the superior court of Richmond county, to be absent from his office.***The General Assembly of North Carolina do enact:*Absence per-  
mitted.

SECTION 1. That Zachary F. Long, clerk of the superior court of Richmond county, be, and he is hereby, allowed to be absent from his office in May and June, eighteen hundred and ninety-six.

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 13th day of March, A. D. 1895.

## CHAPTER 310.

**An act for the relief of certain taxpayers of Marion, North Carolina, on account of fire.***The General Assembly of North Carolina do enact:*Owners of prop-  
erty destroyed  
by fire exempt  
from taxation.

SECTION 1. That all persons whose property was destroyed by fire on the twenty-fifth day of November, eighteen hundred and ninety-four (1894), in the town of Marion, McDowell county, are hereby released from the payment of all tax due for the



year eighteen hundred and ninety-four (1894), on the property burned. For what time.

SEC. 2. The amount of state and county tax due so shall be estimated by the commissioners of said county, and the amount due the incorporation of the town of Marion shall be estimated by the aldermen of said town. County tax, how estimated. Corporate tax, how estimated.

SEC. 3. The county commissioners shall furnish the sheriff of said county with the names of all persons who are so exempted from tax under the provisions of this act, and amount of tax remitted, and allow him credit for the amount in settlement. County commissioners to furnish names of persons exempt, and also amount of tax.

SEC. 4. The aldermen of the town of Marion shall estimate the amount of tax so released in said town, and allow the tax collector credit on settlement for the amount. Tax collector of town allowed credit on tax list for persons exempt.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 311.

### An act to prevent the felling of trees in Haw river, in Onslow county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person to cut or fell trees, or place any other obstruction in the waters of Haw river, in Onslow county, from its mouth to a point near its source where the road leading from the Kinston road to the Kenansville road crosses said Haw river near the residence of William C. Jones. Unlawful to obstruct in certain counties.

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 fifty dollars, one-half to be paid to any person who will furnish evidence sufficient to convict any person offending against this act, and the other half to be paid to the public school fund of the county. Penalty.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 312.

**An act to amend section thirteen hundred and sixty-one of the Code of North Carolina.***The General Assembly of North Carolina do enact :*

Sec. 1361, *The Code*, amended.  
Words stricken out.

SECTION 1. That section thirteen hundred and sixty-one (1361) of The Code of North Carolina be, and the same hereby is, amended by striking out the words, "impertinence and the incompetency of the testimony", in lines four and five of said section.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 313.

**An act to levy a special tax for Sampson county.***The General Assembly of North Carolina do enact :*

Special tax to be levied.

Purpose of tax.

Years of levy.

SECTION 1. That the commissioners of Sampson county may levy a special tax in the sum of three thousand dollars, to be divided according to the constitutional equation of taxation, for the purpose of paying the poor claims which may be necessary to the support of the poor in said county of Sampson. That said special tax may be levied during the years one thousand eight hundred and ninety-five and one thousand eight hundred and ninety-six, for the purposes aforesaid as may be necessary in said county of Sampson.

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 314.

**An act to amend the act entitled an act to abolish the criminal court of New Hanover and Mecklenburg and establish a circuit criminal court.***The General Assembly of North Carolina do enact :*

Act amended.

SECTION 1. That the act entitled an act to abolish the criminal court of New Hanover and Mecklenburg, and establish a circuit criminal court, be, and the same is hereby, amended by

adding another section to said act, to be numbered section twenty-six, and to read as follows: "*Provided*, that the solicitor of the criminal court of Mecklenburg and the clerk of said court, shall be solicitor and clerk of the circuit criminal court established by the act until the end of their present terms."

How amended.

Words of new section.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 315.

### An act for the relief of Henry Kamp, a disabled Confederate soldier.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the provisions of chapter two hundred and fourteen (214) of the laws of one thousand eight hundred and eighty-five (1885), shall apply to Henry Kamp, a disabled Confederate soldier.

Provisions of chap. 214, laws of 1885, apply to Henry Kamp.

SEC. 2. That all laws, and parts of laws, inconsistent with this act are hereby repealed.

Conflicting laws repealed.

SEC. 3. That this act shall take effect from and after its ratification.

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 316.

### An act to extend the limit of time, provided in section one thousand nine hundred and eighty of The Code, to the Lumberton & Lumber River Railroad Company.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the limit of time provided in section one thousand nine hundred and eighty (1980) of The Code be, and the same is hereby, extended for two (2) years to the Lumberton & Lumber River Railroad Company.

Extended for two years.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 317.

**An act to prevent fishing for trout in the waters of Little river and its tributaries, in the county of Transylvania.**

*The General Assembly of North Carolina do enact:*

Unlawful to fish  
in any way for  
two years.

SECTION 1. That it shall be unlawful for any person or persons to fish for trout with hook, or otherwise, within two years from the ratification of this act, in the waters of Little river or its tributaries, in the county of Transylvania, anywhere above Hooker's Mill.

Penalty.

SEC. 2. That any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five dollars, nor more than twenty-five, at the discretion of the court, one-half to go to the public school fund and one-half to the informer.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 318.

**An act to repeal chapter three hundred and twenty-eight, laws of one thousand eight hundred and ninety-three.**

*The General Assembly of North Carolina do enact:*

Repealed.

SECTION 1. That chapter three hundred and twenty-eight (328), acts of one thousand eight hundred and ninety-three (1893), be, and the same is hereby, repealed.

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

Ratified the 13th day of March, A. D. 1895.



## CHAPTER 319.

An act to repeal chapter three hundred and forty of the laws of one thousand eight hundred and eighty-nine.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter three hundred and forty (340), laws Repeal. of one thousand eight hundred and eighty-nine (1889), is hereby repealed.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 320.

An act to allow the people of Lenoir county to put in fish-traps in Neuse river.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the people of Lenoir county are hereby permitted to put in fish-traps in Neuse river. Fish traps in Neuse river.

SEC. 2. That all laws in conflict with this act are hereby repealed: *Provided*, it shall apply to Craven county. Conflicting laws repealed.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 321.

An act to repeal section five, of chapter three hundred and forty-one, of the laws of eighteen hundred and ninety-one.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section five (5), of chapter three hundred and forty-one (341) of the laws of eighteen hundred and ninety-one (1891) be, and the same is hereby, repealed. Repealed.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 322.

## An act to change the name of Hobgood precinct, in Granville county.

Name changed  
to Belltown.*The General Assembly of North Carolina do enact :*

SECTION 1. The name of Hobgood precinct is, and the same is hereby, changed from Hobgood precinct to Belltown precinct.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 323.

## An act to amend section three (3), chapter seventy (70), laws of eighteen hundred and ninety-three.

*The General Assembly of North Carolina do enact :*

Amendment.

SEC. 1. That chapter seventy (70), section three (3), of the laws of one thousand eight hundred and ninety-three (1893), shall be amended as follows: Amend section three (3), chapter seventy (70), laws of one thousand eight hundred and ninety-three (1893), by adding to the end of said section, after the word "cancelled": "*Provided*, that the said board of commissioners, with the concurrence and assent of a committee of finance, to be composed of the following named parties, to-wit: J. Williams, C. M. Pace, T. C. Israel and J. G. Grant, shall have the power to pay to any corporation, party or parties, who may find sale for said lands, a commission not to exceed one (1) per cent.

Proviso.

Seller of lands to  
be paid.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 324.

**An act to authorize the treasurer of Randolph county to pay school claim.***The General Assembly of North Carolina do enact:*

SECTION 1. That the treasurer of Randolph county is hereby authorized and empowered to pay George H. Foust the sum of seven dollars and forty-nine cents, the balance due him as teacher in district number eleven (11), colored race, for the year eighteen hundred and ninety-four, out of any moneys now due or may hereafter be due said district.

School claim of  
Geo. H. Foust to  
be paid.  
  
Out of what fund.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 325.

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

SECTION 1. That section eighteen (18), of chapter three hundred and sixty-three (363) of the public laws of one thousand eight hundred and eighty-nine (1889) be, and the same is, amended by striking out in lines nine and ten the word "corporation," and inserting the words, "Raleigh township, and any extension of said road district."

How amended.

SEC. 2. The intention of this act being that every person who shall pay road tax on property and poll, or on either, shall not be required to work on said road, but every person who fails to pay his poll tax shall be liable to work the road in the same manner as if this law was not in force.

Intention of act.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 326.

**An act for the relief of Ollie M. Copeland, a public school teacher, of Randolph county.***The General Assembly of North Carolina do enact :*County treasurer  
authorized to  
pay.

SECTION 1. That the county treasurer of Randolph county be, and he is hereby, authorized and directed to pay to Mrs. Ollie M. Copeland, a teacher of the public schools of the white race for Randolph county, for her services teaching a public school in district number thirty eight (38), in the year one thousand eight hundred and ninety-four (1894), the sum of thirty-five dollars (\$35.00), to be paid out of the funds of said thirty-eighth (38) district.

Sum to be paid.

Out of what  
funds.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 327.

**An act to amend and improve the public road leading from Holeman's ford on the Yadkin river, in Wilkes county, to Deep Gap.***The General Assembly of North Carolina do enact :*Commissioners  
appointed to lo-  
cate road.

SECTION 1. That L. L. Church, L. E. Davis and W. B. Reeves, of Wilkes county, are hereby appointed commissioners, who are hereby authorized and empowered to review, locate and establish the public road leading from Holeman's ford on the Yadkin river, in Wilkes county, to Deep Gap, locating and laying off the same over the most practical and convenient route between the two points named.

Between what  
points.

Over what route.

Reports to be  
made.

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 them with the board of commissioners of Wilkes county, and any damages they may assess shall be paid by the county.

Where filed.

Damages, how  
paid.Hands ordered  
to be on road.

SEC. 3. That the board of county commissioners of Wilkes county shall order the hands subject to road duty within three miles from said road in Wilkes county.

Time of comple-  
tion of road.

SEC. 4. 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.

When constructed.

SEC. 5. That parties failing, or refusing, to work said road, shall be liable to the same penalties as are prescribed in such cases by the general road law.

Parties failing to work.  
Penalties.

SEC. 6. That the said road, to be constructed by authority of this act, shall be sixteen feet wide, and clear of stumps and runners.

Width, &c., of road.

SEC. 7. That when the road is completed the overseers shall report the same to the board of county commissioners of Wilkes county, and, if accepted by them, it shall be the duty of said county commissioners to turn the same over to the road supervisors of the county of Wilkes.

Report of overseers.

SEC. 8. That this act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1895.

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## CHAPTER 328.

An act to allow John K. Hughes, sheriff of Orange county, a credit of twenty dollars in settlement of taxes with auditor.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the auditor be authorized and directed to issue a warrant to John K. Hughes, sheriff of Orange county, for twenty dollars, on account of a certificate given to F. N. Strudwick, solicitor of fifth judicial district, by Pride Jones, clerk of superior court of Orange county, for attendance at August term, eighteen hundred and eighty-six (1886), of said court, which certificate was paid by the said John K. Hughes, sheriff, and having been misplaced by him, was not brought into his settlement of taxes.

Auditor to issue warrant.

Reason for issuing.

SEC. 2. That the auditor be authorized and directed to accept the said amount in settlement of taxes by the said John K. Hughes, sheriff, for the year one thousand eight hundred and ninety four (1894), and allow him credit for the same.

Auditor directed to accept in tax settlement.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 329.

**An act for the relief of Spencer B. Adams, clerk of the superior court of Caswell county.**

*The General Assembly of North Carolina do enact :*

Allowed to be  
absent, when.

SECTION 1. That Spencer B. Adams, clerk of the superior court for Caswell county, be allowed to absent himself from his office of clerk, on the second, third, fourth and fifth Mondays of July, one thousand eight hundred and ninety-five (1895), and be exempt from the provisions, penalties and liabilities mentioned in section one hundred and fourteen (114) of The Code: *Provided*, said clerk shall leave a competent deputy to perform all duties authorized to be performed by said deputy.

Proviso.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 330.

**An act to compel timber-getters in Tyrrell county to establish their lines before cutting timber.**

*The General Assembly of North Carolina do enact :*

Lines of timber-  
getters to be  
established.

SECTION 1. That it shall be lawful for, and the duty of, all persons, firms or corporations that are engaged in, or about to engage in, the cutting of any kind of timber on any lands in the county of Tyrrell, to establish the lines or boundaries of the land on which the timber proposed to be cut by them is located, by actual survey, before said person, firm or corporation shall begin the cutting of the same; and that said person, firm or corporation shall give at least ten days' notice, in writing, of the time and place of making the survey above provided for, to all adjoining land-owners before making said survey.

Notice to be  
given.

Purchasers of  
timber lands  
before February  
1, 1895, to give 60  
days' notice.

SEC. 2. That any person, firm or corporation who have bought timber on any lands in said county of Tyrrell before the first day of February, eighteen hundred and ninety-five (1895), shall, within sixty (60) days after the passage of this act, cause them to be surveyed under the provisions of this act.

SEC. 3. That any person, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof before a court of competent jurisdiction, shall be fined not less than one hundred (\$100) dollars, nor more than five hundred (\$500) dollars, or imprisoned not less than two (2) months nor more than twelve (12) months, or both, at the discretion of the court.

Misdemeanor.

Penalty.

SEC. 4. That all laws, or parts of laws, in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 331.

### An act to pay certain vouchers for teaching public schools in Haywood county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the treasurer of the county board of education for Haywood county be, and he is hereby, authorized to pay out of any funds in his hands, or which may hereafter come into his hands, belonging to the school district number thirty-five (35) for the white race, the balance due on a certain voucher, originally payable to James Noland, to the present holder thereof, the said balance being twenty dollars.

James Noland's school voucher to be paid to present holder.

SEC. 2. That the said treasurer be, and he is hereby, authorized to pay out of any funds now in his hands, or which hereafter comes into his hands, belonging to the school district number thirty eight (38) for the white race, the balance now due on a certain voucher, originally payable to G. R. Bennett, to the present holder thereof, the said balance being fifteen dollars and seventy-five cents (\$15.75).

G. R. Bennett's voucher to be paid to present holder.

SEC. 3. That all laws, and parts 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 13th day of March, A. D. 1895.

## CHAPTER 332.

## An act to prevent fishing with drag seines in Rowan county in certain months.

*The General Assembly of North Carolina do enact :*

Unlawful to fish  
in streams in  
Rowan county  
in March, April  
and May.

SECTION 1. That it shall be unlawful to fish in any of the streams in Rowan county with a drag seine during the months of March, April and May; these months cover the spawning season, and the use of drag seines destroy the spawn.

Misdemeanor.

SEC. 2. That any person violating the provisions of this act shall be deemed guilty of a misdemeanor.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 333.

## An act for the relief of the tax payers of Yadkin county.

*The General Assembly of North Carolina do enact :*

May 1st time  
fixed to settle  
taxes.

SECTION 1. That the sheriff, or tax collector, of Yadkin county, shall have till the first of May in each and every year to settle the state taxes.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 334.

## An act to amend section two hundred and eighteen (218), subsection two (2), of The Code.

*The General Assembly of North Carolina do enact :*

Sec. 218, sub-sec.  
2, of The Code,  
amended.

SECTION 1. That section two hundred and eighteen (218), subsection two (2), of The Code, be amended by striking out at the end thereof, the words "with a like intent."

Amendment.

Conflicting laws  
repealed.

SEC. 2. That all laws, and 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 13th day of March, A. D. 1895.



## CHAPTER 335.

**An act to prevent setting wire nets or pod nets in the waters of Black river, Big and Little Coharies, Big Swamp, Bearskin and Six Runs, in the county of Sampson.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person to set wire nets, pod nets, traps or any other contrivance, by whatever name the same may be called, across said streams, whereby the free passage of fish up or down in the waters of Black river, Big and Little Coharies, Big Swamp, Bearskin and Six Runs, in the county of Sampson, is obstructed; and any person violating this act shall be guilty of a misdemeanor, and, upon conviction, shall be fined not to exceed fifty dollars (\$50), or imprisoned not to exceed thirty days. Unlawful to interfere with free passage of fish.

Penalty.

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

Ratified the 12th day of March, A. D. 1895.

## CHAPTER 336.

**An act to establish rules for the sale of logs in the county of New Hanover.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That no person shall buy logs in the rounded and unsquared unless the same shall be inspected and measured by a sworn inspector, in the city of Wilmington, and in the county of New Hanover, in said state; and if the seller of said logs shall be dissatisfied at the measurement of said sworn inspector, then the said seller may select one person and the purchaser may select one person, and the two named persons shall select a third person, who shall finally decide how the measurement and price shall be decided in the said sale of logs; and the decision of the arbitrators so elected shall be final and shall be binding on both the buyer and the seller of said logs in the markets of New Hanover county. Certain kinds of logs forbidden to be bought unless measured by inspector.

In case of dissatisfaction with measurement.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 337.

An act to correct a land grant, sixty-five hundred and twelve,  
in Burke county.*The General Assembly of North Carolina do enact :*Land grant 6512  
corrected.

How corrected.

SECTION 1. That land grant number six thousand five hundred and twelve (6512), made to James Smith, March the twenty-fifth (25th), one thousand eight hundred and seventy (1870), the same be, and is hereby, corrected as follows: the fourth call be corrected to read as follows: "fifty (50) poles to a stake;" fifth call to read, "fifty poles to a stake, in the speculation"; and sixth call to read, "with said line thirty poles to a stake in his own line; thence with his own line to the beginning."

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 338.

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, and thirty-first day of January, eighteen hundred and ninety-three.

*The General Assembly of North Carolina do enact :*

Sec. 11, chap. 98,  
laws 1879,  
amended by  
striking out  
"eighty-two" in  
last line and sub-  
stituting  
"ninety-seven."

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-seven," so as to extend the time at which said act shall expire to January first, eighteen hundred and ninety-seven, and the governor

is directed to resist the collection of all such bonds as are not funded by the time above specified.

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.

Sec. 11 further amended.

Amendment.

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 pay cost of advertising details of exchange.

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

• Ratified the 13th day of March, A. D. 1895.

## CHAPTER 339.

### An act to create a new township in Sampson county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That a new township be, and the same is hereby, created in Sampson county, to be created out of parts of Honeycutts, Halls, Mingo and Westbrooks townships, and known as "Herring" township.

Township created. From what townships. Name.

SEC. 2. That the boundaries of said township shall be as follows: Beginning at Mager's landing, on Big Coharie, and running the wagon path to Piney Green church; thence the new road to Little Coharie, at the High House; thence up Little Coharie to the new road near George M. Lamb's place; thence down said road to Big Coharie; thence down said Coharie to the beginning; and the voting precinct shall be "Beansman's Cross Roads".

Boundaries.

SEC. 3. That said township shall have all the rights and privileges now granted to other townships, or that may be hereafter granted by law.

Rights and privileges.

SEC. 4. That all laws, and clauses of laws, in conflict with the provisions of this act be, and the same is hereby, repealed.

Conflicting laws repealed.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 340.

## An act to prevent the felling of trees in Mitchell river in Surry county.

Unlawful to  
allow obstruc-  
tion in river for 3  
days.

Misdemeanor.

Penalty.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person to cut or fell trees or brush in, and not remove the same, above Kapp's mills in Mitchell's river, in Surry county, within three days after such cutting.

SEC. 2. That any one violating the provisions of this act shall be guilty of a misdemeanor, and shall be fined not more than ten dollars for such offense.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 341.

## An act to survey and locate the dividing line between the counties of Ashe and Wilkes.

*The General Assembly of North Carolina do enact:*

Names of com-  
missioners  
appointed.

Duty of  
appointees.

Pay of commis-  
sioners.

SECTION 1. That Joseph Caloway, of the county of Ashe, and W. C. Walker, surveyor of the county of Wilkes, be, and they are hereby, appointed commissioners to run and make the dividing line between the counties of Ashe and Wilkes, from Mulberry gap, by way of Ziadock's knob, Daniel Miller's and to the old county line, and they are empowered to employ any person they may see proper to aid them in running said line.

SEC. 2. That the commissioners provided for in section one of this act shall be paid for their services such sums as may be allowed by the county commissioners of their respective counties.

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

Ratified the 13th day of March, A. D. 1895.



## CHAPTER 342.

**An act to authorize the superintendent of education in Robeson county to approve voucher for payment of school teacher in district number thirty-six (36).**

*The General Assembly of North Carolina do enact :*

SECTION 1. That the superintendent of education in Robeson county be, and the same is hereby, authorized to approve a voucher for the payment of sixteen dollars and fifty-two cents (\$16.52) for services of school teacher in district number thirty-six (36), white race, for the year eighteen hundred and ninety-three.

Superintendent authorized to approve school voucher for district 36 for 1893.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 343.

**An act to change the name of Royster's precinct, in Granville county, to that of Bullock's precinct.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That the name of Royster's precinct, in Granville county, be, and the same is hereby, changed to that of Bullock's precinct.

Name changed to Bullock's.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 344.

**An act with regard to Francis Picard, as justice of the peace in Perquimans county.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That the appointment and qualification of Francis Picard as justice of the peace for Perquimans county, shall in no way effect his right to practice as an attorney-at-law in the courts of said county, except in such cases as shall be

Francis Picard allowed to practice law in all cases except such as are appealed from him as justice of peace.

appealed from the court of the justice of the peace in which he presided or took part as such justice.

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

Ratified the 13th day of March, A. D. 1895.

#### CHAPTER 345.

**An act to prohibit the taking of fish from certain streams in Henderson county, except with hook and line.**

*The General Assembly of North Carolina do enact:*

No fishing  
allowed in cer-  
tain streams in  
Henderson  
county except  
with hook and  
line.

Misdemeanor.

Penalty.

SECTION 1. That the taking of fish from the waters of Green river, French Broad, Little river, Mill river, Grassy creek, Mud creek and their tributaries, in Henderson county, except with hook and line, be, and the same is hereby, prohibited,

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 13th day of March, A. D. 1895.

#### CHAPTER 346.

**An act for the relief of Melicent Corbit.**

*The General Assembly of North Carolina do enact:*

Made 4th grade  
pensioner.

SECTION 1. That Melicent Corbit, widow of Dempsy Corbit, Pitt county, be, and is hereby, placed upon the pension list of the state, and is entitled to draw a pension as a fourth grade pensioner.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 347.

An act to amend chapter two hundred and thirty-four (234) of the laws of eighteen hundred and eighty-five.

*The General Assembly of North Carolina do enact :*

SECTION 1. That township number seven (7), in Cabarrus county, shall be subject to the provisions of chapter three hundred and sixty-one (361) of the laws of eighteen hundred and eighty-nine (1889), and not subject in any respect to the provisions of chapter two hundred and thirty-four (234) of the laws of eighteen hundred and eighty-five (1885).

Township No. 2, in Cabarrus county, subject to provisions of chap. 361, laws 1889, but not to chap. 234, laws 1885.

SEC. 2. That all 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 13th day of March, A. D. 1895.

## CHAPTER 348.

An act to provide for the maintenance of the North Carolina insane asylum.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the sum of sixty-five thousand two hundred and forty-five dollars and sixty cents (\$65,245.60) be and is hereby appropriated annual for the support of the patients in the North Carolina insane asylum, at Raleigh ; for the payment of outstanding accounts and debts, four thousand five hundred and ninety dollars and forty-seven cents (\$4,590.47) ; for fire protection, by connecting with city water-works and fire alarm, six thousand dollars (\$6,000) ; for new pump and repairs to gas plant and shed for tools, eight hundred dollars (\$800).

\$65,245.60 appropriated annually for maintenance.

\$4,590.47 for debts ; \$6,000 for water works, &c. ; \$800 for pump, &c.

SEC. 2. That the appropriation herein made shall be drawn out of the treasury by the auditor, upon his warrant, and be placed by the treasurer to the credit of the insane asylum of North Carolina.

Appropriation placed to credit of institution.

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

Ratified the 12th day of March, A. D. 1895.

## CHAPTER 349.

**An act directing the state board of education to refund the consideration of certain grants.**

## Preamble.

WHEREAS, C. T. Watson and Thomas Daniels and Caroline Wolfenden did, on the thirteenth day of July, eighteen hundred and eighty-nine (1889), enter certain vacant lands in Jones and Craven counties, the property of the state of North Carolina; and,

WHEREAS, On the fourth day of March, eighteen hundred and ninety-one (1891), the general assembly of North Carolina passed an act entitled "an act to define the words 'swamp lands', as the same are employed in the statutes of this state, in respect to the entry and grant of lands, and the lands appropriated and belonging to the state board of education," being chapter three hundred and two (302), laws of North Carolina, session of eighteen hundred and ninety-one (1891), by operation of said act said lands became vested in the state board of education; and,

WHEREAS, The proceeds from the sales of vacant lands by the state is the property of the state board of education; and,

WHEREAS, On the thirty-first day of December, eighteen hundred and ninety-one (1891), the state of North Carolina issued to said Watson, Daniels, and Caroline Wolfenden, those two certain grants bearing the numbers, respectively, eleven thousand four hundred and forty-nine (11,449) and eleven thousand four hundred and fifty (11,450), (the last named having been duly transferred to C. T. Watson and Thomas Daniels by Caroline Wolfenden), and received therefor the sum and price of fifty-one hundred and four dollars and ten cents (\$5,104.10), lawful money of the United States, which said sum was, on said day and date, paid over to the state board of education by the state treasurer; and,

WHEREAS, The state board of education claims the title to said lands, and has executed options or contracts of sale to certain corporations or persons, and against the title and claims of said C. T. Watson and Thomas Daniels; now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That the state board of education be and it is hereby ordered and directed to pay, or cause to be paid, the sum of fifty-one hundred and four dollars and ten cents (\$5,104.10), lawful money of the United States, with interest thereon at six per cent. from the said thirty-first day of Decem-

\$5,104.10 to be  
paid C. T. Watson  
and Thomas  
Daniels.



ber, eighteen hundred and ninety-one (1891), to C. T. Watson and Thomas Daniels, their executors or assigns, forthwith upon the ratification of this act; and that upon the payment, as directed, of said sum as aforesaid, said grants shall be delivered up to the said board of education for cancellation, and the entry of collection upon the margin of such registration books as the same may be recorded in by the register of deeds of the county, and by the secretary of state upon the state records, shall have the force and effect of a deed of release, and the title thereto shall vest in the state board of education.

Grants to be cancelled.

SEC. 2. That said cancellation shall be in substantially the following language: "Cancelled under authority of the general assembly, eighteen hundred and ninety-five (1895). Title vested in state board of education": *Provided*, that no such cancellation shall be made until said grants shall be exhibited to the register of deeds and secretary of state for such purposes.

Form of cancellation.

Proviso.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 350.

**An act for the maintenance of the Eastern hospital, and for additional buildings for females.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That thirty-seven thousand and five hundred dollars be and is hereby appropriated for the support of the patients in the Eastern hospital for the year eighteen hundred and ninety-five, and forty thousand dollars for the same purpose for the year eighteen hundred and ninety-six; for the erection and furnishing a building for females, the sum of ten thousand dollars for the year eighteen hundred and ninety-five, and seven thousand and five hundred dollars for the same purpose for eighteen hundred and ninety-six.

Appropriation for support, &c.

Appropriation for building for females.

SEC. 2. That the appropriation herein made shall be drawn out of the treasury by the auditor upon his warrant, and be placed by the treasurer to the credit of the Eastern hospital.

Placed to credit of institution.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 351.

An act to amend section three thousand six hundred and four of the Code.

*The General Assembly of North Carolina do enact:*

Sec. 3,604 of Code amended, state librarian to be elected by general assembly.

SECTION 1. That section three thousand six hundred and four (3604) of The Code be amended by striking out the words "biennially appointed by the trustees of the public library," in lines one and two, and insert in lieu thereof the words "biennially elected by the general assembly of the state of North Carolina."

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 352.

An act to amend section two thousand and seventy-three of The Code.

*The General Assembly of North Carolina do enact:*

Section 2073 of Code amended, Bonds of sheriff to "equal" amounts of taxes. Applies only to Pamlico county.

SECTION 1. That the word "double" whenever it occurs in section two thousand and seventy-three (2073) of The Code shall be stricken out, and the words "equal to" inserted in its place.

SEC. 2. That this act shall apply to the county of Pamlico only.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 353.

An act to review, lay out, locate and construct a public road in Transylvania and Jackson counties.

*The General Assembly of North Carolina do enact:*

Ed. Gloyner and others appointed commissioners.

SECTION 1. That Ed. Gloyner and Jack Brackens, of Transylvania county, and L. J. Moses, James Wood and John H. Mathis, of Jackson county, be and they are hereby appointed commissioners, who are hereby authorized and empowered to review, locate and establish the public road leading from J. L.

Moses' store, on Tuckaseegee turnpike, on the east fork of the Tuckaseegee river, by the way of Neger Skull, Saul's creek school-house and church; thence by the way of A. J. Wood's, and thence the most practicable route to the Tennessee gaps, on the Transylvania and Jackson county line; thence the most practicable route to connect with the Brevard and Hogback public road at Cherryfield creek, in Cathie's creek township, in Transylvania county.

Route of road.

SEC. 2. That after discharging their duties under this act the said commissioners shall make out and sign two 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, and all damages shall be assessed in proportion as the good or advantage said land may have by reason of said road running through it.

Reports.

Damages.

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 or end of said road: *Provided*, that no hands shall work on the said road except the hands in the townships through which the road runs in the two counties.

Apportionment of construction between counties.

Proviso.

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 road to each overseer they shall appoint: *Provided*, that no hand shall be required to work out of his own township on said road.

Road hands.

Proviso.

SEC. 5. That said road shall be laid off and constructed, according to the provisions of this act, within two years from the ratification of this act.

When road to be constructed.

SEC. 6. That all persons subject to the provisions of this act, including the county commissioners, road overseers, road commissioners and hands appointed 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 act a misdemeanor.

SEC. 7. That said road, to be constructed by the authority of this act, shall be sixteen feet wide, clear of stumps and runners, and as good grade as possible shall be made.

Width of road, &amp;c.

SEC. 8. That when said road shall be completed, as provided

Acceptance of road.

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 townships.

Compensation of road commissioners.

SEC. 9. That said road commissioners shall receive for their services, while actually employed in laying off and locating said road, the sum of two dollars per day each, to be paid out of the county funds of the county in which they live, by the order of the board of county commissioners of said county.

SEC. 10. That this act shall take effect from and after its ratification.

Ratified the 13th day of March, A. D. 1895.

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## CHAPTER 354.

### An act to reduce the expenses of the state guard.

*The General Assembly of North Carolina do enact :*

Salary of inspector-general \$400, clerk's \$300.

SECTION 1. That chapter three hundred and seventy-four of the public laws of one thousand eight hundred and ninety-three be amended as follows: in section ten (10) line two (2) strike out the word "six," and insert "four" in lieu thereof; in section eleven (11) in last line strike out the word "five" and insert "three" in lieu thereof; in section thirty-six (36) in line seven (7) strike out the word "two," and insert the word "one"; in last line of said section thirty-six (36) strike out the word "sixteen," and insert the word "six" in lieu thereof; in section thirty-seven (37) strike out all of said section after the words "may direct" in line five (5) down to and including the word "encampment" in line nine (9) thereof.

Appropriation to each company, \$150.

Aggregate appropriation, \$6,000.

No appropriation for encampment.

Conflicting laws repealed.

SEC. 2. All laws and clauses of laws allowing a larger appropriation than is contained herein for the state guard are hereby repealed.

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

Ratified the 13th day of March, A. D. 1895.



## CHAPTER 355.

An act to correct a mistake in state grant number one thousand eight hundred and sixty, to James Ainsworth, dated the seventh day of July, eighteen hundred and ninety-four.

*The General Assembly of North Carolina do enact :*

SECTION 1. That state grant number one thousand eight hundred and sixty (1860), to James Ainsworth, dated the seventh day of July, in the year one thousand eight hundred and ninety-four (1894), be corrected by striking out the word "north" after the words "Appalachian mountains there," and inserting in place thereof the word "west."

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 356.

An act to correct tract number two hundred and eighty-three, grant number seven thousand and thirty-seven.

*The General Assembly of North Carolina do enact :*

SECTION 1. That tract number two hundred and eighty-three, grant number seven thousand thirty-seven (7037), issued to Samuel Lovin, in Graham county, on the sixteenth day of February, one thousand eight hundred and eighty-five (1885), be and the same is hereby corrected, so that the calls in said grant shall agree with the plat, as follows: Beginning at a chestnut four poles north of said creek, and runs south twenty-five east, crossing west Buffalo creek at five poles, one hundred poles to a chestnut oak; then south sixty west one hundred and sixty poles to a chestnut; then north twenty-five west, crossing said creek, one hundred poles to a hickory; thence north sixty east one hundred and sixty poles to the beginning, containing seventy-five acres.

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 Graham county is hereby authorized to make said correction, as herein provided, on the records of his office.

Secretary of  
state, &c., to  
record correc-  
tion.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 357.

**An act to prohibit the manufacture and sale of intoxicating liquors within one mile of Bush school-house, in Caldwell county.**

*The General Assembly of North Carolina do enact :*

Unlawful to sell  
liquors in one  
mile of Bush  
school-house.

SECTION 1. That it shall be unlawful for any one to manufacture or sell, or in any wise dispose of for reward, intoxicating liquors within one mile of Bush school-house.

Misdemeanor.

SEC. 2. That any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, at the discretion of the court.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 358.

**An act to provide for the drainage of lands upon, and the improvement of, Haw river and Benaja creek.**

*The General Assembly of North Carolina do enact :*

William Green  
and others  
commissioners.

SECTION 1. That William Green, H. K. Reid, A. M. Jones and J. A. Bevill, of Rockingham county, North Carolina, are hereby appointed commissioners, whose duty it shall be, under and pursuant to the provisions of this act, to order, supervise, control and improve the drainage of all lands lying on Haw river and Benaja creek, from the mouth of Big Troublesome creek, where it empties into Haw river, up to B. G. Chilcutt's line; and to remove all obstructions, improve the banks, widen and deepen Haw river, Benaja creek and other streams within the limit above fixed, and cut new channels or straighten the same. The commissioners shall elect one of their number chairman, and make such rules and regulations to govern them as they may deem necessary. The chairman shall keep a record of all doings of the commissioners.

Lands on Haw  
river and Benaja  
creek to be  
drained, &c.

Organization of  
commissioners.

Land divided  
into sections.

SEC. 2. It shall be the duty of such commissioners, as soon as practicable, not exceeding thirty days after this act shall go into effect, to ascertain the names of all land-owners within the

boundaries fixed in section one and the number of acres owned by each, and thereupon the commissioners shall lay off such land into convenient sections for the work provided for in section one of this act.

SEC. 3. The commissioners shall, after laying off such sections, appoint an overseer for each section, who shall be a land-owner in the section for which he is selected, who shall hold his position for two years or until his successor is appointed. The commissioners shall deliver to each overseer a statement in writing containing the names of land-owners in his section, the number of acres owned by each person, a description of such lands, and the amount of money assessed against the land to defray the costs and expenses of carrying out the provisions of this act, which assessment shall not exceed one dollar per acre. The commissioners shall also give the overseers general directions concerning the work to be prosecuted under this act.

SEC. 4. The said statement, signed by the chairman of the commissioners, shall be recorded in book of mortgages in the office of the register of deeds of Rockingham county, and when so recorded shall be a valid and subsisting lien, to be known as a land-drainage lien, upon the lands described, and shall be subject only to the taxes levied and placed in the hands of the sheriff for collection. The overseer shall, in writing, notify each land-owner in his section of such assessment and the recording of the same, and it shall be the duty of each land-owner, within sixty days from the receipt of such notice, to pay to the overseer sending the notice the amount assessed against his land. In default of payment of the assessment the commissioners are hereby invested with power to sell the lands of the delinquent at public sale, being governed therein, as to notice, time and places and expenses of sale, by the laws for sale of land by sheriffs for taxes. The commissioners shall make to the purchasers at such sale a proper deed, which shall be conclusive evidence of the regularity of all proceedings leading up to the sale. Out of the proceeds of the sale the commissioners shall retain the amount of the assessment against the delinquent, and also all costs and expenses properly chargeable. Whenever the amount of an assessment shall come into the hands of an overseer, within the provisions of this act, either as a payment from a land-owner or as a result of sale of land by the commissioners, the register of deeds of Rockingham county, upon sufficient evidence thereof, shall enter in the margin of the record of such assessment payment of the same. In case of sale of land, as aforesaid, if there be a surplus in the hands of the commissioners after satisfying the assessment and pay-

Overseer.

Statement given  
to overseer.

What to contain.

Statement  
recorded.

Lien upon land.

Owners notified.

Assessment to be  
paid.Sale of land for  
assessment.

Proceeds of sale.

Land upon tributaries of said streams may be so drained upon petition, &c.

Owners failing to comply with act guilty of a misdemeanor.

Private bridges, &c.

Proviso.

Vacancies in commissioners.

Conflicting laws repealed.

When act to take effect.

ing proper costs and charges, it shall be paid to the delinquent land-owner, or such person as may be legally entitled thereto.

SEC. 5. Upon the petition of not less than three citizens of Rockingham county who are owners of land on any of the tributaries of Haw river and Benaja creek, directed to the commissioners named in section one of this act, the said commissioners may proceed with the lands of such petitioners, and the streams thereon, in the manner provided in section one of this act, and to that end they are clothed with all the powers granted therein this act for all purposes.

SEC. 6. Any owner wilfully neglecting or failing to perform any of the duties required of him by this act shall be guilty of a misdemeanor, and, upon conviction thereof in the superior court of Rockingham county, shall be fined not more than fifty dollars (\$50), or imprisoned not more than sixty days, or [both] in the discretion of the court.

SEC. 7. Nothing contained in this act shall prevent the land-owners from building private bridges and necessary water-gates for their own convenience on the streams to be improved under this act: *Provided*, they do not interfere with the improvements herein provided for.

SEC. 8. Vacancies in this body shall be filled by the commissioners; if the persons named in the first section of this act refuse to act as commissioners, the clerk of the superior court of Rockingham county may appoint three commissioners, who shall be named by two or more of the land-owners interested in carrying out the provisions of this act, and in like manner said clerk may appoint on the refusal of the person to act.

SEC. 9. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 10. That this act shall be enforced from and after May first, one thousand eight hundred and ninety-five (1895).

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 359.

An act to prohibit the catching of fish in the Ararat river.

*The General Assembly of North Carolina do enact :*

Catching fish in certain parts of Ararat river, except with hook and line, prohibited for three years.

SECTION 1. That it shall be unlawful for any person to use any basket, seine or gig, or by muddying the water, or by shooting, or by using dynamite cartridges, to catch, take or kill fish in the Ararat river, from flat shoals ford, in Surry county, to the Virginia line, and all tributaries, for the space of three years



from the ratification of this act, by any means except by the ordinary rod, line and hook. Any person violating this section shall be guilty of a misdemeanor, and shall pay a fine of twenty-five dollars, or shall be imprisoned not more than twenty days. Misdemeanor.

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

Ratified the 13th day of March, A. D. 1895.

#### CHAPTER 360.

An act to change the name of Earl, Cleveland county, North Carolina, to Earl Station, Cleveland county, North Carolina.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the name of the town of Earl, Cleveland county, North Carolina, be changed to Earl Station. Name changed.

SEC. 2. That all laws and parts of laws inconsistent 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 13th day of March, A. D. 1895.

#### CHAPTER 361.

An act to authorize the treasurer of Randolph county to pay school claim.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the treasurer of Randolph county is hereby authorized and empowered to pay George H. Foust the sum of seven dollars and forty-nine cents, the balance due him as teacher in district number eleven (11), colored race, for the year eighteen hundred and ninety-four, out of any moneys now due or may hereafter be due said district. Treasurer authorized to pay George H. Foust.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 362.

An act to allow the people of Lenoir county to put in fish-traps in Neuse river.

*The General Assembly of North Carolina do enact:*

Fish-traps in  
Neuse river.

SECTION 1. That the people in Lenoir county are hereby permitted to put in fish-traps in Neuse river in Lenoir county.

Conflicting laws  
repealed.

SEC. 2. That all laws in conflict with this act are hereby repealed: *Provided*, it shall apply to Craven county.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 363.

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

*The General Assembly of North Carolina do enact:*

Amended by  
adding in section  
3 "Johnston  
county."

SECTION 1. That chapter three hundred and eighteen (318) of the laws of one thousand eight hundred and eighty-nine (1889) be amended by adding thereto, in section third of said act, "Johnston county."

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 364.

An act to enable Polk county to issue bonds.

*The General Assembly of North Carolina do enact:*

Coupon bonds  
may be issued.

SECTION 1. That the bonds of county commissioners of Polk county shall have power and are hereby authorized to issue coupon bonds to an amount not to exceed five thousand dollars (\$5,000), to be due one-fifteenth each year for fifteen years, having interest at the rate of six per cent. per annum, and to be in denominations of not less than twenty-five (25) nor more than

Periods of  
payment.

Denominations.

five hundred dollars (\$500), in such proportion for each year when its same shall mature as the said bond of county commissioners may determine; said bonds to have coupons attached for the amount of the interest due, which shall be decided by the sheriff or tax collector of Davie county in payment of county taxes at any time after the maturity of the same: *Provided*, that the bonds so issued shall not be sold for less than par value; and, *provided further*, that Davie bonds shall be made payable at such place as the bonds of commissioners may determine, and shall be signed by the chairman of Davie bond and county signed by the clerk of said board, and Davie clerk shall keep a record of the number and amount of each bond issued, the date of its issue, and when the same matured.

Interest coupons.

Paid for county taxes.

Bonds to be sold at par value or more.  
Place of payment.

Bonds, how signed.  
Records to be kept.

SEC. 2. That the proceeds of the bonds issued by virtue of the act shall be for the purpose of purchasing for Polk county a farm, lying therein, for the maintenance of the poor and paupers of Davie county, and for repairing the court-house and jail of Davie county.

Proceeds of bonds, how to be used.

SEC. 3. That it shall be the duty of the bond of justice of the peace, acting with the commissioners of Davie county, to provide for the payment of the bonds and coupons provided for in section one (1) 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 fifteen years, which shall be sufficient to pay Davie bonds and coupons as they fall due, and which shall be collected at the same time and in the same manner as the general tax: *Provided*, in the levy of the same, they shall observe the constitutional question between the tax on property and on the poll.

Payment of bonds to be provided for.

Special tax may be levied.

Collected, how.

Proviso,

SEC. 4. That before said bonds are issued the said commissioners shall cause an election to be held in Davie county, first giving thirty (30) days' notice of the same, upon the question of issuing of Davie bonds; and if a majority of the votes of the qualified voters of said county shall be cast in favor of said issue, the same shall be issued, as herein provided, at the first of June meeting of said commissioners and magistrate next immediately after Davie election; otherwise this act shall be of effect.

Election before issue of bonds.

Notice of election.

Bonds, when issued.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 365.

**An act to protect holders of life and fire insurance policies.***The General Assembly of North Carolina do enact:*

Final judgment  
to be a lien  
against property  
of company.

SECTION 1. That whenever a final judgment shall be recovered against an insurance company doing business in North Carolina said judgment shall become a lien on all property, both real and personal, belonging to said company situated in the state, and upon all funds which are due, or which may become due, to said company from any and all parties insured in said company.

Judgment, how  
satisfied.

SEC. 2. That unless said final judgment is paid within six months from the docketing thereof, in county where obtained, said judgment creditor is authorized to have served on any general or local agent of said company, a copy of said judgment, duly certified by the clerk of the court. And it shall then become the duty of said agent to pay into the office of the superior court clerk where the judgment was obtained, out of any funds in his hands belonging to said company, a sufficient amount thereof to satisfy said judgment and costs.

Failure or refusal  
to comply a  
misdemeanor.

SEC. 3. That any agent failing or refusing to comply with the provisions of this act, after due service of the copy as aforesaid, shall be guilty of a misdemeanor, and upon conviction thereof 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 18th day of February, A. D. 1895.

## CHAPTER 366.

**An act for the relief of J. M. Mauney, of Lincoln county.***The General Assembly of North Carolina do enact:*

Placed on pension  
list for 1894,  
and annually  
thereafter.

SECTION 1. That J. M. Mauney, of Lincoln county, a wounded Confederate soldier, be placed on the pension roll for the year one thousand eight hundred and ninety-four (1894), and annually thereafter.

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

Ratified the 13th day of March, A. D. 1895.



## CHAPTER 367.

An act to amend section three thousand and sixty-two of The Code, in respect to insurance.

*The General Assembly of North Carolina do enact:*

SECTION 1. That no unincorporated insurance company shall be granted license to do business in this state unless such company shall satisfy the secretary of state that it is safe, reliable and solvent: *Provided*, that if any such insurance company shall deposit with the secretary of state in cash, or state bonds, the sum of twenty thousand dollars, to be kept intact as a guarantee fund for losses, such company shall be deemed *ipso facto* safe, solvent and reliable, and shall be granted such license.

When license not to be issued.  
Proviso.

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

Ratified the 11th day of March, A. D. 1895.

## CHAPTER 368.

An act to prevent obstruction in Bailey's creek and Cypress run, in Beaufort county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person or persons to cut trees or put logs, or any other obstruction that will prevent the free passage of water, in Bailey's creek or Cypress run, in Richland township, in Beaufort county; and if any person or persons so obstructing the same, and shall fail to remove any of said obstructions within ten days, he or they shall be guilty of a misdemeanor, and upon conviction therefor shall be fined not more than fifty dollars, or imprisoned not to exceed thirty days, or both.

Unlawful to obstruct.  
Penalty.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 369.

**An act to place William S. Cooper on the pension roll.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That William S. Cooper, wounded in the late war, at Gettysburg, having a certificate from the doctor that he is suffering from said wound.

SEC. 2. That William S. Cooper be placed on the pension roll of North Carolina, the same being fifty-three years old.

Fourth class  
pensioner.

SEC. 3. The above pensioner shall be placed in the fourth class.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 370.

**An act to prohibit the manufacture and sale of intoxicating liquors within two (2) miles of certain churches in Forsyth county.**

*The General Assembly of North Carolina do enact :*

Unlawful to sell,  
&c., spirituous  
liquors within  
two miles of cer-  
tain churches in  
Forsyth county.

SECTION 1. That it shall be unlawful for any person or persons to manufacture, sell or give away, directly or indirectly, any spirituous or intoxicating liquors within two (2) miles of the following churches in Forsyth county: Antioch Methodist church, Belew's Creek township; Sedge Garden Christian church, Kernersville township; Morris' Chapel and Mt. Pleasant Methodist churches, Middle Fork township, and Pisgah Methodist church, Kernersville township.

Persons drinking  
near said  
churches guilty  
of misdemeanor.

SEC. 2. That any person being intoxicated or drinking intoxicating liquors at or on the property, or near the aforesaid churches, during religious services, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, at the discretion of the court.

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

Ratified the 11th day of March, A. D. 1895.

## CHAPTER 371.

An act to enable the commissioners, of Yancey county to levy a special tax to extend the public school in Burnsville school district.

*The General Assembly of North Carolina do enact :*

SECTION 1. That upon presentation of a petition signed by twelve citizens of said district the board of commissioners of said county shall order an election to submit the question of a special tax for the purpose of said school to the qualified voters of said district.

Election upon question of tax for Burnsville school district upon petition.

SEC. 2. That notice of said election shall be posted for a period of thirty (30) days at the court-house in Burnsville before said election.

Notice of election.

SEC. 3. That said election shall be appointed and held in the same manner as elections for members of the general assembly.

Election, how held, &c.

SEC. 4. That all votes cast in said special election shall be by written or printed ballots, and those voting for said special tax shall have written or printed on their ballots the words "for special tax," and those voting against it the words "no special tax." If a majority of the votes cast shall be in favor of said special tax, then it shall be levied; said tax not to exceed thirty cents (30) on the one hundred dollars (\$100) of the taxable property of said district, no more than forty cents (40) on each poll in said district.

Ballots.

Limitation of tax.

SEC. 5. That said tax shall be collected by the sheriff of said county and paid to the county treasurer, to be paid out to teachers of the public schools of said district on the order of school committeemen as other public school funds are paid out.

How collected, &c.

SEC. 6. That said special tax shall be levied each succeeding year at the rate agreed upon at the first election until voted down by the qualified voters of said district: *Provided*, that the same may be continued at a higher rate than that first agreed upon should the qualified voters of said district so vote for it.

How long to be levied.

Proviso.

SEC. 7. This law shall be in force from and after the date of its passage.

Ratified the 9th day of March, A. D. 1895.

## CHAPTER 372.

## An act to drain Fishers river, in Surry county.

*The General Assembly of North Carolina do enact :*

Joseph Folger  
and others, com-  
missioners.

Fisher's river to  
be drained, &c.

Land laid off in  
sections.

Organization of  
commissioners.

Acreage of  
owners to be  
estimated.

One hand for  
each ten acres.

Channel and  
banks of river  
to be worked.

Moneys arising  
from forfeitures,  
&c.

Penalty for  
refusing to act as  
overseer.

Proviso.

SECTION 1. That Joseph Folger, Hirman Jenkins and J. H. Poindexter be appointed commissioners, whose duty it shall be, on or after the first day of April, one thousand eight hundred and ninety-five, to lay off Fisher's river, in Surry county, from where it empties into the Yadkin river in said county to Collins' mill, into sections of convenient length and for each section appoint an overseer and land-owner in the section for which he is appointed, who shall hold his office for the term of two years.

SEC. 2. That said commissioners, or a majority, shall have the power to elect one of their number chairman, and may fill vacancies in their own number or that of overseer, and a majority of said commissioners shall constitute a quorum for the transaction of all business.

SEC. 3. That the said commissioners shall estimate the number of acres of bottom land belonging to each land-owner on said river between said points, and shall furnish each overseer a copy of said estimate for his section, and each of said land-owners, when required by said overseer, after three days' notice, shall furnish one hand with appropriate tools for each ten acres and fraction thereof five acres of land so estimated, to work on the draining and cleaning of said river, and on failing to do so shall forfeit and pay one dollar for each hand and for every day he shall be required to work with same; may be recovered by the overseer in whose section such failure occurred, by warrant, as in cases of failure to work public roads; and it shall be the duty of the said overseer with the hands so provided to work not more than ten nor less than one day each year, at the discretion of the commissioners, on the channel of said river within the bounds of their respective section in removing obstructions in and improving the banks of said river under such directions as the commissioners shall prescribe.

SEC. 4. That all moneys arising from failure to work on said river, as above, shall be paid to the owner of the section where the failure occurred, and by him shall be expended in improving the channel of said river. Any overseer duly appointed and failing or neglecting to serve and perform his duty as required by this act shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than ten dollars nor more than twenty dollars: *Provided*, that no



person shall be compelled to serve as overseer more than one term of two years consecutively.

SEC. 5. That any person or persons who shall wilfully and knowingly fell timber into or otherwise obstruct the water in the channel of said river between the points mentioned in section one of this act, 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 : *Provided*, that if any person or persons so offending shall pay the penalty herein mentioned to the overseer of the section wherein the offense was committed, before a presentment is made of the same, he or they shall not be liable to indictment for such offense.

Felling timber in river, &c.

Misdemeanor.

Proviso.

SEC. 6. That nothing contained in this act shall prevent building public bridges or public roads across said river, or private bridges or water-recks by land-owners at their own convenience, nor shall anything herein contained be so construed as to exempt any person from working on the public road.

Public bridges, &c.

Does not exempt from road duty.

SEC. 7. That the said overseer shall work out the said stream on or before the first day of September in each and every year.

Roads to be worked on or before September 1, annually.

SEC. 8. That this act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 373.

An act supplemental to an act to amend chapter seven of the second volume of The Code, relating to building and loan associations.

*The General Assembly of North Carolina do enact :*

SECTION 1. That before the first section of the above entitled act there shall be inserted the following words : " The General Assembly of North Carolina do enact."

Enacting clause inserted.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 374.

**An act to reduce the expenses of the department of agriculture, and to place the control of the North Carolina College of Agriculture and Mechanic Arts with the board of agriculture.**

*The General Assembly of North Carolina do enact:*

Department of agriculture controlled by a board.  
Board, of whom to consist.

SECTION 1. That the department of agriculture shall be under the control and supervision of a board which shall be composed of the president of the North Carolina State Farmers' Alliance and of one member elected by the general assembly from each congressional district, and of five additional members to be hereafter elected by the general assembly for the state at large. The members elected for the congressional districts shall hold their terms for two years. So much of section two thousand one hundred and eighty-four of The Code as constitutes the Governor, the master of the state grange, the president of the state agricultural society and the president of the agricultural college, the board, is hereby repealed, and so much of said section or of any other law as is inconsistent with this act is also repealed.

Part of section 2184 of *The Code* repealed.

A. and M. College controlled by said board.

SEC. 2. That the management and control of the North Carolina College of Agriculture and Mechanic Arts, and the care and preservation of all its property, shall reside with and be vested in the board of agriculture; and so much of section three, chapter four hundred and ten of the laws of eighteen hundred and eighty-seven, being an act entitled "an act supplemental to chapter three hundred and eight, laws of eighteen hundred and eighty-five, entitled 'an act to establish and maintain an industrial school,' " as provides for a board of trustees consisting in part of five persons appointed by the governor, is hereby repealed, and the board of trustees mentioned in said section three, and the offices of trustees thereby created are hereby abolished; and so much of said act hereinbefore cited as may be inconsistent with this act is hereby repealed, and all laws and clauses of laws inconsistent with this act are hereby repealed.

Chap. 410, laws 1887, and chapter 308, laws 1885, amended.

Conflicting laws repealed.

Duties of board.

SEC. 3. That the board of agriculture shall have all the powers and perform all the duties heretofore exercised or required of the board of trustees of the North Carolina College of Agriculture and Mechanic Arts.

SEC. 4. That this act shall take effect from and after its ratification.

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 375.

An act to review, lay off and establish a public road from near Mt. Zion post office, in Wilkes county, to the top of the Blue Ridge, at Cook's gap, in Watauga county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the public road surveyor of Watauga county, North Carolina, J. C. Ray, of Watauga county, North Carolina, and W. F. Hendrix, of Wilkes county, North Carolina, are hereby appointed commissioners who are hereby authorized and empowered to review, locate and establish a public road leading from the forks of the public road at J. C. Land's, near Mount Zion post office, in Wilkes county, the most practical route to the public road near Middle Cane post office, in Watauga county, North Carolina; and thence an amendment on the Jacob's mountain road, beginning near Daniel Wheeler's, in Elk township, Watauga county, the most practical route to the public road near John Lay's, near Cook's gap in Blue Ridge, in Boone township, Watauga county, North Carolina.

J. C. Ray and others appointed to lay off, &c., a road in Wilkes and Watauga counties.

Location of road.

SEC. 2. That after discharging their duties under this act the said commissioners shall make out and sign two reports of their location of said road and file one with the board of county commissioners of each of said counties herein named; and any damages they may assess shall be paid by the county commissioners in which the land is situated.

Report.

SEC. 3. That the board of county commissioners of Wilkes county, North Carolina, shall appoint an overseer and assign him all the road hands in Elk township, Wilkes county, North Carolina, that is subject to road duty, to work on and build said road to the county line.

Overseer appointed by Wilkes county.

SEC. 4. That the county commissioners of Watauga county, North Carolina, shall appoint an overseer and assign him all the road hands in Elk township, in Watauga county, North Carolina, that is subject to road duty, to work on and build said road from Middle Cane post office, in Watauga county, North Carolina, to the county line, so as to connect the two sections of said road.

Overseer appointed by Watauga county.

SEC. 5. That the road from Middle Cane to Mount Zion shall be made and completed by January first (1st), one thousand eight hundred and ninety-six (1896).

When road to be completed.

SEC. 6. That the county commissioners of Watauga county shall appoint an overseer to make said amendments on the Jacob's mountain road, and shall assign him all the road hands

Jacob's mountain road.

Use of road hands.

in Elk township, Watauga county, North Carolina, that is subject to road duty, to work on and build said road to the Boone or Blue Ridge township line.

Road in Elk township, Watauga county, &c.

SEC. 7. That the county commissioners of Watauga county shall appoint an overseer to make said road from the Elk township line, in Watauga county, to the top of the Blue Ridge at John Lay's, and shall assign him all the road hands in Boone and Blue Ridge townships that are subject to work on public roads, that live within two (2) miles of said road, to work and build said road in said Boone and Blue Ridge townships.

Road hands.

When road to be completed.

SEC. 8. That the amendment from Daniel Wheeler's to John Lay's shall be completed by January first (1st), one thousand eight hundred and ninety-seven (1897).

Blasting.

SEC. 9. It shall be the duty of the county commissioners of each county to furnish ammunition and material to do all the blasting in their respective counties.

Failure of county commissioners, &c.

SEC. 10. That all persons subject to the provisions of this act, including the county commissioners, road commissioners, road overseers and hands appointed to work said roads, who shall wilfully fail or neglect to comply with the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned or both at the discretion of the court.

Misdemeanor.

Width of road.

SEC. 11. That the said road to be constituted by the authority of this act shall be twelve (12) feet wide, clear of stumps and runners.

Report.

SEC. 12. That when said road shall be completed as provided under the provisions of this act it shall be the duty of the road overseer to report the same to the board of county commissioners of their respective counties through which said road shall pass, and if accepted by the said board of county commissioners it shall be the duty of said county commissioners to turn said road over to the boards of supervisors of their respective counties.

SEC. 13. That this act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1895.

#### CHAPTER 376.

**An act to appoint a local board of trustees for the colored normal school at Fayetteville, North Carolina.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That the following named persons are hereby appointed the local board of managers for the colored normal



school located at Fayetteville, North Carolina, to-wit: R. P. Buxton and James R. Deal. R. P. Buxton and others appointed trustees.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 377.

An act to authorize Mecklenburg county and the city of Charlotte to purchase fair grounds.

*The General Assembly of North Carolina do enact:*

SECTION 1. That in order to promote agriculture and the mechanic arts the county of Mecklenburg and the city of Charlotte are authorized and hereby empowered to purchase in Charlotte township, Mecklenburg county, not less than forty-five nor more than one hundred acres of land to be used for agricultural and mechanical exhibitions, or both. County of Mecklenburg and city of Charlotte authorized to purchase land for a fair ground.

SEC. 2. The county of Mecklenburg shall pay one-half and the city of Charlotte shall pay for the remaining half of said land, and each shall have the right to pay its half in installments extending through such series of years as the contract may determine. Payment.

SEC. 3. The county of Mecklenburg and city of Charlotte may cause so much of said land to be put in condition for use as may be determined by resolution, said resolution having received a majority vote of such board at a regular meeting. How much land to be used.

SEC. 4. The county of Mecklenburg and city of Charlotte may rent or lease said land for agricultural, horticultural or mechanical exhibition or fair to any person, firm, association or corporation: *Provided*, said lease contains a forfeiture on failure to hold any one of said exhibitions, or first provided for in said rental or lease. May lease for agricultural, &c., exhibitions.

SEC. 5. The said county of Mecklenburg and city of Charlotte are authorized to offer jointly or separately not exceeding five hundred dollars in any one year to be given as premiums at an exhibition or fair held on said grounds. Proviso.

SEC. 7. The police authority of the city of Charlotte is hereby extended over said ground and for three hundred yards in every direction from said grounds. Premiums.

SEC. 8. All acts in conflict with this act are hereby repealed. Police.

SEC. 9. This act shall be in force from and after its ratification. Conflicting laws repealed.

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 378.

**An act to authorize the commissioners of Jones and Craven counties to construct a bridge across Trent river.**

*The General Assembly of North Carolina do enact:*

Bridge across  
Trent River.

SECTION 1. That the commissioners of Jones and Craven counties are hereby authorized and empowered to locate and construct a bridge for the use of the public across the Trent river at some point near Tar Landing on said river.

Draw to be  
provided.

SEC. 2. That said bridge so constructed as authorized shall be provided with a draw sufficient to furnish the free and easy navigation of said river by all kinds of vessels.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 379.

**An act to prohibit non-residents from ranging stock in Graham county.**

*The General Assembly of North Carolina do enact:*

Chap. 124, laws  
1889 (as to stock  
in Graham  
county), amend-  
ed.

SECTION 1. That chapter one hundred and twenty-four (124) of the public laws of eighteen hundred and eighty-nine (1889) be amended by adding after the word "state" in line four "non-residents of Graham county."

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 380.

**An act to prevent fishing in the waters of Big East fork of Pigeon river in Haywood county.**

*The General Assembly of North Carolina do enact:*

Unlawful to  
catch, &c., fish in  
said stream until  
May 1, 1898.

SECTION 1. That it shall be unlawful for any person or persons to take, catch or kill fish in the waters of the Big East fork of Pigeon river, or its tributaries, in the county of Haywood, until the first day of May, eighteen hundred and ninety-eight (1898).

SEC. 2. That any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten (\$10) dollars or more than fifty (\$50) dollars, or imprisoned not less than ten days nor more than thirty; one-half of all said fines to be paid to the parties furnishing the evidence upon which a conviction is had. Misdemeanor.

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

Ratified the 13th day of March, A. D. 1895.

#### CHAPTER 381.

An act to regulate the sale of wine and cider in Robeson 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 and grapes, when not mixed with distilled spirits, without license in the county of Robeson. Unmixed juice of apples and grapes may be sold in Robeson 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 13th day of March, A. D. 1895.

#### CHAPTER 382.

An act to regulate the sale of the essence of Jamaica ginger in Caldwell county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person to sell or otherwise dispose of the essence of Jamaica ginger, except druggists who are authorized to sell the same only upon the prescription of registered physicians. Unlawful to sell Jamaica ginger except upon prescription.

SEC. 2. That any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction of the same shall be fined or imprisoned at the discretion of the court: *Provided*, that this act shall apply only to Caldwell county. Misdemeanor. Applies only to Caldwell county.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 383.

## An act for the relief of certain county officials and their sureties.

*The General Assembly of North Carolina do enact:*

Board of commissioners and board of education of Robeson county authorized to compromise and settle with Angus M. McLean and Claudius B. Townsend.

Proviso.

Claudius B. Townsend relieved of all penalties, &c.

James H. Chadburn, jr., Nathaniel Jacobi and S. H. Manning to be paid the sums paid by them as sureties for Elijah Hewlett, ex-treasurer of New Hanover county.

Proviso.

SECTION 1. That the board of county commissioners and the board of education of Robeson county be, and they are hereby, empowered to compromise and settle with Angus M. McLean, treasurer of the county of Robeson, and the sureties on his official bond, and with Claudius B. Townsend, clerk of the superior court of Robeson, and the sureties on his official bond, on such terms as such commissioners and board of education shall deem just, their loss by reason of the failure of the Bank of New Hanover, of Wilmington, North Carolina: *Provided*, that the said Angus M. McLean and the said Claudius B. Townsend transfer and assign to the board of county commissioners and the board of education aforesaid the certificate or certificates of deposit of the moneys so placed there, and pay over to said board the dividends paid by the receiver of aforesaid bank, and the said Claudius B. Townsend is hereby relieved of any and all penalties imposed by law for failure to pay over to the persons entitled thereto any money lost by the failure of the said bank of New Hanover.

SEC. 2. That the board of county commissioners of New Hanover county shall pay unto James H. Chadburn, junior, Nathaniel Jacobi and S. H. Manning, sureties upon the official bond of Elijah Hewlett, ex-treasurer of the county of New Hanover, such sums of money as they, or either of them, may have respectively paid to the said commissioners or to any other officer of New Hanover county, for use of the county, by reason of deposits made by the said Elijah Hewlett, ex-treasurer as aforesaid, in the First National Bank of Wilmington, North Carolina, and part of said deposits, after being paid to the said Elijah Hewlett, was recovered in an action pending in the circuit court of the United States, at Wilmington, North Carolina, under an order of compromise signed by A. S. Seymour, judge of the United States, upon the petition of W. S. O'B. Robinson, late receiver of said First National Bank of Wilmington, North Carolina, and with which is duly evidenced by the certificates of the receiver of said bank, under order of the court and direction of the comptroller of the currency of the United States, payable to the order of James H. Chadburn, junior, one of the sureties aforesaid: *Provided*, that the said James H. Chadburn, Jr., Nathaniel Jacobi, and S. H. Manning, or either of them,



transfer and assign the certificate or certificates of deposit issued by the said receiver, and deduct from the amount paid by said sureties to the county of New Hanover, or to any officer of the county for the use of the county, all such sums as the said sureties, or either of them, may have received by way of dividends on said deposit from the receiver of said bank.

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

Ratified the 13th day of March, A. D. 1895.

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#### CHAPTER 384.

**An act supplementary to an act ratified March eighth, one thousand eight hundred and ninety-five (1895).**

*The General Assembly of North Carolina do enact:*

SECTION 1. That an act ratified March eighth, eighteen hundred and ninety-five (1895), section two thousand eight hundred and thirty-one (2831) of The Code, volume two (2), shall not apply to the counties of Currituck, Dare, Hyde, Carteret, Pamlico, Chowan, Beaufort, Perquimans, Pasquotank and Craven.

An act ratified March 8, 1895, amending section 2831 of The Code, not applicable to certain counties.

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

Ratified the 13th day of March, A. D. 1895.

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#### CHAPTER 385.

**An act supplemental to an act passed the present session of the general assembly entitled an act to create a new township in the county of Forsyth.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That if said county surveyor of the county of Forsyth shall refuse to comply with section two of the act to create the township of Bethania in said county of Forsyth he shall be fined not less than twenty nor more than forty dollars, in the discretion of the court, and imprisoned not less than thirty days.

Penalty of refusal of county surveyor of Forsyth to locate Bethania township.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 386.

An act to amend chapter forty-three of the laws of one thousand eight hundred and ninety-three, in relation to the killing of wild animals in certain counties.

*The General Assembly of North Carolina do enact:*

Chap. 43, laws 1893, amended. Commissioners shall pay \$5 for catching panthers. Only \$2 for wild-cats in Mitchell, Buncombe, Swain and Yancey.

SECTION 1. That section one, chapter forty-three, of the laws of one thousand eight hundred and ninety-three (1893), be amended by striking out all of said section in line two after the word "Mitchell" down to and including the word "to" in line three, and insert in lieu thereof the word "shall," and add at the end of said section the words "Buncombe, Swain and Yancey."

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 387.

An act to amend section one thousand eight hundred and sixteen of The Code.

*The General Assembly of North Carolina do enact:*

Section 1816 of The Code amended. Penalty for issuing marriage license unlawfully, recoverable by whom.

SECTION 1. That section one thousand eight hundred and sixteen (1816) of The Code be amended by striking out the word "person" in line seven (7), and insert in lieu thereof the words "parents, guardian or other person standing *in loco parentis*."

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

Ratified the 15th day of March, A. D. 1895.

## CHAPTER 388.

An act to reduce the fees of cotton-weighers in Franklin county.

*The General Assembly of North Carolina do enact:*

Fees for weighing cotton in Franklin county to be six cents per bale.

SECTION 1. That it shall be unlawful for any cotton-weigher in the county of Franklin to receive more than six (6) cents per bale for weighing cotton, one-half to be paid by the purchaser

and one-half by the seller, or make any deduction for water or other causes except by the knowledge and consent of the seller.

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

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

Ratified the 15th day of March, A. D. 1895.

## CHAPTER 389.

An act to amend chapter two hundred and thirty-two, laws of one thousand eight hundred and eighty-one.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of said law be amended so as to read after the word "kilkenny" "or any new road that may be needed, or any road that is now made in said county of Tyrrell." Chap. 232, laws 1881, amended. Commissioners of Tyrrell authorized to lay out any new road which may be necessary. Proviso as to convicts struck out. Conflicting laws repealed.

SEC. 2. That all of section two after and including the word "provided" be stricken out.

SEC. 3. That all laws and parts 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 13th day of March, A. D. 1895.

## CHAPTER 390.

An act to incorporate Fair Grove M. E. Church, in Catawba county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person to manufacture, sell, or give away for the purpose of inducing trade, any spirituous or malt liquors within one mile of Fair Grove M. E. church, in Catawba county. Unlawful to sell, &c., liquor within one mile of Fair Grove M. E. Church.

SEC. 2. That any person violating the provision of the preceding section of this act shall be guilty of a misdemeanor, and, upon conviction thereof in any court of record having jurisdiction of the same, shall be fined not more than fifty dollars nor less than twenty-five dollars, and imprisoned one month or less, at the discretion of the court. Misdemeanor.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 391.

**An act to correct state grant five hundred and seventy-seven (577).***The General Assembly of North Carolina do enact:*

State grant number 577 corrected.

SECTION 1. That state grant number five hundred and seventy-seven (577), issued to Joseph Upton for one hundred and three (103) acres of land in Swain county, dated March nineteenth (19th), one thousand eight hundred and seventy-five (1875), be corrected so as to contain the following calls, to-wit: in line four (4) "seventy-four (74)" instead of "twenty-four (24)," and in line seven (7) "east one hundred and seventy-seven (177) polls" instead "west ;" this makes the grant correspond with the plat.

Secretary of state and register of Swain county to correct records.

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 (1) of this act, and the register of deeds in Swain 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 this act.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 392.

**An act to repeal chapter five hundred and twelve of the laws of one thousand eight hundred and eighty-nine.***The General Assembly of North Carolina do enact:*

Chap. 512, laws 1889 (as to catching fish with wire nets, &amp;c., in the Cape Fear river below Wilmington), repealed.

SECTION 1. That chapter five hundred and twelve (512) of the laws of one thousand eight hundred and eighty-nine (1889) is hereby repealed.

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

Ratified the 13th day of March, A. D. 1895.



## CHAPTER 393.

An act to establish a normal school for the colored race in the town of Winston or Salem, Forsyth county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be the duty of the state board of education to establish a normal school at or near Winston or Salem, in the county of Forsyth, for the teaching and training of teachers of the colored race. Colored normal school to be established near Winston or Salem.

SEC. 2. That for the purpose of aiding the Slater Industrial School, located near said towns, and for securing for the use of the State the use of the buildings erected and now used by the Slater Industrial School, the state treasurer shall pay to the state board of education, out of any funds in the treasury not otherwise appropriated, a sum equal in amount to the sum annually raised by the trustees and officers of the Slater Industrial School: *Provided*, that the amount in any one year shall not exceed the sum of one thousand dollars. Appropriation by state. Proviso.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 394.

An act to prohibit the manufacture and sale of intoxicating liquors within one mile of Beck's Baptist church, in the county of Forsyth.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful to manufacture or sell intoxicating liquors within one mile of Beck's Baptist church, in the county of Forsyth. Unlawful to sell, &c., liquors within one mile of Beck's Baptist church.

SEC. 2. That if any person shall violate the provisions of section one (1) of this act he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars (\$10) or more than twenty dollars (\$20) for each offense. Misdemeanor.

SEC. 3. That section three thousand one hundred and eleven shall not apply to this act. Section 3111 (of Code) as to notice not to apply.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 395.

An act to amend chapter one hundred and ninety-five (195) of the public laws of eighteen hundred and ninety-three, being an act to secure the better drainage of Town Fork creek, in Stokes county.

*The General Assembly of North Carolina do enact:*

Chap. 195, laws  
1893 (as to drain-  
age of Town Fork  
creek), extended.

SECTION 1. That chapter one hundred and ninety-five (195) of the public laws of one thousand eight hundred and ninety-three be and the same is hereby amended as follows: that said chapter be and is hereby extended and continued in force in all respects until March the first, one thousand and nine hundred (1900).

Commissioners  
continued in  
office.

SEC. 2. That the present commissioners be and are hereby continued in office until their successors are appointed, as prescribed by said chapter, with all the powers therein continued.

Wilful neglect of  
land-owner to  
work on said  
stream a mis-  
demeanor.

SEC. 3. That when said board of commissioners shall, in writing, direct any of the land-owners contemplated in the act, the work on said stream and upon his or their land required to be done within the period and meaning of the said act, the wilful neglect to do the same for two weeks shall constitute a misdemeanor.

Conflicting laws  
repealed.

SEC. 4. All laws and clauses of laws inconsistent with this act are hereby repealed.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 396.

An act to create a township in Haywood county to be known as White Oak township.

*The General Assembly of North Carolina do enact:*

White Oak town-  
ship in Haywood  
county created.

SECTION 1. That a new township be and the same is hereby created in the county of Haywood to be known as White Oak township, to be formed of parts of Jonathan's Creek and Fines Creek townships in Haywood county.

SEC. 2. That the boundary lines of said White Oak township shall be as follows: beginning at the mouth Cattaloochee creek; thence up the White Oak mountain with Fines Creek and Cattaloochee township line at Hall's Top near Hanah; thence down a ridge to a knob on said ridge near C. L. Jenkin's place and Hall's place; thence down a ridge the lead to the Fox Pen gap near Wesley Yarborough's; thence to Jonathan's creek in bend below Tom Slay's; thence to the Iron Duff township line at the nearest point; thence with said line to the mouth of Jonathan's creek to Pigeon river; thence down said river to the beginning.

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

Ratified the 13th day of March, A. D. 1895.

#### CHAPTER 397.

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

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter three hundred and fifty-nine (359), laws of one thousand eight hundred and eighty-five, be amended by striking out the word "payment" in line seven, section one, and inserting in lieu thereof the word "judgment."

Chap. 359, laws 1885, amended. Statute of limitation not to run against "judgment" owing by owner of homestead, &c.

SEC. 2. This act to take effect from and after its ratification.

Ratified the 13th day of March, A. D. 1895.

#### CHAPTER 398.

An act to change state grant number six hundred and five.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the fourth call in state grant number six hundred and five (605), issued to Jesse Mathes in eighteen hundred and fifty-three (1853), Yancey county, be and the same is hereby corrected so as to read "west sixty poles," etc., instead of "east sixty poles," etc.

State grant number 605 corrected.

SEC. 2. That this act shall take effect from and after its ratification.

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 399.

**An act to prevent the destruction of fish in Big Flatty creek  
and in Little Flatty creek, in Pasquotank county.**

*The General Assembly of North Carolina do enact:*

Unlawful to  
haul, &c., with  
a drag net, &c., in  
200 yards of  
mouth of Big  
Flatty or Little  
Flatty creeks.

Misdemeanor.

SECTION 1. That it shall be unlawful for any person to haul or fish with a drag net or set a pound net in Big Flatty creek or in Little Flatty Creek, in Pasquotank county, within two hundred (200) yards of the mouth of either of said creeks.

SEC. 2. Any person violating the provisions of this act shall be guilty of a misdemeanor, and be fined ten dollars (\$10) or imprisoned thirty (30) days, or both, at the discretion of the court, for each offense.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 400.

**An act to complete the public road provided in chapter three  
hundred and sixty-four (364), laws of eighteen hundred and  
ninety-three (1893), from Miller's creek, Wilkes county, to  
Gaston, in Ashe county.**

*The General Assembly of North Carolina do enact:*

Provisions of  
chap. 364, laws  
1893 (as to public  
road in Wilkes  
and Ashe coun-  
ties), extended  
for two years.

SECTION 1. That the provisions of chapter three hundred and sixty-four (364), public laws of eighteen hundred and ninety-three (1893), being an act to review, lay out and amend the public road from Miller's Creek post office, in Wilkes county, to Gaston post office, in Ashe county, be and the same are hereby extended for two years from the ratification of this act.

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

Ratified the 13th day of March, A. D. 1895.



## CHAPTER 401.

An act for the relief of E. M. Scruggs, of Swain county.

*The General Assembly of North Carolina do enact :*

SECTION 1. That E. M. Scruggs be and the same is hereby empowered to collect the arrearages of taxes for the years eighteen hundred and ninety-one (1891) and eighteen hundred and ninety-two (1892) in the town of Bryson City. This act to apply to the corporation of Bryson City only.

E. M. Scruggs  
empowered to  
collect arrears of  
taxes for 1891 and  
1892 in Bryson  
City.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 402.

An act to amend section one (1), chapter three hundred and eighteen (318), laws of eighteen hundred and ninety-three (1893).

*The General Assembly of North Carolina do enact :*

SECTION 1. That one (1), chapter three hundred and eighteen (318), laws of one thousand eight hundred and ninety-three (1893), be amended by striking out the words "be amended so that the same will read as follows" in line two thereof and inserting the following: "be stricken out and the following be substituted therefor."

Chap. 318, laws  
1893 (as to forma-  
tion of private  
corporations)  
amended.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 403.

An act to repeal chapter three hundred and fifty-four of the public laws of one thousand eight hundred and ninety-three.

*The General Assembly of North Carolina do enact :*

SECTION 1. That chapter three hundred and fifty-four of the public laws of one thousand eight hundred and ninety-three (1893) is hereby repealed.

Chap. 354, laws  
1873 (repealing  
law permitting  
fish traps in  
Neuse river)  
repealed.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 404.

**An act to credit the public school fund with the uncalled for refund of the direct land tax.**

Preamble.

WHEREAS, there now remains in the treasury of the state about twenty-five thousand dollars (\$25,000) of the money refunded to North Carolina by act of congress on account of the direct land tax: and,

WHEREAS, present indications are that the same will not be called for; therefore,

*The General Assembly of North Carolina do enact:*

Refund of direct  
land tax  
uncalled for by  
July 1st, 1895, to  
be credited to  
public school  
fund.  
How distributed.

SECTION 1. That all of the money returned to the state of North Carolina by act of congress and which may not have been called for on the first day of July, one thousand eight hundred and ninety-five (1895), be credited to the public school fund of the state, and said money shall be equally distributed among the several counties in the state on the basis of the school population of all the counties for free school purposes.

State to pay any  
subsequent legal  
demand.

SEC. 2. *Be it further enacted*, that should any legal demand be made on the state for a refund of said money, the same shall be paid out of any funds in the state treasury not otherwise appropriated.

Advertisement  
of this act.

SEC. 3. *Be it further enacted*, that the state treasurer be directed to make public advertisement of the passage of this act for thirty (30) days preceding the first (1st) day of July next.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 405.

**An act to empower the superintendent of public instruction of Richmond county to examine teachers in Laurinburg.**

*The General Assembly of North Carolina do enact:*

Examination for  
teachers certifi-  
cates may be  
held in Laurin-  
burg by superin-  
tendent of Rich-  
mond county.

SECTION 1. That the superintendent of public instruction of the county of Richmond be and he is hereby empowered to hold examinations of applicants for teachers' certificates in the town of Laurinburg, in said county, during those months set apart by law for the examination of applicants for teachers' certificates: *Provided*, that the board of education of Richmond county shall cause the dates for said examination to be

Proviso.

published in one or more newspapers in said county. That said superintendent may conduct said examination in person, or may appoint some competent person or persons for said purpose.

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 apply only to Richmond county.

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

Ratified the 13th day of March, A. D. 1895.

#### CHAPTER 406.

**An act to regulate judicial sales of real property in Craven county.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That all real property now advertised to be sold under execution or by order of the superior court of Craven county during the first three days of the term of said superior court at its February term, one thousand eight hundred and ninety-five (1895), may be sold as now advertised during the first three days of the second week of said February term, one thousand eight hundred and ninety-five (1895), and such sale or sales shall have the same force and effect as if actually sold during the first three days of said term, as now provided by law: *Provided*, nevertheless, that this act shall only apply to the February term, one thousand eight hundred and ninety-five (1895) of Craven county superior court. All laws, or part of laws in conflict with this act in their application to Craven county are hereby repealed. When certain judicial sales may be held in Craven county.

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

Ratified the 13th day of March, A. D. 1895. Conflicting laws repealed.

#### CHAPTER 407.

**An act to correct grant two thousand three hundred and two.**

*The General Assembly of North Carolina do enact:*

SECTION 1. That grant number two thousand three hundred and two (2302), entry number eight thousand one hundred and twenty-five (8125), surveyed the twenty-second day of March, one thousand eight hundred and fifty-six (1856), for John West, Macon county, be and the same is corrected so as to make the State grant No. 2302 corrected.

fifth call in said grant read "north seventy-five (75) degrees west forty poles to a spanish oak," so as to comply with the plat on said grant.

Secretary of  
state and regis-  
ter of Swain  
county to correct  
records.

SEC. 2. The secretary of state is hereby authorized to make such correction in the records of his office, and the register of deeds in Swain county is authorized to so correct in the records of his office.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 408.

### An act to provide for the maintenance of the North Carolina penitentiary.

*The General Assembly of North Carolina do enact:*

\$14,158.71 appro-  
priated to pay  
outstanding  
debts.

SECTION 1. That the sum of fourteen thousand and one hundred and fifty-eight dollars and seventy-one cents (\$14,158.71) is hereby appropriated out of any money in the treasure to pay the debt outstanding and due by the penitentiary at the end of the fiscal year of one thousand eight hundred and ninety-four.

\$25,000 appro-  
priated for 1895.

SEC. 2. That the sum of twenty-five thousand dollars is hereby appropriated out of any moneys in the treasure to supplement the resources of the penitentiary for its support during the current year of one thousand eight hundred and ninety-five.

Contingent  
appropriation of  
\$25,000 for 1896.

SEC. 3. That a contingent appropriation of twenty-five thousand dollars is made for the year one thousand eight hundred and ninety-six, to be used only upon the recommendation of the board of directors of the penitentiary and the approval of the governor.

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

Ratified the 13th day of March, A. D. 1895.



## CHAPTER 409.

## An act to establish a graded school in the town of Rutherfordton and surroundings.

*The General Assembly of North Carolina do enact:*

- SECTION 1. That the board of aldermen of the town of Rutherfordton, at any time after the ratification of this act, may submit to the qualified voters of the town of Rutherfordton, under such rules and regulations as they may prescribe, whether an annual tax shall be levied for the establishment and support of a graded school for each race of said section. That such qualified voters at such election shall vote a ticket on which shall be written or printed the words "for school" or "against school," and the penalty for illegal voting shall be the same as in other elections in said section or the town of Rutherfordton. In case a majority of the qualified voters in such elections shall favor the tax the same shall be levied and collected by the authorities of the town of Rutherfordton, and the tax collector shall be subject to the same liabilities for the collection and payment of such taxes as he is by law for other taxes. The taxes thus levied and collected shall not exceed one half of one per centum, and the tax on the poll shall be equal to the amount levied on the six hundred dollars' worth of property.
- SECTION 2. If a majority of the votes cast shall be "for school," then the aldermen of the town of Rutherfordton shall elect four persons who shall constitute a board of education for said section; of these four persons two shall be elected for one year and the other two for two years, and at the expiration of the term the successors shall be elected for two years. The mayor of the town shall be *ex officio* chairman of the board, but shall have no vote in any matter except in the case of a tie. The members of the board, before entering upon the discharge of their duties, shall take an oath to faithfully discharge all the obligations and duties devolving upon them as members of the board.
- SECTION 3. That it shall be the duty of the board as soon as possible to secure by purchase, gift or otherwise suitable places for the school contemplated by this act, and to that end may solicit contributions and gifts, and if they think best use the first year's money or so much thereof as is necessary.
- SECTION 4. That those persons through whose land the boundary line of the section may run shall have all the rights, powers and benefits of this act: *Provided*, that said persons, prior to the election held, shall signify to the aldermen in writing his desire,

Election in Rutherfordton on the question of a graded school.

Ballots.

Tax to be levied if majority of qualified voters vote for it.

Collection, &c.

Amount of tax.

Board of education.

Mayor chairman ex-officio.

Oath.

Place for school.

Persons living upon boundary to get benefits. Proviso.

and subject that portion of the tract of land outside of the limits of said section to the taxes imposed by this act.

Teachers, &c.

SEC. 5. That the board of education for said section shall, so soon as they determine to open the school, elect such teachers and officers as may be necessary to carry on the work they have in charge, and they may fix the salary of each at such amount as they may deem proper, and any other law to the contrary notwithstanding, and shall have power to make such rules, by-laws and regulations as may be necessary for the good of the school.

Salaries.

By-laws, &c.

School fund, by whom expended.

SEC. 6. The said board of education shall have full charge of the school fund raised by virtue of this act, and shall use the same for school purposes and in such a manner as to best promote the surest interests of both races: *Provided*, that equal facilities with equal terms shall be given both races.

Proviso.

Tax to remain same until changed by vote.

SEC. 7. The tax, when voted, shall remain the same from year to year unless reversed or reduced by a vote of the people on the subject.

SEC. 8. That this act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1895.

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## CHAPTER 410.

### An act for the relief of Mary Kate Thornton, a teacher in the public schools of Robeson county.

*The General Assembly of North Carolina do enact:*

Mary Kate Thornton to be paid \$61.25.

SECTION 1. That the treasurer of the board of education of Robeson county to be authorized, and he is hereby instructed, to pay to Mary Kate Thornton, a public school teacher, the sum of sixty-one dollars and twenty-five cents (\$61.25), due her as services in the public schools of said county of Robeson, upon presentation by said Mary Kate Thornton of order for said amount duly signed by at least two of the school committeemen of said county.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 411.

**An act to fix the bond of the register of deeds for Pamlico county.***The General Assembly of North Carolina do enact :*

SECTION 1. That the register of deeds for Pamlico county shall give bond with sufficient surety, to be approved by the board of county commissioners, in the penalty of two thousand dollars (§2,000), payable to the state and conditional for the safe-keeping of the books and records and for the faithful performance of the duties of his office, and shall renew his bond annually in the first Monday in December.

Bond of register of deeds of Pamlico county to be \$2,000.

SEC. 2. That all laws and parts of laws in conflict with this act shall be and the same are hereby repealed.

Conflicting laws repealed.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 412.

**An act to repeal chapter five hundred and twenty-nine of the laws of one thousand eight hundred and ninety-one.***The General Assembly of North Carolina do enact :*

SECTION 1. That chapter five hundred and twenty-nine (529) of the laws one thousand eight hundred and ninety-one (1891), entitled "an act to amend section two thousand and fifty (2,050) of The Code of North Carolina," be and the same is hereby repealed.

Chap. 529, laws of 1891 (allowing erection of gates on public roads in Harnett county), repealed.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 413.

An act to amend the act entitled "an act to abolish the criminal court of New Hanover and Mecklenburg and establish a circuit criminal court."

*The General Assembly of North Carolina do enact:*

An act to abolish the criminal court of New Hanover and Mecklenburg and establish a circuit criminal court, amended. Clerk and solicitor of Mecklenburg criminal court to be clerk and solicitor of said circuit criminal court until their present term of office expires.

SECTION 1. That the act entitled "an act to abolish the criminal court of New Hanover and Mecklenburg and establish a circuit criminal court" be, and the same is hereby, amended by adding another section to the said act, to be numbered section twenty-six, which shall read as follows: "*Provided*, that the clerk and the solicitor of the criminal court of Mecklenburg shall be the clerk and solicitor of the circuit criminal court until expiration of their present terms of office.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 414.

An act to amend chapter one hundred and ninety-eight, laws of eighteen hundred and eighty-nine (1889), relative to pensions.

*The General Assembly of North Carolina do enact:*

Chap. 198, laws of 1889, amended.

Amendment.

SECTION 1. That chapter one hundred and ninety-eight (198), laws of one thousand eight hundred and eighty-nine (1889), be and the same is hereby amended by inserting after the word "states" in line eleven of section one the following words: "or who died at any time thereafter from wounds or injuries received or disease contracted while in the discharge of his duty as such soldier or sailor: *Provided*, that the widow of any such soldier or sailor shall produce before the county advisory board of pensions a certificate from one or more practicing physicians in good standing showing that the death of her husband was caused, either directly or indirectly, from wounds or injuries received or disease contracted while in the discharge of his duty as such soldier or sailor."

Chap. 394, laws of 1893, repealed.

SEC. 2. That chapter three hundred and ninety four (394) of the laws of one thousand eight hundred and ninety-three (1893), be and the same is hereby repealed.

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

Ratified the 13th day of March, A. D. 1895.



## CHAPTER 415.

## An act to transcribe the mutilated records in the superior court clerk's office in Bladen county.

WHEREAS, The most of the records in the office of the clerk of the superior court of Bladen county were damaged by fire, and are in such a mutilated condition that it is impossible to use them, and several of them being of almost daily use, especially the judgment document and will books; and,

WHEREAS, The will books are the only records of the wills heretofore made in Bladen county, the wills having been destroyed, and it being important to preserve these records, they being muniments of titles to real estate; therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That the clerk of the superior court of Bladen county shall transcribe the judgment docket and index books and the will books in his office, and all other books in said office containing records made since one thousand eight hundred and sixty-eight (1868).

Damaged and mutilated records of Bladen county.

Clerk of county to transcribe judgment docket, index books and will books made since 1868.

SEC. 2. That the clerk of said court shall cause said work to be done with as little delay as possible, and shall have the whole of said records completely transcribed within six (6) months after a ratification of this act.

Books to be transcribed in six months.

SEC. 3. That the clerk of the superior court of said county of Bladen shall be allowed as compensation for doing said work the sum of ten cents a page for every page so transcribed: *Provided*, that the books shall be provided by the commissioners, at the cost of the county, in which to transcribe said records.

Pay for transcribing.

Proviso.

SEC. 4. That the board of commissioners of said county shall appoint three (3) of the practicing lawyers of said county to investigate and report whether the work done by the said clerk is in accordance with the requirements of this act and the general laws; and, upon the report of said committee that the work is properly done, it shall be the duty of the commissioners of said county to draw a draft on the treasurer of said county in favor of the said clerk for the amount due him, and the treasurer shall pay said draft out of any money in his hands.

Committee of lawyers to examine work of clerk.

Commissioners of county to pay on favorable report.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 416.

**An act to protect certain birds of Iredell county.***The General Assembly of North Carolina do enact :*

Unlawful to kill  
certain birds in  
Iredell county at  
fixed times.

SECTION 1. That it shall be unlawful to kill, shoot, trap or net any partridges, quails or wild turkeys in Iredell county at any time between the last day of March and the first day of November in each and every year.

Penalty.

SEC. 2. That any person violating this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars (\$5) or be imprisoned not more than thirty (30) days for each offense.

Townships to  
which act appli-  
cable.

SEC. 3. That this act shall apply only to Olive, Eagle Mills and Turnersburg townships.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 417.

**An act concerning the state penitentiary.***The General Assembly of North Carolina do enact :*

Nine additional  
directors.

SECTION 1. That in addition to the five directors of the state penitentiary appointed under chapter two hundred and eighty-three (283) of the public laws of eighteen hundred and ninety-three there shall be appointed by this general assembly nine directors, whose terms shall begin with their appointment and continue for two years and until their successors shall be appointed by the general assembly.

Term of office.

SEC. 2. The compensation of all the directors of the penitentiary shall be four dollars (\$4) a day each, and five cents per mile each way of travel while in the discharge of official duties, which compensation shall be paid on the accounts duly itemized before the state auditor and approved by him.

Pay of directors.

SEC. 3. That sections three (3) and four (4) of the act entitled "an act to provide for the government of the state prison or penitentiary," ratified the sixth (6) day of March, eighteen hundred and ninety-three (being chapter two hundred and eighty-three of the laws of eighteen hundred and ninety-three), and all of the penitentiary and all such agents, servants or employees of any sort shall be removable at the pleasure of the board of direc-

Agents, servants  
or employees  
removable at  
pleasure of  
directors.

tors. Such board of directors may appoint, by themselves or through their subordinates, wardens, physicians, supervisors, overseers, guards, and all other necessary employees, and shall, by their rules and regulations, prescribe the duties of each; all property belonging to the penitentiary shall be under the control and direction of the board of directors and held by them through their agents or employees, according to their rules and regulations. Such board of directors shall require their agents and subordinates to safely keep and account for all property, moneys, funds and all things of value, under such rules as the board may prescribe: *Provided*, that the present management now in control of the penitentiary shall have the power to continue and conduct the business of the said institution until the third Wednesday in April, eighteen hundred and ninety-five, when the board of directors herein provided for shall assume control. Subdivisions of said sections three and four, and all of said sections three and four, be and they are hereby repealed, and the office of superintendent of the state prison is hereby abolished.

What officers to be appointed.

Duties prescribed by directors.

Agents, not subordinates, to keep accounts of moneys and property.

Present management to continue until 3rd Wednesday in April, 1895.

Office of superintendent abolished.

SEC. 4. That section six (6) of said chapter two hundred and eighty-three (283), laws of eighteen hundred and ninety-three, be and the same is hereby repealed, and the following is hereby substituted therefor, to-wit: "That the said board of directors shall meet on third Wednesday of April and on the third Wednesday of December in each year, but they shall not, at any meeting, receive pay for more than two days' attendance."

Section 6, chap. 283, laws of 1893, repealed.

Substitute.

SEC. 5. That the said board of directors, at their meeting in April in each year, shall appoint an executive board to be composed of five (5) of their own members, who shall meet once in every two months but may meet at such other times as the executive board may think necessary, and who shall, as such executive board, have and exercise all the powers that could or might be exercised by the full board of directors while in session (except that said executive board shall not have power to revoke, rescind or amend any rule, regulation or order made by the full board) and perform such duties as the board of directors and the rules and regulations governing the penitentiary may be required to be performed by the full board of directors.

Executive board.

Meetings of.

Powers of executive board.

SEC. 6. That section eight (8) of the act above recited is hereby repealed.

Section 8 of act of 1893 repealed.

SEC. 7. That section ten (10) of said above recited act be amended by striking out the words "the superintendent may, with the consent of the governor, and by order of the board of directors," and insert instead thereof the following words, "the directors may."

Section 10 of said act amended.

Amendment.

Rules, by-laws,  
&c.

Servants and  
agents to be  
employed.

Conflicting laws  
repealed.

Time of contin-  
uance of present  
management.

Election of addi-  
tional directors,  
when to take  
effect.

SEC. 8. That the board of directors shall make all such rules, by-laws and regulations concerning the management and control and supervision of the penitentiary as, in their judgment, may seem best. They shall employ all such agents and servants as may be necessary or proper for the government, management, regulation and operation.

SEC. 9. That all laws and clauses of laws in conflict with the provisions of this act be and the same are hereby repealed.

SEC. 10. The control and management of said state penitentiary shall hereafter continue as at present organized until the third Wednesday in April, one thousand eight hundred and ninety-five.

SEC. 11. This act, as to the election by the general assembly of the additional directors herein provided, shall take effect and be in force from and after its ratification, and this act, for all purpose, shall be in full force and effect from and after the third Monday in April, eighteen hundred and ninety-five.

Ratified the 13th day of March, A. D. 1895.

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## CHAPTER 418.

### An act to amend chapter four hundred and three of the acts of eighteen hundred and ninety-three.

*The General Assembly of North Carolina do enact :*

Chap. 403, public  
laws of 1893,  
amended.

Amendment.

SECTION 1. That four hundred and three (403) of the public laws of eighteen hundred and ninety-three (1893) be amended by striking out the word "four (4)" in line eleven and by inserting in lieu thereof the word "third (3rd)," and by striking out the word "one (1)" in said line and by inserting in lieu thereof the word "two (2)," and by striking out in line twelve (12) the word "twelfth (12th)" and by inserting in lieu thereof the word "eleventh (11th)."

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

Ratified the 13th day of March, A. D. 1895.



## CHAPTER 419.

**An act to prohibit the sale of spirituous liquors within two miles of Neighbors' Grove church, in Randolph county.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That it shall be unlawful for any person or persons to dispose of or sell spirituous, vinous or malt liquors within two miles of Neighbors' Grove Wesleyan church, in Randolph county. Prohibition.

SEC. 2. That if any person or persons shall violate the provisions of this statute he or they shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, at the discretion of the court, not to exceed a fine of fifty dollars (\$50) or imprisoned for more than thirty days. Misdemeanor.  
Penalty.

SEC. 3. That this act shall be in force from and after the first day of June, one thousand eight hundred and ninety-five (1895).

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 420.

**An act to regulate stock law fence in Chatham county.**

*The General Assembly of North Carolina do enact :*

SECTION 1. That upon the written application of one third of the qualified voters of the district or territory, viz. : commencing at the Bland mill-site on east side of Haw river; thence with stock law fence to the Wake county line; thence south with Wake county line to Harnett county line; thence west with Harnett county line to Cape Fear river; thence north up Cape Fear river to Haw river; thence up Haw river to the first station or beginning, made to the board of county commissioners of Chatham county, it shall be the duty of said board of county commissioners to submit the question of stock law or no stock law to the qualified voters of said district, and if at any such election a majority of the votes cast shall be in favor of no stock law, the said stock law now in force shall be and the same is hereby repealed in said district or territory: *Provided*, that the citizens living or owning land within the boundaries of said district or territory shall have two years after said election to build their fences. Question of stock law to be submitted to voters in certain described districts in Chatham county, on petition of one-third of qualified voters of district.  
  
What to constitute repeal of present stock law.

When tax not to be levied in district.

SEC. 2. That no stock law tax for said district or territory shall be levied or assessed within said district or territory after said election: *Provided*, the result of said election be to abolish the stock law now in force.

Elections, how to be conducted.

SEC. 3. That every election under this chapter shall be held and conducted under the same rules and regulations and according to the same penalties provided by law for the election of members of the general assembly.

Elections, how often to be held.

SEC. 4. That the election herein provided for shall not be held oftener than once in ten years.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 421.

### An act to require the county commissioners of the county of Alleghany to complete a public road.

WHEREAS, The county commissioners of the county of Surry and the county of Alleghany order the laying out and the making of a public road from Harden's camp, in the county of Alleghany, to Fisher's gap, in the county of Surry; and.

WHEREAS, Pursuant to said orders, the citizens of the county of Surry have completed their part of said road at a great expense and labor, and the commissioners of the county of Alleghany have rendered their order to complete said road; therefore.

*The General Assembly of North Carolina do enact:*

Road to be completed under present existing rules by first Monday in June, 1895.

SECTION 1. That the county commissioners of the county of Alleghany complete said road, under the rules and regulations as are now provided by law for working new roads, on or before the first Monday in June, one thousand eight hundred and ninety-five (1895), as laid out heretofore by the sheriff of said county pursuant to the order of said commissioners.

Failure to complete road subjects commissioners to punishment. Proviso.

SEC. 2. That if the said commissioners shall fail and neglect to complete said road as hereinbefore directed they shall be subject to the punishment prescribed in section seven hundred and eleven (711) of The Code of North Carolina: *Provided*, that the commissioners of the county of Alleghany shall not be required to construct said road until the petitioners therefor shall execute a good justified bond in the sum of two thousand dollars (\$2000),

Bond for \$2,000 first to be given.

to be approved by them, conditioned for the securing or doing all the blasting that may be required to properly complete said road, which blasting said petitioners must be required to do at their own expense.

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

Ratified the 13th day of March, A. D. 1895.

#### CHAPTER 422.

An act to amend chapter one hundred and fifty-eight (158), public laws of one thousand eight hundred and ninety-three (1893), to change the time of holding Graham superior court.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and fifty-eight (158) of the public laws of one thousand eight hundred and ninety-three (1893) be amended by striking out the word "tenth" in line ten between the words "March" and "Monday," and insert the word "ninth," and add after the word "September" in line eleven "to continue two weeks."

Chap. 158, public laws, 1893, amended.

Amendment.

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 13th day of March, A. D. 1895.

#### CHAPTER 423.

An act to regulate the hunting of birds in Lenoir county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person or persons to hunt or shoot any partridges or quails in Lenoir county for the purpose of sending them out of the county for market.

Hunting of quail for market forbidden.

SEC. 2. That any person who shall violate the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars, or imprisoned not less than thirty days.

Misdemeanor. Penalty.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 424.

## An act to establish a public road in Stokes county.

*The General Assembly of North Carolina do enact:*

Turnpike road.

Termini, &c., of road.

Width of road, &c.

Commissioners to locate road.

Oath to be taken by commissioners.

Who shall work on road.

Prisoners for non-payment of costs and persons bound to the peace who fail to give bond, to work on road.

Tools and materials for working road, and provisions for convicts.

SECTION 1. That there shall be laid out and established a public and free turnpike road in Stokes county, beginning on the Buck Island road near Danbury, in Stokes county, by altering, changing and amending the present road and grading around the hills by Joseph Stuart's, crossing Dan river at Seven Island ford, to the Buck Island road between Bradley Lawson's and John R. Jewell's.

SEC. 2. That said road shall be twenty feet wide, sixteen feet of which shall be clear of stumps and runners, and of as easy grade as can be had, and well drained.

SEC. 3. That H. M. Joyce, Martin V. Mabe and J. R. Jewell are hereby appointed commissioners to engineer and locate said road from and to the points herein designated, who shall, before entering upon their duties, take an oath before some justice of the peace to faithfully discharge their duties under this act.

SEC. 4. That all persons who shall be convicted of any criminal offense in any of the courts of Stokes county and in consequence thereof be sentenced to imprisonment in the county jail for a term less than twelve months, shall, on the application of the commissioners, be delivered by the sheriff of said county to said commissioners, or their agents or appointees, for the purpose of working on said road; and if any prisoner after being delivered by the sheriff, as aforesaid, shall escape, on conviction thereof shall be fined or imprisoned at the discretion of the court.

SEC. 5. That if any person shall be imprisoned on account of non-payment of cost it shall be the duty of the court before which such person is tried to fix a price per month, including board, at which such prisoner shall work out the cost on said road incurred up to such time, and if any person shall be imprisoned for failing to find sureties to keep the peace he shall also be worked on said road; and if any prisoner mentioned in this section shall escape, he shall, on conviction, be punished as provided for in section four of this act.

SEC. 6. That it shall be the duty of the commissioners of said county to furnish such tools and materials as are necessary for making, working and blasting on said road, and also the necessary feed and guard for the convicts at work thereon: *Provided*, that they shall not allow any more for feeding them



than the jailor gets for feeding prisoners; that the work herein provided for shall begin at the point first designated.

SEC. 7. That if the owners of any lands through which said road shall pass shall consider themselves injured thereby, it shall be competent for such person so injured, by petition to the county commissioners of the county praying for a jury to view the premises and assess the damages sustained; and it shall be the duty of the said commissioners to order said jury to be summoned by the sheriff as in cases of public roads, and it shall be the duty of the jury to take into consideration the benefit to the land and the convenience to the public, as well as the injury to the land by making such road, and on the report of the jury made to and confirmed by the county commissioners the damages shall be paid by the county: *Provided*, that if any person shall claim damages and call for a jury to assess damages, and none be found, the person so calling for a jury shall defray the expenses and pay the cost of the case.

Land owners  
who may be  
injured by road.

SEC. 7. That when said road has been laid out and changed as herein provided the same shall be declared a public road, and may be completed and kept in order in the same manner as other public roads in the county of Stokes.

When declared  
a public road.

How to be kept  
up.

SEC. 8. That if any of the commissioners herein provided for shall decline to act at any time the vacancy shall be filled by the appointment of the board of commissioners of Stokes county, and it shall be the duty of the sheriff to see that this act is carried into effect, and assist the commissioners if any person shall refuse to allow them to go upon his land and make said road.

Vacancies  
among road  
commissioners.

Sheriff to aid  
commissioners.

SEC. 9. That this act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1895.

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## CHAPTER 425.

An act to change the time of holding the courts of Gaston, Stanly and Mecklenburg counties.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the superior courts of the counties of Gaston, Stanly and Mecklenburg shall be held at the times hereinafter designated and shall continue for the time hereinafter provided, unless the business be sooner disposed of.

Superior courts  
of Gaston, Stanly  
and Mecklen-  
burg.

When to be held. SEC. 2. The superior courts of said counties shall be held at the following times, to wit: Stanly, first Monday in March, first Monday in September, each term to continue two weeks; Gaston, second Monday before the first Monday in March, second Monday after the first Monday in September, each to continue two weeks; Mecklenburg, second Monday after the first Monday in March, the fourth Monday after the first Monday in September, each to continue two weeks, sixth Monday before the first Monday in March, and the thirteenth Monday after the first Monday in March, each to continue one week. All of said terms shall be for the trial of civil causes alone, and the last mentioned term shall be for the trial of such causes as do not require a jury. Civil process may be returnable to all of said terms.

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 13th day of March, A. D. 1895.

## CHAPTER 426.

### An act to prohibit the sale of spirituous liquors within certain localities.

*The General Assembly of North Carolina do enact:*

Prohibition. SECTION 1. That it shall be unlawful for any person to sell or otherwise dispose of with a view to remuneration any spirituous liquors within the limits hereinafter specified in each paragraph of this act.

Catawba county. *Catawba*.—Mount Olive church, Hickory township, one (1) mile; Houek's Chapel M. E. church, one (1) mile.

Caswell. *Caswell*.—Guilford Presbyterian church, in Milton township, two (2) miles.

Coin Joke Disciples' church. *Currituck*.—Coin Joke Disciples' church, in Poplar Branch township, two (2) miles.

Cleveland county. *Cleveland*.—Boiling Springs Baptist church, three (3) miles; Trinity school-house, two (2) miles; Sandy Run Baptist church, two (2) miles.

Edgecombe. *Edgecombe*.—Epworth M. E. church south, two (2) miles.

Gaston. *Gaston*.—Craig's school-house, Mount Zion African M. E. church and Medearly chapel, in Point township, one (1) mile; South Point M. E. church, (2); Stanly Creek M. E. church, (1).

*Guilford*.—Deep River meeting-house (Friends'), two (2) miles; Guilford. Friendship church, in Madison township, one (1) mile.

*Hyde*.—Latham's school-house, in Currituck township, two (2) Hyde. miles; Scranton Christian church, in Currituck township, two (2) miles.

*Henderson*.—Mountain Page Baptist church, in Green River Henderson. township, one (1) mile; Beulah Baptist church, Crabtree Creek township, one (1) mile.

*Iredell*.—New Sterling Association, Reform Presbyterian Iredell. church, two (2) miles.

*Martin*.—Macedonia, Disciples' church, one (1) mile; Ware's Martin. chapel, one (1) mile.

*McDowell*.—New Prospect church, one (1) mile; Nesbitt's McDowell. church, one (1) mile.

*Mitchell*.—Spring Creek Baptist church, in Herald township, Mitchell. two (2) miles.

*Montgomery*.—Prospect M. E. church (South), two (2) miles. Montgomery.

*Moore*.—Bethlehem Baptist church, one (1) mile; Tabernacle Moore. Methodist, in Sheffield township, one (1) mile.

*Madison*.—Laurel Fork Baptist church, two (2) miles; Cali- Madison. fornia Baptist church, two (2) miles.

*Northampton*.—Northampton County Zion Bethany church, Northampton. two (2) miles.

*Onslow*.—Providence church, three (3) miles; Primitive Bap- Onslow. tist church, of Stump sound, four (4) miles.

*Perquimans*.—Bethel church, in Bethel township, two (2) Perquimans. miles.

*Richmond*.—Public school-house for whites, in school district Richmond. number thirty-five, two (2) miles.

*Sampson*.—Glencoe High School, one (1) mile; Goshen Metho- Sampson. dist church, two (2) miles; Autreville Baptist church, in Little Coharie township, one (1) mile.

*Surry*.—Pilot Methodist Protestant church, one (1) mile. Surry.

*Stanly*.—Bethel Reformed church, three (3) miles. Stanly.

*Union*.—Emanuel Lutheran church, in Goose Creek township, Union. two miles; Clarksville A. M. E. church, in Beaufort township, one (1) mile.

*Vance*.—Bethel Baptist church, three (3) miles. Vance.

*Wayne*.—Casey's Chapel church, in New Hope township, two Wayne. (2) miles; St. Matthew's Presbyterian church, near Dudley's, three miles.

*Wake*.—Mount Zion colored Baptist church, in Buck Horn Wake. township, two (2) miles.

*Watauga*.—Bun Mountain Baptist church, Mt. Gilead Baptist Watauga. church, Zion Hill Baptist church, Bethel Baptist church, Forest

Grove Baptist church, Valley Cruise M. E. church, Stony Fork Baptist church, Pine Run school-house and Brown's M. E. chapel (south), one (1) mile each; Mt. Vernon Baptist church, one (1) mile; Fairview M. E. church, one (1) mile.

Incorporated towns and cities excepted.

SEC. 2. That the provisions of this act are inoperative within the limits of incorporated cities and towns.

Conflicting laws repealed.

SEC. 3. All laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified the 13th day of March, A. D. 1895.

#### CHAPTER 427.

#### An act to regulate the workings of the public roads in Jones, Hyde, Wake, Polk and Pamlico counties.

*The General Assembly of North Carolina do enact:*

Commissioners of Jones, Hyde, Wake, Polk and Pamlico counties at September meeting, 1895, to order election on road question.

SECTION 1. That it shall be the duty of the board of county commissioners of Jones, Hyde, Wake, Polk and Pamlico counties, at their meeting to be held in the month of September, eighteen hundred and ninety-five (1895), to order an election to be held at the various voting precinct of Jones, Hyde, Wake, Polk and Pamlico counties, on the Tuesday after the first (1st) Monday in November, eighteen hundred and ninety-five (1895), to ascertain the approval or disapproval of the voters in said counties of the adoption of a system of working the public roads by taxation. The election shall be held under the rules and regulations which shall be in force the first day of September next governing the election of representative to the house of representatives; the commissioners shall provide a ballot box for each precinct which shall be labelled "road law," and they shall provide ballots in the following forms: "for adoption of road law" and "against adoption of road law."

Date of election.

Purpose of election.

Manner of holding election.

Ballots.

All matters pertaining to election to be the same as in other elections.

SEC. 2. The law regulating the appointment of registrars and judges of election, the opening of registration books and the registration of voters, the returns of the election, the canvass of the vote and the declaration of the result, and all the provisions of the election law in the state concerning the conduct of the elections shall apply to this election; the return of the votes shall be made in the same manner as is provided by law in the case of other election.

SEC. 3. That if a majority of the votes cast at the said election shall be "for adoption of road law," and the declaration of



this result shall be made by proper authority, a tax shall be levied in the counties of Jones, Hyde, Wake, Polk and Pamlico to provide a fund for working the public roads. This tax shall be levied, as other taxes are required by law to be levied, upon the polls and property in the counties, not more than forty-five (45) cents upon the poll, and not more than fifteen (15) cents on the one hundred dollars' worth of taxable property.

Road tax.

Levied as other taxes.  
Amount of levy.

SEC. 4. That said assessment shall be included in a separate column on the tax books, and shall be collected by the sheriff or other tax collector as other taxes are collected, which assessment shall be collected, and shall constitute when collected a county road fund to be expended on the construction and repair of roads in said counties.

Tax, how kept.

Road fund.

SEC. 5. That all persons confined in the county jail, either under a final sentence of the court for crime or imprisonment for the non-payment of fines and costs, or under final judgment in cases of bastardy or under the vagrant acts, and all persons sentenced to state prison for a term less than five (5) years, shall be available to said county commissioners for the purpose of working said persons upon said public roads under the provisions of this act if they shall apply for such persons; and upon the application of said commissioners to the judge of the superior, inferior or criminal court for said counties, he shall assign such persons convicted in his court to said commissioners for said purposes.

Who shall work  
the roads.

SEC. 6. That said commissioners may adopt any method, plan or system for sustaining and keeping in repair said public roads of said counties not inconsistent with the provisions of this act, and may use said road fund, provided for in this act, under such rules and regulations as they may prescribe.

Repair of roads.

SEC. 7. That the board of commissioners of said counties may, in their discretion, purchase such improved road machines and other implements and tools as may be deemed necessary in constructing and keeping in repair said public roads.

Improved machinery.

SEC. 8. That the said board of commissioners shall have discretionary power to make an appropriation out of said road fund or out of the general county fund for putting in repair any place in any public road in said counties requiring more than an ordinary expenditure of money or labor.

Fund to be used  
for repair of  
roads.

SEC. 9. That the said board of county commissioners shall have power to re-locate or change any part of any public road in said county when, in their judgment, such re-location or change shall prove advantageous to travel, and such re-location

Roads may be  
re-located or  
changed.

How re-location  
or change made.

or change shall be made in the manner now provided by law for laying out new roads or highways.

Road  
superintendent.  
Term of office.  
Compensation.

SEC. 10. That said board of county commissioners shall appoint a county superintendent of roads, whose term shall be one year and who shall receive such compensation as the said board may prescribe, to be paid out of said county road fund, and shall also appoint a township supervisor in each township to serve under the direction of the said county superintendent of roads, said township supervisors to receive such compensation *per diem* as the said commissioners may decide to be reasonable and just for the days actually engaged in such service. It shall be the duty of said township supervisors to certify to the county superintendent the amount of work done by such person as may labor on said road, and the amount due said person in accordance with the rules and regulations made by said board of county commissioners, and it shall be the duty of said county superintendent to file with the chairman of said county commissioners certificate of said township supervisors, with his endorsement thereon, if approved, or his reasons for disapproval, and when approved by said superintendent, and found to comply with the rules and regulations as provided by law, the same shall be paid by the county commissioners out of said road fund or other funds in the county treasury not otherwise appropriated.

Township  
supervisor.

Compensation.

Duty of  
supervisors.

Duty of  
superintendents.

Conflicting laws  
repealed.

SEC. 11. All laws and clauses of laws in conflict with this act are hereby repealed: *Provided*, this bill shall apply to Craven county, but the taxable property and polls in the city of Newberne shall not be taxed for the purpose of this act.

SEC. 12. That this act shall go into effect from and after its ratification.

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 428.

An act for the relief of Robert W. Smith, sheriff of Dare county.

*The General Assembly of North Carolina do enact:*

Time extended  
to August 1, 1895.

SECTION 1. That Robert W. Smith, sheriff of Dare county, be allowed till August the first, eighteen hundred and ninety-five (1895), to settle his taxes with the state treasurer.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 429.

An act to establish graded schools in the town of Clinton,  
North Carolina.*The General Assembly of North Carolina do enact:*

SECTION 1. That all the territory embraced within the corporate limits of the town of Clinton, Sampson county, shall be, and is hereby, constituted a public school district for white and colored.

Town of Clinton  
made school  
district.

SEC. 2. That the board of commissioners of Sampson county are hereby authorized to submit to the qualified voters of said school district within three months after the ratification of this act, under such rules and regulations as they prescribe, the question whether an annual tax shall be levied therein for the support of graded public schools for white and colored in said district; each voter shall vote a written or printed ballot without device the words "for school" if in favor of levying said tax, and those who are opposed to levying said tax shall vote on written or printed ballot without device the words "against school." The penalties for illegal and fraudulent voting in this election shall be the same as in the election for members of the general assembly. The county commissioners shall give at least thirty days' notice of the time of holding said election, in the newspaper published in said school district.

Question of tax  
for graded  
schools to be sub-  
mitted to voters.

Ballots.

Penalties for  
illegal voting.

Notice of  
election.

SEC. 3. That if the inspectors of said election shall certify that a majority of the votes cast are in favor of said tax the same shall be levied by the county commissioners and collected by the sheriff under the same rules and regulations under which other school taxes are levied and collected, and the sheriff shall be subject to the same liabilities for the collections and disbursement of said taxes as he is or may be for other school taxes, and he shall receive as compensation for such service two per centum commission: *Provided*, that special taxes so levied and collected shall not exceed sixty cents on the one hundred dollars valuation of property and one dollar and eighty cents on the poll. That the school committee whose appointment is hereinafter provided for shall establish graded schools in said district for the white and for the colored children between the ages of six and twenty-one years, and the school for each race herein provided for shall have the same length of school terms, and the tax levied and collected under the provisions of this act shall be applied exclusively for the establishment and maintenance of said schools, and shall not be appropriated or expended for any other purpose.

Tax levied,  
when.

Manner of levy.

Sheriff liable.

Sheriff's  
commission.  
Proviso.

Amount of levy.

Schools for white  
and colored.

School term.

Tax, how  
applied.

Six school committeemen.	<p>SEC. 4. That the school committee of said district shall consist of six members instead of three, as required by the general school law, and shall be elected in the following manner: each voter, at the time of the general election hereinbefore provided for, shall write upon his ballot the name of six citizens resident in said school district who shall be his choice for said committee, who shall be divided into three classes of two each; the two citizens securing the highest number of votes at said election shall constitute the first class, and their term of office shall expire at the end of six years from the first day of July, eighteen hundred and ninety-five, and the two citizens securing the next highest number of votes at said election shall constitute the second class, and their term of office shall expire at the end of four years from the first day of July, eighteen hundred and ninety-five, and the two citizens receiving the next highest number of votes shall constitute the third class, and their term of office shall expire at the end of two years from the first day of July, eighteen hundred and ninety-five. Whenever the terms of office of any class shall expire, as above provided, their successors shall be selected and appointed by the said committee for a term of six years, and whenever any vacancy occurs in said committee, except by the expiration of the terms of office, the vacancy for the unexpired term of the member or members shall be filled by said committee.</p>
Manner of election of committee.	
Three classes.	
Term of office of first class.	
Second class.	
Term of office.	<p>SEC. 5. That the school committee provided for by this act shall have entire and exclusive control of the public school interests and property in said district; shall prescribe rules and regulations for their own government not inconsistent with the provisions of this act; shall employ and fix the compensation of officers and teachers of said public or graded schools, subject to removal by the said committee; shall make an accurate census of the school population of the district annually as required by the general school law of the state, and do all other acts that may be just and lawful to manage the public school interest in said district; <i>Provided</i>, that all children resident in said school district between the ages of six and twenty-one years shall be admitted into said schools free of tuition charges, and those desiring to be admitted into said schools as pay students may be admitted upon such terms as committee may direct.</p>
Third class.	
Term of office.	
Expiration of term of office.	
Vacancies.	
Powers of committee.	<p>SEC. 6. That the school committee created under this act shall elect annually a superintendent of schools, established under this act, who shall be the principal of the graded schools for the white children, if the same shall be established; and the said superintendent shall examine all applicants for teachers' positions in the said schools and issue certificates to the same,</p>
Pay of officers and teachers.	
Census.	
Proviso.	
Superintendents.	
Duties of superintendent.	



which certificates shall be valid for one year from the date thereof, and do and perform such other duties as may be prescribed by said committee.

SEC. 7. That the *per capita* part of the school fund of the county raised under the general school laws of the state and apportioned to said public school district, and moneys to which the said district may be entitled by reason of any special tax, gift, grant, apportionment or otherwise, shall be received by the treasurer of the county of Sampson, North Carolina, who shall be *ex officio* treasurer of said school committee. The moneys received as aforesaid shall be held by the treasurer as a separate fund to be disposed of under the direction of the aforesaid school committee, whose warrants, signed by the chairman and countersigned by the secretary of said committee, shall be the only valid vouchers in the hands of the said treasurer for the disbursement of said money in any settlement required of him by law. The said treasurer shall furnish annually to the county board of education a statement in writing of his receipts and disbursements of the school money for said district, properly and duly credited and approved by the chairman and secretary of the school committee: *Provided*, the accounts, books and vouchers of the said treasurer shall be open for the inspection of the school committee at any time.

School funds of all kinds received by county treasurer.

Treasurer *ex officio*.

Separate fund.

Warrants of school committee.

Treasurer to furnish receipts and disbursements.

SEC. 8. The bond of the treasurer of the county now required to protect the public school funds of the county in his hands shall be an amount sufficient to include double the amount received under this act, independent of the amount to secure other funds which may come into his hands. The said treasurer shall receive as compensation a commission of not exceeding two (2) per centum on the funds received from the special taxes levied, collected and disbursed under this act.

Treasurer's bond.

Pay of treasurer.

SEC. 9. The school committee provided for by this act shall apportion the money raised or secured for educational purposes in said district as shall be just to the white and colored races, without discrimination in favor of or to the prejudice of either race, due regard being paid to the cost of keeping up and maintaining the public schools of both races.

Money to be apportioned.

SEC. 10. That the committee aforesaid shall make to the board of education, at such times as is required under the school law of the state, a report containing an accurate census of the school population of the district, showing the work done and the money expended under their direction in the district on account of public schools therein, a copy of which report shall be forwarded to the state superintendent of public instruction

School committee to make report containing census and to show work done.

and a copy to the superintendent of public instruction in the county of Sampson. The beginning and ending of the school year shall be fixed by the committee.

School committee incorporated.  
Name.

What property may hold.

Privileges of corporations.

Instruments, how to be signed.

Conflicting laws repealed.

SEC. 11. The school committee hereby created shall be a body corporate by the name and style of the "school committee of the town of Clinton," and by that name shall be capable of receiving gifts and grants, of purchasing and holding real and personal estate, of selling, mortgaging and transferring the same for school purposes, of prosecuting and defending suits for or against the corporations hereby created; conveyances to said school committee shall be to them and their successors in office, and all deeds, mortgages and other agreements affecting real estate shall be deemed sufficiently executed when signed by the chairman, one member of the committee and the secretary thereof.

SEC. 12. That all laws and clauses of laws in conflict with this act is hereby repealed.

SEC. 13. That this act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1895.

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#### CHAPTER 430.

### An act to change the time of holding the February term of the superior court of Bertie and Craven counties.

*The General Assembly of North Carolina do enact:*

Supplemental act of January 29, 1895, amended.

Amendment.

SECTION 1. That an act supplemental to an act ratified twenty-third (23) January, one thousand eight hundred and ninety-five (1895), changing the terms of the superior courts of Bertie and Craven counties, which said supplemental act was ratified on the twenty-ninth (29th) day of January, one thousand eight hundred and ninety-five (1895), be amended by inserting the words "the last Monday in January" in lieu of the words "the second Monday before the first Monday in March" in said act. This January term shall take the place of the February term or terms.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 431.

An act to amend chapter one hundred and forty-seven, laws of one thousand eight hundred and eighty-seven.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section one of chapter one hundred and forty-seven (147) of the laws of one thousand eight hundred and eighty-seven (1887) be amended by adding at the end thereof the words "succeeding guardian whenever such mortgage shall have been executed to a former guardian who has since died or been removed or resigned."

Sec. 1, chap. 147,  
laws of 1887,  
amended.  
Amendment.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 432.

An act to amend section twenty-eight hundred and thirty-seven of The Code.

*The General Assembly of North Carolina do enact :*

SECTION 1. That section two thousand eight hundred and thirty-seven (2,837) of The Code be amended by striking out all after the word "Sunday" in line two (2) down to the word "or" before the word "fire" in line four (4) thereof.

Section 2837, *The Code*, amended.  
Amendment.

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

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

Application of  
act.

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 433.

**An act to repeal chapter two hundred and ninety-seven of the laws of eighteen hundred and eighty-nine.***The General Assembly of North Carolina do enact :*

Finances.

WHEREAS, For twelve years prior to eighteen hundred and ninety-two the finance of the county of Mitchell was managed by a board of commissioners, who, incompetent and extremely extravagant, and who by their extravagancy and incompetency, not regarding the interest of the taxpayers of said county, contracted debts against said county to the amount of fifteen thousand and more; and,

WHEREAS, During the session of the general assembly of eighteen hundred and eighty-nine said board of county commissioners, represented by their chairman and other persons desirous to speculate, came to the legislature as lobbyists and secured the enactment of a law authorizing the said board of commissioners of Mitchell county to issue bonds to the amount of fifteen thousand dollars, against the protest of the representative of said county; and,

WHEREAS, Said board of county commissioners did, by virtue of the power vested in them by said chapter two hundred and ninety-seven of the laws of eighteen hundred and eighty-nine, issue bonds against the said county of Mitchell to the amount of sixteen thousand dollars without first having submitted the proposition to the voters of said county for ratification, in compliance with section seven of article seven of the constitution of the state of North Carolina: do enact :

Chap. 297, laws 1889, repealed.

SECTION 1. That chapter two hundred and ninety-seven of the public laws of eighteen hundred and eighty-nine be and the same is hereby repealed.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 434.

**An act concerning the vouchers of the treasurer ex officio.***The General Assembly of North Carolina do enact :*

State treasurer  
to deposit  
vouchers of  
different insti-  
tutions with such  
institutions.

SECTION 1. That the state treasurer, acting as treasurer *ex officio* of the several institutions of the state, shall, annually, after the examination, verification and cancellation of his



vouchers, deposit the same with the respective institutions, and that the superintendents thereof shall be responsible for their safe-keeping.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 435.

An act to amend sections three hundred and fifty-seven and three hundred and fifty-nine of The Code.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section three hundred and fifty-seven (357) of The Code be amended by striking out the words "*Provided*, such county be that of the justice issuing the warrant" in lines four and five, and by adding to the said section the following: "*Provided*, that where the warrant is issued by a justice of the peace to another county than his own, the clerk of the superior court of his county shall certify that he is a justice of the peace; that the signature to the warrant is in the handwriting of the said justice of the peace." Sec. 357 of The Code amended.  
Amendment.

SEC. 2. That section three hundred and fifty-nine (359) of The Code is amended by adding at the end of said section the following: "*Provided*, that where the sheriff or other officer shall levy an attachment upon real estate, he shall certify said levy to the clerk of the superior court of the county where the land lies, with the names of the parties, and the clerk shall note the same on his judgment docket and index the same on the index to judgments, and that said levy shall be a lien only from the date of said entry by the said clerk: *Provided, however*, that if such levy is so docketed and indexed within five days after the making thereof it shall be [a] lien from the time it was made." Section 359, The Code, amended.  
Amendment.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 436.

**An act for the relief of William H. Lambert.***The General Assembly of North Carolina do enact:*Placed on fourth  
class pension  
roll.

SECTION 1. That William H. Lambert, a helpless Confederate soldier, who was wounded in the late war, of Wayne county, be placed on the roll of fourth class pensioners.

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

Ratified the 12th day of March, A. D. 1895.

## CHAPTER 437.

**An act to prohibit the sale of spirituous liquors in half a mile of Antioch Baptist church and Thomas Chapel Methodist church, on Galbreath's creek, in Swain county.***The General Assembly of North Carolina do enact:*

Prohibition.

SECTION 1. That the sale of spirituous liquors is hereby prohibited within one mile of Antioch Baptist church and Thomas Chapel Methodist church, on Galbreath's creek, in Swain county.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 438.

**An act to change the time of Swain county superior court.***The General Assembly of North Carolina do enact:*Chap. 158, laws of  
1893, amended.  
Amendment.

SECTION 1. That chapter one hundred and fifty eight (158) of the laws of eighteen hundred and ninety-three (1893) be amended by adding after the word "March" in line eleven "to continue two weeks."

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 13th day of March, A. D. 1895.

## CHAPTER 439.

An act to amend the general school law of North Carolina.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section two thousand five hundred and forty-five of the school law be and the same is hereby repealed.

Sec. 2545 of the school law repealed.

SEC. 2. That the office of county board of education is hereby abolished, to take effect the first Monday in June, anno domini eighteen hundred and ninety-five. All the powers and duties of said county board of education shall devolve upon and be discharged by the board of county commissioners of the several counties of the state; and for the purpose of attending especially to school matters the said board of county commissioners shall be required to meet on the first Tuesday after the first Monday in January and July in each year, said meeting not to continue longer than two days at each of said meetings: *Provided*, they may attend to any matter pertaining to school interests at any of the regular meetings of said board as provided by law, but the expense of all such meetings shall be paid out of the general county fund of the county.

County board of education abolished.

County commissioners to discharge duties of.

Meeting of county commissioners.

Proviso. School matters may be attended to at regular meetings. Expenses of meetings.

SEC. 3. That section two thousand five hundred and forty-eight is hereby repealed.

SEC. 4. That the office of county superintendent of public instruction is hereby abolished, to take effect the first Monday in June, A. D. eighteen hundred and ninety-five, and all the duties provided by law to be performed by the said superintendent as secretary of the board of education shall be performed by the clerk of the board of county commissioners.

County superintendent abolished. Duties of superintendent as secretary of board of education to be performed by clerk of board of county commissioners.

SEC. 5. That the clerk of the superior court of the several counties in the state shall, on the first Monday in June, A. D. eighteen hundred and ninety-five, and annually thereafter, appoint an examiner whose duty it shall be to examine all persons desiring to teach in the public schools of the said county, in conformity to law. There shall be a public examination at the court house, to commence on the first Monday in July, eighteen hundred and ninety-five, and annually thereafter, to continue from day to day until all the applicants are examined, and the certificates issued shall be good for one year from the date thereof. All such applicants shall pay to the examiner in advance a fee of one dollar for such examination: *Provided*, that the examiner may examine applicants for teachers' certificates at any other time or place, but when so examined the applicants shall pay to the examiners in advance a fee of one dollar and fifty cents for such examination.

Superior court clerk to appoint examiners.

Public examination of teachers.

Fee of applicants.

Proviso.

Examination fee.

Section 2555  
amended.  
Amendment.

SEC. 6. That section two thousand five hundred and fifty-five be amended by striking out the words "county superintendent of public instruction" wherever they appear, and insert in lieu thereof the words "chairman of the board of county commissioners."

Sections 2567, 2568  
and 2569 repealed.

SEC. 7. That sections two thousand five hundred and sixty-seven, two thousand five hundred and sixty-eight and two thousand five hundred and sixty-nine are hereby repealed.

Section 2570  
amended.  
Amendment.

SEC. 8. That section two thousand five hundred and seventy be amended by striking out the words "county superintendent of public instruction" in line one, and insert "the clerk of the board of county commissioners."

Section 2571  
amended.  
Amendment.

SEC. 9. That section two thousand five hundred and seventy-one be amended by striking out the words "county superintendent of public instruction" wherever they occur in said section, and insert in lieu thereof the words "chairman of the board of county commissioners."

Section 2572  
amended.  
Amendment.

SEC. 10. That section two thousand five hundred and seventy-two be amended by striking out the words "county superintendent of public instruction," and insert in lieu thereof "county examiner."

Section 2573  
amended.

SEC. 11. That section two thousand five hundred and seventy-three be amended by striking out the words "county superintendent of public instruction" in line one of said section, and insert in lieu thereof the words "clerk of the board of county commissioners."

Amendment.

Section 2574  
amended.

SEC. 12. That section two thousand five hundred and seventy-four be amended by striking out the words "county superintendent of public instruction," and insert in lieu thereof the words "clerk of the board of county commissioners."

Amendment.

Section 2575  
repealed.

SEC. 13. That section two thousand five hundred and seventy-five be repealed, and the following be inserted in lieu thereof: "that for all such clerical work as shall be performed by the clerk of the board of county commissioners, he shall receive such compensation as in the discretion of the county commissioners may be deemed just and right: *Provided*, the same shall not be a greater amount than the amount allowed by law for similar services performed by said clerk as clerk of the board of county commissioners: *Provided, further*, that such clerk shall render an itemized account, under oath, for all such service, and the same shall be paid out of the general county fund when approved by the said board of commissioners."

Substitute.

Proviso.

Section 2579  
amended.  
Amendment.

SEC. 14. That section two thousand five hundred and seventy-nine be amended by striking out the words "county superintendent of public instruction" wherever they appear in said



section, and insert in lieu thereof the words "clerk of the board of county commissioners."

SEC. 15. That section two thousand five hundred and eighty-six be amended by striking out the words "county superintendent of public instruction" wherever they appear in said section, and insert in lieu thereof the words "clerk of the board of county commissioners."

Section 2586 amended.

Amendment.

SEC. 16. That all laws and clauses of laws in conflict with this act are hereby repealed.

Conflicting laws repealed.

SEC. 17. This act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1895.

#### CHAPTER 440.

An act to amend section five of chapter three hundred and eighteen, laws of eighteen hundred and ninety-three (1893).

*The General Assembly of North Carolina do enact:*

SECTION 1. That section five of chapter three hundred and eighteen, laws of eighteen hundred and ninety-three (1893), be and the same is hereby amended by adding thereto the following: "Provided, that charters for religious, charitable and educational institutions are hereby exempted from the provisions of this act."

Chap. 318, section 5, laws of 1893, amended.

Amendment.

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

Ratified the 13th day of March, A. D. 1895.

#### CHAPTER 441.

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

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter three hundred and eighteen (318) of the laws of one thousand eight hundred and eighty-nine (1889) be amended by adding thereto, in section third of said act, "Johnston county."

Repealed.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 442.

**An act for the relief of J. M. Mauney, of Lincoln county.***The General Assembly of North Carolina do enact :*

Placed on pension roll for 1894 and annually thereafter.

SECTION 1. That J. M. Mauney, of Lincoln county, a wounded Confederate soldier, be placed on the pension roll for the year one thousand eight hundred and ninety-four (1894), and annually thereafter.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 443.

**An act to protect deer and partridges in the county of Tyrrell.***The General Assembly of North Carolina do enact :*

Game in Tyrrell.

SECTION 1. That it shall be unlawful for any person to kill or capture or hunt, with dog or gun, or offer for sale or buy any deer, partridge or quail in the county of Tyrrell between the first day of March and the fifteenth day of October of each year.

Unlawful to destroy partridge eggs. Misdemeanor.

SEC. 2. That it shall be unlawful at any time to take or destroy the eggs of partridges in Tyrrell county.

SEC. 3. Any persons violating the provisions of this act shall be guilty of a misdemeanor, and punished by a fine of not more than fifty dollars (\$50) or imprisoned for not more than ten days.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 444.

**An act to amend chapter seven of the second volume of The Code, relating to building and loan association.***The General Assembly of North Carolina do enact :*

Chap. 7, vol. 2 of The Code (building and loan associations) amended. Sec. 2299 of The Code amended. Interest on advances to members to be at the rate of 6 per cent.

SECTION 1. That section two thousand two hundred and ninety-nine of chapter seven of The Code be amended by striking out the word "eight" in line sixteen and inserting in lieu thereof the word "six."

SEC. 2. That section two thousand three hundred of chapter seven of The Code be amended by inserting after the words "payment of" in line one the words "the amount loaned and of."

Sec. 2300 of *The Code* amended. Amount loaned may be secured by mortgage.

SEC. 3. That chapter seven of the second volume of The Code be amended by adding thereto the following sections:

Sec. 2300, chapter 7, volume 2, of *The Code*, amended.

SEC. 2300*l*. That every building and loan association doing business in this state shall be authorized to issue as many classes or series and kinds of stock, including installment and paid up stock, as may be provided for in its charter or by-laws.

Classes of stock.

SEC. 2300*j*. That any member of such association who shall borrow from it shall have the right at any time to pay off and discharge his loan by paying the amount received by him including the costs and expenses of making the loan, if the same shall have been deducted therefrom, with interest at the rate of six per cent. per annum on the whole sum received by him to the date of settlement, and all premiums, fines and dues then remaining unpaid; upon such settlement he shall be credited with only the withdrawal value as fixed by the charter or by-laws of such association of his shares of stock which have not been transferred or assigned to the association by way of or in lieu of premium on the loan; that in case of default by a stockholder who has borrowed from the association and a foreclosure of his mortgage the amount of his indebtedness to such association shall be ascertained in manner provided by this act.

Payment of loan by member.

SEC. 2300*k*. That in the settlement provided for in the foregoing sections no account shall be taken of the premiums paid by the borrowing member, but the same shall be deemed the consideration of his being allowed to anticipate the ultimate or par value of his stock by his present use and possession thereof, in preference to the other stockholders.

As to premiums.

SEC. 2300*l*. That every such association shall have power to charge its shareholders upon the loans to them premiums thereon, to be paid in gross or by installments, or on its stock, or by requiring them to carry additional shares of stock as may be provided in the charter or by-laws.

Premiums and additional stock.

SEC. 2300*m*. That nothing herein contained shall prevent an association from contracting with its borrowing members for the restoration or reinstatement of their stock upon such terms as may be agreed upon.

Restoration, &c., of stock.

SEC. 2300*n*. That every contract made by any foreign association with any citizen of this state shall be deemed and considered a North Carolina contract and shall be constructed by all the courts of this state, according to the laws thereof.

All contracts to be deemed North Carolina contracts.

May borrow money.

SEC. 2300o. Every such association may borrow money for the purpose of making loans and advances to its members.

Conflicting laws repealed.

SEC. 2300p. That all laws and clauses of laws in conflict with this act are hereby repealed only so far as they are in conflict therewith.

Examination by auditor.

SEC. 2300g. If at any time the state auditor shall have good reason to think that the standing and responsibility of any building and loan association or company doing business in this state is of doubtful character, it shall be his duty to examine into and investigate anything relating to the business of such company, and to that end he is hereby authorized to appoint a suitable and competent person to make such investigation, who shall file with the auditor a full report of his finding in such case.

Report.

Costs of examination to be paid by B. & L. Association.

SEC. 2300r. The expenses and costs of the examination provided for in the preceding section shall be defrayed by the company or association subjected to investigation, and each company or association doing business in this state shall stipulate in writing, to be filed with the state auditor, that it will pay all reasonable costs and expenses of such examination when it shall become necessary.

Agreement writing.

Certificate of agent.

SEC. 2300s. It shall be unlawful for any person to solicit business or act as agent for any building or loan association or company in this state without having procured from the state auditor a certificate that such association or company for which he offers to act is duly licensed by the state to do business for the current year in which such person solicits business or offers to act as agent. The state auditor shall be entitled to a fee of fifty cents for issuing each such certificate, to be paid by the company for which the same is issued. Any person violating this section shall be guilty of a misdemeanor.

Fee for certificate.

Misdemeanor.

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

Ratified the 9th day of March, A. D. 1895.

## CHAPTER 445.

An act to create a new township in the county of Ashe to be called Walnut Hill township.

*The General Assembly of North Carolina do enact:*

Walnut Hill township in Ashe county created.

SECTION 1. That a new township to be called Walnut Hill township is hereby created in the county of Ashe, to be taken from the townships of Chestnut Hill, Grassy Creek, Helton.



Piney Creek and Jefferson, and bounded as follows : beginning Boundaries.  
at the mouth of Big Helton creek, running up with said creek  
to Wesley Porter's; thence a west course to Elihu Phipp's;  
thence with the road to M. F. Baker & Company's store; thence  
westward with the road to Monroe Baker's; thence westward  
to Millard McClure's; thence southward direction to Alice  
Brooks'; thence same course to the river; thence up the North  
fork of New river to the Deep ford; thence southward to the  
top of Big Phoenix mountain at the "Notches"; thence east-  
ward to the gap of Little Phoenix mountain at or near James  
Calloway's; thence with the extreme heights of said mountain  
eastward to Alfred Bedwell's; thence same direction to Wash-  
ington Fowler's; thence northeast to Joshua Cox's; thence  
north to Jesse Eller's; thence same direction to North fork of  
New river; thence up said river to the beginning.

SEC. 2. That the said township shall have all the rights, Rights, &c.  
powers and privileges now granted to the townships by law,  
and the permanent place of voting therein shall be at Jacob  
Blevins' Mill. Voting place.

SEC. 3. That this act shall be in force from and after its rati-  
fication.

Ratified the 13th day of March, A. D. 1895.

#### CHAPTER 446.

An act to establish a criminal circuit, to be composed of the  
counties of Buncombe, Madison, Haywood and Henderson.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the act entitled an act to establish a criminal  
circuit, to be composed of the counties of Buncombe, Madison,  
Haywood and Henderson, ratified February twenty-third (23),  
eighteen hundred and ninety-five (1895), is hereby amended by  
striking out all of section twenty-three (23), and inserting in  
lieu thereof the following: "That the criminal court of Bun-  
combe, established by acts of the general assembly, laws of  
eighteen hundred and eighty-nine (1889), chapter four hundred  
and ninety-three (493), be and the same is hereby abolished, and  
the act creating the said court is hereby repealed."

"An act to estab-  
lish a criminal  
circuit court to  
be composed of  
the counties of  
Buncombe, &c.,"  
amended.  
Section 23 of said  
act struck out.  
Criminal court of  
Buncombe  
abolished.  
Chap. 493, laws  
1889 (establishing  
said Buncombe  
court), repealed.

SEC. 2. All record, books, papers, minutes, bills of indict-  
ment, process, documents, and the archives of the said criminal  
court of Buncombe county, shall be and become a part of the  
records and archives of the court established by this act, and the  
clerk of the said criminal court of Buncombe county shall

Disposition of  
records, &c., of  
said Buncombe  
court.

Proviso.

deliver to the clerk of the criminal court of said county, created by this act, all records, archives, books, papers, documents, and all moneys in his hands and things of value whatsoever held by him as clerk of the aforesaid court, and such clerk may be compelled to obey the directions of this act by process of contempt issued by the judge created by this act: *Provided*, the cases now pending on the state docket in Haywood county shall not be transferred, but shall be prosecuted by G. A. Jones, present solicitor.

Indictment, process, &c., of said Buncombe court.

SEC. 3. All bills of indictment, process of *scire facias*, and all cases whatsoever now pending in the said criminal court of Buncombe are hereby transferred to the court created by this act, which shall have full power and jurisdiction to hear, try, determine them.

Criminal cases and process of inferior court of Madison.

SEC. 4. In the manner as prescribed in section two (2) this act, the clerk of the inferior court, Madison county, shall also transfer all criminal causes and process of whatsoever description to the criminal court established by the act ratified February the twenty-third (23), eighteen hundred and ninety-five (1895).

SEC. 5. This act shall take effect from and after its ratification.

Ratified the 12th day of March, A. D. 1895.

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## CHAPTER 447.

An act to provide for the repeal of chapter three hundred and sixty-six (366), laws of eighteen hundred and eighty-five (1885), entitled "an act for the benefit of the farmers of White Oak township, Bladen county."

Preamble.

WHEREAS, The general assembly of North Carolina passed an act at its session, one thousand eight hundred and eighty-five, establishing a stock-law territory in White Oak township, in Bladen county; and,

WHEREAS, Certain voters in said territory are desirous to have said law repealed; therefore,

*The General Assembly of North Carolina do enact:*

Election upon question of repealing chap. 366, laws of 1885.

SECTION 1. That the county commissioners of Bladen county, upon the petition that one-third of qualified voters within the limits of the stock-law territory in White Oak township, in

Bladen county, asking that an election be held to submit the question of repealing chapter three hundred and sixty-six of the laws of one thousand eight hundred and eighty-five to the qualified voters of said territory, shall order an election to be held in said stock-law territory, which election shall be held within sixty days after said petition is presented to said board of county commissioners.

(stock law) to be held in White Oak township, Bladen county, upon petition.

SEC. 2. The aforesaid election shall be held under the election laws governing the election of members of the general assembly of North Carolina at the time when it shall be ordered.

Election, how held.

SEC. 3. The said commissioners shall have printed the necessary number of ballots for said election. The voters desiring to vote for the repeal of said law shall vote a printed or written ticket with the word "repeal" printed thereon. Those desiring to vote against the repeal of said law shall vote a printed or written ticket with the words "against repeal" printed thereon.

Ballots.

SEC. 4. The officers, judges and poll-holders holding said election shall return the votes cast to the board of county commissioners in accordance with the laws regulating said returns at the time they are made.

Returns.

SEC. 5. That the said commissioners shall canvass said votes at their first meeting after said election and declare the result thereof at the court-house door in the said county. If the majority of said votes are for "repeal," then said chapter three hundred and sixty-six, laws of one thousand eight hundred and eighty-five, shall be null and void on and after the first day of January, one thousand eight hundred and ninety-six; but if the majority of said votes so cast shall be "against repeal," then said law shall remain in full force and effect.

Result.

When to take effect.

SEC. 6. The expenses of holding said election shall be defrayed as is provided for defraying expenses of holding an election for the members of the general assembly of North Carolina at the time when said election is held.

Expenses of election.

SEC. 7. The aforesaid petition shall be presented to the board of county commissioners aforesaid on or before first Monday in August, eighteen hundred and ninety-five.

When petition for election to be presented.

SEC. 8. This act shall be in force from and after its ratification.

Ratified the 12th day of March, A. D. 1895.

## CHAPTER 448.

## A bill for the relief of James M. Monroe.

Preamble.

WHEREAS, On the first day of March, eighteen hundred and ninety-four, His Excellency Elias Carr, governor of North Carolina, as authorized to do by law, issued his proclamation offering a reward of two hundred dollars for the apprehension and delivery to the sheriff of Alexander county of Joseph P. Moore and William Littleton, which proclamation was in the following words and figures, to-wit :

STATE OF NORTH CAROLINA, {  
EXECUTIVE DEPARTMENT. }

WHEREAS, Official information has been received at this department that Joseph P. Moore and William Littleton, late of the county of Alexander, stands charged with breaking and entering a store and taking articles of personal property : and,

WHEREAS, It appears that the said Joseph P. Moore and William Littleton have fled the state or so concealed themselves that the ordinary forces of law cannot be served on them ; now, therefore,

I, Elias Carr, governor of the state of North Carolina, by virtue of authority in me vested, do issue this, my proclamation, offering a reward of one hundred dollars each for the apprehension and delivery of said Joseph P. Moore and William Littleton, or either of them, to the sheriff of Alexander county, in Taylorsville, and I do enjoin all officers of the state and all good citizens to assist in bringing said criminals to justice. Done at our city of Raleigh the first day of March, in the year one thousand eight hundred and ninety-four, and in the one hundred and eighteenth year of our independence.

ELIAS CARR.

By the governor :

S. F. TELFAIR, Private Secretary.

Preamble.

AND, WHEREAS, James M. Monroe, sheriff of Rowan county, having received a copy of said proclamation, and relying and acting upon the same, and in expectation of recovering the reward therein offered, and without any powers being in his bounds for their arrest, and upon information as to their identity and whereabouts received from one H. S. Myers, did, at his own risk, arrest and take into custody, in the town of Salisbury, on the fifth day of March, eighteen hundred and ninety-four, and at his own risk and expense did deliver them, the said J. P. Moore and William Littleton, to the sheriff of Alexander county, at Taylorsville, incurring in so doing on expenses of sixteen



and ten one-hundredth (\$16.10) dollars for transportation, etc.; and,

WHEREAS, Thereafter the said Moore and Littleton were tried in Alexander superior court and convicted and sentenced to states' prison; and,

WHEREAS, Upon application to him, Hon. Elias Carr, governor, etc., has failed and refused to pay said reward for the reason as alleged that said James M. Monroe was not entitled thereto on account of his said position as sheriff; now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That the state treasurer pay to James M. Monroe the sum of two hundred dollars in satisfaction of reward offered for apprehension and delivery of James P. Moore and William Littleton, fugitives from justice.

James M. Monroe to be paid \$200.00.

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

Ratified the 12th day of March, A. D. 1895.

## CHAPTER 449.

**An act to provide for the working of the public roads of Warren 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 Warren (or such other authorities as may be created by law for such purposes), at their regular joint sessions on the first Monday in June of each year, shall levy a special *ad valorem* tax on all property subject to taxation under state laws in said county, not exceeding fifteen cents on the one 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 tax to be collected as all other taxes are, and are to be applied to the constructing and keeping in good order and repair the public roads in Warren county.

Special tax to be levied by commissioners, &c., of Warren county.

Limitation of tax.

Collection.

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.

Kept separate.

SEC. 3. That the county surveyor shall be *ex officio* supervisor of the highways of said county, whose duty it shall be to super-

County surveyor to be *ex officio* supervisor of highways.

- Monthly reports. of all public roads in said county, and shall make monthly reports to the board of county commissioners.
- Compensation of supervisor. SEC. 4. That the compensation of the said supervisor of roads aforesaid shall be fixed by the county commissioners.
- Said taxes to be a fund for improvement of roads. SEC. 5. 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 county commissioners.
- Township superintendents. SEC. 6. That said supervisor shall appoint, whenever in his judgment one shall be necessary, a superintendent for the roads of each township, who shall act under the direction of the county supervisor, and whose compensation shall be fixed by the board of county commissioners.
- How roads worked if tax insufficient. SEC. 7. That in the event that the fund above provided for shall be insufficient to repair and keep in proper order the roads of said county, then it shall be lawful for the said roads to be worked according to the present system of working the public roads: *Provided*, that no hand shall be required to work more than four days during the year: *Provided, further*, that the present system of working the roads of said county shall be continued until the first day of November, one thousand eight hundred and ninety-five.
- Proviso. SEC. 8. That this act shall be in force from and after its ratification.
- Proviso. Ratified the 12th day of March, A. D. 1895.

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## CHAPTER 450.

**An act to amend chapter three hundred and twenty-five, public laws, eighteen hundred and ninety-three, relative to working the public roads of Edgecombe county.**

*The General Assembly of North Carolina do enact:*

Chapter 325, public laws 1893, amended. Commissioners. &c., may levy road tax.

SECTION 1. That section one of the chapter three hundred and twenty-five of the public laws of eighteen hundred and ninety-three be amended by striking out the word "shall" in line three, and insert in lieu thereof the word "may."

Chapter 325, laws 1893, to be in operation, when.

SEC. 2. That if the board of commissioners and justices of the peace fail to levy the tax specified in section one of chapter three hundred and twenty-five of the public laws of eighteen

hundred and ninety-three as amended by section one of this act, at their regular joint session on the first Monday in June, eighteen hundred and ninety-five, then, in that event, chapter three hundred and twenty-five of the public laws of eighteen hundred and ninety-three shall be inoperative and void, and the public roads of Edgecombe county shall, from and after the first Monday in June, eighteen hundred and ninety-five, be worked, constructed and repaired under the general law of the state applicable to the public roads and highways.

How roads  
worked if said  
act inoperative.

SEC. 3. That upon failure of the board of commissioners and justices of the peace to levy the said tax on the said first Monday in June, eighteen hundred and ninety-five, the board of commissioners are empowered to sell, on or after the said date, in whatever way they deem best, all road machines, wagons, mules, and whatever property is used by the county in repairing and constructing its public roads, and turn the funds arising from such sale into the fund now applied in constructing and keeping in good order and repair the public roads of the county.

Machinery, &c.,  
to be sold.

SEC. 4. That in the event of said failure to levy the said tax by the said board of commissioners and justices of the peace on the said first Monday in June, eighteen hundred and ninety-five, all funds in the treasury of Edgecombe county collected by virtue of chapter three hundred and twenty-five of the public laws of eighteen hundred and ninety-three, and those thereafter to be collected by virtue of said act, and also those funds collected by virtue of section three of this act shall, on or after the first Monday in June, eighteen hundred and ninety-five, be turned into the common school funds of Edgecombe county and be appropriated among the several school districts of the county, or other school funds.

Taxes collected  
under said act to  
be turned into  
school fund if act  
becomes  
inoperative.

SEC. 5. That section third (3rd) in said act is hereby repealed.

Section 3 of said  
act (as to elec-  
tion of super-  
visor), repealed.

SEC. 6. That section four of said act be amended so as to read as follows: "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 of the roads of each township, who shall act under the direction of the said board; or if they deem it expedient they may let the repairing and constructing of the roads by contract to lowest responsible bidder by townships or by sections.

Section 4 of said  
act amended.

Township super-  
visors.

SEC. 7. That the words "county and" in line one of section five of said chapter be stricken out.

Section 5 of said  
act amended.  
Compensation of  
supervisors.

SEC. 8. That this act shall take effect from and after its ratification.

Ratified the 12th day of March, A. D. 1895.

## CHAPTER 451.

**An act making it a misdemeanor to cause false fire alarms in the city of Newberne, North Carolina.***The General Assembly of North Carolina do enact :*

Unlawful to  
send, &c., false  
fire alarms in  
Newberne, N. C.

Misdemeanor.

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 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 months 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 12th day of March, A. D. 1895.

## CHAPTER 452.

**An act to change the name of the town of "Ayden," Pitt county, North Carolina.***The General Assembly of North Carolina do enact :*

Name of  
"Ayden"  
changed to  
"Harriston."

"Harriston"  
substituted for  
"Ayden" in  
charter.

Conflicting laws  
repealed.

SECTION 1. That the name of the town of "Ayden," Pitt county, North Carolina, be and is hereby changed to the name of "Harriston," Pitt county, North Carolina.

SEC. 2. That whenever in the act of incorporation said name of "Ayden" appears it shall be stricken out and the word "Harriston" inserted in lieu thereof.

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 12th day of March, A. D. 1895.



## CHAPTER 453.

An act to authorize the board of commissioners of Mecklenburg county to change the site of the court house, and to sell the present court house property and apply the proceeds toward building a new court house.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the board of commissioners of Mecklenburg county is hereby authorized to change the site of the county court house and locate the same anywhere within the city of Charlotte within one-fourth of a mile of its present site.

Site of Mecklenburg court house to be changed.

SEC. 2. That the said board is further authorized to sell the county court house, and the lot upon which it is now located, and to apply the proceeds towards purchasing the site for and building a new court house for said county.

Present court house to be sold.  
Proceeds.

SEC. 3. That all laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Conflicting laws repealed.

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

Ratified the 12th day of March, A. D. 1895.

## CHAPTER 454.

An act to authorize the treasurer of Randolph county to pay to John A. Wilson the sum due him as public school teacher.

*The General Assembly of North Carolina do enact :*

SECTION 1. That the treasurer of Randolph county be and he is hereby authorized and instructed to pay to John A. Wilson, out of the public school funds of said county not otherwise appropriated, the sum of five (\$5) dollars due said John A. Wilson for teaching a public school in said county in the year eighteen hundred and ninety-three.

John A. Wilson to be paid \$5.00 by treasurer of Randolph county.

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

Ratified the 12th day of March, A. D. 1895.

## CHAPTER 455.

**An act for the relief of George E. Knox, a Confederate soldier.**

Preamble.

WHEREAS, The general assembly has by various acts provided for the support of such soldiers as were disabled during the late war; and,

WHEREAS, George E. Knox, of the county of Brunswick, state of North Carolina, who was a first lieutenant in company K, thirty-sixth North Carolina regiment, while at the post of duty with his company contracted chronic bronchitis and partial paralysis of the right side, and the said George E. Knox has become totally disabled for manual labor by reason of the same: therefore,

*The General Assembly of North Carolina do enact:*

Third class pensioner.

SECTION 1. That George E. Knox, of Brunswick county, be placed on the pension roll in class third.

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

Ratified the 12th day of March, A. D. 1895.

## CHAPTER 456.

**An act for the relief of Jesse Rogers, a disabled Confederate soldier.**

*The General Assembly of North Carolina do enact:*

Jesse Rogers raised from fourth to third class pensioner for 1895.

Difference between third class and fourth class to be paid him for 1894.

SECTION 1. That Jesse Rogers, of Union county, who received a wound which rendered him totally incompetent to perform manual labor in the ordinary avocations of life, while in the discharge of his duty as a soldier in the service of the state of North Carolina in the war between the states, be promoted or raised on the pension pay roll for one thousand eight hundred and ninety-five (1895) from fourth class to third class, and that the difference between third and fourth class be paid him for one thousand eight hundred and ninety-four.

Third class pensioner for life.

SEC. 2. That his name be continued on pension pay roll as a pensioner of third class so long as he may live.

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

Ratified the 12th day of March, A. D. 1895.

## CHAPTER 457.

An act to appropriate one thousand dollars for the colored normal school.

*The General Assembly of North Carolina do enact :*

SECTION 1. That there shall be appropriated annually, from any funds in the state treasury, the sum of one thousand dollars for the state colored normal school. \$1,000 appropriated annually to state colored normal school.

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

Ratified the 12th day of March, A. D. 1895.

## CHAPTER 458.

An act to extend the provisions of chapter two hundred and forty-eight (248), public laws of eighteen hundred and ninety-three (1893), being an act 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 :*

SECTION 1. That the provisions of chapter two hundred and forty-eight (248) of the public laws of eighteen hundred and ninety-three (1893) be and the same are hereby extended for two years from the ratification of this act. Provisions of chap. 248, public laws, 1893 (as to constructing a road in Wilkes county from Roaring River depot), extended for two years.

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

Ratified the 12th day of March, A. D. 1895.

## CHAPTER 459.

An act to put R. T. Brown, of Bladen county, on the pension list.

*The General Assembly of North Carolina do enact :*

SECTION 1. That R. T. Brown, of Bladen county, an old confederate soldier, who received serious wounds in the struggle between the states and who is now disabled, be put on the pension list as a pensioner of the third class. Third class pensioner.

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

Ratified the 12th day of March, A. D. 1895.

## CHAPTER 460.

An act to incorporate Spring Creek Free Will Baptist church,  
in Mitchell county.*The General Assembly of North Carolina do enact:*

Unlawful to sell  
liquor within two  
miles of certain  
churches in  
Mitchell county.

SECTION 1. That it shall be unlawful for any person or persons to sell any spirituous, vinous or malt liquors within two miles of Sam Herrill Missionary Baptist church, Spring Creek Free Will Baptist church and the New Free Will Baptist church, in Mitchell county.

Misdemeanor.

SEC. 2. That any person or persons so offending shall be deemed guilty of a misdemeanor, and on conviction be fined not less than ten dollars or imprisoned not less than thirty days, or fined and imprisoned at the discretion of the court.

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

Ratified the 12th day of March, A. D. 1895.

## CHAPTER 461.

## An act for curing the blind.

*The General Assembly of North Carolina do enact:*

Rooms to be set  
apart in the insti-  
tution for the  
blind, in Raleigh,  
for the free treat-  
ment of the  
curable blind.

SECTION 1. That the managers of the institutions for the blind, in the city of Raleigh, shall set apart two rooms in said institutions, one for males and one for females, for the use of the curable blind of the state who, by reason of poverty, are unable to pay for treatment.

Curable blind to  
be admitted.

SEC. 2. It shall be the duty of the managers of the institutions for the blind, in Raleigh, to admit into such institutions, from time to time, such of the blind of the state as they may deem to be curable.

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

Ratified the 12th day of March, A. D. 1895.



## CHAPTER 462.

## An act for the relief of Miss Mattie Haskett.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of education of Bladen county is hereby authorized and empowered to pay Miss Mattie Haskett the sum of seventy-five dollars (\$75), due her for teaching school in district number thirty-eight (white), in Bladen county, out of any money that they now have or may hereafter have to the credit of the public school fund of Bladen county.

Miss Mattie Haskett to be paid \$75.00 out of public school funds of Bladen county.

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

Ratified the 12th day of March, A. D. 1895.

## CHAPTER 463.

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

*The General Assembly of North Carolina do enact:*

SECTION 1. That the commissioners of McDowell county are hereby authorized, and it shall be their duty, to levy a special tax on the property and polls in said county of McDowell, observing the constitutional equation, for the purpose of building a new jail in said county; the tax to be levied as follows: for the year eighteen hundred and ninety-five, one thousand dollars; for the year eighteen hundred and ninety-six, one thousand dollars; and for the year eighteen hundred and ninety-seven, one thousand dollars.

Special tax.

To build a new jail.

Amount of levy each year.

SEC. 2. That said tax shall be levied and collected as other taxes are, as now provided by law.

Manner of collection.

SEC. 3. That for the purpose of carrying out the provisions of this act, and constructing a new jail for said county of McDowell, the following building committee is hereby appointed: G. W. Crawford, John C. Pool, W. W. Brown, W. A. Cauley and A. J. Dula.

Building committee.

SEC. 4. It shall be the duty of said building committee to build and construct a common jail for the said county of McDowell in the town of Marion, on the lot now owned by said

Duty of committee as to location of jail.

Powers of committee.

county, formerly used as the common jail lot; said committee is hereby authorized and empowered to design, contract and construct said jail to the best advantage, with full power to do any and all acts necessary to enable them to carry out the provisions of this act.

Conflicting laws repealed.

SEC. 5. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

SEC. 6. That this act shall be in force from and after its ratification.

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 464.

An act to amend The Code, section three thousand six hundred and nine (3609) and three thousand six hundred and ten (3610).

*The General Assembly of North Carolina do enact :*

Sec. 3609 of Code amended.

Documents, &c., prior to 1790 to be printed.

SECTION 1. That section three thousand six hundred and nine (3609) of The Code is amended by striking out the words "eighty-one" in line five, and inserting instead the word "ninety."

Sec. 3610 of Code amended.

Additional documents, &c., authorized to be published.

SEC. 2. That section three thousand six hundred and ten (3610) is amended by striking out the word "colonial" in line two and inserting after the word "state," in line three the "or copies of the same, or of other unpublished material illustrative of the history of the state down to January first, A. D. one thousand seven hundred and ninety (1790)."

Index.

SEC. 3. The trustees of the public library will cause an index of these records, from the first volume of the Colonial Records down to January first, one thousand seven hundred and ninety (1790), to be prepared and printed in the volume which shall embrace the year one thousand seven hundred and eighty-nine (1789).

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

Ratified the 11th day of March, A. D. 1895.

## CHAPTER 465.

An act to amend the school law concerning the duties of county superintendent of public instruction of Macon county.

*The General Assembly of North Carolina do enact:*

SECTION 1. That an act to amend the school law concerning the duties of county superintendent of Macon county, enacted by the general assembly of eighteen hundred and ninety-three, be amended as follows: in line three of section one after the words "Macon county" add the words "Rutherford county."

Rutherford  
county added  
after Macon  
county.

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

Ratified the 13th day of March, A. D. 1895.

## CHAPTER 466.

An act to regulate assignments and other conveyances of like nature in North Carolina.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all conditional sales, assignments, mortgages or deeds in trust, which are executed to secure any debt, obligation, note or bond which gives preferences to any creditor of the maker, shall be absolutely void as to existing creditors.

No preference to  
be made.

Void as to exist-  
ing creditors.

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

Repealing  
clause.

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

Ratification  
clause.

Ratified the 13th day of March, A. D. 1895.





# RESOLUTIONS

## OF THE

# GENERAL ASSEMBLY,

SESSION 1895.

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### Joint resolution on printing the governor's message.

*Resolved by the House of Representatives, the Senate concurring:*

That five thousand copies of the governor's message be printed, twenty copies to be given to each member of the general assembly, the remainder to be for the use of the state library, the different state institutions, and for such other disposition as his excellency, the governor, may think most advisable to make of the same.

Printing and distribution of governor's message.

Ratified the 22d day of January, A. D. 1895.

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Joint resolution directing the secretary of state to endorse back and deliver to the bidders for the public printing and binding the checks deposited by them with him.

WHEREAS, The secretary of state of North Carolina, pursuant to the provisions of an "act to regulate and provide for the public printing," chapter three hundred and fifty-one of the public laws of one thousand eight hundred and ninety-three, did advertise for sealed proposals to do the public printing and binding for the state of North Carolina; and,

Preamble.

WHEREAS, In response to said advertisement, divers persons did file with said secretary of state proposals to do said public printing and binding, and did deposit with said secretary of state the checks prescribed by said act; and,

WHEREAS, Said act (chapter three hundred and fifty-one of

the public laws of one thousand eight hundred and ninety-three) has been repealed; therefore, be it

*Resolved by the House of Representatives, the Senate concurring:*

Secretary of state directed to deliver said checks to said bidders.

SECTION 1. That said secretary of state be and he is hereby authorized and directed to endorse back and deliver to said bidders the checks so deposited by them with said secretary of state.

SEC. 2. That a copy of this resolution be forwarded and delivered to said secretary of state.

SEC. 3. That this resolution shall take effect and be in force from and after its ratification.

Ratified the 25th day of January, A. D. 1895.

#### A resolution for blackboard.

*Resolved by the Senate, the House of Representatives concurring:*

Blackboard provided for the senate.

That a large blackboard be procured by the doorkeepers of the two bodies for use in the senate chamber, that the notices of the time of meeting of the different committees may be placed thereon by the clerk.

Ratified the 25th day of January, A. D. 1895.

#### Resolution instructing clerk to pay postoffice box rent.

Rent of postoffice box to be paid.

*Resolved,* That the principal clerk of the senate be authorized to pay C. M. Busbee the sum of two dollars and forty-five cents, as rent for postoffice box for the use of the senate from January ninth to April first, eighteen hundred and ninety-five.

Ratified the 25th day of January, A. D. 1895.

#### Resolution authorizing committee on privileges and elections to appoint sub-committee.

*Resolved by the House of Representatives:*

Committee on privileges and elections authorized to appoint a sub-committee to investigate contested cases from Edgecombe and Halifax counties.

SECTION 1. That the committee on privileges and elections be authorized to appoint a sub-committee of two to whom shall be referred the contested election cases of York Garrett and Lee Person against J. H. Baker, Jr., and William Howard from the county of Edgecombe, and J. H. Collins and ——— Rue against Grizzard and House from Halifax county.

SEC. 2. That the said committee is authorized and directed to visit the counties of Edgecombe and Halifax, either jointly or singly, and to hold their sessions at such times and places as shall be determined by them, or either of them acting singly, upon giving at least three days' notice to contestants and contestees. Such committee shall have power to issue subpoenas and send for persons and papers, and shall examine on oath such witnesses as may be produced before them by either party or such as the committee shall think necessary of their own accord. This right to examine and cross-examine shall be given to all parties subject to the control of the committee to prevent abuse, and to report its proceedings.

Powers of sub-committee.

SEC. 3. That the said committee is excused from duty in the house during its investigations.

All parties to have right to examine and cross-examine.

Committee excused during investigation.

SEC. 4. That the actual and necessary expenses of the committee be paid by the state treasurer out of any public funds not otherwise appropriated, upon the warrant of the auditor.

Expenses of committee to be paid.

Ratified the 29th day of January, A. D. 1895.

*Resolved by the Senate, the House of Representatives concurring:*

SECTION 1. That T. N. Halliburton, the present sergeant-at-arms of the senate, accompany the joint committee of the senate and house of representatives when they visit the Western hospital for the insane at Morganton, and that he be and is hereby empowered to subpoena such witness to appear before said committee as they may direct and require in their investigations into the conditions of said hospital for the insane, and said committee are, in the discharge of their duties, empowered to send for persons and papers.

Sergeant-at-arms of senate to accompany committee to Morganton.

Empowered to subpoena witnesses, &c.

Ratified the 31st day of January, A. D. 1895.

**Resolution to appoint a joint select committee on retrenchment of public expenditures.**

*Resolved by the Senate, the House of Representatives concurring:*

That a joint select committee, consisting of three senators and five members of the house of representatives, be appointed to inquire into the care and management and expenditures of the several branches and departments of the state government,

Joint committee on expenditure in several departments of state government.

and report at the earliest day practicable what saving and curtailment of public expenditures may be made without detriment to the public service. Said committee is instructed to examine particularly the expenses of the agricultural department, the penitentiary, the geological survey, the state guard, the bureau of labor statistics, and report if there are any officers employed or disbursements in, about or concerning these several branches of the government which can be safely dispensed with.

To inquire particularly as to agricultural department, &c.

Power to send for persons and papers.

Said committee shall have all the power of a committee of investigation, including the power to send for persons and papers and examine the former under oath.

Ratified the 2nd day of February, A. D. 1895.

### In regard to the public printing.

*Resolved by the Senate, the House of Representatives concurring :*

Committee on printing to report a bill letting the public printing to lowest bidder.

That the committee on printing be and are hereby instructed to report at once a bill providing that the public printing be let to the lowest responsible bidder, and the contract for the public printing shall not be let until said bill is reported and passed.

Ratified the 5th day of February, A. D. 1895.

### Resolution providing for the reception and hearing of representatives of the Cotton States Exposition.

*Resolved by the House of Representatives, the Senate concurring :*

Action as to Cotton States Exposition.

That the Houses in joint session at eight o'clock p. m., Wednesday, February sixth, receive a committee of the officials of the Cotton States Exposition in order that the latter may lay before this general assembly the plan and scope of the exposition and the importance of North Carolina's participation therein.

Ratified the 6th day of February, A. D. 1895.



## A resolution asking for information from state treasurer.

*Resolved by the Senate, the House of Representatives concurring:*

That the treasurer of the state be and he is hereby requested to furnish the general assembly with a full statement of all disbursements, including all amounts for buildings, repairs, interest on the Land Scrip Fund, and *et.*, to the State University from January first, eighteen hundred and eighty (1880). to January first, eighteen hundred and ninety-five (1895); a full statement of all disbursements, including amount paid for land, buildings, and by the United States government, and *et.*, to the "North Carolina College Agriculture and Mechanic Arts" from January first, eighteen hundred and eighty-five (1885), to January first, eighteen hundred and ninety-five (1895); a full statement of all disbursements, including amounts loaned, paid for land, buildings, and *et.*, to the "Normal and Industrial School" from January first, eighteen hundred and ninety-one (1891), to January first, eighteen hundred and ninety-five (1895), and a full statement of all disbursements, including amounts paid for land, buildings, and by the United States government, and *et.*, to "The Agricultural and Mechanical College for the Colored Race" from January first, eighteen hundred and ninety-one (1891), to January first, eighteen hundred and ninety-five (1895), and to do this at his earliest convenience.

Asking state treasurer for disbursements to the state university.

To the Agricultural and Mechanical College.

To the Normal and Industrial School.

To the Colored A. and M. College.

Ratified the 6th day of February, A. D. 1895.

## Resolution to appropriate money to defray the expenses of committee on penal institutions, visiting state farms.

*Resolved by the House of Representatives, the Senate concurring:*

That there be appropriated, out of the state funds of North Carolina, twenty-seven dollars and thirty cents (\$27.30), to defray the expenses of the house committee on penal institutions for visiting the state farms on Roanoke river, in Halifax and Northampton counties.

\$27.30 appropriated to defray expenses of house committee in visiting penal institutions.

Statement of expenses of committee from the House visiting state farms:

Statement of expenses.

Johnson of Sampson.....	\$10.00
Speas of Forsyth.....	10.00
Alexander of Tyrrell.....	7.30

Total .....	\$27.30
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Ratified the 6th day of March, A. D. 1895.

**Resolution authorizing the treasurer to pay the expenses of the sub-committee from the senate in visiting the Western Hospital at Morganton.**

*Resolved by the Senate, the House of Representatives concurring :*

Resolution to pay actual expenses of visiting committee to Morganton asylum.

That the sub-committee of the joint committee on insane asylums, who visited the state hospital at Morganton, be paid their actual necessary expenses as per annexed accounts, one hundred and thirty-five dollars and sixty-five cents (\$135.65); and the treasurer shall pay the same upon the warrant of the auditor out of any moneys in the treasury not otherwise appropriated.

Ratified the 13th day of February, A. D. 1895.

Expense of senate committee on insane asylums to and from Morganton :

H. L. Grant.....	\$19.40
A. J. Dula.....	14.55
W. G. Stephens.....	16.25
W. C. Dowd.....	15.55
Warren Carver.....	17.10
J. B. Parsons.....	16.75
I. W. Taylor.....	17.55
T. N. Halliburton.....	18.50
	<hr/>
	\$135.65

**Resolution to pay Edwards & Broughton the sum of sixty dollars for binding one hundred copies of the laws of eighteen hundred and ninety-three.**

*Resolved by the House of Representatives, the Senate concurring:*

Allowance to Edwards & Broughton for binding, &c.

That the auditor be directed to draw his warrant on the treasurer to pay Edwards & Broughton the sum of sixty dollars (\$60.00) for binding one hundred (100) copies of the laws of one thousand eight hundred and ninety-three (1893), and the treasurer is hereby directed to pay said amount out of any funds in the treasury not otherwise appropriated.

Ratified the 15th day of February, A. D. 1895.

**Resolution to reimburse the sub-committee of the house on insane asylums their actual necessary expenses, one hundred and seventy-nine dollars and eighty-five cents, in visiting the state hospital, at Morganton.**

*Resolved by the House of Representatives, the Senate concurring :*

That the sub-committee of the house on insane asylums, who visited the state hospital at Morganton, be paid their actual necessary expenses as per the annexed accounts, one hundred and seventy-nine dollars and eighty-five cents; and the treasurer shall pay the same upon the warrant of the auditor out of any moneys in the treasury not otherwise appropriated.

Sub-committee  
visiting Morgan-  
ton insane  
asylum allowed  
expenses, &c.

Ratified the 15th day of February, A. D. 1895.

The following is an exact itemized account of the expenses of each member of the committee appointed to visit the state hospital at Morganton at this session of the general assembly :

J. P. Elledge.....	\$17.05
S. Huffman.....	16.05
N. H. Norman.....	15.50
J. B. Hopkins.....	17.55
W. C. Linney.....	15.45
Leroy Morrow.....	17.10
T. M. Stikeleather.....	15.00
V. S. Lusk.....	18.05
Dr. Alexander.....	17.30
Jno. W. McCauley.....	14.25
W. C. Monroe.....	16.55
	<hr/>
	\$179.85

**A resolution to appoint joint committee to make nominations to fill vacancies on the state board of agriculture.**

*Resolved by the House of Representatives, the Senate concurring :*

That a joint committee of five, three on the part of the House and two of the Senate, be appointed to make nominations to fill vacancies now existing on the State Board of Agriculture.

Joint committee  
to fill vacancies  
in board of agri-  
culture.

Ratified the 16th day of February, A. D. 1895.

**Joint resolution authorizing the appointment of a joint committee to nominate trustees to fill vacancies in the board of trustees of the A. & M. College for the colored race.**

*Resolved by the House of Representatives, the Senate concurring :*

Joint committee to fill vacancies in trustees of A. & M. College, (colored).

That a committee of five, three on the part of the House and two of the Senate, be appointed to make nominations to fill vacancies now existing in the board of trustees for the A. & M. College for the colored race.

Ratified the 16th day of February, A. D. 1895.

**Resolution to display the national flag from the capitol.**

*Resolved by the Senate, the House of Representatives concurring :*

National flag to be displayed, from capitol during sitting of general assembly.

That the keeper of the capitol be and he is hereby instructed to unfurl the national flag, the stars and stripes, from the dome of the capitol during the sitting of either branch of the general assembly.

Ratified the 16th day of February, A. D. 1895.

**A resolution in relation to the general assembly.**

*Resolved by the Senate, the House concurring :*

Secretary of state to send to judges and solicitors certified copies of certain acts passed by the present general assembly.

SECTION 1. That the secretary of the 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 offenses, changing statutes of any kind of a public nature, and amending The Code or acts of eighteen hundred and eighty-five (1885), eighteen hundred and eighty-seven (1887), eighteen hundred and eighty-nine (1889), eighteen hundred and ninety-one (1891) and eighteen hundred and ninety-three (1893), in relation to the courts, immediately after their enrollment and ratification.

SEC. 2. This resolution shall take effect upon its ratification.

Ratified the 19th day of February, A. D. 1895.



Resolution directing the treasurer to pay the expenses of joint sub-committee appointed to visit the state penitentiary farm, at Castle Hayne, New Hanover county.

*Resolved by the Senate, the House of Representatives concurring :*

That the treasurer of the state be and he is hereby directed to pay to the joint sub-committee on penal institutions the sum of thirty-two and five one-hundredth dollars, the full amount of actual expenses incurred by said committee in visiting and investigating the Castle Hayne farm, in New Hanover county.

Sub-committee  
visiting Castle  
Hayne farm  
allowed actual  
expenses, &c.

Ratified the 19th day of February, A. D. 1895.

Expenses of joint sub-committee to visit the Castle Hayne farm :

S. Huffman :

R. R. fare to Castle Hayne and return.....	\$8.05
Board at Burgaw, \$1.00.....	
Board at Goldsboro, \$1.25.....	2.25

Mr. Howard :

R. R. fare <i>via</i> Wilson to Castle Hayne and return	9.50
Board.....	3.50

A. H. Paddison :

R. R. fare to Castle Hayne and return.....	8.00
Board at Goldsboro.....	.75

Total.....	\$32.05
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Resolution to pay funeral expenses of S. A. Williams,  
deceased member from Warren county.

*Resolved by the House of Representatives, the Senate concurring :*

That the treasurer of the state pay to A. J. Moyer the sum of eighty-three dollars and seventy-five cents (\$83.75) as funeral expenses incurred in attending the funeral of the late S. A. Williams, deceased member from Warren county, out of any moneys in his hands not otherwise appropriated.

Resolution to pay  
funeral expenses  
of S. A. Williams.

Ratified the 21st day of February, A. D. 1895.

**Resolution to balance off old claims on treasurer's books.***Resolved by the Senate, the House of Representatives concurring :*

Auditor to issue  
his warrant for  
certain old  
vouchers hereto-  
fore carried as  
cash items, &c.

That the auditor is hereby directed to issue to the treasurer his warrant for sixteen hundred and five dollars (\$1,605) to cover certain old vouchers carried by former treasurers' cash items, and which are specifically set forth in the report of legislative examining committee accompanying treasurer's report.

Ratified the 23d day of February, A. D. 1895.

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**Resolution to pay W. G. Separk for blackboard.***Resolved by the Senate, the House of Representatives concurring :*

Allowance to W.  
G. Separk for  
blackboard.

That the treasurer is hereby authorized, upon the warrant of the auditor, to pay to W. G. Separk, manager of the Raleigh Stationery Company, the sum of five dollars and thirty cents (\$5.30) for blackboard.

Ratified the 26th day of February, A. D. 1895.

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**A joint resolution concerning immigration and the investment of capital in North Carolina.***Resolved by the Senate, the House of Representatives concurring :*

Resolution as to  
resources of  
North Carolina,  
&c.

That, as the general assembly of North Carolina, we call hereby the attention of the outside world, and especially the attention of the people of other states and territories in the United States, to the great inducement which North Carolina offers for immigration to her borders and the investment of capital within her limits.

Climate.

We can say truthfully that North Carolina possesses as many natural advantages as any state in the Union. She has a climate which is a desirable medium between the severe cold of the north and the heated temperature of localities further south, exceedingly healthful, free from sudden and disagreeable changes.

Minerals.

In every locality can be found a great supply of pure and wholesome water, and our lands are varied in character and susceptible of a high state of cultivation. Our mineral resources are unbounded. Inestimable quantities of the best

magnetic iron; valuable ores are stored away beneath our hills and mountains, and productive veins and deposit of gold and silver and copper permeate the state. Beside these, coal of the best quality can be found in many places, and mica and other minerals are here in abundance.

Our woods and timbers are unsurpassed in quality, quantity and variety, and our numerous rivers and other streams afford water power sufficient to operate mills and manufacturing establishments without number.

Woods and timbers.

In addition to all these and hundreds of other advantages which our state possesses, we have an orderly, hospitable population, peaceable among themselves and kind to strangers, and who stand ready and anxious to welcome to our borders good people who may come with the purpose of making North Carolina their home, or those who desire to invest capital here to be utilized in developing the untold and unexplored wealth which lies dormant within our state.

Character of people, &c.

*Resolved, further,* That we fully realize the fact that what is required in North Carolina to bring her to the front and make her one of the leading states of the Union in agriculture, manufacturing, mining, commerce, trade and general wealth, is more people, more energy and more capital; and with the view of supplying these and bringing to our aid industry and wealth of other sections, we hereby extend to immigrants and to persons with capital for investment a cordial welcome to North Carolina, assuring them that they will find our people ready to receive them with open arms and kind hearts; that our laws will give them full protection in the engagement of life, liberty and the pursuit of happiness, and that our great resources will make them ample return for labor and for their capital.

Immigration encouraged, &c.

*Resolved,* That this resolution be in force from and after its ratification.

Ratified the 26th day of February, A. D. 1895.

### A resolution to pay sub-committee to investigate the contested election in Edgecombe county.

*Resolved by the House of Representatives, the Senate concurring:*

Sub-committee visiting Edgecombe county, to be paid \$78.25 for expenses.

That the state treasurer be and is hereby authorized to pay the sum of seventy-eight dollars and twenty-five cents (\$78.25) to the sub-committee appointed to investigate the contested election case in Edgecombe county, out of any money not otherwise appropriated.

Ratified the 28th day of February, A. D. 1895.

### Resolution concerning tax for charters.

*Resolved by the Senate, the House of Representatives concurring :*

Charter tax to be refunded when charter not obtained.

That in all cases where persons apply to the general assembly for a charter and pay the tax of fifty 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.

Ratified the 2nd day of March, A. D. 1895.

### Resolution to pay the burial expenses of Hon. E. L. Francks.

*Resolved by the Senate, the House of Representatives concurring :*

Expenses of funeral of Senator E. L. Francks to be paid.

That the sum of one hundred and fifty-one dollars and sixty-five cents is hereby appropriated, out of any funds in the public treasury not otherwise appropriated, to aid in defraying the funeral expenses of Hon. E. L. Francks, late senator from the eighth senatorial district.

Ratified the 5th day of March, A. D. 1895.

Funeral expenses of Hon. E. L. Francks, late senator from the eighth senatorial district :

To J. S. Woodard.....	\$6.90
“ H. F. Brown.....	7.15
“ Moody of Stanly.....	14.25
“ T. E. McCaskey.....	15.45
“ H. E. King.....	15.45
“ Two men sitting up at Kinston.....	2.00
“ Tickets for body at Kinston.....	2.45
“ Hearse.....	8.00
“ Carriage hire.....	10.00
“ Undertaker's bill.....	70.00
	<hr/>
	\$151.65

### A resolution to reimburse the sub-committee of the committee on insane asylums their actual expenses.

*Resolved by the Senate, the House of Representatives concurring :*

Sub-committee visiting insane asylum at Goldsboro, &c. Allowed actual expenses.

That the sub-committee of the joint committee on insane asylums, who visited the state hospital at Goldsboro, be paid their actual necessary expenses as per the annexed accounts, forty-seven dollars and fifty-five cents, and the treasurer shall



pay the same upon the warrant of the auditor out of any moneys in the treasury not otherwise appropriated.

Expense of sub-committee to insane asylum at Goldsboro :

## SENATORS :

A. J. Dula.....	\$5.40
T. E. McCaskey.....	5.40
E. T. Snipes.....	2.85
Isaac Green (M. D.).....	5.20
W. H. Farthing.....	2.85
(All to T. E. McCaskey).....	\$21.70

## REPRESENTATIVES :

J. B. Elledge.....	\$4.80
L. H. Michael.....	4.30
R. M. Crumpler.....	4.30
D. R. Julian.....	3.20
J. R. Darden.....	3.35
Frank Brown.....	3.20
W. C. Monroe.....	3.20
	<u>\$25.85</u>
Senate committee.....	\$21.70
House committee.....	25.85
Total.....	<u>\$47.55</u>

Ratified the 6th day of March, A. D. 1895.

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Resolution in favor of "The Virginia Dare Association," instructing our senators and representatives in congress to use their best and unceasing efforts to secure the establishment of a national school of industrial arts for women, in Raleigh, North Carolina.

WHEREAS, Efforts are being made by an organization of Preamble. women, incorporated under the laws of North Carolina as "The Virginia Dare Association," to secure the establishment, by the United States government of a national school of industrial arts for woman ; and,

WHEREAS, This association desires to locate this school at Preamble. Raleigh, as a memorial to Virginia Dare, the first white child born of English parents in the United States, and as a testi-

monial to the services of Sir Walter Raleigh in colonizing North America; and, .

Preamble.

WHEREAS, We believe a national school of industrial arts, as contemplated by this movement, will be a great and permanent benefit to all the women of the United States; and,

WHEREAS, It would redound to the benefit of North Carolina to become the site for such a school; therefore, be it

*Resolved*, That the general assembly of North Carolina endorses the work undertaken by "The Virginia Dare Association," and recommends its object to all the citizens of the state. Furthermore, be it

Senators and representatives requested to procure establishment of national school, &c., for women.

*Resolved*, That all the members of the United States congress from North Carolina are hereby instructed and urged to use their best and unceasing efforts to secure the establishment of this school, and to urge their colleagues from other states to favor this action as embodying a great benefit to the women of the nation, and through them to the nation itself.

Ratified the 6th day of March, A. D. 1895.

#### Resolution in favor of Josiah Turner.

Claim of Josiah Turner for balance due for public printing.

We, the undersigned special committee of the finance committee have had under consideration the claim of Josiah Turner, of the Sentinel office, for balance due for public printing.

The short time remaining of this session will not allow us to make such examination and report as would be intelligible and satisfactory.

The contract, payments, receipts, orders and accounts are all to be found in the auditor's office. We are satisfied from the evidence produced that there is a balance due Mr. Turner. We therefore report this fact and this resolution, and recommend its passage.

*Resolved by the House of Representatives, the Senate concurring:*

Persons appointed to consider claim.

That the state auditor and the secretary of state be and are hereby authorized to re-examine the account of the said Turner and Sentinel for public printing, and to examine witnesses and statements, and if they ascertain in such examinations that there is an unpaid balance due said Turner or his agent on account of public printing according to the written contract with the state for said work, the said auditor and secretary of state shall certify the same to the treasurer of the state, and he shall pay the amount so found to be due.

Ratified the 11th day of March, A. D. 1895.

### Resolution asking for information from the state treasurer.

WHEREAS, The funds of the state institution at Morganton, North Carolina, previous to the time of the present incumbent of the treasury department, had been paid out by the Bank of Piedmont, of that place, free of charge to the state, the bank giving individual security for the faithful appliance of that fund; and,

Funds of institution at Morganton to qualification of present State treasurer paid out by Bank of Piedmont, &c. Security given by bank.

WHEREAS, The present incumbent of the treasurer's office has appointed one E. S. Walton to discharge said duties of deputy treasurer, by his filing bond for the sum of twenty-five hundred dollars (\$2,500) as security to said treasurer; therefore, be it

E. S. Walton appointed by State treasurer. Bond given by him.

*Resolved*, That the treasurer inform this honorable body what amount is to be paid to the said Walton for the performance of such duty. If no salary is fixed thereto, or no allowance made by the treasurer of the state for the performance of this duty, that the said treasurer is directed to ascertain by oath of cashier at Piedmont bank, at Morganton, what amount is paid to said Walton for the use of this fund; and if it be ascertained that any payment is made by them, that it be the duty of the treasurer to collect this amount and place the same to the state's credit.

Inquire as to amount to be paid to said Walton. Cashier of Piedmont Bank to make oath as to what is paid to Walton for use of money. If any amount paid, treasurer to collect and pay into treasury.

Ratified the 11th day of March, A. D. 1895.

### Resolution to investigate the fish commission.

WHEREAS, It is alleged: it is a matter of common notoriety that the late chief commission, W. H. Lucas, and the board of shell-fish commissioners received large sums of money, which it is believed was recklessly, uselessly and improperly squandered; and,

Commissioner and shell fish commission alleged to have used, &c., large sums of money.

WHEREAS, It is alleged: it is commonly reported that the patrol boat Lilly, represented by the said W. H. Lucas, late chief commissioner, to be worth twenty thousand dollars, is absolutely worthless and unfit for service; and,

Patrol boat, Lilly, represented to be worth \$20,000, but is valueless.

WHEREAS, It is alleged: Thomas M. Holt, late governor of the state, has publicly stated that he endorsed a note for over six thousand dollars in behalf of the state in payment for said steamer Lilly, the said Thomas M. Holt having no authority to pledge the credit of the state for such a purpose; and,

Gov. Holt endorsed a note for \$6,000 to pay for boat. No right to lend credit of State for purpose.

Grave and serious charges brought against commissioner.

WHEREAS, It is alleged: numerous charges of grave and serious nature, supported by affidavits and testimonials under oath, reflecting upon the official acts and character of the said W. H. Lucas and his associates, were made and filed with the said Thomas M. Holt, then governor, without action on his part;

Commissioner would have been removed but for being maker of note.

WHEREAS, It is alleged: it is generally believed that the said Thomas M. Holt, then governor, would have removed the said W. H. Lucas from office had not the said Lucas been the maker of the note for the payment for the steamer Lilly which the said Holt endorsed; and,

Good name of state and certain parties require that matters be investigated.  
Oyster industry injured.

WHEREAS, It is alleged: the good name of the state, as well as of the said Thomas M. Holt, W. H. Lucas, and their associates, requires that all the facts should be known; and,

WHEREAS, It is alleged: the oyster industry having fallen into a state of innocuous desuetude, it is necessary for the general assembly to be fully informed as to the causes for its present condition, that remedial legislations may be adopted; therefore, be it

Committee of investigation appointed.

*Resolved by the House of Representatives, the Senate concurring:*

Object of committee.

That a select committee to consist of three senators and five representatives be appointed by the president of the senate and speaker of the house, respectively, to investigate the facts set forth in the foregoing preamble, and all other matters in relation to the oyster industry.

Rights of committee.

That the said committee shall have power to send for persons and papers, administer oaths as in courts of law, and shall, before the adjournment of this assembly, report the result of its investigation, unless otherwise ordered, and shall make such recommendations as in its judgment are necessary for the correction of abuses, punishment of offenders and revival of the previous prosperity of the oyster interests of the state.

Time of report.

Ratified the 11th day of March, A. D. 1895.

Recommendations of committee.

### A resolution in favor of Mrs. Patty D. B. Arington.

*Resolved by the House of Representatives, the Senate concurring:*

Names of committee of investigation.

That A. A. Campbell, J. E. Bryan and J. T. Phillips, members of the House of Representatives from Cherokee, Chatham and Pitt counties, respectively, be and they are hereby appointed a committee of investigation to investigate all the matters growing out of litigation, and all other troubles between herself and husband and all other persons and things concern-

What to investigate.



ing or in any way appertaining to her matters, in connection with said litigation.

The said committee shall have full and complete power and authority to send for persons and papers and examine the same, and to administer oaths and examine witnesses, and with full power to punish for contempt for disobedience to any lawful order in as full a manner as is now vested in judges of the superior court of the state. They shall find the facts from the evidence and report said facts, and also set out the evidence in full in said report and make their report to the General Assembly, if it be possible to do so, before its adjournment, and if not, then said report shall be made to the supreme court.

Powers of committee.

Committee to find facts and make report.

That the treasurer of the state is hereby authorized to pay the necessary expense of said committee while they are actually engaged in said investigation, and the state auditor is hereby authorized to draw his warrant on the treasurer for said amount.

Necessary expenses to be paid by treasurer. Auditor to draw warrant.

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

Ratified the 11th day of March, A. D. 1895.

**Resolution authorizing the state treasurer to pay to the News and Observer Publishing Company the sum of eight dollars (\$8.00) for publishing notice of proposals for the public printing.**

*Resolved by the Senate, the House of Representatives concurring :*

That W. H. Worth, state treasurer, is hereby authorized and empowered to pay to the News and Observer Publishing Company the sum of eight dollars (\$8.00) for publishing notice for proposals to do the public printing.

State treasurer to pay to News and Observer \$8.00.

Ratified the 11th day of March, A. D. 1895.

### **Resolution in favor of C. W. Mitchell.**

*Resolved by the Senate, the House concurring :*

That C. W. Mitchell be allowed the sum of one hundred dollars, expenses incurred in contested election case of J. M. Early, contestant, *versus* C. W. Mitchell, contestee.

C. W. Mitchell, contestee, allowed \$100.00.

Ratified the 12th day of March, A. D. 1895.

**Resolution to pay contestants and contestees in certain cases.***Resolved by the House of Representatives, the Senate concurring :*

That the treasurer is authorized to pay the following amounts for expenses in contested election cases:

Names of mem-  
bers with  
amounts to be  
paid in contested  
election cases.

B. B. Winborne.....	\$100.00
R. B. Peebles.....	100.00
L. L. Smith.....	22.50
L. P. Crawford.....	25.00
W. H. Crews.....	92.25
Joseph E. Person.....	119.00
J. F. Morfew.....	25.00
Dr. Abbott.....	125.20
T. B. Hooker.....	17.75
W. C. Monroe and J. H. Edwards.....	89.00
W. R. Dixon.....	133.00
S. J. Mewborne.....	26.00
John Smith.....	91.00
Dr. Norman.....	160.00
W. O. Howard.....	28.75
Jas. H. Baker.....	28.75
R. M. Croom.....	100.00
A. C. Ward.....	62.50
L. G. Daniels.....	100.00
H. F. Brown.....	100.00
Gatling of Gates.....	100.00
Dr. B. T. Person of Wilson.....	100.00
Jonathan Tomlinson.....	125.00
J. M. Grizzard.....	40.25
W. Lee Person.....	100.00
L. D. Robinson.....	123.00
J. A. House.....	20.00
J. F. Newsome.....	100.00
J. E. Rue.....	54.31
J. M. Flack.....	100.00
G. D. Garrett.....	75.00
T. C. Parker.....	100.00
Jno. H. Collins.....	54.31
R. L. Lindsay, stenographer and clerk.....	35.00
A. A. Lyon.....	90.00
Dr. W. P. Mercer.....	100.00
Elbert E. Bryan.....	100.00
Scotland Harris.....	100.00
Total.....	\$2,962.37

Ratified the 12th day of March, A. D. 1895.

Resolution authorizing the payment of senate sub-committee on education, expenses in visiting the University of North Carolina at Chapel Hill, Female Normal and Industrial School, at Greensboro, and A. & M. College, colored, at Greensboro.

*Resolved by the Senate, the House of Representatives concurring :*

That the sub-committee on education who visited the University at Chapel Hill, Greensboro Normal and Industrial School, and colored A. & M. College, at Greensboro, be paid their actual expenses as per annexed accounts, fifty-nine dollars and five cents (\$59.05), and the treasurer shall pay the same upon the warrants of the auditor out of any money in the treasury not otherwise appropriated.

Committee on education who visited university, &c., to be paid expenses.

Ratified the 11th day of March, A. D. 1895.

Resolution authorizing the state treasurer to pay balance of salary due the widow of Adam Warner for services as captain of patrol steamer and associate shell-fish commissioner.

*Resolved by the House of Representatives, the Senate concurring :*

That the treasurer be authorized to pay to Mrs. Emeline Warner, widow of Adam Warner, balance of salary due Adam Warner at his death by the state for services as associate shell-fish commissioner and captain of patrol steamer during the years eighteen hundred and ninety-two, eighteen hundred and ninety-three and part of eighteen hundred and ninety-four, in the sum of one thousand two hundred and fifty-two dollars and twenty cents (\$1,252.20).

Treasurer to pay widow of captain of patrol boat of shell-fish commission.

That this resolution shall be in force from its ratification.

Ratified the 13th day of March, A. D. 1895.

*Resolved by the House of Representatives, and Senate concurring :*

That the board of directors and superintendents of the North Carolina insane asylum, at Raleigh, and the state hospital, at Morganton, are hereby authorized and requested to transfer patients from Chatham county from the western to the eastern district.

Patients from Chatham county to be transferred from western to eastern district.

Ratified the 13th day of March, A. D. 1895.

A resolution to reimburse the sub-committee of the committee on insane asylums their actual necessary expenses, forty-seven dollars and fifty-five cents (\$47.55), in visiting the state hospital at Goldsboro.

*Resolved by the Senate, the House of Representatives concurring :*

Sub-committee  
who visited state  
hospital to be  
paid expenses.

That the sub-committee of the joint committee on insane asylums, who visited the state hospital at Goldsboro, be paid their actual necessary expenses, as per the annexed accounts, forty-seven dollars and fifty-five cents, and the treasurer shall pay same upon the warrant of the auditor out of any moneys in the treasury not otherwise appropriated.

Expenses of sub-committee to insane asylum at Goldsboro :

Names and sums  
to be paid.

SENATORS :

A. J. Dula.....	\$5.40
T. E. McCaskey.....	5.40
E. T. Snipes.....	2.85
Isaac Green (M. D.).....	5.20
W. H. Farthing.....	2.85
	<hr/>
	\$21.70

REPRESENTATIVES :

J. R. Eldridge.....	\$4.30
L. H. Michael.....	4.30
R. M. Crumpler.....	4.30
D. R. Julian.....	3.20
J. R. Darden.....	3.35
Frank Brown.....	3.20
W. C. Monroe.....	3.20
	<hr/>
	\$25.85
Senate committee.....	\$21.70
House committee.....	25.85
	<hr/>
	\$47.55

The above amount to be distributed to the above named members of the said sub-committee by T. E. McCaskey, chairman committee.

Ratified the 13th day of March, A. D. 1895.



*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. Pages of the house to be paid \$5.00 extra.

This resolution shall take effect from and after its ratification.

Ratified the 12th day of March, A. D. 1895.

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It is ordered by the house that the treasurer pay N. Z. Deweese five dollars (\$5) for clerical service for the joint finance committee for aiding in preparing the revenue and machinery act. Five dollars to be paid for clerical service on revenue and machinery act.

Ratified the 13th day of March, A. D. 1895.

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**Joint resolution to reimburse the house sub-committee on education for expense incurred in visiting the University, and Normal School at Greensboro.**

*Resolved by the House of Representatives of the General Assembly of North Carolina, the Senate concurring:*

That the treasurer of the state pay to R. S. White, chairman on education, upon the auditor, the sum of seventy-five dollars and twenty-one cents (\$75.21), the amount of expense incurred by the house sub-committee on education, who visited the University and Greensboro Normal school, and that the said R. S. White distribute the said amount among the several members of the said sub-committee according to their respective itemized statement, which have been approved by the committee on finance. Sum to be paid to committee for expenses in visiting university, &c.

Ratified the 13th day of March, A. D. 1895.

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#### **Joint resolution.**

*The General Assembly of North Carolina do enact:*

That the treasurer of the state of North Carolina is hereby authorized to pay to R. J. Baker the sum of thirty dollars (\$30) out of any money in his hands not otherwise appropriated. Treasurer to pay R. J. Baker \$30.00.

Ratified the 13th day of March, A. D. 1895.

**Resolution in favor of James I. Moore, former sheriff of Granville county.**

*Resolved by the Senate, the House of Representatives concurring :*

Treasurer to pay to Jas. I. Moore, former sheriff of Granville county, \$100.00.

That the state treasurer be authorized and required to pay to James I. Moore, former sheriff of Granville county, on the warrant of the auditor of the state, one hundred dollars out of any moneys not otherwise appropriated.

*Resolved,* That this resolution shall be in force from its passage.

Ratified the 13th day of March, A. D. 1895.

**Resolution in favor of Dr. Williams.**

*Resolution by the House of Representatives :*

\$92.00 to be paid Mrs. S. A. Williams, widow of Warren's representative.

That the sum of ninety-two dollars (\$92) be paid to Mrs. S. A. Williams, the widow of the late representative from Warren county, the amount due the late Dr. Williams at the date of the election of Mr. Fleming on the twelfth (12th) day of February, one thousand eight hundred and ninety-five (1895).

Ratified the 13th day of March, A. D. 1895.

**Resolution to pay expenses of joint sub-committee, who visited the Morganton Deaf and Dumb Institution.**

*Resolved by the House of Representatives, the Senate concurring therein :*

Auditor to draw warrant in favor of J. Y. Hamrick, chairman, for expenses of committee to deaf and dumb asylum at Morganton.

That the auditor be directed to draw his warrant on the treasurer of North Carolina for the sum of ninety-seven dollars (\$97), in favor of J. Y. Hamrick, chairman of joint committee on deaf and dumb, to pay the actual expenses necessary in sending a sub-committee to visit the deaf and dumb institution at Morganton.

Ratified the 13th day of March, A. D. 1895.

*Resolved by the Senate, the House of Representatives concurring :*

That we, as representatives of the people, will remain in session and continue our labors until the calendar is cleared. Both houses to remain in session until calendar is cleared.

March 9th, 1895.

Ratified the 13th day of March, 1895.

**Resolution in favor of W. M. Davies, assistant enrolling clerk.**

*Resolved by the Senate, the House of Representatives concurring :*

That W. M. Davies, assistant enrolling clerk, who has been at work in the enrolling clerk's office since and including the eighteenth day of January last, but whose name was not placed upon the pay roll until the eighteenth day of February last, is entitled to the *per diem* allowed assistant enrolling clerks from and including the said 18th of January, one thousand eight hundred and ninety-five, to and including the seventeenth day of February, one thousand eight hundred and ninety-five, and that the auditor is hereby directed to draw his warrant for, and the treasurer to pay, the same immediately upon the adjournment of the general assembly.

W. M. Davies, assistant enrolling clerk allowed *per diem* from 18th January to 17th February, both included.

When to be paid.

Ratified the 13th day of March, A. D. 1895.

**A resolution to pay the chairman of the committee on penal institutions ten dollars and fifteen cents (\$10.15).**

*Resolved,* That auditor of the state be and he is hereby instructed to issue his warrant on the state treasure for the amount of ten and fifteen-hundredth dollars, the same being the amount of expenses necessarily incurred by the chairman of the committee on penal institutions in visiting the state penal farms in eastern North Carolina.

Chairman of committee on penal institutions to be paid \$10.15 expenses.

Warren Carver, expenses to state penal farms in eastern Carolina :

Railroad fare.....	\$5.95
Livery.....	2.50
Hotel.....	1.70

\$10.15

Ratified the 13th day of March, A. D. 1895.

**Resolution in favor of House sub-committee visiting the State University, the Normal and Industrial school, and colored A. & M. College, at Greensboro, North Carolina.**

Expenses of house sub-committee on education to be paid for visit to university, &c.

That the treasurer of the state of North Carolina pay out of any funds in his hands not otherwise appropriated, the sum of (\$75.40) seventy-five dollars and forty cents, to defray the necessary expenses of the house sub-committee on education incurred in their visit to the University, and the Normal School at Greensboro, said amount to be paid to R. S. White, chairman of the committee, upon the warrant of the state auditor.

Ratified the 13th day of March, A. D. 1895.

State of North Carolina, to sub-committee of house on education, Dr.

Statement of account.

To amount of expenses, as follows :

To R. R. tickets to Chapel Hill.....	\$ 6.00
To hotel bill and hack fare.....	5.50
To R. R. tickets to Greensboro.....	7.40
To hotel bill and hack fare at Greensboro.....	16.50
To R. R. tickets and sleeper to Raleigh.....	16.60
	<hr/>
	\$52.00
	<hr/>
	23.40
	<hr/>
Total.....	\$75.40

The charge of fifty-two dollars, as above stated, was incurred by White, Robinson and Smith of Gates.

Expense account of sub-committee to visit colored A. & M. college.

Report of the expenses of the sub-committee on the part of the house appointed to visit the colored A. & M. College :

Three first class tickets, \$2.65 each, going and coming, total net.....	\$15.90
	<hr/>
Hack hire to and from night train.....	3.00
For meals.....	4.50
R. R. fare for the whole committee.....	15.90
	<hr/>
	\$23.40

Respectfully submitted :

S. J. H. MAYES,  
M. M. PEACE,  
C. L. SMITH.



## Resolution.

WHEREAS, Susanna Pender, widow of J. R. Pender, was dropped from the pension roll of Alamance county in the year one thousand eight hundred and ninety-two (1892), under the misapprehension that she was dead, and received no pension for that year; and,

Susanna Pender  
not on pension  
roll of 1892  
through mistake.

WHEREAS, She has, as a resident of Guilford county, did not receive her pension for the year one thousand eight hundred and ninety-three (1893) and one thousand eight hundred and ninety-four (1894); therefore, be it

Received no pen-  
sion for 1893.

*Resolved by the House of Representatives, the Senate concurring:*

That a warrant be issued to said Susanna Pender for pension due her for the years one thousand eight hundred and ninety-three and one thousand eight hundred and ninety-four (1894).

Pension war-  
rants for 1893  
and 1894 to be  
issued to her.

Ratified the 13th day of March, A. D. 1895.

## STATE OF NORTH CAROLINA,

## OFFICE OF SECRETARY OF STATE,

RALEIGH, May 23rd, 1895.

I, Octavius Coke, Secretary of State, hereby certify that the foregoing (manuscript) are true copies of the original acts and resolutions on file in this office.

OCTAVIUS COKE,  
*Secretary of State.*



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SESSION 1895.

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